



BOARD OF YAKIMA COUNTY COMMISSIONERS

Agenda Request Form (ARF)

Deliver completed ARF and finalized agenda item to the Clerk or Deputy Clerk of the Board at the Yakima County Commissioners' Office, Room 232.

Prepared by: Tommy Carroll

Department: Public Services - Planning Division

Requested Agenda Date: April 9, 2024

Presenting: Tommy Carroll

Board of County Commissioners Record Assigned

#

004-2024

Action Requested – Check Applicable Box:

☐ PASS RESOLUTION

☒ PASS ORDINANCE

☐ ISSUE PROCLAMATION

☐ EXECUTE or AMEND

AGREEMENT, CONTRACT, or GRANT

☐ OTHER _____

Document Title:

IN THE MATTER OF AMENDING THE YAKIMA COUNTY CODE TITLE 19 – UNIFIED LAND DEVELOPMENT CODE PERTAINING TO THE REGULATION OF TRUCKING AND HEAVY EQUIPMENT STORAGE REPAIR AND MAINTENANCE RELATED BUSINESSES IN THE R-10/5 AND R/ELDP ZONING

Background Information:


A text amendment request to Yakima County Code Title 19 was made by a Mr. Kent McHenry to the Board of Yakima County Commissioners to consider allowing both heavy equipment storage, maintenance and repair AND trucking related businesses in the R10/5 and R/ELDP zoning districts. The request also included specific development standards for the placement of those uses. On July 12, 2023 the Planning Commission recommended approval of the amendment. The Board held a hearing on the matter Jan. 30, 2024 and moved

Describe Fiscal Impact:

N/A

Summary & Recommendation:

The Board of Yakima County Commissioners needs to take action on the attached ordinance either by approving, denying or modifying the proposed text amendments.


Department Head/Elected Official Signature

Corporate Counsel Initial (for Agreements Only)

TC

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE 004-2024

IN THE MATTER OF AMENDING THE YAKIMA COUNTY CODE TITLE 19 – UNIFIED LAND DEVELOPMENT CODE PERTAINING TO THE REGULATION OF TRUCKING AND HEAVY EQUIPMENT STORAGE, REPAIR AND MAINTENANCE RELATED BUSINESSES IN THE R-10/5 AND R/ELDP ZONING DISTRICTS

GENERAL

WHEREAS, in compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, the Board of Yakima County Commissioners (Board) adopted the Yakima County Comprehensive Plan - *Horizon 2040*, on June 27, 2017, and adopted development regulations – Yakima County Code (YCC) Title 19, on May 5, 2015; **and**,

WHEREAS, RCW 36.70A.130 requires that Yakima County as a “fully planning” county; shall update its comprehensive plan and development regulations, as necessary, to reflect local needs, new data, and current laws; **and**,

WHEREAS, under RCW 36.70A.130, the plan and development regulations are subject to continuing review and evaluation, but the plan may be amended no more than one time per year; **and**,

WHEREAS, as part of its comprehensive plan and development regulations update process, the County has established a public participation program, YCC 16B.10, which sets forth minimum requirements for ensuring adequate public notification and opportunities for comment and participation in the amendment process; **and**,

WHEREAS, on December 24, 2021, Kent McHenry submitted a proposed text amendment to amend portions of YCC Title 19 Unified Land Development Code; **and**,

WHEREAS, the proposed text amendment (LRN2022-00005) to YCC Title 19, was presented to the Planning Commission for their docketing consideration on April 6, 2022; **and**,

WHEREAS, on April 12, 2022, Yakima County submitted a 60-Day Notice of Intent to Adopt Amendment to the Department of Commerce, as required by RCW 36.70A.106 on the proposed development regulation amendment; **and**,

WHEREAS, on September 14, 2022, October 26, 2022, April 12, 2023, and May 10, 2023, the Planning Commission held study sessions to review the proposed text amendment; **and**,

WHEREAS, the Planning Commission conducted a properly advertised and noticed public hearing on June 14, 2023, to hear testimony on the proposed development regulation text amendment; **and**,

