BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE No. 7-2013

IN THE MATTER OF ADOPTING YAKIMA COUNTY CODE (YCC) TITLE 19, THE *UNIFIED LAND DEVELOPMENT CODE (ULDC)*, REPEALING YCC TITLES 14 (*SUBDIVISION*), 15 (*ZONING*) AND 15A (*URBAN GROWTH AREA ZONING*), AND AMENDING REFERENCED TITLES TO BE CONSISTENT WITH TITLE 19

WHEREAS, the Board of Yakima County Commissioners (the Board) initiated a Code Update/Simplification Project to clarify, streamline and consolidate Yakima County's land development codes consistent with State law and adopted Comprehensive Plans; and,

WHEREAS, the Board directed the Planning Commission and planning staff to systematically update its environmental, zoning and subdivision ordinances (called 'official controls'), procedural codes and fee structure; and,

WHEREAS, YCC Title 19 *Unified Land Development Code* integrates/consolidates official controls and procedural requirements for land development and division in unincorporated areas within County land use jurisdiction currently codified as the 1974 *Subdivision Ordinance* (Title 14), 2000 *Zoning Ordinance* (Title 15) and 2011 *Urban Growth Area Zoning Ordinance* (Title 15A); and,

WHEREAS, Section 19.01.040 directs that references to Titles 14, 15 and 15A repealed upon the effective date of Title 19 and to other Titles of County Code, notably Title 16B Project Permit Administration and YCC Chapter 16.04 *SEPA* shall be corrected consistent with the proper citations to Chapters, Sections and Subsections within Title 19; and,

WHEREAS, the consolidation of the two zoning ordinances, YCC Titles 15 and 15A required new zoning district names to be added to the Official Zoning Map, but no boundary changes are part of this proposal; and,

WHEREAS, Yakima County Planning Division, as lead agency under the State Environmental Policy Act (SEPA), issued a final Determination of Non-Significance on November 25, 2013 for the consolidated *Unified Land Development Code*; and,

WHEREAS, planning staff implemented an extensive public participation process for the CU/SP project and Title 19 – the *Unified Land Development Code*, including: open houses, presentations to customer groups including Realtors, the Central Washington Homebuilders Association, and local Chapters of the Farm Bureau and the Land Surveyors Association of Washington, mailings and media releases; and,

WHEREAS, representatives of the development industry were invited to be a part of Working Groups along with members of the Planning Commission; and,

WHEREAS, the working groups met thirty-five times between April 17, 2013 and February 28, 2014 to review the proposed Title 19 and make recommendations for changes; and,

WHEREAS, following a careful review of the over three hundred comments made by the Working Group and in consultation with internal customers within the Public Services Department and other agencies, a '*Planning Commission Hearing Draft 2*' of Title 19 was produced; and,

WHEREAS, Title 16B, requires the Yakima County Planning Commission to hold a public hearing on any proposed amendments to official controls prior to making a recommendation to the Board; and,

WHEREAS, in conformance with the noticing procedures set forth in Title 16B, the *Unified Land Development Code* was published on Yakima County Public Services Website, copies were made available to the public and notice of public hearings were properly advertised in the local media as public hearing; and,

WHEREAS, on August 26, 2013, notification for 60-day review of development regulation amendment (Title 19) was provided to the Washington State Department of Commerce in accordance with RCW 36.70A.106 and notice of proposed amendments to Title 16B required to assure consistency with Title 19 was provided to Commerce on September 30, 2014; and,

WHEREAS, the Planning Commission held two public hearings to take testimony on Title 19; and,

WHEREAS, the Planning Commission held properly advertised deliberation sessions to consider public hearing testimony and to develop reviewing written findings and recommendations to the Board of Yakima County Commissioners concerning adoption of Title 19, the *Unified Land Development Code;* and,

WHEREAS, the Planning Commission, having carefully considered the written and oral testimony of the public, recommendations from staff, changes proposed by commission members in deliberation, did revise Title 19, consistent with Yakima County's Comprehensive Plan; and,

WHEREAS, Pursuant to RCW 36.70.550, RCW 36.70.600, and RCW 36.70.610, on June 25, 2014 the Planning Commission approved findings and recommendations that the Board of Yakima County Commissioners adopt Title 19 with the revisions outlined in the Attachments and Exhibits made part of the Findings and Recommendation; and

WHEREAS, the Planning Commission recommended that the effective date of Title 19 – *Unified Land Development Code* should be set at least 120 days after the Board concludes its action to enable successful implementation of the new code; and,

WHEREAS, the Planning Commission recommended that Title 19 should be subject to review by the Planning Commission at its annual meeting in 2015 and at least annually thereafter to evaluate its implementation and make recommendations as needed to improve implementation of the code; and,

WHEREAS, at its regular agenda of July 29, 2014 the Board of Yakima County Commissioners set Tuesday August 19, 2014 as the date for public hearing on the Planning Commission recommendation for adoption of Title 19 ad directed the Clerk of the Board to give proper notice of said hearing following its regular agenda; and,

WHEREAS, the Board held a public hearing at 10:30 AM at the Yakima City Hall Council Chambers on August 19, 2014 and continued that hearing to August 26 and September 2, 2014 following the regular Board agenda so that all persons who wished to testify could be heard; and,

WHEREAS, at the conclusion of the public testimony, the Board closed the public hearing and announced a series of study sessions generally following the regular Board agenda at the Yakima City Hall Council Chambers to review public testimony on Title 19 as recommended by the Planning Commission; and

WHEREAS, properly noticed study sessions were held on September 16, 30, October 2, 7, 14, 21, 31, November 5, 25 in 2014, January 6, 13, 20, February 10, March 24 and April 2 and 14, in 2015; and,

WHEREAS, the Board held a public hearing at 10:15 AM at the Yakima City Hall Council Chambers on April 28, 2015 to take public testimony on the Board's changes to the Planning Commission's recommended Title 19; and,

WHEREAS, the Board deliberated May 5, 2015 on the proposed *Unified Land Development Code* as recommended by the Planning Commission, the public testimony received, the Exhibits entered into the record and staff recommendations on Title 19; and

WHEREAS, the Board, having carefully considered the Planning Commission's recommended Title 19, written and oral testimony of the public, recommendations from staff, and changes proposed by Board members during deliberations; and,

WHEREAS, after considering the testimony, exhibits and materials presented in the record concerning YCC Title 19, the Board finds that it is in the public interest to adopt the *Unified Land Development Code* in a manner consistent with its deliberations; and,

WHEREAS, the Board further finds that amendments to Chapter 16.04, Title 16B, and Title 20 are necessary to ensure consistency of those codes with Title 19; now therefore,

BE IT HEREBY ORDAINED BY THE BOARD OF YAKIMA COUNTY COMMISSIONERS:

Section 1. Adoption of New Title 19.

1.1 To improve public service and efficiency, the document attached as Exhibit A and entitled the *Unified Land Development Code*, is hereby adopted as an official control required by RCW 36.70 and 36.70A. The document to be codified as a new Title 19, Yakima County Code, consolidates several of the County's development-related codes into a single document and includes:

(a) Subtitle 19.0 Introduction, Code Organization, Administration and Definitions of Terms

(b) Subtitle 19.1 Land Use Zoning Districts and Use Regulations;

(c) Subtitle 19.2 Development Standards for: Signs; Site Screening and Landscaping; Parking and Loading; Transportation and Circulation; Sewer and Water;

(d) Subtitle 19.3 Procedures for the Development and Division of Land; Amendment of the Code; and Processing under the State Environmental Policy Act (SEPA).

1.2 The maps attached as Exhibit B are hereby adopted as the Official Zoning Map of Yakima County. No changes to zoning district boundaries are included with adoption of Title 19.

1.3 Title 19 shall apply to all of unincorporated Yakima County within the County's land-use jurisdiction.

Section 2. Amendment of other Titles of for Consistency. YCC Section 19.01.040 directs that references to Titles 14, 15 and 15A repealed upon the effective date of Title 19 and to other Titles of County Code, shall be corrected consistent with the proper citations to Chapters, Sections and Subsections within Title 19. The following procedural amendments are hereby needed prior to the effective date of Title 19:

2.1 YCC Title 16 Environment - Division I - Chapter 16.04, *SEPA, Procedural History* and *Article VI Section 16.04.230(4) Substantive Authority*.

2.2 YCC Chapter 16B *Project Permit Administration*. The amendments to YCC 16B are limited solely to procedural changes required to maintain consistency with the new and to delete references to YCC Titles (14, 15 and 15A) repealed upon the effective date of Title 19.

2.3 YCC Title 20 *Fees* amendments are needed solely to correct references to maintain consistency with YCC Title 19.

Section 3. Repeal. The existing Yakima County Code Titles and all subsequent amendments thereto are hereby repealed as directed by YCC Section 19.01.040 upon its effective date:

3.1 Subdivision Ordinance of Yakima County, Washington (YCC Title 14).

3.2 Zoning Ordinance of Yakima County, Washington (YCC Title 15).

3.3 Yakima County Urban Growth Area Zoning Ordinance (YCC Title 15A).

Section 4. Severability.

If any section, sentence, clause, phrase or provision of Title 19, including the official maps of the adopted new Title 19 or applying the provision to any person or circumstances 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 official map of the adopted Title 19.

Section 5. Review
At its annual meeting the Planning Commission shall review a report by the Administrative Official evaluating Title 19 with any recommendations for text changes needed to improve implementation of the Code. The procedures set forth in YCC 16B.10 shall be followed for docketing text amendments.

Section 6. Effective Date
This ordinance shall be effective at 12:01 a.m. on October 1, 2015.

DONE this 5th day of May, 2015

J. Rand Elliott, Chairman

Michael D. Leita, Commissioner

Attest: Tiera L. Girard
Clerk of the Board

Kevin J. Bouchey, Commissioner
Constituting the Board of County Commissioners
for Yakima County, Washington

EXHIBIT A

YCC TITLE 19 ***UNIFIED LAND DEVELOPMENT CODE***



UNIFIED LAND DEVELOPMENT CODE

Yakima County Code Title 19 **Adopted May 5, 2015**

YAKIMA COUNTY
UNIFIED LAND DEVELOPMENT CODE

Yakima County Code -- Title 19
Ordinance No. 7-2013

Adopted by the Board of Yakima County Commissioners
on May 5, 2015

This text includes ordinance amendments authorized by:

- **New Ordinance (Ord. 7-2013) - Effective October 1, 2015**

Planning Division
Yakima County Public Services
4th Floor, Courthouse
Yakima, Washington 98901
(509) 574-2300 or 1-800-572-7354

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INTRODUCTION AND ADMINISTRATION
Chapter 19.01
General Provisions

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19.01.010 Introduction.

(1) Title.

Title 19 of the Yakima County Code constitutes and may be cited as the Unified Land Development Code (ULDC).

(2) Legislative Intent.

To improve public service and efficiency, the Board of Yakima County Commissioners has adopted this Title, which consolidates several of the County's development-related codes into a single document. This Title applies to all of unincorporated Yakima County within the County's land-use jurisdiction and includes:

(a) Subtitle 19.0 Introduction, code organization, administration and definitions of terms
(b) Subtitle 19.1 Land use zoning districts and use regulations;
(c) Subtitle 19.2 Development standards for signs; site screening and landscaping; parking and loading; transportation and circulation; sewer and water; solid waste and recycling; drainage, stormwater and erosion control;
(d) Subtitle 19.3 Procedures for the development and division of land; amendment of the code; and processing under the State Environmental Policy Act (SEPA).

(3) Organization.

The text of this Title is organized:

(a) Title. This Title in its entirety is Title 19 of the Yakima County Code.
(b) Subtitles. Subtitles are numbered as 19.#, establish the major categories and start new Chapter number series.
(c) Chapters. Chapters are numbered as 19.##, with the second group of numbers representing the Chapter number, the first digit of which is the Subtitle number.

(d) Sections. Sections are numbered as 19.##.###, with the second group of numbers representing the Chapter number and the third group of numbers representing the Section number.

(e) Subsections. Subsections levels are indicated by alphanumeric characters in the following hierarchy: (1), (a), (i) and A.

19.01.020 Compliance.

(1) Development Permit Compliance Required.

(a) Applications for development may be approved or approved with conditions if the application conforms to adopted County and State rules and regulations or variations permitted by law, including:

(i) Chapter 43.21C RCW (State Environmental Policy) and Yakima County SEPA Rules (Ch. 16.04 YCC);

(ii) Chapter 58.17 RCW (Subdivisions);

(iii) Chapter 36.70A RCW (Growth Management Act);

(iv) Chapter 36.70B (Local Project Review);

(v) Yakima Health District Board of Public Health – water and sewer rules and regulations;

(vi) Yakima County Code:

A. Title 12, Water and Sewage;

B. Title 13, Building and Construction;

C. Unified Land Development Code;

D. Title 16B, Project Permit Administration;

E. Titles 16A and 16C, Critical Areas and Yakima County Code Title 16D, Regional Shoreline Master Program;

(vii) Comprehensive plans adopted by Yakima County, Yakima County Regional Shoreline Master Program, subarea plans and their official maps.

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

(c) Development permits issued on the basis of plans and applications and conditions of approval imposed by the Reviewing Official authorize only the use, arrangement and

construction set forth in the approved plans and application with any associated conditions of approval and the final site plan. Any use, arrangement, or construction inconsistent with that authorized violates this Title and is punishable as provided in YCC Chapter 16B.11.

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

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

19.01.030 Severability and Validity.

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

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

19.01.040 Repealer.

This Title when adopted shall replace and supersede:

(1) Subdivision Ordinance (Title 14, Yakima County Code).

(2) Zoning (Title 15, Yakima County Code).

(3) Urban Growth Area Zoning (Title 15A, Yakima County Code).

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

19.01.050 Authority.

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

(2) Designation of Reviewing Official.

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

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

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

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

(i) Issue development permits for permitted uses where authorized in compliance with this Title;

(ii) Conduct inspections to determine compliance or noncompliance with the terms of this Title;

(iii) Revoke, in writing, a permit or approval issued contrary to this Title or based on a false statement or misrepresentation in the application;

(iv) Stop, by written order, work being done contrary to the development permit or to this Title. Such written order, posted on the premises involved, shall not be removed except by order of the Building Official. Removal without such order shall constitute a violation of this Title;

(v) Institute or cause to be instituted any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use or occupancy of a structure or land, and/or restrain, correct, or abate such violation; and

(vi) Perform any other act or duty authorized or assigned to him under provisions of this Title.

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

(3) Interpretation and Application of This Title.

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

19.01.060 Enforcement

(1) It shall be the duty of the Administrative Official to determine the applicability of this Title for enforcement purposes. All departments, officials and public employees of the County vested with the duty or authority to issue permits, shall conform to this Title and shall issue no permit, certificate or license for any use, building or purpose which violates or fails to comply with conditions or standards imposed by this Title. Any permit, certificate or license issued in conflict with this Title, intentionally or otherwise, shall be void. The Building Official shall carry out the enforcement provisions of YCC Chapter 13.25 of the Yakima County Code, when a violation has been determined under the provisions of YCC Title 13.

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

19.01.070 Definitions.

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

(1) "A" Definitions.

Accepted agricultural management practices	"Accepted agricultural management practices" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain farm income and customarily utilized in conjunction with agricultural use. This

	definition specifically includes new modes of operation or technology for conducting commercial agriculture.
Access	"Access" means a legally available and physically practical area for the perpetual use of motor vehicle ingress and egress to a lot. In determining practicality, the topography, drainage, potential for erosion, underlying ownership and other factors may be considered.
Access driveway	"Access driveway" means an entrance roadway from a street or alley to a parking facility.
Access easement	"Access easement" means any public or private easement for the purpose of ingress and egress that may be owned by the underlying owners of land over which it crosses.
access road, Interior	"Interior access road" means a local access road within the boundaries of a proposed plat or short plat.
access road, Perimeter/connecting	"Perimeter/connecting access road," means a local access road along the perimeter of a plat or short plat, and/or connecting the interior local access roads within a plat or short plat to an existing public road.
Access road	"Access road" means a street that is not a classified street.
Accessory building or structure	"Accessory building or structure" means a building or part of a building or structure that is subordinate to the operation or enjoyment of a lawful use, and the use of which is incidental to, that of the main building, structure or use on the same lot.
Accessory use	"Accessory use" means a land use that is incidental and subordinate to the principal use of a site. Therefore, accessory uses may only be permitted when a principal permitted use has been established. They must be: clearly secondary to, supportive of and compatible with the principal use; consistent with the purpose of the zoning district; and comply with the provisions of this Title. The land use category of an accessory use shall be the same as that of the principal uses as listed in Chapters 19.11 through 19.18, unless otherwise specified.
Administrative Official	"Administrative Official" means the duly appointed Yakima County Planning Director or the Director's designee. This term is synonymous with "Director" or "Administrator".
ADT (Average Daily Trips)	"ADT" means the average trips expected on a road/street on any given day.
Adult day care center	See definition for "Day care facility".
Adult entertainment facility	"Adult entertainment facility" means an adult cabaret, adult motion picture theater, adult retail store, or a commercial establishment that includes an adult sales practice as those terms are defined in the adult entertainment licensing provisions in YCC Chapter 5.06. Adult arcades as defined in YCC Chapter 5.06 are expressly prohibited by this Title.
Adult family home	"Adult family home" means a regular family abode, licensed by the state, in which a person or persons provide personal care, special care, room and board to more than one, but not more

	than six adults who are not related by blood or marriage to the person or persons providing the services.
Agency with jurisdiction	"Agency with jurisdiction" for the purposes of this Title, means any agency with authority to approve, veto, or finance, all or part of any project permit application as defined by this Title.
Agricultural building	"Agricultural building" means a structure designed and constructed to store farm implements or hay, grain, poultry, livestock, fruit and other agricultural products. Controlled atmosphere and cold storage warehouses are not agricultural buildings (see Agricultural related industries). An agriculture building shall not be used for human habitation, or a place of employment where agricultural products are processed, treated or packaged nor shall it be a place used by the public.
Agricultural land	"Agricultural land" means land primarily or historically devoted to the commercial production of horticultural, agronomic, or specialty crops, as well as apiary and animal production. This definition also includes rangelands and fallow lands.
Agricultural market	"Agricultural market" means a use primarily engaged in the retail sale of fresh, regionally grown agricultural products. An Agricultural Market may include as incidental and accessory to the principal use, the sale of factory sealed or prepackaged food products such as boxes of apples or other fruit, jams, jellies and baked goods and other value-added products using produce grown regionally, and some limited non-food items. This definition does not include the sale of livestock.
Agricultural product support	"Agricultural product support" means a business that provides a product or service intended for use in the processing, storage, preservation, or distribution of agricultural commodities. This definition does not include agricultural processing, storage, preservation, distribution and related uses.
Agricultural service establishment	"Agricultural service establishment" means those uses specifically engaged in performing agricultural or horticultural services on a fee or contract basis, including but not limited to the following: (1) Crop dusting and spraying services; (2) Harvesting and plowing services; (3) Agricultural land grading services; (4) Specialized farm equipment service and repair, excluding automotive paint, maintenance, or body and repair; (5) Large animal veterinary services; and (6) Agricultural fertilizer and chemical product application services.
Agricultural stand	"Agricultural stand" means a structure, or portion thereof, up to 1,000 square feet in area used for the retail sale of agricultural and related incidental products, excluding livestock, primarily grown on the premises.
Agricultural tourist operation,	"Agricultural tourist operation" refers to a working farm,

(ATO)	including an approved winery, distillery or brewery (domestic or micro) or any agricultural, horticultural, or agribusiness operation that is open to the public for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation. These activities must be related to the agricultural products grown or produced on site and incidental to the primary operation on the site. This term includes farm tours, hayrides, corn mazes, pumpkin patches, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above and similar uses. The retail sales of agricultural related products is considered accessory and subordinate to the agricultural operation when the products sold are grown or produced on site. (1) Retail Agricultural Tourist Operation: is one that may include eating and food preparation facilities with event facilities for seminars or other social gatherings. (2) Destination Agricultural Tourist Operation: is one that consists of an assortment of uses over and above any uses associated with retail level operation but may include overnight lodging facilities up to 12 guest rooms, with event facilities for seminars, weddings and other social gatherings. (3) Resort Agricultural Tourist Operation: is one that consists of an assortment of uses over and above any uses associated with retail or destination level operation. These accessory uses can be anything related to the agricultural operation that enhances the tourist related experience, with a dedicated area for seminars, weddings and other social gatherings, and RV park accommodations.
Agriculturally related industry	"Agriculturally related industry" means specifically: (1) Packing plants – may include, but are not limited to, the following activities: washing, sorting, crating and other functional operations such as drying, field crushing or other preparation in which the chemical and physical composition of the agricultural product remains essentially unaltered. (2) Processing plants – may include, but are not limited to, those activities which involve the fermentation or other substantial chemical and physical alteration of the agricultural product, including wineries. (3) Storage facilities – include bin storage lots, controlled atmosphere and cold storage warehouses, and warehouses for the storage of processed and/or packaged agricultural products. (This definition does not include processing activities or slaughter houses, animal reduction yards and tallow works)
Agriculture	"Agriculture" means the tilling of the soil, the raising of crops, the gathering and harvesting of native plants, horticulture, viticulture, floriculture, apiary, livestock farming, dairying, animal feeding operations, animal husbandry, composting

	associated with the primary agricultural use, land application of soil amendments or agricultural waste at agronomic rates, and farm oriented storage for commercial value. Synonymous with farming or ranching.
Airport or landing field	"Airport or landing field" means any area of land or water used or intended to be used for the landing and taking off of aircraft. Hangars and other appurtenant buildings, storage areas and open spaces necessary for airport operation are also included within this definition. "Landing field" means a geographic area that is designed or occasionally utilized for aircraft operations, but is not primarily used for aviation related activities. Airports and landing fields are further defined as follows: (1) Personal use – A facility with a limited number of privately owned aircraft for the personal use of the owner or tenant of the site, with no commercial operations other than crop dusting. (2) Restricted use – A facility with exclusive rights or use reserved to the owner for personal or commercial use. This shall include owners or tenants of a planned development zoning district, industry or institution. (3) Public use – Any facility available for public use.
Airport operations	"Airport operations" means activities, uses, structures and facilities that are located on and necessary to the operation of the Airport. These activities and facilities include runways, taxiways, parking ramps and aprons, navigation and radar/radio communication facilities and equipment, safety and emergency facilities and storage and maintenance facilities.
Airport special definitions	"Airport special definitions" The following terms are established for the purpose of protecting the airspace of regulated airports (see also Chapter 19.17) (1) "Airspace Hazard" means any structure, tree, or use of land which comprises public safety or obstructs the airspace required for the safe operation of aircraft in or around an airport, as determined by the Reviewing Official under this Title. (2) "Airspace Obstruction" means any structure, tree, land mass, smoke or steam or use of land which penetrates the primary, approach, transitional, horizontal or conical surface of an airport as defined by Federal Aviation Regulation (FAR), Part 77. (3) "Avigation Deed Declaration" means a declarative covenant which recognizes the preexistence of the airport and the right of over flight recorded for all uses within the approach and transitional surfaces of the conical surface area. (4) "Avigation Easement" means an easement granted for the free and unobstructed use and passage of aircraft over, across, and through the airspace above, or in the vicinity of property. (5) "Civil Airport Imaginary Surfaces" means the imaginary airspace (primary, approach, transitional, horizontal and conical

	surfaces) designated by the Federal Aviation Administration and as defined by FAR, Part 77. (6) "Established Airport Elevation" means the highest point of an airport's usable landing area, measured in feet above mean sea level. (7) "Hazard to Air Navigation" means an official determination by the FAA that an airspace obstruction constitutes a hazard to air navigation. The FAA determination that an airspace obstruction does not constitute a "hazard to air navigation" under federal regulations does not prevent the Reviewing Official from determining that it is an airspace hazard of potentially incompatible land use under this Title. (8) "Potentially Incompatible Land Use" means land uses deemed potentially incompatible within the airport overlay include: (a) Those land uses located in the primary Airport Overlay, being an area bounded by the limits of the approach surface and the transitional surface within the conical surface area, that are of such intensity as to potentially endanger public health, safety or welfare. Such uses include manufactured or mobile home parks, schools, places of public assembly and multi-family residential uses; (b) Those land uses within the primary or secondary Airport Overlay constituting airspace hazards, as determined by the Reviewing Official. (9) "Runway Protection Zone" means a trapezoidal area representing the ground level at the innermost portion of the runway approach as defined in the respective airport master plan.
Alley	"Alley" means a strip of land dedicated to public use providing vehicular and pedestrian access to the rear side of properties which abut and are served by a public road. (A public or private easement primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.)
allowable use permit, Historic landmark	"Historic landmark allowable use permit," means a use not presently listed within the zoning district as a Type 1, 2 or 3 uses that will encourage and facilitate the preservation, rehabilitation or adaptive use of a historic landmark.
Alteration	"Alteration" means the modification of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in changes to conditions of approval, the addition of new lots or more land, or the deletion of existing lots or the removal of plat or lot restrictions or dedications that are shown on the recorded plat.
Amateur radio antenna and support structure	"Amateur radio antenna and support structure" means any device for receiving or transmitting radio frequency signals,

	including any tower, pole, mast tree, or guy wire, used to support an amateur radio antenna.
Amendments	"Amendments" means a change prior to final approval or recording of a previously approved preliminary plat, preliminary short plat or binding site plan that includes, but is not limited to, the addition of new lots, tracts or parcels.
Amusement park	"Amusement park" means a permanent indoor and/or outdoor facility, which may include structures and buildings where there are various devices for entertainment, including rides, booths for the conduct of games or the sale of items and buildings for shows and entertainment. Also see "Outdoor Commercial Amusement".
Anemometer	"Anemometer" means a research device for measuring wind speed and is regulated as a wind tower for the purposes of this Title. An anemometer is considered a temporary use when removed after a period of 3 years or less.
Animal clinic/hospital	"Animal clinic/hospital" means a structure used for veterinary care of sick or injured animals. The boarding of animals is limited to short-term care and is accessory to the principal use. This definition does not include kennels.
Animal feeding operation	"Animal feeding operation" means a lot or facility where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period; and, where crops, vegetation forage growth, or post-harvest residues are not sustained over any portion of the lot or facility in the normal growing season, and as further defined in the Code of Federal Regulations (CFR, currently 40 CFR 122).
animal feeding operation, Concentrated	"Concentrated Animal feeding operation" means an animal feeding operation where more than 1,000 animal units are confined at the facility; and as further defined in the Code of Federal Regulations and regulated as a CAFO by the Washington State Department of Ecology. Concentrated animal feeding operations include: structure or pens for the concentrated feeding or holding of animals or poultry including, but not limited to, horses, cattle, sheep or swine. This definition includes dairy confinement areas, slaughter houses, shipping terminal holding pens, poultry and/or egg production facilities and fur farms, but does not include animal husbandry.
Animal husbandry	"Animal husbandry" means the raising of domesticated farm animals when in the case of dairy cows, beef cattle, horses, ponies, mules, llamas, goats and sheep their primary source of food, other than during the winter months is from grazing in the pasture where they are kept.
Antique store	"Antique store" means an establishment offering for sale articles such as glass, china, furniture, or similar furnishings and decorations which have intrinsic value and significance as a result of age (generally 50 years or older), design or sentiment.

Apartment	"Apartment" means a room or suite of two or more rooms in a multi-family dwelling, occupied or suitable for occupancy as a residence for one family. This definition does not include "Accessory Apartments".
Appeal	"Appeal" means a request for review of an Administrative Official's or Hearing Examiner's written decision, determination, order or official interpretation.
Applicant	"Applicant" means a person submitting an application for any permit or approval required by this Title and who is the owner of the subject property or the authorized agent of the owner, as defined by this Title.
Application for development	"Application for development" means the application form and all accompanying documents and exhibits required by this Title or the Administrative Official.
Aquaculture	"Aquaculture" means keeping or raising aquatic plants or animals including, but not limited to, fish hatcheries and fish farms. This definition excludes commercial aquacultural processing, packing and storage plants. When aquaculture is clearly accessory to other land uses, such as raising fish on the same site in conjunction with recreational uses, or for personal, noncommercial purposes, it shall be subject to requirements applicable to the principal use. Commercial aquacultural processing, packing and storage may be considered, where appropriate, under other commercial or industrial categories.
Arterial	"Arterial" means a principal (primary), minor or collector arterial as designated by the WSDOT or proposed in the Transportation Plan or adopted in the Comprehensive Plans. Synonymous with Federal Highway Administration definition.
Attached	"Attached" means in the case of dwellings, two or more dwellings connected by a common vertical wall or roof line or in the case of multi-story buildings by a common ceiling/floor.
Auction house	"Auction house" means a structure or enclosure where goods and/or livestock are sold by auction.
Automobile body shop	"Automobile body shop" means a facility which provides collision repair services, including body frame straightening, replacement of damaged parts and painting.
Automotive repair services	"Automotive repair services" means any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including, but not limited to body, fender, muffler, or upholstery work, oil change and lubrication but excludes dismantling or salvage.
Automotive parts and supply	"Automotive parts and supply" means use of any land area for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers or recreation vehicles. Stores that sell new automobile parts and accessories; may also include minor parts installation.

Automotive service station	"Automotive service station" means a facility to supply motor fuel and other petroleum products to motor vehicles, including lubrication, and providing minor repair service and incidental sales or motor vehicle accessories.
Automotive, truck, manufactured home and/or travel trailer sales"	"Automotive, truck, manufactured home and/or travel trailer sales" means a place used for the display, sale or rental of new or used automobiles, trucks, manufactured and mobile homes, travel trailers and campers.
Automotive wrecking, dismantling, salvage or junk yard	"Automobile wrecking, dismantling, salvage or junk yard" means a place used for the storage and/or sale of used automobile parts or other salvage materials and for the storage, dismantling, sorting cleaning, or baling of wrecked automobiles, trucks, trailers, machinery and other discarded or salvage materials.

(2) "B" Definitions.

Balloon sign	See definition for "sign, Balloon".
Banner	See definition for "sign, Banner".
Battery exchange stations	"Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under RCW 19-27-540.
Beacon	"Beacon" means any light with one or more beams directed at one or more points not on the same lot as the light source.
Bed and breakfast (B & B) inn	"Bed and breakfast inn" means a structure designed for and occupied as a single-family residence with not more than five guestrooms used to provide temporary traveler's accommodations and meals for a fee for not more than 30 days. Bed and breakfast inns with three or more guest rooms are licensed under the Department of Health's transient accommodation license.
Beverage industries	"Beverage industries" means the production, processing and/or packaging of milk, soft drinks, fruit juices and other drinks.

Binding site plan	"Binding site plan" means a drawing or drawings to a scale of not less than one inch to one hundred feet which: (1) Identifies and shows the areas and locations of all streets, roads, drainage systems, improvements, utilities, open spaces, dedications lots, tracts, spaces and any other matters specified in this Title and any other applicable ordinances; (2) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan, and (3) Contains provisions making any development upon land covered by the plan be in conformity with the site plan.
Bingo parlor	See definition for "Game room".
Bioretention	"Bioretention" means the process in which contaminants and sedimentation are removed from stormwater runoff. Stormwater is collected into the treatment area that consists of a grass buffer strip, sand bed, ponding area, organic layer or mulch layer, planting soil, and plants. Runoff passes first over or through a sand bed, which slows the runoff's velocity, distributes it evenly along the length of the ponding area that consists of a surface organic layer and/or groundcover and the underlying planting soil. The ponding area is graded, its center depressed. Water is ponded and gradually infiltrates the bioretention area or is evapotranspired. The bioretention area is graded to divert excess runoff away from itself. Stored water in the bioretention area planting soil exfiltrates over a period of days in to the underlying soils.
Block	"Block" means a group of lots, tracts or parcels within well-defined and fixed boundaries.
Board of County Commissioners	"Board of County Commissioners", also abbreviated as "BOCC", or "Board", is the legislative authority of Yakima County.
Boarding or lodging house	"Boarding or lodging house" means one or more buildings, cabins, that are permanently established on site with not more than five guest rooms where lodging and meals may be provided for compensation for not more than ten persons, but shall not include apartments, family home services, health care facilities, day care centers, residential care facilities. Any number of guest rooms over five shall be considered an overnight lodging facility. Boarding or lodging houses with three or more guest rooms are licensed under the Department of Health's transient accommodation license. (N/Z)
Bond	"Bond" means any form of a surety bond in an amount and form satisfactory to the Board (BOCC). All bonds shall be approved by the BOCC whenever a bond is required by these regulations.

Bond, *Maintenance*	"Bond, Maintenance" means an insurance bond, usually for a two-year period.
Bond, Project	"Bond, Project" means a bond for construction project.
Boundary line adjustment	"Boundary line adjustment" means an action that involves the adjustment of common property lines through a boundary line correction or modification process, as set forth in this Title.
brewery, Domestic	"Brewery, domestic" means a facility where sixty thousand barrels or more of beer are processed and manufactured per year. A domestic brewery can include hop fields, grain fields, tasting and sales rooms. (Definition based on RCW 66.24.240(1).)
brewery, Micro	"Brewery, micro" means a facility where less than sixty thousand barrels of beer are processed and manufactured per year. A microbrewery can include hop fields, grain fields, tasting and sales rooms. (Based on RCW 66.24.244(1).)
brokerage offices, Transportation	"Brokerage offices, transportation" means establishments primarily engaged in furnishing shipping information and acting as agents in arranging transportation for freight and cargo.
Buildable area	"Buildable area" means that area of a lot, tract or parcel remaining after minimum required setbacks, yard areas, open space, sanitary control areas, on-site sewage system and reserve areas, where designated by the Yakima Health District, and excepting any floodplains, wetlands, steep slopes or manmade conditions or restrictions that would prevent construction of a habitable structure under existing County development standards.
Buildable land	"Buildable land" (for the purposes of calculating land supply for Urban Growth Areas) means land within or near the urban areas that is suitable and available for residential, commercial, and industrial uses and includes both vacant land and developed land that in the opinion of County, is likely to be redeveloped. (N/16B)
Buildable Lot	"Buildable lot" means that which contains a buildable area.
Building	"Building" means any structure built for the support, shelter or enclosure of persons, animals, uses or property of any kind. Where this Title requires, or where special authority granted pursuant to this Title requires that a use shall be entirely enclosed within a building, this definition shall be qualified by adding "and enclosed on all sides". Also see definition for "structure".
Building area	"Building area" means the area of a lot or parcel that delineates the limits of where a building may be lawfully placed.
Building code	"Building code" means YCC Title 13 and any other related codes as amended and adopted by Yakima County.
Building height	"Building height" means the vertical distance from grade plane to the average height of the highest roof surface.

Building Official	"Building Official" means that person or persons designated by the legislative body to enforce the provisions of the building code and the assigned provisions of this Title.
Building site	"Building site" means an area of land, consisting of one or more lots or portions of lots, that is: (1) Capable of being developed under current federal, state and local statutes, including zoning and use provisions, dimensional standards, minimum lot area, minimum lot area for construction, minimum lot width, shoreline master program provisions, critical area provisions and health and safety provisions; or (2) Currently legally developed.
Building space	"Building space" means the three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, yard setbacks and building coverage.
Business school	"Business school" means a commercial or public school providing instruction solely in professional skills such as: business management, accounting, secretarial skills, sales, marketing and merchandising.
Butcher shop	"Butcher shop" means a custom retail meat cutting operation. This definition does not include slaughtering, but does include other accessory uses such as frozen food lockers.

(3) "C" Definitions.

Camp	"Camp" means a public or private place that offers outdoor recreational activities that may have common eating and sleeping facilities and where recreational activities or religious retreats are organized and conducted in a group under supervision and such group activities constitute the majority of the stay. (Existing examples include: Camp Dudley, Camp Ghormley, Camp Roganunda, Camp Fife, Camp Prime Time, Camp Zarahemla, etc.)
Campground	"Campground" means any parcel or tract of real property that is used or designed for camping or outdoor recreation and containing two or more camping spaces offered for the use of the public or members of an organization. [Based in part on RCW 19.105.300(13), National Association of RV Parks and Campgrounds research, and ANSI A 119.4]
Camping	"Camping" means erecting a tent or shelter or arranging bedding, or both, or parking a vehicle for the purpose of remaining overnight on land. (WAC332-52-10)

Camping or recreational vehicle	"Camping or recreational vehicle" means vacation trailer, park trailer, fifth-wheel, self-propelled vehicle or structure equipped with wheels for highway use that is designed for human occupancy and is used for temporary, recreational or emergency purposes, but not for residential purposes. Said vehicle may be equipped with plumbing, including sink and/or toilet.
Camping site	"Camping site" means a space designed or used for the purpose of locating a trailer, tent, tent trailer, pick-up camper, or other similar device used for land-based portable shelter within an RV park or campground. (RCW 19.05.300(3))
Camping units	"Camping units" means any portable structure, shelter or vehicle designed and intended for occupancy by persons engaged in RV activities or camping within an RV park or campground. The basic units are: recreational vehicles, tent, portable camping cabin, teepee, yurt or other portable shelter.
Car wash	"Car wash" means a business engaged in washing, waxing and/or polishing cards and small trucks. Includes self-service car washes, automated car washes, manned car washes and auto detailing.
Card room	See definition for "Game room".
Caretaker dwelling	"Caretaker dwelling" means a single-family dwelling unit accessory to an agricultural, professional, commercial or industrial use for occupancy by the owner/caretaker.
Center line of right-of-way	"Center line of right-of-way" means the mid-point between the future alignments of the opposite edges of right-of-way. When the County Engineer determines that the centerline will be relocated, the future centerline shall be used.
Certificate of water availability	"Certificate of water availability" means documentation submitted by the applicant at the time of application showing evidence of an adequate water supply for the proposed structure requiring potable water.
Change of use	"Change of use" means a change from one use listed in Chapters 19.11 – 19.13 Tables of Permitted Land Uses to another use listed in those tables.
Charging levels	"Charging levels" means the standardized indicators of electric force, or voltage, that an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common electric vehicle charging levels, and include the following specifications: (1) Level 1 is considered slow charging (120 volt AC). (2) Level 2 is considered medium charging (208 or 240 volt AC). (3) Level 3 is considered fast or rapid changing (480 volt AC).
Chicanes	"Chicanes" means the narrowing, curving and/or widening of a roadway.
Church or other place of worship	"Church or other place of worship" means a structure or group of structures that by design and construction are primarily used for organized religious services and instruction.

City	"City" means an incorporated city or town within its respective Urban Growth Area.
Classified street	"Classified street" means a street designated by the Federal Highway Administration as an arterial or collector, or proposed for such designation by the comprehensive plan.
Clean and sober facility	"Clean & sober facility" means a commercial business providing a dwelling or building for occupation by rehabilitated alcohol and/or drug users during their re-entry into the community. The Clean & Sober Facility provides residentially oriented facilities for the rehabilitation or social adjustment of persons who may need supervision or assistance in becoming socially reoriented, but who do not need institutional care. (Also see Halfway House.)
Clinic	"Clinic" means a structure for the medical examination and treatment of human patients, but without provision for keeping such patients overnight on the premises.
Closed record appeal	"Closed record appeal" means an administrative appeal or hearing, conducted by the Board of County Commissioners following an open record hearing conducted by the Hearing Examiner on a project permit application. The appeal or hearing is on the record with only appeal argument allowed. See also RCW 36.70B.020(1).
Cluster development	"Cluster development" means the arrangement or grouping of dwellings or lots to increase densities (e.g. smaller lots) on some portions of the property to preserve the remainder for either: agricultural or forest use; future infill development within urban areas; open space and other amenities associated with the property; and/or to locate on-site utility (water and sewer) system.
Collector	"Collector" means streets that are minor tributaries, gathering traffic from numerous smaller (local) streets and delivering it to and from minor arterials, as designated by the Federal Highway Administration.
Collector lines, electrical	"Collector lines, electrical" means electrical lines necessary to deliver power from a commercial energy resource facility to electric substations or interconnection facilities associated with existing or proposed transmission lines.
Commercial services	"Commercial services" means technical services and specialized care services such as lawn and garden care and delivery services, except as otherwise regulated.
Communication tower	"Communication tower" means any tower, pole, mast, whip or antenna or any combination thereof used for transmitting electronic communication through the air. This definition includes towers erected for use in the amateur radio service.
Communication tower height	"Communication tower height" means the vertical distance above the ground measured to the highest point of the communication tower.

Community center	"Community center" means a facility owned and operated by a public agency or nonprofit corporation, provided, that the principal use of the facility is for public assistance, community improvement or public assembly.
Community on-site sewage disposal system	"Community on-site sewage disposal system" means an on-site sewage disposal system that serves more than one lot within a land division or more than one individual use on a lot.
Community open space	"Community open space" means a parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use, enjoyment, as well as the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open spaces. Community open space may include neighborhood and community parks, commons, plazas, community green or lawn, landscaped buffers, or other areas, decorative plantings, formal and informal gardens, pedestrian walkways or paths, and active or passive recreation areas (swimming pools, tennis courts, playgrounds, etc.). Community open space shall not include street rights-of-way or any area within a residential lot. (WVNP)
Community water supply system	"Community Water Supply System" means any publicly or privately owned system or water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission, and distribution facilities where water is furnished to any community, collection, or number of individuals, but excluding a water system serving one single-family residence.
Community youth center	"Community youth center" means a structure open to the general public that is owned or operated by Yakima County or another public agency or charitable nonprofit agency and that is used predominantly by children for cultural, educational, recreational or social purposes.
Compatibility	"Compatibility" means the characteristics of different uses or developments that permit them to be located near each other in harmony with or without special mitigation measures.
Comprehensive Plan	"Comprehensive Plan" means the Comprehensive Plans and any supplemental or Neighborhood plans officially adopted under RCW Chapters 36.70 and 36.70A, specifically: (1) The Yakima Urban Area Comprehensive Plan 2025, including the West Valley Neighborhood Plan and Terrace Heights Neighborhood Plan; (2) The Yakima County Comprehensive Plan; (3) The relevant portions of the Union Gap Comprehensive Plan. (4) A comprehensive plan adopted by a city or town council.
Conditions of approval	"Condition of approval" means restrictions or requirements required by a Reviewing Official pursuant to authority granted by this Title.

Connectivity	"Connectivity" means a system of streets with multiple routes and connections serving the same origins and destinations.
Construction plan	"Construction plan" means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Board as a condition of the approval of the plat.
Consulting services	See definition for "Professional business"
Context Sensitive Solutions (CSS)	"Context Sensitive Solutions" means a transportation facility design that fits its physical setting and preserves scenic, aesthetic, historic and environmental resources, while maintaining safety and mobility. CSS is an approach that considers the total context within which a transportation improvement project will exist.
Convalescent or nursing home	"Convalescent or nursing home" means an establishment providing nursing, dietary and other personal services to convalescents, invalids or aged persons, but not mental cases and cases for contagious or communicable diseases which are customarily treated in sanitariums and hospitals.
Convenience store	"Convenience store" means a building not greater than 4,000 square feet that is used for retail sales of packaged or prepared food, beverages, lottery tickets, tobacco products, and limited stock of groceries or similar products for the traveling public or neighborhood residents. May include automotive fuel dispensing services.
Cosmetic Services	"Cosmetic Services" means tattooing, body piercing and similar services.
County	"County" means Yakima County.
County Auditor	"County Auditor" shall be defined in RCW Chapter 36.22 as it now exists or is hereafter amended.
County Engineer	"County Engineer" shall be defined as RCW Chapter 36.40 as it now exists or is hereafter amended.
County public road standards	"County public road standards" means as assigned and approved by the County Engineer.
County Treasurer	"County Treasurer" shall be defined in RCW Chapter 36.29 as it now exists or is hereafter amended.
Crime Prevention Through Environmental Design (CPTED)	"Crime prevention through environmental design" means a multi-disciplinary approach to deterring criminal behavior through environmental design. Specifically altering the physical design of the communities in which humans reside and congregate in order to deter criminal activity is the main goal of CPTED.
Crisis residential facility	"Crisis residential facility" means a protective residential facility operated to provide secure or semi-secure temporary shelter for children under the age of eighteen years.

Critical areas	"Critical areas" means all unincorporated lands under Yakima County's land use jurisdiction that are regulated under the Critical Areas Ordinance, Regional Shoreline Master Program and mean, generally, areas with a critical recharging effect on aquifers used for potable water, wetlands, hydrologically related critical areas (frequently flooded areas, wetlands), geologically hazardous areas, drainages, and fish and wildlife habitat conservation areas.
curb, Barrier	"Barrier curb" means a curb designed to prevent vehicles from access to sidewalks.
curb, Mountable	"Mountable curb" means a curb, including a rolled curb, designed to allow for vehicle access to sidewalks.
curb, Low impact design	"Low-impact design curb" means a curb with an approved alternative design that incorporates low-impact stormwater management design.
Cul-de-sac bulb	"Cul-de-sac bulb" is a road closed at one end by a circular area of sufficient size for turning vehicles around.

(4) "D" Definitions.

Dangerous waste	"Dangerous waste" means those solid wastes designated in Washington Administrative Code, hereafter, "WAC" 173-303-70 through 173-303-103 as dangerous or extremely hazardous waste.
Day	"Day" means calendar day, unless specified otherwise. For purposes of computing any period of time, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.
Day care center	"Day care center" means a day care facility that supplies care, attention supervision and oversight serving children regardless of whether such services are provided for compensation, as governed by Washington State DSHS licensing provisions for said day care use and conducted in accordance with said State DSHS requirements.
Day care facility	"Day care facility" means a building or structure that an agency, person or persons regularly provide care for a group of non-related individuals (children or adults) for periods of less than twenty-four hours a day. This includes family day care homes and day care centers.

Day care home, family	"Day care home, family" means family day care home located in a private home that supplies care, attention, supervision and oversight for children, as governed by Washington State DSHS licensing provision for said day care use and conducted in accordance with said State DSHS requirements.
Decision maker	"Decision maker" means the person or body that is authorized by Yakima County Code to render the final decision on a project permit application. Table 3.1 in Title 16B designates the decision maker by project permit procedure type .
Dedication	"Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which property has been devoted. The intention to dedicate shall be evidence by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit, provided that no affirmative duty to maintain or improve any dedicated land shall devolve upon Yakima County except by resolution of the Board of Yakima County Commissioners adopted for the purpose of undertaking a specified duty or duties as to specifically described land.
Delicatessen and other specialty food stores.	"Delicatessen and other specialty food stores" means retail food stores selling ready to eat food products such as cooked meats, prepared salads or other specialty food items. This definition includes seafood, health food and other specialty food stores having seating for no more than five (5) persons.
Density	"Density" means the method of describing the intensity of development patterns typically measured in dwelling units per acre. Gross density includes the entire property, whereas net density refers to the land available for development (e.g., less roads and critical areas).
Department	"Department" means the Yakima County Planning Division of the Public Services Department.
Designated classified road or street	"Designated classified road or street" means a corridor or alignment for the improvement of an existing facility or the addition of a future arterial or collector public road improvement that has been designated by Yakima County, on a map or in an adopted plan or comprehensive plan element, or has been identified through early assistance as necessary to provide a higher functional classification.
Desk top publishing	"Desk top publishing" means activity related to the use of computers in order to produce documents for personal use or for other uses.

Development	"Development" means any work, condition, or activity which requires a permit or approval under the Unified Land Development Code, Critical Areas Ordinance, Regional Shoreline Master Program, or YCC Title 13.
Development authorization	"Development authorization" means written authorization for development or modification of development as defined in this Title.
Development, planned residential	"Development, planned residential" means in the residential districts, the coordinated development of a single lot of not less than 12,000 square feet with a number of residential units (not less than three), residential structures and/or dwelling types including, but not limited to: apartment complexes and mobile home parks, which are designed to: (1) Maintain the character of the residential neighborhood; (2) Provide compatibility between various types of dwelling units, off-street parking and other uses with the site; (3) Share such site amenities as off-street parking, access drives, open space and recreational facilities. This definition includes the clustering of residential units on a single lot. In commercial districts, "planned residential development" means a mixed use development combining multi-family residential and commercial use into a single coordinated project.
Distillery	"Distillery" means a facility where more than 60,000 gallons of spirits are processed and manufactured per year. A distillery can include fields, tasting and sales rooms. (Based on RCW 66.24.140(1)).
Distillery, craft	"Distillery, craft" means a facility where 60,000 gallons or less of spirits are processed and manufactured per year. A craft distillery can include fields, tasting and sales rooms. (Based on RCW 66.24.140(1)).
Division of land	"Division of land" for purposes of this Title is any transaction or action that alters or affects the shape, size or legal description of any part of an owner's "land" through boundary correction or modification, long or short subdivision, binding site plan, or as otherwise permitted by law. Sale of a condominium apartment and rental or lease of a building, facility or structure which does not alter or affect the legal description of an owner's "land" shall not constitute a division of land.
Domestic farm animal	"Domestic farm animal" means animals domesticated by man to live in a tame condition. This definition includes dairy cows, beef cattle, horses, ponies, mules, llamas, alpacas, goats, sheep, rabbits, poultry and swine.
Double plumbing dry side sewer	"Double plumbing dry side sewer" means private sewer lines installed at the time of on-site sewage disposal system construction that will connect the structure's wastewater system to a public sewer when the public sewer becomes available.

Drive-through food and beverage vendor	"Drive-through food and beverage vendor" means an establishment where food or other retail items are sold from a drive-up window to a person driving a vehicle. Such establishments may include juice bars, and mobile food vendors, but do not include establishments where an adult sales practice as defined in YCC Chapter 5.06 occurs.
Driveway	"Driveway" means a means of vehicular access, beginning at the property line of a lot, tract or parcel of land abutting a public or private road that provides access to an addressable structure or unit on that lot. A driveway does not serve any other lot, parcel or tract of land and shall not be identified by a separate road name.
Driveway, private shared	"Private shared driveway" means a means of vehicular access, beginning at the property line of a lot, tract or parcel of land abutting a public or private road that provides access up to four separate addressable structures, lots or units, as per Chapter 19.23.
Drugstore	"Drugstore" means a store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and non-prescription medicines, but where non-medical products are sold as well.
Dry line sewer	"Dry line sewer" means a public or private sewer lateral that is intended for future connection to the regional public sewer system.
Dwelling	"Dwelling" means a building, structure or portion thereof designed exclusively for residential purposes.
Dwelling, multiple-family	"Dwelling, multiple-family" means a structure or structures or portion thereof, designed exclusively for residential purposes and containing three or more attached dwelling units on a lot. See also "Apartments"
Dwelling, single-family	"Dwelling, single-family" means a detached structure designed exclusively for residential purposes containing no more than one dwelling unit. An accessory kitchen may be authorized for a single family dwelling. However, a dwelling unit with a second kitchen will not be considered to be a single family dwelling if the structure is arranged so that the structure contains complete, independent separate living area that does not qualify as an accessory apartment. Single-family dwellings are further classified by their nature of construction as follows: (1) Site built – constructed primarily at the occupancy site and permanently affixed to the ground by a foundation. (2) Modular Home – See "Modular Home" (3) Manufactured Home – See "Manufactured Home" and "Mobile Home".
Dwelling, single-family attached	"Dwelling, single-family attached" or "common wall" unit means two single-family dwellings that are attached, but with each dwelling unit located entirely on its own lot.

Dwelling, single-family detached	"Dwelling, single-family detached" means one dwelling unit located on one lot and not attached to any other dwelling unit.
Dwelling, two-family	"Dwelling, two-family" means a structure designed exclusively for residential purposes and containing two attached dwelling units on the same lot. This definition includes the term "duplex".
Dwelling unit	"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, food preparation, cooking and sanitation plumbing and electrical wiring or fuel fixtures for ovens and other cooking appliances whether or not such cabinets, fixtures and appliances are installed. Dwelling unit does not include recreational vehicles.
dwelling unit, Accessory (ADU)	"Accessory dwelling unit" means a structure meeting the purpose and requirements of Section 19.18.020 that is attached to a single-family home, or detached garage with living facilities for one individual or family separate from the primary single-family. In areas specified, accessory dwellings may be detached from other structures.

(5) "E" Definitions.

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

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

(6) "F" Definitions.

Family	"Family" means individuals, consisting of two or more persons related by blood, marriage, adoption (or a group of not more than five persons, excluding servants, who are not related by blood or marriage) living together as a single housekeeping unit in a dwelling unit. (1) The term "family" shall also include: (a) State licensed adult family homes required to be recognized as residential use pursuant to RCW 70.128.; 175 (b) State licensed foster family homes and group care facilities as defined in RCW 74.15.180, subject to the exclusion of Subsection of this Section; (c) Group homes for the disabled and consensual living arrangements equivalent to a familial setting required to be accommodated as residential uses pursuant to the Fair Housing Act amendments as the same exists or is hereafter

	amended and the Washington Housing Policy Act. RCW 35.63.220 and RCW 35A.63.240, respectively. (2) The term "family" shall exclude individuals residing in halfway houses, crisis residential centers as defined in RCW 74.15.020(3)(g), group homes licensed for juvenile offenders or other facilities, whether or not licensed by the state, where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.
Family home services	"Family home services" means and includes the following: (1) Adult day care home. – "Adult day care home" means a regular family abode of a person or persons providing personal care, or special care for less than twenty-four hours to more than one but not more than six adults who are not related by blood or marriage to the person providing the services. (2) Adult family home. – "Adult family home" means a regular family abode of a person or persons providing personal care, or special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person providing the services. (3) Family day care home, child. "Child family day-care home" means a licensed child day care facility in the family residence of a state licensee providing regularly scheduled child day care for not more than twelve children in the family living quarters, including children who reside at the home. (4) Foster family home. "Foster family home" means a dwelling unit in which foster care is provided on a twenty-four hour basis for not more than six unrelated children, expectant mothers or persons with development disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or disabled person is placed as part of the family, and the dwelling unit is governed by the state foster care home licensing provisions and conducted in accordance with state requirements. (5) Group care facility, small. "Small group care facility" means a facility for handicapped, physically disabled or developmentally disabled adults, or dependent or pre-delinquent children, plus house parents, providing facilities residentially oriented in a home-like environment directed to allow a degree of community participation and human dignity not provided in an institutional atmosphere for only six or less such persons, plus house parents. Does not include "halfway house". (6) Licensed boarding home, small. – "Small licensed boarding home" means any home or other institution however named which is advertised, announced or maintained for the express or implied purpose of providing domiciliary assisted living services and enhanced adult residential care to three to six aged persons

	not related by blood or marriage. (7) Safe/shelter home. "Safe/shelter home" means a place of temporary refuge (e.g. shelter) that includes access to adequate food and clothing offered on a twenty-four hour, seven day-per-week basis to victims of domestic violence and their children. A safe home is a component of or has a working agreement with a domestic violence service for up to two lodging units. A shelter home includes three or more lodging units.
Farm labor center	"Farm labor center" means a facility of more than eight farm labor shelters on a single lot. The shelters may either be attached, clustered in a group, or a combination thereof.
Farm labor shelter	"Farm labor shelter" means a dwelling unit used exclusively as housing for farm laborers and their immediate family members. Farm labor shelters may either be attached clustered in a group, or a combination thereof. This definition does not include camping or recreational vehicles, or mobile homes.
Feedlot	"Feedlot" (See "Animal feeding operation" and "Concentrated animal feeding operation".
Fence	"Fence" means a structure built to prevent escape or intrusion or to provide privacy or site screening.
Final plat	"Final Plat" means the final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth in this RCW 58.17 and this Title.
Finding	"Finding" means a conclusion reached by the Reviewing Official in a review process and based on the evidence available therein.
Flea market	"Flea market" means an occasional or periodic market usually held in an open area, but which may be held indoors, where an individual or groups of individual sellers offer goods for sale to the public. A key element to flea markets is that there are no long-term leases between the sellers and operators and that often the sellers use their own vehicles for display or set up temporary tables or booths for their wares. (See definition for Yard sales").
Flood damage	"Flood damage" means damages within the meaning of this Title shall include harmful inundation, water erosion of soil, stream banks and beds, stream channel shifting and changes, harmful deposition by water of eroded and shifting soils and debris upon property or in the beds of streams or other bodies of water, damages by high water to public roads, highways, bridges, utilities and to works built for protection against floods or inundation, the interruption by floods of travel, communication and commerce, and all other high water influences and results which injuriously affect the public health and the safety of property (RCW 86.16.120).
Flood risk map	"Flood risk map" means the flood boundaries for the 10, 25 and 50-year flood magnitudes as determined by FEMA, and contained in the Yakima County Flood Risk Database.

Floodplain	"Floodplain" means a land area adjoining a river, stream, watercourse or lake that has been determined likely to flood. The extent of the floodplain may vary with the frequency of flooding being considered.
Floodplain, one-hundred year	"Floodplain, one hundred-year" means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. Synonymous with the base flood extent in areas established by the Federal Emergency Management Agency (FEMA), as per FEMA Floodplain Management Bulletin 1-98 Use of Flood Insurance Study Data as Available Data).
Flood-prone	"Flood-prone" means a land area for which a floodway and floodplain has not been determined with respect to any specific flood frequency, but for which the potential for flooding can be identified by information observable in the field such as soils or geological evidence, or by materials such as flood studies, topographic surveys, photographic evidence or other data.
Floodway	"Floodway" means the regular channel of a river, stream, or other watercourse, plus the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
Food preparation	"Food preparation" means a business, service or facility dealing with the preparation of food items for off-site consumption. Includes: confectioneries, catering services and preparation of food items for wholesale.
Forest industries	"Forest industries" include sawmills, shake and shingle mills, chippers, pole yards, log dumps, log sorting and storage areas, scaling stations, temporary crew quarters, forest industry storage and maintenance facilities, forest industry residue dumps and other uses involved in the harvesting and primary processing of timber, provided that: (1) The intent of the processing is initial reduction in bulk and/or to facilitate transport to secondary processing centers, although it may also include the finishing of lumber into boards, studs, timbers, and similar sawmill type products; and (2) Such uses shall not include the manufacture of furnished wood products such as furniture, plywood or paper, trusses, laminated products, etc.
Fraternal organizations, lodges and clubs	"Fraternal organizations, lodges and clubs" means a group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and informal written membership requirements. May include eating facilities, or meeting or reception halls.
Full-movement intersection	"Full-movement intersection" means an intersection that allows turns onto and from each intersecting roadway.

(7) "G" Definitions.

Game room	"Game room" means a commercial facility or a portion thereof, open to the general public, in which card games, pool, electronic games, bingo, etc., are played; provided, however, that this definition shall exclude "Social Card Room" as defined herein. Also, see "Meeting Hall".
Garage	"Garage" means an accessory building or an accessory portion of the main building, designed or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building.
Garage, private	"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	"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	"Gift shop" means a business primarily engaged in the retail sale of combined lines of gifts and novelty merchandise, souvenirs, greeting cards, balloons, holiday decorations, curios, crafts, and miscellaneous small art goods.
Glamping	"Glamping" means a form of 'glamorous camping' at a transient occupancy facility, where guests occupy detached permanent upscale tent units or similar units (teepees and yurts) and vintage recreational vehicles but which are not conventional hotel, motel or cabin facilities and are not camping as defined within County Code. Payment for accommodations specifically includes overnight lodging, and transient occupancy tax. Glamping facilities with three or more units are licensed under the Department of Health's transient accommodation license.
Glare	"Glare" means the reflection of harsh, bright light.
Grade	"Grade" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or when the property line is more than five feet from the building, between the building and a line five feet from the building.
Grade plane	"Grade plane" means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

Gross floor	"Gross floor" means the total square footage of all floors in a structure as measured from the interior surface of each exterior wall of the structure and including halls, lobbies, enclosed porches and fully enclosed recreational areas and balconies, but excluding stairways, elevator shafts, attic space, mechanical rooms, restrooms, uncovered steps and fire escapes, private garages, carports and off-street parking and loading spaces.
Group home	"Group home" means a place for handicapped, physically or developmentally disabled adults or dependent or pre-delinquent children providing special care in a homelike environment. This definition does not include homes of this nature for six or fewer persons, excluding house parents which are protected by state or federal law as residential uses.
Guest ranch	"Guest ranch" means a specialized camp offering activities such as western ranching and offering sleeping and eating accommodations and outdoor recreational activities directly related to existing ranching operations. Guest ranches with three or more guest rooms are licensed under the Department of Health's transient accommodation license.

(8) "H" Definitions.

Halfway house	"Halfway house" means residentially oriented facilities that provide: (1) State licensed group care homes for juvenile delinquents; (2) Houses providing residence in lieu of institutional sentencing; (3) Houses providing residence to individuals needing correctional institutionalization; and (4) Detoxification centers licensed by the state where alcohol and drug abusers can be placed in lieu of incarceration for detoxification and treatment from effects of alcohol and drugs. Also see Clean & Sober.
Hard surfaced	"Hard surfaced" means a surface made of Portland cement concrete, asphalt concrete or bituminous surface treatment (BST) materials and constructed following proper engineering practices.
Hazardous materials	"Hazardous materials" means any item listed as hazardous by a Federal Agency, the State Department of Ecology or the Yakima Regional Clean Air Agency.
Hazardous waste	"Hazardous waste" means and includes all dangerous and extremely hazardous waste, including petroleum contaminated soils. Hazardous waste management, treatment or storage facilities, whether on or off-site, are subject to the requirements of Chapter 70.105 RCW and the state siting criteria adopted pursuant to statute.

Hazardous waste generator	"Hazardous waste generator" means any person or site whose act or process produces dangerous waste or whose act or process first causes a dangerous waste to become subject to the Dangerous Waste Regulations, Chapter 173-303 WAC.
Hazardous waste, off-site	"Hazardous waste, off-site" means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.
Hazardous waste, on-site	"Hazardous waste, on-site" means hazardous waste treatment and storage facilities that treat and store wastes generated on the same lot.
Hazardous waste, storage	"Hazardous waste, storage" means the holding of dangerous waste for a temporary period. Accumulation of dangerous waste by the generator on the site of generation is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.
Hazardous waste, treatment	"Hazardous waste, treatment" means the physical, chemical or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage or reduced in volume.

Health care facilities	"Health care facilities" means and includes the terms alcoholism/substance abuse treatment facility, hospice, hospital, psychiatric hospital, convalescent or nursing home ambulatory surgical facility, sanitarium that are further defined as follows: (1) "Alcoholism/substance abuse treatment facility" means a private place or establishment, other than a hospital, licensed by the state and operated primarily for the inpatient treatment of alcoholism and other substance abuse problems. May include outpatient treatment. (2) "Convalescent or nursing home" means any home place or institution that operates or maintains facilities providing convalescent or chronic care, or both for a period in excess of 24 consecutive hours, who by reason of illness or infirmity are unable properly to care for themselves. (3) "Hospice care" means palliative care provided to a terminally ill person in a place of temporary or permanent residence that alleviates physical symptoms, including pain, as well as alleviates the emotional and spiritual discomfort associated with dying. (4) "Hospital" means an institution providing clinical, temporary and emergency services of a medical or surgical nature to human patients that are licensed by state law to provide facilities and services for surgery, obstetrics and general medical practice, as distinguished from clinical treatment of mental and nervous disorders. (5) "Sanitarium or sanatorium" means a health station or retreat or other place where resident patients are kept, and which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to patients and injured persons and is licensed by state agencies under provision of law to provide facilities and services in surgery, obstetrics and general medical practice as distinguished from treatment of mental and nervous disorders.
Hearing Examiner	"Hearing Examiner" or "Examiner" means that person appointed by the Board of Commissioners to conduct open record hearings on project permit applications.
Historic landmark	"Historic landmark" means an individual site or feature (which may or may not be a structure), or a site with a structure or structures on it, of particular importance because of its unique architectural, historical, cultural, or archaeological features. See Section 19.18.230.
Home business	"Home business" means the accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services in the home.

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

(9) "I" Definitions.

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

Intensity	"Intensity" means a combination of factors (such as visual appearance and building size, traffic generation, noise, dust, light, and economic value) associated with a particular use that determines the potential impact of that use on neighboring land uses. The higher the intensity the greater the possible impact on neighboring land uses. Generally the intensity of a land use will determine its compatibility with other types of land uses.
Irrigation and/or drainage facilities	"Irrigation and/or drainage facilities" means all irrigation and/or drainage structures, including, but not limited to, standpipes, weir boxes, pipelines, ditches, pump houses, culverts, etc.

(10) "J" Definitions.

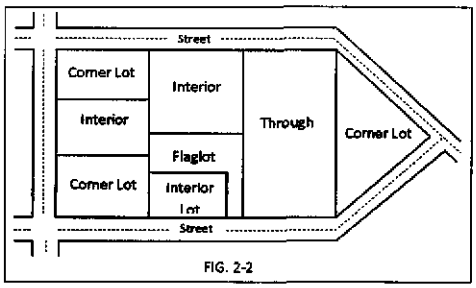
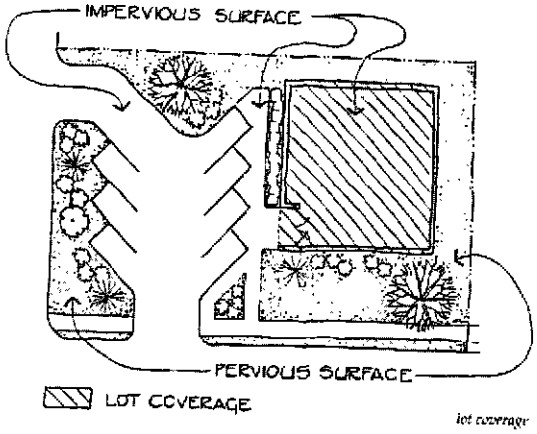
(11) "K" Definitions.

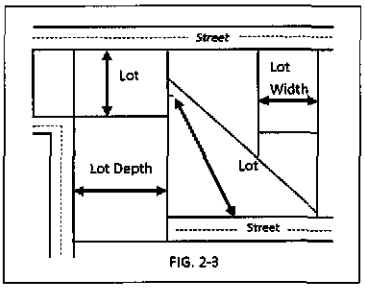
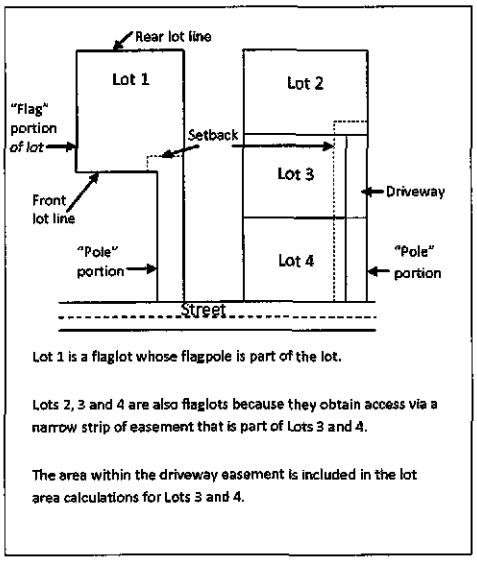
Kennel	"Kennel" means a building, enclosure or portion of any premises in or at which dogs are boarded or kept or maintained by any person other than the owner thereof, or in or at which six or more dogs over the age of four months are kept or maintained. This definition shall include boarding and fostering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

(12) "L" Definitions.

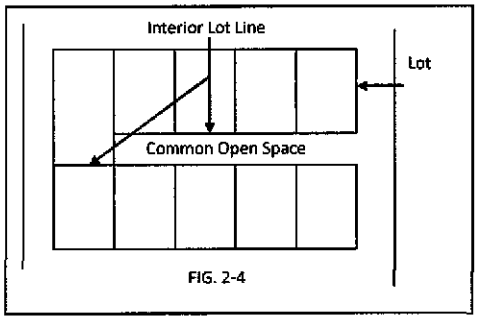
Land	"Land" means a legally created lot, tract, parcel, site or division that is shown on an officially recorded plat or short plat, or is specifically described as a separate unit of property on a deed executed prior to May 28, 1975.
Land Division	See definition of "Division of land".
Land use	"Land use" means the manner in which land and structures are used.

Landscape architect	"Landscape architect" means a person who, by reason of his special knowledge of natural, physical and mathematical sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience or both, is qualified to engage in the practice of landscape architecture and whose competence has been attested by the State Licensing Board through certification as a landscape architect.
Landscape contractor	"Landscape contractor" means a business licensed by the state and principally engaged in the decorative and functional alteration, planting, and maintenance of grounds.
Landscaping	"Landscaping" means the arrangement and planting of trees, grass, ground cover, shrubs, flowers, xeriscaping, and the placement of site screening, pedestrian or bicycle pathways to achieve functional and/or aesthetic enhancement.
Large on-site sewage system	"Large on-site sewage system" means an on-site sewage system with design flows of between three thousand five hundred gallons per day and one hundred thousand gallons per day.
Legislative body	"Legislative body" means the Board of Yakima County Commissioners.
Linear transmission facility	"Linear transmission facility" means those physical facilities necessary for the distribution of energy resources to serve a broader community or regional area, including but not limited to: (1) Electrical transmission lines 150 kV or greater; (2) Pipelines for petroleum or petroleum products with an inside diameter of six (6) inches or greater and exceeding five (5) miles in length; (3) Pipelines for natural gas, synthetic natural gas, or liquid propane gas with an inside diameter of twelve (12) inches or greater and exceeding five (5) miles in length; (4) Underground gas storage facilities with capacity exceeding 100x10^6 standard cubic feet per day; and (5) Other similar utility or energy facilities not meeting the definition of "Utility Services"
Linear transmission facility, minor revision	"Linear transmission facility, minor revision" means revisions to an existing linear transmission facility that are within the scope of previous environmental review, are generally consistent with permit conditions, and do not constitute a major deviation from the permit. If multiple requests for minor revisions to the same project are submitted, they shall be considered cumulatively.
Livestock event facility	"Livestock event facility" means those uses normally established for the purpose of holding livestock oriented events, such as rodeos, horsemanship competitions, or team penning. This definition also includes practice facilities for such events if open to the public, riding clubs, or other groups.

Loading space	"Loading space" means an off-street space on the same lot with a structure or use, or contiguous to a group of structures or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials and which abuts a street, alley or other appropriate means of access and egress.
Local street system	"Local street system" means the interconnected system of unclassified collectors and local access streets providing access to a development from classified collector or arterial streets.
Lot	"Lot" means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, being of sufficient area and dimension to meet minimum zoning requirements and intended to be used, developed or built upon as a unit, as opposed or a fractional portion thereof.
Lot area	"Lot area" means the total horizontal area within the boundary lines of a lot.
lot, Corner	"Corner lot" means a lot abutting two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than one hundred thirty-five degrees. See Figure 2-2.  FIG. 2-2
Lot coverage	"Lot coverage" means the percentage of the area of a lot covered by buildings, accessory structures, or other impervious surfaces.  lot coverage

Lot depth	"Lot depth" means the horizontal length of a straight line drawn from the mid-point of the front lot line to the midpoint of the rear lot line. See Figure 2-3.  FIG. 2-3
lot, Exterior	"Exterior lot" means any lot located outside the boundaries of a proposed plat or short plat.
lot, Flag	"Flag lot" means a lot or parcel that has access to a road, street or easement, by means of a narrow strip of lot or easement. 
lot, Interior	"Interior lot" means any lot located within the boundaries of a proposed plat or short plat.
lot, Nonconforming	"Nonconforming lot" means a lot that was lawfully established prior to the adoption or applicable amendment of this Title, which fails to conform to the present area or dimensional requirements of this Title.

lot, Resultant	"Resultant lot" means the newly created unit of property in an application processed in accordance with this Title and is a fractional part of subdivided lands having fixed boundaries. The resultant lot may not contain sufficient area and dimension to meet minimum zoning requirements for width and area if the application altered one or more nonconforming lots in any way. The term shall be synonymous with "new lots" or "newly created lots."
lot, Taxable	"Taxable lot" is a parcel which appears on the Yakima County Assessor's map and has been assigned a tax parcel number by the Assessor. Tax parcel numbers are assigned for billing purposes. A tax parcel number is not necessarily an indication that the lot was legally created.
lot, Through	"Through lot" means an interior lot having frontage on two streets.
lot, Undersized	"Undersized lot" means small lots, clustered lots and parcels reconfigured from existing parcels as authorized by Yakima County pursuant to applications submitted after May 20, 1997 renders a resulting parcel undersized rather than nonconforming in status.
Lot width	"Lot width" means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines, provided that the length of the line constituting the rear line of the required front yard shall never be less than fifty feet.
lot line, Front	"Front lot line" means the property line separating the lot from the road. For the purpose of establishing the front lot line for a corner lot, through lot or flag lot, the following shall apply: (1) In the case of a corner lot or through lot, the front lot line shall be the property line with the narrowest road frontage, except, the Building Official or his designee, shall designate the front lot line for corner lots or through lots in residential zoning districts. (2) For a flag lot, when the access easement or right-of-way extends across the lot, the front lot line shall be the line separating the lot from the right-of-way or access easement. When the right-of-way or access easement does not extend across the property, the front line shall be determined by the Building Official. Where the Building Official determines the front of the lot, consideration will be given to owner preference and public safety issues.

lot line, Interior	"Interior lot line" means in the case of zero lot line development, the property line separating a zero lot line from: (1) Another zero lot line or (2) Adjoining common open space. See Figure 2-4  Figure 2-4
lot line, Rear	"Rear lot line" means the property line that is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or where the rear line of the lot is formed by two or more lines, the following shall apply: (1) For a triangular or gore shaped lot, a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line comprising the depth of such lot shall be used as the rear lot line; (2) In the case of a trapezoidal lot, the rear line that is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded rear lot line; (3) In the case of a pentagonal lot, the rear boundary that includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.
lot line, Side	"Side lot line" means any lot boundary line not a front lot line or rear lot line.
Low impact design	"Low impact design" means stormwater management and land development strategies that emphasizes conservation and use of existing natural site features integrated with disturbed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial and industrial settings. Low impact design addresses stormwater management and land development that is applied at the parcel and subdivisions scale that emphasis conservation and use of on-site natural features.

(13) "M" Definitions.

MAI	"MAI" means an appraisal performed by an appraiser who has completed the MAI Appraisal Institute's class offerings and holds the designation Member of the Appraisal Institute (MAI).
Manufactured home	"Manufactured home" means a factory assembled single-family dwelling as also defined by WAC 296-150M and built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act. A manufactured home also: includes plumbing, heating, air conditioning, and electrical systems; is built on a permanent chassis; and can be transported in one or more sections. The distinction between a single-wide, double-wide or triple-wide manufactured home relates to the corresponding number of sections the home is delivered to the site. The term shall not include mobile home, recreational vehicle, commercial coach, camping vehicle, travel trailer, tip-out, or any other similar vehicle not labeled as a manufactured home under federal or state law.
Manufactured structure	"Manufactured structure" means a building manufactured with the intent of being transported to a fixed site and constructed in accordance with the International Building Codes as adopted by the County.
Marina	"Marina" means a dock or basin providing moorage for watercraft and may offer supply, repair, rental or other support facilities. A marina may be either open to the public or for private use.
Massage therapy/spa	"Massage therapy/spa" means a scientific or skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting health and physical well-being. The terms includes, but is not limited to, manual and mechanical procedures for the purpose of treating soft tissue only, the use of supplementary aids such as rubbing alcohol, liniments, oils, antiseptics, powders, herbal preparations, creams or lotions, procedures such as oil rubs, salt glows and hot or cold packs or other similar procedures or preparations commonly used in this practice. This term specifically excludes manipulation of the spine or articulations and excludes sexual contact.
Master planned development	"Master planned development" means any urban development approved under Subtitle 19.1 of this Title. Planned Residential Development, Planned Commercial Development, Planned Industrial Development and Planned Mixed-Use Development.

Master planned resort	"Master planned resort" means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on rural destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.
Meeting or reception hall	"Meeting hall or reception hall" means a facility that groups or organizations come together for meetings and social events. This definition includes private bridge club type card rooms, Grange Halls, etc.
Mid-block pathway	"Mid-block pathway" means a public or private right-of-way across or within a block to be used by pedestrians which may also be used as a utility easement.
Mineral batching	"Mineral batching" includes the batching of sand and gravel or rock into asphalt or cement concrete.
Mineral processing	"Mineral processing" means the crushing, non-chemical washing (including sedimentation ponds), screening, sorting, stockpiling and blending of rock, sand, gravel and other earth, natural materials and/or precious metals. Processing does not include batching of sand and gravel or rock into asphaltic or Portland cement concrete products, the manufacturing of products such as concrete pipe, bricks, concrete forms and the like or the chemical blending or extraction of precious or semi-precious minerals.
Mineral resources	"Mineral resources" means rock, gravel, sand and metallic and non-metallic substances of commercial value.
Mining	"Mining" means all or any part of, the process involved in quarrying, mineral extraction, crushing, asphalt mixing plants, concrete batch plants, or other uses of a similar nature, but does not include petroleum or natural gas exploration or production.
Mining site/operation	"Mining site/operation" means a tract of land and the operations necessary to excavate, process, stockpile, or remove materials such as sand, gravel, aggregate, rock or other mineral resources. The retail, wholesale, contract purchase, or transfer of mineral products is within the scope of this definition. For purposes of this Title, the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g. residential subdivision, commercial development, etc.) does not constitute a mining site/operation, if: processing of the material does not occur on the property; the activity is completed quickly, does not occur over an extended period of time, and on-site stockpiles are fully depleted; and a mining permit is not required from the Department of Natural Resources.
Mixed use building	"Mixed use building" means a building in a commercial district or planned development used partly for residential use and partly for a community facility or commercial use.

Mixed use development	"Mixed use development" means use of the land or structure for two or more different uses.
Mobile home	"Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than HUD Manufactured Housing Code, and acceptable under applicable state codes in effect at the time of construction or the introduction of the home into the state. This definition does not include: modular homes, manufactured homes; park models; or camping vehicles, travel trailers, tip-outs, commercial coaches, recreational vehicles, motor homes and any other similar vehicle that are not intended, designed, constructed or used for residential purposes.
Mobile or manufactured home park	"Mobile or manufactured home park" means a parcel of land utilized for the placement of two or more mobile homes, and/or manufactured homes. Except, this definition does not include permitted mobile home or manufactured home sales lots, temporary units permitted in conjunction with the temporary care of an aged/infirmed relative, or manufactured homes in approved farm labor shelters or centers.
Mobile home park expansion	"Mobile home park expansion" means the preparation of additional sites for mobile or manufactured homes (including the installation of utilities, final site grading, the pouring of concrete pads and the construction of streets).
Modification (of use or development)	"Modification (of use or development)" means any change or alteration in the occupancy, arrangement, placement or construction of any existing use, structure or associated site improvement, and any change or alteration of land.
Modular home	"Modular home" means a residential structure that meets the requirements of the International Building Code and is constructed in a factory and transported to the building site. Modular homes are not subject to special review; they are subject to the same review standards as a site built home.
Motel	"Motel" means an individual building or group of attached or detached buildings containing guest rooms, together with conveniently located parking space on the same lot, which are designed, used or intended to be used for the accommodation of automobile transients. The term includes auto courts, motor lodges and tourist courts. See also definition for "overnight lodging facility."
Multiple occupancy building	"Multiple occupancy building" means a single structure housing more than one retail business, office or commercial venture.
Multiple-use complex	"Multiple-use complex" means a group of two or more uses sharing the same lot, access and/or parking facilities, or a coordinated site plan. For purposes of calculating sign area each multiple-use complex shall be considered a single use.

Municipal solid waste landfill unit (MSWLF unit)	"Municipal solid waste landfill unit" means a discrete area of land or an excavation that receives household waste, and that is not a land application site, surface impoundment, injection well, or pile, as those terms are defined under Chapter 173-350 WAC, Solid waste handling standards or Chapter 173-218 WAC, underground injection control program. A MSWLF unit also may receive other types of RCRA subtitle D wastes, such as commercial solid waste, nonhazardous sludge, conditionally-exempt small quantity generator waste, and industrial solid waste. Such landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion.

(14) "N" Definitions.

Natural stream	"Natural stream" means a natural, e.g. (rivers, rivulet or brook), body of running water flowing on or under the earth that flows in a channel or water-course.
Nonagricultural accessory use	"Nonagricultural accessory use" means nonagricultural accessory uses and activities that are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses. (RCW 36.70A.177(3)(b)(ii))
Nonagricultural use	"Nonagricultural use" means one that does not meet the definition of agriculture.
Nonconforming building or structure	"Nonconforming building or structure" means a building or structure that was lawfully established prior to the adoption or applicable amendment of this Title, which fails by reason of such adoption or amendment to conform to the present setback, lot coverage, or other development requirements of this Title.
Nonconforming lot	"Nonconforming lot" See definition of "Lot, nonconforming".
Nonconforming use	"Nonconforming use" means a use of land, buildings or structures that were lawfully established prior to the adoption or applicable amendment of this Title and since maintained, that fails by reason of such adoption or amendment to conform to the present land use regulations established by this Title.
Nuisance	"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 that the use, activity or structure occurs. (Also see YCC Title 13.)

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

(15) "O" Definitions.

Occasion	"Occasion" means a special event or a specific time when something is possible or when something will happen.
Occupancy	"Occupancy" means the purpose for which a structure, portion of a structure, or lot is used or intended to be used. For purposes of this Title, a change of occupancy is not intended to include a change of tenants or proprietors, but is intended to indicate a change in the type of use.
Occupied	"Occupied" means to reside in, make use of for amusement, educational or similar purposes, to make use of for commercial purposes, or to make use of for industrial purposes and includes the term designed or intended to be occupied.
Off-road vehicle (ORV)	"Off-road vehicle (ORV)" means any motorized vehicle designed for or capable of cross-country travel without benefit of a road or trail, or immediately over land, snow, ice, marsh or other wetland types, or other natural terrain. ORV or vehicle includes, but is not limited to, a multi-track or multi-wheel drive vehicle; an ATV; an off-highway vehicle, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle; an amphibious machine; a ground effect air cushion vehicle; or other means of transportation deriving motive power from a source other than muscle or wind.

Off-road vehicle recreation facilities	"Off-road vehicle recreation facilities" means facilities that include motor-cross courses, jeep courses, snowmobile courses and similar facilities where there have been physical improvements made to the property either deliberately or inherently. However, use of "Off-road recreation vehicles" shall not constitute "Off-road vehicle recreation facilities" where the vehicle is: (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.
Open record hearing	"Open record hearing" means a public hearing, conducted by the Hearing Examiner. The hearing creates the evidentiary record pursuant to procedures prescribed by ordinance or resolution. Open record hearings either result in a recommendation to the Board of Commissioners or a final decision on a project permit application, or constitute an appeal of an administrative decision on a project permit application. See also RCW 36.70B.020(3).
Open space	"Open space" means any land or area, the preservation of which in its present use would: 1. Conserve and enhance natural or scenic resources; or 2. Protect streams or water supply; or 3. Promote conservation of soils, wetlands, beaches, or tidal marshes; or 4. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or 5. Enhance recreation opportunities. As referred to in the clustering provisions of this Title, open spaces also means a defined portion of the property on which no residential, commercial, or industrial buildings are located; except, agricultural buildings and buildings enclosing utility improvements, such as a pumping station or well house. When constructed, such improvements shall be of a nature that will not preclude use of the land for future development once the appropriate zoning, utilities (public water and sewer service) and other infrastructure is in place. Covenants may be required to assure control of noxious weeds, fire hazards, abandoned orchards and other nuisances.

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

(16) "P" Definitions.

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

Permit	"Permit" means written governmental approval issued by an authorized official, empowering the holder thereof to take some action permitted only upon issuance of written approval.
Personal services	"Personal services" means a business providing specialized services such as: interior home or business design, shopping services, except as otherwise regulated.
Personal wind energy tower	"Personal wind energy tower" means a system designed for providing a source of electrical power to an existing or new building or facilities, wherein the power generated is used primarily for on-site consumption and generates 25kW or less. The system consists of a vertical or horizontal wind turbine and associated controls and may include a tower.
Personal wireless services	"Personal wireless services," as defined in RCW 58.17.040(8), means any federally licensed personal wireless service. This definition also include "personal wireless facilities," as defined in RCW 58.17.040(8), means unstaffed facilities used for the transmission or reception, or both, of wireless communication services including, but not limited to, antenna arrays, transmission cables, equipment shelters, and support structures.
Pet	"Pet" means a domesticated animal kept for pleasure or as a hobby rather than utility.
Pet day care	"Pet day care" means a building or structure that an agency, person or persons regularly provide care for pets, but not including overnight stays. Uses not meeting this definition shall be considered kennels.
Planning Commission	"Planning Commission" means the Planning Commission duly constituted by the Yakima County Legislative Body.
Planning Division	"Planning Division" means the Yakima County Planning Division of the Public Services Department.
Plat or Regular plat	"Plat" or "Regular plat" means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other division and dedications.
Policy plan map	"Policy plan map" means the official Future Land Use Map adopted in a comprehensive plan or sub-area plan. This definition includes any overlay maps adopted in a comprehensive plan or sub-area plan.
Preliminary plat	"Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this Title. The preliminary plat shall serve as the basis for the approval or disapproval of the general layout of a subdivision.
Preschool	See definition for "Day care center".

Private access easement	"Private access easement" means any private easement for the purpose of ingress and egress that is not dedicated to the public and that is owned by the underlying owners of land over which it crosses.
Private road	"Private Road" means a road not accepted for maintenance by the County, the State Department of Transportation, or any other political subdivision of the State.
Private water system	See definition for "Water System, Individual".
Product assemblage	"Product assemblage" means a business or service involved in assembling products for off-site sales.
Professional business	"Professional business" means a business primarily engaged in administrative or service related functions and dependent upon professional staff such as lawyers, doctors, realtors, travel agents, bankers, accountants, engineers, and consultants, or providing administrative governmental services.
Professional land surveyor	"Professional land surveyor" means an individual licensed by the state to practice land surveying under the provision of RCW 18.43. Synonymous with Surveyor.
Project permit or project permit application	"Project permit" or "project permit application", or "project application", or "permit", means any land use or environmental permit or license required for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional use permits, Shoreline permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or sub-area plan, but excluding the adoption or amendment of a comprehensive plan, sub-area plan, or development regulations, except as otherwise specifically included in this Section. See also RCW 36.70B.020(4).
Property owner	"Property owner" means the legal owner or owners of the property.
Public buildings and uses	"Public buildings and uses" means those public or quasi-public buildings and uses of a public works, public service, public safety or public utility nature not defined or listed elsewhere in this Title. These buildings and uses characteristically may be hard to locate, need close proximity to utility corridors, require a location within a service area or specific site, or need access onto an urban arterial or rural collector. Such buildings and uses include, but are not limited to: water towers, park & ride lots, interpretive centers, rest stops, parks and road maintenance stockpile sites, road de-icer structures, government-owned fueling stations and the like.
Public facilities	"Public facilities" means and includes streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, storm and sanitary sewer systems, water systems, parks and recreational facilities and schools.

