



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: Aaron M. Cohen

Department: Public Services

Requested Agenda Date: December 31, 2024

Presenting: Aaron M. Cohen

Board of County Commissioners Record Assigned

#

012-2024

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 16B – PROJECT PERMIT ADMINISTRATION (LRN2024-00008)

Background Information:

A work session with the Board occurred on November 18, 2024. An open record public hearing on the proposed changes was held on December 17, 2024. At the close of the hearing, the Board moved to approve the proposed changes as presented and instructed staff to bring an ordinance stating such.

Describe Fiscal Impact:

\$0

Summary & Recommendation:

The ordinance amends YCC 16B - Project Permit Administration as required by Senate Bill 5290 of 2023 and staff recommends the ordinance be adopted.

Department Head/Elected Official Signature

Corporate Counsel Initial (for Agreements Only)

BOARD OF YAKIMA COUNTY COMMISSIONERS

012-2024

ORDINANCE

**IN THE MATTER OF AMENDING THE YAKIMA COUNTY CODE TITLE 16B –
PROJECT PERMIT ADMINISTRATION (LRN2024-00008)**

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 16C, 16D, and 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(2)(a), 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, the Washington State legislature passed Second Substitute Senate Bill 5290 (SB 5290) during the 2023 legislative session amending the procedures for local governments to review project permits; **and**,

WHEREAS, Yakima County Code Title 16 – Project Permit Administration was adopted under Ordinance 4-1996, and has been subsequently amended; **and**,

WHEREAS, the Yakima County Planning Division initiated development regulation text amendment (LRN2024-00008) to amend portions of YCC Title 16B – Project Permit Administration pursuant to SB 5290; **and**,

WHEREAS, on October 31, 2024, Yakima County provided a 60-day notice to the Department of Commerce, as required by RCW 36.70A.106 for LRN2024-00008; **and**,

WHEREAS, the Board held a work session on November 18, 2024, to consider the proposed draft ordinance amending Yakima County Code Title 16B; **and**,

WHEREAS, the Board of Yakima County Commissioners conducted a properly advertised public hearing on December 17, 2024, to hear testimony on the proposed text amendments; **and**,

BOARD OF YAKIMA COUNTY COMMISSIONERS

WHEREAS, the certain text amendments to YCC Title 16B adopting provisions required under SB 5290 are not subject to appeal pursuant to RCW36.70B.080(1)(k).

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. Yakima County Planning initiated amendments to Title 16B (Project Permit Administration) due to legislative changes to project permit review.

The Board of Yakima County Commissioners reviewed said amendments, held a public hearing, and decided to approve as presented.

Section 2. Findings.

- A. Compliance with Growth Management Act. The Board of Yakima County Commissioners find that the amendments to YCC Title 16B, 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. The Board of Yakima County Commissioners adopts the proposed development regulation text amendments (LRN2024-00008) as presented within Exhibit 1.

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, all applicable ordinance becomes effective on the 61st day after publishing of the Notice of Adoption, unless otherwise appealed according to the procedures stated within RCW36.70C.

APPROVE _____^x

DENY _____

MODIFY _____

DONE

Amanda McKinney
Amanda McKinney, Chair

Attest:

BOARD OF YAKIMA COUNTY COMMISSIONERS



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



EXCUSED

LaDon Linde, Commissioner



Kyle Curtis, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*

Exhibit 1 – LRN2024-00008 - The Board of Yakima County Commissioners approved text amendments to Title 16B.

YAKIMA COUNTY

Notice of Adoption of Ord. XX-2024 regarding amendments to Yakima County Code Title 16B

Notice is hereby given that on December 31, 2024, the Board of Yakima County Commissioners, Yakima, Washington adopted Ordinance No. XX-2024 amending the Yakima County Code (YCC) Title 16B. These amendments revise the project permit review procedures.

Ordinance No. XX-2024 may be viewed under "2024 Ordinances" at <https://www.yakimacounty.us/794/County-Code>.

This notice is provided pursuant to RCW 36.70A.290(2)(b). For additional information, please contact Aaron M. Cohen at (509) 574-2300, County Courthouse – 4th Floor, 128 North 2nd Street, Yakima, WA 98901.

Dated: January 2, 2025

Publish: Thursday, January 2, 2025

Bill: Planning, Acct. # 10826

Yakima County Code
TITLE 16B PROJECT PERMIT ADMINISTRATION

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EXHIBIT 1

TITLE 16B

PROJECT PERMIT ADMINISTRATION

Chapters:

- 16B.01 Purpose and Authority**
- 16B.02 Definitions**
- 16B.03 Classification by Project Permit Type**
- 16B.04 Application Process**
- 16B.05 Public Notice**
- 16B.06 Consistency Analysis and SEPA Integration**
- 16B.07 Final Decisions**
- 16B.08 Open Record Public Hearings**
- 16B.09 Administrative Appeals, Closed Record Hearings, and Judicial Appeals**
- 16B.10 Comprehensive Plan and Regulatory Amendment Procedures**
- 16B.11 Violations and Enforcement**

Chapter 16B.01

PURPOSE AND AUTHORITY

Sections:

- 16B.01.010 Purpose and Authority.
- 16B.01.020 Applicability.
- 16B.01.030 Legislative Decisions.
- 16B.01.040 Legislative Enactments not Restricted.
- 16B.01.050 Conflict of Provision.

16B.01.010 Purpose and Authority.

- (1) It is the purpose of this Title to effectively and efficiently administer applications for land use development activities (entitled "Project Permit Applications" by this Title) by creating a permit classification system with consistent procedures for similar application types, and by combining the environmental review process (SEPA), both procedural and substantive, with the procedures for review of project applications.
- (2) When a project permit application is filed, the project review process shall include land use, environmental, public, and governmental review so that documents prepared under different requirements can be reviewed together by the public and other agencies, in one project review process.
- (3) This integrated review process features the following elements.
 - (a) A determination of application completeness issued to the applicant within twenty-eight days of application submittal (Chapter 16B.04);
 - (b) A combined Notice of Application to the public and agencies with jurisdiction (Chapter 16B.05);
 - (c) A determination of the consistency of a proposed project with applicable development regulations and comprehensive plans (Chapter 16B.06);
 - (d) An optional consolidated permit review process for development proposals involving more than one application procedure (Section 16B.03.060);
 - (e) Provisions for use of existing comprehensive plans and development regulations in the environmental review of proposed projects subject to SEPA (Chapter 16B.06);
 - (f) Provisions for joint public hearings or meetings held with other local, state, regional or federal agencies with jurisdiction over a proposed project (Section 16B.08.070);
 - (g) A single report stating all the decisions made as of the date of the report on all project permits, including any environmental determinations, on a proposed permit project (Chapter 16B.07);
 - (h) Except for the appeal of a Determination of Significance under SEPA, no more than one open record hearing on a project permit (Section 16B.03.050); ~~and,~~
 - (i) ~~A notice of final decision issued within 120 days of the determination of application completeness (Chapter 16B.07) For applications that do not require public noticing, a notice of final decision must be issued within sixty-five (65) days of the determination of completeness;~~
 - (j) A notice of final decision must be issued within one-hundred (100) days of the determination of completeness (Chapter 16B.04) for applications that require public noticing;
 - (k) A notice of final decision must be issued within one-hundred-and-seventy (170) days of the determination of completeness (Chapter 16B.04) for applications requiring public noticing and a public hearing; and,

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(l) The exceptions to YCC16B.01.010(3)(i-k) are stated in YCC16B.07.040.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.01.020 Applicability.

The provisions of this Title shall apply to all applications for land use or environmental permits subject to review under the following Chapters and Titles of the Yakima County Code.

- (1) Title 16 – Environment.
- (2) Title 16C – Critical Areas.
- (3) Title 16D – Yakima County Regional Shoreline Master Program.
- (4) Title 19 – Unified Land Development Code.

(Ord. 10-2019 (Exh. 1) (part), 2019: Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 1-2010 Exh. A § 3, 2010: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.01.030 Legislative Decisions.

The following actions are legislative, and are not subject to the project permit procedures in Chapters 16B.03, 16B.04, 16B.07, 16B.08, 16B.09 and 16B.11 of this Code, unless otherwise specified:

- (1) Adoption and amendment of development regulations as defined by RCW 36.70A;
- (2) Area-wide rezones to implement new county policies; and
- (3) Adoption of the county comprehensive plan, sub-area plans, other general purpose or specific county plans and any plan amendments.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.01.040 Legislative Enactments not Restricted.

Nothing in this Title shall limit the authority of the Board of County Commissioners to amend the County's comprehensive plan or development regulations.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.01.050 Conflict of Provision.

In the event of conflicts between any portion of this Title and other rules, regulations, resolutions, ordinances or statutes lawfully adopted by Yakima County, the procedures contained in this Title shall govern.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

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The Yakima County Code is current through Ordinance 7-2023, passed November 21, 2023.

Chapter 16B.02**DEFINITIONS**

Sections:

16B.02.010	Definitions.
16B.02.020	Administrative Official.
16B.02.030	Agency with Jurisdiction.
16B.02.040	Board of County Commissioners.
16B.02.045	Buildable Land.
16B.02.050	Closed Record Hearing.
16B.02.055	Day.
16B.02.060	Decision Maker.
16B.02.070	Hearing Examiner.
<u>16B.02.075</u>	<u>Nonresponsiveness</u>
16B.02.080	Open Record Hearing.
16B.02.082	Optional Consolidated Permit Review.
16B.02.083	Parties of Record.
16B.02.085	Policy Plan Map.
<u>16B.02.090</u>	<u>Project Permit Application.</u>
16B.02.093	Public Meeting.
16B.02.095	Reviewing Official.
16B.02.100	SEPA.

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16B.02.010 Definitions.

Certain terms and words used in this Title are defined in the following Sections. When not inconsistent with the context, words used in the present tense include the future; the singular includes the plural, and the plural the singular; "shall" is always mandatory and "may" indicates a use of discretion in making a decision. Whenever terms defined elsewhere in the Yakima County Code appear in this Title, they shall be given the meaning attributed to them.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.020 Administrative Official.

"Administrative Official" means the Yakima County Planning Official or the official's designee.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.030 Agency with Jurisdiction.

"Agency with Jurisdiction," for 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.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.040 Board of County Commissioners.

"Board of County Commissioners," also abbreviated as "BOCC," or "Board," is the legislative authority of Yakima County.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.045 Buildable Land.

"Buildable Land," for the purposes of 16B.10.095(2)(a), means land suitable and available for residential, commercial, and industrial uses and includes both vacant land and developed land that, in the opinion of the planning agency, i.e., the Planning Division together with its Planning Commission as defined in RCW 36.70.020(13)(b), is likely to be redeveloped.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012).

16B.02.050 Closed Record Hearing.

"Closed Record Hearing" means an administrative hearing, conducted by the Board of County Commissioners following an open record hearing conducted by the Hearing Examiner on a Type 4 project permit application. The hearing is on the evidentiary record developed at the prior open record hearing with no or limited new evidence or information allowed to be submitted and only argument allowed. See also RCW 36.70B.020.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.055 Day.

"Day" means calendar day. 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 computed period is included unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the close of Planning Division business on 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, the intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012).

16B.02.060 Decision Maker.

"Decision maker" means the person or body that is authorized by this Title to render the final decision on a project permit application. Table 3-1 herein designates the decision maker by project permit procedure type.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.070 Hearing Examiner.

"Hearing Examiner" or "Examiner" means that person appointed by the Board of Commissioners in accordance with YCC 2.23.

(Ord. 2-2022 § 3 (Exh. 1), 2022: Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.075 Nonresponsiveness.

"Nonresponsiveness" means that an applicant is not making demonstrable progress on providing additional requested information to the local government, or that there is no ongoing communication from the applicant to the local government on the applicant's ability or willingness to provide the additional information (RCW 36.70B.080(1)(i)).

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16B.02.080 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 County Commissioners (in the case of Type 4 applications), or a final decision on a project permit application (in the case of Type 3 applications and Type 2 applications that are referred by the Administrative Official), or constitute an appeal of an administrative decision on a project permit application (including its SEPA determination). See also RCW 36.70B.020(3).

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.082 Optional Consolidated Permit Review.

“Optional consolidated permit review” means that process authorized by RCW 36.70B.060 and 36.70B.120 which 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.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012).

16B.02.083 Parties of Record.

“Parties of Record” means:

- (a) Any person who appeared at the open or closed record public hearing or public meeting on the application and signed an official register; and
- (b) Any person who submitted written comments in response to the Notice of Application or environmental review (excluding persons who have only signed petitions or mechanically produced form letters); and
- (c) Any person who submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or mechanically produced form letters); and
- (d) Affected agencies and tribes; and
- (e) The applicant and owner of the property.

(Ord. 2-2022 § 3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017).

16B.02.085 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.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.02.090 Project Permit Application.

“Project permit,” or “project permit application,” or “project application,” or “permit,” means any land use or environmental permit or license required from a local government for a project action, including but not limited to subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection. ~~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).

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(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.093 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 file. See also RCW 36.70B.020(5).

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.02.095 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 provisions of the Titles of Yakima County Code listed in Section 16B.01.020 of this Title.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.02.100 SEPA.

"SEPA" refers to the State Environmental Policy Act, Chapter 43.21C RCW, its implementing rules (Chapter 197-11 WAC), and the County's SEPA procedures (Yakima County SEPA Ordinance, Chapter 16.04).

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

Chapter 16B.03

CLASSIFICATION BY PROJECT PERMIT TYPE

Sections:

- 16B.03.010 Introduction.
- 16B.03.020 Project Permits Excluded from Some Review Procedures.
- 16B.03.030 Project Permit Procedures – Defined.
- 16B.03.040 Classification of Project Permit Applications.
- 16B.03.050 Limitations on Open Record Public Hearings and Closed Record Hearings.
- 16B.03.060 Optional Consolidated Permit Review Process.
- 16B.03.070 Administrative Interpretations.
- 16B.03.080 Development Agreement Review Procedures.

16B.03.010 Introduction.

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Exempt, Type 1, Type 2, Type 3, or Type 4. Legislative decisions are addressed in Sections 16B.01.030 – 16B.01.040.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.03.020 Project Permits Excluded from Some Review Procedures.

(1) All Type 1 applications listed in Table 3-2, building permits or other construction permits, or other similar administrative approvals, that are categorically exempt from environmental review under SEPA, or for which environmental review has been completed in connection with other project permits, are excluded from the following procedures. See also RCW 36.70B.140.

- (a) Notice of Application (Chapter 16B.05);
- (b) Consolidated permit review processing (Section 16B.03.060);
- (c) Joint public hearings (Section 16B.08.070);
- (d) Single report (Notice of Decision) stating all the decisions and recommendations made as of the date of the report (Chapter 16B.07).

(2) All of the review procedures listed in Subsection (1) of this Section apply to Type 1 and other project permits that are not categorically exempt from environmental review under SEPA, unless environmental review has been completed in connection with other project permits. See also RCW 36.70B.140.

(3) The development, activities and modifications to development listed in YCC Section 19.30.020(2) may require project permits under Yakima County Code, but are typically not required to obtain a project permit from the Administrative Official under Title 19.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.03.030 Project Permit Procedures – Defined.

(1) The Administrative Official shall determine the procedural classification (Type 1 – 4) for all development applications. If there is a question as to the appropriate procedure type, the Administrative Official shall resolve it in favor of the higher procedural classification.

- (a) Type 1 applications involve ministerial actions and are exempt from public notice requirements. Type 1 applications that are not categorically exempt from environmental review under SEPA are subject to public

notice requirements. Decisions on Type 1 project permit applications will be made by the Administrative Official without a prior public hearing. Decisions on Type 1 projects can be appealed to the Hearing Examiner.

(b) Type 2 applications are administrative actions which may generate public interest. Public notice will be provided for Type 2 actions. Decisions on Type 2 project permit applications will be made by the Administrative Official without a prior public hearing, unless referred by the Administrative Official to the Hearing Examiner for final decision in accordance with the Table 3-2 Notes and YCC 19.03.030(3)(b)(v). Decisions on Type 2 projects can be appealed to the Hearing Examiner. Public notice will be provided on Type 2 actions.

(c) Type 3 applications are quasi-judicial actions and require an open record hearing by the Hearing Examiner. The Examiner's written decision constitutes the final decision. Public notice will be provided on Type 3 actions.

(d) Type 4 Project permit applications are quasi-judicial actions which require an open record hearing before the Hearing Examiner. The Examiner's written decision constitutes a recommendation to the Board of County Commissioners. The Board shall conduct a closed record hearing to act on the Examiner's recommendation. Public notice will be provided on Type 4 actions.

(2) Any administrative appeals of SEPA determinations related to Type 1, 2, or 3 applications will be conducted in accordance with YCC 16B.09. Type 4 decisions and their related SEPA determinations are not subject to administrative appeal (see Table 3-1).

(3) Final administrative decisions on Type 1, 2, 3, and 4 applications and their related SEPA determinations are indicated in Table 3-1.

(4) Table 3-1 identifies the final decision maker, recommending body, hearing body, and appeal body for the four procedural types. Table 3-2 identifies the procedural classification for the various land use permits. Notice provisions for each procedural classification are contained in Table 5-1.

Table 3-1

Procedures for Type 1, 2, 3, and 4 Permit Applications

Process Type	Public Notice	Recommending Body	Open Record Hearing Body	Decision Maker	Project Permit Appeal Body	SEPA Appeal Body
Type 1	N/A	N/A	N/A	Administrative Official ⁽²⁾	Hearing Examiner ⁽¹⁾ (Open Record Hearing)	Hearing Examiner ⁽¹⁾ (Open Record Hearing)
Type 2	Yes	N/A	N/A	Administrative Official	Hearing Examiner ⁽¹⁾ (Open Record Hearing)	Hearing Examiner ⁽¹⁾ (Open Record Hearing)
Type 3	Yes	Administrative Official	Hearing Examiner	Hearing Examiner (Open Record Hearing)	No administrative appeal	Hearing Examiner ⁽¹⁾ (Open Record Hearing)
Type 4	Yes	Hearing Examiner	Hearing Examiner	BOCC (Closed Record Hearing)	No administrative appeal	No administrative appeal

Notes:

- (1) Appeal determinations by the Hearing Examiner on Type 1 and Type 2 applications and on Type 3 SEPA appeals shall be final and binding and not subject to further administrative appeal.
- (2) Not all Type 1 project permits decisions are made by the Administrative Official. Refer to Title 19.

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(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.03.040 Classification of Project Permit Applications.

The following project permits or actions are subject to the decision making processes specified in Table 3-1 and Section 16B.03.030 of this Code, except where indicated in other Titles.

Table 3-2

Table of Procedural Classifications

Title 19 – Yakima County Unified Land Development Code Type 1 Review^(2,4,7)
Type 1 Permitted Uses shown in the land use table in YCC Chapter 19.14 except when Type 2 review is required (19.30.030(1)(c))
Interpretations and similar use determinations by the Administrative Official (Chapter 19.31)
Reconstruction of damaged buildings or structures not involving expansion or nonconforming use (19.33.050(2)(d))
Legal Nonconforming use determination by the Administrative Official (19.33.060(1)(a))
Replacement or restoration of legal nonconforming dwelling (19.33.060(6)(a))
Utility divisions (19.34.090)
Boundary Line Adjustments (19.34.020)
Minor amendments of approved preliminary plats (19.34.050(9)(b))
Final Subdivisions and Short Subdivision⁽¹⁾ (19.34.070)
Segregations within an approved Binding Site Plan for commercial or industrial development (19.34.080(3)(b))
ESLU Setback modifications exceptions (19.35.020(6)(d))
Administrative Modifications to existing or approved uses (19.35.030(3))
Minor modification to a previously approved Master Planned Resort, Resort Development Plan or Planned Development (19.35.050(1))
Future Projects or actions in compliance with an approved Master Development Plan or Development Agreement (19.35.055(1))
Type 1 Uses require Type 2 review when:^(3,4,7)
All or part of the development , except for agricultural buildings, single-family dwellings and duplexes are located within the 100 year floodplain or the Greenway Overlay (GO) District (19.17.050);
All or part of a development that is in a Master Planned Development Overlay (MPDO) District and is identified in a development agreement requiring Type 2 review (19.17.040);
The Reviewing Official cannot determine from the application submitted that the use will meet the approval standards in Section 19.30.090;
The permitted use could be approved subject to broader conditioning authority (19.30.100);
The Administrative Official cannot conclusively determine the legal status of a nonconforming use (19.33.060(1)(c));
The proposed use includes hazardous material as defined in Section 19.01.070.
Type 2 review^(3,4,5)
Type 2 Administrative Uses shown on the land use table in Chapter 19.14 are generally allowed in the zoning district
Change of a legal non-conforming use to another non-allowed use subject to review criteria in Subsection 19.33.060(5)(b)
Amendments to an approved preliminary short subdivision (19.34.040(5)) ⁽¹¹⁾
Alteration or vacation of a recorded short plat (19.34.040(9)) ⁽¹¹⁾

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New Binding Site Plans for commercial and industrial development (19.34.080)	
Administrative Adjustments to standards authorized (19.35.020)	
Type 3 Review	
Conditional Uses shown on the land use table in Chapter 19.14	
Plat vacations or alterations under Chapter 58.17 RCW	
Major modifications to a Master Development Plan or Development Agreement (19.35.055(3))	
Type 4 Review⁽¹⁰⁾	
Type 4 Quasi-judicial uses or development shown on the land use table in Chapter 19.14	
Master Planned Resorts (MPRs) in rural or resource areas (19.11.050)	
New or expanded Master Planned Developments in Urban Growth Areas (19.17.040)	
Subdivision Applications (19.34.050)	
Major amendments to approved preliminary subdivision (19.34.050(9)(c)) ⁽¹¹⁾	
Major modification to a Master Planned Resort or Planned Development (19.35.050(2))	
Minor Rezones (19.36.030) ⁽¹⁰⁾	
Title 16 – Chapter 16.04 – Yakima County SEPA Ordinance	
Application	Process Type
Environmental Review (SEPA Checklist)	Type 2 ⁽⁷⁾
Title 16C – Yakima County Critical Areas Ordinance and Title 16D – Yakima County Regional Shoreline Master Program	
Application	Process Type
Floodprone Permit (16C.05) ⁽¹³⁾	Type 1
Floodprone Development Variance (16C.05.52) & (16D.05.52) ⁽¹³⁾	Type 2 ⁽⁴⁾
Flood Hazard Permit (16C.05.44.040) & (16D.05.44.050) ⁽¹³⁾	Type 1
Standard Development Permit (16C.03.20)	Type 1 ⁽⁶⁾
Critical Areas Adjustment (16C.03.23)	Type 2
Critical Areas Reasonable Use Exception (16C.03.24)	Type 3
Minor Revision to approved uses/development (16C.03.25) & (16D.03.25)	Type 1
Non-Conforming Use/Facility Alteration (16C.03.26) & (16D.03.26)	Type 2 ⁽⁸⁾
Non-Conforming Structures or Areas (16C.03.26 or 16D.03.26) & (16D.05.40.020)	Type 2 ⁽⁹⁾
Shoreline Exemption (16D.03.05)	Type 1
Shoreline Substantial Development Permit (16D.03.19 & 16D.10.05 & Table 16D.10.05)	Type 2 ⁽⁴⁾
Shoreline Conditional Use Permit (16D.03.21 & 16D.10.05 & Table 16D.10.05)	Type 2
Shoreline Variance (16D.03.22)	Type 2

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Notes:

- (1) Final plat applications are subject to determination of completeness as required by Section 16B.04.030 – 060. However, once the application is deemed complete, i.e. – all requirements of the preliminary plat resolution as signed by the BOCC have been met, the final plat is forwarded to the BOCC for signature at its next regular agenda meeting.
- (2) 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 Title 19. Type 1 Uses listed in Subsection 19.30.030(1)(d) are generally not subject to project review by the Administrative Official provided all applicable standards of the 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.
- (3) 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.
- (4) Type 2 review, Administrative Use applications, Floodprone (as defined in YCC Titles 16C and 16D) Development Variances, Zoning Variances, Administrative Adjustments and Substantial Development permits may be referred by the Administrative Official to the Hearing Examiner for final decision, in a manner similar to a Type 3 application.
- (5) Type 3 review required for Type 2 Administrative Uses referred by the Administrative Official for Hearing Examiner review and for other specific reviews established by Title 19. Such referred reviews are subject to the criteria of 19.30.030(2)(b)(iv) for Type 2 uses.
- (6) Standard Development permits under the Critical Areas Ordinance may be processed for final decision as Type 2 project permits rather than as Type 1 permits at the discretion of the Administrative Official.
- (7) SEPA determinations where the underlying permit is Type 1 shall be circulated to agencies with expertise or jurisdiction as defined in WAC 197-11-714 and listed in YCC 16B.05.030(3) but notice to adjacent property owners is not required.
- (8) The term "alteration" in a zoning context may include changing from one nonconforming use to another nonconforming use, but does not include intensification. Certain nonconforming use alterations may not be subject to additional critical area or Shoreline review as described in YCC 16C.03.26(2)(b) and 16D.03.26(2)(b).
- (9) No additional Critical Area or Shoreline review required if reconstruction cost of a conforming use with a nonconforming structure or area is less than 75 percent of value before damage or destruction. See YCC 16C.03.26(2)(a) and 16D.03.26(2)(a).
- (10) 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.
- (11) Minor changes or correction of errors to approved preliminary short plats and alteration or vacation of recorded short plats not involving a change in lot lines or conditions may be made by the surveyor through the Type 1 review process by recording an affidavit with the County Auditor referencing the short plat by number and the correction.

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- (12) Critical Areas Title 16C may apply to property based on agricultural use. Refer to Title 16C to determine jurisdiction.
- (13) The Building Official issues flood hazard permits under Chapter 5 of Titles 16C and 16D. (N)

(Ord. 10-2019 (Exh. 1) (part), 2019; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 6-2014 § 2 (Exh. A)(part), 2016; Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.03.050 Limitations on Open Record Public Hearings and Closed Record Hearings.