WHEREAS, the Planning Commission held their deliberations for LRN2022-00005/SEP2023-00016 on July 12, 2023; **and**,

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WHEREAS, the Planning Commission, having carefully considered the staff recommendation and the written and oral testimonies in its deliberations approved their Findings and Recommendations on July 12, 2023, for the proposed text amendment LRN2022-00005 and SEP2023-00016; **and**,

WHEREAS, the Board of Yakima County Commissioners held a work session on January 22, 2024, on the proposed amendments; **and**,

WHEREAS, the Board of Yakima County Commissioners conducted a properly advertised public hearing on January 30, 2024, to hear testimony on the proposed text amendments outlined in the Planning Commission recommendations; **and**,

WHEREAS, Yakima County initiated text amendments must be processed in compliance with the State Environmental Policy Act (SEPA); **and**,

WHEREAS, Yakima County staff issued a SEPA Determination of Non-Significance for LRN2023-00005 and SEP2023-00016 on February 18, 2024. All SEPA reviews analyze the environmental and growth management impacts of all proposed actions and considered all submitted comments from agencies and parties of record; **now, therefore**,

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

Section 1. Reasons for Action.

The Board of Yakima County Commissioners are considering the proposed amendments as follows:

- A. A development regulation text amendment to YCC Title 19 was proposed by Kent McHenry (applicant) as part of the 2022 docketing process and was selected for consideration.
- B. The applicant's proposed development regulation text amendment was to allow heavy equipment and storage, and commercial trucking businesses in rural areas of Yakima County.
- C. The applicant proposed development regulation text amendment is considered an official control under state law and must be reviewed by the Yakima County Planning Commission.
- D. The proposed development regulation text amendment was modified by staff to address a number of potential issues between the applicant's proposed text changes and existing code language found in YCC Title 19.

BOARD OF YAKIMA COUNTY COMMISSIONERS

- E. Many of the staff proposed changes to the applicant's proposal was to add clarifying language, including new definitions and changes to the land use table that required the Planning Commission to consider.
- F. The Planning Commission must hold an open record public hearing on any Title 19 amendment proposal before providing a recommendation to the Board of Yakima County Commissioners.

A Staff report for the development regulation text was provided to the Planning Commission that identified specific issues and recommended approval, modification, or denial of the proposed amendments. Following public testimony and deliberations, the Planning Commission has determined which of the proposed amendments are needed to correct errors, address deficiencies or more closely correspond to the goals, policies and intent of **Horizon 2040** and presented their findings and recommendations to the Board of Yakima County Commissioners for their consideration.

The Board of Yakima County Commissioners reviewed said amendments, held a public hearing, and decided to approve, modify, and/or deny the proposed amendments.

Section 2. Findings.

- A. Compliance with Growth Management Act. The Board of Yakima County Commissioners finds that the amendments to YCC Title 19, adopted by this ordinance are in substantial compliance with RCW 36.70A (the Growth Management Act, or GMA). The Comprehensive Plan – **Horizon 2040** is internally consistent and policies within and among elements are complementary, not contradictory. The Comprehensive Plan – **Horizon 2040** contains policies, implementation measures, and procedures which provide for its review and adjustment if internal conflicts are discovered.
- B. State Environmental Policy Act (SEPA). Yakima County adopted **Horizon 2040** on June 27, 2017, and adopted by reference **Plan 2015's**, Chapter III Environmental Analysis. **Plan 2015** was originally designed to integrate SEPA and GMA consistent with the provisions of WAC 197-11-210 through 197-11-235. The issuance of the February 23, 2024, *Final Notice of Determination of Non-Significance for YCC Title 19 Text Amendments* (SEP2023-000016) provides the environmental evaluation and documentation required under SEPA for the plan, development regulation, and emergency UGA amendments.
- C. Analysis of Cumulative Effects. The cumulative effects have been considered as part of the SEPA review process outlined in subsection B. above.
- D. The Board of Yakima County Commissioners adopts the proposed development regulation text amendments (LRN2022-00005 and SEP2023-00016) without any modifications to the Findings and Recommendations of the Planning Commission dated July 12, 2023 (see Exhibit 1 for the Planning Commission Findings and Recommendations).