Public hearing	"Public hearing" means a meeting open to the public that is announced and advertised in advance that the public is given an opportunity to participate.
Public meeting	"Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application fee. See also RCW 36.70B.020(5).
Public nuisances	"Public nuisances" means and includes any violation of the provisions of this Title. Any violation of this Title shall be subject to prevention or abatement in an action at equity to the same extent as are other public nuisances.
Public road	"Public road" means an improved road maintained by a city, the State, the County or the federal government.
Public sewer system	"Public sewer system" means a sewerage system that is owned or operated by a city, town, municipal corporation, County, political subdivision of the State, or other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal and approved or under permit from the Department of Ecology. Also see definition for "Community on-site sewage disposal system".
Public water system	"Public water system" means a water system serving two or more non-farm residences. See WAC 246-290-020. Also see definition for "Water System, Public" and definition for "Community water supply system".
Public water system, area-wide	"Public water system" See definition for "Water supply system, Area-wide".

(17) "Q" Definitions.

(18) "R" Definitions.

Rapid charging station	"Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.
Recreational screen	"Recreational screen" means a protective device for recreational purposes designed to keep recreational equipment within or outside of a designated area. Such uses are typically associated with schools, parks, golf courses, swimming pools, ball fields and playgrounds.
Recreational use	"Recreational use" means and includes a wide range of establishments that operate facilities or provide services to meet varied cultural, entertainment, and recreational interests of their patrons. Such establishments typically operate facilities or provide services that enable patrons to: (1) Participate in recreational activities, such as physical exercise, golf, bowling, swimming, skating, shooting, boating or other amateur sporting activities; or (2) Pursue amusement, hobby, and leisure-time interests, such as hunting, fishing, sightseeing, gambling, scenic touring and other forms of tourism.
Recreational vehicle	"Recreational vehicle" means a vehicle built on a single chassis and designed to be self-propelled or towed by another vehicle. A recreational vehicle is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor homes, boats, houseboats, and campers not meeting the specifications required for a manufactured home or mobile home.
Recreational vehicle park	"Recreational vehicle park" means a facility, governed by a set of public or private management rules that accommodates recreational vehicles on camping spaces. A recreational vehicle park is distinguished from a campground in that all or some of the camping sites provide recreational vehicle utility connection assemblies to enable the camping unit to connect to water, sewage disposal, electric power, telephone and sometimes cable television.
Recycling center	"Recycling center" means a facility where discarded household products, such as aluminum and tin cans, glass, paper, plastic and other similar products are deposited, packed and stored for future reprocessing.

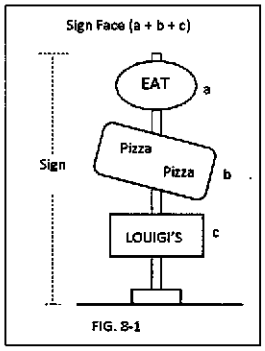
Refuse landfill	"Refuse landfill" means an area devoted to the disposal of refuse, including incineration, reduction, or disposal of ashes, garbage, combustible or noncombustible refuse, offal or dead animals. This definition shall include municipal solid waste landfills, inert waste disposal sites, and demolition waste disposal sites as those terms are defined by Washington Administrative Code.
Registered design professional	"Registered design professional" means an individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state.
Registered engineer	"Registered engineer" means an individual, licensed by the state to practice civil engineering.
Reserve strip	"Reserve strip" means a narrow strip of land located on the property of a proposed development permanently dedicated by the property owner to the county/city for the purpose of granting to the county/city the right to control the access of motor vehicles to and from the property.
Residential care facility	"Residential care facility" means a facility that is licensed to care for at least five functionally disabled persons.
Residential density	"Residential density" means the number of dwelling units per net acre of land. This term includes dwelling unit density.
Resource lands	"Resource lands" means those lands that are designated by the comprehensive plan as having long term commercial significance for the production of agricultural products, timber or the extraction of minerals.
Restaurant	"Restaurant" means an establishment where food and beverages are prepared, cooked, served, and consumed primarily within the principal building.
Retail services	"Retail services" means uses providing services, as opposed to products to the general public. Examples are eating and drinking establishments, motels, real estate and financial offices and uses providing health education and social services.
Retail trade	"Retail trade" means those uses primarily engaged in the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Lumberyards, office supply stores, nurseries, butcher shops, paint stores and similar uses shall be considered as retail trade establishments even though a portion of their business may be to contractors or other business establishments.

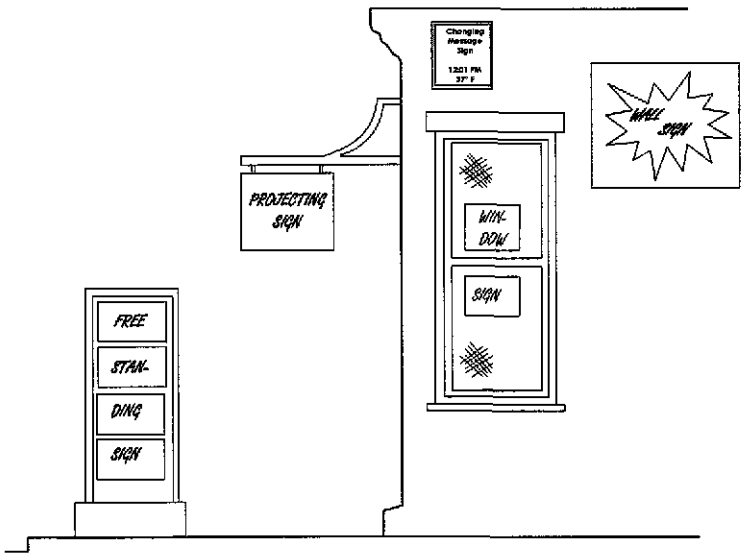
Retirement home	"Retirement home" means an establishment providing domestic care for elderly persons who are not in need of medical or nursing treatment except in the case of temporary illness. Such establishment may offer minimal convenience services, but focus on attracting elderly residents so as to provide a social support system among the residents. This definition does not include nursing, convalescent or rest homes, hospitals or sanitariums.
Reviewing Official	"Reviewing Official" means Administrative Official, Building Official, Hearing Examiner, or the Board of County Commissioners, when engaged in any review or decision-making procedure under the provision of the Titles of Yakima County Code listed in Section 16B.01.020 of this Title.
Rezone	"Rezone" means to change the zoning district classification of particular lots or parcel of land.
Right-of-way, public	"Right-of-way, public" means land deeded or dedicated to, or purchased by Yakima County for existing or future public pedestrian or vehicular access.
Road	"Road" means an open way for vehicles, persons and animals, especially one lying outside of an urban district, that is improved (and maintained) portions of a right-of-way, easements, dedications, or similar reservations, that provide vehicular circulation or principal means of access to abutting properties. The improvements may also include utilities, pedestrian walkways, open space and recreation areas, cut and fill slopes, and drainage. "Road" also means street.
road, Local access	"Local access road" means a public road not designated as a principal arterial, minor arterial, or collector arterial by the County. The primary purpose of a local access road is to connect property along the local access road with the arterial street system.
road, Private	"Private road" means a road not designed, built, or maintained by Yakima County, the Washington State Department of Transportation or any other political subdivision of the state. This definition does not include driveways. (Also see the definition of "access easement.")
road, Public	"Public road" means the physical improvement of the public right-of-way, including, but not limited to, surfacing, curbs, gutters and drainage facilities which is maintained and kept open by Yakima County or the State of Washington for public vehicular and pedestrian use.
Road improvement district	"Road improvement district" means a special assessment district established in accordance with RCW 36.88 for the purpose of improving a road or roads for the benefit of adjacent to property owners.

(19) "S" Definitions.

Satellite Management Agency	"Satellite Management Agency" – means an individual, purveyor, or entity approved by DOH (pursuant to WAC 246-295) to provide ownership and/or management and operation services to water systems.
Satellite utility system	"Satellite utility system" means a public or privately owned community water or sewer system that is operated as independent system until it can be included as part of a larger system.
School	"School" means a structure and accessory facilities that prescribed courses are taught. This definition includes elementary, junior high or high schools and institutions of higher learning, but does not include commercial schools, nursery schools, kindergartens, or day nurseries, except when operated in conjunction with a public, private or parochial school.
school, Vocational	"Vocational school" means the commercial use of a structure or land for teaching arts, crafts, or trades.
Seasonal agricultural land use	"Seasonal agricultural land use" means outdoor crop production as used in the context of use of existing gravel roads in Subsection 19.23.060(1)(k)(ii) and includes use of a related agricultural building such as a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, to be used only by the property owner or his or her agent in the conduct of farming the property. This definition excludes other types of commercial structures and activities, such as dairies, wineries with tasting rooms and agricultural tourist operations.
Second hand store	"Second hand store" means a retail business that primarily sells used goods such as clothing, household items, books, furniture, appliances and other merchandise not generally considered to be antiques. (See "Antique store")
Segregation	"Segregation" means any division of land undertaken by the County Assessor for taxation purposes. Such segregations may not constitute lots or parcels for development purposes.
Setback	"Setback" means the minimum horizontal distance required from the property line to the wall line of a building or structure, except where otherwise specified by this Title.
Setback, front	"Front setback" means the minimum horizontal distance measured perpendicularly from the centerline of the adjacent right-of-way to the nearest wall of the structure. Where there is a partial right-of-way, the setback shall be measured perpendicularly from the design centerline.

Setback, side and rear	"Side and rear setback" means the minimum horizontal distance measured perpendicularly from the nearest property line to the nearest wall of the structure. Except, that a side setback on a corner lot, along the adjacent right-of-way shall be measured perpendicularly from the centerline of the right-of-way. When there is a partial right-of-way, the setback shall be measured perpendicularly from the design centerline.
sewer system, Community	"Community sewer system," means small, self-contained sewage treatment facilities built to serve developed areas generally found outside public sewer service areas.
sewer system, Individual	"Individual sewer system," means a system designed and constructed on-site to dispose of sewage from one or two structures. Septic tank systems are the most common form of individual sewer system.
sewer system, Regional	"Regional sewer system" means a sanitary sewer system operated by a municipality or special purpose district, including facilities to collect, transmit, store, treat or dispose of wastewater.
Short plat	"Short plat" means the map or representation of a short subdivision.
Short subdivision	"Short subdivision" means the division or re-division of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership. However, the number of lots, tracts or parcels to be regulated as short subdivisions may be increased within Urban Growth Areas to maximum of nine, as authorized by RCW 58.17.020(6).
Sign	"Sign" means a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure (including, but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) that is used for visual communication (to announce, direct attention to, or advertise) to the public and visible to the public right-of-way.
sign, Abandoned	"Abandoned sign" means any sign located on property that is vacant and unoccupied for a period of six months or more, or any sign that pertains to any occupant, business or event unrelated to the present occupant or use. May include hazardous or dilapidated sign.

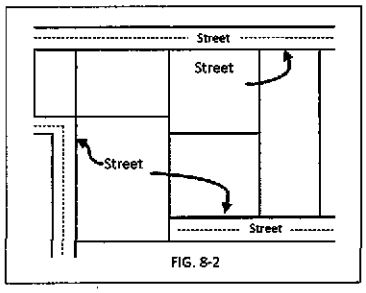
Sign area	"Sign area" means that area contained within one or more perimeters that enclose the entire sign cabinet, and a rectilinear shape encompassing individual letters with no background, but excluding any support or framing structure that does not contain a logo or other symbol which advertises or promotes merchandise, services, goods, or entertainment. For example: the sign area in Figure 8-1 is the sum of the areas of the sign faces "a", "b" and "c".  FIG. 8-1
sign, Balloon	"Balloon sign" means one or more balloons used as a permanent or temporary sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered, or manufactured, or to any entertainment.
sign, Banner	"Banner" means any sign of lightweight fabric or similar material that is mounted to a pole or building at one or more edges. National, state, local flags or any official flag at an institution or business will not be considered banners.
sign, Billboard	"Billboard, sign" means a structure for the permanent display of off-premise advertising that directs attention to a business, product, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
Sign cabinet	"Sign cabinet" means the module or background containing the advertising message, but excluding sign supports, architectural framing or other decorative features, that contain no written or advertising copy.
sign, Canopy	"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.
sign, Changing message center	"Changing message center sign" means an electronically controlled sign where different automatic changing messages and/or images, are shown on the lamp bank. This definition includes product pricing, time and temperature displays. This definition does not include video signs.

sign, Construction	"Construction sign" means any sign used to identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and to show the design of the building or the purpose that the building is intended.
sign, Directional	See definitions for "Off-Premises direction sign" and "On-Premises direction sign".
sign, Flashing	"Flashing sign" means an electric sign or a portion thereof (except: changing message center sign or video sign) that changes light intensity in a sudden transitory burst, or switches on and off in a constant pattern in which more than one-third of the non-constant light source is off at any one time.
sign, Freestanding	"Freestanding sign" means any sign supported by one or more uprights, poles or braces in or upon the ground. 
sign, Freeway	"Freeway sign" means an on-premises sign for certain businesses near Interstate Highway 82, in accordance with YCC 19.20.150.
sign, Grand opening	"Grand opening sign" means temporary signs, posters, banners, strings of lights, cluster of flags, balloons, searchlights used to announce the opening of a completely new enterprise or the opening of an enterprise under new management.
sign, Hazardous	"Hazardous Sign" means a sign that by reason of inadequate maintenance, dilapidation, or obsolescence creates a hazard to public health, safety or welfare.
Sign height	"Sign height" means the vertical distance measured from the grade below the sign or upper surface of the nearest street curb, whichever permits the greatest height, to the highest point of the sign.

sign, Kiosk	"Kiosk" means a system or display placed in a public place that enables consumers to have instant access to information and directions related to specific services and attractions.
Sign manufacturing and assembly	"Sign manufacturing and assembly" means the design, manufacturing and assembly of metal cased, thermo-formed, wooden, stone, neon, internally lit or electronic signs.
sign, Monument	"Monument sign" means a freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
sign, Off-Premises	"Off-Premises sign" means a sign that advertises or promotes merchandise, services, goods, or entertainment that are sold, produced, manufactured or furnished at a place other than on the property on which said sign is located.
sign, Off-Premises directional	"Off-Premises directional sign" means an off-premises sign with directions to a particular business.
sign, On-Premises	"On-Premises sign" means a sign incidental to a lawful use of the premises on which it is located, advertising the business transacted, services rendered, goods sold or products produced on the premises or the name of the business, name of the person, firm or corporation occupying the premises.
sign, On-Premises directional	"On-Premises directional sign" means a sign directing pedestrian or vehicular traffic to parking, entrances, exits, service areas, or other on-site locations.
sign, Political	"Political sign" means a sign advertising a candidate or candidates for public elective offices, or a political party, or a sign urging a particular vote on a public issue decided by ballot.
sign, Portable	"Portable sign" means a sign made of wood, metal, plastic or other durable material that is not permanently attached to the ground or a structure. This definition includes sidewalk signs, sandwich boards and portable reader boards.
sign, Projecting	"Projecting sign" means a sign, other than a wall sign, that is attached to and projects from a structure or building face.
sign, Real estate	"Real estate sign" means any sign pertaining to the sale, lease or rental of land or buildings.
Sign setback	"Sign setback" means the horizontal distance from the property line to the nearest edge of the sign cabinet.
sign, Roof	"Roof sign" means a sign erected or mounted on a roof of a building or that is wholly dependent upon a structure, building and/or projects above the highest point of a building with a flat roof, the eave line of a gambrel, gable or hip roof or the deck line of a building with a mansard roof.
sign, Subdivision identification	"Subdivision identification sign" means a sign consisting of the name of a residential subdivision.

sign, Temporary	"Temporary sign" means any sign, banner, pennant, valance or advertising display constructed of cloth, paper, canvas, cardboard, or other light non-durable materials. Types of displays included in this category are: grand opening, special sales and special events and yard/garage sale signs.
sign, Video	"Video sign" means an LED sign that displays all types of information from videos and commercials to flash animation and computer graphics, images and text in any combination.
sign, Wall	"Wall sign" means any on-premises sign attached to or painted directly on or erected against and parallel to the wall of a building. This definition includes-canopy signs.
sign, Window	"Window sign" means any sign, picture, symbol or combination thereof, designed to communicate information about an activity, 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.
Site improvement	"Site improvement" means any structure or other addition to land.
site improvement, Required	"Required site improvement" means any specific design, construction requirement or site improvement that is a condition of approval for any permit issued under the provisions of this Title or is a part of any site plan approved under the provisions of this Title.
Site plan	"Site plan" means a sketch drawn to scale showing the actual dimensions and shape of the lot to be built upon, the sizes and location of existing buildings on the lot, and the location and dimensions of the proposed building, structure or alteration. The site plan incorporates such additional factors as landscaping, drainage, and others as may be specified.
Social card room	"Social card room" means a commercial facility or portion thereof, open to the general public, that house-banked social card games are played, as that term is defined by RCW 9.46.0282 (or as the same may be subsequently amended hereafter), or in which other activities occur that constitute gambling and are authorized by the Washington State Gambling Commission under RCW 9.46.070 (or as the same may be subsequently amended hereafter), to the extent that said activities include any gambling activity engaging in the use of, or associated with, slot machines (whether mechanical or electronic) or any gambling activity engaging in the use of, or associated with, any other electronic mechanism including video terminals.

Solid Waste	"Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid materials that are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste includes, but is not limited to sludge from wastewater treatment plants and septage, from septic tanks, wood waste, dangerous waste and problem wastes.
Solid waste drop box site	"Solid waste drop box site" means a location for the placement of a drop box facility for disposal of solid waste and recyclable materials.
Solid waste transfer station	"Solid waste transfer station" means a permanent, fixed location for the disposal of solid waste and recyclable materials for transport to a waste handling facility.
Special flood hazard area	"Special flood hazard area" means the land in the floodplain identified by the Federal Emergency Management Agency that is subject to a one percent or greater chance of flooding in any given year; commonly known as the one-hundred-year floodplain (base flood).
Specialty food store/food store, specialty	"Specialty food store/Food store, specialty" see "Delicatessen".
standard, Administrative adjustment of	"Administrative adjustment of standard" means a change, either an increase or decrease, in one or more of the development standards of this Title in accordance with the provisions of Chapter 19.35.
standard, General	"General standard" means any standard not capable of precise numerical definition, but which expresses the policies of the community in this Title and which may be applied by the Reviewing Official during Type 1, Type 2 or Type 3 review.
standard, Specific	"Specific standard" means those numerical standards established in Chapters 19.10.
State Environmental Policy Act (SEPA)	"State Environmental Policy Act (SEPA) – "SEPA" means the State Environmental Policy Act (Chapter 43.21 C RCW), its implementing rules (Chapter 197-11 WAC), and the County's SEPA procedures.

Street frontage	"Street frontage" means the length in feet of a property line or lot line bordering a public road or street. For corner lots each street-side property line shall be a separate street frontage. The frontage for a single use or development on two or more lots shall be the sum of the individual lot frontages  FIG. 8-2
Stockpiling of Earthen materials	"Stockpiling of Earthen materials" means permanent and/or continuous use for storage of rock, gravel, rubble, sand or soil.
Storage facilities, bulk	"Storage facilities, bulk" means either enclosed (see warehouse) or outdoor areas designed for the storage of either large quantities of materials or materials of large size. Includes the storage of vehicles when such storage is not incidental and subordinate to another land use and is not vehicle parking, automotive wrecking/dismantling yards or vehicle sales lots. All stored vehicles must be licensed and operational as defined by YCC Chapter 13.11, unless use is automotive wrecking/dismantling.
Storage facilities, commercial	"Storage facilities, commercial" means enclosed storage areas designated as support facilities for commercial activities and used for the storage of retail materials. All stored vehicles must be licensed and operational as defined by YCC Chapter 13.11, unless use is automotive wrecking /dismantling.
Storage facilities, mini	"Storage facilities, mini" means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations or businesses for self-service storage of personal property, and/or recreational vehicles within the structure or screened fenced areas where allowed. All stored vehicles must be licensed and operational as defined by YCC Chapter 13.11, unless use is automotive wrecking /dismantling.
storage, Vehicle	"Vehicle storage" means keeping vehicles on a given site that are not actively used by the principal occupants of the site. This definition does not include automotive wrecking/dismantling yards or vehicle sales lots. All stored vehicles must be licensed and operational as defined by YCC Chapter 13.11, unless use is automotive wrecking/dismantling.

Streams	"Streams" means water contained within a channel, either perennial or intermittent, in which fish may spawn, reside, or through which they may pass. Streams include natural watercourses modified by man. They do not include irrigation ditches, wasteways, drains, outfalls, operational spillways, canals, stormwater runoff facilities, or other artificial watercourses.
Street	"Street" means public or private road.
Structural alterations	"Structural alterations" 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	"Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences six feet or less in height.
structure, Temporary	"Temporary structure" means a structure without foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
Subdivider	"Subdivider" shall be defined as a person, including a corporate person, who undertakes to create, alter or expand a subdivision or short subdivision.
Subdivision	"Subdivision" is the division or re-division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.
Substantial completion	"Substantial completion" when referring to transportation facilities, means that all public or private facilities are constructed, functional and operational, even though they may not be fully completed nor provisionally accepted, including sewer and water systems, storm drainage facilities and street improvements (including construction of the initial lift of asphalt or other approved surfacing), but not necessarily including sidewalks, or electrical, gas, telephone or cable services; and that the project is in full compliance with the erosion control ordinance.

Substantial improvements	"Substantial improvements" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either: (1) Before the improvement or repair is started; or (2) Before the damage occurred to a structure that has been damaged and is being restored. For the purpose of this definition "substantial improvements" occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The total value of all improvements to an individual structure undertaken subsequent to October 1, 1995, the effective date of Title 16A, shall be used to define "substantial improvements" for said structure. The term does not, however, include either: (1) Any project for improvement to a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to assure safe living conditions, or (2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.
Swimming pool	"Swimming pool" means a contained body of water, used for swimming or bathing purposes, either above ground level or below ground level, with the depth of the container being more than eighteen (18) inches or they are being more than thirty-eight (38) square feet.

(20) "T" Definitions.

Tasting room	"Tasting room" means a facility at which guests may sample and purchase alcoholic beverages and where retail sales of merchandise related to the products being tasted are sold. Level 1 food service may be offered, subject to Yakima Health District licensing, not to exceed the terms of the development authorization and zoning district.
Tavern	"Tavern" means an establishment operated primarily for the sale of wine and beer.
Technical equipment	"Technical equipment" means medical, dental, fire suppression, restaurant, etc.
Tent	"Tent" means a temporary structure, enclosure or shelter constructed of fabric or pliable material supported in any manner, except by air or the contents it protects.
Towing services	"Towing services" means a service to haul or tow vehicles for service, repair or temporary storage. Any facility except for wrecking yards, storing a vehicle for five (5) or more days shall be considered a "vehicle storage facility". Hulk Haulers are not included under this definition.

Tract	"Tract" means land reserved for specified uses including, but not limited to, reserve tracts, recreation, open space, critical areas, surface water retention, utility facilities and access. Tracts are not considered lots or building sites for purposes of residential dwelling construction.
Transient	"Transient" means any guest, resident, or other occupant to whom lodging and other services are furnished under a license to use real property for less than one month or less than thirty continuous days if the rental period does not begin on the first day of the month. An occupant remaining in continuous occupancy for thirty days or more is considered a nontransient upon the thirtieth day. An occupant who contracts in advance and does remain in continuous occupancy for the initial thirty days will be considered a nontransient from the start of the occupancy. (WAC 458-20-166(2))
Transient accommodation	"Transient accommodations" means any facility such as a hotel, motel, condominium, resort or any other facility or place offering three or more lodging units to travelers and transient guests. (RCW 70.62.210(1))
Transmission lines	"Transmission lines" means 150 kV or greater electric voltage lines, carry the bulk transfer of electrical energy, from generating power plants (in this case, the energy resource facilities) to substations.
Transportation brokerage offices	"Transportation brokerage offices" means establishments primarily engaged in furnishing shipping information and acting as agents in arranging transportation for freight and cargo.
Travel agency	See definition for "Professional Business".
Tree well	"Tree well" means an opening in the ground surrounding the base of the tree trunk not covered by sidewalk or paving.

(21) "U" Definitions.

U-Pick	"U-Pick" means a (U-pick or pick your own) farm that is a type of farm where customers are allowed to harvest their own produce.
Unclassified collectors	"Unclassified collectors" means a collector street or road that is not part of the federally classified system.
Urban Area, FHWA	"Urban Area, FHWA" means that area designated urban by the Federal Highway Administration.
Urban Growth Area	"Urban Growth Area" means that area where growth is expected to occur the next twenty years; and, based on studies to date, the area in which urban level public services can be most economically provided.
Urban services	"Urban services" means and includes, but is not limited to public water or sewer lines, neighborhood parks, street lights, police and fire protection.

Urbanizing	"Urbanizing" means to make urban in nature or character.
Use	"Use" means the activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied or maintained together with any associated site improvements.
use, Administrative	"Administrative use" means those uses set forth and defined in the text and tables of Chapter 19.31 of this Title and are generally permitted throughout the district. However, review by the Administrative Official is required in order to ensure compatibility with: the intent and character of the district, the provisions and standards of this Title, and the policies of the Comprehensive Plans.
use, Conditional	"Conditional use" means those uses set forth and defined in the text and tables of Chapter 19.31 of this Title and are considered generally incompatible with adjacent and abutting property because of their size, emissions, traffic generation, neighborhood character or for other reasons. However, they may be compatible with other uses in the district if they are properly sited and designed. Conditional uses may be permitted by the Hearing Examiner when he determines, after holding a public hearing that the use complies with provisions and standards of this Title; and that difficulties related to the compatibility, the provisions of public services and the policies of the Comprehensive Plans have been adequately resolved.
use, Existing or development	"Existing use or development" means a use or development legally existing or legally established prior to the effective date of this Title has been or would be classified under this Title as a permitted, administrative or conditional use in a particular district even though the use has not been through Type 1, 2, or 3 review and may or may not conform to the standards of this Title. This definition includes any existing permitted, administrative or conditional use with an approved modification under Chapter 19.35.
use, Permitted	"Permitted use" means those uses set forth and defined in the text and tables of Subtitle 19.1 of this Title are considered compatible and are permitted on any site in the district provided district standards are met. The Administrative Official shall review permitted uses for compliance with the provisions and standards of this Title.
use, Principal	"Principal use" means the primary or predominant use to which a structure, part of a structure, or lot is or may be devoted.
use, Temporary	"Temporary use" means a use established under Section 19.18.480 for fixed period of time with the intent to discontinue such use upon the expiration of the time period.
Utilities	"Utilities" means those businesses, institutions, or organizations which use pipes or conductors, in, under, above, or along streets, alleys or easements to provide a product or service to

	the public.
Utility services	"Utility services" means electric substations, gas metering stations, sewer lift stations telephone and communications relay or switching stations, municipal/public water works (including pumping stations and reservoirs), power booster or conversion plants, and similar utility facilities, all with their necessary buildings, apparatus or appurtenances thereto. For purposes of this Title, "Utility Services" does not include linear transmission facilities, local transmission and collection lines, pipes, conductors, or utilities located underground. Utility services are not subject to the minimum lot size requirements of the zoning district in which they are located (except as required for domestic water, sewage disposal and soil percolation rates), provided that they meet all other requirements of the zoning district in which they are located.

(22) "V" Definitions.

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

(23) "W" Definitions.

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

Wastewater spray field	"Wastewater spray field" means a field that is irrigated with wastewater or treated sewage. May include storage lagoons utilized solely for storing wastewater before spraying, but not other wastewater treatment facilities. The application of agricultural waste or treated sewage at agronomic rates for soil enhancement or fertilizer purposes is excluded from this definition. Excludes sprayfield for wastewater defined as hazardous pursuant to Chapter 70.105 RCW.
Water Users Association (WUA)	"Water Users Association (WUA)" means a group of water users who pool their financial, technical, material and human resources for the operation and maintenance of a water system. A WUA membership depends on one's relationship to a water source, such as groundwater.
Water supply system, Area-wide public	"Area-wide public water supply system" means a large Group A public water system designed to expand and serve a broader geographic area.
Water system, public	"Water system, public" means any system subject to the State Board of Health Drinking Water Regulations, Chapter 246-290 WAC, providing piped water for human consumption including: (a) Any collection, treatment, storage or distribution facilities which are under the control of the purveyor and used primarily in connection with the system, and (b) Any collection or pretreatment storage facilities which are not under the control of the purveyor but are primarily used in connection with the system. Group A public water system: (a) With 15 or more service connections, regardless of the number of people; or (b) Serving an average of twenty-five or more people per day for 60 days within a calendar year, regardless of the number of service connection. Group B public water system: a public water system which is not a Group A water system. This would include a water system with fewer than 15 service connections and serving: (a) An average of fewer than 25 people for 60 or more days within a calendar year. (b) Any number of people for fewer than 60 days within a calendar year. Also see definition for "Community water supply system". Public water system excludes a system serving only one single-family residence or a system with four or fewer connections all of which serve residences on the same farm.
Well	"Well" means a hole made to draw up fluids: a hole or shaft that is dug or drilled into the ground in order to obtain water, brine, petroleum, or natural gas; and/or a source of something: a source providing a freely and abundantly available supply of something.

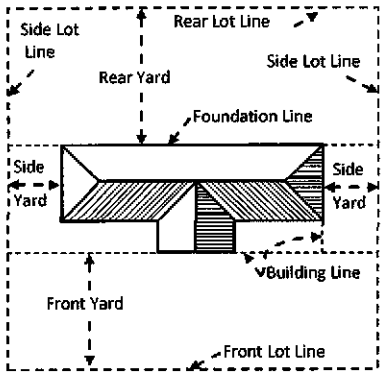
Well control zone	"Well control zone" means a sanitary control area defined by WAC 246-291-125.
Wholesale trade	"Wholesale trade" means those uses primarily engaged in the sale of merchandise to retailers; to industrial, commercial, institutional or professional business users; or to other wholesalers.
Wind energy tower, personal	"Wind energy tower, personal" means a system designed as providing a source of electrical power to an existing or new building or facilities, wherein the power generated is used primarily for on-site consumption and generates 25kW or less. The system consists of a vertical or horizontal wind turbine and associated controls and may include a tower.
Winery	"Winery" means an agriculturally related industrial facility where wine is processed and manufactured. A winery is specifically designed to include, at a minimum, two or more of the following: vineyards, crushing, fermentation, and barrel aging of wine. A winery may also include any of the following: barrel rooms, bottling rooms, tank rooms, laboratories, and offices. Uses that are clearly incidental to the production of wine are allowed accessory uses to a winery. These may include, but are not limited to, the following: bottling, case goods storage, retail and/or wholesale sales of wine, employee day care, tours, tasting and sales rooms when they are accessory to the on-site production facility and, ancillary retail sales, picnic areas, and food service. Food service is limited by the type of Yakima Health District License, Agricultural Tourist Operation or commercial zoning district where the winery is located.
Wrecking yard	"Wrecking yard" means the place of business where motor vehicles or parts thereof are kept by a motor vehicle wrecker subject to State regulation (Chapter 46.80 RCW).

(24) "X" Definitions.

Xeriscape	"Xeriscape" means landscaping characterized by the use of vegetation that is drought-tolerant or of low water use in character.

(25) "Y" Definitions.

Yakima County System access road	"Yakima County System access road" means a public road accepted into the County system and maintained by Yakima County for public use.

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

(26) "Z" Definitions.

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

Chapter 19.10
GENERAL ZONING PROVISIONS

Sections:

19.10.010 Legislative Intent.
19.10.020 Zoning Classifications.
19.10.030 Minimum and Maximum Calculations.
19.10.040 General Development Regulations.

DRAFT

19.10.010 Legislative Intent.

The controls as set forth in Chapters 19.01 through 19.37 are deemed necessary in order to:

(1) Implement the Comprehensive Plan, enacted under the Washington State Growth Management Act.

(2) Encourage the most appropriate use of the land for commerce, industry and residences in districts where they are compatible with neighboring land uses.

(3) Protect the social and economic stability of resource lands (farm, forest and mineral), rural and unincorporated urban areas of the County.

(4) Assure the orderly development of such areas consistent with comprehensive plan policies.

(5) Provide for adequate privacy, light, air and view.

(6) Promote development within unincorporated areas coordinated with infrastructure and services, and minimizes the public and private costs to maintain.

(7) Reduce the time required for public review of proposed projects.

(8) Protect existing land uses and property values from adverse impacts of adjoining developments.

(9) Reduce traffic danger and congestion on roads and highways.

(10) Secure economy in local governmental expenditures.

(11) Encourage development in areas where adequate public services including water and sewer, police and fire protection, roads, and schools can be provided; and limit development,

through density, zoning and other official controls, in areas where these facilities are not provided.

(12) Provide for urban growth, as defined in the adopted Comprehensive Plan, in designated Urban Growth Areas, where public utilities can be provided and planned residential densities are greater than four dwelling units per acre in order to:
(a) Promote the efficient utilization of public water, sewer and public transportation systems; and
(b) Promote the provision of public services at the lowest possible cost to the general public.

(13) Provide for rural development, as defined by RCW 36.70A.030(16), outside of Urban Growth Areas and designated resource lands at densities that do not lead to urban growth or necessitate extension of urban services.

(14) Reduce the threat to public safety resulting from:
(a) The improper location of homes, farms and industry in a single area; and
(b) The establishment of commercial areas along State highways and County arterials causing interference with traffic movement.

(15) Promote low impact design as referenced in the Yakima Regional Low Impact Design Manual in development of projects.

(16) Minimize adverse impacts and risk to public health, safety, and infrastructure and to adjoining properties from flood damages as a result of new developments in floodplain areas.

(17) Otherwise promote the public health, safety and general welfare of present and future inhabitants of Yakima County under the Revised Code of Washington (RCW), notably Chapter 201, Laws of 1959, Chapter 252, Laws of 1961, Chapters 36.70, 36.70A and 36.70B RCW. All references in this Title to RCW refer to titles, chapters and sections as they now exist or are amended.

FINAL DRAFT

19.10.020 Zoning Classifications.

(1) For this Title, the County is divided into zoning districts designated as shown in Table 19.10.020-1.

Table 19.10.020-1. Zoning Districts

Zoning District	Map Symbol	Urban or Rural	Code Section
RESOURCE AND RURAL DISTRICTS (Chapter 19.11)			
Forest Watershed and Agriculture	FW, AG	Rural	19.11.010
Mining	MIN	Rural	19.11.020
Rural Districts	R/ELDP-40, Rural-10/5	Rural	19.11.030
Rural Transitional District	RT	Rural	19.11.030
Rural Settlement District	RS	Rural	19.11.040
Highway/Tourist Commercial District	HTC	Both	19.11.040
Master Planned Resort District	MPR	Rural	19.11.050
URBAN RESIDENTIAL DISTRICTS (Chapter 19.12)			
Suburban Residential	SR	Urban	19.12.010
Single-Family Residential	R-1	Urban	19.12.010
Two-Family Residential	R-2	Urban	19.12.020
Multi-Family Residential	R-3	Urban	19.12.020
BUSINESS, COMMERCIAL AND INDUSTRIAL DISTRICTS (Chapter 19.13)			
Professional Business	B-1	Urban	19.13.010
Local Business	B-2	Urban	19.13.010
Small Convenience Center	SCC	Urban	19.13.020
Large Convenience Center	LCC	Urban	19.13.020
General Commercial	GC	Urban	19.13.020
Highway/Tourist Commercial	HTC	Both	19.11.020
Light Industrial	M-1	Urban	19.13.030
Heavy Industrial	M-2	Urban	19.13.030
OVERLAY DISTRICTS (Chapter 19.17)			
Airport Safety Overlay	ASO	Both	19.17.030
Master Planned Development Overlay	MPDO	Urban	19.17.040
Greenway Overlay	GO	Both	19.17.050

(2) Map of Zoning Districts and Overlays – Adoption, Changes, Filing, and Replacement.

(a) Official Zoning Map.

The zoning districts established by this Title are defined as shown on the official zoning map for the unincorporated portions of Yakima County. The official zoning map, with all the explanatory material thereon, is adopted by reference and declared to be a part of this Title. Any adopted overlay shall be displayed on the zoning map as identified by the adopted ordinance.

(b) Administrative Official Custodian.

The official zoning map shall be in the Yakima County Planning Division in electronic form, and depicted in various formats and scales to the need. The Administrative Official shall be the custodian of the official zoning map.

(c) Map Amendments.

Each amendment to the official zoning map shall be identified by the adopted ordinance and the date of adoption. The official zoning map maintained by the County shall be the final authority as to the current zoning status of land.

(d) District Boundary Changes.

Any changes in the district boundaries established by this Title shall be made under this Title. The official zoning map shall be promptly changed after the amendment has been approved by the Board.

(e) Unauthorized Changes.

No changes of any kind shall be made on the official zoning map, except in conformance with the procedures of this Title or for technical correction of scrivener's errors by the Administrative Official. Any unauthorized change by any person shall be considered a violation of this Title and punishable under YCC Section 16B.11.050.

(f) Updates to Official Zoning Map.

If the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board may, by ordinance, adopt a new official zoning map that 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.

19.10.030 Minimum and Maximum Calculations.

(1) General Rule.

(a) When determining maximum standards for planning related calculations (including density, parking, setbacks, etc.), the final number in any calculation shall be rounded up to the nearest whole unit. If the required parking for a project were determined to be 15.37 spaces, 16 spaces would be required.

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EXAMPLE: Table 19.22-4 requires one parking space for each 400 square feet of floor area for an office. If the applicant has 6,150 square feet of office space, divide by 400 and round the result up to the nearest whole unit.

6,150 sq. ft.	÷	400 sq. ft. per space	= 15.37 spaces	Rounds up to:	16 spaces

(b) If two or more amounts must be added to figure a total, applicants shall add amounts accurate to two decimal places (hundredths) and round off only the total.

(c) The calculation methods prescribed in this Section shall not apply to engineering related calculations (surveying information, stormwater calculations, road construction information, etc.).

(2) Density Calculations.

Density shall be calculated based upon the gross area of the site, excluding proposed and existing public road right-of-way.

(3) Lot Area Calculations.

Lot area is the computed area within the lot lines.

(a) Within an Urban Growth Area, lot area excludes street and alley rights-of-way, and street tracts, whether such rights-of-way or tracts are public or private.

(b) Outside Urban Growth Areas, lot area includes on-site road easements, and one-half the width, or 30 feet, whichever is less, of abutting public rights-of-way for perimeter streets, excluding limited access state or interstate highways.

(c) Driveways serving only an individual lot are included in lot area calculations in all zones.

19.10.040 General Development Regulations.

The regulations set by this Title within Chapters 19.10 through 19.25 shall be minimum regulations and shall apply uniformly to each class or kind of development, structure or land in the zoning districts and situations indicated. Where text and tables conflict, the text shall govern. Administrative adjustment or variance of some basic development standards in this Title are authorized under Chapter 19.35.

(1) Conformity with All Regulations Required.

Any development, structure or part shall conform to all of the regulations specified in this Title for the situation and zoning district in which they are located in order to be authorized, erected, constructed, reconstructed, moved or structurally altered.

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(2) Yards, Lots, Open Space and Off-Street Parking and Loading Spaces.

(a) Yards, Minimum Standards.

Yards or lots created after the effective date of this Title shall meet at least the minimum requirements established by this Title and shall not be smaller than the minimum standards established in Chapters 19.10 through 19.18. The lot size, width, depth, shape and orientation shall be in accordance with the applicable zoning laws.

(i) Every lot created or modified shall not exceed a maximum 4:1 depth-to-width ratio, except where the zoning district regulations provide there is no minimum lot width or size for a particular use. For flag lots, the Building Official designates the front lot line to be used for depth-to-width calculations, and the calculation shall exclude the narrow strip of lot or easement.

(ii) Minimum lot size is the smallest lot size permitted in a particular zoning district or special standard when land is subdivided, short platted, re-subdivided, or when lot lines are adjusted. Exceptions to minimum lot sizes for specific uses are listed in the Allowable Land Use Table 19.14-1 in Chapter 19.14 and under special overlay zones in Chapter 19.17.

(iii) Minimum yard size is defined by required setbacks, plus any open space requirements.

(iv) Standard lot width is the minimum lot width permitted in a particular zoning district. The intent of this standard is to prevent irregularly shaped lots along rights-of-way and to control access.

(v) To preserve public safety by limiting neighboring accesses to a roadway and to realize efficient and appropriate use of land, access strips on flag lots shall be limited to:

A. Maximum lengths of 150 feet, unless a fire apparatus access road turnaround is provided under YCC Title 13;

B. Minimum widths of 20 feet if the narrow strip of lot serves only one lot and 30 feet where an easement exists or is proposed; and

C. Situations where there is no adjoining driveway.

(vi) Corner lots for residential use shall have sufficient width to permit appropriate building setback from and orientation to both streets.

(b) Shared Improvements.

No part of a yard, other open space, off-street parking or loading space required in connection with any development for the purpose of complying with this Title, shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other development, except as allowed by Section 19.21.030 for consolidated perimeter plantings and Section 19.22.050 for shared parking areas.

(c) Existing Yards and Lots.

No yard or lot existing at the time of the adoption of this Title shall be reduced in dimension or area below the minimum requirements in this Title.

(d) Steep Yards.

If the elevation of a lot rises or falls more than four feet in the first 20 feet measured from the front lot line, the following provision shall apply: The required depth of the front yard shall be equal to the horizontal distance measured from the front lot line to where the average lot profile line intersects a horizontal line four feet above or

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below the front lot line, as determined by the Building Official, or as recommended by a geotechnical engineer's study. See Figure 19.10-1, below.

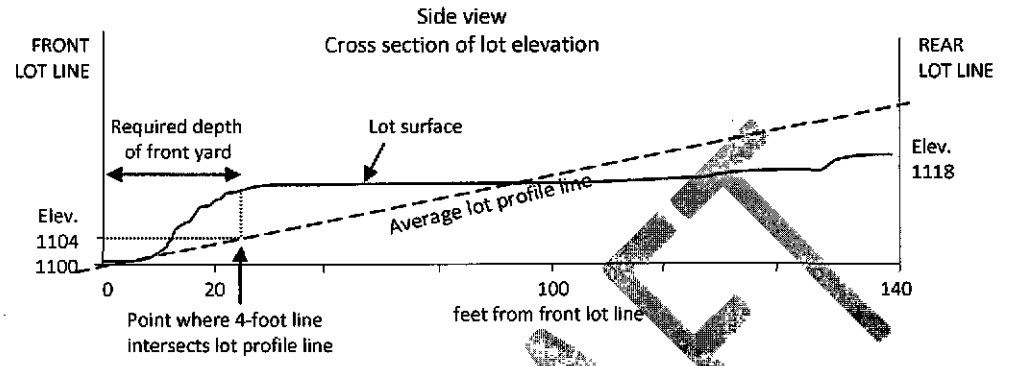


Figure 19.10.040-1 Side view of required depth of front yard if elevation of a lot rises over four feet in the first 20 feet measured from the front lot line.

(3) Access Required.

All new development shall have a minimum of 20 feet of lot frontage upon a public road or be served by an access easement conforming to the dimensional requirements of Sections 19.23.040 and 19.23.050 to provide for access to the development. The approach location shall be reviewed by the County Engineer for compliance with YCC Chapter 10.08. Approach connections to other public roads are subject to review by the applicable agency. Verification of legal access and a valid road approach permit shall be required prior to final approval of any permit granted under this Title.

(4) Land Uses.

Uses allowed within a zoning district are listed as permitted, administrative or conditional uses in the Allowable Land Use Table 19.14-1 within Chapter 19.14.

(5) Building Permits Required.

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

(6) Setbacks, Easements and Right-of-Way.

(a) Setbacks.

Chapters 19.11 through 19.18 list standard minimum setbacks for buildings or other structures and uses. Exceptions to certain setbacks are listed in Subsection 19.10.040(6)(b) below.

(i) Front and side setbacks from public roads other than alleys shall be measured from the planned centerline of a public road other than an alley, as designated by the County Engineer. However, where the planned or existing right-of-way exceeds 60 feet in width (as in the case of designated classified

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roads such as arterials and collectors shown on Tables 19.23.060-1 and 19.23.060-2), the minimum setback shall be 25 feet measured from the property line abutting the planned road right-of-way.

(ii) The front lot line shall be determined as described in the definitions in Section 19.01.070. Where the front lot line does not border a right-of-way or vehicular access easement, as is the case with flag lots the setback shall be 25 feet from the end of a driveway or the remainder of the front lot line, see Flag Lot definition 19.01.070.

(iii) Front and side setbacks outside Urban Growth Areas shall be a minimum of 50 feet from the planned centerlines of private roads and ten feet from private, shared driveways and public alleys measured from the edge of the access easement or right-of-way of such a road, driveway or alley, except garage and carport entrances that face the front setback, which are a minimum of 20 feet from the edge of the right-of-way or easement. Front and side setbacks vary as listed in Chapters 19.12 and 19.13 for Urban Growth Areas.

(iv) Rear setbacks from public and private roads shall be the same as the front yard setback requirement from public and private roads when the rear lot line abuts a right-of-way or vehicular access easement, provided the required rear setbacks shall not be less than the required setbacks from the property line.

(v) Where a road connection plan has been adopted, there shall be a structural setback of not less than the minimum front setbacks established in Chapters 19.11 through 19.13 from the planned center of the corridor, as designated by the County Engineer.

(vi) Garage and carport entrances that face a road other than an alley, and gates on private property that restrict vehicular access to a road other than an alley must be setback a minimum of 20 feet from the edge of the right-of-way or easement, where structural setbacks of less than 20 feet are otherwise allowed.

(b) Exceptions to Setback Requirements.

The exceptions below do not apply to development envelopes for determining a buildable area or to landscape buffers.

(i) Exceptions to Front Setback Requirements.

A. In residential zoning districts, where a turnaround easement is designated to be vacated upon future road extension and constitutes all or part of the front lot line, as opposed to setbacks from turnarounds designed to be permanent, front setbacks shall be a minimum of ten feet from the easement intended to be temporary for the dwelling and twenty feet for the associated garage.

B. Setbacks from both streets on through lots shall be considered front setbacks. However, if one of the streets has restricted access, the setback from the property line abutting the restricted access street shall be 20 feet. Access is restricted to a street if any of the conditions below exist:

1. A plat contains a plat note that prohibits access to one of the abutting streets;
2. The road is determined to be a restricted access road, such as I-82, SR-12, SR-97, and other State routes; or

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3. A covenant permanently restricting access to one of the abutting streets (with the County being a party to the recorded document) is recorded individually for a through lot.

(ii) Setbacks for Residential Accessory Structures.

The minimum setback for residential accessory structures in all allowed 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 and applicable street setback, except garage and carport entrances must be set back at least 20 feet from any property line. Other structures, as determined by the Building Official, may be permitted in specified zones within a side or rear setback under Subsection 19.18.020(6).

(c) Access Easements and Right-of-way.

No building, fence or structure, other than a gate permitted by the easement owner, shall be located within or encroach on any public or private access easement or road right-of-way.

(d) Other Easements.

The applicant shall provide the easement grantee or owner's written permission with the primary permit application for any structure proposed to be built or located on or in an easement other than an access easement.

(7) Vision Clearance Triangles at Intersections and Driveways.

(a) Intersections.

All corner lots at controlled or uncontrolled public or private street intersections or railroads shall maintain for safety vision purposes a triangular area; one angle of the triangle shall be formed by the planned right-of-way edges adjacent to the street or railroad, under the planned right-of-way width required for the functional classification of the road, listed in Chapter 19.23. The sides of such triangle forming the corner angle shall be 30 feet in length measured along the sides of the aforementioned angle, as illustrated below. 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 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 vision clearance triangle. The Administrative Official may consider the landscaped triangle area as part of any landscape requirement if planted and continuously maintained by the property owner. The County Engineer may enforce the landscaping requirements and may require a larger area to be reserved for vision clearance at road intersections and railroad crossing where necessary to provide vision clearance.

(b) Driveways, Curbcuts and Alleys.

This Subsection applies only to uses established under this Title. A 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. The vision clearance triangle shall measure 15 feet along the perpendicular street curb lines or pavement edge, or travel lane of the public street and 15 feet along the driveway or alley, as illustrated below. The third side of the triangle shall be a straight line connecting the 15 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.

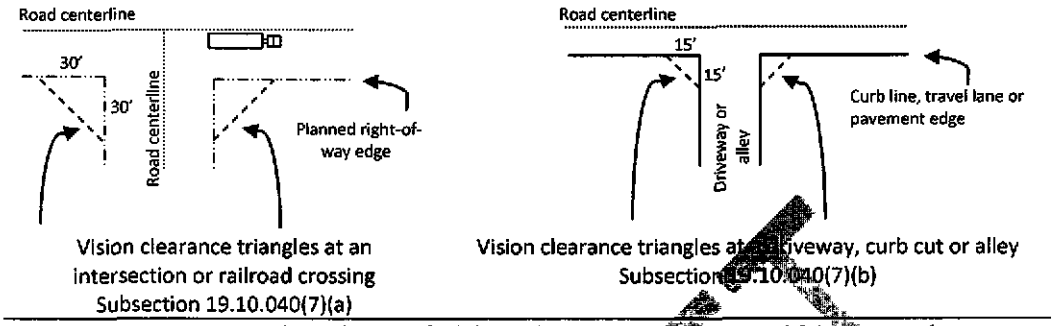


Figure 19.10.040-2. Plan views of vision clearance triangles, within areas that must be clear between heights of 2.5 and 10.0 feet.

(8) Maximum Building Height.

(a) Maximum Building Height Determined by Zoning District.

The maximum building height is intended to maintain building and structure heights compatible with the character and intent of the district. The height of buildings is measured in the manner set forth in Section 19.01.070. The height of other structures not containing a roof is the vertical distance from the base of the structure to its highest point. Chapters 19.11 through 19.18 list the maximum building and structure heights.

(b) Exceptions.

Height limitations shall generally not apply to accessory projections located at least 20 feet from any adjoining lot line and that are not intended for human occupancy or storage, such as steeples or spires on places of religious assembly, elevator shaft housings, heating/cooling or mechanical systems, water towers, chimneys, belfries, cupolas, domes, smoke stacks, flagpoles, asphalt/concrete batch plants, grain elevators, cooling towers, solar energy systems, monuments, fire house towers, elevator shafts, or outdoor theater screens, except as limited within the Airport Safety Overlays by Section 19.18.490 Towers, by a condition of permit approval or by the Shoreline Master Program.

(9) Fences, Walls and Recreational Screens.

(a) Fence and Wall Height.

The following provisions shall govern the location and height of fences and walls, to allow access to properties by utility employees and emergency response personnel and to maintain good appearance of residential areas and visual access along residential streets and between lots:

(i) Fences and walls may be placed on or behind the property line.

(ii) Fence height shall include the fence and all attachments, including posts, barbed wire installed at the top of the fence, etc., but excluding ornaments 12 inches or less in height.

(iii) The maximum fence height shall be:

A. Four feet within the required front yard setback area, and six feet behind the required setback, for all uses in the RT district and urban

residential zones (SR, R-1, R-2, and R-3) and for allowed residential uses listed in Chapter 19.11 in the RS district. On corner lots, no fence exceeding four feet shall extend closer to either street than the required building setback line;

B. Eight feet behind the required front setback in the SCC, LCC, GC, B-1, B-2, M-1 and M-2 districts;

C. The maximum fence height is not specified for nonresidential uses in the RS districts, or for any use in the AG, FW, MIN, R/ELDP-40 and R-10/5 districts; and

D. No fence, hedge or wall exceeding two and one-half feet in height shall be placed in the vision clearance triangles established in this Section.

(iv) Fences exceeding the height limitations may be authorized for agricultural buffering of especially sensitive land uses, or required site screening, or through the administrative adjustment process of Chapter 19.35.

(v) All fences over seven feet in height shall meet YCC Title 13.

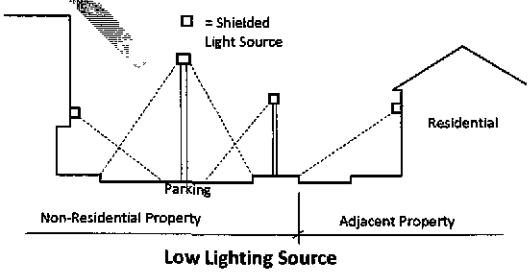
(vi) No combination of a fence and retaining wall shall exceed a height of ten feet, measured from the lower elevation, except existing retaining walls greater than ten feet in height at the time of adoption of this Title will be allowed a fence above the retaining wall consistent with Subsection (a)(iii) above.

(b) Recreational Screens.

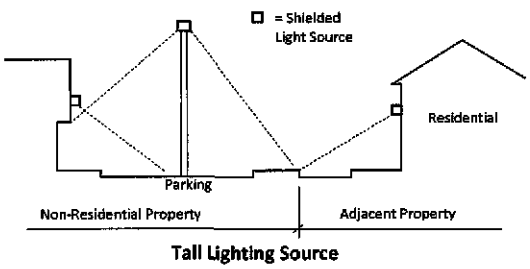
The height, materials and need for recreational screens, defined in Section 19.01.070, shall be evaluated by the Reviewing Official under Type 1 review when proposed based on the need, safety requirements, purpose of the applicable district, and relationship to residential and commercial properties and streets.

(10) Exterior Lighting.

Exterior lighting is regulated to minimize light pollution to neighboring properties and encourage true-color, full-spectrum light rendition in projects. Exterior lighting for all uses and signs shall be directed downward and otherwise arranged, fully shaded, screened, shielded, and of a design that results in the light being directed onto the site and of an intensity or brightness that does not reflect or cause glare or light intrusion into any adjacent or nearby residential use, or interfere with the safe operation of motor vehicles. See Figures 19.10.040-3 and 19.10.040-4 below.



Low Lighting Source



Tall Lighting Source

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Figure 19.10.040-3. Lighting sources shielded to minimize light pollution and intrusion onto neighboring uses.

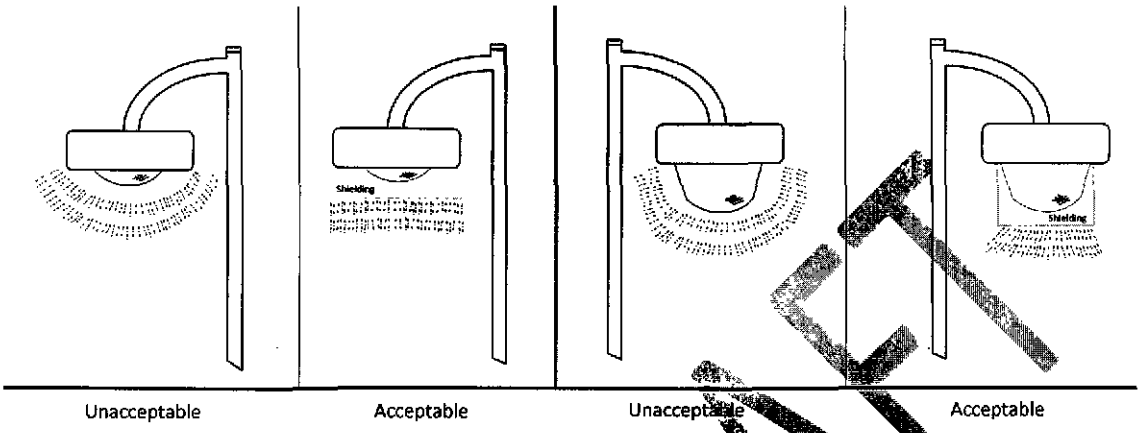


Figure 19.10.040-4. Examples of acceptable and unacceptable features for shielding of exterior light.

(11) Floodplain Development.

A pre-application meeting and a Flood Hazard Permit application is required for all new development in floodplains in order to minimize and mitigate potential adverse impacts to property and infrastructure while reducing risks to public health and safety. Yakima County will utilize existing flood hazard data and mapping to assist applicants with the layout and design of their proposal. If the potential adverse impacts cannot be mitigated through the Flood Hazard Permit under YCC 16A.05, 16C.05 and 16D.05, a critical areas and shoreline permit will be required under Yakima County Critical Areas and Shoreline codes.

(12) Stormwater Requirements.

This section is intended to ensure public and private development projects comply with the National Pollution Discharge Elimination System (NPDES) permit requirements under the Federal Clean Water Act (CWA) where applicable. Stormwater quality concerns for project permits shall be addressed through:

(a) YCC Chapter 12.10;

(b) The environmental review process established by RCW 43.21C and YCC Chapter 16.04; or

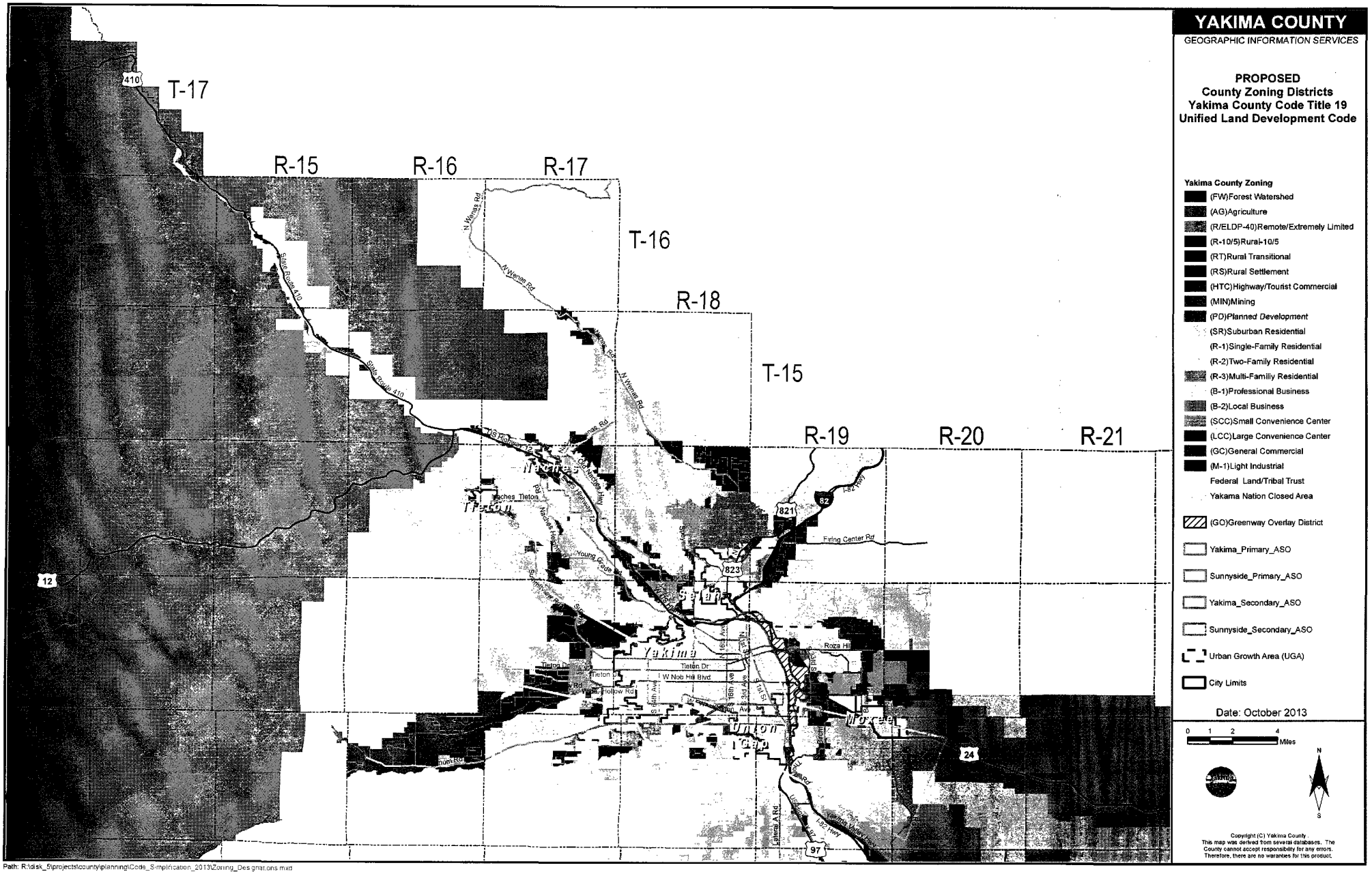
(c) The requirements of the Washington Department of Ecology.

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MAPS

Title 19 does not change zoning district boundaries; however, the varying zoning districts have been combined or consolidated:

- Mountain Rural (MR) and Valley Rural (VR) = R-10/5
- Duplicate zoning districts in Titles 15 and 15A have been combined or consolidated:
    - R-1, R-2, R-3;
    - B-1;
    - GC and C;
    - I and M-1.



YAKIMA COUNTY

GEOGRAPHIC INFORMATION SERVICES

PROPOSED
County Zoning Districts
Yakima County Code Title 19
Unified Land Development Code

Yakima County Zoning

- (FW)Forest Watershed
- (AG)Agriculture
- (R/ELDP-40)Remote/Extremely Limited
- (R-10/5)Rural-10/5
- (RT)Rural Transitional
- (RS)Rural Settlement
- (HTC)Highway/Tourist Commercial
- (MIN)Mining
- (PD)Planned Development
- (SR)Suburban Residential
- (R-1)Single-Family Residential
- (R-2)Two-Family Residential
- (R-3)Multi-Familiy Residential
- (B-1)Professional Business
- (B-2)Local Business
- (SCC)Small Convenience Center
- (LCC)Large Convenience Center
- (GC)General Commercial
- (M-1)Light Industrial
- Federal Land/Tribal Trust
- Yakama Nation Closed Area
- (GO)Greenway Overlay District
- Yakima_Primary_ASO
- Sunnyside_Primary_ASO
- Yakima_Secondary_ASO
- Sunnyside_Secondary_ASO
- Urban Growth Area (UGA)
- City Limits

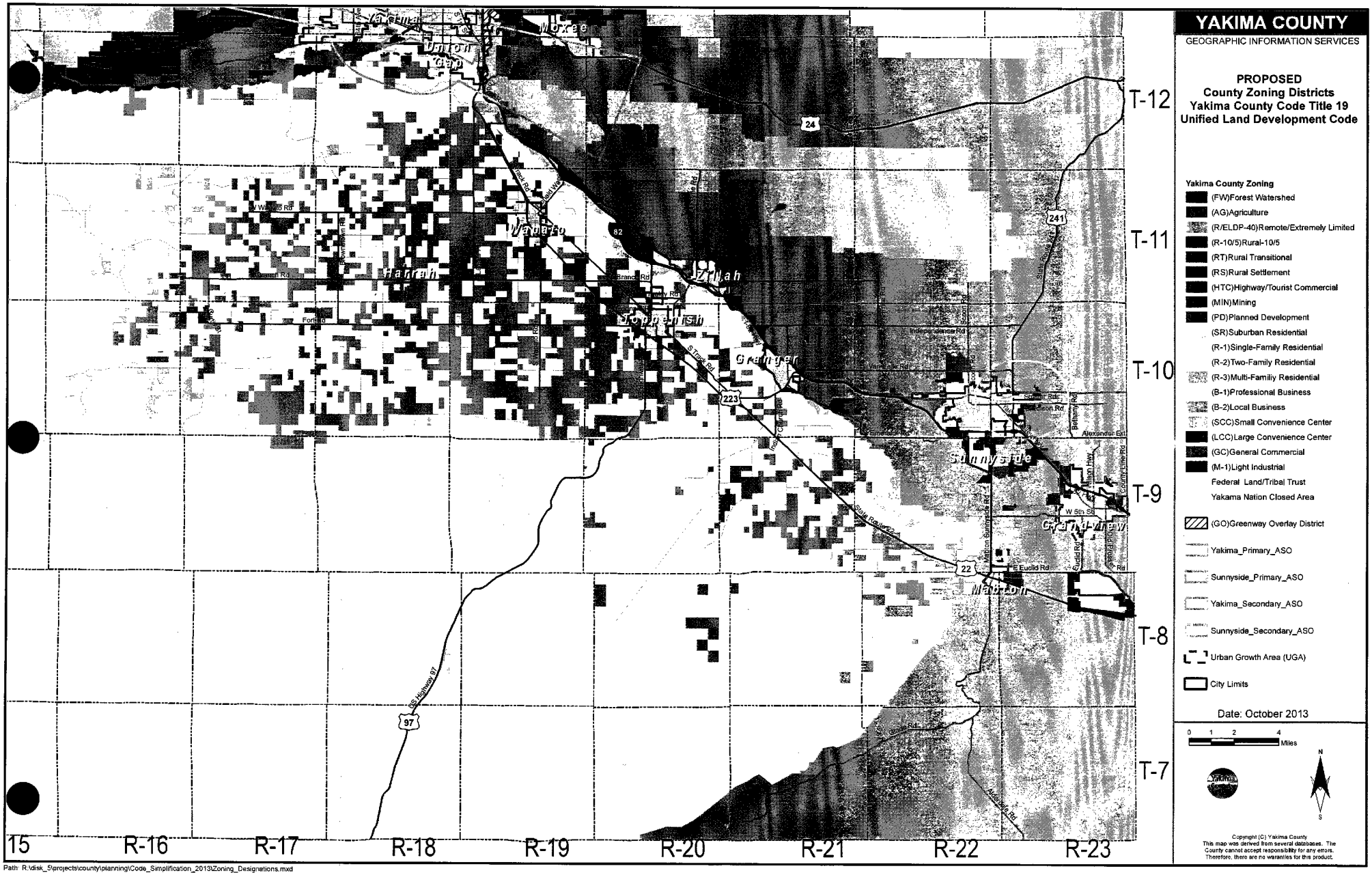
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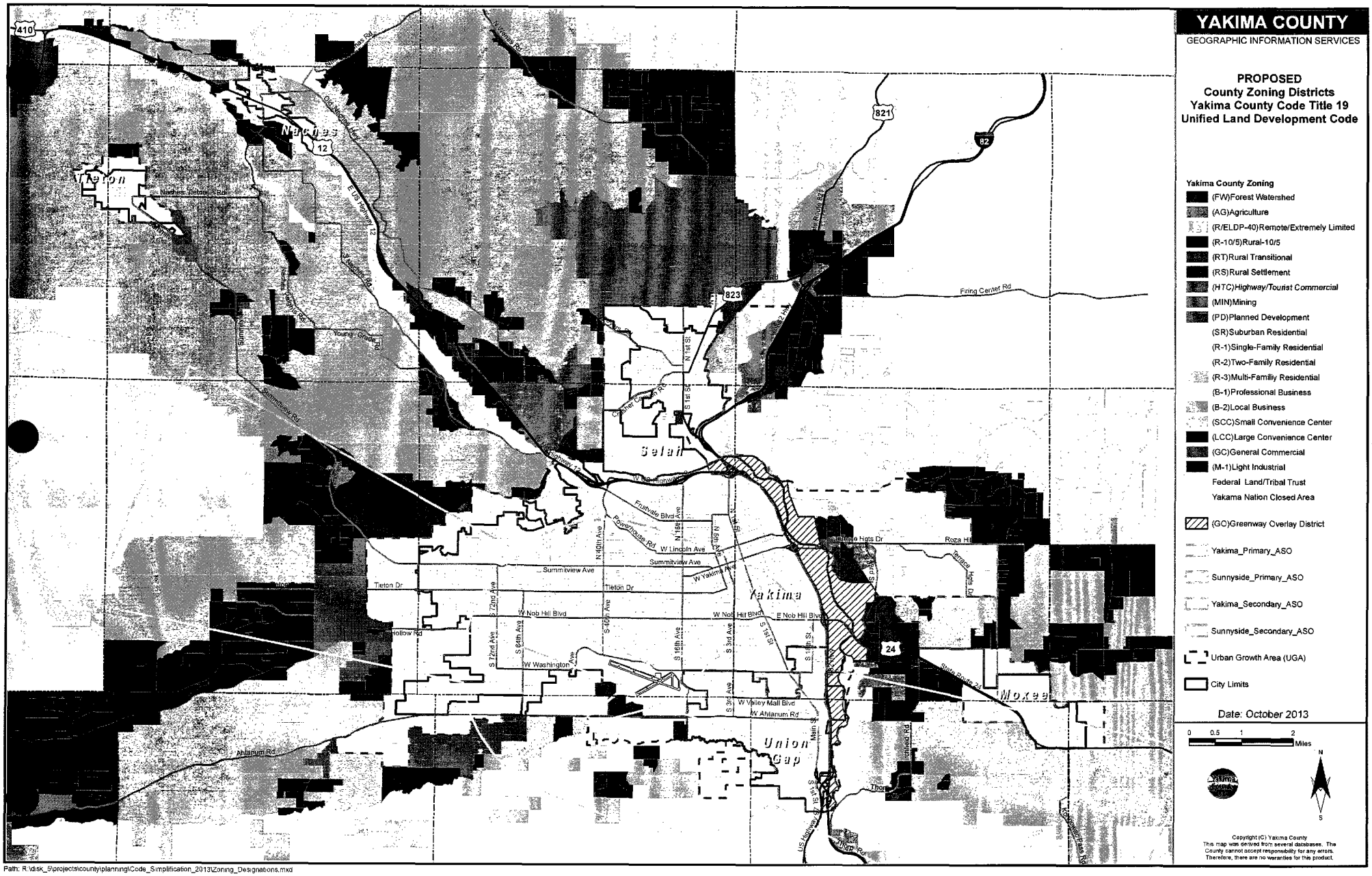
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Chapter 19.11
RESOURCE AND RURAL DISTRICTS

Sections:

19.11.010 Forest Watershed and Agriculture Districts (FW, AG)
19.11.020 Mining District (MIN)
19.11.030 Rural Districts (R/ELDP-40, Rural-10/5, RT)
19.11.040 Rural Settlement and Highway/Tourist Commercial Districts (RS, HTC)
19.11.050 Master Planned Resort District (MPR)

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19.11.010 Forest Watershed and Agriculture Districts (FW, AG).

(1) Legislative Intent.

(a) Forest Watershed District.

The Forest Watershed (FW) district is intended to accommodate principal uses and activities oriented toward protecting the watershed area and to accommodate limited rural residential housing, recreational development, and rural and tourist commercial activities, minimizing costs associated with providing them public services. The FW district's specific intents conserve forest resource lands of long-term commercial significance through implementation of the Comprehensive Plan, reduce the possibility of soil erosion, reduce hazards from floods and fire, and protect the scenic values of State Route (SR) 410, a National Scenic Highway, and SR 12 through Type 2 or 3 review of commercial project permits.

(b) Agriculture District.

The purpose of the Agriculture (AG) district is to preserve and maintain areas for the continued practice of agriculture by limiting the creation of small lots, permitting only those new uses that are compatible with agricultural activities, protection of agricultural lands of long-term commercial significance, and providing measures to notify and separate especially sensitive land uses from customary and innovative agricultural land management practices. The AG district implements the Comprehensive Plan that calls for the preservation of agricultural lands.

(2) Uses.

The uses set out in the Allowable Land Use Table 19.14-1 in Chapter 19.14 are examples of uses allowed in the Forest Watershed and Agriculture districts. The appropriate review authority is mandatory. See YCC Title 16B for more explicit definitions of Type 1, 2, 3, and 4 uses/reviews.

"Type 1" Uses allowed subject to approval of applicable permits where required. Type 1 uses usually require Type 1 review, but may require Type 2 review under certain conditions.

"Type 2" Uses allowed upon Type 2 administrative review and approval as set forth in Section 19.30.030 uses subject to review and approval. Type 2 uses require

administrative review by the Administrative Official and may be referred to the Hearing Examiner.

"Type 3" Uses which may be authorized subject to the approval of a conditional use permit as set forth in Section 19.30.030. Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing Examiner review of applications subject to a Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).

"Type 4" Uses which may be allowed subject to the approval of a project permit as set forth in Section 19.30.030. Type 4 uses require both the Hearing Examiner and Board of County Commissioners review of applications subject to a Type 4 review under the procedures of Sections 19.30.080, 19.36.030, and YCC 16B Subsection 16B.03.030(1)(d).

"Blank" Uses specifically prohibited.

Where there are special use standards or restrictions for a listed use, the code Section(s) in Chapter 19.18, Special Uses and Standards, or other applicable chapter is noted in the "Special Standards" column. A higher level of review may be required for a use located within one or more overlay districts, designated in Chapter 19.17, or where circumstances merit a higher level of review as described in Section 19.30.020. Where a use is not listed, it is specifically prohibited or subject to a similar use interpretation in Chapter 19.31.

(3) Development Standards.

New lots, structures and additions to structures subject to this Section shall comply with the standards for lots, building height and setbacks in Tables 19.11.010-1 and 19.11.010-2 below, subject to Chapter 19.10 and Section 19.35.020.

(4) Small Lots and Special Exception Lots.

(a) New Small Lots Around Existing Residences.

Lots in the AG zoning district that are greater than three acres may be subdivided to create one small lot around an existing residence; provided it has been at least 15 years since the lot was last divided, and it has contained a lawfully existing residence for at least the last five years, subject to the following:

(i) The five-year date for the establishment of a lawfully existing residence starts from the issuance date of a Certificate of Occupancy by the Building Official or the date of the sign-off on the approved final inspection for the installation permit, if the residence is a manufactured home. If the permit holder failed to obtain a Certificate of Occupancy or approved final inspection of a residence, the applicant may provide other evidence to establish the date of the residence. However, no applications for land division will be accepted until such time that a Certificate of Occupancy has been issued or approved final inspection has been completed and all required changes have been made, if required by the Building Official. Such proof is not required for residences prior to the adoption of the state building code by Yakima County in 1974.

(ii) The small lot shall be one to three acres in size, except the Reviewing Official may authorize a larger lot size under Subsection 19.11.010(4)(d).

(iii) The lot comprising the balance of the division shall be capable of meeting all setbacks, including agricultural buffering of Section 19.18.205, unless

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adjusted under Section 19.35.020, and other applicable requirements to ensure its continued agricultural use.

(iv) Any small lot allowed to be three acres or greater in size shall still be considered a small lot and is not capable of being further subdivided under this Section. A covenant or plat note indicating this restriction shall be recorded whenever a larger lot size is granted.

(b) Multiple Dwellings.

A lot that has contained more than one lawfully established, habitable dwelling, as defined in YCC Title 13, since before October 1, 1974 may be divided to separate each such dwelling onto an individual lot, subject to the criteria of Subsection 19.11.010(4) and all other applicable requirements.

(c) Special Exception Lots.

In addition to the small lot provisions of Subsections (a) and (b), Comprehensive Plan Policy provides that one or more special exception lot may be granted under short plat review in those limited situations when the total project site is greater than three acres, contains land unusable for agricultural purposes, and establishment of a residence on that land will not adversely impact agricultural activities on the balance of the property or on adjoining and nearby AG-zoned lands, according to the following review criteria.

(i) The special exception lot shall be one to three acres in size, except the Reviewing Official may authorize a larger lot size under Subsection 19.11.010(4);

(ii) The applicant shall submit documentation from a qualified third party (e.g. Natural Resource Conservation Service, WSU Cooperative Extension Service, agricultural consultants, Department of Agriculture) that the proposed lot is located on land unsuitable for agricultural uses and activities;

(iii) Land considered unsuitable for agricultural uses include:

A. Soils identified by the Soil Survey of Natural Resource Conservation Service as unsuitable for agricultural production;

B. Over steepened slopes as defined in YCC Subsection 16C.08.02(3)(a)(i);

C. Rock outcrops;

D. Ravines;

E. Wetlands/Critical Areas; and

F. Locations that lack irrigation water, as demonstrated by the unavailability of irrigation shares or rights, and the documented inability to acquire or to use them.

(iv) The proposal will not adversely impact, or interfere with accepted farm practices on adjacent or nearby agricultural operations, given the type of agriculture in the area and its relative susceptibility to nuisance complaints due to accepted farm operations and management practices;

(v) Use of mitigation measures to effectively reduce the potential for land use conflicts and separate the site from active agricultural operations, such as: landscape buffers; special setbacks; screening; site design using physical features, such as rock outcrops, ravines, roads, irrigation canals or critical areas; or proximity to established dwellings, small lots or other nonagricultural buildings;

(vi) No lot granted a special exception shall be further divided for ten years; and

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(vii) The special exception lot shall meet agricultural buffering of Section 19.18.205, unless adjusted under Section 19.35.020.

(d) Larger Lot Size Authorized.

The Reviewing Official may authorize a larger lot size, subject to Type 1 review and recording of a covenant precluding further division of the subject lot while designated for agricultural use by the adopted Yakima County Comprehensive Plan maintaining the minimum adjustment necessary to accommodate the proposed use, when the applicant submits evidence or information that documents one or more of the following:

(i) The Yakima Health District determines a larger area is necessary to include approved water supply and sewage disposal systems within the lot; or

(ii) The logical division to create the lot follows a physical feature which acts as a bonafide, practical obstacle to normal and necessary farming practices (e.g., rock outcrops; Type 1 and 2 streams, slopes exceeding 15%; or a different intervening in-fee ownership physically separating that parcel by a State highway or primary irrigation district canal or major sublateral); or

(iii) A larger lot size is necessary to encompass existing related uses or structures in immediate proximity; or

(iv) Accommodation of the special agricultural setback required under Section 19.18.205 necessitates a larger lot size to achieve a building area not to exceed 10,000 square feet.

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Table 19.11.010-1 Lot Requirements	Special Standard Section	Zoning District	Minimum Lot Area (acres)	Maximum Lot Area (acres)
General lot requirements for newly created lots		FW	80	Not specified
		AG	40(1)	Not specified
Exceptions to general lot requirements				
Residential lots in cluster developments	19.18.145	FW AG	1.0	3.0 or as modified by 19.34.035
Remainder lots in cluster developments	19.34.035	FW AG	Determined by area of cluster lot(s)	None
Small lot segregation for an existing residence	19.11.010 (4)	AG	1.0	3.0 or as modified by 19.11.010(4)
Special exception lot where residential development will not interfere with farming practices and is located on land unsuitable for farming	19.11.010 (4)	AG	1.0	3.0 or as modified by 19.11.010(4)
Agriculturally related industry lot	19.18.050	AG	1.0	Varies See 19.18.050
(a) Tracts limited to use for public utility services, dams for flood control and hydroelectric generating facilities (b) Division by highway or federally owned irrigation canals (c) Conservation tracts (N)	19.34.015 19.34.090	FW AG	None	Maximum necessary to encompass the use

Note:
(1) Quarter quarter section or legally described as 1/16 of a section.

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Table 19.11.010-2. Setbacks, Lot Coverage and Building Height				
Subject			**Zone**	
			AG	**FW**
Maximum lot coverage			Not specified, however sitescreening may be required under Subsection 19.21.030(2)(f) and (g)	
Maximum building height(1)			Not specified	35 feet
Minimum vision clearance triangle at intersections, railroads, curbcuts and driveways			See Subsection 19.10.040(7)	
Minimum setbacks				
Front and street side setbacks(2)*	Designated classified road (arterial or collector)*		35 feet from planned edge of right-of-way or easement	
	Roads with a right-of-way or vehicular access easement more than 60 feet in width			
	Turnaround or cul-de-sac bulb			
	Right-of-way or vehicular access easement 60 feet or less in width	Local access or private road(3)	50 feet from centerline	
		Private shared driveway or alley (3) (see Chapter 19.23)	10 feet from edge of right-of-way or easement	
Interior side setback		Primary structure*	10 feet from property line	
		Accessory structure*	5 feet from property line	
Rear setback*		Right-of-way or vehicular access easement	Same as front setback	
		Adjoining lot	10 feet from property line	
*Dwellings and other especially sensitive land uses (ESLU) adjacent to designated resource lands and/or activities are subject to additional setbacks.			See Section 19.18.205	
Additional setback to accommodate required sitescreening			See Subsection 19.21.030(2)(f) and (g)	

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Note:

(1) Additional restrictions may apply within the Airport Safety Overlay (See Chapter 19.17) and Shoreline Jurisdiction (see YCC Title 16D).

(2) When there is no right-of-way, the front setback shall be 20 feet from the front property line.

(3) Gates restricting vehicular access, garage and carport entrances, must be setback 20 feet from the edge of a right-of-way or easement other than an alley

19.11.020 Mining District (MIN).

(1) Legislative Intent.

The Mining (MIN) zoning district is established to provide long-term sites for heavy industrial uses in conjunction with a mining site/operation. Uses within this zoning district are likely to cause smoke, noise, odors, dust, fumes, visual impacts, and heavy equipment traffic. In order that this zoning district shall promote the general purpose of this Title, the specific intent of the MIN zoning district is to:

(a) Provide for development and utilization of deposits of sand, gravel, aggregate, rock, clay, soil, and other earth resource materials.

(b) Provide for the protection and utilization of these resources in a manner that does not conflict with other land uses and safeguards the environment.

(c) Assure economy in handling and transportation costs by locating removal, processing, and storage activities in as close proximity to the point of end use as feasible.

(d) Provide operation standards that will enable the industry to operate with public confidence that environmental protection measures are being met.

(e) Ensure that mining site/operations are conducted consistent with the public health, safety, and welfare.

(f) Establish a level of certainty for the mining industry by maintaining at least a ten year inventory of zoned areas where a full array of mineral extractions, processing and manufacturing activities is allowed.

(2) Uses.

The uses set out in the Allowable Land Use Table 19.14-1 in Chapter 19.14 are examples of uses allowed in the Mining district. The appropriate review authority is mandatory. For those uses listed as accessory, permitted and administrative under this Subsection, the Reviewing Official shall review and approve plans and specifications and other supporting data through a site plan review process. Conditional uses under this Subsection shall be reviewed through a Type 3 conditional use review process.

(a) YCC Chapter 16B.05 lists additional notice requirements for the Mining district; and

(b) The Mining district shall not be used for the storage, display, or sale of used vehicles or equipment unrelated to the mining site/operation or other approved use.

See YCC Title 16B for more explicit definitions of Type 1, 2, 3, and 4 uses/reviews.

"Type 1" Uses allowed subject to approval of applicable permits where required. Type 1 uses usually require Type 1 review, but may require Type 2 review under certain conditions.

"Type 2" Uses allowed upon Type 2 administrative review and approval as set forth in Section 19.30.030 uses subject to review and approval. Type 2 uses require administrative review by the Administrative Official and may be referred to the Hearing Examiner.

"Type 3" Uses which may be authorized subject to the approval of a conditional use permit as set forth in Section 19.30.030. Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing Examiner review of applications subject to a Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).

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"Type 4" Uses which may be allowed subject to the approval of a project permit as set forth in Section 19.30.030. Type 4 uses require both the Hearing Examiner and Board of County Commissioners review of applications subject to a Type 4 review under the procedures of Sections 19.30.080, 19.36.030, and YCC Subsection 16B.03.030(1)(d).

"Blank" Uses specifically prohibited.

Where there are special use standards for a listed use, the code section(s) in Chapter 19.18, Special Uses and Standards, or other applicable Chapter is noted in the "Special Standards" column. A higher level of review may be required for a use located within one or more overlay districts, designated in Chapter 19.17, or where circumstances merit a higher level of review as described in Section 19.30.030. Where a use is not listed, it is specifically prohibited or subject to a similar use interpretation in Chapter 19.31.

(3) Development Standards.

(a) All operations on lands that are zoned MIN must conform to the standards of Section 19.18.310.

(b) New lots subject to this Section shall be of sufficient width and area to demonstrate the following:

(i) The uses shown on the site plan and allowed by this Chapter may be accommodated on the existing contiguous lots zoned Mining;

(ii) The operational standards of Section 19.18.310 will be met; and

(iii) The requirements of federal, state or local agencies will be met, when applicable.

(c) New structures and additions to structures subject to this Section shall comply with the standards for lots, building height and setbacks in Table 19.11.020-1, subject to Chapter 19.10 and Sections 19.18.310 and 19.35.020.

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Table 19.11.020-1. Setbacks, Lot Coverage and Building Height			
Subject			**Zone**
			MIN
Maximum lot coverage			Not specified, however sitescreening may be required under Subsections 19.21.030(2)(f) and (g)
Maximum building height(1)			Not Specified
Minimum vision clearance triangle at intersections, railroads, curbcuts and driveways			See Subsection 19.10.040(7)
Minimum setbacks			
Front and street side setbacks(2)	Designated classified road (arterial or collector)*		25 feet from planned edge of right-of-way or easement
	Right-of-way or vehicular access easement more than 60 feet in width, or the road is a cul-de-sac or turnaround		
	Turnaround or cul-de-sac		
	Right-of-way or vehicular access easement 60 feet or less in width	Local access or private road(3)	50 feet from planned centerline
		Private, shared driveway or alley (3) (see Chapter 19.23)	10 feet from edge of right-of-way or easement
Interior side setbacks		Primary structure	10 feet from property line
		Accessory structure	5 feet from property line
Rear setback		Right-of-way or vehicular access easement	Same as front setback
		Adjoining lot	10 feet from property line
Additional setback for mining site/operations from a public or private road, if the removal of aggregate/materials would result in the area being lower than the adjacent road See Section 19.18.310			60 feet
Additional setback for mineral processing and batching, and manufacturing and fabricating plants from an existing residence not on the subject property or in same ownership			500 feet (Z)
Additional setback for mineral extraction from an existing residence not on the subject property or in same ownership			200 feet (Z)
Additional setback for mineral extraction from any exterior property line in a different zoning district			25 feet (Z)

Notes:

(1) Additional restrictions may apply within the Airport Safety Overlay (See Chapter 19.17) and Shoreline Jurisdiction (see YCC Title 16D)

(2) When there is no right-of-way, the front setback shall be 20 feet from the front property line.

(3) Gates restricting vehicular access and garage and carport entrances, must be setback 20 feet from the edge of a right-of-way or easement other than an alley

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19.11.030 Rural Districts (R/ELDP-40, Rural-10/5, RT).

(1) Legislative Intent.

The rural districts are intended to serve as a buffer between urban lands and resource lands, provide non-resource areas for future urban expansion, limit the costs of providing services to remote or underdeveloped areas, and retain the rural/agrarian character of the County while offering a variety of lifestyle choices for the residents of Yakima County.

