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YAKIMA URBAN AREA ZONING ORDINANCE

## CHAPTER 15.01 – TITLE, PURPOSE, JURISDICTION

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[**15.01.020**](#_15.01.020_–_Jurisdiction) **Jurisdiction**

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### 15.01.010 – Title and Authority

Yakima Municipal Code (YMC) Title 15 codified in YMC Ch. 15.01 to 15.31 of this code shall be known as the Yakima Urban Area Zoning Ordinance (UAZO). The Yakima Urban Area Zoning Ordinance is enacted under authority granted to Yakima County and the City of Yakima by Article XI Section II of the Washington State Constitution and RCW 36.70.

### 15.01.020 – Jurisdiction

1. **Generally**. This Title is enacted and administered separately by the City of Yakima and Yakima County for lands and uses within the Yakima Urban Growth Area (UGA). The ordinance adopted and enacted by the City of Yakima applies to all land and uses located within the City limits of the City of Yakima. The ordinance adopted and enacted by the County of Yakima applies to the unincorporated portions of the Yakima Urban Growth Area.
2. **Yakima Urban Area Boundary**. For purposes, the Yakima Urban Growth Area is hereby officially declared to be that area bounded and described:
   1. On the official zoning maps adopted in accordance with [YMC 15.03.030](#_15.03.030_–_Map); and,
   2. In the “Yakima Urban Growth Area Legal Description” codified at the end as Appendix A and hereby adopted by reference and declared to be a part. In cases of conflict between the official zoning maps and the official legal description, the official legal description shall control.
3. **Existing Ordinance Superseded**. The provisions shall be and are hereby declared to supersede and replace all existing and future provisions of Yakima Municipal Code Title 15 within the unincorporated areas of Yakima County located within the Yakima Urban Growth Area as officially described and adopted in [YMC 15.01.020(B)](#_15.01.020_–_Jurisdiction). The provisions of Yakima County Code Title 15A shall, however, continue and remain in full force and effect in the unincorporated areas of Yakima County located outside the officially adopted Yakima Urban Growth Area.
4. **Terminology**. Unless the context clearly implies some other meaning references to County, City, or similar terms in this Title refer either to Yakima County or the City of Yakima, whichever entity has jurisdiction over the particular land use proposal or other item involved or affected. In no event shall such references be construed to require, directly or indirectly, action by either entities or their respective officials or agencies. References to “legislative body,” “Administrative Official,” “Department of Community & Economic Development Director,” “Hearing Examiner” or other official or agency under this Title mean those officials or agencies of the City of Yakima or Yakima County, whichever entity has jurisdiction.

### 15.01.030 – Purpose and Intent

The purpose is to implement the Yakima Urban Area Comprehensive Plan and promote the general health, safety, and welfare of present and future inhabitants of the Yakima Urban Growth Area. The goals and policies of the Urban Area Comprehensive Plan will be used for interpretation and implementation. These goals are accomplished in many ways, including:

1. Achieving public and private land use decisions consistent with the policies and objectives of the Yakima Urban Area Comprehensive Plan;
2. Dividing the Yakima Urban Area into districts according to the use of land and structures and the intensity of such use;
3. Encouraging the location and use of structures and land for commerce, industry, and residences in districts where they are compatible with neighboring land uses;
4. Encouraging development in areas where adequate public services including water and sewer, police and fire protection, roads, and schools, can be provided; and limiting development in areas where these facilities are not provided;
5. Securing economy in local governmental expenditures;
6. Encouraging innovative site design;
7. Providing for adequate privacy, light, air, and view;
8. Promoting development within the Yakima Urban Growth Area that is cost effective to build and maintain;
9. Reducing the time required for public review of proposed projects;
10. Protecting existing land uses and property values from adverse impacts of adjoining developments;
11. Reducing traffic danger and congestion on roads and highways; and,
12. Minimizing public and private losses due to flooding.

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

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

### 15.01.040 – Applicability

1. Except as exempted, no use or development, or modification of use or development, as those terms are defined, may be established, placed, performed, constructed, or implemented, in whole or in part, without a permit. The permit required by this Title is called a "development permit." Yakima Municipal Code Chapters 15.11 and 15.12 contain provisions governing such permits and applications for permits. The following uses and modifications are exempt from review and permit requirements; provided that they do not conflict with the requirements of a previously issued permit:
   1. Normal structural repair and maintenance;
   2. Changes to conforming structures, which do not involve structural alteration as that term is defined by this title;
   3. Rehabilitation of dwelling units, when such rehabilitation does not expand the number of units nor physically expand the structure;
   4. Accessory structures (15.04.060) otherwise meeting the specific development standards and other requirements of this title and which do not require a building permit under the provisions of the applicable building code as adopted by the city/county;
   5. Communication towers less than thirty-five feet in height and which meet the requirements of Section 15.04.130;
   6. Exempt signs;
   7. Yard sales meeting the requirements of Section 15.04.060;
   8. Alterations to land including grading, leveling, paving and excavation, the fair market value of which does not exceed five hundred dollars50 cubic yards;
   9. Sitescreening and landscaping; and,
   10. All grading, construction of private or public roads, landscaping, construction of sewer, wastewater facilities, water, electrical, and other utilities pursuant to an approved and valid short or long subdivision regulating such improvements.
2. **Uses of Lands are regulated by this Title**. (See [YMC 15.02.020](#_15.02.020_–_Definitions) defining “use,” “accessory use,” “structure,” “site improvement,” and “development.”) Title 15 regulates such uses in the following ways:
3. By specific development standards which must be met (see [YMC Ch. 15.05](#_CHAPTER_15.05), [15.06](#_CHAPTER_15.06_–), [15.07](#_CHAPTER_15.07_-), [15.08](#_CHAPTER_-_15.08), and [15.09](#_CHAPTER_15.09_–)). Some of the development standards are designed to be administratively adjusted to accommodate the purpose and intent of the zoning district involved and allows flexibility of development. (See [YMC 15.10.020](#_15.10.020_–_Administrative))
4. By prior review of more significant uses to allow general policies and standards to be applied; to assure compliance with the purpose and intent; and to allow more flexibility of development and use. (See YMC [15.01.030](#_15.01.030_–_Purpose)) Different types of review procedures, (Type (1), (2), or (3)) (See [YMC Ch. 15.13](#_CHAPTER_15.13_–), [15.14](#_CHAPTER_15.14_–), & [15.15](#_CHAPTER_15.15_–)), are established for different categories or classes of uses (Class (1), (2), or (3)). The type of review is generally determined by the classification of the use involved under the use chart contained in [Table 4-1](#_TABLE_4-1) (see [YMC Ch. 15.04](#_CHAPTER_15.04_PERMITTED)). Accessory uses are also subject to the review processes and development standards.
5. **New and Existing Uses Regulated**. Both uses established before and after the adoption are regulated, but are treated differently depending on their status under this Title. Permitted uses are established by [Table 4-1](#_TABLE_4-1), which determines which particular uses are allowed, and the degree of compatibility of the land use in a given zoning district. Uses and development are reviewed under Type (1), (2), or (3) processes, and if approved are called “approved uses.”

Previous uses whose principal use would be permitted in the zoning district in which it is located are called “existing uses.” Existing uses are allowed to continue even though they have not been through the regular review procedures and may not fully comply with the development standards. Such uses may be reestablished as they previously existed if damaged or destroyed. (see [YMC Ch. 15.18](#_CHAPTER_15.18_–)) Previously established uses which were legally established prior to the adoption, but which have a principal use which would not be permitted in the zoning district in which it was located, are called “nonconforming uses.” Such uses are allowed to continue, but are subject to more restrictions (see [YMC Ch. 15.19](#_CHAPTER_15.19_–)).

1. **Changes and Alterations to Uses and Development**. Changes and alterations to approved, existing, or nonconforming uses or development are also regulated by this Title and are called "modifications." Certain nominal modifications to "approved" or "existing" uses are exempt. Other modifications to "approved" or "existing" uses, which are minor and meet certain criteria can be administratively approved with minimal review. Procedures for such modifications are contained in [YMC Ch. 15.17](#_Chapter_15.17_–). More significant changes to "approved" or "existing" uses and development, which do not meet the exemptions or administrative approval criteria of [YMC Ch. 15.17](#_Chapter_15.17_–), must be reviewed using the normal Type (1), (2), or (3) review procedures. Modifications to nonconforming uses are regulated by [YMC Ch. 15.19](#_CHAPTER_15.19_–).

### 15.01.050 – Compliance

No structure, land, or use shall hereafter be constructed, erected, maintained, enlarged, altered, repaired, moved, improved, removed, converted, or demolished except as authorized by the terms of this Title.

### 15.01.060 – Conflict of Provisions

In the case of conflicts between parts and other rules, regulations, resolutions, ordinances, or statutes lawfully adopted by the County/City, the most restrictive shall govern. In the case of conflicts between the text, maps, and tables of the title, the text shall govern unless otherwise stated.

### 15.01.070 – Severability

This Title is declared to be severable. If any division, chapter, section, paragraph, clause, or other portion or any part adopted by reference is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Title, nor shall it affect the application of such portion of the zoning ordinance to other property, uses, or structures.

### 15.01.080 – Number and Gender

Words designating the singular number may also be applied to the plural of persons and things; words designating the plural may also be applied to the singular; words designating the masculine gender may be extended to that of the female; and words designating the feminine gender may be extended to that of the male.

## CHAPTER 15.02 – DEFINITIONS

**Sections**

[**15.02.010**](#_15.02.010_-_Purpose.) **Purpose**

[**15.02.020**](#_15.02.020_-_Definitions.) **Definitions**

### 15.02.010 – Purpose

This Chapter provides definitions for the terms and phrases used in this Title. Where any of these definitions conflict with definitions used in other titles of the county/city code, the definitions in this Chapter shall prevail for the purpose.

### 15.02.020 – Definitions

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

“Access driveway” means an entrance roadway from a street or alley to a parking facility.

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

“Accessory dwelling unit (ADU)” means a structure meeting the purpose and requirements of YMC 15.09.045 which is attached to a single-family home, or detached garage with living facilities for one individual or family separate from the primary single-family.

“Accessory use” means a use that is subordinate and incidental to a principal use.

“Administrative official” means the duly appointed Yakima County planning official or the city of Yakima director of community and economic development, whichever is appropriate, or their designee.

Adult Day Care Center. See “day care facility.”

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

“Agriculture” means the tilling of soil, raising of crops and horticulture. (See Table 4-1, YMC [15.04.030](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.030).)

“Agricultural building” means a structure designed and constructed to store farm implements or hay, grain, poultry, livestock, fruit and other agricultural products. Controlled atmosphere and cold storage warehouses are not agricultural buildings. An agricultural building shall not be used for human habitation; for processing, treating or packaging agricultural products; nor shall it be a place used by the public.

“Agricultural market” means a use primarily engaged in the retail sale of fresh agricultural products, grown either on or off site. An agricultural market may include, as incidental and accessory to the principal use, the sale of factory-sealed or prepackaged food products such as for human habitation; for processing, treating or packaging agricultural products; nor, shall it be a place used by the public.

Boxes of apples or other fruit and some limited nonfood items, and these products shall consist of no more than forty percent of the gross floor area. This definition does not include the sale of livestock.

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

“Agricultural Related Industry” means specifically:

1.    “Packaging plants” may include, but are not limited to, the following activities: washing, sorting, crating and other functional operations such as drying, field crushing, or other preparation in which the chemical and physical composition of the agricultural product remains essentially unaltered. This definition does not include processing activities, slaughterhouses, animal reduction yards, or tallow works;

2.    “Processing plants” may include, but are not limited to, those activities which involve the fermentation or other substantial chemical and physical alteration of the agricultural product. This definition does not include slaughterhouses or rendering plants; and

3.    “Storage facilities” include those activities that involve the warehousing of processed and/or packaged agricultural products.

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

“Airport commercial” means the retail sale of aviation-related products and services including aircraft service and rental, air passenger services, and air terminal activities including passenger ticketing, baggage, taxi service, car rental, restaurants, hotels, and gift shops.

“Airport industrial” means research, design, fabrication, and assembly of aircraft, aircraft parts, and aviation-related products located at the Yakima Air Terminal. This use also includes storage and wholesale trade of aviation-related products and air cargo operations and associated storage and processing.

“Airport operations” means activities, uses, structures and facilities that are located on and necessary to the operation of the Yakima Air Terminal. These activities and facilities include runways, taxiways, parking ramps and aprons, navigation and radar/radio communication facilities and equipment, safety and emergency facilities, and storage and maintenance facilities.

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

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

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

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

“Animal husbandry” means the raising of domesticated farm animals when, in the case of dairy cows, beef cattle, horses, ponies, mules, llamas, goats and sheep, their primary source of food, other than during the winter months, is from grazing in the pasture where they are kept.

“Appeal” means a request for review of an administrative official’s or hearing examiner’s decision, determination, order or official interpretation of any provision of this title.

“Applicant” means a person submitting an application for any permit or approval required by this title and who is the owner of the subject property or the authorized agent of the owner.

“Application for development” means the application form and all accompanying documents and exhibits required by this title or the administrative official.

“Arterial” means a principal or minor arterial, as shown in the Yakima urban area transportation plan adopted in the Yakima urban area comprehensive plan.

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

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

Automobile Service Station. See “service station.”

“Automobile, truck, manufactured home and/or travel trailer sales” means a place used for the display, sale or rental of new or used automobiles, trucks, manufactured and mobile homes, travel trailers, and campers.

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

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

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

Bingo Parlor. See “game room.”

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

Building. See “structure.”

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

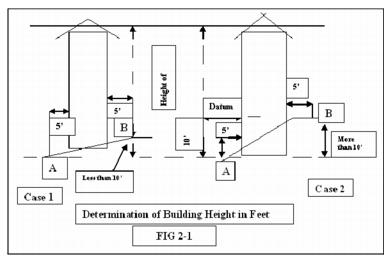
“Building code” means the building code and related codes as amended and adopted by Yakima County/city of Yakima.

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

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

2.    An elevation ten feet higher than the lowest finished grade when the highest sidewalk or finished ground surface described in subsection 1 of this definition is more than ten feet above lowest finished grade. (See Figure 2‑1.)

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



“Building official” means that person or persons designated by the legislative body to enforce the provisions of the building code and administer the assigned provisions of this title.

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

“Butcher shop” means a custom retail meat cutting operation. This definition does not include slaughtering, but does include other accessory uses such as frozen food lockers.

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

“Car wash” means a business engaged in washing, waxing and/or polishing cars and small trucks. This definition includes self-service car washes, automated car washes, manned car washes and auto detailing.

Card Room. See “game room.”

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

“Center line of right-of-way” means the mid-point between the future alignment of the opposite edges of the right-of-way.

“Certificate of zoning review” means that certificate issued by the appropriate administrative official stating that the proposed use of the structure or land conforms to the provisions of this title.

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

“Chicken tractor” means a movable chicken coop lacking a floor, and may house other kinds of poultry.

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

“City” means the city of Yakima.

“Class (1) uses” are those uses set forth and defined in the text and tables of YMC Chapter [15.04](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04) and are considered compatible and are permitted on any site in the district. The administrative official shall review Class (1) uses for compliance with the provisions and standards of this title.

“Class (2) uses” are those uses set forth and defined in the text and tables of YMC Chapter [15.04](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04) and are generally permitted throughout the district. However, site plan review by the administrative official is required in order to ensure compatibility with the intent and character of the district and the objectives of the Yakima urban area comprehensive plan.

“Class (3) uses” are those uses set forth and defined in the text and tables of YMC Chapter [15.04](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04) and are generally incompatible with adjacent and abutting property because of their size, emissions, traffic generation, neighborhood character or for other reasons. However, they may be compatible with other uses in the district if they are properly sited and designed. Class (3) may be permitted by the Hearing Examiner when he determines, after holding a public hearing, that the use complies with provisions and standards; and, that difficulties related to the compatibility, the provisions of public services, and the Yakima Urban Area Comprehensive Plan policies have been adequately resolved.

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

“Class (1), (2) or (3) use or development, existing” means a use or development legally existing or legally established prior to the effective date of this title that has been or would be classified under YMC Chapter [15.04](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04) as a Class (1), (2) or (3) use in a particular district, even though the use has not been through Type (1), (2) or (3) review, and may or may not conform to the standards of this title. This definition includes any existing Class (1), (2), or (3) use with an approved modification under [YMC Ch. 15.17](#_Chapter_15.17_–).

“Clean and sober facility” means a commercial business providing a dwelling or building for occupation by rehabilitated alcohol and/or drug users, during their re-entry into the community. The clean and sober facility provides residentially oriented facilities for the rehabilitation or social adjustment of persons who may need supervision or assistance in becoming socially reoriented, but who do not need institutional care. (Also see “halfway house.”)

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

“Closed record appeal” means an administrative appeal, held under RCW 36.70B, that is on the record to a county/city body or officer (including the legislative body) following an open record hearing on a project permit application with no or limited new evidence or information allowed to be submitted and only appeal arguments allowed.

“Coffee/espresso drive-through facility” is a place used to sell coffee and associated items from a drive-up window to a person driving a vehicle.

“Coffee/espresso stand” is a place used to sell coffee and associated items from a bar or counter area commonly inside a building and/or structure.

“Commercial services” means technical services and specialized care services such as lawn and garden care and delivery services, except as otherwise regulated.

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

“Communication tower height” means the vertical distance above the ground measured to the highest point of the communication tower.

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

Community Water System. See “water system, public.”

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

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

“Concentrated animal feeding operation” means a structure or pens for the concentrated feeding or holding of animals or poultry, including, but not limited to, horses, cattle, sheep or swine. This definition includes dairy confinement areas, slaughterhouses, shipping terminal holding pens, poultry and/or egg production facilities and fur farms, but does not include animal husbandry.

“Condition(s) of approval” means restrictions or requirements imposed by an administrative official pursuant to authority granted by this title.

Consulting Services. See “professional business.”

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

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

“Cosmetic services” means tattooing, body piercing, and similar services.

“County” means Yakima County.

“Dangerous waste” means those solid wastes designated in WAC 173-303-070 through 173-303-103 as dangerous or extremely hazardous waste.

“Day” means calendar day. (See YMC [15.20.110](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1520.html#15.20.110).)

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

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

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

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

“Department” means either the Yakima County planning division or the city of Yakima department of community and economic development.

“Desktop publishing” means activity related to the use of computers in order to produce documents for personal use or for other uses.

“Development” means “use” as defined by this title.

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

“Development, planned residential” means, in the residential districts, the coordinated development of a single lot with a number of residential structures and/or dwelling types which are designed to:

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

This definition includes the clustering of residential units on a single lot. In the commercial districts, “planned residential development” means a mixed-use development combining multifamily residential and commercial use(s) into a single coordinated project.

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

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

“Domestic farm animal – Pet” means four (4) or fewer hen chickens (no roosters) or rabbits that are kept for pleasure or as a hobby rather then utility. Domestic farm animals that are considered pets are regulated under the provisions of YMC 15.04.060 Accessory Uses (D) Pets, and are not subject to the provisions of YMC 15.09.070 Animal Husbandry.

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

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

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

“Dwelling, multiple-family” means a structure or structures, or portion thereof, designed for occupancy by three or more families living independently of each other and containing three or more attached dwelling units on a lot.

“Dwelling, single-family” means a structure designed to contain a single dwelling unit. Single-family dwellings are further classified by their nature of construction as follows:

* + - 1. Site-built: Constructed primarily at the occupancy site and permanently affixed to the ground by a foundation.
      2. Modular home: See “modular home.”

3. Manufactured home: See “manufactured home” and “mobile home.”

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

“Dwelling, single-family detached” means one dwelling unit located on one lot and not attached to any other dwelling unit.

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

“Dwelling unit” means one or more rooms in a dwelling for the occupancy of one family and providing complete and independent living facilities, including permanent provisions for living, sleeping, cooking, eating and sanitation. “Dwelling unit” does not include recreational vehicles or mobile homes.

“Earthen material” means sand, gravel, rock, aggregate and/or soil.

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

“Existing uses” means a use or development legally existing or legally established by a jurisdiction prior to the effective date of this title that has been or would be classified under YMC Chapter [15.04](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04) as a Class (1), (2), or (3) use in the appropriate zoning district.

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

A.    The term “family” shall include:

1.    State-licensed adult family homes required to be recognized as residential uses pursuant to RCW 70.128.175;

2.    State-licensed foster family homes and group care facilities as defined in RCW 74.15.180, subject to the exclusions of subsection B of this definition; and

3.    Group homes for the disabled and consensual living arrangements equivalent to a familial setting required to be accommodated as residential uses pursuant to the Fair Housing Act and the Washington Housing Policy Act, RCW 35.63.220 and RCW 35A.63.240, respectively.

B. The term “family” shall exclude individuals residing in halfway houses, crisis residential centers as defined in RCW 74.15.020(3) (g), group homes licensed for juvenile offenders, or other facilities, whether or not licensed by the state, where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

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

1.    When one or more unrelated persons reside with a family whose members are related by genetics, adoption or marriage, the total number of residents shall not exceed five persons except as provided in subsection (C)(2) of this definition.

2.    A family unit consisting entirely of persons related by genetics, adoption or marriage may rent a room to a total of two additional renters, or up to two students as a part of a recognized foreign exchange program or similar educational, nonprofit program, or a combination of a renter and such student to a total of two additional persons. The additional renters and/or foreign exchange students, to a maximum of two, shall not be considered when calculating the number of unrelated persons residing in a dwelling unit under subsection (C) (1) of this section. Three or more renters and/or students shall be considered as unrelated individuals and all persons residing in a dwelling unit, regardless of whether a portion of them are related by genetics, adoption or marriage, shall be considered when determining the total unrelated persons residing at a site.

3.    Nothing herein shall be interpreted to limit normal hosting activities associated with residential use.

“Fence” means a structure built to prevent escape or intrusion, or to provide privacy or sitescreening.

“Finding” is a conclusion of fact reached by the administrative official in a review process and based on the evidence available therein.

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

“Floodway” means the channel or waterway or those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwaters of the watercourse without causing more than a one-foot rise in the water surface elevation of a one-hundred-year flood.

“Food preparation” means a business, service or facility dealing with the preparation of food items for off-site consumption. This definition includes confectioneries, catering services, and preparation of food items for wholesale.

“Game room” means a commercial facility, or a portion thereof, open to the general public, in which card games, pool, electronic games, bingo, etc., are played; provided, however, that this definition shall exclude “social card room” as defined herein. (Also see “meeting hall.”)

“Garage, private” means a building or portion of a building designed to store motor vehicles that are used by the occupants of the site’s primary use.

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

“General Retail Sales

1. 12,000 sq. ft. or less (not otherwise regulated) means the retail sales of merchandise in a store type setting where the building/structures gross size is 12,000 square feet or less.
2. Greater than 12,000 sq. ft. (not otherwise regulated) means the retail sales of merchandise in a store type setting where the building/structures gross size is greater than 12,000 square feet.”

Land uses permitted under the above two categories include, but are not limited to:

|  |  |
| --- | --- |
| Addressing, mailing, and stenographic services | Toy and hobby stores |
| Antique stores | Jewelry, watches, silverware sales and repair |
| Artist’s supplies | Music stores/instrument sales and repair |
| Bakeries | Second hand stores |
| Book Stores | Paint, glass and wallpaper stores |
| Stationery and office supplies | Pet stores and supplies/grooming |
| Camera and photographic supplies | Printing, photo copy service |
| Clothing, shoes, and accessories | Sporting goods and bicycle shops |
| Computer and electronic stores | Video sales/rental |
| Collectables (cards, coins, comics, stamps, ect.) | Gift shops |
| Department stores | Discount store |
| Drug stores and pharmacies | Variety store |
| Fabric and sewing supplies | Specialty shops |
| Florist (indoor sales only) | Small appliances |
| Specialty food stores | TVs, business machines, etc sales |

Land uses not meeting the intent of the General Retail Sales and Retail Trade definitions, as determined by the Administrative Official, may be either referred to the Hearing Examiner for a use interpretation under Chapter 15.22 or use classification under Chapter 15.04.040.

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

“Glare” is the reflection of harsh, bright light.

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

Gross Floor Area. See YMC [15.06.040](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1506.html#15.06.040).

“Group home” means a place for handicapped, physically or developmentally disabled adults, or dependent or predelinquent children, providing special care in a homelike environment. This definition includes homes of this nature for six or fewer persons, excluding house parents, which are protected by state or federal law as residential uses.

Halfway House. A “halfway house” shall include residentially oriented facilities that provide:

1.    State-licensed group care homes for juvenile delinquents;

2.    Houses providing residence in lieu of instructional sentencing;

3.    Houses providing residence to individuals needing correctional institutionalization; or

4.    Detoxification centers licensed by the state where alcohol and drug abusers can be placed in lieu of incarceration for detoxification and treatment from effects of alcohol and drugs. (See “clean and sober facility.”)

“Hazardous materials” means any item listed as hazardous by a federal agency or State Department of Ecology or the Yakima regional clean air authority. (See YMC [15.13.020](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1513.html#15.13.020)(D).)

“Hazardous waste” means and includes all dangerous and extremely hazardous wastes as defined in RCW 70.105.010.

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

“Hazardous waste facility, on-site” means hazardous waste treatment and storage facilities which treat and store wastes generated on the same lot.

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

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

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

“Hearing Examiner” means that person appointed by the Yakima City Council and Board of County Commissioners.

“Home instruction” means the teaching of an art, hobby, skill, trade, profession or sport as a home occupation, except when otherwise prohibited. (See YMC Chapter [15.04](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04), Table 4-2.)

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

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

“Homeowners’ association” means a community association, other than a condominium association, in which individual owners share ownership or maintenance responsibilities for open space or facilities.

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

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

“Impervious surface” means any material reducing or preventing absorption of stormwater into previously undeveloped land.

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

“Irrigation and/or drainage facilities” means all irrigation and/or drainage structures, including, but not limited to: standpipes, weir boxes, pipelines, ditches, pump houses, culverts, etc.

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

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

“Land” means a lot or parcel.

“Land use” means the manner in which land and structures are used.

“Legislative body” means the board of Yakima County commissioners or the Yakima city council, whichever is appropriate.

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

“Lot” means a division of land:

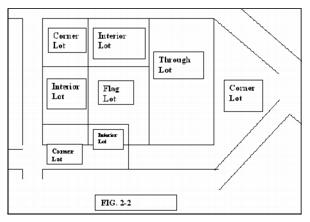
Defined by boundaries and shown on a final plat or short plat officially recorded in the Yakima County auditor’s office; or,

2. A legally recognized prior division or parcel under the provisions of Yakima County’s subdivision ordinance (YCC Title 14) or the city of Yakima’s subdivision ordinance (YMC Title 14).

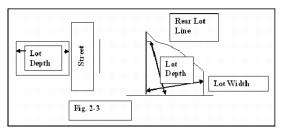
“Lot area” means the total horizontal area within the boundary lines of the gross lot.

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

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



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



“Lot, inside or interior” means a lot other than a corner lot. (See Figure 2-2.)

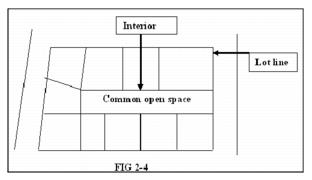
“Lot, flag” means a lot only a narrow portion of which fronts on a public/private road and where access to the public/private road is across that narrow portion. (See Figure 2-2.)

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

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

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

“Lot line, interior” means, in the case of zero lot line development, the property line separating a zero lot line from: (a) another zero lot line or (b) adjoining common open space. (See Figure 2-4.)



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

* 1. For a triangular or gore-shaped lot, a line ten feet in length within the lot and farthest removed from the front lot line, and at right angles to the line comprising the depth of such lot, shall be used as the rear lot line.
  2. In the case of a trapezoidal lot, the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the required rear lot line.
  3. In the case of a pentagonal lot, the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

“Lot line, side” means any lot boundary line not a front lot line or rear lot line.

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

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

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

“Manufactured home” means a dwelling on one or more chassis for towing to the point of use which bears an insignia issued by a state or federal regulatory agency indicating that the structure complies with all applicable construction standards of the U.S. Department of Housing and Urban Development definition of a manufactured home and was built after June 15, 1976. Manufactured homes are further classified as follows:

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

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

“Manufactured structure” means a building manufactured with the intent of being transported to a fixed site and constructed in accordance with the building codes as adopted by the city/county.

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

“Master planned development” means any development within the Yakima urban growth area approved under YMC Chapter [15.28](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1528.html#15.28) (i.e., planned residential development, planned commercial development, planned industrial development, and planned mixed-use development).

“Meeting hall” means a private or quasi-private facility in which defined groups or organizations come together for meetings and social events. Includes private bridge club-type card rooms, grange halls, etc.

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

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

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

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

“Mobile home park” means a parcel of land under single ownership used for the placement of two or more mobile or manufactured homes used as dwellings. This definition shall not apply to the placement of a temporary hardship unit (see YMC [15.04.140](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.140)) on the same parcel with another home.

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

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

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

“Multiple-building complex” means a group of structures housing separate businesses sharing the same lot, access and/or parking facilities.

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

“Net residential acre” means forty-three thousand five hundred sixty square feet minus the area in private and public streets, rights-of-way, and access easements. (See YMC [15.05.030](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1505.html#15.05.030)(B) to calculate the maximum number of dwelling units permitted on a site.)

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

“Nonconforming structure” means a structure that was lawful prior to the adoption or amendment of this title that fails, by reason of such adoption or amendment, to conform to the present requirements of the zoning district where it is located.

“Nonconforming use” means a use of land or structure lawfully established and maintained, but which does not conform to this title for the district where it is located.

“Nuisance” means any use, activity or structure that interferes with the enjoyment and use of one’s property by endangering personal health or safety, offending the human senses, and/or failing to conform with the provisions, intent, or standards of the district where the use, activity or structure occurs.

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

1. “Retail nursery”: A nursery which offers products to the general public including plant materials, planter boxes, fertilizer, sprays, garden tools, and related items.
2. “Wholesale nursery”: A nursery that raises nursery stock for sale to a retail nursery or other business; and
3. “Greenhouse”: A nursery facility constructed with transparent or translucent materials for indoor propagation of plants. This definition does not include private greenhouses with no commercial sales.

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

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

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

“Open space, common” means open space within or related to a development that is not dedicated for public use, but is designed, intended and legally committed for the common use or enjoyment of the residents of the development.

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

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

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

“Parking lot” means a facility designed to serve parking for five or more motor vehicles.

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

“Parking stall” means a clearly marked area in which one vehicle is to be parked; a parking space.

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

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

“Personal services” means a business providing specialized services such as interior home or business design and shopping services, except as otherwise regulated.

“Pet” means a domesticated animal kept for pleasure or as a hobby rather than utility including but not limited to: fish, dogs fewer than four (4), cats fewer than six (6), hen chickens (no roosters) fewer than five (5), and rabbits fewer than five (5).

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

“Planning commission” means the duly constituted planning commission for the City of Yakima.

“Planning division” means the Yakima County planning division or the department of community and economic development of the city of Yakima, whichever is appropriate.

“Preliminary approval” means the contingent approval by the administrative official using an appropriate Type (2) or (3) review process prior to final approval.

Preschool. See “day care center.”

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

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

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

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

“Public facility” means a facility owned and operated by a governmental agency or owned and operated by a private entity for the purpose of providing essential public services to the public including, but not limited to: water, irrigation, wastewater, garbage, sanitary, transit, police, fire, ambulance, parks & recreation facilities, and street maintenance. The facility should be located to efficiently serve the people benefiting from the service.”

“Public hearing” means a meeting open to the public that is announced and advertised in advance at which the public is given an opportunity to participate.

Public Water System. See “water system, public.”

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

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

“Recycling Drop Off Center” means a commercial facility where products such as aluminum, tin cans, glass, plastic, paper, and other similar products are deposited, sorted and transferred to a Recycling Processing Center for reprocessing.

“Recycling Processing Center” means a facility where products such as aluminum and tin cans, glass, plastic, paper and other similar products are deposited, sorted, stored, and reprocessed.

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

“Restaurant” means establishments serving prepared food or beverages for consumption on or off premises. This land use includes but is not limited to: Restaurants, sandwich shops, coffee shops with or without drive-thru facilities (see YMC 15.040.080 for establishments with drive-thru facilities), and fast food restaurants, but does not include bars, cocktail lounges, taverns, brewpubs as licensed by the Washington State Liquor Control Board, catering services, or industrial scale food production facilities.

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

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

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

“Reviewing official” means the building official, administrative official, hearing examiner, City of Yakima Planning Commission, or legislative body when engaged in any review or approval procedure under the provisions of this title.

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

“Right-of-way, public” means land deeded or dedicated to or purchased by the city of Yakima or Yakima County for existing or future public pedestrian or vehicular access.

“Road, local access” means a public road not designed as a principal arterial, minor arterial, collector arterial or neighborhood collector by Yakima County or the city of Yakima. The primary purpose of a local access road is to connect property along the local access road with the arterial street system.

“Road, private” means a road not designed, built, or maintained by the city, the Washington State Department of Transportation, or any political subdivision of the state.

“Road, public” means the physical improvement of the public right-of-way, including, but not limited to, surfacing, curbs, gutters and drainage facilities, which is maintained and kept open by the city of Yakima or Yakima County for public vehicular and pedestrian use.

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

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

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

“Setback, front” is the minimum horizontal distance measured perpendicularly from the centerline of the adjacent right-of-way to the nearest wall of the structure. Where there is a partial right-of-way, the setback shall be measured perpendicularly from the design centerline. When there is no right-of-way, the front setback shall be twenty feet from the front property line.

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

“Sewer system, community” means small, self-contained sewage treatment facilities built to serve developed areas generally found outside public sewer service areas.

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

“Sewer system, regional” means sewer service provided by a municipality or special purpose district.

Sign. See YMC Chapter [15.08](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1508.html#15.08) for a complete listing of sign definitions.

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

“Site improvement” means any structure or other addition to land.

“Site improvement, required” means any specific design, construction requirement or site improvement that is a condition of approval for any permit issued under the provisions of this title or which is a part of any site plan approved under the provisions of this title.

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

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

“Social card room” means a commercial facility, or a portion thereof, open to the general public, in which house-banked social card games are played, as that term is defined by RCW 9.46.0282 (or as the same may be subsequently amended hereafter), or in which other activities occur that constitute gambling and are authorized by the Washington State Gambling Commission under RCW 9.46.070 (or as the same may be subsequently amended hereafter), to the extent that said activities include any gambling activity engaging in the use of, or associated with, slot machines (whether mechanical or electronic) or any gambling activity engaging in the use of, or associated with, any other electronic mechanism including video terminals.

Specialty Food Store/Food Store, Specialty. See “delicatessen and other specialty food stores.”

“Standard, administrative adjustment of” means a change, either an increase or decrease, in one or more of the development standards in YMC Chapters [15.05](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1505.html#15.05) through [15.08](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1508.html#15.08), in accordance with the provisions of YMC Chapter [15.10](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1510.html#15.10).

“Standard, general” means any standard not capable of precise numerical definition, but which expresses the policies of the community in this title and which may be applied by the reviewing official during a Type (1), Type (2) or Type (3) review.

“Standard, specific” means those numerical standards established in YMC Chapters [15.04](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04), [15.05](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1505.html#15.05), [15.06](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1506.html#15.06), [15.07](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1507.html#15.07), [15.08](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1508.html#15.08) and [15.09](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1509.html#15.09).

“State siting criteria” means criteria for the siting of hazardous waste treatment and storage facilities adopted pursuant to the requirements of RCW Chapter 70.105.

“Stockpiling of earthen materials” means permanent and/or continuous use for storage of rock, gravel, rubble, sand, or soil.

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

“Storage facilities, commercial” means enclosed storage areas designated as support facilities for commercial activities and used for the storage of retail materials.

“Storage facilities, residential mini-storage” means enclosed areas providing storage for residential goods and/or recreational vehicles within the structure.

“Storage, vehicle” means keeping vehicles on a given site that are not actively used by the principal occupants of the site. This definition does not include automotive wrecking/dismantling yards or vehicle sales lots.

“Street” means a public or private road.

“Structural alteration” means:

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

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

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

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

“Transportation brokerage offices” means establishments primarily engaged in furnishing shipping information and acting as agents in arranging transportation for freight and cargo.

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

“Technical equipment” means medical, dental, fire suppression, restaurant, etc., equipment.

“Towing services” means a service to haul or tow vehicles for service, repair or temporary storage. Any facility, except for wrecking yards, storing a vehicle for five or more days shall be considered a vehicle storage facility. Hulk haulers are not included under this definition.

Travel Agency. See “professional business.”