Except for the appeal of a SEPA Determination of Significance, no more than one consolidated open record appeal or hearing may occur on SEPA threshold determinations or project permit decisions and no more than one consolidated closed record hearing may occur on project permit decisions.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 6-2014 § 2 (Exh. A)(part), 2016; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.03.060 Optional Consolidated Permit Review Process.

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 applicant may determine whether the project permits shall be processed collectively or individually. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to and separately from the subsequent lower numbered procedure. Construction permits may be issued only after all other required land-use decisions have been made and all applicable appeal periods have passed.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 6-2014 § 2 (Exh. A)(part), 2016; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.03.070 Administrative Interpretations.

Upon request the applicable official designated in Subsections 2 through 4 of this Section shall issue a formal written interpretation of a development regulation. The purpose of an interpretation is to clarify conflicting or ambiguous wording or the scope or intent of the County Code.

- (1) The interpretation request shall be on a form provided by the Planning Division and shall include identification of the regulation in question, a description of the property (if applicable), a clear statement of the issue or question to be decided, a statement addressing why an interpretation is necessary and shall set forth a legal and factual basis in support of the proposed interpretation.
- (2) The Administrative Official or his/her designee shall interpret and apply the provisions of YCC Title 16 (SEPA) Environment, Title 16C – Critical Areas Ordinances, Title 16B – Project Permit Administration, Title 16D – Yakima County Regional Shoreline Master Program, and Title 19 – Unified Land Development Code. Interpretations shall be first presented to the Administrative Official but are subject to appeal to the Hearing Examiner.
- (3) The Administrative Official is authorized under Chapter 19.31 to determine whether a proposed use is not classified in any category of the land use table in Chapter 19.14 but is consistent in character with the purpose of the Zoning District.
- (4) The Hearing Examiner shall issue similar use interpretations regarding any provisions of the Yakima County Unified Land Development Code (Title 19), as specified by Chapter 19.31, and any interpretation matter referred by the Administrative Official. The Hearing Examiner shall determine when a hearing is required for such interpretations. Interpretations by the Hearing Examiner are final and not subject to further administrative appeal.
- (5) An interpretation of the provisions of a development regulation shall not be used to amend any development regulation in Yakima County Code, such as any provision affecting required location of land uses or review requirements. Administrative interpretations may be specific to the fact situation presented in the request for the

interpretation and therefore may not apply to circumstances or situations other than that considered in the interpretation.

(6) In making an interpretation of the provisions of the development regulation, the Reviewing Official shall state the analysis and reasons upon which the interpretation is based in considering the following factors:

- (a) The applicable provisions of development regulations in Yakima County Code including their purpose and context; and
- (b) The impact of the interpretation on other provisions of Yakima County Code; and
- (c) The implications of the interpretation for development within the County as a whole; and
- (d) The applicable provisions of the Comprehensive Plan and other relevant codes and policies; and
- (e) Any other factors the Reviewing Official wishes to consider.

(Ord. 10-2019 (Exh. 1) (part), 2019; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 6-2014 § 2 (Exh. A)(part), 2016; Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.03.080 Development Agreement Review Procedures.

- (1) The County may enter into a development agreement with a person having ownership or legal control of real property within its jurisdiction or outside its jurisdiction as part of an outside utility service agreement. A development agreement sets forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement.
- (2) Notice of the hearing shall be provided by publishing in a newspaper of general circulation within the County in the manner prescribed for project permits in YCC 16B.05.030.
- (3) The determination of completeness under YCC 16B.04.030, notice of decision under YCC 16B.07.010 and time frame of YCC 16B.07.030 do not apply to development agreements.
- (4) When a request for a development agreement is consolidated with a project permit, or a modification to a development agreement is proposed, the public hearing shall be conducted by the hearing body indicated in Table 3-3 after notice as indicated in Table 5-1.

Table 3-3

Public Hearing Procedure When Development Agreements Are Consolidated With Project Permits

Process Type	Hearing Body	Procedure
Type 1	Board	The Administrative Official will provide a recommendation to the Board and incorporate the Board's decision on the development agreement into the decision on the project permit.
Type 2	Board	The Administrative Official will provide a recommendation to the Board and incorporate the Board's decision on the development agreement into the decision on the project permit.
Type 3 (and Type 2 elevated to Type 3 review)	Hearing Examiner (consolidated with open record hearing)	The Hearing Examiner will consider the development agreement during the open record hearing on the project permit and will make a recommendation to the Board on the development agreement; and approval of the project permit shall be conditioned on the Board's approval of the development agreement.
Type 4	Hearing Examiner (consolidated with open record hearing)	The Hearing Examiner will consider the development agreement during the open record hearing on the project permit and will make a recommendation to the Board on the development agreement; and the Board's approval of the project permit shall be conditioned on the Board's approval of the development agreement.

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(5) The BOCC may approve a development agreement by ordinance or resolution only.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 6-2014 § 2 (Exh. A)(part), 2016; Ord. 5-2012 § 2 (Exh. A) (part), 2012).

Chapter 16B.04

APPLICATION PROCESS

Sections:

- 16B.04.010 Pre-application Conference.
- 16B.04.020 Application, Withdrawal of Application and Refunds.
- 16B.04.030 Determination of Completeness.
- 16B.04.040 "Complete" Application – Additional Information.
- 16B.04.050 ~~Incomplete Application Procedure~~ Notice of Incompleteness/Request for Additional Information Procedures.
- 16B.04.060 Date of Acceptance of "Complete" Application.
- 16B.04.070 Identification of Other Agencies with Jurisdiction.

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16B.04.010 Pre-application Conference.

(1) Prior to formal submittal of a project permit application, an applicant may obtain early assistance from County staff through informal conversations or on-site visits. In addition, one or more conferences with appropriate County department representatives and other public agency representatives may be requested by the applicant, required by ordinance, or required at the discretion of the Administrative Official. The date, time and place of such conferences shall be at the agreement of the participants. While pre-application conferences are optional on some application types, applicants for those applications specified in YCC Section 19.30.040(1), Type 3 and 4 project permits, legislative actions described in YCC Chapter 16B.10, linear transmission facilities, critical areas and Shoreline permits are required to request this exploratory conference. The Administrative Official may waive in writing the requirement for a pre-application conference, upon written request by the owner or authorized prospective applicant, for projects that the Administrative Official determines are of a size and complexity to not require the detailed analysis of a pre-application conference, notwithstanding any provision of this Code to the contrary.

(2) Such conferences are intended as an informal discussion and review of possible applications to assist the applicant in discovery of appropriate county regulations, standards, application materials and review processes that would be required of a project. The pre-application conference is intended to provide an applicant with preliminary direction regarding the required content of the proposed application. However, the conference is not intended to provide an exhaustive review of all the potential issues that a given application could raise. A pre-application conference shall not include extensive field inspection or correspondence. The pre-application review does not prevent the County from applying all relevant laws to the application and does not constitute an approval of the project. The discussion at the conference and the information provided shall not bind or prohibit the County's future application or enforcement of all applicable laws and regulations.

(3) Such conferences are not publicized and the public is not permitted to attend in order that a potential applicant's interests be protected.

(4) A request for a pre-application conference is initiated by completing a pre-application form supplied by the Planning Division. The submittal requirements for pre-application conferences shall include a site plan of the entire project, a written narrative describing the proposal, other information as specified by the Administrative Official, and any additional information that the applicant wishes to provide.

(5) The conference will be held within thirty days of the pre-application conference request. The applicant shall be informed of the time and place of the meeting using the contact information provided on the pre-application conference request form.

(6) A pre-application conference does not vest a proposed project permit application. Pre-application submittals or materials do not constitute project permit applications. All project permit applications are vested under relevant County codes in effect at the time of filing a completed application.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

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16B.04.020 Application, Withdrawal of Application and Refunds.

(1) Applications for project permits shall be submitted upon forms provided by the Administrative Official. An application shall consist of all materials required by the applicable development regulations and the items below; ~~and shall include the following general information:~~

- (a) A completed project permit application form signed electronic/digital or wet signature by the owner(s) of the property;
- (b) The completed application will identify a single contact person or entity to receive determinations and notices required by this Chapter;
- (c) All other items listed as application requirements in the relevant ~~s~~Sections of the ordinance requiring review and listed within the specific project permit application;
- (d) A site plan showing all parcels containing the site for all applications, as required by the applicable development regulations;
- (e) The applicable fee;
- (f) Any SEPA documents, as applicable;

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(g) All written requirements stated in a pre-application summary.

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(2) Who May Apply. Application for the various types of permits and approvals covered by this Code may be made by the following parties:

- (a) Subject to the requirements of this Subsection, the property owner or any agent of the owner with proof of agency may apply for a Type 1, 2, 3, or 4 permit or for a site-specific rezone requiring a policy plan map amendment not involving a change to Urban Growth Area boundaries. If the application is for revision to a preliminary plat, or alteration of a final plat, the application must be signed by a majority of those persons having an ownership interest in the lots, tracts, parcels, or portion thereof to be revised or altered. If a final plat is subject to restrictive covenants which were filed at the time of the approval of the plat, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement, with notarized signatures signed by all persons subject to the covenants, providing that those persons agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the plat or portion thereof. An application for vacation of a final plat is subject to the requirements of RCW 58.17.212.
- (b) A resident of the dwelling may apply for a home occupation permit.
- (c) Any person may apply for an interpretation pursuant to YCC 16B.03.070. In addition, the Administrative Official may issue interpretations of the County Code as needed.
- (d) Any person may apply to propose a non-site-specific amendment to the Comprehensive Plan pursuant to the biennial procedure for consideration of Comprehensive Plan amendments set forth in YCC Chapter 16B.10.
- (e) The Board of County Commissioners may direct staff to pursue the study of or amendment to the Comprehensive Plan and development regulations. The Planning Commission or the Administrative Official may recommend a comprehensive plan amendment, site-specific or area-wide rezone, or amendment to the text of any development regulation to the Board.

(3) An applicant may formally withdraw a project permit application upon written request directed to the Administrative Official.

(4) A request for a refund of a project permit application fee, except those issued pursuant to Title 12 or 13 of this Code, must be made in writing to the Planning Division. It shall be provided to the Planning Division prior to the issuance of a final decision by the Reviewing Official and within ninety days of the date the applicant is notified of the Administrative Official's determination of completeness pursuant to Section 16B.04.030 of this Chapter. The written request will include a basis for the refund, will identify the project for which the refund is requested, and the

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request must come from the same person or entity that paid the fee, or authorized agent specified on the application. The Administrative Official, or his/her designee, shall review all refund requests to determine if one of the following criteria are met: -

(a) If a fee is collected in error, the applicable fee will be refunded. ~~All other refunds are reviewed and awarded at the discretion of the Administrative Official or his designee, and in any amount the Official or his designee determines to be appropriate.~~

(b) A refund of ten percent of the application fee is granted if the final decision of project permit application(s) was issued less than or equal to twenty percent (20%) of the original review period (see Table 5-1);

(c) A refund of twenty percent of the application fee is granted if the final decision of project permit application(s) was issued more than twenty percent (20%) of the original review period (see Table 5-1);

Table 5-1

Refunds Based on 16B.04.020(4)(b & c)

Application Type/ Percent of Refund of Application Fee	Applications Not Requiring Public Noticing or a Public Hearing ¹	Subdivision Applications	Applications Requiring Public Noticing but not a Public Hearing ²	Applications Requiring Public Noticing and a Public Hearing ³
10% of the land use application fee (16B.04.020(4)(b))	If the permit is issued between 66 to 78 days after the application is deemed complete ⁴	If the permit is issued between 91 to 108 days after the application is deemed complete ⁴	If the permit is issued between 101 to 120 days after the application is deemed complete ⁴	If the permit is issued between 170 to 204 days after the application is deemed complete ⁴
20% of the land use application fee (16B.04.020(4)(c))	If the permit is issued 79 days or more after the application is deemed complete ⁴	If the permit is issued 109 days or more after the application is deemed complete ⁴	If the permit is issued 121 days or more after the application is deemed complete ⁴	If the permit is issued 205 days or more after the application is deemed complete ⁴

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1. Typically Type 1 applications

2. Typically Type 2 applications

3. Typically Type 3 or 4 applications

4. The review times for a permit application do not include any times in which the County is waiting for response from a notice of incompleteness or request for additional information or the applicant has requested a suspension of the review of an application. Any other reasons the application is paused also does not count towards the review calendar for the application.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

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(d) Where it is clear to the Administrative Official that a proposed land division or other permit application filed to remedy the violation(s) is clearly inconsistent with the Comprehensive Plans, the intent of the Zoning District or other provisions of County code or state law, the application shall be returned without processing and any fee refunded. Notwithstanding any contrary provisions of this Title regarding processing of applications and decisions and appeals related thereto, this determination of the Administrative Official shall not be appealable under the provisions of this Title; or.

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(e) Outside of the above criteria, all other refunds are reviewed and awarded at the discretion of the Administration Official, or his/her designee, and in any amount the Official or their designee determines to be appropriate.

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16B.04.030 Determination of Completeness - Noticing.

The Administrative Official shall determine whether a project permit application is complete and provide written or electronic notice to the applicant in accordance with the procedure in RCW 36.70B.070.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.04.040 Determination of "Completeness" Application. - Additional Information.

(1) A project permit application shall be deemed complete for purposes of this Section when it meets the submission requirements specified in Section 16B.04.020(1) above, as well as the submission requirements contained in the applicable development regulations. This determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The Administrative Reviewing Official's determination of completeness shall not preclude the County from requesting additional information or studies either at the time of the notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposed action.

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(2) If the Reviewing Official does not deem an application procedurally complete or incomplete within twenty-nine (29) calendar days after receiving payment for the application, the application shall be deemed procedurally complete.

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(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.04.050 Incomplete Application Procedure - "Notice of Incompleteness/Request for Additional Information Procedures."

(1) When an application is deemed incomplete or is deemed complete and additional information is required, the following procedures shall be followed:

(a) The applicant is to be notified through written or electronic communication. The notice to the applicant must outline the required information to satisfy the notice of incompleteness or request for additional information, and that they have sixty (60) calendar days from the date of the notice of incompleteness or request for additional information in which to submit the required information.

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(b) Within fourteen (14) calendar days of the date stamp on documentation sent to satisfy the notice of incompleteness or request for additional information, the Reviewing Official shall proceed according to the procedures stated below:

i. If the submitted information satisfies the request the Reviewing Official shall notify the applicant in written or electronic communication; or,

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ii. If the submitted information does not satisfy the request the Reviewing Official shall follow up with a written or electronic communication detailing what additional information or clarifications

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are needed, why those items are needed, and that the applicants have sixty (60) calendar days from the date of the letter to submit the required information. For a notice of incompleteness, if a letter is not mailed within fourteen (14) calendar days of the stamped date documentation is submitted then the application is deemed procedurally complete.

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(c) The process stipulated in YCC16B.04.050(1)(b) shall be repeated until all items stated in any notice of incompleteness or request for additional information are met.

(2) All notices of incompleteness and requests for additional information shall contain the following information:

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(a) A statement informing the applicant that if they are nonresponsive within sixty (60) consecutive days of the date of the letter, an additional thirty (30) days will be added to the timeframe in which Yakima County must render a decision on the application.

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(b) If the applicant wishes to suspend the review of the application for more than sixty (60) days an additional thirty (30) days will be added to the timeframe in which Yakima County must render a decision on the application. To suspend the review of an application the processes in YCC16B.07.040(1)(g) shall be followed.

(c) Yakima County is required to notify the applicant that, because the application is determined to be incomplete, processing has been placed on hold until Yakima County receives the required information described. The applicant has up to sixty (60) calendar days from the date of the letter to return the required submittals after which the file will lapse and become null and void. Once we received it, Yakima County has fourteen (14) calendar days to review the submitted information and determine if the application is complete or if additional information is needed.

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~~statement(1) Within fourteen days after an applicant has submitted requested additional information, the Administrative Official shall make the determination of completeness as described in Section 16B.04.030 above, and notify the applicant in the same man~~

(3) A project permit application for which a decision has not yet been made may be canceled for inactivity if the County returns the application for modification or correction (including a request for additional information for an incomplete or complete application) and the applicant fails to respond to the County's request within ~~forty-five days~~sixty (60) of days of the request.

(4) All notice of incompleteness or request for additional information extension requests must be submitted by the applicant and shall contain the following information:

(a) The length of time the extension is requested;

(b) Reason(s) for needing an extension.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.04.060 Date of Acceptance of "Complete" Application.

When the project permit application is complete, the Administrative Official shall accept it and note the date of acceptance.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.04.070 Identification of Other Agencies with Jurisdiction.

To the extent known by the Administrative Official, other agencies with jurisdiction over the project permit application shall be identified in the County's determination of completeness required by Section 16B.04.030.

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(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

The Yakima County Code is current through Ordinance X-2024, passed Month Day, 2024.

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Chapter 16B.05

PUBLIC NOTICE

Sections:

- 16B.05.010 Notice of Application.
- 16B.05.020 Contents of Notice of Application and Other Notices.
- 16B.05.030 Method of Public Notice by Application and Action Type.
- 16B.05.040 Public Comment on the Notice of Application.
- 16B.05.050 Public Notice of Closed Record Hearings.

16B.05.010 Notice of Application.

- (1) Yakima County shall issue a notice of application on all Type 2, 3, and 4 project types within fourteen (14) days after the County has made a determination of completeness on the project permit application.
- (2) Yakima County shall issue a Notice of Application within fourteen days of the County's determination of completeness for projects for which a comment period or an open record pre-decision hearing is required as part of a consolidated permit review process as described in Section 16B.03.060 of this Code.
- (3) For projects not exempt from environmental review under SEPA, the notice of environmental review and determinations shall be provided in accordance with this Chapter, Chapter 16.04 and Chapter 16B.06 of this Code, including a required notice of application. If the highest numbered permit underlying the SEPA review is a Type 1 permit, construction permit or another similar administrative permit or license, the notice of application shall be issued using the method identified in YCC 16B.05.030(1) within fourteen days of the County's determination of completeness.
- (4) If an open record pre-decision hearing is required for the requested project permit(s), the Notice of Application shall be provided at least fifteen days prior to the open record hearing.
- (5) The applicant shall be responsible for providing services or materials to assist the County in carrying out the public notice requirements as requested, such as posting the site.
- (6) The applicant shall be responsible for the following costs of providing public notice:
 - (a) Postage fees;
 - (b) Publication fees;
 - (c) Photocopies and printing costs; and
 - (d) Documented staff time involved in preparing, sending and implementing notice procedures.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.05.020 Contents of Notice of Application and Other Notices.

The Notice of Application and other notices required in this Chapter shall include the items required by RCW 36.70B.110 (2) and the following:

- (1) For projects subject to SEPA review, the Notice of Application may include a preliminary SEPA determination if one has been made at the time pursuant to RCW 36.70B.060 and WAC 197-11-355;
- (2) A statement of the limits of the beginning and end of the public comment period, which shall be fourteen calendar days following the date of the Notice of Application, unless a greater comment period is required by state law, except that a 30-day comment period shall be provided in the event of any project permit or action located within 500 feet of the perimeter of the Yakima Training Center. Nothing in this Section shall preclude the County

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from accepting public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;

(3) If the County as lead agency has a reasonable basis for determining that significant adverse environmental impacts are unlikely at the outset of project permit application review, the optional process under RCW 36.70B.060 and WAC 197-11-355 may be used to combine the comment periods on the Notice of Application and SEPA. In such instances, a second comment period under SEPA will typically not be required when the threshold determination is issued. Where the optional process is used, the contents of the notice of application shall include the items required by WAC 197-11-355(2)(a) and (b).

The Notice of Application and environmental checklist shall be circulated as required under Title 16 of this Code and shall be subject to the notice requirements of this Title.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.05.030 Method of Public Notice by Application and Action Type.

(1) Public notice of project permit applications and amendments to comprehensive plans and development regulations described in YCC Chapter 16B.10, shall be provided in the manner specified in Table 5-1.

(a) Any project permit or other action that is not categorically exempt from SEPA requires public notice. If no notice of application is required, then a threshold determination may serve as the required public notice. The threshold determination and checklist shall be circulated to agencies with jurisdiction or expertise as defined in WAC 197-11-714 and listed in YCC 16B.05.030(3)(a)(iii) through (vi). If public notice is not required as part of any underlying permit or action related to the SEPA review, no other method of public notice, such as publishing or notice to adjacent property owners, shall be required.

(b) Notice of the availability of a draft or supplemental environmental impact statement under YCC 16.04.180 shall be provided using the methods listed in WAC 197-11-510(1)(a) through (c) and may be combined with the Notice of Application or hearing on the underlying permit or legislative action.

(2) Table 5-1 may require more than one type of notice for some applications. In the case of conflicts between Table 5-1 below and other notice provisions contained in other Titles of Yakima County Code or provisions in State law, the most lengthy and greater notice requirements shall apply.

Table 5-1

Notice of Environmental Review and Notice of Application or Proposal – Method of Public Notice

Process Type	Mailing ⁽²⁾	Posting of Property	Published in Newspaper	Posting the Hearing Examiner's Agenda ⁽⁶⁾
Type 1	No ^{(1),(3)}	No	No	Not Applicable
Type 2	Yes ⁽¹⁾	No	No	Yes (when applicable)
Type 3	Yes	Yes	Yes	Yes
Type 4	Yes	Yes	Yes	Yes
Development Agreement	No	No	Yes	Yes
Site-specific policy plan map amendment	Yes ⁽⁴⁾	Yes	Yes	Not Applicable
Legislative action	Yes ⁽⁵⁾	No	Yes	Not Applicable

Notes:

The Yakima County Code is current through Ordinance 7-2023, passed November 21, 2023.

- (1) In case of an open record appeal hearing of a Type 1 or Type 2 project permit, notice will be provided to property owners described in Subsection (3)(a) of this Section.
 - (2) Project permits and other actions that are subject to environmental review (SEPA) shall have the threshold determination and checklist associated with the project permit or action circulated to the applicant and to agencies with jurisdiction or expertise as defined in WAC 197-11-714 and listed in Subsections (3)(a)(iii) through (vi) of this Section.
 - (3) If the underlying permit is a Type 1, road approach, grading or building permit for which no other project permit application is required, APO notice of a SEPA determination shall not be required.
 - (4) Notice of site-specific policy plan map amendment proposals shall be provided according to YCC 16B.10.080 and to adjacent property owners described in Subsection (3)(a)(i) of this Section.
 - (5) Notice of policy plan map amendments and text amendments described in YCC Chapter 16B.10 shall be provided according to YCC 16B.10.080.
 - (6) The agenda for each Hearing Examiner hearing shall be posted in the division's offices and on the county's website for public review at least seven (7) days before the hearing.
- (3) Notice of Application or Notice of Site-Specific Policy Plan Map Amendment – Mailing.
- (a) When required, written notice of the application or amendment will be sent as specified in Subsection (c) below by the Planning Division to the following parties:
- (i) Adjacent property owners (APO) of real property, as listed on the most current Yakima County Assessor records, located as follows:
 - (A) For all project permits or site-specific amendments, notice of the proposal shall be sent to all owners of property located within 300 feet of any portion of the boundary of the proposed project permit application or amendment site. If the owner of the proposed project permit or amendment site also owns another parcel or parcels of real property adjacent to the proposed project permit or amendment site, notice shall be given to owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the proposed project permit or amendment site;
 - (B) For linear transmission facility projects, notice of the proposal shall be sent to all owners of property located within 660 feet from the centerline of the linear transmission facility;
 - (C) Where establishing a Mining Zoning District, notice of the proposal shall be sent to all owners of property located within one-half mile of the boundaries of the subject property, or of the boundaries of any contiguous properties under the same mining operation, and to owners adjacent to any private access roads that would serve as haul roads;
 - (D) Where establishing or modifying a mineral batching, processing or mining/site operation, notice of the proposal shall be sent to all owners of property located within one-half mile of the boundaries of the subject property, or of the boundaries of any contiguous properties under the same mining operation, and to owners adjacent to any private roads that would serve as haul roads.
 - (ii) The contact person for the permit application;
 - (iii) Interested or affected public agencies with jurisdiction;

The Yakima County Code is current through Ordinance 7-2023, passed November 21, 2023.