(a) The Remote/Extremely Limited Development Potential (R/ELDP-40) zoning district is intended to recognize areas and allow development consistent with service availability and environmental constraints in remote areas and other places with extremely limited development potential.

(b) The Rural-10/5 (R-10/5) zoning district is intended to maintain rural character and provide density incentives to encourage development where fire protection services and access to roads with a paved or other hard surface are available.

(c) The Rural Transitional (RT) zoning district is intended to provide for rural development in areas near Urban Growth Area boundaries to encourage clustering, minimize public expenditures, and coordinate land uses with public infrastructure investment.

(2) Uses.

The uses set out in the Allowable Land Use Table 19.14-1 in Chapter 19.14 are examples of uses allowed in the rural zoning districts. The appropriate review authority is mandatory. See YCC Title 16B for more explicit definitions of Type 1, 2, 3, and 4 uses/reviews.

"Type 1" Uses allowed subject to approval of applicable permits where required. Type 1 uses usually require Type 1 review, but may require Type 2 review under certain conditions.

"Type 2" Uses allowed upon Type 2 administrative review and approval as set forth in Section 19.30.030 uses subject to review and approval. Type 2 uses require administrative review by the Administrative Official and may be referred to the Hearing Examiner.

"Type 3" Uses which may be authorized subject to the approval of a conditional use permit as set forth in Section 19.30.030. Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing Examiner review of applications subject to a Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).

"Type 4" Uses which may be allowed subject to the approval of a project permit as set forth in Section 19.30.030. Type 4 uses require both the Hearing Examiner and Board of County Commissioners review of applications subject to a Type 4 review under the procedures of Sections 19.30.080, 19.36.030, and YCC Subsection 16B.03.030(1)(d).

"Blank" Uses specifically prohibited.

Where there are special use standards or restrictions for a listed use, the code Section(s) in Chapter 19.18, Special Uses and Standards, or other applicable Chapters are noted in the "Special Standards" column. A higher level of review may be required for a use located within one or more overlay districts, designated in Chapter 19.17, or where circumstances

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merit a higher level of review as described in Section 19.30.030. Where a use is not listed, it is specifically prohibited or subject to a similar use interpretation in Chapter 19.31.

(3) Development Standards.

New lots, structures and additions to structures subject to this Section shall comply with the standards for lots, building height, and setbacks in Tables 19.11.030-1 and 19.11.030-2 below, subject to the provisions of Chapter 19.10 and Section 19.35.020.

(4) Special Development Standards in the Rural Districts (R/ELDP-40, Rural-10, RT).

(a) Lot size and density in Rural-10/5 district may vary depending on water availability, soil suitability for septic systems, access conditions and proximity to fire stations in each area as follows:

(i) Where property is outside of a fire district, more than five road miles from a year-round responding fire station or not served by a county-maintained hard-surfaced road, maximum density for new development in the Rural-10/5 zoning district shall be four units per quarter/quarter section (e.g. 10-acre average), with no lot being less than five acres. Lots not meeting the criteria in Subsection 19.11.030(3)(b)(ii) shall not be further divided below the ten-acre average as calculated from the parent lot existing on May 21, 1997; and

(ii) Where the lots of the development will have access (either directly or via a road meeting the requirements of Chapter 19.23) to a publicly maintained hard-surfaced roadway (or other hard-surfaced roadway determined to be acceptable by the Reviewing Official), a maximum density of one unit per five acres is permitted, provided the new development is within a fire district and not more than five road miles from a year-round responding fire station. A lot size of less than 5.0 acres is considered clustering and subject to Section 19.34.035.

(b) The acreage of a lot in the RT or R-10/5 that is less than the minimum lot area listed in Table 19.11.030-2 New Lot Requirements and has existed since May 21, 1997 may be multiplied by a factor of 1.15 to determine whether it qualifies for a division or cluster development consistent with the minimum lot sizes of these districts. This Subsection should allow a division on marginally non-qualifying parcels, but shall not allow the combined area of two or more lots to be used to result in more than one additional division.

(d) The lot size and density calculations shall be based on the size of the lot as it existed on May 21, 1997 (i.e., the effective date of the current adopted Comprehensive Plan). All lots of any subsequent division of land shall be included in the calculation.

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Table 19.11.030-1. New Lot Requirements				
Zoning District			**Minimum Lot Area (1) (acres)**	**Minimum Lot Width**
R/ELDP-40			40 or legally described as 1/16 of a section	25% of lot depth
R-10/5	• County maintained hard surfaced roadways are used for access • New development is within a fire district • New development is within 5 road miles from a year-round responding fire station	Project site lacks one or more of these elements	10.0 (2)	
		Project site meets all three of these elements. See 19.11.030(3)(B)(ii)	5.0 (3)	
RT			5.0 (4)	

Notes:

(1) The following uses may be permitted on newly approved lots of less than the minimum parcel size:

(a) Utilities, structures and uses including, but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines and telecommunication facilities.

(b) Dams for flood control and hydroelectric generating facilities.

(c) Conservation tracts under Chapter 19.34.

(2) A minimum lot area of five acres is allowed for one or more lots on a site, provided the overall maximum density of the site is one dwelling per ten acres, consistent with the minimum lot size requirements of this Section.

(3) A minimum lot area of one acre, with a maximum lot area of three acres, shall apply to newly created lots for clustering dwellings on sites ten acres or larger under Section 19.34.035.

(4) A minimum lot area of one-third of an acre shall apply to newly created lots for Rural Transitional cluster developments on sites four acres or larger under Section 19.34.035. In either case the maximum allowed density on the total site shall be one dwelling per two acres.

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Table 19.11.030-2. Setbacks, Lot Coverage and Building Height				
Subject			**Zone**	
			R/ELDP-40	**R-10/5**	**RT**
Maximum lot coverage			Not specified, however sitescreening may be required under Subsection 19.21.030(2)(f) and (g)		45%
Maximum building height(1)			Not specified	35 feet	35 feet
Minimum vision clearance triangle at intersections, railroads, curbcuts and driveways			See Subsection 19.10.040(7)		
Minimum setbacks					
Front and street side setbacks*(2)	Designated classified road (arterial or collector)		25 feet from planned edge of right-of-way or easement		
	Roads with a right-of-way or vehicular access easement more than 60 feet in width				
	Turnaround or cul-de-sac				
	Right-of-way or vehicular access easement 60 feet or less in width	Local access or private road(3)	50 feet from planned centerline		
		Private, shared driveway or alley (3) (see Chapter 19.23)	10 feet from edge of right-of-way or easement		
Interior side setback*		Primary structure*	10 feet from property line		
		Accessory structure*	5 feet from property line		
Rear setback*		Right-of-way or vehicular access easement	Same as front setback		
		Adjoining lot	10 feet from property line		
Dwellings and other especially sensitive land uses (ESLU) adjacent to designated resource lands and/or activities are subject to additional setbacks. (Z)			See Section 19.18.205		
Additional setback to accommodate required sitescreening or landscaping			See Section 19.21.030		

Note:

(1) Additional restrictions may apply within the Airport Safety Overlay (See Chapter 19.17) and Shoreline Jurisdiction (see YCC Title 16D).

(2) Where there is no right-of-way, the front setback shall be 20 feet from the front property line.

(3) Gates restricting vehicular access and garage and carport entrances, must be setback 20 feet from the edge of a right-of-way or easement other than an alley

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19.11.040 Rural Settlement and Highway/Tourist Commercial Districts (RS, HTC).

(1) Legislative Intent.

(a) Rural Settlement (RS) District.

The RS district designates limited areas of more intensive rural development (LAMIRDs) intended to recognize and maintain the role of unincorporated communities throughout rural Yakima County. This zoning district shall apply in small, compact, isolated, rural community centers that primarily exist to provide convenience goods and services reflecting farm and rural consumer needs in the surrounding rural area. The Rural Settlement zoning district is a "general use" zone and is utilized in those rural centers where a mixture of land uses (i.e. commercial, industrial and low to moderate density residential) is the established development pattern. Rural settlements also provide informal community centers for area residents. Continued infill development within rural settlements is allowed by the Comprehensive Plan, if appropriate services and facilities are available. The following types of LAMIRDs under RCW 36.70A.070(5)(d) may be designated:

(i) Residential development at low to moderate densities depending on utilities, soil characteristics, road conditions and other essential public services;

(ii) Small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses that rely on a rural location and setting; or

(iii) Isolated cottage industries and isolated small businesses that need not be principally designed to serve the existing and projected rural population and nonresidential uses, but provide jobs or opportunities for rural residents.

(b) Highway/Tourist Commercial (HTC) District.

The HTC district is areas for commercial establishments that offer accommodations, supplies, services or recreational opportunities to the traveling public. The HTC zoning district is also intended to provide appropriate space and, in particular, sufficient depth from the street to satisfy the needs of modern commercial development where access depends on motor vehicles; and, to encourage developing the zoning district with such uses and in such a manner as to minimize traffic hazards and interference from highway oriented businesses. This zoning district is further intended to permit only those uses that promote and enhance the recreation and tourist industry and to prevent the intrusion of incompatible, non-tourist uses that would be overly disruptive or would directly compete with shopping areas of nearby communities. The zoning district shall only be located at freeway interchanges, along or at the intersections of state highways or recognized tourist routes and the approaches thereto. The HTC zoning district may be located inside or outside of Urban Growth Areas.

(2) Uses.

The uses set out in the Allowable Land Use Table 19.14-1 in Chapter 19.14 are examples of uses allowed in the rural settlement and commercial zone districts. The appropriate review authority is mandatory. See YCC Title 16B for more explicit definitions of Type 1, 2, 3, and 4 uses/reviews.

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"Type 1" Uses allowed subject to approval of applicable permits where required. Type 1 uses usually require Type 1 review, but may require Type 2 review under certain conditions.

"Type 2" Uses allowed upon Type 2 administrative review and approval as set forth in Section 19.30.030 uses subject to review and approval. Type 2 uses require administrative review by the Administrative Official and may be referred to the Hearing Examiner.

"Type 3" Uses which may be authorized subject to the approval of a conditional use permit as set forth in Section 19.30.030. Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing Examiner review of applications subject to a Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).

"Type 4" Uses which may be allowed subject to the approval of a project permit as set forth in Section 19.30.030. Type 4 uses require both the Hearing Examiner and Board of County Commissioners review of applications subject to a Type 4 review under the procedures of Sections 19.30.080, 19.36.030, and YCC Subsection 16B.03.030(1)(d).

"Blanks" Uses specifically prohibited.

Where there are special use standards for a listed use, the code section(s) in Chapter 19.18, Special Uses and Standards, or other applicable Chapter is noted in the "Special Standards" column. A higher level of review may be required for a use located within one or more overlay districts, designated in Chapter 19.17, or where circumstances merit a higher level of review as described in Section 19.30.030. Where a use is not listed, it is specifically prohibited or subject to a Similar Use interpretation in Chapter 19.31.

(3) Review Criteria for Uses in the RS Zone.

The following criteria for approval shall apply to uses proposed within the RS zone, in addition to criteria for approval required elsewhere in this Title.

(a) Resource-related industrial uses allowed, shall be of a type and scale compatible with the overall character of the community, and shall not result in excessive noise, smoke, odor or other nuisances.

(b) Commercial uses allowed shall be of a type and scale to be primarily patronized by local rural residents.

(4) Development Standards.

New lots and structures and additions to structures subject to this Section shall comply with the standards for lots and building height, and setbacks in Tables 19.11.040-1 and 19.11.040-2 below, subject to Chapter 19.10 and Section 19.35.020.

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Table 19.11.040-1. Lot Requirements				
Water and Sewer Combinations	**Zoning District**	**Minimum Lot Area[1] (square feet)**	**Maximum Density[2]**	**Minimum Lot Width**
Individual water supply and individual sewer system	RS	43,560	One unit per acre	25% of lot depth
	HTC			
Public water supply and individual sewage system	RS	21,780	Two units per acre	
	HTC			
Public water supply and community sewage system	RS	7,000	Three units per acre	
	HTC	14,520	Determined by minimum lot area	
Public water supply and municipal (or sewer district) public sewer system	RS	7,000	Four units per acre	
	HTC	7,000	Determined by minimum lot area	

Notes:

(1) The following uses may be permitted on newly approved lots of less than the minimum parcel size:

(a) Utilities, structures and uses including, but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines and telecommunication facilities.

(b) Dams for flood control and hydroelectric generating facilities.

(2) Calculated based upon the gross area of the site.

(3) A minimum lot area of 6,000 square feet applies when 15 % of the site is dedicated to common open space under Section 19.18.150 Community Open Space Requirements.

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Table 19.11.040-2. Setbacks, Lot Coverage and Building Height				
Subject			**Zone**	
			RS	**HTC**
Maximum lot coverage **Lot coverage bonus**: In the RS district, additional 15% lot coverage is allowed, provided that at least 20% of the total lot area is dedicated exclusively to landscaping, greenery and open space.			65%	80%
Maximum building height(1)			45 feet	45 feet
Minimum vision clearance triangle at intersections, railroads, curbcuts and driveways			See subsection 19.10.040(7)	
Minimum setbacks				
Front and street side setbacks(2)*	Designated classified road (arterial or collector)*		25 feet from planned edge of right-of-way or easement	
	Roads with a right-of-way or vehicular access easement more than 60 feet in width*			
	Turnaround or cul-de-sac*			
	Right-of-way or vehicular access easement 60 feet or less in width	Local access or private road(3)	50 feet from planned centerline	
		Private, shared driveway or alley (3) (see Chapter 19.23)	10 feet from edge of right-of-way or easement	
Interior side setback*		Primary structure*	10 feet from property line	
		Accessory structure*	5 feet from property line	
Rear setback*		Right-of-way or vehicular access easement	Same as front setback	
		Adjoining lot	10 feet from property line	
Dwellings and other especially sensitive land uses (ESLU) adjacent to designated resource lands and/or activities are subject to additional setbacks.			See Section 19.18.205	
Additional setback to accommodate required sitescreening			See Section 19.21.030	

Note:

(1) Additional restrictions may apply within the Airport Safety Overlay (See Chapter 19.17) and Shoreline Jurisdiction (see YCC Title 16D).

(2) When there is no right-of-way, the front setback shall be 20 feet from the front property line.

(3) Gates restricting vehicular access and garage and carport entrances, must be setback 20 feet from the edge of a right-of-way or easement other than an alley

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19.11.050 Master Planned Resort District (MPR).

(1) Legislative Intent.

The master planned resort (MPR) zoning district is intended to allow development of self-contained and fully integrated planned development, in setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. Uses within this zoning district will provide for economic diversification and increase the tourism potential of Yakima County consistent with an overall resort development plan theme or concept. Master planned resorts will be compatible with rural and resource lifestyles, have limited public facilities and services to serve the resort, and incorporate common and public open space.

The intent of this district is to:

(a) Recognize the unique amenities, including, climate, scenic quality and natural features that are desirable for a wide range of recreational uses;

(b) Implement the Comprehensive Plan by providing economic diversification and increasing the tourism potential of Yakima County;

(c) Allow flexibility in the range of uses and densities to encourage economic diversity and tourism consistent with the theme or concept for the approved resort development plan;

(d) Provide opportunities to preserve scenic quality and natural features including use of clustering, conservation easements, siting criteria, setbacks, buffers and other measures to assure compatibility between master planned resorts and neighboring uses;

(e) Incorporate an open space or greenbelt system reflecting the open character of the surrounding area and providing recreational opportunities, habitat protection and critical area protection; and

(f) Recognize the limited current and future availability of public facilities and services, such as roads, public water and/or sewer service, fire protection, law enforcement, in the establishment of an appropriate range of uses, densities and intensities.

(2) Uses and Development Standards.

The uses and development standards for Master Planned Resorts are indicated in the resort development plan authorization process and require additional review at the time of application as specified in Chapter 19.36.

(3) Master Planned Resort Minor Rezone and Resort Development Plan Authorization Process.

(a) The Master Planned Resort (MPR) zoning district is applied outside of Urban Growth Areas through a minor rezone process, as provided in Section 19.36.030.

(b) The submittal for the MPR shall include a proposed Resort Development Plan (RDP). Approval of the minor rezone and the RDP will result in changing the existing zoning of the property to MPR for the purposes outlined in the RDP.

(c) Approval of the minor rezone shall be subject to conditions and mitigation measures to direct revisions to the proposed Resort Development Plan. If revisions to the Resort Development Plan are required, they must be made prior to final action on the rezone. Criteria for approval of the Minor Rezone and RDP are set forth in Section 19.36.050.

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(d) Application submittal requirements are set forth in Subsection 19.30.070(4).

(4) Master Planned Resort Approval Criteria.

A Master Planned Resort, described in Section 19.11.050, may be authorized only if:

(a) The proposed Master Planned Resort and Resort Development Plan concept or theme is consistent with all Comprehensive Plan policies, including those addressing Master Planned Resorts; and the minor rezone criteria set forth in Subsection 19.36.030(5)(a) through (f); and the purpose and intent under this Section; and,

(b) A determination is made that the land is better suited, and has more long-term importance, for the master planned resort than for the commercial harvesting of timber or agriculture production, if located on land that otherwise would be designated as forest land or agricultural land under RCW 36.70A.170; and,

(c) On-site and off-site infrastructure and service impacts are fully considered and can be adequately mitigated; and,

(d) On-site capital facilities, utilities and services are limited to meeting sewer, water, storm water, security, fire suppression, and emergency medical needs of the resort. Such facilities, utilities and services may be provided to a master planned resort by outside service providers, including municipalities and special purpose districts, provided that all costs associated with service extension and capacity increases directly attributable to the master planned resort are fully borne by the resort. All waters or the use of waters will be regulated and controlled under RCW 90.03 and 90.44. A Master Planned Resort and service providers may enter into agreements for shared capital facilities and utilities, provided that such facilities and utilities serve only the master planned resort or Urban Growth Areas; and,

(e) Any phasing is done in such a manner that the initial phase(s) will stand alone as a MPR, even if subsequent phases do not occur.

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Chapter 19.12
URBAN RESIDENTIAL DISTRICTS

Sections:

19.12.010 Suburban Residential and Single-Family Residential Districts (SR, R-1)
19.12.020 Two-Family and Multi-Family Residential Districts (R-2, R-3)

19.12.010 Suburban Residential and Single-Family Residential Districts (SR, R-1).

(1) Legislative Intent.

The Suburban Residential (SR) and Single-Family Residential (R-1) districts are intended to facilitate development at targeted urban densities under the Comprehensive Plans, and provide for low-density, single-family residential development in areas designated by the Comprehensive Plan, depending on availability of infrastructure. Lower densities facilitate future subdivision at urban densities as infrastructure availability increases.

(a) Suburban Residential and Single-Family Residential Districts.

These districts are further intended to:

(i) Facilitate coordinated and collaborative public infrastructure investment;

(ii) Prevent conversion of land to uses and densities that cannot be urbanized;

(iii) Require connection to public water and sewer systems;

(iv) Require full urban standards for developments within Urban Growth Areas;

(v) Locate low-density residential development, up to seven dwelling units per acre, in areas served by public water and sewer systems. In areas not served by public water or sewer, development on satellite utility systems will provide for an orderly, phased transition from rural to urban uses;

(vi) Maintain residential density permitted by zoning and limit density increases in the following areas:

(i) Areas where environmental constraints such as flooding exist, or where surface and groundwater quality make the land unsuitable for development to avoid potential health hazards, and

(ii) Areas where public sewer and water will not be provided at the time of development, and the dwelling units have individual septic tanks.

(vii) Encourage residential cluster development prior to achieving maximum density, with a density of between four and seven dwelling units per acre on the developed portion sufficient to facilitate future urban development on adjacent sites, in areas with a public water supply and a community or regional public sewer system;

(b) Suburban Residential District.

The purpose of the Suburban Residential (SR) district is further intended to provide areas for transitional uses as urban development expands, with a mixture of land uses and residential densities including small farms, scattered low-density residential development and clusters of higher-density residential development; and

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(c) Single-Family Residential District.

The purpose of the Single-Family Residential (R-1) district is further intended to protect single-family neighborhoods from encroachment by potentially incompatible non-residential land uses or impacts. Establish new residential neighborhoods and preserve existing residential neighborhoods for detached single-family dwellings free from other uses, except those which are compatible with and serve the residents of this district.

(2) Uses.

The uses set out in the Allowable Land Use Table 19.14-1 in Chapter 19.14 are examples of uses allowed in the Suburban Residential and Single-Family Residential districts. The appropriate review authority is mandatory. See YCC Title 16B for more explicit definitions of Type 1, 2, 3, and 4 uses/reviews.

"Type 1" Uses allowed subject to approval of applicable permits where required. Type 1 uses usually require Type 1 review, but may require Type 2 review under certain conditions.

"Type 2" Uses allowed upon Type 2 administrative review and approval as set forth in Section 19.30.030 uses subject to review and approval. Type 2 uses require administrative review by the Administrative Official and may be referred to the Hearing Examiner.

"Type 3" Uses which may be authorized subject to the approval of a conditional use permit as set forth in Section 19.30.050. Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing Examiner review of applications subject to a Type 3 review under the procedures of Section 19.30.050 and YCC Subsection 16B.03.030(1)(c).

"Type 4" Uses which may be allowed subject to the approval of a project permit as set forth in Section 19.30.030. Type 4 uses require both the Hearing Examiner and Board of County Commissioners review of applications subject to a Type 4 review under the procedures of Sections 19.30.080, 19.36.030, and YCC Subsection 16B.03.030(1)(d).

"Blank" Uses specifically prohibited.

Where there are special use standards for a listed use, the code section(s) in Chapter 19.18, Special Uses and Standards, or other applicable Chapter is noted in the "Special Standards" column. A higher level of review may be required for a use located within one or more overlay districts designated in Chapter 19.17, or where circumstances merit a higher level of review as described in Section 19.30.030. Where a use is not listed, it is specifically prohibited or subject to a Similar Use interpretation in Chapter 19.31.

(3) Development Standards.

(a) New lots and structures and additions to structures subject to this Section shall comply with the standards for lots and building height, and setbacks in Tables 19.12.010-1 and 19.12.010-2, subject to Chapter 19.10 General Zoning Provisions and Section 19.35.020 Administrative Adjustments.

(b) Design of development proposals shall ensure that adequate setbacks, buffering of adjoining uses to allow appropriate infill development and sensitivity to physical features are achieved. Through review of the development, its surrounding

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designations and facilities, under the provisions of Chapter 19.34, particular emphasis shall be given to ensuring land divisions will facilitate future urban development, roads and other infrastructure and extension of utilities.

(c) Where the Reviewing Official authorizes development on systems other than area-wide public water and regional sewer, the development must provide for full urbanization of the property when urban utility services become available. An urban conversion plan may be required when development site does not meet a minimum average of four dwelling units per acre.

(d) Tracts created for drainage facilities, parks, open space, wetlands and buffers or utilities shall not be subject to minimum lot size requirements.

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Table 19.12.010-1. Lot Requirements, SR and R-1 Districts			
Water and Sewer Combinations Land Use	**Minimum Lot Area[1] (sq. ft.)**	**Maximum Density[2] (Dwelling units per acre)**	**Minimum Lot Width (feet)**
Sites with both Area-wide Public Water supply and Regional Sewer System			
Detached single-family dwelling	7,000 [3]	7 units per acre	50
Detached single-family dwelling, zero lot line (Section 19.18.510)	4,000	7 units per acre	50
Attached single-family dwelling (common wall)	4,000	7 units per acre	50
Two-family dwelling	8,000	7 units per acre	50
Permitted nonresidential uses	10,000 [4]	None	50
Sites with Public Water and Community or Regional Sewer			
Detached single-family dwelling developed in accordance with Section 19.34.035 Cluster Developments	7,000 [3],[5]	7 units per acre [5]	50
Two-family dwelling developed in accordance with Section 19.34.035 Cluster Developments	8,000	7 units per acre	50
Permitted nonresidential uses	10,000[4]	None	50
Sites without Public Water and Community or Regional Sewer			
All permitted residential and nonresidential uses[6]			

Notes:

(1) Minimum lot area for any type of water and sewer combination is subject to the following:

(a) Lot size may need to be increased to comply with Yakima Health District, Department of Ecology requirements and/or other adopted regulations.

(b) Lot sizes shall be increased to accommodate specific uses, lot coverage, setbacks, access, landscaping (see Chapter 19.21) and other requirements as provided in this Title.

(c) The minimum lot size in the Greenway Overlay is one acre.

(d) The following uses may be permitted on newly approved lots of less than the minimum parcel size: Utilities, structures and uses including, but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines and telecommunication facilities. Lots less than the minimum parcel size shall be reviewed for compatibility and must be designated as "non-buildable lot for utility purposes" by plat note, or by the equivalent deed or title restriction, if there is no plat. Standard lot width and setbacks shall apply.

(2) Maximum density shall be calculated based upon the gross area of the site.

(3) Density bonus: Minimum lot area may be reduced to 6,000 square feet, where:

(a) Allowed by the respective city or town's single-family residential zone, except where park or recreational open space lands is not reserved on plats three acres or larger in size, or payment in lieu of reservation is not made, under 19.34.035(7); or

(b) Critical areas are protected on part of the site by placing them entirely within a separate critical area tract or entirely on a portion of one developable parcel under the subdivision standards of the Critical Areas Ordinance or Shoreline Master Program.

(4) Minimum lot area for lots created for permitted nonresidential uses, other than those uses listed in this Table 19.12.010-2 Note [4] above, served by area-wide public water supply and regional or community sewer, shall not be less than 10,000 square feet in area.

(5) Refers to lots in the developed portion of the site only. The minimum values listed in the table are for lots created for detached, single-family dwellings served by a public water supply and a community on-site sewage disposal or regional sewer system in cluster developments on sites six acres or larger under Section 19.18.145.

(6) A detached, single-family dwelling that has legally existed since May 21, 1997 and is on a lot that is at least five acres in size and is served by an individual well and/or on-site sewage disposal system may be divided without connection to available utilities, provided the existing detached single family dwelling and the vacant lot(s) created by the land division complies with this Section and Chapter 19.25. In such case the minimum lot size for the existing dwelling shall be 7,000 square feet, and the maximum size shall be no larger than necessary, considering setbacks, utilities, existing structures, access locations and similar features.

Table 19.12.010-2. Setbacks, Lot Coverage and Building Height					
Subject				**Zone**	
				SR	**R-1**
Maximum lot coverage **Exception:** Lot coverage shall be restricted to 45% where park or recreational open space land is not reserved on plats three acres or larger in size, or payment in lieu of reservation is not made, under Subsection 19.34.060(7)				60%	60% or less as required by Section 19.21.030 for sitescreening/landscaping
Maximum building height- Additional restrictions may apply within the Airport Safety Overlay. See Section 19.17.030.				35 feet	35 feet
Minimum vision clearance triangle at intersections, railroads, curbcuts and driveways				See Subsection 19.10.040(7)	
Minimum setbacks(1)					
Front and street side setbacks*(2)	Designated classified road (arterial or collector)*			20 feet from planned edge of right-of-way or easement	
	Roads with a right-of-way or vehicular access easement more than 60 feet in width				
	Turnaround or cul-de-sac				
	Right-of-way or vehicular access easement 60 feet or less in width	Local access or private road(4)	Front	45 feet from planned centerline	
			Side	40 feet from planned centerline	
		Private, shared driveway or alley (4) (see Chapter 19.23.)	Front	10 feet from edge of right-of-way or easement	
			Side	5 feet from edge of right-of-way or easement	
Interior side setback*				5 feet from property line(3)	
Rear setback*	Right-of-way or vehicular access easement			Same as front setback	
	Adjoining lot			15 feet from property line	
*Dwellings and other especially sensitive land uses (ESLU) adjacent to designated resource lands and/or activities are subject to additional setbacks.				See Section 19.18.205	
Additional setback to accommodate required sitescreening				See Section 19.21.030	

Notes:

(1) See Subsection 19.10.040(6)(b) for setback exceptions for temporary turnarounds, through lots, and specified residential accessory structures.

(2) When there is no right-of-way, the front setback shall be 20 feet from the front property line.

(3) The setback for dwellings approved in zero lot line developments is zero feet from one side property line not abutting a right-of-way.

(4) Gates restricting vehicular access and garage and carport entrances, must be setback 20 feet from the edge of a right-of-way or easement other than an alley

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19.12.020 Two-Family and Multi-Family Residential Districts (R-2, R-3).

(1) Legislative Intent.

(a) Two-Family Residential District (R-2).

The R-2 district is intended to establish buildings that are typically single-family dwellings, duplexes and other compatible uses in areas served by local access streets and collectors. The purpose of the two-family residential district is to:

(i) Establish and preserve residential neighborhoods for land uses compatible with the intent of this district;

(ii) Locate residential development with a maximum density of 12 dwelling units per acre for duplexes, and a maximum density of 18 dwelling units per acre for multi-family dwellings under Chapter 19.14, in areas receiving a full range of public services including area-wide public water supply, regional public sewer, and police and fire protection;

(iii) Provide for an orderly, phased transition from rural to urban uses within Urban Growth Areas;

(iv) Facilitate coordinated and collaborative public infrastructure investment;

(v) Prevent conversion of land in the R-2 district to uses/densities that cannot be urbanized;

(vi) Require connection to public water and sewer systems where available; and

(vii) Require full urban standards for developments within Urban Growth Areas, meeting the County's minimum urban standards or the respective city's standards, whichever are higher.

(b) Multi-Family Residential District (R-3).

The R-3 district contains a variety of attached or clustered multi-family dwellings in close proximity to neighborhood shopping facilities. The R-3 district is intended to:

(i) Provide for and protect medium- and high-density residential districts by excluding activities not compatible with residential uses;

(ii) Locate high-density residential development, more than 12 dwelling units per acre, in areas receiving the full range of urban services;

(iii) Locate high-density residential development near neighborhood shopping facilities;

(iv) Locate high-density residential development so traffic generated by the development does not pass through lower-density residential areas; and

(v) Require full urban standards for developments within Urban Growth Areas, meeting the County's minimum urban standards or the respective city's standards, whichever are higher.

(2) Uses.

The uses set out in the Allowable Land Use Table 19.14-1 in Chapter 19.14 are examples of uses allowed in the Two-Family and Multi-Family Residential districts. The appropriate review authority is mandatory. See YCC Title 16B for more explicit definitions of Type 1, 2, 3, and 4 uses/reviews.

"Type 1" Uses allowed subject to approval of applicable permits where required. Type 1 uses usually require Type 1 review, but may require Type 2 review under certain conditions.

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"Type 2" Uses allowed upon Type 2 administrative review and approval as set forth in Section 19.30.030 uses subject to review and approval. Type 2 uses require administrative review by the Administrative Official and may be referred to the Hearing Examiner.

"Type 3" Uses which may be authorized subject to the approval of a conditional use permit as set forth in Section 19.30.030. Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing Examiner review of applications subject to a Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).

"Type 4" Uses which may be allowed subject to the approval of a project permit as set forth in Section 19.30.030. Type 4 uses require both the Hearing Examiner and Board of County Commissioners review of applications subject to a Type 4 review under the procedures of Sections 19.30.080, 19.36.030, and YCC Subsection 16B.03.030(1)(d).

"Blank" Uses specifically prohibited.

Where there are special use standards for a listed use, the code section(s) in Chapter 19.18, Special Uses and Standards, or other applicable chapter is noted in the "Special Standards" column. A higher level of review may be required for a use located within one or more overlay districts, designated in Chapter 19.17, or where circumstances merit a higher level of review as described in Section 19.30.030. Where a use is not listed, it is specifically prohibited or subject to a Similar Use interpretation in Chapter 19.31.

(3) Development Standards.

(a) New lots and structures and additions to structures subject to this Section shall comply with the standards for lots and building height, and setbacks in Tables 19.12.020-1 and 19.12.020-2, subject to Chapter 19.10 and Section 19.35.020.

(b) Subdivision design shall ensure that adequate setbacks, buffering of adjoining uses and sensitivity to physical features are achieved. Particular emphasis shall be given to ensuring land divisions will facilitate future urban development and extension of utilities.

(c) Tracts created for drainage facilities, parks, open space, wetlands and buffers or utilities shall not be subject to minimum lot size requirements.

(d) In the R-2 district, where the Reviewing Official authorizes development on systems other than area-wide public water and regional sewer, as defined in Section 19.01.070, the development must provide for full urbanization of the property when urban utility services become available, as provided in Chapter 19.25.

(e) In the R-3 district, the following standards apply:

(i) Where multifamily dwellings are grouped on one lot, the minimum distance between two buildings at any point shall be at least ten feet, and consistent with YCC Title 13; and

(ii) A minimum of 200 square feet of outdoor living area, as defined in Section 19.01.070, shall be provided per dwelling unit.

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Table 19.12.020-1. Lot Requirements				
Water and Sewer Combinations Land Use	**Zoning District**	**Minimum Lot Area (1) (sq. ft.)**	**Maximum Density (2)**	**Minimum Lot Width (feet)**
Sites with both Area-wide Public Water Supply and Regional Public Sewer System				
Detached single-family dwelling (where permitted)	R-2, R-3	7,000 (3)	7 units per acre	50
Detached single-family dwelling, zero lot line (Section 19.18.510)	R-2, R-3	3,500	12 units per acre	50
Attached single-family dwelling (common wall)	R-2, R-3	3,500	12 units per acre	35
Detached two-family dwelling	R-2, R-3	7,000	12 units per acre	50
Multifamily dwellings and Master Planned Development – Residential	R-2	1,750 per unit	18 units per acre	50
	R-3		24 units per acre (4)	50
Permitted nonresidential uses	R-2 and R-3	10,000 (5)	N/A	50
Sites with Public Water and Community or Regional Sewer Combinations				
Detached single-family dwelling or detached two-family dwelling	R-2	7,200 (3)	7 to 11 units per acre (6)	50
	R-3	Regional sewer and area-wide public water supply required for cluster development		
Permitted nonresidential uses	R-2 and R-3	10,000 (5)	N/A	50
Sites without Public Water and Community or Regional Sewer				
All permitted residential and nonresidential uses (7)	R-2, R-3			

Notes:

(1) Minimum lot area for types of water and sewer combinations other than individual systems is subject to the following:
- (a) Lot size may need to be increased to comply with Yakima Health District, Department of Health, Department of Ecology requirements, and/or other adopted regulations.
- (b) Lot sizes shall be increased to accommodate specific uses, lot coverage, setbacks, access, landscaping (see Chapter 19.21) and other requirements as provided in this Title.
- (c) The minimum lot size in the Greenway Overlay is one acre.
- (d) The following uses may be permitted on newly approved lots of less than the minimum parcel size: Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines and telecommunication facilities. Lots less than the minimum parcel size shall be reviewed for compatibility and must be designated as "non-buildable lot for utility purposes" by plat note, or by the equivalent deed or title restriction, if there is no plat. Standard lot width and setbacks shall apply.

(2) Maximum density shall be calculated based upon the gross area of the site, excluding existing and proposed standard public right-of-way.

(3) Minimum lot area may be reduced to 6,000 square feet, where allowed by the respective city or town's single-family residential zone, and where critical areas are protected on part of the site by placing them entirely within a separate critical area tract or entirely on a portion of one developable parcel under the subdivision standards of the Critical Areas Ordinance or Shoreline Master Program. The critical areas may count as a portion of the required community open space area under this option.

(4) Subject to meeting all other applicable standards of this Title.

(5) Minimum lot area for lots created for permitted nonresidential uses, other than those uses listed in this Table 19.12.020-2 Note 1(d) above, served by public water supply and regional or community sewer, shall not be less than 10,000 square feet in area.

(6) Refers to lots in the developed portion of the site only. The minimum values listed in the table are for lots created for detached, single-family dwellings served by a public water supply and a community on-site sewage disposal or regional sewer system in cluster developments on sites six acres or larger under Section 19.34.035.

(7) A detached, single-family dwelling that has legally existed since May 21, 1997 on a lot at least five acres in size and is served by an individual well and/or on-site sewage disposal system may be divided without connection to available utilities provided the existing dwelling unit and the vacant lot(s) created by the land division complies with this Section and Chapter 19.25. In such case the minimum lot size for the existing dwelling shall be 7,000 square feet, and the maximum size shall be no larger than necessary, considering setbacks, utilities, existing structures, access locations and similar features.

Table 19.12.020-2. Setbacks, Lot Coverage and Building Height

Subject				Zone R-2	Zone R-3
Maximum lot coverage **Lot coverage bonus**: In the R-3 district, lot coverage up to 80% is allowed for development that dedicates at least 20% of the total lot area to landscaping, greenery and open space				60%	65% or less as required by Section 19.21.030 for sitescreening/landscaping
Maximum building height - Additional restrictions may apply within the Airport Safety Overlay. See Section 19.17.030.				35 feet	50 feet
Minimum vision clearance triangle at intersections, railroads, curbcuts and driveways				See Subsection 19.10.040(7)	
Minimum setbacks(1)					
Front and street side setbacks*(2)	Designated classified road (arterial or collector)*			25 feet from planned edge of right-of-way or easement	
	Roads with a right-of-way or vehicular access easement more than 60 feet in width				
	Turnaround or cul-de-sac				
	Right-of-way or vehicular access easement 60 feet or less in width	Local access or private road(5)	Front	45 feet from planned centerline	
			Side	40 feet from planned centerline	
		Private, shared driveway or alley (5) (see Chapter 19.23)	Front	10 feet from planned edge of right-of-way or easement	
			Side	5 feet from planned edge of right-of-way or easement	
Interior side setback*(3)(U)				5 feet	10 feet(4) from property line
Rear setback*	Right-of-way or vehicular access easement			Same as front setback(4)	
	Adjoining lot			15 feet	15 feet(4) from property line
* Dwellings and other especially sensitive land uses (ESLU) are subject to additional setbacks from designated resource lands and/or activities..				See Section 19.18.205	
Additional setback to conform to sitescreening requirements				See Section 19.21.030	

Notes:

(1) See Subsection 19.10.040(6)(b) for setback exceptions for temporary turnarounds, through lots, and specified residential accessory structures.

(2) When there is no right-of-way, the front setback shall be 20 feet from the front property line.

(3) The setback for dwellings approved in zero lot line developments is zero feet from one side property line not abutting a right-of-way.

(4) The minimum side and rear setbacks in the R-3 zoning district shall be the setbacks *in the table* or one-half of the building height, whichever is greater, when adjacent to different residential zones (RT, SR, R-1, R-2). The minimum distance between two buildings at any point shall be at least ten feet where multifamily dwellings are grouped on one lot.

(5) Gates restricting vehicular access and garage and carport entrances must be setback 20 feet from the edge of a right-of-way or easement other than an alley.

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Chapter 19.13
BUSINESS, COMMERCIAL, AND INDUSTRIAL DISTRICTS

Sections:

19.13.010 Professional Business and Local Business Districts (B-1, B-2)
19.13.020 Urban Commercial Districts (SCC, LCC, GC, HTC)
19.13.030 Light Industrial and Heavy Industrial Districts (M-1, M-2)

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19.13.010 Professional Business and Local Business Districts (B-1, B-2).

(1) Legislative Intent.

(a) Professional Business District.

The purpose of the Professional Business (B-1) district is to:

(i) Establish and preserve areas for professional offices on smaller parcel sizes;

(ii) Provide for a transition between commercial clusters and residential neighborhoods; and

(iii) Require the County's minimum urban development standards for commercial developments, or the respective city's standards, whichever are higher.

(b) Local Business District.

The purpose of the Local Business (B-2) district is to:

(i) Provide areas for commercial activities such as small retail sales and service establishments that meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas;

(ii) Accommodate small scale commercial uses that need a higher level of visibility and easy access to major arterials, and those uses where all goods produced on the premises are sold at retail; and

(iii) Require the County's minimum urban development standards for commercial developments, or the respective city's standards, whichever are higher.

(2) Uses.

The uses set out in the Allowable Land Use Table 19.14-1 in Chapter 19.14 are examples of uses allowed in the B-1 and B-2 districts. The appropriate review authority is mandatory. See Section 19.30.030 for more explicit definitions of Type 1, 2, 3, 4 Uses/reviews.

"Type 1" Uses allowed subject to approval of applicable permits where required. Type 1 uses usually require Type 1 review, but may require Type 2 review under certain conditions.

"Type 2" Uses allowed upon Type 2 administrative review and approval as set forth in Section 19.30.030 uses subject to review and approval. Type 2 uses require

administrative review by the Administrative Official and may be referred to the Hearing Examiner.

"Type 3" Uses which may be authorized subject to the approval of a conditional use permit as set forth in Section 19.30.030. Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing Examiner review of applications subject to a Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).

"Type 4" Uses which may be allowed subject to the approval of a project permit as set forth in Section 19.30.030. Type 4 uses require both the Hearing Examiner and Board of County Commissioners review of applications subject to a Type 4 review under the procedures of Sections 19.30.080, 19.36.030, and YCC Subsection 16B.03.030(1)(d).

"Blank" Uses specifically prohibited.

Where there are special use standards for a listed use, the applicable code section(s) in Chapter 19.18, Special Uses and Standards, or other applicable chapter is noted in the "Special Standards" column. A listed use proposed within a previously reviewed multiple occupancy building may not be required to obtain separate approval by the Administrative Official where the use complies with special standards of Chapter 19.18 and Subsection 19.30.020(2)(g). A higher level of review may be required for a use located within one or more overlay districts, designated in Chapter 19.[illegible] or where circumstances merit a higher level of review as described in Section 19.30.[illegible]0. Where a use is not listed, it is specifically prohibited or subject to a similar use interpretation in Chapter 19.31.

(3) Development Standards.

New lots and structures and additions to structures subject to this Section shall comply with the applicable standards for lots and building height, and setbacks in Table 19.13.010-1, subject to Chapter 19.10 and Section 19.35.020.

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Table 19.13.010-1. Lot Standards, Setbacks, Lot Coverage and Building Height Requirements				
Subject			**Zone**	
			B-1	**B-2**
Minimum lot area(1)			5,000 square feet	5,000 square feet
Minimum lot width			50 feet	50 feet
Maximum lot coverage			80 percent or less as required by Section 19.21.030 for sitescreening/landscaping	
Maximum building height - Additional restrictions may apply within the Airport Safety Overlay. See Section 19.17.030.			35 feet	35 feet
Minimum vision clearance triangle at intersections, railroads and driveways			See Subsection 19.10.040(7)	
Minimum setbacks(2)				
Front/ street side setbacks*(3)	Designated classified road (arterial or collector)*		25 feet from planned edge of right-of-way or easement	
	Roads with a right-of-way or vehicular access easement more than 60 feet in width			
	Turnaround or cul-de-sac			
	Right-of-way or vehicular access easement 60 feet or less in width	Local access or private road(4)	30 feet from planned centerline	
		Private, shared driveway or alley (4) (see Chapter 19.23)	0 feet from edge of right-of-way or easement	
Interior side setback*	Not adjoining an RT, SR, R-1, R-2 or R-3 district		0 feet from property line	
	Adjoining an RT, SR, R-1, R-2 or R-3 district		One-half the building height or 20 feet, whichever is greater	
Rear setback*	Right-of-way or access easement		Same as front setback	
	Not adjoining an RT, SR, R-1, R-2 or R-3 district		0 feet from property line	
	Adjoining an RT, SR, R-1, R-2 or R-3 district		One-half the building height or 20 feet, whichever is greater	
*Dwellings and other especially sensitive land uses (ESLU) adjacent to designated resource lands and/or activities are subject to additional setbacks.			See Section 19.18.205	
Additional setback to accommodate required sitescreening			See Section 19.21.030	

Notes:

(1) Minimum lot area is subject to the following:

(a) The minimum lot size herein specified is based on public water and sewer service availability. Lot size may need to be increased to comply with Yakima Health District, Department of Health, Department of Ecology requirements, and/or other adopted regulations.

(b) Lot sizes shall be increased to accommodate specific uses, lot coverage, setbacks, access, landscaping (see Chapter 19.21) and other requirements as provided in this Title.

(c) The minimum lot size in the Greenway Overlay is one acre.

(d) The following uses may be permitted on newly approved lots of less than the minimum parcel size: Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines and telecommunication facilities. Lots less than the minimum parcel size shall be reviewed for compatibility and must be designated as "non-buildable lot for utility purposes" by plat note, or by the equivalent deed or title restriction, if there is no plat. Standard lot width and setbacks shall apply.

(2) See Subsection 19.10.040(6)(b) for setback exceptions for temporary turnarounds and through lots.

(3) When there is no right-of-way, the front setback shall be 20 feet from the front property line.

(4) Gates restricting vehicular access and garage and carport entrances, must be setback 20 feet from the edge of a right-of-way or easement other than an alley

19.13.020 Urban Commercial Districts (SCC, LCC, GC, HTC).

(1) Legislative Intent.

(a) Small Convenience Center District.

The purpose of the Small Convenience Center (SCC) district is to:

(i) Serve the day-to-day convenience shopping and service needs of the surrounding neighborhood and minimize undesirable impacts of the center on the neighborhood it serves;

(ii) Provide areas for commercial activities that meet the direct retail shopping and service needs of the consumer community, such as supermarkets, fast food restaurants and drug stores; and

(iii) Accommodate small commercial centers, generally two to five acres in size, where most commercial uses have located in a coordinated manner around a common parking lot and one major commercial approach driveway.

(b) Large Convenience Center District.

The purpose of the Large Convenience Center (LCC) district is to:

(i) Serve the shopping and service needs of multiple surrounding neighborhoods while minimizing the district's impacts on such neighborhoods;

(ii) Provide areas for commercial activities outside central business districts of cities and towns that meet the retail shopping and personal service needs of the community, such as multiple tenant shopping, restaurants, office complexes and multi-mixed-uses; and

(iii) Accommodate commercial centers, generally five to ten acres in size, where most commercial uses are coordinated in a manner around a common parking lot and usually with two major commercial approach driveways.

(c) General Commercial District.

The purpose of the General Commercial (GC) district is to accommodate wholesale and retail activities with some high-density residential development. This district is located only in Urban Growth Areas, primarily near and along the major arterials as designated in the Comprehensive Plan. The GC district is additionally intended to:

(i) Provide sites for more diversified business types including non-retail commercial and business uses which are primarily related to automotive traffic; and

(ii) Require the County's minimum urban development standards for commercial developments, or the respective city's standards, whichever are higher.

(d) Highway/Tourist Commercial District.

The Highway/Tourist Commercial (HTC) is both an urban and a rural district. The legislative intent, uses, and development standards for the HTC district are listed separately in Section 19.11.040.

(2) Uses.

The uses set out in the Allowable Land Use Table 19.14-1 in Chapter 19.14 are the uses allowed in the SCC, LCC and GC districts. The appropriate review authority is mandatory. See Section 19.30.030 for more explicit definitions of Type 1, 2, 3, and 4 Uses/reviews.

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"Type 1" Uses allowed subject to approval of applicable permits where required. Type 1 uses usually require Type 1 review, but may require Type 2 review under certain conditions.

"Type 2" Uses allowed upon Type 2 administrative review and approval as set forth in Section 19.30.030 uses subject to review and approval. Type 2 uses require administrative review by the Administrative Official and may be referred to the Hearing Examiner.

"Type 3" Uses which may be authorized subject to the approval of a conditional use permit as set forth in Section 19.30.030. Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing Examiner review of applications subject to a Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).

"Type 4" Uses which may be allowed subject to the approval of a project permit as set forth in Section 19.30.030. Type 4 uses require both the Hearing Examiner and Board of County Commissioners review of applications subject to a Type 4 review under the procedures of Sections 19.30.080, 19.36.030, and YCC Subsection 16B.03.030(1)(d).

"Blank" Uses specifically prohibited.

Where there are special use standards for a listed use, the applicable code section(s) in Chapter 19.18, Special Uses and Standards, or other applicable chapter is noted in the "Special Standards" column. A listed use proposed within a previously reviewed multiple occupancy building may not be required to obtain separate approval by the Administrative Official where the use complies with special standards of Chapter 19.18 and Subsection 19.30.020(2)(g). A higher level of review may be required for a use located within one or more overlay districts, designated in Chapter 19.17, or where circumstances merit a higher level of review as described in Section 19.30.030. Where a use is not listed, it is specifically prohibited or subject to a similar use interpretation in Chapter 19.31.

(3) Development Standards.

New lots and structures and additions to structures subject to this Section shall comply with the applicable standards for lots and building height, and setbacks in Tables 19.13.020-1, subject to the provisions of Chapter 19.10 and Section 19.35.020.

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Table 19.13.020-1. Lot Standards, Setbacks, Lot Coverage and Building Height Requirements					
Subject			**Zone**		
			SCC	**LCC**	**GC**
Minimum lot area (1)			10,000 square feet	10,000 square feet	5,000 square feet
Minimum lot width			100 feet	100 feet	35 feet
Maximum building height - Additional restrictions may apply within the Airport Safety Overlay. See Section 19.17.030.			35 feet	50 feet	50 feet
Maximum lot coverage			85% or less as required by landscaping in YMC Chapter 19.21	90%	100%
Minimum vision clearance triangle at intersections, railroads, curbcuts and driveways			See Subsection 19.10.040(7)		
Minimum building setbacks (2)					
Front/ street side* (3)	Designated classified road (arterial or collector)*		25 feet from planned edge of right-of-way or easement		
	Roads with a right-of-way or vehicular access easement more than 60 feet in width				
	Turnaround or cul-de-sac				
	Right-of-way or vehicular access easement 60 feet or less in width	Local access or private road (see Chapter 19.23)	30 feet from planned centerline		
		Private, shared driveway or alley	0 feet from edge of right-of-way or easement		
Side (interior)*	Not adjoining an RT, SR, R-1, R-2 or R-3 district		0 feet from property line		
	Adjoining an RT, SR, R-1, R-2 or R-3 district		One-half the building height or 20 feet, whichever is greater		
Rear *	Right-of-way or vehicular access easement		Same as front setback		
	Not adjoining an RT, SR, R-1, R-2 or R-3 district		0 feet from property line		
	Adjoining an RT, SR, R-1, R-2 or R-3 district		One-half the building height or 20 feet, whichever is greater		
*Dwellings and other especially sensitive land uses (ESLU) adjacent to designated resource lands and/or activities are subject to additional setbacks.			See Section 19.18.205		
Additional setback to conform to sitescreening requirements			See Section 19.21.030		

Notes:

(1) Minimum lot area is subject to the following:

(a) The minimum lot size herein specified is based on public water and sewer service availability. Lot size may need to be increased to comply with Yakima Health District, Department of Health, Department of Ecology requirements, and/or other adopted regulations.

(b) Lot sizes shall be increased to accommodate specific uses, lot coverage, setbacks, access, landscaping (see Chapter 19.21) and other requirements as provided in this Title.

(c) The minimum lot size in the Greenway Overlay is one acre.

(d) The following uses may be permitted on newly approved lots of less than the minimum parcel size: Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines and telecommunication facilities. Lots less than the minimum parcel size shall be reviewed for compatibility and must be designated as "non-buildable lot for utility purposes" by plat note, or by the equivalent deed or title restriction, if there is no plat. Standard lot width and setbacks shall apply.

(2) See Subsection 19.10.040(6)(b) for setback exceptions for temporary turnarounds and through lots.

(3) When there is no right-of-way, the front setback shall be 20 feet from the front property line.

(4) Gates restricting vehicular access and garage and carport entrances must be setback 20 feet from the edge of a right-of-way or easement other than an alley.

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19.13.030 Light Industrial and Heavy Industrial Districts (M-1, M-2).

(1) Legislative Intent.

(a) Light Industrial District.

The purpose of the Light Industrial (M-1) district is to:

(i) Establish and preserve areas near designated truck routes, freeways and the railroad for light industrial uses, which should not generate noise levels, light, odor or fumes that would constitute a hazard. Such uses are light manufacturing, processing, research and wholesale trade, storage and distribution facilities;

(ii) Direct truck traffic onto designated truck routes and away from residential streets; and

(iii) Minimize conflicts between uses in the light industrial district and surrounding land uses.

(b) Heavy Industrial District.

The purpose of the Heavy Industrial (M-2) district is to:

(i) Establish and preserve areas near designated truck routes, freeways and the railroad for heavy industrial uses, such as manufacturing, assembling, fabrication, processing and distribution and storage facilities;

(ii) Protect uses with the potential to generate high levels of noise, light, odor, fumes or smoke from encroachment by incompatible land uses;

(iii) Direct heavy truck traffic onto designated truck routes and away from residential streets; and

(iv) Assure that permitted uses do not generate gases, fumes, heat, glare or vibrations in a manner inconsistent with the intent of the district and/or incompatible with surrounding uses; and

(v) Minimize conflicts between heavy industrial uses and surrounding land uses.

(2) Special Location Requirements.

The M-1 and M-2 districts are located principally, but not exclusively, within Urban Growth Areas. Establishment of M-1 and M-2 zoning districts outside Urban Growth Areas is allowed if the criteria including, but not limited to, Comprehensive Plan policy ED 3.14 and the following, are met:

(a) New infrastructure is provided for and/or applicable impact fees are paid; and

(b) Transit-oriented site planning and traffic demand management programs are implemented; and

(c) Buffers are provided between the major industrial development and adjacent nonurban areas to appropriately mitigate and screen impacts of structures and activities including, but not limited to, bulk, light, glare, noise, and parking; and

(d) Environmental protection including air and water quality has been addressed and provided for; and

(e) Development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas; and

(f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands and mineral resource lands; and

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(g) The plan for the major industrial development is consistent with the policies and development regulations established for protection of critical areas; and

(h) An inventory of developable land has been conducted and findings made that land suitable to site the major industrial development is unavailable within the Urban Growth Area. Priority shall be given to applications for sites that are adjacent to or in close proximity to the Urban Growth Area.

(3) Uses.

The uses set out in the Allowable Land Use Table 19.14-1 in Chapter 19.14 are examples of uses allowed in the M-1 and M-2 districts. The appropriate review authority is mandatory. See Section 19.30.030 for more explicit definitions of Type 1, 2, 3 and 4 Uses/reviews.

"Type 1" Uses allowed subject to approval of applicable permits where required. Type 1 uses usually require Type 1 review, but may require Type 2 review under certain conditions.

"Type 2" – Uses allowed upon Type 2 administrative review and approval as set forth in Section 19.30.030 uses subject to review and approval. Type 2 uses require administrative review by the Administrative Official and may be referred to the Hearing Examiner.

"Type 3" Uses which may be authorized subject to the approval of a conditional use permit as set forth in Section 19.30.030. Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing Examiner review of applications subject to a Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).

"Type 4" Uses which may be allowed subject to the approval of a project permit as set forth in Section 19.30.030. Type 4 uses require both the Hearing Examiner and Board of County Commissioners review of applications subject to a Type 4 review under the procedures of Sections 19.30.080, 19.36.030, and YCC Subsection 16B.03.030(1)(d).

"Blank" Uses specifically prohibited.

Where there are special use standards for a listed use, the applicable code section(s) in Chapter 19.18, Special Uses and Standards, or other applicable chapter is noted in the "Special Standards" column. A listed use proposed within a previously reviewed multiple occupancy building may not be required to obtain separate approval by the Administrative Official where the use complies with special standards of Chapter 19.18 and Subsection 19.30.020(2)(g). A higher level of review may be required for a use located within one or more overlay districts, designated in Chapter 19.17, or where circumstances merit a higher level of review as described in Section 19.30.030. Where a use is not listed, it is specifically prohibited or subject to a similar use interpretation in Chapter 19.31.

(4) Development Standards.

(a) New lots and structures and additions to structures subject to this Section shall comply with the applicable standards for lots and building height, and setbacks in Tables 19.13.030-1, subject to Chapter 19.10 and Section 19.35.020.

(b) Industrial uses and land divisions shall facilitate future urban development and extension of utilities.

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(c) Proposed industrial development shall ensure adequate setbacks, buffering of adjoining uses and sensitivity to physical features.

(5) Performance Standards.

No land or structure shall be used or occupied within M-1 and M-2 districts unless there is continuing compliance with the following minimum performance standards:

(a) Noise.

Maximum permissible noise levels shall be as determined by Chapter 173-60 WAC, as amended and applicable provisions of Subtitle 19.3 (Procedures).

(b) Emissions and Venting.

(i) The emission of any gases, fumes or vapors dangerous to human health, animal life, vegetation or property are prohibited.

(ii) The venting of odors, vapors, smoke, cinders, dust, gas, and fumes shall be directed away from residential uses within 50 feet of the vent.

(c) Heat.

No use shall produce heat significantly perceptible beyond its lot lines.

(d) Glare.

(i) No use shall produce a reflection of a strong light beyond its lot lines.

(ii) Except for exterior lighting, operations producing glare shall be conducted entirely within an enclosed building.

(e) Electromagnetic Interference.

Electric fields and magnetic fields shall not be created that adversely affect the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted. This section does not apply to telecommunication facilities regulated by the Federal Communications Commission under the Federal Telecommunication Act of 1996 or its successor.

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Table 19.13.030-1. Lot Standards, Setbacks, Lot Coverage and Building Height Requirements			
Subject		**Zone**	
		M-1	**M-2**
Minimum lot area (1) New parcels smaller than one-half acre are not permitted unless consistent with a binding site plan approval for the use.		One-half acre	One-half acre
Minimum lot width		60 feet	60 feet
Maximum lot coverage		100 percent or less as required by Section 19.21.030 for sitescreening/landscaping	100 percent
Maximum building height - Additional restrictions may apply within the Airport Safety Overlay. See Section 19.17.030.		60 feet	None
Minimum vision clearance triangle at intersections, railroads, curbcuts and driveways		See Subsection 19.10.040(7)	
Minimum building setback (2)			
Front/street side*(3)	Classified road (arterial or collector)	50 feet from planned centerline	
	Roads with a right-of-way or vehicular access easement greater than 60 feet in width	25 feet from planned right-of-way edge	
	Turnaround or cul-de-sac		
	Local access or private roads(4)	50 feet from planned centerline	
	Private, shared driveway or alley (4) (see Chapter 19.23)	10 feet from edge of easement	
Side (interior)*	Not adjoining an RT, SR, R-1, R-2 or R-3 district	0 feet	0 feet
	Adjoining an RT, SR, R-1, R-2 or R-3 district	One-half building height or fifty feet, whichever is greater	
Rear*	Right-of-way or vehicular access easement		
	Not adjoining an RT, SR, R-1, R-2 or R-3 district	0 feet	0 feet
	Adjoining an RT, SR, R-1, R-2 or R-3 district	One-half building height or fifty feet, whichever is greater	
*Dwellings and other especially sensitive land uses (ESLU) adjacent to designated resource lands and/or activities are subject to additional setbacks.		See Section 19.18.205	
Additional setback to conform to sitescreening requirements		See Section 19.21.030	

Notes:

(1) Minimum lot area is subject to the following:

(a) The minimum lot size herein specified is based on public water and sewer service availability. Lot size may need to be increased to comply with Yakima Health District, Department of Health, Department of Ecology requirements, and/or other adopted regulations.

(b) Lot sizes shall be increased to accommodate specific uses, lot coverage, setbacks, access, landscaping (see Chapter 19.21) and other requirements as provided in this Title.

(c) The minimum lot size in the Greenway Overlay is one acre.

The following uses may be permitted on newly approved lots of less than the minimum parcel size: Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines and telecommunication facilities. Lots less than the minimum parcel size shall be reviewed for compatibility and must be designated as "non-buildable lot for utility purposes" by plat note, or by the equivalent deed or title restriction, if there is no plat. Standard lot width and setbacks shall apply.

(2) See Subsection 19.10.040(6)(b) for setback exceptions for temporary turnarounds and through lots.

(3) When there is no right-of-way, the front setback shall be 20 feet from the front property line.

(4) Gates restricting vehicular access and garage and carport entrances shall be setback 20 feet from the edge of the right-of-way.

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Chapter 19.14
ALLOWABLE LAND USE TABLE

Sections:

19.14.010 Allowable Land Use Table

19.14.010 Allowable Land Use Table.

The following Table 19.14-1 indicates those uses which may be permitted through Type 1, 2, 3 or 4 review in the various zoning districts defined in this title. In addition to Table 19.14-1, reference to the individual zoning districts and, where indicated, the notes following the table and definitions of 19.01.070, is necessary in order to determine if any specific requirements apply to the listed use.

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Table 19.14-1 Allowable Land Uses

Uses[15]	AG	FW[1]	MIN	R/ELDP - 40	RURAL 10/5	RT[4]	RS[5]	HTC[6]	SR[8]	R-1[8, 9]	R-2[8,10]	R-3[8, 11]	B-1[8]	B-2[8]	SCC[8]	LCC[8]	GC[8]	M-1[8]	M-2[8]
1. Residential.																			
Single-family site built or modular* dwelling, detached, or manufactured home meeting requirements of 19.18.270	1	1		1	1	1	1		1	1	1								
Mobile or manufactured homes* of any size in approved or existing mobile/manufactured home parks*	1	1		1	1	1	1		1	1	1	1	1	1					
Multi-wide manufactured home* in approved or existing manufactured home subdivisions									1	1	1	1							
Multi-wide manufactured home*, not meeting requirements of 19.18.270, on an individual lot				1	1	1	1		2	2	1								
Single-wide manufactured home* in approved or existing manufactured home subdivisions									1	1	1	1	1	1					
Single-wide manufactured home*,on an individual lot				1	1	1	2		1	2	2	2	2	2					
Single-family detached dwelling (zero lot line)*									2	2	1	1							
Single-family attached dwelling*, common wall									2	2	1	1							
Accessory dwelling unit* - Attached	2	2		2	2	2	2		2	2	1[3]	1[3]							
Accessory dwelling unit* - detached	2	2		2	2	1	2		3	3	3[3]	3[3]							
Two-family dwelling (duplex)*							1		3	3	1	1							
Multifamily dwelling							2												
Multi-family dwelling*, 12 dwelling per acre or less							2				2	1							
Multi-family dwelling*, 13 to 18 dwellings per acre							2				3	2							
Multi-family dwelling*, more than 18 dwellings per acre							2					2							
Mixed use building/dwellings in mixed-use multi-family residential/commercial development							2						1	1	1	1	1		
Bed and breakfast inn* with a maximum of two guest bedrooms and without receptions, group meetings or special gatherings	1	1		2	1	1	1	1	1	1	1	1	1	2	1	1	1		
Bed and breakfast inn* with a maximum of five guest bedrooms and/or receptions, group meetings and/or special gatherings	2	2		3	2	2	2	2	2	2	2	2	2	3	2	2	2		
Home business, minor*	1	1		1	1	1	1		1	1	1	1	1	1					
Home business, major*	2	2		2	2	2	2		2	2	2	2	2	2					
Retirement homes* exceeding limits of adult family home* (see family home services)							2		2			2							
Manufactured/Mobile home parks*							2		3			2							
Safe/shelter home* (see Family Home Services)	2	2		2	2	2	2	2	2	2	2	2	2	2	2	2	2		
Family home services*, other than safe/shelter home	1			1	1	1	1		1	1	1	1	1	2	1	1	1		

Table 19.14-1 A[illegible]ble Land Uses

Uses[15]	AG	FW[9]	MIN	R/ELDP - 40	RURAL 10/5	RT[4]	RS[5]	HTC[6]	SR[4]	R-1[8, 9]	R-2[8, 10]	R-3[9, 11]	B-1[8]	B-2[8]	SCC[8]	LCC[8]	GC[8]	M-1[8]	M-2[8]
Dwelling for occupancy by guards, watchmen, caretakers or owners of non-residential permitted use.			1					1					1	1	1	1	1	1	1
Sales office within a residential or mixed-use project while units in the project are sold by the developer									1	1	1	1	1	1	1	1	1		
2. Retail sales - Food.																			
Agricultural market*	2	3		3	2		2	1	2					2	1	1	1	2	2
Agricultural stands* not exceeding 1,000 square feet in area	1		1	1	1	2	1	1	1	2				2				1	1
Bakery, butcher shop, delicatessen, specialty food store							1	1						1	1	1	1	2	
Grocery store							2							3	2	1	1		
Convenience* store not exceeding 4,000 square feet in area		3					2	1						2	1	1	1	2	
3. Retail sales – General																			
Antique store*							1	1						2	2	1	1		
Art supplies														1					
Book, stationery, office supplies							1						2	1	1	1	1	2	
Candy store													2	1	1	1	1		
Clothing and accessories							1	2						1	1	1	1		
Computer and electronic stores							1						2	1	1	1	1		
Department, discount, variety stores, 25,000 square feet or less							3							2	2	1	1		
Department, discount, variety stores, more than 25,000 square feet														3	3	1	1		
Drug stores*, pharmacies, optical goods, orthopedic supplies							1						2	1	1	1	1		
Fabric store							1							1	1	1	1		
Florist							1	1					2	1	1	1	1		
Furniture, home-furnishings, appliances, including service							2							1	1	1	1		
Gift shop*, souvenirs, coins, stamps, toys, hobby store							1	1						1	1	1	1		
Jewelry, watches, silverware							1	1						1	1	1	1		
Liquor stores							2							2	2	1	1		
Music stores							1							1	2	1	1		
Nursery*, retail	3						1		3					1	1	1	1	2	
Pawnbroker														2	1	1	1		
Pet stores, pet supplies							1							1	1	1	1	2	
Second hand store* with no outdoor storage							2							3	2	2	2	2	

Table 19.14-1 Allowable Land Uses

Uses[15]	AG	FW[1]	MIN	R/ELDP - 40	RURAL 10/5	RT[4]	RS[5]	HTC[6]	SR[8]	R-1[8,9]	R-2[8,10]	R-3[9,11]	B-1[8]	B-2[8]	SCC[8]	LCC[8]	GC[8]	M-1[8]	M-2[8]
Signs, printed, painted or carved							2							2	3	2	1	1	1
Sporting goods and recreational equipment sales and rentals							2							2	1	1	1		
Technical equipment sales*							2						2	1	1	1	1	2	
Video sales/rental							1	2						1	1	1	1		
4. Retail sales - Restaurants, Drinking Places																			
Drive-through food and beverage vender,* e.g.: juice bar, mobile food vender located on a site longer than four hours within a 24-hour period		2			3		2	1						2	2	2	2	2	
Espresso/coffee drive-through*		2			3		2	1						2	2	2	2	3	
Espresso/coffee stand*, or café, when either is conducted in conjunction with another allowed use							1	1					1	1	1	1	1		
Restaurant, café and drive-in eating facilities	Note (2)	3					2	2						2	1	1	1	2	
Taverns*, bars, dance establishments, tasting rooms							2							3	2	1	2	2	
5. Retail sales and services - Automotive and Related																			
Automobile, motorcycle, truck, trailer, manufactured home and RV sales																2	1	2	
Parking lots and garages accessory to another allowed use							1	1					2	1	1	1	1		
Parking lots and garages															2	2	2	1	1
Maintenance and repair shops, including specialized repair (radiator, etc.)							2	2						2	1	1	1	2	2
Paint and body repair shops							3								3	1	1	2	2
Parts and accessories (tires, batteries, etc.)							2	1						2	2	1	1	2	
Towing services* (not including vehicle storage)							2	1									2	2	1
Boats and marine accessories							2							2	2	1	1	2	
Motorcycle repair and maintenance							2								1	1	1	2	
Rental agencies: Auto, truck, trailer, fleet leasing services without storage							2	1						2		1	2	1	2
Rental agencies: Auto, truck, trailer, fleet leasing services with storage																		2	2
Truck service stations, washes and shops							2	2									3	1	1
Service station, automotive*, car wash, detailing		3					2	1						2	1	1	1	2	
6. Retail sales - Building material and Farm equipment.																			
Agricultural implements, parts, tools, heavy construction equipment and machinery					3		2										1	1	1
Hardware, garden equipment and supplies, , building and							2							2	2	1	1	2	

Table 19.14-1 A[illegible]ble Land Uses

Uses[15]	AG	FW[1]	MIN	R/ELDP - 40	RURAL 10/5	RT[4]	RS[5]	HTC[6]	SR[8]	R-1[8,9]	R-2[8,10]	R-3[9,11]	B-1[8]	B-2[8]	SCC[8]	LCC[8]	GC[8]	M-1[8]	M-2[8]
trade retailers (e.g., plumbing, glass, heating, electrical, lumber, paint, wallpaper)																			
Heavy construction equipment sales and rental							2										1	2	1
Farm and ranch supplies	3				1														
Lumber yards																		1	1
Nursery, retail*	3			1	2	1													
Recreational equipment sales and rentals		2			2														
7. Services – Personal.																			
Beauty and barber shops							1	1					2	1	1	1	1	2	
Funeral homes, without cemetery or crematorium							2		3				2	2	2	1	1	2	
Laundries, laundromats and dry cleaners							2	1						2	1	1	1	1	
Massage therapy/spa*							1						1	1	1	1	1		
Photographic studios							1						1	1	1	1	1		
Seamstress, tailor, shoe repair							1						2	1	1	1	1	2	
8. Services - General.																			
Addressing, mailing and stenographic services							1						1	1	1	1	1	2	
Agricultural service establishments*	2	3			3		2												
Auction house/yard*, excluding livestock							3		3						3	3	3	2	2
Bail bonds															1	1	1		
Building and trade contractors (e.g., plumbing, heating, electrical, painting, etc.) not qualifying as home occupations*					2	3	2							2	2	2	1	1	
Commercial services*													3	1	1	1	1	2	
Financial institutions							1	1					1	1	1	1	1		
Heavy construction equipment storage, maintenance, repair and contracting services							2	3										1	1
Kennels*	2	2		2	2				3						2	2	2	2	2
Pet daycare, grooming, animal training*	2	2		2	2	2	1		2					1	1	1	1	2	
Printing, photocopy service							1	1					1	1	1	1	1	2	
Printing services, commercial							2							1	1	1	1	1	
Radio/TV studios (communication towers listed separately)				3			2		3					2	1	1	1	2	
Repairs: Small appliances, TVs, business machines, jewelry, locksmiths, gunsmiths, watches, etc.							1							1	1	1	1	2	
Repairs: Re-upholstery and furniture, small engines and garden equipment, golf carts, refrigerators, large items, etc.							2							2	2	1	1	2	

Table 19.14-1 Allowable Land Uses

Uses[15]	AG	FW[1]	MIN	R/ELDP - 40	RURAL 10/5	RT[3]	RS[5]	HTC[6]	SR[8]	R-1[8,9]	R-2[8,10]	R-3[9,11]	B-1[8]	B-2[8]	SCC[8]	LCC[8]	GC[9]	M-1[10]	M-2[8]
9. Services – Accommodation.																			
Boarding or lodging house*	2	3				3	2				3	3		3	1	1	1		
Campground*/Recreational vehicle park*		2		3				2	3								2		
Overnight lodging facilities*	2	3					2	1							1	1	1		
10. Services – Medical and Health.																			
Animal clinic/hospital/veterinarian*						3	2	2	3					2	2	1	1	2	
Health care facilities*	3						2		3	3	3[4]	3[4]	3	3		3	2	2	
Medical and dental laboratories, offices and clinics							1						1	1	1	1	1	2	
11. Services - Professional Office.																			
Administrative offices, not otherwise listed							2												
Call center													2	2	3	3	1	1	
Professional multi-tenant office buildings							2												
Professional, scientific, technical or other services (advertising, architects, attorneys, engineers, real estate, insurance, surveyors, employment agencies), excluding multi-tenant and administrative offices not otherwise listed.							1												
Professional, scientific, technical or other services (advertising, architects, attorneys, engineers, real estate, insurance, surveyors, employment agencies), including multi-tenant and administrative offices not otherwise listed.													1	1	1	1	1	2	
12. Services – Arts, Entertainment and Recreation.																			
Adult entertainment facilities*																		1	
Agricultural tourist operation (ATO)*:																			
(a) Retail ATO*	2			2	2														
(b) Destination ATO*	3			3	3														
(c) Resort ATO*	4	4		4	4														
Amusement park (permanent)*, fairgrounds, racetracks and other outdoor amusements					3	3	3	2								3	3	3	
Aquatic center							3	2								3	3	2	
Bowling alleys							2	1						2	2	2	1		
Drive-in theatres						3	3	2	3								2	2	
Exercise facilities, gymnasiums	2				2		2	2			2	2	2	2	1	1	1	2	
Game rooms, card rooms*, electronic game rooms*, excluding social card rooms							2								1	1	1		

Table 19.14-1 A ble Land Uses

Uses[15]	AG	FW[1]	MIN	R/ELDP - 40	RURAL 10/5	RT[4]	RS[5]	HTC[6]	SR[8]	R-1[8,9]	R-2[8,10]	R-3[9,11]	B-1[8]	B-2[8]	SCC[8]	LCC[8]	GC[8]	M-1[9]	M-2[9]
Golf courses, clubhouses, pro shops, driving ranges	3	3		2	2	2	2	2	3	3	3	3							
Historic landmark allowable use permits	2	2	2	2	2	2	2	2	3	3	3	3	2	2	2	2	2	2	2
Hunting and fishing services, horse rental, pony rides	1	1		1			2	2									2		
Livestock event facilities	2			3	3	3	3												
Marinas* (may include accessory sales of marine products)	3	2		2	2														
Miniature golf courses					3	3	3	2						3	3	1	1	2	
Movie theaters, auditoriums, exhibition halls							2	1							3	1	1		
Museums, art galleries	2	2		3	2	2	2	2		3	3	3	2	2	1	1	1		
Off-road vehicle recreation facilities*		2		2	2														
Parks, playgrounds, greenways and other public or private outdoor recreational facilities	3	3	3	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Public or private camps* and guest ranches*	2	2		3	3														
Roller skating or ice skating rink							2	1								2	2	3	
Shooting range, indoor					3		2								3	3	3	2	
Shooting range, outdoor	3	3	2	3	3														
Sports facility, indoor							2								2	2	1	3	
Social card room*, including casinos															3	3	3		
Zoos*					3	3									3	3	3		
13. Services – Educational.																			
Business school*							2		3	3	3	3	3	3	2	2	2	2	
Community college/university					3	3	2		3	3	3[5]	3[5]	3	2	2	2	2	2	
Commercial education services and studios					3		1						2	2	1	1	1	2	
Day care center, child*	3				2	2	2		3	3	3	2	2	2	1	1	2	2	
Libraries					2	2	2	2	3	3	3	3	2	2	1	1	1		
Schools: Elementary and middle*, senior high school*	3	3			2	2	2		3	3	3	3	3	3	3	3	2	2	
Senior high school*	3	3			2	2	2		3	3	3	3	3	3	3	3	3	2	
Vocational school*							2		3	3	3	3	3	2	2	2	1	3	
14. Services – Membership Organizations.																			
Church or other place of worship*	2	2		2	2	2	2		2	2	2	2	2	2	2	2	1		
Community center*					3		2		2	3	2	2		2	2	2	1	2	
Fraternal organizations*, lodges and clubs, meeting/reception hall*, new Grange hall					3		2	2	2					2	2	2	2	2	

Table 19.14-1 Allowable Land Uses

Uses[15]	AG	FW[4]	MIN	R/ELDP - 40	RURAL 10/5	RT[5]	RS[5]	HTC[6]	SR[8]	R-1[8, 9]	R-2[8, 10]	R-3[9, 11]	B-1[8]	B-2[8]	SCC[8]	LCC[8]	GC[8]	M-1[8]	M-2[8]
15. Distribution Facilities.																			
Fuel oil and coal distributors																	3	2	1
16. Public Services and Facilities.																			
Correctional facilities	3	3		3	3	3	3										3	3	3
Crisis residential facilities*					2	2	2			3	2	2					3		
Government offices							2						2	3	2	2	1	2	
Group care facilities (large)**, foster family homes (large)**, or licensed boarding homes for more than six residents** (**Exceed definitions under Family Home Services)					2	2	2			2	3	2	3	3			2		
Halfway house/clean and sober facility*	3	3			3	3	3				3	2					3		
Police, fire stations, ambulance service	2	2		2	2	2	2	2	3	3	3	3	2	2	2	2	1	2	1
Residential care facility* within five road miles of a year-round responding fire station					2	2	2			3	2	2							
Opiate substitution treatment facility defined under RCW 36.70A.200							3						3	3	3	3	3		
17. Resource Activities.																			
Agriculture* silviculture, and animal feeding operations* (**Excluding**: Concentrated animal feeding operations, livestock auction/sale yards, rendering plants and slaughter houses)	1	1	1	1	1	1	1	1	1	1	1	1						1	1
Animal husbandry,	1	1	1	1			1	1	1	1								1	1
Livestock auction/sale yards*	2			2															
Agricultural building*	1	1	1	1		1	1	1	1	1	1	1						1	1
Aquaculture*	1	2	1	2		3			1	3								2	1
Concentrated animal feeding operations*	2			2															
Farm labor housing:																			
(a) Temporary worker housing located on a rural worksite and used for workers employed on the worksite reviewed only for height, setback, and access requirements pursuant to RCW 70.114A.050	Note 14	Note 14		Note 14		Note 14													
(b) Second farm dwelling on a parcel at least 20 acres in size, in addition to the owner's single-family residence, that is in active agricultural use	1																		
(c) Farm labor shelter*	1																		
(d) Farm labor center*	2			3															
Forest industries*		1		2														2	1

Uses[15]	AG	FW[1]	MIN	R/ELDP - 40	RURAL 10/5	RT[4]	RS[5]	HTC[6]	SR[8]	R-1[8,9]	R-2[8,10]	R-3[9,11]	B-1[8]	B-2[8]	SCC[8]	LCC[8]	GC[8]	M-1[8]	M-2[8]
18. Transportation, Storage and Utilities.																			
Agricultural chemical sales/storage																		1	1
Air, rail, truck terminals (for short-term storage, office, etc.)							2											1	1
Airports & landing fields, personal or restricted use*	2	2		2		3											3	2	2
Airports & landing fields, public use*	3	3		3														2	2
Amateur radio antenna and support structure*, communication tower*, anemometer* or personal wind energy tower* and related facilities	Note 3	Note 3	Note 3	Note 3		Note 3	Note 3	Note 3	Note 3	Note 3	Note 3	Note 3	Note 3	Note 3	Note 3	Note 3	Note 3	Note 3	Note 3
Bus storage and maintenance facilities, see school buses listed separately							2											1	1
Bus terminals							2										2	1	1
Contract truck hauling, rental of trucks with drivers							2	3									3	1	1
Impoundment of water, including dams and frost ponds	1	1	2	1		2	2		2	2								1	1
Irrigation distribution/drainage facilities*	1	1	1	1		1	1	1	1	1	1	1	1	1	1	1	1	1	1
Linear transmission facilities*	2	2	2	2		2	2	2	2	2	2	2	2	2	2	2	2	2	2
Mini-storage*							2	1				3		3			2	1	1
Public buildings and uses*	2	2	2	2		2	2	2	2	2	2	2	2	2	2	2	2	2	2
Power generating facilities	3	3	3	3				3									3	3	1
Railroad switch yards, maintenance and repair facilities, etc.																		1	1
Recycling center*							3										1	1	
School bus storage & maintenance facilities	3	3		3		2	2		2	2	2	2						1	1
Sewage treatment plants	3	3	3	3		3	3	3	3	3	3	3	3	3	3	3	3	3	2
Storage facilities: Bulk* (see also Agriculturally related industry)							2										3	1	1
Storage facilities: Commercial							2									3	2	1	1
Taxicab terminals, maintenance and dispatching centers, etc.							2									3	3	1	
Transportation brokerage offices*, with truck parking							3	2								2	2	1	1
Transportation brokerage offices*, without truck parking							2	1								1	1	1	1
Utility services* , when no building or series of buildings exceeds 120 sq. ft. and the SEPA threshold is not exceeded	1	1	1	1		1	1	1										1	1
Utility services* , when the building or series of buildings exceeds 120 sq. ft. or the SEPA threshold is exceeded	2	2	1	2		2	2	2										2	1
Utility services* any size									3	3	3	3	3	3	3	3	3		
Vehicle storage*																	2	2	2
Warehouse*																3	2	1	1
Waste material processing and junk handling*																		3	1

Table 19.14-1 Allowable Land Uses

Uses[15]	AG	FW[1]	MIN	R/ELDP - 40	RURAL 10/5	RT[4]	RS[5]	HTC[6]	SR[8]	R-1[8,9]	R-2[8,10]	R-3[9-11]	B-1[8]	B-2[8]	SCC[8]	LCC[8]	GC[8]	M-1[8]	M-2[8]
Wastewater lagoons and sprayfields*	3	3	3	3		3	3	3	3							3	2	3	3
19. Manufacturing and Wholesale Trade.																			
Agricultural product support																	2	1	1
Agriculturally related industry*	1			3			2		3									1	1
Aircraft, aircraft parts																		1	1
Aircraft commercial* and industrial* uses																		1	2
Apparel and accessories							2										3	1	1
Bakery products (wholesale)							2									2	2	1	1
Beverage industry*, not including wineries							2										2	1	1
Brewery, domestic*	1			3			2										2	1	1
Brewery, micro*	1			3			2										1	1	1
Business incubator facilities, single or multi-tenant							2										2	2	
Canning, preserving, processing and packaging fruits, vegetables and other foods not within definition of Ag related industry							2										2	1	1
Cement and concrete plants																		3	1
Chemicals (industrial, agricultural, wood, etc.)																		3	1
Confectionery and related products (wholesale)															2	2	2	1	1
Concrete, lime, gypsum and plaster			1															1	1
Distillery*, craft	1			3			2										1	1	1
Distillery*	1			3			2										2	1	1
Electronic components and accessories																	2	1	1
Electronic transmission and distribution equipment																		1	1
Engineering, medical, optical, dental and scientific instruments																	2	1	1
Explosives and ammunition																		3	2
Fabricated structural metal products																		1	1
Fertilizer, chemical	3						3											3	1
Food processing																		1	1
Furniture and custom cabinet shops							3										2	1	1
General hardware, including hand tools, cutlery, etc.																	2	1	1
Glass pottery and related products							2										2	1	1
Grain mill products							2										3	1	1
Heating apparatus, wood stoves																		1	1
Leather products							3											1	1
Leather tanning and finishing																		3	1

Table 19.14-1 A[illegible]ble Land Uses

Uses[15]	AG	FW[1]	MIN	R/ELDP - 40	RURAL 10/5	RT[4]	RS[5]	HTC[6]	SR[8]	R-1[8,9]	R-2[8,10]	R-3[9,11]	B-1[8]	B-2[8]	SCC[8]	LCC[3]	GC[8]	M-1[8]	M-2[8]
Machinery and equipment							3										2	1	1
Meat, poultry and dairy products							3											1	1
Metal, plastic or glass containers							3											2	1
Paints, varnishes, lacquers, enamels and allied products																		3	1
Paperboard containers and boxes							3										3	2	1
Petroleum products, refinings and manufacture																		3	1
Plastic products																	3	1	1
Printing, publishing and binding							2										3	1	1
Printing, trade (service industries)							2							2	2	2	2	1	
Rendering plants, slaughterhouses																		3	3
Rubber products																		2	1
Rubber reclaiming																		3	2
Sawmills and plan mills																		3	1
Sign manufacturing*																2	1	1	1
Sheet metal and welding shops																	3	1	1
Stone products (includes finishing of monuments for retail sale)			1														3	1	1
Transportation equipment, including camping and recreational vehicles																	3	1	1
Vehicle assembly, including automobile, truck, farm, heavy equipment, etc.																		3	2
Wholesale trade*							2									2	2	1	1
Winery*	1			3			2										3	1	1
Woodworking, not otherwise listed							3									3	3	1	1
20. Mining, Refining, Offsite Hazardous Waste Treatment.																			
Chemical washing, blending or extraction of precious or semi-precious minerals			3															3	3
Manufacture, fabrication and sale of concrete, asphalt and mineral products			1															3	1
Mineral processing*, Mining site/operation* (Long-term or temporary)	2	2	1			3	3	3	3	3								3	3
Mineral batching* (Long-term)			1				3		3										
Mineral batching* (Temporary)	3	3	1				3	3	3								3	3	3
Recycled asphalt or concrete, Stockpiling or storage of (when accessory to an approved mining site/operation)	2	2	1	2		3	3	3	3									2	2

Table 19.14-1 Allowable Land Uses

Uses[15]	AG	FW[1]	MIN	R/ELDP - 40	RURAL 10/5	RT[4]	RS[5]	HTC[6]	SR[8]	R-1[8,9]	R-2[8,10]	R-3[9,11]	B-1[8]	B-2[8]	SCC[8]	LCC[8]	GC[8]	M-1[8]	M-2[8]
The following mining related uses within areas not designated Mineral Resource by the comprehensive plan:																			
Mineral processing*, Mining site/operation* (Long-term)																		3	3
Mineral processing*, Mining site/operation* (Temporary)	2	2		3		3	3	3										2	2
Mineral batching* (Long-term)																		3	3
Mineral batching* (Temporary)				3		3													
Chemical washing, chemical blending, or chemical extraction of precious or semi-precious minerals																		3	3
Manufacture, fabrication and sale of concrete, asphalt and mineral products																		3	3
Recycled asphalt or concrete, Stockpiling or storage of																		3	3
Additional uses:																			
Extraction of mineral resources as part of a federal or state approved fish or wildlife habitat restoration – enhancement project (Temporary)	2	2	1	2		2	2	2	2	2	2	2	2	2	2	2	2	2	2
Federal or state approved wetland mitigation projects requiring extraction of mineral resources (Temporary)	2	2	1	2		2	2	2	2	2	2	2	2	2	2	2	2	2	2
Emergency mining exemption																			
Hazardous waste treatment and storage facilities subject to the State siting criteria of Chapter 70.105 RCW: Offsite																			
Hazardous waste treatment and storage facilities subject to State siting criteria of Chapter 70.105 RCW: Onsite and storage of chemicals and empty chemical containers	1	1	1	1		1	1	1	1	1	1	1	1	1	1	1	1	1	1
Petroleum and natural gas exploration and production	2	2		2															
Refuse landfills*	3	3	3	3															
Solid waste transfer stations*	3	3	2	3			3						2	2				2	3
Solid waste drop box site* for recyclable materials only	2	2	2	2		2	2	2	2	2	2	2	2	2	2	2	2	2	1
Stockpiling of earthen materials not within 100-year floodplain*							1	1	2	2	2	2			1	1	1	1	1
21. Other.																			
Cemetery, columbaria and mausoleums	2	2		2		2	2		3	3	3	3							
Major industrial development*																		3	3
Outdoor advertising (billboard)																	2[13]	2[13]	

Notes: * References to a definition in Section 19.01.070

(1) In the Forest Watershed district, particular emphasis shall be given to maintaining and enhancing the scenic values of the SR 410 and SR 12 corridors through the indicated Type 1, 2, 3, or 4 Review.