“Urban growth area” means the area within the city limits of Yakima and Union Gap, and the unincorporated portion of Yakima County within the Yakima urban growth area boundary established by the board of Yakima County commissioners pursuant to RCW 36.70A and adopted in the Yakima urban area comprehensive plan (YUACP) as amended. The boundary and legal description of the Yakima urban growth area is set forth in YMC [15.01.020](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1501.html#15.01.020). The Yakima urban growth area is that area where growth is expected to occur over the next 20 years from the adoption of the YUACP and is the area in which urban level public services are or will be provided.

“Urban services” include, but are not limited to, public water and sewer lines, neighborhood parks, streetlights, police and fire protection.

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

Use, Class (1), (2), (3). See “Class (1), (2), (3) uses.”

Use, Modification of. See “modification (of use or development).”

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

“Use, temporary” means a use established under YMC [15.04.130](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.130), for a fixed period of time, with the intent to discontinue such use upon the expiration of the time period.

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

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

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

Veterinary Clinic. See “animal clinic/hospital.”

“Vision triangle” means a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. (See YMC [15.05.040](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1505.html#15.05.040).)

“Warehouse” means a structure used for the storage of goods and materials. See “agricultural building.”

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

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

“Water system, public” means any system, excluding a system serving only one single-family residence, providing piped water for human consumption, as defined and/or regulated under WAC 248-54.

“Wholesale trade” means those uses primarily engaged in the sale of merchandise to retailers and to industrial, commercial, institutional or professional business users or to other wholesalers.

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

1. Basic does not have a commercial tasting room or restaurant;
2. Resort/Destination has either a commercial tasting room or restaurant. This type of winery or brewery is located on a site larger than five acres in size. It could typically be associated, or compatible with: high density residential, resort lodging, or a bed & breakfast.
3. Retail has either a commercial tasting room or restaurant.

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

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

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

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

“Yard, side” means an open area between the side wall line of the structure and the side line of the lot.

“Zero lot line” means the location of a dwelling on a lot in such a manner that one of the sides of the dwelling rests directly on a side lot line.

“Zoning district” means a portion of the Yakima urban growth area within which certain uses of land and structures are permitted and certain other uses of land and structures are prohibited, certain yards and other open spaces are required and specific lot areas are established, all as set forth and specified in this title. This definition also includes the terms “zone” and “use district.”

“Zoo” means a park or facility where animals are kept and raised for visitors to see and observe; zoological park.

## Chapter 15.03 – ZONING DISTRICTS

**Sections**

[**15.03.010**](#_15.03.010_–_Purpose) **Purpose and Establishment of Zoning Districts**

[**15.03.020**](#_15.03.030_District_and) **District and Map Overlay Intent Statements**

[**15.03.030**](#_15.03.030_Map_of) **Map of Zoning Districts and Overlays**

### 15.03.010 – Purpose And Establishment Of Zoning Districts

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

Residential Districts

— Suburban Residential District (SR)

— Single-Family Residential District (R-1)

— Two-Family Residential District (R-2)

— Multi-family Residential District (R-3)

Commercial Districts

— Professional Business District (B-1)

— Local Business District (B-2)

— Historical Business District (HB)

— Small Convenience Center District (SCC)

— Large Convenience Center District (LCC)

— Central Business District (CBD)

— General Commercial (GC)

— Regional Development (RD)

— Airport Support (AS)

Industrial Districts

— Light Industrial District (M-1)

— Heavy Industrial District (M-2)

District Overlays

— Airport Safety Overlay (ASO)

— Floodplain Overlay (FO)

— Greenway Overlay (GO)

— Institutional Overlay (IO)

— Master Planned Development Overlay (MPDO)

### 15.03.020 – District And Map Overlay Intent Statements

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

1. **Suburban Residential District (SR)**. The intent of the Suburban Residential District is to provide a variety of residential lifestyles with densities generally ranging from one unit per five net residential acre to seven units per net residential acre. The higher density is reviewed and considered to be permitted when a public water system and the regional sewer system are available, or if these utilities are not available, a community water and sewer systems may be allowed after review by Yakima County Health District and the City of Yakima. (See [YMC Ch. 15.05](#_CHAPTER_15.05), [Table 5.1](#_Figure_5-1)) This district is further intended to:
   1. Limit residential density to one unit per five net residential acres in areas where flooding, airport noise, or other environmental constraints make the land unsuitable for residential use at higher densities. Development at a lower density will be reviewed to allow conversion to higher densities once utilities are available or other limiting issues are mitigated;
   2. Maintain surface and groundwater quality along with the avoidance of potential health hazards, by limiting residential density to one unit per five net residential acres, in areas where public services will not be provided, and the dwelling units have individual wells and septic tanks. Development at a lower density will be reviewed to allow conversion to higher densities once utilities are available or other limiting issues are mitigated;
   3. Provide the opportunity for suburban residential development, up to three dwelling units per net residential acre, in areas with either public water service or a community sewer system; and,
   4. Allow residential development to seven dwelling units per net residential acre in areas with both public water service and sewer system.

This district is characterized by a mixture of land uses and residential densities including small farms, scattered low-density residential development, and clusters of higher-density residential development. The minimum lot size in the district varies according to the suitability of the land for development and the provision of urban level services. See [YMC 15.05.030(E)](#_15.05.030_–_Creation).

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

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

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

Development exceeding seven dwelling units per net residential acre may be allowed in accordance with [Table 4-1](#_TABLE_4-1).

1. **Two-Family Residential District (R-2)**. The purpose of the two-family residential district is to:
   1. Establish and preserve residential neighborhoods for detached single-family dwellings, duplexes and other uses compatible with the intent of this district; and,
   2. Locate residential development with densities up to twelve dwelling units per net residential acre in areas receiving a full range of public services including public water and sewer service, and police and fire protection.

The district is characterized by up to sixty percent lot coverage, access via local access streets and collectors, one and two story buildings, some clustering of units, and required front, rear and side yard setbacks. Typical uses in this district are single-family dwellings and duplexes. The density in this district generally ranges from seven to twelve dwelling units per net residential acre. However, development up to eighteen dwelling units per net residential acre may be allowed in accordance with [YMC Ch. 15.04](#_CHAPTER_15.04_PERMITTED), [Table 4-1](#_TABLE_4-1).

1. **Multi-Family Residential District (R-3)**. The Multi-Family Residential district is intended to:
   1. Establish and preserve high-density residential districts by excluding activities not compatible with residential uses;
   2. Locate high-density residential development more than twelve dwelling units per net residential acre in areas receiving the full range of urban services;
   3. Locate high-density residential development near neighborhood shopping facilities; and,
   4. Locate high-density residential development so that traffic generated by the development does not pass through lower-density residential areas.

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

1. **Professional Business District (B-1)**. The Professional Business district is intended to:
2. Establish and preserve areas for professional offices;
3. Provide a buffer between commercial clusters and residential neighborhoods; and,
4. Locate professional offices in areas presently receiving a full range of urban services.

Professional offices and, in some areas, a mix of professional offices and multi-family dwellings are the primary uses in the district.

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

1. **Local Business District (B-2)**. The purpose of the Local Business District is to:
   1. Provide areas for commercial activities that meet the small retail shopping and service needs of the community; and,
   2. Accommodate small-scale commercial uses that need a higher level of visibility and easy access to major arterials.

Uses characteristic of this district include small retail sales and service establishments.

1. **Historical Business District (HB)**. The purpose of the Historical Business District is to recognize existing isolated commercial structures in otherwise residential areas, to allow those structures to be occupied by traditional neighborhood business uses, and to allow these structures to be replaced if destroyed. This district is not intended to allow structural expansion, or expansion of the use onto adjoining lots. It is further intended that this district is not to serve as a Small Convenience Center (SCC). Examples of HB uses are: taverns, small grocery stores, laundromats, and other businesses serving the immediate residential neighborhood around this district. This zoning district is not intended to be allowed to be further expanded or formed.
2. **Small Convenience Center District (SCC)**. The purpose and intent of the Small Convenience Center district is to:
   1. Provide areas for commercial activities outside the downtown commercial district that meet community retail shopping and service needs; and,
   2. Accommodate small commercial centers, generally two to five acres in size, where most of the commercial uses have located in a coordinated manner around a common parking lot and one major commercial approach driveway.

Small Convenience Centers serve the day-to-day convenience shopping and service needs of the surrounding neighborhood and should be designed to minimize undesirable impacts of the center on the neighborhood it serves. Uses in this district should be retail or personal service establishments dealing directly with the consumer, the primary occupants usually being such uses as a supermarket, fast food restaurants and drug store.

1. **Large Convenience Center (LCC)**. The purpose and intent of the Large Convenience Center district is to:
   1. Provide areas for commercial activities outside the downtown commercial district that meet the retail shopping and service needs of the community; and,
   2. Accommodate commercial centers, generally five to ten acres in size, where most of the commercial uses are coordinated in a manner around a common parking lot and usually with two major commercial approach driveways.

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

1. **Airport Support District (AS)**. The purpose of the Airport Support district is to accommodate airport and aircraft related activities within the airport property. This district includes the Yakima Air Terminal. A variety of uses are permitted. However, the intensity of development is directly related to airport and/or aircraft related uses.
2. **General Commercial District (GC)**. The purpose of the General Commercial district is to accommodate wholesale and retail activities with some high-density residential development. This district is primarily located near and along the major arterials as designated in the Yakima Urban Area Comprehensive Plan. Like the CBD district, a variety of land uses are permitted. However, the intensity of development is intended to be less than in the CBD district.
3. **Central Business District (CBD)**. The purpose of the Central Business District is to preserve the business district of the City of Yakima as the region’s center of commerce, finance, government, industry, recreation, and culture. This district is characterized by very intensive development and a variety of land uses including retail sales and service establishments, high-density residential development, financial institutions, professional buildings, and government offices.
4. **Regional Development District (RD)**. The purpose of the Regional Development district is to provide high visibility from the interstate and state highways of the City of Yakima to provide regional commerce, office campus, recreation, large scale retail, culture, and large multiple mixed uses. This district is characterized by very intensive development and a variety of land uses including retail sales and service establishments, high-density residential development, financial institutions, professional office buildings, hotels, condominiums, and corporation headquarters.
5. **Light Industrial District (M-l)**. The intent of the light industrial district is to:
   1. Establish and preserve areas near designated truck routes, freeways, and the railroad for light industrial uses;
   2. Direct truck traffic onto designated truck routes and away from residential streets; and,
   3. Minimize conflicts between uses in the light industrial district and surrounding land uses.

The light industrial district provides areas for light manufacturing, processing, research, wholesale trade, storage, and distribution facilities.

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

1. **Heavy Industrial District (M-2)**. The intent of the heavy industrial district is to:
   1. Establish and preserve areas near designated truck routes, freeways, and railroads for heavy industrial uses;
   2. Direct heavy truck traffic onto designated truck routes and away from residential streets; and,
   3. Minimize conflicts between heavy industrial uses and surrounding land uses.

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

1. **Airport Overlay (AO)**. The Airport Overlay is intended to protect the airspace around the Yakima Air Terminal at McAllister Field from airspace obstructions or hazards and incompatible land uses. In addition to the regulations of the principal use district, the Airport Overlay includes provisions for:
   1. Preserving land adjacent to the Yakima Air Terminal at McAllister Field for future commercial and industrial development; and,
   2. Assuring that land uses, locating near the airport, are compatible with noise, height obstruction and other impacts from the airport operation.
2. **Floodplain Overlay (FO)**. The purpose of the Floodplain Overlay is to:
   1. Protect natural drainage system associated with floodways and floodplains;
   2. Ensure that new development will not affect the flood elevations in surrounding areas;
   3. Ensure adequate protection of life, health, and property from flood events;
   4. Control development located within the 100-year floodplain unless it is possible to mitigate;
   5. Ensure development is restricted within the floodway unless it is water dependant;
   6. Emphasize FEMA standards in planning for flood prevention and damage reduction;
   7. Comply with the City of Yakima’s Shoreline Master Program;
   8. Minimize the expenditure of public money for flood-control projects;
   9. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken with public money;
   10. Minimize damage to public facilities and utilities such as water lines, sewer lines, and streets;
   11. Protect river, creek, and stream channels from encroachment so that flood heights and flood damage will not be appreciably increased;
   12. Ensure that potential buyers are notified that FEMA mapping is used to help identify that property is in an area of special flood hazards;
   13. Ensure that property owners who occupy flood hazard areas have adequate information when they apply for development changes to their property so the property owner can assess the results of their development actions;
   14. Continue to implement the National Flood Insurance Program; and,
   15. Use and enforce the Building Code to help minimize losses due to flooding.
3. **Greenway Overlay (GO)**. The Yakima River Regional Greenway Plan was adopted to preserve and maintain the Yakima River as a natural resource for all citizens to enjoy. The Greenway corridor extends from Yakima Canyon to Union Gap. Greenway boundaries were originally defined in 1977 by the state legislature with the creation of the Washington State Yakima River Conservation Area.

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

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

* 1. Make the Greenway more attractive and accessible to the public;
  2. Assure development conserves shoreline vegetation and controls erosion;
  3. Implement the Yakima County/City Shoreline Master Program and the Yakima River Regional Greenway Plan;
  4. Limit development to activities which are particularly dependent on a location in the Greenway;
  5. Preserve and protect the fragile natural resources and culturally significant features along the Greenway;
  6. Increase public access to publicly-owned areas of the Greenway where increased use is desirable;
  7. Protect public and private properties from the adverse effects of improper development in hazardous shoreline areas; and,
  8. Give preference to uses creating long-term over short-term benefits.

1. **Master Planned Development Overlay (PD)**. The Master Planned Development Overlay is intended to allow larger scale, mixed-use developments in selected areas of the City where certain development requirements may be adjusted as necessary to promote and integrated approach to planning and site design. The City finds that such developments require special review and conditioning to ensure that adjacent areas are preserved and protected. ([YMC Ch. 15.28](#_Chapter_15.28_MASTER))
2. **Institutional Overlay (IO)**. The Institutional Overlay is intended to allow designated community institutions that are valuable and necessary to the community, but which are located adjacent to or within residential zones. The City finds that these institutions require special review and conditioning to ensure that adjacent residential areas are preserved and protected. ([YMC Ch. 15.31](#_Chapter_15.31_INSTITUTIONAL))

The Institutional Overlay includes provisions to:

* 1. Make the institution more compatible and accessible to the public;
  2. Assure development has the ability for future expansion;
  3. Provide increased protection such as increased buffers as the institution locates closer to residential districts, especially R-1; and,
  4. Utilize the goals and policies of the Yakima Urban Area Comprehension Plan.

### 15.03.030 – Map Of Zoning Districts And Overlays

1. **Adoption, Changes, Filing, and Replacement**.
2. The zoning districts established by this Title are defined as shown on the Official Zoning Map for the Yakima Urban Growth Area. The Official Zoning Map, together with all the explanatory material thereon, is adopted by reference and declared to be a part. In addition, any adopted overlay shall be displayed on the zoning map as identified by the adopted ordinance.
3. The official zoning map for the unincorporated portion of the Yakima Urban Growth Area shall be maintained in the Yakima County Planning Division. The City of Yakima Department of Community and Economic Development shall maintain the official zoning map for that portion of the Yakima Urban Area within the Yakima City limits.
4. Each official zoning map shall be identified by the adopted ordinance of the appropriate jurisdiction and the date of adoption. The official zoning map maintained by the county/city shall be the final authority as to the current zoning status of land.
5. Any changes in the district boundaries established by this Title shall be made in accordance with the provisions. The official zoning map shall be promptly changed after the amendment has been approved by the respective legislative body.
6. No changes of any kind shall be made on the official zoning map except in conformance with the procedures. Any unauthorized change by any person(s) shall be considered a violation and punishable as provided under [YMC Ch. 15.25](#_Chapter_15.25_–).
7. If the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the legislative body may, by resolution, adopt a new official zoning map, which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof.
8. **Basis for Mapping the Floodplain Overlay area, Warning and Disclaimer of Liability**.

The Floodplain Overlay shall be that area within the One Hundred-Year Floodplain shown on the Federal Flood Insurance Rate Maps (FIRM) for the City and County. The Federal Emergency Management Agency (FEMA) periodically updates these maps.

## Chapter 15.04 – PERMITTED LAND USES

**Sections:**

[**15.04.010**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.010)**Purpose.**

[**15.04.020**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.020)**Land use classification system.**

[**15.04.030**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.030)**Table of permitted land uses.**

[**15.04.040**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.040)**Unclassified uses.**

[**15.04.050**](#_15.04.050_–_Zero) **Zero Lot Line Development**

[**15.04.060**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.060)**Accessory uses.**

[**15.04.070**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.070)**Overlays.**

[**15.04.080**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.080)**Drive-through facilities.**

[**15.04.090**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.090)**Yard sales.**

[**15.04.100**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.100)**Caretaker dwellings.**

[**15.04.110**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.110)**Swimming pools.**

[**15.04.120**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.120)**Home occupations.**

[**15.04.130**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.130)**Temporary use permits.**

[**15.04.140**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.140)**Temporary hardship unit permits.**

[**15.04.150**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.150)**Standards for mobile/manufactured home parks.**

[**15.04.160**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.160)**Placement of mobile/manufactured homes in residential districts.**

[**15.04.170**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.170)**Placement of manufactured modular nonresidential structures.**

[**15.04.180**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.180)**Communication towers.**

[**15.04.190**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.190)**Social card rooms.**

[**15.04.200**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.200)**State Fair Park—Exposition and Special Events Center.**

### 15.04.010 – Purpose

For any particular district, there are some uses that are consistent with the intent and character of the zoning district; some uses that may be consistent if careful site design neutralizes the adverse characteristics of the use or site; and other land uses that, regardless of site design, are not consistent with the intent or character of the district. The purpose of this Chapter is to establish the degree to which each land use is permitted in each district and establish the appropriate type of review for each land use in terms of the specific standards and requirements of each district.

### 15.04.020 – Land Use Classification System

Land uses within each zoning district shall be classified into four principal categories which establish a Class of use. The Class of use generally corresponds to a Type of review that is based on a level of review complexity. However, certain circumstances may alter the Type of review due to a higher or lower complexity.

1. **Class (1) Uses** are permitted; provided the district standards are met. The Administrative Official shall use the procedures in [YMC Ch. 15.13](#_CHAPTER_15.13_–) to review Class (1) uses and associated site improvements. Class (1) uses in certain situations may require a Type (2) review, as required by [YMC 15.13.020](#_15.13.020_–_When). The procedures in [YMC Ch. 15.14](#_CHAPTER_15.14_–) shall be used to review and evaluate Class (1) uses that require a Type (2) review process.
2. **Class (2) Uses** are generally permitted in the district. However, the compatibility between a Class (2) use and the surrounding environment cannot be determined in advance, and occasionally a Class (2) use may be incompatible at a particular location. Therefore, a Type (2) review by the Administrative Official is required in order to promote compatibility with the intent and character of the district and the policies and development criteria of the Yakima Urban Area Comprehensive Plan. The procedures in [YMC Ch. 15.14](#_CHAPTER_15.14_–) shall be used to review and evaluate Class (2) uses. In certain circumstances, the Administrative Official may require that a Class (2) use undergo a Type (3) review, as provided within this Title.
3. **Class (3) Uses** are generally not permitted in a particular district, but may be allowed by the Hearing Examiner after a Type (3) review and public hearing. The Hearing Examiner may approve, deny, or impose conditions on the proposed land use and site improvements to promote compatibility with the intent and character of the district and the policies and development criteria of the Yakima Urban Area Comprehensive Plan. The procedures in [YMC Ch. 15.15](#_CHAPTER_15.15_–) shall be used to review and evaluate Class (3) uses or Class (2) uses that have been forwarded to the Hearing Examiner for review.
4. **Uses Not Permitted**. Any use listed in [Table 4-1](#_TABLE_4-1) and not classified as either a Class (1), (2), or (3) use in a particular district, shall not be permitted in that district. A request for an Unclassified Use, under [YMC 15.04.040](#_15.04.040_–_Unclassified), that is denied by the Hearing Examiner is considered as a Use Not Permitted.
5. **Multiple Uses**. When two or more uses are proposed for the same project, the entire project shall be subject to the Type of review required by the highest classified use, Class (3) uses being higher than Class (2), and Class (2) uses being higher than Class (1).

### 15.04.030 – Table of Permitted Land Uses

[Table 4-1](#_TABLE_4-1) titled “Permitted Land Uses” is incorporated as part of this section. Each permitted land use listed in [Table 4-1](#_TABLE_4-1) is designated a Class (1), (2), or (3) use for a particular zoning district. In addition, some Class (1) uses may require Type (2) review in accordance with [YMC 15.04.020](#_15.04.020_–_Land). All permitted land uses and associated site improvements are subject to the design standards and review procedures of this title.

| **Table 4-1 Permitted Land Uses** | **SR** | **R1** | **R2** | **R3** | **B1** | **B2** | **HB** | **SCC** | **LCC** | **AS** | **GC** | **CBD** | **RD** | **M1** | **M2** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **AGRICULTURAL (COMMERCIAL)** |  | | | | | | | | | | | | | | |
| Agriculture, Horticulture, General Farming (not feedlots or stockyards) (\*) | 1 |  |  |  |  |  |  |  |  | 1 |  |  |  | 1 | 1 |
| Agricultural Building (\*) | 1 |  |  |  |  |  |  |  |  | 1 |  |  |  | 1 | 1 |
| Agricultural Chemical Sales/Storage |  |  |  |  |  |  |  |  |  | 1 |  |  |  | 1 | 1 |
| Agricultural Market (\*) | 1 |  |  |  |  |  | 1 | 1 | 1 |  | 1 | 1 | 1 | 1 |  |
| Agricultural Stand (\*) | 1 |  |  |  |  |  |  |  |  |  |  |  |  | 1 | 1 |
| Agricultural Related Industries (\*) | 2 |  |  |  |  |  |  |  |  | 1 |  |  |  | 1 | 1 |
| Animal Husbandry (See [YMC 15.09.070](#_15.09.070_–_Special)) (\*) | 1 | 2 |  |  |  |  |  |  |  |  |  |  |  | 1 | 1 |
| Concentrated Feeding Operation (\*) | 3 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Floriculture, Aquaculture | 1 |  |  |  |  |  |  |  |  |  |  |  |  | 1 | 1 |
| Fruit Bin Sales/Storage | 3 |  |  |  |  |  |  |  |  | 2 |  |  |  | 1 | 1 |
| Winery and Brewery - Basic (\*) |  |  |  |  |  |  |  |  |  |  | 3 |  | 3 | 1 | 2 |
| Resort/Destination w/onsite agricultural production (\*) | 2 | 3 |  | 3 |  |  |  |  |  |  | 3 | 3 | 3 | 3 |  |
| Resort/Destination (\*) | 2 | 3 |  | 3 |  |  |  |  |  |  | 1 | 1 | 1 | 3 |  |
| Retail (\*) |  |  |  |  |  |  |  | 1 | 1 |  | 1 | 1 | 1 | 1 | 2 |
| **AMUSEMENT AND RECREATION** |  | | | | | | | | | | | | | | |
| Aquatic Center |  |  |  |  |  |  |  |  | 3 |  | 3 | 3 | 1 | 2 |  |
| Amusement Park (Permanent) (\*) |  |  |  |  |  |  |  |  | 3 |  | 3 | 3 | 1 | 3 |  |
| Bowling Alleys |  |  |  |  |  | 2 |  | 2 | 2 |  | 1 | 1 | 2 | 3 |  |
| Campground (\*) | 3 |  |  |  |  |  |  |  |  |  | 2 |  |  |  |  |
| Drive in Theatres | 3 |  |  |  |  |  |  |  |  |  | 2 |  | 2 | 2 |  |
| Exercise Facilities |  |  |  | 2 | 1 | 1 |  | 1 | 1 | 2 | 1 | 1 | 1 | 2 |  |
| Horse Racing Tracks, Speedways |  |  |  |  |  |  |  |  |  |  |  |  | 3 | 3 |  |
| Game Rooms, Card Rooms, Electronic Game Rooms (\*) |  |  |  |  |  |  |  | 3 | 2 | 1 | 2 | 2 | 2 |  |  |
| Golf Courses, Clubhouses, Golf Driving Ranges | 3 | 3 | 3 | 3 |  |  |  |  |  |  |  |  |  |  |  |
| Miniature Golf Courses |  |  |  |  |  | 3 |  | 3 | 1 |  | 1 | 1 | 1 |  |  |
| Movie Theatres, Auditoriums, Exhibition Halls |  |  |  |  |  |  |  | 3 | 1 |  | 1 | 1 | 1 |  |  |
| Parks (\*) | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |  | 2 | 2 | 1 | 2 | 2 |
| Roller Skating or Ice Skating Rink |  |  |  |  |  |  |  |  | 2 |  | 2 | 1 | 1 | 2 |  |
| Sports Facility (Indoor) |  |  |  |  |  |  |  | 2 | 2 |  | 1 | 2 | 1 | 2 |  |
| Social Card Rooms (See YMC 15.09.090)(\*) |  |  |  |  |  |  |  | 3 | 3 |  | 3 | 3 |  |  |  |
| State Fair Park | (See [YMC 15.04.200](#_15.04.200__State)) | | | | | | | | | | | | | | |
| **COMMUNITY SERVICES** |  | | | | | | | | | | | | | | |
| Cemetery / Crematorium with Funeral Home | 3 | 3 | 3 | 3 | 3 |  |  |  |  |  |  |  |  | 3 |  |
| Funeral Home not associated with Cemetery / Crematorium | 3 |  |  |  | 2 | 2 |  | 2 | 1 |  | 1 | 1 | 2 | 2 |  |
| Churches, Synagogues, & Temples (\*) | 2 | 2 | 2 | 2 | 2 | 2 |  | 2 | 2 |  | 1 | 1 | 2 | 2 |  |
| Community Center (\*) Meeting Halls, Fraternal Organizations | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |  | 1 | 1 | 2 |  |  |
| Daycare Facilities (not home occupation): Family In-Home (\*) | 1 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 |  | 1 | 1 |  |  |  |
| Daycare Center (\*) | 2 | 2 | 2 | 2 | 1 | 1 | 2 | 1 | 1 |  | 1 | 1 | 2 | 1 |  |
| Public Facility(\*) | 3 | 3 | 3 | 3 | 2 | 2 |  | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 |
| Hospital (\*) Outside Institutional Overlay | 3 | 3 | 3 | 3 | 3 |  |  |  |  |  | 3 | 3 |  | 3 |  |
| Correctional Facilities | 3 |  |  |  |  |  |  |  |  |  | 3 | 3 | 3 | 3 | 3 |
| Libraries | 3 | 3 | 3 | 2 | 1 | 2 | 1 | 1 | 1 |  | 1 | 1 | 1 |  |  |
| Museums, Art Galleries |  | 3 | 3 | 2 | 1 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |  |  |
| Schools |  | | | | | | | | | | | | | | |
| Elementary and Middle | 3 | 3 | 3 | 3 | 3 | 3 |  |  |  |  | 1 | 3 |  |  |  |
| Senior High School | 3 | 3 | 3 | 3 | 3 | 3 |  |  |  |  | 3 | 3 |  |  |  |
| Business Schools(\*) | 3 | 3 | 3 | 3 | 3 | 3 |  | 2 | 2 | 1 | 1 | 1 | 2 | 2 |  |
| Community College / University - Inside Institutional Overlay | (See [YMC Ch. 15.30](#_Chapter_15.31_INSTITUTIONAL)) | | | | | | | | | | | | | | |
| Community College / University - Outside Institutional Overlay | 3 | 3 | 3 | 3 | 3 | 2 | 2 | 2 | 2 | 3 | 2 | 3 | 2 | 2 |  |
| Vocational Schools (\*) | 3 | 3 | 3 | 3 | 3 | 2 |  | 2 | 2 | 1 | 1 | 1 | 2 | 3 |  |
| Wastewater Sprayfield (\*) | 3 |  |  |  |  |  |  |  |  |  |  |  |  | 3 | 3 |
| Zoo (\*) | 3 |  |  |  |  |  |  | 3 | 3 |  | 3 |  | 3 |  |  |
| **HEALTH AND SOCIAL SERVICE FACILITY** |  | | | | | | | | | | | | | | |
| Group Homes (Six or fewer), Adult Family Home (\*) | 1 | 1 | 1 | 1 | 1 | 1 |  |  |  |  | 1 | 1 |  |  |  |
| Treatment Centers For Drug and Alcohol Rehabilitation |  |  |  |  | 3 | 3 |  | 3 | 3 |  | 3 | 3 | 3 | 3 |  |
| Boarding House (\*) | 3 |  | 3 | 3 | 3 | 3 |  |  |  |  | 1 | 2 |  |  |  |
| Halfway House (\*) |  |  |  | 2 |  |  |  |  |  |  | 3 | 3 |  |  |  |
| Group Homes (More than Six), Convalescent and Nursing Homes (\*) |  |  | 3 | 2 | 2 | 2 |  |  |  |  | 3 | 3 |  |  |  |
| **MANUFACTURING** |  | | | | | | | | | | | | | | |
| Agricultural Product Support |  |  |  |  |  |  |  |  |  |  | 2 | 2 | 2 | 1 | 1 |
| Aircraft Parts |  |  |  |  |  |  |  |  |  | 1 |  |  |  | 1 | 1 |
| Apparel and Accessories |  |  |  |  |  |  |  |  |  |  | 3 | 2 | 2 | 1 | 1 |
| Bakery Products (wholesale) |  |  |  |  |  |  | 2 |  | 2 |  | 2 | 2 | 2 | 1 | 1 |
| Beverage Industry(\*) |  |  |  |  |  |  |  |  |  |  | 2 | 2 | 2 | 1 | 1 |
| Canning, Preserving and Packaging Fruits, Vegetables, & Other Foods |  |  |  |  |  |  |  |  |  |  |  |  | 3 | 1 | 1 |
| Cement and Concrete Plants |  |  |  |  |  |  |  |  |  |  |  |  |  | 3 | 1 |
| Chemicals (Industrial, Agricultural, Wood, etc.) |  |  |  |  |  |  |  |  |  |  |  |  |  | 3 | 1 |
| Concrete, Gypsum and Plaster Products |  |  |  |  |  |  |  |  |  | 2 |  |  |  | 1 | 1 |
| Confectionery and Related Products (wholesale) |  |  |  |  |  | 2 |  | 2 | 2 |  | 1 | 1 | 2 | 1 | 1 |
| Cutlery, Hand Tools and General Hardware |  |  |  |  |  |  |  |  |  | 1 |  |  | 3 | 1 | 1 |
| Drugs |  |  |  |  |  |  |  |  |  | 1 | 2 |  |  | 1 | 1 |
| Electrical Transmission and Distribution Equipment |  |  |  |  |  |  |  |  |  | 1 |  | 2 | 3 | 1 | 1 |
| Electronic Components and Accessories and Product Assembly |  |  |  |  |  |  |  |  |  | 1 | 2 | 2 | 3 | 1 | 1 |
| Engineering, Medical, Optical, Dental, Scientific Instruments and Product Assembly |  |  |  |  |  |  |  |  |  | 1 |  | 2 |  | 1 | 1 |
| Fabricated Structural Metal Products |  |  |  |  |  |  |  |  |  | 2 | 3 | 3 |  | 1 | 1 |
| Food Processing |  |  |  |  |  |  |  |  |  |  |  | 2 | 3 | 1 | 1 |
| Furniture |  |  |  |  |  |  |  |  |  | 2 |  | 3 | 2 | 1 | 1 |
| Glass, Pottery, and Related Products and Assembly |  |  |  |  |  |  |  |  |  |  | 2 | 2 | 2 | 1 | 1 |
| Grain Mill Products |  |  |  |  |  |  |  |  |  |  | 3 |  |  | 1 | 1 |
| Heating Apparatus Wood Stoves |  |  |  |  |  |  |  |  |  |  |  |  |  | 1 | 1 |
| Leather Products |  |  |  |  |  |  |  |  |  |  |  | 3 | 1 | 1 | 1 |
| Leather Tanning and Finishing |  |  |  |  |  |  |  |  |  |  |  |  |  | 1 | 1 |
| Machinery and Equipment |  |  |  |  |  |  |  |  |  | 1 | 2 |  |  | 1 | 1 |
| Meat, Poultry and Dairy Products |  |  |  |  |  |  |  |  |  |  |  |  |  | 1 | 1 |
| Paints, Varnishes, Lacquers, Enamels and Allied Products |  |  |  |  |  |  |  |  |  |  |  |  |  | 3 | 1 |
| Paperboard Containers and Boxes |  |  |  |  |  |  |  |  |  | 1 | 3 |  |  | 1 | 1 |
| Plastic Products and Assembly |  |  |  |  |  |  |  |  |  | 1 | 2 |  |  | 1 | 1 |
| Prefabricated Structural Wood Products and Containers |  |  |  |  |  |  |  |  |  | 1 |  |  |  | 1 | 1 |
| Printing, Publishing and Binding |  |  |  |  |  |  |  |  |  | 1 | 3 |  | 2 | 1 | 1 |
| Printing Trade (Service Industries) |  |  |  |  |  | 2 |  | 2 | 2 |  | 1 | 1 | 2 | 1 |  |
| Recycling Processing Center (\*) |  |  |  |  |  |  |  |  |  |  |  | 3 |  | 1 |  |
| Rendering Plants, Slaughter Houses |  |  |  |  |  |  |  |  |  |  |  |  |  |  | 3 |
| Rubber Products |  |  |  |  |  |  |  |  |  | 1 |  |  |  | 2 | 1 |
| Sign Manufacturing and Product Assembly (\*) |  |  |  |  |  |  |  |  | 2 | 1 | 1 |  |  | 1 | 1 |
| Sawmills and Planing Mills |  |  |  |  |  |  |  |  |  |  |  |  |  | 2 | 1 |
| Sheet Metal and Welding Shops |  |  |  |  |  |  |  |  |  |  | 2 |  |  | 1 | 1 |
| Stone Products (includes finishing of monuments for retail sale) |  |  |  |  |  | 2 |  |  |  | 1 | 2 | 2 | 3 | 1 | 1 |
| Transportation Equipment, Including Trailers and Campers |  |  |  |  |  |  |  |  |  |  |  |  |  | 1 | 1 |
| Woodworking: Cabinets, Shelves, etc. |  |  |  |  |  |  |  |  | 3 | 1 | 2 |  | 2 | 1 | 1 |
| **MINING/REFINING/OFF-SITE HAZARDOUS WASTE TREATMENT** |  | | | | | | | | | | | | | | |
| Asphalt Paving and Roofing Materials, Rock Crushing | 3 |  |  |  |  |  |  |  |  |  |  |  |  | 3 | 1 |
| Mining Including Sand and Gravel Pits (\*) | 3 |  |  |  |  |  |  |  |  |  |  |  |  | 3 | 3 |
| Stockpiling of Earthen Materials(\*) | 2 | 2 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |  | 1 | 1 |
| Off-Site Hazardous Waste Treatment and Storage Facilities(\*) |  |  |  |  |  |  |  |  |  |  |  |  |  | 3 | 3 |
| **RESIDENTIAL** |  | | | | | | | | | | | | | | |
| Accessory Uses (\*) | See [YMC 15.04.060](#_15.04.060_–_Accessory) | | | | | | | | | | | | | | |
| Detached Single-Family Dwelling (\*) | 1 | 1 | 1 | 1 | 3 | 3 | 1 | 3 | 3 |  | 3 |  | 3 |  |  |
| Accessory Dwelling Unit (\*) (See YMC 15.09.045) | 2 | 2 |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Existing or New Detached Single-Family Dwelling on Existing Lots of 8,000 square feet or less |  |  |  |  |  |  |  |  |  |  | 1 |  | 1 | 1 |  |
| Detached Single-Family Dwelling (zero lot line) (\*) (See YMC 15.09.040) | 2 | 2 | 2 | 2 | 3 | 3 | 1 | 3 | 3 |  | 3 |  | 3 |  |  |
| Attached Single-Family Dwelling, Common Wall (\*) | 2 | 2 | 1 | 1 | 3 | 3 | 1 | 2 | 2 |  | 2 |  | 2 |  |  |
| Two-Family Dwelling (Duplex) (\*) | 3 | 3 | 1 | 1 | 2 | 2 | 1 | 2 | 2 |  | 2 |  | 2 |  |  |
| Converted Dwelling (\*) | 3 | 3 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |  | 2 | 1 |  |  |  |
| Multi-Family Dwelling (\*): 0-7 DU/NRA |  |  | 2 | 1 | 2 | 2 |  | 2 | 2 |  | 2 | 2 | 2 |  |  |
| 8-12 DU/NRA |  |  | 2 | 1 | 2 | 2 |  | 2 | 2 |  | 2 | 2 | 2 |  |  |
| 13+ DU/NRA |  |  | 3 | 1 | 2 | 2 |  | 2 | 2 |  | 2 | 2 | 2 |  |  |
| Mixed Use Building |  |  |  |  | 1 | 1 |  | 1 | 1 |  | 1 | 1 | 1 |  |  |
| Planned Development (\*) | See [YMC 15.28](#_Chapter_15.28_MASTER) | | | | | | | | | | | | | | |
| Mobile Home Parks (\*) | 2 |  |  | 2 |  |  |  |  |  |  | 2 |  |  |  |  |
| Mobile Home (\*) or Manufactured Homes (\*) | See [YMC 15.04.160](#_15.04.160_Placement_of) | | | | | | | | | | | | | | |
| Retirement Homes (\*) | 2 |  | 3 | 1 | 3 |  |  |  |  |  | 1 | 1 |  |  |  |
| Temporary Hardship Units (See [YMC 15.04.140](#_15.04.140_Temporary_Hardship)) | 2 | 2 | 2 | 2 | 2 | 2 |  | 2 | 2 |  | 2 | 2 |  | 2 |  |
| **RETAIL TRADE, AND SERVICE** |  | | | | | | | | | | | | | | |
| Adult Business Uses | See YMC 15.09.200 | | | | | | | | | | | | | | |
| Animal Clinic/Hospital/Veterinarian (\*) | 3 |  |  |  | 2 | 2 |  | 2 | 1 | 2 | 1 | 1 |  | 1 |  |
| Auction House for Goods (\*) | 3 |  |  |  |  | 2 |  | 2 | 2 |  | 1 | 1 | 2 | 1 | 1 |
| Auction House for Livestock (\*) | 3 |  |  |  |  |  |  |  |  |  |  |  |  | 2 | 2 |
| Automotive |  | | | | | | | | | | | | | | |
| Automotive Dealer New and Used Sales |  |  |  |  |  | 2 |  | 2 | 2 |  | 1 | 3 | 1 | 1 |  |
| Weekend Automobile and Recreational Vehicle (RV) Sales |  |  |  |  |  |  |  |  | 1 |  | 1 |  | 1 |  |  |
| Automotive: Car Wash / Detailing |  |  |  |  |  | 2 |  | 1 | 1 | 1 | 1 |  | 1 | 2 |  |
| Parking Lots and Garages |  |  |  |  | 2 | 1 |  | 1 | 1 | 1 | 1 | 1 | 1 | 1 |  |
| Maintenance and Repair Shops |  |  |  |  |  | 2 |  | 1 | 1 | 2 | 1 | 2 |  | 1 | 2 |
| Paint and Body Repair Shops |  |  |  |  |  | 2 |  | 2 | 1 |  | 1 |  |  | 1 | 2 |
| Parts and Accessories (tires, batteries, etc.) |  |  |  |  |  | 2 |  | 1 | 1 | 1 | 1 | 2 | 1 | 2 |  |
| Towing Services |  |  |  |  |  |  |  |  |  | 1 | 3 |  |  | 1 | 1 |
| Wrecking and Dismantling Yard (\*) & Hulk Haulers (\*) |  |  |  |  |  |  |  |  |  |  |  |  |  | 3 | 1 |
| Bail Bonds |  |  |  |  |  |  |  |  |  |  | 1 | 1 | 1 |  |  |
| Beauty and Barber Shops |  |  |  |  | 2 | 1 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 2 |  |
| Bed and Breakfast Inn (\*) | 2 |  |  | 2 | 2 |  |  | 2 | 2 |  | 2 | 1 |  |  |  |
| Boats and Marine Accessories |  |  |  |  |  | 2 |  | 2 | 1 |  | 1 |  | 1 | 1 |  |
| Butcher Shop |  |  |  |  |  | 1 |  | 1 | 1 |  | 1 | 2 | 2 | 1 |  |
| Commercial Services (\*) |  |  |  |  | 2 | 1 | 2 | 1 | 1 |  | 1 | 1 | 1 | 2 |  |
| Communication Towers (\*) | See [YMC 15.04.180](#_15.04.180_Communication_Towers.) | | | | | | | | | | | | | | |
| Convenience Store - Closed 10:00 p.m. to 6:00 a.m. |  |  |  |  |  | 1 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 2 |  |
| Convenience Store - Open 10:00 p.m. to 6:00 a.m. |  |  |  |  |  | 2 |  | 2 | 2 | 1 | 1 | 2 | 1 | 2 |  |
| Pet Daycare / Animal Training (\*) | 2 |  |  |  |  | 1 |  | 1 | 1 | 2 | 1 |  | 1 | 2 |  |
| Farm and Implements, Tools and Heavy Construction Equipment |  |  |  |  |  |  |  |  |  | 1 | 2 |  | 3 | 1 | 1 |
| Farm Supplies |  |  |  |  |  |  |  | 2 | 2 | 1 | 1 |  | 2 | 1 |  |
| Financial Institutions |  |  |  |  | 1 | 1 |  | 1 | 1 | 1 | 1 | 1 | 1 |  |  |
| Fuel Oil and Coal Distributors |  |  |  |  |  |  |  |  |  | 1 | 2 |  |  | 1 | 1 |
| Furniture, Home Furnishings, Appliances |  |  |  |  |  | 1 |  | 1 | 1 | 1 | 1 | 1 | 1 |  |  |
| General Hardware, Garden Equipment, & Supplies |  |  |  |  |  | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |  |
| General Retail Sales 12,000 sq. ft. or less (not otherwise regulated) (\*) |  |  |  |  | 2 | 1 |  | 1 | 1 | 1 | 1 | 1 | 1 | 3 |  |
| General Retail Sales greater than 12,000 sq. ft. (not otherwise regulated) (\*) |  |  |  |  |  | 2 |  | 1 | 1 | 1 | 1 | 1 | 1 | 3 |  |
| Heating and Plumbing and Electrical Equipment Stores |  |  |  |  |  | 2 |  | 2 | 1 | 1 | 1 | 1 | 1 |  |  |
| Heavy Equipment Storage, Maintenance & Repair |  |  |  |  |  |  |  |  |  | 1 |  |  |  | 1 | 1 |
| Kennels (\*) | 2 |  |  |  |  |  |  |  |  |  |  |  |  | 2 | 2 |
| Laundries, Laundromats and Dry Cleaning Plants |  |  |  |  |  | 2 | 2 | 1 | 1 | 1 | 1 | 2 |  | 1 |  |
| Liquor Stores |  |  |  |  |  | 2 |  | 2 | 1 |  | 1 | 1 | 1 |  |  |
| Locksmiths and Gunsmiths |  |  |  |  |  | 1 | 2 | 1 | 1 | 1 | 1 | 2 |  | 1 |  |
| Lumber Yards |  |  |  |  |  |  |  | 2 | 1 |  | 1 |  |  | 1 | 1 |
| Massage Therapy / Spa (\*) |  |  |  |  | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |  |  |
| Motels and Hotels |  |  |  |  |  |  |  | 2 | 1 | 1 | 1 | 1 | 1 |  |  |
| Night Clubs/Dance Establishments |  |  |  |  |  |  |  | 2 | 1 |  | 1 | 1 | 1 | 1 |  |
| Nursery (\*) | 2 |  |  |  |  | 1 |  | 1 | 1 | 1 | 1 |  | 1 | 1 |  |
| Offices and Clinics |  |  |  | 3 | 1 | 1 |  | 1 | 1 | 1 | 1 | 1 | 1 | 2 |  |
| Office Contractor Building and Trade (Plumbing, Heating, Electrical, and Painting) |  |  |  | 3 | 1 | 1 |  | 1 | 1 | 1 | 1 | 1 | 1 | 1 |  |
| Outdoor Advertising (Billboards) | See [YMC 15.08.130](#_15.08.130_–_Off-premises) | | | | | | | | | | | | | | |
| Pawn Broker |  |  |  |  |  | 2 |  | 1 | 1 |  | 1 | 2 | 1 |  |  |
| Radio/TV Studio | 3 |  |  |  | 2 | 2 |  | 1 | 1 |  | 1 | 1 |  | 2 |  |
| Recycling Drop Off Center (\*) |  |  |  |  |  | 1 |  | 2 | 2 |  | 1 | 1 | 1 | 1 |  |
| Rental: Auto, Truck, Trailer, Fleet Leasing Services with Storage |  |  |  |  | 3 | 2 |  |  | 1 | 2 | 1 | 2 | 2 | 1 | 2 |
| Rental: Heavy Equipment (except automotive) with Storage |  |  |  |  |  |  |  |  |  |  |  |  |  | 1 | 1 |
| Rental: Heavy Equipment (except automotive) without storage |  |  |  |  |  |  |  |  |  |  | 1 | 2 | 3 | 2 |  |
| Repairs: Small Appliances, TVs, Business Machines, Watches, etc. |  |  |  |  |  | 1 | 2 | 1 | 1 | 1 | 1 | 2 | 1 | 1 |  |
| Repairs: Reupholstery and Furniture |  |  |  |  |  | 1 |  | 1 | 1 | 1 | 1 | 1 | 1 | 1 |  |
| Repairs: Small Engine and Garden Equipment |  |  |  |  |  | 2 | 2 | 2 | 1 | 1 | 1 | 2 |  | 1 |  |
| Restaurant (\*) |  |  |  |  | 2 | 1 |  | 1 | 1 | 1 | 1 | 1 | 1 | 1 |  |
| Seamstress, Tailor |  |  |  |  |  | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |  |  |
| Service Station (\*) Closed Between 10:00 p.m. and 6:00 a.m. (\*) |  |  |  |  |  | 2 |  | 1 | 1 | 1 | 1 | 1 | 1 | 1 |  |
| Service Station (\*) Open Between 10:00 p.m. and 6:00 a.m. (\*) |  |  |  |  |  | 3 |  | 2 | 2 | 1 | 1 | 2 | 1 | 2 |  |
| Shooting Ranges (Indoor) |  |  |  |  |  |  |  | 3 | 3 |  | 3 | 3 |  | 1 |  |
| Signs, printed, painted or carved |  |  |  |  |  | 2 |  |  | 2 | 1 | 1 | 2 |  | 1 | 1 |
| Taverns (\*) and Bars |  |  |  |  |  | 1 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |  |
| Technical Equipment Sales (\*) |  |  |  |  | 2 | 1 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |  |
| Truck Service Stations and Shops |  |  |  |  |  |  |  |  |  |  | 3 |  | 2 | 1 | 1 |
| Truck (Large), Manufactured Home & Travel Trailer Sales |  |  |  |  |  |  |  |  |  |  | 1 |  | 3 | 1 |  |
| Waste Material Processing and Junk Handling (\*) |  |  |  |  |  |  |  |  |  |  |  |  |  | 3 | 1 |
| **TRANSPORTATION** |  | | | | | | | | | | | | | | |
| Bus Terminals |  |  |  |  |  |  |  |  |  | 1 | 1 | 1 | 1 | 1 | 1 |
| Bus Storage and Maintenance Facilities |  |  |  |  |  |  |  |  |  |  |  |  |  | 1 | 1 |
| Transportation Brokerage (\*) Offices, with Truck Parking |  |  |  |  |  |  |  |  | 2 |  | 2 |  |  | 1 | 1 |
| Contract Truck Hauling, Rental of Trucks with Drivers |  |  |  |  |  |  |  |  |  |  | 1 |  |  | 1 | 1 |
| Air, Rail, Truck Terminals (for short-term storage, office, etc.) |  |  |  |  |  |  |  |  |  | 1 |  | 2 |  | 1 | 1 |
| Railroad Switch Yards, Maintenance and Repair Facilities, etc. |  |  |  |  |  |  |  |  |  |  |  |  |  | 1 | 1 |
| Taxicab Terminals, Maintenance and Dispatching Centers, etc. |  |  |  |  |  |  |  |  | 3 |  | 3 |  |  | 1 |  |
| Airport Landing Field |  |  |  |  |  |  |  |  |  | 1 |  |  |  |  |  |
| Airport Operations (\*) |  |  |  |  |  |  |  |  |  | 1 |  |  |  |  |  |
| **UTILITIES** |  | | | | | | | | | | | | | | |
| Power Generating Facilities |  |  |  |  |  |  |  |  |  |  |  |  | 3 | 2 | 1 |
| Utility Services (substations, etc.) | 3 | 3 | 3 | 3 | 3 | 3 |  | 3 | 3 |  | 3 |  |  | 1 | 1 |
| **WHOLESALE TRADE-STORAGE** |  | | | | | | | | | | | | | | |
| Warehouses (\*) |  |  |  |  |  |  |  |  | 3 | 1 | 2 | 2 |  | 1 | 1 |
| Wholesale Trade (\*) |  |  |  |  |  |  |  |  | 2 | 1 | 1 | 2 | 1 | 1 | 1 |
| Storage Facilities, Bulk (\*) |  |  |  |  |  |  |  |  |  | 1 | 2 |  |  | 1 | 1 |
| Storage Facilities Commercial (\*) |  |  |  |  |  |  |  |  | 3 | 1 | 2 |  | 3 | 1 | 1 |
| Residential Mini-Storage (\*) |  |  |  | 3 |  | 3 |  |  |  | 1 | 2 |  | 3 | 1 | 1 |