- (iv) Affected Indian tribes;
 - (v) Cities or towns within one mile of the proposal; and
 - (vi) The installation commander of the Yakima Training Center in the event of any project permit or action located within 500 feet of the perimeter of the Yakima Training Center.
- (b) If the open record hearing date is not specified in the Notice of Application or notice of proposed policy plan map amendment, a second notification listing the open record hearing date must be sent through first-class mail, electronic mail, or postcard at least fifteen days prior to the first public hearing on Type 3 and Type 4 project applications, or at least ten days prior to a public hearing before the Planning Commission or BOCC on site-specific plan amendment proposals. This notice must be sent to those parties who were originally sent a Notice of Application or amendment.
- (c) The written Notice of Application or notice of proposed policy plan map amendment shall be sent through first-class mail, which may be by postcard. The County, may, however, provide notification by electronic mail when requested by the recipient.
- (4) Posting of Project or Posting of Site-Specific Policy Plan Map Amendment Site. Posting of the project site may be required prior to an open record public hearing on Type 3 and 4 project applications and is required prior to a public hearing before the Planning Commission or BOCC on site-specific plan amendment proposals described in YCC Chapter 16B.10. Posting is not required for Urban Growth Area amendments. Posting, when required, shall consist of signs provided by the Planning Division which shall be placed by the applicant at least fifteen days prior to the date of the public hearing on project applications, or at least ten days prior to a public hearing before the Planning Commission or BOCC on site-specific plan amendment proposals. Signs shall be posted on the subject property so as to be clearly seen from each right-of-way providing primary vehicular access to the subject property. The posted notice shall identify the project action or proposed amendment and contain other such information required by law and additional information required by the Reviewing Official. The applicant shall be responsible for removal of the posted notice upon the conclusion of the hearing.
- (5) Publication Notice.
- (a) When required, public notice of project permit applications and site-specific policy plan map amendments shall be published in a newspaper of general circulation in the general area of the proposal. Notice of a project permit application may be published in a local land use newsletter published by Yakima County in lieu of publication in a newspaper of general circulation. The notice shall be published once, at least fifteen days prior to the date of the first public hearing on the underlying project permit or at least ten days prior to a public hearing before the Planning Commission or BOCC for legislative actions described in YCC Chapter 16B.10. This notice shall include the project location or other description of the site in other than a legal description, a brief description of the project, type of permit(s) required, comment period dates, hearing dates if applicable, and a location where the complete application may be reviewed.
 - (b) Continuation of Hearings. If the Hearing Examiner, Planning Commission, or BOCC determines at a hearing that there is a good cause to continue such proceeding and publicly specifies the date, time, and place and immediately posts a note so saying near the hearing room's door where it is visible to the public, no further notice is required. When determination for a further hearing is made following the closing of a hearing on a given matter, notice of the date, time, place, and nature of the subsequent hearing shall be published in the same manner as required for the initial hearing; and concurrent written notice to all parties of record shall also be provided. Whenever any hearing is determined to be continued, a notice of continuance shall be conspicuously posted immediately after the determination on or near the door of the place where the hearing was being held. When a hearing is continued, the resulting continued hearing is a regular hearing for all purposes unless specifically limited by the order granting continuance.
- (6) Closed Record Public Hearing Notice. Public notice of closed record public hearings will be provided in accordance with Section 16B.05.050 of this Chapter.

(Ord. 2-2022 § 3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.05.040 Public Comment on the Notice of Application.

All public comments received by the Planning Division by close of business on the last day of the comment period must be considered. Comments may be mailed, personally delivered, or sent by electronic communication, ~~or sent by facsimile~~. To be considered, comments must identify the name and physical or post office address of the sender. Comments should be as specific as possible.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.05.050 Public Notice of Closed Record Hearings.

Public notice of closed record hearings will be provided by first-class, electronic communication or postcard mailing to "parties of record" only as defined by Chapter 16B.02 of this Title.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

Chapter 16B.06

CONSISTENCY ANALYSIS AND SEPA INTEGRATION

Sections:

- 16B.06.010 Scope of Project Review/Project Consistency.
- 16B.06.020 Project Consistency.
- 16B.06.030 SEPA Integration – Purpose.
- 16B.06.040 Use of Existing Environmental Documents.
- 16B.06.050 Planned Actions.
- 16B.06.060 Issuance of SEPA Threshold Determinations.
- 16B.06.070 Appeals of SEPA Determinations.

16B.06.010 Scope of Project Review/Project Consistency.

- (1) Fundamental land use planning choices made in the adopted comprehensive plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations and the adopted comprehensive plan shall serve as the starting point for project review. Land use permit review shall not reanalyze these land use planning choices in making a permit decision.
- (2) The Reviewing Official may determine through the local project review process that existing requirements including mitigation measures in applicable development regulations and plans and other applicable laws provide adequate mitigation for some or all of a project's specific adverse environmental impacts.
- (3) Project review shall be used to:
 - (a) Review and document consistency with comprehensive plans and development regulations;
 - (b) Provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level;
 - (c) Ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures;
 - (d) Identify specific project design and conditions relating to the characteristics of a development;
 - (e) Identify specific adverse environmental impacts of the proposal not previously analyzed; and
 - (f) Address the details of site plans, curb cuts, drainage swales, transportation demand management, or other measures to avoid or otherwise mitigate a proposal's probable adverse environmental impacts.
- (4) Nothing in this Title limits the authority of the County to approve, condition, or deny a project as provided in its adopted development regulations and in its policies adopted under RCW 43.21C.060 (SEPA) and Chapters 90.58 (Shoreline Management Act) and 36.70A RCW (Growth Management Act).

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.06.020 Project Consistency.

The County shall incorporate the elements of RCW 36.70B.040 in its project review. This Chapter does not apply to the County's enforcement procedures.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.06.030 SEPA Integration – Purpose.

Environmental review for projects determined not to be categorically exempt under SEPA (RCW 43.21C and Yakima County Code Chapter 16.04) shall be integrated and run concurrently with the permit procedures of this Title.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.06.040 Use of Existing Environmental Documents.

As provided by WAC 197-11-158, the Administrative Official may determine that existing comprehensive plans, sub-area plan elements of a comprehensive plan, development regulations, or other local, state or federal rules or laws provide adequate analysis and mitigation of the specific probable adverse environmental impacts of a proposed action.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.06.050 Planned Actions.

Projects defined as “planned actions” under WAC 197-11-164, 168 and 172 do not require a threshold determination or the preparation of an environmental impact statement under RCW Chapter 43.21C, but are subject to environmental review and mitigation as provided in the course of project review.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.06.060 Issuance of SEPA Threshold Determinations.

(1) Expiration of Notice of Application Comment Period. Except for a Determination of Significance (DS), Yakima County may not issue its SEPA threshold determination or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the Notice of Application.

(2) Preliminary SEPA Determination and Notice of Application. To integrate project and environmental review under SEPA and to encourage early public comment on project applications, a preliminary SEPA determination may be provided by the Administrative Official with the Notice of Application if such preliminary SEPA determination has been made at the time the Notice of Application is issued pursuant to the optional process in RCW 36.70B.060 and WAC 197-11-355. This preliminary SEPA determination may not substitute for the actual SEPA threshold determination, although the comment period for SEPA and the Notice of Application may be consolidated into a single fourteen-day comment period, as provided in Section 16B.05.020 above.

(3) SEPA Determination of Significance (DS) and Notice of Application. If Yakima County has made a SEPA Determination of Significance (DS) concurrently with the Notice of Application, the Notice of Application shall be combined with the Determination of Significance and scoping notice. Nothing in this Subsection prevents a Determination of Significance and scoping notice from being issued prior to a Notice of Application.

(4) Public Hearing on Project Permit. If an open record pre-decision hearing is required on the underlying project permit application, Yakima County shall issue its threshold determination at least fifteen days prior to the open record pre-decision hearing.

(5) A SEPA determination shall be deemed to be conclusively in compliance with SEPA, the SEPA rules, and the provisions of YCC Chapter 16.04, unless a SEPA appeal is filed in accordance with this Chapter or Chapter 36.70C RCW.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.06.070 Appeals of SEPA Determinations.

Administrative SEPA appeals to the Hearing Examiner only are hereby established. It is the purpose of this Section to combine environmental considerations with project decisions, and for this reason, any appeal brought under this

Section shall be linked to a specific governmental action. Appeals under this Section are not intended to create a cause of action unrelated to a specific governmental action. The administrative appeal procedures provided by this Section shall be construed consistently with RCW 43.21C.075, Chapter 36.70B RCW, and WAC 197-11-680.

(1) **Types of Appeals.** Appeals under the provisions of this Section shall be limited solely to procedural determinations listed in Subsection 16B.06.070(1)(a) below and/or substantive determinations, as defined in YCC 16.04.040(8), within those procedural determinations listed below.

- (a) Only one consolidated administrative appeal proceeding on threshold determinations consisting of a Determination of Non-significance (DNS), Mitigated Determination of Non-significance (MDNS), or on a determination of adequacy of a final environmental impact statement (EIS), is authorized pursuant to RCW 43.21C.075.
- (b) Procedural appeals are limited to those challenging the Responsible Official's compliance with the provisions of SEPA, the SEPA rules, and YCC Chapter 16.04 with respect to the threshold determination.
- (c) The opportunity for administrative appeals of substantive determinations shall be limited to the appeal period following the procedural determinations listed in Subsection 16B.06.070(1)(a) above.
- (d) No administrative appeals shall be allowed at other times for other actions and/or determinations taken or made pursuant to YCC Chapter 16.04 (such as lead agency determination, a determination that a proposal is categorically exempt, scoping, draft EIS adequacy, etc.).

(2) **Hearing Examiner.** All appeals shall be heard by the Hearing Examiner in an open record hearing as prescribed in 16B.03.030(2) and Table 3-1. The decision of the Hearing Examiner on a SEPA appeal shall be final and binding and not subject to further administrative appeal. This Section formally eliminates SEPA administrative appeals to the Board of County Commissioners. Such appeals are subject to the provisions of Chapters 16B.08 and 16B.09 of this Title and the Hearing Examiner's adopted rules and procedures.

(3) **Consolidated Appeals:**

- (a) All allowed SEPA-related appeals, other than of a DS, shall be consolidated with the open record hearing on the underlying project application in a single simultaneous hearing before the Hearing Examiner where he will consider either the Administrative Official's decision or a recommendation on the proposed underlying governmental action.
- (b) DS appeals shall be heard in a separate open record hearing prior to the open record hearing, if applicable, on the underlying project application. The purpose of this early and separate appeal hearing is to resolve the need for an environmental impact statement (EIS), and to permit administrative and judicial review, prior to preparation of an EIS.

(4) **Notice of Appeal – Timing and Contents.** All SEPA appeals provided under this Section shall be filed in writing with the Yakima County Planning Division, shall comply with the appeal period timing and content requirements of YCC 16B.09.010 and shall be accompanied by the filing fee established by YCC Title 20. Such appeals must identify specific SEPA actions, omissions, conditions or determinations.

(5) **Administration – Standard of Review.**

- (a) Any open record hearing shall be recorded or transcribed.
- (b) All testimony shall be sworn.
- (c) The Hearing Examiner shall issue a written decision containing findings and conclusions.
- (d) The determination of the Responsible Official shall carry substantial weight, and the appellant shall bear the burden to establish a violation of SEPA, the SEPA rules, or the provisions of YCC Chapter 16.04.
- (e) The Hearing Examiner may:

- (i) Affirm the determination of the Responsible Official where the Hearing Examiner determines that no violation of SEPA, the SEPA rules, or the provisions of YCC Chapter 16.04 exists,
- (ii) Modify the determination of the Responsible Official,
- (iii) Reverse the determination of the Responsible Official, and may issue a revised DS, DNS or MDNS,
- (iv) Request additional information pursuant to WAC 197-11-335, and continue the hearing pending the delivery of such information within a specified time frame, or
- (v) Remand to the Responsible Official with a recommendation as appropriate. The decision of the Hearing Examiner to remand the SEPA determination shall be a final administrative decision not subject to further administrative appeal.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

Chapter 16B.07
FINAL DECISIONS

Sections:

- 16B.07.010 Notice of Decision – Public Notice.
- 16B.07.020 Reserved.
- 16B.07.030 Notice of Decision – Time Frames.
- 16B.07.040 Exceptions from ~~120-Day Time Period~~ [Project Permit Review Deadlines](#)
- 16B.07.050 Compliance, Extension, Expiration and Reinstatement.

16B.07.010 Notice of Decision – Public Notice.

The Notice of Decision shall be a single report which complies with RCW 36.70B.130 and states all the decisions made on all project permits that are a part of the application. The Administrative Official shall provide notice of decisions (made by the Administrative Official, the Hearing Examiner, and the board) by first-class mail to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application in accordance with RCW 36.70B.130. The Administrative Official may, however, provide notification by electronic mail when requested by the recipient. The Notice of Decision shall state any mitigation required under applicable development regulations or under SEPA. If a SEPA threshold determination has not been issued previously by the local government, the Notice of Decision shall include this determination. Notice of administrative appeal procedures, if applicable, shall also be included in the Notice of Decision.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.07.020 Reserved.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.07.030 Notice of Decision – Time Frames.

(1) ~~The Notice of Decision for all project permit applications, except subdivisions, shall be issued according to the timelines stated in 16B.01.010(3)(i-k) unless meeting a condition set forth in 16B.07.040. The Notice of Decision shall be issued within one hundred twenty calendar days after the County notifies the applicant that the application is complete, except preliminary and final plats, which are subject to the time frames in RCW 58.17.140.~~

(2) In determining the number of days that have elapsed after the local government has notified the applicant that the application is complete for purposes of calculating the time for issuance of the Notice of Decision, the following periods shall be excluded.

(a) Any period during which the applicant has been requested by the County to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the County notifies the applicant of the need for additional information until the earlier of the date the local government determines whether the additional information satisfies the request for information or fourteen days after the date the information has been provided to the County;

(b) If the County determines that the additional information submitted by the applicant is insufficient, it shall notify the applicant of the continued deficiencies and the procedures under Subsection (a) above shall apply as if a new request for studies had been made;

(c) Any period during which an environmental impact statement is being prepared following a Determination of Significance pursuant to Chapter 43.21C RCW, if the County by ordinance has established time periods for completion of environmental impact statements, or if the local government and the applicant in writing agree to a time period for completion of an environmental impact statement;

(d) Any period for administrative appeals of project permits, if an open record appeal hearing is allowed. The time period for consideration and decision on appeals shall not exceed:

ninety calendar days for an open record appeal hearing.

The parties may agree to extend these time periods.

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(3) If the County is unable to issue its final decision on a project permit application within the time limits provided for in this Section, or any timelines in any referenced section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and a estimated date for issuance of the Notice of Decision. This date shall constitute the new deadline for when the permit must be issued and from when refund timelines are calculated from.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.07.040 Exceptions from Project Permit Review Deadlines 120-Day Time Period.

(1) The time limits established in Section 16B.07.030 do not apply if a project permit application:

(a) Requires an amendment to the comprehensive plan or a development regulation;

(b) The application is for a subdivision which are governed by RCW Chapter 58.17 and any other applicable state statutes;

(c) Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or

(d) Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under Sections 16B.04.020 – 16B.04.040;

(e) Meets the criteria established under RCW 36.70B.140;

(f) If an applicant is not responsive for sixty (60) consecutive days after the Reviewing Official has notified the applicant, in writing or electronic communication, that the application is incomplete and/or additional information is required to further process the application, an additional thirty (30) days may be added to the time periods to issue a final decision for each type of project permit that is subject for review under this Chapter; or,

(g) If at any time an applicant informs the Reviewing Official, in writing or electronic communication, that the applicant would like to temporarily suspend the review of the project for more than sixty (60) days an additional thirty (30) days may be added to the time periods to issue a final decision for each type of project permit that is subject to this Chapter. The following procedures are to suspend or resume a review of an application regardless of if the applicant is seeking sixty (60) or more days of suspension of the application:

(a) To suspend the review of an application, the applicant must submit in writing or in electronic communication all of the following information:

(i) The applicable record numbers;

(ii) The reason for suspending the application; and,

(iii) The length of time requested to suspend the review of the application.

(b) Within fourteen (14) calendar days of receiving such request to suspend the review of the application, the Reviewing Official must notify the applicant in writing or electronic

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communication that their application is suspended and the steps for resuming the review of the application. The date of the communication sent by the Reviewing Official shall constitute the official date on which the review of the application is suspended;

- (c) To resume the review of a suspended application, the applicant must submit in writing or in electronic communication the desire to resume the review of the specific record numbers. Within fourteen (14) calendar days of receiving such a request, the Reviewing Official must notify the applicant in writing or electronic communication that the review of the application is no longer suspended and the next steps in the review process. The date of the communication sent by the Reviewing Official shall constitute the official date the review of the application resumes.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.07.050 Compliance, Extension, Expiration and Reinstatement.

- (1) **Compliance with Conditions and Safeguards of Project Permit.** It is the affirmative duty of a project permit holder and the land owner (as applicant) to comply with any conditions made a part of the terms under which the approval of a project permit was granted as authorized by Yakima County Code. The applicant shall complete all required conditions, submit documentation that all conditions were met and request County inspection or review to determine that the requirements have been fulfilled within the timeframe specified in the decision and any authorized extensions. When the conditions of the project permit have been met within the timeframe specified by the decision and any subsequent extension authorized by the applicable code, the applicant shall provide a letter certifying that the conditions were met to the Administrative Official to document compliance.
- (2) **Extension of Any Approved Project Permit.** A valid project permit, other than a preliminary plat, may be extended one time only for up to one additional year by action of the Administrative Official.
 - (a) Requests for extensions shall be made in writing, shall be submitted to the Planning Division prior to the expiration date and shall be accompanied by the final approved site plan showing the location and size of any development or work already completed on the project. Such extension request shall present a timeline that identifies when each of the conditions of the decision has or will be completed and shall detail unique and special circumstances that prohibited the commencement or completion, or both, of the use authorized.
 - (b) The Administrative Official shall review the request without public notice or hearing and issue the decision within fourteen days from the receipt of the completed request. The Administrative Official may:
 - (i) Approve the extension based on a work schedule provided by the applicant to assure the work will be completed according to a modified schedule, or
 - (ii) Disapprove the extension.
 - (c) The Administrative Official shall mail the decision to the applicant and shall specify the decision as final unless appealed to the Hearing Examiner under the provisions of Chapter 16B.09 of this Title. Conditions of approval listed previously in the notice of decision issued pursuant to 16B.07.010 through 16B.07.030 of this Chapter may be appealed only according to the procedures and time periods specified in YCC 16B.09.010 and are not subject to appeal again following any decision or determination of the Administrative Official made under this Section 16B.07.050.
- (3) **Failure to Complete Approved Permit Conditions within Specified Timeframe and Failure to Comply with Permit Decisions or Conditions.**
 - (a) **Expiration.** If compliance with the terms of the project permit approval has not occurred within the timeframe specified by the decision and any subsequent extension authorized by the applicable code, the project shall be considered expired by time limitation and the land use approval shall be null and void. Expiration of a project permit granted pursuant to Yakima County Code shall not be subject to appeal.

(b) Violations. A project permit issued or processed pursuant to any applicable Title listed in YCC 16B.01.020 will be deemed in violation of this Code if it is ascertained that the application included any false information material to the project permit approval, or if it develops that the conditions and safeguards made a part of the terms under which the approval was granted are not being maintained. Such violations of project permit approval shall be subject to Chapter 16B.11 and other remedies available to Yakima County under any applicable law to enforce conditions of permit approvals, remedy land use and code violations or abate those violations including without limitation YCC Title ~~1321~~.

(c) Compliance Agreement. The applicant and the County may enter into a compliance agreement to complete the required conditions subject to appropriate fees to compensate the County in preparing, recording and implementing the compliance agreement. On terms acceptable to the Administrative Official, in his or her sole discretion, the County may offer an extension of time to complete the required conditions of approval subject to appropriate fees to compensate the County in preparing, recording and implementing any such compliance agreement; provided, however, that no compliance agreement may be used in lieu of the permit process to remove or negotiate conditions of approval.

(4) Reinstatement. Where a project permit has expired, the applicant may apply to have the permit reinstated and the work authorized by the original permit can be recommenced, provided the following are met:

(a) The applicant submits a written request not more than sixty days after the original permit or authorized extension expired.

(b) The applicant provides a timeline for successful achievement of all conditions upon which the Administrative Official can agree.

(c) The codes under which the original permit was issued and other laws which are enforced by Yakima County have not been amended in any manner which affects the work authorized by the original permit.

(d) No changes have been made or will be made in the original plans and specifications for such work.

(e) The applicant submits a reinstatement fee. The fee for a reinstated permit shall be seventy percent of the amount required for a new project permit pursuant to YCC Title 20.

(f) Where the request for reinstatement does not comply with all of the preceding criteria in this Subsection, a new project permit application must be submitted and processed as a new project, at full permit fees.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012).

Chapter 16B.08

OPEN RECORD PUBLIC HEARINGS

Sections:

- 16B.08.010 Generally.
- 16B.08.020 Responsibility of Administrative Official for Hearing.
- 16B.08.030 Order of Proceedings.
- 16B.08.040 Burden of Proof – Open Record Hearings.
- 16B.08.050 Hearing Examiner Decisions and Recommendations.
- 16B.08.060 Site View of Subject Property.
- 16B.08.070 Joint Public Hearings.

16B.08.010 Generally.

Open record public hearings shall be conducted in accordance with this Chapter. Such hearings may be conducted in-person, virtually, or both simultaneously in accordance with state law.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.08.020 Responsibility of Administrative Official for Hearing.

Upon the filing of a project permit application requiring a public hearing, the Administrative Official shall set the time and place for the public hearing and shall provide notice of the hearing as set forth in Chapter 16B.05. The Administrative Official shall also prepare a staff report on the application and present this staff report at the public hearing. This staff report will incorporate recommendations on the project permit application, any mitigation measures recommended under the County's development regulations or under the authority of SEPA, and the County's final SEPA determination on the project permit application, if applicable. At least seven calendar days prior to the scheduled hearing the Administrative Official shall notify the Hearing Examiner and applicant of the availability of the staff report and hearing exhibits for pick up at the division's office and email same to the Hearing Examiner and applicant. Copies shall be made available for public inspection and provided to interested parties upon request.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.08.030 Order of Proceedings.

Public hearings shall be conducted in accordance with the Hearing Examiner's rules of procedure and shall serve to create or supplement an evidentiary record upon which the Hearing Examiner will base his or her decision. Persons may appear at the hearing either personally or by agent or attorney. The Hearing Examiner shall open the public hearing and, in general, observe the following sequence of events:

- (1) Staff presentation, including submittal of any administrative reports. The Hearing Examiner may ask questions of the staff.
- (2) Applicant presentation, including submittal of any materials. The Hearing Examiner may ask questions of the applicant. The applicant shall appear personally or by agent or attorney.
- (3) Testimony or comments by the public relative to the matter being heard. Questions directed to the staff or the applicant shall be posed by the Hearing Examiner at his/her discretion.
- (4) Rebuttal, response or clarifying statements by the staff and the applicant. The Hearing Examiner may further question a person submitting information or the staff if opportunity for rebuttal is provided.
- (5) The public hearing portion of the hearing shall be closed and the Hearing Examiner may deliberate on the matter.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.08.040 Burden of Proof – Open Record Hearings.

The burden of proof is on the applicant for Type 3 and 4 applications, or, in the case of an open record appeal on the appellant.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.08.050 Hearing Examiner Decisions and Recommendations.

(1) Following the open record public hearing, the Hearing Examiner shall approve, conditionally approve, or deny the application, or recommend approval or denial of the application. The Hearing Examiner shall approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of the Yakima County Code. The applicant carries the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner shall deny the application.

(2) Each recommendation and final decision of the Hearing Examiner shall be in writing and shall include findings and conclusions, based on the record, to support the recommendation and decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the County's comprehensive plan(s) and development regulations.

(3) Each recommendation and final decision of the Hearing Examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing body, shall be rendered within ten (10) working days following the conclusion of all testimony and the hearing on the project permit application.

(4) The Administrative Official will provide notice of the Hearing Examiner's decisions and recommendations consistent with YCC 16B.07.010 within three days of issuance. The notice will be made available to any person upon request made during the appeal period.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.08.060 Site View of Subject Property.

The Hearing Examiner may view the subject property with or without notification to the parties, but the circumstances of such site view shall be placed on the record.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.08.070 Joint Public Hearings.

(1) The Administrative Official may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency with jurisdiction on the proposed action. Hearings shall be combined if requested by an applicant, provided that:

- (a) The hearing is held within the geographic boundaries of Yakima County;
- (b) Each agency is not expressly prohibited by statute from doing so;
- (c) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule;
- (d) Each agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing; and
- (e) The joint hearing can be held within the required time periods or the applicant may agree to a particular schedule in the event that additional time is needed in order to combine the hearings.

(2) All agencies participating in a combined hearing may issue joint hearing notices and develop a joint format, select a mutually acceptable hearing body or officer, or take such other actions as may be necessary to hold joint hearings consistent with each of their respective statutory obligations.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

Chapter 16B.09

ADMINISTRATIVE APPEALS, CLOSED RECORD HEARINGS, AND JUDICIAL APPEALS

Sections:

- 16B.09.010 Administrative Appeal of Project Permits and Environmental Determinations.
- 16B.09.020 Standing to Initiate Administrative Appeals.
- 16B.09.030 Notice of Appeal.
- 16B.09.040 Open Record Appeals.
- 16B.09.045 Open Record Appeal Procedures.
- 16B.09.050 Closed Record Decisions.
- 16B.09.055 Reserved.
- 16B.09.060 Judicial Appeals.
- 16B.09.070 Appeals Standards and Criteria.

16B.09.010 Administrative Appeal of Project Permits and Environmental Determinations.

(1) An appeal of a Type 1 or 2 project decision or an appeal of a final threshold determination (SEPA) for a Type 1, 2, or 3 project shall be filed with the Planning Division within fourteen calendar days of the mailing of the decision or final threshold determination issued under SEPA. If the decision or final threshold determination do not require mailing, the appeal shall be filed within fourteen calendar days following the issuance of the decision or final threshold determination. Appeals shall be delivered to the Planning Division by mail or personal delivery before close of business on the last day of the appeal period. Project permit decisions and final threshold determinations (SEPA) shall be appealable to the appeal body designated in Table 3-1. For appeals of SEPA threshold determinations, see also Section 16B.06.070 of this Title.

(a) If the decision incorporates the SEPA threshold determination subject to a fourteen-day (14) comment period, a joint twenty-one calendar day appeal period shall be provided on both the project decision and the SEPA threshold determination.

(b) If the optional process is exercised, and the County determines that no additional comment period is warranted, the appeal process for SEPA and the underlying decision shall be fourteen calendar days from the date of issuance of the SEPA threshold determination.

(2) All appeals shall be in writing, accompanied by an appeal fee, and contain the following information:

- (a) Appellant's name, address, and phone number;
- (b) Appellant's statement establishing standing to initiate the appeal under Section 16B.09.020 of this Chapter;
- (c) An identification of the specific proposal and specific actions, omissions, conditions or determinations for which appeal is sought;
- (d) Appellant's statement of the particular grounds for the appeal, setting forth the principal points of appeal and addressing why the appellant believes the decision to be wrong; and
- (e) The desired outcome or relief sought by the appellant.
- (f) SEPA appeals shall additionally contain the information required by YCC 16B.06.070(4).