(2) Limited food service may be allowed in retail and destination agricultural tourist operations as defined in Section 19.01.070.

(3) The type of review of towers and associated structures varies depending on height, diameter and other factors listed in Section 19.18.490.

(4) All uses in the Rural Transitional district shall be reviewed in accordance with Subsection 19.18.260(7)(n) (Requirements for Land Use Compatibility within Pipeline Corridors).

(5) All uses in the Rural Settlement district shall be reviewed in accordance with Subsections 19.11.040(3) (Review Criteria for Uses in the RS Zone) and 19.18.260(7)(n) (Requirements for Land Use Compatibility within Pipeline Corridors).

(6) Where the property is located within an Urban Growth Area, HTC uses shall be subject to the County's minimum urban standards or the respective city's standards, whichever are higher. HTC uses outside Urban Growth Areas shall be limited to those that do not require the extension of urban level services.

(7) Resort agricultural tourist operations require review as a Master Planned Resort, a Type 4 permit.

(8) All uses in Urban Growth Areas shall be reviewed in accordance with Subsection 19.18.260(7)(n) (Requirements for Land Use Compatibility within Pipeline Corridors).

(9) In the Single-Family Residential (R-1) district, particular emphasis shall be given to ensuring that R-1 uses and land divisions will facilitate future urban development and extension of utilities.

(10) Particular emphasis shall be given to ensuring that R-2 and R-3 uses will facilitate future urban development and extension of utilities.

(11) Allowed as an accessory use to an existing detached, single-family residence.

(12) Agriculture conducted continuously from the date of the ordinance codified in this Title is considered an existing use pursuant to Section 19.01.070.

(13) Off-premises signs, including billboards, shall be allowed only where consistent with the respective city's adopted plan and zoning regulations. See Section 19.20.130.

(14) Seasonal-duration temporary worker housing, located on a rural worksite, is limited to review only for height, setback and access requirements under RCW 70.114A.050.

(15) Please refer to Chapter 19.18 Special Uses and Standards for specific development standards that may apply.

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Chapter 19.17
OVERLAY DISTRICTS

Sections:

19.17.010 Legislative Intent
19.17.020 Applicability of Overlay Development Standards
19.17.030 Airport Safety Overlay District (ASO)
19.17.040 Master Planned Development Overlay District (MPDO)
19.17.050 Greenway Overly District (GO)

DRAFT

19.17.010 Legislative Intent.

Overlay districts are established to coordinate the provisions established in this Title with the goals, policies and standards adopted in other plans and ordinances. They are intended to provide flexibility for master planned developments and to provide protection for state and federal system airports and for the Yakima River Greenway.

19.17.020 Applicability of Overlay Development Standards.

(1) Applicability.

This Chapter shall apply when all or a portion of a development, or modification thereto, is proposed within the boundaries of an overlay district and when changes to the area of an overlay district is proposed.

(2) Special Development Standards for the Overlay Districts.

This Chapter specifies certain standards that under special circumstances may apply to, or be required for approval of, a proposed development or modifications to development. The adopted plans, programs and regulations listed below shall be implemented, as applicable, for a use proposed within the indicated overlay district.

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

(3) Project Review in Greenway and Master Planned Development Overlay Districts.

To assure the appropriate standards are applied, the following uses, when located within the Greenway Overlay District or the Master Planned Development Overlay District, unless otherwise specified, shall be reviewed as provided below. Provided that uses within the

Master Planned Development Overlay District that are approved in a Master Development Plan shall be reviewed subject to Type 1 review.

(a) All Type 1 (permitted) uses shall be subject to Type 2 review.
(b) All Type 2 (administrative) uses shall be subject to Type 2 review.
(c) All Type 3 (conditional) uses shall be subject to Type 3 review.

(4) Decision Authority.

A Reviewing Official may approve, condition, or deny approval of any use, development, or modification thereto, in an overlay based on the provisions set forth and adopted by this Chapter.

19.17.030 Airport Safety Overlay District (ASO).

(1) Legislative Intent.

The Airport Safety Overlay is intended to protect the airspace around State and Federal system airports from airspace obstructions or hazards and incompatible land uses in proximity to The Yakima Air Terminal at McAllister Field and the Sunnyside Municipal Airport or other public airports within defined airspace per Federal Aviation Regulations (FAR), Part 77. In addition to regulations of the principal use district, the Airport Safety Overlay includes provisions for:

(a) Preserving land adjacent to the airport for future commercial and industrial development; and
(b) Assuring land uses locating near the airport are compatible with noise, height obstruction and other impacts from the airport operation.

(2) Application of Airport Safety Overlay Provisions.

(a) Applicability.

All zoning districts regulated under this Title lying within the Airport Safety Overlay are subject to the requirements of this overlay, except as may be otherwise stated.

(b) Definition.

The Airport Safety Overlay contains those spaces lying over and under the areas defined by Federal Aviation Regulations (FAR), Part 77 as imaginary surfaces and the Runway Protection Zone(s) as illustrated on the Airport Layout Plan (ALP) and zoning map, and comprised of two parts.

(i) Primary Airport Safety Overlay.

The primary Airport Safety Overlay area addresses land use compatibility with airport operations and structure height. Located in an area bounded by the limits of the runway protection zone and the Federal Aviation Administration (FAA) defined approach and transitional surfaces within the conical surface area; and

(ii) Secondary Airport Safety Overlay.

The secondary Airport Safety Overlay principally addresses structure height, particularly where a structure may constitute an incompatible land use under this Title. It is bounded by the exterior of the conical surface and the approach, and transitional approach surfaces extending beyond the conical surface.

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(3) Permitted Uses.

(a) Height Limit.

The uses listed in the Allowable Land Use Table 19.14-1 in Chapter 19.14 as Permitted Uses shall be subject to the height restrictions in Subsection 19.17.030(6) or Chapters 19.11 through 19.13, whichever is more restrictive. No separate application for a Permitted Use in the Airport Safety Overlay is required, provided the Reviewing Official can determine that the proposed structure or use:

(i) Does not constitute a potentially incompatible land use;

(ii) Will not exceed 35 feet in height; or, if greater than 35 feet in height, will not penetrate the approach, transitional, horizontal, or conical surface zones of the airport for any existing or planned approaches as defined by FAR, Part 77; and

(iii) Is not within a designated runway protection area or an identified future 65 Day Night Average Sound Level (DNL) aircraft noise impacted area within the airport master plan or the FAA approved airport layout plan. Such structures and uses shall be subject to the limitation of Subsection 19.17.030(6) and to recording an avigation easement.

(b) Potentially Incompatible Land Uses.

Type 1 Permitted Uses shall be subject to Type 2 application and review procedures under Subsection 19.17.030(5) Application Requirements where the use is a potentially incompatible land use, as defined in Section 19.01.070, or where the Reviewing Official cannot make a determination as required in Subsection 19.17.030(3)(a) above.

(4) Administrative and Conditional Uses.

(a) The Administrative and Conditional Uses are subject to:

(i) The height restrictions in Subsection 19.17.030(6) and in Chapters 19.11 through 19.13, whichever are the more restrictive;

(ii) The provision of Chapters 19.11 through 19.13 and any other review criteria for the use required by the underlying zoning district; and

(iii) A determination that the use is not incompatible with the airport or can be appropriately conditioned to mitigate airport safety concerns such as noise impacts.

(b) Where an airspace hazard has been determined to exist by the Reviewing Official, the FAA determination on obstructions and hazards to air navigation shall be balanced with special consideration for unique characteristics of local terrain, reporting points for pilots using Visual Flight Rules (VFR), airport operations, and development patterns.

(5) Application Requirements.

(a) Applications for uses within the Airport Safety Overlay established by this Chapter, when required, shall include the following information:

(i) Property boundary lines as they relate to the boundaries of the primary and secondary Airport Safety Overlay;

(ii) Location, elevation and height of all existing and proposed buildings, structures, utility lines, and trees taller than 35 feet in height;

(iii) A description of the proposed use; and

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(iv) A statement of compatibility from the airport manager when the use is located within the Airport Safety Overlay relative to the impact of the use on airport operations and safety.

(b) In consideration of an application for a building, structure, or other use that will exceed 35 feet in height, the Reviewing Official may require the applicant to submit either of the following:

(i) A certificate from a registered professional engineer or a licensed land surveyor that states that no airspace obstruction will result from the proposed use, or

(ii) Either or both of the following:

A. The maximum elevations of proposed structures based on the established airport elevation and U.S. Geological Survey (USGS) datum. Elevations shall be determined by a registered professional engineer or a licensed land surveyor, accurate to plus or minus on foot shown as mean sea level elevation or other available survey data. The accuracy of all elevations shall be certified by the engineer and surveyor; and/or

B. A map of topographic contours, with not more than five foot intervals, showing all land within 100 feet of the proposed structure(s) for which the permit is being sought. This map shall also bear the verification of a licensed land surveyor or registered professional engineer.

(6) Height Limitations and Additional Requirements.

(a) A building, structure, communication tower, use or tree that penetrates the FAA designated imaginary surfaces constitutes an obstruction within the Airport Safety Overlay. Therefore, the allowable height of any building, structure, communication tower, use or tree with the Airport Safety Overlay shall conform to the following:

(i) No building, structure, communication tower, use or tree at its proposed location shall penetrate any FAR; Part 77 designated imaginary surfaces of an airport;

(ii) Structures may penetrate the imaginary surfaces when the Reviewing Official, in consultation with Washington State Department of Transportation (WSDOT) Aviation Division or the airport manager, can determine the structure is not likely to constitute an airspace hazard;

(iii) The Reviewing Official may require lights or markers as a warning to aircraft on the building, structure, communication tower, use or tree(s), or to top the tree to reduce the height when recommended by the FAA, WSDOT Aviation Division or the airport manager. Lights and markers shall meet FAA specifications; and

(iv) Notwithstanding any other provision of this Title, the Reviewing Official shall not approve any buildings, structures, communication tower, use or tree when the FAA has designated it a hazard to air navigation.

(b) Whenever the height limitation of this Section differs from those of any other Section of this Title, or is adopted by another local ordinance or regulation, the more restrictive limitation shall apply.

(c) No use or activity shall take place within the Airport Safety Overlay in such a manner as to: make it difficult for pilots to distinguish between airport lights and others;

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create electrical interference with navigational signals or radio communication between the airport and aircraft; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird-strike hazards; or otherwise create a hazard that may endanger the landing, takeoff, or maneuvering of aircraft to use the airport.

(d) The regulations prescribed by this Chapter shall not be construed to require a property owner to remove, lower, or make changes or alterations to any structure that legally existed prior to the effective date of this Chapter, except as compelled by state or federal regulation. However, such structures shall be considered nonconforming if such structure is in conflict with these regulations.

(e) An avigation easement and deed declaration that recognizes the preexistence of the airport and the right of over flight shall be recorded for all uses within the approach and transitional surfaces of the conical surface area.

(7) New Airports, Heliports and Landing Fields.

Section 19.18.040 contains special provisions for new airports, heliports and landing fields.

19.17.040 Master Planned Development Overlay District (MPDO).

(1) Legislative Intent.

The Master Planned Development Overlay is intended to allow larger scale, mixed-use developments in selected areas within Urban Growth Areas where certain development requirements may be modified to promote an integrated approach to planning and site design. The County finds that such developments require special review and conditioning to ensure adjacent areas are preserved and protected. An MPDO is specifically intended to accomplish the following:

(a) Regulatory Flexibility and Incentives.

A Master Planned Development Overlay is a comprehensive development plan intended to provide flexibility in design and building placement, promote attractive and efficient environments that incorporate a variety of uses, densities and/or dwelling types, provide for economy of shared services and facilities, and economically utilize the land, resources and amenities. A Master Planned Development Overlay is intended to create regulatory incentives and standards that:

(i) Allow flexibility in development standards, densities and permitted uses while ensuring compatibility with neighboring uses. Facilitate the efficient use of land and provide for a comprehensive review of integrated development projects;

(ii) Increase economic feasibility by fostering efficient arrangement of land use, buildings, transportation systems, open space and utilities;

(iii) Provide certainty regarding the character, timing and conditions for planned residential, commercial, industrial and mixed use development within an identified geographic area and vest such projects through a public review process;

(iv) Provide needed services and facilities in an orderly, fiscally responsible manner;

(v) Promote economic development;

(vi) Create vibrant mixed-use neighborhoods, with a balance of housing, employment, commercial and recreational opportunities; and

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(vii) Promote consistency with the goals, policies and objectives of the Comprehensive Plans.

(b) Accommodate Large Developments.

A Master Planned Development may take the form of a residential, commercial, industrial or mixed-use development. Each is intended to accommodate and facilitate larger scale development designed to accomplish integrated and flexible site planning. Residential, Commercial and Industrial Master Planned Developments shall be allowed in zoning districts consistent with the primary use of the respective Master Planned Development (e.g., residential Plan Development in residential zones). A Master Planned Development mixed use shall be permitted in any zoning district subject to specific findings that the site and master concept plan are compatible with existing adjacent land uses.

(c) Innovation.

Applicants for Master Planned Development will be encouraged to utilize unique and innovative facilities that encourage the efficient and economical use of the land; promote a sound system for traffic and pedestrian circulation; promote open space and use of natural and/or developed amenities; and provide an architecturally attractive, durable and energy efficient development.

(2) Types of Master Planned Development Overlays – Permitted Uses.

(a) Types.

The following four types of Master Planned Development Overlays are authorized within the Urban Growth Area:

(i) Master Planned Development – Residential.

A residential Master Planned Development is designed to provide a type or mixture of residential dwellings (single-family, two-family, or multiple-family) with attendant streets, utilities, public facilities and appurtenant common open space and recreational facilities or other areas or facilities. A residential Master Planned Development is authorized in any residential zone (Suburban Residential, Single Family Residential, Two Family Residential and Multi-Family Residential) and Professional Business (B-1) and Local Business (B-2) zones. The residential Master Planned Development may include incidental or supporting uses and facilities consistent with the densities and primary use of the site for residential dwelling units;

(ii) Master Planned Development – Commercial.

A commercial Master Planned Development is designed for the integrated site planning of commercial, retail, office or mixed commercial use (commercial, office and retail) developments. The commercial Master Planned Development shall provide commercial services and facilities, and may include any incidental and/or supportive land uses. A commercial Master Planned Development is authorized in any commercial or business district (i.e., B-1, B-2, SCC, LCC, GC), and Light Industrial (M-1) district as identified in Chapter 19.13;

(iii) Master Planned Development – Industrial.

An industrial Master Planned Development is designed to allow for the innovative site planning of industrial land uses and facilities, industrial parks and business parks. The industrial Master Planned Development shall be

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allowed in Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts as designated in Chapter 19.13; and

(iv) Master Planned Development – Mixed Use.

A. The intent of the Mixed Use Master Planned Development is to encourage the innovative mixture of residential, office, commercial, retail, and certain light manufacturing uses. Uses may be combined in single structures or buildings or may be designed with other uses as designated in the Allowable Land Use Table 19.14-1 in Chapter 19.14; and

B. A mixed use Master Planned Development is intended to accommodate larger scale residential, commercial, retail, office and/or recreational uses. Mixed use development will include innovative planning techniques; a mixture and variety of land uses; integrated planning of site improvements and structures; and site planning that increases the economic feasibility and efficient use of land. A mixed use Master Planned Development is authorized in any zoning district, except Heavy Industrial (M-2).

(b) Master Planned Developments - Permitted Uses.

The following uses are permitted in Master Planned Developments upon approval of a Master Development Plan:

(i) Residential Master Planned Developments.

A. One-family, two-family and multifamily residences;

B. Recreational and amusement facilities that serve the Master Planned Development and general public including, but not limited to, golf courses, clubhouses, restaurants, driving ranges, tennis courts, swimming pools, parks, community centers and playgrounds;

C. Schools, libraries, museums, and art galleries;

D. Public services and facilities including police and fire stations;

E. Manufactured home park and subdivision, provided that Sections 19.18.280 and 19.34.080 shall be met as a condition of approval of the Master Planned Development; and

F. Any other uses authorized in the underlying zone are under Type 1, 2 or 3 Review and are in this Title.

(ii) Commercial and Industrial Master Planned Developments.

A. Uses are permitted under those uses allowed within the underlying zoning district as identified in Chapters 19.11 through 19.13; and

B. Such other uses consistent with the Comprehensive Plans and Future Land Use Map or are of a similar type and intensity as those uses allowed in the Allowable Land Use Table 19.14-1 in Chapter 19.14.

(iii) Mixed Use Master Planned Development.

Any residential, retail, commercial, office, public, light industrial and/or recreational use may be permitted in a mixed use Master Planned Development, provided such uses are designed in harmony with the overall site plan and do not adversely impact adjoining properties and development. Uses may include a combination of residential, commercial, retail, service and recreational uses developed in an innovative manner. This overlay is

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intended to provide flexibility in design, concept and usage in order to respond to and meet the needs of the community and marketplace.

(c) Additional Uses Allowed in Residential and Commercial MPDOs.

Unless otherwise restricted by this Title, the Hearing Examiner is authorized to recommend additional uses within a Master Planned Development, provided such uses are an integrated component of the development and not detrimental to surrounding land uses. Authorization of additional uses shall consider the following factors:

(i) Factors to Consider in Residential MPDOs.

A. Any non-residential uses proposed in a Master Planned Development – Residential shall be primarily designed and intended for the residents within the proposed development and planned as an integral part of such Master Planned Development; and

B. Non-residential uses within a Master Planned Development – Residential are limited to those uses allowed as Permitted or Administrative uses in Professional Business (B-1) and Local Business (B-2), as listed in the Allowable Land Use Table 19.14-1 in Chapter 19.14 of this Title. Such non-residential uses will be limited to only ten percent of the land in the Master Planned Development, except recreational facilities or as otherwise provided in this Title. No commercial or other intensive non-residential use may be closer to the boundary of any adjacent residential district than is permitted for the same use by the underlying zoning.

(ii) Factors to Consider in Commercial MPDOs.

Residential uses within a Master Planned Development – Commercial or Industrial shall be secondary to the primary commercial and industrial use as designed to be consistent with integrated site planning.

(3) Minimum Project Size.

The minimum project size for a Master Planned Development shall be ten acres. All properties in the Master Development Plan shall be contiguous, with logical outer boundaries.

(4) Application.

Applications for Master Planned Development Overlay - The Master Planned Development Overlay zone shall be established only with a Master Development Plan that sets forth the parameters for development of the property, including a Site Plan and Development Agreement. An application for a Master Planned Development may be submitted as a concept plan or consolidated with site specific proposals (e.g., preliminary plat, use applications, etc.) as provided in Chapter 19.30.060(12). The proposed master plan shall be for property under single ownership, or if in multiple ownerships, the master plan application shall be signed by each owner of the property within the master plan and all owners shall be bound by conditions of approval, including use, design and layout and development standards established through the hearing process. All properties in the master concept plan shall be contiguous with logical outer boundaries within in the Urban Growth Area (UGA).

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(5) Review Process.

(a) Application.

The Master Planned Development Overlay application shall be reviewed using the minor rezone procedures described in Section 19.36.030 (Minor Rezone – Map Amendment), except the criteria of Subsection 19.36.060(1)(d) shall be used instead of the minor rezone decision criteria of 19.36.030(5). The binding site plan process is not available for MPDO applications. Upon filing of a complete Master Plan application and completion of the required environmental review process, the Planning Division shall forward the application, together with its recommendation, to the Hearing Examiner to conduct a public hearing and review in conformity with this Title and YCC Title 16B.

(b) Pre-Application Conference.

A Master Planned Development site plan shall be subject to a pre-application conference prior to formal submittal. The preliminary site plan shall be submitted to the Administrative Official, which shall include the material outlined for a master concept plan as set forth in Subsection 19.30.060(2)(b). The Administrative Official shall coordinate with the appropriate departments and provide recommendations to the applicant regarding site planning; use and concept design; street and utility layout; design and location; development standards and other matters pertinent to the application and review criteria.

(c) Public Hearing and Recommendation.

A Master Plan Development application shall be reviewed in an open record public hearing before the Hearing Examiner. Hearings shall be as prescribed in YCC Title 16B. The Hearing Examiner shall apply the Master Plan Development review criteria set forth herein and issue a written recommendation to the Board to approve, approve with conditions or deny the proposed Master Planned Development. The Hearing Examiner may add recommended conditions as necessary to protect the general public interest, health, safety, comfort and welfare from potential impacts, nuisances, hazards, or offensive conditions. The recommendation shall include findings, conclusions and conditions based on evidence and testimony in the open record public hearing.

(d) Master Plan Development – Review Criteria.

The Hearing Examiner shall evaluate a Master Planned Development application and other evidence submitted into the record, and shall issue such recommendation based upon the following considerations and criteria:

(i) The master plan development application demonstrates the economic and efficient use of land and provides for an integrated and consistent development plan for the site;

(ii) The applicant has identified development standards and uses that are consistent with the master plan and designed to be compatible with adjacent land uses after consideration of applicable mitigation and site design. The Hearing Examiner may consider development standards that are different from currently adopted development standards to provide flexibility in site planning; to implement project design and concepts; to respond to market conditions; or to otherwise achieve the public benefits contemplated by the concept plan;

(iii) Consideration shall be given to "low impact development" concepts;

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(iv) There will be adequate infrastructure capacity available by the time each phase of development is completed;

(v) The Master Planned Development contains design, landscaping, parking/traffic management, and use mixture and location that limit or mitigate conflicts between the Master Planned Development and adjacent uses. Consideration shall be given to site planning that supports land use flexibility through means of appropriate setbacks, landscaping, site screening, buffers and other design features or techniques;

(vi) All potential significant off-site impacts including noise, shading, glare and traffic have been identified and mitigation incorporated to the extent reasonable and practical;

(vii) The project is designed and includes appropriate consideration of open spaces and transportation corridors, designs for street and public open space amenities, and results in the functional and visual appearance of one integrated project;

(viii) The proposed development is not adverse to the public health, safety or welfare;

(ix) The public benefits of approving the Master Planned Development outweigh the effect of modification of standards to the underlying zoning district; and

(x) The proposed development is designed to be consistent with the Shoreline Master Program and Critical Areas Ordinance.

(e) Board of Yakima County Commissioners.

Following receipt of the Hearing Examiner's recommendation, the Board shall schedule a closed record hearing for consideration of the Hearing Examiner's recommendation on the Master Planned Development Overlay application as provided in this Title and YCC Title 16B. Upon conclusion of said hearing, the Board may:

(i) Accept the Hearing Examiner's recommendation;

(ii) Remand the Master Planned Development application to the Hearing Examiner to provide supplementary findings and conclusions on specific issues;

(iii) Modify Hearing Examiner's recommendation based upon testimony and evidence at the open record public hearing. In the event of a modification of the Hearing Examiner's recommendation, the Board shall enter its own modified findings of fact and conclusions of law as are necessary and consistent with their final determination; or

(iv) Deny the application, with or without prejudice.

(f) Appeals.

The Board's decision shall be the final decision on the project permit application, subject to appeal under the Land Use Petition Act (LUPA) – RCW Ch. 36.70C.

(g) Phased Development.

The Master Planned Development Overlay application may include two or more phases of development provided that:

(i) The development plan identifies phases of the project in sufficient detail to evaluate timing and coordination of phased development;

(ii) The proposed timing or sequencing of development, recognizing that phasing may require flexibility responsive to market demands;

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(iii) Each phase will be subject to development standards identified, adopted and vested in the review process; and

(iv) Each phase of a proposed master plan shall contain adequate infrastructure, landscaping and all other conditions in order to allow the phase to stand alone if no other subsequent phases are developed.

(h) Master Planned Development Overlay – Development Agreement.

An approved Master Planned Development Overlay (including conditions and development standards) shall be incorporated into a development agreement as authorized by RCW 36.70B.170. The development agreement shall provide for vesting of such development conditions and standards as deemed reasonable and necessary to accomplish the goals of the Master Planned Development for the duration specified in the agreement, not to exceed ten years. This agreement shall be binding on all property owners within the Master Planned Development and their successors and shall require development of the subject property be consistent with and implement the provisions of the approved Master Planned Development. The approved development agreement shall be signed by the majority of the Board and all property owners and lien holders within the boundaries of the Master Planned Development Overlay and recorded prior to approval and/or issue of any implementing plats or permits.

(i) Implementing Permits and Approvals.

(i) Implementing Applications.

Any development applications submitted for property within an approved Master Planned Development Overlay shall be reviewed for consistency with and implement the Master Planned Development plan. Implementing applications with appropriate fees shall include, but not be limited to, applications for preliminary plat approval, binding site plans, certificates of zoning review, building permits and other similar applications. Any subsequent application shall be reviewed and approved under the conditions and standards adopted in the Master Planned Development Overlay.

(ii) Planned Action – Environmental Review.

An applicant may submit a Master Planned Development concept plan as a planned action under WAC 197-11-164. Any project review under the authorized planned action shall include:

A. Verification that the project meets the description, and will implement any conditions or mitigation measures identified in the Master Planned Development approval and ordinance or resolution; and

B. Verification that the probable significant adverse environmental impacts of the project have been addressed in environmental review in the master plan review processes.

If the implementing project meets the above requirements, the Administrative Official may deem the project to qualify as the planned action designated in the master plan approval and a project threshold determination or EIS shall not be required. [WAC 197-11-172(2)]. The County may place conditions on the project to address significant impacts that were not fully addressed through the planned action process. Public notice for projects that qualify as planned actions shall be tied to the underlying permit.

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19.17.050 Greenway Overlay District (GO)

(1) Legislative Intent.

The Board of Yakima County Commissioners adopted the Master Plan for the Yakima River Regional Greenway in 1976 to preserve and maintain the Yakima River as a natural resource for all citizens to enjoy. The Greenway boundaries were originally defined in 1977 by the state legislature with the creation of the Washington State Yakima River Conservation Area (RCW 79A.05.750 *et seq.*).

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

In addition to the principal use district, the purpose of the Greenway Overlay is to:

(a) Make the Greenway accessible to the public;
(b) Assure development conserves shoreline vegetation and controls erosion;
(c) Implement the Yakima County Regional Shoreline Management Master Program and the Yakima River Regional Greenway Plan;
(d) Limit development to activities dependent on a location in the Greenway;
(e) Preserve and protect the fragile natural resources and culturally significant features along the Greenway;
(f) Increase public access to publicly-owned areas of the Greenway where increased use is desirable;
(g) Protect public and private properties from the adverse effects of improper development in hazardous shoreline areas; and
(h) Give preferences to uses creating long-term over short-term benefits.

(2) Applicability.

The Greenway Overlay District is designated by legislative action by the Board of County Commissioners and applies as an additional set of considerations in review of project permit applications under this Title. Changes to the boundaries of this district will be considered at the request of the Yakima Greenway Foundation.

(3) Design Standards.

All development in the Greenway Overlay shall conform to the requirements and standards of the underlying zoning district. Where consistent with this Title and Shoreline Master Program, the Reviewing Official may use the Greenway design guidelines for the review and conditioning of project permits under Chapter 19.30 to implement the Overlay District.

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Chapter 19.18
SPECIAL USES AND STANDARDS

Sections:

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19.18.050 Agriculturally Related Industry Lots.
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19.18.130 Campgrounds and Recreational Vehicle Parks.
19.18.135 Camping Accessory to Approved Recreational Uses
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19.18.440 Solid Waste Handling and Disposal Sites.
19.18.460 Stockpiling.
19.18.480 Temporary Use Permits.
19.18.490 Towers.
19.18.510 Zero Lot Line Development

19.18.010 Legislative Intent.

This Chapter is intended to specify certain standards which, under special circumstances may apply to, or be required for approval of, a proposed development or modifications to development.

19.18.020 Accessory Buildings and Uses.

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 this Title. The land use category of an accessory use shall be the same as that of the principal use(s) as listed in the applicable zoning district land use table, unless otherwise specified.

(1) Accessory Housing.

(a) Legislative Intent.

The term accessory housing units as used in this section includes accessory dwelling units (ADUs) and caretaker dwellings. Accessory housing that conforms to the standards in this Section shall not be considered to exceed the allowable density for the lot upon which it is located and shall be considered a residential use consistent with the comprehensive plan and zoning designation for the lot. The purpose of the accessory housing provisions is to: Provide homeowners with an opportunity for extra income, companionship and security;

(i) Better utilize existing infrastructure and community resources (sewer, water, roads, etc);

(ii) Provide a housing type that allows flexibility to respond to changing needs and lifestyles;

(iii) Add to and diversify the supply of affordable housing;

(iv) Protect neighborhood character and stability by ensuring ADUs are compatible with surrounding land uses;

(v) Provide the opportunity for relatively independent living for the elderly or disabled with support from neighboring family or other care-giver, with a preference for attached or detached accessory dwelling units; and

(vi) Accommodate accessory residential quarters in commercial, industrial and mining zones.

(b) General Requirements.

(i) Off-street parking shall be provided as required in Chapter 19.22 for both the accessory housing unit and the primary residence on the lot they are intended to serve.

(ii) The accessory housing unit shall meet current standards of the residential, building, mechanical, electrical and energy codes as required for single family

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dwellings. Park models may be considered as accessory housing provided they meet the balance of the standards in this Section.

(iii) The accessory housing unit shall have the same building setbacks as the primary structure.

(iv) A lot shall contain only one accessory housing unit.

(v) In all zones the primary residence and the accessory housing unit shall both be connected to a public water system as defined in Section 19.01.070, and where within an Urban Growth Area, to a regional sewer system.

(vi) A lot containing an accessory housing unit shall not be subdivided, or otherwise segregated in ownership, in a way that separates the accessory dwelling unit and the primary residence on different lots unless otherwise allowed by this Title and the conditions of the project permit decision. If the accessory housing unit cannot be subdivided, 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 accessory housing unit as a separate dwelling lot.

(c) Additional Standards for Accessory Dwelling Units.

An accessory dwelling unit (ADU) is a permitted use, secondary to the primary use of a detached single-family dwelling, subject to all of the following conditions:

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

(ii) The ADU and the primary residence shall share a common driveway unless the two units are allowed to access different roads.

(iii) A home business may be allowed, subject to Section 19.18.240, in either the ADU or the primary unit, but not both.

(iv) Size. The ADU's floor area shall be comprised of not more than 1000 square feet and shall not exceed the size of the primary structure. The floor plan for the ADU shall be submitted with the ADU application. Living area includes storage areas, mechanical rooms, and other interior residential spaces, but excludes the following areas from the overall gross building area:

A. The thickness of the exterior walls; and

B. Garage areas.

(v) Ownership.

A. Either the primary home or the ADU must be occupied by one or more owner(s) of the property as a permanent and principal residence. The owner may live in either the primary or accessory unit and must have a 50% or greater interest in the property. The owner-occupant must live in the structure for over six months of each calendar year, but may absent up to three years due to job relocation, sabbatical leave, education or illness. The owner may receive rent for the owner-occupied unit.

B. Owners of an ADU must sign and record with Yakima County an owner-occupancy covenant prior to issuance of a building permit.

C. Temporary owner absence — If the Reviewing Official determines that the owner of the ADU has violated owner-occupancy requirements, the owner shall:

1. Reoccupy the ADU;

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2. Submit evidence showing compliance with Subsection A. above to obtain a waiver of this owner-occupancy requirement; or
3. Eliminate the ADU under either option in Subsection 19.18.020(1)(c)(vi) below.

(vi) Compatibility:

A. Where authorized by the Allowable Land Use Table 19.14-1 in Chapter 19.14 accessory dwelling units may be:
1. Attached to the primary residence;
2. Attached to or above an existing detached garage serving the primary residence; or
3. Detached from the primary residence and/or detached garage.

The attached or detached ADU shall be located within 100 feet from the primary residence.

B. The front entrance to the ADU shall not be visible from a right-of-way or access easement, nearest side lot line or the rear lot line, unless there is an alley abutting on that side of the lot. Administrative adjustments to this standard shall incorporate a Standard A open area landscaping or use of topography that predominately obscures the entrance.

C. The ADU's exterior walls shall be designed to be similar in color and building materials to the primary detached dwelling.

D. Any exterior stairs shall be placed in the rear or side yard.

E. If the ADU is attached to the primary dwelling unit, the two dwelling units will share a single sewer and water connection, unless the local sewer and/or water purveyor requires separate connections. Outside of Urban Growth Areas, the two dwellings may use separate on-site sewage disposal systems.

F. If the ADU is detached from the primary dwelling unit, it shall have its own sewer and water connection and meter.

(vii) Elimination:

The Reviewing Official retains the right with reasonable notice to withdraw occupancy approval if any of the requirements under Subsections (1)(b) and (c) of this Section are violated. If the County withdraws occupancy, the property owner may:

A. If attached, merge the existing ADU to the single-family dwelling; or

B. If detached, use the building for an approved use only or remove the structure from the premises.

(d) Additional Standards for Caretaker Dwellings.

One caretaker dwelling for the occupancy of guards, watchmen, or property caretakers is permitted as an accessory use in the GC, M-1 and M-2, and MIN zoning districts. A caretaker dwelling is also permitted in the B-1, B-2, HTC districts when the dwelling is located within the structure used for the principal use. No other dwelling unit(s) shall be allowed on the same parcel.

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(2) Accessory Residential Kitchens.

Establishment of an accessory residential kitchen, as defined in Section 19.01.070, within or accessory to single-family residences shall be subject to the following:

(a) The accessory kitchen shall share the same water supply as the associated primary residential kitchen in the dwelling or on the same lot.

(b) A covenant shall be recorded in a form acceptable to the County stipulating the accessory residential kitchen is for incidental use associated with the primary single-family residence, and not for use as an additional dwelling unit on the property.

(c) Use of the accessory residential kitchen for any commercial purpose must be in compliance with the home business requirements of this Title and all applicable local and state regulations.

(3) Agricultural Buildings.

Agricultural building shall not be used for human habitation, or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

(4) Cargo Containers and Trailers as Storage Units.

(a) Except during construction and as provided in subsection (d) below, Cargo Containers and/or semi-truck trailers shall not be used for a storage facility or other use within any zoning district other than the AG, FW, MIN, SCC, LCC, GC, M-1 and M-2 zoning districts.

(b) Cargo containers and/or semi-truck trailers are allowed as an accessory use to a permitted business in the AG, FW, R/ELDP-40, R-10/5, SCC, LCC, GC, M-1 and M-2 zoning districts, provided:

(i) All refrigerated cargo containers or semi-truck trailers not located within a designated loading dock or loading bay shall be located no less than 200 feet from any existing residential zoning district;

(ii) Within Urban Growth Areas, the container is subject to site plan approval and sitescreening Standard A open area landscaping, or higher, if indicated in Chapter 19.21; and

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

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

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

(d) Outside of urban residential zoning districts up to two cargo containers may be used as modular components of a single accessory garage or storage building when a design has been proposed for approval under YCC Title 13. The cargo containers must be fully incorporated into a building with a roof structure for weather protection pitched adequately for drainage and placed on a permanent foundation and painted as an integrated building.

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(5) Garages.

Private garages are permitted as an accessory use provided that in residential districts they are primarily used to store motor vehicles by the occupants of the residence. Private garages in all other zoning districts must be accessory to a lawful building or structure allowed within the zoning district. Where single-family residential uses are permitted outright, one freestanding garage may be constructed in advance of constructing the intended principal residence; provided that:

(a) Building permits have been issued and are current for both the principal residence and the accessory garage;

(b) The garage structure contains no habitable floors, except for accessory dwelling units;

(c) The garage is used only by the property owner, not leased to others nor used for sales;

(d) Storage is limited to household items typically associated with a single residence, or household equipment and materials being actively used in constructing the principal residence;

(e) The garage complies with setbacks for garage and carport entrances, listed in Section 19.10.040; and

(f) Outside Urban Growth Areas, RS and RT zoning districts, one freestanding garage or storage structure up to 600 square feet may be constructed without a dwelling on the same lot. Any commercial or residential use of this structure is limited to that allowed by the zoning district.

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

In the side or rear setbacks within the SR, R-1, R-2, R-3, RT and RS districts a maximum of one garden shed, or one gazebo or one play house, meeting all of the following requirements, may be permitted as an accessory use to an existing residential use.

(a) The structure contains no more than 200 square feet of floor area, with overhangs that do not exceed 16 inches;

(b) The structure, its eaves, and other such associated projections are set back a minimum of two feet from property lines and applicable street setbacks are observed;

(c) The floor elevation is 18 inches or less in height;

(d) The structure is less than 12 feet in height; and

(e) Roof drainage is contained on site.

(7) Greenhouses.

A greenhouse or hothouse may be allowed as an accessory structure to a dwelling; provided, there are no sales.

(8) Swimming Pools.

Swimming pools (including those classified as Water Recreation Facilities and regulated by the Yakima Health District under WAC 246-260 and 262) are permitted as an accessory use to: dwellings, hotel/motels, overnight lodging facilities, boarding houses, retirement homes, and other residential uses, schools, and recreational facilities when all of the following provisions are met:

(a) Setbacks.

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(i) Front Yard – The swimming pool apron and pump house meet the required front yard setback.

(ii) Side and Rear Yard – The swimming pool and pump house are set back at least three feet from the property line. The swimming pool apron may extend up to the property line.

(iii) From an Easement – The swimming pool, apron, and pump house may extend up to, but shall not encroach upon, an easement.

(b) Fencing.

The area around the pool must meet fencing requirements in YCC Title 13.

(c) Water Recreation Facilities.

Public swimming pools (including private clubs) are also regulated as a water recreation facility by the Yakima Health District. All water recreation facilities shall:

(i) Comply with the rules and regulations under Chapter 246-260 WAC and/or Chapter 246-262 WAC, as now exist or are hereafter amended; and

(ii) Be approved and permitted by the Yakima Health District.

(9) Yard or Garage 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 or garage sales per dwelling unit, per year shall be allowed;

(b) Each yard or garage sale shall not exceed three days in duration;

19.18.030 Adult Entertainment Facilities.

(1) Scope of Restrictions.

All adult entertainment facilities and uses listed in Subsection (2)(b) and (c) 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 the applicable zoning district land use table only if the following separation requirements are met:

(a) No adult entertainment facility shall be located closer than 800 feet to any residential zoning district including, but not limited to, the R-1, R-2, R-3, SR, RT, Rural-10/5 and RS zoning districts designated in this Title. 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 800 feet to any of the following uses or community entranceways, and no use listed in this Subsection shall be located closer than 800 feet to any adult entertainment facility, whether or not

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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 in the B-1, B-2, SCC, LCC, or GC zoning districts;
(ix) Any other adult entertainment facility;
(x) Any establishment selling alcoholic beverages for consumption on premises.
(xi) Any entranceway to the community, including rights-of-way of State highways (SR 12, SR 22, SR 24, SR 223, SR 241, SR 97, SR 821, SR 823, 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.

(c) No adult entertainment facility shall be located closer than 400 feet to any legally established, nonconforming dwelling, whether such dwelling is located within or outside the corporate boundaries of any adjacent city or town.

(3) Measurement.

(a) The 800 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 Section.

(b) The 400 foot buffer required by Subsection (2)(c) of this Section shall be measured by extending a straight line from the nearest point on the edge of the improved area of the adult entertainment facility use, such as a parking area or structure other than a sign, to the nearest part of a structure containing a single-family dwelling.

(4) Variance.

The separation requirements of Subsection (2) of this Section may only be reduced through the provisions of Chapter 19.35.

(5) Signage.

Signage of adult entertainment facilities shall comply with Chapter 19.20, 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,

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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.

19.18.040 Airports, Heliports and Landing Fields.

(1) Personal Use.
Private landing strips and heliports used for personal or restricted use may be permitted upon approval of a conditional use permit only in the AG, FW, Rural-10/5, R/ELDP-40, RT and Commercial and Industrial zoning districts.

(2) Public Use.
Private landing strips and heliports used for public use may be permitted upon approval of a conditional use permit only in the AG, FW, Rural-10/5, and R/ELDP-40 zoning districts.

(3) Compatibility with Surrounding Area.
All new airports, heliports, or landing fields shall be designed so the incidence of aircraft passing in the vicinity of preexisting dwellings or places of public assembly is minimized. They shall be located so air traffic shall not constitute a nuisance to neighboring uses. They shall be located so air traffic shall not generate more noise than 55 Day Night Average Sound Level (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 minimize noise levels, vibrations, dust or bright lights, as required by Federal, State and County regulations.

19.18.050 Agriculturally Related Industry Lots.

Agriculturally related industry lots may only be created or expanded within the Agriculture zoning district and may only be enlarged by the terms of this section. These lots must meet the following requirements:

(1) Generally.
The lot containing the agriculturally related industry may be approvable under Chapter 19.34, provided the proposal is also consistent with this section and other applicable standards of this Title.

(2) Covenant Limiting Uses to Ag Related Industry.
A covenant or plat note must be recorded as a condition of final approval stating that the use of the agriculturally related industry lot is limited to agriculturally related industry uses.

(3) Minimum Lot Size.
The minimum lot size is one acre and the maximum lot size shall be drawn to encompass only the area required for existing or proposed facilities with building permits as evidenced by the building plans, or by a site plan for the agriculturally related industry use(s) of the lot, approved in conjunction with a land use or subdivision application.

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(4) Enlargement.
Any enlargement of the agriculturally related industry lot shall be designed so as to not interfere with, and to support the continuation of, the overall agricultural use of the surrounding area.

(5) Residential Uses.
The balance of the agriculturally related industry lot may not be divided for residential purposes while in the Agriculture zoning district. The agriculturally related industry lot shall not be converted into a residential lot while zoned Agriculture. A plat note stating such will be required on the final plat if the subdivision process is utilized. When an agriculturally related industry lot is created by the boundary line modification process, a covenant stating such will be required.

(6) Existing Residences or New Caretaker Dwellings.
Existing residence or new caretaker dwellings may be located on a new agriculturally related industry lot but may not be segregated by boundary line adjustment or division from the agricultural industrial use as long as the lot is zoned Agriculture.

19.18.060 Agricultural Tourist Operations.

(1) Legislative Intent.
Agricultural Tourist Operations (ATOs), as defined in Section 19.01.070 and allowed under RCW 36.70A.177, and accessory sales of items promoting the agricultural tourist operation, are considered to be agricultural accessory uses and a component of a strong agricultural economy. This Section is intended to provide standards to ensure that the physical development of tourist operations and public education in farming areas enables business diversification that supports, promotes and sustains agricultural operations and production. Therefore, Agricultural Tourist Operations are defined as retail, destination, or resort operations and are subject to the following minimum requirements to protect agricultural land of long-term commercial significance, ensure the operation is accessory to a principal agricultural use, and location, design, and operation that does not interfere with, and supports the continuation of, the overall agricultural use of the property and neighboring properties.

(2) Additional Accessory Uses.
The ATO may include the following:

(a) Food Service.
Food services associated with a use or activity allowed pursuant to this Section are those services which are incidental or accessory to a permitted use or value-added food items produced from agricultural products grown on the applicant's farm and may include sales of ancillary prepackaged foods or beverages that are not prepared on the premises for on-site consumption. Food handling is subject to a License from the Yakima Health District and may require a commercial kitchen meeting YCC Title 13 standards, depending on the specific conditions of the development authorization and the food service offered.

(b) Educational Services.
Education services located on a farm shall be a subordinate element of the operation of an ongoing agricultural activity as defined by RCW 84.34.020(2).

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(c) Ancillary Entertainment/Special Events.

Ancillary entertainment/special events, including weddings/receptions, catered functions and small musical events, shall be sized and conditioned consistent with the character of permitted activities and uses. The Reviewing Official shall place a limit on the number of occupants or size of indoor and outdoor events allowed. Capacity is limited by building occupancy and parking limitations.

(d) Commercial Uses.

Accessory uses include those which support, promote, or sustain agricultural operations and production as a secondary, subordinate, and/or supplemental element of the operation of an ongoing agricultural activity as defined by RCW 84.34.020(2). Accessory commercial or retail uses shall predominantly sell regionally produced agricultural products from one or more producers, products derived from regional agricultural production, agriculturally related experiences, or products produced on site. Accessory commercial retail uses shall offer for sale products or services produced on site and/or limited items promoting the ATO.

(3) General Requirements.

All types of Agricultural Tourist Operations shall:

(a) Be consistent with the intent of this section;

(b) Be operated by the owner, operator, or occupant of the farming use;

(c) Comply with specific provisions applicable to the type of agricultural tourist operation in this Section;

(d) Be subject to, and limited by, the appropriate licensing standards of the Yakima Health District where food handling is required; and

(e) Be located on a farm consisting of one or more contiguous parcels with at least five producing acres in the crops used in the retail product;

(f) Locate and design the ATO accessory facilities and permanent parking so they will not interfere with agricultural operations on the site of the proposed use or on nearby properties;

(g) Not locate nonagricultural accessory uses and activities, including new buildings, parking or supportive uses, outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses;

(h) Have adequate access from a county road consistent with the standards under Chapter 19.23. ATOs that share a private road must submit a road maintenance agreement at the time of application signed by all legal property owners or their designees. Without the road maintenance agreement the application will be considered incomplete; and,

(i) Provide sufficient detail with applications proposing phased development of an ATO to enable the County, agencies and adjoining property owners to consider all aspects of the project at full build-out. Changes to an approved ATO that result in new uses that were not considered in the original approval are subject to the level of review for the requested change.

(4) Agricultural Tourist Operation – Retail.

(a) Ancillary Entertainment/Special Events.

Indoor event facilities where authorized, shall be no larger than 1,500 square feet.

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(b) Food Service.

The sale of food that is incidental or accessory to a permitted use or value-added food items produced from agricultural products grown on the applicant's farm may be provided. Food service may include sales of ancillary prepackaged foods or beverages that are not prepared on the premises for on-site consumption. Food service in the Retail ATO is subject to Level 1 Yakima Health District licensing requirements. No food will be cooked to order, although a list of prepackaged foods may be posted. Food service exceeding Level 1 licensing requirements shall only be served by licensed food vendors to guests attending events. No interior seating will be dedicated solely to the purpose of food service in a Retail ATO.

(c) Commercial Uses.

Accessory commercial retail uses shall offer for sale products or services produced on site and/or limited items promoting the ATO.

(5) Agricultural Tourist Operation – Destination.

A Destination ATO is one that consists of an assortment of uses over and above any uses associated with Retail ATO, but may include:

(a) Ancillary Entertainment/Special Events.

Indoor event facilities where authorized, shall be no larger than 7,500 square feet.

((b) Food Service.

Food may also be served to registered guests staying at overnight lodging facilities or boarding houses approved under subsection (7) below, or as provided as part of a specific event or class (e.g. wedding or seminar) subject to Level 1 or Level 2 Yakima Health District licensing requirements, including a commercial kitchen meeting YCC Title 13 standards if required.

(c) Commercial uses.

Other commercial uses directly related to the ATO may be allowed, such as gift stores, art galleries or the like.

(d) Overnight Lodging Facilities and Boarding or Lodging Houses.

Overnight lodging facilities and boarding or lodging houses shall be limited to 12 overnight accommodations, as provided subsection (7) below.

(6) Agricultural Tourist Operation – Resort.

A Resort ATO is one that consists of an assortment of uses over and above any uses associated with Retail or Destination ATO but may include:

(a) Ancillary Entertainment/Special Events.

Indoor and outdoor event facilities are not limited in size; provided the proposed facility conforms to the requirements set forth in Subsection (3)(g) above.

(b) Food Service.

A restaurant developed as an accessory use to the Resort ATO may serve meals to the general public, subject to Level 3 Yakima Health District licensing requirements, including a commercial kitchen meeting YCC Title 13 standards.

(c) Commercial uses.

Other commercial uses directly related to the ATO may be allowed, such as gift stores, art galleries or the like.

(c) Overnight Lodging Facilities and Boarding or Lodging Houses.

Overnight lodging facilities and boarding or lodging houses may include more than 12 overnight accommodations, as provided Subsection (7) below.

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(7) Accessory Overnight Lodging Facilities and Boarding or Lodging Houses.

Overnight lodging facilities and boarding or_lodging houses are subject to additional requirements when proposed within an Agricultural Tourist Operation:

(a) Overnight lodging facilities and Boarding or Lodging Houses

Overnight Lodging Facilities_and boarding or lodging houses as defined in Section 19.01.070 shall be subject to the following conditions:

(i) Facilities proposed within the Agriculture (AG) zone shall only be considered when being proposed as an accessory use to a Destination or Resort Agricultural Tourist Operation.

(ii) In all allowed zones, such facilities being proposed as an accessory use to a Destination Agricultural Tourist Operation shall be limited to 12 overnight accommodations.

(iii) The facilities and permanent parking shall be located and designed so they will not interfere with agricultural operations on the site of the proposed use or on nearby properties.

(iv) The facilities and permanent parking shall be located within the general area already developed for buildings and residential uses, and shall not convert more than one acre of agricultural land to nonagricultural uses.

(b) Membrane Structures.

The use of a membrane structure, such as a teepee or yurt that meets the following criteria may be allowed in conjunction with approval of an overnight lodging facility or boarding or lodging house. The membrane structure:

(i) Shall be placed on a permanent foundation or pad;

(ii) Is not a camping unit or recreational vehicle as defined in Section 19.01.070;

(iii) Meets the current building code for transient accommodations;

(iv) Has or will have permanent bathroom facilities that meet YCC Title 13 and licenses/permits for transient accommodations from the Washington State Department of Health and/or as administered by the Yakima Health District; and

(v) Does not contain indoor cooking facilities.

19.18.070 Agricultural Stand.

Agricultural stands are for the sale of agricultural products, except livestock, provided they:

(1) Are a seasonal operation;

(2) Have sufficient area to allow automobiles to park safely off the road right-of-way and to re-enter the traffic in a forward direction; and

(3) Limit sales to products grown on the premises or the same farm operation, and to incidental related products. (See definition in Section 19.01.070)

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19.18.080 Ambulance Dispatch Facility.

In the Urban Growth Areas, an ambulance dispatch facility may be permitted upon issuance of a conditional use permit; provided, that the site has a minimum lot size of 10,000 square feet and must be on a street designated as a principal, major or minor arterial in the County's Comprehensive Plan.

19.18.090 Animal Husbandry and Animal Feeding Operations.

(1) Legislative Intent.

This Section is intended to assure that the raising of domesticated farm animals within Urban Growth Areas, Rural Transitional and Rural Settlement zones is compatible with adjoining residential uses and the intent and character of the district in which they are located.

(2) Minimum Lot Size – Urban Growth Areas and Rural Settlement.

(a) The minimum lot size for animal husbandry and animal feeding operations with the RS, RT and Urban Growth Area is one-half acre, except in the R-1 zone, where the minimum lot size is one acre. A lot at least the minimum size shall be deemed to meet this requirement even though a portion of the lot may be used for a single-family dwelling.

(b) Domestic poultry and fur-bearing animals, including rabbits, silver foxes, minks, squirrels, nutria and muskrats are allowed on any lot within the RS, RT or Urban Growth Area where agriculture is an allowed use, subject to the requirements of this Section. The term "fur-bearing animals" does not include dogs or cats.

(3) Minimum Setback.

No portion of any structure used to house pigs, sheep, goats, cows and the like shall be within 50 feet of any residential lot other than the dwelling on the same lot. Small animals, furbearing animals, and domestic fowl shall not be housed within 25 feet of a neighboring residential lot line.

(4) Fencing.

Fencing adequate to contain the animals shall be provided and maintained.

(5) Maximum Number of Animals.

(a) The maximum number of animals that may be kept on the site at any time of the year in the Urban Growth Areas, RT and RS districts shall be the number of animals as follows:

(i) Large domestic farm animals, such as cows, horses, mules, donkeys, llamas, camels, buffalo must maintain a standard of not more than one animal per each acre;

(ii) Small domestic farm animals, such as alpacas, sheep, miniature horses and goats – not more than three per acre. Goats, including pygmy, dwarf and miniature goats may be kept as small animals, provided male goats are neutered;

(iii) Swine on a parcel at least five acres in size: one barrow (over four months of age) is allowed per each acre, or, not more than two breeding animals per

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each five acres, except in the Urban Growth Areas where swine are not permitted, other than one potbellied pig;

(iv) Not more than 20 domestic poultry are allowed per acre; roosters and peafowl are not permitted;

(v) Not more than 25 fur-bearing animals allowed per acre; or

(vi) Nursing domestic animal offspring may be kept until weaned without violating the limitations of this Section.

19.18.110 Bed and Breakfast Inns (B&B).

Bed and breakfast inns, as defined in Section 19.01.070, shall be subject to the following requirements:

(1) Located within Residence.
Bed and breakfast inns may only be permitted within the zoning districts when established within an existing single-family residence.

(2) Outside Appearance.
Bed and breakfast inns shall be operated so as not to give the appearance of being a business. The inn shall not infringe upon the rights of neighboring residents to have 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 area or the neighborhood.

(3) Owner/Manager Occupied.
Bed and breakfast inns may be occupied and operated by the owner or by a hired manager. No additional dwelling shall be placed on the same lot as the bed and breakfast inn.

(4) Meals.
Meals shall only be served to guests taking lodging in the inn. Restaurants may be allowed where specified by the zoning district.

(5) Number of Guest Rooms.
The number of guest rooms shall not exceed five or the number specified in the Allowable Land Use Table 19.14-1 in Chapter 19.14, whichever is less.

(6) Parking.
One off-street parking space per guest room shall be provided. 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.

(7) Signs.
One non-illuminated or externally illuminated sign not to exceed 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.

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(8) Special Events.

The Reviewing Official may authorize use of the bed and breakfast inn for special events such as receptions and group meetings based upon:

(a) The maximum capacity of the indoor meeting facilities within the inn as established in YCC Title 13;

(b) Access and availability of adequate off-street parking facilities;

(c) Public health considerations;

(d) Compatibility with the surrounding neighborhood; and

(e) In residential zones (RS, RT, R-1, R-2, R-3), the number of such events shall not exceed 12 per year. The Reviewing Official may consider additional events subject to the approval of an administrative adjustment under Section 19.35.020.

(9) Retail Sales.

Sales of items promoting the inn may be allowed as an accessory use. Other commercial uses, such as gift stores, art galleries or the like, may be allowed under separate application only.

19.18.120 Building and Trade Contractors.

Building and trade contractors abutting areas outside of a commercial or industrial zoning district shall store all materials indoors; provided, the Reviewing Official may consider limited outdoor storage of materials and vehicles when adequately screened or otherwise isolated from neighboring properties. The type of contractor, supplies, equipment and the number of employees will affect compatibility. Heavy equipment contractors are listed as a separate use in the applicable zoning district land use table.

19.18.130 Campgrounds and Recreational Vehicle Parks.

(1) Legislative Intent.

This Section is intended:

(a) To implement various goals and policies of Yakima County's adopted Comprehensive Plan(s) and Regional Shoreline Master Program, including land use, community facilities and services, environment, economic development, and housing, relative to unincorporated areas of Yakima County, under authority of RCW 36.70A and responsibility to adopt official land use controls under RCW 36.70.040 and shorelines regulations under Chapter 90.58 RCW.

(b) To ensure the public health, safety and welfare of campgrounds and recreational vehicle parks within Yakima County land use jurisdiction, through the application of the health regulations adopted under authority and responsibility granted the Yakima Health District under RCW 70.05.070.

(c) To ensure the public health, safety and welfare of campgrounds and recreational vehicle parks within Yakima County land use jurisdiction, through applying the Building and Fire Safety regulations adopted under authority and responsibility granted to the Building Official and the Yakima County Fire Marshal under YCC Title 13 under RCW Chapter 19.27.

(d) To provide, under authority in RCW 58.17.035 and 58.17.040(5), for a Binding Site Plan method of land subdivision in unincorporated Yakima County for purposes of

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lease of commercial property where camping units are permitted to be placed upon the land.

(e) To provide for the creation of new and expansion or modification of existing campgrounds and recreational vehicle parks in unincorporated areas of Yakima County that meet the needs and protect the interests of users and adjacent landowners.

(f) To assure the compatibility of recreational vehicle parks and campgrounds in the unincorporated areas of Yakima County with adjacent and nearby land uses by establishing development standards, while providing for flexible designs.

(2) Applicability.

(a) Any person who proposes to establish, construct, alter, expand or modify a campground or recreational vehicle park in unincorporated Yakima County shall comply with the requirements of this Chapter.

(b) For any proposal to expand a pre-existing campground or recreational vehicle park within Yakima County land use jurisdiction, only the new or expanded portion of the development shall be required to meet the standards and requirements of this chapter, unless there is a public health or public safety issue involved in the existing development; in which case upgrades of existing park or campground development may be required as part of the preliminary site plan review process.

(c) Any person who proposes to continue operation of an existing campground or recreational vehicle park anywhere in Yakima County shall obtain an annual operating permit from the Building and Fire Safety Division under YCC Title 13. No land area may be created, sold or leased for overnight occupancy of two or more camping units in unincorporated Yakima County, except in conformance with this Section.

(3) Exceptions.

The following do not require separate approval under this Section, unless otherwise specified in this Section, provided that such uses otherwise comply with Yakima County Code:

(a) Day use areas, with appropriate sanitary facilities are provided as required by the Yakima Health District.

(b) Recreational vehicle parking normally accessory to a residence or approved location.

(c) Recreational vehicle storage areas permitted as an accessory use to an approved principal use provided the area set aside for this purpose is subject to land-use and environmental requirements attendant to the underlying land-use decision.

(d) A single recreational vehicle approved for occupancy for the care of a terminally ill person under Section 19.18.480 as it now exists or is amended.

(e) A single recreational vehicle located on a lot under the same ownership as the recreational vehicle, for not more than 30 days for temporary use under Section 19.18.480, provided that:

(i) It is placed on a lot under the same ownership as the recreational vehicle;

(ii) The recreational vehicle is an independent, self-contained unit;

(iii) There is no permanent residential unit on the subject lot;

(iv) No decks, porches, outdoor storage, skirting or other exterior additions are attached to the recreational vehicle or constructed or erected on a camping space; except for an awning designed as part of and permanently attached to the recreational vehicle; and

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(v) Wheels and tires are not removed from the recreational vehicle.

(f) Multiple camping or recreational vehicles may be located on a lot for temporary accommodation accessory to an approved recreational use (such as a livestock event facility, off-road recreational vehicle facility, or similar use). See Section 19.18.135.

(g) Campgrounds and recreational vehicle parks associated with and integral to an approved Master Planned Resort are subject to the standards of this section unless equivalent or better standards are proposed in the Resort Development Plan of the Master Planned Resort.

(4) Health Standards Applicable Countywide.

All recreational vehicle parks and campgrounds shall meet the following standards:

(a) Proper Disposal of Waste Required.

No person shall dispose of or discard sewage, gray water, or other waste materials onto the ground. Where connection to a water supply is provided, a Yakima Health District-approved, suitable sewage treatment and disposal system must be provided.

(b) Water Supply.

A water supply serving a campground or recreational vehicle park shall conform to the requirements of Chapter 246-290 WAC or Chapter 246-291 WAC, as now enacted or amended, and the following minimum standards:

(i) Where an existing area-wide public water service is available, based on criteria in Chapter 19.25, the Yakima Health District may require connection to that supply for all domestic water purposes at the campground or recreational vehicle park;

(ii) All new and replacement water faucet installations shall meet the plumbing code enacted by YCC Title 13;

(iii) Surface drainage shall be diverted away from the riser pipe as required by the Yakima Health District;

(iv) Domestic water supply systems shall conform to YCC Title 13 where applicable;

(v) Water supply systems used for other than domestic water shall be signed and plumbed under the plumbing code in YCC Title 13; and

(vi) Potable water supply systems may be prohibited by the Yakima Health District in areas subject to flooding.

(c) Sewage Disposal and Public Restrooms.

All recreational vehicle parks and campgrounds shall discharge sewage and gray water to sewage disposal systems approved by the Yakima Health District. Recreational vehicles may be connected to a public sanitary sewer system or an on-site sewage system if approved by the owner/operator and the Yakima Health District. Connection to a public sewer system may be required. Unless each camping space allows for connection of camping units to potable water and wastewater disposal systems, there shall be at least one sewage pump-out station located with access from the service driveway and with easy ingress and egress for recreational vehicles in each campground or recreational vehicle park designed to accommodate recreational vehicles.

(i) For camping spaces not connected to a sewage disposal system, there shall be identified and approved dumping stations and facilities for the disposal of gray water convenient to each camping space. Every such sanitary facility shall be provided within a 300 foot radius of any camping space.

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(ii) Sealed vault toilets, chemical toilets, or pit privies, or other alternate sewage disposal system, may be installed in lieu of utility buildings, subject to approval from the Yakima Health District.

(iii) In addition to meeting the location requirements for sanitary facilities as described above, the sanitary facilities shall include the appropriate quantities of toilets, urinals, hand-washing sinks, and shower stalls as approved by the Building and Fire Safety Division, based on standards in YCC Title 13.

(iv) Sewage dumping stations and sewer connections shall comply with the Yakima Health District's minimum standards.

(v) Minimum sanitary facilities, including toilets, urinals, and hand washing sinks, for new recreational vehicle parks and campgrounds shall be provided as required by the Yakima Health District.

(vi) Each camping site provided for camping units, other than recreational vehicles with self-contained toilets or sewage disposal systems shall be provided a restroom within a 200 foot radius of any such camping site.

(vii) Public restrooms shall be constructed to meet all building codes as provided in YCC Title 13.

(d) Solid Waste.

No person shall dispose of or discard sewage, gray water, or other waste materials onto the ground. All storage, collection, and disposal of solid waste in the campground or recreational vehicle park shall be in conformance with the minimum functional standards set forth by the Washington State Department of Ecology and administered by the Yakima Health District.

(i) Approved solid waste containers shall be placed within 200 feet of each camping space;

(ii) Solid waste collection areas having more than one container shall require screening with a sight-obscuring fence or Standard C sitescreening as provided in Chapters 19.21; and

(iii) All solid waste containers shall have covers that prevent access by birds and other animals and minimize the creation of nuisances from odors and fugitive materials.

(5) Minimum Land Use and Site Design Standards.

Each campground or recreational vehicle park shall meet Chapter 19.10 and the following standards:

(a) Size.

The site shall be of sufficient size to encompass all facilities and developed portions of the campground or recreational vehicle park. The minimum area for a recreational vehicle park shall be two acres. The minimum area for a campground shall be one acre.

(b) Camping Space Standards.

Standards for camping unit spaces within recreational vehicle parks and campgrounds shall be as follows:

(i) Width.

The minimum space width shall be 20 feet.

(ii) Use.

A No more than three camping units shall occupy any individual space in a campground.

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B. Only one recreational vehicle shall occupy an individual space at any time, though a camping space may be occupied by one recreational vehicle and one or two tents.

C. No decks, porches, outdoor storage, or other exterior additions shall be attached to a recreational vehicle or constructed or erected on a camping space; provided; however, that an awning designed as part of and permanently attached to a recreational vehicle shall be allowed.

D. Wheels and tires shall not be removed from any recreational vehicle, nor shall skirting be allowed.

(iii) Nothing in this Subsection shall conflict with [illegible] Title 13 accessibility requirements, where applicable, for access to an individual recreational vehicle.

(c) Grading and Surfacing.

All camping spaces shall be designed to provide drainage to a stormwater treatment area. Cinder, gravel, or comparable non-dust bearing, semi-permeable, all weather surfaces of a size approved by the Reviewing Official shall be provided for all recreational vehicle pad areas.

(i) Fences and Walls.

No fence or wall shall be erected between camping unit spaces, except a retaining wall or a [illegible] meeting PMC Title 13 requirements may be installed for safety purposes;

(ii) Space Identification Numbers.

Camping space numbers at least four inches in height shall identify each space and shall remain readily identifiable while in use;

(iii) Design.

Each camping space shall be designed and constructed at such elevation, distance, and angle regarding its access to provide for safe and efficient placement and removal of camping units; and

(iv) Setbacks.

The setback for camping spaces from any public road or private road right-of-way exterior to the campground or recreational vehicle park shall be 25 feet from the edge of the right-of-way or road easement, or 60 feet from the road centerline, whichever is greater. Natural and landscape vegetation shall be retained and maintained along exterior property lines and within exterior setback areas of the campground or recreational vehicle park to the maximum extent possible. Other setback standards are as listed in Table 19.18.130-1 below.

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Table 19.18.130-1. Minimum Setback Standards	
	Setback (feet)
Camping site boundary to exterior side or rear property line	15
Distance between camping unit or awning to camping unit or awning on an adjacent space	10
Distance for camping unit from travel surface of interior roads	10
Cabin or tent cabin setback from interior roads	20
Distance between fire pit and exterior property line	30

No camping unit shall be placed or parked within a required setback area. Uses in setback areas shall be restricted to underground utility lines, exterior boundary fences, or security posts, and landscape vegetation; provided, a towed passenger vehicle, other than a recreational vehicle, may be parked within an internal front yard setback area required for an individual campsite unit space. Fences, utility lines, or landscape vegetation located within a setback area, if permitted, shall not interfere with access and driving sight distances.

(d) Exterior Fencing or Buffering.

If the proposed campground would be visible from a residence on an abutting property, side and rear exterior boundaries shall be fenced and/or buffered with vegetation as provided in Chapter 19.21. Fences shall be no less than six feet in height, and shall be sight obscuring (Standard A) as provided in Chapter 19.21 and shall conform to YCC Title 13. Any such fence shall be installed prior to operation of the campground or recreational vehicle park. Any fence shall be neutral in color and blend with the surrounding area. The fencing requirement may be waived if the campground or recreational vehicle park owner is also the owner of the contiguous residence.

(e) Roads.

The road system, both within and adjacent to the proposed campground or recreational vehicle park, shall be designed to meet the requirements of the County Fire Marshal and the County Engineer as applicable and include the following:

(i) Recreational vehicle parks and developed campgrounds shall have legal and permanent access to an improved public road. Vehicles waiting to get into the campground or recreational vehicle park shall not be permitted to block traffic on the public road;

(ii) The grade of any interior road shall not exceed 12 percent;

(iii) All interior roads shall be constructed to YCC Title 13 fire apparatus access standards. Asphalt or concrete may be required to conform to the County fire apparatus access standards. All roads, access driveways, and parking spaces shall be surfaced to provide drainage and to avoid dust. Cinder, gravel, or comparable non-dust-creating, semi-permeable, all-weather surfaces shall be provided for all roads and parking areas;

(iv) One-way interior roads shall be constructed with a minimum surface width of 12 feet, and shall be designated "no parking";

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(v) Two-way interior roads shall be constructed with a minimum surface width of 22 feet, and shall be designated "no parking";

(vi) Interior roads shall be looped, or a turnaround(s) meeting fire apparatus access requirements shall be provided at the end of all roads;

(vii) Minimum vertical clearance on all roads shall be 13 feet, six inches; and

(viii) Interior roads shall be clearly marked at each intersection to identify traffic directions and camping space numbers served by the road.

(f) Drainage.

Drainage facilities shall be designed by a registered engineer to provide no measurable increase in the rate of storm water runoff into the receiving drainage for a 25 year storm event, consistent with YCC Chapter 12.10.

(g) Parking.

A campground or recreational vehicle park shall meet the following parking standards:

(i) There shall be no on-street parking.

(ii) There shall be no parking permitted within required exterior front, side or rear yard setbacks.

(iii) A campground or recreational vehicle park and its associated buildings, structures, and uses shall provide off-street parking for passenger vehicles and recreational vehicles under Chapter 19.[illegible]. In addition to the parking spaces required, one [illegible] designated parking spaces shall be provided in locations convenient to origin and destinations. Guest parking spaces shall be provided at a ratio of one parking space per eight camping spaces. Any towed passenger vehicle shall be parked within the boundary of the camping space, or when a recreational vehicle fully occupies the camping space such passenger vehicle shall be parked in a guest parking space. Guest parking spaces shall be grouped and distributed evenly throughout the campground or recreational vehicle park.

(h) Density.

(i) For campgrounds without sanitary sewer service, the maximum density of a campground or recreational vehicle park shall be based on consideration of the capacity of the soils to handle on-site sewage disposal as determined by the Yakima Health District, consistent with applicable requirements of Chapter 246-272A WAC; provided, however, that such density must be found to be compatible with surrounding land uses and consistent with the County's Comprehensive Plan. Campgrounds served with on-site sewage disposal shall have a maximum density of six units per gross acre unless a higher density, not to exceed ten units per gross acre, is approved by the Yakima Health District.

(ii) For recreational vehicle parks or campgrounds with an approved sanitary sewer connection to each camping space, the density shall not exceed 20 camping spaces per gross acre; provided such density is consistent with site development standards of this Title and other applicable regulations and meets environmental policies of the County.

(i) Electrical and Other Utility Connections.

Electrical hookups may be provided to each camping space in a developed campground or recreational vehicle park. If provided, the minimum amperage shall be specified by the Washington Department of Labor and Industries (L&I). Other

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services, such as television and telephone cable service, may be permitted. All electrical and other connections shall be:

(i) In compliance with applicable local and state codes; and

(ii) In close proximity to the user.

(j) Lighting.

All security or safety lighting shall be designed as provided in Section 19.10.040 so as to limit illumination to the campground or recreational vehicle park, without interfering with the motoring public on adjacent roads.

(k) Fire Protection.

Fire safety precautions shall be provided as required by the International Fire Code (IFC) and International Wildland Urban Interface Code (IWUIC), YCC Title 13, as they relate specifically to, but not limited to, the following:

(i) Fire hydrants;

(ii) Construction material for fire pits and barbecue pits;

(iii) Primary fuel breaks around any portion(s) of the campground containing a fire pit;

(iv) Ground fireproofing around structures, fire pits and barbecue pits;

(v) Spark arrester equipment for chimneys;

(vi) Roofing material for bath houses, cabins, lodges or other permanent or semi-permanent structures;

(vii) Additional building or camping space setbacks required by the Fire Marshal from exterior property lines, during the preliminary site plan review process; and

(viii) Distance between a camping unit and a fire pit.

(l) Caretaker's Residence.

One caretaker's residence and/or office facility for the owner or operator of the campground or recreational vehicle park may be allowed. Except for the park or campground owners or caretaker's residence, no manufactured home shall be occupied, stored, or parked in the campground or recreational vehicle park. No manufactured home shall be used for commercial use, assembly of people, or accessory use within a campground or recreational vehicle park.

(m) Accessory Uses.

Laundry, assembly, or commercial accessory or service uses may be allowed in a developed campground or recreational vehicle park provided, each structure meets commercial construction standards. The appropriateness of all proposed accessory uses and their compatibility with adjacent land uses will be considered as part of the site plan review. Such accessory uses are restricted in their use to occupants of the campground or recreational vehicle park. Each accessory use or structure shall be accessible by improved pedestrian path convenient to occupants of the park or campground. Any manufactured coach used for laundry, assembly or commercial use shall be a commercial coach.

(n) Water Recreation Facilities.

All water recreation facilities shall:

(i) Comply with the rules and regulations under Chapter 246-260 WAC and/or Chapter 246-262 WAC, as now exists or are amended;

(ii) Be approved and permitted by the Yakima Health District; and

(iii) Meet the pool barrier requirements of YCC Title 13.

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(o) Exterior Boundary Survey.
Exterior boundaries and all road centerlines shall be surveyed and monumented by a surveyor licensed in the State of Washington.

(p) Open Space and Recreation.
A minimum 15% of the total site area within the campground or recreational vehicle park shall be set aside as community open space as defined in Section 19.01.070. The minimum area may be reduced to ten percent of the total site area where the campground is developed in conjunction with a master planned resort.

19.18.135 Camping Accessory to Approved Recreational Uses

Multiple camping or recreational vehicles may be located on a lot for temporary accommodation accessory to an approved recreational use (such as a livestock event facility, off-road recreational vehicle facility, or similar use), provided:

(1) Usage Area.
The area for such use is shown on the site plan submitted with the primary application and approved in the underlying land use;

(2) Parking.
Sufficient parking area is provided for the accommodation use and the primary land use;

(3) Land Use Rules.
The area set aside for this purpose is subject to land-use and environmental requirements attendant to the underlying land-use decision;

(4) Residential Buffer.
Locations designated for recreational vehicles are separated from the nearest existing dwelling on any adjacent lot by a minimum distance of 300 feet, or by other equivalent mitigation in order to mitigate noise created by generators used for electric power;

(5) Temporary.
It is temporary and directly related to a specific event held at that facility;

(6) Access.
Access is appropriate, internal pedestrian and vehicular circulation is safe, physical access to the site is determined to be acceptable by the Reviewing Official;

(7) Stormwater.
Stormwater is addressed on the site plan as per YCC Chapter 12.10 and appropriate provisions are made;

(8) Density.
The number of units does not exceed that permitted with the underlying land use decision;

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(9) Self-contained.
The camping unit or recreational vehicle is self-contained (no hook-ups);

(10) Duration of Occupancy.
Limited to no more than four consecutive nights and no more than 30 nights in any 12 month period;

(11) Unattended RVs.
The RVs are not left unattended beyond the specific event associated with the recreational use; and

(12) Operating Permits.
Annual operating licenses or permits as required by the Yakima County Fire Marshal, the Building Official and/or the Yakima Health District are secured as provided in Subsection 19.34.080(4)(i).

19.18.140 Cemetery Plots.

Cemetery and cemetery plots are subject to development standards in this Title and must meet state standards and other requirements in this Title, including a minimum setback for any cemetery plot from the centerline of rights-of-way as set forth in Chapters 19.11, 19.12 and 19.13. Other applicable setback State laws may apply.

19.18.150 Community Open Space Requirements.

The following provisions shall apply whenever community open space is proposed by the developer, or when required by a Reviewing Official under Type 2 or 3 Review, as a condition of approval, or when qualifying for a smaller minimum lot area when within the SR, R-1, R-2, R-3 or RS zoning districts.

(1) Uses.
The community open space may be used for recreation, shoreline access, landscaping, visual noise or land use buffer, drainage control, trails or pathways, shallow retention ponds, low-impact development purposes, or other uses approved by the Reviewing Official during project review. Uses authorized for the community open space shall be appropriate with the use, size and density of the proposed development and the natural features of the site.

(2) Improvements.
Community open space shall be improved for its intended use, but community open space containing critical areas or other natural features may be left unimproved. All structures and improvements permitted in the community open space must be appropriate with the authorized use and natural features of the community open space. Community open space may be used only for those uses specified in the approved final site plan.

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(3) Shared Outdoor Recreation Areas for Multifamily Residential Uses.

(a) Any provided outdoor recreation space shall be usable for the shared or common use of all residents.

(b) The required recreation space may include a combination of both outdoor and indoor public, common and private space.

(c) Design of managed public and common outdoor recreation spaces and pedestrian accessways should provide for easy surveillance from multiple units in order to contribute to greater public safety.

(d) All public and common outdoor recreation spaces shall equal one acre of recreation area for every 100 dwelling units, prorated for the number of dwellings proposed, exclusive of the 200 square feet per dwelling of outdoor living area required by Subsection 19.12.020(3)(e)(ii). This can be achieved through smaller multiple recreational areas if the cumulative percentage equals the required minimum amount.

(e) The boundaries of public areas, such as streets or public gathering places, semi-public areas, such as transition areas between streets and dwelling units and private outdoor areas shall be clearly defined so a person can readily determine where the public space ends and the private space begins, such as by using one or more of the following:

(i) A deck, patio, low wall, fence or other suitable structures;

(ii) Landscaping, such as a hedge or draping vine on a trellis or arbor;

(iii) A change in the texture of the path material;

(iv) Signs; or

(v) Substantial natural features, such as a drainageway or tree grove.

(4) Location.

The location, shape, size and character of the open space shall be suitable for the type of project. Generally, community open space shall be located:

(a) Next to other open space areas;

(b) To buffer the proposed development from neighboring developments; and

(c) To provide access to recreation facilities or link recreational facilities with sidewalks or paths.

(5) Retention and Maintenance.

The final site plan shall include a provision, approved by the Reviewing Official, assuring the permanent retention and maintenance of the community 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 identify a responsible individual or entity, such as a homeowners' association, for maintenance and upkeep of the dedicated community open space. The document shall contain a provision vesting the County with the right to enforce the permanent retention and maintenance of the community open space and providing that, if community open space is permitted to deteriorate, or is not maintained in a condition consistent with the approved plan, and program, the County may at its option cause necessary maintenance to be performed and assess the costs 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.

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19.18.170 Reserved

19.18.180 Drive-Through Facilities.

(1) Review Required.

Review under this Section is required in recognition of the potential impacts of drive-through uses on adjoining residential uses and transportation systems. Any commercial use having a drive-through service window or booth is subject to the additional elements of review required in Subsection (2) of this Section for impacts on adjoining residential uses and the transportation system.

(a) Land uses other than financial institutions or espresso/coffee drive-through facilities located on properties that abut residential zones are subject to the following:

(i) Those listed as Type 1 Permitted Uses shall require at least a Type 2 review and review under this Section, and

(ii) Those listed in the Allowable Land Use Table 19.14.1 in Chapter 19.14 as Type 2 Administrative Uses shall require at least a Type 3 review and review under this Section.

(b) The drive-through facility will not require a higher review level for financial institutions and espresso/coffee drive-through facilities on properties that do not abut residential zones, but the standards of this Section will apply.

(2) Elements of Review.

The review of a Drive-through facility shall include consideration of impacts from the following: location in relationship to the building, sound-absorbing concrete noise barriers and other such alternative design strategies to address noise from the drive-through speaker and/or car radio, glare from vehicle head lights and exterior lighting fixtures, fumes to residential uses and impacts to transportation traffic flow and carrying capacity of the arterial street system.

(3) 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 Section 19.18.030.

19.18.190 Electric Vehicle Infrastructure.

(1) Legislative Intent.

This Section provides opportunities for electric vehicle infrastructure, as defined in Section 19.01.070, in all zoning districts in the County. These regulations are intended to:

(a) Provide adequate and convenient electric vehicle charging stations, defined in Section 19.01.070, to serve the needs of the traveling public;

(b) Provide opportunities for Yakima County residents to have safe and efficient personal electric vehicle charging stations at their place of residence; and

(c) Provide the opportunity for commercial and industrial projects to supply electric vehicle charging station services to their customers and employees.

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(2) Applicability.

Electric vehicle infrastructure is permitted as follows:

(a) Electric vehicle charging stations equipped with Level 1 or Level 2 charging equipment, as defined in Section 19.01.070, as an accessory use in all zoning districts.

(b) Rapid charging stations, defined in RCW 36.70A.695(5), also known as Level 3 charging in FW, R-10/5, RS, B-2, SCC, LCC, GC, HTC, M-1 and M-2 districts.

(c) Battery exchange stations, defined in RCW 36.70A.695(5), in GC, HTC, M-1, and M-2 districts.

(3) General Requirements.

Installation of electric vehicle infrastructure must be consistent with the rules for electric vehicle infrastructure requirements adopted by the State Building Code Council and the Department of Labor and Industries for the installation of electric vehicle infrastructure. All wires and equipment that convey electric current and any equipment to be operated by electric current must be consistent with the standards in RCW 19.27.540 and 19.28.281.

(4) Process.

(a) An application to establish electric vehicle infrastructure must also obtain an electrical permit through Washington State Department of Labor and Industries.

(b) Battery exchange stations that are an addition to an existing use require a Type 1 review process consistent with Chapter 19.30.

(c) New battery exchange stations require a Type 2 review process consistent with Chapter 19.30.

19.18.205 Especially Sensitive Land Uses.

(1) Legislative Intent.

Special standards are enacted for setbacks and review criteria of especially sensitive land uses (ESLU) (as defined in Section 19.01.070) to ensure that such uses are located on the least productive portion of the property and/or do not adversely impact or significantly interfere with adjacent or nearby farming operations.

(2) Setbacks.

To provide a buffer between resource lands or uses and adjacent especially sensitive land uses, the following setbacks and considerations in reducing the setbacks are enacted:

(a) Where any existing or proposed lot borders on agricultural, mineral resource or forest land, a building setback for especially sensitive land uses is required from the adjoining resource land or use as follows:

(i) 60 feet from any adjoining lot containing a commercial agricultural use in a rural zoning district;

(ii) 150 feet from an agriculture (AG) zoned lot, unless the application is to establish a lot line adjacent to a legally existing especially sensitive land use, in which case the building setback will be the standard structural setback along the line adjacent to the existing ESLU;

(iii) 200 feet from any forest-watershed (FW) zoned lot; and

(iv) 500 feet from property designated Mineral Resource overlay by the Comprehensive Plan.

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(b) Exceptions: The widths of the setbacks specified in Subsection (a) above may be modified as allowed by Section 19.35.020(6).

(3) Review.

Proposals for especially sensitive land uses shall be reviewed as provided in this Subsection according to the following criteria:

(a) The proposal will not adversely impact, or interfere with accepted farm, forest or mining practices on adjacent or nearby AG or FW zoned land, or mineral resource designated land, respectively. Consideration shall include the type of agricultural, forest or mining activities in the area and the relative susceptibility to nuisance complaints;

(b) The proposal uses mitigation measures to reduce the potential for land use conflicts and separate the site from active agricultural, forest or mining activities, such as: landscape buffers and screening identified in Chapter 19.21; special setbacks; site design using physical features such as rock outcrops, ravines, roads, irrigation canals or critical areas; or proximity to established dwellings, small lots or other especially sensitive land uses; and

(c) When in an AG zone, to the maximum extent possible, the especially sensitive land use shall be located on the least productive portion of the property.

(4) Declarative Covenant Required.

Where a proposed lot or use is within 500 feet of any agricultural, mineral or forest resource designated land, a declarative covenant shall be recorded indicating that the lot or especially sensitive land use is situated in an agricultural, mineral or forest resource area and, therefore, may be subject to noise, dust, smoke, odors, traffic and the application of chemicals resulting from commonly accepted practices associated with nearby agricultural, mineral extraction or forestry uses. Such covenant shall be in a form prescribed by the Reviewing Official.

19.18.210 Farm Labor Housing and Farm Dwellings.

Farm labor housing consists of temporary worker housing, farm labor dwellings and shelters, and accessory farm dwellings. They are regulated as follows:

(1) State-Licensed Temporary Worker Housing.

Temporary Worker Housing, defined in RCW 70.114A.020. This type of farm labor housing is developed to comply with the temporary worker housing requirements of RCW 70.114A and is subject to siting and licensing issued by the Washington Department of Health for on-site temporary worker housing. This also includes cherry harvest temporary labor camps regulated under Chapter 70.114A RCW.

(2) Second Farm Dwellings and Farm Labor Shelters and Centers.

Farm dwelling(s) for farm employees, laborers, and their families, not for temporary seasonal housing subject to RCW Chapter 70.114A are subject to the following:

(a) Occupants.

The dwelling units are used exclusively to house persons employed or otherwise actively participating in the farm and their family members.

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(b) Regulatory Compliance Required.
The facilities shall conform to zoning, building and health regulations.

(c) Access, Water Supply and Sewage Disposal.
The location for the units will be reviewed to evaluate access, public safety considerations, and provisions for potable water and sewage disposal, with preference given to community systems.

(d) Siting.
The units shall be sited with consideration to minimizing negative effects on agricultural productivity of the site and adjoining farm operations, and minimizing effects on residences on neighboring properties.

(e) Covenant Required.
A covenant shall be recorded in a form acceptable to the County, stipulating the second farm dwelling or farm labor shelters/center are exclusively for use by farm employees, laborers and their family members.

(f) Second Farm Dwelling.
A second farm dwelling for a farm employee and family members, in addition to the primary single-family residence, shall be located on a lot at least 20 acres in size or one-half quarter-quarter section, including public right-of-way, that is primarily in active agricultural use.

(g) Farm Labor Shelters and Centers.

(i) Ownership.
Farm Labor Shelters and Centers shall be owned and maintained by the owner or operator of an agricultural operation which evidences the need for farm laborers; or by an established non-profit organization, housing authority, growers co-op, or other corporate entity with a binding commitment to long-term maintenance and operation of the shelters/center; and

(ii) Annual Inspection.
Farm Labor Shelter and Center facilities are subject to an annual inspection for compliance with this Section.

(3) Farm Labor Complexes.
Farm labor complexes unrelated to the adjoining farming operations may be allowed as conditional uses in agricultural resource areas. These developments may provide either temporary or permanent housing, and may include farm labor camps, shelters, recreational vehicle parks, and facilities needed to serve the residents, including child care, recreation, etc. These facilities must meet or exceed all County design and development standards. Concerns of neighboring property owners and proposed management structures shall be given substantial weight in determining whether such complexes are appropriate.

19.18.220 Reserved.

19.18.230 Historic Landmark.

(1) Historic Landmark Allowable Use Permits as defined in Section 19.01.070 are authorized by the Comprehensive Plan and this Title to ensure increased protection and provide for a

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variety of allowable uses for historic landmarks that will encourage rehabilitation and continued preservation of the unique qualities of these nonrenewable resources.

(a) Permits.

The County may authorize a Historic Landmark Allowable Use Permit where it has been determined that a more intensive use, not listed in the zoning district under permitted, administrative or conditional use, will encourage and facilitate the rehabilitation and preservation of the historic landmark.

(b) Qualified Uses.

To qualify as a historic landmark and be eligible for this permit, the property shall be:

(i) Eligible for placement or on the National Register of Historic Places; or

(ii) Recognized as being of historic significance by the Washington State Department of Archeology and Historical Preservation (DAHP); or,

(iii) Have local historic significance within Yakima County as documented by a qualified historian or the DAHP.

(c) Additional Requirements for Applications.

Type 2 or 3 applications shall be accompanied by:

(i) A statement of the landmark's historic significance.

(ii) A description of the physical appearance and condition of the landmark.

(iii) A statement of need.

(iv) Plans and specifications drawn to scale, showing the actual shape and dimensions of the lot to be used.

(v) The sizes, shapes, dimensions and locations on the lot of all existing and any known previous structures.

(vi) The historic, present, and intended use of each structure.

(vii) The existing landscape and landscape features.

(viii) The relationship of the property to the surrounding area.

(ix) Black and white, 8 x 10 inch photographs of the exterior of the building, locations of required exterior alterations, and an explanation describing where the work is to be performed.

(x) Proposed interior alterations required for the allowable use shall be shown on floor plans and specifications drawn to scale, showing the shape, size and dimensions of all interior spaces.