\*Refers to definition in YMC Ch. 15.02

= Not Permitted

1 = Class (1) Permitted Use

2 = Class (2) Requires an Administrative Review by the Administrative Official

3 = Class (3) Requires a Public Hearing by the Hearing Examiner

### 15.04.040 – Unclassified Uses

Any use not listed in [Table 4-1](#_TABLE_4-1) is an unclassified use and shall be permitted only in those districts so designated by the Hearing Examiner. Any unclassified use permitted in a particular zoning district shall be allowed only as a Class (2) or (3) use. The Hearing Examiner shall follow the provisions of [YMC Ch. 15.22](#_Chapter_15.22_–) when determining which zoning districts are appropriate for a particular unclassified use.

### 15.04.050 – Zero Lot Line Development

1. **Purpose**. Zero lot line development for single-family dwellings may be permitted in order to promote efficient land use, permit a more energy efficient arrangement of structures, protect environmentally sensitive area, or provide more usable private or community open space.
2. **Review Required**. Zero lot line development in subdivisions and short subdivisions approved after the effective date may be approved by Type (2) review. Zero lot line developments may also be approved on lots created before the effective date by Type 3 review.
3. **Zero Lot Line Development Standards**. See [YMC 15.09.040](#_15.09.040_–_Zero).

### 15.04.060 – Accessory uses

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

B.   On-site hazardous waste treatment and storage is permitted as an accessory use in the SR, B-1, B-2, HB, LCC, CBD, GC, M-1 and M-2 districts, subject to the state siting criteria in the Washington Administrative Code adopted pursuant to the requirements of RCW Chapter 70.105.

C.   Garages. Private garages are permitted as an accessory use; provided, that in residential districts they are primarily used to store motor vehicles by the occupants of the residence.

D.   Pets. The keeping of pets is permitted as an accessory use provided, that in residential districts they are subject to the following restrictions (see definition of “kennel” and “animal husbandry”):

1. They are domesticated animals kept for pleasure or as a hobby rather than utility, including, but not limited to fish, birds, dogs four (4), cats six (6), hen chickens (no roosters) fewer than five (5), and rabbits fewer than five (5).
2. Their presence does not create undue noise or odors such as would create a nuisance or diminish the residential nature of the neighborhood;
3. Such animals are properly fed, watered and kept in a humane manner;
4. Any chicken coops, chicken tractors, or rabbit hutches shall be setback ten (10) or more feet from any residence or property line, and five (5) feet from other structures including decks;
5. Hen houses, coops, hutches, and chicken tractors shall be restricted to the backyard area of a residential lot;
6. For chickens and rabbits, adequate fencing shall be installed to contain the animals within the back yard.
7. The other provisions of the YMC for animals are followed.

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

F. Cargo Containers.

* 1. Not Permitted. Cargo containers shall not be used for storage or other use within the residential, B-1, or B-2 zoning districts for more than two consecutive weeks at a time.
  2. Permitted. Cargo containers and/or semi-truck trailers are allowed as an accessory use to a permitted business in the SCC, LCC, AS, GC, RD, M-1 and M-2 zoning districts.

a. Provided, all refrigerated cargo containers or semi-truck trailers that are not located within a designated loading dock or loading bay shall be located no less than 50 feet from any existing residential zoning district.

### 15.04.070 – Overlays

1. **Purpose**. Overlay standards and criteria are established to coordinate the provisions established in the zoning ordinance with more detailed policies and standards adopted in other plans and ordinances for the Yakima River Greenway Overlay, Institutional Overlay and Floodplain Overlay. The Airport Safety Overlay is established separately pursuant to [YMC Ch. 15.30](#_Chapter_15.30_AIRPORT), and is expressly exempted from the provisions of this section. All Overlays are specifically governed by other sections.
2. **Project Review in Overlay**. In order to assure the appropriate standards are applied:
   1. All Class (1) uses in an overlay unless otherwise specified shall be subject to Type (2) review ([YMC Ch. 15.14](#_CHAPTER_15.14_–)).
   2. All Class (2) uses shall be subject to Type (2) review and Class (3) uses in an overlay shall be subject to Type (3) review.
3. **Specific Development Standards for** **Overlays**. See [YMC 15.09.020](#_15.09.020_–_Special).

### 15.04.080 – Drive-Thru Facilities

1. **Review Required**. Any commercial use having a drive-thru service window or booth shall require one higher type of review than shown in [Table 4-1](#_TABLE_4-1), except:
   1. Those noted as a Class 3 use requiring a Type (3) review shall remain a Type (3) review; and,
   2. Financial institutions or properties that do not abut residential zones.
2. **Purpose**. Such review is required in recognition of the potential impacts of drive-thru uses on adjoining residential uses and the transportation system.
3. **Elements of Review**. Review is intended to modify or mitigate negative impacts upon adjoining residential uses and the transportation system. The review of a Drive-thru facility shall include consideration of impacts from the following: noise from the drive-through speaker and/or car radio, glare from vehicle head lights and exterior lighting fixtures, fumes to residential uses, and impacts to transportation traffic flow and carrying capacity of the arterial street system. The proposed site will require an onsite interior parking circulation plan as defined by [YMC 15.06.030](#_15.06.030_General_provisions) & [15.06.080](#_15.06.080_Site_plan).
4. **Definition**. For purposes of this section, “drive-thru” facilities mean a window or station for providing service to customers who remain in their vehicle to conduct a business transaction, excluding gas stations and car washes.

### 15.04.090 – Yard Sales

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

* 1. Only two yard sales per dwelling unit per year shall be allowed; and,
  2. Each yard sale shall not exceed three days in duration.

### 15.04.100 – Caretaker Dwellings

Caretaker dwellings or shelters for the occupancy of guards, watchmen, or caretakers are permitted as accessory uses in the GC, M-l, and M-2 districts. Caretaker dwellings or shelters are also permitted in the B-2, SCC, LCC, and CBD districts when the dwelling is located within the structure used for the principal use. No other dwellings unit(s) or shelter(s) shall be allowed on the same parcel.

### 15.04.110 – Swimming Pools

Swimming pools are permitted as an accessory use to: dwellings, hotel/motels, boardinghouses, retirement homes, and other residential uses; schools, and recreational facilities when all of the provisions of [YMC 15.05.020(K)](#_15.05.020_–_Site) are met.

### 15.04.120 – Home Occupation

1. **Purpose**. The conduction of a business within a dwelling may be permitted, in the residential districts under the provisions of this section. It is the intent of this section to:
   1. Insure the compatibility of home occupations with other uses permitted in the residential districts;
   2. Maintain and preserve the character of residential neighborhoods; and,
   3. Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial uses.
2. **Table of Permitted Home Occupations**. [Table 4-2](#_TABLE_4-2_TABLE) titled “Permitted Home Occupations,” is incorporated as a part of this section. Each permitted home occupation listed in Table 4-2 is designated as a Class (1), (2), or (3) use for a particular residential zoning district. All permitted home occupations are subject to the standards, including the specific conditions of [YMC 15.04.120(C)](#_15.04.120_–_Home) and the applicable review procedures of [YMC Ch. 15.13](#_CHAPTER_15.13_–), [15.14](#_CHAPTER_15.14_–), and [15.15](#_CHAPTER_15.15_–). Specific uses not permitted as home occupations are listed in [YMC 15.04.120(G)](#_15.04.120_–_Home).

### Table 4-2 Table Of Permitted Home Occupations

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | ZONING DISTRICT | | | | |
| SR | R1 | R2 | R3 | B1 |
| Accountant | 1 | 1 | 1 | 1 |  |
| Architect | 1 | 1 | 1 | 1 |  |
| Artist, author, arts and crafts | 1 | 1 | 1 | 1 |  |
| Attorney | 1 | 1 | 1 | 1 |  |
| Barbershop, beauty parlor | 2 | 2 | 2 | 2 |  |
| Bed and breakfast\* | 1 | 2 | 1 | 1 |  |
| Business Administration | 1 | 1 | 1 | 1 |  |
| Cabinet, mill work, carpentry work | 2 |  |  |  | 2 |
| Catering Service | 2 | 2 | 2 | 2 | 2 |
| Ceramics and sculpting | 2 | 2 | 2 | 2 |  |
| Composer | 1 | 1 | 1 | 1 |  |
| Daycare, Family Home\* | 1 | 1 | 1 | 1 | 1 |
| Dentist | 1 | 2 | 2 | 2 |  |
| Dog Grooming | 2 | 3 | 3 | 3 | 3 |
| Dressmaker, seamstress, tailor | 1 | 1 | 1 | 1 |  |
| Engineer | 1 | 1 | 1 | 1 |  |
| Food Preparation\* | 1 | 2 | 1 | 1 | 1 |
| Home Instruction\* 1—5 Students | 1 | 1 | 1 | 1 | 1 |
| 6—8 Students | 2 | 2 | 2 | 2 | 2 |
| Insurance Agent | 1 | 1 | 1 | 1 |  |
| Locksmith | 1 | 2 | 2 | 1 | 1 |
| Photographer (not including productions studio) | 1 | 2 | 2 | 2 |  |
| Physician | 1 | 2 | 2 | 2 |  |
| Product Assemblage\* | 1 | 2 | 2 | 2 | 1 |
| Massage Therapy/Spa\* | 1 | 1 | 1 | 1 | 1 |
| Music Teacher | 1 | 1 | 1 | 1 |  |
| Production of small articles by hand without the use of automated or production line equipment | 1 | 2 | 2 | 2 |  |
| Radio, Television and Small Appliance Repair | 2 | 2 | 2 | 2 |  |
| Real Estate Agent | 1 | 1 | 1 | 1 |  |
| Secretarial, Phone Answering, Desk Top Publishing Service\* | 1 | 1 | 1 | 1 |  |
| Small Engine Repair | 2 |  |  |  |  |
| Wedding Service | 2 | 2 | 2 | 2 | 2 |
| Unclassified Home Occupations: See [YMC 15.04.120(F)](#_15.04.120_–_Home) |  |  |  |  |  |
| Refers to definition in YMC Ch. 15.02  1 = Type (1) Permitted Home Occupation  2 = Type (2) Review and Approval by the Administrative Official  3 = Type (3) Review Public Hearing and Approval by the Hearing Examiner required  = Not Permitted | | | | | |

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

In granting approval for a home occupation, the reviewing official may attach additional conditions to insure the home occupation will be in harmony with, and not detrimental to, the character of the residential neighborhood. Any home occupation authorized under the provisions shall be open to inspection and review at all reasonable times by the building and enforcement official for purposes of verifying compliance with the conditions of approval and other provisions.

1. **Nameplates**. Only one nameplate shall be allowed. It may display the name of the occupant and/or the name of the home occupation (e.g. John Jones, Accountant). The nameplate shall be attached to the dwelling, but shall not exceed two square feet in area or be illuminated.
2. **Application Fee, and Review Period**. Application for a home occupation shall be made in accordance with the provisions of [YMC Ch. 15.11](#_CHAPTER_15.11_–), except as noted, and shall be accompanied by the appropriate filing fee. The administrative official may waive part or all of the requirements for a site plan for Class (1) home occupations.
3. **Unclassified Home Occupation, Review by the Hearing Examiner**. Home Occupations not listed in [Table 4-2](#_TABLE_4-2_TABLE) shall be reviewed by the Hearing Examiner in accordance with the provisions of [YMC Ch. 15.22](#_Chapter_15.22_–). Provided, any unclassified home occupation permitted after review and decision by the hearing examiner in a particular district shall be allowed only as a Class (2) or (3) use.
4. **Home Occupations Not Permitted**. The following uses, by the nature of their operation or investment, have a pronounced tendency, once started, to increase beyond the limits permitted for home occupations and impair the use and value of residentially zoned area for residential purposes. Therefore, the uses listed below shall not be permitted as home occupations:
   1. Auto repair;
   2. Antique shop or gift shop;
   3. Kennel;
   4. Veterinary clinic or hospital;
   5. Painting of vehicles, trailers or boats;
   6. Large appliance repair including stoves, refrigerators, washers and dryers;
   7. Upholstering;
   8. Machine and sheet metal shops;
   9. Martial arts school;
   10. Taxidermist;
   11. Two-way radio and mobile telephone system sales and service;
   12. Vehicle sign painting (except for the application of decals); and,
   13. Firearms sales and/or gunsmith.
5. **Denial of Application for a Home Occupation**. An application for a home occupation shall be denied if the Administrative Official finds that either the application or record fails to establish compliance with the provisions of this Chapter. When any application is denied, the Administrative Official shall state the specific reasons and cite the specific provisions and sections on which the denial is based.
6. **Parking**. The Administrative Official shall determine the parking requirements for home occupations, as provided by [YMC 15.06.040(B)](#_15.06.040_Off-street_parking). This determination shall be guided by, but not restricted by, the standards of [YMC Ch. 15.06](#_CHAPTER_15.06).

### 15.04.130 – Temporary Use Permits

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

### 15.04.140 – Temporary Hardship Unit Permits

1. In addition to the maximum number of dwelling units permitted on a lot, a mobile/manufactured home may be permitted as a temporary use in all zoning districts. Applications for a temporary hardship unit permit shall be subject to Type (2) review and shall only be issued when all of the following conditions are met:
   1. The applicant provides a physician’s statement certifying the accessory living quarters are for a person(s) requiring daily care or supervision;
   2. The temporary hardship unit meets the minimum setback and height standards for principal uses in the applicable district;
   3. The temporary hardship units and principal dwelling together do not exceed the lot coverage standards for the applicable district;
   4. The temporary hardship unit has an approved sewage disposal system, water supply, and electrical connection prior to occupancy;
   5. The approval of the unit will not materially harm the public interest, the intent of the district, or the character of the neighborhood; and,
   6. No rent, fee, payment, or charge in lieu thereof may be made between the recipient and providers of special care for use of the temporary hardship unit.
2. Only one temporary hardship unit shall be permitted on a parcel.
3. Temporary hardship unit permits shall be subject to annual renewal, at which time the building official/planning department shall review and certify the justification for continuation of the use, or terminate the permit. The temporary hardship unit shall be removed within ninety days from termination of the use or revocation of the permit. The responsibility for applying for and obtaining an extension of the temporary use permit shall be solely that of the permit holder.

### 15.04.150 – Standards for Mobile/Manufactured Home Parks

1. **Purpose**. The purpose of this section is to establish standards and criteria for development and expansion of mobile/manufactured home parks within the urban area. These standards are provided to ensure uniform, coordinated development of mobile/manufactured home parks and to ensure the general health, welfare, and safety of the occupants of mobile/manufactured homes that may be located within a park developed under these standards. These standards shall be applied in a manner that stresses minimizing costs. Alternatives that reduce costs and meet the intent of these standards will be encouraged.
2. **Site Plan Requirements**. All proposals for mobile/manufactured home parks shall include a site plan based upon a land survey drawn by a licensed architect, engineer, or surveyor and shall include the following information in addition to the standard information required for site plans:
   1. All spaces shall be clearly delineated on the site plan and include dimensions and square footage for each space;
   2. A building envelope shall be shown within each space;
   3. Unit setbacks shall be shown for each space;
   4. The location of required parking for each unit shall be shown on the site plan;
   5. Streets shall be shown on the site plan;
   6. Signage for the park and directional signage shall be shown on the site plan;
   7. The location of all solid waste containers and screening of containers shall be shown on the site plan; and,
   8. All facilities, utilities, improvements, and amenities shall be shown on the site plan including pathways, sidewalks, and recreational facilities.
3. **Development Standards**. All mobile/manufactured home parks shall be developed in compliance with the underlying zoning district and shall be in compliance with this section. The density of a park or park expansion shall not exceed the density of the underlying zoning of district. All required site improvements shall be installed prior to placement of units in the park. Additional site improvements may be required by the reviewing official.
   1. Minimum Space Size and Width. The minimum space size and width for a mobile/manufactured home park, exclusive of streets, shall meet the lot size, lot width, and all other standards for detached single-family dwellings, as shown on [Table 5-2](#_Table_5-2_Subdivision). Space size may be reduced with the provision of improvements in accordance with the following:

a. Provision of Recreational Areas. Space size requirements of the underlying district may be reduced by a maximum of ten percent with the provision of a developed recreational area for use by the residents. The area shall be suitable for active recreation and shall consist of a minimum of ten percent of the park area.

b. Provision of Sidewalks. Space size requirements of the underlying district may be reduced by a maximum of ten percent with the provision of sidewalks a minimum of four feet in width, serving at least one side of each street and all recreational areas.

c. Provision of Curbs, Gutters and Sidewalks. Space size requirements of the underlying district may be reduced by a maximum of ten percent with the provision of curbs, gutters, and sidewalks on both sides of the street.

d. Cumulative Space Size Reduction. Space size may be reduced up to twenty percent with the provision of any combination of items in subsections (C) (1) (a) – (c) above.

* 1. Internal Street Paving. A minimum of twenty-four feet of paved internal street shall be required for access to each unit, paved in accordance with [YMC 15.06.110](#_15.06.110_–_Construction).
  2. Off-Street Parking. Two paved off-street parking spaces shall be provided for each unit in accordance with this title, [YMC Ch. 15.06](#_CHAPTER_15.06).
  3. Street Lighting. A street light shall be provided at each street intersection within the park.
  4. Right-of-Way Dedication and Frontage Improvements. Appropriate provisions for right-of-way dedication and right-of-way improvements adjacent to the park shall be made, including street paving, sidewalks, curb, gutter, and street lighting. Improvements shall be installed prior to placement of units in the park, unless an appropriate bond or instrument acceptable to the appropriate jurisdiction is provided to guarantee installation of improvements.
  5. Street Signs and Internal Directional Signs. All streets within the park shall be named utilizing blue street signs consistent with appropriate jurisdictions public street signs. Internal directional signs indicating unit/space numbers shall be placed at all street intersections within the park.
  6. Utilities. All utilities shall be installed prior to placement of units in the park including irrigation, domestic water, and sewer. All utilities shall be installed underground including electrical distribution, telephone, and cable TV. The internal water system shall include fire hydrants located at the direction of the appropriate jurisdiction’s fire department.
  7. Minimum Unit Separation. Units shall be separated by a minimum of ten feet, measured from the furthest extremity of each unit, including stairways.
  8. Perimeter Sitescreening and Landscaping. The perimeter of a park shall be sitescreened with a six-foot-high, view-obscuring fence and shall include at a minimum a ten-foot-wide landscape strip adjacent to the fence and within the park consisting of a combination of shrubs, trees, and groundcover.
  9. Stormwater Drainage. All stormwater drainage shall be retained on site and a drainage plan shall be approved by the appropriate jurisdiction.
  10. Dumpsters/Solid Waste Containers. Dumpsters and solid waste containers shall be provided, for common use, and shall be screened with a six-foot-high, view-obscuring fence or wall and access gate.
  11. Play Area Requirement. Each unit shall provide a play area for children contained within the unit’s space, consisting of a minimum size of six hundred square feet and a minimum width of fifteen feet.

1. **Expansion** **of** **Existing** **Mobile**/**Manufactured** **Home** **Parks**. All standards of this section shall apply to expansion of existing mobile home parks. The standards shall not apply to existing areas of a park not being expanded. The examiner may, at his or her discretion, reduce one or more standards of this section for newly expanded areas of a park if expansion plans also include improvements to the existing park area.
2. **Maintenance of Common Areas, Landscaping and Open Space/Recreational Areas**. All common areas and facilities (including streets, walkways, utilities, landscaping, storage areas, open space, and recreational areas) shall be continuously maintained in good condition by the park owner or designated homeowner’s association. An irrigation system shall be installed for maintenance of landscaping and recreational/open space areas that would normally require irrigation.
3. **Planned Development Under The Provisions Of Title**. Development of a mobile/manufactured home park may be accomplished under the planned development provisions. (See [YMC Ch. 15.28](#_Chapter_15.28_MASTER))

### 15.04.160 Placement of mobile/manufactured homes in residential districts.

A.   **Purpose**. The provisions established herein are intended to assure that the siting of manufactured homes is harmonious with the surrounding residential uses and preserves the general character and integrity of the neighborhood.

B.   **Table of Review Requirements for Mobile/Manufactured Homes**. Table 4-3 titled “Review Requirements for Mobile/Manufactured Homes” is incorporated as a part of this section. The table indicates in which residential districts mobile/manufactured homes may be permitted as a Class (1), (2) or (3) use. All manufactured homes on individual lots are subject to the specific conditions of subsection C of this section and the applicable review procedures of YMC Chapters [15.13](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1513.html#15.13), [15.14](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1514.html#15.14) and [15.15](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1515.html#15.15).

C.   **Siting Standards**. All manufactured homes shall be installed in compliance with applicable codes. In addition, manufactured homes installed in the residential districts, not in manufactured home parks, may be required to meet the following siting standards:

* 1. Roof Slope. Roof slope shall be not less than a two-foot rise for each twelve feet of horizontal run.
  2. Roofing Materials. Roofing materials shall be compatible in appearance with surrounding site-built homes.
  3. Siding Materials. Siding materials shall be wood, masonite, or other material compatible with surrounding site-built homes.
  4. Pit Set. Manufactured homes shall be “pit set” with first floor elevation no more than twelve inches above finished grade. The pit shall be of sufficient depth to accommodate eighteen inches clearance below the frame of the unit with crawlspace access located near utility connections. The foundation shall be installed in compliance with the requirements of the Washington Administrative Code. Skirting or side walls shall be installed around the perimeter and the tongue and axle shall be removed.

D.  **Replacement of a Nonconforming Mobile Home on an Individual Lot with Another Mobile Home or Manufactured Home.**

Type (1) review shall be used to replace a nonconforming mobile home with another mobile home that is newer and the same size.

Type (1) review shall also be used to replace a nonconforming mobile home with a manufactured home.

Type (3) review shall be used to replace a nonconforming mobile home with another mobile home that is larger size. A nonconforming mobile home cannot be replaced with an older mobile home.

E.   **Replacement of an Existing or Approved Manufactured Home on an Individual Lot with Another Manufactured Home**. Type (1) review shall be used to replace an existing or approved manufactured home with another manufactured home that is newer and the same size or larger. The modification provisions of YMC Chapter [15.17](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1517.html#15.17) shall be used to replace a manufactured home with another manufactured home that is smaller.

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

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

### Table 4-3 – Review Requirements For Mobile/Manufactured Homes Previously Titled

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | Approved or Existing Mobile Home Parks | Approved or Existing Manufactured Home Subdivisions | On Individual Lots | | | |
| SR | R1 | R2 | R3 |
| Mobile Homes | 1 |  |  |  |  |  |
| Single-Wide (not meeting YMC [15.04.160(C)](#_15.04.160_–_Placement) | 1 | 2 | 2 |  | 3 | 3 |
| Single-Wide (meeting YMC [15.04.160(C)](#_15.04.160_Placement_of)) | 1 | 1 | 1 | 3 | 2 | 2 |
| Multi-Wide (not meeting YMC [15.04.160(C)](#_15.04.160_Placement_of)) | 1 | 1 | 2 |  | 3 | 3 |
| Multi-Wide (meeting YMC [15.04.160(C)](#_15.04.160_Placement_of)) | 1 | 1 | 1 | 2 | 2 | 2 |
| \*Refers to definition in YMC Ch. 15.02  1 = Type (1) Permitted Use  2 = Type (2) Requires an Administrative Review and approval by the Administrative Official (YMC Ch. 15.14)  3 = Type (3) Requires a Public Hearing and Approval by the Hearing Examiner (YMC Ch. 15.15)  = Not Permitted | | | | | | |

### 15.04.170 – Placement of Manufactured Modular Nonresidential Structures

1. **Purpose**. To assure public safety and compatibility with the general character and integrity of the district.
2. **Standards**. Modular, non-residential structures are permitted in all districts, subject to compliance with other standards of the district.
3. **Definition**. A modular nonresidential structure manufactured with the intent of being transported to a fixed site and built in accordance with the Building Code as adopted by the appropriate jurisdiction.