(3) The appellant shall bear the burden of proving the decision was made in error.

(4) Upon the timely filing of a completed appeal, the Administrative Official shall set the time and place for the matter to be considered by the hearing examiner.

(5) The timely filing of an appeal shall stay all actions by the Administrative Official or the Building Official on pending applications for development permits associated with the action or decision being appealed. The filing of an appeal shall not stay the effectiveness or effective date of any enforcement action or decision of violation including cancellations and revocations of permits or approvals.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.09.020 Standing to Initiate Administrative Appeals.

Standing to initiate an Administrative Appeal is limited to:

- (1) The applicant or owner of the property in which the project permit is proposed;
- (2) The Planning Division, Yakima County Prosecuting Attorney or Board of Yakima County Commissioners;
and
- (3) Parties of record aggrieved by the final decision and who will suffer direct and substantial impacts from approval or denial of the project.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.09.030 Notice of Appeal.

In the case of an open record appeal hearing of a Type 1 or Type 2 project permit, public notice will be provided by the Administrative Official to property owners in accordance with the public notice requirements in Section 16B.05.030.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.09.040 Open Record Appeals.

(1) Open record appeals on Type 1 and 2 project permits and environmental determinations (SEPA) shall be heard by the Hearing Examiner. Open record appeals shall be conducted in accordance with Sections 16B.08.030 – 16B.08.060 and 16B.09.045 of this Code for open record public hearings and the adopted rules and procedures of the Hearing Examiner. New evidence or testimony may be given or received at this public hearing. Written argument or memoranda of authority may only be submitted pursuant to YCC 16B.09.045.

(2) The decision of the Hearing Examiner on any SEPA appeal or on any Type 1 and 2 project permit appeal or on any Type 3 decision shall be final and not subject to further administrative appeal.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.09.045 Open Record Appeal Procedures.

The following procedures (Subsections 1 through 3) shall apply to any appeal heard by the Examiner under this Title unless the Examiner holds a prehearing conference under Subsection 4 of this Section and issues an order establishing the appeal procedure.

- (1) Memorandum to Examiner. Within ten days of filing the appeal, the appellant shall file with the Planning Division a memorandum setting forth the appellant's arguments and authority. The appellant's memorandum to the Hearing Examiner shall clearly identify whether the subjects of the appeal are concerned either with procedural issues or substantive determinations, or both, as defined in YCC 16.04.040. Such arguments and authority shall be restricted to those issues set forth in appellant's written appeal statement;
- (2) Staff Report. At least twenty days prior to the date of the scheduled hearing before the Examiner, County staff shall file with the office of the Hearing Examiner and provide the appellant with a staff report responding to the appellant's memorandum concerning the appeal; and

(3) **Reply Memorandum.** At least ten days prior to the date of the scheduled hearing before the Examiner, the appellant or landowner may file with the Planning Division any reply memorandum which the appellant or landowner desires to file. The scope of the reply memorandum shall be restricted to responding to issues raised in the staff report.

(4) **Prehearing Conference.** Any party may request a prehearing conference not later than ten days following the filing of appeal. The prehearing conference may be held at the discretion of the Examiner, in consultation with the Administrative Official. If the Examiner exercises his/her discretion to hold a prehearing conference on an appeal the Examiner may issue an order establishing the procedure and schedule for the hearing and for the submittal of reports by County staff, applicant, and appellant, not inconsistent with this Title. The Examiner's order shall provide for the submittal of appellant's memorandum setting forth the appellant's arguments and authority, a County staff report responding to appellant's memorandum, applicant's memorandum responding to the appellant's memorandum, and appellant's reply memorandum. All written reports shall be submitted prior to the appeal hearing, consistent with the terms of the order. The parties shall provide copies of all submitted material to the other parties.

(5) **Failure to Comply.** Failure to comply with the requirements of this Section may result in the Examiner taking such action in regard to the failure as is appropriate including, but not limited to dismissing the matter, continuing the hearing, postponing the hearing or limiting testimony at the hearing. The Hearing Examiner or Yakima County may require any appellant(s) who cause(s) a delay in the proceedings by not adhering to the submittal schedule to pay all additional fees associated with rescheduling meetings, including Hearing Examiner fees.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.09.050 Closed Record Decisions.

(1) Closed record hearings shall be on the evidentiary record established at the prior open record hearing. Such hearings may be conducted in-person, virtually, or both simultaneously in accordance with state law. The record before the Board shall include all materials received in evidence at any previous stage of the review, audio/visual tapes of the prior hearing, the Hearing Examiner's recommendation, and argument by the parties at the Examiner's hearing.

(2) Oral argument at a closed record public hearing is limited to parties of record. Oral argument is allowed on a Type 4 recommendation of the Hearing Examiner.

(3) The Board's action on a closed record hearing shall be as follows:

Following the Board's closed record hearing on a Type 4 recommendation of the Hearing Examiner, the Board may affirm the recommendation of the Hearing Examiner, or may reverse or modify the Hearing Examiner's recommendation.

(4) If the Board renders a decision different from the Hearing Examiner's recommendation, the Board shall adopt amended findings and conclusions accordingly. If the Board affirms the Examiner's determination or recommendation, it may adopt the findings and determinations or recommendations of the Examiner as the final decision.

(5) The Board's final written decision shall constitute a final administrative action for the purposes of Chapter 36.70C RCW. The Administrative Official shall notify all parties of record of the board's decision by mail, including that the decision may be appealed as provided in Chapter 36.70C RCW. The Administrative Official may, however, provide notification by electronic ~~mail~~-communication when requested by the recipient.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.09.055 Reserved.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.09.060 Judicial Appeals.

A final determination by the County (which includes final administrative appeals and decisions) on an application may be appealed as provided in Chapter 36.70C RCW.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.09.070 Appeals Standards and Criteria.

The Hearing Examiner shall issue a decision to grant, grant with modifications, or deny the appeal in accordance with YCC 16B.08.050 for open record appeals and this Section. The Hearing Examiner shall accord substantial weight to the decision of the applicable Administrative Official and the SEPA Responsible Official.

- (1) If the Hearing Examiner determines that the challenged decision is supported by substantial evidence in the record and is a correct application of the law, then the decision shall be upheld.
- (2) If the Hearing Examiner determines that the challenged decision is not supported by substantial evidence, then the decision shall be reversed or remanded.
- (3) If the Hearing Examiner determines that the challenged decision is an incorrect application of the law, then the decision shall be reversed or remanded.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012).

Chapter 16B.10

COMPREHENSIVE PLAN AND REGULATORY AMENDMENT PROCEDURES

Sections:

- 16B.10.010 Purpose.
- 16B.10.020 Reserved.
- 16B.10.030 Applicability.
- 16B.10.040 Procedures.
- 16B.10.060 Submittal Requirements.
- 16B.10.070 Timing of Amendments.
- 16B.10.080 Public Process and Notice.
- 16B.10.090 Major Rezones.
- 16B.10.095 Approval Criteria.

16B.10.010 Purpose.

The purpose of this Chapter is to provide procedures and criteria for adopting, amending and updating the Yakima County Comprehensive Plan and the Yakima Urban Area Comprehensive Plan, as well as their respective implementing development regulations. Plan amendments may involve changes in the written text or policies of the plan, to the Policy Plan Maps, or to supporting documents, including capital facilities plans. Plan amendments will be reviewed in accordance with this Chapter, the state Growth Management Act (GMA), the Yakima County-wide Planning Policy, the goals and policies of the Yakima County Comprehensive Plan, local city comprehensive plans, inter-local agreements, applicable capital facilities plans, official population growth forecasts and growth indicators.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 9-2009 § 2 (Exh. 1) (part), 2009: Ord. 4-2000 § 1 (part), 2000).

16B.10.020 Reserved.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 9-2009 § 2 (Exh. 1) (part), 2009).

16B.10.030 Applicability.

(1) The criteria and requirements of this Chapter shall apply to all proposals for changes to comprehensive plan text, policies, map designations, major rezones or supporting documents and all implementing ordinances, in the unincorporated areas of Yakima County, unless specifically exempted. The following types of actions may be considered through the process set forth in this Section:

- (a) Site-specific policy plan map changes including land use, Urban Growth Area boundaries, and mineral resources;
- (b) Plan policy or other text changes;
- (c) Changes to official controls intended to implement the goals and policies of the comprehensive plans.

(2) The criteria, but not the timing requirements, of this Chapter shall apply to plan amendments that are exempted from requirements for biennial concurrent review of plan amendments, per RCW 36.70A.130. These include:

- (a) The initial adoption of a sub-area plan;
- (b) The adoption or amendment of a shoreline master program under the procedures set forth in Chapter 90.58 RCW;
- (c) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a County or city budget;
- (d) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.031(2), provided that amendments are considered in accordance with the public participation program

established under YCC 16B.10.080 Public Process and Notice and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment;

- (e) Amendments necessary to address an emergency situation;
- (f) Amendments required to resolve a comprehensive plan appeal decision filed with a Growth Management Hearings Board or with the court.

(3) Site-specific policy plan map amendments apply to a limited geographical area controlled either by an individual property owner or all property owners within the designated area. The Administrative Official shall determine whether a proposal is site-specific or area-wide in scope. The ruling of the Administrative Official shall not be subject to appeal.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 9-2009 § 2 (Exh. 1) (part), 2009: Ord. 4-2000 § 1 (part), 2000. Formerly 16B.10.020).

16B.10.040 Procedures.

- (1) The Planning Commission may hold a meeting each year to report to the public on progress in implementing the comprehensive plan. At that time, the Planning Commission will accept oral and written public comments and suggestions from any interested party regarding changes needed in the comprehensive plan and development regulations.
- (2) Plan and development regulation amendments other than site-specific rezones consistent with an adopted comprehensive or subarea plan shall be considered legislative actions and subject to the procedures in this Section, except when noted otherwise.
- (3) Applications for plan amendments, with the exception of Urban Growth Area boundaries, will be considered on a biennial basis starting 2013 and must be submitted in writing, to the Planning Division, no later than January 31 in order to be considered for that biennium's amendment process.
- (4) Site-specific policy plan map changes not involving a change to Urban Growth Area boundaries may be initiated by the property owner(s) or any agent of the owner with proof of agency through a fee-paid application process, or by recommendation of the Planning Commission or Administrative Official. All site-specific policy plan map amendment requests will be docketed for further staff review and consideration by the County Planning Commission and the Board of County Commissioners.
- (5) Applications for amendments to Urban Growth Area boundaries will only be considered at five-year intervals, after the Washington State Office of Financial Management's 20-year GMA population projections for the County have been issued. After the OFM projections are issued, the population projections will be allocated to the cities, towns and the unincorporated areas within Yakima County in accordance with the County-wide Planning Policy after which the Administrative Official will conduct an analysis of all Urban Growth Areas within the County to determine their ability to accommodate the urban growth projected to occur during the OFM's population projection period. Consideration of the analysis and any applications to amend Urban Growth Area boundaries may occur in the next possible plan amendment cycle as determined by the Administrative Official; provided that any city or town may postpone consideration of its Urban Growth Area boundary to a subsequent plan amendment cycle by notifying the Administrative Official in writing no later than January 31.
- (6) Comprehensive plan and development regulation text amendments may be proposed by any party, including County staff, at any time to the Administrative Official.
 - (a) All such amendments, except those initiated by Yakima County, must be submitted in accordance with YCC 16B.10.060, Submittal Requirements, using the appropriate forms, but shall be forwarded to the Planning Commission for its docketing consideration at the discretion of the Administrative Official, unless an amendment is requested by the Board of County Commissioners necessary to remain consistent with state requirements.

- (b) Following the annual meeting of the Planning Commission, the Administrative Official will compile a list of suggested changes, and will recommend to the Planning Commission which should be docketed for further consideration during the current amendment cycle, deferred for future research and consideration, or not pursued, each in accordance with his/her determination in YCC 16B.10.095(6). The Administrative Official shall provide the Board of County Commissioners with the Planning Commission's recommendations regarding deferred items when setting the Planning Division work program for the next budget cycle.
- (7) The Planning Commission shall provide an opportunity for public comment regarding the suggested text changes, and review them to determine whether they should be docketed to receive further review and consideration as part of the current year's amendment cycle. A suggested amendment will not be docketed for further processing if the Planning Commission determines one or more of the following:
- (a) The suggested amendment would likely cause environmental impacts that have not previously been analyzed or require additional review to determine impacts that cannot be completed within the required time frame.
 - (b) The suggested amendment would require additional analysis to determine capital facilities impacts and amendments that cannot be completed within the required time frame.
 - (c) The suggested amendment would require additional analysis to determine the appropriate land use designation that cannot be completed within the required time frame.
 - (d) The suggested amendment would involve an area that will be part of a sub-area planning process in the next two years.
 - (e) The suggested amendment has been previously reviewed by the Planning Commission or Board of County Commissioners, and circumstances have not substantially changed to support an additional review prior to a general plan update.
 - (f) The suggested amendment clearly violates a provision of the County-wide planning policies, a city comprehensive plan, the Yakima County Comprehensive Plan, the Yakima Urban Area Comprehensive Plan, the GMA or the SMA such that no further review is necessary or warranted.
 - (g) The suggested amendment is not sufficiently clear or well-defined to merit further review.
 - (h) The comprehensive plan is not the appropriate place to deal with this suggestion.
 - (i) It is not in the public interest to pursue the suggested amendment at the time.
- (8) Either the Board of County Commissioners or the Planning Commission may initiate items for docketing and consideration as part of the biennial plan amendment cycle.
- (9) The decision of the Planning Commission on whether to docket a proposed text amendment for additional review is not subject to appeal.
- (10) The decision of the Administrative Official on whether to present to the Planning Commission a proposed development regulation text amendment for its docketing consideration is not subject to appeal.
- (11) After the docket is set, the Planning Division shall conduct its review of the docketed plan amendments, including analysis of how the proposed amendment meets the criteria for the existing and proposed designation, as well as environmental review. No amendments shall be docketed after the publication of the notice of public hearing and environmental review. If the Planning Division or SEPA Responsible Official determines that any of the proposed amendments would require review of environmental impacts beyond the analysis in the Environmental Impact Statement for the comprehensive plan, such that additional analysis is required that cannot be completed within the amendment schedule, the proposed amendment shall be deferred until the next plan amendment cycle, and the Planning Commission and the applicant shall be so notified, in writing. Any unused fee deposit will be returned to the applicant at that time, and a new deposit will be required prior to the January 31 deadline of the following cycle to continue the application process.

(12) Following the recommendation of the Planning Commission regarding any amendment to a comprehensive plan or development regulation, the Board, at a regular or special agenda, may set either a public meeting or public hearing where it will consider the recommendation in the form of an ordinance, in accordance with Chapter 36.70 RCW.

- (a) At the public meeting, the Board may adopt the recommendation without change, reject the recommendation, or deem that a change in the recommendation is necessary.
- (b) If the Board deems that a change to the recommendation is necessary, a public hearing shall be set prior to adopting any changes to the recommendation, to consider the changes proposed by the Board, following all applicable procedures of Chapter 36.70 RCW, such as procedures for notification and adoption.
- (c) Legislative Enactments Not Restricted. Nothing in this section or the permit processing procedures shall limit the authority of the BOCC to make changes to the County's comprehensive plan, as part of a regular revision process, or to make changes to the County Code.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 9-2009 § 2 (Exh. 1) (part), 2009: Ord. 4-2000 § 1 (part), 2000. Formerly 16B.10.030).

16B.10.060 Submittal Requirements.

All requests for plan amendments or for amendments to development regulations shall be made in writing using the application submittal documents provided by the Yakima County Planning Division and shall include the following information. Applications not containing the required information will not be accepted:

- (1) Site specific policy plan map amendments:
 - (a) Completed application form and any other documents deemed necessary by the Administrative Official, provided by the Planning Division, signed by the legal owner or by a representative authorized to do so by a written or electronic signature instrument submitted with the form.
 - (b) Signed agreement to pay fees and the required deposit per the adopted fee schedule.
 - (c) Parcel number(s) of the subject property.
 - (d) Site plan or map(s) of the subject property which indicate the approximate location of all existing buildings, vegetation, roads, critical areas, and the land use of adjacent properties.
 - (e) Written narrative stating the reasons for the plan amendment and how the proposed plan amendment meets the applicable criteria in Section 16B.10.095(1).
 - (f) Completed and signed SEPA checklist.
- (2) Plan or development regulation text amendments:
 - (a) Completed application form and any other documents deemed necessary by the Administrative Official, provided by the Planning Division, signed by the applicant.
 - (b) Suggested amendment.
 - (c) Written narrative including the reasons for the suggested amendment and how it meets the applicable criteria in Section 16B.10.095(5).
 - (d) Any supporting documentation.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 9-2009 § 2 (Exh. 1) (part), 2009: Ord. 4-2000 § 1 (part), 2000. Formerly 16B.10.050).

16B.10.070 Timing of Amendments.

- (1) The comprehensive plan shall be amended no more frequently than once every two years as set forth by YCC 16B.10.040 and RCW 36.70A.130(2)(a). Applications for site-specific or text amendments to the comprehensive plan must adhere to the time periods and procedures established in this Chapter as described in Section 16B.10.040(3).
- (2) The plan amendment process may be suspended by the Board during a general plan or code update process.
- (3) Pre-application conferences can be held at any time; however, applications for amendments to policy plan map, text or development regulations will only be accepted before close of business on the last business day in January. Items received after the January deadline will be processed in the next biennial amendment cycle.
- (4) At its March meeting following the January deadline, the Planning Commission will review the suggested plan text changes for docketing and those development regulation text changes recommended by Administrative Official for docketing consideration. When the Planning Commission has completed its review, it will set the docket of proposed amendments.
- (5) The Planning Division shall establish timelines for additional review and consideration by the Planning Commission and Board of County Commissioners to ensure that the plan amendment process is finished prior to December 31st of each year.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 9-2009 § 2 (Exh. 1) (part), 2009: Ord. 4-2000 § 1 (part), 2000: Formerly 16B.10.060).

16B.10.080 Public Process and Notice.

To provide for the opportunity of citizens to suggest and make comments on docketed amendments, the following public notice and outreach provisions shall be completed during each plan or development regulation amendment process.

- (1) Notice of the plan or development regulation amendment process deadlines shall be publicized through:
 - (a) A general mailing to interested parties,
 - (b) Posting on the Public Services Web site,
 - (c) Notice in the County's newspaper of record and other print media as appropriate,
 - (d) Press releases to the media,
 - (e) Posting of information at the Planning Division and other office areas of the County where interested parties may conduct business.
- (2) Initial notice of submitted applications will be posted on the Yakima County Public Services web site and in the Planning Division's offices.
- (3) Site-specific policy plan map amendments shall follow the notification procedures of Section 16B.05.030 of this Code.
- (4) Additional public notification may be undertaken by the Planning Division, if it determines that it is in the public interest to do so.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 9-2009 § 2 (Exh. 1) (part), 2009: Ord. 4-2000 § 1 (part), 2000: Formerly 16B.10.070).

16B.10.090 Major Rezones.

Legislative rezones necessary to maintain consistency between the comprehensive plan policy plan map and the official zoning map shall be completed concurrently with the plan amendment process wherever appropriate. Major rezones shall not require additional fees or review processes. Rezones completed as part of the plan amendment

process shall be reviewed against the criteria as for plan amendments in Section 16B.10.095 of this code, and YCC Section 19.36.040 and must be consistent with the requested plan designation as indicated in Table 19.36-1. Rezones not requiring a plan amendment are subject to the Minor Rezone procedures of YCC Section 19.36.030 and consistency with Table 19.36-1.

(Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 9-2009 § 2 (Exh. 1) (part), 2009: Ord. 4-2000 § 1 (part), 2000. Formerly 16B.10.080).

16B.10.095 Approval Criteria.

(1) The following criteria shall be considered in any review and approval of amendments to Yakima County Comprehensive Plan Policy Plan Maps:

- (a) The proposed amendment is consistent with the Growth Management Act and requirements, the Yakima County Comprehensive Plan, the Yakima Urban Area Comprehensive Plan and applicable sub-area plans, applicable city comprehensive plans, applicable capital facilities plans and official population growth forecasts and allocations;
- (b) The site is more consistent with the criteria for the proposed map designation than it is with the criteria for the existing map designation;
- (c) The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity;
- (d) For a map amendment, substantial evidence or a special study has been furnished that compels a finding that the proposed designation is more consistent with comprehensive plan policies than the current designation;
- (e) To change a resource designation, the policy plan map amendment must be found to do one of the following:
 - (i) Respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies; or
 - (ii) Better implement applicable comprehensive plan policies than the current map designation; or
 - (iii) Correct an obvious mapping error; or
 - (iv) Address an identified deficiency in the plan. In the case of Resource Lands, the applicable de-designation criteria in the mapping criteria portion of the land use subchapter of Yakima County Comprehensive Plan, Volume I, Chapter I, shall be followed. If the result of the analysis shows that the applicable de-designation criteria has been met, then it will be considered conclusive evidence that one of the four criteria in paragraph (e) has been met. The de-designation criteria are not intended for and shall not be applicable when resource lands are proposed for re-designation to another Economic Resource land use designation;
- (f) A full range of necessary public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, fire protection and schools;
- (g) The proposed policy plan map amendment will not prematurely cause the need for nor increase the pressure for additional policy plan map amendments in the surrounding area.

(2) The following criteria shall be considered in any review and approval of changes to Urban Growth Area (UGA) boundaries:

- (a) Land Supply:

- (i) The amount of buildable land suitable for residential and local commercial development within the incorporated and the unincorporated portions of the Urban Growth Areas will accommodate the adopted population allocation and density targets;
 - (ii) The amount of buildable land suitable for purposes other than residential and local commercial development within the incorporated and the unincorporated portions of the Urban Growth Areas will accommodate the adopted forecasted urban development density targets within the succeeding twenty-year period;
 - (iii) The Planning Division will use the definition of buildable land in YCC 16B.02.045, the criteria established in RCW 36.70A.110 and .130 and applicable criteria in the Comprehensive Plan and development regulations;
 - (iv) The Urban Growth Area boundary incorporates the amount of land determined to be appropriate by the County to support the population density targets;
- (b) Utilities and services:
- (i) The provision of urban services for the Urban Growth Area is prescribed, and funding responsibilities delineated, in conformity with the comprehensive plan, including applicable capital facilities, utilities, and transportation elements, of the municipality;
 - (ii) Designated Ag. resource lands, except for mineral resource lands that will be reclaimed for urban uses, may not be included within the UGA unless it is shown that there are no practicable alternatives and the lands meet the de-designation criteria set forth in the comprehensive plan.
- (3) Land added to or removed from Urban Growth Areas shall be given appropriate policy plan map designation and zoning by Yakima County, consistent with adopted comprehensive plan(s).
- (4) Cumulative impacts of all plan amendments, including those approved since the original adoption of the plan, shall be considered in the evaluation of proposed plan amendments.
- (5) Plan policy and other text amendments including capital facilities plans must be consistent with the GMA, SMA, CWPP, other comprehensive plan goals and policies, and, where applicable, city comprehensive plans and adopted inter-local agreements.
- (6) Prior to forwarding a proposed development regulation text amendment to the Planning Commission for its docketing consideration, the Administrative Official must make a determination that the proposed amendment is consistent with the GMA, CWPP, other comprehensive plan goals and policies, and, where applicable, city comprehensive plans and adopted inter-local agreements.
- (Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 9-2009 § 2 (Exh. 1) (part), 2009: Ord. 3-2003 § 4, 2003: Ord. 4-2000 § 1 (part), 2000. Formerly 16B.10.040, 16B.10.050).

Chapter 16B.11

VIOLATIONS AND ENFORCEMENT

Sections:

16B.11.010	Purpose.
16B.11.020	Authority and Application.
16B.11.030	Complaints.
16B.11.040	Violations.
16B.11.050	Penalties.
16B.11.060	Codes Preserved.

16B.11.010 Purpose.

The purpose of this Chapter is to promote compliance with permit decisions, conditions and this Title by establishing enforcement authority, defining violations, and setting standards for initiating the procedures set forth in this Title when violations of YCC Title 16B or applicable Titles listed in YCC 16B.01.020 occur. Notwithstanding other remedies in this chapter, any building or structure set up, erected, built, used, moved or maintained or any use of property contrary to the provisions of this Title or any Title of Yakima County Code listed in YCC 16B.01.020, shall be and the same is declared to be a public nuisance. The appropriate Reviewing Official may seek legal or equitable (including injunctive) relief or other forms of civil relief in superior court. The provisions of this chapter are completely supplemental to other provisions of Yakima County Code. Provisions of this chapter are neither an exclusive remedy nor a prerequisite for any other administrative or judicial action authorized by law.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.11.020 Authority and Application.

The Administrative Official is authorized to enforce the provisions of this Title, any implementing administrative rules and approval conditions attached to any project permit approval.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.11.030 Complaints.

Whenever a violation of this Title or any Title of Yakima County Code listed in YCC 16B.01.020 occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Building Code Enforcement Official. He or she shall record such complaint, investigate and in consultation with the Administrative Official take action thereon as deemed appropriate and as provided by this Title and/or YCC Title 16B.11.050, as may be applicable; provided, however, that enforcement shall be undertaken for the benefit of the health, safety, and welfare of the general public and the environment and not for any particular person or class of persons.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.11.040 Violations.

- (1) It is a violation of this Title for any person to initiate or maintain, or to cause to be initiated or maintained, any use, alteration, construction, location, or demolition of any structure, land, or property within Yakima County without first obtaining permits or authorizations required by this Code.
- (2) It is a violation of this Title to remove or deface any sign, notice, complaint, or order required by or posted in accordance with this Code.
- (3) It is a violation of this Title to misrepresent any material fact in any application, plans, or other information submitted to obtain any project permit authorization.
- (4) It is a violation for any person to fail to comply with provisions of this Code, to fail to comply with the terms or conditions of a permit issued pursuant to this Title, or to fail to comply with any or all notices or orders issued pursuant to this Code.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.11.050 Penalties.