(xi) Black and white 8 x 10 inch photographs of the interior architectural features, which shall show significant architectural features; a general feeling of the spaces; locations of required interior alterations with an explanation describing where the work is to be performed, and such other information as is needed to determine conformance with the comprehensive plan and this ordinance.

(d) Criteria for Approval.

To approve a Historic Landmark Allowable Use Permit, the County must find all of the following:

(i) That the permit would be in conformance with the Comprehensive Plan.

(ii) That the existing zoning district's permitted uses do not allow the proposed use.

(iii) That the proposed use is appropriate and will assist in preserving the significant physical characteristics of the historic landmark.

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(iv) That the physical changes necessary for the proposed use will not require substantial alteration, thus diminishing the historic significance of the historic landmark.

(2) The County may require the historic landmark owner and permit holder to follow The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior, National Park Service, Washington, D.C., for the restoration and adaptive use of the historic structure.

19.18.240 Home Businesses.

(1) Legislative Intent.

A business within a single-family dwelling or accessory dwelling unit may be permitted under this Section. It is the intent of this Section to:

(a) Ensure the compatibility of the home businesses with other uses permitted in the particular districts;

(b) Maintain and preserve the character of residential neighborhoods;

(c) Provide for a distinction between home businesses not subject to review and those that are minor and major home businesses and,

(d) 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.

(2) Standards.

Minor and major home businesses, as defined in Section 19.01.070, shall be subject to the following:

(a) Use Type.

(i) Minor home businesses are limited to those of a service character (typified by uses similar to one-chair beauty salon, one-table licensed massage therapist, caterer, mail-order business, etc.) but may include retail sales directly related to the home business.

(ii) Major home businesses may include services, small-scale retail sales of products, mail order businesses and storage of materials associated therewith. Major home businesses located outside of Urban Growth Areas and the RT and RS zoning districts may also include small-scale manufacturing, assembly, or repair operations.

(b) Who May Conduct Business.

(i) Minor home businesses shall only be conducted by members of the family residing in the dwelling.

(ii) Major home businesses shall be conducted by members of a family residing in the dwelling, except the Reviewing Official may authorize the family to employ no more than two non-resident individuals to assist with the home business.

(c) Business Conducted within Dwelling.

(i) Minor home businesses shall be conducted within the dwelling unit and/or attached or detached garage or an accessory structure. The floor area devoted to the home business shall not exceed 30% of the floor area of the home and attached garage.

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(ii) A major home business may be conducted within a single-family dwelling, two-family dwelling, attached or detached garage, or an accessory structure only. The floor area devoted to the home business shall not exceed:

A. 30% of the floor area of the home and garage in Urban Growth Areas and RT and RS zones; or

B. 30% of the floor area of the home, garage and accessory structure outside of Urban Growth Areas and RT and RS zones. The outward appearance and scale of any accessory structure shall be secondary and subordinate to the primary use of the property and the purpose of the zoning district.

(d) Outdoor Storage Prohibited.

There shall be no outside storage of materials, supplies, or display of goods or equipment of any kind related to the home business, except:

(i) One commercial vehicle as it pertains to a minor home business; or

(ii) Employee parking and one commercial vehicle as it pertains to a major home business.

(e) Location and Number of Parking Spaces.

Any need for any customer parking created by the home business, and for any employees if a major home business, shall be provided in a location so as to preserve the property's residential character, including on or off-street, or in a location other than the required front yard setback, as approved by the Reviewing Official; provided that a home business shall not be approved if it generates a need for additional parking spaces, exclusive of those necessary to serve other land uses on site, for customers (and/or employees) in excess of:

(i) Two additional parking spaces for a minor home business; or

(ii) Two additional parking spaces for a major home business within Urban Growth Areas and RT and RS zones; or

(iii) Four additional parking spaces for a major home business outside of Urban Growth Areas and RT and RS zones.

(f) Exterior Appearance, Emissions and Character.

There shall be no exterior evidence of the major or minor home business, other than a permitted sign and allowed vehicles for deliveries, employees (if a major home business), and customers, that would cause the premises to differ from its residential character: e.g., outward physical appearance, including commercial accessibility; lighting; the generation/emission of noise, fumes, or vibrations as determined by the Reviewing Official using normal senses and from any lot line; create visible or audible interference in radio or television reception or cause fluctuations in line voltage outside the home business. Photos of the home's full exterior appearance shall be submitted with each home business application to document the home's appearance prior to establishment of a home business.

(g) Water and Sewer Use.

The home business shall not increase water or sewer use so the combined total use for the dwelling and home business is significantly more than the average for residences in the neighborhood.

(h) Restricted Hours for Deliveries.

No deliveries or customers, by motor vehicle, shall occur between the hours of 8:00 p.m. and 7:00 a.m.

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(i) Sign Area.
Signage shall be limited to one nameplate of up to two square feet in the Urban Growth Area, RT, and RS zones, and up to eight square feet in other zones.

(j) Business Not Transferable to Future Property Owners.
Approval of a home business shall benefit only the individuals making the application and shall not be transferable to future property owners. Further continuation of the home business shall be subject to new review upon property transfer.

(3) Minor Home Businesses Not Subject to Review.
Minor home businesses that are limited to those of a home office character (typified by uses similar to an accountant, tax preparer, business administration) are not subject to Type 1 Review if they meet the standards listed in Subsection (2) above.

(4) Uses Not Permitted as Home Businesses.
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 businesses, interfere with or impair the use and value of adjoining properties, or violate the restriction of no exterior evidence (e.g., outward physical appearance; outside storage of materials, supplies or vehicles; generate noise, dust, fumes, odors, electrical interference, vibrations, excessive traffic, etc.). Therefore, the uses listed below shall not be permitted as home businesses:

(a) Adult entertainment facilities;
(b) Beauty salons and barber shops with more than one chair;
(c) Boarding or lodging houses;
(d) Churches;
(e) Construction contractors other than for home business administration under Subsection (2) above;
(f) Dry cleaning;
(g) Equipment rental businesses;
(h) Gift shops, craft stores, second hand stores, antique stores;
(i) Home businesses prohibited by covenants, conditions and restrictions (CC&Rs);
(j) Kennel, veterinary clinic, or hospital;
(k) Large item repair, including stoves, refrigerators, washers and dryers, etc.;
(l) Motor vehicle, trailer or boat maintenance, repair, detailing, painting, electronics installation and body shops;
(m) Overnight lodging facilities;
(n) Private clubs;
(o) Restaurants, taverns;
(p) Towing services;
(q) Trucking businesses or storage, except for the parking or storage of one commercial vehicle and trailer used solely by the owner/operator residing on the premises; provided that no refrigerator trucks shall be allowed;
(r) Uses using or storing highly explosive or combustible materials on the premises (not including ammunition associated with gunsmithing);
(s) Veterinary clinic; and
(t) Vehicle sign painting (except for airbrushing and applying decals).

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(5) Uses Not Permitted as Home Businesses in Urban Growth Areas, RT, or RS Zones.
In addition to the uses listed above, the following uses have characteristics that would impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses listed below shall not be permitted as home businesses within Urban Growth Areas or areas zoned Rural Transitional or Rural Settlement:

(a) Cabinet making, wood furniture repair and refinishing, woodworking or carpentry shops;
(b) Health salons, spas, gymnasiums, martial arts schools, dance studios, aerobic exercise studios;
(c) Machine and sheet metal shops;
(d) Taxidermist;
(e) Upholstering; and
(f) Firearms sales, except orders by mail, and/or gunsmiths.

19.18.250 Kennels.

(1) Legislative Intent.
This Section provides such standards to allow the location of commercial and foster shelter kennels within Yakima County land use jurisdiction. These standards apply to all zones that allow commercial and foster shelter kennels.

(2) Applicability.
This Section applies to commercial and foster shelter kennel facilities for more than six dogs. Kennels defined by YCC Subsection 8.36.010(12), including commercial and foster shelter kennels for more than six dogs, and hobby kennels for ten or fewer adult dogs, are subject to an additional kennel license required by Yakima County Sheriff – Animal Control. All kennels of whatever size shall be operated in compliance with Yakima County Code public nuisance and noise codes.

(3) Standards Applicable to Commercial and Foster Shelter Kennels.

(a) The applicant/owner demonstrates compliance with all applicable dimensional standards of federal, state and local statutes (RCW 16.52.310, YCC Chapter 8.36) including public nuisance YCC Chapter 6.20 and noise codes (YCC Chapter 6.28).
(b) The structures and outside runs or areas, when allowed, housing the animals shall be at least 200 feet from any dwelling (other than the dwelling of the owner) and more than fifty feet from any property line.
(c) Outside runs or areas, where permitted, are enclosed by a solid fence or wall that will abate noise and area landscaped to a Standard C visual screen as set forth in Chapter 19.21.
(d) In the B-2 and GC zones adjacent to residential uses and districts (RT, SR, R-1, R-2, R-3), animals are to be continuously within a soundproof building.
(e) Indoor sleeping areas are to be provided for animals within a completely enclosed structure during the hours of 9:00 pm to 7:00 am.

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19.18.260 Linear Transmission Facilities.

(1) Legislative Intent.

This Chapter establishes standards and criteria for development and expansion of linear transmission facilities and accessory uses. The purpose is to achieve a predictable, but sensitive permitting process that effectively and efficiently addresses project impacts. Specifically, these standards and criteria are provided to:

(a) Assure that each linear transmission facility project will be subjected to individualized review and the imposition of conditions will be based on site specific information;

(b) Ensure uniform, coordinated development of linear transmission facility operations and to ensure the general health, welfare and safety of the residents that may be located within the impact areas of the operations developed under these standards.

(2) Applicability.

Linear transmission facility operations are subject to the requirements of this Section in addition to the requirements of the zoning districts and other provisions of this Title.

(3) Application Requirements.

In addition to the required application contents specified for Type 2 applications in Title 16B and Chapter 19.30, the applicant shall submit a supplement to the SEPA environmental checklist and other documents as follows:

(a) SEPA Checklist Requirement.

The supplemental checklist shall (in addition to being consistent with the SEPA Checklist required under YCC Chapter 16.04) provide analysis of impacts to elements of the environment, as noted in the SEPA Checklist required by YCC Chapter 16.04 and WAC Chapter 197-11, and explain the mitigation proposed to minimize those impacts. Site specific studies, including but not limited to, impacts to habitat/wildlife (including avian impacts), a road impact assessment, cultural resource impacts, and a grading and stormwater management plan, complying with state best management practices stormwater quality standards, shall be attached to the supplemental checklist. All terrestrial habitat, critical area assessments, and cultural resource studies required shall be conducted within identified study corridors of sufficient width and dimension to enable comprehensive environmental assessment while allowing flexibility in the final layout.

(b) Site Plan Requirements.

The supplemental checklist shall include sufficient information, including a preliminary site plan, to adequately describe the proposal and its impacts, including but not limited to, information on the total square footage of buildings to be constructed, probable sources/quantities of aggregate to be used in construction, the maximum height and number of transmission towers (etc.), expected noise generation levels, the length and width of new roads and the length of power lines, sources of water (for dust suppression, concrete batch plant, etc.) and transportation impacts. Survey corridor locations shall be described and included on the site plan.

(c) SEPA Checklist if EIS has been Prepared.

Where the applicant is required to prepare an Environmental Impact Statement (EIS), the supplemental checklist may not be required, as this information may be provided as part of the EIS.

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(d) EIS Documentation.

If an EIS has been prepared under NEPA, the applicant shall document the sufficiency of that EIS's compliance with the requirements of this Title and YCC Chapter 16.04. Nothing in this Section shall preclude the SEPA Responsible Official from requiring additional studies or supplemental documentation to describe or mitigate potentially significant adverse environmental impacts.

(e) Determination of Application Completeness.

An application for review under this Chapter shall not be deemed complete until the identified reports are provided. Upon a clear showing by the applicant that a study is not applicable or is unnecessary, the Administrative Official/SEPA Responsible Official may waive specific application requirements. Such a determination shall be documented in writing in the project file.

(4) Review Process for Linear Transmission Facilities.

The review process for linear transmission facilities shall be as listed in the Allowable Land Use Table 19.14-1 in Chapter 19.14 and as follows:

(a) Pre-application Conference Required.

A pre-application conference as described in YCC Title 16B is required prior to applying for linear transmission facilities. Pre-application conferences for linear transmission facilities are required prior to the community meeting described in Subsection 19.18.260(4)(b) below. The submittal requirements for pre-application conferences shall include a site plan of the entire project, a written narrative describing the proposal, draft environmental checklist, other information as specified by the Administrative Official, and any additional information that the applicant wishes to provide.

(b) Community Meeting Required.

(i) Prior to application submittal for linear transmission facilities, the applicant shall conduct a community meeting to discuss the proposal to ensure that potential applicants pursue early and effective citizen participation in conjunction with their proposal, giving the project proponent the opportunity to understand and try to mitigate any real and perceived impact their proposal may have on the neighborhood and ensure that the citizens and property owners of the area have an adequate opportunity to learn about the proposal that may affect them and to work with project proponents to resolve concerns at an early stage of the application process. The community meeting may be combined with other required public meetings. The community meeting shall meet the following requirements:

A. Notice of the community meeting shall be provided by the applicant by first-class mail or postcard and shall include the date, time and location of the community meeting and a description of the project, zoning of the property, site and vicinity maps and the land use applications that would be required.

B. The notice shall be provided at a minimum to property owners of real property, as listed on the most current Yakima County Assessor's records, located 660 feet from each side of the exterior limits of the Linear Transmission Facility, to interested or affected public agencies with jurisdiction, to affected Indian tribes, to cities and towns

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affected by the proposal, and to the Yakima County Planning Division.

C. The notice for linear transmission facility proposals must be placed as a display ad in the Yakima Herald-Republic.

D. The notice shall be postmarked ten to fourteen days prior to the community meeting.

E. The community meeting shall be held within the geographic boundary of Yakima County.

F. The community meeting shall be held anytime between the hours of 5:30 and 9:30 p.m. on weekdays or anytime between the hours of 9:00 a.m. and 9:00 p.m. on weekends.

G. The community meeting agenda shall cover the following items: 1. introduction of community meeting organizer (i.e., developer, property owner, etc.); 2. description of proposed project; 3. list of permits that are anticipated for the project; 4. description of how comments made at the community meeting are used; 5. provide meeting attendees with the County's contact information; and 6. provide a sign-up sheet for attendees.

(ii) The applicant shall provide to the Planning Division a written summary of the community meeting prior to application submittal. The summary shall include:

A. A copy of the mailed and published notice of the community meeting with a mailing list of property owners notified.

B. Who attended the meeting (list of persons and their addresses).

C. A summary of concerns, issues, and problems expressed during the meeting.

D. A summary of concerns, issues, and problems the applicant is unwilling or unable to address and why.

E. A summary of proposed modifications, or site plan revisions, addressing concerns expressed at the meeting.

(iii) The applicant shall post online and send electronically the summary of the community meeting to those who attended the community meeting, signed in and provided a legible email address and provide Yakima County with proof of the web posting and a list of email recipients. Attendees without email access may request the summary of the meeting by mail.

(c) Type 2 Review.

Review of applications for linear transmission facilities shall be according to the procedures for Type 2 review as provided by Section 19.30.030 and YCC Section 16B.03.030 and:

(i) Following a pre-application conference and a community meeting the applicant may apply under this Chapter and this code.

(ii) Notice of the proposal shall be sent to all property owners located 660 feet from either side of the exterior limits of the Linear Transmission Facility.

(iii) Type 2 review of an application may be conducted with SEPA. The Administrative Official shall require necessary safeguards, conditions and SEPA mitigation to ensure the project complies with the Comprehensive Plan policy, this Title and other regulations.

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(d) Micro-siting.

Actual final locations of all applicable linear facilities shall be established during the micro-siting process, occurring after project permit approval and prior to or during actual construction. During the micro-siting process (when the final, exact locations of the applicable facilities and other project elements and equipment are determined) the applicant shall provide information regarding several technical and engineering factors, including, as applicable:

(i) Limitations imposed by the terrain, feasibility of access, setbacks (internally established or based on permit requirements),
(ii) Geotechnical considerations (subsurface conditions),
(iii) Environmental restrictions (avoidance of sensitive habitat),
(iv) Inadvertent Discovery Plan, under Subsection 19.18.260(7)(i) below,
(v) On-site Health and Safety Plan and Spill Prevention/Emergency Cleanup Plan, under Subsection 19.18.260(7)(l) below,
(vi) Road Impact Assessment, under Subsection 19.18.260(7)(m) below,
(vii) Cultural/archaeological restrictions,
(viii) Telecommunications constraints (line of sight microwave paths),
(ix) FAA requirements, and
(x) Other site-specific studies as determined by the Administrative Official.

The Administrative Official shall review final project lay-out prior to construction activities occurring. If the linear transmission facility extends beyond the initial corridors approved in the preliminary approval, before completing review, the Administrative Official shall provide at least two weeks' notice to parties who have requested notice regarding the project. The lay-out must be consistent with the permit conditions and all other applicable County requirements.

(e) Minor Revisions.

The Administrative Official may approve minor revisions, as defined in Section 19.01.070, to the Type 2 decision text or project area. Minor revisions include adding property to a project which does not realign the corridor or increase the permitted project area by ten percent. A survey may be required to confirm the acreage. Any minor revision that involves expansion or realignment of the project area which may impact wildlife/habitat values shall include WDFW consultation.

(f) Final Operational Layout Review Required.

(i) It is the affirmative duty of a project permit holder and the land owner to comply with any safeguards and conditions made a part of the terms under which approving a project permit was granted as authorized by this Title.
(ii) The Administrative Official shall review final linear facility operational layouts prior to issuance of building permits to ensure compliance with permit conditions. 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 Administrative Official shall issue a letter documenting operational layout review compliance.
(iii) No development permit may be issued without a final operational layout review issued by the Administrative Official, which may include by reference or otherwise, any terms and conditions of approval for the project with any approved final site plan. No linear transmission facility shall be entitled to a development permit until and unless the Administrative Official approves a

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final site plan. The final operational layout review is not a building or development permit and does not by itself authorize the construction or occupancy of any use or structure.

(5) Review Criteria.

(a) The Reviewing Official shall only approve applications for linear transmission facilities that meet all of the following criteria. Linear transmission facilities shall:

(i) Be designed to serve a broader community or regional area or to increase reliability or capacity to customers;

(ii) Accommodate the anticipated type and level of traffic for the construction and maintenance of the linear transmission facility project by ensuring state and local transportation systems and private access and service road(s) are adequate;

(iii) Be compatible with existing or planned land use patterns in the area.

(iv) Demonstrate the need for the location proposed to the satisfaction of the Administrative Official, including a full accounting of alternative locations and sites;

(v) Certify compliance with all Federal Energy Regulatory Commission (FERC) requirements and the National Electrical Safety Code (NESC) requirements;

(vi) Comply with the requirements of Subsection 19.18.260(7), Basic Standards of Operations; and

(vii) Incorporate measures identified through environmental review to mitigate impacts as follows:

A. The applicant shall evaluate the physical, economic and aesthetic impacts of such facilities and measures, to mitigate these impacts provided and implemented.

B. Incorporate project specific mitigation measures and conditions to mitigate adverse project impacts. The conditions and mitigation measures shall be based on site specific studies provided by the applicant and other relevant environmental review.

C. Conditions shall be designed to address each element of the environment discussed in the supplement to the environmental checklist (or EIS), including but not limited to, surface/groundwater; plants; habitat/ wildlife (including avian impacts); cultural resources; health and safety; and traffic/ transportation.

(6) Lot size/Right of Way.

Minimum lot size or right of way for establishing a linear transmission facility operation shall be sufficient to demonstrate the following:

(a) The linear transmission facilities shown on the site plan and allowed by this Chapter may be accommodated on the lot, or contiguous lots;

(b) The applicant shall secure the necessary property or right-of-way to assure for the proper construction, maintenance, and general safety of properties adjoining the linear transmission facility.

(c) Sufficient right of way is acquired to accommodate the linear transmission facility to maintain minimum National Electrical Safety Code (NESC) and Federal Energy Regulatory Commission (FERC) clearances.

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(d) Where practical and feasible, developers should use common/adjacent transmission easements and facilities.

(7) Basic Standards of Operation.

All linear transmission facilities authorized by this Chapter must conform to the following standards:

(a) Site Plan:

Linear transmission facility operations shall be conducted under an approved site plan as indicated in the application requirements in Subsection 19.18.260(3) above and conditions of permit approval. The site plan shall indicate the following:

(i) Existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;

(ii) The location of proposed transmission towers, underground and overhead conductors (including the depth of underground conductors), access roads (including width), substations and accessory structures;

(iii) Excluded areas resulting from critical area buffers or other setbacks and other requirements of local, state or federal law that may impact the proposal;

(iv) A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the County to accommodate construction vehicles, equipment or other deliveries, caused by construction of the linear transmission facility operation;

(v) Engineering and design information concerning construction of the facility and its foundation;

(vi) Anticipated construction schedule; and

(vii) Description of operations, including anticipated regular and unscheduled maintenance.

(b) Responsible Party:

The owner and operator of the facilities shall be held responsible for compliance with this Title. The owner and operator of the facilities shall be required to maintain in the County's file a designated agent residing within Washington State to receive notice in compliance matters and to address complaints.

(c) Water Quality:

Linear transmission facility operations shall be operated in compliance with all local, state and federal water quality regulations.

(d) Air Quality:

Linear transmission facility operations shall be operated in compliance with all local, state and federal air quality regulations.

(i) Re-vegetate any disturbed areas not permanently occupied by the project features;

(ii) Maintain a water truck on-site during construction for dust-suppression;

(iii) Control, to the greatest extent practicable, the emission of gases or matter odorous at any point beyond the property line of the use emitting the odor shall be controlled to the greatest extent practicable, as may be usual and customary for the specific use or industry; and

(iv) Comply with the Washington State Department of Ecology or Yakima Regional Clean Air Agency requirements.

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(e) Noise:

(i) Maintain sound levels at project boundaries under the maximum levels for the adjacent receiving properties based on the receiving properties' environmental designation for noise abatement per WAC 173-60; and

(ii) Comply with applicable state and federal noise control regulations and YCC Title 6.28.

(f) Vegetation and Wildlife:

(i) Limit construction disturbance by flagging the limits of construction and conduct ongoing environmental monitoring during construction to assure that flagged areas are avoided;

(ii) Projects located within agricultural areas must develop and utilize a reseeding/restoration and weed management plan in consultation with the Washington State or Yakima County Noxious Weed Control Board during construction of the project; and

(iii) Overhead collector lines and transmission lines (defined in Section 19.01.070) should be constructed consistently with the existing Avian Power Line Interaction Committee (APLIC) recommendations for raptor protection on power lines (including minimum conductor spacing and the use of anti-perch guards).

(g) Critical Areas and Shorelines:

Structural foundations and towers shall be designed under National Electrical Safety Code (NESC), YCC Title 16C and, as applicable, YCC Title 16D.

(h) Water Resources:

Water availability shall be demonstrated as needed for the project. For all projects, water required for onsite use shall be obtained under state and local requirements.

(i) Cultural Resources:

(i) Complete a cultural resource survey of areas of the project site that will be disturbed temporarily or permanently. The cultural resource survey shall be submitted to the County Planning Division and the Washington State Department of Archaeology and Historic Preservation for review at least sixty days prior to any kind of land disturbing activities;

(ii) During construction, flag and avoid cultural resources, and monitor construction activities to ensure all cultural properties are avoided;

(iii) An approved Inadvertent Discovery Plan (IDP) shall be prepared for each project. The IDP will outline the procedures to be followed in the case of inadvertent archaeological finds and/or human remains. The IDP shall include training for construction workers on the need to avoid cultural properties and procedures to follow if previously unidentified cultural properties, including Indian graves, are encountered during construction; and

(iv) If any previously unidentified cultural resource properties are encountered during construction, cease construction activities in the immediate vicinity of the site pending evaluation by a professional archeologist and consultation with the County Planning Division and the Washington State Department of Archaeology and Historic Preservation to identify appropriate mitigation measures such as avoidance or scientific data recovery.

(j) Setbacks:

(i) Linear transmission facilities shall observe the minimum setbacks allowed through the National Electrical Safety Code (NESC) and the Federal Energy

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Regulatory Commission (FERC). Additional setback distance may be required for addressing public safety or based upon other project impacts, as determined by the Reviewing Official as a result of the environmental review. Substations, transformers, and other components of linear transmission facilities shall be subject to greater setbacks as determined necessary to provide compatibility with existing uses.

(ii) Especially Sensitive Land Uses shall observe the following minimum setbacks.

A. Construction or expansion of Especially Sensitive Land Uses shall be setback a minimum of 25 feet from the edge of the linear transmission facility easement.

B. Additional setback distance may be required for Especially Sensitive Land Uses to address public safety or based upon project impacts, as determined by the Reviewing Official as a result of the application review.

(iii) The Administrative Official may reduce the setback due to site-specific conditions and an applicant's demonstration that the purpose of this Section will be met.

(iv) If the Administrative Official reduces the setback, the following applies:

A. The setback shall be a minimum of 50 feet from the nearest linear transmission facility, and shall comply with applicable National Electrical Safety Code (NESC) and Federal Energy Regulatory Commission (FERC) setback requirements.

B. The setback shall be measured from the nearest edge of the linear transmission facility.

C. Applicants shall show the location of a linear transmission facility and setbacks on site plans and subdivision plats.

(v) Setback Protection. Setbacks shall be identified and protected during construction of Especially Sensitive Land Uses by placement of a temporary barricade and on-site notices. Barricades and on-site notices are subject to review by the Building Official.

(vi) As a condition of any relief granted under this Section, the applicant shall be required to record a declarative covenant notifying all subsequent purchasers that a lesser setback from the linear transmission facility has been approved and of any and all conditions placed on the grant of relief.

(k) Height Limits:

Height limits are not set for utility towers and transmission lines. However, the County may place reasonable limitations on height (or impose other alternative mitigation) to mitigate impacts to existing uses or if necessary to address impacts to public safety.

(l) Public Safety:

(i) The applicant shall develop and maintain an On-Site Health and Safety Plan that informs and trains employees and others on site what to do in case of emergencies, including the locations of fire extinguishers and nearby hospitals, telephone numbers for emergency responders, first aid techniques, and other safety procedures and information.

(ii) For projects in which hazardous substances are stored or used, a Spill Prevention and Emergency Cleanup Plan will be designed to assist on-site

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workers with accidental releases. Any large spill will require emergency response through the local fire department or designated contractor.

(iii) Signs warning of electrical dangers with emergency contact numbers (e.g. phone numbers of emergency responders) must be posted in compliance with all applicable standards.

(m) Roads:

(i) When required, a Road Impact Assessment shall be prepared by an independent qualified consultant selected by Yakima County and paid for by the applicant for roads to be used by the project. The Assessment shall include an analysis of project-related traffic routes to be used during phases of construction, project operation and decommissioning (i.e. traffic volumes, weights, frequency, time of year of use, etc.). The Plan shall include an assessment of existing road conditions (e.g. pavement width, intersection designs, subgrade condition, surface conditions, existing traffic use/volumes). The Assessment should also address project-related developments of new surface aggregate mines and batch plants necessary for road construction.

(ii) A Road Haul Agreement addressing impacts to county-maintained roads may be prepared in consultation with the County Engineer and approved prior to preliminary approval.

(n) Requirements for Land Use Compatibility within Liquid or Gas Pipeline Corridors:

(i) Especially Sensitive Land Uses.

New and expanded Especially Sensitive Land Uses, proposed for location within 500 feet of a liquid or gas pipeline corridor shall at a minimum be designed by a qualified design professional to avoid increasing the level of risk if a pipeline failure occurs, and where feasible, reduce the risk compared to the existing development (see Section 19.18.205).

(ii) Other Development.

Applicants for the following types of new or expanded development in Urban Growth Areas, RT and RS zoning districts shall use appropriate mitigation measures to help reduce adverse public safety impacts if a pipeline failure occurs:

A. Commercial or industrial.

B. Especially Sensitive Land Uses proposed for locations not covered by Subsection 19.18.260(7)(n)(i) above.

C. Other use developments as required by the Administrative Official that, because of proximity to a liquid or gas pipeline corridor, pose a safety concern due to characteristics of the occupants, development, or site.

(iii) Mitigation measures intended to reduce risk and minimize impact if a pipeline failure occurs, include but are not limited to:

A. Site and building design techniques such as maximizing the distance between new or expanded development and anticipated flow paths for leaking hazardous materials and controlling ignition sources.

B. Emergency procedures such as emergency plans and guides, employee training and drills, and education programs for occupants and employees concerning pipeline safety, such as what to be aware of and how to respond if a problem occurs.

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1. Applicants shall consult with the Fire Marshal regarding the level of emergency planning and procedures appropriate for the proposed development. Based on the nature, occupancy, or location of a proposed development, the Yakima County Fire Marshal may require emergency plans and procedures for any occupancy classifications.
2. Emergency plans and procedures shall be consistent with the Yakima County Fire Code and shall be approved by the Yakima County Fire Marshal.

(8) Compliance with Project Conditions

(a) Compliance with project conditions and code requirements is required.

(b) A written request may be filed with the Administrative Official prior to the expiration date for extension of the time specified in the project permit as set forth in YCC Section 16B.07.050 and Chapter 19.30.

(c) A request to transfer a linear transmission facility development authorization to a new permit holder requires confirmation of compliance with project conditions, and may require re-execution of agreements or other documents entered into during and after project permitting to address impacts or related issues.

19.18.270 Manufactured Homes Regulated for Purposes of Siting as Site-Built Homes.

Manufactured homes that comply with the following five requirements may be sited in the same manner, and subject to the same conditions, as a site-built home, notwithstanding any other requirements of this Title as authorized by RCW 36.01.225. The manufactured home shall be:

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

(2) Set upon a permanent foundation, as specified by Yakima County, and the space from the bottom of the home to the ground is enclosed by concrete, approved concrete product, or other product with equivalent compatibility approved by the Building Official, which can either be load bearing or decorative;

(3) 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) Thermally equivalent to the state energy code; and

(5) In compliance with all other requirements for a designated manufactured home as defined by RCW 35.63.160.

19.18.280 Manufactured/Mobile Home Park Standards.

(1) Legislative Intent.

This Section establishes standards and criteria for development and expansion of mobile/manufactured home parks within Yakima County. These standards are provided to

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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.

(2) Approval Process.

Proposed new or expanded mobile/manufactured home parks shall be subject to Type 2 binding site plan review under Chapter 19.34 and a Type 2 or higher review as indicated for the Allowable Land Use Table 19.14-1 in Chapter 19.14.

(3) Development Standards.

All mobile/manufactured home parks shall be developed in compliance with the underlying zoning district and shall comply 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.

(a) 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 indicated in Chapters 19.11 through 19.13 of this Title, as if the spaces were lots. Space size may be reduced with the provision of improvements in accordance with the following:

(i) Provision of Recreational Area.

Space size requirements of the underlying district may be reduced by a maximum of ten 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 fifteen percent of the park area and shall be exclusive of the play area requirement under Subsection 19.18.280(4)(m)(i) below.

(ii) Provision of Sidewalks.

Space size requirements of the underlying district may be reduced by a maximum of ten percent with the provision of sidewalks a minimum of four feet in width, serving at least one side of each street and all recreational areas with access to the street providing access to the development.

(iii) Provision of Curbs, Gutters and Sidewalks.

Space size requirements of the underlying district may be reduced by a maximum of ten percent with the provision of curbs, gutters and sidewalks on both sides of the street.

(iv) Cumulative Space Size Reduction.

Space size may be reduced up to 20% with the provision of any combination of items in Subsections (4) (a) (i) through (iii) of this Section.

(b) Street Connectivity.

If determined by the County Engineer that the internal street design for the proposed mobile/manufactured home park would restrict or eliminate future county road connections he/she may require that the park's proposed internal streets be designed and constructed to allow for future street connectivity under the connectivity requirements of Chapter 19.23.

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(c) Internal Street Paving.
A minimum of 24 feet of paved internal street shall be required for access to each unit, paved under Chapter 19.23.

(d) Off-Street Parking.
Two paved off-street parking spaces shall be provided for each unit under this Title and Chapter 19.22. 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.

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

(f) 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, curbs, gutters, 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. All other development standards of this Title or regulations adopted by County, City or State, when applicable, (e.g. Chapter 19.23) shall be met, except where installation of permanent improvements would likely result in unnecessary future public cost; in which case the developer may be required to place appropriational share of funds in escrow to be applied to the future improvements.

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

(h) 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 Fire Marshal.

(i) Minimum Unit Separation.
Units shall be separated by a minimum of ten feet, measured from the furthest extremity of each unit, including stairways.

Perimeter Site-Screening and Landscaping.
The perimeter of a park shall be site-screened with a Standard C Visual Screen under Chapter 19.[illegible] or a six-foot-high, decorative fence in combination with a minimum a ten-foot-wide landscape strip adjacent to the street side of the fence and within the park consisting of a combination of shrubs, trees and groundcover. The Reviewing Official may require a higher screening standard as needed to resolve land-use compatibility questions or issues of record. Trees shall be planted no more than thirty feet apart.

(k) Stormwater Drainage.
All stormwater drainage shall be retained on site, and a drainage plan shall be approved by the County.

(l) Dumpsters/Solid Waste Containers.
Dumpsters and solid waste containers shall be provided for common use.

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(m) Play Area Requirement.

(i) Each unit shall provide a play area for children contained within the unit's space, consisting of a minimum size of 600 square feet and a minimum width of 15 feet.

(ii) For developments that provide a common recreational area of a minimum of 400 square feet per unit, each space shall provide a minimum of 200 square feet of outdoor living area per unit.

(4) 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.

(5) Development under Planned Development Provisions of this Title.
Development of a manufactured/mobile home park may be accomplished under the planned development provisions of this Title.

19.18.290 Manufactured/Mobile Home Placement.

(1) Legislative Intent.
These provisions are intended to assure the siting of manufactured/mobile homes is compatible with surrounding residential uses and preserves the general character and integrity of urban and rural neighborhoods. In addition to the specific regulations within each use district of this Title, the following regulations shall apply to placing all manufactured homes and mobile homes:

(2) General Requirements for Mobile Homes and Manufactured Homes Not Meeting Section 19.18.270.
All mobile and manufactured homes, other than designated manufactured homes meeting Section 19.18.270, shall:

(a) Have permanent steps or inclined plains affixed to all entrances;

(b) Maintain a minimum crawl space of 18 inches under the entire unit;

(c) Have permanent skirting or sidewalls installed to enclose all areas between the lower edge of the outside walls and the ground;

(d) Be placed and anchored per the manufacturer's installation instructions or per the design of a professional engineer or architect licensed in Washington {WAC 296-150M-610 (1)(C)};

(e) Have the tow tongue and axles removed.

(3) Siting Requirements Outside Manufactured Home Parks.
Manufactured homes shall also be required to meet the four siting requirements listed below, unless the home is being located in a manufactured/mobile home park:

(a) Roof slope shall be not less than a two-foot rise for each 12 feet of horizontal run.

(b) Roofing materials shall be compatible in appearance with surrounding site-built homes, and consistent with fire safety standards.

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(c) Siding materials shall be wood, masonite, or other material compatible with surrounding site-built homes.

(d) Pit Set.

Except in floodplains, manufactured homes shall be "pit set", with the bottom of the floor joist or frame no more than 12 inches above finished grade. The pit shall be of sufficient depth to accommodate an 18 inch clearance below the frame of the unit with crawl space access located near utility connections.

(4) Replacement of a Nonconforming Mobile Home on an Individual Lot with a Manufactured Home.

(a) A nonconforming mobile home, not within a mobile/manufactured home park, may only be replaced with a manufactured home. Replacement of a nonconforming mobile home with another mobile home is not allowed under this Title.

(b) Type 1 review shall be used to replace a nonconforming mobile home with a manufactured home.

19.18.300 Manufactured Modular Nonresidential Structures ("Commercial Coaches") Placement.

(1) Legislative Intent.

To assure public safety and compatibility with the general character and integrity of the district.

(2) Standards.

Modular, non-residential structures, manufactured with the intent of being transported to a fixed site and built under YCC Title 13, may be allowed in all districts, subject to compliance with other standards of the district and the following:

(a) Documentation showing proof that the Washington State Department of Labor and Industries has inspected and approved the structure as a commercial coach (RCW 43.22.340);

(b) May not be used for single-family dwelling;

(c) Does not constitute a cargo container.

19.18.310 Mining.

Mining can occur in areas zoned Mining (MIN) or as a use in the Allowable Land Use Table 19.14-1 in Chapter 19.14.

(1) Submittal.

An application for review under this Section shall follow the requirements of Chapter 19.30.

(2) Notification.

When establishing a MIN zone or the review of a Type 1, 2 or 3 mining use or mining site/operations plan, the notice of the proposal shall be sent to agencies with expertise or jurisdiction, to property owners within one-half mile of the property, or any contiguous properties under the same mining operation, and to owners adjacent to any private access roads that would serve as haul roads in the manner provided in YCC Section 16B.05.030.

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(3) Review Criteria.

The establishment of this zoning district or the review of a Type 1, 2 or 3 mining use or mining site/operations plan shall consider the following:

(a) Confirmed presence of large volumes of high-quality, mineral resource deposits that will sustain an operation over a long term.

(b) Adequacy of state and local transportation systems, and private access and haul road(s), to accommodate heavy equipment and truck traffic.

(c) Compatibility with existing or planned land use patterns in the area.

(d) Presence of fish and wildlife habitat, hydrologically related critical areas.

(e) Impacts to air and water quality.

(f) Impacts identified through environmental review.

(g) Proximity to major transportation corridors and market areas.

(h) The requirements in Subsection 19.18.310(4) Basic Standards of Operation.

(4) Basic Standards of Operation.

All mining operations must conform to the following standards; except as otherwise noted. Subsection 19.18.310(7) below shall be the process for revising the operational standards:

(a) Site Plan.

Mining site/operations shall be conducted under an approved site plan and conditions of permit approval. The site plan shall indicate the location of all mining activities, including excavation, processing, stockpiling, batching, product manufacturing and sales areas, equipment maintenance and storage areas, and any excluded areas resulting from setbacks and other requirements of local, state or federal law.

(b) Responsible Party.

The landowner and operator shall be held jointly responsible for compliance with this Title. If a permit is required for the activity, the landowner and operator shall be required to provide to the County a written designation of an agent residing within the County to receive notice in compliance matters.

(c) Visual Impact.

(i) Existing trees and other vegetation adjacent to any public park, residence, or Rural 5/10, RS, RT or urban residential zoning district shall be preserved for a minimum width of 25 feet.

(ii) If topography, existing trees or other vegetation cannot screen the site, the Reviewing Official may require additional screening in the form of a fence, wall, berm, or vegetation. Berms may be removed when authorized as part of a final reclamation plan.

(d) Water Quality.

Mining site/operations shall be operated in compliance with all local, state and federal water quality regulations. The Reviewing Official may require from the operator/owner a detailed hydrological report and frequent groundwater monitoring to address any questions of compliance with these regulations. If any gravel mining operation causes the water quality of any domestic water supply to fail to meet the drinking water quality standards of WAC 246-290, as amended, the mine owner shall remedy the effect of the operation on the water supply through monetary payment to the water system owner, the provision of treatment methods and devices approved by the State Department of Health, or other correction of the specific

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water quality problem. This mitigation shall be approved by the Health District and the State Department of Health.

To preserve water quality, the Reviewing Official shall determine the minimum horizontal distance to be maintained between an excavation and any well used as a potable water supply in existence at the time of permit application. Location of wells in relation to the mine and groundwater flow direction and depth of excavation shall be considered in these determinations.

(e) Air Quality.

Mining site/operations shall be operated in compliance with all local, state and federal air quality regulations.

(f) Setbacks.

Each mining site/operation shall observe the following minimum setbacks, except where the operation is lawfully preexisting and encroachment within the prescribed setbacks has already occurred. However, further encroachment shall only be permitted by revision under Subsection 19.18.310(7) below.

(i) No extraction or removal of aggregate/minerals shall occur within -25 feet of any exterior property line abutting a public or private road.

(ii) Mineral processing and batching and manufacturing and fabricating plants shall not occur within 500 feet of an existing residence not on the subject property or under the same ownership, or within 25 feet of any exterior property line, unless the adjacent property is also zoned Mining.

(iii) Mineral extraction shall not occur within 200 feet of an existing residence not on the subject property or under the same ownership, or within 25 feet of any exterior property line, unless the adjacent property is also zoned Mining.

(g) Landscaping and Screening.

A berm around the perimeter of the site is required unless the operator can demonstrate that one is not necessary to mitigate noise and visual impacts. The side slopes of the berm shall not exceed 1.5:1 ratio. Berms shall be at least eight feet in height. The approval authority may reduce the required berm height below eight feet if resulting noise impacts will not exceed the applicable standard and any resulting visual impacts will be consistent with the purposes of this Chapter. Berms shall be planted and erosion control measures shall be taken as may be approved by the approval authority. Planting and berms shall begin at a point not closer to a street than the ultimate right-of-way line. The Reviewing Official may require additional planting under Chapter 19.21. The Reviewing Official shall consider site conditions, proximity to residential uses, and existing views from neighboring properties, in setting specific conditions for landscaping, screening and berming, including increased berm height.

(h) Hours of Operation.

(i) The MIN zoning district is typically not subject to restrictions on hours of operation, except as established through SEPA review.

(ii) The standard hours of operation for blasting shall be: 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding New Year's Day, the Fourth of July, Labor Day, Thanksgiving and Christmas Day. Longer hours of operation for blasting may be requested at the time of initial application or later through the revision process of Subsection 19.18.310(7) below.

If there are residences located within one-half mile of the site, a property owner notification plan must be developed by the operator

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and filed with the Planning Division before blasting can occur. The operator/property owner shall be responsible for implementation of the blasting notification plan.

(iii) The hours of operation for mining activities located outside of the Mining zoning district shall be as follows:

A. Equipment and vehicle maintenance and administrative activities—No restrictions on hours of operation;

B. Mineral batching (defined in Section 19.01.070) — 6:00 a.m. to 6:00 p.m., daily;

C. Excavation, hauling mineral products offsite, and mineral processing — 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays. None on New Year's Day, the Fourth of July, Labor Day, Thanksgiving and Christmas Day;

(iv) Longer hours of operation may be requested: at the time of initial application; under the revision process of Subsection 19.18.310(J) below; or through the processes of Subsections A and B. below.

A. The Reviewing Official may authorize an exemption from the standard operating hours for sites that are isolated, either due to remoteness or location surrounded by other resource, commercial or industrial land uses that effectively buffer the mining operations. Notice of a requested exemption from the standard hours of operation must be provided to property owners within one-half mile of the site, and to owners adjacent to private access roads that would serve as haul roads. A request for a public hearing may be made within 14 calendar days of mailing the notice. If no request for a public hearing is made, the operating hours can be changed. The County may, at any time, require resumption of standard operating hours for good cause as determined by the Reviewing Official, subject to appeal as provided in YCC Title 16B. If a request is made for a public hearing, the exemption request shall be considered by the Hearing Examiner at a public hearing. The scope of the hearing shall be restricted to the exemption request, unless a specific violation of operational standards or conditions of approval is documented by the County. Approving the exemption can be made contingent upon compliance with standards and conditions.

B. The Reviewing Official may approve extended hours of operation beyond the established operating hours for short durations (not to exceed a consecutive four-week period) without a public hearing for a project directly related to public health, safety or welfare or for an emergency situation.

(i) Slopes and Grading.

Excavations, both above and below water level, shall be maintained in an operationally and environmentally safe condition by complying with standards established by the Department of Natural Resources.

(j) Land Reclamation.

A land owner or an operator of a mining site/operation shall, in advance of any extraction of materials, prepare and submit a reclamation plan under the requirements of the Department of Natural Resources (DNR), or to the satisfaction

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of the Reviewing Official using DNR standards if the site is not subject to a DNR permit. Reclamation must return the land to a state compatible with the land uses identified by the Comprehensive Plan, or conform to stipulated environmental mitigation. Sites to be operated for more than five years shall conduct phased or segmented reclamation, unless determined to be unfeasible by DNR and the Reviewing Official.

(k) Nuisance Mitigation.

Uses within this zoning district shall be maintained and operated consistent with the purpose of this Title and the Comprehensive Plan. The owner/operator shall be required to take reasonable steps to ensure public health, safety, and welfare through installation of fencing and locked gates, advance notice to adjacent properties of blasting, and other measures necessary to mitigate nuisance hazards.

(l) Setbacks.

Setbacks from right-of-way, adjoining residences, and exterior property lines as set forth in this Section and Chapters 19.10 and 19.15 shall be excluded from applications, except as necessary to provide for access to the site or as part of final reclamation.

(m) Control of Vibration.

No ground vibration caused by blasting or machinery shall exceed the limits established by state regulations. Further regulations may be required to mitigate impact on adjoining properties.

(n) Stockpiles.

Stockpiles shall not exceed 100 feet in height as measured from ground level before excavation, and shall be set back twice the height of the stockpile from the edge of the nearest property boundary as measured from the center of the stockpile. The Reviewing Official shall consider all reasonable measures, including additional stockpile setbacks to prevent any materials or wastes deposited upon any stockpile from being washed, blown or otherwise transferred off the site by normal causes or forces. Stockpiles must also adhere to the requirements of YCC Titles 16C and 16D. The Reviewing Official may require the operator to provide a survey by a registered land surveyor certifying the height of any stockpiles on the site at any time requested, to ensure compliance with this Section.

(o) Other.

The use shall comply with all other applicable rules, standards, or statutes governing such uses, including federal, state and local environmental protection requirements, and State law.

(5) Inspections.

(a) Initial Inspection.

For applications filed after the effective date of this Chapter, the operator shall provide access to the site for inspections to ensure compliance with this Chapter. The Reviewing Official may authorize a reasonable fee for such inspections. The operator will submit to either an inspection or, at the option of the Reviewing Official, a conference before commencing the extraction of mineral resources. The inspection or conference shall be based on conditions and standards ordered by the approval authority to be complied with before the operations commence.

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(b) Annual Inspection.

Aggregate mines, whether in existence on the effective date of this Chapter or subsequently permitted, shall be inspected annually for compliance with this Chapter. The Planning Division, in consultation with Corporate Counsel, shall establish in writing a program and schedule under which such inspections shall be carried out. This program shall prioritize inspections concerning fuel and petroleum products storage, spill prevention, spill occurrence and water pollution prevention.

(6) Temporary Mining:

(a) Duration.

Temporary mining site/operations, mineral batching and processing are limited to 18 months or less in duration.

(b) When Permitted.

Temporary mining, batching and processing may be permitted only when necessary to provide mineral products to a specific project, or when the temporary mining, batching and processing is for the purpose of preparing a property for an approved use that necessitates removal of the mineral resources. Temporary mining, batching and processing may only be permitted outside of areas designated mineral resource when there are no existing sites that are practicable to provide mineral products to a specific project.

(c) Exemptions from Certain Standards.

Temporary mining, batching and processing shall be exempt from the setbacks of Subsection 19.18.310(4)(f)(ii) above when it is for the purpose of preparing a property for an approved use that necessitates removal of the mineral resources.

(d) Long Term Mining.

Mining site/operations, batching and processing that will continue for more than 18 months may only be permitted in those areas designated as Mineral Resource by the Comprehensive Plan, or in the RS, SR, M-1, M-2 zoning districts under the Allowable Land Use Table 19.14.1 in Chapter 19.14.

(e) Extensions.

An extension of the 18 month time limit may be authorized by the Reviewing Official for good cause (e.g. unexpected delays in completing a contracted job, or obtaining a rezone to Mining). The extension of time shall not exceed two consecutive six-month periods.

(f) Emergency Exemptions.

(i) The Reviewing Official may permit the immediate initiation of a temporary mining operation ordinarily requiring a Type 2 or 3 use permit if necessary to prevent eminent and potentially serious damage to property or threat to human life. The exemption shall be in writing;

(ii) For mining sites located within a critical area, the Reviewing Official may authorize an emergency operation only when the owner or operator has filed a request for an emergency exemption under the Critical Areas Ordinance, and affected state agencies have issued necessary permits and/or have attested to the urgency of the situation and provided assurances to Yakima County they will issue said permits;

(iii) Emergency exemptions authorized by this Section shall meet the operation standards of Subsection 19.18.310(4) above. The Reviewing Official may (in writing) revise the operation standards for good cause. An operation

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approved under this Section shall cease once the threat to human life and property is no longer serious or imminent, and shall not exceed 90 days, upon which the site shall be reclaimed. Failure to reclaim the property shall constitute a violation of this Title.

(7) Revision of Standards.

The standards of Subsection 19.18.310(4) above may be revised under Type 2 review, only if the Reviewing Official finds that the revised standards are consistent with protecting public health, safety, and welfare, as expressed in Section 19.11.020, Subsection 19.18.310(3) above, the Comprehensive Plan and relevant state or federal law. Notification of proposed revision of standards shall be given to agencies with expertise or jurisdiction, to property owners within one-half mile of the site, and to owners adjacent to private access roads that would serve as haul roads. Revision of the 500 foot and 200 foot setbacks of Subsection 19.18.310(4)(f)(ii) and (iii) may be authorized when measures are used to mitigate the impacts to neighboring residences that would occur as the result of the reduced setbacks. Such measures may include, but are not limited to: use of vegetation, natural topography, berms, or other screening materials; installation of noise deflectors and dampening devices; placement of equipment within buildings or below ground levels; and implementation of other best management practices.

19.18.320 Mini Storage Facilities.

(1) Mini storage facilities, as defined in Section 19.01.070, shall be subject to the following minimum requirements:

(a) Location.

The site is contiguous to a designated urban arterial or rural collector road, although access may or may not be directly onto such arterial or collector, as determined through the review process;

(b) Sitescreening and Landscaping.

Sitescreening and landscaping consistent with the requirements of Chapter 19.21 shall be provided along all street frontages with any combination of lawn, flowers, trees, shrubs and ground cover. Along all other property lines a six-foot-high, decorative fence or wall with Standard A open area landscaping shall be installed and maintained, provided that where doors face adjacent residential areas the fence or wall shall be solid and view-obscuring;

(c) Outdoor Storage.

Any outdoor storage area shall be enclosed with a six-foot-high, view-obscuring fence and/or vegetative site screening that will achieve a height of not less than six feet within three years, or the standards of Chapter 19.21, whichever are greater;

(d) Hardsurfacing Required.

All access, travel surface and loading areas, building aprons shall be paved. Where appropriate other areas not covered by structures or landscaping shall be hard-surfaced;

(e) Signs.

One unlighted on-premises sign identifying the storage warehouses shall be permitted. The sign shall not exceed 15 feet in height nor 40 square feet in area, or the standards of the zoning district, whichever is less;

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(f) Building Heights.
Building shall not exceed 18 feet;

(g) Lighting.
All exterior lighting shall meet the standards of Section 19.10.040(10);

(h) Compatibility.
The Reviewing Official may require exterior modifications of structures, including use of architectural features or details, materials for siding and roofing, fencing, reduction of building mass and numbers of units when necessary to assure compatibility with adjoining residential zoning districts.

(i) Outdoor Storage.
Recreational vehicles may be stored outside in the GC, M-1 and M-2 districts when appropriate sitescreening is provided.

(2) Use of the facility shall be limited to the storage of excess personal property. No garage sales, servicing or repair of vehicles or appliances, commercial business or other similar activities shall be conducted on the premises.

19.18.330 Mixed Uses (Residential and Commercial).

The first floor of mixed (residential and commercial) use along the street frontage must be used for commercial uses. The dwelling units may be located above the first floor or to the back of the building. Also, the proposal must be served with a public water supply.

19.18.340 Nurseries.

Within the Agriculture and Rural-10/5 zoning districts, retail plant nurseries shall only be permitted when they grow the majority of their products on the premises or the same farm operation. Retail nurseries may also sell incidental related products.

19.18.350 Off-Road Vehicle Recreation Facilities.

The review criteria and conditioning authority delegated to the Reviewing Official shall include, but not be limited to the following in evaluating proposed off-road vehicle recreation facilities:

(1) Environmental review and SEPA mitigation where required;

(2) Proximity to adjacent residences or other especially sensitive land uses;

(3) Parcel size not less than five acres and location within parcel sufficient to buffer the use from adjacent properties;

(4) Access and adequate off-street parking, as needed depending on the size and purpose of the facility;

(5) Proximity to/avoidance of critical areas;

(6) Hours of operation;

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(7) Noise mitigation measures, enforceable under the Noise Control Ordinance (YCC Title 6.28); and

(8) Effective dust control/suppression measures to prevent dust from leaving the property.

Notice of an application for a proposed off-road recreation vehicle facility shall be sent to adjoining property owners within one thousand feet of the property where the facility is to be sited.

19.18.360 Opiate Substitution Treatment Facilities.

This Section establishes regulations describing the siting criteria for opiate substitution treatment facilities.

The State of Washington has enacted RCW 96.70A.400and declared opiate substitution treatment facilities to be essential public facilities. The Growth Management Act RCW36.70A.200 provides that no local government regulations may preclude the siting of such facilities. However the State authorizes siting regulations for such facilities:

(1) Opiate substitution treatment facilities, where permitted, shall be subject to the requirements in Subsections (2) and (3) of this Section.

(2) No opiate substitution treatment facility shall be sited within 1,000 feet of:
- (a) Public and private schools and their associated grounds;
- (b) Public parks; and
- (c) Public libraries.

(3) The proposed project shall comply with all provisions of this Title, all other provisions of the County Code, SEPA, and other federal, state, and local statutes, codes and ordinances.

19.18.370 Outdoor Amusements.

(1) Outdoor amusements, as defined in Section 19.01.070, drive-in theaters, miniature golf courses, aquatic center, and zoos shall be subject to the following requirements:
- (a) Access Restrictions.
  There shall be no direct entrance to or exit from such use on any rural major collectors or urban principal arterials, or state routes, unless determined to be acceptable by the Washington State Department of Transportation or the County Engineer, as appropriate.
- (b) Access Improvements.
  Access to such uses shall be only from full width roads, which shall be paved or surfaced under the County Engineer's specifications.

(2) Parking areas for permanent outdoor amusements shall be paved if within an Urban Growth Area, Rural Settlement or Rural Transitional zoning districts, or in other zoning districts when determined necessary by the Reviewing Official to eliminate dust or mud. Unpaved parking areas shall be surfaced with crushed rock.

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19.18.390 Residential Uses.

(1) Only one of the following residential uses may be permitted per lot, except as otherwise allowed by this Title and only in the zones indicated. The residential uses are:
   (a) Single-family dwelling;
   (b) Double-wide or larger manufactured home, not in a mobile/manufactured home park;
   (c) Single-wide manufactured home, not in a mobile/manufactured home park;
   (d) Two-family dwelling.
   (e) Single family detached dwelling, zero lot line;
   (f) Single-family attached dwelling (common wall); and
   (g) Dwelling for occupancy by guards, watchmen, caretakers or owners of a non-residential permitted use.

(2) In addition to a single-family dwelling, other than a zero lot line or common wall attached dwelling, an accessory dwelling unit may be permitted per lot, subject to 19.18.020.

19.18.405 Separation Requirements for Certain Uses.

No convenience store, liquor store, tavern, bar, car wash, automotive service station, or fuel and oil distributor shall hereafter be erected or located within 150 feet of any school, park, playground, hospital, church or any of the urban residential zones. Such existing uses, otherwise conforming in this zoning district, shall not be considered as nonconforming uses, but are considered vested to their existing location as though these standards do not apply.

19.18.410 Service Stations, Automotive.

(1) Legislative Intent.
This Section establishes special site design standards for new service stations and other retail uses supplying motor fuel. These standards are intended to assure these uses are compatible with adjoining residential districts and the character of the district in which they are located.

(2) 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 Chapters 19.11 through 19.18.

(3) 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.

19.18.430 Social Card Rooms.

In zones where allowed, no social card room shall be permitted within 500 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.

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19.18.440 Solid Waste Handling and Disposal Sites.

(1) Legislative Intent.

This Section is intended to:

(a) Provide methods of solid waste disposal, which are calculated to make the most economical and efficient use of land where solid waste disposal either occurs or has occurred;

(b) Provide for the protection and preservation of land uses that might be adversely impacted by solid waste handling and/or disposal;

(c) Ensure that solid waste handling, disposal sites and/or facilities will not constitute nuisances to other land uses, especially residential neighborhoods;

(d) Ensure that premises utilized for solid waste handling and/or disposal are appropriately and timely reclaimed.

(e) Ensure that solid waste handling, disposal sites and/or facilities are consistent with the Solid and Moderate Risk Waste Management Plan and in compliance with all applicable Solid Waste Interlocal Agreements between Yakima County and all incorporated cities and towns.

(2) Applicability.

(a) Permit Required.

Solid waste handling and disposal sites including, but not limited to, transfer stations, solid waste disposal sites, sanitary landfills, and limited purpose landfill disposal sites, shall not be maintained, established, substantially altered, expanded, or improved until the person operating such site has obtained a project permit as provided in the Allowable Land Use Table 19.14-1 in Chapter 19.14.

(b) Exemptions.

The following solid waste activities shall be exempt from any permit requirements of this Section:

(i) Solid waste activities with a total capacity of 250 cubic yards or less of inert wastes; provided, that such activities are consistent with WAC 173-350-410, grading and filling requirements in YCC Title 13 have been reviewed, and that such activities are not located within residential zoning districts.

(ii) Solid waste recycling and reclamation activities not conducted on the same site as an accessory to a solid waste disposal operation provided, that such recycling and reclamation activities shall be subject to the use regulation of this Section.

(3) Public Notice.

(a) Notice of hearing mailed under YCC Title 16B shall be sent to owners of property within 1,000 feet of the proposed use.

(b) The Solid Waste Advisory Commission shall be deemed a party of record in proceedings to obtain the conditional use permit required by this Section.

(4) Information Requirements.

In addition to the requirements of Chapter 19.31 and the application procedures in YCC Title 16B, application for a conditional use permit shall include the following information:

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(a) A statement and plan detailing the proposed reclamation of the site, particularly as reclamation will relate to the compatibility of the site as reclaimed with existing and anticipated land uses and zoning; and

(b) Any geological or other studies which are deemed necessary to determine the appropriateness of the land for the use proposed.

(5) Permit Criteria.

Use or the location may be permitted only if a project permit is granted as provided by this Section. The use and its location may be allowed subject to the following:

(a) Findings.

Before such approval shall be given, the Reviewing Official shall find:

(i) The proposed facility is designed, located, and proposed to be operated so the public health, safety, and welfare will be protected.

(ii) That the use will not prevent the orderly and reasonable use and development of surrounding properties or of properties in adjacent zones.

(ii) That all public or private utilities necessary for the use are available, and that the roads serving the use are adequate to accommodate the type and extent of vehicular traffic.

(iii) That the reclamation plan submitted by the applicant for the proposed use, and any expansion demonstrates that the site as reclaimed may be utilized for uses permitted within the zoning district in which it is located.

(iv) That the proposed use is consistent with the goals and objectives of the Comprehensive Plan and any solid waste management plans, and the proposed facility is necessary to accommodate the waste needs of the area.

(b) Review Criteria.

In making such findings, the Reviewing Official shall consider the following criteria, based on evidence submitted by the applicant:

(i) The negative effect that the location of the proposed use may have upon vehicular traffic congestion to public streets or highways;

(ii) The availability of adequate and proper public or private facilities for the treatment, removal, or discharge of sewage, refuse, or other effluent (whether liquid, solid, gaseous, or otherwise) that may be caused or created by or as a result of the use;

(iii) Whether the use, or materials incidental thereto or produced, may give off obnoxious gases, odors, smoke, or soot;

(iv) Whether the use will cause disturbing or unwanted dust, light, vibration, or noise emissions;

(v) Whether the operations will cause undue interference with the public's typical use of recreational facilities by the public, if existing, or if proposed by the County or by other competent governmental agency;

(vi) The necessity for suitably surfaced off-street parking facilities incidental to the use, and whether such space is reasonably adequate and appropriate; and can be furnished by the owner of the property or abutting the site;

(vii) Whether the plot area is sufficient, appropriate, and adequate for the use and the reasonably anticipated operation and expansion;

(viii) Whether the use to be operated is at least 1,000 feet from a church, school, theater, recreational area, or other place of public assembly.;

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(ix) Whether a hazard to life, limb, or property, because of conditions created or which may be created by reason or as a result of the use, and what measures would mitigate any such hazards;

(x) What restrictions should or should not be imposed to secure the purposes of this Section and to protect the public and surrounding property owners; and

(xi) The extent to which any of the criteria contained herein does not apply.

(6) Ownership.

No permit shall be issued for a premise, except with written consent of the owner or owners. Permission to engage in the use is granted to only the permit applicant or the permit applicant's transferee. Permits shall be transferable, unless the approval specifies otherwise; provided, that the transferee submits proof that the performance bond or other security required under Section 19.30.130 remains in effect. Transferees shall engage in the use authorized by the permit only to the extent authorized by this Section and the permit itself.

(7) Restrictions upon Operations.

Reasonable restrictions upon operations may be imposed that are calculated to secure the purposes of this Section, the Comprehensive Plan and this Title. Such restrictions may relate to any activity anticipated from the use proposed. Examples would be: hours of operation, traffic volume, types of materials processed, volumes of materials handled, setbacks, etc.

(8) Future Use of Premises.

(a) Land Use and Zoning.

The future use of the premises may be limited, as a condition of granting the project permit to ensure those uses of the property to be effectuated when the use concluded will be consistent with the character of the land and surrounding existing and permitted land uses and zoning. After the conclusion of the conditional use, the property owner or occupier will be entitled to engage in any appropriate uses allowable in the zoning district in which the use was located.

(b) Future Reclamation or Landfill Closure.

A binding plan of future reclamation of the land shall be required, which shall be consistent with any other required reclamation plan, such as for the Washington Department of Ecology, Department of Health, Department of Natural Resources or other State agency.

(c) Future Development.

A binding plan of future development of land consistent with the Yakima County Solid Waste Management Plan may be required.

(d) Change in Zoning.

If the nature of the use is such that other land uses allowed in the zoning district in which the property is located would no longer be suitable land uses when the use is concluded a change in zoning to a designation that would more clearly reflect the appropriate land uses may be considered or may be required as a condition of permit approval as a prerequisite which must be accomplished before the permit may be issued.

(9) Permit Period – Renewals – Reviews.

Permit periods may vary. However, the Reviewing Official shall specify either a date upon which a permit expires, or the occurrence of an event upon which the permit expires. The

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permit period shall be of sufficient duration to ensure the completion of the use for which the permit is required. No permit shall be granted for a period of time in excess of 20 years. Extension normally available for other types of project permits through YCC Section 16B.07.050 is not available to solid waste handling and disposal site permits. Renewals of such permits shall be processed as new applications.

(10) Performance Bonds.
Performance bonds or other security acceptable to the County in an amount deemed satisfactory to the Administrative Official, in consultation with the County Engineer, to cover the costs of ensuring compliance with this Title and the terms and conditions of any permit issued, including required reclamation, shall be required as a condition of permit approval. (See Section 19.30.130.)

19.18.460 Aggregate Stockpiling.

Aggregate stockpiling or storing recycled asphalt or concrete shall only be permitted within floodplains and other hydrologically related critical areas, when authorized by an appropriate critical area/shoreline permit (See YCC Title 16A).

19.18.480 Temporary Use Permits.

The Building Official may issue temporary use permits for the following uses:

(1) Major Construction Projects.
Temporary structures and associated site improvements for housing equipment or containing supervisory offices for major construction projects may be erected and maintained during the progress of such construction projects. Provided, that such temporary structures may not be maintained for a period exceeding one year. The Building Official may extend this period for one additional year if a valid active permit is maintained according to a firm schedule and the project does not constitute or cause a nuisance or violation of County code. A site plan showing the location, size and type of structure must be submitted at the time of application for a Temporary Use Permit.

(2) Construction of a Permanent Dwelling on the Same Lot.
Temporary placement of a camping or recreational vehicle to provide temporary housing while constructing a permanent dwelling on the same lot; provided, that the property owner has an active residential building permit. Such temporary use may not be maintained for a period exceeding three years. The temporary use shall be removed from the property within 30 days of occupancy of the permanent dwelling.

(3) Temporary Caregiver Housing.
Temporary placement of a camping or recreational vehicle adjacent to an existing residence to provide temporary housing for a caregiver for not more than six months for the care of a terminally ill relative. The medical condition must be documented by a physician or osteopath that the person is in hospice care.

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(4) Other.

Other temporary uses not requiring a building permit, if allowed within the zoning district, are subject to review for adequacy of such factors as access, traffic, noise, land use compatibility, public health and safety. Such permits shall be renewed annually.

19.18.490 Towers..

The following provisions shall govern the placement of towers (amateur radio, communication, anemometers and personal wind energy) and support structures as defined in Section 19.01.070.

(1) Towers and support structures that are located in zoning districts with height limitations are subject to the following levels of review [35 ft.: FW, Rural-10/5, RT, SR, R-1, R-2, B-1, B-2, SCC; forty-five ft.: RS, HTC, 50 ft.: R-3, LCC, M-1]:

(a) Type 1 Review.

Towers that are under the height restriction of the zoning district, are self-supporting and have a two-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 nine feet or less, shall be subject to Type 1 review.

(b) Type 2 Review.

Towers that are above the height restrictions of the zoning district or are not self-supporting or have a two-foot 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 nine feet, and the height of the tower is 70 feet or less, shall be subject to Type 2 review.

(c) Type 3 Review.

Towers 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.

(2) Towers and support structures that are located in zoning districts without height limitations are subject to the following levels of review (R/ELDP-40, AG, MIN, M-1 or M-2):

(a) Type 1 Review.

Towers that are self-supporting, have a two 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 nine feet or less, and the height of the tower is seventy feet or less, shall be subject to Type 1 review.

(b) Type 2 Review.

Towers that are not self-supporting or two feet or greater radius from the center axis of the base of the tower, or have antennae, rotors and other attachments with a diameter of greater than nine feet, and the height of the tower or support greater is 70 feet or greater, shall be subject to Type 2 review.

(c) Type 3 Review.

Towers that are 100 feet or greater in height shall be subject to Type 3 review.

(3) Co-location.

Proposed 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 nine feet, the tower shall be subject to Type 1 review. Towers with an increase of less

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than ten percent of the tower height are subject to a Type 1 modification if a higher threshold of review is not exceeded.

(4) Setbacks.
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 Reviewing Official.

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

(6) Temporary Towers.
Towers located in R/ELDP-40, AG, MIN, M-1 and M-2 and qualify as a Type 3 use, but will be removed within three years, are considered temporary in nature and may be reviewed as a Type 2 use by the Reviewing Official. An extension of one year may be requested by the applicant. No more than two extensions will be granted by the Reviewing Official.

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

(a) Location.
Towers, rotors/turbines and antenna 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 to minimize visual impact:
(i) A location close as possible to the center of the structure;
(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) Design.
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.

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(c) Modifications.
The requirements of Subsection 19.18.490(5) may be modified by the Reviewing Official to achieve greater levels of screening than that which would be available by using the stated setback during the review process.

(8) Towers no Longer Operational.
Towers and support structures shall be removed within a year of ceasing use or operation. Antenna shall be removed from support structures within one hundred eighty days after the antenna is no longer operational.

(9) Personal Wind Energy Towers.
Turbines on personal wind energy towers shall be designed, installed and operated so 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.

(10) Proximity to Roadways.
Towers will be located not nearer than 50 feet from an edge of right-of-way or easement of a public or private road.

(11) Limit of Towers Per Parcel.
No more than one tower, array, or rotor/turbine per parcel in residential districts (SR, RT, RS, R-1, R-2, R-3), and no more than two towers, arrays, or rotors/turbines per parcel in all other zoning districts shall be permitted.

(12) Equipment Storage.
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.

19.18.510 Zero Lot Line Development.

(1) Legislative Intent.
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.

(2) Review Levels
Review required for zero lot line developments in subdivisions and short subdivisions approved after the effective date of this Title may be approved by Type 2 review. Zero lot line development may also be approved on lots created before the effective date of this Title by Type 3 review. A site plan meeting the requirements of Section 19.30.060 shall be prepared for all zero lot line development.

(3) Development Standards.
All zero lot line developments shall comply with the standards of Tables 19.12.010-1, 19.12.020-1, the provisions of this Title and the following requirements, provided, that

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where these standards conflict with the standards established in other Sections of this Title, these standards shall apply.

(4) 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 Street-side Setback Standards.
Front and street-side setback standards shall be those shown on Table 19.12.010-2 or Table 19.12.020-2, as applicable for the zoning district.

(5) Accessory Building Setbacks.
Accessory buildings and structures shall observe the setback requirements for the main dwelling unit.

(6) Maximum Lot Coverage.
The total lot coverage on a lot shall not exceed the district requirements established in Chapters 19.11 through 19.13.

(7) 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.

(8) Openings Prohibited on the Zero Lot Line Side.
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.

(9) 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, except for 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 inches. Water runoff from the dwelling placed on the lot is limited to the easement area.

(10) Community Open Space and Maintenance Facilities.
Any community open space provided shall comply with Section 19.18.150.

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Chapter 19.20
SIGNS

Sections:

19.20.010 Legislative Intent
19.20.020 Special Sign Definitions
19.20.030 Development Permit Required
19.20.040 Non-Reviewed Signs
19.20.050 Prohibited Signs
19.20.060 Sign Maintenance
19.20.070 Sign Standards
19.20.080 General Provisions
19.20.090 Projecting Signs and Prohibition within Rights-of-Way
19.20.100 Wall Signs
19.20.110 Temporary Signs
19.20.120 On-premises Directional Signs
19.20.130 Off-premises Signs, Including Billboards
19.20.140 Multiple-Use Complexes
19.20.150 Freeway Signs

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19.20.010 Legislative Intent.

This Chapter accommodates and promotes: sign placement consistent with the character and intent of the zoning districts; proper sign maintenance; elimination of visual clutter; and creative and innovative sign design. To accomplish this purpose, the posting, displaying, erecting, use and maintenance of signs shall occur under this Chapter.

19.20.020 Special Sign Definitions.

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

19.20.030 Development Authorization Required.

Signs governed by this Chapter shall receive a development authorization from the Reviewing Official before being erected, structurally altered, replaced, or relocated after the adoption of this Title.

(1) New Signs.

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

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

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

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

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

19.20.040 Non-Reviewed Signs.

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

(1) Window signs;

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

(3) Gravestones;

(4) Barber poles;

(5) Historical site plaques;

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

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

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

(9) 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;

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

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

(b) No political sign shall be erected upon any private property without the permission of the resident or owner, and where there is no occupied structure on the property,

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no political signs shall be placed thereon without the written consent of the owner of the property;

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

(12) All temporary signs (See Section 19.20.110);

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

(14) Canopy sign and awning signs;

(15) On-premises signs not readable from the public right-of-way, i.e. menu boards, etc.;

(16) On-premises directional signs conforming to the requirements of Subsection 19.20.120;

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

(18) Nameplates less than two square feet, such as those for home businesses;

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

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

19.20.050 Prohibited Signs.

The following signs are prohibited:

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

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

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

(4) On-premises directional signs not conforming to the requirements of Subsection 19.20.120(1);

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

(6) Abandoned signs;

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(7) Signs on doors, windows, or fire escapes that restrict free ingress or egress;

(8) Balloon signs;

(9) Signs erected on trees or drawn on rocks or natural settings, except for approved signs carved in rocks;

(10) Changing message center signs and video signs along roads/streets having a speed limit higher than forty mph and within UGAs whose city/town would prohibit such signs at the location if they were in the city/town limits;

(11) Beacons that flash and/or spin, except for those provided for airports and searchlights that direct light beams into the sky;

(12) Flashing on- or off-premises signs;

(13) Roof signs; and

(14) Any other sign not meeting the requirements of this Chapter.

19.20.060 Sign Maintenance.

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

19.20.070 Sign Standards.

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

19.20.080 General Provisions.

All signs shall comply with the following provisions:

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

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

(3) Signs attached to a building, shall not exceed the height of the building, except as allowed under this Chapter;

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(4) All signs shall comply with the setback requirements in Table 19.20-4; except, when the side or rear yard is a street frontage, then the front setback shall apply;

(5) Lighting directed on or internal to any sign shall be shaded, screened or directed so the light's intensity or brightness shall not adversely affect neighboring property or motor vehicle safety;

(6) All signs with their supports, braces, and guy wires shall be maintained in a safe and secure manner;

(7) The ratio of the area of the sign support, framing structure, and other decorative features that contain no written or advertising copy to the "sign area" shall not be greater than 1:1;

(8) No signs shall be placed in the vision clearance triangle established in Section 19.10.050; and (U)

(9) No sign shall project over any public right-of-way.

19.20.090 Projecting Signs.

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

19.20.100 Wall Signs.

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

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

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

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

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

19.20.110 Temporary Signs.

All temporary signs shall conform to the following:

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

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

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

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

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

(6) No temporary sign shall be displayed more than 15 days after the event it promotes.

19.20.120 On-Premises Directional Signs.

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

19.20.130 Off-Premises Signs, Including Billboards.

(1) Off-Premises Directional Signs.

Off-premises directional signs are permitted where indicated in Table 19.20-1; provided, that:

(a) The off-premises sign is for the purpose of identifying and/or locating uses selling or producing agricultural or forestry products, or for tourist attractions of general public interest, when necessary due to the location of the enterprise or activity;

(b) The off-premises sign contains only directional information, logo, and business name, and does not exceed 32 square feet in area or 25 feet in height;

(c) The off-premises signs are permanently installed on private property; and

(d) Only one off-premises sign is permitted on a parcel.

(2) Kiosks.

Kiosks are permitted where indicated in Table 19.20-1; provided that:

(a) The kiosk is for the purpose of identifying and/or locating uses selling or producing agricultural or forestry products, or for tourist attractions of general public interest.

(b) The kiosk is situated in such a manner that allows for off-street parking that does not interfere with through traffic.

(c) The kiosk must be situated outside of the road right-of-way.

(d) Only one kiosk is permitted on a parcel.

(3) Other Off-Premises Signs.

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

(a) The maximum sign area does not exceed 300 square foot per sign face;

(b) There are no side by side panels;

(c) Required setbacks are met;

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(d) Signs shall not be located within 150 feet of a residential district;

(e) Signs between a 150 and 300 foot radius of a residential district shall be restricted to 160 square feet per sign face and may not be lighted;

(f) Signs shall not be within 500 lineal feet of another off-premises sign on the same street;

(g) Sign height standards shall not exceed that permitted for freestanding signs as provided in Table 19.20-4 of this Chapter;

(h) The total number of combined freestanding signs and off-premises signs, including billboards, does not exceed the number of freestanding signs allowed for the property; and

(i) An off-premises sign, when located within an Urban Growth Area, shall be allowed only when the city's adopted zoning regulations would permit such a sign.

19.20.140 Multiple-Use Complexes.

(1) Purpose.

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

(2) Number of Freestanding Signs.

Each multiple-use complex shall be allowed one freestanding sign on each street frontage under Table 19.20-1.

When the street frontage is longer than 400 feet:

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

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

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

19.20.150 Freeway Signs.

(1) Purpose.

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

(2) Location.

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

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

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

(3) Number of Freeway Signs.

Only one freeway sign is permitted on each lot, multiple-use complex or for each development, whichever is most restrictive.

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

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

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Table 19.20-1, Type of Signs Permitted

SIGN TYPE		ZONING DISTRICTS									
		AG, FW, RT, Rural-10/5; R/ELDP-40	RS	SR R-1 R-2	R-3	B-1 B-2	SCC LGC	GC	HTC	M-1 M-2	MIN
On-Premises Signs (4)	Changing message center signs	Not permitted (2)				Accessory to a permitted use					Not permitted (2)
	Video signs (1)	Not permitted (2)				Accessory to a permitted use					Not permitted (2)
	Freestanding signs (excluding Freeway signs), subject to Sections 19.20.120, & 19.20.140, including those integrated with entry gates for identification	Accessory to a permitted use		See footnote (3)	Accessory to a permitted use						
	Projecting signs, subject to Section 19.20.090. Wall signs, subject to Section 19.20.100.	Accessory to a permitted use		Not Permitted	See footnote (5)	Accessory to a permitted use					
	Freeway signs, subject to Section 19.20.150	Not Permitted					Accessory to a permitted use				Not Permitted
Off-Premises Signs (4)	Directional signs & Kiosks, subject to Section 19.20.130	Type 2 (5)	Not Permitted					Type 2	Type 1		
	Other, including billboards, subject to Section 19.20.130	Not Permitted						NP	Not Permitted	Type 1	

Notes:

(1) Prohibited along certain roads as specified in Section 19.20.050(10).

(2) May be permitted at schools, churches, and community centers as an accessory use, subject to Section 19.20.050(10).

(3) Permitted only for Subdivision Identification.

(4) Certain signs are prohibited by Section 19.20.050.

(5) Permitted only for the purpose of identifying and/or locating uses selling or producing agricultural or forestry products, or for tourist attractions of general public interest, and only when necessary due to the location of the enterprise or activity.

Table 19.20-2 Number of Signs Permitted

SIGN TYPE		ZONING DISTRICTS						
		AG, FW, RT, Rural-10/5, R/ELDP-40	RS	SR R-1 R-2	R-3 B-1 B-2	SCC LCC HTC	GC M-1 M-2	MIN
On-Premises signs	Freestanding signs	1 per street frontage		1 per street frontage				
	Projecting signs			Not Permitted	1 per street frontage			Not Permitted
	Wall signs	See Section 19.20.105						
	Freeway signs	Not Permitted				See Section 19.20.150		Not Permitted
Off-Premises Signs	Directional signs & Kiosks	1 of each per parcel		Not Permitted		1 of each per parcel		
	Other, including billboards	Not Permitted				Not Permitted	See Section 19.20.130	

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Table 19.20.3 Maximum Sign Area per Sign Face

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

Notes:

(1) To encourage their use, the maximum area of monument signs is 20% more than indicated in this table.

(2) The total area of freestanding and projecting signs will count toward the maximum area allowed by this table, but will not count toward the area allowed for wall signs, freeway signs, directional signs, and other off-premises signs.

(3) Where frontage is longer than 400 feet:

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

(b) An additional sign up to 100 square feet is allowed.

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Table 19.20-4. Sign Height and Setbacks

SIGN TYPE	ZONING DISTRICTS							
	AG, FW, RT, Rural-10/5, R/ELDP-40	RS	SR R-1 R-2 R-3	B-1 B-2	SCC LCC	HTC	GC M-1 M-2	MIN
MAXIMUM SIGN HEIGHT								
Freestanding signs [1] — Described in Section 19.20.120 and 19.20.130(1).	10 ft.		5 ft.	10 ft.	30 ft.			
Freestanding signs [1] — Described in Section 19.20.130(3)	Not permitted						40 ft.	N.P.
Projecting signs	See 19.20.090 [3]		Not permitted [2]	See 19.20.090 [3]				
Wall signs,	Top of wall or mechanical penthouse to which attached [3]			Top of wall or mechanical penthouse to which attached [3]				
Freeway signs	Not permitted					70 ft.		Not permitted
Off-premises Directional signs (other than Kiosks)	5 ft.		Not permitted			5 ft.		
Kiosks	20 ft.		Not permitted			20 ft.		
SETBACKS								
Minimum front yard and side yard on corner lots setbacks	Edge of right-of-way							
Minimum side and rear yard setbacks	Required setback standards for each Zoning District							

Notes:

(1) Section 19.20.140 has special freestanding sign provisions for multiple-use complexes.

(2) Subdivision identification signs may be placed on a wall in the Residential Districts.

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

Chapter 19.21
SITESCREENING AND LANDSCAPING

Sections:

19.21.010 Legislative Intent
19.21.020 General Provisions and Requirements
19.21.030 Specific Requirements

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19.21.010 Legislative Intent.

This Chapter is intended:

(1) To consolidate and establish landscaping standards that will promote low-impact development practices, such as bioretention, as defined in Section 19.01.070; allow landscaping to also be used to satisfy drainage needs; reduce stormwater runoff pollution, temperature, and volume; aid in energy conservation and outdoor livability by providing shade and shelter from the wind; provide for recreation and open space; maintain and increase property values; improve the overall appearance of the community to increase its marketability; and protect the character of adjacent residential zoning districts.

(2) To establish sitescreening standards to provide a visual 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.

19.21.020 General Provisions and Requirements.

(1) Sitescreening and Landscaping Plan.

The site plan submitted by an applicant shall include a sitescreening and landscaping plan depicting the location, height, size, and type of all plantings and fences under the requirements of this Chapter. A development authorization issued by the Reviewing Official may condition the approval of an application to require the applicant to submit documentation prepared by a landscape architect or a landscape contractor certifying the sitescreening and landscaping plan will meet the planting and other requirements of this Chapter.

(2) Existing Plant Material.

When an applicant wishes to retain existing plant material and a landscape architect or landscaping contractor is required by Subsection 19.21.020(1) to submit documentation, he shall include an evaluation on whether those materials are healthy and will satisfy the purpose of this Section.

(3) Design Guidelines Authorized.

The Administrative Official may publish sitescreening and landscaping design guidelines that include a list of Yakima County-appropriate plant species to allow for choices for sitescreening and landscaping. The guidelines may also include examples on using plant

materials, regarding size, spacing, and species, to ensure quality, create the sense of entry into a building or complex, define and enliven public spaces, and provide a sense of character. The guidelines may also include examples for appropriate landscaping to mitigate adverse impacts when approving:

(a) Setback reductions from resource land for especially sensitive land uses (See Section 19.18.205);

(b) Especially sensitive land uses, other than the first dwelling to be located on a lot in AG or FW zones (See Section 19.18.205);

(c) Clustered lots in rural and resource areas (See Section 19.18.145);

(d) Special exception lots (See Section 19.18.450); and

(e) Concentrated animal feeding operations.

(4) Time of Completion.

All sitescreening and landscaping, including irrigation systems needed to maintain the plantings, shall be installed prior to occupancy or commencement of use. Where compliance with this requirement is not possible because of bona fide seasonal planting limitations, the applicant may request a time extension under YCC Section 16B.07.050. However, no permanent Certificate of Occupancy shall be issued until all required sitescreening and landscaping is completed for each phase of a project.

(5) Retention and Maintenance.

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

19.21.030 Specific Requirements.

(1) Sitescreening and Landscaping Required - Exceptions.

Any proposed new use, including any outdoor storage area, shall provide maintained landscape planting and sitescreening under this Chapter to accomplish the legislative intent stated in Section 19.21.010. This requirement does not apply to single family homes and duplexes on individual lots and their accessory uses, home businesses, accessory dwellings, and changes of use within multiple-use complexes; provided that the Reviewing Official may require appropriate perimeter sitescreening when approving long subdivisions and an entity for its perpetual maintenance. In this Section "proposed new use" includes new uses and modifications to existing uses being reviewed under this Title.

(2) Standards.

Sites shall be planted under the following standards:

(a) Sitescreen/Planting Types.

(i) Standard A: Open Area Landscaping.

Standard A plantings are required to meet the legislative intent as stated in Section 19.21.010. Shrubs and/or groundcover plants, including xeriscape, shall be species that will achieve a maximum approximate height of three feet. Trees shall be included throughout the planting area and be spaced no more than 30 feet apart on center.

(ii) Standard B: Partial Buffer.

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

(iii) Standard C: Visual Screen.

Standard C Sitescreening is intended to provide a continuous visual screen between different uses. Sitescreening Standard C shall at a minimum consist of a six foot high, site obscuring fence made of wood, masonry block, concrete or vinyl material. Fencing shall be of uniform aesthetic appearance on both sides. Where required, plantings shall be selected to ensure residential privacy and screen views such as, but not limited to, area lighting, headlights, traffic, and service areas. The planting area shall include shrubs that will provide a continuous screen at a minimum height of six feet within three years of planting. Trees, if used as an alternative site screen, should provide continuous canopy and shall be spaced at intervals resulting in touching of branches after ten years of normal growth.

(b) Property Perimeters along Street Frontages.

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

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

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

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

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(c) Property Perimeters Not Along Street Frontages.

A planting strip as specified by Table 19.21-1 shall be provided along all property lines that abut other parcels, except where adjacent to railroads or where buildings are lawfully built with no setback from the property line. The type of planting in this strip varies depending upon the zone designation of the properties sharing the property line (with or without an intervening alley) as indicated in Table 19.21-1. The owners of adjacent properties may enter into a written agreement to consolidate their perimeter plantings along shared boundaries. Therefore, instead of each property providing a separate planting strip, they together could provide one planting strip, so long as the required planting type and width, as indicated in the table, is provided. The agreement shall be recorded and enforceable on both parties under Section 19.21.020.

(d) Landscaping in Other Areas of Sites.

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

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

Legend: ***Standard A: Open Area Landscaping, at least 10 feet wide.***
Standard B: Partial Buffer, at least 3 feet wide.
Standard C: Visual Screen, at least 3 feet wide.
(Refer to Section 19.21.030(2)(a) for Descriptions)

ZONE OF PROPERTY PROPOSED FOR DEVELOPMENT	ZONE OF ADJACENT PROPERTY									
	RT	RS SR R-1 R-2	R-3		B-1	B-2	SCC LCC HTC	GC		M-1	M-2
RT	B	C	C		B	B	B	B			
RS, SR, R-1 & R-2	C	C	C		B	B	B	B			
R-3	B	B	A		B	B	C	C			
B-1	B	B	B		A	B	B	B			
B-2	B	C	B		B	A	A	B			
SCC, LCC & HTC	C	C	C		B	A	A	A			
GC	C	C	C		B	B	A	A			
M-1	C	C	C		C	B	B	B		A	
M-2	C	C	C		C	C	B	B		A	

(e) Landscaping of Parking Lots.

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

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

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

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

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

(vi) Every parking lot containing a Type 2 or Type 3 use, or a commercial or industrial use that abuts property zoned R-1, R-2, R-3, RS or RT shall be separated from such property by a solid wall, or view-obscuring fence, or landscaped berm at least six feet in height, or landscaped with a 3-foot width of Standard C sitescreening. The Reviewing Official may increase the height, depth and content of said screening, fencing and/or landscaping as necessary to adequately protect adjacent single-family residential development. The screening shall be provided and maintained along the property line of such lot. Ingress and egress locations shall meet the vision clearance triangle standards of Subsection 19.10.040(7).