### 15.04.180 – Communication Towers

The following provisions shall govern the placement of communication towers within the Urban Growth Area:

1. Communication Towers less than thirty-five feet in height require a Type (1) review to ensure compliance with minimum setbacks and Building Code requirements;
2. Communication Towers thirty-five feet or greater in height require a Type (2) review to ensure compliance with setback provisions and other permit procedures are reviewed and met; and,
3. Communication Towers more than fifty-five feet in height shall follow the review procedures for Class (3) uses and shall meet all the provisions and the building code.

### 15.04.190 – Social Card Rooms

In zones where allowed, no social card room shall be permitted within five hundred (500) feet of any public school, private school (meeting the requirements for private schools under RCW Title 28A), church, or park; as measured according to RCW 66.24.010(9) or as the same may be hereafter amended.

### 15.04.200 – State Fair Park – Exposition & Special Events Center

1. **Purpose**. To establish permitted uses and special development standards for the very unique fixed campus of uses and activities of the Central Washington Fairgrounds, hereafter known as the State Fair Park—Exposition and Special Events Center. This section is intended to provide regulatory guidance that will ensure production integrity and economic performance of existing uses and continued development of the campus. The State Fair Park produces and hosts activities in multi-use facilities established specifically to address the unique market response, operations, and sustainable economic performance requirements of the exposition and special events industry, which includes: production and operational requirements of the annual Central Washington State Fair and non-fair events and use activities; a broad array of land uses and the overall mix of types of uses found to be consistent with the state statutory authorizations for agricultural fairs (RCW Ch. 15.76) and county fairs (RCW Ch. 36.37); in addition to those uses allowed in the General Commercial (GC) zoning district.
2. **Special Definitions**. The area of land currently occupied by the Central Washington State Fair, now named “State Fair Park,” is a unique fixed campus dedicated to providing a special venue for community use, commercial use, trade shows and exposition uses, special event uses, destination attraction uses, permitted uses and similar events. The following special definitions describe broad categories of uses, events and activities allowed within the campus. Each special definition is followed by a representative list of examples to illustrate a range of allowable uses that the campus site might host. The lists are not all inclusive; new uses and activities determined to be consistent with these special definitions may be added/included through the similar use, use interpretation and unclassified use review processes of this Chapter as they are identified.
   1. Community Uses, Events, or Activities serve local or area community, social, cultural and service organizations, and local, state and federal agencies. The activities are “nonrevenue generating,” meaning that the event may pay a use fee, but does not facilitate commercial product sales or services where revenues are for profit or financial gain of an individual, corporation or privately held organization. Those entities that generally qualify for community event status are local and area civic groups, service clubs, nonprofit associations, schools and universities, county and city government and other organizations that promote socio-economic well-being, serve a particular class of people, promote quality of life and respond to the safety and welfare of the general public.

|  |  |
| --- | --- |
| Banquets; | Meetings/retreats; |
| Church groups; | Parties/socials; |
| Clinics; | Picnics; |
| Conferences; | Political fundraisers; |
| Dance classes; | Professional/vocational education; |
| Day camps; | Recreation/leisure classes; |
| Emergency services; | Self-improvement; |
| Family reunions; | Service club fundraisers; |
| Fashion apparel; | Training classes; |
| Home improvement; | Weddings/receptions; and, |
| Classes; | Youth equestrian activities. |

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

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

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

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

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

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

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

1. **Allowable Uses**. The following uses, including related events and activities are allowed within the State Fair Park subject to SEPA mitigation where required, the development standards of this code and other construction permit requirements:
   1. Existing uses of the State Fair Park campus shall be considered Class (1) uses.
   2. Uses identified in YMC [15.04.200](#_15.04.200__State), Special Definitions, or uses determined by the Administrative Official to be consistent with, and similar to, those Special Definitions uses as may be determined in accordance with [YMC 15.22.050(3)](#_15.22.050_–_Use) shall be considered Class (1) uses.
   3. Uses in [Table 4-1](#_TABLE_4-1) of the GC district, not otherwise listed in [YMC 15.04.200](#_15.04.200__State), Special Definitions, shall be allowed according to the type of review indicated.
   4. [YMC 15.22.050(1)](#_15.22.050_–_Use), Use interpretations, decisions by the hearing examiner.
2. **Annexation—State Fair Park**. The annexation of the State Fair Park into the City of Yakima shall not alter any lease agreement by and between Yakima County as lessor and the Central Washington State Fair Association as lessee, or any powers or responsibilities of Yakima County or its lessee relative to the Central Washington State Fair or other activities at the State Fair Park that are subject to the provisions of Chapter 15.76 or Chapter 36.37 RCW or other state law. Any future proposed amendments to the Yakima Urban Area Zoning Ordinance that would or may affect the operations of the State Fair Park shall be processed in accordance with the ordinary course of administering proposed ordinance amendments.

## CHAPTER 15.05 – SITE DESIGN AND IMPROVEMENT STANDARDS

**Sections:**

[**15.05.010**](#_15.05.010_Purpose) **Purpose**

[**15.05.020**](#_15.05.020_Site_Design) **Site Design Requirements And Standards**

[**15.05.030**](#_15.05.030_Creation_of) **Creation of New Lots—Subdivision Requirements**

[**15.05.040**](#_15.05.040_–_Vision) **Vision Clearance**

[**15.05.050**](#_15.05.050_–_Street) **Street Right-Of-Way Dedication**

[**15.05.055**](#_15.05.055_–_New) **New Development Improvement Standards**

[**15.05.060**](#_15.05.060_–_Administrative) **Administrative Adjustment of Certain Basic Development Standards Allowed**

### 15.05.010 Purpose.

### The purpose of this section is to establish certain basic development requirements. These are the minimum criteria that must be met to assure land use compatibility and promote the public health, safety and welfare. Some of these requirements are flexible and the administrative official or hearing examiner may adjust them under YMC Chapter [15.10](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1510.html#15.10). (Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986).

### 15.05.020 Site design requirements and standards.

A.  **Table of Site Design Standards and Subdivision Requirements**. The provisions of this chapter and the requirements in Table 5-1 and Table 5-2 are established for all development in the zoning districts indicated.

B.   **Development on Nonconforming Lots**. Development on nonconforming lots is governed by this section and YMC [15.19.040](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1519.html#15.19.040). Except as limited by this title, any permitted use may be allowed on any lot legally created prior to the adoption of this title. Such development and structures are subject to the following additional provisions:

1. Detached single-family dwellings erected on nonconforming lots must meet the following criteria:

a.    The setback dimensions of the structure conform to the regulations of this title;

b.    The lot has at least twenty feet of frontage on, or a minimum twenty-foot-wide access easement to, a public or private road;

c.    All other site design and development criteria other than the lot size requirements of Table 5-2 are met.

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

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

4.   Zero lot line, common wall, duplex or multifamily development are not allowed on such lots in the SR and R-1 zones unless such development is the replacement or reconstruction of a destroyed or damaged existing use, as defined in YMC 15.19.

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

C.   **Maximum Lot Coverage**. Maximum lot coverage is the percentage of net land area of a site that can be covered with structures and other impervious surfaces. The maximum lot coverage in each district is shown in Table 5-1. In the SR and R-1 districts, this standard is intended to protect the open character of each district, and ensure that land is available to accommodate septic tanks and drainfields. The intent in the R-2 and R-3 districts is to provide areas for landscaping and recreation. Maximum lot coverage requirements in the commercial districts are intended to promote development consistent with the character of the district, protect setbacks, and provide the opportunity to integrate open space and landscaping plans into the design and placement of the structure and off-street parking.

D.   **Structure setbacks.** Are the minimum structure setbacks permitted in a particular zoning district with Type (1) review. In the residential districts, structure setbacks are intended to provide privacy, light, air and emergency access. Setbacks along easements and rights-of-way are intended to minimize the impacts from traffic on adjoining property owners. In the commercial districts, building setbacks provide visual clearance along streets and areas for sitescreening and landscaping. Structure setbacks are required in the industrial districts to provide fire protection, emergency access, and to reduce impacts on adjacent districts of lower intensity. No structure shall be built or located on or in an easement. The use of an access easement by a structure shall only be allowed upon vacation/alteration of the easement in accordance with provisions established in the city/county subdivision ordinance. The standard structure setback in each district is shown in Table 5-1.

E.   **Setbacks for Residential Accessory Structures**.

1. Residential Accessory Structures Requiring a Building Permit: The minimum setback for residential accessory structures in the residential districts shall be at least five feet from the side property line, five feet from the rear property line, and up to, but not within, the required front yard setback; provided, that the accessory structure(s) shall not encroach on a public easement and applicable street setbacks are observed.
2. Residential Accessory Structures Not Requiring a Building Permit: The minimum setback for a residential accessory structure in a residential district shall be at least five feet from all side and rear property lines, existing structures, and up to, but not within the required front yard setback provided that the accessory structure shall not encroach on an easement.

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

G.   **Fences and Walls—Standard Height**. The following provisions shall govern the location and height of fences and walls:

1.   In the front yard: fences and walls may be placed on or behind the property line. However, no fence or wall shall exceed four feet in height within the required front yard setback area. In residential districts, six feet shall be the maximum height in the front yard behind the required setback. See Figure 5-1, Typical Residential Fence Location. In commercial and industrial districts, eight feet shall be the maximum height in the front yard behind the required setback.

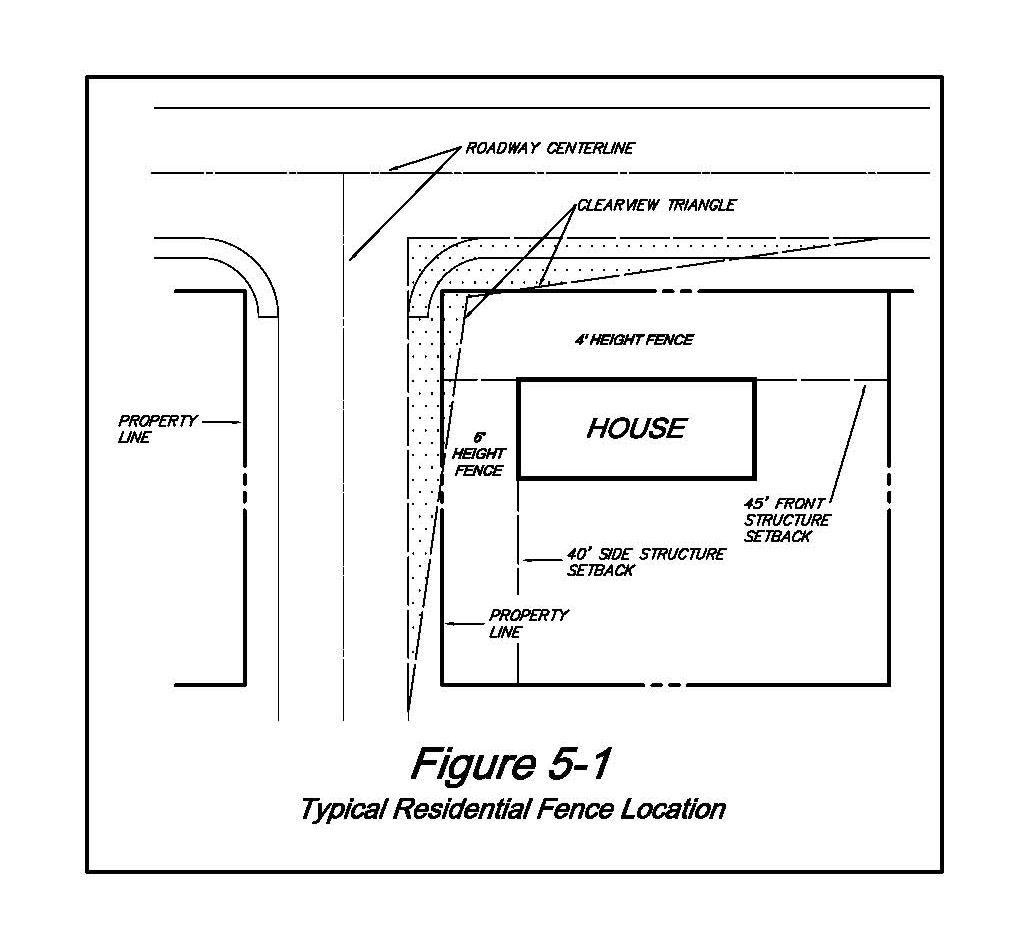
2.   In the side yard and street side yard: fences and walls may be placed on or behind the property line. In residential districts, six feet shall be the maximum height, provided that no six foot street side yard fence shall extend past the front corner of the dwelling into the front yard or be located within the clearview triangle. See Figure 5-1, Typical Residential Fence Location. In the commercial and industrial districts, eight feet shall be the maximum height.

3.   In the rear yard: fences and walls may be placed on or behind the property line. In the residential districts six feet is the maximum fence or wall height in the rear yard; provided, that when the rear yard abuts a designated arterial, the maximum height shall be eight feet. Eight feet is the maximum rear yard fence height in the commercial and industrial districts.

4. Within the clearview triangle: no fence, hedge or wall, exceeding 2.5 feet in height, shall be placed in the clearview triangles established in YMC [15.05.040](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1505.html#15.05.040).

5. Fences over six feet in height: All fences over six feet in height shall meet the provisions of the International Building Code.

6. Fence height in combination with a retaining wall: No combination of a fence and retaining wall shall exceed a height of ten feet, measured from the lower elevation, except, existing retaining walls at the time of the passage of this title will be allowed a three-and-one-half-foot fence above the retaining wall.



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

I.    **Recreational Screen**. A recreational screen is a protective device for recreational purposes designed to keep recreational equipment within or outside of a designated area. Such uses are typically associated with schools, parks, golf courses, swimming pools, ballfields, and playgrounds. The specific standard for screen height in Table 5-1 does not apply to recreational screening as established by this title. The height and materials for screens will be evaluated by the administrative official based on the need, safety requirements, and relationship to residential and commercial properties and streets.

J.    **Sidewalk Requirement**. Sidewalks on one side of the street are required with new construction (except single-family structures). A sidewalk is required if one exists within two hundred feet of the development on the same side of the street. Replacement of existing sidewalk is required only if existing sidewalk presents a safety hazard, except that for applications under the jurisdiction of the City of Yakima, the provisions of Title 12 of the Yakima Municipal Code shall prevail over the provisions of this section to the extent of any conflict between such provisions.

K. **Swimming Pools**. Swimming pools are permitted as an accessory use to: dwellings, hotels/motels, boardinghouses, retirement homes, other residential uses, schools, and recreational facilities when all of the following provisions are met:

1. Setbacks.

a. Front yard: The swimming pool, apron, and pumphouse meet the required front yard setback in Table 5-1.

b. Side and rear yard: The swimming pool and pumphouse are set back at least three feet from the property line. The swimming pool apron may extend up to the property line.

c. From an easement: The swimming pool, apron, and pumphouse may extend up to, but shall not encroach upon, an easement.

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

L. **Development within the State Fair Park**. The following structures may be developed, maintained, altered, expanded, or erected within the State Fair Park without further zoning review provided such development is consistent with YMC [15.04.200](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1504.html#15.04.200)(C), Allowable Uses, SEPA mitigation where required, the development standards of this code and other construction permit requirements:

1. Administrative and operational offices.

2. Auditoriums, meeting and exhibit halls.

3. Bars and drinking facilities.

4. Campgrounds.

5. Caretaker and/or employee residential quarters.

6. Equestrian facilities.

7. Exposition structures.

8. Grandstand facilities.

9. Libraries and museums.

10. Livestock barns.

11. Motorized sports facilities.

12. Parking facilities.

### 15.05.030 Creation of new lots—Subdivision requirements.

A. **Table of Subdivision Requirements**. The provisions of this section and the requirements set forth in Table 5-2 are hereby established for all subdivisions in the zoning districts indicated. In the case of conflict between the text and tables, the text shall govern. Additional subdivision requirements are established in YMC Title [14](http://www.codepublishing.com/WA/Yakima/Yakima14/Yakima14.html#14).

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

1.    Assure that residential densities in new subdivisions, multifamily developments, or planned residential developments are compatible with the existing or planned level of public services and the density of the zoning district;

2.    Permit the clustering of dwelling units (when clustering occurs, open space shall be provided in accordance with YMC [15.09.030](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1509.html#15.09.030)); and

3.    Permit a variety of residential dwelling types within a development.

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

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

Any fraction of a dwelling unit shall be rounded up to the next whole number if 0.5 or over or down to the next whole number if less than 0.5. Once approved under the provisions of this title, no subdivision, resubdivision, or short subdivision shall be further modified or divided in a manner that will raise the density of the subdivision beyond the maximum number of dwelling units permitted per net residential acre by Table 5-2; provided, that development exceeding the maximum number of dwelling units per net residential acre may be allowed in the R-1 and R‑2 districts as a Class (3) use in accordance with Table 4-1. This higher-density development shall be allowed only on those limited occasions when, after Class (3) review, the hearing examiner finds that the location and site plan of the project is such that the higher density would be compatible with neighboring land uses and the level of public services, and is consistent with the goals and objectives in the Yakima urban area comprehensive plan.

The application of this provision shall not prohibit the subdivision of land already developed with more dwelling units than would be permitted by this section when:

1. The lots created meet the lot size and lot width requirements established in Table 5-2;

2. The existing structures meet the building area and setback requirements in Table 5-1; and

3. No new dwelling units are built.

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

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

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

2. The smaller lot size for zero lot line, attached, and multifamily dwellings does not permit an increase in the maximum number of dwelling units per net residential acre established in subsection B of this section. Any lots created for zero lot line, attached, and multifamily dwellings shall be so designated on the face of the plat or short plat.

3. In the local business district, the minimum lot size is intended to maintain the character of the district and provide adequate space for off-street parking and landscaping.

4. The minimum lot sizes in the small and large convenience center districts and industrial districts are intended to accommodate the large uses permitted in these districts and maintain vacant land in relatively large parcels that can be easily assembled when development is proposed.

D. **Standard Lot Width**. Standard lot width is the minimum lot width generally permitted in a particular zoning district. The intent of this standard is to prevent irregularly shaped lots along, and to control access to, rights-of-way.

E. **Concurrent Subdivision and Zoning Review Required**. Any application for a long subdivision which proposes a use or configuration of land or improvements requiring Class (2) or (3) review under this title shall, at or prior to the filing of such application, also file an application for such review under this title. Such application shall be heard by the hearing examiner concurrently with the subdivision application using the procedures for Class (3) review.

**Table 5-1 Design Requirements and Standards**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **TABLE 5-1     DESIGN REQUIREMENTS AND STANDARDS** | | | | | | | | | | | | | | | | | |
| **SITE DESIGN REQUIREMENTS AND STANDARDS** | | | **ZONING DISTRICTS** | | | | | | | | | | | | | | |
| **SR** | **R1** | **R2** | **R3** | **HB** | **B1** | **B2** | **SCC** | **LCC** | **CBD** | **GC** | **AS** | **RD** | **M1** | **M2** |
| DEVELOPMENT ON EXISTING LOTS OR PARCELS | | | See Sections [15.05.020](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1505.html#15.05.020) and [15.19.040](#_15.19.040_–_Development) | | | | | | | | | | | | | | |
| LOT COVERAGE1 | | | 60% | | | 80% | | | | 85% | 90% | 100% | | | | | |
| STANDARD STRUCTURE SETBACKS 6  (in feet) | FRONT | Arterials 2 | 60 | | | | 40 | | | | | | | | | | |
| Collector Arterials 2 | 50 | | | | 30 | | | | | | | | | | |
| Local Access 2 | 45 | | | |
| Private Road 2 | 37.50 | | | |
| Private Access Easement 3 | 10 | | | | | | | | | | | | | | |
| SIDE | Arterials 2 | 50 | | | | 40 | | | | | | | | | | |
| Collector Arterials 2 | 40 | | | | 30 | | | | | | | | | | |
| Local Access 2 |
| Private Road 2 | 32.50 | | | |
| Private Access Easement3, Alley, or Property Line 7 | 5 | | | 10 | 0 | | | | | | | | | | |
| Residential District 4 | 5 | | | 20 | | | | | | | | | 30 | |
| or 1/2 building height whichever is greatest | | | | | | | | | | | |
| REAR 6 | Alley or Property Line | 15 | | | 15 | 0 | | | | | | | | | | |
| Residential District 4 | 20 | | | | | | | | | 30 | |
| or 1/2 building height whichever is greatest | | | | | | | | | | | |
| MAXIMUM BUILDING HEIGHT (in feet) | | | 35 | | | 50 | 35 | | | | 50 | N/A | 50 | | | N/A | |
| STANDARD FENCE HEIGHT 6 | | | See [YMC 15.05.020(G)](#_15.05.020_Site_Design) | | | | | | | | | | | | | | |
| STANDARD SCREEN HEIGHT | In Required Front Setbacks | | Not Permitted | | | | | | | | | | | | | | |
| Behind Required Front Setbacks | | 15 | | | | | | | | | | | | | | |

NOTES:

1. Landscaping may be required pursuant to YMC Ch. 15.06.
2. The setback is measured from the centerline of rights-of-way (or access easement, in the case of private roads). In the Residential districts, the minimum front yard setback shall be 20 feet from the front property line and the minimum side yard setbacks shall be 10 feet from the side property line abutting the right-of-way.
3. The setback is measured from the edge of the access easement.
4. Measured from abutting residential district.
5. Additional setbacks may be required to conform to sitescreening requirements in YMC Ch. 15.07.
6. The rear setback from arterials, collectors, and local access streets shall be the same as the front yard setback requirements from arterials, collectors, and local access streets, provided the required rear setbacks shall not be less than the required setbacks from the property line. (See also Note 3)
7. Zero lot line dwelling units are allowed a zero foot setback from one side property line not abutting a right-of-way. (See YMC Ch. 15.09).

### Table 5-2 Subdivision Requirements

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Table 5-2 Subdivision Requirements** | | | | | | | | | | | | | | | | | | |
| **Subdivision Requirements** | | | **Zoning Districts** | | | | | | | | | | | | | | | |
| **SR** | **R1** | **R2** | **R3** | **HB** | **B1** | **B2** | **SCC** | **LCC** | **CBD** | **GC** | **AS** | **RD** | **M1** | | **M2** |
| Maximum Number Of Dwelling Units Permitted Per Net Residential Acre | | | See YMC Ch. 15.04, Table 4-1 | | | | | | | | | | | | | Not Permitted | | |
| Minimum Lot Size  (in square feet) (3) | Residential Uses See Definitions In YMC Ch. 15.02 | Detached S.F. Dwelling | 6,000 | | | | 6,000 Where Permitted | | | | | | | | |
| S.F. Dwelling, Zero Lot Line (4) | 4,000 | | 3,500 | |
| S.F. Dwelling, Common Wall |
| Two-Family Dwelling | 8,000 | | 7,000 | |
| Multifamily Dwellings And PD - Residential | Density May Not Exceed Maximum Number Of  Dwelling Units Permitted Per Net Residential Acre | | | | | | | | | | | | |
| Permitted Nonresidential Uses(5) | | 10,000 | | | | 5,000 | | | 10,000 | | None | | | | | ½ Acre | |
| Standard Lot Width (2) (in feet) | | ALL Except Common Wall Dwelling (Per Unit) | 60 | 50 | | | | None | | | | | | | | 60 | | |
| Common Wall Dwelling (Per Unit) | 50 | 35 | | 35 Where Permitted | | | | | | | | | | | |

NOTES:

1. In the Residential Districts, these minimums apply when lots are served by a public or community water system and either the regional or approved community sewer system.
2. The lot width at the rear line of the required front yard shall not be less than 50 feet. (Note: this provision only applies to those districts with a minimum lot width of 50 feet or larger.)
3. One acre shall be the minimum lot size in Residential Districts within the Floodplain and Greenway Overlays.
4. See Special Development Standards for Zero Lot line Development, [YMC 15.09.040](#_15.09.040_–_Zero).
5. Lots created for utility purposes may be created below the minimum lot size listed in YMC Ch. 15.05, Table 5-2, as long as the lot is designated as “nonbuildable lot for utility purposes” on the face of the plat and the proposed lot is reviewed for compatibility. The lot must still meet the minimum lot width established in YMC Ch. 15.05, Table 5-2, and structures built on the lot must still meet the setback requirements in YMC Ch. 15.05, Table 5-1.

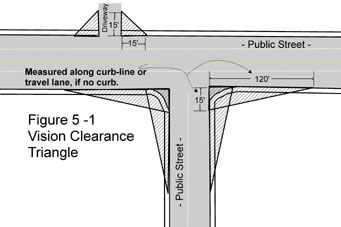
### 15.05.040 – Vision Clearance

1. **Intersections**. All corner lots at unsignalized street intersections or railroads shall maintain, for safety vision purposes, a vision clearance triangle. The vision clearance triangle shall measure fifteen feet by one hundred and twenty feet along the perpendicular lengths formed by three points including:
   1. A point at the intersection of the extended curb-lines or pavement edge/travel lanes;
   2. A point measured one hundred and twenty feet from the first point, forming a line along the adjacent perpendicular street curb-line or pavement edge/travel lane; and,
   3. A point measured fifteen feet from the first point, forming a line.

Nothing within the vision clearance triangle shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between the heights of two and one-half and ten feet above the centerline of grades of intersecting streets (and/or railroads) or the future intersection centerline where improvements are planned with the six year road improvement program, on file in the City Engineering Division. (See [Figure 5-2](#_Figure_5-1))

1. **Driveway Curb Cuts or Alleys**. This applies only to uses established under the terms. A vision clearance triangle shall be maintained at all driveways, curb cuts, and the intersection of an alley with a public street for vision safety purposes. The vision clearance triangle shall measure fifteen feet along the perpendicular street curb lines or pavement edge, or travel lane of the public-street and fifteen feet along the driveway or alley. The third side of the triangle shall be straight line connecting the fifteen foot sides describe above. No sign or associated landscaping shall be placed within this triangle so as to materially impede vision between the heights of two and one-half and ten feet above the centerline grade of the streets.

### Figure 5-2



### 15.05.050 – Street Right-Of-Way Dedication

All new development shall dedicate, where necessary, street right-of-way in conformance with the standards in the County/City Subdivision Ordinance and the Arterial Street Plan adopted in the Yakima Urban Area Comprehensive Plan, except for application under the jurisdiction of the City of Yakima, YMC Title 12 shall prevail over the provisions of this section to the extent of any conflict between such provisions.

### 15.05.055 – New Development Improvement Standards

1. Fire apparatus access roads for multiple-family residential developments and one- or two-family residential developments shall be subject to the provisions of sections D106 and D107, respectively, of Appendix D of the International Fire Code (2009 edition). Additionally, such residential developments shall be subject to the requirements of section D105 of Appendix D, International Fire Code (2009 edition), pertaining to aerial fire apparatus roads, as applicable. All provisions of the International Fire Code referenced above are hereby adopted and incorporated herein by this reference, as now existing or as hereafter amended and adopted by the city. Minimum requirements for the primary and secondary access will be at least 20 feet wide, unobstructed, paved lanes.
2. In order to promote safety for emergency access and circulation within and between new developments, cul-de-sac streets (public or private) shall not exceed 600 feet.

### 15.05.060 – Administrative Adjustment of Certain Basic Development Standards Allowed

Administrative adjustment of some of the basic development standards in this Chapter are authorized under the zero lot line provisions of [YMC Ch. 15.09](#_CHAPTER_15.09_–) and [15.10](#_CHAPTER_15.10_–). Except as allowed by those provisions, no reduction of these standards is permitted except pursuant to [YMC Ch. 15.21](#_Chapter_15.21_–).

## Chapter 15.06 – OFF-STREET PARKING AND LOADING

**Sections:**

[**15.06.010**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1506.html#15.06.010)**Purpose.**

[**15.06.020**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1506.html#15.06.020)**Off-street parking and loading spaces required.**

[**15.06.030**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1506.html#15.06.030)**General provisions.**

[**15.06.040**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1506.html#15.06.040)**Off-street parking standards.**

[**15.06.050**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1506.html#15.06.050)**Computation of required spaces.**

[**15.06.060**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1506.html#15.06.060)**Location of required spaces.**

[**15.06.065**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1506.html#15.06.065)**Driveway locations.**

[**15.06.070**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1506.html#15.06.070)**Schedule of minimum parking dimensions.**

[**15.06.080**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1506.html#15.06.080)**Site plan required.**

[**15.06.090**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1506.html#15.06.090)**Required landscaping of parking areas.**

[**15.06.100**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1506.html#15.06.100)**Lighting of parking lots.**

[**15.06.110**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1506.html#15.06.110)**Construction and maintenance.**

[**15.06.120**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1506.html#15.06.120)**Time of completion.**

[**15.06.130**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1506.html#15.06.130)**Off-street loading space required.**

[**15.06.140**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1506.html#15.06.140)**Nonconforming parking.**

### 15.06.010 – Purpose

The following parking standards are intended to establish adequate off-street parking, reduce on-street parking, increase traffic safety, maintain smooth traffic flow, and reduce the visual impact of parking lots.

### 15.06.020 – Off-Street Parking And Loading Spaces Required

No off-street parking or loading spaces shall be placed, constructed, located, relocated, or modified after adoption without first receiving a development permit from the Administrative Official. All vehicle storage, off-street parking, and loading spaces that are not a principal use are accessory uses and shall be subject to the same procedures and review requirements as the principal use. All off-street parking and vehicle storage spaces shall be provided in conformance with the provisions of this Chapter.

### 15.06.030 – General Provisions

1. The off-street parking and loading facilities required by this section shall be established prior to any change in the use of land or structures and/or prior to the occupancy of any new or enlarged structure.
2. Required off-street parking spaces shall provide vehicle parking only for residents, customers, patrons, and employees. Required parking shall not be used for the storage of vehicles or materials; the parking of company or business vehicles used in conducting the business; or for the sale, repair, or servicing of any vehicle.
3. Any area once designated for required off-street parking shall not be used for any other purpose unless and until equal facilities are provided elsewhere and a site plan has been approved to reflect the change, or the primary use of the property is changed to a use requiring less off-street parking.
4. The required front yard in the R-3 district shall not be used for off-street parking for four or more cars unless the three-foot strip nearest the front property line is landscaped and a two foot high concrete, masonry, or decorative block wall; wood fence; or a solid landscaping screen is provided. (For corner lots see [YMC 15.05.040](#_15.05.040_–_Vision))
5. A Parking Circulation Plan is required for parking lots and the associated vehicular travel ways for multi-family and non-residential uses that have five (5) or more required off-street parking spaces. The required off-street parking shall be designed in a manner that eliminates a need for backing and maneuvering from or onto streets, sidewalks, pedestrian ways, or bikeways in order to exit a property or maneuver out of parking spaces. Furthermore, the parking lot and associated travel ways shall be designed in a manner that provides for safe and adequate traffic flow.
   1. Loading spaces and truck maneuvering areas shall be included in the Parking Circulation Plan.
   2. Drive-through lanes and related facilities shall be clearly shown on the Parking Circulation Plan.
   3. Driveway locations and specifications shall be shown on the Parking Circulation Plan and are subject to review for safety and traffic flow. The location of the driveways shall conform to [YMC 15.06.065](#_15.06.065_–_Driveway).
   4. The Parking Circulation Plan is a site plan requirement. Recommendations regarding adequate circulation may be received from the Traffic Engineering staff, City Engineering staff, Fire Department, and other reviewing agencies. Additional mitigation or re-design may be required if the proposed circulation pattern creates safety conflicts.

### 15.06.040 Off-street parking standards.

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

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

C. **Downtown Business District Exempt**. The Downtown Business District of Yakima, as shown in Figure 6-1 and hereby adopted as a part of this chapter, shall be exempt from the provisions of this chapter as they relate to the number of parking spaces required, except that this exemption shall not apply to property that is used for residential purposes, and further provided that all the other requirements of this chapter shall apply to any parking provided by the applicant.