(1) Any person, firm or corporation violating any of the provisions of this Title or any Title of Yakima County Code listed in YCC 16B.01.020, including the provisions of the various Codes adopted by reference therein, or failing to comply therewith, or violating or failing to comply with any order or decision issued or made pursuant to any provisions of said Codes shall severally and for each and every violation and non-compliance respectively, be guilty of a misdemeanor or shall be subject to a civil infraction as provided for by Chapter 7.80 RCW, YCC ~~Title 13.25~~ Section 21.04.030 or any other remedy provided by law and, further, such violation shall constitute a public nuisance. Any person so convicted of a misdemeanor shall be punished for each offense by a fine of not more than ONE THOUSAND DOLLARS (\$1,000.00) or by imprisonment for not more than NINETY (90) days, or by both such fine and imprisonment. Each day, or any portion thereof, after written notice of a violation has been issued shall be considered a separate offense.

(2) The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation, after being notified of such violation, may each be found guilty of a separate offense and suffer the penalties provided in this Section and YCC Title ~~13.21~~.

(3) In addition to the penalties described in this Chapter and YCC Title ~~13.21~~, actions that can be taken by the County include, but are not limited to: withholding any and all permits for development or land division, unless said permit or application is directly related to a proper remedy of the violation; assessing double fees for all permits and applications necessary to remedy the violation; notifying by certified mail all property owners of record of the violation and remedies required to abate the violation; abating or otherwise causing the violation to be removed with a lien filed against the property to recover costs; or other such action as may be needed to enforce this code. A violation of this or other County ordinances or state law found to exist on the property 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. Actions under this Chapter may be taken in any order deemed necessary or desirable by the County to achieve the purpose of this Chapter. The Administrative Official may call upon any appropriate County officials or departments to assist in enforcing this Chapter.

~~(4) Where it is clear to the Administrative Official that a proposed land division or other permit application filed to remedy the violation(s) is clearly inconsistent with the Comprehensive Plans, the intent of the Zoning District or other provisions of County code or state law, the application shall be returned without processing and any fee refunded. Notwithstanding any contrary provisions of this Title regarding processing of applications and decisions and appeals related thereto, this determination of the Administrative Official shall not be appealable under the provisions of this Title.~~

~~(45)~~ It shall be the affirmative duty of the County Prosecutor's office to seek relief under this Chapter and YCC Title ~~13.21~~ for violations of Title 16B or any Title of Yakima County Code listed in YCC 16B.01.020. Nothing herein contained shall prevent the County Prosecutor's office from taking such lawful action, legal and/or equitable, as is necessary to prevent or remedy any violation.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.11.060 Codes Preserved.

Except as otherwise inconsistent with this Chapter, the provisions of the Codes adopted by reference in this Title pertaining to violations shall remain in full force and effect.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012).

EXHIBIT 1

TITLE 16B

PROJECT PERMIT ADMINISTRATION

Chapters:

- 16B.01 Purpose and Authority**
- 16B.02 Definitions**
- 16B.03 Classification by Project Permit Type**
- 16B.04 Application Process**
- 16B.05 Public Notice**
- 16B.06 Consistency Analysis and SEPA Integration**
- 16B.07 Final Decisions**
- 16B.08 Open Record Public Hearings**
- 16B.09 Administrative Appeals, Closed Record Hearings, and Judicial Appeals**
- 16B.10 Comprehensive Plan and Regulatory Amendment Procedures**
- 16B.11 Violations and Enforcement**

Chapter 16B.01**PURPOSE AND AUTHORITY**

Sections:

- 16B.01.010 Purpose and Authority.
- 16B.01.020 Applicability.
- 16B.01.030 Legislative Decisions.
- 16B.01.040 Legislative Enactments not Restricted.
- 16B.01.050 Conflict of Provision.

16B.01.010 Purpose and Authority.

- (1) It is the purpose of this Title to effectively and efficiently administer applications for land use development activities (entitled "Project Permit Applications" by this Title) by creating a permit classification system with consistent procedures for similar application types, and by combining the environmental review process (SEPA), both procedural and substantive, with the procedures for review of project applications.
- (2) When a project permit application is filed, the project review process shall include land use, environmental, public, and governmental review so that documents prepared under different requirements can be reviewed together by the public and other agencies, in one project review process.
- (3) This integrated review process features the following elements.
 - (a) A determination of application completeness issued to the applicant within twenty-eight days of application submittal (Chapter 16B.04);
 - (b) A combined Notice of Application to the public and agencies with jurisdiction (Chapter 16B.05);
 - (c) A determination of the consistency of a proposed project with applicable development regulations and comprehensive plans (Chapter 16B.06);
 - (d) An optional consolidated permit review process for development proposals involving more than one application procedure (Section 16B.03.060);
 - (e) Provisions for use of existing comprehensive plans and development regulations in the environmental review of proposed projects subject to SEPA (Chapter 16B.06);
 - (f) Provisions for joint public hearings or meetings held with other local, state, regional or federal agencies with jurisdiction over a proposed project (Section 16B.08.070);
 - (g) A single report stating all the decisions made as of the date of the report on all project permits, including any environmental determinations, on a proposed permit project (Chapter 16B.07);
 - (h) Except for the appeal of a Determination of Significance under SEPA, no more than one open record hearing on a project permit (Section 16B.03.050);
 - (i) For applications that do not require public noticing, a notice of final decision must be issued within sixty-five (65) days of the determination of completeness;
 - (j) A notice of final decision must be issued within one-hundred (100) days of the determination of completeness (Chapter 16B.04) for applications that require public noticing;
 - (k) A notice of final decision must be issued within one-hundred-and-seventy (170) days of the determination of completeness (Chapter 16B.04) for applications requiring public noticing and a public hearing; and,

(l) The exceptions to YCC16B.01.010(3)(i-k) are stated in YCC16B.07.040.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.01.020 Applicability.

The provisions of this Title shall apply to all applications for land use or environmental permits subject to review under the following Chapters and Titles of the Yakima County Code.

- (1) Title 16 – Environment.
- (2) Title 16C – Critical Areas.
- (3) Title 16D – Yakima County Regional Shoreline Master Program.
- (4) Title 19 – Unified Land Development Code.

(Ord. 10-2019 (Exh. 1) (part), 2019: Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 1-2010 Exh. A § 3, 2010: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.01.030 Legislative Decisions.

The following actions are legislative, and are not subject to the project permit procedures in Chapters 16B.03, 16B.04, 16B.07, 16B.08, 16B.09 and 16B.11 of this Code, unless otherwise specified:

- (1) Adoption and amendment of development regulations as defined by RCW 36.70A;
- (2) Area-wide rezones to implement new county policies; and
- (3) Adoption of the county comprehensive plan, sub-area plans, other general purpose or specific county plans and any plan amendments.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.01.040 Legislative Enactments not Restricted.

Nothing in this Title shall limit the authority of the Board of County Commissioners to amend the County's comprehensive plan or development regulations.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.01.050 Conflict of Provision.

In the event of conflicts between any portion of this Title and other rules, regulations, resolutions, ordinances or statutes lawfully adopted by Yakima County, the procedures contained in this Title shall govern.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

Chapter 16B.02**DEFINITIONS****Sections:**

16B.02.010	Definitions.
16B.02.020	Administrative Official.
16B.02.030	Agency with Jurisdiction.
16B.02.040	Board of County Commissioners.
16B.02.045	Buildable Land.
16B.02.050	Closed Record Hearing.
16B.02.055	Day.
16B.02.060	Decision Maker.
16B.02.070	Hearing Examiner.
16B.02.075	Nonresponsiveness
16B.02.080	Open Record Hearing.
16B.02.082	Optional Consolidated Permit Review.
16B.02.083	Parties of Record.
16B.02.085	Policy Plan Map.
16B.02.090	Project Permit Application.
16B.02.093	Public Meeting.
16B.02.095	Reviewing Official.
16B.02.100	SEPA.

16B.02.010 Definitions.

Certain terms and words used in this Title are defined in the following Sections. When not inconsistent with the context, words used in the present tense include the future; the singular includes the plural, and the plural the singular; “shall” is always mandatory and “may” indicates a use of discretion in making a decision. Whenever terms defined elsewhere in the Yakima County Code appear in this Title, they shall be given the meaning attributed to them.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.020 Administrative Official.

“Administrative Official” means the Yakima County Planning Official or the official’s designee.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.030 Agency with Jurisdiction.

“Agency with Jurisdiction,” for 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.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.040 Board of County Commissioners.

“Board of County Commissioners,” also abbreviated as “BOCC,” or “Board,” is the legislative authority of Yakima County.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.045 Buildable Land.

“Buildable Land,” for the purposes of 16B.10.095(2)(a), means land suitable and available for residential, commercial, and industrial uses and includes both vacant land and developed land that, in the opinion of the planning agency, i.e., the Planning Division together with its Planning Commission as defined in RCW 36.70.020(13)(b), is likely to be redeveloped.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012).

16B.02.050 Closed Record Hearing.

“Closed Record Hearing” means an administrative hearing, conducted by the Board of County Commissioners following an open record hearing conducted by the Hearing Examiner on a Type 4 project permit application. The hearing is on the evidentiary record developed at the prior open record hearing with no or limited new evidence or information allowed to be submitted and only argument allowed. See also RCW 36.70B.020.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.055 Day.

“Day” means calendar day. 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 computed period is included unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the close of Planning Division business on 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, the intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012).

16B.02.060 Decision Maker.

“Decision maker” means the person or body that is authorized by this Title to render the final decision on a project permit application. Table 3-1 herein designates the decision maker by project permit procedure type.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.070 Hearing Examiner.

“Hearing Examiner” or “Examiner” means that person appointed by the Board of Commissioners in accordance with YCC 2.23.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.075 Nonresponsiveness.

“Nonresponsiveness” means that an applicant is not making demonstrable progress on providing additional requested information to the local government, or that there is no ongoing communication from the applicant to the local government on the applicant's ability or willingness to provide the additional information (RCW36.70B.080(1)(i)).

16B.02.080 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 County Commissioners (in the case of Type 4 applications), or a final decision on a project permit application (in the case of Type 3 applications and Type 2 applications that are referred by the Administrative Official), or constitute an appeal of an administrative decision on a project permit application (including its SEPA determination). See also RCW 36.70B.020(3).

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.082 Optional Consolidated Permit Review.

“Optional consolidated permit review” means that process authorized by RCW 36.70B.060 and 36.70B.120 which 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.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012).

16B.02.083 Parties of Record.

“Parties of Record” means:

- (a) Any person who appeared at the open or closed record public hearing or public meeting on the application and signed an official register; and
- (b) Any person who submitted written comments in response to the Notice of Application or environmental review (excluding persons who have only signed petitions or mechanically produced form letters); and
- (c) Any person who submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or mechanically produced form letters); and
- (d) Affected agencies and tribes; and
- (e) The applicant and owner of the property.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017).

16B.02.085 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.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.02.090 Project Permit Application.

“Project permit,” or “project permit application,” or “project application,” or “permit,” means any land use or environmental permit or license required from a local government for a project action, including but not limited to subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.”See also RCW 36.70B.020(4).

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.02.093 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 file. See also RCW 36.70B.020(5).

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.02.095 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 provisions of the Titles of Yakima County Code listed in Section 16B.01.020 of this Title.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.02.100 SEPA.

“SEPA” refers to the State Environmental Policy Act, Chapter 43.21C RCW, its implementing rules (Chapter 197-11 WAC), and the County’s SEPA procedures (Yakima County SEPA Ordinance, Chapter 16.04).

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

Chapter 16B.03

CLASSIFICATION BY PROJECT PERMIT TYPE

Sections:

- 16B.03.010 Introduction.
- 16B.03.020 Project Permits Excluded from Some Review Procedures.
- 16B.03.030 Project Permit Procedures – Defined.
- 16B.03.040 Classification of Project Permit Applications.
- 16B.03.050 Limitations on Open Record Public Hearings and Closed Record Hearings.
- 16B.03.060 Optional Consolidated Permit Review Process.
- 16B.03.070 Administrative Interpretations.
- 16B.03.080 Development Agreement Review Procedures.

16B.03.010 Introduction.

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Exempt, Type 1, Type 2, Type 3, or Type 4. Legislative decisions are addressed in Sections 16B.01.030 – 16B.01.040.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.03.020 Project Permits Excluded from Some Review Procedures.

(1) All Type 1 applications listed in Table 3-2, building permits or other construction permits, or other similar administrative approvals, that are categorically exempt from environmental review under SEPA, or for which environmental review has been completed in connection with other project permits, are excluded from the following procedures. See also RCW 36.70B.140.

- (a) Notice of Application (Chapter 16B.05);
- (b) Consolidated permit review processing (Section 16B.03.060);
- (c) Joint public hearings (Section 16B.08.070);
- (d) Single report (Notice of Decision) stating all the decisions and recommendations made as of the date of the report (Chapter 16B.07).

(2) All of the review procedures listed in Subsection (1) of this Section apply to Type 1 and other project permits that are not categorically exempt from environmental review under SEPA, unless environmental review has been completed in connection with other project permits. See also RCW 36.70B.140.

(3) The development, activities and modifications to development listed in YCC Section 19.30.020(2) may require project permits under Yakima County Code, but are typically not required to obtain a project permit from the Administrative Official under Title 19.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.03.030 Project Permit Procedures – Defined.

(1) The Administrative Official shall determine the procedural classification (Type 1 – 4) for all development applications. If there is a question as to the appropriate procedure type, the Administrative Official shall resolve it in favor of the higher procedural classification.

- (a) Type 1 applications involve ministerial actions and are exempt from public notice requirements. Type 1 applications that are not categorically exempt from environmental review under SEPA are subject to public

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notice requirements. Decisions on Type 1 project permit applications will be made by the Administrative Official without a prior public hearing. Decisions on Type 1 projects can be appealed to the Hearing Examiner.

(b) Type 2 applications are administrative actions which may generate public interest. Public notice will be provided for Type 2 actions. Decisions on Type 2 project permit applications will be made by the Administrative Official without a prior public hearing, unless referred by the Administrative Official to the Hearing Examiner for final decision in accordance with the Table 3-2 Notes and YCC 19.03.030(3)(b)(v). Decisions on Type 2 projects can be appealed to the Hearing Examiner. Public notice will be provided on Type 2 actions.

(c) Type 3 applications are quasi-judicial actions and require an open record hearing by the Hearing Examiner. The Examiner's written decision constitutes the final decision. Public notice will be provided on Type 3 actions.

(d) Type 4 Project permit applications are quasi-judicial actions which require an open record hearing before the Hearing Examiner. The Examiner's written decision constitutes a recommendation to the Board of County Commissioners. The Board shall conduct a closed record hearing to act on the Examiner's recommendation. Public notice will be provided on Type 4 actions.

(2) Any administrative appeals of SEPA determinations related to Type 1, 2, or 3 applications will be conducted in accordance with YCC 16B.09. Type 4 decisions and their related SEPA determinations are not subject to administrative appeal (see Table 3-1).

(3) Final administrative decisions on Type 1, 2, 3, and 4 applications and their related SEPA determinations are indicated in Table 3-1.

(4) Table 3-1 identifies the final decision maker, recommending body, hearing body, and appeal body for the four procedural types. Table 3-2 identifies the procedural classification for the various land use permits. Notice provisions for each procedural classification are contained in Table 5-1.

Table 3-1

Procedures for Type 1, 2, 3, and 4 Permit Applications

Process Type	Public Notice	Recommending Body	Open Record Hearing Body	Decision Maker	Project Permit Appeal Body	SEPA Appeal Body
Type 1	N/A	N/A	N/A	Administrative Official ⁽²⁾	Hearing Examiner ⁽¹⁾ (Open Record Hearing)	Hearing Examiner ⁽¹⁾ (Open Record Hearing)
Type 2	Yes	N/A	N/A	Administrative Official	Hearing Examiner ⁽¹⁾ (Open Record Hearing)	Hearing Examiner ⁽¹⁾ (Open Record Hearing)
Type 3	Yes	Administrative Official	Hearing Examiner	Hearing Examiner (Open Record Hearing)	No administrative appeal	Hearing Examiner ⁽¹⁾ (Open Record Hearing)
Type 4	Yes	Hearing Examiner	Hearing Examiner	BOCC (Closed Record Hearing)	No administrative appeal	No administrative appeal

Notes:

- (1) Appeal determinations by the Hearing Examiner on Type 1 and Type 2 applications and on Type 3 SEPA appeals shall be final and binding and not subject to further administrative appeal.
- (2) Not all Type 1 project permits decisions are made by the Administrative Official. Refer to Title 19.

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(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 6-2014 § 2 (Exh. A)(part), 2016; Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.03.040 Classification of Project Permit Applications.

The following project permits or actions are subject to the decision making processes specified in Table 3-1 and Section 16B.03.030 of this Code, except where indicated in other Titles.

Table 3-2

Table of Procedural Classifications

Title 19 – Yakima County Unified Land Development Code Type 1 Review ^(2,4,7)	
Type 1 Permitted Uses shown in the land use table in YCC Chapter 19.14 except when Type 2 review is required (19.30.030(1)(c))	
Interpretations and similar use determinations by the Administrative Official (Chapter 19.31)	
Reconstruction of damaged buildings or structures not involving expansion or nonconforming use (19.33.050(2)(d))	
Legal Nonconforming use determination by the Administrative Official (19.33.060(1)(a))	
Replacement or restoration of legal nonconforming dwelling (19.33.060(6)(a))	
Utility divisions (19.34.090)	
Boundary Line Adjustments (19.34.020)	
Minor amendments of approved preliminary plats (19.34.050(9)(b))	
Final Subdivisions and Short Subdivision⁽¹⁾ (19.34.070)	
Segregations within an approved Binding Site Plan for commercial or industrial development (19.34.080(3)(b))	
ESLU Setback modifications exceptions (19.35.020(6)(d))	
Administrative Modifications to existing or approved uses (19.35.030(3))	
Minor modification to a previously approved Master Planned Resort, Resort Development Plan or Planned Development (19.35.050(1))	
Future Projects or actions in compliance with an approved Master Development Plan or Development Agreement (19.35.055(1))	
Type 1 Uses require Type 2 review when: ^(3,4,7)	
All or part of the development , except for agricultural buildings, single-family dwellings and duplexes are located within the 100 year floodplain or the Greenway Overlay (GO) District (19.17.050);	
All or part of a development that is in a Master Planned Development Overlay (MPDO) District and is identified in a development agreement requiring Type 2 review (19.17.040);	
The Reviewing Official cannot determine from the application submitted that the use will meet the approval standards in Section 19.30.090;	
The permitted use could be approved subject to broader conditioning authority (19.30.100);	
The Administrative Official cannot conclusively determine the legal status of a nonconforming use (19.33.060(1)(c));	
The proposed use includes hazardous material as defined in Section 19.01.070.	
Type 2 review ^(3,4,5)	
Type 2 Administrative Uses shown on the land use table in Chapter 19.14 are generally allowed in the zoning district	
Change of a legal non-conforming use to another non-allowed use subject to review criteria in Subsection 19.33.060(5)(b)	
Amendments to an approved preliminary short subdivision (19.34.040(5)) ⁽¹¹⁾	
Alteration or vacation of a recorded short plat (19.34.040(9)) ⁽¹¹⁾	

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New Binding Site Plans for commercial and industrial development (19.34.080)	
Administrative Adjustments to standards authorized (19.35.020)	
Type 3 Review	
Conditional Uses shown on the land use table in Chapter 19.14	
Plat vacations or alterations under Chapter 58.17 RCW	
Major modifications to a Master Development Plan or Development Agreement (19.35.055(3))	
Type 4 Review⁽¹⁰⁾	
Type 4 Quasi-judicial uses or development shown on the land use table in Chapter 19.14	
Master Planned Resorts (MPRs) in rural or resource areas (19.11.050)	
New or expanded Master Planned Developments in Urban Growth Areas (19.17.040)	
Subdivision Applications (19.34.050)	
Major amendments to approved preliminary subdivision (19.34.050(9)(c)) ⁽¹¹⁾	
Major modification to a Master Planned Resort or Planned Development (19.35.050(2))	
Minor Rezones (19.36.030) ⁽¹⁰⁾	
Title 16 – Chapter 16.04 – Yakima County SEPA Ordinance	
Application	Process Type
Environmental Review (SEPA Checklist)	Type 2 ⁽⁷⁾
Title 16C – Yakima County Critical Areas Ordinance and Title 16D – Yakima County Regional Shoreline Master Program	
Application	Process Type
Floodprone Permit (16C.05) ⁽¹³⁾	Type 1
Floodprone Development Variance (16C.05.52) & (16D.05.52) ⁽¹³⁾	Type 2 ⁽⁴⁾
Flood Hazard Permit (16C.05.44.040) & (16D.05.44.050) ⁽¹³⁾	Type 1
Standard Development Permit (16C.03.20)	Type 1 ⁽⁶⁾
Critical Areas Adjustment (16C.03.23)	Type 2
Critical Areas Reasonable Use Exception (16C.03.24)	Type 3
Minor Revision to approved uses/development (16C.03.25) & (16D.03.25)	Type 1
Non-Conforming Use/Facility Alteration (16C.03.26) & (16D.03.26)	Type 2 ⁽⁸⁾
Non-Conforming Structures or Areas (16C.03.26 or 16D.03.26) & (16D.05.40.020)	Type 2 ⁽⁹⁾
Shoreline Exemption (16D.03.05)	Type 1
Shoreline Substantial Development Permit (16D.03.19 & 16D.10.05 & Table 16D.10.05)	Type 2 ⁽⁴⁾
Shoreline Conditional Use Permit (16D.03.21 & 16D.10.05 & Table 16D.10.05)	Type 2
Shoreline Variance (16D.03.22)	Type 2

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Notes:

- (1) Final plat applications are subject to determination of completeness as required by Section 16B.04.030 – 060. However, once the application is deemed complete, i.e. – all requirements of the preliminary plat resolution as signed by the BOCC have been met, the final plat is forwarded to the BOCC for signature at its next regular agenda meeting.
- (2) 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 Title 19. Type 1 Uses listed in Subsection 19.30.030(1)(d) are generally not subject to project review by the Administrative Official provided all applicable standards of the 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.
- (3) 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.
- (4) Type 2 review, Administrative Use applications, Floodprone (as defined in YCC Titles 16C and 16D) Development Variances, Zoning Variances, Administrative Adjustments and Substantial Development permits may be referred by the Administrative Official to the Hearing Examiner for final decision, in a manner similar to a Type 3 application.
- (5) Type 3 review required for Type 2 Administrative Uses referred by the Administrative Official for Hearing Examiner review and for other specific reviews established by Title 19. Such referred reviews are subject to the criteria of 19.30.030(2)(b)(iv) for Type 2 uses.
- (6) Standard Development permits under the Critical Areas Ordinance may be processed for final decision as Type 2 project permits rather than as Type 1 permits at the discretion of the Administrative Official.
- (7) SEPA determinations where the underlying permit is Type 1 shall be circulated to agencies with expertise or jurisdiction as defined in WAC 197-11-714 and listed in YCC 16B.05.030(3) but notice to adjacent property owners is not required.
- (8) The term “alteration” in a zoning context may include changing from one nonconforming use to another nonconforming use, but does not include intensification. Certain nonconforming use alterations may not be subject to additional critical area or Shoreline review as described in YCC 16C.03.26(2)(b) and 16D.03.26(2)(b).
- (9) No additional Critical Area or Shoreline review required if reconstruction cost of a conforming use with a nonconforming structure or area is less than 75 percent of value before damage or destruction. See YCC 16C.03.26(2)(a) and 16D.03.26(2)(a).
- (10) 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.
- (11) Minor changes or correction of errors to approved preliminary short plats and alteration or vacation of recorded short plats not involving a change in lot lines or conditions may be made by the surveyor through the Type 1 review process by recording an affidavit with the County Auditor referencing the short plat by number and the correction.

(12)

Critical Areas Title 16C may apply to property based on agricultural use. Refer to Title 16C to determine jurisdiction.

(13)

The Building Official issues flood hazard permits under Chapter 5 of Titles 16C and 16D. (N)

(Ord. 10-2019 (Exh. 1) (part), 2019; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 6-2014 § 2 (Exh. A)(part), 2016; Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.03.050 Limitations on Open Record Public Hearings and Closed Record Hearings.

Except for the appeal of a SEPA Determination of Significance, no more than one consolidated open record appeal or hearing may occur on SEPA threshold determinations or project permit decisions and no more than one consolidated closed record hearing may occur on project permit decisions.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 6-2014 § 2 (Exh. A)(part), 2016; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.03.060 Optional Consolidated Permit Review Process.

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 applicant may determine whether the project permits shall be processed collectively or individually. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to and separately from the subsequent lower numbered procedure. Construction permits may be issued only after all other required land-use decisions have been made and all applicable appeal periods have passed.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 6-2014 § 2 (Exh. A)(part), 2016; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.03.070 Administrative Interpretations.

Upon request the applicable official designated in Subsections 2 through 4 of this Section shall issue a formal written interpretation of a development regulation. The purpose of an interpretation is to clarify conflicting or ambiguous wording or the scope or intent of the County Code.

(1) The interpretation request shall be on a form provided by the Planning Division and shall include identification of the regulation in question, a description of the property (if applicable), a clear statement of the issue or question to be decided, a statement addressing why an interpretation is necessary and shall set forth a legal and factual basis in support of the proposed interpretation.

(2) The Administrative Official or his/her designee shall interpret and apply the provisions of YCC Title 16 (SEPA) Environment, Title 16C – Critical Areas Ordinances, Title 16B – Project Permit Administration, Title 16D – Yakima County Regional Shoreline Master Program, and Title 19 – Unified Land Development Code. Interpretations shall be first presented to the Administrative Official but are subject to appeal to the Hearing Examiner.