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Section 3. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the resolution, or the validity of its application to any other persons or circumstances.

Section 4. Effective Date. Pursuant to the Growth Management Act (RCW 36.70A), Yakima County must publish a Notice of Adoption within 10 days after the Board's approval of this ordinance, thus starting the required 60-day appeal period. Therefore, this ordinance becomes effective on the 61st day after publishing of the Notice of Adoption.

APPROVE ^x _____

DENY _____

MODIFY _____

DONE

APR 09 2024



Attest:

Julie Lawrence, Clerk of the Board *or*
Erin Franklin, Deputy Clerk of the Board

Amanda McKinney, Chair

LaDon Linde, Commissioner

Kyle Curtis, Commissioner

*Constituting the Board of County Commissioners
for Yakima County, Washington*

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Exhibit 1 – LRN2022-00005 and SEP2023-00016 Planning Commission Findings and Recommendations.

Exhibit 1 – LRN2022-00005 and SEP2023-00016 Planning Commission Findings and Recommendations.

Yakima County Planning Commission
Findings of Fact and Recommendation
July 12, 2023

IN THE MATTER OF CONSIDERING) **FINDINGS OF FACT AND**
AMENDMENTS TO YAKIMA COUNTY) **RECOMMENDATION**
DEVELOPMENT REGULATIONS, YCC TITLE) File Nos: LRN2022-00005/SEP2023-00016
19 UNIFIED LAND DEVELOPMENT CODE)

WHEREAS, in compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, the Board of Yakima County Commissioners adopted the Yakima County Comprehensive Plan – **Horizon 2040**, on June 27, 2017, and adopted development regulations – Yakima County Code (YCC) Title 19, on May 5, 2015; and

WHEREAS, RCW 36.70A.130 requires that Yakima County as a “fully planning” county shall update its comprehensive plan and development regulations, as necessary, to reflect local needs, new data, and current laws; and

WHEREAS, under RCW 36.70A.130, the plan and development regulations are subject to continuing review and evaluation, but the plan may be amended no more than one time per year; and

WHEREAS, on December 24, 2021, Kent McHenry submitted a proposed text amendment to amend portions of YCC Title 19 Unified Land Development Code; and

WHEREAS, the proposed text amendment (LRN2022-00005) to YCC Title 19, was presented to the Planning Commission for their docketing consideration on April 6, 2022; and

WHEREAS, on April 12, 2022, Yakima County submitted a 60-Day Notice of Intent to Adopt Amendment to the Department of Commerce, as required by RCW 36.70A.106 on the proposed development regulation amendment; and

WHEREAS, on September 14, 2022, October 26, 2022, April 12, 2023, and May 10, 2023, the Planning Commission held study sessions to review the proposed text amendment; and

WHEREAS, the Planning Commission conducted a properly advertised and noticed public hearing on June 14, 2023, to hear testimony on the proposed development regulation text amendment; and

WHEREAS, the Planning Commission held their deliberations for LRN2023-00005 on July 12, 2023; and

WHEREAS, the Planning Commission, having carefully considered the staff recommendation in its deliberations, moved to make the recommendations described below (II. FINDINGS OF FACT) to the Board of Yakima County Commissioners concerning the proposed text amendment to YCC Title 19;

1
2 NOW, THEREFORE, the Yakima County Planning Commission hereby makes and
3 enters the following:
4

5 I. REASONS FOR ACTION 6

7 The 2022 amendment before the Planning Commission is as follows:
8

- 9 1. A development regulation text amendment to YCC Title 19 was proposed by
10 Kent McHenry (applicant) as part of the 2022 docketing process and was
11 selected for consideration.
12
- 13 2. The applicant's proposed development regulation text amendment was to allow
14 heavy equipment and storage, and commercial trucking businesses in rural
15 areas of Yakima County.
16
- 17 3. The applicant proposed development regulation text amendment is considered
18 an official control under state law and must be reviewed by the Yakima County
19 Planning Commission.
20
- 21 4. The proposed development regulation text amendment was modified by staff to
22 address a number of potential issues between the applicant's proposed text
23 changes and existing code language found in YCC Title 19.
24
- 25 5. Many of the staff proposed changes to the applicant's proposal was to add
26 clarifying language, including new definitions and changes to the land use table
27 requiring the Planning Commission to consider.
28
- 29 6. The Planning Commission must hold an open record public hearing on any Title
30 19 amendment proposal and provide a recommendation to the Board of
31 Yakima County Commissioners.
32