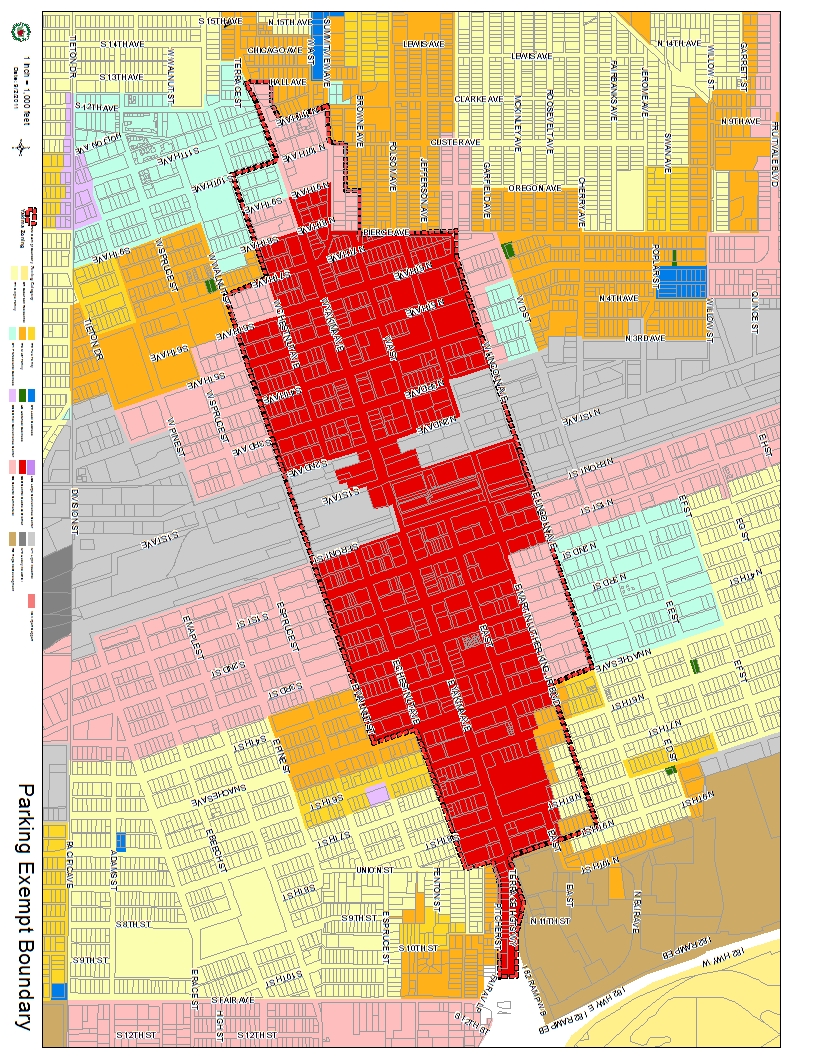


FIGURE 6-1: DOWNTOWN BUSINESS PARKING

|  |  |
| --- | --- |
| **TABLE 6-1 TABLE OF OFF-STREET PARKING STANDARDS** | |
| **LAND USE** | **PARKING STANDARDS** |
| **AGRICULTURE (COMMERCIAL)** |  |
| Agriculturally related industries | 1 space for each employee based on the maximum working at any given shift;  1 space for each 300 square foot of gross floor area for packing and processing areas; or,  2 spaces for the first 1,000 sq. ft. of gross floor area, plus 1 space for each additional 5,000 sq. ft. for CA storage, warehouse, and refrigeration areas, whichever is deemed more appropriate by the reviewing official. |
|
|
| **AMUSEMENT AND RECREATION** |  |
| Game rooms, card rooms, electronic game rooms | 1 space for each playing table, for every 3 seats or every 3 machines, whichever is greater |
| Horse racing tracks, speedways, grandstands | 1 space for each 3 fixed seats or 54" of bench seating |
| Bowling alleys | 5 spaces for each lane |
| Gymnasiums, exercise facilities | 1 space for each 200 sq. ft. of gross floor area |
| Parks (public or private) | 10 spaces per acre for passive recreation;  20 spaces per field for active recreation |
| Roller and or ice skating rink | 1 space for each 150 sq. ft. of skating surface area |
| Swimming pools | 1 space for each 50 sq. ft. of water surface area |
| Movie theatres | 1 space for each 4 seats |
| Golf Course | 5 spaces per green and 1 space per 300 sq. ft. of gross floor area |
| Golf Driving Range | 1 space per tee or 1 space per 15 feet of driving line, whichever is greatest |
| Auditoriums, exhibition halls, community centers, fraternal organization | 1 space for each 100 sq. ft. of gross floor area |
| **COMMUNITY SERVICES** |  |
| Churches, synagogues, temples, and funeral homes | 1 space for each 3 fixed seats (or 54" of bench type seating)  1 space for each 40 sq. ft. of general reception/gathering area |
|
| Convalescent, nursing and group homes | 1 space for each 2 beds |
|  |  |
| Fire and police stations | 1 space for each 200 sq. ft. of gross floor area |
| Halfway house (detention center) | 1 space for each 2 beds |
| Hospital | 1.5 spaces for each bed |
| Schools: Primary, Elementary      Junior, Senior | 3 spaces for each classroom, or 1 space for each 3 seats (54" bench type seating) in the assembly area, whichever is greater  Same as Primary/Elementary and 1 space for each 4 students over 16 yrs. Old |
|
| Junior or community colleges | 1 space for each 400 sq. ft. of gross floor area |
| Juvenile detention centers | 1.5 spaces for each bed |
| Libraries | 1 space for each 100 sq. ft. of gross floor area |
| Museums, art galleries | 1 space for each 100 sq. ft. of gross floor area |
| Preschools, daycare centers | 1 space for each employee + 1 space for each 6 children |
| Vocational and business schools | 1 space for each 400 sq. ft. of gross floor area |
| **MANUFACTURING (MASS PRODUCTION)** |  |
| All uses listed under manufacturing in [Table 4-1](#_TABLE_4-1) | 1 space for each employee per maximum shift |
| **RESIDENTIAL** |  |
| Accessory Dwelling Unit | 1 space |
| Single-family dwelling | 2 spaces |
| Two-family dwellings | 4 spaces |
| Multifamily dwellings (10 units or less) | 2 spaces per dwelling |
| (more than 10 units) | 1.5 spaces per dwelling |
| Retirement homes | 1 space for each dwelling unit |
| **RETAIL TRADE AND SERVICES** |  |
| Addressing, mailing, and stenographic services | 1 space for each 300 sq. ft. of gross floor area |
| Advertising agencies | 1 space for each 300 sq. ft. of gross floor area |
| Automobile and truck, manufactured homes, travel trailer sales | 1 space for each 500 sq. ft. of showroom and 1 space for each 1,000 sq. ft. of retail sales floor area |
| Automotive: Automobile maintenance and service shops  Car wash  Car wash, self service  Paint and body repair  Specialized repair shops (battery, radiator, etc.) | 2 spaces per service area including work bays  6 spaces per wash bay  1 space for each 1,000 sq. ft. of gross floor area  2 spaces per service area including work bays  2 spaces per service area including work bays |
|
|
| Wrecking and dismantling yards | 1 space for each 500 sq. ft. of gross floor area |
| Beauty and barber shops | 1 space for each 75 sq. ft. of gross floor area |
| Bed and Breakfast Inn | 1.1 spaces for each guest room |
| Building and contractors | 1 space for each 800 sq. ft. of gross floor area |
| Coffee restaurant / stand with or without drive-through | 1 space for each 50 sq. ft. of public seating area, including outside seating and 1 space for each employee |
| Drug stores | 1 space for each 200 sq. ft. of gross floor area |
| Employment agencies (private) | 1 space for each 200 sq. ft. of gross floor area |
| Espresso/coffee stand with or without drive-thru | 1 space for each 50 sq. ft. of gross floor area, including outside seating, and one space for each employee |
| Farm supplies | 1 space for each 800 sq. ft. of gross floor area |
| Florist | 1 space for each 500 sq. ft of gross floor area |
| Financial institutions | 1 space for each 200 sq. ft. of gross floor area |
| Furniture, home furnishings, appliances | 1 space for each 800 sq. ft. of gross floor area |
| Gas station | 1 space for each 300 sq. ft. of gross floor area |
| Hardware store | 1 space for each 300 sq. ft. of G.F.A. of structure & permanent outside display sales area |
| Heating and plumbing equipment stores | 1 space for each 400 sq. ft. of gross floor area |
| Heavy equipment, tractor, and farm equipment repair | 1 space for each 300 sq. ft. of gross floor area |
| Home occupations | See [YMC 15.04.120(E)(1)](#_15.04.120_–_Home) |
| Household appliance, small engine, TV and furniture repair | 1 space for each 300 sq. ft. of gross floor area |
| Insurance agents, brokers and service agencies | 1 space for each 200 sq. ft. of gross floor area |
| Liquor stores | 1 space for each 300 sq. ft. of gross floor area |
| Lumber yards | 1 space for each 800 sq. ft. of gross floor area of structure and covered storage area |
| Nursery | 1 space for each 400 sq. ft. of G.F.A. of structure & permanent outside display & sales area |
| Medical and dental laboratories, offices, and clinics | 1 space for each 200 sq. ft. of gross floor area |
| Motels and hotels | 1.2 spaces for each guest room |
| Multiple use centers (3 or more uses with shared parking)  —having less than 25,000 sq. ft. of gross floor area  —having 25,001—400,000 sq. ft. of gross floor area  —having 400,001—600,000 sq. ft. of gross floor area  —having 600,001 + sq. ft. of gross floor area | 1 space for each 300 sq. ft. of gross floor area  4 spaces for each 1,500 sq. ft. of gross floor area  5 spaces for each 2,250 sq. ft. of gross floor area  6 spaces for each 2,750 sq. ft. of gross floor area |
| Paint, glass, and wallpaper stores | 1 space for each 400 sq. ft. of gross floor area |
| Professional office building for use by accountants, attorneys, etc. | 1 space for each 200 sq. ft. of gross floor area |
| Radio and TV studios, offices | 1 space for each 300 sq. ft. of gross floor area |
| Real estate offices | 1 space for each 200 sq. ft. of gross floor area |
| Residential mini-storage | 1 space for each 300 sq. ft. of gross floor area of office space |
| Restaurant, café, and drive-in eating facilities | 1 space for each 50 sq. ft. of indoor public floor area, and 1 space for each 200 sq. ft. of outdoor public eating area |
| Retail service establishments in [Table 4-1](#_TABLE_4-1) but not listed in this table | 1 space for each 300 sq. ft. of gross floor area |
| Retail trade establishments in [Table 4-1](#_TABLE_4-1) but not listed in this table  —less than 25,000 sq. ft. of gross floor area  —25,001—400,000 sq. ft. of gross floor area  —400,001—600,000 sq. ft. of gross floor area  —600,001 + sq. ft. of gross floor area | 1 space for each 300 sq. ft. of gross floor area  4 spaces for each 1,500 sq. ft. of gross floor area  5 spaces for each 2.250 sq. ft. of gross floor area  6 spaces for each 2,750 sq. ft. of gross floor area |
| Service stations | 2 spaces for working/service area, including bays |
| Shoe repair and shoe shops | 1 space for each 300 sq. ft. of gross floor area |
| Taverns and bars, dine, drink, and dance establishments | 1 space for each 75 sq. ft. of gross floor area |
| Waste material processing and junk handling | 1 space for each 500 sq. ft. of gross floor area |
| **TRANSPORTATION** |  |
| Bus terminals, storage and maintenance facilities | 1 space for each 300 sq. ft. of gross floor area |
| Air, rail and truck terminal | 1 space for each 300 sq. ft. of gross floor area |
| Taxicab terminals, maintenance and dispatching centers | 1 space for each 300 sq. ft. of gross floor area |
| **UTILITIES** |  |
| Utility services | 1 space for each 800 sq. ft. of gross floor area |
| **WHOLESALE TRADE** |  |
| Wholesale trade warehouses | 1 space for each employee based on the maximum working at any given shift; or  1 space for each 300 square foot of gross floor area for packing and processing areas;  2 spaces for the first 1,000 sq. ft. of gross floor area, plus 1 space for each additional 5,000 sq. ft. for CA storage, warehouse, and refrigeration areas; whichever is deemed more appropriate by the reviewing official. |
| Residential mini-storage | See residential mini-storage under retail and service category |
| How to Use [Table 6-1](#_Table_6-1_Table):  1. Calculate the gross floor area for the structure. (See [YMC 15.06.040](#_15.05.040_–_Vision) to determine gross floor area).  2. Determine the amount of gross floor area used for storage rooms.  3. Required off-street parking for storage is one space per 500 square feet.  4. Find the proposed use in [Table 6-1](#_Table_6-1_Table)  Example:  — The gross floor area of the structure is 3,000 sq. ft. 1,000 sq. ft. of the structure is used for storage. The parking standard for storage rooms is one space per 500 sq. ft. ([YMC 15.06.040](#_15.06.040_–_Off-Street)). 1,000 + 500= 2 off-street parking spaces for the storage area.  — The proposed use is a shoe shop. According to Table 6-1, shoe shops require one off-street parking space for each 300 sq. ft. of gross floor area. 2,000 + 300= 6.6 or seven spaces since fractions of parking spaces are rounded up ([YMC 15.06.050(B)](#_15.06.050_–_Computation)).  — The total required off-street parking of this use is: 2 spaces (for storage area) + 7 spaces (for the rest of the gross area) = 9 spaces | |

### 15.06.050 – Computation of Required Spaces

The following rules shall apply to determine the number of required off-street parking spaces:

1. **Fraction**. If the number of off-street parking spaces required in [Table 6-1](#_Table_6-1_Table) contains a fraction, such number shall be changed to the next higher whole number.
2. **Mixed Uses**. When different uses occupy a single structure or lot, the total required parking spaces shall be the sum of the requirements of the individual uses.
3. **Shared Uses**.
   1. Owners of two or more uses, structures, or parcels of land within three hundred feet of each other may share the same parking or loading areas when the hours of operation do not overlap.
   2. The owners of two or more uses, structures, or parcels within three hundred feet of each other may also share facilities concurrently; however, the total parking requirements shall be the sum of the requirements for each individual use.
   3. Whenever shared parking is allowed under this section, the parking lot shall be signed so as to reasonably notify the public of the availability of use, and spaces shall not be assigned, allocated, or reserved between uses. (Also see [YMC 15.06.060](#_15.06.060_–_Location))
   4. A parking easement approved by the administrative official shall be filed with the County Auditor whenever two or more uses propose to share off-street parking facilities.
4. **Tandem Parking.** Parking spaces in tandem, having a single means of ingress and egress shall not be counted as two off-street parking spaces for the purpose of fulfilling the requirements of this Chapter; except that, each tandem space for single-family dwellings and duplexes shall be counted as a required parking space.
5. **Compact Car Parking**. For parking areas with 20 or more required parking spaces, up to 15% of the required number of off-street parking spaces may be designed for compact car parking. Compact spaces shall be no less than 8 feet by 17 feet and each space must be labeled individually with a durable pavement marking “Compact.”

### 15.06.060 – Location of Required Spaces

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

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

### 15.06.065 – Driveway Locations

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

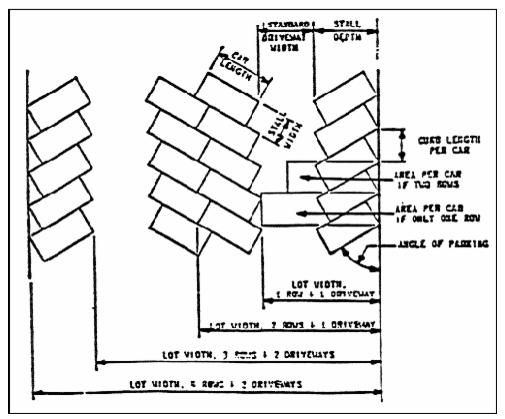
1. No driveway approach shall be so located as to create a hazard to pedestrians or motorists, or invite or compel illegal or unsafe traffic movements;
2. No driveway approach on a Local Access Street may be located closer to the street intersection corner than 30 feet as measured from the property line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

### 15.06.070 – Schedule Of Minimum Parking Dimensions

Driveways and parking stalls shall conform to [Table 6-2](#_Table_6-2), which is hereby adopted as the schedule of minimum parking dimensions. [Table 6-2](#_Table_6-2) standard parking lot dimensions (refer to diagram below / all dimensions are based on a basic 9' x 19' stall.

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

### Figure 6-2



### 15.06.080 – Site Plan Required

A site plan for every new or enlarged off-street parking lot or motor vehicle sales area shall be approved by the Administrative Official prior to construction. The site plan shall comply with the provisions for general or detailed site plans pursuant to [YMC Ch. 15.11.040](#_15.11.040_–_General) and [15.11.050](#_15.11.050_–_Detailed) and shall also show the proposed development, locations, size, shape, and design of the parking spaces, parking circulation plan, curb cuts, lighting, landscaping, irrigation, and other features of the proposed parking lot. The site plan shall be filed under the provisions of [YMC 15.11.030](#_15.10.030_–_Special).

### 15.06.090 – Required Landscaping Of Parking Areas

1. The standard for landscaping of parking and vehicle storage lots with five or more spaces shall be ten percent of the total parking area. This landscaping area may be included to satisfy the lot coverage (impermeable surface) requirements of [Table 5-1](#_Table_5-1_Design).
2. The planting area standard where required shall be a minimum of twenty-four square feet with the exception of raised planter boxes around buildings.
3. A standard of one tree from an approved list shall be planted for every fifteen single-row parking stalls or every thirty double-row parking stalls within the parking lot.
4. Landscaping may consist of a combination of trees, shrubs, and groundcover with careful consideration to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.
5. Landscaping shall be located within the parking area, such as in-between parking spaces or in parking ‘islands’; or around the perimeter of the parking lot
6. Every parking area that abuts property in any residential district shall be separated from such property by a solid wall, view-obscuring fence, landscaped berm, or compact evergreen hedge at least six feet in height. The Administrative Official may increase the height, depth, and content of said screening as necessary to adequately protect adjacent single-family residential development. The screening shall be provided and maintained along the property line of such lot.

### 15.06.100 – Lighting Of Parking Lots

Lighting shall be provided to illuminate any off-street parking or loading space used at night. When provided, lighting shall be directed to reflect away from adjacent and abutting properties. Parking lots adjacent to residential districts or uses shall be designed with down-shielding and luminaries creating no lighting pollution upon those properties. A photometric lighting plan may be required if the parking lot is located adjacent or abutting residential properties. Further requirements and restriction are required when the property is located within the Airport Safety Overlay. (See [YMC Ch. 15.30](#_Chapter_15.30_AIRPORT))

### 15.06.110 – Construction And Maintenance

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

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

The owner or lessee of a required parking area shall maintain the paved surface, drainage facilities, landscaping, and irrigation facilities in conformance with the standards of this Chapter and the approved site plan.

### 15.06.120 – Time Of Completion

All parking required by this Title shall be installed prior to occupancy or commencement of use. Where compliance with this requirement is not possible, the Administrative Official may grant an appropriate delay under the provisions of [YMC 15.12.070(D)](#_15.12.070_–_Certificates).

### 15.06.130 – Off-Street Loading Space Required

Off-street loading and unloading spaces shall be required for any use requiring frequent loading or unloading from trucks or other large vehicles. (See [YMC 15.06.030](#_15.06.030_–_General))

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

### 15.06.140 – Nonconforming Parking

1. Any use which, on the effective date of this section or any amendments hereto, is nonconforming in terms of required off-street parking facilities may continue in the same manner as if they were conforming; however, the number of existing off-street parking spaces shall not be reduced.
2. When an existing structure with nonconforming parking is expanded and additional parking is required, the additional parking spaces shall be provided in accordance with the provisions of this Chapter; however, the number of additional spaces shall be computed only to the extent of the enlargement, regardless of whether or not the number of previously existing spaces satisfies the requirements of this Chapter.
3. When the use of an existing lot or structure with nonconforming parking is changed to another use, listed in [Table 4-1](#_TABLE_4-1), the nonconformity shall cease and the new use shall provide all the required off-street parking in accordance with the provisions of this Chapter. However, this requirement may be waived by the Administrative Official for existing buildings and/or lots within the CBD or GC zoning districts, containing insufficient area to provide parking, provided the following factors are taken into consideration:
   1. New use has similar parking requirements to the previously approved use;
   2. The availability of on-street parking;
   3. The availability of nearby off-street parking or other opportunities to conform to the parking standard such as a shared parking agreement; and,
   4. Location of the business in proximity to the downtown business district exempt area (YMC § 15.06.040(C)).

## 

## CHAPTER 15.07 - SITESCREENING

**Sections:**

[**15.07.010**](#_15.07.010_–_Purpose) **Purpose**

[**15.07.020**](#_15.07.020_–_Sitescreening) **Sitescreening Required**

[**15.07.030**](#_15.07.030_–_Determination) **Determination of Sitescreening Requirements**

[**15.07.040**](#_15.07.040_–_Sitescreening) **Sitescreening Standards**

[**15.07.050**](#_15.07.050_–_Table) **Table of Required Sitescreening Standards**

[**15.07.060**](#_15.07.060_–_Sitescreening) **Sitescreening along Streets**

[**15.07.070**](#_15.07.070_–_Location) **Location**

[**15.07.080**](#_15.07.080_–_Existing) **Existing Plant Material**

[**15.07.090**](#_15.07.090_–_Preparation) **Preparation of a Sitescreening Plan**

[**15.07.100**](#_15.07.100_–_Time) **Time Of Completion**

[**15.07.110**](#_15.07.110_–_Retention) **Retention and Maintenance**

### 15.07.010 – Purpose

The purpose of this section is to: establish sitescreening standards to provide a visual buffer between uses of different intensity, streets and structures, reduce erosion, and stormwater runoff; protect property values, and eliminate potential land use conflicts by mitigating adverse impacts from dust, odor, litter, noise, glare, lights, signs, water run-off, buildings, or parking areas.

### 15.07.020 – Sitescreening Required

Sitescreening shall be required along the property lines in accordance with the provisions of this Chapter whenever any use, development, or modification to the use or development is being reviewed under this Title. Provided, the construction of single-family residences or duplexes not part of a larger development are exempt from this Chapter unless the site abuts a commercial zoned district. No sitescreening is required along a property line shared with a vacant parcel, except where a non-residential use is developed upon a vacant parcel in the SR or R1 zone. The provisions of this Chapter also apply to the approval of any residential subdivisions and planned residential development.

### 15.07.030 – Determination of Sitescreening Requirements

The Administrative Official may adjust the sitescreening standards in this Chapter by approving other sitescreening plans pursuant to the provisions of [YMC 15.10.020](#_15.10.020_–_Administrative) & [15.10.030](#_15.10.030_–_Special).

### 15.07.040 – Sitescreening Standards

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

**STANDARD A**—A ten- foot wide landscaped planting strip with trees at twenty-feet to thirty-foot centers, which include shrubs, and groundcover.

**STANDARD B**—A three-foot-wide planting strip that will create a living evergreen screen that is at least six feet in height within three years.

**STANDARD C**—A six-foot-high, view-obscuring fence, made of wood, masonry block, concrete, or slatted chain link material. A three-foot-wide planting strip landscaped with a combination of trees, shrubs, and groundcover along the outside of the fence is also required when the fence is adjacent to a street, alley, or pedestrian way.

1. Provisions A, B, and C are standards for the size of sitescreening area and, the density and type of landscaping/planting. The developer may substitute a higher sitescreening standard, with standard C being higher than B, and B being higher than A.
2. Other sitescreening plans that improve the site design and achieve the purpose of this section may also be approved by the Administrative Official in accordance with [YMC Ch. 15.10](#_CHAPTER_15.10_–). All sitescreening shall also conform to the provisions of [YMC Ch. 15.05](#_CHAPTER_15.05).

### 15.07.050 – Table Of Required Sitescreening Standards

[Table 7-1](#_table_7-1_-) is hereby adopted as part of this Chapter. The letter designation in this table refers to the sitescreening standards in [YMC 15.07.040](#_15.07.040_–_Sitescreening).

### Table 7-1 - Required Sitescreening Between Uses And Development

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

How to Use [Table 7-1](#_table_7-1_-): An empty space means sitescreening is generally not required. A, B, or C - Letters refer to the sitescreening standards in [YMC 15.07.040](#_15.07.040_–_Sitescreening).

EXAMPLE: Proposed Use Residential Mini-Storage

1. Refer to [Table 4-1](#_TABLE_4-1) to find Lowest Density Zoning District in which the proposed use is permitted as a Class 1 Use. For residential mini-storage this is M-1. Find this district in Column 1 above.
2. Refer to [Table 4-1](#_TABLE_4-1) to find the Lowest Intensity District in which each adjoining use is permitted as a Class (1) Use. If an adjoining use is not a Class (1) use in any district sitescreening, standard C is the required sitescreening standard along that property line.

Adjoining Uses:

North - Single-family dwellings - Lowest Intensity District Class (1) Use = SR

South – Tavern - Lowest Intensity District Class (1) Use = LCC

East - Employment Agency - Lowest Intensity District Class (1) Use = B2

West - Vacant

1. Use [Table 7-1](#_table_7-1_-) to find the recommended sitescreening to be provided by proposed use. The recommended level of sitescreening is the letter in the intersection of the district found in Step 1 with each district noted in Step 2. (In this example: SR=C; LCC=A; B2=B; Vacant=none. Refer to specific sitescreening standards in [YMC 15.07.040](#_15.07.040_–_Sitescreening). Prepare sitescreening plan. See [YMC 15.07.040](#_15.07.040_–_Sitescreening).

### 15.07.060 – Sitescreening Along Streets

Sitescreening Standard A shall apply wherever sitescreening is required under [Table 7-1](#_table_7-1_-) and the adjoining land use is separated from the proposed use or development by a collector or local access street. The Administrative Official may also require sitescreening Standard A along an arterial when such action is consistent with the purpose of this Chapter.

### 15.07.070 – Location

Generally, all required sitescreening shall:

* 1. Be located on the perimeter of a lot or parcel upon which the development occurs;
  2. Extend from lot line to lot line;
  3. Adhere to applicable Setback Standards of [YMC Ch. 15.05](#_CHAPTER_15.05); and,
  4. Not be located on any portion of a public or private street, dedicated right-of-way or vision clearance triangle.

### 15.07.080 – Existing Plant Material

Existing trees and other vegetation may be used for sitescreening if they are healthy and will satisfy the purpose of this section.

### 15.07.090 – Preparation of A Sitescreening Plan

The Administrative Official may require a sitescreening plan showing the approximate location, height, size, and type of all plantings and fences whenever sitescreening is required.

### 15.07.100 – Time of Completion

All sitescreening required by this Title shall be installed prior to occupancy or commencement of use. Where compliance with this requirement is not possible because of seasonal planting limitations, the Administrative Official shall grant an appropriate delay. However, no permanent Certificate of Occupancy shall be issued until all required sitescreening is completed.

### 15.07.110 – Retention and Maintenance

All sitescreening shall be maintained in accordance with the purpose and intent of this Chapter. It is the property owner’s obligation and responsibility to maintain the sitescreening approved.

In the event the sitescreening deteriorates or is not maintained in a condition consistent with plan approval, the appropriate jurisdiction may at its option cause necessary maintenance to be performed and assess the costs thereof to the property owner. These costs shall constitute a lien on the property from the date of filing a notice of lien in the office of the County Auditor. The lien shall state the legal description of the property and the amount of costs assessed. Such lien may be foreclosed by the appropriate jurisdiction in the manner provided by law for the foreclosure of mortgages.

## CHAPTER 15.08 – SIGNS

**Sections:**

[**15.08.010**](#_15.08.010_–_Purpose) **Purpose**

[**15.08.020**](#_15.08.020_–_Definitions) **Definitions**

[**15.08.030**](#_15.08.030_–_Development) **Development Permit Required**

[**15.08.040**](#_15.08.040_–_Exempt) **Exempt Signs**

[**15.08.050**](#_15.08.050_–_Prohibited) **Prohibited Signs**

[**15.08.055**](#_15.08.055_–_Sign) **Sign Maintenance**

[**15.08.060**](#_15.08.060_–_Sign) **Sign Standards**

[**15.08.070**](#_15.08.070_–_General) **General Provisions**

[**15.08.080**](#_15.08.080_–_Projection) **Projection Over Right-Of-Way**

[**15.08.090**](#_15.08.090_–_Roof) **Roof Signs**

[**15.08.100**](#_15.08.100_–_Wall) **Wall Signs**

[**15.08.110**](#_15.08.110_–_Temporary) **Temporary Signs**

[**15.08.120**](#_15.08.120_–_Directional) **Directional Signs**

[**15.08.130**](#_15.08.130_–_Off-premises) **Off-Premises Signs And Billboards**

[**15.08.140**](#_15.08.140_–_Multiple-building) **Multiple-Building Complexes And Multiple-Tenant Buildings**

[**15.08.150**](#_15.08.150_–_Freeway) **Freeway Signs**

[**15.08.160**](#_15.08.160_–_Legal) **Legal Nonconforming Signs**

[**15.08.170**](#_15.08.170_–_Administrative) **Administrative Adjustment Of Sign Standards Allowed**

[**15.08.180**](#_15.08.180_–_Variances) **Variances**

[**15.08.190**](#_15.08.190_–_Violations) **Violations**

### 15.08.010 – Purpose

The purpose of this section is to accommodate and promote: sign placement consistent with the character and intent of the zoning district; proper sign maintenance; elimination of visual clutter; and creative and innovative sign design. To accomplish this purpose, the posting, displaying, erecting, use, and maintenance of signs within the urban area, shall occur in accordance with this Chapter.

### 15.08.020 – Definitions

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

**Abandoned sign** means any sign located on property that is vacant and unoccupied for a period of six months or more, or any sign which pertains to any occupant, business, or event unrelated to the present occupant or use.

**Banner** means any sign of lightweight fabric or similar material that is mounted to a pole or building at one or more edges. National flags, state, local flags or any official flag at an institution or business will not be considered banners.

**Canopy sign** means any sign that is part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.

**Changing message center sign** means an electronically controlled sign where different automatic changing messages are shown on the lampbank. This definition includes time and temperature displays.

**Construction sign** means any sign used to identify the architects, engineers, contractors, or other individuals or firms involved with the construction of a building and to show the design of the building or the purpose for which the building is intended.

**Directional sign** See [YMC 15.08.020](#_15.08.020_–_Definitions), "Off-Premises Directional Sign" & "On-Premises Directional Sign"

**Electrical sign** means a sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.

**Flashing sign** means an electric sign or a portion thereof (except changing message centers) which changes light intensity in a sudden transitory burst, or which switches on and off in a constant pattern in which more than one-third of the nonconstant light source is off at any one time.

**Freestanding sign** means any sign supported by one or more uprights, poles, or braces in or upon the ground.

**Freeway sign** means a freestanding sign designed and placed to attract the attention of freeway traffic.

**Grand opening sign** means temporary signs, posters, banners, strings of lights, clusters of flags, balloons, and searchlights used to announce the opening of a completely new enterprise or the opening of an enterprise under new management.

**Multiple-building complex** is a group of structures housing two or more retail, offices, or commercial uses sharing the same lot, access and/or parking facilities, or a coordinated site plan. For purposes of this section, each multiple building complex shall be considered a single use.

**Multiple-tenant building** is a single structure housing two or more retail, offices, or commercial uses sharing the same lot, access and/or parking facilities, or a coordinated site plan. For purposes of this section, each multiple building complex shall be considered a single use. (See [YMC 15.08.140](#_15.08.140_–_Multiple-building))

**Off-premises sign** means a sign advertising or promoting merchandise, service, goods, or entertainment sold, produced, manufactured, or furnished at a place other than on the property where the sign is located.

**Off-premises directional sign** means an off-premises sign with directions to a particular business.

**On-premises sign** means a sign incidental to a lawful use of the premises on which it is located, advertising the business transacted, services rendered, goods sold, or products produced on the premises or the name of the business, name of the person, firm or corporation occupying the premises.

**On-premises directional sign** means a sign directing pedestrian or vehicular traffic to parking, entrances, exits, service areas, or other on-site locations.

**Political sign** means a sign advertising a candidate or candidates for public elective offices, or a political party, or a sign urging a particular vote on a public issue decided by ballot.

**Portable sign** means a temporary sign made of wood, metal, plastic, or other durable material that is not attached to the ground or a structure. This definition includes sandwich boards, and portable readerboards (also see [YMC 15.08.020](#_15.08.020_–_Definitions), "temporary sign") if placed on private property. Signs placed on public or street right of way, including public sidewalks, require review under YMC 8.20.055.

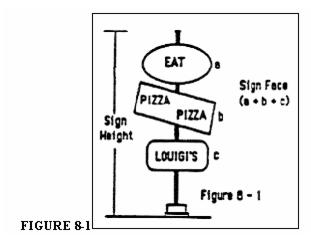
**Projecting sign** means a sign, other than a wall sign, that is attached to and projects from a structure or building face.

**Real estate sign** means any sign pertaining to the sale, lease or rental of land or buildings.

**Roof sign** means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design. (See [YMC 15.08.090](#_15.08.090_–_Roof))

**Sign** means any medium, including its structural component parts used or intended to attract attention to the subject matter that identifies, advertises, and/or promotes an activity, product, service, place, business, or any other thing.

**Sign area** means that area contained within a single continuous perimeter enclosing the entire sign cabinet, but excluding any support or framing structure that does not convey a message.

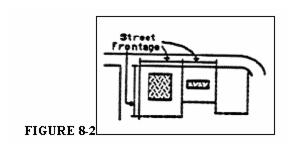


**Sign cabinet** means the module or background containing the advertising message but excluding sign supports, architectural framing, or other decorative features which contain no written or advertising copy.

**Sign height** means the vertical distance measured from the grade below the sign or upper surface of the nearest street curb, whichever permits the greatest height, to the highest point of the sign.

**Sign setback** means the horizontal distance from the property line to the nearest edge of the sign cabinet.

**Street frontage** means the length in feet of a property line(s) or lot line(s) bordering a public street. For corner lots each street-side property line shall be a separate street frontage. The frontage for a single use or development on two or more lots shall be the sum of the individual lot frontages.



**Temporary sign** means any sign, banner, pennant, valance, or advertising display constructed of cloth, paper, canvas, cardboard, or other light nondurable materials and portable signs as defined in [YMC 15.08.020](#_15.08.020_–_Definitions). Types of displays included in this category are: grand opening, special sales, special event, and garage sale signs.

**Use identification sign** means a sign used to identify and/or contain information pertaining to a school, church, residential development, or a legal business other than a home occupation in a residential district.

**Wall sign** means any on-premises sign attached to or painted directly on, or erected against and parallel to the wall of a building. (See [YMC 15.08.100](#_15.08.100_–_Wall))

**Window sign** means any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

### 15.08.030 – Development Permit Required

No sign governed by Title 15 shall be erected, structurally altered or relocated after the adoption without first receiving a development permit from the building official.

1. For New Uses. All on-premises signs meeting the standards of this chapter are considered Class (1) uses requiring Type (1) Review. On-premise signs not meeting the standards shall follow the procedures of YMC 15.08.170, and are otherwise not permitted. Off-premises signs and billboards are permitted as identified in [YMC 15.08.130](#_15.08.130_–_Off-premises).
2. For Changes or Replacement of an Existing Sign. Structural changes to, or replacement of, an existing sign requires Type (1) review and approval by the building official.

### 15.08.040 – Exempt Signs

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

* 1. Window signs;
  2. Point of purchase displays, such as product dispensers;
  3. Gravestones;
  4. Barber poles;
  5. Historical site plaques;
  6. Structures intended for a separate use such as phone booths, Goodwill containers, etc.;
  7. Official and legal notices issued by any court, public body, person, or officer in performance of a public duty or in giving any legal notice;
  8. Directional, warning, or information signs or structures required or authorized by law;
  9. Official flags of the United States of America, states of the United States, counties, municipalities, official flags of foreign nations, and flags of internationally and nationally recognized organizations;
  10. Political signs advertising a candidate or candidates for public elective office, a political party, or promote a position on a public issue during a campaign, provided that:

a. All political signs shall be removed within fifteen days following the election, except that in cases where a general election follows a primary election, those signs for candidates whose names will appear on the ballot in the general election may be displayed during the interim period and up to fifteen days after the general election; and,

b. No political sign shall be erected upon any private property without the permission of the resident or owner thereof; and, in cases where there is no occupied structure on the property, no political signs shall be placed thereon without the written consent of the owner of the property;

* 1. Construction and real estate signs not exceeding thirty-two square feet in sign area;
  2. All temporary signs (See [YMC 15.08.110](#_15.08.110_–_Temporary)) accept portable signs;
  3. Church, school, and community center name and/or readerboards not exceeding thirty-two square feet in sign area;
  4. Canopies and awning signs;
  5. On-premises signs not readable from the public right-of-way, i.e., menu boards, etc.;
  6. On-premises directional signs; and,
  7. Official public or court notices issued by a government agency or body or required or provided for under adopted statute.

### 15.08.050 – Prohibited Signs

The following signs are prohibited:

1. Signs on any vehicle or trailer parked on public or private property and visible from a public right-of-way for the purpose of circumventing the provisions of YMC Ch. 15.08. This provision shall not prohibit signs painted on or magnetically attached to any vehicle operating in the normal course of business;
2. Signs purporting to be, imitating, or resembling an official traffic sign or signal; could cause confusion with any official sign, or which obstruct the visibility of any traffic/street sign or signal;
3. Signs attached to utility, streetlight, and traffic-control standard poles;
4. Swinging projecting signs;
5. Signs in a dilapidated (having peeling paint, major cracks or holes, and/or loose or dangling materials) or hazardous condition;
6. Abandoned signs;
7. Signs on doors, windows, or fire escapes that restrict free ingress or egress; and,
8. Any other sign not meeting the provisions of this Chapter.

### 15.08.055 – Sign Maintenance

1. **General Requirements**. Signs shall be maintained in good order and repair at all times so that they do not constitute any danger or hazard to public safety and are free of peeling paint, major cracks, and loose and dangling materials. Signs that are not maintained in this manner shall be considered prohibited signs.
2. **Nonconforming Sign Maintenance and Repair**. Nothing in this Title shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this section regarding safety, maintenance, repair, and/or removal of signs. (See [YMC 15.08.160](#_15.08.160_–_Legal))

### 15.08.060 – Sign Standards

The provisions of this Chapter and the requirements in [Table 8-1](#_Table_8-1_Type), “Type and Number of Signs Permitted,” [Table 8-2](#_Table_8-2_Maximum) “Maximum Sign Area,” and [Table 8-3](#_Table_8-3_Sign), “Sign Height and Setbacks” are established for all signs in the zoning districts indicated. All permitted signs are subject to the review procedures and the standards of this section. Signs for Class (1), (2), and (3) uses shall be subject to the same procedural and review requirements as the principal use.

### 15.08.070 – General Provisions

All signs shall comply with the following provisions:

1. Construction shall satisfy the requirements of the Building Code;
2. Except for exempt signs, all signs shall be permanently attached to a building or the ground;
3. Signs attached to a building shall not exceed the height of the building, except under the provisions of [YMC 15.08.080(1)](#_15.08.080_–_Projection) and [YMC 15.08.090](#_15.08.090_–_Roof);
4. All signs shall comply with the setback requirements in [Table 8-3](#_Table_8-3_Sign), except when the side or rear yard is a street frontage, then the front setback shall apply;
5. Lighting directed on or internal to any sign shall be shaded, screened, or directed so that the light’s intensity or brightness shall not adversely affect neighboring property or motor vehicle safety;
6. All signs together with their supports, braces, and guys shall be maintained in a safe and secure manner;
7. The ratio of the area of the sign support, framing structure, and/or other decorative features which contain no written or advertising copy, to the sign cabinet shall not be greater than 1:1;
8. A clearview triangle shall be maintained at all driveways and curb cuts for vision safety purposes. (See [YMC 15.05.040](#_15.05.040_–_Vision));
9. No freestanding signs shall be placed in the clearview triangle established in [YMC 15.05.040](#_15.05.040_–_Vision); and,
10. Any exterior lighting must be shielded and directed away from adjoining streets or residential uses.