(3) The Administrative Official is authorized under Chapter 19.31 to determine whether a proposed use is not classified in any category of the land use table in Chapter 19.14 but is consistent in character with the purpose of the Zoning District.

(4) The Hearing Examiner shall issue similar use interpretations regarding any provisions of the Yakima County Unified Land Development Code (Title 19), as specified by Chapter 19.31, and any interpretation matter referred by the Administrative Official. The Hearing Examiner shall determine when a hearing is required for such interpretations. Interpretations by the Hearing Examiner are final and not subject to further administrative appeal.

(5) An interpretation of the provisions of a development regulation shall not be used to amend any development regulation in Yakima County Code, such as any provision affecting required location of land uses or review requirements. Administrative interpretations may be specific to the fact situation presented in the request for the

interpretation and therefore may not apply to circumstances or situations other than that considered in the interpretation.

(6) In making an interpretation of the provisions of the development regulation, the Reviewing Official shall state the analysis and reasons upon which the interpretation is based in considering the following factors:

- (a) The applicable provisions of development regulations in Yakima County Code including their purpose and context; and
- (b) The impact of the interpretation on other provisions of Yakima County Code; and
- (c) The implications of the interpretation for development within the County as a whole; and
- (d) The applicable provisions of the Comprehensive Plan and other relevant codes and policies; and
- (e) Any other factors the Reviewing Official wishes to consider.

(Ord. 10-2019 (Exh. 1) (part), 2019; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 6-2014 § 2 (Exh. A)(part), 2016; Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.03.080 Development Agreement Review Procedures.

- (1) The County may enter into a development agreement with a person having ownership or legal control of real property within its jurisdiction or outside its jurisdiction as part of an outside utility service agreement. A development agreement sets forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement.
- (2) Notice of the hearing shall be provided by publishing in a newspaper of general circulation within the County in the manner prescribed for project permits in YCC 16B.05.030.
- (3) The determination of completeness under YCC 16B.04.030, notice of decision under YCC 16B.07.010 and time frame of YCC 16B.07.030 do not apply to development agreements.
- (4) When a request for a development agreement is consolidated with a project permit, or a modification to a development agreement is proposed, the public hearing shall be conducted by the hearing body indicated in Table 3-3 after notice as indicated in Table 5-1.

Table 3-3

Public Hearing Procedure When Development Agreements Are Consolidated With Project Permits

Process Type	Hearing Body	Procedure
Type 1	Board	The Administrative Official will provide a recommendation to the Board and incorporate the Board's decision on the development agreement into the decision on the project permit.
Type 2	Board	The Administrative Official will provide a recommendation to the Board and incorporate the Board's decision on the development agreement into the decision on the project permit.
Type 3 (and Type 2 elevated to Type 3 review)	Hearing Examiner (consolidated with open record hearing)	The Hearing Examiner will consider the development agreement during the open record hearing on the project permit and will make a recommendation to the Board on the development agreement; and approval of the project permit shall be conditioned on the Board's approval of the development agreement.
Type 4	Hearing Examiner (consolidated with open record hearing)	The Hearing Examiner will consider the development agreement during the open record hearing on the project permit and will make a recommendation to the Board on the development agreement; and the Board's approval of the project permit shall be conditioned on the Board's approval of the development agreement.

(5) The BOCC may approve a development agreement by ordinance or resolution only.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 6-2014 § 2 (Exh. A)(part), 2016; Ord. 5-2012 § 2 (Exh. A) (part), 2012).

Chapter 16B.04**APPLICATION PROCESS**

Sections:

- 16B.04.010 Pre-application Conference.
- 16B.04.020 Application, Withdrawal of Application and Refunds.
- 16B.04.030 Determination of Completeness.
- 16B.04.040 "Complete" Application – Additional Information.
- 16B.04.050 Notice of Incompleteness/Request for Additional Information Procedures.
- 16B.04.060 Date of Acceptance of "Complete" Application.
- 16B.04.070 Identification of Other Agencies with Jurisdiction.

16B.04.010 Pre-application Conference.

- (1) Prior to formal submittal of a project permit application, an applicant may obtain early assistance from County staff through informal conversations or on-site visits. In addition, one or more conferences with appropriate County department representatives and other public agency representatives may be requested by the applicant, required by ordinance, or required at the discretion of the Administrative Official. The date, time and place of such conferences shall be at the agreement of the participants. While pre-application conferences are optional on some application types, applicants for those applications specified in YCC Section 19.30.040(1), Type 3 and 4 project permits, legislative actions described in YCC Chapter 16B.10, linear transmission facilities, critical areas and Shoreline permits are required to request this exploratory conference. The Administrative Official may waive in writing the requirement for a pre-application conference, upon written request by the owner or authorized prospective applicant, for projects that the Administrative Official determines are of a size and complexity to not require the detailed analysis of a pre-application conference, notwithstanding any provision of this Code to the contrary.
 - (2) Such conferences are intended as an informal discussion and review of possible applications to assist the applicant in discovery of appropriate county regulations, standards, application materials and review processes that would be required of a project. The pre-application conference is intended to provide an applicant with preliminary direction regarding the required content of the proposed application. However, the conference is not intended to provide an exhaustive review of all the potential issues that a given application could raise. A pre-application conference shall not include extensive field inspection or correspondence. The pre-application review does not prevent the County from applying all relevant laws to the application and does not constitute an approval of the project. The discussion at the conference and the information provided shall not bind or prohibit the County's future application or enforcement of all applicable laws and regulations.
 - (3) Such conferences are not publicized and the public is not permitted to attend in order that a potential applicant's interests be protected.
 - (4) A request for a pre-application conference is initiated by completing a pre-application form supplied by the Planning Division. The submittal requirements for pre-application conferences shall include a site plan of the entire project, a written narrative describing the proposal, other information as specified by the Administrative Official, and any additional information that the applicant wishes to provide.
 - (5) The conference will be held within thirty days of the pre-application conference request. The applicant shall be informed of the time and place of the meeting using the contact information provided on the pre-application conference request form.
 - (6) A pre-application conference does not vest a proposed project permit application. Pre-application submittals or materials do not constitute project permit applications. All project permit applications are vested under relevant County codes in effect at the time of filing a completed application.
- (Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.04.020 Application, Withdrawal of Application and Refunds.

- (1) Applications for project permits shall be submitted upon forms provided by the Administrative Official. An application shall consist of all materials required by the applicable development regulations and the items below:
 - (a) A completed project permit application form signed, electronic/digital or wet signature, by the owner(s) of the property;
 - (b) The completed application will identify a single contact person or entity to receive determinations and notices required by this Chapter;
 - (c) All other items listed as application requirements in the relevant sections of the ordinance requiring review and listed within the specific project permit application;
 - (d) A site plan showing all parcels containing the site for all applications, as required by the applicable development regulations;
 - (e) The applicable fee;
 - (f) Any SEPA documents, as applicable;
 - (g) All written requirements stated in a pre-application summary.
- (2) Who May Apply. Application for the various types of permits and approvals covered by this Code may be made by the following parties:
 - (a) Subject to the requirements of this Subsection, the property owner or any agent of the owner with proof of agency may apply for a Type 1, 2, 3, or 4 permit or for a site-specific rezone requiring a policy plan map amendment not involving a change to Urban Growth Area boundaries. If the application is for revision to a preliminary plat, or alteration of a final plat, the application must be signed by a majority of those persons having an ownership interest in the lots, tracts, parcels, or portion thereof to be revised or altered. If a final plat is subject to restrictive covenants which were filed at the time of the approval of the plat, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement, with notarized signatures signed by all persons subject to the covenants, providing that those persons agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the plat or portion thereof. An application for vacation of a final plat is subject to the requirements of RCW 58.17.212.
 - (b) A resident of the dwelling may apply for a home occupation permit.
 - (c) Any person may apply for an interpretation pursuant to YCC 16B.03.070. In addition, the Administrative Official may issue interpretations of the County Code as needed.
 - (d) Any person may apply to propose a non-site-specific amendment to the Comprehensive Plan pursuant to the biennial procedure for consideration of Comprehensive Plan amendments set forth in YCC Chapter 16B.10.
 - (e) The Board of County Commissioners may direct staff to pursue the study of or amendment to the Comprehensive Plan and development regulations. The Planning Commission or the Administrative Official may recommend a comprehensive plan amendment, site-specific or area-wide rezone, or amendment to the text of any development regulation to the Board.
- (3) An applicant may formally withdraw a project permit application upon written request directed to the Administrative Official.
- (4) A request for a refund of a project permit application fee, except those issued pursuant to Title 12 or 13 of this Code, must be made in writing to the Planning Division. It shall be provided to the Planning Division prior to the issuance of a final decision by the Reviewing Official and within ninety days of the date the applicant is notified of the Administrative Official's determination of completeness pursuant to Section 16B.04.030 of this Chapter. The written request will include a basis for the refund, will identify the project for which the refund is requested, and the request must come from the same person or entity that paid the fee, or authorized agent specified on the application.

The Administrative Official, or his/her designee, shall review all refund requests to determine if one of the following criteria are met:

- (a) If a fee is collected in error, the applicable fee will be refunded;
- (b) A refund of ten percent of the application fee is granted if the final decision of project permit application(s) was issued less than or equal to twenty percent (20%) of the original review period (see Table 5-1);
- (c) A refund of twenty percent of the application fee is granted if the final decision of project permit application(s) was issued more than twenty percent (20%) of the original review period (see Table 5-1);

Table 5-1

Refunds Based on 16B.04.020(4)(b & c)

Application Type/ Percent of Refund of Application Fee	Applications Not Requiring Public Noticing or a Public Hearing ¹	Subdivision Applications	Applications Requiring Public Noticing but not a Public Hearing ²	Applications Requiring Public Noticing and a Public Hearing ³
10% of the land use application fee (16B.04.020(4)(b))	If the permit is issued between 66 to 78 days after the application is deemed complete ⁴	If the permit is issued between 91 to 108 days after the application is deemed complete ⁴	If the permit is issued between 101 to 120 days after the application is deemed complete ⁴	If the permit is issued between 170 to 204 days after the application is deemed complete ⁴
20% of the land use application fee (16B.04.020(4)(c))	If the permit is issued 79 days or more after the application is deemed complete ⁴	If the permit is issued 109 days or more after the application is deemed complete ⁴	If the permit is issued 121 days or more after the application is deemed complete ⁴	If the permit is issued 205 days or more after the application is deemed complete ⁴

1. Typically Type 1 applications
2. Typically Type 2 applications
3. Typically Type 3 or 4 applications
4. The review times for a permit application do not include any times in which the County is waiting for response from a notice of incompleteness or request for additional information or the applicant has requested a suspension of the review of an application. Any other reasons the application is paused also does not count towards the review calendar for the application.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

(d) Where it is clear to the Administrative Official that a proposed land division or other permit application filed to remedy the violation(s) is clearly inconsistent with the Comprehensive Plans, the intent of the Zoning District or other provisions of County code or state law, the application shall be returned without processing and any fee refunded. Notwithstanding any contrary provisions of this Title regarding processing of applications and

decisions and appeals related thereto, this determination of the Administrative Official shall not be appealable under the provisions of this Title; or,

(e) Outside of the above criteria, all other refunds are reviewed and awarded at the discretion of the Administration Official, or his/her designee, and in any amount the Official or their designee determines to be appropriate.

16B.04.030 Determination of Completeness - Noticing

The Administrative Official shall provide written or electronic notice to the applicant in accordance with the procedure in RCW 36.70B.070.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.04.040 Determination of Completeness Application.

- (1) A project permit application shall be deemed complete for purposes of this Section when it meets the submission requirements specified in Section 16B.04.020(1) above.. The Reviewing Official's determination of completeness shall not preclude the County from requesting additional information or studies either at the time of the notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposed action.
- (2) If the Reviewing Official does not deem an application procedurally complete or incomplete within twenty-nine (29) calendar days after receiving payment for the application, the application shall be deemed procedurally complete.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.04.050 – “Notice of Incompleteness/Request for Additional Information Procedures.”

- (1) When an application is deemed incomplete or is deemed complete and additional information is required, the following procedures shall be followed:
 - (a) The applicant is to be notified through written or electronic communication. The notice to the applicant must outline the required information to satisfy the notice of incompleteness or request for additional information, and that they have sixty (60) calendar days from the date of the notice of incompleteness or request for additional information in which to submit the required information.
 - (b) Within fourteen (14) calendar days of the date stamp on documentation sent to satisfy the notice of incompleteness or request for additional information, the Reviewing Official shall proceed according to the procedures stated below:
 - i. If the submitted information satisfies the request the Reviewing Official shall notify the applicant in written or electronic communication; or,
 - ii. If the submitted information does not satisfy the request the Reviewing Official shall follow up with a written or electronic communication detailing what additional information or clarifications are needed, why those items are needed, and that the applicants have sixty (60) calendar days from the date of the letter to submit the required information. For a notice of incompleteness, if a letter is not mailed within fourteen (14) calendar days of the stamped date documentation is submitted then the application is deemed procedurally complete.
 - (c) The process stipulated in YCC16B.04.050(1)(b) shall be repeated until all items stated in any notice of incompleteness or request for additional information are met.

- (2) All notices of incompleteness and requests for additional information shall contain the following information:
 - (a) A statement informing the applicant that if they are nonresponsive within sixty (60) consecutive days of the date of the letter, an additional thirty (30) days will be added to the timeframe in which Yakima County must render a decision on the application.
 - (b) If the applicant wishes to suspend the review of the application for more than sixty (60) days an additional thirty (30) days will be added to the timeframe in which Yakima County must render a decision on the application. To suspend the review of an application the processes in YCC16B.07.040(1)(g) shall be followed.
 - (c) Yakima County is required to notify the applicant that, because the application is determined to be incomplete, processing has been placed on hold until Yakima County receives the required information described. The applicant has up to sixty (60) calendar days from the date of the letter to return the required submittals after which the file will lapse and become null and void. Once we received it, Yakima County has fourteen (14) calendar days to review the submitted information and determine if the application is complete or if additional information is needed.

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- (3) A project permit application for which a decision has not yet been made may be canceled for inactivity if the County returns the application for modification or correction (including a request for additional information for an incomplete or complete application) and the applicant fails to respond to the County's request within sixty (60) days of the request.
- (4) All notice of incompleteness or request for additional information extension requests must be submitted by the applicant and shall contain the following information:
 - (a) The length of time the extension is requested;
 - (b) Reason(s) for needing an extension.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.04.060 Date of Acceptance of "Complete" Application.

When the project permit application is complete, the Administrative Official shall accept it and note the date of acceptance.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.04.070 Identification of Other Agencies with Jurisdiction.

To the extent known by the Administrative Official, other agencies with jurisdiction over the project permit application shall be identified in the County's determination of completeness required by Section 16B.04.030.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

Chapter 16B.05

PUBLIC NOTICE

Sections:

- 16B.05.010 Notice of Application.
- 16B.05.020 Contents of Notice of Application and Other Notices.
- 16B.05.030 Method of Public Notice by Application and Action Type.
- 16B.05.040 Public Comment on the Notice of Application.
- 16B.05.050 Public Notice of Closed Record Hearings.

16B.05.010 Notice of Application.

- (1) Yakima County shall issue a notice of application on all Type 2, 3, and 4 project types within fourteen (14) days after the County has made a determination of completeness on the project permit application.
- (2) Yakima County shall issue a Notice of Application within fourteen days of the County's determination of completeness for projects for which a comment period or an open record pre-decision hearing is required as part of a consolidated permit review process as described in Section 16B.03.060 of this Code.
- (3) For projects not exempt from environmental review under SEPA, the notice of environmental review and determinations shall be provided in accordance with this Chapter, Chapter 16.04 and Chapter 16B.06 of this Code, including a required notice of application. If the highest numbered permit underlying the SEPA review is a Type 1 permit, construction permit or another similar administrative permit or license, the notice of application shall be issued using the method identified in YCC 16B.05.030(1) within fourteen days of the County's determination of completeness.
- (4) If an open record pre-decision hearing is required for the requested project permit(s), the Notice of Application shall be provided at least fifteen days prior to the open record hearing.
- (5) The applicant shall be responsible for providing services or materials to assist the County in carrying out the public notice requirements as requested, such as posting the site.
- (6) The applicant shall be responsible for the following costs of providing public notice:
 - (a) Postage fees;
 - (b) Publication fees;
 - (c) Photocopies and printing costs; and
 - (d) Documented staff time involved in preparing, sending and implementing notice procedures.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.05.020 Contents of Notice of Application and Other Notices.

The Notice of Application and other notices required in this Chapter shall include the items required by RCW 36.70B.110 (2) and the following:

- (1) For projects subject to SEPA review, the Notice of Application may include a preliminary SEPA determination if one has been made at the time pursuant to RCW 36.70B.060 and WAC 197-11-355;
- (2) A statement of the limits of the beginning and end of the public comment period, which shall be fourteen calendar days following the date of the Notice of Application, unless a greater comment period is required by state law, except that a 30-day comment period shall be provided in the event of any project permit or action located within 500 feet of the perimeter of the Yakima Training Center. Nothing in this Section shall preclude the County

from accepting public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;

(3) If the County as lead agency has a reasonable basis for determining that significant adverse environmental impacts are unlikely at the outset of project permit application review, the optional process under RCW 36.70B.060 and WAC 197-11-355 may be used to combine the comment periods on the Notice of Application and SEPA. In such instances, a second comment period under SEPA will typically not be required when the threshold determination is issued. Where the optional process is used, the contents of the notice of application shall include the items required by WAC 197-11-355(2)(a) and (b).

The Notice of Application and environmental checklist shall be circulated as required under Title 16 of this Code and shall be subject to the notice requirements of this Title.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.05.030 Method of Public Notice by Application and Action Type.

(1) Public notice of project permit applications and amendments to comprehensive plans and development regulations described in YCC Chapter 16B.10, shall be provided in the manner specified in Table 5-1.

(a) Any project permit or other action that is not categorically exempt from SEPA requires public notice. If no notice of application is required, then a threshold determination may serve as the required public notice. The threshold determination and checklist shall be circulated to agencies with jurisdiction or expertise as defined in WAC 197-11-714 and listed in YCC 16B.05.030(3)(a)(iii) through (vi). If public notice is not required as part of any underlying permit or action related to the SEPA review, no other method of public notice, such as publishing or notice to adjacent property owners, shall be required.

(b) Notice of the availability of a draft or supplemental environmental impact statement under YCC 16.04.180 shall be provided using the methods listed in WAC 197-11-510(1)(a) through (c) and may be combined with the Notice of Application or hearing on the underlying permit or legislative action.

(2) Table 5-1 may require more than one type of notice for some applications. In the case of conflicts between Table 5-1 below and other notice provisions contained in other Titles of Yakima County Code or provisions in State law, the most lengthy and greater notice requirements shall apply.

Table 6-1

Notice of Environmental Review and Notice of Application or Proposal – Method of Public Notice

Process Type	Mailing ⁽²⁾	Posting of Property	Published in Newspaper	Posting the Hearing Examiner's Agenda⁽⁶⁾
Type 1	No ^{(1), (3)}	No	No	Not Applicable
Type 2	Yes ⁽¹⁾	No	No	Yes (when applicable)
Type 3	Yes	Yes	Yes	Yes
Type 4	Yes	Yes	Yes	Yes
Development Agreement	No	No	Yes	Yes
Site-specific policy plan map amendment	Yes ⁽⁴⁾	Yes	Yes	Not Applicable
Legislative action	Yes ⁽⁵⁾	No	Yes	Not Applicable

-- Notes:

- (1) In case of an open record appeal hearing of a Type 1 or Type 2 project permit, notice will be provided to property owners described in Subsection (3)(a) of this Section.
 - (2) Project permits and other actions that are subject to environmental review (SEPA) shall have the threshold determination and checklist associated with the project permit or action circulated to the applicant and to agencies with jurisdiction or expertise as defined in WAC 197-11-714 and listed in Subsections (3)(a)(iii) through (vi) of this Section.
 - (3) If the underlying permit is a Type 1, road approach, grading or building permit for which no other project permit application is required, APO notice of a SEPA determination shall not be required.
 - (4) Notice of site-specific policy plan map amendment proposals shall be provided according to YCC 16B.10.080 and to adjacent property owners described in Subsection (3)(a)(i) of this Section.
 - (5) Notice of policy plan map amendments and text amendments described in YCC Chapter 16B.10 shall be provided according to YCC 16B.10.080.
 - (6) The agenda for each Hearing Examiner hearing shall be posted in the division's offices and on the county's website for public review at least seven (7) days before the hearing.
- (3) Notice of Application or Notice of Site-Specific Policy Plan Map Amendment – Mailing.
 - (a) When required, written notice of the application or amendment will be sent as specified in Subsection (c) below by the Planning Division to the following parties:
 - (i) Adjacent property owners (APO) of real property, as listed on the most current Yakima County Assessor records, located as follows:
 - (A) For all project permits or site-specific amendments, notice of the proposal shall be sent to all owners of property located within 300 feet of any portion of the boundary of the proposed project permit application or amendment site. If the owner of the proposed project permit or amendment site also owns another parcel or parcels of real property adjacent to the proposed project permit or amendment site, notice shall be given to owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the proposed project permit or amendment site;
 - (B) For linear transmission facility projects, notice of the proposal shall be sent to all owners of property located within 660 feet from the centerline of the linear transmission facility;
 - (C) Where establishing a Mining Zoning District, notice of the proposal shall be sent to all owners of property located within one-half mile of the boundaries of the subject property, or of the boundaries of any contiguous properties under the same mining operation, and to owners adjacent to any private access roads that would serve as haul roads;
 - (D) Where establishing or modifying a mineral batching, processing or mining/site operation, notice of the proposal shall be sent to all owners of property located within one-half mile of the boundaries of the subject property, or of the boundaries of any contiguous properties under the same mining operation, and to owners adjacent to any private roads that would serve as haul roads.
 - (ii) The contact person for the permit application;
 - (iii) Interested or affected public agencies with jurisdiction;

- (iv) Affected Indian tribes;
 - (v) Cities or towns within one mile of the proposal; and
 - (vi) The installation commander of the Yakima Training Center in the event of any project permit or action located within 500 feet of the perimeter of the Yakima Training Center.
- (b) If the open record hearing date is not specified in the Notice of Application or notice of proposed policy plan map amendment, a second notification listing the open record hearing date must be sent through first-class mail, electronic mail, or postcard at least fifteen days prior to the first public hearing on Type 3 and Type 4 project applications, or at least ten days prior to a public hearing before the Planning Commission or BOCC on site-specific plan amendment proposals. This notice must be sent to those parties who were originally sent a Notice of Application or amendment.
- (c) The written Notice of Application or notice of proposed policy plan map amendment shall be sent through first-class mail, which may be by postcard. The County, may, however, provide notification by electronic mail when requested by the recipient.
- (4) Posting of Project or Posting of Site-Specific Policy Plan Map Amendment Site. Posting of the project site may be required prior to an open record public hearing on Type 3 and 4 project applications and is required prior to a public hearing before the Planning Commission or BOCC on site-specific plan amendment proposals described in YCC Chapter 16B.10. Posting is not required for Urban Growth Area amendments. Posting, when required, shall consist of signs provided by the Planning Division which shall be placed by the applicant at least fifteen days prior to the date of the public hearing on project applications, or at least ten days prior to a public hearing before the Planning Commission or BOCC on site-specific plan amendment proposals. Signs shall be posted on the subject property so as to be clearly seen from each right-of-way providing primary vehicular access to the subject property. The posted notice shall identify the project action or proposed amendment and contain other such information required by law and additional information required by the Reviewing Official. The applicant shall be responsible for removal of the posted notice upon the conclusion of the hearing.
- (5) Publication Notice.
- (a) When required, public notice of project permit applications and site-specific policy plan map amendments shall be published in a newspaper of general circulation in the general area of the proposal. Notice of a project permit application may be published in a local land use newsletter published by Yakima County in lieu of publication in a newspaper of general circulation. The notice shall be published once, at least fifteen days prior to the date of the first public hearing on the underlying project permit or at least ten days prior to a public hearing before the Planning Commission or BOCC for legislative actions described in YCC Chapter 16B.10. This notice shall include the project location or other description of the site in other than a legal description, a brief description of the project, type of permit(s) required, comment period dates, hearing dates if applicable, and a location where the complete application may be reviewed.
- (b) Continuation of Hearings. If the Hearing Examiner, Planning Commission, or BOCC determines at a hearing that there is a good cause to continue such proceeding and publicly specifies the date, time, and place and immediately posts a note so saying near the hearing room's door where it is visible to the public, no further notice is required. When determination for a further hearing is made following the closing of a hearing on a given matter, notice of the date, time, place, and nature of the subsequent hearing shall be published in the same manner as required for the initial hearing; and concurrent written notice to all parties of record shall also be provided. Whenever any hearing is determined to be continued, a notice of continuance shall be conspicuously posted immediately after the determination on or near the door of the place where the hearing was being held. When a hearing is continued, the resulting continued hearing is a regular hearing for all purposes unless specifically limited by the order granting continuance.
- (6) Closed Record Public Hearing Notice. Public notice of closed record public hearings will be provided in accordance with Section 16B.05.050 of this Chapter.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.05.040 Public Comment on the Notice of Application.

All public comments received by the Planning Division by close of business on the last day of the comment period must be considered. Comments may be mailed, personally delivered, or sent by electronic communication. To be considered, comments must identify the name and physical or post office address of the sender. Comments should be as specific as possible.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.05.050 Public Notice of Closed Record Hearings.

Public notice of closed record hearings will be provided by first-class, electronic communication or postcard mailing to “parties of record” only as defined by Chapter 16B.02 of this Title.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

Chapter 16B.06

CONSISTENCY ANALYSIS AND SEPA INTEGRATION

Sections:

- 16B.06.010 Scope of Project Review/Project Consistency.
- 16B.06.020 Project Consistency.
- 16B.06.030 SEPA Integration – Purpose.
- 16B.06.040 Use of Existing Environmental Documents.
- 16B.06.050 Planned Actions.
- 16B.06.060 Issuance of SEPA Threshold Determinations.
- 16B.06.070 Appeals of SEPA Determinations.