33 II. FINDINGS OF FACT 34

35 -1-
36

37 Yakima County, in compliance with the Washington State Growth Management Act
38 (GMA), Chapter 36.70A RCW, the Board of Yakima County Commissioners adopted the
39 Yakima County Comprehensive Plan – **Horizon 2040**, on June 27, 2017, and adopted
40 development regulations – YCC Title 19, on May 5, 2015; and
41

42 -2-
43

44 The Planning Commission reviewed and considered the proposed McHenry
45 development regulation text amendment item at four study sessions on September 14,
46 2022, October 26, 2022, April 12, 2023, and May 10, 2023.
47

-3-

Yakima County staff submitted a 60-Day Notice of Intent to Adopt Amendment to the Department of Commerce on April 12, 2022, for the development regulation text amendment.

-4-

The Planning Commission accepted oral and written comments at a properly advertised public hearing held on June 14, 2023.

-5-

The hearing was closed on June 14, 2023, and the Planning Commission moved to deliberate and make a recommendation on the proposed amendment.

-6-

Base on the testimony received at the June 14, 2023, public hearing and deliberations, the Planning Commission recommended a 6 to 0 vote that the proposed text amendment, as amended be **approved** by the Board of Yakima County Commissioners, as drafted in Exhibit 1.

III. RECOMMENDATION

By motion and vote described in II. Findings of Fact, the Planning Commission recommends that the Board of Yakima County Commissioners approve the proposed text amendments to Chapter 19.18 Special Uses and Standards of Yakima County Code Title 19 adding two new sections - Section 19.18.225 Heavy Construction Equipment Storage, Maintenance, Repair, and Contracting and Section 19.18.495 Transportation Related Businesses, attached as Exhibit 1.

Voting in favor of the findings and recommendation:

Doug Mayo, Chair	<u>Absent</u>
Michael Shuttleworth, Vice Chair	<u>Virtual meeting</u>
Holly Castle	<u></u>
Jerry Craig	<u></u>
Sergio Garcia	<u></u>
Raul Martinez	<u></u>
Isidra Sanchez	<u></u>

Approved 6 to 0

Attest:


 Thomas D. Carroll,
 Secretary

1 Voting against the findings and recommendation:
2
3

4 Dated: July 12, 2023
5

Exhibit 1 - LRN2022-00005/SEP2023-00016

Exhibit 1 – outlines the proposed changes to YCC Title 19.18, Table 19.14-1 Allowable Land Use Table and YCC Title 19.01.070 Definitions.

Chapter 19.18
SPECIAL USES AND STANDARDS

Sections:

- 19.18.010 Legislative Intent.
- 19.18.020 Accessory Buildings and Uses.
- 19.18.030 Adult Entertainment Facilities.
- 19.18.040 Airports, Heliports and Landing Fields.
- 19.18.050 Agriculturally Related Industry Lots.
- 19.18.060 Agricultural Tourist Operations.
- 19.18.070 Agricultural Stand.
- 19.18.080 Ambulance Dispatch Facility.
- 19.18.090 Animal Husbandry and Animal Feeding Operations.
- 19.18.110 Bed and Breakfast Inns (B&B).
- 19.18.120 Building and Trade Contractors.
- 19.18.130 Campgrounds and Recreational Vehicle Parks.
- 19.18.135 Camping Accessory to Approved Recreational Uses.
- 19.18.140 Cemetery Plots.
- 19.18.150 Community Open Space Requirements.
- 19.18.170 Reserved.
- 19.18.180 Drive-Through Facilities.
- 19.18.190 Electric Vehicle Infrastructure.
- 19.18.205 Especially Sensitive Land Uses.
- 19.18.210 Farm Labor Housing and Farm Dwellings.
- 19.18.220 Reserved.
- [19.18.225 Heavy Construction Equipment Storage, Maintenance, Repair and Contracting Businesses](#)
- 19.18.230 Historic Landmark.
- 19.18.240 Home Businesses.
- 19.18.250 Kennels.
- 19.18.260 Linear Transmission Facilities.
- 19.18.270 Manufactured Homes Regulated for Purposes of Siting as Site-Built Homes.
- 19.18.280 Manufactured/Mobile Home Park Standards.
- 19.18.290 Manufactured/Mobile Home Placement.
- 19.18.300 Manufactured Modular Nonresidential Structures (“Commercial Coaches”) Placement.
- 19.18.310 Mining.
- 19.18.320 Mini Storage Facilities.
- 19.18.330 Mixed Uses (Residential and Commercial).
- 19.18.340 Nurseries.
- 19.18.350 Off-Road Vehicle Recreation Facilities.
- 19.18.360 Opiate Substitution Treatment Facilities.
- 19.18.370 Outdoor Amusements.
- 19.18.390 Residential Uses.
- 19.18.405 Separation Requirements for Certain Uses.
- 19.18.410 Service Stations, Automotive.
- 19.18.420 Short-Term Rentals.
- 19.18.430 Social Card Rooms.

- 1 19.18.440 Solid Waste Handling and Disposal Sites.
- 2 19.18.460 Aggregate Stockpiling.
- 3 19.18.480 Temporary Use Permits.
- 4 19.18.490 Towers.
- 5 19.18.495 Transportation Related Businesses
- 6 19.18.510 Zero Lot Line Development.

7
8
9 • **PROPOSED NEW SECTION TO YCC TITLE 19, CHAPTER 18, SECTION 225 – HEAVY CONSTRUCTION EQUIPMENT STORAGE, MAINTENANCE, REPAIR AND CONTRACTING BUSINESSES (New Text – Blue Underlined)**

10
11
12
13
14 19.18.225 Heavy Construction Equipment Storage, Maintenance, Repair and Contracting
15 Businesses

16 1. Legislative Intent. This Section is intended to:

- 17 a) Provide methods for the approval of Heavy Construction Equipment Storage, Maintenance,
- 18 Repair and Contracting businesses in the Rural Zoning Districts listed in 19.14-1 Allowable
- 19 Land Use Table.
- 20 b) Ensure that the approval of Heavy Equipment Storage, Maintenance, Repair and Contracting
- 21 businesses does not have a negative impact on the adjacent land uses or the rural character
- 22 of the zoning district.
- 23 c) Ensure that proper infrastructure is in place or proposed to be in place to support the
- 24 proposed use.

25 2. Applicability

26 a) Permit Required

- 27 1. Heavy Equipment Storage, Maintenance, Repair and Contracting businesses shall not be
- 28 maintained, established, substantially altered, expanded, or improved until the person
- 29 operating such site has obtained a project permit as provided in the Allowable Land Use
- 30 Table 19.14-1 in Chapter 19.14.
- 31 2. Operation of the proposed use is not allowed until such site has obtained all applicable
- 32 Federal, State and Local permits.
- 33 3. The property must be three (3) acres or larger and have direct access to a paved county
- 34 road or state/federal highway.

35 3. Public Notice

- 36 a) Notice of the proposed Land Use change mailed under YCC Title 16B shall be sent to owners
- 37 of property within 300 feet of the proposed use.

38 4. Information Requirements

- 39 a) In addition to the requirements of chapter 19.30 and the application procedures in YCC Title
- 40 16B, the application shall include the following information:

- 41 1. A narrative detailing the reasons for locating the proposed business at this location,
- 42 including reasons why it could not be located within an Urban Zoning District.
- 43 2. Water usage requirements.
- 44 3. Information of the vehicle trips that would be generated daily as a result of this
- 45 proposal.
- 46 4. Circulation Plan, including locations of ingress and egress.