### Table 8-1 Type And Number Of Signs Permitted

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| SIGN TYPE | | ZONING DISTRICTS | | | | | | | | | | | | | | |
| SR | R1 | R2 | R3 | B1 | HB | B2 | SCC | LCC | CBD | GC | AS | RD | M1 | M2 |
| PERMITTED SIGNS | | | | | | | | | | | | | | | | |
| On Premises Signs | Nameplate | Permitted as an accessory use to an approved or existing use | | | | | | | | | | | | | | |
| Subdivision Identification/Project Identification2 |
| Roof/Portable Signs | Not Permitted | | | Class (1) Use | | | | | | | | | | | |
| Freestanding1 | Subdivision/Proj. I.D. Only | | | On-premises signs meeting the standards of this chapter are considered Class (1) Uses requiring Type (1) Review. On-premise signs not meeting the standards of this chapter shall follow the procedures of YMC 15.08.170, and are otherwise not permitted. | | | | | | | | | | | |
| Projecting | Not Permitted | | |
| Freeway | See [YMC 15.08.150](#_15.08.150_–_Freeway) | | | | | | | | | | | |
| Off Premises Signs | Directional | Not Permitted | | | Class (2) use | Not  Permitted | | Class (2) Use | | | | Class (1) Use | |
| Advertising |
| Billboards |  |
| NUMBER OF SIGNS PERMITTED | | | | | | | | | | | | | | | | |
| On Premises Signs | Nameplate | 1 per dwelling | | | | | | | | | | | | | | |
| Subdivision Identification /Use Identification2 | 1 peer street frontage | | | | 1 per street frontage | | | | | | | | | | |
|
| Freestanding1 |
| Projecting | Not Permitted | | | |
| Wall/Roof/  Portable Signs | Wall: [YMC 15.08.100](#_15.08.100_–_Wall)/Roof: [YMC 15.08.090](#_15.08.090_–_Roof)/  Temporary: [YMC 15.08.110](#_15.08.110_–_Temporary) | | | | | | | | | | |
| Freeway | Freeway: See [YMC 15.08.150](#_15.08.150_–_Freeway) | | | | | | | | | | |
| Off Premises Signs | Directional | Directional: See [YMC 15.08.120(b)](#_15.08.120_–_Directional) | | | | | | | | | | |
| Advertising | Not Permitted | | | | | | 1 Sign Per Parcel (Also [YMC 15.08.130](#_15.08.130_–_Off-premises)) | | | | | | | | |
| Billboards |  | | | | | | | | |

NOTES:

1. [YMC 15.08.140](#_15.08.140_–_Multiple-building) has freestanding sign provisions for multiple building complexes and multiple tenant buildings.

2. Nameplates and subdivision identification signs permitted in the Residential Districts may be placed on a wall—See [Table 8-2](#_Table_8-2_Maximum).

### Table 8-2 Maximum Sign Area

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | | Freestanding and Projecting Signs | | | |
| ZONING DISTRICT | | Sign is setback 15’ or less from required right-of-way | Sign is setback 15’ or more from required right-of-way | WALL SIGNS | FREEWAY SIGNS |
| SR, R-1, R-2, & R-3 | | Nameplates up to 2 sq. ft & Subdivision/Project Identification up to 32 sq. ft. | | |  |
| HB & B1 | | 24 sq. ft. | 40 sq. ft. | SIZE OF WALL TO WHICH ATTACHED |
| B2 | | 40 sq. ft. | 60 sq. ft. |
| SCC | Frontage is less than 400 Ft. long | 1 sq. ft. of sign area per lineal ft. of frontage up to 100 sq. ft. | 1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft. | PERMITTED: UP TO 300 SQUARE FOOT |
| Frontage is more than 400 Ft. long | 1 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft. | 1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft. |
| LCC | Frontage is less than 400 Ft. long | 1 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft. | 1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft. |
| Frontage is more than 400 Ft. long | 1 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft. | 1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 250 sq. ft. |
| CBD | | 1 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft. | |
| GC | Frontage is less than 400 Ft. long | . 1 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft. | 1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft. |
| Frontage is more than 400 Ft. long | 1 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft | 1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 250 sq. ft. |
| AS | Frontage is less than 400 Ft. long | 1 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft. | 1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft. |
| Frontage is more than 400 Ft. long | 1 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft | 1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 250 sq. ft. |
| RD | Frontage is less than 400 Ft. long | 1 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft. | 1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft. |
| Frontage is more than 400 Ft. long | 1 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft | 1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 250 sq. ft. |
| M1 | | 1 sq. ft. of sign area per lineal ft. of frontage up to 100 sq. ft. | 1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft. |
| M2 | |
| MAXIMUM AREA PER SIGN = 2 TIMES THE MAXIMUM AREA PER SIGN FACE | | | | | |

### Table 8-3 Sign Height And Setbacks

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Table 8-3 Sign Height And Setbacks | | | | | | | | | | | | | | | | |
| SIGN STANDARDS | | ZONING DISTRICTS | | | | | | | | | | | | | | |
| SR | R1 | R2 | R3 | B1 | HB | B2 | SCC | LCC | CBD | GC | AS | RD | M1 | M2 |
| MAXIMUM SIGN HEIGHT | | | | | | | | | | | | | | | | |
| Free  standing1 | Sign is setback 15 feet or less from required right-of-way | 5 ft. | | | | 10 Ft. | | 15 Ft. | 30 Ft. | 30 Ft. | 30 Ft. | 30 Ft. | | | | |
| Sign is setback more than 15 feet from required right-of-way | 10 Ft. | | | | 15 Ft. | | 20 Ft. | 35 Ft. | 40 Ft. | 30 Ft. | 40 Ft. | | | | |
| Projecting | | Not Permitted2 | | | | See [YMC 15.08.080](#_15.08.080_–_Projection) | | | | | | | | | | |
| Wall | | Top of Wall to Which Attached | | | | | | | | | | |
| Freeway | | Where Permitted: 70’ | | | | | | | | | | |
| SETBACKS | | | | | | | | | | | | | | | | |
| Minimum front yard setbacks | | Edge of right-of-way | | | | | | | | | | | | | | |
| Minimum side yard setbacks | | Required setback standards for each zoning district ([Table 5-1](#_Table_5-1_Design)) | | | | | | | | | | | | | | |
| Notes:  1. [YMC 15.08.140](#_15.08.140_–_Multiple-building) has special freestanding sign provisions for multiple building complexes and multiple tenant buildings.  2. Nameplates and subdivision identification signs permitted in the Residential Districts may be placed on a wall. (See [Table 8-2](#_Table_8-2_Maximum)) | | | | | | | | | | | | | | | | |

### 15.08.080 – Projection Over Right-Of-Way

Projecting and freestanding signs shall comply with the following provisions:

* 1. No more than one-third of the height of any projecting sign shall exceed the height of the building to which it is attached.
  2. All signs projecting over the public right-of-way shall conform to the following standards:

|  |  |
| --- | --- |
| Clearance Above Grade | Maximum Projection |
| Less than 8 feet | Not permitted |
| 8 feet to 9 feet | 1 foot |
| 9 feet to 10 feet | 2 feet |
| Over 10 feet | 2/3 the distance from building to curb line or a maximum of 10 feet |
| No sign shall project within two feet of the curb line. | |

### 15.08.090 – Roof Signs

All roof signs shall comply with the following provisions:

1. Roof signs shall be erected so as to appear from all sides as a wall sign applied to an existing penthouse which appears to be a part of the building itself.
2. Roof signs must not exceed the maximum allowable height of the building within the district in which it is located.
3. All roof signs shall be installed or erected in such a manner that there is no visual support structure.

### 15.08.100 – Wall Signs

All wall signs shall conform to the following provisions:

1. Wall signs may be painted upon, attached flat to, or pinned away from the wall, but shall not project more than twelve inches from the wall.
2. The number of wall signs is not regulated; provided the total area of the wall sign(s) may not exceed the area of the wall to which attached.
3. Wall signs shall not extend above the height of the wall to which attached.

### 15.08.110 – Temporary Signs

All temporary signs shall conform to the following:

1. No temporary sign shall be displayed for more than thirty days at any one time, nor more than ninety days during a calendar year.
2. Only one temporary sign on each street frontage per parcel or lot is permitted.
3. No temporary sign shall be placed in a required parking space, driveway, or clearview triangle.
4. No temporary sign may be placed in the public right-of-way or an easement unless specifically permitted by the city/county.
5. Temporary signs placed on the ground shall be separated from parking and driveway areas by a curb or other barrier.
6. No temporary sign shall be displayed more than fifteen days after the event for which it is intended.

### 15.08.120 – Directional Signs

1. **On-premises Directional Signs**. On-premises direction signs readable from the public right-of-way may be permitted in accordance with [Table 8-1](#_Table_8-1_Type). On-premises directional signs may contain both directions and the business name or logo provided the business name or logo shall not exceed fifty percent of the sign area. All on-premises directional signs shall meet the general provisions of this section and shall not exceed ten square feet per sign face.
2. **Off-premises Directional Signs**. Off-premise directional signs are permitted where indicated in [YMC 15.08.130(B)](#_15.08.130_–_Off-premises); provided, that:
   1. Each use located in a district where off-premises directional signs are allowed is permitted one off-premises directional sign;
   2. The off-premises sign contains only directional information and does not exceed thirty-two square feet in area nor twenty-five feet in height;
   3. The off-premises signs are permanently installed on private property;
   4. Only one off-premises sign is permitted on a parcel.

### 15.08.130 – Off-Premises Signs And Billboards

1. Billboards are:
   1. Class (1) uses in the M-1 and M-2 districts; and,
   2. Class (2) uses in the CBD, GC, and RD districts.
2. Billboards may be permitted in these districts after the required type of review; provided they meet the provisions of this Chapter and all of the following criteria:
   1. The maximum sign area does not exceed three hundred square feet per sign face;
   2. There is not more than one product display per sign face;
   3. There are no side by side panels;
   4. The required front yard setbacks are met;
   5. Billboards between a one-hundred-fifty and three-hundred feet radius of a residential district shall be restricted to one hundred sixty square feet per sign face and may not be lighted;
   6. No billboard shall be located within one-hundred fifty feet of a residential district;
   7. The billboard is not within five hundred lineal feet of another billboard having the same street frontage;
   8. Billboard height standards shall not exceed that permitted for freestanding signs as provided in [YMC Ch. 15.08](#_CHAPTER_-_15.08), [Table 8-3](#_Table_8-3_Sign_);
   9. The total number of combined freestanding signs, off-premise signs, and billboards does not exceed the number of freestanding signs allowed for the property.
3. Off-premise(s) signs are:
   1. Class (1) uses in the M-1 and M-2 districts; and,
   2. Class (2) uses in the B-2, CBD, GC, and RD districts.

Off-premises signs may be permitted in these districts after the required type of review provided they meet the provisions of YMC Ch. 15.08 and the specific standards for the district in which they are located.

### 15.08.140 – Multiple-Building Complexes And Multiple-Tenant Buildings

1. **Purpose**. The following provisions shall apply to multiple-building complexes and multiple-tenant buildings in the SCC, LCC, GC, and RD districts.
2. **Number of Freestanding Signs**. Each multi-building complex shall be allowed one freestanding sign on each street frontage in accordance with [Table 8-2](#_Table_8-2_Maximum). When the street frontage is longer than four hundred feet:
   1. One additional freestanding sign shall be permitted for each additional four hundred feet of street frontage or part thereof; or
   2. A single larger freestanding sign can be erected in accordance with [Table 8-2](#_Table_8-2_Maximum).

If option 1, as set forth in subsection (B)(1) of this section, is selected, no freestanding sign shall be placed closer than two hundred feet to any other freestanding sign or exceed the standards in [Table 8-2](#_Table_8-2_Maximum). These provisions shall also apply to each multiple tenant building, unless it is a part of a multiple building complex. The allowable freestanding sign(s) may be used to advertise one or more of the uses in the multiple-building complex or multiple tenant building.

### 15.08.150 – Freeway Signs

1. **Purpose**. The purpose of this section is to permit hotels/motels, restaurants, service stations, and fruit stands near the freeway a larger on-premises sign to inform freeway travelers of their service.
2. **Location**. A freeway sign may be used to substitute an allowable freestanding sign where there is more than one street frontage. When the use:
   1. Has frontage on Nob Hill Blvd., Yakima Avenue, Terrace Heights Drive, North 1st Street, North 16th Avenue, or North 40th Avenue; or,
   2. Is within two hundred fifty feet of the freeway right-of-way.
3. **Number of Freeway Signs**. Only one freeway sign is permitted on each parcel, multiple building complex, or for each development, whichever is more restrictive.
4. **Uses with Only One Frontage**. Uses within the area described in [YMC 15.08.150(B)](#_15.08.150_–_Freeway) with only one street frontage may install a freeway sign in addition to the permitted freestanding sign.
5. **Sign Height**. The maximum height for freeway signs is shown in [Table 8-3](#_Table_8-3_Sign_).

### 15.08.160 – Legal Nonconforming Signs

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

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

### 15.08.170 – Administrative Adjustment of Sign Standards Allowed

1. **Comprehensive Design Plan**. A comprehensive design plan is required whenever adjustment of one or more of the sign design standards of this Chapter is proposed or when required as part of a detailed sign plan. The comprehensive design plan shall include a narrative and site plan, including, but not limited to the following:
   1. Site Plan which includes the physical components of the sign including sign size, height, shape, color, location and associated landscaping;
   2. A description of how the sign relates to the immediate surroundings, including existing and proposed structures, other signs, neighboring land uses and the character of the zoning district;
   3. A explanation of why the existing sign standards are not adequate and require adjustment, and,
   4. For multiple tenant buildings and multiple building complexes a description of how the available sign area will be allocated between tenants or leasable spaces.
2. **Review Procedures**. The Administrative Official shall review the comprehensive design plan in accordance with the provisions of [YMC Ch. 15.10](#_CHAPTER_15.10_–) and may either approve or disapprove the plan. The Administrative Official shall approve the comprehensive design plan and/or adjustments in the standards of this chapter when he finds that such approval would be consistent with the character of the zoning district, compatible with neighboring land uses, and create visual harmony between the sign, structure, and the site where it is located. The Administrative Official may also attach conditions to this approval in order to accomplish the objectives of this section and [YMC 15.10.030](#_15.10.030_–_Special).

### 15.08.180 – Variances

Except as allowed by [YMC 15.08.170](#_15.08.170_–_Administrative), no reduction of the standards in this Chapter is allowed except pursuant to YMC Ch. 15.21.

### 15.08.190 – Violations

Failure to comply with the provisions of this Chapter is a violation and punishable under [YMC Ch. 15.25](#_Chapter_15.25_–).

## CHAPTER 15.09 - SPECIAL DEVELOPMENT STANDARDS

**Sections:**

[**15.09.010**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1509.html#15.09.010)**Purpose.**

[**15.09.020**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1509.html#15.09.020)**Special development standards for the district overlays.**

[**15.09.030**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1509.html#15.09.030)**Common open space requirements.**

[**15.09.040**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1509.html#15.09.040)**Zero lot line development.**

**15.09.045 Accessory Dwelling Units**

[**15.09.050**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1509.html#15.09.050)**Performance standards—Emissions.**

[**15.09.060**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1509.html#15.09.060)**Special development standards for service stations and other retail uses selling motor**

**fuel.**

[**15.09.070**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1509.html#15.09.070)**Special requirements for animal husbandry.**

[**15.09.080**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1509.html#15.09.080)**Special requirements for bed and breakfast inns.**

[**15.09.090**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1509.html#15.09.090)**Special requirements for social card rooms.**

[**15.09.100**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1509.html#15.09.100)**Private street review requirements.**

[**15.09.110**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1509.html#15.09.110)**Reasonable accommodations process.**

[**15.09.200**](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1509.html#15.09.200)**Adult business.**

**15.08.010 – Purpose**

1. **Purpose**. The overlays are established to coordinate the provisions established in the zoning ordinance with more detailed policies and standards adopted in other plans and ordinances. Specific overlays have been established as follows:

|  |  |
| --- | --- |
| Overlay District | Districts or programs |
| Greenway Overlay | Yakima River Regional Greenway Plan; Shoreline Master Program |
| Floodplain Overlay | Shoreline Master Program  National Flood Insurance Program (flood hazard areas) |
| Overlays established separately in this Title | |
| Airport Safety Overlay  (see [YMC Ch. 15.30](#_Chapter_15.30_AIRPORT)) | Yakima Air Terminal at McAllister Field  Other public airport with defined airspace per FAR Part 77 |
| Institutional Overlay  (see [YMC Ch. 15.31](#_Chapter_15.31_INSTITUTIONAL)) | Large-scale institutional facilities with special locational needs |
| Master Planned Development Overlay (see [YMC Ch. 15.28](#_Chapter_15.28_MASTER)) | Master Planned Development (residential, commercial, industrial or mixed-use development |

1. **Application**. The provisions of this Chapter shall apply when all or a portion of a development, or modification thereto, is proposed within the boundaries of an overlay.

**15.09.020 – Special Development Standards For The District Overlays**

A. **Project Review in an Overlay**. In order to assure the appropriate standards are applied, all Class (1) uses in an overlay unless otherwise specified shall be subject to Type (2) review. (YMC Ch. 15.14) All Class (2) uses shall be subject to Type (2) review and Class (3) uses in an overlay district shall be subject to Type (3) review. The Administrative Official may condition or deny approval of any use, development, or modification thereto in an overlay based on the provisions set forth and adopted by this section.

B. **Special Development Standards in the Greenway Overlay**. All development in the Greenway Overlay shall conform to the requirements and standards of the underlying zoning district and the policies and intent of the Yakima River Regional Greenway Plan.

C. **Special Development Standards in the Floodplain Overlay**. All development in the Floodplain Overlay shall conform to the requirements and standards of the underlying zoning district, and the flood damage prevention ordinance adopted by the county/city. Development within shorelines jurisdiction or the floodplain shall also be consistent with the county or city shorelines master program and/or the flood damage prevention ordinance.

D. **Coordination with the Shorelines Master Program**. If a proposed Class (2) or (3) use, nonconforming use expansion, or modification is proposed on property within the jurisdictional boundaries of the Yakima County Shoreline Master Program and is subject to permits thereof, then the proposed change shall not be subject to the procedural requirements, but shall be subject to all applicable standards. If a conflict exists between the standards of the shoreline master program and YMC Title 15, the more restrictive provisions shall apply.

**15.09.030 – Common Open Space Requirements**

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

A. **Use**. The common open space may be used for recreation; shoreline access; landscaping; land use, visual, or noise buffer; drainage control; or other uses approved by the reviewing official during project review. Uses authorized for the common open space shall be appropriate with the use, size and density of the proposed development and the natural features of the site. Common open space shall be improved for its intended use, but common open space containing natural features may be left unimproved. All structures and improvements permitted in the common open space must be appropriate with the authorized use and natural features of the common open space. Common open space may be used only for those uses specified in the approved final site plan.

B. **Location**. The location, shape, size, and character of the open space shall be suitable for the type of project. Generally, common open space shall be:

1. Located next to other open space areas;

2. Located so that it buffers the proposed development from neighboring developments; or, 3. Located to provide access to recreation facilities or link recreational facilities with sidewalks or paths.

C. **Retention and Maintenance**. The final site plan shall include a provision approved by the reviewing official assuring the permanent retention and maintenance of the common open space. Such assurance may be in the form of restrictive covenants, dedication of open space to the public where such dedication will be accepted by the legislative body, a homeowner’s association, or any other method approved by the Administrative Official. All legal documents to carry out this requirement shall be approved by the jurisdiction's legal authority. The document shall contain a provision vesting the county/city with the right to enforce the permanent retention and maintenance of the common open space and provide that in the event that common open space is permitted to deteriorate, or is not maintained in a condition consistent with the approved plan and program, the county/city may at its option cause necessary maintenance to be performed and assess the costs thereof to the owners of the property within the project. A document shall also provide for the collection of such costs by lien and/or direct civil action.

**15.09.040 – Zero Lot Line Development**

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

B. **Review Required**. Zero lot line development in subdivisions and short subdivisions approved after the effective date of this ordinance may be approved by a Type (2) review. Zero lot line development may also be approved on lots created before the effective date by a Type (3) review. A site plan meeting the requirements of YMC 15.11.040 or, as applicable YMC 15.11.050, shall be prepared for all zero lot line development.

C. **Development Standards**. All zero lot line developments shall comply with the standards of Table 5-1, and 5-2, the provisions and the following requirements; provided, that where the standards included herein conflict with the standards established in other sections, the standards herein shall apply:

1. Dwelling Unit Setbacks:

a. *Interior Side Yard Setback Standard*. The dwelling unit may be placed on one interior side property line (a zero setback). The setback standard from the other side property line shall be ten feet. No structures except for patios, pools, fences, walls, and other similar elements are permitted within the required setback area.

b. *Rear Yard Setback Standard*. The rear yard setback standard is ten feet.

c. *Front and Street-side Setback Standards*. Front and street-side setback standards shall be those shown on Table 5-1.

2. Accessory Building Setback. Accessory buildings and structures shall observe the setback requirements for the main dwelling unit.

3. Maximum Lot Coverage. The total lot coverage on a lot shall not exceed the district requirements established in Table 5-1.

4. Platting Requirements. Each dwelling shall be located on its own individual platted lot. The plat shall show the zero lot lines and the related easements.

5. Openings Prohibited on the Zero Lot Line Side. In order to maintain privacy, there shall be no windows, doors, air conditioning units, or any other type of openings in the wall along the zero lot line, except when such a wall abuts permanent open spaces or a public or private right-of-way.

6. Maintenance and Drainage Easements. A perpetual maintenance, eave overhang, and drainage easement at least five feet wide shall be provided on the lot adjacent to the zero lot line property line, which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title on the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners. Eaves, but no other part of any structure, may protrude across a side lot line, and such protrusion shall not exceed 18". Water runoff from the dwelling placed on the lot is limited to the easement area.

7. Common Open Space and Maintenance Facilities. Any common open space provided shall comply with YMC 15.09.030.

**15.09.045 – Accessory Dwelling Units**

1. **Purpose**. The purpose of the accessory dwelling unit (ADU) provisions are to:
   1. Provide homeowners with an opportunity for extra income, companionship, and security;
   2. Better utilize existing infrastructure and community resources (sewer, water, roads, etc);
   3. Provide a housing type that allows flexibility to respond to changing needs and lifestyles;
   4. Add to the supply of affordable dwelling units; and,
   5. Protect neighborhood character and stability by ensuring that ADUs are compatible with surrounding land uses.
2. **Requirements**. An accessory dwelling unit is a permitted Class (3) use, secondary to the primary use of a detached single-family dwelling, subject to all of the following conditions:
   1. The accessory dwelling unit may be attached to the primary residence; or attached to or above a detached garage.
   2. The front entrance to the ADU shall not be visible from a right-of-way or access easement.
   3. Paved off-street parking shall be provided as required in YMC Ch. 15.06 for both the ADU and the primary residence, separately, located on the lot they are intended to serve.
   4. The ADU’s floor area shall be comprised of not more than fifty percent of the floor area of the primary dwelling unit or 800 square feet, whichever is less. *For example, a primary detached dwelling unit 2,800 square feet in size would be limited to 800 square feet. A primary structure 1,000 square feet in size would be limited to 500 square feet*.
   5. The ADU’s exterior walls shall be designed so as to be similar in style, color, and building materials to the primary detached dwelling.
   6. The ADU shall have the same building setbacks as the primary structure.
   7. A parcel/lot shall contain no more than one single-family residence and one ADU.
   8. ADUs shall not be allowed on parcels containing a duplex or multi-family dwelling, or a commercial or industrial structure/use.
   9. ADUs shall only be permitted on parcels/lots one-quarter acre in size or larger.
   10. The primary residence and the ADU shall both be connected to public sewer and water.

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

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

* 1. A lot containing an ADU shall not be subdivided, or otherwise segregated in ownership, in a way that separates the ADU and the primary dwelling unit on different lots.
  2. A home occupation may be allowed, subject to YMC 15.04.120, in either the ADU or the primary unit, but not both.
  3. The site plan for the construction or conversion of an ADU shall indicate the ADU.
  4. Any exterior stairs shall be placed in the rear or side yard.
  5. A deed restriction, signed by the property owner and the City, shall be recorded with the Yakima County Auditor’s office providing notice to potential buyers of the ADU restrictions.

1. **Enforcement**. The City retains the right with reasonable notice to inspect the ADU for compliance with the provisions of this section.
2. **Elimination**. The City retains the right with reasonable notice to withdraw occupancy approval if any of the requirements under subsection (B) are violated. In the event the City withdraws occupancy, the property owner may:
   1. If attached, merge the existing ADU to the single-family dwelling; or,
   2. If detached, use the building for storage only or remove the structure from the premises.

**15.09.050 – Performance Standards—Emissions**

A. **Purpose and Application**. The purpose of this section is to provide guidelines and general standards governing emissions and miscellaneous items covered herein for use in evaluating the impact of proposed developments and uses, or changes or alterations thereto, being considered under the terms. A reviewing official, including those engaged in Type (1) review or administrative modification review may impose reasonable conditions, or in appropriate instances deny proposed developments based on the standards and guidelines set forth in this section in order to assure that permitted uses do not generate gases, fumes, heat, glare, vibrations, or store solid waste in a manner inconsistent with the intent of the district and/or incompatible with surrounding uses.

B. **Gases, Fumes and Vapors**. The emission of any gases, fumes, or vapors dangerous to human health, animal life, vegetation, or property is prohibited.

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

D. **Glare**. No use shall produce a strong dazzling light, or reflection of a strong dazzling light, beyond its lot lines.

E. **Vibrations**. No use shall cause vibrations or concussions detectible beyond its lot lines without the aid of instruments, except for vibration resulting from construction activity.

F. **Storage and Waste Disposal**. All materials and waste which might cause fumes or dust constitute a fire hazard, produce offensive odors, or which may be edible or otherwise attractive to rodents or insects shall be stored in closed containers and in a manner to eliminate or prevent such hazards.

**15.09.060 – Special Development Standards For Service Stations And Other Retail Uses**

**Selling Motor Fuel**

A. **Purpose**. The purpose of this section is to establish special site design standards for new service stations and other retail uses supplying motor fuel. These standards are intended to assure that these uses are compatible with adjoining residential districts and the character of the district in which they are located.

B. **Fifty-foot Setback from Residential Districts Required**. Each pump island shall be setback at least 50 feet from the zoning district boundary of all adjoining residential districts. Other permitted structures shall comply with the setback provisions established in Table 5-1.

C. **Storage and Display of Vehicles Prohibited**. No area of any service station or other retail use selling gasoline shall be used for the storage, display, and sale or leasing of any new or used vehicle.

**15.09.070 – Special Requirements for Animal Husbandry**

A. **Purpose**. The purpose of this section is to assure that the raising of domesticated farm animals within the urban area is compatible with adjoining residential uses and the intent and character of the district they are located in.

B. **Minimum Lot Size**. The minimum lot size for animal husbandry within the Yakima urban area is one-half acre. A lot at least one-half acre in size shall be deemed to meet this requirement even though a portion of the lot may be used for a single-family dwelling.

C. **Project Review**. Animal husbandry operations, which would create noise and odors attract insects or rodents or are otherwise incompatible with surrounding residential uses or the intent of the zoning district, may be conditioned or denied by the reviewing official in accordance with the provisions of this section and YMC 15.09.070.

D. **Minimum Setback**.

1. No portion of any structure used to house a domesticated farm animal shall be located within one hundred (100) feet of any residence other than a dwelling on the same lot; and
2. No portion of any structure used to house a domestic farm animal shall be located within ten (10) feet of a residence where the residence and domestic farm animal structure are located upon the same lot/tax parcel.

E. **Maximum Number of Animals**. The maximum number of animals that may be kept on the site at any time of the year shall be the number of animals that can be sustained by the pasture on which they are kept as their primary source of food, except during the winter months. The burden of proving that the pasture can sustain the number of animals in question shall be on the applicant.

F. **Fencing**. Fencing adequate to contain the animals shall be provided and maintained.

**15.09.080 – Special Requirements for Bed And Breakfast Inns**

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

A. Home occupation bed and breakfast inns shall be operated so as not to give the appearance of being a business and the inn shall not infringe upon the rights of neighboring residents to peaceful occupancy of their homes. Minimal outward modifications of the structure or grounds may be made only if such changes are compatible with the character of the neighborhood.

B. Meals shall only be served to guests, even if required to be licensed as a restaurant under state regulations, except as otherwise permitted in this Title.

C. The number of guest rooms shall not be increased through any exterior modifications or additions to the home occupation bed and breakfast.

D. The front yard area shall not be used for off-street parking for bed and breakfast guests unless the parking area is screened and found to be compatible with the neighborhood or unless waived by the reviewing official.

E. One non-illuminated or externally illuminated sign not exceeding the maximum size allowed within the applicable zoning district, and bearing only the name of the inn and/or operator shall be permitted.

F. The Administrative Official may authorize use of the bed and breakfast inn for receptions, group meetings and special gatherings based upon the size of the inn, availability of adequate off-street parking spaces, public health considerations, and compatibility with the surrounding neighborhood.

G. No more than five lodging or guest rooms shall be allowed for home occupations.

**15.09.090 – Special Requirements For Social Card Rooms**

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

**15.09.100 – Private Street Review Requirements**

Private Roads - General Requirements. Private streets serving three lots, housing units or more may be approved as an element of a Master Planned Development Overlay (YMC Ch. 15.28), a Mobile Home/ Manufactured Park (YMC 15.04.150), a Condominium or within a Binding Site Plan in conformance with Subdivision requirements.

A. Any private road that is located in a private street subdivision shall be constructed to the minimum standard of the appropriate jurisdiction and shall be permanently retained and maintained as a private road.

B. Private roads are the responsibility of the landowners to construct and maintain in accordance with YMC Ch. 15.09 and shall be specified in a homeowner’s association, development agreement or other

C. Names for private roads shall be approved by City or County Planning Departments.

D. Private roadway signs with street name designations shall be provided by and maintained by the developer or homeowner’s association and shall be located at the intersections of private roads. Such signs shall meet the specifications set forth by the respective governing body.

E. A gate may be installed at the entrance to a private street, provided there is a minimum of 50 feet between the public street and the gate and the width of each travel aisle is 24 feet.

F. A private gate shall not obstruct emergency, public service, or utility vehicles access.

G. Private roads and the entire easement or right-of-way width shall be open and available for use by emergency, public service, and utility vehicles.

H. The face of any plat, short plat, Master Development Plan, Binding site plan, or condominium document containing a private road, and all subsequent documents transferring ownership of lots within such plat or short plat, shall bear the following language: "The City of Yakima has no responsibility to build, improve, maintain or otherwise service any private road for this plat/short plat. Any right-of-way dedicated to the public by this plat/short plat shall not be opened as a City (or County) street until such time as it is improved to city (or County) street standards and accepted as part of the City (or County) transportation system."

I. The placement of utilities shall be coordinated as much as possible with the placement of private roads and public rights-of-way.

J. Utility easements having a minimum width of eight feet shall serve each interior lot. Utility easements shall be located outside private access easements and dedicated road rights-of-way unless approved otherwise by the City/County Engineer.

**15.09.110 – Reasonable Accommodations Process**

A. **Purpose**. This Chapter has been enacted to authorize the Director Of Community & Economic Development or his designee to waive or vary provisions of the Code when necessary to reasonably accommodate the statutory rights of the disabled under the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA) or the Washington Law Against Discrimination (WLAD). This process shall be interpreted and administered in order to ensure the full exercise and enjoyment of a disabled person's right to the residential housing of his/her choosing. The provisions of this Chapter shall apply to commercial and may apply to some residential activities or zones; provided that nothing herein shall be interpreted to limit the exercise of a disabled person's rights by or through a residential care provider. In the event of any conflict or if an interpretation of this Chapter is required, it shall be implemented and interpreted in accordance with the provisions of the Americans with Disabilities Act, the Fair Housing Act and the Washington Law Against Discrimination.

B. **Reasonable Accommodations**.

1. Upon the application of a disabled person or individual or entity providing services to the disabled in a residential facility or other group living arrangement, the Director Of Community & Economic Development or his designee is hereby authorized to vary, modify, or waive the provisions of the Yakima Municipal Code, including the provisions of YMC Titles 10, 11 and 15, in order to provide a reasonable accommodation as necessary to provide to a disabled person's or care provider to the disable’s full enjoyment of a residence.

2. The City's duty to accommodate is an affirmative one, and the Director Of Community & Economic Development is thereby authorized to provide accommodations in a thoughtful and proactive manner.

3. The following review may, at the Director Of Community & Economic Development's discretion, include citizen input into the administrative process. The Director Of Community & Economic Development shall provide written notice of the accommodation to the applicant and property owners within five hundred feet of the subject site.

4. When applying this reasonable accommodation process to the Yakima Municipal Code, including the State Building Code and other codes adopted pursuant to Yakima Municipal Code, the staff shall avoid the stereotypical assumptions regarding the disabled and shall attempt to ascertain the actual physical and/or mental limitation of the disabled individual in order to craft an accommodation which best suits the exercise of that individual's rights.

C. **Waiver Of Building Code Requirements**. No reasonable accommodation shall be provided by a waiver or variance of the provisions of the codes adopted pursuant to YMC Titles 10, 11 and 15, which does not substantially accomplish the purposes of those Titles or which would reduce the fire safety of any structure. Modifications, waivers, or variances of the provisions of International Building Code, International Fire Code, and other codes adopted pursuant to YMC Titles 10 and 11 shall provide at least the same level of safety required by the respective Washington State Code. The applicant shall have the burden of establishing that the proposed modification, waiver, or variance accomplishes substantially the same purpose without reduction of fire safety.

D. **Accommodations Personal To The Applicant**. The accommodation provided shall be personal to the applicant and shall not run with the land; provided that a change in a residential structure necessary to accommodate the operation of a residential care provider to the disabled may be continued by future operations of similar facilities at the site who established the same use within six months of the date the prior use by the disabled person or residential care provider ceases. The Director Of Community & Economic Development may direct that any physical change in the structure which would otherwise be illegal under the use or bulk requirements of the YMC Title 15, Yakima Urban Area Zoning Ordinance be brought into compliance six months after the date of sale or transfer of a residential structure to a person or entity not qualifying for the protections of the ADA, FHA, and WLAD.

E. **Appeal**. Interested persons, that are persons located within five hundred feet of the building site, may appeal the reasonable accommodation by filing a petition for review with Yakima County Superior Court within ten days of the date of mailing of the notice of decision.

**15.09.200 – Adult Business**

A. Purpose: All adult business uses shall comply with the requirements of this Section. The purpose and intent of requiring standards for adult business uses is to mitigate the adverse secondary effects caused by such facilities and to maintain compatibility with other land uses and services. In furtherance of this purpose, this Section is intended to regulate the location of adult entertainment and commercial enterprises in order to promote the health, safety and welfare of all citizens and in order to preserve and protect the quality of life in and around all neighborhoods through effective land use planning and reasonable regulation in light of the findings set forth herein and the facts and evidence contained in the legislative record.

The standards established in this Section shall apply to all adult business uses. Adult business uses are recognized as having objectionable operational characteristics, particularly when they are aggregated in one area. Since these uses have a harmful effect upon adjacent uses, and residential and commercial uses in particular, special regulation of adult business uses is necessary to avoid adverse effects arising from adult businesses so they will not contribute to the blighting or downgrading of the surrounding neighborhood. It is the intent of this Section to allow these uses to exist in a dispersed manner within specific zoning districts.

The standards established in this Section shall not be construed to restrict or prohibit the following activities or products: plays, operas, musicals, or other dramatic works; classes, seminars or lectures for educational or scientific purposes; nudity within a locker room or other similar facility used for changing clothing in connection with athletic or exercise activities; nudity within a hospital, clinic or other similar medical facility for health-related purposes; and all movies and videos that are rated G, PG, PG-13, R and NC-17 by the Motion Picture Association of America.

B. **Special Definitions Specific to this Section**. For the purpose of this Section, the following words and phrases shall have the following meanings:

1. Adult Arcade/Viewing Booth means any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting *adult media* for observation by patrons therein. This definition does not apply to a theatre, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600 square feet. Those greater than 600 square feet shall be considered an *Adult Motion Picture Theater.*
2. Adult Business Uses means any uses on premises to which the adult public, patrons or members are invited or admitted or wherein any employee or other person provides, exhibits or performs adult entertainment or operates an adult commercial establishment, to or for a member of the adult public, a patron or a member, and specifically includes the list below.

a. Adult commercial establishments;

b. Adult motion picture theatres;

c. Adult arcades / viewing booths;

d. Adult cabarets, dance halls and dance studios.

Also refer to specific prohibited uses identified in Section 15.09.200(E).