16B.06.010 Scope of Project Review/Project Consistency.

(1) Fundamental land use planning choices made in the adopted comprehensive plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations and the adopted comprehensive plan shall serve as the starting point for project review. Land use permit review shall not reanalyze these land use planning choices in making a permit decision.

(2) The Reviewing Official may determine through the local project review process that existing requirements including mitigation measures in applicable development regulations and plans and other applicable laws provide adequate mitigation for some or all of a project's specific adverse environmental impacts.

(3) Project review shall be used to:

- (a) Review and document consistency with comprehensive plans and development regulations;
- (b) Provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level;
- (c) Ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures;
- (d) Identify specific project design and conditions relating to the characteristics of a development;
- (e) Identify specific adverse environmental impacts of the proposal not previously analyzed; and
- (f) Address the details of site plans, curb cuts, drainage swales, transportation demand management, or other measures to avoid or otherwise mitigate a proposal's probable adverse environmental impacts.

(4) Nothing in this Title limits the authority of the County to approve, condition, or deny a project as provided in its adopted development regulations and in its policies adopted under RCW 43.21C.060 (SEPA) and Chapters 90.58 (Shoreline Management Act) and 36.70A RCW (Growth Management Act).

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.06.020 Project Consistency.

The County shall incorporate the elements of RCW 36.70B.040 in its project review. This Chapter does not apply to the County's enforcement procedures.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.06.030 SEPA Integration – Purpose.

Environmental review for projects determined not to be categorically exempt under SEPA (RCW 43.21C and Yakima County Code Chapter 16.04) shall be integrated and run concurrently with the permit procedures of this Title.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.06.040 Use of Existing Environmental Documents.

As provided by WAC 197-11-158, the Administrative Official may determine that existing comprehensive plans, sub-area plan elements of a comprehensive plan, development regulations, or other local, state or federal rules or laws provide adequate analysis and mitigation of the specific probable adverse environmental impacts of a proposed action.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.06.050 Planned Actions.

Projects defined as “planned actions” under WAC 197-11-164, 168 and 172 do not require a threshold determination or the preparation of an environmental impact statement under RCW Chapter 43.21C, but are subject to environmental review and mitigation as provided in the course of project review.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.06.060 Issuance of SEPA Threshold Determinations.

- (1) Expiration of Notice of Application Comment Period. Except for a Determination of Significance (DS), Yakima County may not issue its SEPA threshold determination or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the Notice of Application.
- (2) Preliminary SEPA Determination and Notice of Application. To integrate project and environmental review under SEPA and to encourage early public comment on project applications, a preliminary SEPA determination may be provided by the Administrative Official with the Notice of Application if such preliminary SEPA determination has been made at the time the Notice of Application is issued pursuant to the optional process in RCW 36.70B.060 and WAC 197-11-355. This preliminary SEPA determination may not substitute for the actual SEPA threshold determination, although the comment period for SEPA and the Notice of Application may be consolidated into a single fourteen-day comment period, as provided in Section 16B.05.020 above.
- (3) SEPA Determination of Significance (DS) and Notice of Application. If Yakima County has made a SEPA Determination of Significance (DS) concurrently with the Notice of Application, the Notice of Application shall be combined with the Determination of Significance and scoping notice. Nothing in this Subsection prevents a Determination of Significance and scoping notice from being issued prior to a Notice of Application.
- (4) Public Hearing on Project Permit. If an open record pre-decision hearing is required on the underlying project permit application, Yakima County shall issue its threshold determination at least fifteen days prior to the open record pre-decision hearing.
- (5) A SEPA determination shall be deemed to be conclusively in compliance with SEPA, the SEPA rules, and the provisions of YCC Chapter 16.04, unless a SEPA appeal is filed in accordance with this Chapter or Chapter 36.70C RCW.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.06.070 Appeals of SEPA Determinations.

Administrative SEPA appeals to the Hearing Examiner only are hereby established. It is the purpose of this Section to combine environmental considerations with project decisions, and for this reason, any appeal brought under this

Section shall be linked to a specific governmental action. Appeals under this Section are not intended to create a cause of action unrelated to a specific governmental action. The administrative appeal procedures provided by this Section shall be construed consistently with RCW 43.21C.075, Chapter 36.70B RCW, and WAC 197-11-680.

(1) Types of Appeals. Appeals under the provisions of this Section shall be limited solely to procedural determinations listed in Subsection 16B.06.070(1)(a) below and/or substantive determinations, as defined in YCC 16.04.040(8), within those procedural determinations listed below.

(a) Only one consolidated administrative appeal proceeding on threshold determinations consisting of a Determination of Non-significance (DNS), Mitigated Determination of Non-significance (MDNS), or on a determination of adequacy of a final environmental impact statement (EIS), is authorized pursuant to RCW 43.21C.075.

(b) Procedural appeals are limited to those challenging the Responsible Official's compliance with the provisions of SEPA, the SEPA rules, and YCC Chapter 16.04 with respect to the threshold determination.

(c) The opportunity for administrative appeals of substantive determinations shall be limited to the appeal period following the procedural determinations listed in Subsection 16B.06.070(1)(a) above.

(d) No administrative appeals shall be allowed at other times for other actions and/or determinations taken or made pursuant to YCC Chapter 16.04 (such as lead agency determination, a determination that a proposal is categorically exempt, scoping, draft EIS adequacy, etc.).

(2) Hearing Examiner. All appeals shall be heard by the Hearing Examiner in an open record hearing as prescribed in 16B.03.030(2) and Table 3-1. The decision of the Hearing Examiner on a SEPA appeal shall be final and binding and not subject to further administrative appeal. This Section formally eliminates SEPA administrative appeals to the Board of County Commissioners. Such appeals are subject to the provisions of Chapters 16B.08 and 16B.09 of this Title and the Hearing Examiner's adopted rules and procedures.

(3) Consolidated Appeals:

(a) All allowed SEPA-related appeals, other than of a DS, shall be consolidated with the open record hearing on the underlying project application in a single simultaneous hearing before the Hearing Examiner where he will consider either the Administrative Official's decision or a recommendation on the proposed underlying governmental action.

(b) DS appeals shall be heard in a separate open record hearing prior to the open record hearing, if applicable, on the underlying project application. The purpose of this early and separate appeal hearing is to resolve the need for an environmental impact statement (EIS), and to permit administrative and judicial review, prior to preparation of an EIS.

(4) Notice of Appeal – Timing and Contents. All SEPA appeals provided under this Section shall be filed in writing with the Yakima County Planning Division, shall comply with the appeal period timing and content requirements of YCC 16B.09.010 and shall be accompanied by the filing fee established by YCC Title 20. Such appeals must identify specific SEPA actions, omissions, conditions or determinations.

(5) Administration – Standard of Review.

(a) Any open record hearing shall be recorded or transcribed.

(b) All testimony shall be sworn.

(c) The Hearing Examiner shall issue a written decision containing findings and conclusions.

(d) The determination of the Responsible Official shall carry substantial weight, and the appellant shall bear the burden to establish a violation of SEPA, the SEPA rules, or the provisions of YCC Chapter 16.04.

(e) The Hearing Examiner may:

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- (i) Affirm the determination of the Responsible Official where the Hearing Examiner determines that no violation of SEPA, the SEPA rules, or the provisions of YCC Chapter 16.04 exists,
- (ii) Modify the determination of the Responsible Official,
- (iii) Reverse the determination of the Responsible Official, and may issue a revised DS, DNS or MDNS,
- (iv) Request additional information pursuant to WAC 197-11-335, and continue the hearing pending the delivery of such information within a specified time frame, or
- (v) Remand to the Responsible Official with a recommendation as appropriate. The decision of the Hearing Examiner to remand the SEPA determination shall be a final administrative decision not subject to further administrative appeal.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

Chapter 16B.07**FINAL DECISIONS**

Sections:

- 16B.07.010 Notice of Decision – Public Notice.
- 16B.07.020 Reserved.
- 16B.07.030 Notice of Decision – Time Frames.
- 16B.07.040 Exceptions from Project Permit Review Deadlines
- 16B.07.050 Compliance, Extension, Expiration and Reinstatement.

16B.07.010 Notice of Decision – Public Notice.

The Notice of Decision shall be a single report which complies with RCW 36.70B.130 and states all the decisions made on all project permits that are a part of the application. The Administrative Official shall provide notice of decisions (made by the Administrative Official, the Hearing Examiner, and the board) by first-class mail to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application in accordance with RCW 36.70B.130. The Administrative Official may, however, provide notification by electronic mail when requested by the recipient. The Notice of Decision shall state any mitigation required under applicable development regulations or under SEPA. If a SEPA threshold determination has not been issued previously by the local government, the Notice of Decision shall include this determination. Notice of administrative appeal procedures, if applicable, shall also be included in the Notice of Decision.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.07.020 Reserved.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.07.030 Notice of Decision – Time Frames.

(1) The Notice of Decision for all project permit applications, except subdivisions, shall be issued according to the timelines stated in 16B.01.010(3)(i-k) unless meeting a condition set forth in 16B.07.040.

(2) In determining the number of days that have elapsed after the local government has notified the applicant that the application is complete for purposes of calculating the time for issuance of the Notice of Decision, the following periods shall be excluded.

(a) Any period during which the applicant has been requested by the County to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the County notifies the applicant of the need for additional information until the earlier of the date the local government determines whether the additional information satisfies the request for information or fourteen days after the date the information has been provided to the County;

(b) If the County determines that the additional information submitted by the applicant is insufficient, it shall notify the applicant of the continued deficiencies and the procedures under Subsection (a) above shall apply as if a new request for studies had been made;

(c) Any period during which an environmental impact statement is being prepared following a Determination of Significance pursuant to Chapter 43.21C RCW, if the County by ordinance has established time periods for completion of environmental impact statements, or if the local government and the applicant in writing agree to a time period for completion of an environmental impact statement;

(d) Any period for administrative appeals of project permits, if an open record appeal hearing is allowed. The time period for consideration and decision on appeals shall not exceed ninety calendar days for an open record appeal hearing. The parties may agree to extend these time periods.

(3) If the County is unable to issue its final decision on a project permit application within the time limits provided for in this Section, or any timelines in any referenced section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and a date for issuance of the Notice of Decision. This date shall constitute the new deadline for when the permit must be issued and from when refund timelines are calculated from.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.07.040 Exceptions from Project Permit Review Deadlines

(1) The time limits established in Section 16B.07.030 do not apply if a project permit application:

- (a) Requires an amendment to the comprehensive plan or a development regulation;
- (b) The application is for a subdivision which are governed by RCW Chapter 58.17 and any other applicable state statutes;
- (c) Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200;
- (d) Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under Sections 16B.04.020 – 16B.04.040;
- (e) Meets the criteria established under RCW 36.70B.140;
- (f) If an applicant is not responsive for sixty (60) consecutive days after the Reviewing Official has notified the applicant, in writing or electronic communication, that the application is incomplete and/or additional information is required to further process the application, an additional thirty (30) days may be added to the time periods to issue a final decision for each type of project permit that is subject for review under this Chapter; or,
- (g) If at any time an applicant informs the Reviewing Official, in writing or electronic communication, that the applicant would like to temporarily suspend the review of the project for more than sixty (60) days an additional thirty (30) days may be added to the time periods to issue a final decision for each type of project permit that is subject to this Chapter. The following procedures are to suspend or resume a review of an application regardless of if the applicant is seeking sixty (60) or more days of suspension of the application:
 - (a) To suspend the review of an application, the applicant must submit in writing or in electronic communication all of the following information:
 - (i) The applicable record numbers;
 - (ii) The reason for suspending the application; and,
 - (iii) The length of time requested to suspend the review of the application.
 - (b) Within fourteen (14) calendar days of receiving such request to suspend the review of the application, the Reviewing Official must notify the applicant in writing or electronic communication that their application is suspended and the steps for resuming the review of the application. The date of the communication sent by the Reviewing Official shall constitute the official date on which the review of the application is suspended;
 - (c) To resume the review of a suspended application, the applicant must submit in writing or in electronic communication the desire to resume the review of the specific record numbers. Within fourteen (14) calendar days of receiving such a request, the Reviewing Official must

notify the applicant in writing or electronic communication that the review of the application is no longer suspended and the next steps in the review process. The date of the communication sent by the Reviewing Official shall constitute the official date the review of the application resumes.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.07.050 Compliance, Extension, Expiration and Reinstatement.

(1) Compliance with Conditions and Safeguards of Project Permit. It is the affirmative duty of a project permit holder and the land owner (as applicant) to comply with any conditions made a part of the terms under which the approval of a project permit was granted as authorized by Yakima County Code. The applicant shall complete all required conditions, submit documentation that all conditions were met and request County inspection or review to determine that the requirements have been fulfilled within the timeframe specified in the decision and any authorized extensions. When the conditions of the project permit have been met within the timeframe specified by the decision and any subsequent extension authorized by the applicable code, the applicant shall provide a letter certifying that the conditions were met to the Administrative Official to document compliance.

(2) Extension of Any Approved Project Permit. A valid project permit, other than a preliminary plat, may be extended one time only for up to one additional year by action of the Administrative Official.

(a) Requests for extensions shall be made in writing, shall be submitted to the Planning Division prior to the expiration date and shall be accompanied by the final approved site plan showing the location and size of any development or work already completed on the project. Such extension request shall present a timeline that identifies when each of the conditions of the decision has or will be completed and shall detail unique and special circumstances that prohibited the commencement or completion, or both, of the use authorized.

(b) The Administrative Official shall review the request without public notice or hearing and issue the decision within fourteen days from the receipt of the completed request. The Administrative Official may:

(i) Approve the extension based on a work schedule provided by the applicant to assure the work will be completed according to a modified schedule, or

(ii) Disapprove the extension.

(c) The Administrative Official shall mail the decision to the applicant and shall specify the decision as final unless appealed to the Hearing Examiner under the provisions of Chapter 16B.09 of this Title. Conditions of approval listed previously in the notice of decision issued pursuant to 16B.07.010 through 16B.07.030 of this Chapter may be appealed only according to the procedures and time periods specified in YCC 16B.09.010 and are not subject to appeal again following any decision or determination of the Administrative Official made under this Section 16B.07.050.

(3) Failure to Complete Approved Permit Conditions within Specified Timeframe and Failure to Comply with Permit Decisions or Conditions.

(a) Expiration. If compliance with the terms of the project permit approval has not occurred within the timeframe specified by the decision and any subsequent extension authorized by the applicable code, the project shall be considered expired by time limitation and the land use approval shall be null and void. Expiration of a project permit granted pursuant to Yakima County Code shall not be subject to appeal.

(b) Violations. A project permit issued or processed pursuant to any applicable Title listed in YCC 16B.01.020 will be deemed in violation of this Code if it is ascertained that the application included any false information material to the project permit approval, or if it develops that the conditions and safeguards made a part of the terms under which the approval was granted are not being maintained. Such violations of project permit approval shall be subject to Chapter 16B.11 and other remedies available to Yakima County under any applicable law to enforce conditions of permit approvals, remedy land use and code violations or abate those violations including without limitation YCC Title 21.

- (c) Compliance Agreement. The applicant and the County may enter into a compliance agreement to complete the required conditions subject to appropriate fees to compensate the County in preparing, recording and implementing the compliance agreement. On terms acceptable to the Administrative Official, in his or her sole discretion, the County may offer an extension of time to complete the required conditions of approval subject to appropriate fees to compensate the County in preparing, recording and implementing any such compliance agreement; provided, however, that no compliance agreement may be used in lieu of the permit process to remove or negotiate conditions of approval.
- (4) Reinstatement. Where a project permit has expired, the applicant may apply to have the permit reinstated and the work authorized by the original permit can be recommenced, provided the following are met:
- (a) The applicant submits a written request not more than sixty days after the original permit or authorized extension expired.
 - (b) The applicant provides a timeline for successful achievement of all conditions upon which the Administrative Official can agree.
 - (c) The codes under which the original permit was issued and other laws which are enforced by Yakima County have not been amended in any manner which affects the work authorized by the original permit.
 - (d) No changes have been made or will be made in the original plans and specifications for such work.
 - (e) The applicant submits a reinstatement fee. The fee for a reinstated permit shall be seventy percent of the amount required for a new project permit pursuant to YCC Title 20.
 - (f) Where the request for reinstatement does not comply with all of the preceding criteria in this Subsection, a new project permit application must be submitted and processed as a new project, at full permit fees.
- (Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012).

Chapter 16B.08**OPEN RECORD PUBLIC HEARINGS**

Sections:

- 16B.08.010 Generally.
- 16B.08.020 Responsibility of Administrative Official for Hearing.
- 16B.08.030 Order of Proceedings.
- 16B.08.040 Burden of Proof – Open Record Hearings.
- 16B.08.050 Hearing Examiner Decisions and Recommendations.
- 16B.08.060 Site View of Subject Property.
- 16B.08.070 Joint Public Hearings.

16B.08.010 Generally.

Open record public hearings shall be conducted in accordance with this Chapter. Such hearings may be conducted in-person, virtually, or both simultaneously in accordance with state law.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.08.020 Responsibility of Administrative Official for Hearing.

Upon the filing of a project permit application requiring a public hearing, the Administrative Official shall set the time and place for the public hearing and shall provide notice of the hearing as set forth in Chapter 16B.05. The Administrative Official shall also prepare a staff report on the application and present this staff report at the public hearing. This staff report will incorporate recommendations on the project permit application, any mitigation measures recommended under the County's development regulations or under the authority of SEPA, and the County's final SEPA determination on the project permit application, if applicable. At least seven calendar days prior to the scheduled hearing the Administrative Official shall notify the Hearing Examiner and applicant of the availability of the staff report and hearing exhibits for pick up at the division's office and email same to the Hearing Examiner and applicant. Copies shall be made available for public inspection and provided to interested parties upon request.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.08.030 Order of Proceedings.

Public hearings shall be conducted in accordance with the Hearing Examiner's rules of procedure and shall serve to create or supplement an evidentiary record upon which the Hearing Examiner will base his or her decision. Persons may appear at the hearing either personally or by agent or attorney. The Hearing Examiner shall open the public hearing and, in general, observe the following sequence of events:

- (1) Staff presentation, including submittal of any administrative reports. The Hearing Examiner may ask questions of the staff.
- (2) Applicant presentation, including submittal of any materials. The Hearing Examiner may ask questions of the applicant. The applicant shall appear personally or by agent or attorney.
- (3) Testimony or comments by the public relative to the matter being heard. Questions directed to the staff or the applicant shall be posed by the Hearing Examiner at his/her discretion.
- (4) Rebuttal, response or clarifying statements by the staff and the applicant. The Hearing Examiner may further question a person submitting information or the staff if opportunity for rebuttal is provided.
- (5) The public hearing portion of the hearing shall be closed and the Hearing Examiner may deliberate on the matter.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.08.040 Burden of Proof – Open Record Hearings.

The burden of proof is on the applicant for Type 3 and 4 applications, or, in the case of an open record appeal on the appellant.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.08.050 Hearing Examiner Decisions and Recommendations.

(1) Following the open record public hearing, the Hearing Examiner shall approve, conditionally approve, or deny the application, or recommend approval or denial of the application. The Hearing Examiner shall approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of the Yakima County Code. The applicant carries the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner shall deny the application.

(2) Each recommendation and final decision of the Hearing Examiner shall be in writing and shall include findings and conclusions, based on the record, to support the recommendation and decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the County's comprehensive plan(s) and development regulations.

(3) Each recommendation and final decision of the Hearing Examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing body, shall be rendered within ten (10) working days following the conclusion of all testimony and the hearing on the project permit application.

(4) The Administrative Official will provide notice of the Hearing Examiner's decisions and recommendations consistent with YCC 16B.07.010 within three days of issuance. The notice will be made available to any person upon request made during the appeal period.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exhs. A, B) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.08.060 Site View of Subject Property.

The Hearing Examiner may view the subject property with or without notification to the parties, but the circumstances of such site view shall be placed on the record.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.08.070 Joint Public Hearings.

(1) The Administrative Official may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency with jurisdiction on the proposed action. Hearings shall be combined if requested by an applicant, provided that:

- (a) The hearing is held within the geographic boundaries of Yakima County;
- (b) Each agency is not expressly prohibited by statute from doing so;
- (c) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule;
- (d) Each agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing; and
- (e) The joint hearing can be held within the required time periods or the applicant may agree to a particular schedule in the event that additional time is needed in order to combine the hearings.

(2) All agencies participating in a combined hearing may issue joint hearing notices and develop a joint format, select a mutually acceptable hearing body or officer, or take such other actions as may be necessary to hold joint hearings consistent with each of their respective statutory obligations.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

Chapter 16B.09

ADMINISTRATIVE APPEALS, CLOSED RECORD HEARINGS, AND JUDICIAL APPEALS

Sections:

- 16B.09.010 Administrative Appeal of Project Permits and Environmental Determinations.
- 16B.09.020 Standing to Initiate Administrative Appeals.
- 16B.09.030 Notice of Appeal.
- 16B.09.040 Open Record Appeals.
- 16B.09.045 Open Record Appeal Procedures.
- 16B.09.050 Closed Record Decisions.
- 16B.09.055 Reserved.
- 16B.09.060 Judicial Appeals.
- 16B.09.070 Appeals Standards and Criteria.

16B.09.010 Administrative Appeal of Project Permits and Environmental Determinations.

- (1) An appeal of a Type 1 or 2 project decision or an appeal of a final threshold determination (SEPA) for a Type 1, 2, or 3 project shall be filed with the Planning Division within fourteen calendar days of the mailing of the decision or final threshold determination issued under SEPA. If the decision or final threshold determination do not require mailing, the appeal shall be filed within fourteen calendar days following the issuance of the decision or final threshold determination. Appeals shall be delivered to the Planning Division by mail or personal delivery before close of business on the last day of the appeal period. Project permit decisions and final threshold determinations (SEPA) shall be appealable to the appeal body designated in Table 3-1. For appeals of SEPA threshold determinations, see also Section 16B.06.070 of this Title.
 - (a) If the decision incorporates the SEPA threshold determination subject to a fourteen-day (14) comment period, a joint twenty-one calendar day appeal period shall be provided on both the project decision and the SEPA threshold determination.
 - (b) If the optional process is exercised, and the County determines that no additional comment period is warranted, the appeal process for SEPA and the underlying decision shall be fourteen calendar days from the date of issuance of the SEPA threshold determination.
- (2) All appeals shall be in writing, accompanied by an appeal fee, and contain the following information:
 - (a) Appellant's name, address, and phone number;
 - (b) Appellant's statement establishing standing to initiate the appeal under Section 16B.09.020 of this Chapter;
 - (c) An identification of the specific proposal and specific actions, omissions, conditions or determinations for which appeal is sought;
 - (d) Appellant's statement of the particular grounds for the appeal, setting forth the principal points of appeal and addressing why the appellant believes the decision to be wrong; and
 - (e) The desired outcome or relief sought by the appellant.
 - (f) SEPA appeals shall additionally contain the information required by YCC 16B.06.070(4).
- (3) The appellant shall bear the burden of proving the decision was made in error.
- (4) Upon the timely filing of a completed appeal, the Administrative Official shall set the time and place for the matter to be considered by the hearing examiner.

(5) The timely filing of an appeal shall stay all actions by the Administrative Official or the Building Official on pending applications for development permits associated with the action or decision being appealed. The filing of an appeal shall not stay the effectiveness or effective date of any enforcement action or decision of violation including cancellations and revocations of permits or approvals.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.09.020 Standing to Initiate Administrative Appeals.

Standing to initiate an Administrative Appeal is limited to:

- (1) The applicant or owner of the property in which the project permit is proposed;
- (2) The Planning Division, Yakima County Prosecuting Attorney or Board of Yakima County Commissioners; and
- (3) Parties of record aggrieved by the final decision and who will suffer direct and substantial impacts from approval or denial of the project.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.09.030 Notice of Appeal.

In the case of an open record appeal hearing of a Type 1 or Type 2 project permit, public notice will be provided by the Administrative Official to property owners in accordance with the public notice requirements in Section 16B.05.030.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.09.040 Open Record Appeals.

(1) Open record appeals on Type 1 and 2 project permits and environmental determinations (SEPA) shall be heard by the Hearing Examiner. Open record appeals shall be conducted in accordance with Sections 16B.08.030 – 16B.08.060 and 16B.09.045 of this Code for open record public hearings and the adopted rules and procedures of the Hearing Examiner. New evidence or testimony may be given or received at this public hearing. Written argument or memoranda of authority may only be submitted pursuant to YCC 16B.09.045.

(2) The decision of the Hearing Examiner on any SEPA appeal or on any Type 1 and 2 project permit appeal or on any Type 3 decision shall be final and not subject to further administrative appeal.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017; Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 14-1998 § 1 (part), 1998; Ord. 4-1996 § 1 (part), 1996).

16B.09.045 Open Record Appeal Procedures.

The following procedures (Subsections 1 through 3) shall apply to any appeal heard by the Examiner under this Title unless the Examiner holds a prehearing conference under Subsection 4 of this Section and issues an order establishing the appeal procedure.

(1) Memorandum to Examiner. Within ten days of filing the appeal, the appellant shall file with the Planning Division a memorandum setting forth the appellant's arguments and authority. The appellant's memorandum to the Hearing Examiner shall clearly identify whether the subjects of the appeal are concerned either with procedural issues or substantive determinations, or both, as defined in YCC 16.04.040. Such arguments and authority shall be restricted to those issues set forth in appellant's written appeal statement;

(2) Staff Report. At least twenty days prior to the date of the scheduled hearing before the Examiner, County staff shall file with the office of the Hearing Examiner and provide the appellant with a staff report responding to the appellant's memorandum concerning the appeal; and

(3) Reply Memorandum. At least ten days prior to the date of the scheduled hearing before the Examiner, the appellant or landowner may file with the Planning Division any reply memorandum which the appellant or landowner desires to file. The scope of the reply memorandum shall be restricted to responding to issues raised in the staff report.