1 5. Hours of operations

2 5. Approval Requirements

3 a) Findings. Before such approval shall be given, the Reviewing Official shall find:

- 4 1. The proposed facility is designed, located, and proposed to be operated so the public
 5 health, safety, and welfare will be protected.
 6 2. That the use will not prevent the orderly and reasonable use and development of
 7 surrounding properties or of properties in adjacent zones.
 8 3. That all public or private utilities necessary for the use are available, and that the roads
 9 serving the use are adequate to accommodate the type and extent of vehicular traffic.

10 b) Review Criteria. In addition to the requirements outlined in YCC Title 19.30, the Reviewing
 11 Official shall consider the following criteria, based on evidence provided by the applicant.

- 12 1. Compatibility with the current uses of adjoining properties.
 13 2. Capacity on operation of the roadways serving the subject property.
 14 3. Adequate water supply for the proposed use.
 15 4. Adequate sewerage disposal for the proposed use.
 16 5. Suitability of the land for the proposed use.
 17 6. Whether a hazard to life, limb, or property, because of the proposed use is created
 18 which or which might be reasonably be created as a result of the proposed use, and
 19 what measures would mitigate any such hazards.
 20 7. What restrictions should or should not be imposed to secure the purpose of this section
 21 and to protect the public and surrounding property owners.

22 c) Ownership

23 No approval shall be issued for a premise, except with written consent of the owner or
 24 owners. Permission to engage in the use is granted to only the permit applicant or the
 25 permit applicant's transferee. Permits shall be transferable unless the approval specifies
 26 otherwise. Transferees shall engage in the use authorized by the permit only to the extent
 27 authorized by this Section and the permit itself.

28 6. Restriction upon operations

29 In addition to the development standards outlined in YCC 19.10.040 and the requirements of
 30 YCC 19.30, reasonable restrictions upon the operations may be imposed by the Reviewing
 31 Official based on comments received, identified impacts resulting from the specific proposal,
 32 and/or to maintain compliance with the Comprehensive Plan, and this Title. Such restrictions
 33 may relate to any activity anticipated from the proposed use. Examples would be hours of
 34 operation, site-screening, traffic volume, setbacks, noise, light, and glare, etc.

- 35
36
37 • **PROPOSED NEW SECTION TO YCC TITLE 19, CHAPTER 18, SECTION 495 –**
 38 **TRANSPORTATION RELATED BUSINESSES (New Text – Blue Underlined)**
 39

40 19.18.495 Transportation Related Businesses

41 1. Legislative Intent. This Section is intended to:

- 42 a) Provide administrative process for the approval of Transportation Related Businesses in the
 43 Rural Zoning Districts listed in 19.14-1 Allowable Land Use Table.
 44 b) Ensure that the approval of Transportation Related Businesses does not have a negative
 45 impact on the adjacent land uses or the rural character of the zoning district.

1 c) Ensure that the proper infrastructure is in place or proposed to be in place to support the
2 proposed use.

3 d) Ensure that Transportation related businesses in rural zoning districts will not constitute
4 nuisances to other land uses, especially residential neighborhoods.

5 2. Applicability

6 a) Permit Required. Transportation related businesses shall not be maintained, established,
7 substantially altered, expanded, or improved until the person operating such site has
8 obtained a project permit as provided in the Allowable Land Use Table 19.14-1 in Chapter
9 19.14.

10 b) Transportation related businesses apply to operations that either do not require parking of
11 vehicles on the property, such as dispatch operations, or those that do require parking of
12 vehicles, such as brokerages.

13 c) Operations that require storage of vehicles used seasonally, whether agriculture related or
14 not.

15 d) The property must be three (3) acres or larger and have direct access to a paved county road
16 or state/federal highway.

17 3. Public Notice

18 a) Notice of the proposed Land Use change mailed under YCC Title 16B shall be sent to owners
19 of property within 300 feet of the proposed use.

20 4. Information Requirements

21 a) In addition to the requirements of chapter 19.30 and the application procedures in YCC Title
22 16B, the application shall include the following information:

23 1. Information on the vehicle trips per day that would be generated as a result of this
24 proposed use, whether for seasonal or year-round use.