1. Adult Cabaret/Dance hall or Dance Studio means a building or portion of a building regularly featuring dancing or other live *adult entertainment* if the dancing or entertainment provided is distinguished or characterized by an emphasis on the exhibiting of *specified sexual activities* or *specified anatomical areas* for observation by patrons therein (YMC Chapter 5.30).
2. Adult Commercial Establishment means any premises on or where *adult media* or *sexually oriented toys or novelties* are the majority of articles or items for sale and/or rent. Majority shall be determined to exist when forty percent (40%) or more of the establishment’s gross public floor area is devoted to *adult media* or *sexually oriented toys or novelties*. Commercial establishments where the sale and/or rent of *adult* media or *sexually oriented toys or novelties* do not account for forty percent (40%) or more of the establishment’s gross public floor area shall adhere to the standards set forth in section 15.09.200(C)(2).
3. Adult Entertainment means any exhibition or dance of any type, pantomime, modeling or any other performance, including motion pictures, which involves the exposure to view any *specified anatomical areas* or involves any *specified sexual activities.*
4. Adult Media means magazines, books, videotapes, movies, slides, cd-roms or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to *specified anatomical areas* or *specified sexual activities*.
5. Adult Motion Picture Theatre means an establishment emphasizing or predominantly showing movies that exhibit *specified sexual activities*
6. Body Studio means any premises, other than a licensed massage parlor, reducing salon, health spa or public bath house, upon which is furnished, or which is offered to be furnished, for a fee or charge or other like consideration, the opportunity or act of painting, massaging, feeling, handling or touching the unclothed body or any unclothed portion of the body of another person, or to observe, view or photograph any such activity.
7. Church See definition in YMC § 15.02.020
8. Escort and Introductory Service means services provided with the intent to perform prohibited *specified sexual activities*, *specified sexual exhibitions* or other activities prohibited in this Section.
9. Massage Parlor means a commercial establishment in which massage or other touching of the human body is provided for a fee and which excludes any person by virtue of age or sex from all or any portion of the premises in which such service is provided.
10. Media means anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes, but is not limited to, books, newspapers, magazines, movies, videos, sound recordings, cd-roms, other magnetic media, and undeveloped pictures.
11. Park See definition in YMC § 15.02.020
12. Residential Zoning District means the Suburban Residential (SR); Single-Family Residential (R-1); Two-Family Residential (R-2); and Multi-Family Residential (R-3) zoning districts as defined in YMC Ch. 15.03.
13. School See definition in YMC § 15.02.020
14. Sexually Oriented Toys or Novelties means instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to simulate human genital organs.
15. Specified Anatomical Areas means (1) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
16. Specified Sexual Activities means human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
17. Specified Sexual Exhibitions means any exhibition, performance or dance which is intended to sexually stimulate any member of the public and which is conducted on a regular basis or as a substantial part of the premises activity. This includes, but is not limited to, any such exhibition, performance or dance performed for, arranged with or engaged in with fewer than all members of the public on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance and which is commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

C. **Permitted Uses**. Adult business uses shall be permitted subject to the following conditions:

1.    Adult business uses shall be considered Class (2) uses, requiring Type (2) review, in and only in the CBD (Central Business District), GC (General Commercial) zoning districts; and as a Class (3) use, requiring Type (3) review, in and only in the M-1 (Light Industrial) zoning district when applicable development standards of this Section are met:

2. Commercial uses approved for zoning requirements of Chapter 15.04 through 15.08 that sell and/or rent *adult media* or *sexually oriented toys or novelties,* but for which that portion of the establishment’s gross public floor area devoted to the sale or rent of *adult* media or *sexually oriented toys or novelties* accounts for less than forty percent (40%) of gross public floor area of the commercial use shall:

a. Restrict persons under the age of eighteen (18) from purchasing and/or renting the adult items; and,

b. Contain those adult items in a separate area appropriately sited and signed to restrict access to people under the age of eighteen (18), or behind a counter.

D. **Development Standards**. The following standards shall apply to proposed adult business uses, permitted under this Section:

1. *Adult business uses* shall adhere to the following standards:

a. Separation Standards

1. The parcel that contains the adult business use, and the signs relating to the use, shall not be located within five hundred (500) feet of any of the following preexisting uses or previously established districts:

a. The outside boundary of any parcel that contains a public school, private school or day care facility;

b. The outside boundary of any parcel that contains a church or other house of worship;

c. The outside boundary of an existing public park;

d. The outside boundary of any parcel that contains a public library; and,

e. A residential zoning district.

2. The parcel that contains an adult entertainment use shall not be located within fifteen hundred (1500) feet of a parcel supporting a similar adult entertainment use as defined in this Section, whether such similar use is located within or outside the City limits

3. The general sitescreening requirements of YMC Ch. 15.07 shall apply.

4. The separation requirements stated in D (1) (a) (1) (a) through (e) and D (1) (a) (2), above, shall be measured by extending a straight line from the nearest point on the property line of the parcel containing the proposed adult entertainment use to the nearest point on the property line of the parcel containing the other adult entertainment use, school, daycare, church, public park, or public library.

b. Licensing. In addition to Type (2) or Type (3) review required under C (1), above, all *adult business uses*, with the exception of *adult commercial establishments*, shall be subject to the licensing requirements of YMC Chapter 5.30.

c. Hours of operation. Any adult business use, as defined in this Section, shall not conduct or operate any business or commercial function on or around their premises between the hours of two a.m. and eight-thirty a.m. of the same day.

d. Signage. Signage of adult business uses, as defined in this Section, shall comply with the provisions of YMC Ch. 15.08, Signs, together with the following specific conditions:

1. Each adult business use shall be allowed one (1) on-premise sign which shall be limited to displaying the name of the establishment, the street address, the days and hours of operation, restrictions on the age of persons that may be admitted to the building and the non-specific identification of the NATURE of the stock-in-trade or entertainment offered therein (e.g. “Adult Toys”, “Adult Books”). Nowhere on the signage or on the building visible to outside passersby shall appear any verbiage, insignias, pictures, drawings or other descriptions suggestive of sexual acts or actions, or which represent the sexually oriented material and/or performances of the adult entertainment use.

2. In accordance with § 5.30.040(5), adult entertainment establishments shall conspicuously post a readable sign at or near each public entrance which clearly states, and is printed in letters at least one-inch tall: “THIS ADULT ENTERTAINMENT ESTABLISHMENT IS REGULATED BY THE CITY OF YAKIMA”. This sign shall not, for purposes of administration of this Section, limit the allowed use from having one (1) on-premise sign as indicated in § 15.09.200(D)(1)(d). Adult commercial establishments do not need to comply with this standard.

e. Parking. The parking standards in YMC Ch. 15.06 shall apply to all off-street parking for uses under this Section.

f. Design Standards. Adult Business Uses shall conform to the following design standards:

1. Buildings, fences, or other structures which are visible from any public right-of-way shall be of a neutral coloring and design scheme, similar to surrounding commercial facilities.
2. All windows, entries, and other openings shall be screened and/or covered in such a way that no business activity associated with adult entertainment uses, other than approved outside signage, shall otherwise be visible from any public right-of-way or other public space.

E. **Prohibited Uses**. Adult uses not included in the definition of “*adult business uses*” pursuant to YMC 15.09.200(B) (5), are prohibited. Prohibited activities include, but are not limited to, massage parlors, escort and introductory services, body studios and specified sexual activities and exhibitions not specifically allowed under the definition of “*adult business uses*”.

F. **Nonconforming Uses**. Any Adult Business Use, Specified Sexual Activity/Exhibition legally in operation on the effective date of this Section, shall be permitted to continue, provided that all adult business development standards set forth in this section, with the exception of the separation standards from 15.09.200(D), are complied with. Any Adult Business use pre-existing upon the effective date of this section meeting all development standards, except said separation standards, shall not be considered nonconforming and shall be allowed to remain as a legally established business. The existing business which operates 24-hours per day shall be allowed to continue. Provided, that any application for expansion, addition or relocation, after the effective date of this section, shall be subject to the review requirements of this section. A protected use specified in YMC 15.09.200(D)(1)(a)(1)(a) through (e) shall not benefit from the separation requirements of this Section if the protected use chooses to locate within five hundred (500) feet of a lawfully located and licensed adult business use after the effective date of this ordinance. An adult business facility is lawfully located if it has located within the City in accordance with the requirements of this Section.”

## CHAPTER 15.10 – CONDITIONS OF APPROVAL, ADMINISTRATIVE ADJUSTMENT OF STANDARDS

**Sections**:

[**15.10.010**](#_15.10.010_–_Purpose) **Purpose**

[**15.10.020**](#_15.10.020_–_Administrative) **Administrative Adjustment of Some Development Standards Authorized**

[**15.10.030**](#_15.10.030_–_Special) **Special Conditions of Approval Authorized**

[**15.10.040**](#_15.10.040_–_Authority) **Authority to Impose Special Conditions Limited In Type (1) Review and Administrative Modification Review**

### 15.10.010 – Purpose

The purpose of this chapter is to specify and outline the authority of the Administrative Official to impose special conditions of approval on any permit or approval issued under the provisions and to establish the authority of the Administrative Official to administratively adjust some of the development standards set forth in [YMC 15.05.060](#_15.05.060_–_Administrative) and YMC Ch. 15.05 - 15.08.

### 15.10.020 – Administrative Adjustment of Some Development Standards Authorized

The purpose of this section is to provide flexibility by allowing certain development standards in YMC Ch. 15.05 - 15.08 to be administratively adjusted. A particular standard may be reduced or modified, so long as, the Administrative Official determines that the adjustment and/or reduction is consistent with the purpose, the intent and purpose of the standards, and will accomplish one or more of the following objectives:

1. Allow buildings to be sited in a manner, which maximizes solar access;
2. Allow zero lot line or common wall construction in conformance with the provisions;
3. Coordinate development with adjacent land uses and the physical features;
4. Permit flexibility in the design and placement of structures and other site improvements that is the minimum adjustment necessary to accommodate the proposed structure or site improvement; or,
5. Allow development consistent with a specific sub-area plan adopted by the appropriate jurisdiction.

Administrative adjustments of development standards shall be processed under the provisions for modifications as contained in [YMC Ch. 15.17](#_Chapter_15.17_–) for Class (1), and Class (2) uses, and under Type (3) review for Class (3) uses.

The Administrative Official shall not have the authority to reduce the site design requirements for minimum lot size, building height, or subdivision requirements set forth in [YMC 15.05.030](#_15.05.030_Creation_of) and [Table 5-2](#_Table_5-2_Subdivision), or [YMC 15.05.060](#_15.05.060_–_Administrative).

### 15.10.030 – Special Conditions of Approval Authorized

1. The development standards and other conditions for approval specified in this Title are not a limitation on the authority of a reviewing official to impose additional or greater requirements as conditions of approval on any use, development, or modification being reviewed. Except as otherwise expressly provided, any reviewing official may impose conditions to:
   1. Accomplish the objective and intent of any development standard or criteria for approval set forth in this Title;
   2. Mitigate any identified specific or general negative impacts of the development, whether environmental or otherwise;
   3. Insure compatibility of the development with existing neighboring land uses;
   4. Assure consistency with the intent and character of the zoning district involved; or,
   5. Achieve and further the expressed intent, goals, objectives, and policies of the Yakima Urban Area Comprehensive Plan and the Yakima Urban Area Zoning Ordinance.
2. It is the intent to grant broad authority to impose special conditions to achieve and further the objectives listed above. Such authority shall extend, but not be limited, to the following:
   1. Increasing the minimum development standards;
   2. Limiting and controlling the dimensions, number, shape, and location of structures, including fences, signs, and buildings;
   3. Regulating the number and location of vehicular access points;
   4. Requiring the dedication of additional rights-of-way for public streets;
   5. Requiring the dedication of public use easements and the recording of the same;
   6. Regulating the design, manner, and timing of construction of any site improvements;
   7. Regulating the hours of operation of any commercial or industrial use;
   8. Providing for the maintenance or retention of any regulated site improvement;
   9. Requiring and designating the location and size of open space; and,
   10. Reclamation of any site after discontinuance of use or expiration or revocation of a permit.

### 15.10.040 – Authority To Impose Special Conditions Limited In Type (I) Review And Administrative Modification Review

Unless specifically granted in some other provision, the authority of the Administrative Official to impose special conditions of approval during a Type (1) review or an administrative modification ([YMC Ch. 15.17](#_Chapter_15.17_–)) is limited to those which are reasonable and necessary to accomplish the objective and intent of any expressed development standard, or criteria of approval, in this Title. This provision shall not prevent the Administrative Official from denying or conditioning approval of any permit under this Title based on the application of:

1. The State Environmental Policy Act (SEPA); or,
2. Traffic Engineering standards and policies established by the appropriate jurisdiction to protect the function and satisfactory level of service of arterial and collector streets.

## CHAPTER 15.11 – GENERAL APPLICATION REQUIREMENTS

**Sections:**

[**15.11.010**](#_15.11.010_–_Purpose) **Purpose**

[**15.11.020**](#_15.11.020_–_Application) **Application Requirements**

[**15.11.030**](#_15.11.030__–) **Table Of Application Requirements**

[**15.11.040**](#_15.11.040_–_General) **General Site Plan Form And Contents**

[**15.11.050**](#_15.11.050_–_Detailed) **Detailed Site Plan Form And Contents**

[**15.11.060**](#_15.11.060_–_Preapplication) **Preapplication Conference**

[**15.11.070**](#_15.11.070_–_Filing) **Filing An Application**

[**15.11.080**](#_15.11.080_–_Processing) **Processing Applications**

[**15.11.090**](#_15.11.090_–_Notice) **Notice Requirements**

[**15.11.100**](#_15.11.100_–_Fee) **Fee Schedule And Administration**

[**15.11.110**](#_15.11.110_–_Master) **Master Applications**

### 15.11.010 – Purpose

The purpose of this Chapter is to specify the general procedures to be followed when processing applications. Additional procedures for particular types of development review are contained in specific sections.

### 15.11.020 – Application Requirements

All applications shall comply with the following requirements:

1. Applications shall be in writing on forms provided by the Department, or, for Class (1) uses, by the Administrative Official;
2. Applications shall include the information required by [Table 11-1](#_Table_11-1_Application), "Application Requirements." For Type (1), (2), or (3) review for developed sites where there is limited proposed change, the application shall include a general site plan in conformance with [YMC 15.11.040](#_15.11.040_–_General); provided the Administrative Official at his discretion may require additional information to clarify the application or determine compliance with the provisions. For Type (3) review, the application shall include a detailed site plan in conformance with [YMC 15.11.050](#_15.11.050_–_Detailed);
3. All applications, including a Type (1) review, shall be signed by the property owner or his agent authorized in writing to do so;
4. Applications shall be accompanied by the appropriate fee as established in by ordinance;
5. An application is not complete unless it includes all required information, attachments and fees. No application shall be considered officially filed until accepted as complete by the Department; and
6. Applications for Type (2) and (3) reviews shall include a minimum eleven inch by seventeen inch reproducible copy of the site plan. If the original site plan is larger than eleven inches by seventeen inches, a minimum of ten additional copies and an eleven inch by seventeen inch copy of the site plan shall be required. In the event of expanded review, additional copies may be required at the applicant’s expense. Site plans shall be developed in accordance with [YMC 15.11.040](#_15.11.040_–_General) or [15.11.050](#_15.11.050_–_Detailed), as applicable.

### 15.11.030 – Table Of Application Requirements

[Table 11-1](#_Table_11-1_Application_) lists the general information required for each type of application. Individual chapters may contain additional information required for a particular type of application.

### Table 11-1 Application Requirements

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Table 11-1 Application Requirements | Permit Application for | | | | | | | |
| R = Required with Application  M = May be Required | Type (1) | Type (2) | Type (3) | Appeal | Development  Modification | Variance | Nonconforming | Rezone |
| Name, Address, Phone Number | R | R | R | R | R | R | R | R |
| Signature of property owner | R | R | R | R | R | R | R | R |
| Signature of Applicant | R | R | R | R | R | R | R | R |
| Yakima County Taxation Parcel No. & Legal Description | R | R | R | R | R | R | R | R |
| Description of Proposed Action | R | R | R | R | R | R | R | R |
| Size of Subject Property | R | R | R |  | M | M | R | R |
| SEPA Checklist (when required) | M | M | M |  | M |  | M | R |
| Application Fee | R | R | R | R | R | R | R | R |
| General Site Plan ([YMC 15.11.040](#_15.11.040_–_General)) | R |  |  |  | R | R |  |  |
| Detailed Site Plan |  | R | R |  | M |  | R | R |
| Explanation of any adjustment sought from the standards of this ordinance | M | M | M | M | R | R | R | R |
| Draft of any proposed covenants, restrictions and easements |  | M | R |  |  |  |  |  |
| Citation of the action being appealed ([YMC 15.16.030](#_15.16.030_–_Appeal)) |  |  |  | R |  |  |  |  |

### 15.11.040 – General Site Plan Form And Contents

1. **General Site Plan Form**. All general site plans shall be drawn to scale and be legibly drawn, prepared, or printed on paper. Unless otherwise requested or authorized by the Administrative Official, the paper size for Type (1) review shall be eight and one-half inches by eleven inches and, for Type (2) review, eleven inches by seventeen inches. The scale of the drawing shall be a standard engineering scale and shall reasonably utilize the paper's size.
2. **General Site Plan Contents**. The general site plan shall include the legal description of the land; north arrow and scale of drawing; name of applicant and project name; actual dimensions and shape of the lot to be built upon; the sizes and location of existing structures on the lot to the nearest foot; the location and dimensions of proposed structures and uses; the size and location of utilities, parking circulation plan, proposed landscaping and sitescreening; and. the location of ingress and egress. The site plan shall also include any other information required by the Department or Administrative Official to clarify the proposal, assess its impacts, or determine compliance with this Title.

### 15.11.050 – Detailed Site Plan Form And Contents

1. **Detailed Site Plan Form**. All detailed site plans shall be drawn to scale and be legibly drawn, prepared, or printed on paper. Unless otherwise requested or authorized by the Department, the paper size shall be eleven inches by seventeen inches or larger. The scale of the drawing shall be a standard engineering scale and shall reasonably utilize the paper's size. Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire site.
2. **Detailed Site Plan Contents**. The detailed site plan shall show the following where applicable:
   1. The boundaries of the site;
   2. Names and dimensions of all existing streets bounding or touching the site;
   3. The location, shape, size, height, and types of all existing and proposed structures and the boundary lines of all proposed and existing lots, tracts, and easements;
   4. Proposed location and dimension of “common open space”;
   5. Existing and proposed utilities, streets, access easements, and dedication of property;
   6. Location, dimension, and design of off-street parking facilities, showing points of ingress to and egress from the site;
   7. All major physiographic features, such as railroads, drainage canals, and shorelines on or abutting the site;
   8. Existing topographic contours at intervals of not more than five feet, together with proposed grading and drainage plans;
   9. Proposed land uses and densities;
   10. Pedestrian and vehicular circulation patterns;
   11. Existing and proposed landscaping and sitescreening;
   12. Existing sewer lines, water mains, and other underground facilities within and adjacent to the development;
   13. Proposed sewer or other waste disposal facilities, water mains, and other underground utilities;
   14. The location of structures on the adjoining lots;
   15. A comprehensive sign plan meeting the requirements of [YMC 15.08.170(1)](#_15.08.170_–_Administrative);
   16. Analysis of soil and geological conditions; and,
   17. Any other information specified by the Administrative Official, such as:

a. Proposed ownership pattern;

b. Operation and maintenance proposals (i.e. homeowner’s association, condominium, co-op or other);

c. Solid waste disposal facilities;

d. Lighting;

e. Water supply;

f. Public transportation;

g. Community facilities;

h. General timetable of development;

i. Flood proofing or other measures to protect against flooding; and,

j. Information on design methods to conserve energy.

1. A detailed site plan for development in the Floodplain Overlay shall also include the following information:
   1. Elevation in relation to the one-hundred-year flood level of the lowest floor (including basement) of all structures;
   2. Elevation in relation to mean sea level of any structure that has been flood proofed;
   3. Certification by a registered professional engineer or architect that established flood proofing standards have been met; and,
   4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

### 15.11.060 – Preapplication Conference

Prior to submitting an application, the applicant may arrange a conference with the Department to review the proposed action to become familiar with the policies, plans, and development requirements of the Yakima Urban Growth Area and to coordinate all necessary permits and procedures. Pre-application conferences are mandatory for all Institutional Overlay and Master Planned Development applications. Any information or opinions expressed by the Department staff shall not be binding on the Administrative Official or constitute approval of the project.

### 15.11.070 – Filing An Application

All applications for permits, rezones, interpretations, or other approvals or action required or authorized under this Title shall be filed with the Department; except that, applications for Class (1) uses or modifications to approved Class (1) uses shall be made directly to the Administrative Official. Any required site plans shall accompany the application.

### 15.11.080 – Processing Applications

Upon receipt of an application or upon referral of an application by the Administrative Official, the Department shall proceed as follows:

1. The application shall be reviewed for completeness. If additional information is required, the application shall be referred back to the applicant. If accepted as complete, the Department shall begin processing the application in accordance with this Chapter;
2. If more than one permit, approval, or action under this Title is required, the Department shall refer the application back to the applicant for consideration of a master application under [YMC 15.11.110](#_15.11.110_–_Master) or withdrawal of the application. If no response is received within seven days, the Department shall determine the order of processing and forward the application to the appropriate Administrative Official;
3. A complete application shall be reviewed by the Department and if State Environmental Policy Act (SEPA) review is required referred to the designated SEPA responsible official for review under the provisions of WAC Ch. 197-11. No action, approval, or permit shall be issued on the proposal until SEPA review is complete;
4. Upon completion of SEPA review, the Department shall forward the application; related SEPA documents, if any; and a written report on the proposal, if any, to the appropriate Administrative Official;
5. The Department shall have a maximum of seven days to review the completed application and refer it to the appropriate Administrative Official, excluding any time spent in SEPA review;
6. The department shall be responsible for assigning a date and assuring due notice of public hearing for each application requiring review by the Hearing Examiner. The date and notice shall conform to the statute or ordinance governing the application;
7. Upon final action and decision, the Administrative Official or legislative body shall transmit its findings and decision to the Department; and,
8. If the decision of the Administrative Official or legislative body is for approval, and if all other permits, approvals, or actions required under this Title have been secured, the Department shall issue a Certificate of Zoning Review. This Certificate of Zoning Review shall be sent to the Department as authority for issuance of an actual development permit. The Certificate of Zoning Review is official indication of compliance with this Title only and shall not relieve any person from requirements of other laws or ordinances; nor shall it authorize the Department to issue a development permit without compliance with other duties or review required by Administrative Official by law.

### 15.11.090 – Notice Requirements

1. **Table 11-2 - Notice Requirements**. Applications for permits, approvals, or action listed in [Table 11-2](#_table_11-2_–), Notice Requirements, shall be decided after compliance with the notice requirements set forth therein. [Table 11-2](#_table_11-2_–) may require more than one type of notice for some applications. Other notice requirements are contained in the provisions dealing with particular types of permits, approvals, or other actions and shall also be followed. In case of conflict between other provisions in this Title and [Table 11-2](#_table_11-2_–), the most lengthy and greater notice requirement shall apply. If no notice is required in either [Table 11-2](#_table_11-2_–) or the written provisions, none shall be provided.
2. **Responsibility for Notice**. The Department shall provide all notice requiring first-class mailing or legal publication. When required, the applicant shall post the property in accordance with [YMC 15.11.090(C)](#_15.11.090_–_Notice).
3. **Posting Notice**. When required, the applicant shall post the subject property with signs provided by the Department. Signs shall be posted on the subject property so as to be clearly seen from each right-of-way providing primary vehicular access to the subject property. The time of posting shall comply with the provisions of [Table 11-2](#_table_11-2_–).
4. **Mailing Notice**. For purposes of providing legal notice to adjoining property owners, the person or persons shown as the owner on the official records of the Yakima County Assessor’s Office shall be considered the property owners. The Notice of Application will follow the provisions of Yakima Municipal Code Chapter 16.05.

### 15.11.100 – Fee Schedule And Administration

The legislative bodies hereby adopt and maintain a current schedule of fees and charges for actions pertaining to this Title.

No application, permit, or appeal shall be accepted, processed, approved, or issued unless and until the applicable fees and charges have been paid in full.

### Table 11-2 – Notice Requirements

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| NOTICE REQUIREMENTS | | APPLICATIONS FOR . . . | | | | | | | |
| Class (1) (1) | Class (2) (2) | Class (3) (3) | Appeal | Administrative Modification to Development | Variances | Interpretation(s) | Rezones |
| When Required | Mailed After Preliminary Decision for Approval by Administration Official | NOTICE NOT REQUIRED | X |  |  | NOTICE NOT REQUIRED |  | NOTICE NOT REQUIRED |  |
| Mailing/Publication/Posting at Least Twelve Days Prior to Public Hearing |  | X | X | X | X |
| 1ST Class Mailing | To Parties of Record | X | X | X | X | X |
| To Property Owners Within 300 feet of the Application Parcel | X | X |  | X | X |
| Publication | One Legal Notice in Official Newspaper |  | X |  | X | X |
| Posting | In Compliance With [YMC Ch. 15.11.090(3)](#_15.11.090_–_Notice) and this Table |  | X |  |  | X |

1. Includes: Class (1) uses, development permits, temporary use permits, and some home occupations
2. Includes: Class (1) uses, Class (2) uses, permits for temporary hardship units, some home occupations, and some modifications to Class (1) and (2) uses.
3. Includes: Some Class (2) uses, Class (3) uses, changes from a nonconforming use to another, and some modifications to Class (2) and Class (3) developments, including administrative adjustment of development standards for Class (3) uses.

### 15.11.110 – Master Applications

1. **Process**. Any person proposing a land use project, which would require more than one of the permits or approvals listed in [Table 11-1](#_Table_11-1_Application_), may submit a master application on form(s) provided by the Department.

The master application shall be processed subject to the highest type of review applicable to any of the required permits or approvals, Type (3) review being higher than Type (2) and Type (2) review being higher than Type (1). For purposes of this section, the Administrative Official's decisions shall have the following effect:

* 1. If any of the required approvals constitute a recommendation to the legislative body, the decision of the Administrative Official as to all such permits or approvals shall constitute a recommendation to the legislative body; and,
  2. Otherwise, the decision of the Administrative Official shall be final subject to appeal pursuant to [YMC Ch. 15.16](#_CHAPTER_15.16_–).

1. **Fees**. When two or more zoning applications for the same project are processed as a master application, only the highest fee among the applications submitted shall be charged.

## CHAPTER 15.12 - PERMITS

**Sections:**

[**15.12.010**](#_15.12.010_–_Purpose) **Purpose**

[**15.12.020**](#_15.12.020_–_Required) **Required Permits**

[**15.12.030**](#_15.12.030_–_Compliance) **Compliance with Development Permit and Certificate of Zoning Review Required**

[**15.12.040**](#_15.12.040_–_Official) **Official Index of Approvals to Be Maintained As Public Record**

[**15.12.050**](#_15.12.050_–_Final) **Final Site Plans**

[**15.12.060**](#_15.12.060_–_Expiration) **Expiration and Cancellation of Development Permits and Certificates of Zoning Review**

[**15.12.070**](#_15.12.070_–_Certificates) **Certificates of Occupancy Required At Discretion of Reviewing Official**

[**15.12.080**](#_15.12.080_–_Performance) **Performance Assurance**

### 15.12.010 – Purpose

The purpose of this chapter is to specify the general requirements for permits under this Title and to specify certain administrative provisions concerning permits issued under this Title.

### 15.12.020 – Required Permits

1. **Development Permit**. Except as provided in subsection (C) of this section, no use, development, or modification to use or development, as those terms are defined by this Title, may be established, placed, performed, constructed, made or implemented, in whole or in part, without the issuance of a development permit by the Administrative Official. When a building permit is required, the building permit shall serve as the development permit.
2. **Certificate of Zoning Review**. No development permit may be issued without the prior issuance of a Certificate of Zoning Review by the Department for the proposed development or modification to development indicating that the proposal has been through the review procedures of this ordinance and conforms to its requirements; provided, that proposals for new Class (1) uses and modifications to approved Class (1) uses, which are reviewable under Type (1) review only ([YMC Ch. 15.13](#_CHAPTER_15.13_–)), do not require a separate certificate of zoning review and may be approved directly by the Administrative Official. The certificate of zoning review issued by the Department shall include by reference, or otherwise, any terms and conditions of approval for the project together with any approved final site plan.
3. **Exemptions**. The following development and modifications to development are exempt from the review and permit provisions; provided, they do not involve a required site improvement:
   1. Normal structural repair and maintenance;
   2. Changes to conforming structures that do not involve structural alterations as that term is defined by this Title;
   3. Rehabilitation of dwelling units when such rehabilitation does not expand the number of dwelling units nor physically expand the structure;
   4. Accessory structures otherwise meeting the specific development standards and requirements and that do not require a building permit under the provisions of the Building Code as adopted by the appropriate jurisdiction;
   5. Exempt signs;
   6. Yard sales meeting the requirements in [YMC 15.04.090](#_15.04.090_–_Yard);
   7. Alteration to land, including grading and leveling, paving stockpiling, and excavation; the fair market value of which does not exceed five hundred dollars; and,
   8. All construction of private or public roads, construction of sewer, electric, and water utilities pursuant to an approved and valid short or long subdivision regulating such improvements.
4. **Development Permit--Issuance in Conjunction with Another Permit**. If the Administrative Official is designated and/or authorized to review and issue a permit under the provisions of any other city code or ordinance applicable to the development, he/she may require issuance of the development permit under this Title to be issued only in conjunction with that other permit.

### 15.12.030 – Compliance with Development Permit and Certificate of Zoning Review Required

1. **Development Permit Compliance Required**. Development permits issued on the basis of plans, applications, and conditions of approval imposed by the Administrative Official, and/or on the basis of a Certificate of Zoning Review, authorize only the use, arrangement, and construction set forth in the approved plans, application, and Certificate of Zoning Review together with any associated conditions of approval and the final site plan. Any use, arrangement, or construction inconsistent with that authorized is in violation and is punishable as provided in [YMC Ch. 15.25](#_Chapter_15.25_–).
2. **Site Plan Compliance Required**. Whenever any detailed or general site plan is required by operation and is part of any approval of development or modification of development, the final site plan shall be binding on all existing or subsequent owners and occupiers of the property. The owner and/or occupier of any property, development, or structure, which is the subject of a final detailed or general site plan, shall be required to maintain the property and development in full compliance with the terms and conditions of the approved final site plan and any associated terms and conditions of approval for the development. Failure to do so shall constitute a violation and is punishable as provided in [YMC Ch. 15.25](#_Chapter_15.25_–).
3. **Site Inspection by the Building Official Authorized**. The Building Official is authorized to perform interim and final inspections of all development and modifications to development to assure that it has been established and/or constructed in conformance with the final site plan and associated terms and conditions of approval. The Building Official may coordinate such inspections with the inspections required by other applicable codes or ordinances. When the development, as built, conforms to the final site plan, the Building Official shall so certify on the face of the site plan on file with the appropriate jurisdiction.

### 15.12.040 – Official Index for Approvals to Be Maintained As Public Record

1. **For Type (2) and (3) Approvals**. The Department shall maintain an official index of all approved and currently applicable certificates of zoning review and development permits requiring review and approval by the Administrative Official and/or Hearing Examiner. The official index shall include the application, a copy of the Certificate of Zoning Review and development permit, together with their associated site plans and the terms and conditions of approval. Such index shall constitute an official record and shall be open for public inspection and copying in accordance with the other provisions of law. Such index shall be kept by parcel number so the current applicable provisions of any specific approval issued under this ordinance for such property are available for public inspection and review. Such index may consist of original or certified duplicates of original documents.

The Department and Administrative Official shall immediately upon issuance of a Certificate of Zoning Review and development permit place the original or certified duplicate in the official index, noting the date and time of filing of the document in the index. The official index required by this section shall constitute authority as to the current applicable limitations and requirements pertaining to specific approvals issued under this Title and shall constitute constructive notice to third parties of the existence and terms of said approval. The Department shall be the official custodian of said index and is authorized to issue certified copies. Any unauthorized change of any kind by any person to the documents or records in the official index required by this section shall constitute a violation of this ordinance and be punishable as provided under [YMC Ch. 15.25](#_Chapter_15.25_–).

1. **For Type (1) Approvals**. The Administrative Official shall maintain an official public record of development permits issued under Type (1) review in the same manner and with the same effects as set out in [YMC 15.12.040(A)](#_15.12.040_–_Official).

**15.12.050 Final site plans.**

A.    Final Site Plan Required. A Final Site Plan shall be submitted with all Type 1 Review applications, and shall be required as a condition of approval for all Type 2 and 3 Review applications. The final site plan shall include the items shown on the original site plan and the additions and modifications required by the administrative official.

B.    Final Site Plans—Form and Content. All final site plans shall be drawn to scale and be legibly drawn, prepared, or printed by a process guaranteeing a permanent record in black on paper, or equivalent material as required by the department. Unless the department requests or authorizes a different size or scale, the size and scale of the final site plan shall conform to the requirements of YMC [15.11.040](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1511.html#15.11.040) or [15.11.050](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1511.html#15.11.050) as applicable. Where necessary, the final site plan may be on several sheets accompanied by an index sheet showing the entire site plan.

### 15.12.060 – Expiration and Cancellation of Development Permits and Certificates of Zoning Review

1. **Certificate of Zoning Review—Expiration**. A Certificate of Zoning Review shall automatically expire and terminate when:
   1. A new or modified Certificate of Zoning Review has been issued for the same parcel or parcels; or
   2. A development permit based on the Certificate of Zoning Review has not been issued within one year from the date of issuance of the certificate; or a time period of not less than one year specified by the Administrative Official.
   3. The development permit issued on said certificate expires, terminates, or is cancelled under the provisions.

The Department shall take steps to cancel any expired certificate of zoning review and note such expiration or cancellation in the official index of approvals. The Department shall mail written notice of cancellation to the last known address of the applicant and to the owner of record as shown in the Yakima County assessor's parcel index. Failure to provide such notice shall not affect the termination or expiration of the certificate.

1. **Development Permit and Building Permit Expiration**. A development permit shall automatically expire and be terminated when:
   1. A new or modified development permit is issued for the parcel or parcels affected; or,
   2. The work or action authorized in the development permit has not begun within one hundred eighty days from the date of issuance thereof, unless a longer time is specified in the approval itself; or
   3. The work or action authorized in the development permit has not been completed within two years from the date of issuance thereof, unless a longer time is specified in the approval itself.

Provided, that prior to termination and expiration of a development permit under subdivisions 2 and 3 of this subsection, the Administrative Official shall give written notice to the applicant at his last known address, and to the owner of record as shown on the Yakima County assessor's parcel index file that the development permit is about to expire. Such notice shall be made by mail at least forty-five days prior to the scheduled date of cancellation and shall describe the action necessary to avoid termination or expiration. Should the development permit expire, the Administrative Official shall take administrative action to reflect cancellation of the permit in the official records of the Department. The Department shall send a written permit expiration notice by mail to the permit applicant and the owner of record as shown in the Yakima County assessor's parcel index, together with a notice that further work or action shall not proceed.

1. **Extension of any Approved Development Permit and/or Certificate of Zoning Review**. A valid Certificate of Zoning Review and/or a valid development permit may be extended one time only for up to one additional year by action of the Administrative Official. Requests for extensions shall be in writing to the Department and shall be accompanied by the previously approved final general or detailed site plan showing the location and size of any development or work already completed on the project. The Administrative Official shall review the application without public notice or hearing and issue the decision within ten working days from the receipt of the completed application. The Administrative Official may:
   1. Approve the extension;
   2. Approve the extension with conditions to assure the work will be timely completed; or,
   3. Disapprove the extension.

An extension shall be issued for good cause only and the burden of showing cause shall be upon the applicant. The Administrative Official shall mail his decision to the applicant and shall specify his decision as final unless appealed under the provisions of [YMC Ch. 15.16](#_CHAPTER_15.16_–).

### 15.12.070 – Certificates of Occupancy Required At Discretion of Administrative Official

1. **Purpose**. The purpose of this section is to provide a means to assure that the terms and conditions of approval imposed after review of development under this Title are actually and properly complied with and implemented in a timely fashion, all in furtherance of the goals and policies, the Yakima Urban Area Comprehensive Plan, and the public welfare and interest.
2. **Certificate of Occupancy May be Required**. There is a condition of approval for the issuance of any development permit or Certificate of Zoning Review, or any other permit or approval under this Title, the Administrative Official and Department when engaged in administrative modification review under [YMC Ch. 15.17](#_Chapter_15.17_–), may require or specify that the approved use or occupancy of the structure or land may not occur without the issuance of a certificate of occupancy issued by the Administrative Official certifying that all required site improvements have been fully and properly constructed and that all the terms and conditions of approval have been met. Where such condition is imposed by the Administrative Official any use or occupancy of the property or structures, in whole or in part, without the issuance of a Certificate of Occupancy, is a violation of this ordinance and is punishable under the provisions of [YMC Ch. 15.25](#_Chapter_15.25_–).
3. **Procedures**. The Administrative Official may perform interim and final inspection of the development at his own initiative, but shall do so within five days of any request made by the permit holder. The Administrative Official is authorized to conduct interim and final inspections of the development and may coordinate such inspections with the inspections required by other applicable codes and regulations.
4. **Temporary Occupancy Prior to Completion**. The Administrative Official may authorize temporary occupancy of development prior to the issuance of a required Certificate of Occupancy when, upon request, he finds that all the following conditions are met:
   1. The applicant is unable to complete all required improvements because of unavoidable circumstances that in no way resulted from the action or inaction of the applicant or permit holder;
   2. It is reasonably certain that the applicant will be able to complete the improvements within a reasonable amount of time;
   3. Delaying completion of the improvements until after occupancy will not be materially detrimental to property in the vicinity of the proposed development, the health, safety, and welfare of the general public, or the goals and policies of this ordinance and the Yakima Urban Area Comprehensive Plan;
   4. Security for the completion of required improvements and terms and conditions of approval has been made in accordance with [YMC 15.12.080](#_15.12.080_–_Performance) for any public improvements associated with the development; and.
   5. The development complies with minimum life and safety codes and the Administrative Official has declared the development safe for use.