(f) Sitescreening Commercial or Industrial Uses.

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

(g) Sitescreening for Other Projects.

Sitescreening may be required in all zones as a condition of approval for the projects listed below. The function of such sitescreening is to mitigate the impacts of dust, odors, noise, glare, lights, buildings, parking lots, and traffic on especially sensitive land uses. The recommended sitescreening and landscaping design guidelines authorized by Section 19.21.020(2) may include a list of preferred species and site layout recommendations for effective sitescreening for the following project types:

(i) Setback reductions from resource land for especially sensitive land uses (See Section 19.18.205);

(ii) Especially sensitive land uses, other than the first dwelling to be located on a lot in AG or FW zones (Section 19.18.205);

(iii) Clustered lots in rural and resource areas (Section 19.34.035);

(iv) Special exception lots (Section 19.11.010(4)); and

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(v) Concentrated animal feeding operations.

(h) Other Sitescreening and Landscaping Requirements.

In addition to the sitescreening and landscaping requirements of this Chapter, specific requirements for the following uses are found in the following Chapters and Sections:

(i) Mobile/manufactured home parks (Section 19.18.270, 280, 290 and 300);

(ii) Comprehensive design plans for administratively adjusting sign standards (Chapter 19.20);

(iii) Master planned resorts (Section 19.11.050);

(iv) Master planned development overlays (Section 19.17.040); and

(v) Mini-storage (Section 19.18.320).

(i) Plant Selection.

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

(j) Trees.

(i) Deciduous trees shall meet the most recent American National Standards Institute (ANSI) standards for a one and one-half-inch caliper tree at the time of planting.

(ii) Evergreen trees shall be a minimum of six feet tall at the time of planting.

(iii) Trees to be located in the vicinity of overhead power lines shall be limited to a mature height of 25 feet to avoid conflict with utility lines and maintenance crews.

(iv) Trees shall be located within the landscaping plan so that plantings are outside easements for underground utilities, aside from underground utilities, and away from streetlights to avoid conflicts with their maintenance and functions.

(k) Location.

(i) All required sitescreening shall:

A. Be located on the perimeter of a parcel upon which the development occurs; provided that the sitescreening may be located along the perimeter of the development project area when the proposed development will occupy only a portion of a large parcel;

B. Extend from lot line to lot line unless conforming to the provisions in Subsection A above or a natural physical feature, such as a stream or steep slope, makes this impractical;

C. Comply with the vision clearance triangles of Chapter 19.10.040(7) and not interfere with sight distances and pedestrian and traffic safety; and

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D. Be located within the property boundaries of the site and not on any portion of a public or private street, dedicated right-of-way, access easement or vision clearance triangle, except as provided in Section 19.10.040(7).

(ii) All required landscaping shall:

A. Be dispersed strategically throughout the site, including within tree wells, along the foundations of buildings, and along the perimeter of the site;

B. Be integrated with sitescreening as appropriate;

C. Comply with vision clearance triangles of Chapter 19.10.040(7) and not interfere with sight distances and pedestrian and traffic safety; and

D. Be located within the property boundaries of the site and not on any portion of a public or private street, dedicated right-of-way, access easement or vision clearance triangle.

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Chapter 19.22
PARKING AND LOADING

Sections:

19.22.010 Legislative Intent
19.22.020 Applicability
19.22.030 Timing
19.22.040 General Provisions
19.22.050 Calculation of Parking Standards
19.22.060 Location and Design of Parking and Loading Facilities
19.22.070 Construction and Maintenance
19.22.080 Access and Circulation Standards

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19.22.010 Legislative Intent.

The following parking standards are intended to establish adequate off-street parking, reduce on-street parking, increase traffic safety, maintain smooth traffic flow, and reduce the visual impact of parking lots and:

(1) Ensure parking and loading facilities are installed prior to occupancy;

(2) Ensure parking facilities are designed for pedestrian access and safety;

(3) Help reduce the amount of impervious surfaces by allowing individual parking facilities to be shared by multiple land uses;

(4) Ensure illuminated parking facilities are designed to avoid spillover of light and glare to motor vehicles and nearby residential land uses; and

(5) Ensure loading facilities are adequately designed to accommodate their associated land uses.

19.22.020 Applicability.

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 Reviewing Official. All vehicle storage, off-street parking and loading spaces which themselves are not 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 in conformance with this Chapter.

19.22.030 Timing.

All parking and loading required by this Title shall be installed prior to occupancy or commencement of use. Where compliance with this requirement is not possible, the Reviewing Official may grant an appropriate delay under YCC Section 16B.07.050(2).

19.22.040 General Provisions.

(1) 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.

(2) Required off-street parking spaces shall provide vehicle parking only for residents, customers, patrons, and employees. Required parking during business hours 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.

(3) 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.

(4) The required front yard in the R-3 district shall not be used for off-street parking for five 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 Standard C solid landscaping screen is provided. See Chapter 19.20.

(5) Nonconforming Parking.

(a) Any use 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 it was 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 in accordance with this Chapter; however, the number of additional spaces shall be computed only to the extent of the enlargement, 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 the applicable zoning district land use table, the nonconformity shall cease and the new use shall provide all the required off-street parking under this Chapter. However, this requirement may be waived or reduced by the Reviewing Official for existing buildings and/or lots containing insufficient area to provide parking, provided the following factors are considered:

(i) New use has similar parking requirements to the previously approved use;

(ii) The availability of on-street parking; and

(iii) The availability of nearby off-street parking or other opportunities to conform to the parking standard such as a shared parking agreement.

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19.22.050 Calculation of Parking Standards.

A site plan for every new or enlarged off-street parking lot or motor vehicle sales area shall be approved by the Reviewing Official prior to construction. The site plan shall 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 Chapter 19.30.

(1) Table of Required Off-Street Parking.

The parking standards in Table 19.22-1, 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 500 square feet rather than the specific parking standard established in Table 19.22-2, except when the parking standard for the principal use would require fewer parking spaces (i.e. one space per 600 square feet). All required off-street parking shall be subject to the procedures of this Code and the standards of this Section.

(2) Land Uses not Listed in Table 19.22-1.

The Reviewing Official can make a determination to evaluate a proposed land use based closely on similar land uses listed in Table 19.22-1. If there is none the Reviewing Official will reference the Recommended Parking Ratio Requirements developed by the Institute of Transportation Engineers (ITE). The applicant can provide at time of application an alternative parking standard for consideration from an industry standard reference, such as ITE. The Reviewing Official will make a determination on the appropriate standard to use based on the context of local conditions, parking requirements, and other factors that may affect the actual number of parking and off-street loading spaces needed.

(3) 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.

(4) Shared Uses.

(a) Owners of two or more uses, structures, or parcels of land within 300 feet of each other may share the same parking or loading area when the hours of operation do not overlap.

(b) The owners of two or more uses, structures, or parcels within 300 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.

(c) Whenever shared parking is allowed under this Section, the parking lot shall be signed to reasonably notify the public of the availability of use, and spaces shall not be assigned, allocated or reserved between uses.

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(d) A parking easement approved by the Reviewing Official shall be filed with the County Auditor whenever two or more uses located on separate lots propose to share off-street parking facilities.

(5) Tandem Parking.
Parking spaces in tandem, one car behind the other, having a single means of ingress and egress, shall not be counted as two off-street parking spaces to fulfill the requirements of this Chapter; except that, each tandem space for single-family dwellings shall be counted as a required parking space.

(6) 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 eight feet by seventeen feet and each space must be labeled individually with a durable pavement marking "COMPACT".

(7) Handicapped Parking.
All parking areas shall comply with applicable local, state, and federal standards regarding accessible parking for disabled persons.

19.22.060 Location and Design of Parking and Loading Facilities.

(1) Off-Street Parking Facilities Location.
Off-street parking facilities shall be located according to the following:

(a) Residences.
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) Health Care Facilities.
For hospitals, convalescent, nursing or rest homes, parking facilities shall be located not more than 150 feet from the buildings they are required to serve, unless they are part of an approved Master Plan or Campus Plan.

(c) Other Uses.
For uses other than those specified above, parking facilities shall not be located over 300 feet from the buildings they are required to serve, unless they are part of an approved Master Plan or Campus Plan.

(d) Right-of-way.
Groups of three or more parking spaces shall be served by a driveway so 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 resource, commercial or industrial zoning district shall be located in a residential zoning district.

(2) Off-Street Parking Facilities Design Standards.
Off-street parking facilities shall be designed under Table 19.22-2.

(3) Off-Street Loading Locations.
Off-street loading and unloading spaces and parking for truck queuing shall be required for any commercial, industrial and public utility building, restaurant, office building, overnight

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lodging facility, hospital, institution, school, college, public building, recreation or entertainment facility, and any similar use requiring loading or unloading from trucks or other large vehicles. The Off-street parking and loading spaces/berths required by this Chapter are based on minimum numbers and design guidelines published by the Institute of Transportation Engineers in the latest editions of ***Transportation and Land Development and Traffic Engineering Handbook.***

(a) Loading Space Location.

Required off-street loading and related maneuvering space shall be located only on 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.

(b) Off- Street Loading Design Standards.

(i) Minimum Dimensions

Off-street loading space/berth requirements in Table 19.22-4 are based on minimum numbers and design guidelines published by the Institute of Transportation Engineers in the latest editions of ***Transportation and Land Development and Traffic Engineering Handbook.*** All required loading spaces/berths shall meet the minimum dimensional standards shown in Table 19.22-4. Where the vehicles used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

(ii) Maneuvering Space.

In addition to the length of the loading space/berth, additional maneuvering space may be required by the Reviewing Official for uses with loading space/berth access from a collector arterial or local access street, especially if located across the street from another high-demand use. When required, maneuvering space shall be designed and arranged to allow the most efficient use of all required loading spaces/berths by motor vehicles of the types typically employed by the activities served. The minimum maneuvering width between the outermost point of the loading berth and the limit of the maneuvering area shall be 50 feet.

(iii) Location.

Loading spaces shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All loading space areas shall be separated from parking areas and shall be designated as truck loading spaces.

(iv) Sitescreening.

Loading spaces/berths on the perimeter of the site shall be screened under Chapter 19.21. If the adjoining property is within an industrial or commercial district and contains similar uses that are compatible with loading facilities then this standards may not be required. Any loading space that abuts areas zoned for residential use shall be screened, as set forth in Chapter 19.21 and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, beams, walls, or restrictions on the hours of operation.

(v) Reduction of Requirements.

The Reviewing Official may reduce the number or size of required loading spaces to less than that required as part of site plan review or other application through Chapter 19.35, if the Reviewing Official finds that a lesser number or size of loading spaces will be adequate to serve the expected

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needs of the development. The Reviewing Official shall consult ***Transportation and Land Development*** and ***Traffic Engineering Handbook*** in making this determination.

19.22.070 Construction and Maintenance.

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

(1) Surfacing.

All parking and loading spaces and related access drives, maneuvering, and vehicle storage areas shall be built to standards approved by the Reviewing Official as follows:

(a) Urban Standards.

(i) Parking facilities within Urban Growth Areas, Rural Settlements, Highway/Tourist Commercial, and Rural Transitional Areas shall be paved with two inches thick asphaltic surfacing on an aggregate base, or an equivalent surfacing acceptable to the Reviewing Official, to eliminate dust and/or mud.

(ii) The Reviewing Official may consider using alternative surfacing materials, such as gravel, for portions of parking facilities primarily used by heavy equipment where maintenance and repair of paved surfaces would be located.

(b) Rural Standards.

Parking facilities within all other rural zones shall be surfaced with a minimum of screened gravel or crushed rock, or better, except that the Reviewing Official may require paving and/or landscaping of the parking facility when necessary to protect the public health or safety.

(2) Grading and Drainage.

Parking areas shall be 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 Stormwater Management Manual for Eastern Washington, which will require review by the Public Services Director or designee.

(3) Wheel Stops and Curbs.

(a) The front of a parking space with a curb that is improved with groundcover landscape material, instead of asphalt or concrete pavement, may be counted toward landscape or open space area requirements.

(b) The perimeter of a parking or loading area and access and maneuvering drives associated with them shall be improved with a curb, rail or equivalent so vehicles do not extend over a property line, sidewalk or public or private street.

(4) Markings.

All paved 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 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. All accessible parking spaces shall be marked and signed in

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compliance with the currently adopted International Building Code. Wheel stops may be required by the Administrative Official as needed on graveled surfaces to designate spaces in parking and loading areas.

(5) 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 and comply with Subsection 19.10.040(10). 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 Safety Overlay District. See Chapter 19.17.

(6) Landscaping of Parking Areas.

Parking facilities must be landscaped under the standards listed in Chapter 19.21.

(7) Maintenance.

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.

19.22.080 Access and Circulation Standards.

(1) Applicability.

This Section applies to new development that includes parking or loading areas or vehicle, bicycle or pedestrian circulation, including changes to access and circulation of existing development.

(2) Vehicle Access and Circulation Generally.

(a) Availability.

Access and circulation required for a proposed use or development shall be improved to the standards in this Section before the County issues an occupancy permit or final inspection for the use or development in question.

(b) Joint Access.

The Reviewing Official may authorize joint access by two or more uses if:

(i) The Reviewing Official finds the access will comply with other applicable access and circulation standards of the ULDC; and

(ii) Before the County issues a building permit for the use or development on one lot served by the shared access on another lot, the applicant shall submit to the County cross-easements or equivalent agreements executed by the owners of the affected properties and filed permanently in County records with deeds to the properties authorizing use of the properties for the proposed shared access.

(c) Access Consistency.

Access and circulation drives shall comply with the applicable locational standards of Chapter 19.23, and shall be wide enough to safely accommodate the traffic that will

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use it consistent with standards approved by the County Engineer. Each parking and loading space shall have access from a street by means of such a drive.

(d) Loading Area Exiting.
Except for single-family and duplex dwellings, drivers entering or exiting all loading spaces without backing or maneuvering in a public street other than an alley.

(3) Pedestrian Circulation.
Pedestrian circulation through the parking lot shall be provided consistent with the following:

(a) Interior Connectivity.
Pedestrian circulation routes shall connect structures and uses on the site, such as buildings, vehicle and bicycle parking areas, children's play areas, required outdoor areas, open spaces, plazas, resting areas and viewpoints.

(b) Surfacing.
Required pedestrian circulation routes shall be improved with asphalt, concrete or other approved all-weather surface; provided, pedestrian circulation routes through recreational or open space areas may be improved with a material consistent with their purpose and the characteristics of their location.

(c) Connectivity Outside Development.
The developer shall extend pedestrian circulation routes to sidewalks and transit stops along streets abutting the site, to pedestrian facilities that extend to the edge of the site from off-site, and to the edge of the site in the direction of existing, approved or proposed off-site pedestrian and transit facilities.

(d) Design.
The pedestrian circulation system shall be designed to minimize the distance a pedestrian must walk between typical origins and destinations on and off the site, including transit stops, public sidewalks and building entrances. Circuitous routes should be avoided except for an appropriate purpose given the use or setting.

(e) Pedestrian and Bicycle Crossings.
Where pedestrian or bicycle routes cross access, maneuvering, parking or loading areas, the crossing must be identified by using striping, elevation changes, speed bumps, a different paving material and/or other methods that effectively alerts drivers, pedestrians and cyclists of the location and nature of the crossing. When striping is used it must be continuously maintained in perpetuity in an effective manner by the property owner.

(f) Separation from Traffic.
Where a pedestrian or bicycle route is parallel and adjoining an auto travel lane, the pedestrian or bicycle route must be safely separated from the auto travel lane by using a raised path, a raised curb, bollards, landscaping or other physical barrier.

(4) Access Standards for Drive-In, Drive-Up and Drive-Through Uses.

(a) All uses providing drive-in, drive-up and drive-through services shall provide on-site queuing spaces for in-bound vehicles. The queuing space required for uses supplying multiple service terminals or windows in Table 19.22-1 is based on minimum guidelines published by the Institute of Transportation Engineers in the latest editions of the ***Traffic Engineering Handbook*** and ***Transportation and Land Development***.

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(b) A vehicle queuing space shall be 18 feet long and eight feet wide and shall not be used for backing and maneuvering space for parking or other purposes.

Table 19.22-1. Minimum Queuing Spaces for Drive-Up, Drive-In and Drive-Through Services	
Use	**Requirement**
Drive-through bank or pharmacy	5 spaces/service terminal
Drive-through restaurant including latte' stands	10 spaces/service window – 5 spaces/for restaurants with two queuing windows
Gasoline service stations	3 spaces/pump
Mechanical car washes	3 spaces/washing unit

Table 19.22-2. Off-Street Parking Standards	
LAND USE	**MINIMUM NUMBER OF PARKING SPACES**
A. Residential.	
1. Accessory Dwelling Unit	1 space
2. Single-family, Two-family and Multifamily (10 units or less) dwellings	2 spaces/dwelling unit. Single-family and Two-family parking may be tandem.
3. Multifamily dwelling containing more than 10 units	2 spaces/dwelling unit
4. Bed and breakfast inn	1 space/each guest room, plus 2 for the facility
5. Residential care facility	1 space/7 residents served under age of 12 1 space/5 residents served ages 12 – 17 1 space/4 residents served ages 18 years or older
6. Assisted living facilities	1 space/each 3 units
B. Retail Sales and Related Services.	
1. Commercial retail, except stores selling bulky merchandise	1 space/350 square feet of floor area
2. Retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building	1 space/600 square feet of floor area
3. Eating or drinking establishments	1 space/250 square feet of floor area
4. Automobile sales, retail nurseries, and other open sales and rental yards	(a) Properties with less than 10,000 square feet of open sales or rental area shall provide one space for each 1,000 square feet of gross floor area, plus one space for each 2,500 square feet of open sales or rental area. (b) Properties with 10,000 square feet or more of open sales or rental area shall provide one space for each 1,000 square feet of gross floor area, plus four spaces, plus one space for each 10,000 square feet of open sales or rental area in excess of 10,000 square feet.
C. Services.	
1. Service or repair shops	1 space/750 square feet of floor area
2. Bank, office (except medical and dental)	1 space/400 square feet of floor area
3. Medical and dental office or clinic	1 space/200 square feet of floor area

Table 19.22-2. Off-Street Parking Standards	
LAND USE	**MINIMUM NUMBER OF PARKING SPACES**
4. Mortuaries	1 space/6 seats, or 12 feet of bench length
5. Stadium, Arena, Theater, Race Tracks	1 space/3 seats, or 8 feet of bench length
6. Bowling alley	5 spaces/lane
7. Health and fitness club	1 space/200 square feet of general floor area; 1 space/500 square feet for racquet, tennis or similar court floor area
8. Roller and/or ice skating rink	1 space for each 150 sq. ft. of skating surface area
9. Swimming pools	1 space for each 50 sq. ft. of water surface area
10. RV Parks/Campgrounds	1 space for each RV/campsite
11. Overnight lodging facility or boarding/lodging house	1 space/bedroom
12. Clubs/lodges	Spaces to meet the combined requirements of the uses being conducted, such as hotel, restaurant, auditorium
13. Church or other similar place of worship or religious practice	1 space/4 seats, or 8 feet of bench length in the main auditorium. Additional parking for meeting rooms, classrooms and office use may be required.
14. Library, reading room, museum, art gallery	1 space/400 square feet of floor area
15. Preschool, nursery, kindergarten, family day care center or commercial day care center	2 spaces/ employee
16. Elementary or middle school	1 space/4 seats, or 8 feet of bench length in auditorium or assembly room, whichever is greater
17. High school	1 space/employee, plus 1 space/each 6 students, or 1 space/4 seats, or 8 feet of bench length in the auditorium, whichever is greater
18. College, commercial school for adults	1 space/3 seats in classroom
19. Other auditoriums, meeting rooms	1 space/4 seats, or 8 feet of bench length
20. Welfare or correctional institutions	1 space/5 beds for patients or inmates
21. Convalescent or nursing home	1 space/3 beds for patients or residents
22. Health care facilities	2 spaces/bed
D. Manufacturing and Wholesale Trade.	
1. Agriculturally related industries and wholesale trade warehouses	One or more of the following as determined to be most appropriate by the Reviewing Official: (1) 1 space for each employee based on the maximum working at any given shift; or (2) 1 space for each 300 square foot of gross floor area for packing and processing areas; or (3) 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.
2. Except as specifically mentioned herein, industrial uses listed as permitted in the M-1 and M-2 zones	1 space/500 square feet
3. Storage warehouse, wholesale establishment, rail or trucking freight terminal	1 space/1,500 square feet of floor area
4. Laboratories and research facilities	1 space/600 square feet of floor area
E. Transportation, Storage and Utilities.	

Table 19.22-2. Off-Street Parking Standards	
LAND USE	**MINIMUM NUMBER OF PARKING SPACES**
1. Bus terminals, storage and maintenance facilities	1 space for each 300 sq. ft. of gross floor area
2. Air, rail and truck terminal	1 space for each 300 sq. ft. of gross floor area
3. Taxicab terminals, maintenance and dispatching centers	1 space for each 300 sq. ft. of gross floor area
4. Utility services	1 space for each 800 sq. ft. of gross floor area
5. Mini-storage	1 space for each 300 sq. ft. of gross floor area of office space

Note: For land uses not listed in this table, see Subsection 19.22.050 (2)

How to Use Table 19.22-2 Off-Street Parking Standards:

1. Calculate gross floor area for the structure. (See Subsection 19.22.050(1) 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 19.22-2.

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. (Subsection 19.22.050 (1)).
- 1,000 divided by 500 = 2 off-street parking spaces for the storage area.
- The proposed use is a bus terminal. According to Table 19.22-2, bus terminals require one off-street parking space for each 300 sq. ft. of gross floor area.
- 2,000 divided by 300 = 6.6 or seven spaces since fractions of parking spaces are rounded up.
- 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.

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Table 19.22-3. Minimum Parking Space, Aisle and Lot Dimensions							
A	Angle along Curb	0°		30°	45°	60°	90°
B	Type	Stan-dard	Com-pact	Standard	Standard	Standard	Standard
C	Stall Width	9'	8'	9'	9'	9'	9'
D	Curb Length per Car	23'		18'	12' 7"	10' 4"	9'
E	Stall Depth	8'		17' 3"	19' 8"	21'	19'
F	Min. Aisle Width	12'		11'	13'	18'	24'
G	Lot Width 1 Row +1 Aisle (2-way)	20'		28' 4"	32' 10"	39'	43'
H	Sq. Ft. per Car	460		510	420	407	387
I	Lot Width 2 Rows + 1 Driveway	28'		45' 6"	52' 5"	60'	62'
J	Sq. Ft. per Car	322		411	336	313	279
K	Lot Width 3 Rows + 2 Driveways	48'		66' 2"	[illegible]	95'	105'
L	Sq. Ft. per Car	368		393	376	330	315
M	Lot Width 4 Rows + 2 Driveways	56'		83' 6"	98' [illegible]"	116'	124'
N	Sq. Ft. per Car	322		376	315	305	279

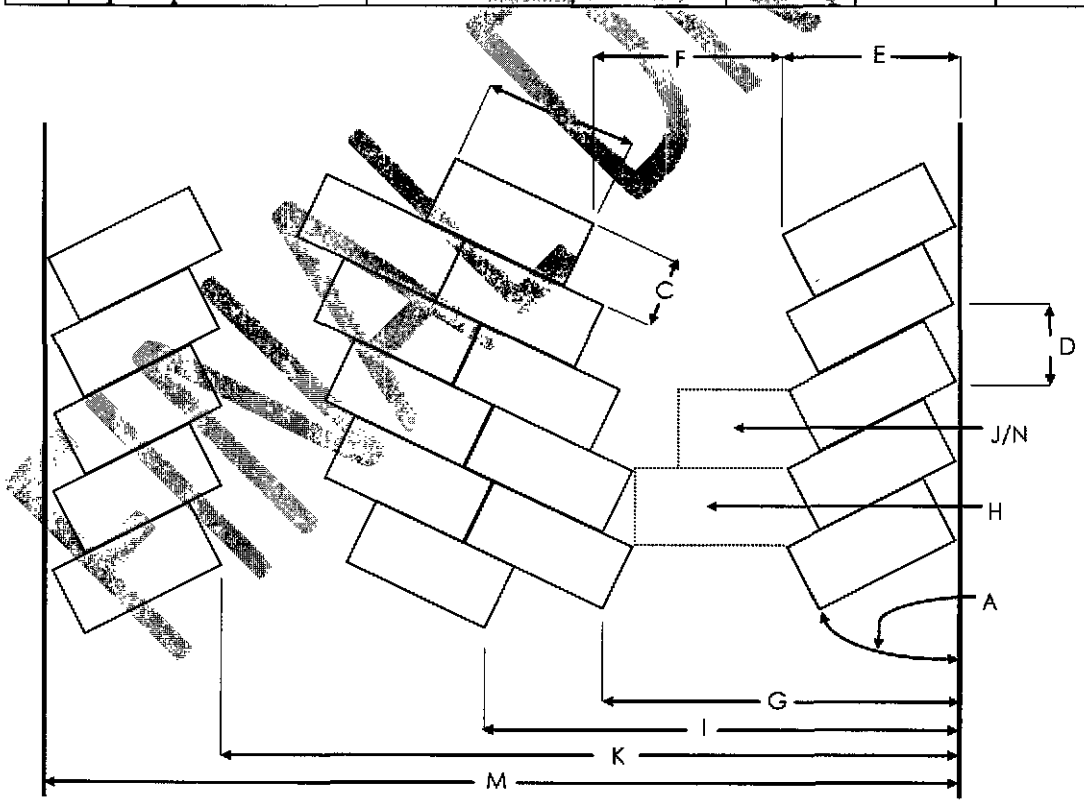
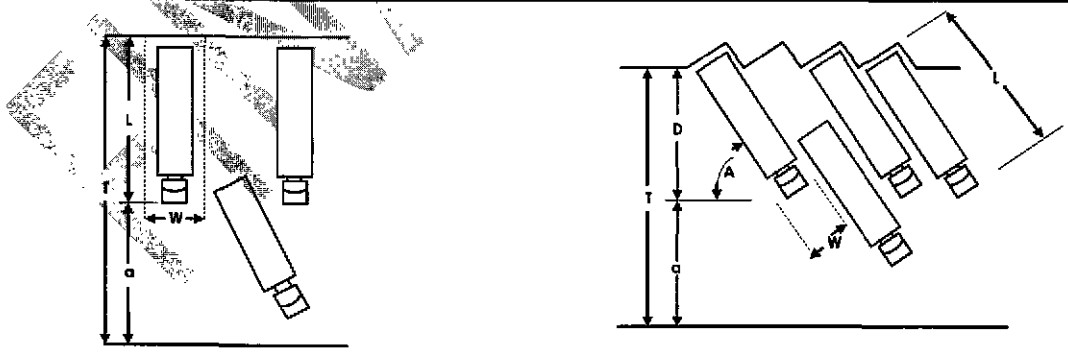


Figure 19.22-1. Minimum parking space dimensions and aisle widths.

Table 19.22-4. Loading Space Dimensions						
Design Vehicle	Length In Feet (L)	Dock Angle (A)	Clearance in Feet (D)	Berth Width in Feet (W)	Apron Space in Feet (a)	Total Offset in Feet (T)
SU (Single Unit)	30	90°	30	10	60	90
				12	58	88
				14	56	86
		60°	26	10	34	60
				12	30	56
				14	28	54
		45°	21	10	25	46
				12	21	42
				14	18	39
Wheel Base-40	50	90°	50	10	63	113
				12	56	106
				14	52	102
		60°	44	10	46	90
				12	40	84
				14	35	79
		45°	36	10	38	73
				12	32	68
				14	29	65
Wheel Base-50	55	90°	55	10	77	132
				12	69	124
				14	63	118
		60°	48	10	54	102
				12	46	94
				14	40	88
		45°	39	10	39	78
				12	34	73
				14	31	79
Wheel Base-62	69	90°	69	10	89	158
				12	79	148
				14	69	138
		60°	60	10	64	24
				12	58	118
				14	53	113
		45°	49	10	49	98
				12	47	96
				14	45	9



90-Degree Docks

Sawtooth Docks

Figure 19.22-2. Loading space dimensions for 90-degree docks and sawtooth docks.

Chapter 19.23
TRANSPORTATION AND CIRCULATION

Sections:

19.23.010 Legislative Intent.
19.23.020 Applicability.
19.23.030 General Requirements.
19.23.040 Public Road Standards.
19.23.050 Private Roads.
19.23.060 Private Shared Driveways.
19.23.070 Transportation Concurrency Management System.

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19.23.010 Legislative Intent.

(1) Generally.

This Chapter establishes general requirements and development standards for public roads, private roads and private shared driveways in order to:

(a) Ensure that road design and road improvements are consistent with, and implement goals and policies of, the comprehensive plan and this Chapter;

(b) Provide safe transportation systems for all users;

(c) Promote a transportation system that maximizes vehicular route options, provides efficient travel for emergency vehicles, effectively carries vehicular traffic, and minimizes congestion points;

(d) Provide sustainable infrastructure that meets engineering standards to assure a durable, low-maintenance facility with a minimum 20 year life span;

(e) Provide sound engineering-based design options for public and private roads and other facilities to ensure public safety;

(f) Provide a transportation system consistent with community development, public safety, and natural resource protection goals and policies;

(g) Ensure public safety for ordinary and emergency vehicles and reduce adverse impacts to public and private property by designing transportation infrastructure to facilitate passage of and not impede or impound flood waters;

(h) Ensure that transportation facilities serving land development projects are public, except in limited situations where private roads and private shared driveways are allowed by this Chapter;

(i) Require urban design standards within Urban Growth Areas and Rural Settlements and those areas within the Federal Highway Administration (FHWA) Urban Area;

(j) Ensure that adequate public transportation infrastructure is made available concurrent with development;

(k) Encourage use of and incorporate low-impact design and Context Sensitive Solutions design principles for public and private transportation facilities;

(l) Provide adequate front structural setbacks to accommodate future widening of arterials and collectors; and,

(m) Designate and protect future arterial, collector and local street corridors consistent with the adopted street grid system under this Chapter.

(2) Public Roads.
Roads should be generally public rather than private.

(3) Connectivity.
This Section encourages the creation of a highly connected transportation system within and between Yakima County and its cities and towns to:

(a) Increase efficiency of delivering transportation-related public service such as school bus service, postal delivery, etc.;
(b) Ensure adequate ingress and egress from multiple routes for emergency responders and occupants;
(c) Preserve classified collector/arterial road system capacity and minimize congestion points to better serve regional long-distance travel needs;
(d) Connect neighborhoods to each other and to destinations, such as schools, parks, shopping, libraries, and post offices, among others;
(e) Minimize vehicle miles traveled and travel time to improve air quality and mitigate the effects of auto emissions on the health of residents;
(f) Provide choices for drivers, bicyclists, transit users and pedestrians; and
(g) Provide opportunities for residents to increase their level of physical activity each day by creating walking and biking friendly neighborhoods with adequate connections to destinations.

(4) Private Roads.
This Chapter is intended to require the use of AASHTO guidelines to protect public safety and welfare by establishing standards for private roads based on sound engineering principles and to differentiate them from public roads.

(5) Private Shared Driveways.

(a) The intent of this Chapter is to provide standards and review criteria for differentiating between private roads and private shared driveways serving four or fewer lots or units.
(b) It is further intended to avoid locating driveway approaches to public roads to create a hazard to pedestrians or motorists, or invite or compel illegal or unsafe traffic movements.
(c) The safety, quality and lifespan of the private shared driveway is assured for the long-term benefit of future property owners and occupants of the proposed development.

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19.23.020 Applicability.
This Chapter applies to all proposed developments within unincorporated Yakima County.

19.23.030 General Requirements.
The requirements listed below apply to all public and private transportation facilities.

(1) Road Design.

The arrangement, character, extent, width, grade and location of all roads shall be consistent with and implement Yakima County comprehensive plans and the standards of this Chapter. These road attributes shall be considered in their relation to existing and planned roads, to topographical conditions, critical areas and special flood hazard areas, to public convenience and safety, and to the proposed uses of the land to be served by such roads.

(a) Roads must be designed for a minimum 20 year lifespan.

(b) All roads shall be designed using the highest practical design speed (min. 25 miles per hour), provided that roads that may be extended should have a higher design speed.

(c) Design speed may be reduced based on terrain.

(d) The design must accommodate two-way traffic, except when authorized through a design modification under Section 19.35.040.

(2) Right of Way.

Right-of-way adjacent to and within all developments must be dedicated and improved consistent with the requirements of this Chapter.

(3) New Roads - Yakima Training Center.

New roads shall not be closer than three hundred feet at their closest point to the Yakima Training Center perimeter as required by Comprehensive Plan policy.

(4) Local Access Roads.

Local access roads may include curvilinear design, chicanes and other traffic calming measures to discourage their use by cut-through traffic while meeting connectivity standards under Subsection 19.23.040(3)(d).

(5) Separation of Through and Local Traffic.

Where any development abuts or contains an existing or proposed arterial or collector road, the Reviewing Official may require reverse frontage, or such other condition determined necessary to protect residential properties and to afford separation of through and local traffic.

(6) Roads Adjacent to Railroads and Limited Access Highways.

Where any development borders on or contains a railroad right-of-way or limited access highway right-of-way, the Reviewing Official may require a road approximately parallel to and on each side of such right-of-way to provide connectivity to the adjacent area and a buffer to mitigate for noise and/or vibrations between especially sensitive land uses and the transportation facility. The parallel required road shall be located at a distance suitable for the appropriate use of the intervening land, such as for parks in residential districts and appropriate permitted nonresidential uses in other districts. Such distances shall also be designed with due regard for the requirements of approach grades and future grade separations.

(7) Parallel Roads – Stormwater.

The Reviewing Official may require a parallel road in connection with a stormwater easement or drainage right-of-way that separates the easement or drainage right-of-way from the developed lots.

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(8) Design in Flood Hazard Areas.

Roads in special flood hazard areas are subject to review to ensure that the design will be analyzed for flood effects and mitigation. Such roads may alternatively be constructed with the top of the finished road at existing grade where the County Engineer and Fire Marshal determine the roads are not needed for flood ingress and egress because there are safe and suitable alternative routes that meet YCC Title 13 International Fire Code requirements. Where practicable, roads should be designed to facilitate passage of and not impede flood waters.

(9) Roadway Submittal Requirements.

(a) Road Plans and Specifications.

Detailed plans and specifications for proposed public and private road improvements shall be prepared by a professional engineer and submitted for approval after the preliminary plat, short plat, binding site plan or other development authorization has been approved.

(b) Drainage Plans.

Drainage plans, where required by YCC Chapter 13.20, shall be prepared by a professional engineer.

(c) Road Naming.

Road naming and site addressing shall be in conformance with YCC Chapter 13.26. Application may be made prior to the public hearing on the preliminary plat.

(10) Pedestrian and Bicycle Circulation.

(a) On-road bicycle facilities and sidewalks should be provided in accordance with this Chapter, the published County standard plans and the Yakima County Comprehensive Plan.

(b) Development shall consider trail connections indicated in the Yakima County Trails Plan and Comprehensive Plans and seek opportunities to make non-motorized connections to other existing and planned trails.

(c) Paths and other facilities specified in this Section should be built to guidelines identified in the AASHTO *Guide for the Planning, Design, and Operation of Pedestrian Facilities* for off-road and shared-use paths design standards.

(d) Off-road pedestrian or bicycle facilities, when located outside a public road right-of-way, shall be located within a designated tract or easement. Provisions shall be made for their perpetual maintenance and operation.

(e) Off-road mid-block pathways within or between development(s), if provided, should:

(i) Be a minimum of 8 feet wide within an easement, tract or right-of-way; (ii) Be straight as possible; and

(ii) Provide 6 feet of clearance on both sides of the pathway in order to ensure good visibility, way finding, and surveillance , taking into consideration the guidelines found in the Crime Prevention Through Environmental Design (CPTED) Handbook.

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(11) Design Modifications.

The road standards of this Chapter may be modified as listed in Section 19.35.040 and Table 19.35.040-1.

19.23.040 Public Roads.

(1) Required.

New roads proposed as part of a development application shall be publically owned and maintained by the County or one of its cities, except as provided in Subsection 19.23.050.

(2) Public Road Improvements.

(a) New Roads.

New roads shall be constructed to County public road standards adopted by resolution of the Board of Yakima County Commissioners. All road improvements shall be completed as a single project. Right-of-way for all public roads shall be dedicated to the public free from any physical or legal encumbrances. The right-of-way width shall be as established in Tables 19.23.045-1 and 19.23.045-2.

(b) Existing Classified Roads.

(i) Frontage Improvements Required.

Where a proposed development is served by a nonstandard public collector or arterial classified road, the road must be improved to the current adopted County Road standards along the entire frontage of the property. Frontage improvements will be constructed concurrently with development or proportional financial contributions will be made at the time of final development approval. Proportional financial contributions will not be considered for those frontage improvements necessary for safe and efficient traffic operations upon completion of the development, as determined by the County Engineer.

(ii) Off-site Improvements Required.

Off-site road improvements are required to mitigate impacts to the general transportation network resulting from the proposed development, that have been identified through SEPA and concurrency reviews. Off-site road improvements will be constructed concurrently with the development or proportional financial contributions will be made at time of final development approval. Proportional financial contributions will not be considered for those Off-site improvements necessary for safe and efficient traffic operations upon completion of the development, as determined by the County Engineer.

(c) Urban Access Roads.

(i) Frontage Improvements Required.

A. Paved.

Where a development is served by a nonstandard paved urban access road the road must be improved to the current adopted County road standard along the entire frontage of the property. A financial contribution, in lieu of frontage improvements may be proposed for consideration by the County Engineer.

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B. Gravel.

Where a development is served by a gravel urban access road, the roadway shall be improved to the current adopted County road standards along the entire frontage of the property and to the nearest county road intersection measured along the primary travel route to the property. No design modification for surface type will be granted. Frontage improvements will not be required for the following permits: Agricultural buildings not including agriculturally related industry; single family residential or duplex; building improvements or changes of use that do not cause transportation impacts; grading; lot line elimination, correction or modification; Comp. Plan amendments; Shoreline; accessory dwelling units; personal wireless services facility; and proposals for façade improvements, re-roofing or signage.

(ii) Off-site Improvements.

Off-site improvements, other than identified in Subsection 19.23.040(2)(c)(i) will only be required if a significant deficiency affecting roadway capacity or safety has been identified by the County Engineer.

(d) Rural Access Roads.

(i) Frontage Improvements Required.

A. Paved.

Where a development is served by a nonstandard paved rural access road, the road must be improved to the current adopted County Road standard along the entire frontage of the property. A financial contribution, in lieu of frontage improvements may be proposed for consideration by the County Engineer. Within the RT, R-10/5, R/ELDP-40 and FW zones, and for residential or agricultural seasonal development within the AG zone, no frontage improvements will be required if the County Engineer determines that the road is adequate to serve the development.

B. Gravel.

Where development is served by a gravel rural access road, the roadway shall be improved to current adopted County road standards along the entire frontage of the property. A financial contribution, in lieu of frontage improvements, may be proposed for consideration by the County Engineer. No design modification for surface type will be granted. Frontage improvements will not be required for the following permits: Agricultural buildings not including agriculturally related industry; single family residential or duplex; building improvements or changes of use that do not cause transportation impacts; grading; lot line elimination, correction or modification; Comp. Plan amendments; Shoreline; accessory dwelling units; personal wireless services facility; and proposals for façade improvements, re-roofing or signage.

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(ii) Off-site Improvements.
Off-site improvements will only be required if a significant deficiency affecting roadway capacity or safety has been identified by the County Engineer.

(3) Connectivity.

(a) Relationship to Other Adopted Plans and Ordinances.
New development or redevelopments shall incorporate design and evaluation of vehicular, bicycle, and pedestrian circulation systems that conform to comprehensive plans and trails plans adopted by cities, towns and Yakima County and shall meet connectivity requirements to those developments.

(b) General Connection Requirements.
The arrangement of roads in any development shall, when applicable:

(i) Provide for the continuation or appropriate projection of existing roads and corridors in surrounding areas; or

(ii) Conform to the comprehensive plan or to a neighborhood plan adopted by the Board of County Commissioners to meet a situation where topographical or other conditions make continuance or conformance to existing classified roads impractical.

(iii) Provide or accommodate multiple direct connections in the local street system.

(iv) Be extended by the developer to and through the proposed development.

(4) Street Grid System.
The proposed development shall provide or accommodate a street grid system according to adopted comprehensive plan and as follows:

(a) Within any Urban Growth Area or RS zoning district:
Development shall provide a local street system connection to each property at intervals not to exceed the block lengths in Subsection 19.23.060(1)(h), and be consistent with the designated arterial and collector corridors.

(b) Outside Urban Growth Areas and the RS zoning district:
The local street grid system shall generally follow corridors along section and half-section lines, considering terrain and other land characteristics in Subsection 19.23.030(3)(a) above, and be spaced at intervals not to exceed one-half mile along each boundary that abuts potentially developable land in zones other than the AG and FW zones.

(c) In all zones:

(i) The proposed development shall be consistent with the arterial and collector corridor or alignment designated by Yakima County on a map or in an adopted plan or comprehensive plan element, or has been identified through early assistance as necessary to provide a higher functional classification.

(ii) Where there is no existing road to connect to, the property owner shall, in lieu of improvements to a local street stubbed to the boundary of the development, establish an easement 60 feet in width in the location or locations specified by this Section.

(iii) Appropriate structural setbacks shall also be provided to ensure future development does not encroach on designated street or road corridors.

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(iv) The developer shall also provide an irrevocable offer to dedicate said easement for road construction purposes when the municipality exercises its option to facilitate the connectivity provisions of the legislative intent of this Chapter.

(5) Intersections.

In general intersection of a collector street with an arterial street should be provided at an interval of approximately 1,300 feet or one-quarter mile along arterial streets. An intersection of a local street with a collector street should be provided at an interval approximately 660 feet. Alternative intersection intervals may be determined by the corridors designated by adopted comprehensive plan, adopted transportation plan or the presumed street grid system outlined in Subsection (e) above. Developments must provide for any such intersection(s) that occur within their project application area.

(a) Centerlines of opposing roads shall be directly aligned at road intersections, or offset at least 165 feet from each other to ensure efficient intersection operation.

(b) Roads shall be laid out to intersect as nearly as possible at right angles and no road shall intersect any other road at less than 85 degrees.

(c) Proposed intersections of private roads, access easements or dedicated right-of-way with a public road shall be designed to appropriate standards as determined by the County Engineer.

(6) Right-of-Way.

Right-of-way for public roads shall be dedicated to the public free from any physical or legal encumbrances. The right-of-way width shall be as established in Tables 19.23.040-1 and 19.23.040-2. Design modifications to this standard may only be granted under the design modification criteria of Section 19.35.040 and when drawings are submitted by a professional engineer, which substantiate, to the satisfaction of the County Engineer, that all improvements can be accommodated within the proposed reduced width.

(7) Half Roads.

Half roads that do not include the construction of the full traveled way cross section are prohibited.

(8) Non-Through Roads.

(a) Permanent non-through roads may only be granted by the Administrative Official if findings document that:

(i) There is no conflict with the connectivity standards of Subsection 19.23.030(3)(c) because through-roads in all directions meet the local street grid system intervals; or

(ii) The proposal meets design modification criteria of Section 19.35.040 and the connectivity modification criteria in Subsection 19.23.030(3)(g).

(b) In Urban Growth Areas and the Rural Settlement zoning district, permanent non-through roads, shall not be longer than 500 feet as measured from the nearest intersection of road centerlines to the farthest extent of the road surface. Design modifications of this standard to allow a length greater than 500 feet may be granted under the design modification criteria of Section 19.35.040.

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(c) Non-through roads that meet the connectivity provisions of this Chapter shall be provided at the closed end with a turnaround in conformance with the YCC Title 13 International Fire Code. When a project is phased, each phase must be provided with turnarounds. The turnarounds shall be temporary and abandoned when the road is extended. Lots shall be configured to accommodate the future road extension.

(9) Road Grades.

Road grades shall be determined using AASHTO guidelines in consideration of functional classification, terrain and design speed, not to exceed 12%. Grades for private roads and private, shared driveways shall comply with YCC Title 13 for fire apparatus access road requirements.

(10) Blocks.

(a) The lengths, widths and shapes of blocks shall be determined with due regard to:

(i) Provision of adequate building sites suitable to the type of use contemplated;

(ii) Needs for convenient access, circulation, control and safety of road traffic;

(b) Limitations and opportunities of topography including floodplains.(b)Block lengths in the local street system within the RS, SR, R-1, R-2, RM, B-1 B-2 SCC, LCC, GC, M-1 and M-2 districts shall not exceed 1000 feet. Length shall be measured between intersections of through roads for blocks adjacent to streets or along other fixed boundaries where there are no streets. Design modifications of this standard may only be approved when the road design modification requirements of Section 19.35.040 are met and when:

(i) The maximum permitted increase in block length is based on the determination of the Reviewing Official of the requested road design modification; and

(ii) The development is restricted to residential land uses with densities of seven dwellings per acre or less.

(11) Signalization.

The County Engineer may require signalization or limited movement at intersections where warranted by existing or future traffic volumes to coordinate land use and transportation.

(12) Alleys.

(a) Alleys or other provisions for service access shall be provided in commercial and industrial districts for off-road loading, unloading and parking, and/or fire and emergency services adequate for the uses proposed.

(b) Alleys may be provided in residential developments to facilitate alternative design and development styles.

(c) Where approved, the minimum width of an alley right-of-way in industrial or commercial areas shall be 30 feet. The minimum width of an alley right-of-way in a residential development shall be 20 feet. In both cases the width of the travel way shall not be less than ten feet.

(d) Alleys shall intersect with the public street at intervals consistent with the block length established for the development.

(e) Dead-end alleys are prohibited.

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19.23.045 Public Road Standards.

(1) Urban.

Public roads in Urban Growth Areas, the RS and HTC zoning districts, and areas of the RT zoning district within the Federal Highway Administration's Urban Area shall conform to adopted comprehensive plans, the standards in Table 19.23.040-1 or the standard plans approved by the County Engineer, whichever is greater.

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Table 19.23.045-1. Public Urban Street Standards Summary		
Street Class	**Item**	**Urban Standard**
Principal Arterial	Right of Way Width(4)	**80' min.**
	Number of Lanes	**4 or 5, determined by Plan (1)**
	Street surface width	**determined by Plan**
	Lane width – exterior	**14'**
	Lane width – interior	**11'**
	Turn lane	**11'**
	Sidewalks(3)	**7'**
Minor Arterial	Right of Way Width(4)	**80' min.**
	Number of Lanes	**3 or 4, determined by Plan**
	Street surface width	**determined by Plan**
	Lane width – exterior	**14'**
	Lane width - interior	**11'**
	Turn lane	**11'**
	Sidewalks(3)	**7'**
Collector Arterial	Right of Way Width(4)	**70' min.**
	Number of Lanes	**2, 3 or 4, determined by Plan**
	Street surface width	**min. 35'**
	Lane width - exterior	**12' or 14'**
	Lane width - interior	**11'**
	Turn lane	**11'**
	Sidewalks(3)	**7'**
Local Streets(2)	Right of Way Width(4)	**60' min.**
	Number of Lanes	**2**
	Street surface width (no on-street parking)	**28'**
	Street surface width (with parking)	**32'**
	Lane width	**10' to 12'**
	Sidewalks(3), where required by 19.23.060(4)(d)	**5'**
Bike Lanes	Comprehensive plans 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.	
Multi-use & Trail/Pathway	As required by AASHTO design guidelines (refer to Section 19.23.040 for pedestrian facilities outside of public right-of-way).	

Notes:

(1) Determined by Plan = To be determined by adopted comprehensive plans as defined in this Title.

(2) Local streets in areas of the RT Zoning district that are within the Federal Highway Administration's Urban Area may conform to the modified standard for Rural Access (09) ADT < 1000 roads listed in Table 19.23.040-2.

(3) Sidewalks located three or more feet behind the backs of curbs shall be a minimum of four feet wide for all urban roadway classifications.

(4) Right-of-way shall be sufficient to contain the entire roadway including surface, drainage, slopes and utilities.

(a) Road Curbing.

(i) All public through roads and roads that will be through roads shall be constructed with barrier curbs. Such barrier curbs may utilize low-impact design for stormwater where approved by the County Engineer.

(ii) Public roads approved to be permanent, non-through roads may use low-impact design curbs constructed with either rolled mountable curbs or barrier curbs at the developer's preference.

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(iii) The curb radii at all intersections and interior corners shall be constructed with barrier curbs from the property lines of the corner lots.

(b) Sidewalks and Other Pedestrian Facilities.

(i) Sidewalks shall be constructed as provided in Table 19.23.040-1 and this Subsection. See Section 19.23.030(10) for construction of separated pedestrian facilities.

(ii) All sidewalks shall be constructed to a minimum depth consistent with Yakima County road standards.

(iii) A note shall be placed on the final document indicating that developers shall replace all cracked or damaged sidewalks during construction of buildings and road improvements in a timely fashion at no cost to the public. The property owner is responsible for snow and ice removal, maintenance and repair of sidewalks in such fashion on local access roads.

(iv) Yakima County has a tiered sidewalk program for local streets:

A. Sidewalks are required on both sides of a local access street, unless the entire street will never serve more than 30 lots or housing units, whichever is greater.

B. Sidewalks are required on one side of streets serving up to 30 housing units or lots, based upon maximum density allowed by zoning, that have no potential to be extended under connectivity standards.

C. No sidewalks on a permanent non-through street serves less than ten homes (or units).

D. The location of sidewalks where only provided on one side of the street shall be on that side of the street that provides logical and continuous connections, as determined by the Reviewing Official.

E. As an alternative to the above sidewalks, the County may approve a separated multi-use trail along local access streets, as provided in Section 19.23.030(10).

(c) Street Lighting.

Street lights approved by the County Engineer shall be constructed at all intersections and at the ends of all cul-de-sacs. Additional street lights shall be constructed between intersections based on roadway classification.

(d) Surfacing.

Hard surfacing for public streets shall be provided in Urban Growth Areas, in the RS, HTC zones and areas in the Rural Transitional zone within the designated FHWA Urban Area, as determined by standard plans approved by the County Engineer.

(2) Rural.

Public roads outside Urban Growth Areas, outside the RS and HTC zoning districts, and areas of the RT zoning district outside the Federal Highway Administration's Urban Area shall conform to Yakima County Comprehensive Plans or the requirements in Table 19.23.040-2, whichever is greater.

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Table 19.23.045-2. Public Rural Road Standards Summary		
Roadway Classification	**Feature**	**Standards**
Rural Major Collector (07) ADT >2000 Rural Minor Collector (08) ADT >2000	Right-of-Way Width(4)	70' min.
	Number of Lanes	2
	Lane Width	12'
	Shoulder Width	8' (1)
Rural Major Collector (07) ADT 1000 to 2000 Rural Minor Collector (08) ADT 1000 to 2000	Right-of-Way Width(4)	70' min.
	Number of Lanes	2
	Lane Width	12'
	Shoulder Width	5' (1)
Rural Access (09) ADT > 1000	Right-of-Way Width(4)	60' min.
	Number of Lanes	2
	Lane Width	12'
	Shoulder Width	5' (1)
Rural Major Collector (07) < 1000 Rural Minor Collector (08) ADT 1000 to 2000	Right-of-Way Width(4)	70' min.
	Number of Lanes	2
	Lane Width	11'
	Shoulder Width	4' (1)
Rural Access (09) ADT < 1000	Right-of-Way Width(4)	60' min.
	Number of Lanes	2
	Lane Width	11' (2)
	Shoulder Width	4' (1)(3)

Notes:
(1) See Yakima County Roadway Design Standards for Shoulder Widths with Guardrail Installations.
(2) Lane widths shall be ten feet in areas of the RT zone that are within the Federal Highway Administration's Urban Area.
(3) Shoulder widths shall be five feet in areas of the RT zone that are within the Federal Highway Administration's Urban Area.
(4) Right-of-way shall be sufficient to contain the entire roadway including surface, drainage, slopes and utilities.

19.23.050 Private Roads.

Private roads serving development, including gated communities, may only be approved when the Reviewing Official determines that all the following criteria will be met based on documentation provided by the applicant:

(1) There is no conflict with an existing public road or with the County's long-range road circulation plan;

(2) There is no conflict with the connectivity standards of Subsection 19.23.030(3);

(3) The proposed design sufficiently incorporates the features of Subsection 19.23.050(6)(a) such that the private road will have a significantly different appearance than a public road;

(4) The Administrative Official, in consultation with the County Engineer determines that the road will not, due to topographical or other physical or environmental constraints, ever have the possibility of:

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(a) Being extended to serve adjacent development, or

(b) Serving 16 lots or development that generates 160 or more daily vehicle trips, unless located within an approved rural master planned resort or urban master planned development.

(5) The safety, quality and lifespan of the transportation facilities are assured for the long-term benefit of future property owners and occupants of the proposed development.

(6) Design Standards.

(a) Minimum Construction Standards.

(i) A professional engineer shall design the road, provide the specifications, engineering judgment and assumptions supporting the road design, test its construction, and certify it meets the following standards:

A. All private roads shall be designed using the highest practical design speed with a minimum of 25 miles per hour.

B. The private road shall accommodate two-way traffic based unless a design modification for one-way traffic is proposed and approved.

C. All private roads must meet the minimum fire apparatus access road requirements of YCC Title 13.

(ii) The road shall meet AASHTO recommended 20 year design guidelines for development density, base and intensity that could be served by the road based on plan designation, zoning, public safety and natural hazards. In lieu of the applicant's engineer submitting a detailed analysis, the following minimums are required. The applicant's engineer will be required to certify that the project meets the minimum requirements contained in Table 19.23.050-1.

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Table 19.23.050-1 Private Road Standards	
Design Speed (min.)	25 miles per hour
Roadway Width	20 feet or current Fire Code (whichever is greater)
Horizontal Curve (min.)	154' radius (at 4% max. super-elevation)
Vertical Curve (crest min.)	L = 12 x (A), where L is the length of vertical curve, A = the algebraic difference in intersecting grades.
Vertical Curve (sag min.)	L = 26 x (A), where L is the length of vertical curve, A = the algebraic difference in intersecting grades.
Maximum Grades	10% or current Fire Code (whichever is least)
Stopping Sight Distance	155 feet (on level ground)
Roadway must accommodate two-way traffic	
Pavement section must be designed for a 20 year life cycle	
Roadways in Urban Areas shall have pedestrian facilities, street and pedestrian lighting and drainage facilities	

(iii) Where private roads require the crossing of an existing natural stream or drainageway, the crossing shall comply with applicable Building Codes and the Critical Areas Ordinance or Shoreline Master Program.

(iv) Roads in special flood hazard areas are subject to review to ensure that the design will be analyzed for flood effects and mitigation. Such roads may alternatively be constructed with the top of the finished road at existing grade where the County Engineer and Fire Marshal determine the roads are not needed for flood ingress and egress because there are safe and suitable alternative routes that meet International Fire Code requirements.

(v) Pedestrian facilities that meet AASHTO guidelines for a separated multi-user trail or sidewalk shall be provided from all lots and units to the nearest public road or trail in Urban Growth Areas and the Rural Settlement zoning district;

(vi) Drainage facilities shall be provided in accordance with YCC Chapter 12.10 to prevent any drainage onto a public roadway;

(vii) Easements shall be of sufficient widths to include all provided transportation improvements; and

(viii) Hard surfacing shall be provided in Urban Growth Areas, in the RS, HTC zones and areas in the Rural Transitional zone within the designated FHWA Urban Area, and in other locations where the Reviewing Official determines that the road will serve more than 15 lots or units or such surfacing is otherwise required, as determined through the development approval process, based on zoning and the intensity of the use.

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(b) Other Standards, Criteria and Conditions.

Private roads serving development shall comply with the following standards, criteria and conditions:

(i) Any existing or new private road allowed under this Chapter shall be retained permanently as a private road, located within non-exclusive access easements, and maintained privately.

(ii) Covenants providing for the perpetual maintenance of the private road shall be required. The covenants shall be signed by the owners, according to the records of the office of the County Auditor of property to an aggregate amount of the majority of the lineal frontage upon the improvement required and of the area within the boundaries of the properties served by the road. Said covenants shall establish a road maintenance fund and require the owners in the development to pay into such fund. Covenants shall be approved by the County. The covenants shall be recorded by the developer with a copy of the recorded document provided to the Planning Division and shall be referenced on the face of the plat, short plat or binding site plan prior to its recording.

(iii) Private road name signs shall be provided by the developer at the intersections of private roads with private roads and at the intersection of private roads with public roads. Such signs shall meet the specifications in the Manual on Uniform Traffic Control Devices. Names for private roads shall be approved by the County under the Road Naming and Site Addressing Ordinance, YCC Chapter 13.06.

(iv) The property owners shall be responsible for maintaining private roads and the signs within private roads.

(v) Private roads shall be open and unobstructed for use by emergency, public service and utility vehicles.

(vi) The face of any plat or short plat containing a private road, and all subsequent documents transferring ownership of lots within such plat or short plat, shall state the following language:

> 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 County road until it is improved to County road standards and accepted as part of the County road system.

19.23.060 Private Shared Driveways.

(1) When Allowed.

Private shared driveways may only be approved when the Reviewing Official determines that all the following criteria are met, based on documentation provided by the applicant or other evidence:

(a) The private, shared driveway will not serve more than four lots or units, or, due to topographical or other physical constraints as determined by the Reviewing Official, have the possibility based on zoning of:

(i) Being extended to serve more than four lots or units, or

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(ii) Accommodating a development that generates more than 40 daily vehicle trips based on current plan designation and zoning;

(b) There is no conflict with an existing public road or with the County's long-range road circulation plan, or with the connectivity standards of Subsection 19.23.030(3);

(c) The development minimizes the number of access points to a public roadway; and

(d) An agreement is provided that binds owners within the development to financially participate in perpetual maintenance of the private shared driveway.

(2) Design Standards.

(a) Minimum Construction Standards.

Where private shared driveways are authorized, the improvements shall meet the following standards:

(i) The minimum driveway standard is a minimum travel surface as required by the International Fire Code.

(ii) Where private shared driveways require a crossing of an existing natural stream or drainageway, the crossing shall comply with YCC Titles 13, 16A, 16C and 16D.

(iii) Private shared driveways in special flood hazard areas are subject to review to ensure that the design will be analyzed for flood effects and mitigation. Such private shared driveways may alternatively be constructed with the top of the finished road at existing grade where the Reviewing Official determine the roads are not needed for flood ingress and egress because there are safe and suitable alternative routes that meet International Fire Code requirements.

(iv) The minimum standard for all private shared driveways in any development within an Urban Growth Area, RS or HTC zoning districts will be hard surfaced with two inches of asphalt concrete pavement (or the equivalent, as determined by the Reviewing Official in consultation with the County Engineer) on a subgrade of six inches of crushed surfacing base course, compacted depth. An alternative design may be required to maintain durability for commercial or industrial uses.

(v) In the RT, Rural-10/5, R/ELDP-40, MIN, AG, and FW zoning districts, private shared driveways shall meet a minimum standard as determined by YCC Title 13.

(vi) Drainage facilities must be sufficient to prevent discharge onto any public roadway.

(b) Driveway Locational Regulations.

(i) This Subsection is intended to limit the number of driveway approaches to an arterial or collector street, combine access so multiple adjacent land uses are served by a common approach, and maximizes the distance between neighboring approaches and intersections.

(ii) Re-development of the property may require existing driveways to be modified consistent with these requirements.

(iii) Neighboring accesses to individual lots in a single development shall be combined using common easements to minimize adjacent access points to a roadway. The objectives of this standard are to provide for safety and efficient use of land.

(iv) The County Engineer shall determine whether the proposed driveway locations conform to the following:

A. Driveway approaches shall be restricted within the intersection's functional limits, which may be a distance of up to 350 feet from the intersection on a classified (arterial or collector) road.

B. 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.

C. A driveway approach on a local access street shall maximize the distance from a street intersection, as measured from the property line at the corner, and be located at least 30 feet from the street intersection corner.

D. A driveway approach to a collector or arterial street shall maximize the distance from an adjacent driveway approach and be located at least 75 feet (measured along the collector or arterial) from any other such collector or arterial street approach on the same side of the street.

E. A driveway approach to a collector or arterial street shall be at least 75 feet from the nearest right-of-way line of an un-signalized street intersection.

F. Driveway approaches 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. Driveways within 200 feet of the right-of-way line of the intersection shall be restricted to right turns only.

G. A construction permit pursuant to Chapter 10.08 shall be required for the construction of new driveway approaches from a public street or a modification of an existing driveway approach for the specifications of the driveway approach.

19.23.070 Transportation Concurrency Management System.

Yakima County has established its Level of Service (LOS) standard for transportation concurrency in its comprehensive plans. It is based on both a Condition LOS and a Capacity LOS. Proposed developments that would reduce the LOS below the established standards shall be mitigated so the LOS is met, or denied.

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Chapter 19.25
SEWER AND WATER

Sections:

19.25.010 Legislative Intent
19.25.020 Sewer and Water Connection Required
19.25.030 Availability
19.25.040 Satellite Utility Systems and Individual Systems
19.25.045 Site Improvements in Urban Growth Areas
19.25.050 Utility Easements and Installation
19.25.060 Water Users Association and Satellite Management Agency (SMA)
19.25.070 Municipal Public Sewer Connection Prohibited Outside UGAs – Exceptions
19.25.080 Well Setbacks from Landfills

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19.25.010 Legislative Intent.

This Chapter is intended to:

(1) Further the public health, safety and welfare by providing clear rules for when and how connection to public sewer and water is required or prohibited;

(2) Ensure that all required sewer and water connections and improvements are consistent with, and implement applicable goals and policies of, the Comprehensive Plan and this Chapter;

(3) Require development inside Urban Growth Areas to connect to available regional sewer and area-wide public water supply systems, and provide for full future extension of such services where they are presently unavailable to serve such development, in order to efficiently convert rural land to urban uses within the 20 year planning period;

(4) Provide for expansion of existing regional sewer and area-wide water supply systems as a cost-effective means for infrastructure development;

(5) Prioritize use of community on-site sewage disposal systems, as defined in Section 19.01.070, when service from a regional sewer system is not available within Urban Growth Areas or the service area of a County sewer system or sewer district;

(6) Prioritize use of public water supplies from existing satellite utility systems and facilitate their use in all areas when service from an area-wide public water supply system is not available;

(7) Provide a framework for the future location of facilities to assist developers and property owners in design of their projects;

(8) Provide consumer protection for future third party purchasers of developed properties by requiring applicants to invest in site improvements such as dry-line sewer and double plumbing dry side sewer connections to reduce costs of connecting to regional sewer systems when they become available;

(9) Minimize the cost of such improvements to the taxpayers of this County and State; and

(10) Provide specific standards consistent with RCW 58.17.110 and 19.27.097 that will ensure that an adequate source of potable water will be provided prior to development approval.

19.25.020 Sewer and Water Connection Required.

Development shall be served by sewer and water systems under this section.

(1) New Structures.

(a) The construction or placement of a structure requiring sewage disposal and/or potable water shall connect to a regional sewer system and area-wide public water supply system, except as specified in this Subsection.

(b) In the following cases, the construction or placement of a structure requiring sewage disposal and/or potable water shall provide an alternative sewer or water system under Section 19.25.040 when:

(i) The new structure is an alteration, expansion or replacement of an existing structure that the Yakima Health District determines will not result in increased sewage effluent production, or that will not exceed the capacity of an existing Yakima Health District approved on-site sewage disposal system;

(ii) The extension of a regional and/or area-wide system is not "available" as defined in Section 19.25.030;

(iii) The applicant provides documentation from the service provider demonstrating that intervening property contains natural or manmade obstructions, such as deep canyons, elevation changes, or solid rock impediments, which make regional sewer and/or area-wide public water extension impractical; or

(iv) The Yakima Health District or service provider has determined that the costs of constructing a connection to the regional and/or area-wide system on a value per unit basis, exclusive of connection fees, is more than two times the estimated costs of improvements that would be required under Section 19.25.040.

(2) Divisions of Land.

(a) Divisions of land creating one or more vacant lots shall be required to connect to a regional sewer system and an area-wide public water supply system, as determined by the availability criteria in Section 19.25.030. If either utility system is not "available," as defined by Section 19.25.030, development of the vacant lots shall provide an alternative system under Section 19.25.040. Alternative water systems must meet the fire flow requirements of YCC Title 13 and Table 19.25-1 note (7) unless the Yakima County Fire Marshal approves structural sprinkling systems as an alternative to fire flow requirements.

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(b) Divisions of land creating a new lot around a legally existing structure that requires sewage disposal and potable water supply, but is not connected to both a regional sewer system and an area-wide public water supply system, are subject to the following requirements:

(i) Within Urban Growth Areas, if the structure is served by an on-site sewage system, and the Yakima Health District determines the existing system(s) are operating properly, a covenant or plat note shall be recorded by the property owner to commit the current and future property owner(s) to connect to an available regional sewer system upon failure of the existing on-site sewage disposal system and when the Yakima Health District has determined a replacement system is not feasible.

(ii) Within Urban Growth Areas, RS and cluster developments of more than one lot the existing individual water supply system shall be evaluated by the Yakima Health District to determine whether this system can be converted to a public water system for the development.

(iii) Utility easements shall be dedicated on the final plat or in a separate instrument as part of final approval of a boundary line modification or correction, as set forth in Subsection 19.25.050(1) for future sewer connections in Urban Growth Areas and RS districts, and for public water supply connections in all zoning districts.

19.25.030 Availability.

(1) Sewer.

For the purposes of this Chapter, a regional sewer system is "available" when the subject property is located within an Urban Growth Area, or a municipal service provider or special purpose district's service area and meets one or more of the following:

(a) A regional sewer system line or any satellite utility system with sufficient capacity is located within any point 200 feet or less from its boundaries, measured along the shortest route determined by the utility provider;

(b) A regional sewer system line is located a distance greater than 200 feet from the boundaries of the property concerned, but the Yakima Health District or the State Department of Health has determined that the anticipated quantity of sewage flow from the proposed development exceeds the site's ability for treatment or dispersal using an on-site sewage system, as set forth in Subsection 19.25.040(1);

(c) Connection is required by the provider's adopted utility plan; or

(d) Yakima Health District regulations require the applicant to connect to a regional system.

(2) Water.

For the purposes of this Chapter, an area-wide public water supply system or a Group A or B water system is "available" when:

(a) A public water system is located within any point 200 feet or less from the boundaries of the subject property, measured along the shortest route of the proposed distribution line between the boundary and the public water system, the system's design is sufficient to serve some or all of the development, and the purveyor agrees to provide service;

(b) The Yakima Health District, Yakima County Utilities Division or State Department of Health requires the development to connect to the system regardless of distance; or

(c) A service connection is otherwise provided.

(3) Cost of Connection to either Sewer or Water.

A regional sewer system or area-wide public water system is not "available" if the Yakima Health District or service provider has determined that the costs of constructing a connection to the regional and/or area-wide system on a value per unit basis, exclusive of connection fees, is more than two times the estimated costs of improvements that would be required under Section 19.25.040, and the service provider does not require the connection as provided in Subsections 19.25.030(1) and (2) above.

19.25.040 Satellite Utility Systems and Individual Systems.

If regional sewer and/or area-wide public water service is not "available" to serve a proposed project the following satellite utility or individual systems may be used, provided that they meet the requirements of this Section and have been approved by the agency with jurisdiction. The systems authorized for such projects are listed in order of priority as provided in Subsections (1) and (2) below and Tables 19.25-1 and 19.25-2:

(1) Sewage Disposal Systems.

(a) Large on-site sewage system (LOSS). Projects requiring the use of a LOSS must meet the State Department of Health requirements (WAC 246-272B).

(b) Community on-site sewage disposal system. A community on-site sewage disposal system shall be approved by the State Department of Health or Yakima Health District. The system shall be entirely within the boundaries of the proposed development or on land controlled by the system ownership and its rate structure shall include, commencing with the first payment, establishment of a fund to be reserved by the system owner for payment of the expected connection fee to the regional sewer system after a defined period.

(c) Individual on-site sewage disposal system. An Individual on-site storage disposal system shall be approved by the Yakima Health District. Each individual system shall be entirely contained on the same lot as the proposed dwelling that it is intended to serve or on another parcel on which the lot owner possesses an easement interest for that purpose.

(2) Water Systems.

RCW 58.17.110 requires applicants for land divisions provide documentation of adequate potable water supplies to the Reviewing Official prior to final development approval. RCW 19.27.097 requires each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. In Urban Growth Areas, the public water systems required under this Title shall be sited and designed to become incorporated into, and be accepted by, the associated area-wide public water supply system designated for that portion of the Urban Growth Area.

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(a) Existing Water Systems

(i) Group A Public Water System.

Connection to an existing Group A public water system, as defined in Section 19.01.070, is required when:

A. An existing Group A system is "available" to provide an adequate source of potable water for the proposed development, or

B. The proposal is located adjacent to an existing Group A system and the developer provides written verification from the owner, water users association or the satellite management agency (SMA) of the adjacent existing Group A system approving connection to the existing system.

(ii) Group B Public Water System.

Connection to an existing Group B public water system, as defined in Section 19.01.070, is required when:

A. The subject site is within an existing Group B system's service area and the system has been designed with express intent of providing water to the subject property; or

B. The proposal is located adjacent to an existing Group B system and the developer provides written verification approving a connection to the existing system from the owner, water users association or satellite management agency (SMA) of the adjacent existing Group B system.

(iii) Availability Criteria.

Yakima County will consider an adequate source of potable water to be "available" at the time of a development when the applicant provides documentation showing that the existing Group A or B water system for the proposed development has been approved by the appropriate agency with jurisdiction.

(b) New Water Systems.

(i) New Group A Public Water System.

A new Group A public water system, as defined in Section 19.01.070, is required where State Department of Health regulations require a Group A system and no existing Group A system is "available" to serve the development, as defined in Section 19.25.030, provided that:

A. The applicant shall dedicate the new Group A system to a state-approved satellite management agency (SMA), as set forth in Section 19.25.060. The Group A public water system shall include the well, reservoir and treatment system, meter, distribution system and the land upon which they are located or upon land controlled by the SMA shall have control. Utility easements shall be granted for the distribution system as required by Section 19.25.050; and

B. The applicant has demonstrated that a new Group A water system will provide an adequate source of potable water for the proposed development.

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(ii) New Group B Public Water System.

A new Group B public water system, as defined in Section 19.01.070, is required where no existing Group A or B system is available to serve the development, as defined in Section 19.25.030, provided that:

A. The applicant shall dedicate the new Group B system owned and operated by a water users association or a state-approved satellite management agency (SMA), as set forth in Section 19.25.060 and Table 19.25.-1. The Group B public water system shall include the well, reservoir and treatment system, meter, distribution system and the land upon which they are located, or upon land controlled by a water users association or SMA. Utility easements for the distribution system shall be granted as required by Section 19.25.050; and

B. The applicant has demonstrated that the new Group B system will provide an adequate source of potable water for the proposed development.

(iii) Availability Criteria.

Yakima County will consider an adequate source of potable water to be "available" at the time of a development when the applicant provides documentation showing that the existing Group A or B water system for the proposed development has been approved by the appropriate agency with jurisdiction.

(c) Two-Party Shared Public Water System.

A two-party shared public water system is required when only two dwellings, lots or connections will be served and no existing Group A or B system is available prior to final approval.

(i) When Allowed.

In all areas a two-party shared public water system is allowed if:

A. The subject property was not required to connect to a Group A or B public water system as a condition of a previous permit approval;

B. The applicant demonstrates that the two-party shared water system will provide an adequate source of potable water for the proposed development; and

C. The addition of an accessory dwelling unit does not change the classification of the system and that requires upgrades to the existing system.

(ii) Availability Criteria.

Yakima County will consider an adequate source of potable water to be "available" at the time of a development when the applicant provides documentation showing that the two-party shared water system for the proposed development has been approved by the appropriate agency with jurisdiction.

(d) Individual Well, as Defined in Section 19.01.070.

An individual well is required when Group A or B public water systems or two-party shared water systems are not "available" or otherwise required, provided that:

(i) Documentation.

The applicant shall demonstrate prior to final development approval that:

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A. An authorization for a groundwater withdrawal from the appropriate agency with jurisdiction has been obtained;

B. Each individual well will provide an adequate source of potable water for the proposed development including:

1. A water quality analysis report from the Yakima Health District or a State of Washington certified laboratory indicating compliance with the State Board of Health and locally adopted standards; and

2. A water quantity report from a well driller, pump supplier, or other qualified person. The report must be in the form of an industry standard pump test, bailer test or air test for wells or a flow test for springs. The test must assure that a minimum quantity of 350 gallons per day is available for each dwelling unit.

C. The individual well has or will be designed in accordance with well siting and contamination standards as determined by the appropriate agency with jurisdiction.

(ii) Conversion of Individual Wells.
Within Urban Growth Areas, RS and cluster developments in the R-10/5 and RT districts, new individual well will be designed to be converted to a public water supply in the future as further development occurs.

(ii) Availability Criteria.
Yakima County will consider an adequate source of potable water to be "available" at the time of a development when the applicant provides documentation showing that the individual well for the proposed development has been approved by the appropriate agency with jurisdiction.

19.25.045 Site Improvements in Urban Growth Areas.

The following conditions of approval shall be required by the Reviewing Official prior to final approval of a development within an Urban Growth Area.

(1) Sewer Improvements.
In locations within a sewer service area where the purveyor has engineered and adopted plans for its regional system, or the purveyor has established elevations for sewer system design, and the purveyor is willing to inspect proposed design and construction, and when the purveyor will connect the dryline to its system within six years, based on an adopted Capital Facilities Plan.

(a) Double plumbing dry side sewer will be installed at the time of on-site sewage disposal installation to connect the structure to a regional sewer system when it becomes available as provided in Section 19.25.030;

(b) The installation of dryline sewer will use accepted engineering practices for development having two or more lots with the location, connection depth and pipe sizing acceptable to the future utility provider; and

(c) The development will use a community or large on-site sewage disposal system, as provided in Subsection 19.25.040(1); if a regional sewer system is not available;

(2) Water Improvements.
The development will use a Group A or B or two-party public water system, as provided in Subsection 19.25.040(2), if an area-wide public water supply system is not available; and

(3) Covenant Required.
A covenant or plat note is recorded by the property owner that commits the current and future property owner(s) to connect to a regional sewer system and an area-wide public water system, if both are not provided, within 12 months of the system being located adjacent to the subject property. The covenant or plat note shall also contain a provision that commits the current and future property owner(s) to participate in a future local improvement district if this is the method used to extend sewer or water.

19.25.050 Utility Easements and Installation.

(1) Utility Easements.

(a) Easement Reserved.
All easements for sewer, water, electric, gas, telecommunications, irrigation and similar utilities shall be shown on the final plat, short plat or binding site plan. Easements shall be reserved for and granted to all utilities and to their respective successors and assigns for:

(i) Serving all lots within a subdivision and other property with utility services; and

(ii) Granting the right to enter upon the lots, tracts, and common areas at all times to install, lay, construct, renew, operate, and maintain underground conduit, cables, pipe, and wires with necessary facilities and other equipment.

(b) Easement Location.
Applicants must consult with and obtain or request written approval from all applicable utility purveyors documenting that the proposed utility easements and their locations within the property or proposed lots are adequate for their service needs and sufficient to provide the utility legal access from existing public rights of way or other access easements over any intervening real property prior to submittal of the final plat.

(i) Utility easements shall be located outside private access easements and dedicated road rights-of-way unless otherwise approved by the County Engineer; and

(ii) New or expanded utility easements shall serve each interior lot along the property boundary and be located along those lot frontages within the subdivision and development proposal that abuts private and public roads to minimize the burden of the easement on the servient landowners.

(c) Easement Dimensions.

(i) Utility easements along lot frontages adjacent to public rights-of-way shall have a minimum width of eight feet;

(ii) Utility easements not located adjacent to public rights-of-way shall have a minimum width of 16 feet unless the Reviewing Official determines an alternative width is determined sufficient or necessary to accommodate the proposed improvement;

(iii) Well access easements shall have a minimum width of 16 feet.

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(d) Easements Extending to Adjacent Properties.

Easements for future utility extensions to abutting properties shall be required as a condition of application approval when the Reviewing Official finds that:

(i) Vacant or underutilized land abuts the proposed land segregation or development;

(ii) The location of an easement for future utility extensions is reasonable based upon the design needs for future utility infrastructure;

(iii) The establishment of an easement for future utility extensions will further the extension of utility infrastructure;

(iv) The extension of utilities using the easement is foreseeable;

(v) The establishment of said easement furthers the goals and policies of the Comprehensive Plan; and

(vi) Easements shall be established under this Subsection at the time of final approval for individual wells providing public water supply under Subsection 19.25.040(2)(d)(ii). A plat note or covenant indicating such easements shall be established at the time of well construction for wells not established at the time of final approval.

(2) Utility Installation.

(a) Public Rights-of-Way.

A utility provider shall obtain a franchise agreement and all necessary construction permits under RCW 80.32.010, 80.36.040 and Chapter 36.55 RCW prior to the installation and relocation of all public and private utilities within County road right-of-way, including but not limited to electric power, telephone, television, communication, water, gas, all petroleum products, steam, chemicals, sewage, drainage, irrigation, and similar pipes, lines or cables.

(b) Utility Easements

Utility easements should be composed to require utility providers to minimize disturbance to existing conditions within the easements, especially trees and other vegetation, during initial construction.

19.25.060 Water Users Association and Satellite Management Agency (SMA).

Where a public water supply will have three or more connections, the formation of a Water Users Association will be required as a condition of plat approval or development authorization, to monitor and maintain the water system, unless Table 19.25-1 indicates an SMA is required and will manage or own the public water system. An SMA may be required for fewer lots than what is shown in Table 19.25-1 if an SMA is approved by the state to serve fewer connections. In addition to the funds required for operation and maintenance of the public water system, the Reviewing Official, Water Users Association or SMA may require additional funds from users of the system to cover future costs associated with connecting the public water system to an area-wide public water supply system when it becomes available.

19.25.070 Municipal Public Sewer Connection Prohibited Outside UGAs – Exceptions.

In compliance with RCW 36.70A.110 (4), a municipal public service provider may only extend sewer service outside the Urban Growth Area in those limited circumstances where necessary to protect

basic public health and safety and the environment, as evidenced at least by an emergency order issued by the Department of Ecology or Department of Health, and when such services are financially supportable at rural densities and do not permit urban development. If service is extended, the maximum number of permitted hookups shall be specified at the time of extension and no additional development exceeding that number shall be permitted.

19.25.080 Well Setbacks from Landfills.

State law requires a well setback of 1,000 feet from the boundary line of an existing or closed Municipal Solid Waste Landfill (MSWLF), as defined in Section 19.01.070.

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Table 19.25-1. Water[7]

Zoning	New Structures[1]	Number of Lots/Connections			
		2	3-4	5-8	9 or more
Urban Growth Areas	4 options in order of priority: • Area-wide public water supply system • Existing public water system • New public water system • Individual well	3 options in order of priority: • Area-wide public water supply system • Existing public water system • New public water system	4 options in order of priority: • Area-wide public water supply system • Existing public water system • Yakima County or Nob Hill Water SMA[2] • Other State-approved SMA[3]		
Resource Areas[8] Agriculture, Forest Watershed, Mining	2 options in order of priority: • Existing public water system[4] • Individual well	3 options in order of priority: • Existing public water system • New public water system • Individual wells[5]			
Rural Areas[8] Master Planned Resorts, Rural Settlement - (LAMIRDs), Rural Transitional, Rural-10/5, R/ELDP-40	2 options in order of priority: • Existing public water system[4] • Individual well	2 options in order of priority: • Existing public water system[4] • New public water system	3 options in order of priority: • Existing public water system[4] • Yakima County or Nob Hill Water SMA[2] • Other State-approved SMA[3]	2 options in order of priority: • Yakima County or Nob Hill Water SMA[2] • Other State-approved SMA[3]	
		• Individual wells, subject to Section 19.25.040, if all lots are 5 acres or greater in the R/ELDP-40 and R-10/5 zoning districts and outside the service area of a County water system			

Notes:

(1) Any structure that requires potable water and sewage disposal.

(2) State-approved Satellite Management Agencies (SMAs) including Nob Hill Water, Evergreen Valley Utilities, Valley Water Services and Yakima County.

(3) Priority shall be given to municipal public utilities or utility districts or to investor-owned utilities under the jurisdiction of the Utilities and Transportation Commission.

(4) Connection to the County system is required if the structure/lots are located within the service area of a County water system (YCC Title 12).

(5) Section 19.18.145 requires public water supply systems for cluster developments.

(6) Individual wells may be allowed if all lots created by a land division in the R-10/5 or R/ELDP-40 district, and outside the service area of a County water system, are five acres or larger.

(7) Minimum Fire Flow (for houses under 3600 sq ft): Ability to deliver 1,000 gallons per minute for 30 minutes, @ 20 psi. Urban: Require minimum fire flow for 3 or more lots. Rural: Require minimum fire flow water where 5 or more lots are created, if any lot is less than 1/3 acre or for any development where 9 or more dwelling units or lots are created.

(8) A public water system is required for all clustered land divisions in the AG, FW, RS, RT and Rural-10/5 districts.

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Table 19.25-2. Sewer

Zoning	New Structures[1]	Number of Lots/Connections		
		2-4	5-8	9 or more
Urban Growth Areas	2 options in order of priority: • Regional sewer system • Community on-site sewage disposal system	Municipal, County or Other State Approved Operator		
Resource Areas Agriculture, Forest Watershed, Mining	2 options in order of priority: • County sewer system[2] • Individual on-site septic only			
Rural Areas Master Planned Resorts, Rural Settlement – LAMIRDs, Rural Transitional, Rural-10/5, R/ELDP-40	2 options in order of priority: • County sewer system[2] • Individual on-site septic only	2 options in order of priority: • County sewer system[2] • Individual on-site septic only	2 options in order of priority: • County sewer system[2] • Individual on-site septic if public water is unavailable	1 option: • County sewer system[2]

Notes:

(1) Any structure that requires potable water and sewage disposal.

(2) Connection to the County system is required if the structure is located within the service area of a County sewer system (YCC Title 12).

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Chapter 19.30
APPLICATIONS

Sections:

19.30.010 Legislative Intent.
19.30.020 Required Permits.
19.30.030 Application and Use Categories.
19.30.040 Pre-application Conference.
19.30.060 Application Requirements.
19.30.070 Site Plans for Project Permits - Form and Contents.
19.30.071 Site Plans for Project Permits – Boundary Line Adjustments.
19.30.072 Site Plans for Project Permits – Preliminary Short Plats.
19.30.073 Site Plans for Project Permits – Preliminary Plats.
19.30.074 Site Plans for Project Permits – Binding Site Plans.
19.30.075 Site Plans for Project Permits – Master Planned Resorts (MPRs).
19.30.080 Application Review Procedures.
19.30.090 Type 1 Application Approval Criteria and Conditions.
19.30.100 Conditions for Approval of Type 2, 3 and 4 Applications.
19.30.110 Final Decisions.
19.30.120 Compliance with Conditions, Safeguards and Mitigation Required—Revocation of Project Permits.
19.30.130 Performance Assurance.

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19.30.010 Legislative Intent.

The intent of this Chapter is to establish procedures for acting upon project permits authorized by this Title, including:

(1) Application submittal requirements;

(2) Categories of application types;

(3) Authority for conducting review;

(4) Criteria for rendering decisions to approve, conditionally approve or deny applications; and

(5) A process for maintaining compliance with conditions or enforcing decisions, up to and including revocation of approvals where appropriate.

19.30.020 Required Permits.

(1) Project Permits.

Except as provided in Subsection (2) below, no use, development or modification to a use or development, as those terms are defined by this Title, may be established, placed, performed, constructed, made or implemented, in whole or in part without the issuance of a project permit by the Reviewing Official.

(2) Exceptions to Obtaining Project Permits under This Title.

The following development, activities and modifications to development may require project permits under Yakima County Code.

(a) Normal structural repair and maintenance as defined in the codes adopted by YCC Title 13;

(b) Physical changes to conforming structures or uses other than structural alterations as that term is defined by this Title;

(c) Rehabilitation of dwelling units when such rehabilitation does not expand the number of dwelling units nor physically expand the structure;

(d) Accessory structures and uses listed under Section 19.[illegible]020 that otherwise meet the specific development standards and requirements of this Title, when the principal use is already established;

(e) Alteration to land, including grading and leveling, paving, stockpiling, and excavation, the amount of which does not exceed [illegible]0 cubic yards;

(f) Required site improvements including all construction of private or public roads, construction of sewer, electric, telecommunications, storm water, and water utilities under an approved and valid development authorization, subdivision or binding site plan regulating such improvements; and

(g) New uses for a legally established multiple occupancy building provided that the use:

(i) Is consistent with the conditions of the decision approving the multiple occupancy building;

(ii) Establishes a Type I use that is allowed within the zoning district;

(iii) Establishes a use that does not require drive-through facilities; and

(iv) Required structural changes would meet minimum development standards of the Zone.

(3) Project Permit Issuance in Conjunction with Another Permit.

If the Reviewing Official is authorized to review and issue a project permit under any other County code or ordinance applicable to the development, he may require issuance of the project permit under this Title to be issued only in conjunction with said other project permit.

(4) Notice to Applicant and Future Owners of Proximity to Designated Resource Lands.

(a) All plats, short plats, development permits, and building permits issued for development activities on, or within 500 feet of, lands designated by the Comprehensive Plan as agricultural lands, forest lands, or mineral resource lands, shall contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice for mineral resource

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lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals (RCW 36.70A.060(1)(b)).

(b) The notice shall also state that agricultural, forest and mining activities performed in accordance with County, state and federal laws are not subject to legal action as public nuisances.

19.30.030 Application and Use Categories.

Actions and uses under this Title are grouped into categories, each with a corresponding review process as defined in YCC Section 16B.03.030. If an application does not meet minimum approval criteria or standards for the zone and this Title, or cannot be adequately conditioned at a particular location, it shall be denied. A project permit, other than a nonconforming use permit, may not be granted for a classified use in a zoning district from which it is specifically prohibited. Applications are categorized as follows:

(1) Type 1 Applications.