25 2. The size of the parking lot, if applicable, including the layout, surface type and number
26 of parking spaces.

27 3. Circulation Plan, including locations of ingress and egress.

28 4. Hours of operation.

29 5. Approval Requirements

30 a) Findings. Before such approval shall be given, the Reviewing Official shall find:

31 1. The proposed facility is designed, located, and proposed to be operated so the public
32 health, safety, and welfare will be protected.

33 2. That the use will not prevent the orderly and reasonable use and development of
34 surrounding properties or of properties in adjacent zones.

35 3. That all public or private utilities necessary for the use are available, and that the roads
36 serving the use are adequate to accommodate the type and extent of vehicular traffic.

37 b) Review Criteria. In addition to the requirements outlined in YCC Title 19.30, the Reviewing
38 Official shall consider the following criteria, based on evidence provided by the applicant.

39 1. Compatibility with the current uses of adjoining properties.

40 2. Capacity on operation of the roadways serving the subject property.

41 3. Adequate water supply for the proposed use.

42 4. Adequate sewerage disposal for the proposed use.

43 5. Suitability of the land for the proposed use.

44 6. Whether a hazard to life, limb, or property, because of the proposed use is created
45 which or which might be reasonably be created as a result of the proposed use, and
46 what measures would mitigate any such hazards.

7. What restrictions should or should not be imposed to secure the purpose of this section and to protect the public and surrounding property owners.

c) Ownership.

No approval shall be issued for a premise, except with written consent of the property 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. Transferees shall engage in the use authorized by the permit only to the extent authorized by this Section and the permit itself.

6. Restriction upon operations

In addition to the development standards outlined in YCC 19.10.040 and the requirements of YCC 19.30, reasonable restrictions upon the operations may be imposed by the Reviewing Official based on comments received, identified impacts resulting from the specific proposal, and/or to maintain compliance with the Comprehensive Plan, and this Title. Such restrictions may relate to any activity anticipated from the proposed use. Examples are, hours of operation, site-screening, traffic volume, setbacks, noise, light, and glare, etc.

- **PROPOSED CHANGES TO TABLE 19.14-1 ALLOWABLE LAND USE TABLE – TRANSPORTATION RELATED BUSINESSES (New Text – Blue Underlined)**

Chapter 19.14
ALLOWABLE LAND USE TABLE

Sections:

19.14.010 Allowable Land Use Table.

- (1) 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.
- (2) Uses. The uses set out in Table 19.14-1 are examples of uses allowed in the various zoning districts defined in this title. 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.

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.

TRANSPORTATION	AG	FW	MIN	R/ELDP	R-10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
Contract truck hauling, rental and trucks with drivers*				<u>3</u>	<u>2</u>		2	3									3	1	1
Taxicab terminals, maintenance and dispatching centers, etc.							2									3	3	1	
Transportation brokerage offices*; with truck parking				<u>3</u>	<u>2</u>		3	2								2	2	1	1
Transportation brokerage offices*; without truck parking				<u>3</u>	<u>2</u>		2	1								1	1	1	1

RETAIL TRADE AND SERVICE	AG	FW	MIN	R/ELDP	R-10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
Heavy construction equipment storage, maintenance, repair and contracting services				<u>3</u>	<u>2</u>		2	3									3	1	1

• **PROPOSED CHANGES TO YCC TITLE 19, CHAPTER 01, SECTION .070 DEFINITIONS**
(New Text – Blue Underlined)

Chapter 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.

<u>Contract truck hauling, rental and trucks with drivers</u>	<u>"Contract truck hauling, rental and trucks with drivers," means any person, whether through a franchise or private contract, paid to collect and move material from a generator to a reporting entity, end user, or a destination. Any material delivered by a contract hauler is referred to as "contract-hauled." These land uses are regulated under YCC Title 19.18.495 Transportation Related Businesses.</u>
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(Note: New definition)

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. <u>These land uses are regulated under YCC Title 19.18.495 Transportation Related Businesses.</u>
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