(4) Prehearing Conference. Any party may request a prehearing conference not later than ten days following the filing of appeal. The prehearing conference may be held at the discretion of the Examiner, in consultation with the Administrative Official. If the Examiner exercises his/her discretion to hold a prehearing conference on an appeal the Examiner may issue an order establishing the procedure and schedule for the hearing and for the submittal of reports by County staff, applicant, and appellant, not inconsistent with this Title. The Examiner's order shall provide for the submittal of appellant's memorandum setting forth the appellant's arguments and authority, a County staff report responding to appellant's memorandum, applicant's memorandum responding to the appellant's memorandum, and appellant's reply memorandum. All written reports shall be submitted prior to the appeal hearing, consistent with the terms of the order. The parties shall provide copies of all submitted material to the other parties.

(5) Failure to Comply. Failure to comply with the requirements of this Section may result in the Examiner taking such action in regard to the failure as is appropriate including, but not limited to dismissing the matter, continuing the hearing, postponing the hearing or limiting testimony at the hearing. The Hearing Examiner or Yakima County may require any appellant(s) who cause(s) a delay in the proceedings by not adhering to the submittal schedule to pay all additional fees associated with rescheduling meetings, including Hearing Examiner fees.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.09.050 Closed Record Decisions.

(1) Closed record hearings shall be on the evidentiary record established at the prior open record hearing. Such hearings may be conducted in-person, virtually, or both simultaneously in accordance with state law. The record before the Board shall include all materials received in evidence at any previous stage of the review, audio/visual tapes of the prior hearing, the Hearing Examiner's recommendation, and argument by the parties at the Examiner's hearing.

(2) Oral argument at a closed record public hearing is limited to parties of record. Oral argument is allowed on a Type 4 recommendation of the Hearing Examiner.

(3) The Board's action on a closed record hearing shall be as follows:

Following the Board's closed record hearing on a Type 4 recommendation of the Hearing Examiner, the Board may affirm the recommendation of the Hearing Examiner, or may reverse or modify the Hearing Examiner's recommendation.

(4) If the Board renders a decision different from the Hearing Examiner's recommendation, the Board shall adopt amended findings and conclusions accordingly. If the Board affirms the Examiner's determination or recommendation, it may adopt the findings and determinations or recommendations of the Examiner as the final decision.

(5) The Board's final written decision shall constitute a final administrative action for the purposes of Chapter 36.70C RCW. The Administrative Official shall notify all parties of record of the board's decision by mail, including that the decision may be appealed as provided in Chapter 36.70C RCW. The Administrative Official may, however, provide notification by electronic communication when requested by the recipient.

(Ord. 2-2022 §3 (Exh. 1), 2022; Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.09.055 Reserved.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.09.060 Judicial Appeals.

A final determination by the County (which includes final administrative appeals and decisions) on an application may be appealed as provided in Chapter 36.70C RCW.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

16B.09.070 Appeals Standards and Criteria.

The Hearing Examiner shall issue a decision to grant, grant with modifications, or deny the appeal in accordance with YCC 16B.08.050 for open record appeals and this Section. The Hearing Examiner shall accord substantial weight to the decision of the applicable Administrative Official and the SEPA Responsible Official.

- (1) If the Hearing Examiner determines that the challenged decision is supported by substantial evidence in the record and is a correct application of the law, then the decision shall be upheld.
- (2) If the Hearing Examiner determines that the challenged decision is not supported by substantial evidence, then the decision shall be reversed or remanded.
- (3) If the Hearing Examiner determines that the challenged decision is an incorrect application of the law, then the decision shall be reversed or remanded.

(Ord. 7-2017 § 2 (Exh. A)(part), 2017: Ord. 5-2012 § 2 (Exh. A) (part), 2012).

Chapter 16B.10

COMPREHENSIVE PLAN AND REGULATORY AMENDMENT PROCEDURES

Sections:

- 16B.10.010 Purpose.
- 16B.10.020 Reserved.
- 16B.10.030 Applicability.
- 16B.10.040 Procedures.
- 16B.10.060 Submittal Requirements.
- 16B.10.070 Timing of Amendments.
- 16B.10.080 Public Process and Notice.
- 16B.10.090 Major Rezones.
- 16B.10.095 Approval Criteria.

16B.10.010 Purpose.

The purpose of this Chapter is to provide procedures and criteria for adopting, amending and updating the Yakima County Comprehensive Plan and the Yakima Urban Area Comprehensive Plan, as well as their respective implementing development regulations. Plan amendments may involve changes in the written text or policies of the plan, to the Policy Plan Maps, or to supporting documents, including capital facilities plans. Plan amendments will be reviewed in accordance with this Chapter, the state Growth Management Act (GMA), the Yakima County-wide Planning Policy, the goals and policies of the Yakima County Comprehensive Plan, local city comprehensive plans, inter-local agreements, applicable capital facilities plans, official population growth forecasts and growth indicators.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 9-2009 § 2 (Exh. 1) (part), 2009; Ord. 4-2000 § 1 (part), 2000).

16B.10.020 Reserved.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 9-2009 § 2 (Exh. 1) (part), 2009).

16B.10.030 Applicability.

(1) The criteria and requirements of this Chapter shall apply to all proposals for changes to comprehensive plan text, policies, map designations, major rezones or supporting documents and all implementing ordinances, in the unincorporated areas of Yakima County, unless specifically exempted. The following types of actions may be considered through the process set forth in this Section:

- (a) Site-specific policy plan map changes including land use, Urban Growth Area boundaries, and mineral resources;
- (b) Plan policy or other text changes;
- (c) Changes to official controls intended to implement the goals and policies of the comprehensive plans.

(2) The criteria, but not the timing requirements, of this Chapter shall apply to plan amendments that are exempted from requirements for biennial concurrent review of plan amendments, per RCW 36.70A.130. These include:

- (a) The initial adoption of a sub-area plan;
- (b) The adoption or amendment of a shoreline master program under the procedures set forth in Chapter 90.58 RCW;
- (c) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a County or city budget;
- (d) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.031(2), provided that amendments are considered in accordance with the public participation program

established under YCC 16B.10.080 Public Process and Notice and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment;

- (e) Amendments necessary to address an emergency situation;
- (f) Amendments required to resolve a comprehensive plan appeal decision filed with a Growth Management Hearings Board or with the court.

(3) Site-specific policy plan map amendments apply to a limited geographical area controlled either by an individual property owner or all property owners within the designated area. The Administrative Official shall determine whether a proposal is site-specific or area-wide in scope. The ruling of the Administrative Official shall not be subject to appeal.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 9-2009 § 2 (Exh. 1) (part), 2009: Ord. 4-2000 § 1 (part), 2000. Formerly 16B.10.020).

16B.10.040 Procedures.

- (1) The Planning Commission may hold a meeting each year to report to the public on progress in implementing the comprehensive plan. At that time, the Planning Commission will accept oral and written public comments and suggestions from any interested party regarding changes needed in the comprehensive plan and development regulations.
- (2) Plan and development regulation amendments other than site-specific rezones consistent with an adopted comprehensive or subarea plan shall be considered legislative actions and subject to the procedures in this Section, except when noted otherwise.
- (3) Applications for plan amendments, with the exception of Urban Growth Area boundaries, will be considered on a biennial basis starting 2013 and must be submitted in writing, to the Planning Division, no later than January 31 in order to be considered for that biennium's amendment process.
- (4) Site-specific policy plan map changes not involving a change to Urban Growth Area boundaries may be initiated by the property owner(s) or any agent of the owner with proof of agency through a fee-paid application process, or by recommendation of the Planning Commission or Administrative Official. All site-specific policy plan map amendment requests will be docketed for further staff review and consideration by the County Planning Commission and the Board of County Commissioners.
- (5) Applications for amendments to Urban Growth Area boundaries will only be considered at five-year intervals, after the Washington State Office of Financial Management's 20-year GMA population projections for the County have been issued. After the OFM projections are issued, the population projections will be allocated to the cities, towns and the unincorporated areas within Yakima County in accordance with the County-wide Planning Policy after which the Administrative Official will conduct an analysis of all Urban Growth Areas within the County to determine their ability to accommodate the urban growth projected to occur during the OFM's population projection period. Consideration of the analysis and any applications to amend Urban Growth Area boundaries may occur in the next possible plan amendment cycle as determined by the Administrative Official; provided that any city or town may postpone consideration of its Urban Growth Area boundary to a subsequent plan amendment cycle by notifying the Administrative Official in writing no later than January 31.
- (6) Comprehensive plan and development regulation text amendments may be proposed by any party, including County staff, at any time to the Administrative Official.
 - (a) All such amendments, except those initiated by Yakima County, must be submitted in accordance with YCC 16B.10.060, Submittal Requirements, using the appropriate forms, but shall be forwarded to the Planning Commission for its docketing consideration at the discretion of the Administrative Official, unless an amendment is requested by the Board of County Commissioners necessary to remain consistent with state requirements.

- (b) Following the annual meeting of the Planning Commission, the Administrative Official will compile a list of suggested changes, and will recommend to the Planning Commission which should be docketed for further consideration during the current amendment cycle, deferred for future research and consideration, or not pursued, each in accordance with his/her determination in YCC 16B.10.095(6). The Administrative Official shall provide the Board of County Commissioners with the Planning Commission's recommendations regarding deferred items when setting the Planning Division work program for the next budget cycle.
- (7) The Planning Commission shall provide an opportunity for public comment regarding the suggested text changes, and review them to determine whether they should be docketed to receive further review and consideration as part of the current year's amendment cycle. A suggested amendment will not be docketed for further processing if the Planning Commission determines one or more of the following:
- (a) The suggested amendment would likely cause environmental impacts that have not previously been analyzed or require additional review to determine impacts that cannot be completed within the required time frame.
 - (b) The suggested amendment would require additional analysis to determine capital facilities impacts and amendments that cannot be completed within the required time frame.
 - (c) The suggested amendment would require additional analysis to determine the appropriate land use designation that cannot be completed within the required time frame.
 - (d) The suggested amendment would involve an area that will be part of a sub-area planning process in the next two years.
 - (e) The suggested amendment has been previously reviewed by the Planning Commission or Board of County Commissioners, and circumstances have not substantially changed to support an additional review prior to a general plan update.
 - (f) The suggested amendment clearly violates a provision of the County-wide planning policies, a city comprehensive plan, the Yakima County Comprehensive Plan, the Yakima Urban Area Comprehensive Plan, the GMA or the SMA such that no further review is necessary or warranted.
 - (g) The suggested amendment is not sufficiently clear or well-defined to merit further review.
 - (h) The comprehensive plan is not the appropriate place to deal with this suggestion.
 - (i) It is not in the public interest to pursue the suggested amendment at the time.
- (8) Either the Board of County Commissioners or the Planning Commission may initiate items for docketing and consideration as part of the biennial plan amendment cycle.
- (9) The decision of the Planning Commission on whether to docket a proposed text amendment for additional review is not subject to appeal.
- (10) The decision of the Administrative Official on whether to present to the Planning Commission a proposed development regulation text amendment for its docketing consideration is not subject to appeal.
- (11) After the docket is set, the Planning Division shall conduct its review of the docketed plan amendments, including analysis of how the proposed amendment meets the criteria for the existing and proposed designation, as well as environmental review. No amendments shall be docketed after the publication of the notice of public hearing and environmental review. If the Planning Division or SEPA Responsible Official determines that any of the proposed amendments would require review of environmental impacts beyond the analysis in the Environmental Impact Statement for the comprehensive plan, such that additional analysis is required that cannot be completed within the amendment schedule, the proposed amendment shall be deferred until the next plan amendment cycle, and the Planning Commission and the applicant shall be so notified, in writing. Any unused fee deposit will be returned to the applicant at that time, and a new deposit will be required prior to the January 31 deadline of the following cycle to continue the application process.

(12) Following the recommendation of the Planning Commission regarding any amendment to a comprehensive plan or development regulation, the Board, at a regular or special agenda, may set either a public meeting or public hearing where it will consider the recommendation in the form of an ordinance, in accordance with Chapter 36.70 RCW.

- (a) At the public meeting, the Board may adopt the recommendation without change, reject the recommendation, or deem that a change in the recommendation is necessary.
- (b) If the Board deems that a change to the recommendation is necessary, a public hearing shall be set prior to adopting any changes to the recommendation, to consider the changes proposed by the Board, following all applicable procedures of Chapter 36.70 RCW, such as procedures for notification and adoption.
- (c) Legislative Enactments Not Restricted. Nothing in this section or the permit processing procedures shall limit the authority of the BOCC to make changes to the County's comprehensive plan, as part of a regular revision process, or to make changes to the County Code.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 9-2009 § 2 (Exh. 1) (part), 2009: Ord. 4-2000 § 1 (part), 2000. Formerly 16B.10.030).

16B.10.060 Submittal Requirements.

All requests for plan amendments or for amendments to development regulations shall be made in writing using the application submittal documents provided by the Yakima County Planning Division and shall include the following information. Applications not containing the required information will not be accepted:

- (1) Site specific policy plan map amendments:
 - (a) Completed application form and any other documents deemed necessary by the Administrative Official, provided by the Planning Division, signed by the legal owner or by a representative authorized to do so by a written or electronic signature submitted with the form.
 - (b) Signed agreement to pay fees and the required deposit per the adopted fee schedule.
 - (c) Parcel number(s) of the subject property.
 - (d) Site plan or map(s) of the subject property which indicate the approximate location of all existing buildings, vegetation, roads, critical areas, and the land use of adjacent properties.
 - (e) Written narrative stating the reasons for the plan amendment and how the proposed plan amendment meets the applicable criteria in Section 16B.10.095(1).
 - (f) Completed and signed SEPA checklist.
- (2) Plan or development regulation text amendments:
 - (a) Completed application form and any other documents deemed necessary by the Administrative Official, provided by the Planning Division, signed by the applicant.
 - (b) Suggested amendment.
 - (c) Written narrative including the reasons for the suggested amendment and how it meets the applicable criteria in Section 16B.10.095(5).
 - (d) Any supporting documentation.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 9-2009 § 2 (Exh. 1) (part), 2009: Ord. 4-2000 § 1 (part), 2000. Formerly 16B.10.050).

16B.10.070 Timing of Amendments.

- (1) The comprehensive plan shall be amended no more frequently than once every two years as set forth by YCC 16B.10.040 and RCW 36.70A.130(2)(a). Applications for site-specific or text amendments to the comprehensive plan must adhere to the time periods and procedures established in this Chapter as described in Section 16B.10.040(3).
- (2) The plan amendment process may be suspended by the Board during a general plan or code update process.
- (3) Pre-application conferences can be held at any time; however, applications for amendments to policy plan map, text or development regulations will only be accepted before close of business on the last business day in January. Items received after the January deadline will be processed in the next biennial amendment cycle.
- (4) At its March meeting following the January deadline, the Planning Commission will review the suggested plan text changes for docketing and those development regulation text changes recommended by Administrative Official for docketing consideration. When the Planning Commission has completed its review, it will set the docket of proposed amendments.
- (5) The Planning Division shall establish timelines for additional review and consideration by the Planning Commission and Board of County Commissioners to ensure that the plan amendment process is finished prior to December 31st of each year.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 9-2009 § 2 (Exh. 1) (part), 2009; Ord. 4-2000 § 1 (part), 2000. Formerly 16B.10.060).

16B.10.080 Public Process and Notice.

To provide for the opportunity of citizens to suggest and make comments on docketed amendments, the following public notice and outreach provisions shall be completed during each plan or development regulation amendment process.

- (1) Notice of the plan or development regulation amendment process deadlines shall be publicized through:
 - (a) A general mailing to interested parties,
 - (b) Posting on the Public Services Web site,
 - (c) Notice in the County's newspaper of record and other print media as appropriate,
 - (d) Press releases to the media,
 - (e) Posting of information at the Planning Division and other office areas of the County where interested parties may conduct business.
- (2) Initial notice of submitted applications will be posted on the Yakima County Public Services web site and in the Planning Division's offices.
- (3) Site-specific policy plan map amendments shall follow the notification procedures of Section 16B.05.030 of this Code.
- (4) Additional public notification may be undertaken by the Planning Division, if it determines that it is in the public interest to do so.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012; Ord. 9-2009 § 2 (Exh. 1) (part), 2009; Ord. 4-2000 § 1 (part), 2000. Formerly 16B.10.070).

16B.10.090 Major Rezones.

Legislative rezones necessary to maintain consistency between the comprehensive plan policy plan map and the official zoning map shall be completed concurrently with the plan amendment process wherever appropriate. Major rezones shall not require additional fees or review processes. Rezones completed as part of the plan amendment

process shall be reviewed against the criteria as for plan amendments in Section 16B.10.095 of this code, and YCC Section 19.36.040 and must be consistent with the requested plan designation as indicated in Table 19.36-1. Rezones not requiring a plan amendment are subject to the Minor Rezone procedures of YCC Section 19.36.030 and consistency with Table 19.36-1.

(Ord. 6-2014 § 2 (Exh. A)(part), 2016: Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 9-2009 § 2 (Exh. 1) (part), 2009: Ord. 4-2000 § 1 (part), 2000. Formerly 16B.10.080).

16B.10.095 Approval Criteria.

(1) The following criteria shall be considered in any review and approval of amendments to Yakima County Comprehensive Plan Policy Plan Maps:

- (a) The proposed amendment is consistent with the Growth Management Act and requirements, the Yakima County Comprehensive Plan, the Yakima Urban Area Comprehensive Plan and applicable sub-area plans, applicable city comprehensive plans, applicable capital facilities plans and official population growth forecasts and allocations;
- (b) The site is more consistent with the criteria for the proposed map designation than it is with the criteria for the existing map designation;
- (c) The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity;
- (d) For a map amendment, substantial evidence or a special study has been furnished that compels a finding that the proposed designation is more consistent with comprehensive plan policies than the current designation;
- (e) To change a resource designation, the policy plan map amendment must be found to do one of the following:
 - (i) Respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies; or
 - (ii) Better implement applicable comprehensive plan policies than the current map designation; or
 - (iii) Correct an obvious mapping error; or
 - (iv) Address an identified deficiency in the plan. In the case of Resource Lands, the applicable de-designation criteria in the mapping criteria portion of the land use subchapter of Yakima County Comprehensive Plan, Volume 1, Chapter I, shall be followed. If the result of the analysis shows that the applicable de-designation criteria has been met, then it will be considered conclusive evidence that one of the four criteria in paragraph (e) has been met. The de-designation criteria are not intended for and shall not be applicable when resource lands are proposed for re-designation to another Economic Resource land use designation;
- (f) A full range of necessary public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, fire protection and schools;
- (g) The proposed policy plan map amendment will not prematurely cause the need for nor increase the pressure for additional policy plan map amendments in the surrounding area.

(2) The following criteria shall be considered in any review and approval of changes to Urban Growth Area (UGA) boundaries:

- (a) Land Supply:

- (i) The amount of buildable land suitable for residential and local commercial development within the incorporated and the unincorporated portions of the Urban Growth Areas will accommodate the adopted population allocation and density targets;
 - (ii) The amount of buildable land suitable for purposes other than residential and local commercial development within the incorporated and the unincorporated portions of the Urban Growth Areas will accommodate the adopted forecasted urban development density targets within the succeeding twenty-year period;
 - (iii) The Planning Division will use the definition of buildable land in YCC 16B.02.045, the criteria established in RCW 36.70A.110 and .130 and applicable criteria in the Comprehensive Plan and development regulations;
 - (iv) The Urban Growth Area boundary incorporates the amount of land determined to be appropriate by the County to support the population density targets;
- (b) Utilities and services:
- (i) The provision of urban services for the Urban Growth Area is prescribed, and funding responsibilities delineated, in conformity with the comprehensive plan, including applicable capital facilities, utilities, and transportation elements, of the municipality;
 - (ii) Designated Ag. resource lands, except for mineral resource lands that will be reclaimed for urban uses, may not be included within the UGA unless it is shown that there are no practicable alternatives and the lands meet the de-designation criteria set forth in the comprehensive plan.
- (3) Land added to or removed from Urban Growth Areas shall be given appropriate policy plan map designation and zoning by Yakima County, consistent with adopted comprehensive plan(s).
- (4) Cumulative impacts of all plan amendments, including those approved since the original adoption of the plan, shall be considered in the evaluation of proposed plan amendments.
- (5) Plan policy and other text amendments including capital facilities plans must be consistent with the GMA, SMA, CWPP, other comprehensive plan goals and policies, and, where applicable, city comprehensive plans and adopted inter-local agreements.
- (6) Prior to forwarding a proposed development regulation text amendment to the Planning Commission for its docketing consideration, the Administrative Official must make a determination that the proposed amendment is consistent with the GMA, CWPP, other comprehensive plan goals and policies, and, where applicable, city comprehensive plans and adopted inter-local agreements.
- (Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 9-2009 § 2 (Exh. 1) (part), 2009: Ord. 3-2003 § 4, 2003: Ord. 4-2000 § 1 (part), 2000. Formerly 16B.10.040, 16B.10.050).

Chapter 16B.11**VIOLATIONS AND ENFORCEMENT**

Sections:

- 16B.11.010 Purpose.
- 16B.11.020 Authority and Application.
- 16B.11.030 Complaints.
- 16B.11.040 Violations.
- 16B.11.050 Penalties.
- 16B.11.060 Codes Preserved.

16B.11.010 Purpose.

The purpose of this Chapter is to promote compliance with permit decisions, conditions and this Title by establishing enforcement authority, defining violations, and setting standards for initiating the procedures set forth in this Title when violations of YCC Title 16B or applicable Titles listed in YCC 16B.01.020 occur. Notwithstanding other remedies in this chapter, any building or structure set up, erected, built, used, moved or maintained or any use of property contrary to the provisions of this Title or any Title of Yakima County Code listed in YCC 16B.01.020, shall be and the same is declared to be a public nuisance. The appropriate Reviewing Official may seek legal or equitable (including injunctive) relief or other forms of civil relief in superior court. The provisions of this chapter are completely supplemental to other provisions of Yakima County Code. Provisions of this chapter are neither an exclusive remedy nor a prerequisite for any other administrative or judicial action authorized by law.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.11.020 Authority and Application.

The Administrative Official is authorized to enforce the provisions of this Title, any implementing administrative rules and approval conditions attached to any project permit approval.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.11.030 Complaints.

Whenever a violation of this Title or any Title of Yakima County Code listed in YCC 16B.01.020 occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Code Enforcement Official. He or she shall record such complaint, investigate and in consultation with the Administrative Official take action thereon as deemed appropriate and as provided by this Title and/or YCC Title 21, as may be applicable; provided, however, that enforcement shall be undertaken for the benefit of the health, safety, and welfare of the general public and the environment and not for any particular person or class of persons.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.11.040 Violations.

- (1) It is a violation of this Title for any person to initiate or maintain, or to cause to be initiated or maintained, any use, alteration, construction, location, or demolition of any structure, land, or property within Yakima County without first obtaining permits or authorizations required by this Code.
- (2) It is a violation of this Title to remove or deface any sign, notice, complaint, or order required by or posted in accordance with this Code.
- (3) It is a violation of this Title to misrepresent any material fact in any application, plans, or other information submitted to obtain any project permit authorization.
- (4) It is a violation for any person to fail to comply with provisions of this Code, to fail to comply with the terms or conditions of a permit issued pursuant to this Title, or to fail to comply with any or all notices or orders issued pursuant to this Code.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.11.050 Penalties.

- (1) Any person, firm or corporation violating any of the provisions of this Title or any Title of Yakima County Code listed in YCC 16B.01.020, including the provisions of the various Codes adopted by reference therein, or failing to comply therewith, or violating or failing to comply with any order or decision issued or made pursuant to any provisions of said Codes shall severally and for each and every violation and non-compliance respectively, be guilty of a misdemeanor or shall be subject to a civil infraction as provided for by Chapter 7.80 RCW, YCC Section 21.04.030 or any other remedy provided by law and, further, such violation shall constitute a public nuisance. Any person so convicted of a misdemeanor shall be punished for each offense by a fine of not more than ONE THOUSAND DOLLARS (\$1,000.00) or by imprisonment for not more than NINETY (90) days, or by both such fine and imprisonment. Each day, or any portion thereof, after written notice of a violation has been issued shall be considered a separate offense.
- (2) The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation, after being notified of such violation, may each be found guilty of a separate offense and suffer the penalties provided in this Section and YCC Title 21.
- (3) In addition to the penalties described in this Chapter and YCC Title 21, actions that can be taken by the County include, but are not limited to: withholding any and all permits for development or land division, unless said permit or application is directly related to a proper remedy of the violation; assessing double fees for all permits and applications necessary to remedy the violation; notifying by certified mail all property owners of record of the violation and remedies required to abate the violation; abating or otherwise causing the violation to be removed with a lien filed against the property to recover costs; or other such action as may be needed to enforce this code. A violation of this or other County ordinances or state law found to exist on the property 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. Actions under this Chapter may be taken in any order deemed necessary or desirable by the County to achieve the purpose of this Chapter. The Administrative Official may call upon any appropriate County officials or departments to assist in enforcing this Chapter.
- (4) It shall be the affirmative duty of the County Prosecutor's office to seek relief under this Chapter and YCC Title 21 for violations of Title 16B or any Title of Yakima County Code listed in YCC 16B.01.020. Nothing herein contained shall prevent the County Prosecutor's office from taking such lawful action, legal and/or equitable, as is necessary to prevent or remedy any violation.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012).

16B.11.060 Codes Preserved.

Except as otherwise inconsistent with this Chapter, the provisions of the Codes adopted by reference in this Title pertaining to violations shall remain in full force and effect.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012).