(a) The Administrative Official reviews applications subject to Type 1 review under the procedures of Section 19.30.090 and YCC Chapter 16B.03 for compliance with this Title.

(b) Applications requiring Type 1 review include:

(i) Boundary line adjustments;

(ii) Segregations within an approved binding site plan for commercial and industrial development;

(iii) Administrative modifications to existing or approved uses where authorized by this Title; and

(iv) Type 1 Permitted Uses shown on the Allowable Land Use Table 19.14-1 in Chapter 19.14, except when required to undergo Type 2 review under Subsection (1)(c) below. The Reviewing Official shall use the procedures in YCC Subsection 16B.03.030(1)(a), Sections 19.30.080 and 19.30.090 to review Type 1 Permitted Uses and associated site improvements for compliance with the provisions and standards of the zoning district in which they are located.

(c) Type 1 Permitted Uses require Type 2 review when:

(i) All or part of the development, except for agricultural buildings, single-family dwellings and duplexes are in the 100-year floodplain or Greenway Overlay (GO);

(ii) All or part of a development that is in a Master Planned Development Overlay (MPDO) and is identified in a development agreement as requiring Type 2 approval;

(iii) The proposed use includes hazardous material, as defined in Section 19.01.070;

(iv) All or part of the development requires a modification to an existing development plan and/or master plan associated with a Master Planned Development Overlay;

(v) The Reviewing Official cannot determine from the application submitted that the use will meet the approval standards in Section 19.30.090; or

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(vi) The permitted use could be approved subject to broader condition authority under Section 19.30.100.

(d) Type 1 Uses generally not subject to project review by the Administrative Official provided all applicable standards of this Title are met and/or when categorically exempt from environmental review under YCC Section 16.04.100, or for which environmental review has been completed in connection with other project permits, and when locating on an existing lot:

(i) Site-built or modular dwellings and two-family dwellings;

(ii) Manufactured home meeting requirements of Section 19.18.270;

(iii) Mobile or manufactured homes of any size in approved or existing mobile/manufactured home parks;

(iv) Multi-wide manufactured home in approved or existing manufactured home subdivisions;

(v) Single-wide manufactured home in approved or existing manufactured home subdivisions;

(vi) Single-wide manufactured home, on an individual lot, meeting the criteria in Section 19.18.270;

(vii) Sales office within a residential or mixed-use project while units in the project are sold by the developer;

(viii) Garages and other accessory structures associated with (i) through (vii) above, but not including accessory dwelling units;

(ix) Forestry;

(x) Agriculture other than Animal Feeding Operations and Concentrated Animal Feeding Operations, slaughterhouses and rendering plants, and sprayfields;

(xi) Agricultural buildings;

(xii) Structures used for storage of seed or agricultural products;

(xiii) Excavations;

(xiv) Irrigation distribution/drainage facilities, including impoundment of water, dams and irrigation pumping stations;

(xv) Utility service (substations, reservoirs, etc.), when no building or series of buildings requires a building permit.

(2) Type 2 Applications.

(a) The Administrative Official reviews applications subject to Type 2 review under the procedures of Section 19.30.100 and YCC Chapter 16B.03 for compliance with this Title as provided by YCC Subsection 16B.03.030(1)(b).

(b) Applications subject to Type 2 review include:

(i) Short plats and recorded short plat alterations/vacations that do not involve a public dedication [See Subsection 19.34.040(9)];

(ii) New binding site plans for commercial and industrial development;

(iii) Administrative adjustments to standards where authorized by this Title; and

(iv) Type 2 Administrative Uses shown on the Allowable Land Use Table 19.14-1 in Chapter 19.14 are generally allowed in the zoning district. The compatibility between a Type 2 Administrative Use and the surrounding environment cannot always be determined in advance. Therefore, a Type 2 Administrative Use may be conditioned to ensure compatibility and compliance with the provisions of the zoning district and the goals, objectives and policies of the Comprehensive Plan.

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(3) Type 3 Applications.

(a) The Hearing Examiner reviews applications subject to Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).

(b) Applications subject to Type 3 review include:

(i) Variances;

(ii) Non-conforming use expansions or alterations, other than residential structures and specified mining operations;

(iii) Plat vacations or alterations under Chapter 58.17 RCW;

(iv) Major modifications to a Master Development Plan;

(v) Type 3 review required for Type 2 Administrative Uses referred by the Administrative Official for Type 3 review and for other specific reviews established by this Title. Such referred reviews are subject to the criteria of 19.30.020(2)(b)(iv) for Type 2 uses; and

(vi) Uses shown on the Allowable Land Use Table 19.14-1 in Chapter 19.14, Type 3 Conditional Uses are not generally appropriate throughout the zoning district.

(4) Type 4 Quasi-Judicial Applications.

Long Plat Applications, new or expanded Master Planned Developments in Urban Growth Areas, Master Planned Resorts (MPR), rural [illegible] resource areas, Minor Rezones or any other Type 4 use or development listed in the Allowable Land Use Table 19.14-1 found in Chapter 19.14 are subject to Type 4 review. The process for review of Type 4 applications shall be as set forth in YCC Subsection 16B.03.030(1)(d) and Section 19.30.080 and the process for Minor Rezone applications shall be as set forth in Section 19.36.030.

(5) Accessory Uses.

Accessory uses may be permitted when a principal use has been established. Accessory uses are customarily incidental and subordinate to the principal use of a structure or site. Refer to Section 19.18.020 for regulations governing accessory uses.

(6) Existing Uses.

Within the zoning districts established by this Title, or zoning district amendments that may later be adopted, there may exist uses that were legally established prior to the effective date of this Title or applicable amendment that are classified as a Type 1, 2, 3 or 4 use in a particular zoning district. Such uses shall be considered Existing Type 1, 2, 3 or 4 uses, and subject to the review standards pertaining thereto under current code. Previously approved uses may continue according to their conditions of approval, whether classified as existing or nonconforming. A change in classification as existing or nonconforming will be reviewed under its new classification at such time the use is altered, amended, modified or expanded.

(7) Prohibited Uses Production, Processing and Retailing of Marijuana Prohibited.

Production, processing and retail sales of marijuana and marijuana-infused products, all as defined in Initiative Measure No. 502, as codified in the Revised Code of Washington Chapter 69, and implementing regulations in Chapter 314-55 of the Washington Administrative Code, are each prohibited and not allowed in any zone within the unincorporated areas of Yakima County.

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(8) Development Permits for Master Planned Resorts.
The Resort Development Plan authorized in conjunction with the rezone to MPR is the guide for development of the resort. Establishment of the uses identified in the Resort Development Plan shall be subject to Type 1 review, in order to conduct site-specific review of the individual uses.

(a) Establishment of land uses and any division of land by subdivision or condominium must be consistent with:
  (i) The authorized RDP;
  (ii) Any specific conditions or required mitigation measures;
  (iii) SEPA review, including an environmental checklist; an
  (iv) All necessary construction authorization permits.

(b) Components or phases of the authorized RDP may be sub[illegible] with other required approvals as a master application.

19.30.040 Pre-application Conference.

(1) Pre-application conferences are mandatory for:
  (a) Agricultural Tourist Operations;
  (b) Subdivisions (long plats);
  (d) Linear Transmission Facilities;
  (e) Mining Site Operations;
  (f) Master Planned Developme[illegible]ions;
  (g) Master Planned Resorts;
  (h) Development located within t[illegible] FEMA [illegible]-year floodplain; and
  (i) Other projects where required [illegible] the Administrative Official under YCC Section 16B.04.010.

(2) Prior to applying, the applica[illegible] may arrange a conference with the Planning Division to review the proposed action, to be[illegible]me familiar with the policies, plans and the development requirements and to coordin[illegible] all ne[illegible]ary permits and procedures.

(3) Any in[illegible]ation or opin[illegible]ns expressed by the Planning Division staff shall not be binding on the [illegible] Official or constitute approval of the project. Refer to YCC Section 16B.[illegible]010 for procedural details concerning a pre-application conference.

19.30.0[illegible] Application Requirements.

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

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

(2) Site Plan.
A site plan, in conformance with Section 19.30.070.

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(3) Optional Consolidated Permit Review.

Under YCC Section 16B.03.060, two or more project permits relating to a proposed project action may be processed collectively under the highest numbered category of project permit required for any part of the proposal or processed individually under each of the procedures identified by the code. The applicable fee for each application will be required.

(4) Contents.

Individual chapters of this Title and YCC Title 16B contain additional information required for a particular type of application review process.

(a) Design modifications, administrative adjustments, variances, minor rezones, modifications to approved, existing, and nonconforming uses, lots and structures, and other specified applications shall submit documents and elements in conformance with this Chapter and the specific requirements of Chapters 19.33 through 19.36.

(b) All applications shall include the following information:

(i) Yakima County taxation parcel number(s) and, for land divisions, a legal description;

(ii) Description of proposed action;

(iii) *Size of subject property;*

(iv) Explanation of any administrative adjustment or design modification sought from the standards of this ordinance; and

(v) Draft of any proposed covenants, restrictions and easements.

(c) All necessary documents, narratives, detailed project development schedule or special studies identified at the time of pre-application conference must be included with the site plan at the time of submittal;

(d) A comprehensive sign plan meeting the requirements of Section 19.35.020(7), if an administrative adjustment or variance to the sign standards is requested;

(e) Special studies such as soil and geological analyses as determined necessary by the Administrative Official to address specific site constraints; and

(f) Any other information specified by the Administrative Official, such as:

(i) Existing ownership pattern;

(ii) Operation and maintenance proposals (i.e. homeowner's association, condominium, co-op or other);

(iii) Solid waste disposal facilities;

(iv) Lighting;

(v) Water supply and fire hydrants;

(vi) Public transportation;

(vii) Community facilities;

(viii) Flood proofing or other measures to protect against flooding; or

(ix) Information on design methods to conserve energy.

(5) Covenants, Conditions and Restrictions.

A copy of any existing covenants, conditions and restrictions (CC&Rs) or deed restrictions pertaining to or affecting the property.

(6) Boundary Line Adjustments.

Additional items required for a boundary line adjustments under Section 19.34.020 include:

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(a) Boundary Line Adjustments.

(i) Legal Descriptions.

New legal descriptions prepared by a licensed surveyor for all new lots affected by the boundary line adjustment before they are submitted to the Planning Division. Existing legal descriptions may be submitted with the Owners' Commitment or Subdivision Guarantee.

(ii) Record of Survey.

A record of survey shall be submitted with the boundary line adjustment application in compliance with RCW 58.09. The record of survey shall include on the face or be attached to a declarative covenant with a statement of intent of the altered boundary lines, signed and notarized by all current owners of the properties. The document shall be titled "Record of Survey." Every survey filed for record must contain or be attached to a declarative covenant or deeds giving a full and correct description of the lands divided as they appear, including a statement in substantially the following form:

> LANGUAGE FOR DECLARATION OF CORRECTED BOUNDARY LINES: This boundary line adjustment has been made with the free consent and in accordance with the desires of the owner or owners. No additional parcels of contiguous lots merged in this action may hereafter be sold, leased, transferred or developed through building permit or other development permit as a division separate or distinct from the land into which it is merged without prior approval under Yakima County Code Title 19.

(iii) Owner's Commitment or Subdivision Guarantee.

To establish the ownership of lots proposed for adjustment, the application shall be accompanied by a current Owner's Commitment or Subdivision Guarantee as provided under Section 19.30.060(8).

(iv) Yakima Health District Approval.

Applications for boundary line adjustments where individual on-site sewage systems are proposed on lots under two acres, or if located on Type 1 soil identified by WAC Chapter 246-272A, on lots under two and one-half acres shall be accompanied by a written verification from the Yakima Health District that the lots can accommodate an on-site sewage system, or that the proposed adjustment does not affect the on-site sewage system, as applicable under Section 19.34.060(5).

(7) Stormwater Site Plan.

A stormwater site plan, if required by YCC Chapter 12.10.

(8) Owner's Commitment or Subdivision Guarantee.

A boundary line adjustment, binding site plan, or preliminary plat application shall include a current Owner's Commitment or Subdivision Guarantee showing all parties having any interest in the "land" subdivided to establish the ownership of lots. The title company report shall be current within 60 days of submitting a complete application and address the following:

(a) The existing legal description of each parcel involved in the proposal;

(b) Those individuals or corporations holding an ownership interest and any security interest (such as deeds of trust or mortgages) or any other encumbrances affecting the title of said parcels.

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(c) Any lands to be dedicated shall be confirmed as owned in fee title by the owner(s) signing the dedication certificate; and

(d) Any easements or restrictions affecting the properties being adjusted with a description of purpose and referenced by the auditor's file number and/or recording number.

(9) SEPA Environmental Checklist.

Any application not exempt under YCC Section 16.04.110, WAC 197-11-800(6) or Chapter 43.21C RCW, State Environmental Policy Act, shall include an environmental checklist unless the SEPA Responsible Official determines one is not needed.

(10) Written Narrative and Other Information.

(a) A written narrative shall be submitted that addresses the following:

(i) Project description including project phases and timeframes from project authorization to project completion;

(ii) How the application meets or exceeds each of the applicable approval criteria and standards;

(iii) How the issues identified in the pre-application conference have been addressed, and generally, how services will be provided to the site; and

(iv) Whether any development standards are proposed to be modified from the underlying zoning district requirements.

(b) Applications for binding site plans shall include a narrative describing the provisions for long term maintenance with adequate financing for areas and facilities under common ownership.

(c) Applications for Master Planned Resorts shall include:

(i) A narrative demonstrating compliance with the approval criteria of Section 19.36.050;

(ii) Information in addition to the items of this Section and Subsection 19.30.070(7) required to review the unique MPR proposal;

(iii) Evidence of financial and other resources available to develop the project;

(iv) Tables showing total numbers of acres, distribution of area by use, percent designated for each use; and

(v) Approach to the strategies shown on the site plan and identified in Subsection 19.30.070(7) below.

(11) Cluster Development.

Applications for cluster developments under Section 19.34.035 shall include the items required in that Section and items required for a boundary line adjustment, short subdivision or subdivision, depending on the type of process required for the proposed cluster development.

(12) Master Planned Development Overlay.

(a) Application.

A proposed master concept plan may include properties both within and outside the jurisdictional boundaries of the cities, provided all areas are located within the UGA. Applications for Master Planned Development Overlays that transcend jurisdictional boundaries shall complete one of the following prior to acceptance of the application for processing:

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

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

(b) Development Plan – Submission Requirements.

An application for Master Planned Development shall include the following information:

(c) Planning History.

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

(d) Existing Property Information.

An application for a Master Plan Development shall contain the following information on and adjacent to the site, presented in narrative, tabular and/or graphic formats:

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

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

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

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

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

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

C. Existing buildings, if any, including use, location, size and date of construction;

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

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

F. Location of public and private easements; and

G. A description of the type, design and characteristics of the surrounding properties to assess the proposed Master Planned Development effects.

(e) Technical Studies.

Technical Studies may be required by the Administrative Official when potential adverse impacts are identified and may include:

(i) A Traffic Impact Analysis sufficient to assess access to the site and within the site, on-street parking impacts and limitations and necessary traffic-related improvements;

(ii) Drainage Study;

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(iii) Geotechnical Analysis;
(iv) Noise Analysis;
(v) Visual Composite; and
(vi) Other analysis of potentially significant issues as identified during the SEPA environmental checklist review.

(f) Site Plan.

The application shall include a concept site plan consistent with Section 19.30.070 that includes the following elements:

(i) The proposed circulation system of arterial and collector streets, including if known, the approximate general location of local streets, private streets, off-street parking, service and loading areas, and major points of access to public rights-of-way, with notations of proposed public or private ownership;
(ii) A Master Planned Development incorporating commercial or industrial facilities must provide a buffer or site design along the perimeter of the Master Planned Development, which shall reasonably transition the Master Planned Development to any adjacent properties zoned or used for residential purposes. If automobile parking, driveways, or machinery operation is within 100 feet of the Master Planned Development boundary, site screening shall be in accordance with Chapter 19.21;
(iii) Aesthetic considerations related to building bulk, architectural compatibility, light and glare, urban design, solar access and shadow impacts;
(iv) Site features to mitigate traffic, environmental, geotechnical and other impacts as identified in technical studies required by this Chapter; and
(v) Shoreline and Critical Areas where applicable.

(g) Development Agreement.

The application should also include a Draft Development Agreement including the following elements:

(i) Narrative Description of Project and Objectives;
(ii) Summary of Development Standards;
(iii) Site Plan Elements;
(iv) Development Phasing, including times of performance to preserve vesting;
(v) Public Meeting Summaries;
(vi) Performance Standards and Conditions addressing items "a" through "e" above;
(vii) Criteria for Determining Major vs. Minor Modifications and amendments; and
(viii) Signatures by each owner of the property within the Master Development Plan area acknowledging that all owners will be bound by conditions of approval, including use, design and layout, and development standards contained with an approved Plan and Development Agreement.

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19.30.070 Site Plans for Project Permits - Form and Contents.

(1) Form.

All site plans for project permits shall be drawn to scale and be legibly drawn, prepared, or printed on paper. The paper size shall be 8 ½" x 11" or 11" x 17" to show required improvement at an appropriate scale that can be read and reproduced. The County may also accept electronic submittals, as appropriate. The scale of the drawing shall be a standard

engineering scale as further defined for each application type, unless a different scale is authorized by the Administrative Official, and shall reasonably utilize the paper size. Site plans must include the items listed in Subsections (2) through (7) below for the specific application. The site plan may be on several sheets accompanied by an index sheet showing the entire site.

(2) Contents.

The Administrative Official may require the following site plan contents in Table 19.30.070-1 as necessary to review applications for project permits. The contents in Table 19.30.070-1 are intentionally broad and inclusive in order to comply with RCW [illegible]70B.080 and disclose all submittal requirements. This Title is implemented through [illegible]f forms tailored to submittal information related to specific application or case ty[illegible] under c[illegible]sideration.

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Table 19.30.070-1 Site Plan Submittal Requirements		
(a)	General Information.	
	(i)	The project boundaries of the site and of each affected lot, tract, or parcel, with all Assessor's tax parcel numbers for the subject property. (solid lines for existing lots, broken lines for proposed lots);
	(ii)	Engineer Scale, north arrow, legend and date;
(b)	Existing Conditions.	
	(i)	All major physiographic features, such as, critical areas and shorelines, on or abutting the site;
	(ii)	When ground slopes exceed ten percent, the site plan shall depict existing topographic contours at intervals of not more than five feet, extending one hundred feet beyond the boundaries of the site;
(c)	Existing and Proposed Development.	
	(i)	The location, shape, size, gross floor area, height and types of all existing and proposed structures, structures to be removed, minimum building setbacks, lot coverage, lot area, and the boundary lines of all proposed and existing lots, tracts, and easements;
	(ii)	Proposed location and dimension of community and public open space;
	(iii)	The location and dimensions of any existing and proposed utilities, streets, railroads, irrigation and drainage canals, easements and dedication of property within the subject property or adjacent to any affected lots;
	(iv)	The location, right-of-way width, pavement width, curbs, gutters, culverts and names of all existing or platted streets or roads, whether public or private, and other public ways within the subject property or adjacent to any affected lots;
	(v)	Location, dimensions and design of off-street parking facilities, showing points of ingress to and egress from the site;
	(vi)	Existing and proposed land uses, including primary and accessory;
	(vii)	Existing and proposed pedestrian and vehicular circulation patterns, and where specified, sidewalks, trails and bicycle paths;
	(viii)	Existing and proposed landscaping, sitescreening and street trees, where required;
	(ix)	The proposed contours and grading as they affect lot layout, streets, and drainageways as set forth in YCC 12.10, 16A, 16C and 16D;
	(x)	Existing and proposed public and private utility infrastructure including sewer or other waste disposal facilities, water mains, irrigation, fire protection systems and other underground utilities;
	(xi)	The existing on-site sewage system components and reserve areas and the proposed location of on-site sewage systems and soil test pits for all affected lots not served by an on-site sewage system or other approved wastewater treatment system. The location of structures on the adjoining lots when within 100 feet of a well or on-site sewage disposal system;
	(xii)	The location of all existing and proposed storm drainage facilities;
(	Floodplain Development.	
	A site plan for development in the 100-year floodplain shall also include the following information:	
	(i)	Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
	(ii)	The boundaries of the 100-year floodplain, the boundaries of floodways where floodways have been established, and the 100-year base flood elevations where base flood elevations have been established.
	(iii)	The boundaries of the 10 and 25-year floodplain using the flood risk maps provided by Yakima County as part the mandatory pre-application conference.
	(iv)	Other information as may be required by YCC Titles 13, 16A, 16C or 16D.

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19.30.071 Site Plans for Project Permits – Boundary Line Adjustments.

In addition to the requirements listed in Subsections 19.30.070(1) and (2) above, a boundary line adjustment shall show the location and dimensions of all structures/improvements existing upon the affected lots and the distance between each such structure/improvement when they are located within 100 linear feet of all existing and proposed boundary lines.

19.30.072 Site Plans for Project Permits – Preliminary Short Plats.

(1) Preliminary Short Plats.

In addition to the requirements listed in Subsection 19.30.070(1) and (2) above a preliminary short plat application shall show the following items where applicable:

(a) Location of the subdivision in range, township and section;

(b) Existing and Proposed Conditions:

(i) Approximate location of all natural features including, but not limited to areas covered by water and the location, width, name and direction of flow of all watercourses; and

(ii) For projects with more than four lots, the location, name, right-of-way width, approximate radii of curves and approximate grades of all proposed streets, alleys or roads within or on the boundary of the proposed subdivision;

(iii) The location, size and use of all existing platted and existing public areas within the proposed short subdivision. Areas for public use, approved by the Reviewing Official, shall be dedicated for such use and indicated on the final plat before recording;

(iv) Minimum building setback lines according to applicable development regulations, including buffers adjacent to critical areas and designated resource lands. A "typical lot" may show setbacks for all regular shaped interior lots. All setback lines must be shown on irregular shaped and corner lots.

(2) Final Short Plat.

The final short plat meeting the requirements outlined in Section 19.34.070 must be prepared by a licensed land surveyor and be submitted using forms provided by the Administrative Official and accompanied with the required fee.

19.30.073 Site Plans for Project Permits – Preliminary Plats.

(1) Preliminary Plats.

In addition to the relevant requirements listed in Subsections 19.30.070(1) and (2) above, including all items required for preliminary short plat applications, preliminary plats shall show the following items where applicable:

(a) Scale.

The scale of the drawing shall be a standard engineering scale at least one inch equals 200 feet and shall reasonably utilize the paper size, unless the Administrative Official requests or authorizes a different scale. Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire site.

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(b) General information.

(i) Proposed name of the subdivision; this name shall duplicate no name used on a recorded plat or subdivision in Yakima County, including municipalities of the county;

(ii) Names and addresses of the owners, subdivider, designer of the subdivision and the surveyor; and

(iii) A full and correct legal description of the entire lot, tract, parcel, site or division constituting the applicant's land.

(c) Proposed subdivision plat.

(i) Approximate dimensions of all lots with proposed lot and block numbers. Lot sizes and dimensions shall comply with Section 19.10.[illegible]; and

(ii) If the subdivider desires to develop the plat in phases, the phases shall be shown on the preliminary plat.

(d) A vicinity map showing all roads or road reservations, streams, and any other pertinent information that will assist in the consideration of the proposed subdivision, including the names of adjacent subdivisions. The vicinity map shall extend at least 800 feet from the proposed subdivision.

(2) Final Plats.

The final plat meeting the requirements outlined in Section 19.34.070 must be prepared by a licensed land surveyor and be submitted using forms provided by the Administrative Official and accompanied with the required fee.

19.30.074 Site Plans for Project Permits – Binding Site Plans.

(1) Binding Site Plans.

In addition to the requirements listed in Subsections 19.30.070(1) and (2) above all binding site plans shall show the following items where applicable:

(a) Scale.

The scale of the drawing shall be a standard engineering scale at least one inch equals 200 feet and shall reasonably utilize the paper size, unless the Administrator requests or authorizes a different scale. Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire site.

(b) General Preliminary Binding Site Plan Requirements.

Binding Site Plans shall show the location, description and proposed phasing of the following facilities proposed to serve the development, such as:

(i) Interior and exterior roadway network;

(ii) Water and sewerage facilities;

(iii) Stormwater drainage facilities;

(iv) Sidewalks and streetlights;

(v) Fire protection systems with sufficient water storage and flows;

(vi) Facilities to address compatibility with adjacent dissimilar land uses; and

(vii) For commercial and industrial uses, any lot(s) to be created as a part of the original Binding Site Plan.

(c) Site Plan Requirements for Manufactured/Mobile Home Parks.

All proposals for manufactured/mobile home parks shall include a site plan based upon a land survey. The site plan shall be drawn by a licensed architect, engineer or

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surveyor and shall include the items listed in subsection (1) above and the following information:

(i) All spaces clearly delineated on the site plan and dimensions and square footage for each space;

(ii) A building area within each space;

(iii) Unit setbacks for each space;

(iv) The location of required off street parking for each unit;

(v) Signage for the park and directional signage;

(vi) The location of all solid waste containers and screening of containers; and

(vii) All facilities, utilities, improvements and amenities including pathways, sidewalks, and recreational facilities.

(d) Site Plan Requirements for Campgrounds and Recreational Vehicle Parks.

Site plan requirements for campgrounds and recreational vehicle parks allowed under 19.18.130 shall include the items listed in subsection (1) above and the following campground-specific information:

(i) The proposed location, configuration and size of each camping space;

(ii) Amenities such as picnic areas, playgrounds, landscaped areas and buffers, restrooms, showers, dump stations and swimming areas;

(iii) The location of the campground or recreational vehicle park management office or owner/manager's residence, all existing buildings and structures on site and buildings, structures, and uses proposed to be developed in the campground or recreational vehicle park; and

(iv) The acreage and proposed site density of the campground and/or recreational vehicle park.

(2) Final Binding Site Plan

The final binding site plan meeting the requirements outlined in Section 19.34.081 must be prepared by a licensed land surveyor and be submitted using forms provided by the Administrative Official and accompanied with the required fee.

19.30.075 Site Plans for Project Permits – Master Planned Resorts (MPR).

In addition to the site plan requirements listed in Subsections 19.30.070(1) and (2) above all MPR Development Plans shall provide the following where applicable:

(1) Narrative and graphics (e.g., building elevations, concept plans) describing a detailed unifying theme consistent with the natural setting of the Master Planned Resort;

(2) Narrative and graphics describing all planned uses and their rationale consistent with the resort theme, the Resort Development Plan and definition of Master Planned Resort;

(3) Demonstration that residential uses will generally be of a nature and ownership that are clearly for short-term visitor accommodation. Other residential uses may be included only if such uses are integrated into and support the on-site recreational nature of the resort;

(4) Narrative and graphics describing the development phasing of the resort;

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(5) Narrative and graphics describing the following aspects of the resort at a conceptual level of detail: Strategies for:

(a) Supplying water to the resort, showing: (1) approximate service line locations; (2) water sources; (3) needed volumes; (4) available volumes; (5) water rights to support the resort; (6) water storage and facility locations; (7) designation of Satellite Management Agency; (8) other necessary information identified by Administrative Official.

(b) Sewage disposal, showing: (1) approximate sewer line locations; (2) approximate drainfield areas and locations; (3) estimated sewage volumes generated; (4) designation of Satellite Management Agency; (5) treatment facility locations; (6) lagoon and spray field areas and locations; (7) other information determined necessary by the Administrative Official.

(c) Vehicular, bicycle and pedestrian traffic flow, showing: (1) approximate road and path locations; (2) methods of dealing with hills and steep slopes; (3) methods of stormwater control; (4) necessary upgrades to existing systems; (5) anticipated typical street sections; (6) other necessary information identified by Administrative Official.

(d) Grading, showing: (1) how grading and resort design works with natural topography of site; (2) areas needing minor surface grading; (3) areas needing major excavation or filling along with their anticipated depth; (4) conceptual cross-sections to depict land form changes throughout resort; (5) approximate slopes planned throughout the resort; (6) other information determined necessary by the Administrative Official.

(e) Providing electric and communication utilities to the resort, showing: (1) approximate line locations; (2) necessary upgrades to existing systems; (3) substations and facility locations; (4) other information determined necessary by the Administrative Official.

(f) Providing emergency and other services, showing: (1) necessary upgrades to existing facilities; (2) station and facility locations; (3) other information determined necessary by the Administrative Official.

(g) Providing a consistent architecture, landscape and open space character, showing: (1) design consistent with theme; (2) typical or sample elevations depicting architectural character; (3) landscaping and open space plans; (4) other information determined necessary by the Administrative Official.

(h) Treatment and modification of critical areas, showing: (1) stream, floodplain and wetland modification; (2) restoration work; (3) buffer modifications; (4) stream and wetland crossings; (5) methods for dealing with other critical areas (if applicable such as Geologic Hazards, Wildlife Habitat and Critical Aquifer Recharge Areas; (7) other information determined necessary by the Administrative Official.

19.30.080 Application Review Procedures.

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

(1) Applications.

Applications shall include information necessary to review the proposal for conformance with this Title, as set forth in Section 19.30.060.

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(2) Completeness Review.

The procedures for determining whether an application is complete for review are established in YCC Sections 16B.04.030 through 16B.04.070.

(3) Violations and Penalties.

As provided in YCC Sections 16B.11.040 and 16B.11.050, and this Title, an application may be rejected by the Administrative Official where a violation of this or other County ordinances or state law is found to exist on the property until such time as the violation is remedied or the application itself is intended to remedy the violation or the Administrative Official determines the proposal has no bearing on the existing violation. Such violations may also be considered sufficient grounds for denial of an application by the County if the proposed application cannot and does not remedy the violation.

(4) Additional Information.

The Reviewing Official may request additional or more detailed information as provided in YCC Section 16B.04.040.

(5) Public Notice.

(a) Notice shall be given for Type 2, 3 and 4 reviews as provided for in YCC Chapter 16B.05.

(b) The Reviewing Official may solicit comments from any other person or public agency he feels may be affected by the proposal.

(6) Administrative Adjustments at Public Hearings.

In order to address site plan modifications resulting from the public hearing process, the Hearing Examiner and Board may grant administrative adjustments under the criteria of Chapter 19.35 without additional notice. Road Design Modifications may be authorized by the appropriate Reviewing Official only for those adjustable standards indicated in Section 19.35.040 under Table 19.35.040-1.

(7) Decision Criteria.

Decision criteria for Type 1 permits are listed below in Section 19.30.090. For all Type 2, 3 and 4 reviews, the Reviewing Official shall prepare written findings and conclusions stating the specific reasons, upon which the decision or recommendation to approve, approve with conditions or deny the application is based. The findings shall, at a minimum, address the following criteria:

(a) The present and future needs of the community will be adequately served by the proposed development and that the community as a whole will be benefited rather than injured;

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

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

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

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

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

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

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

(i) The development complies with all criteria in Chapter 1[illegible]8 applicable to the proposed use, unless otherwise administratively adjusted.

(8) Reviewing Official's Decision.

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

(a) Approve the application;

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

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

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

(e) Deny the application; and

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

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

(9) Limitations.

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

19.30.090 Type 1 Application Approval Criteria and Conditions.

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

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(a) The proposed development complies with the standards and provisions of the zoning district in which it is located, the development standards and all other applicable sections of this Title, except when an Administrative Adjustment is granted or the proposed development is otherwise modified according to the provisions of this Title.

(b) Adequate water, sewer, roads, and other infrastructure improvements exist, or will be provided, to serve the project consistent with the purpose of the zoning district.

(c) When located within an Urban Growth Area, the Reviewing Official may solicit and consider comments from the affected city in making this determination.

(d) When necessary to meet current development standards or to serve the proposed use, conditions may be required relating to:

(i) The number and location of vehicular access points (subject to approval by the reviewing authority with jurisdiction to issue approach or access permits);

(ii) The dedication of additional right-of way and/or public use easements for access, utilities or other purposes;

(iii) Increased building setbacks to provide for future road improvements for classified roads;

(iv) Flood hazard mitigation under YCC Chapters 16C.05, 16C.05 or 16D.05;

(v) Storm drainage facilities as required by Chapter 19.26;

(vi) Other infrastructure improvements;

(vii) Other mitigation measures required under the SEPA.

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

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

(4) When a proposed Type 1 project permit application is conditioned or denied, the applicant and/or property owner may appeal the determination to the Hearing Examiner under YCC Chapter 16B.09.

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

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

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

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

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

(a) Comply with any development standard or criteria for approval set forth in this Title or other relevant provisions of Yakima County Code;

(b) Mitigate material impacts of the development, whether environmental or otherwise;

(c) Ensure compatibility of the development with existing neighboring land uses; assure consistency with the intent and character of the zoning district involved;

(d) Ensure that the structures and areas proposed are surfaced, arranged and screened in such a manner that they are compatible with and not detrimental to existing or reasonable expected future development of the neighborhood or resource uses, consistent with the Comprehensive Plan; and

(e) Achieve and further the intent, goals, objectives, and policies of the Comprehensive Plan and this Title.

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

(a) Increasing or limiting the required lot size, setback or yard dimensions, consistent with development regulations;

(b) Limiting or increasing the height of buildings or structures, consistent with development regulations;

(c) Controlling the number and location of vehicular access points (subject to approval by the reviewing authority with jurisdiction to issue approach or access permits);

(d) Requiring the dedication or reservation of additional rights-of-way or easements for road or street improvements;

(e) Requiring the designation of public use easements or drainage easements and recording of same;

(f) Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location, screening, drainage, surfacing or other improvement of a parking area;

(g) Limiting the number, size, height, shape, location and lighting of signs;

(h) Requiring view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties;

(i) Designating sites for and/or the size of open space or recreational areas;

(j) Requiring site reclamation upon discontinuance of use and/or expiration or revocation of the project permit;

(k) Limiting hours and size of operation;

(l) Controlling the siting of the use and/or structures on the property;

(m) Requiring that public facilities are adequate to serve the proposed use;

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(n) Requiring improvements to public or private roads, bridges, stormwater facilities and drainageways, water systems or sewage systems; and

(o) Requiring mitigation measures to effectively reduce the potential for land use conflicts and separate Especially Sensitive Land Uses, as defined in Chapter 19.01, from active agricultural, forest, or mineral operations, such as: landscape buffers; special setbacks; screening; site design using physical features such as rock outcrops, ravines, roads, irrigation canals or critical areas.

(4) The Reviewing Official shall prescribe a time limit within which the action authorized shall be commenced, completed, or both. The time frame shall not exceed three years from the date of final action.

(a) The Reviewing Official may approve a longer time frame to cover subsequent phases of the project permit or action where a specific detailed development schedule and sufficient information has been provided by the applicant to allow evaluation of the full scope of the proposal including all phases at the time of review.

(b) Such time frame shall be consistent with state statute where specifically provided or such longer time as allowed by State law or by other requirements of this or other County Titles

(c) As provided in YCC Section 16B.07.050, failure to meet the time limit set shall void the approval; except that the Administrative Official may authorize a onetime extension of either or both upon request, provided such extension request is filed in writing prior to the required commencement or completion date as authorized in YCC Section 16B.07.050. Such extension request shall define the circumstances that prohibited the commencement or completion, or both, of the use authorized. The length of such time extension, if authorized, shall not exceed 12 additional months from the date the extension decision becomes final.

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

19.30.110 Final Decision.

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

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

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

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

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

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

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

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

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

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

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

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

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

19.30.130 Performance Assurance.

(1) Legislative Intent.

The intent of this Section is to:

(a) Ensure that public and private improvements required of a project permit are constructed;

(b) Provide for Latecomers Agreements and Road Improvement Districts to assist with financing required public improvements over time;

(c) Allow individuals developing property options for financing public and private improvements required by this Title to provide performance assurance in lieu of construction through acceptance of:

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(i) Surety Bonds;
(ii) Cash Escrow;
(iii) Cash Security Deposits; and
(iv) Maintenance Bonds;

(d) Provide a remedy and financing mechanism to ensure construction of required public and private improvements when the applicant fails to perform; and

(e) Protect public property.

(2) Applicability.

This Section applies to the construction and maintenance of public and private infrastructure improvements required under this Title and YCC Section 12.10.17[illegible]ted to stormwater.

(3) Latecomers' Agreements.

The County may join in the financing of improvement projects and may be reimbursed in the same manner as the owners of real estate who participate in the projects under this Section as an alternative to financing projects solely by owners of real estate. The applicant or proponent for a latecomers' agreement must propose an assessment reimbursement area. They shall be responsible for a financing bond fund for the cost to the County of setting up the agreement.

(4) Road Improvement Districts.

The developer may participate in the formation of a road improvement district (RID) to improve the dedicated right-of-way to minimum County standards as specified in Chapter 19.23. The County Engineer may require a road corridor study to determine the most suitable location for the dedicated right-of-way. The cost for such a study shall be borne by the developer.

(5) Financing in Lieu of Construction.

(a) As a condition of approval of any project permit decision under this Title, the Reviewing Official may require security for the performance, completion and maintenance of any proposed or required public or private improvement or any other term or condition of approval pertaining to a public or private improvement. The estimate of the performance and completion of any proposed or required improvement or any other term or condition of approval pertaining to an improvement will be reviewed and/or calculated by the County Engineer or a designee. When such security is required, it shall be made under this Section and must be made and approved prior to issuing the development permit. The quality, sufficiency, amount and exact form of the security are subject to the approval and satisfaction of Reviewing Official, typically the County Engineer for Public infrastructure, and Administrative Official for private infrastructure, or the Public Services Director where stormwater facilities are involved.

(b) Whenever security is provided by an applicant it shall state directly or by reference all the following provisions:

(i) What improvements or performance are secured;
(ii) A date or dates of required completion of improvements;
(iii) The amount of the security;
(iv) That the security is payable to Yakima County; and

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(v) That the applicant shall maintain the security in force until completion of all required conditions or improvements, for which the security was provided or for improvement maintenance warranty period.

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

(i) Surety Bond (For Improvements Costing More than $50,000.00).

RCW 58.17.130 provides for the acceptance of a surety bond by Yakima County in lieu of the actual construction of any required public or private improvement prior to the final approval of a development.

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

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

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

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

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

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

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

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

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

A. Cash deposits may be made to Yakima County for public or private improvements costing less than $5,000.00. The amount of the deposit shall be determined by an estimate of the estimated cost of

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completion of the required improvement prepared by a professional engineer plus 25% for project administration. Partial release of funds shall not be allowed. The maximum length of the deposit shall not exceed six months.

B. When a security deposit is made under this Section a written improvement agreement pertaining to performance of required improvements shall be made and signed by the applicant and the appropriate Reviewing Official for the County. The cost of the account shall be provided for by the applicant or may be deducted from the security deposit.

(iv) Maximum length of Cash Escrow or Surety Bond.

The maximum length of the Cash Escrow or Surety Bond may be extended by the Administrative Official when determined to be in the public interest to do so.

(v) Maintenance Bond.

A maintenance bond or other security is required for infrastructure improvements to ensure the successful operation of the improvements for not less than two years after acceptance of the construction of the improvements. The amount of the maintenance bond shall be 25% of a professional engineers' estimate of the construction cost of the improvements or $5,000 whichever is greater. The maintenance bond shall be in place prior to the Reviewing Official's final acceptance of constructing the infrastructure improvements and full compliance with permit conditions, or the release of the bond or surety placed in lieu of construction.

(6) Performance Failure.

If the improvements or performances secured by the deposit are not timely completed, the appropriate Reviewing Official shall notify the applicant in writing stating:

(a) The failure of the non-compliance and the action necessary to correct the same;

(b) The time in which the applicant must take corrective action; and

(c) That if corrective action is not completed within the time specified, the County will apply the funds in the security deposit or bond to effect compliance. If the corrective action is not taken by the applicant or permit holder within the time specified in the notice given by the Reviewing Official, the County shall, through its representatives, take whatever action that the County deems necessary to ensure the improvements are made. The County shall cause the performance or completion of the items covered by the security deposit or bond and shall apply funds held to the cost of such completion or performance. Any excess or surplus funds shall be refunded to the applicant after the performance maintenance warranty period has expired.

(7) Partial or Full Release of Security.

(a) Partial Release.

An applicant may request a partial release of any security under this Section based on partial completion or compliance with the events secured. If the Reviewing Official determines partial release is warranted he may cause a partial release of security in an amount deemed by him to be appropriate. A cash escrow shall not be reduced below 25% of the principal amount. At the end of the maintenance and warranty periods, all escrowed funds, if any, shall be released to the applicant.

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(b) Full Release.

The County will not accept dedication of required improvements, nor release nor reduce the any security posted by the applicant until the Reviewing Official has determined all required improvements have been satisfactorily completed and until:

(i) The applicant's engineer or surveyor has certified to the Reviewing Official, through submission of detailed "as-built" plan or survey indicating location, dimensions, materials, and other information required by the Reviewing Official that the layout of the line and grade of all public improvements is under construction plans for the development; or

(ii) A title insurance policy has been furnished to and approved by the Reviewing Official indicating the improvements have been completed, are ready for dedication to the County, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation by the Reviewing Official, the County shall accept the improvements for dedication in accordance the established procedure.

(8) Applicant and Permit Holder Responsible for Deficiencies.

The applicant and/or permit holder is responsible for all costs incurred by the County in causing completion of the events secured by any security provided for under this Section. If after fully applying the security a deficiency remains, the applicant and/or permit holder shall be jointly and severally liable for such deficiency and for reasonable attorney's fees necessary to collect the same.

(9) Administration.

The Administrative Official, County Engineer or Public Services Director as determined by the performance requirement may sign documents and otherwise administer securities under the provision of this Section.

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Chapter 19.31
INTERPRETATIONS

Sections:

19.31.010 Legislative Intent.
19.31.020 Written Request for Interpretation.
19.31.025 Interpretation Decisions.
19.31.030 Similar Use Interpretations.
19.31.040 Interpretation of District Boundaries.
19.31.050 Appeals.

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19.31.010 Legislative Intent.

The intent of this Chapter defines the responsibilities, rules and procedures for clarifying the text of this Title, the zoning map which it incorporates and the rules and regulations adopted under it.

19.31.020 Written Request for Interpretation.

A written request for interpretation of any provision of this Title, similar use, the zoning map as provided in Section 19.10.030, or any rule or regulation adopted under this Title shall be submitted to the Administrative Official. Each request shall set forth the specific provision or provisions to be interpreted and the facts of the specific situation establishing the request for an interpretation under YCC Section 16B.03.070.

19.31.025 Interpretation Decisions.

(1) All questions of interpretation shall be first presented to the Administrative Official, and such questions shall be presented to the Hearing Examiner only by referral from the Administrative Official or on appeal from the decision of the Administrative Official.

(2) As per YCC Section 16B.03.070, the Reviewing Official shall state the analysis and reasons upon which any interpretation is based and if the interpretation is a use interpretation, how the interpretation is also consistent with the specific conditions established in Section 19.31.030.

(3) The Administrative Official shall maintain a written record of interpretations and rulings issued in writing by him or the Hearing Examiner on file and available for inspection in the Planning Division.

19.31.030 Similar Use Interpretations.

(1) Similar Uses.

When a proposed unclassified use appears to be similar in character and consistent with the purpose of the zoning district, the Reviewing Official will determine whether the use is similar to a use listed as a Type 1, 2, 3 or 4 use for the zoning district. If the Reviewing Official finds that the proposed use is similar and meets the provisions in Subsection (2) below, the proposed use shall be processed as the similar Type 1, 2, 3, or a Type 4 use according to Chapter 19.30. The Administrative Official's similar use interpretation may be appealed to the Hearing Examiner as provided in Section 19.31.070 and YCC Title 16B.

(2) Use Interpretation Criteria.

The following criteria shall govern the Reviewing Official in issuing all use interpretations:

(a) No use interpretation shall vary the location or review requirements of any use listed in this Title.

(b) No use interpretation shall permit any use in any zoning district unless evidence is presented that demonstrates it will comply with the purpose, intent, goals, objectives and policies of the comprehensive plan and the intent and development standards established for the particular district.

(3) Prohibited Uses.

This Section does not apply to prohibited uses listed under subsection 19.30.030(7).

19.31.040 Interpretation of District Boundaries.

When there is uncertainty regarding the zoning district boundaries on the official zoning map, the Administrative Official shall use the following rules to interpret the precise location of any zoning boundary:

(1) Boundaries shown as following or approximately following the city limits, platted lot lines, or section lines, half-section lines, or quarter section lines shall be construed as following such lines.

(2) Boundaries shown as following or approximately following streets shall be construed to follow the centerlines of such streets, except where it is necessary to use the right-of-way boundary because a corporate or Urban Growth Area boundary explicitly includes the road.

(3) Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.

(4) 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 changes in the shoreline, shall be construed as moving with the actual floodway, floodplain and shoreline.

(5) Boundaries shown as following or approximately following the centerline of streams, rivers, lakes or canals shall be construed as following such centerlines. If a natural change occurs of

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such streams, rivers, or other water courses, the zoning boundary shall be construed as moving with the channel centerline.

(6) Where a public right-of-way is vacated, the vacated area shall have the zoning district classification of the property to which it accrues, and all of the area in the vacation shall then and henceforth be subject to all regulations of the extended districts.

(7) Boundaries indicated as parallel to or extension of features in Subsections (1) through (6) above shall be so construed. Distances not indicated on the official map shall be determined by the scale of the map.

(8) Where physical or cultural features existing on the ground conflict with those shown on the official zoning map, or in other circumstances not covered by Subsections (1) through (7) above, the Administrative Official shall interpret the zoning district boundaries. The interpretation of the Administrative Official may be appealed under YCC Title 16B.

19.31.050 Appeals.

The Reviewing Official's decision on an interpretation shall be final and conclusive unless appealed by an aggrieved party under YCC Title 16B and RCW 36.70C within the timeframes and procedures specified.

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Chapter 19.33
NONCONFORMING LOTS, STRUCTURES AND USES

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Sections:

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

19.33.010 Legislative Intent.

Lots, uses, and structures exist which were lawful when established but whose establishment would be restricted or prohibited under current zoning regulations. This Chapter is intended to protect only those uses, structures and lots that were legally established prior to a change in regulation, and have not been abandoned or discontinued. However, a range of regulatory strategies provided herein allows nonconforming uses to continue so long as they are benign or compatible with neighboring properties. Nonconforming uses with incompatible attributes, as defined, may be injurious to neighboring properties or cause nuisances to the detriment of the community and therefore should not be reestablished when substantially damaged or destroyed.

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

19.33.020 Applicability.

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

(1) If a lot, use or structure deemed legally nonconforming under past zoning regulations is brought into compliance with current standards, it shall be considered conforming.

(2) The provisions in this Chapter do not supersede or relieve a property owner from compliance with building, fire, health or other life safety requirements of Yakima County Code.

(3) Additional review requirements are provided within the jurisdictions of the Shoreline Master Program and the Critical Areas Ordinances for nonconforming uses or structures as defined in YCC Titles 16A, 16C or 16D.

19.33.030 Nonconforming Status.

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

(a) Legal Nonconforming.
Lots, uses and structures legally created or lawfully established prior to subdivision or zoning requirements, under prior zoning codes and/or County subdivision regulations are legally nonconforming and may be maintained or altered subject to provisions of this Chapter.

(b) Illegal Lots, Structures and Uses.
Structures, lots, required site improvements, uses and/or developments not legally established or existing as of the effective date of this Title remain their illegal status and must be abated or comply with this Title under actions directed as a result of enforcement proceedings and/or the necessary permit applications.

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

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

19.33.040 Legal Nonconforming Lots.

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

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

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

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

(i) Detached, single-family dwellings;

(ii) Zero lot line, common wall or duplex development in the R-2, R-3 and B-1 districts;

(iii) Multifamily development in the R-2, R-3, B-1 and GC districts; and

(iv) Any permitted use or structure in the industrial (M-1, M-2) and commercial (SCC, LCC, GC) districts.

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

(2) Boundary Changes to Nonconforming Lots.

(a) A legal nonconforming lot may be increased in size to bring it into closer conformance with area, yard or depth requirements of the zone in which it is located. Reduction to a nonconforming lot's size is permitted only under Subsection 19.34.020(4)(b)(v) and Section 19.34.030 Parcel Reconfiguration.

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

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

19.33.050 Legal Nonconforming Buildings or Structures.

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

(1) Maintenance, Repair, Expansion or Structural Alteration.

A legal nonconforming building or structure may be maintained, remodeled, repaired, expanded, enlarged, or structurally altered upon approval by the Building Official, as provided in this Subsection.

(a) Building Permit Required.

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

(b) Administrative Adjustment or Variance.

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

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

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

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

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

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

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

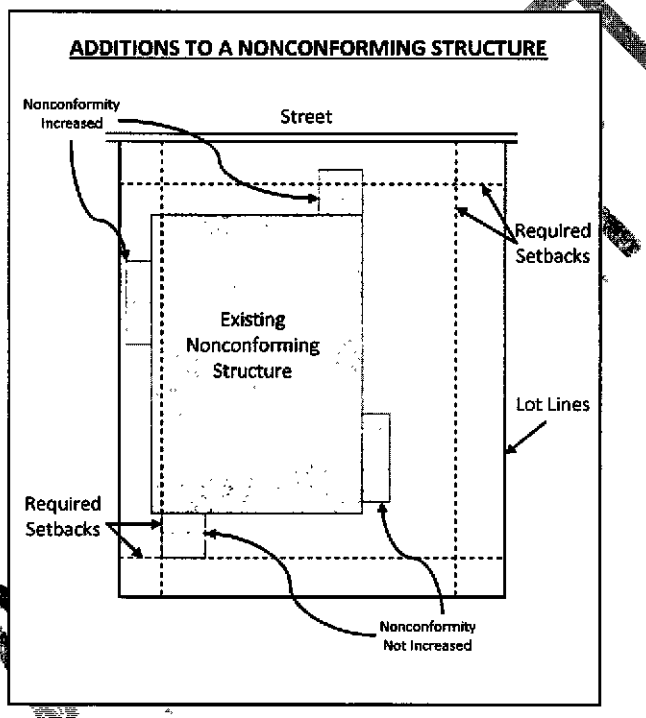


Figure 19.33.040-1. Additions to a nonconforming structure.

(2) Restoration of Damaged Building or Structure.

(a) Damaged or Destroyed Structure.

A legal nonconforming building or structure damaged or destroyed by fire, flood, explosion, wind, earthquake, war, riot, calamity or other catastrophic event may be restored or repaired under this Subsection.

(b) Documentation.

The property owner shall provide the information necessary under Subsection 19.33.030(2) to reasonably assure the Reviewing Official that a requested restoration or repair complies with this Section. Acceptable documentation may include:

(i) A basic site plan containing the information defined in Section 19.01.070 showing the actual dimensions of the nonconforming structure, its height, and its exact placement on the lot prior to being damaged; and,

(ii) A written narrative describing the use or uses that existed immediately prior to damage; and

(iii) An affidavit or certificate from an insurance company or other entity with knowledge of the situation that the narrative and site plan accurately represents the nonconforming structure and its use or uses as they were immediately prior to damage or destruction.

(c) Natural Hazards- Additional Requirements.

Nonconforming structures damaged or destroyed by flooding or other natural hazards shall additionally be subject to the requirements of YCC Titles 16A, 16C or 16D.

(d) Reconstruction not Involving Expansion or Nonconforming Use.

The Administrative Official may, through a Type 1 review process, approve reconstruction in conformance with the site plan or to be more conforming with the provisions and standards of the zoning district in which it is located. If it is determined that the requested reconstruction amounts to any expansion of the nonconforming structure's original bulk or dimension, the proposal shall be reviewed under Subsection (1) above. If it is determined the requested reconstruction involves a nonconforming use, the proposal shall also be reviewed under Section 19.33.060 Legal Nonconforming Uses.

(e) Reconstruction of Structures.

The building or structure, not expanding and not containing a nonconforming use, may be reconstructed to the footprint existing immediately before damage or destruction, provided:

(i) A building permit for said restoration shall be applied for within 18 months of the date of damage or disaster.

(ii) Restoration/reconstruction shall be completed within two years of the date of damage or disaster.

(iii) Upon receiving a written request, the Reviewing Official may, through a Type 1 review process, extend the above time limitations, provided the property owner submits documentation demonstrating there was no intent to discontinue the structure and building permits are obtained prior to the expiration of the extension. Documentation may include, but is not limited to, the following:

A. Requests for approvals necessary to re-establish the structure submitted to appropriate county, state and federal agencies within 18 months after the structure was damaged or destroyed;

B. The property or structure has been involved in litigation; and

C. Disputes in insurance settlements in the case of fire or casualty.

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

(3) Relocation.

A legal nonconforming building or structure shall not be relocated on the same lot unless said move results in bringing the building or structure into closer compliance with requirements of the zoning district in which it is situated.

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(4) Signs.

Any sign lawfully existing under all codes and ordinances in effect when this Title is enacted or amended may continue to be maintained and operated as a legal non-conforming sign, subject to Subsection (4)(b) below, so long as it remains otherwise lawful; provided that:

(a) No sign shall be changed in any manner that increases its noncompliance with this Title;

(b) If the sign is structurally altered or moved, its legal non-conforming status shall be voided, and the sign and any replacement will be required to conform to Chapter 19.20. Nothing in this Section shall be construed to restrict normal structural repair and maintenance; and

(c) The sign is not a hazardous sign or abandoned sign;

19.33.060 Legal Nonconforming Uses.

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

(1) Establishment of Legal Nonconforming Status.

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

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

(i) Dated business receipts showing types of service or goods provided;

(ii) Statements or records from utilities, such as power, water or gas, that indicate the date and type of use and demonstrate that the use was conducted over time;

(iii) Operating licenses issued by government agencies;

(iv) Property rental invoices or receipts;

(v) Income tax records;

(vi) Dated listings in telephone, business or Polk directories;

(vii) Records of the County Assessor;

(viii) Building, land-use or development permits;

(ix) Dated photographs, newspaper clippings and other relevant documentation; or

(x) Notarized affidavits from neighbors or persons who have observed the nonconforming use over required period of time may assist in substantiating its presence..

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

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whether the nonconforming use or structure was lawfully established and in continuous operation, and review it for compliance with this Chapter.

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

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

(a) The required maintenance and repair activities are for the purpose of continuing the nonconforming use at or below the lawful nonconforming use level, except as permitted through the nonconforming use alteration review process under Subsection (4) below; and

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

(4) Expansions or Alterations of Uses.

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

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

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

(c) Nonconforming Dwellings.
Any alteration or expansion of a nonconforming dwelling shall not exceed an increase of 50% of the gross floor area (including attached structures) when the dwelling became nonconforming. New detached, private garages and other

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structures accessory to the dwelling may be established, but new accessory housing units shall not be established on a lot containing a nonconforming dwelling. Expansions to nonconforming dwellings, not exceeding 50% of the gross floor area, and new detached structures accessory to the dwelling, other than accessory housing units, may be allowed under Type 1 review by the Administrative Official, who may attach conditions and limit the size and number of proposed accessory structures, provided the proposal:

(i) Will not change or modify any permit condition previously imposed;

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

(iii) Will not create or materially increase any adverse impacts or undesirable effects of the project, in the Administrative Official's determination.

(d) Process to Alter, Enlarge, Expand or Extending Nonconforming Uses or Structures.

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

(i) Approval Criteria.

The Hearing Examiner may grant the relief requested if he finds all of the following:

A. That the alteration or expansion requested would not be contrary to the public health, safety or welfare;

B. That the alteration or expansion is compatible with the character of the neighborhood; and does not significantly jeopardize future development of the area in compliance with the provisions and the intent of the zoning district;

C. That the use or structure was lawful at the time of its inception;

D. That the value of nearby properties will not be significantly depressed by approving the requested alteration or expansion;

E. That the nonconforming structure shall comply with all development standards and codes to the extent feasible;

F. That the use or structure will not cause, increase or expand detrimental attributes for the area it is located due to: use of hazardous materials; generation of noise, odors or electronic interference; introduction of incompatible uses; or generation of large numbers of vehicle trips; change in hours of operation; and emissions of light or glare; and

G. That the proposed alteration or expansion requested will not create negative health or safety impacts and need not be excluded to protect the public from harm.

(ii) Findings and Conclusions.

The Hearing Examiner shall prepare written findings and conclusions stating the specific reasons for his decision to approve, approve with conditions or deny the application. The findings shall include the Hearing Examiner's

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determination regarding compliance of the proposed alteration or expansion with the criteria established in Subsection (4)(e)(i) above.

(iii) Conditional Approval.

When approving alteration or expansion of a nonconforming use, the Hearing Examiner may attach conditions to the proposed alteration or expansion or any other part of the development to assure the development is improved, arranged and screened to be compatible with the objectives of the Comprehensive Plans, this Title, and neighboring land uses.

(e) Nonconforming Mining Site/Operation.

Enlargement or expansion of a nonconforming mining site/operation that does not have a current permit from the Department of Natural Resources (DNR) may be allowed when the site is within an area plan designated mineral resource overlay, subject to the respective listed required level of review (1, 2, 3 or 4), rather than the nonconforming use expansion procedure of this Section. Those without current DNR permits shall be required to comply with this Title by applying for and receiving approvals for designation and operation of the site.

(5) Change of Use.

The legal nonconforming use of a building, structure, or land may be changed, subject to the following:

(a) Change to an Allowed Use in the Zone.

Applications to convert from a nonconforming use to a use allowed in the zone shall be made under Type 1, 2, 3 or 4 review, depending on the designated level of review for the new use as a Type 1 Permitted, Type 2 Administrative or Type 3 or 4 Conditional Use. Once converted to a permitted use, the nonconforming use shall not be re-established.

(b) Change to Another Non-Allowed Use.

A legal nonconforming use may be changed to another non-allowed use, subject to a Type 2 review, only if all of the following conditions are met:

(i) The proposed new use must have equal or lesser overall adverse impacts to the surrounding area considering such factors as traffic, required on-site parking, hours of operation, noise, glare, dust, odor, and vibration.

(ii) The proposed use will not introduce hazardous materials, compromise wells, otherwise cause detrimental health hazards, or interfere with development potential of nearby properties under current zoning regulations.

(iii) The change in use will not result in an increase in the amount or area devoted to outdoor storage of goods and/or materials, nor will it cause a reduction in existing or required landscaping and sitescreening.

(iv) The proposed new use will not enlarge the structure or building space.

(v) The proposed change in use will involve minimal structural alteration.

(vi) The Reviewing Official may impose conditions to ensure compliance with Subsections (5)(b)(i) and (ii) of this Section.

(c) Required site improvements, parking and signage shall be subject to the specific provisions of this Title.

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(6) Restoration of Damaged Building or Structure.

A building or structure containing a legal nonconforming use damaged by fire, flood, explosion, wind, earthquake, war, riot, calamity or other catastrophic event may be restored or repaired, and its nonconforming use may be resumed or continued, as follows:

(a) Substantial or Partial Destruction of a Residential Structure.

When a lot contains one or more legal, nonconforming, habitable dwellings, as defined in YCC Title 13, a dwelling with gross square footage not to exceed an increase of 50% of the building at the point it became nonconforming may be reconstructed through Type 1 review. Nonconforming mobile homes may only be replaced with a site-built dwelling, modular home or a manufactured home conforming to siting requirements of Section 19.18.290. The replaced or restored dwelling must be constructed according to building, health, and life safety codes within the time frame of Subsections (6)(c) and (d) below. New detached, private garages, carports and other residential accessory structures may be established without regard to a time frame under Subsection (4)(c) above.

(b) Partial Destruction of a Non-Residential Structure.

If the extent of either damage or repair cost does not exceed 50% of either the square footage or assessed value, as established by the most current County Assessor's tax roll, of a building or structure containing a nonconforming use, other than a dwelling or accessory residential structure, the building or structure may be reconstructed to the footprint existing immediately before partial destruction, subject to the time frames of Subsections (6)(d) and (e) below. Any expansion is subject to the review process of Subsection (4) above.

(c) Substantial Destruction of a Non-Residential Structure.

If the extent of either damage or repair cost exceeds 50% of either the square footage or assessed value of such building or structure as established by the most current County Assessor's tax roll, the building or structure shall only be reestablished when approved as an alteration under Subsection (4) above.

(d) A building permit application for said restoration shall be filed for within 18 months of the date of the building permit issued to remedy the damage, disaster or destruction.

(e) Restoration/reconstruction shall be completed within two years from the date of the issuance of the permit.

(f) Upon receiving a written request submitted prior to the expiration of 18 months following destruction, the Administrative Official may through a Type 1 review process extend the above time limitations for special circumstances beyond the control of the owner of said building or structure. A lapse of more than 18 months shall be considered a discontinuation under Subsection (7) below.

(7) Discontinuation of Legal Nonconforming Use.

If a legal nonconforming use of land is discontinued or terminated, it shall not be re-established. Any subsequent use of the building or land shall conform to requirements of the zoning district in which it is located.

(a) A use is discontinued when:

(i) It is succeeded by an allowed land use listed for the zoning district;

(ii) It is succeeded by another non-allowed use under Subsection (5) above;

(iii) The structure in which the use was located was damaged or destroyed and an application for rebuilding or replacement is not made within 18 months of

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the damage or destruction, or the application for the replacement of the nonconforming structure is denied through the Type 3 review process under Subsection (4) above; or

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

(b) The Administrative Official may, through a Type 1 process, grant an extension to the timeframe identified above, provided the property owner submits documentation demonstrating there was no intent to abandon the use and other applicable permits are obtained prior to the expiration of the extension. Documentation may include, but is not limited to, the following:

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

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

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

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

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

A. The time involved for marketing the premises; or

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

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

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Chapter 19.34
DIVISIONS OF LAND

Sections:

19.34.010 Legislative Intent.
19.34.012 Applicability.
19.34.020 Boundary Line Adjustment.
19.34.035 Cluster Developments.
19.34.040 Short Subdivisions.
19.34.050 Subdivisions.
19.34.060 Requirements for Site Improvements, Reservations and Design.
19.34.070 Final Subdivisions and Short Subdivisions.
19.34.080 Binding Site Plans.
19.34.081 Campgrounds and Recreational Vehicle Parks.
19.34.082 Manufactured or Mobile Home Parks.
19.34.090 Utility Services Tracts – Conservation Tracts.

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19.34.010 Legislative Intent.

It is the intent of this Chapter to implement those purposes set forth in RCW 58.17.010, by:

(1) Regulating the division of land within the unincorporated areas of the County;

(2) Promoting the public health, safety and general welfare;

(3) Promoting safe and convenient travel by the public on roads, streets and highways;

(4) Facilitating adequate provision for water, sewerage, drainage, parks and recreation areas, sites for schools and school grounds, and other public requirements;

(5) Providing for proper ingress and egress;

(6) Insuring the general tax-paying public is not burdened with those development costs that are more appropriately the responsibility of the original developer;

(7) Preventing overcrowding of land by providing adequate open spaces;

(8) Requiring uniform monumentation of land subdivisions and conveyance by accurate legal description;

(9) Furthering the goals, policies and objectives of:
   (a) The Growth Management Act;
   (b) The Shoreline Management Act;

(c) The Yakima County Comprehensive Plan, the Yakima Urban Area Comprehensive Plan, subarea plans and all related elements; and

(d) Adopted Comprehensive Flood Hazard Management Plans.

(10) Establishing criteria pursuant to the requirements of Chapter 58.17 RCW;

(11) Promoting public safety by reviewing divisions for compliance with the National Flood Insurance Program by implementing YCC Titles 13, 16A, 16C, 16D and this Title;

(12) Recognizing that small lots clustered lots and parcels reconfigured from existing parcels as authorized by Yakima County pursuant to applications submitted after May 20, 1997 renders the resulting parcel(s) undersized rather than nonconforming in status; and

19.34.012 Applicability.

(1) Jurisdiction.

All boundary line adjustments and divisions of land within the unincorporated territory of Yakima County, Washington, shall be made in full compliance with this Title, other relevant requirements of Yakima County Code and RCW Chapter 58.17, as it now exists or is amended.

(2) Non-Reviewed Actions under RCW 58.17.040.

RCW 58.17.040 authorizes the divisions as identified in this Subsection without review under this Chapter, and subject to review under all other applicable County land use regulations:

(a) Cemeteries and burial plots while used for that purpose.

(b) Division of land into lots or tracts not containing a dedication, in which the smallest lot created by the division is 40 acres in area, or more, or that which is defined in the instrument of division as one-quarter of a quarter section of land, or greater area where the zoning district specifies a greater minimum; provided, that to compute the size of any lot under this Subsection the lot size shall be expanded to include that area which would be bounded by the centerline of the adjacent public street or road right-of-way.

(c) Divisions of land made by testamentary provisions, or the laws of descent;

(d) Divisions for lease when no residential structures other than mobile homes, manufactured homes, park models or travel trailers may be placed upon the land when the Reviewing Official has approved a binding site plan for the use of the land under Section 19.34.082.

(e) Divisions of land created under RCW Chapter 64.32 or Chapter 64.34 (the Horizontal Property Regimes Act and Condominium Act).

19.34.020 Boundary Line Adjustments.

(1) Purpose and Applicability.

The purpose of this chapter is to allow for adjustment to boundary lines of existing lots where no new lot is created pursuant to the definition of Boundary Line Adjustment under Section 19.01.070, except those created under 19.34.090. This chapter applies to all boundary line adjustment (BLA) applications.

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(2) Application Submittal Requirements.
A boundary line adjustment application submitted must conform to all of the requirements of Sections 19.30.060, 19.30.070 and 19.30.071.

(3) Review Procedures.
Boundary line adjustments are Type 1 project permits that are subject to review by the Administrative Official under Type 1 review requirements of Subsection 19.30.030(1).

(4) Concurrent Subdivision Applications.
When there is a concurrent subdivision application associated with the boundary line adjustment, the finalization of the boundary line adjustment must be completed prior to the associated final subdivision.

(5) Review Criteria.
The Reviewing Official's review of boundary line adjustments (BLA) shall use the following criteria for approval:

(a) All lots involved in the BLA application shall be contiguous and legally created as described in Subsection 19.01.070;
(b) Will not create additional lots, tracts, parcels, or divisions;
(c) Vacated rights-of-way or utility sites or easements parcels must remain in their configuration or be consolidated with adjoining lots;
(d) Will not render a conforming structure or lot as substandard with respect to minimum setbacks, width and area, nor increase the nonconforming aspects of an existing nonconforming structure;
(e) Will not compromise or render impractical any existing easement, designated building area, building envelope or easement reservation so it is unable to serve its intended purpose, unless acceptable provisions are made to replace or fully compensate for said purposes;
(f) Will not alter boundaries to create intervening in-fee ownership separating the property;
(g) Ensure accessory dwelling units as set forth in 19.18.020(1) remain with the primary use of the property;
(h) Is consistent with applicable development restrictions and the requirements of this title, including but not limited to the general development standards of Chapter 19.10 and any conditions deriving from prior subdivision or short subdivision actions;
(i) Will not cause boundary lines to cross a UGA boundary, jurisdictional boundaries, split zoned lots, cross on-site sewage disposal systems, prevent adequate access to water supplies, or obstruct fire lanes;
(j) Will correct split zoned or designated lots with two or more zoning designations;
(k) Will not detrimentally affect access, access design, or other public safety and welfare concerns. The evaluation of detrimental effects may include review by the health district, the County Engineer, or any other agency or department with expertise;
(l) Will not create new access which is unsafe or detrimental to the existing road system because of sight distance, grade, road geometry, or other safety concerns as set forth in Chapter 19.23 and as determined by the County Engineer;

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(m) A BLA involving more than four lots must comply with the provisions set forth in Chapter 19.25;

(n) The proposed BLA will not cause any lot that conforms with lot area or lot width requirements to become substandard;

(o) The proposed BLA may adjust the size and dimension of undersized or nonconforming lots provided, that the adjustment does not increase the divisibility of any of the final lots. Additionally, proposals for BLA changes in the AG and FW zoning district must be shown to benefit existing long-term commercial resource use;

(p) Proposals for a BLA within the AG zoning district resulting in one vacant 1 to 3 acre lot and 1 remainder lot will require the recording of a declarative covenant to be placed on the large remaining lot immediately upon any future BLA or subdivision creating a 1 to 3 acre residential lot. The declarative covenant will indicate the large remaining lot cannot be further subdivided for 15 years while designated Agriculture by the Yakima County Comprehensive Plan.

(6) Decision.

The Administrative Official's written decision to approve, approve with conditions, or deny the boundary line adjustment shall constitute a final determination on the project permit application as provided by YCC 16B.03.030(1)(a), based on the record and the criteria of Subsection (5) above. A final conditions compliance check is required within one year of the decision.

(7) Recording.

To finalize an approved boundary line adjustment for recording with the County Auditor all of the following must be met:

(a) Record of Survey.

A record of survey shall be submitted as a condition of approval of the adjustment application in compliance with Chapter 58.09 RCW. The document shall be titled "Record of Survey." Every survey filed for record must contain or be attached to a declarative covenant or deeds giving a full and correct description of the lands divided as they appear, including a statement in substantially the following form:

> LANGUAGE FOR DECLARATION OF BOUNDARY LINE ADJUSTMENTS: This boundary line adjustment has been made with the free consent and in accordance with the desires of the owner or owners. No fractional part of contiguous lots merged in this action may hereafter be sold, leased, transferred or developed through building permit or other development permit as a division separate or distinct from the land into which it is merged subject to the applicable code that is in effect at the time of application.

(b) Payment of Taxes Prior to Recording.

In accordance with RCW 84.56.345, the applicant shall present a certificate of payment from the Yakima County Treasurer that all required taxes and special assessments are paid prior to recording.

(c) Owners' Signatures Required.

All owners within the boundary line adjustment application shall sign the final recording document in the presence of a notary public.

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(d) Applications by Single Ownership.

If applicable, boundary line adjustments within single ownership shall be conveyed through declaration of reconfiguration, declaration of easement or other conveyance recognized by the State of Washington.

(e) Disclaimer.

Approval of a boundary line adjustment does not represent or warrant that any lot so altered by an approved boundary line adjustment is suitable for development. All boundary line adjustments filed with the auditor shall contain the following on the recorded survey:

> Disclaimer: Approval of this Boundary Line Adjustment does not guarantee a buildable site within said parcel(s). Such determination depends on approvals of water, septic, bulk and dimensional setbacks, and critical area/shoreline requirements.

(f) Other Recorded Documents.

The deeds or other appropriate conveyances recognized by the State of Washington shall be filed for record concurrently with all other required documents, including any applicable disclosures.

(8) Expiration by Time Limitation and Reinstatement.

Failure to record and complete all conditions within one year of the Administrative Official's approval means the boundary line adjustment application is expired. An extension request must be submitted for review and approval prior to the expiration date of the original decision as per YCC Subsection 16B.07.050(2).

19.34.035 Cluster Developments.

(1) Purpose.

The purpose of this section is to provide regulations and standards for lot clustering in urban and rural areas. It does this by boundary line adjustment or subdivision for developing residential property, whereby landowners and developers are given incentives to cluster lots on the most buildable and least environmentally sensitive portions of sites, while retaining a substantial portion of each site, including most resource lands and environmentally sensitive areas, in open space tracts. In order to take advantage of these incentives, landowners and developers are required to meet specific requirements called forth in this Title.

(2) Applicability.

Cluster development may be permitted by boundary line adjustment under Subsection 19.34.030 or division of land under Sections 19.34.040 and 19.34.050: Cluster development is allowed in the following areas and situations:

(a) In the AG and FW districts, provided that the number of buildable lots, defined in Section 19.01.070, may not be increased through the cluster development provisions of this Section in these districts;

(b) Ten or more total acres in areas of the Rural-10/5 district that meet the criteria of Subsection 19.11.030(4);

(c) Four or more total acres in the RT district;

(d) Five or more total acres in the SR, R-1 and R-2 districts where a community on-site sewage disposal system or regional sewer system is also provided for the new lots.

(e) Outside Urban Growth Areas where a public water system, defined in Section 19.01.070, is provided;

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(f) Within Urban Growth Areas where both a public water system and a community on-site sewage disposal or regional sewer system are provided; and

(g) Cluster development is not allowed in the MIN, R/ELDP-40, RS, HTC, R-3, B-1, B-2, SCC, LCC, GC, M-1 and M-2 zoning districts;

(3) Development Standards.

Cluster developments of existing lots or creating additional lots shall be conditioned appropriately to meet the development standards of this Title.

(a) Maximum Density.

Cluster developments involving new lots in rural and Urban Growth Areas are allowed to the applicable minimum lot size requirements of Chapters 19.11 through 19.13. A density bonus of 115% of the gross area of the site may be used when clustering new lots.

(b) Cluster Lots.

(i) Clusters within or Adjacent to Rural and Resource Lands.

To the maximum extent possible, site design shall use the following methods to separate residential development from existing and potential agricultural, forest, and mineral resource uses on adjacent land and the remainder lot:

A. Use of physical features to separate the cluster lots from farm, mining or forest operations. Examples of such physical features are rock outcrops, ravines or deep draws, irrigation canals, and critical areas;

B. In the AG zone only:

1. Location of the cluster development on predominantly nonagricultural soils and in non-irrigable areas of the property if evidence is provided documenting that the proposed cluster location reduces adverse impacts to agriculture.

2. A covenant shall be recorded in a form acceptable to the Administrative Official that documents that any lot allowed to be greater than three acres in size shall be considered a small lot and is not capable of being further subdivided or residentially developed while zoned AG.

(ii) Cluster Development in All Areas.

A. Clustering of 2 to 4 lots shall be subject to road standards in Chapter 19.23.

B. Clustering of more than 4 lots shall be subject to the development standards of this Title as they pertain to common access, internal roadways and sewer and water systems,

C. Cluster developments that create new lots with critical areas present or within shoreline jurisdiction must adhere to the requirements of the critical areas ordinances and shoreline master program and this Title.

D. When creating a cluster development of existing platted lots that require the relocation of easements, the plat alteration or vacation process set forth in this Chapter must be used.

(c) Remainder Parcel.

(i) Development on Remainder Parcel and Density.

The maximum density allowed within the project application site shall be calculated when cluster development is proposed described as follows:

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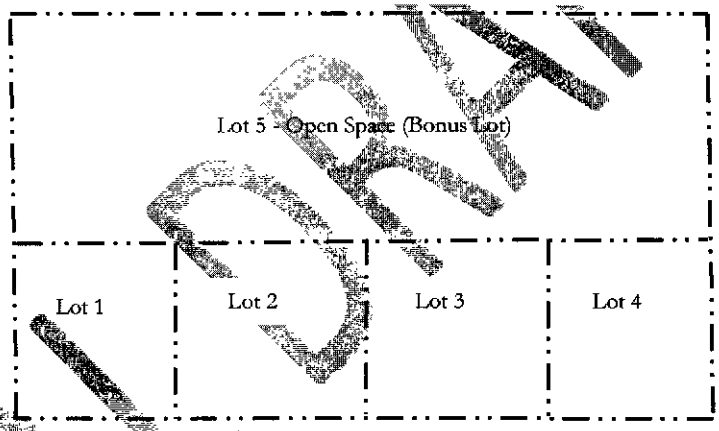
A. Density Bonus.

The remainder parcel will be designated for use only as open space. The creation of cluster lots shall equal the maximum allowed density, with the remainder open space parcel as the bonus lot as shown in Figure 19.34.035-1. A restrictive covenant or plat note shall be recorded in a form acceptable to the Administrative Official that states:

> Lot [insert lot or parcel number] shall remain in open space until such time as the comprehensive plan designation is changed to allow increased development density.

Figure 19.34.035-1 Bonus Cluster Development

Subject site total area = 20 acre parcel
Min. Density = 1 lot per 5 acres
20 acres/5 acres per lot = 4 lots total density plus open space bonus lot.



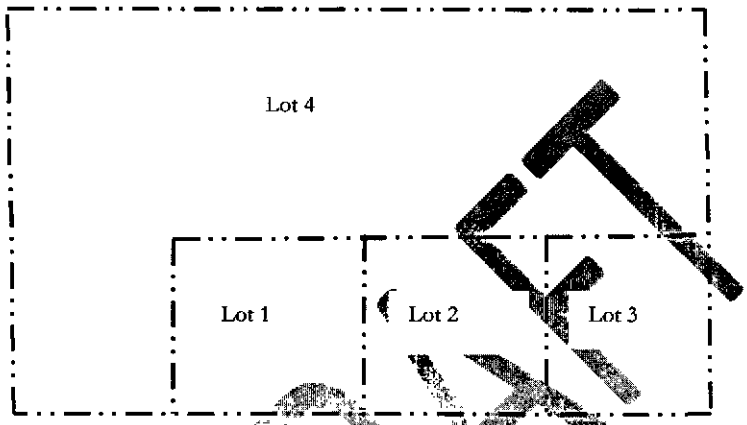
B. Standard Cluster.

When the remainder parcel is designated for development with a permitted use, it must exceed the open space size requirements set forth in Table 19.34.035-1 to provide an adequate buildable area, which will be noted on the final plat or recorded drawing. The area of the remainder lot outside of the buildable area shall be maintained as open space as shown in Figure 19.34.035-2. This buildable area must be located outside of any critical areas and any associated buffers.

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Figure 19.34.035-2 Standard Cluster Development

Subject site total area = 20 acre parcel
Min. Density = 1 lot per 5 acres
20 acres/5 acres per lot = 4 lots total density



(ii) Lot Size and Density Calculations.
The lot size and density calculations shall be based on the size of the lot as it existed on May 21, 1997. All lots of any subsequent division of land shall be included in the calculation.

(iii) Declarative Covenant or Plat Note.

A. A plat note shall be recorded in a form acceptable to the Administrative Official that documents that the cluster lots resulting from a boundary line adjustment or by division of land under this Title are not subject to special setbacks for especially sensitive land uses from remainder parcels and other property zoned for commercial agriculture, forestry or surface mining uses, described in Section 19.18.205.

B. The declarative covenant or plat note of Subsection (3)(c)(iii) above shall document the unavailability of further divisions beyond the density to which the lot, in its configuration as it existed on May 21, 1997, is entitled, until the remainder lot is served with both regional sewer and area-wide water system, and, if applicable, included within an Urban Growth Area or if a comprehensive plan designation changes the allowable density.

C. Notice of Resource Activities.
Where otherwise undevelopable cluster remainder parcels are designated for commercial timber or agricultural activities the following notice shall be recorded as a plat note to serve as notification to each parcel within the cluster:

> The property is adjacent to commercial agricultural or forest lands on which a variety of commercial activities may occur that are not compatible with residential development. Potential impacts or inconvenience may include, but are not limited to:

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Noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

(d) Lot Requirements.

New lots subject to this Section shall comply with the applicable lot size standards for clustered lots in the following Table 19.34.035-1.

Table 19.34.035-1 Lot Requirements – Cluster Development

Zoning District	Site Density	Lot Type	Minimum Lot Area	Maximum Lot Area
AG FW	Maintain existing density	Cluster Lot	1.0 acre	3.0 acres unless the Reviewing Official grants a larger lot size in accordance with Section 19.11.010(4)(d).
		Remainder Parcel	Determined by area of cluster lot(s)	None
Rural-10/5	Maximum of one unit per 5.0 acres	Cluster Lot	1.0 acre (1)	3.0 acres
		Remainder Parcel	Determined by area of cluster lot(s)	None
RT	Maximum of one unit per 2.0 acres	Cluster Lot	0.33 acre(1),(2) if served by community sewer system	3.0 acres or less as determined by area of remainder parcel
			1.0 acre if not served by community sewer system	
		Remainder Parcel	3.0 acres or half the total project site, whichever is greater	None
SR R-1	4.0 to 7.0 units per acre within the developed portion	Cluster Lot	7,000 sq. ft.(2)	Determined by area of remainder parcel
		Remainder Parcel	Minimum Necessary for SMA (3)	None
R-2	7.0 to 11.0 units per acre within the developed portion	Cluster Lot	8,000 sq. ft.(2)	Determined by area of remainder parcel
		Remainder Parcel	Minimum Necessary for SMA (3)	None

Notes:

(1) Unless a greater area is required by YCC Title 13 for fire separation.

(2) *Unless a larger size* is required by the Yakima Health District or Washington Departments of Health or Ecology. Cluster lots may use right-of-way to meet the minimum lot size as *permitted* by Subsection 19.10.030(3)(a).

(3) Remainder parcels designated for residential development must accommodate a building area in addition to the minimum area necessary for an approved Satellite Management Agency (SMA) to operate the community water and sewer system. See Subsection (3)(c)(ii)(B) above.

(4) Review Criteria for Cluster Developments.

(a) In reviewing a proposal for cluster development through boundary line adjustment, the Reviewing Official shall determine whether:

(i) The site plan satisfies the requirements of Section 19.30.070 and this Section; and

(ii) The proposal meets the development standards of Subsection (3) above.

(b) The Reviewing Official may apply such special conditions or stipulations to approving a cluster development as required to maintain compatibility with neighboring uses and to promote the objectives and purposes of the Comprehensive Plan and this Title.

(c) If the Reviewing Official finds that the requirements of this Section are satisfied, they shall approve the cluster development, subject to any special conditions or stipulations under this Section, any necessary reduction to special setbacks provided by Section 19.18.205, and any necessary enlargement of lot size under Section 19.11.015.

19.34.040 Short Subdivisions.

(1) Administration.

The Administrative Official shall administer and interpret the short subdivision provisions of this Chapter.

(2) Pre-Application Review for a Preliminary Short Subdivision.

Whenever a short subdivision requires use of a substandard adjacent road for access or use of an interior road that will serve more than four units or lots, a preliminary short subdivision shall require a pre-application conference under YCC Section 16B.04.010 unless waived in writing as permitted by that section. An applicant for pre-application review of a preliminary short subdivision shall submit a completed pre-application review form, and the information in YCC Section 16B.04.010.

(3) Preliminary Short Subdivision Application.

(a) Application.

An applicant for a preliminary short subdivision shall submit the requisite fee, a completed application review form and the information in Section 19.30.060.

(b) Process.

Review of the application shall be conducted as a Type 2 process under Chapter 19.30 and YCC Title 16B.

(4) Decision Criteria and Review.

(a) The Administrative Official shall approve a preliminary short plat if the applicant has demonstrated the application complies with the approval criteria in Subsection 19.34.050(5)(a) or that the application can meet those criteria by complying with conditions of approval.

(b) Preliminary short subdivision approval shall be considered the basis upon which the applicant may proceed with development of the short subdivision and preparation of

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the final short plat subject to all conditions of the preliminary short subdivision approval.

(5) Amendments to Preliminary Short Subdivisions.

(a) Applications to amend a preliminary short subdivision approval shall be processed through Type 2 review subject to additional notice and fees provided that the short subdivision application has not expired. The Administrative Official may amend conditions of the preliminary short subdivision approval as necessary to address the proposed amendment request; however, this process is not intended to remove conditions of approval more appropriately addressed through the appeal process.

(b) Minor changes or correction of errors not involving an increase in the number of lots or the change of conditions may be made by the applicant or County through the Type 1 review process.

(6) Expiration of Preliminary Short Subdivision Approval.

Approval of a preliminary short subdivision shall expire after five years. Extension of preliminary short subdivision approvals are determined under YCC Subsection 16B.07.050(2).

(7) Final Short Subdivision Application.

An applicant for review of a final short subdivision shall submit the requisite fee, a completed application review form and copies of the information as required by Section 19.34.070. Review of a final short subdivision shall be conducted as a Type 1 process specified in Section 19.34.070.

(8) Recorded Short Plat Alteration or Vacation.

Once a short plat has been recorded with the County Auditor it can be altered or vacated in whole or part in a manner not involving the re-subdivision into more than four lots from the original short subdivision outside an Urban Growth Area, or more than nine within Urban Growth Areas. When increasing the number of lots from the original approval, the Type 2 short subdivision application process will be required as outlined in YCC Title 19. When a proposed alteration or vacation involves a public dedication, the alteration or vacation shall be processed under Chapter 58.17 RCW. If the proposed alteration or vacation does not involve a public dedication, the altered or vacated short subdivision shall be processed under the following provisions:

(a) The altered or vacated short subdivision must comply with the procedures and requirements of this Chapter. A new plat will be required with a survey of any new lot lines created by the altered or vacated short subdivision. The title block of the recorded plat map shall state "*Amended Short Plat.*"

(b) The altered or vacated short subdivision shall show all of the land on the original short plat and shall bear the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject short subdivision or portion to be altered within the original short subdivision as described in RCW 58.17.212 and 58.17.215 as shown by a current (i.e., within 60 days) title certificate.

(c) Minor changes or correction of errors not involving a change in lot lines or conditions may be made by the surveyor through the Type 1 review process by

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recording an affidavit with the County Auditor referencing the short plat by number and the correction.

(d) When reducing the number of lots from the original approval and the proposed change does not affect any of the recorded plat requirements from the original approval, such as but not limited to easements, plat notes, access and/or utility locations, the boundary line adjustment process may be used as outlined in this Chapter.

(9) Further Divisions of Land in Short Subdivisions.

Once property is subdivided under the short subdivision regulations of this Title no further division creating more than nine lots, tracts, parcels, sites or divisions in the Urban Growth Area, or more than four lots, tracts, parcels, sites or divisions outside the Urban Growth Area, shall be made for a period of five years from recording of the short plat, unless a final plat has been approved and filed for recording under the subdivision and final plat provisions of Sections 19.34.050 and 19.34.070. In the case of any proposed re-division of land within a short subdivision or a subdivision, either the short subdivision or subdivision provisions of this Title and RCW 58.17 shall be complied with dependent upon the number of divisions proposed within the "land" as defined by Section 19.01.070 of this Title and/or the period of time that has elapsed since recording a prior short plat.

19.34.050 Subdivisions.

(1) Pre-Application Conference.

The applicant shall submit a pre-application conference form and site plan of the proposed development showing the proposed layout of streets, lots, and other features in relation to existing conditions. The Planning Division shall schedule a subdivision pre-application conference as provided in Section 19.30.040 and YCC Section 16B.04.010 and provide notice of the scheduled meeting to all federal, state and local agencies and public/private utility providers having a direct influence upon or who can provide general information on the proposed subdivision.

(2) Submission.

The applicant shall submit an application for preliminary subdivision to the Yakima County Planning Division, consisting of:

(a) An application fee as specified in YCC Chapter 20.01,

(b) The preliminary plat; and

(c) Supplementary material as specified in Sections 19.30.060, 19.30.070, 19.30.072 and Subsection 19.34.050(1) shall be submitted to the Planning Division.

(3) Public Notice of a Proposed Subdivision and Hearing.

When a complete preliminary subdivision has been submitted to the Planning Division, the Administrative Official shall establish the date and time for a public hearing before the Hearing Examiner. The notice of public hearing and notice of application shall be as provided in YCC Chapter 16B.05 and RCW 58.17.090.

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(4) Review Requirements.

Review of the application shall be conducted as a Type 4 process under Chapter 19.30 and YCC Title 16B.

(a) Copies of the preliminary subdivision application, supplementary material, environmental documents and notice of public hearing shall be forwarded by the Planning Division to the agencies identified in RCW 58.17.080, RCW 58.17.150 and YCC Subsection 16B.05.030(3)(a) for their respective recommendations, if any.

(b) The Yakima Health District may require the applicant to provide information necessary to determine the feasibility of the contemplated sewage disposal and water supply for the proposed subdivision.

(c) Any recommendations of the aforesaid public agencies shall be submitted to the Planning Division prior to the close of the record under Subsection 19.34.050(5).

(5) Decision Criteria – Public Hearings – Written Findings.

(a) Decision Criteria.

The Reviewing Official shall approve a preliminary subdivision if the applicant has demonstrated the application complies with the following approval criteria or that the application can meet these criteria by complying with conditions of approval:

(i) The preliminary subdivision is in the public interest.

(ii) Public and Private Facilities.

The following facilities are adequate to serve the proposed subdivision before or concurrent with development of the preliminary subdivision:

A. Public and private streets and roads;
B. Open spaces, parks and recreation;
C. Drainage;
D. Access to mass transit where there is or will be such transit;
E. Potable water supplies;
F. Sanitary waste collection and treatment;
G. Schools and educational services (if residential);
H. Pedestrian facilities, particularly for students who walk to and from school;
I. Fire prevention services; and
J. Irrigation water supplies

(iii) Compliance with Standards.

The application will conform to all adopted County and State rules and regulations as set forth in Section 19.01.020.

(iv) Phasing.

If a phasing plan is proposed, the applicant must demonstrate that:

A. The phasing plan includes all land within the preliminary subdivision. A master preliminary plat shall be required with the initial phase approval that shows the future plat phases on the same document to establish and delineate the general development parameters for future phases;

B. Each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with requirements established for the entire subdivision;

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C. Prior to recording the final plat for each phase, all required improvements for that phase will be built, bonded or escrowed;

D. Each phase is consistent with an overall site and drainage plan under YCC Chapter 12.10 approved for the entire development prior to the recording of the final plat of the first phase; and

E. The sequencing of phasing may occur in any order provided that all conditions of each phase are met consistent with the approved phasing plan.

(v) Grading.

Where the slope between the highest and lowest points on the site exceeds five percent, a final grading plan for the full development, consistent with the drainage plan, depicting the final grade shall be shown for the entire plat with topographic contours at intervals of not more than five feet.

(vi) Flood, Inundation or Swamp Conditions.

A proposed subdivision may be denied because of flood, inundation or swamp conditions under RCW 58.17.120. Construction of protective improvements may be required as a condition of approval and such improvements shall be noted on the final subdivision or in the Hearing Examiner's recommendation.

A. New lots established for building purposes partially in the 100-year floodplain shall have at least a 5,000 square-foot building envelope outside the floodplain; (16C)

B. New lots established for building purposes that are entirely within the 100-year floodplain shall meet the subdivision standards set forth in YCC Titles 16C and 16D YCC Titles 16A, 16C and 16D; and

C. New lots established for water-dependent land uses, as defined by YCC Section 16D.06.12, shall meet the requirements of YCC Subsection 16D.03.27(3) of the Shoreline Master Program.

(b) Open Record Public Hearing Review.

(i) The Hearing Examiner shall consider:

A. Agency reports, public testimony and all other relevant facts and consider the decision criteria of Subsection (5)(a) above;

B. Whether the proposed subdivision and dedication makes appropriate provisions for public health, safety and general welfare and for such open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

C. Whether the public interest will be served by the subdivision and dedication.

(ii) If the Hearing Examiner finds that the proposed subdivision meets the decision criteria in Subsection (5)(a) above, then the Hearing Examiner shall recommend approval of the preliminary subdivision to the Board of County Commissioners (BOCC). A recommendation for approval may state conditions for such approval.

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(iii) If the Hearing Examiner finds that the proposed subdivision does not meet one or more decision criteria in Subsection (5)(a) above, the Hearing Examiner shall recommend disapproval of the preliminary subdivision.

(iv) The recommendation of approval or disapproval shall be made under YCC Section 16B.08.050. The recommendation of approval or disapproval shall be based upon the factors specified in this Section and RCW 58.17.110 and every such recommendation shall be in writing and shall include findings of fact and conclusions to support the recommendation.

(v) Recommended conditions to be fulfilled after approval of the preliminary subdivision shall be written on the face of the plat or incorporated in the Hearing Examiner's written recommendation.

(vi) Upon receipt of the recommendation of the Hearing Examiner, the Planning Division shall transmit a copy of the recommendation to the County Engineer, the Health District, the subdivider and the subdivider's surveyor.

(c) Closed Record Hearing Review.

(i) The Board of County Commissioners, upon receipt of the Hearing Examiner's recommendation on any preliminary subdivision shall, at a public meeting, set the date for a closed record hearing to consider the matter under the procedures and standards of YCC Chapter 16B.09.

(ii) A record of the closed record public hearing shall be kept by the Board of County Commissioners and shall be open to public inspection.

(6) Decision – Notifications.

A copy of the resolution, with findings and conclusions, indicating the action of the Board of County Commissioners shall be sent to the Planning Division, the County Engineer, the County Assessor, the Health District, the subdivider and the subdivider's surveyor.

(7) Approval – Limitations.

(a) Approval of a preliminary subdivision shall not constitute approval of the final plat for recording. The plat shall be a guide to preparing the final plat which shall be submitted for approval of the required officials within five years of preliminary subdivision approval or as such time period is modified by RCW 58.17.140.

(b) An approved subdivision expires five years after the effective date of the preliminary subdivision approval (or as such time period is modified by RCW 58.17.140) unless a fully complete application for a final subdivision has been submitted. Extensions may be approved under Subsection (10) below.

(8) Final Decision and Appeal.

The decision of the Board of County Commissioners on any subdivision application is final and conclusive unless appealed to the Superior Court under the Land Use Petition Act, Chapter 36.70C RCW.

(9) Preliminary Subdivision Amendment.

Following preliminary subdivision approval and before submission of a final plat, the applicant may request an amendment to the approved or conditionally approved preliminary subdivision. This Subsection provides for different procedures depending on whether the amendment is major or minor, but these procedures do not apply to incidental changes to

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the approved preliminary subdivision and any conditions or recommendations imposed by the Reviewing Official. An application for an amendment to a preliminary subdivision shall be considered either a minor or major amendment under the following criteria. The applicant must meet all of the criteria in Subsection (a) below.

(a) Criteria – Minor Amendments.

(i) A change to a condition of approval does not modify the intent of the original condition;

(ii) The perimeter boundaries of the original site are not extended;

(iii) The proposal does not increase the overall residential density of a site;

(iv) The proposal does not change or modify housing ty[illegible]

(v) The proposal does not reduce the designated ope[illegible]

(vi) The proposal does not increase the overall im[illegible]vious su[illegible]face on the site by over five percent and the applicant complie[illegible]with any additional stormwater requirements under YCC Title 12.10, including

A. Stormwater treatment requir[illegible]ments fo[illegible]creases of impervious surface area of more than five t[illegible]nd squa[illegible] feet; and

B. Stormwater flow control requir[illegible]ment[illegible]for in[illegible]ases of impervious surface of more than [illegible]usand [illegible]

(vii) Any request to divide the p[illegible]ect in[illegible] phas[illegible]r to modify approved phases complies with the phasing plan criteria of Subsection (5)(a)(iv) above and will not have a material effect on conditions of subdivision approval or cause a delay in construction of planned amenities (community buildings, footpaths, etc.) approved with the original preliminary subdivision;

(viii) Any conditions or expansions approved through minor amendments that cumulatively exceed the requirements in this Section shall be reviewed as a major amendment; and

(ix) The extent of the minor modifications does not result in potentially significant adverse impacts that were not addressed during environmental review of the preliminary subdivision.

(b) Filing of Minor Amendments.

The following procedures shall be required for all minor amendments:

(i) Application Type.

Requests for minor amendments shall be a Type 1 process on forms provided by the Administrative Official.

(ii) Routing.

Minor amendment applications may be routed to any County division and to any agency with jurisdiction at the Administrative Official's discretion.

(iii) Approval.

The Administrative Official may approve an application for a minor amendment, approve with additional conditions, or require modification of the proposal to comply with specified requirements or determine that the application shall be processed as a major amendment.

(iv) Denial.

The Administrative Official shall deny an application for minor amendment if the proposal does not meet or cannot be conditioned to meet Subsection (a) above. It may be possible to process the preliminary subdivision amendment under Subsection (c) below.

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(a) above. It may be possible to process the preliminary subdivision amendment under Subsection (c) below.

(v) Appeal.
The Administrative Official's decision may be appealed as provided in YCC Chapter 16B.03.

(c) Major Amendments – Criteria.

(i) Amendments exceeding the provisions of Subsection (a) above shall be considered a major amendment and shall follow the same procedure required for a new application and fee.

(ii) Major amendments shall be subject to the most current County codes including density requirements.

(iii) Any public hearing on a proposed major amendment shall be limited to whether the proposed major amendment should or should not be approved. The Reviewing Official shall approve or disapprove any proposed major amendment and may make any modifications in the terms and conditions of preliminary subdivision approval reasonably related to the proposed amendment. If the applicant is unwilling to accept the proposed major amendment under the terms and conditions required by the Reviewing Official, the applicant may either withdraw the proposed major amendment or may appeal the determination as provided under law.

(10) Time Extensions.
A written request may be filed with the Administrative Official for extension of the time for finalization of a preliminary subdivision. The request for extension must be submitted in writing to the Administrative Official at least 30 days prior to the expiration of the preliminary subdivision approval under Subsection (7) above. The Administrative Official shall circulate the time extension request to affected agencies for comments. Extension requests shall be processed as a Type 1 application as specified under YCC Chapter 16B.03. The expiration date of the preliminary subdivision shall be on hold until the Administrative Official issues a decision on the application and any subsequent appeals are resolved.

(a) Approval Criteria.
The Administrative Official may approve the request after making findings that the final subdivision extension will not be contrary to the public health, safety or general welfare, and provided that one or more of the following circumstances is found to apply:

(i) Some portion of the existing preliminary subdivision has been finalized since the project was approved and the remaining lots would form a unified development consistent with the original approval and the phasing criteria of Subsection (5)(a)(v) above.

(ii) The preliminary subdivision remains generally consistent with the original subdivision that was approved.

(iii) When preliminary subdivision approval was granted, development of the proposal was conditioned upon the extension of public facilities, which are not yet available. This circumstance shall not apply to extensions which the project sponsor would *normally fund.*

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(iv) Court records or judgments submitted demonstrate legal proceedings directly related to completing the plat have prevented the applicant from finalizing the preliminary subdivision within the original approval period.

(b) Submittal Requirements and Timeline.

The request for the time extension shall be accompanied by the approved preliminary subdivision showing the location and size of any development or work already completed on the project, with a timeline that identifies when each of the conditions of the decision has or will be completed and details circumstances that prohibited the commencement or completion, or both, of the authorized subdivision.

(c) Extension Limitations and Additional Conditions.

The Administrative Official may only grant one time extension, up to a period of five additional years from the original expiration date. RCW 58.17.140(4) authorizes the grant of extension to include additional or altered conditions and requirements recommended by affected agencies or found applicable by the Administrative Official if issues presented are substantially instigated by revisions to the original approval or if changes in adjacent development or studies merit updates to required conditions.

19.34.060 Requirements for Site Improvements, Reservations and Design.

(1) Completion of Improvements – Performance Assurance.

Before the "division of land" as defined in Section 19.08.070 is approved by the Reviewing Official, the applicants shall complete all required site improvements, reservations, and designs as identified in the decision to the satisfaction of the Reviewing Official and the County Engineer., All site improvements, as required by this Title and specified in the terms of preliminary division of land approval shall be dedicated free and clear of all encumbrances on the dedicated property and public and private improvements. In lieu of these improvements, Yakima County may accept a bond or other security under Section 19.30.130, as provided by RCW 58.17.130.

(2) Construction of Improvements.

Where improvements are required, plans for such improvements shall be submitted to the County Engineer, who shall review them for conformance with conditions of preliminary subdivision approval and other adopted county standards as of preliminary division of land approval. Approval shall be given by the signature of the County Engineer on the improvement plans. Improvements shall be designed by or under the direct supervision of a licensed engineer where required by statute (Chapters 18.08, 18.43, and 18.96 RCW). The licensed engineer shall certify same by seal and signature. All construction plans shall comply with this Title and in addition to the above certification shall contain the following:

(a) Subdivision name;
(b) Name, mailing address, and telephone number of engineer preparing the plan; and
(c) Date (month and year).

(3) Monumentation.

Permanent control monuments shall be set at all lot corners, block corners, angle points, points of curves in streets and centerlines of new right-of-way, points of intersection and

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Irrigation distribution facilities shall be provided as required under RCW 58.17.310 and as implemented by right-of-way preservation for irrigation system maintenance in Comprehensive Plan policy.

(5) On-Site Sewage Systems.

(a) Verification.

The applicant shall provide written verification from the Yakima Health District to the Planning Division that the proposed lots are adequate to accommodate an on-site sewage system and reserve area outside of any water supply protection zone under WAC 246-272A-0320 when an individual, on-site sewage system is proposed:

(i) On lots under two acres in size; or

(ii) On lots under 2.5 acres in size located on Type I soils as identified by WAC Chapter 246-272A.

(b) Notice.

Where the Yakima Health District waives the requirement to provide written verification that the lots can accommodate an on-site sewage system, but one or more resultant parcel is under 2.5 acres, the following notice shall be recorded on the final plat or document:

> Notice to Public: The Yakima Health District has waived the requirement to provide written verification that lots in this plat can accommodate an on-site sewage system.

(c) Improvements Required.

As a condition of approval the Reviewing Official may require sewer improvements as set forth under Subsection 19.15.045(1) for development within Urban Growth Areas.

(6) Public Water System.

Where a public water system is required for divisions of land, water service lines and fire hydrants must be installed from the mainline to each lot within easements prior to final plat or short plat approval. Water service lines may be excluded only if all of the following conditions apply:

(a) Each lot has direct access to water from the mainline without the service line having to be installed over or across a separate lot from the lot to be served;

(b) Service lines would not need to cross roads or other utilities;

(c) Water service to other lots would not need to be interrupted to install the service lines in the future; and

(d) Where required, a covenant shall be recorded establishing a well control zone (sanitary control area) of sufficient diameter as determined by the Yakima Health District and/or the Washington State Department of Health.

(7) Recreation Areas.

Pursuant to RCW 58.17.110 and related statutes, the County shall require subdivision five acres or larger within Urban Growth Areas and all plats three acres or larger in Rural Settlements to designate a portion of land area exclusive of streets as a recreation area. Recreation areas may include: private or public parks, pocket parks or mini-parks, playgrounds, trails and pathways.

(a) Standards and Review.

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(i) Designation.

The nature of the area shall be clearly indicated on the plat, "Reserved for Recreation Purposes."

(ii) Size, Topography and Location.

A. The recreation area shall be of useable size, dimension, topography, and have adequate road access for the proposed recreational use;

B. The recreation area shall be maintained in a singular contiguous tract, parcel or lot; (S/N)

C. When recreation areas are required for single-family and multi-family residential uses, the Reviewing Official shall determine the number of acres to be reserved based on the ratio of 1 acre/per 100 dwelling units, which equals 435.6 sq. ft. per dwelling unit; and (N)

D. Where the proposed recreation area is less than the percentage in Subsection C. above, payment in lieu of recreation area under Subsection (b) below shall apply.

(iii) Recommendation.

The Reviewing Official may refer such proposed recreation area to the local government official or department in charge of parks and recreation for recommendation.

(iv) Dedication.

The developer shall convey all open recreation areas to the homeowners' association, or other responsible entity as a condition of final subdivision approval. Any acquisition of the land required for public parks or recreational areas, other than streets and alleys, shall be obtained by deed from the developer as a condition of final approval of the subdivision.

(v) Maintenance Agreements for Private Recreation Areas.

Covenants shall provide perpetual maintenance of recreation areas dedicated to or operated by parties other than a local government. The covenants shall establish a fund for recreation area maintenance and require the owners in the development to pay annually into such fund. Covenants shall be approved by the County.

(b) Alternative to Dedication or Payment in Low-Density Neighborhoods.

As an alternative to providing a recreation area under Subsection (7)(a) above within the SR and R-1 districts the applicant may choose to limit the entire development to a minimum lot size of 7,000 square feet or larger and a maximum lot coverage of 45%. A statement shall appear on the face of the plat that acknowledges these limitations and that the maximum lot coverage may not be adjusted to exceed 45%.

(8) Drainage Facilities.

Where drainage facilities are required, approval of design, construction and drainage easements is required under YCC Chapter 12.10.

19.34.070 Final Subdivisions and Short Subdivisions.

(1) Applicability.

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19.34.070 Final Subdivisions and Short Subdivisions.

(1) Applicability.

This Section applies to applications for finalizing both divisions of land following a formal preliminary approval. Any use of the term "subdivision or plat in this Section shall include "short subdivision or short plat." Any reference to the Board of County Commissioners would not normally apply to short subdivisions, which are approved administratively, unless appealed.

(2) Requirements.

The final subdivision shall:

(a) Conform substantially to the preliminary subdivision;

(b) Incorporate any conditions or recommendations imposed by the Reviewing Official;

(c) Include the following information, either on the face of the plat, if practicable, or, if not, on a separate attached statement. Any required signatures shall be in permanent black ink on the original document to be filed;

(i) A complete survey of the section or sections necessary to establish the corners of the quarter section or the corners of the quarter sections in which the plat is located or as much as may be necessary to properly orient the plat within such section or sections meeting State of Washington surveying practices as they exist in the Survey Recording Act at the time the field surveying work is completed. A lot closure report for each lot within the proposed subdivision must be submitted with a copy of the final plat ;

(ii) Subdivision name (if any);

(iii) Legend, title, scale, north arrow and date;

(iv) Planning Division file number, located near the upper right-hand margin or within it;

(v) Tract boundary lines, property lines of residential lots and other sites, with accurate dimensions, bearing or deflection angles, and radii, arcs and central angles of all curves;

(vi) Name and right-of-way lines of streets, easements and other rights-of-way;

(vii) Location, dimensions and purpose of any easements;

(viii) Number to identify each lot or site and block;

(ix) Purpose for which sites, other than residential lots, are dedicated or reserved;

(x) Location and description of monuments existing or set;

(xi) Reference to recorded plats of adjoining platted land by recorded name, and Auditor's file number;

(xii) A certificate on the face of the plat signed by a registered land surveyor certifying the plat is a true and accurate representation of the lands surveyed;

(xiii) A certificate signed and acknowledged by all parties with any record title interest in the land subdivided, consenting to the preparation and recording of the plat; and

(xiv) If a lot is approved and will be served by an individual well for potable water supply and the well is not required to be installed prior to the recording of the final plat a statement shall appear on the face of the plat indicating the responsibility of future owners to provide the intended source of potable

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water, consistent with the type of water system intended in the approval and in compliance with all laws governing its installation and operation.

(d) Subdivisions within Irrigation Districts.

Comply with the following provisions if the subdivision lies wholly or in part in an irrigation district:

(i) A statement shall appear on the face of the plat evidencing the subdivision lies within the boundaries of an irrigation district and that irrigation water rights-of-way may be imposed by said irrigation district under RCW 58.17.310.

(ii) Plats within irrigation districts or portions of irrigation districts shall contain irrigation easements no less than ten feet in width nor more than 25 feet in width, unless otherwise approved by the irrigation district to indicate:

A. Adequate provision has been made to serve with irrigation water all lots which are entitled to irrigation water under operating rules and regulations of the district, and

B. Adequate provision has been made to transmit irrigation water through the plat to serve adjacent land that is entitled to irrigation water from the official Bureau acre delivery point serving said land.

(iii) Plats wholly or in part within the boundaries of the Naches–Selah, Sunnyside Valley, Roza, or Yakima–Tieton Irrigation District, shall in addition to Subsection 19.34.070(2)(c)(i) contain the following acknowledgement:

> The property described hereon is wholly or in part within the boundaries of the _____ Irrigation District. The irrigation easements and rights-of-way on this plat as required by Yakima County Code Title 19 (either currently existing irrigation easements or rights-of-way or newly created ones) are adequate to serve all lots located within this plat which are otherwise entitled to irrigation water under the operating rules and regulations of the district. The irrigation easements and rights-of-way are adequate to transmit irrigation water under the operating rules and regulations of the district. Lots _____, in whole or in part, are not entitled to irrigation water under the operating rules and regulations of the district.

(iv) If one or more irrigation district within the subdivision serves as its own treasurer, a certificate of the authorized officer of the irrigation district is required evidencing that all special property assessments of such district on the property being divided are paid through a specific date. Such date shall be no more than thirty days from the date of submission of a subdivision to the Yakima County Planning Division for processing.

(e) Subdivisions within Floodplains.

Comply with the following provisions if wholly or in part within an identified special flood hazard area:

(i) Delineate any 100-year floodplains and floodways on the face of the plat, or if the entire property is within the 100-year floodplain, contain a statement of that fact;

(ii) Identify on each lot partly within a special flood hazard area the minimum building area of 5,000 square feet outside of the 100-year floodplain, except public utility tracts, and public highway tracts, and

(iii) Include the following statement(s) on the face of the plat:

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Portions of this divisions of land lie within the one-hundred-year floodplain of (appropriate watercourse name) as defined by the Federal Emergency Management Agency (FEMA) as part of the National Flood Insurance Program (NFIP) as per Flood Insurance Rate Map panel (number, date). Special flood hazard development standards will apply to that area of the lot lying within the 100-year floodplain subject to the NFIP as implemented by YCC Title 13 and YCC Chapters 16A.05 and 16C.05, Critical Areas and/or 16D.05, Shoreline Master Program. This information is subject to change. Specific floodplain information may be obtained from the Yakima County Public Services Department.

(f) Subdivisions within Shoreline Jurisdiction.

Include the following statement on the face of the plat, if wholly or in part within the jurisdictional boundary of the Yakima County Regional Shoreline Master Program:

The lots, *or portions thereof,* within this divisions of land are subject to the Yakima County Regional Shoreline Master Program (YCC Title 16D). Special development standards may apply and permits may be required for certain types of development. Shorelines management information may be obtained from the Yakima County Planning Division.

(g) Stormwater.

Include a statement on the face of the plat that the owners and their grantees and assignees in interest agree to retain surface water generated by the (___-year, 24-hour) storm event (defined by the Reviewing Official) within the divisions of land. Any drainageways must not be altered or impeded; provided, this provision will not apply to divisions of land that have received written approval of a stormwater site plan to discharge surface water to a publicly owned or authorized storm water system.

(h) Individual Driveway Grades.

Include the following statement on the face of the plat for properties with ground slopes exceeding ten percent, as depicted on the final grading plan:

The maximum grades for individual driveways that are 50 feet in length or less shall be 12%. The maximum grades for driveways 51 feet or greater shall be as identified for fire apparatus access roads in YCC Title 13. The grade shall be measured from the edge of road right-of-way or private access easement at the center of the driveway to the garage slab. If there is no garage then it shall be measured to the grade of the building as defined in the residential code of YCC Title 13.

(i) Addressing.

Include the following statement on the face of the plat:

Yakima County has in place an urban and rural addressing system per YCC Chapter 13.26. Determination of street names and address numbers for developed residential and commercial lots within this plat are at the discretion of the Yakima County Public Services Department upon issuance of an eligible building permit.

(j) Dedications.

Include dedication by owner of streets, rights-of-way, easements and any sites for private or public use;

(k) Acknowledgement of Subdivider.

Include an acknowledgment by the person filing the plat before the Auditor of the County. A certificate of said acknowledgment shall be enclosed or annexed to such plat and recorded therewith.

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(l) Payment of Taxes.
Accompany a certificate of payment from the County Treasurer stating all taxes and delinquent assessments for which the property may be liable as of the date of certification by the Treasurer have been fully paid, satisfied or discharged.

(m) Approvals, Certificates, Affidavits, Covenants, Disclaimers and Endorsements.
Include the following information, if practicable, or, if not, on a separate attached statement. Any required signatures shall be in permanent black ink on the original document to be filed.

(i) Approvals by Administrative Official for short subdivision , and the chairperson of the Board of County Commissioners for subdivision;

(ii) Acknowledgement from the Yakima Health District or other agency furnishing sewage disposal and/or supplying water, as to the adequacy of the proposed means of sewage disposal and water supply;

(iii) Statement of approval and certification by the County Engineer:

A. As to the survey data, layout of streets, alleys and other rights-of-way, design of bridges, sewage or water systems, and other structures; and (S)

B. Certification that the subdivider has either:

1. Completed improvements under these regulations and with the action of the Board of County Commissioners giving approval of the preliminary subdivision, or

2. Submitted a bond or certified check in sufficient amount to assure completion of all required improvements at a future specified date;

(iv) Such other certificates, affidavits, covenants, disclaimers or endorsements as may be required by the Reviewing Official in the enforcement of these regulations.

(3) Drawings.
The final plat shall be produced at a scale of at least one inch equals 100 feet, unless the Administrative Official requests or authorizes a smaller scale, to make a map eighteen inches wide by 24 inches long. The final plat shall be drawn with ink on 3-mil Mylar® film, equivalent material, paper or other form acceptable to the County Auditor. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision.

(4) Submission.
The original Mylar®, (or equivalent material, paper or other form acceptable to the County Auditor) and five copies of the final plat, and one copy of other exhibits required for approval as specified in Subsection (2) above shall be submitted to the Administrative Official and shall be accompanied by the final plat processing fee as specified in YCC Title 20. The applicant must submit all of the required documentation when the Mylar® is submitted. The final plat shall be submitted prior to the expiration of time specified in the preliminary subdivision approval.

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(5) Approval.

(a) The Administrative Official, County Engineer and Yakima Health District shall review the final plat for conformance to conditions imposed on the approved preliminary subdivision. Approval of the planning agency shall be indicated by the signature of the Administrative Official on the original tracing.

(b) The final plat shall be submitted to the office of the County Engineer for final checking and inspection before ultimate approval is given. Office checking will be charged for at the prevailing wage rate for county engineers. A field check may be made of the boundaries of the plat. Approval of the County Engineer shall be indicated by the signature of the County Engineer on the original tracing.

(6) Time Limit for Review.

Final plats and short plats shall be approved, disapproved or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(7) Final Plat Alteration/Vacation.

Once a plat has been filed with the Auditor, it shall remain as the official plat covering the land. If a person proposes to alter or vacate the plat in whole or in part, the procedures in Chapter 58.17 RCW shall be followed, except short plat alterations and vacations that do not involve a public dedication shall be processed under Subsection 19.34.040(9).

19.34.080 Binding Site Plans.

(1) Purpose.

The purpose of this section is to provide procedures for divisions of land by use of a binding site plan as an alternative to the subdivision process in commercial and industrial developments and in mobile or manufactured home parks, campgrounds and recreational vehicle parks.

(2) Applicability.

The provisions of this Section are limited to two types of divisions:

(a) Divisions as provided in RCW 58.17.040(4) for the purpose of sale, lease or transfer of property zoned Small Convenience Center (SCC), Large Convenience Center (LCC), General Commercial (GC), Highway/Tourist Commercial (HTC), Light Industrial (M-1), and Heavy Industrial (M-2) under Subtitle 19.1; and

(b) Divisions of property for lease as provided for in RCW 58.17.040(5), when no residential structure other than mobile or manufactured homes or travel trailers are permitted to be placed upon the land when the County has approved a binding site plan for the use of the land under Sections 19.18.130 and 19.18.280.

(3) Commercially and Industrially Zoned Property.

(a) General Binding Site Plan.

(i) Pre-Application Conference.

To insure agency requirements are properly addressed, upon receipt of a request, the Planning Division shall schedule a pre-application conference

and circulate a copy of the plan to all affected agencies with the time and date of the meeting.

(ii) Application.

An applicant for review of the binding site plan shall submit the requisite fee, a completed application review form provided for that purpose by the Administrative Official, and the information listed in Section 19.30.060.

(iii) Review.

Review of the application shall be conducted as a Type 2 process under Chapter 19.30 and YCC Title 16B.

(iv) Administrative Decision.

The Administrative Official shall review the binding site plan for compliance with this Chapter and all other land use regulations in effect at the time of submission of a fully completed binding site plan application.

A. Installation of Public Facilities.

The conditions for approval of the project shall include installation of all public infrastructure prior to recording the general binding site plan. Public facilities required prior to recording the general binding site plan shall, at a minimum, include the following items that form a coherent and unified development:

1. Stormwater infrastructure;
2. Looped utilities and fire suppression systems;
3. A public road network with more than one connection to exterior roads; and
4. Non-motorized transportation infrastructure.

B. Approvals.

The applicant shall obtain written approvals by the applicable sewer and water providers, fire districts, County Engineer and Public Services Director for the various forms of public facilities required shall be obtained prior to recording the general binding site plan.

C. Phasing.

Any request for developing the proposal in phases shall comply with the phasing plan requirements for preliminary plats under Subsection 19.34.050(5)(a)(iv). A master general binding site plan shall be required with the initial phase approval that shows the future binding site plan phases on the same document to establish and delineate the general development parameters for future phases.

D. Approval.

If all requirements for approval are met, the Administrative Official shall provide written findings of facts supporting the approval of the preliminary binding site plan, and set forth all conditions for general binding site plan approval.

(v) Preliminary Approval – Limitations.

The approval of a preliminary binding site plan by the Administrative Official authorizes the applicant to prepare the general binding site plan and develop the required improvements and facilities under conditions of approval. No sale, lease or transfer of any lot proposed by the site plan shall occur until a general binding site plan is approved and recorded with the Yakima County

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Auditor. The general binding site plan shall be submitted within five years of the date of preliminary approval.

(vi) General Binding Site Plan Approval and Recording.

When all conditions of preliminary binding site plan approval are met, including construction, dedication and acceptance of all public facilities, or providing a bond under Section 19.30.130 in lieu of actual construction of any required public improvements, the developer shall submit the general binding site plan, with the fee in YCC Title 20, to the Planning Division for processing and recording. Any roads, structures, sewers, and water systems required for general binding site plan approval shall be designed and certified by or under the supervision of a registered engineer prior to the acceptance of such improvements. Once all the following requirements are met, the Planning Division shall file the general binding site plan with the County Auditor. The general binding site plan must include:

A. A complete record of survey of the entire property and the initial lots to be created, if any, including the legal description;

B. The acknowledged signatures of all parties having an ownership interest in the property;

C. The signature of the County Engineer, the Administrative Official, and the County Treasurer;

D. Auditor's certificate;

E. Written documentation that all requirements for preliminary binding site plan approval are met, including the completion of all required infrastructure/improvements;

F. An accompanying recommendation for approval or disapproval from the Yakima Health District or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply; and

G. A note on the face of the binding site plan identifying the maximum density for the project area within the zoning district.

(b) Administrative Approval of Individual Lots.

The creation of individual lots, other than lots established by the recorded general binding site plan, may be administratively approved through Type 1 review. Once a completed binding site plan division application is submitted with the fee in YCC Title 20, it will be reviewed by the Planning Division and all other divisions of the Public Services Department, and any other agency with jurisdiction, for compliance with this Chapter. An application shall not be accepted or approved unless:

(i) Required site improvements conform to the decision approving the general binding site plan;

(ii) Evidence that all infrastructures to serve the proposed lot(s) has been constructed to the standard outlined in the decision for the general binding site plan;

(iii) All improvements required for finalization of specific individual commercial or industrial lots were constructed and accepted prior to the time of application for the individual lots;

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(iv) A registered land surveyor surveys the proposed lot(s) created and the legal description for the lot is prepared by the surveyor under the Survey Recording Act (RCW Chapter 58.09);

(v) All parties having an ownership interest in the lot(s) to be created under the current proposal sign the Type 1 application and the survey;

(vi) The survey containing the information listed above is recorded with the County Auditor's office following approval of the division application and prior to the sale, lease or transfer of any lot, with survey being titled "Amended Final Binding Site Plan".

(c) The lot(s) to be created meets the requirements set forth in the recorded general binding site plan;

(d) The lot(s) meets the minimum lot size in the zoning district; and

(4) Vacation or Alteration of a Recorded Binding Site Plan.

The vacation or alteration of a recorded binding site plan must follow the procedures in Subsections 19.34.070(3) through (5) above. This Subsection does not apply to the creation of lots under Subsection (3)(b) above. Lots already created within the general binding site plan may be merged or adjusted with adjacent lots under Section 19.34.020, but may not involve boundary line adjustments outside the perimeter of the general binding site plan. If the entire binding site plan is proposed for vacation, the owners of any existing developed lots in the binding site plan must sign a binding site plan vacation application or meet development standards through application for a subdivision or short subdivision.

19.34.081 Campgrounds and Recreational Vehicle Parks.

(1) Pre-Application Conference.

Any person desiring to develop, expand, alter or modify a campground or recreational vehicle park shall request and attend a pre-application review conference with the Planning Division prior to submitting a campground or recreational vehicle park preliminary site plan application. Pre-application conference shall follow the requirements in YCC Title 16B.

(2) Application.

An applicant for a campground or recreational vehicle park authorized under Section 19.18.130 shall submit the requisite fee, a completed application review form provided for that purpose by the Administrative Official, and the information listed in Section 19.30.060. The site plan shall be drawn to an engineering scale acceptable to the Reviewing Official and shall comply with Subsections 19.30.070 (1) and (2) and Subsection 19.30.74(1)(d) .

(3) Review.

Review of the application shall be conducted in conjunction with the Type 2 or 3 review of an Administrative or Conditional Use, as indicated in allowed zoning districts, under Chapters 19.11, 19.12, 19.13, 19.18, 19.30 and YCC Title 16B. Notice of a proposed campground or recreational vehicle park shall be given as specified in YCC Chapter 16B.05. Appeals are permitted as provided in YCC Chapter 16B.09.

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(4) Criteria for Decisions.

In reviewing and deciding on applications for preliminary site plan approval for a campground or recreational vehicle park, the Reviewing Official's decision to approve, approve with conditions, or deny an application shall be based on consideration of, the extent to which the proposed campground or recreational vehicle park is:

(a) Compatible with other existing uses within the general area;

(b) Consistent with goals, objectives, policies, and recommendations of Yakima County Comprehensive Plan(s) and if applicable, the Regional Shoreline Master program;

(c) In conformance with the uses allowed in the zoning classification within which the property is located;

(d) In compliance with and meets all requirements and standards of this Chapter and Section 19.18.130; and

(e) Consistent with land use requirements listed in YCC Title 13 Appendix G601 Recreational Vehicles, provided that recreational vehicle length of stay shall be limited to a period not to exceed 30 days, except for the camping vehicle occupied by the campground hosts.

(5) Duration of Preliminary Site Plan Approval.

(a) Preliminary site plan approval of a campground or recreational vehicle park, including all development phases, shall be effective for five years from the date of approval.

(b) If a final binding site plan is not approved and recorded within this five-year time period, preliminary site plan approval shall expire; however, as provided in YCC Section 16B.07.050, if the applicant completes and files all plans and specifications and substantially meets all conditions required as part of the preliminary approval, and further if the applicant requests an extension at least thirty days prior to the expiration date, the Administrative Official may grant one extension of preliminary application approval of a duration up to two years, during which all construction shall be completed or guaranteed.

(c) Failure to complete construction of required improvements or provide satisfactory assurance of completion in the manner provided in Subsection 19.34.130(5) within the two-year time extension period shall cause expiration of preliminary site plan approval, and it shall be necessary to resubmit an application for preliminary approval if the project is to continue. Any resubmitted application shall be subject to the regulations and fees in effect at the time of resubmission.

(6) Site Development.

(a) Following preliminary site plan approval, the applicant shall proceed with completion of engineering plans and specifications for roads, water, sewage disposal, drainage and stormwater treatment, power, cable, and other utility services.

(b) Following approval of the engineering plans and specifications, construction of the campground or recreational vehicle park may commence in conformance with the approved plans and specifications. Any deviation from the approved plans shall be subject to a modification to the approved use and written approval from the Reviewing Official.

(c) Following installation and construction of the required improvements, as-built plans for the water system, sewage disposal system, road construction, storm drainage, and

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other improvements shall be prepared and certified by a registered engineer. Two copies of the certified as-built plans shall be submitted with the final binding site plan.

(7) Final Binding Site Plan.

(a) Final binding site plan approval is an administrative process. The final binding site plan and three copies shall be prepared on 18 inch by 24 inch Mylar® sheets, or other media acceptable to the County Auditor. The final binding site plan shall contain:

(i) A drawing at a scale of one inch equals 100 feet or other approved scale showing the location of all roads, camping spaces, pads, required parking spaces, external setbacks, natural and human-made drainage ways, ponds, detention and stormwater treatment areas, wetlands, easements for water and sewage disposal lines, septic tank location(s) and gray water disposal sites, fire hydrants and reservoirs, solid waste disposal site(s), fire pits, location and dimensions of any office, restrooms, showers, cabins, and other permanent buildings and other structures, and locations of all survey monuments. An inset may be used to show a typical camping space and illustrate setbacks and space improvements in lieu of showing individual setbacks and improvements for each camping space;

(ii) The number and location of each camping space shall be shown on the site plan as light dashed lines;

(iii) Signature and date blocks for each of the following:

A. Owner(s) of record of the subject property;

B. Notary public, attesting to the authenticity of the owner's signature,

C. Surveyor's signature(s) and seal;

D. Planning Director, Yakima Health District, County Engineer, County Treasurer or Deputy, and County Auditor or Recording Deputy, or authorized designees; and

E. Chairperson of the Board of Yakima County Commissioners, only if the site plan includes land or improvements dedicated to Yakima County.

(iv) Written description of the surveyed boundaries of the campground or recreational vehicle park property;

(v) Other information as required by the Reviewing Official;

(vi) The Treasurer shall sign to certify the taxes for the subject property are paid through the current year; and

(vii) The Reviewing Official shall signify final binding site plan approval by signing the final binding site plan Mylar®. An incomplete final binding site plan shall be corrected before final approval and recording.

(b) One copy of the approved final binding site plan shall be recorded and filed in the Auditor's records. A campground or recreational vehicle park shall not be legal and approved until the approved final binding site plan has been recorded and filed with the County Auditor.

(c) The operator of a campground or recreational vehicle park shall establish rules and regulations for the management of the establishment and its guests and employees, and each guest or employee staying or employed in the establishment shall conform to and abide by such rules and regulations so long as the guest or employee remains

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in the park or campground. The submission of campground or recreational vehicle park management rules shall be required when an applicant files for final binding site plan approval.

(8) Compliance.
An owner of a campground or recreational vehicle park and the manager are jointly responsible to operate a campground in compliance with this Chapter, and each is also responsible for guest compliance.

(9) Annual Operational Permit and Inspection Required.
All recreational vehicle parks and campgrounds in unincorporated Yakima County are required, prior to the renewal or issuance of the annual operational permit, to have an inspection by Yakima County to ensure compliance with the approved binding site plan approved under this Chapter and the applicable building, fire safety and health regulations established under Yakima County Code Title 13.

19.34.082 Manufactured or Mobile Home Parks.

(1) Application.
An applicant for a manufactured/mobile home park shall submit the requisite fee, a completed application review form provided for that purpose by the Administrative Official, and the information listed in Section 19.30.060.

(2) Review and Notice.
Review of the application shall be conducted in conjunction with the Type 2 or 3 review of an Administrative or Conditional Use, as indicated in allowed zoning districts, under Chapters 19.11, 19.12, 19.13, and 19.30, Section 19.18.280, and YCC Title 16B. Notice of a proposed mobile or manufactured home park shall be given as specified in YCC Chapter 16B.05. Appeals are permitted as provided in YCC Chapter 16B.09.

(3) Standards.
All standards of Section 19.18.280 shall apply to expansion of existing manufactured/mobile home parks. The standards shall not apply to existing areas of a park not being expanded. The Reviewing Official may, at his or her discretion, reduce one or more standards of Section 19.18.280 for newly expanded areas of a park if expansion plans also include proportional improvements to the existing park area.

(4) Approval.
Subject to findings of the proposal's conformance with the Comprehensive Plan and the requirements of this Title, the Reviewing Official may grant preliminary approval of the project, enabling the applicant to meet State and County requirements for final binding site plan approval.

(a) A final binding site plan drawn by a licensed surveyor or engineer for the project shall be submitted verifying all required improvements have been completed or a surety bond has been posted in a form and amount acceptable to Yakima County for their completion. The final binding site plan shall be legibly drawn, printed or

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reproduced at a scale appropriate to show the necessary detail, which in no event shall be less than one inch to 100 feet, and containing at least:

(i) Delineation of all spaces and dimensions, square footage and unit setbacks for each space.

(ii) Designation of the areas and locations of all easements, streets, roads, location of off-street parking for each unit, other parking areas, improvements, signage, utilities, building envelopes within each space, and required open spaces and permanent irrigation system to maintain open space/recreational areas that would normally require irrigation.

(iii) The location of all solid waste containers and screening of containers, all facilities, utilities, improvements and amenities such as pathways, sidewalks, and recreational facilities.

(iv) An accurate legal description of the property.

(v) The parcel number, north arrow, and scale of the map.

(vi) Signature line for the reviewing official.

(vii) All property lines, their lengths and bearings.

(viii) The notarized signature of the property owner(s).

(ix) A statement signed by the local health officer that the plan meets the rules, regulations and standards of the Washington State Department of Health.

(x) Inscriptions or supplemental documents setting forth the limitations and conditions of the use of the land, or of approval, prescribed by the Reviewing Official.

(xi) The following statement: "The spaces contained in this park shall be for the purpose of lease of manufactured or mobile home sites only. The sale of lots without prior compliance with procedures governing the subdivision of land shall constitute a violation of state and/or local laws."

(xii) Designation of the details of a sitescreening buffer strip along property perimeters, under Subsections 19.18.280(3)(j) and 19.21.030(2).

(xiii) If a portion of the existing mobile or manufactured home park is located in a special flood hazard area, the final binding site plan shall delineate the flood hazard areas required by the subdivision standards under YCC Title 13. New or expanded mobile or manufactured home parks are not permitted under YCC Titles 16A, 16C, and 16D.

(b) The final binding site plan shall be submitted to the Reviewing Official to be reviewed. Once approved, it shall be filed with the County Auditor within 14 days.

(c) Building permits for the manufactured or mobile homes shall not be granted until after the final binding site plan has been filed with the County Auditor.

(d) Development in conformity with the approved final binding site plan is binding. Deviation from any condition upon which approval was granted, or from any condition shown on the approved final binding site plan, shall constitute a violation of this Title punishable and enforceable in the manner provided for in YCC Section 16B.11.050.

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19.34.090 Utility Services Tracts – Conservation Tracts.

The following divisions shall be processed by boundary line adjustment under Section 19.34.020.

(1) Bisected Parcels.

Properties bisected by opened public rights-of-way, primary irrigation district canal or major sub-lateral or opened railroad rights-of-ways may be divided along the existing right-of-way without meeting minimum lot size, dimension or density standards of the zoning district.

(2) Public Highway and Utility Services Tracts.

Tracts that are to be dedicated for future public use such as a public highways or public utility services, such as community water supply, may be created without meeting minimum zoning district's size, dimension or density standards. Such tracts shall not be created for future sale or lease.

(3) Personal Wireless Communication Tracts.

Establishment of tracts for the purpose of leasing land for facilities providing "personal wireless services" may be created without meeting minimum zoning district's size, dimension or density standards. A notice shall be placed on the face of the survey map stating:

This personal wireless communication tract is created solely for purposes of wireless communication facilities. Any subsequent conveyance of this property for purposes other than the approved use shall comply with the provisions of this Title.

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Chapter 19.35
ADMINISTRATIVE ADJUSTMENTS, MODIFICATIONS AND VARIANCES

Sections:

19.35.010 Legislative Intent.
19.35.020 Administrative Adjustments.
19.35.030 Modification to Existing or Approved Uses Regulated.
19.35.040 Road Design Modifications
19.35.050 Modifications to Existing Master Planned Resorts and Planned Developments.
19.35.055 Modification of an Approved Master Planned Development Overlay.
19.35.060 Variances
19.35.070 Final Decisions

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19.35.010 Legislative Intent.

This Chapter establishes procedures, review criteria and authority for:

(1) Administratively adjusting specific development standards of this Title in order to:
   (a) Coordinate development with adjacent land uses and the physical features of the site;
   (b) Permit flexibility in the design and placement of structures and other site improvements;
   (c) Allow developments consistent with a respective city or neighborhood comprehensive plan; and
   (d) Allow buildings to be sited to maximize solar access.

(2) Approval of modifications to previously approved uses;

(3) Approval of design modifications to certain road standards;

(4) Variances to the strict application of the requirements of this Title in limited circumstances. Provided, such variance would not be contrary to the public interest and the strict application of the regulation would cause peculiar, exceptional and undue hardship on the owner of the property. It is the intent of this Title that the variance be used only to overcome some exceptional physical condition of land that prevents any reasonable use of the property; and

(5) Reducing resource setbacks when the reduction will not adversely affect the natural resource operations or resource property owner or otherwise adversely affect non-resource occupants of especially sensitive land uses from the noise, spray drift and other potential impacts from such adjacent management practices.

19.35.020 Administrative Adjustments.

(1) Review.

The Reviewing Official may consider applications for administrative adjustments of certain development standards for Type 1, 2, 3 and 4 uses authorized by Type 2 review to provide flexibility in the administration of this Title. Applications for administrative adjustments will be processed under Type 2 review for administrative adjustments involving Type 3 uses as set forth in Chapter 19.30 and YCC Title 16B. Applications for administrative adjustments may be processed collectively with project permits under the Optional Consolidated Permit Review process as set forth in YCC Title 16B.

(2) Decision.

The Reviewing Official may approve, modify, deny, or impose conditions of approval, as authorized by Chapter 19.30.

(3) Scope of Administrative Adjustments.

(a) Administrative adjustments to certain development standards under this Title may be approved, except as limited in Subsection (b) below, as follows:

(i) Setbacks, building height, and heights of fences, walls and recreational screens, contained in Section 19.10.050 General Development Regulations;

(ii) Setbacks, building height and lot coverage in Chapter 19.11 Rural and Resource Districts, Chapter 19.12 Urban Residential Districts, and Chapter 19.13 Business, Commercial and Industrial Districts;

(iii) Chapter 19.20 Signs;

(iv) Chapter 19.21 Sitescreening and Landscaping;

(v) Chapter 19.22 Parking and Loading;

(vi) Chapter 19.24 Waste and Recycling Storage; and

(vii) As otherwise specified herein, such as for reductions to special resource setbacks.

(b) The Reviewing Official shall not have the authority through the administrative adjustment process to modify the requirements for:

(i) Density or minimum lot size or width;

(ii) Height of buildings or structures as limited in Section 19.17.010 Airport Safety Overlay;

(iii) The number of signs or size of signs, or to allow any prohibited sign;

(iv) The siting of manufactured and mobile homes as set forth in Chapter 19.18 within Urban Growth Areas or the Rural Transitional and Rural Settlement zoning districts;

(v) Standards in Chapter 19.18, except adjustments to visibility of a front entrance of an accessory dwelling unit, the siting of manufactured and mobile homes outside Urban Growth Areas or the Rural Transitional and Rural Settlement zoning districts, and resource setbacks as specified in this Section and special events for bed and breakfasts in excess of 12 per year;

(vi) The requirements in other Titles of Yakima County Code, which may have their own adjustment processes outside the scope of this Title; or

(vii) Road standards which are subject to Road Design Modifications set forth in section 19.35.040.

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(4) Use of other Procedures.

Other procedures for modifying standards may be available as specified in this Title or may be available through a variance. Where specific modification and variance procedures and criteria are provided in other sections in this Title, the Reviewing Official shall not accept an administrative adjustment application for processing.

(5) Findings Required to Approve Administrative Adjustments.

A standard listed in Subsection (3)(a) above may be adjusted if the Reviewing Official finds that the administrative adjustment is consistent with:

(a) The purpose and intent of Comprehensive Plan policies that relate to the specific adjustment being proposed and this Title;

(b) The purpose and intent of the specific zoning district and the standard being adjusted;

(c) Maintaining the minimum administrative adjustment necessary to accommodate the proposed use;

(e) Balancing the flexibility of the administrative adjustment with the health, safety and general welfare of individual neighborhoods and the community; and

(f) The placement or design of structures will maximize solar access for the production of solar energy;

(6) Reductions to Special Setbacks for Especially Sensitive Land Uses (ESLUs).

(a) Legislative Intent.

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

(b) Review Criteria.

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

(i) The lot does not have sufficient buildable area as defined by this code to accommodate the space for the proposed ESLU outside the special setback;

(ii) An intervening physical barrier mitigates the effects of placing an ESLU closer to the agricultural, mineral or forest zoned lot or use; and

(iii) Based on a response, if any, from the adjoining resource operator, a reduction of the setback will not now, or in the future, adversely affect accepted agricultural, mineral or forest practices.

(c) Documentation.

The documentation in Subsection (a) may include or be supported by the characteristics of adjoining and nearby land use and mitigation measures that effectively reduce the potential for land use conflicts and separate the site from active agricultural, forest or mineral operations, such as: use of landscape buffers or

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screening under Chapter 19.21 and site design using berms or other physical features. Where a setback reduction is justified by this specific subsection, the proposed ESLU must maintain the maximum practicable setback. Subsection (b) above shall not be used to reduce the setback by over fifty percent, except as provided under Subsection (d) below.

(d) Exceptions.

The widths of the setbacks specified in Subsection 19.18.205(2)(a) may be modified under Type 1 review by the Building Official in consultation with the Administrative Official and recording a declarative covenant as provided in section 15.18.205(4), or as stipulated by conditions of previous permit approvals, where the applicant documents one or more of the following cases:

(i) The lot was legally created prior to adoption of this Title, or afterward in conformance with a formally approved administrative adjustment to the setback, and the lot cannot accommodate the special setback due to its insufficient area or dimension. In such situations, the maximum possible setback or approved setback from the adjoining agricultural, mineral or forest zoning district or use shall apply.

(ii) The new structure is an alteration, expansion or replacement of a dwelling or other especially sensitive land use lawfully existing prior to February 8, 2000 or was formally approved afterward, maintaining the maximum practicable setback from the existing or adjoining resource-designated lot as demonstrated by the proposed floor plan.

(iii) The special setback would prohibit placement of the especially sensitive land use on an existing lot due to geologic hazard, flood hazard, critical area or other natural feature.

(iv) The special setback would cause the proposed ESLU to be located further from adjacent existing ESLU's and/or result in a greater impact to commercial agricultural operations on the subject property.

(v) The most recent plat or short plat containing the proposed especially sensitive land use specifies a different setback from the resource use, in which case the platted setback distance shall apply to the proposed especially sensitive land use, whether or not other conditions, such as current use, specified in the platted setback are present.

(vi) Part of a property line of the lot proposed to contain a new or expanded especially sensitive land use adjoins another parcel equal to or less than three acres in size and contains a lawfully established ESLU, in which case the resource setback shall not apply from the adjoining established ESLU lot.

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

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

(e) Effect of Intervening Right-of-Way or Easement.

If the property abuts a public or private right-of-way or easement that is precluded from being utilized for resource purposes (agricultural, mineral or forestry), because

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it contains limiting features such as, but not limited to, roadways, railroads, and irrigation canals, then the width of the right-of-way or easement may count towards the setback requirement.

(7) Administrative Adjustment of Sign Standards Allowed.

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

(a) Comprehensive Design Plan.

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

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

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

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

(b) Review Procedures and Criteria.

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

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

(ii) Be compatible with neighboring land uses; and

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

(c) Conditions of Approval.

The Reviewing Official may also attach conditions to this approval to accomplish the objectives of Chapter 19.20 and the legislative intent of this Chapter.

(8) Administrative Adjustment of Sitescreening and Landscaping Standards Allowed.

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

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

(b) The building setback provided in front of the new structure is less than six feet or is developed as a plaza with decorative paving/pavers, trees, planters, or other amenities.

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

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

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

19.35.030 Modification to Existing or Approved Uses Regulated.

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

(2) Applicability.

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

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

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

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

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

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

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

(d) The modification will not change or modify any condition imposed under any previous official review where it is specifically found by the applicable Reviewing Official for the approved use that a particular condition is no longer necessary due to changes in circumstances (in such cases, notice shall be provided to adjacent property owners identified in YCC Subsection 16B.03.030(3), in a manner similar to Type 2 applications);

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

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

(g) The modification will not establish a new use;

(h) The modification will not expand a landfill, mining/site operation, mineral processing or mineral batching activity;

(i) In the determination of the Reviewing Official, the modification will not create or materially increase any adverse impacts or undesirable effects of the project, or cause the use or structure to become inconsistent with County adopted plans or the purpose of the zoning district;

(j) The modification will not increase the height of any structure;

(k) Any demolition of structures will not exceed 20% of the [illegible]ent area. This limit shall be calculated cumulatively for all previous modifications;

(l) The modification will not add a drive-through facility that abuts a [illegible]sidential zone; and

(m) The modification does not include hazardous materials ([illegible]er 70.105 RCW).

(4) All proposed uses, structures and site improvements (and modifications) shall comply with the development standards of this Title and previous conditions of approval not modified by this application, except as approved under the administrative adjustment or variance provisions of this Title.

(5) Any proposed modification that does not meet all the requirements of this Section shall be denied. Further consideration of the proposal shall be subject to the Type 2 or 3 review procedures according to Chapter 19.30.

19.35.040 Road Design Modifications

(1) Legislative Intent.

Requirements of the road standards in Table 19.35.040-1 may be modified as provided in this Section where necessary to address unusual topographic conditions, nature of existing development, unique or innovative development design or similar factors. The applicant must demonstrate that the proposed design modification meets the Approval Criteria in Subsection 19.35.040(3). To ensure a consistent, objective evaluation of the proposed design modification, such proposals will be reviewed and processed using the procedures in this Section and documents adapted from the Washington State Department of Transportation (WSDOT) local agency guidelines for road design standard deviation approvals.

(2) Applicability.

The road standards of Chapter 19.23 of this Title may be modified as listed in Table 19.35.040-1 below. Such design modifications will be considered as part of the underlying decision on the proposed development following the required pre-application conference and standard decision time limits as set forth in YCC Title 16B. The official reviewing the design modification request may differ from the decision maker for the development.

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Table 19.35.040-1 Road Standard Modification Table				
Attributes	**Modifiable Standard** Public Road	**Modifiable Standard** [1] Private Road	**Request Reviewed by**	**Roads Standard**
Right-of-Way Width	Yes	Yes	County Engineer	19.23.040(g)
Surface Type	Yes	Yes	County Engineer	19.23.040(4)(d)
Surface Width	Yes[2]	Yes	County Engineer	Tables 19.23.040-1
Subsurface Materials	Yes	Yes	County Engineer	
Bicycle Facilities	Yes	Yes	County Engineer	19.23.030(10)
Lighting	Yes	Yes	County Engineer/ Admin. Official	19.23.040(4)(c)
Block Lengths	Yes	Yes	Admin. Official	19.23.040(k)
Half-roads	Yes	Yes	County Engineer	19.23.040(h)
Non-through roads	Yes	Yes	Admin. Official	19.23.040(i)
Turnarounds	Yes	Yes	Fire Marshal	19.23.040(i)(ii) and (iii)
Alleys	No	No	N/A	19.23.040(o)
Driveway Location	Yes	Yes	County Engineer	19.23.060
Stormwater/ Drainage	No	No	N/A	See YCC Title 12.09
Sidewalks	Yes	Yes	County Engineer/ Admin. Official	19.23.040(4)(b)
Pathways	Yes	Yes	Admin. Official	19.23.030(10)(d)
Trail Connections	Yes	Yes	Admin. Official	

Notes:
(1) AASHTO guidelines provide flexibility to allow a range of options for road design.
(2) Design of drainage facilities should occur concurrently with design of the traveled surface where sites with physical or natural constraints.

(3) Procedures.

a) Design Modifications Requested Concurrently with a Project Permit Application.

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

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(b) Submittal Requirements for Requested Design Modifications.

(i) Based on the pre-application materials provided, the Reviewing Official will inform the applicant what additional documentation is necessary to submit with the underlying land use application to demonstrate compliance with the Approval Criteria found in Subsection 19.35.050(4). Such documentation may include:

A. Engineering, geotechnical and/or hydraulic analyses;

B. Traffic and collision data;

C. Aerial photos, contour, land use, quadrant and vicinity maps, cross sections and profiles, design file, environmental documents, plans, estimates, cost comparisons and existing as-built plans;

D. An analysis of the public safety or other impacts associated with the requested design modification; and

E. An analysis of how the requested design modification impacts public safety, shifting improvement obligations onto future developers or the County and material impacts on future development patterns.

(ii) The applicant shall document reasons the design standard cannot be achieved, citing the specific accepted engineering principles where appropriate.

(c) Design Modifications Requested after the Project Permit Decision.

(i) If a proposed design modification is requested after the decision has been issued, consideration of said request may only be reviewed under the applicable amendment process for the project permit, such as that set forth in Subsections 19.34.040(6) Amendments to Preliminary Plats or 19.34.050(9) Preliminary Plat Amendments.

(ii) If there is no specified amendment or modification process, the request shall follow the same procedure required for a new application and fee. The scope of review shall be limited to the request presented and need not repeat a review of other elements in the application, provided that any time expiration is not affected unless an extension is requested under YCC Subsection 16B.05.070(5) or Subsection 19.34.050(10).

(4) Approval Criteria.

(a) Before any design modification to the standards in Chapter 19.23 or Table 19.35.050-1 may be granted, the Reviewing Official shall consider all of the following:

(i) Granting of such design modification request will provide compensating or comparable results, is in the public interest, and will fully meet the objectives of public safety, environmental protection, durability, cost of maintenance, function, and appearance;

(ii) Granting of such design modification request will violate no development related conditions imposed upon the project and is based upon accepted engineering practices and principles;

(iii) Granting of such design modification request will advance the goals of adopted comprehensive plans as a whole;

(iv) Special physical circumstances or conditions affecting the property can only be addressed by a design modification based on accepted engineering practices;

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(v) Granting such design modification request will achieve the maximum possible compliance with the standard;

(vi) Where applicable, granting such design modification request provides potential benefits from implementing low impact development or innovative concepts;

(vii) The reason to grant a modification request is not based on self-imposed hardships or economic conditions; and

(viii) At least one of the following:

A. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions make compliance with standards unworkable for the circumstance;

B. An alternative design is proposed that is functionally equivalent or superior to the standards;

C. A change to a specification or standard must ensure consistency with existing infrastructure or facilities adjacent to or affected by the site that are not expected to change over time.

(b) In addition to Subsections (4)(a) and (b) above, in considering a road design modification request within Urban Growth Areas, the County will require sufficient right-of-way to be dedicated such that frontage and cross circulation roads will be substantially completed within the 20 year period provided in RCW 36.70A.110.

(5) Decision.

(a) When granting a design modification, the Reviewing Official may attach specific conditions that will accomplish the intent of standards, criteria, and established policies. These conditions will be incorporated into the project permit requirements. Examples of such conditions may include:

(i) Dedication of right-of-way for future road for any exterior or interior roads serving the property;

(ii) Covenants binding owners of the lots to participate in future public and/or private road improvements;

(iii) Formation of a road maintenance association comprising the owners of a majority of the parcels abutting the private road, with recorded bylaws, annual assessments, and an established road maintenance fund;

(iv) Restriction of further subdivision of the lots;

(v) Other requirements in Sections 19.23.030, 19.23.040, 19.23.050 and 19.23.060; and

(vi) Improvements to existing interior and/or exterior private roads proportional to the additional traffic the development places on the roadway.

(b) Requests for design modifications will receive a final decision with the project permit.

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19.35.050 Modifications to Existing Master Planned Resorts and Planned Developments.

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

(1) Minor Modifications.
Minor modifications include minor shifting of the location of buildings, proposed streets, public or private ways, sewer or water facilities, parking areas, landscaping, parks, open space, or similar improvements. The process for minor modifications of a MPR, RDP and PD shall be a Type 1 Review.

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

(3) Expiration.
Modifications approved under this section shall expire by time limitation, as set forth in Subsection 19.30.100(4) and YCC Chapter 16B.07 when the Reviewing Official determines that the modification has not been developed as approved within the time frame granted.

19.35.055 Modification of an Approved Master Planned Development Overlay.

Implementation of the Master Development Plan shall be reviewed through the Type 1 review process. Modifications to the adopted Master Development Plan and/or Development Agreement may be requested from time to time. Minor modifications will undergo Type 2 review. Major modifications will undergo Type 3 review. The following criteria are established to assist this determination.

(1) Type 1 Review Projects or Actions.
Type 1 review process shall apply to future projects or actions in compliance with an approved Master Development Plan and Development Agreement;

(2) Type 2 Review Projects or Actions.
Type 2 review process shall be applied for minor modifications to an approved Master Development Plan or Development Agreement. A change or amendment to the approved master plan shall be deemed a "minor modification" if, in the Reviewing Official's discretion, the following criteria are satisfied:

(i) The amendment does not increase the areas identified for any particular land use or increase the residential density approved in the master plan;
(ii) The amendment does not increase the total floor area of nonresidential uses by more than five percent;
(iii) The amendment does not materially change the type and character of approved uses;
(iv) The amendment does not materially change parking or traffic circulation within the development;

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(v) The amendment does not materially change setbacks, buffers, landscaping, shoreline, critical area or other mitigation measures;

(vi) The amendment does not materially impact the overall design of the approved master plan; and

(vii) Other similar changes minor nature proposed to be made to the configuration, design, layout or topography of the Master Planned Development deemed not to be material or significant in relation to the entire Master Planned Development and are determined not to have any significant adverse effect on adjacent or nearby lands or the public health, safety or welfare.

(3) Type 3 Review Projects or Actions.

A major modification to the Master Development Plan shall be subject to a Type 3 review and shall be referred to the Hearing Examiner under YCC Title 16B and Chapter 19.31. A "major modification" shall be any modification to an approved Master Development Plan or Development Agreement deemed to be more significant than a "minor modification" as described above; and

(4) Review Procedures.

Type 2 and 3 review shall be conducted consistent with YCC Title 16B and Chapter 19.30, respectively. For any changes falling outside the scope of such review, the procedures in this Chapter for original Master Development Plan and Development Plan approval shall be followed.

19.35.060 Variances

(1) Variance Applications.

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

(a) Under no circumstances shall the Hearing Examiner grant a variance to allow a use not permissible under the terms of the Title in the zoning district involved, or any use expressly or by implication prohibited in the zoning district by this Title.

(b) A variance application that would alter density or minimum lot size requirements shall not be accepted or granted.

(c) A variance application shall not be accepted if administrative adjustment or modification provisions apply and could provide the relief sought from the standards of this Title.

(d) The Hearing Examiner shall not have jurisdiction to grant a variance to standards or requirements under the Federal Emergency Management Agency's National Flood Insurance Program (NFIP) as implemented by YCC Title 13.

(2) Criteria for Variance Approval.

The Hearing Examiner shall authorize such variance from this Title, as will not be contrary to the public interest and the comprehensive plan where literal enforcement of this Title would cause undue hardship, as measured by the criteria below. A variance shall not be granted unless the Hearing Examiner makes findings that the applicant has expressly demonstrated all of the following:

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(a) Special circumstances applicable to the property, including size, shape, topography, location or surroundings, exist;

(b) Due to such special circumstances, strict application of this Title would deprive the property of rights and privileges enjoyed by other properties in the vicinity under identical zoning district classification;

(c) Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district classification in which the property is situated;

(d) Special circumstances do not result from the actions of the applicant;

(e) The variance is the minimum variance that will make possible the reasonable use of the land, building or structure;

(f) Granting a variance will be in harmony with the general purpose and intent of this Title, the specific zoning district and the Comprehensive Plan;

(g) Administrative adjustment or administrative modification provisions of this Chapter were not applicable or could not provide the relief sought from the standards of this Title;

(h) Granting the variance requested will not confer on the applicant any special privilege denied by this Title to other lands in the same area; and

(i) Financial gain is not the ground or grounds for the variance.

(3) Additional Criteria for Variances in a Floodplain and/or Airport Safety Overlay District. When considering variance applications for property within a 100-Year Floodplain designated under YCC Titles 16A, 16C or 16D or within the Airport Safety Overlay District, the Hearing Examiner shall consider:

(a) The conditions in Section 19.17.010;

(b) All technical evaluations and standards that apply;

(c) The danger to life and property due to flooding or airport land use and safety conflicts;

(d) The importance of the services provided by the proposed use to the community;

(e) The necessity to the facility of a waterfront or airport location;

(f) The availability of alternative locations for the proposed use that is not subject to flooding or airport hazards;

(g) The compatibility of the proposed use with existing and anticipated development; and

(h) The relationship of the proposed use to the Airport Master Plan and floodplain requirements under the Federal Emergency Management Agency's National Flood Insurance Program (NFIP) as implemented by YCC Title 13.

(4) Action on a Variance Application.

(a) The Hearing Examiner shall file a written decision following closing of the public hearing in accordance with YCC Chapter 16B.09 that shall include the following considerations:

(i) The testimony at the public hearing;

(ii) The extent to which the proposed variance complies with the requirements of Subsection 19.35.070(2) and Section 19.35.080 if applicable;

(iii) The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, or structure; and

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(iv) The consistency of the variance with the general purpose and intent of this Title, the specific zoning district and the Comprehensive Plans.

(b) The Hearing Examiner may approve, modify, deny, or require conditions of approval in his or her judgment that will substantially secure the objectives of the standards or requirements so varied or modified.

(c) Violations of conditions and safeguards, when made a part of the terms under which the variance is granted, shall be considered a violation of this Title and is subject to remedies set forth in YCC Chapter 16B.11.

19.35.070 Final Decisions

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

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

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

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Chapter 19.36
AMENDMENTS AND REZONES

Sections:

19.36.010 Legislative Intent
19.36.020 Text Amendments
19.36.030 *Minor Rezone* - Map Amendment
19.36.040 Major Rezones
19.36.050 Appeals

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19.36.010 Legislative Intent.

It is the intent of this Chapter to establish the procedures to amend the text of this Title and/or its zoning map when the proposed change would be consistent with the goals, objectives and policies of the Comprehensive Plans (including adopted neighborhood plans) and the intent of this Title.

19.36.020 Text Amendments

(1) An amendment to the text, standards, procedures or other provisions of this Title may be proposed by any party under YCC Subsection 16B.10.040(6).

(2) Action by the Board.

Any amendments to this Title shall be by action of the Board after a recommendation thereon from the Yakima County Planning Commission. Such action shall occur in accordance with the procedures set forth in RCW Chapters 36.70, 36.70A and YCC Section 16B.10.040.

19.36.030 Minor Rezone - Map Amendment.

Rezone applications consistent with Table 19.36-1 and not dependent upon a comprehensive plan or sub-area plan amendment shall be considered minor rezones. These quasi-judicial actions, when site-specific, may be processed at any time under Type 4 review pursuant to YCC Section 16B.30.030. The decision criteria for minor rezones are listed in Subsection (5) below.

(1) Initiation.

An amendment to the zoning maps that are not contingent upon legislative approval of a comprehensive plan map amendment as set forth in Table 19.36-1 or sub-area plan map amendment may be initiated by:

(a) The Board;
(b) The Planning Commission; or
(c) A minor rezone application filed by the property owner(s).

(2) Application.
All minor rezone applications shall be filed with the Planning Division, and shall be processed under the provisions of Chapter 19.30 and YCC Title 16B.

(3) Public Hearing by the Hearing Examiner.
Upon receipt of a complete application for a minor rezone, the Planning Division shall review the proposal using the decision criteria listed in Subsection (5) below and forward the application and a recommendation to the Hearing Examiner for an open record public hearing and review in conformance with YCC Section 16B.08.020. Provided, that rezone applications initiated by the 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 YCC Chapter 16B.08. The applicant shall appear in person or by agent or attorney. Failure to do so shall constitute sufficient cause for denial of the requested action. Other parties may appear in person or by agent or attorney, or may submit written comments.

(4) Recommendation by the Planning Commission.
The Planning Commission may, if requested by the Hearing Examiner, submit a recommendation on the proposed minor rezone to the Hearing Examiner prior to the issuance of his decision. The recommendation of the Planning Commission shall not be binding on the Hearing Examiner.

(5) Decision Criteria.
The Hearing Examiner shall issue a written recommendation to approve, approve with conditions or deny the proposed minor rezone. The recommendation shall include the following considerations:

(a) The testimony at the public hearing;
(b) The suitability of the property in question for uses permitted under the proposed zoning;
(c) The recommendation from interested agencies and departments;
(d) The extent to which the proposed amendments are in compliance with and/or deviate from the goals and policies as adopted in the Comprehensive Plans, adopted neighborhood plans and the intent of this Title;
(e) The adequacy and availability of public facilities, such as roads, sewer, water and other required public services;
(f) The compatibility of the proposed zone change and associated uses with neighboring land uses;
(g) The public need for the proposed change. Public need shall mean that a valid public purpose, for which the Comprehensive Plan and this Title have been adopted, is served by the proposed application. Findings that address public need shall, at a minimum, document:
    (i) Whether additional land for a particular purpose is required in consideration of the amount already provided by the plan map designation or current zoning district within the area as appropriate; and,
    (ii) Whether the timing is appropriate to provide additional land for a particular use; and,
(h) Whether substantial changes in circumstances exist to warrant an amendment to the current designation or zone.

FINAL DRAFT

(6) The decision of the Hearing Examiner on minor rezone applications shall constitute a recommendation to the Board.

(7) Action by the Board.
Upon receipt of the Hearing Examiner's recommendation on a proposed minor rezone, the Board shall conduct a closed record public hearing to affirm, modify, approve subject to a concomitant development agreement under YCC Section 16B.03.080, or reject the recommendation of the Hearing Examiner.

(8) Time Limit and Notification.
Notification of a final decision on a proposed minor rezone by the Board shall be issued as required under YCC Chapter 16B.07.

19.36.040 Major Rezones.
Amendments to the zoning map that are contingent upon legislative approval of a comprehensive plan amendment shall be considered a major rezone and are subject to the procedures outlined in YCC Chapter 16B.10

19.36.050 Appeals.
The decision of the Board shall be final and conclusive unless an aggrieved party files an appeal under RCW 36.70C within the timeframes and procedures specified therein.

FINAL DRAFT

Table 19.36 - 1 Zoning District consistency with Comprehensive Plan Future Land Use Designations

ZONING→ *Plan Designation↓*	AG	FW	R-10/5	RT	RS	R/EL DP-40	SR	R-1	R-2	R-3	B-1	B-2	HTC	SCC	LCC	GC	M-1(1)	M-2(1)	MIN	MPD	MPR
Agricultural Resource	C	C	I	I	I	C	I	I	I	I	I	I	I	I	I	I	C	C	I	I	C
Forest Resource	I	C	I	I	I	I	I	I	I	I	I	I	I	I	I	I	C	C	I	I	C
Mineral Resource	C	C	C	C	I	C	C	I	I	I	I	I	C	I	I	I	C	C	C	I	C
Rural Settlement	I	I	I	I	C	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	C
Rural Transitional	I	I	C	C	I	C	I	I	I	I	I	I	C	I	I	I	C	C	I	I	C
Rural Self-Sufficient	C	C	C	I	I	C	I	I	I	I	I	I	C	I	I	I	C	C	I	I	C
Rural Remote/Extremely Limited Development Potential	C	C	I	I	I	C	C	I	I	I	I	I	C	I	I	I	C	C	I	I	C
Urban(2)	I	I	I	I	I	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	I
Low Density Residential	I	I	I	I	I	I	C	C	C	C	I	I	I	I	I	I	I	I	I	C	I
Med Density Residential	I	I	I	I	I	I	I	I	C	C	C	I	I	I	I	I	I	I	I	C	I
High Density Residential	I	I	I	I	I	I	I	I	I	C	C	I	I	I	I	I	I	I	I	C	I
Professional Office	I	I	I	I	I	I	I	I	I	I	C	C	C	I	I	C	I	I	I	C	I
Neighborhood Commercial	I	I	I	I	I	I	I	I	I	I	C	C	C	I	I	I	I	I	I	C	I
Community Commercial	I	I	I	I	I	I	I	I	I	I	C	C	I	C	I	I	I	I	I	C	I
General Commercial	I	I	I	I	I	I	I	I	I	I	C	C	I	C	C	I	C	I	I	C	I
Arterial Commercial	I	I	I	I	I	I	I	I	I	I	I	C	I	I	C	C	C	I	I	C	I
Industrial	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	C	C	I	C	I
Large Convenience Center	I	I	I	I	I	I	I	I	I	I	I	C	I	I	C	C	I	I	I	C	I

KEY: C = Consistent I = Inconsistent

Notes:

(1) The Industrial zoning district may only be applied outside of urban growth areas when it meets state siting criteria (see plan policy ED 3.14).

(2) The zones within Urban Growth Areas must also be consistent with city's comprehensive plan map.

EXHIBIT B

OFFICIAL ZONING MAPS

OF

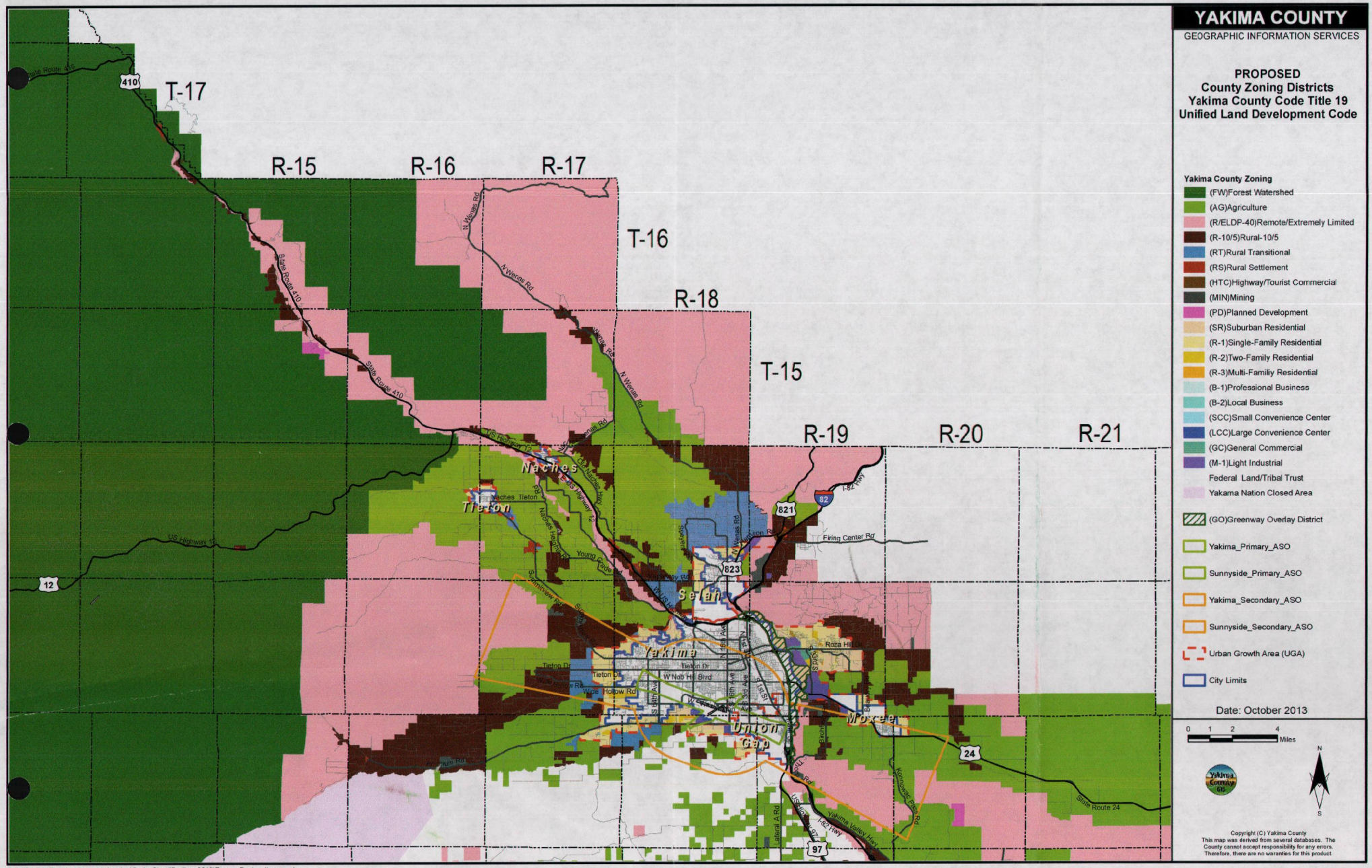
YAKIMA COUNTY, WASHINGTON

YCC TITLE 19 *UNIFIED LAND DEVELOPMENT CODE*

MAPS

Title 19 does not change zoning district boundaries; however, the varying zoning districts have been combined or consolidated:

- Mountain Rural (MR) and Valley Rural (VR) = R-10/5
- Duplicate zoning districts in Titles 15 and 15A have been combined or consolidated:
    - R-1, R-2, R-3;
    - B-1;
    - GC and C;
    - I and M-1.



YAKIMA COUNTY

GEOGRAPHIC INFORMATION SERVICES

PROPOSED
County Zoning Districts
Yakima County Code Title 19
Unified Land Development Code

Yakima County Zoning

- (FW)Forest Watershed
- (AG)Agriculture
- (R/ELDP-40)Remote/Extremely Limited
- (R-10/5)Rural-10/5
- (RT)Rural Transitional
- (RS)Rural Settlement
- (HTC)Highway/Tourist Commercial
- (MIN)Mining
- (PD)Planned Development
- (SR)Suburban Residential
- (R-1)Single-Family Residential
- (R-2)Two-Family Residential
- (R-3)Multi-Familiy Residential
- (B-1)Professional Business
- (B-2)Local Business
- (SCC)Small Convenience Center
- (LCC)Large Convenience Center
- (GC)General Commercial
- (M-1)Light Industrial
- Federal Land/Tribal Trust
- Yakama Nation Closed Area

- (GO)Greenway Overlay District
- Yakima_Primary_ASO
- Sunnyside_Primary_ASO
- Yakima_Secondary_ASO
- Sunnyside_Secondary_ASO
- Urban Growth Area (UGA)
- City Limits

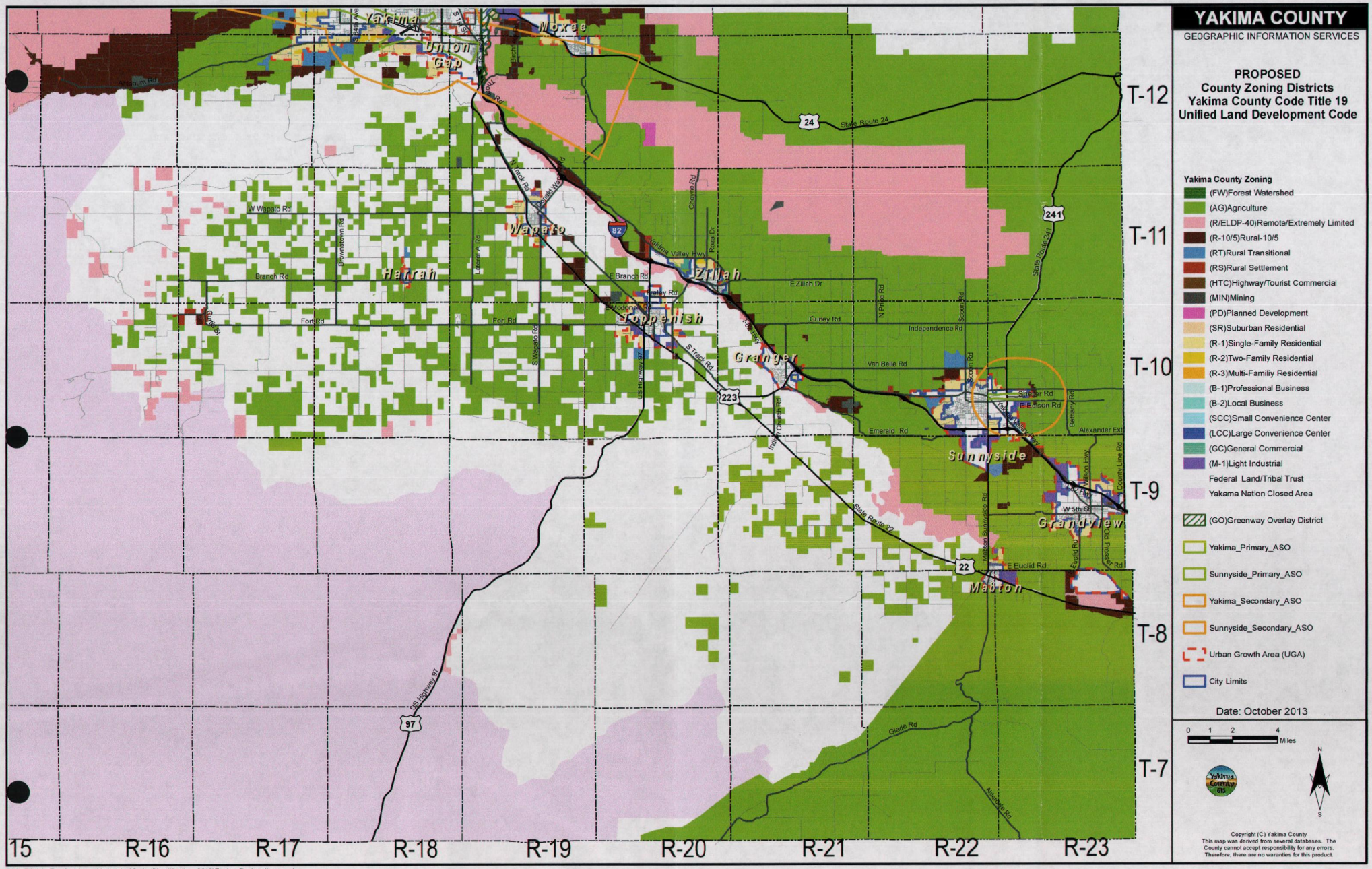
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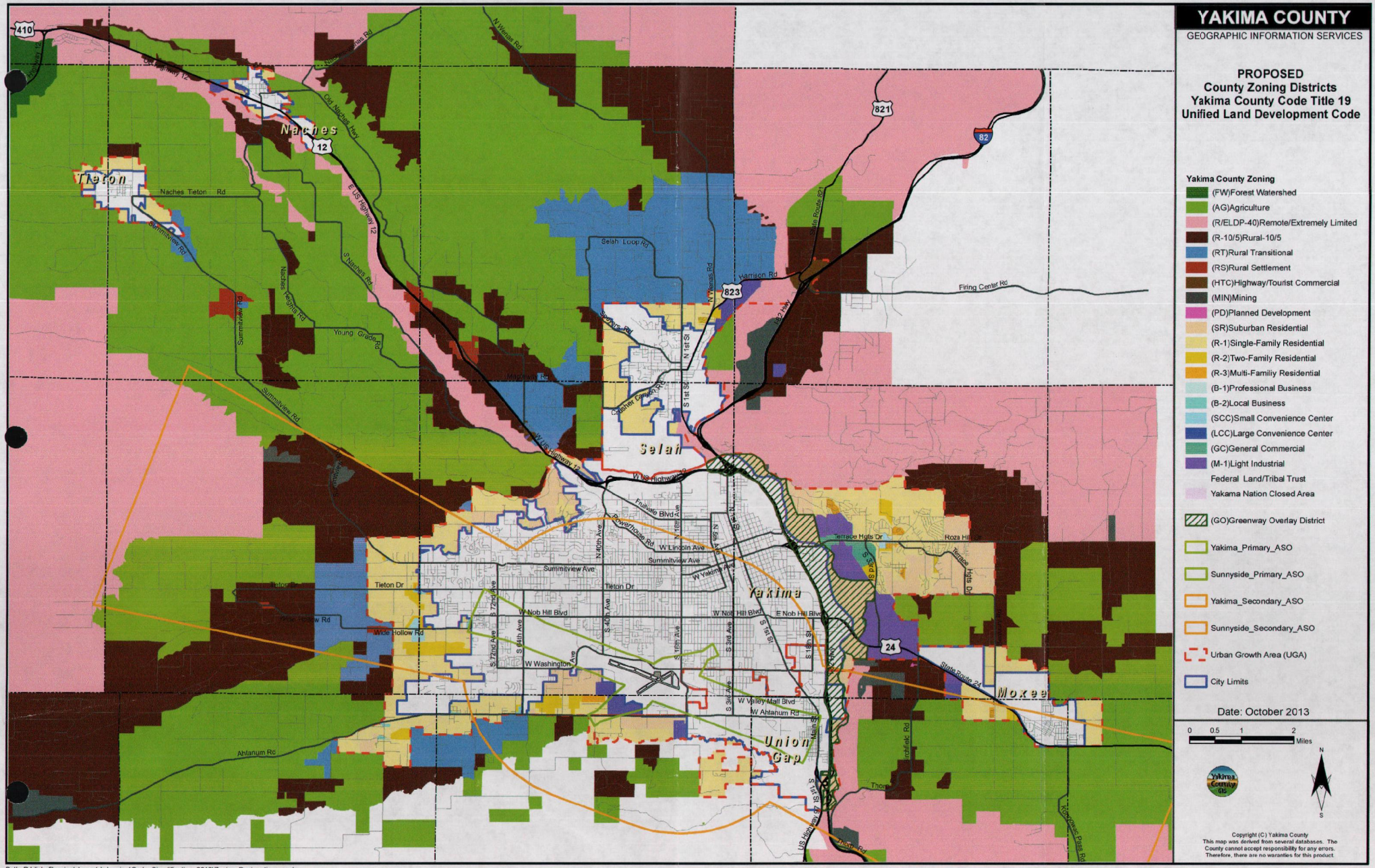
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