### 15.12.080 – Performance Assurance

1. **Purpose**. The purpose of this section is to provide a means to assure that the terms and conditions of approval pertaining to construction or changes to public improvements imposed after review of development under this Title are actually and properly complied with and implemented in a timely fashion.
2. **Performance Assurance Required as a Condition of Approval**. As a condition of approval of the issuance of any development permit or Certificate of Zoning Review, or any other permit or approval issued under this Title, the Administrative Official may require security for the performance and completion of any proposed or required public improvement or any other term or condition of approval pertaining to a public improvement. The estimate of the performance and completion of any proposed or required public improvement or any other term or condition of approval pertaining to a public improvement will be reviewed and/or calculated by the City/County Engineer or a designee. When such security is required, it shall be made in accordance with this section and must be made and approved prior to the issuance of the development permit.
3. **Forms and Security**. The applicant may provide security in the form of one or more of the following:
   1. A cash security deposit;
   2. A bond; or,
   3. A deed of trust/mortgage on the subject property or other property.

Provided, however, that the quality, sufficiency, amount, and exact form of the security, are subject to the approval and satisfaction of the City/County Engineer and Administrative Official. Whenever any security is provided by an applicant it shall state directly or by reference all of the following provisions:

* 1. The improvements or performance secured;
  2. A date or dates of required compliance;
  3. The amount of the security;
  4. That the security is in favor of the City of Yakima/Yakima County; and,
  5. That the applicant shall maintain the security in force until completion of the public improvement or condition for which security was provided.

D. **Security Deposits**. The following provisions apply to security in the form of a security deposit. When a security deposit is made under the provisions of this section, a written agreement shall be made and signed by the Administrative Official on behalf of the City/County. Security deposits shall be made directly to the Administrative Official and such funds shall be kept in an identifiable trust account. The applicant may designate the location and type of account, and any interest earned thereon shall accrue and remain in such account. The cost of the account shall be provided for by the applicant or may be deducted from the security deposit.

If the improvements or performances secured by the deposit are not timely completed, the Administrative Official shall notify the applicant in writing, stating:

* 1. The nature of the noncompliance and the action necessary to correct the same;
  2. The amount of time in which the applicant has to take corrective action; and,
  3. That if corrective action is not completed within the time specified that the City/County will apply the funds in the security deposit in order to effect compliance.

If the corrective action is not taken by the applicant or permit holder within the time specified in the notice given by the Administrative Official, the City/County shall, through its representatives, take whatever action that the City/County deems necessary. In addition, the City shall perform or complete the items covered by the security deposit and shall apply funds held therein to the cost of such completion or performance. Any excess or surplus funds shall be refunded to the applicant.

E. **Bonds**. The following provisions shall apply to bonds provided as security under this section. The bond or other security shall be in an amount and with such surety and conditions satisfactory to the Administrative Official.

F. **Deeds of Trust**. Security provided in the forms of deeds of trust shall comply with the following provisions. Deeds of trust shall be recorded, the cost of which will be borne by the applicant. If the improvements or performance secured by the deed of trust are not completed, the Administrative Official shall notify the applicant in writing, stating:

* 1. The nature of the noncompliance and the action necessary to correct the same;
  2. The amount of time in which the applicant has to take corrective action; and
  3. That if corrective action is not completed within the time specified that the City/County will take corrective action itself and/or foreclose the deed of trust.

On failure of the applicant or permit holder to complete corrective action within the time specified, the City/County may, at its option and through its designated representatives, either:

a. Take action necessary or convenient to perform or complete the events secured by the deed of trust, and thereafter institute foreclosure of the deed of trust in any manner allowed by law; or

b. Institute foreclosure action on the face amount of the deed of trust in any manner allowed by law.

G. **Partial Releases**. An applicant may request a partial release of any security provided under this section based on partial completion or compliance with the events secured. If the Administrative Official determines that partial release is warranted, he may cause a partial release of security in an amount deemed by him to be appropriate.

H. **Applicant and Permit Holder Responsible for Deficiencies**. The applicant and/or permit holder is responsible for all costs incurred by the County/City in causing completion of the events secured by any security provided for under this section. If, after fully applying the security, a deficiency remains, the applicant and/or permit holder shall be jointly and severally liable for such deficiency and for reasonable attorney's fees necessary to collect the same.

I. **Administration**. The Administrative Official is authorized to sign documents and otherwise administer securities under the provision of this section.

## CHAPTER 15.13 – TYPE (1) REVIEW

**Sections:**

[**15.13.010**](#_15.13.010_–_Purpose) **Purpose**

[**15.13.020**](#_15.13.020_–_When) **When Required**

[**15.13.030**](#_15.13.030_–_Development) **Development Permit Application—Type (1) Review**

[**15.13.040**](#_15.13.040_–_Review) **Review Procedures**

[**15.13.050**](#_15.13.050_–_Approval) **Approval**

[**15.13.060**](#_15.13.060_–_Denial) **Denial**

[**15.13.070**](#_15.13.070_–_Appeals) **Appeals**

### 15.13.010 – Purpose

This Chapter establishes procedures for issuance of a development permit for uses requiring Type (1) review.

### 15.13.020 – When Required

Class (1) uses not requiring Type (2) or (3) review are permitted; provided that district standards are met. The Administrative Official shall use the procedures in [YMC Ch. 15.13](#_CHAPTER_15.13_–) to review Class (1) uses and associated site improvements for compliance with the provisions and standards of the zoning district in which they are located. Class (1) uses require Type (2) review when:

1. All or part of the development, except for agricultural buildings, single-family dwelling, and duplexes are in the floodplain /or greenway overlay;
2. All or part of a development is in the Airport Overlay (AO);
3. All or part of a development that is in an Institutional (IO) or Master Planned Development Overlay (PD) and is identified in a development agreement as requiring Class (2) approval;
4. The proposed use includes hazardous material;
5. The applicant requests adjustment of one or more of the specific development standards pursuant to [YMC 15.10.020](#_15.10.020_–_Administrative); or,
6. All or part of the development requires a development plan and/or master plan.

### 15.13.030 – Development Permit Application—Type (1) Review

Applications for permits for Class (1) uses permitted outright in the district shall be made in writing to the Administrative Official on forms supplied by the Department. A general site plan conforming to the provisions of [YMC 15.11.040](#_15.11.040_–_General) shall accompany the application. The Administrative Official may request any other information necessary to clarify the application or determine compliance with, and provide for, the enforcement.

### 15.13.040 – Review Procedures

The Administrative Official shall review all Class (1) uses for compliance with this Title. The Administrative Official shall forward all Class (1) uses requiring Type (2) review under [YMC 15.13.020](#_15.13.020_–_When) to the Department for processing under [YMC Ch. 15.14](#_CHAPTER_15.14_–). The Administrative Official shall notify the applicant of the approval or denial of the application, request additional information, or forward the application to the Department for review.

### 15.13.050 – Approval

The Administrative Official shall issue a development permit when it has been determined that:

1. The proposed use is a Class (1) permitted use under [YMC Ch. 15.14](#_CHAPTER_15.14_–);
2. That the proposed development complies with the standards and provisions;
3. That the proposed development complies with other building codes in effect and administered by the Administrative Official;
4. that proposed development complies with traffic engineering standards and policies established by the appropriate jurisdiction to protect the function and satisfactory level of service of arterial and collector streets; and
5. That any new improvements or expansions of a structure comply with the standards.

### 15.13.060 – Denial

When an application is denied, the Administrative Official shall state the specific reasons and shall cite the specific chapters and sections upon which denial is based. The Administrative Official may also refer the applicant to the Department to determine if relief from such denial is available through other application

### 15.13.070 – Appeals

Any decision by the Administrative Official to deny issuance of a permit for a Class (1) use may be appealed to the Hearing Examiner under the provisions of [YMC 15.16.030](#_15.16.030_–_Appeal).

## CHAPTER 15.14 – TYPE (2) REVIEW

**Sections:**

[**15.14.010**](#_15.14.010_-_Purpose) **Purpose**

[**15.14.020**](#_15.14.020_-_When) **When Required**

[**15.14.030**](#_15.14.030_-_Application) **Application for Type (2) Review**

[**15.14.040**](#_15.14.040_-_Review) **Review Procedures**

[**15.14.050**](#_15.14.050_-_Notification) **Notification of Final Decision**

[**15.14.060**](#_15.14.060_Issuance_of) **Issuance of a Certificate of Zoning Review**

[**15.14.070**](#_15.14.070_Appeals) **Appeals**

### 15.14.010 – Purpose

This section establishes procedures for issuance of a Certificate of Zoning Review for uses requiring Type (2) review.

### 15.14.020 – When Required

Type (2) review is required for any proposed use shown on [Table 4-1](#_TABLE_4-1) as a Class (2) use; for Class (1) uses requiring Type (2) review in [YMC 15.13.020](#_15.13.020_–_When); and for other specific reviews established by this Title.

In certain circumstances, the Administrative Official may require that a Class (2) use undergo a Type (3) review, when one of the following occurs:

1. In the opinion of the Administrative Official, formal public review and comment on a proposal will assist in determining necessary and proper mitigation of impacts;
2. SEPA Environmental review of the proposal indicates potentially significant environmental impacts that could prompt a higher type of review;
3. The application has more than three associated land use decisions to be considered; or,
4. The proposed land use request has a development or master plan required by the size of the proposal or the Administrative Official has determined one is necessary.

### 15.14.030 – Application for Type (2) Review

Applications for Certificates of Zoning Review for Class (2) uses shall be made in writing on forms supplied by the Department. A general site plan conforming to the provisions of [YMC 15.11.040](#_15.11.040_–_General) shall accompany the application for Type (2) review. The Department shall forward the application and site plan to the Administrative Official for review. The Administrative Official may request any additional information under the provision of [YMC 15.11.020(2)](#_15.11.020_–_Application).

### 15.14.040 – Review Procedures

Upon receipt of a completed application for a Class (2) use, the Administrative Official shall proceed as follows:

1. **Preliminary Decision**. Within seven days of receipt of the completed application, the Administrative Official shall review the proposal and tentatively determine whether the proposed development should be approved, approved with conditions, or denied. The Administrative Official may request any additional information necessary to clarify the application or determine compliance with the provisions.

If additional information is required by the Administrative Official, the preliminary decision on the application shall be made within seven days of receipt of the additional information.

1. **Notification of Adjacent Property Owners**. When the Administrative Official's preliminary decision is to approve the application or approve with conditions, the Administrative Official shall, within five days, forward a Notice of Application to all landowners within three hundred (300) feet of the exterior boundaries of the development site. The Notice of Application will follow the notice requirements of Yakima Municipal Code Chapter 16.05 and may be either a post card format or letter size paper. The Administrative Official may also, but is not required to, solicit comments from any other person or public agency the Administrative Official feels may be affected by the proposal.
2. **Administrator's Decision**. After considering any comments received from other agencies, jurisdictions, or adjoining property owners, the Administrative Official shall take one or more of the following actions:
   1. Approve the site plan and issue a Certificate of Zoning Review;
   2. Establish conditions for approval, or require other changes in the proposed site plan;
   3. Authorize adjustment in the basic design standards in accordance with the provisions of [YMC Ch. 15.10](#_CHAPTER_15.10_–);
   4. Request additional or more detailed information, including but not limited to a written development plan or master plan or other similar documents for development;
   5. Refer the site plan to the Hearing Examiner for review, public hearing and decision; or
   6. Disapprove the site plan.

A request by the Administrative Official for additional or more detailed information shall be made within seven days from the end of the comment period.

1. **Conditional Approval**. The Administrative Official may attach conditions to his approval in order to assure the development is consistent with the intent, the zoning district, the development standards, and the other provisions.
2. **Findings and Conclusions**. The Administrative Official shall prepare written findings and conclusions stating the specific reasons, and citing the specific chapters and sections upon which the Administrative Official’s decision to approve, approve with conditions, or deny the issuance of a Certificate of Zoning Review is based. The findings shall demonstrate that the Administrative Official's decision complies with the policies of the Yakima Urban Area Comprehensive Plan, the intent of the zoning district, and the provisions and standards established herein.

### 15.14.050 – Notification of Final Decision

The Administrative Official's final decision shall be issued within seven days from the end of the comment period, or, if additional information was requested, within seven days from the date the Administrative Official received the information. The Administrative Official shall mail any other findings and decision to the applicant and to other parties receiving initial notice not later than three working days following the issuance of the final decision. The Administrative Official shall also specify that the decision is final unless appealed to the Hearing Examiner.

### 15.14.060 – Issuance of A Certificate of Zoning Review

No use requiring Type (2) review by the Administrative Official shall be entitled to a development permit until and unless the Administrative Official approves a final site plan and authorizes issuance of a Certificate of Zoning Review. The certificate of zoning review is not a building or development permit and does not by itself authorize the construction or occupancy of any use or structure.

### 15.14.070 – Appeals

Decisions by the Administrative Official under Type (2) review may be appealed to the Hearing Examiner in accordance with [YMC Ch. 15.16](#_CHAPTER_15.16_–).

## CHAPTER 15.15 – TYPE (3) REVIEW

**Sections:**

[**15.15.010**](#_15.15.010_–_Purpose) **Purpose**

[**15.15.020**](#_15.15_020_–) **When Required**

[**15.15.030**](#_15.15.030_–_Application) **Application For Type (3) Review**

[**15.15.040**](#_15.15.040_–_Review) **Review Procedures For Type (3)**

[**15.15.050**](#_15.15.050_–_Notice) **Notice Of Examiner’s Decision**

[**15.15.060**](#_15.15.060_–_Issuance) **Issuance Of A Certificate Of Zoning Review**

[**15.15.070**](#_15.15.070_–_Appeals) **Appeals**

### 15.15.010 – Purpose

This chapter establishes procedures for issuance of a certificate of zoning review for uses requiring Type (3) review.

### 15.15 020 – When Required

Type (3) review is required for any proposed use shown on [Table 4-1](#_TABLE_4-1) as a Class (3) use or for Class (2) uses referred by the Administrative Official for Type (3) review, and for other specific reviews established by this Title.

### 15.15.030 – Application for Class (3) Review

Applications for Certificates of Zoning Review for Class (3) uses shall be made in writing to the planning department on forms supplied by the department. A detailed site plan conforming to the provisions of [YMC 15.11.050](#_15.11.050_–_Detailed) shall accompany the application for class (3) review. The planning department shall forward the application and site plan to the hearing examiner for review. The planning department or hearing examiner may request any additional information necessary to clarify the application or determine compliance with this Title.

### 15.15.040 – Review Procedures for Type (3)

The following procedures will be followed for the review of Class (3) uses:

1. **Report of Planning Department**. The planning department shall distribute copies of the site plan to other affected departments, agencies, and jurisdictions for review and comment, and shall coordinate and assemble the comments received. These comments shall be included in a report prepared by the department summarizing the proposal and stating the department’s findings and recommendations. At least seven calendar days prior to the scheduled hearing, copies of the planning department’s report shall be filed with the examiner, mailed to the applicant, and made available for public inspection.
2. **Public Hearing**. The planning department shall be responsible for assigning a date for, and assuring due notice of, a public hearing for each application. Notice of the time and place of the public hearing shall be given as provided for in [Table 11-2](#_table_11-2_–). The hearing examiner shall hold at least one public hearing prior to rendering any decision. The applicant shall appear in person or by agent or attorney. Failure to do so may constitute sufficient cause for continuance of the hearing or denial of the application. Other parties may appear in person or by agent or attorney, or may submit written documents.
3. **Examiner’s Decision**. Within ten days of the conclusion of a hearing, unless a longer period is agreed to on the record or in writing by the applicant, the examiner shall render a written decision. The Hearing Examiner may approve, deny, or conditionally approve the proposal.
4. **Conditional Approval**. The Hearing Examiner may attach conditions to his approval in order to assure the development is consistent with the intent, the zoning district, the development standards and the other provisions.
5. **Findings and Conclusions**. The Hearing Examiner shall prepare written findings and conclusions stating the specific reasons and citing the special chapters and sections upon which his/her decision to approve with conditions, or deny the issuance of a certificate of zoning review, is based. The findings shall demonstrate that the Hearing Examiner’s decision complies with the objectives of the Yakima Urban Area Comprehensive Plan, the intent of the zoning district, and the provisions and standards established herein.

### 15.15.050 – Notice of Examiner’s Decision

Copies of the examiner’s decision shall be sent by certified mail to the applicant. Copies of a “Summary of Decision” will be sent by regular mail to other parties of record in the case not later than three working days following the rendering of a written decision by the examiner. Copies of the complete decision or summary decision will be made available upon request. If the effect of the decision is a recommendation to the legislative body, the original thereof shall be transmitted to the legislative body.

### 15.15.060 – Issuance of a Certificate of Zoning Review

No use requiring review by the Hearing Examiner shall be entitled to a development permit until and unless the Hearing Examiner approves a final site plan and authorizes issuance of a Certificate of Zoning Review. The Certificate of Zoning Review is not a building or development permit, and does not by itself authorize the construction or occupancy of any use or structure.

### 15.15.070 – Appeals

Decisions by the Hearing examiner under Type (3) review may be appealed to the legislative body in accordance with [YMC Ch. 15.16](#_CHAPTER_15.16_–).

## CHAPTER 15.16 – APPEALS

**Sections:**

[**15.16.010**](#_15.16.010_–_Purpose) **Purpose**

[**15.16.020**](#_15.16.020_–_Appeals) **Appeals**

[**15.16.030**](#_15.16.030_–_Appeal) **Appeal Of the Administrative Official's Decision**

[**15.16.040**](#_15.16.040_–_Appeal) **Appeal Of the Hearing Examiner's Decision**

[**15.16.050**](#_15.16.050_–_Legislative) **Legislative Body Action on Appeals**

[**15.16.060**](#_15.16.060_–_Appeal) **Appeal Of Decisions by the Legislative Body**

[**15.16.070**](#_15.16.070_–_Effect) **Effect of Appeals**

[**15.16.080**](#_15.16.080_–_Actions) **Actions Not Appealable**

### 15.16.010 – Purpose

The purpose of this chapter is to establish the procedures for appealing decisions made under the provisions.

### 15.16.020 – Appeals

Where filed. All appeals authorized under the provisions, except judicial appeals, shall be filed with the Department. The department shall forward the appeal to the appropriate Administrative Official or designee, schedule an appeal hearing, provide the required notification, and maintain complete records of all appeal hearings unless otherwise provided for in this Chapter.

### 15.16.030 – Appeal of the Administrative Official's Decision

1. **Appeal to the Hearing Examiner**. Except as otherwise provided, any aggrieved person or agency directly affected by any decision of the Administrative Official or designee may appeal that decision to the Hearing Examiner.
2. **Appeal**. All appeals shall be filed within fourteen days following the mailing of the final notice by Administrative Official or designee. Appeals shall be filed with the department. If a final decision does not require mailing, the appeal shall be filed within fourteen days following the issuance of the final decision.
3. **Appeals Shall Be In Writing**. All appeals shall be in writing on forms provided by the Department and shall be accompanied by the required fees; provided, that appeal fees should not be charged to the legislative body or a department of the City or County. All appeals shall specifically cite the action being appealed, the error(s) or issue(s) to be considered, and explain why the action is not consistent with the provisions of the Yakima Urban Area Comprehensive Plan, this Title, or other provisions of law.
4. **Notice**. The Department shall set a reasonable time and place for hearing of the appeal and shall notify the adverse parties of record and the official whose decision is being appealed at least ten days prior to the hearing. Provided, that for the review of a decision of the Administrative Official made under Type (2) review, the notice prescribed for Type (2) review under this Title shall be given.
5. **Transfer of Record**. The officer from whom the appeal is being taken shall forthwith transmit to the hearing examiner all the records pertaining to the decision being appealed from, together with such additional written report as he deems pertinent.
6. **Action by the Hearing Examiner**. Testimony given during the appeal shall be limited to those points cited in the appeal application except for appeals of decisions of the Administrative Official made under Type (2) review, in which case the appeal shall be de novo. The hearing examiner shall render a written decision on the appeal within ten working days from the conclusion of the hearing, unless a longer period is mutually agreed to by the applicant and the examiner. The Hearing Examiner may affirm or reverse, wholly or in part, or modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken. The department shall send copies of the Hearing Examiner’s decision to the appellant, the parties of record, and the official whose decision was appealed, not later than three working days following the issuance of the final decision.
7. **Decisions By The Hearing Examiner Shall Be Final Unless Appealed**. Except as otherwise provided, all appeal decisions by the Hearing Examiner shall be final and conclusive on all parties unless appealed to the legislative body under [YMC 15.16.040](#_15.16.040_–_Appeal).

### 15.16.040 – Appeal of the Hearing Examiner Decision

1. **Appeals**. The final decision of the hearing examiner on those applications listed in [YMC 15.20.040C(l)](#_15.20.050_–_Hearing_), and on appeals made under [YMC 15.16.030](#_15.16.030_–_Appeal), shall be final and conclusive unless it is appealed to the legislative body by a person aggrieved, or by any agency of the City/county affected by the decision in the following manner:
   1. The appealing party must file a complete written notice of appeal with the planning department upon forms prescribed by the department and accompanied by the appeal fee within fourteen days from the date of mailing of the examiner’s final decision.
   2. The notice of appeal shall specify the claimed error(s) and issue(s) that the legislative body is asked to consider on appeal and shall specifically state all grounds for such appeal. Issues or grounds of appeal that are not so identified need not be considered by the legislative body.
2. **Appeal Procedures**.
   1. The planning department shall notify the parties of record that an appeal has been filed and that copies of the notice of appeal and any written argument or memorandum of authorities accompanying the notice of appeal may be obtained from the department. The notice to parties shall also state that parties of record wishing to respond to the appeal may submit written argument or memorandum to the legislative body within fourteen days from the date that the notice is mailed. The notice shall further specify that such written argument or memorandum shall not include the presentation of new evidence and shall be based only upon the facts presented to the examiner. A copy of the notice shall be sent to the appellant.
   2. The appellant or any party of record may submit a written argument or memorandum of authority within fourteen days of the date of mailing of the notice to parties. Such written argument or memorandum of authorities shall be filed with the department. No written argument or memorandum of authorities may be thereafter submitted except as follows. The appellant or parties of record may request in writing and the department may, at its discretion and for cause, grant without prior notice to other parties of record, a fifteen-day extension of time within which written argument or memoranda must be submitted. Provided, that the request for extension is made no later than the last date the memoranda would otherwise be due. The legislative body may grant further extensions on a finding by the legislative body of the existence of extenuating circumstances that warrant such extensions. Notice of an extension shall be given to all parties of record. Memoranda, written argument, or comments shall not include the presentation of any new evidence and shall be based only on the facts presented to the examiner.
   3. When a timely appeal has been filed and the deadline for receipt of written memoranda has passed, the department shall within five days deliver to the legislative body a copy of the examiner’s decision, the evidence presented to the examiner, an audio recording of the hearing before the examiner and any written argument or memorandum of authority which have been received.

### 15.16.050 – Legislative Body Action On Appeals

1. **General**. When the record and the examiner’s decision have been transmitted to legislative body, the clerk of the legislative body shall schedule a date for a public meeting by the legislative body at which time the legislative body shall consider the appeal. The date of the public meeting should not be later than twenty days following the date the legislative body receives the information from the department.
2. **Public Notice Meeting on Appeals**. The clerk of the legislative body shall mail written notice to all parties of record and the examiner to apprise them of the meeting date before the legislative body.
3. **Site Views**. The legislative body may view the site.
4. **Scope of Review**. Legislative body review of the facts shall be limited to evidence presented to the examiner. The legislative body may request additional information or memoranda in order to reach a decision, provided that all parties of record are given an opportunity to respond to the material provided.
5. **Action on Appeal**. At the public meeting the legislative body may adopt, amend, and adopt, reject, reverse, amend, and reverse the findings, conclusions, and decision of the examiner, or remand the matter for further consideration or for purpose of taking and considering new factual evidence by the examiner. If the legislative body renders a decision different from the decision of the examiner, the legislative body shall adopt amended findings and conclusions accordingly.

### 15.16.060 – Appeal of Decisions Made By the Legislative Body

The action of the legislative body on an appeal of the decision of the examiner shall be final and conclusive unless within thirty days from the date of final action an aggrieved party obtains an appropriate writ of judicial review from the Yakima County Superior Court for the purpose of review of the action taken. The appellant shall provide or pay for, in advance, the cost of preparing any verbatim transcript of proceedings required for judicial appeal. With the consent of the Superior Court, the parties may agree to provide a verbatim audio record of proceedings for purposes of review by the Superior Court.

### 15.16.070 – Effect of Appeals

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

### 15.16.080 – Actions Not Appealable

1. **Generally**. Only final actions or decisions of an Administrative Official or other official may be appealed under this Chapter.
2. **Procedural Rulings**. Interim procedural or other rulings during or as part of a review or decision making process by a Administrative or other officer under this Title are not appealable except as part of the final decision or action.
3. **Enforcement Actions**. No enforcement action for violation is appealable except as expressly provided in [YMC Ch. 15.25](#_Chapter_15.25_–). No decision or action for issuance of a warning citation or criminal citation by the Administrative Official or other proper legal authority is appealable under this Chapter, nor shall any appeal under this Chapter be taken of any enforcement action commenced by any part in a court of law.

## CHAPTER 15.17 – MODIFICATIONS TO EXISTING OR APPROVED USES OR DEVELOPMENT

**Sections:**

[**15.17.010**](#_15.17.010_–_Purpose) **Purpose**

[**15.17.020**](#_15.17.020_–_Modification) **Modification to Permitted Development and Uses Regulated**

[**15.17.030**](#_15.17.030_–_Exemptions) **Exemptions**

[**15.17.040**](#_15.17.040_–_Review) **Modification of Approved and Existing Class (2) and (3) Uses and Development**

[**15.17.050**](#_15.17.050_–_Appeals) **Appeals**

### 15.17.010 – Purpose

This Chapter establishes provisions for the review of proposed modifications to existing or approved Class (2) or (3) uses.

### 15.17.020 – Modification To Permitted Development and Uses Regulated

All modifications to existing or approved Class (1) Uses or development shall be reviewed as a Class (1) Use rather than under these modification provisions. Minor changes to existing or approved Class (2) or (3) Uses or development may qualify for abbreviated review under the provisions in this Chapter, if they meet the criteria listed below, or may apply directly for review as a Class (2) or (3) Use or development. Overlay districts shall not increase the level of review for the provisions of this Chapter. Modifications not meeting the criteria below must apply directly for review as a Class (2) or (3) use or development.

1. The Modification will not increase residential density;
2. The Modification will not increase the amount of parking by more than ten percent (10%) or twenty (20) spaces (whichever is least), except that the amount of parking for controlled atmosphere and cold storage warehouses may be increased by up to twenty (20) spaces. This limit shall be calculated cumulatively for all previous Modifications since the last normal review;
3. Any expansion of use area or structure will not exceed 50% of the gross floor area. This limit shall be calculated cumulatively for all previous Modifications since the last normal review;
4. The Modification will not increase the height of any structure;
5. This limit shall be calculated cumulatively for all previous Modifications since the last normal review;
6. The Modification will not add a Drive-Thru Facility;
7. The Modification does not include Hazardous Materials; and,
8. The Modification involves a residential accessory structure 120 sq. ft. or less in size which is proposed to be located within the five foot setback from a property line or structure and meets the requirements below:
   1. The proposed accessory structure meets the fire rating requirments of the International Residential Construction code, and
   2. The proposed structure will not exceed the lot coverage of the district in which it is located.

### 15.17.030 – Exemptions

For exemptions from the review processes, see [YMC 15.01.040(E)](#_15.01.040_–_Applicability).

### 15.17.040 – Review of Modifications

1. **Submittals**. Applications for Modification shall follow the submittal requirements for Type (1) review. In addition for an approved Class (2) or (3) use or development, the applicant shall submit both the site plan previously approved by the reviewing official, and a new site plan showing the location, size, and type of modification proposed by the applicant.
2. **Review**. Applications for Modifications may be administratively and summarily reviewed using the Type (1) review process, in addition to the following criteria:
   1. Any proposed change in the site design or arrangement:

a. Will not change or modify any special condition previously imposed under Class (2) or (3) review;

b. Will not adversely reduce the amount of existing landscaping or the amount or location of required sitescreening; and,

c. In the determination of the Planning Department, it will not create or materially increase any adverse impacts or undesirable effects of the project.

* 1. All proposed new structures, site improvements, or structural alterations to existing structures or site improvements comply with the development standards of YMC Ch. 15.05 - 15.08, except as approved under the adjustment or variance provisions.

1. **Decision and Notification of Decision**. The planning department shall issue a written decision on the Modification application using the Type (1) decision process. In addition, any proposed modification that does not meet all the requirements of this subsection shall be denied. The department shall mail its decision to the applicant. Uses or developments denied under this Chapter may submit applications for review under the normal review provisions for the use.

### 15.17.050 – Appeals

Decisions by the planning department regarding approval or denial of administrative modifications may be appealed as prescribed by the applicable review.

## CHAPTER 15.18 – EXISTING USES AND DEVELOPMENT

**Sections:**

[**15.18.010**](#_15.18.010_–_Purpose) **Purpose and Intent**

[**15.18.020**](#_15.18.020_–_Continuation) **Continuation of Existing Class (1), (2), And (3) Uses**

[**15.18.030**](#_15.18.030_–_Continuation) **Continuation of Planned Developments—Limitations**

[**15.18.040**](#_15.18.040_–_Continuation) **Continuation of Construction Started**

[**15.18.050**](#_15.18.050_–_Modifications) **Modifications to an Existing Class (1), (2), Or (3) Use**

### 15.18.010 – Purpose and Intent

Within the zoning districts established by this Title, or zoning district amendments that may later be adopted, uses may exist that were legally established prior to the effective date. These may be classified under [YMC Ch. 15.04](#_CHAPTER_15.04_PERMITTED) as a Class (1), (2) or (3) uses in a particular zoning district. This Chapter provides for the continuation of these existing uses even though they have not been through Type (1), (2), or (3) review process and may not conform to the development standards.

### 15.18.020 – Continuation of Existing Class (1), (2), and (3) Uses

1. **Generally**. Existing uses shall be permitted to continue provided they remain otherwise lawful.
2. **Continuation When an Existing Class (1), (2), or (3) Use is Damaged**. Any existing use, including an existing Class (2) or (3) use that is damaged or destroyed, may be replaced as it was immediately prior to the damage after review by the appropriate Administrative Official or designee. Provided, that if the existing use is in a nonconforming structure, reconstruction of the structure shall occur in accordance with the provisions of [YMC 15.19.060](#_15.19.060_–_Nonconforming).

### 15.18.030 – Continuation of Planned Developments—Limitations

At the time of the effective date there will exist certain uses which have previously been approved and/or constructed, in whole or in part, as planned developments under the provisions of preexisting ordinances. This section shall cover the continuation and future use, occupancy, maintenance, modification, and regulation of these special developments, and supersedes the terms and provisions of any previous ordinance authorizing or approving said developments.

1. **General Policy and Intent**. Previously processed and approved planned developments shall be allowed to continue to exist under the terms and conditions of the previously approved enacting ordinance, site plan, and planned development program. Any modifications or changes to such planned development shall, however, render the entire development subject to the provisions.
2. **Designation of Planned Developments for the Purpose of Future Modifications**. For purposes of future modifications, previously approved planned developments which would constitute and can be Classified as a Class (1), (2), or (3) use under the provisions shall, in conjunction with the terms and conditions of their approval, be considered and are hereby declared to be approved Class (1), (2), and (3) uses. Previously approved planned developments which by use would not be classified as a Class (1), (2), or (3) use shall be considered and are hereby declared to be nonconforming uses.
3. **Compliance with Terms and Conditions of Approval Required**. The terms, conditions, and provisions of the site plan, planned development program and enacting ordinance of any previously approved planned development, are declared to be and shall remain in full force and effect as the binding site plan and conditions of approval for said development. Noncompliance therewith is a violation of the provisions and subject to the penalties and enforcement provisions of [YMC Ch. 15.25](#_Chapter_15.25_–).
4. **Completion of Planned Developments Required Within Two Years**. All previously approved planned developments which have not been fully constructed and completed in accordance with the terms and conditions of approval under the provisions of its enacting ordinance, site plan, and program, shall be fully completed and constructed in accordance with those terms, conditions, and provisions within two years of the effective date. Failure to so complete any previously approved plan development shall constitute a forfeiture of all rights, privileges, and approvals pertaining to said planned development. Such time may be extended for a maximum of one year by the administrative official for good cause not within the control of the applicant, developer, or owner of said planned development. Upon any forfeiture under the provisions of this subsection, all further development, including the use or occupancy of any land or structure, or the completion of any structure, is subject to full compliance with the terms and provisions.
5. **Voluntary Dissolution of Planned Development**. By mutual agreement of the administrative official and property owner, a property owner may voluntarily forfeit all rights, privileges, and approvals pertaining to a previously approved planned development. Such requests for forfeiture shall be submitted in writing to the administrative official. Upon written approval by the Administrative Official, said planned development shall be dissolved and declared null and void.

### 15.18.040 – Continuation of Construction Started

To avoid undue hardship, nothing in this Title shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date. Demolition or removal of an existing building begun preparatory to rebuilding shall be deemed to be actual construction. Nothing in this Title shall be deemed to require a change in the plans, construction or designated use of any structure for which there exists on the effective date a valid and legally issued permit, provided that actual construction commences during the effective period of such permit or one year from effective date. Authority to proceed under this section is conditioned on all work being done lawfully and carried on diligently until completion; failure to do so shall constitute a forfeiture of such rights.

### 15.18.050 – Modifications to an Existing Class (1), (2), Or (3) Use

Modifications to an existing Class (1), (2), or (3) uses shall be made in accordance with [YMC Ch. 15.17](#_Chapter_15.17_–).

## CHAPTER 15.19 – NONCONFORMING USES, STRUCTURES, & CRITICAL AREAS

**Sections:**

[**15.19.010**](#_15.19.010_–_Purpose) **Purpose and Intent**

[**15.19.020**](#_15.19.070_–_Change) **Illegal Uses, Structures, and Lots Not Permitted**

[**15.19.030**](#_15.19.030_–_Establishment) **Establishment**

[**15.19.040**](#_15.19.040_–_Development) **Development on Existing Lots Of Record**

[**15.19.050**](#_15.19.050_–_Continuation) **Continuation of Nonconforming Uses**

[**15.19.060**](#_15.19.060_–_Nonconforming) **Nonconforming Structures**

[**15.19.070**](#_15.19.070_–_Change) **Change From a Nonconforming Use to a Class (1), (2), Or (3) Use**

[**15.19.080**](#_15.19.080_–_Change) **Change From a Nonconforming Use to another Nonconforming Use- Expansion of a Nonconforming Use or Structure**

[**15.19.090**](#_15.19.090_–_Modifications) **Modifications of an Approved Site Plan For a Nonconforming Use or Structure**

[**15.19.100**](#_15.19.100_–_Discontinuance) **Discontinuance of A Nonconforming Use or Structure**

[**15.19.110**](#_15.19.100_–_Discontinuance) **Sale of a Nonconforming Use or Structure**

[**15.19.120**](#_15.19.120_–_Critical) **Critical Area Non-Conforming Uses and Facilities**

### 15.19.010 – Purpose and Intent

Within the districts established by this Title, or amendments that may later be adopted, there may exist lots, structures, and uses which were lawful before this Title was adopted or amended, but because of the application, no longer conform to the provisions and standards of the district in which they are located. This Chapter provides for the regulation of these legal nonconforming lots, structures, and uses and specifies those circumstances, conditions, and procedures under which such nonconformities shall be permitted to continue and expand. In the case of nonconformities with YMC Ch. 15.27, Critical Areas specific review provisions are provided under [YMC 15.19.120](#_15.19.120_–_Critical) that shall be used in lieu of other provisions in this chapter.

Except as otherwise provided, it is the intent to permit legal nonconforming uses or structures to continue to exist without specific time limitations. Modifications or changes to or involving such nonconformities are subject to the provisions and policies under [YMC Ch. 15.17](#_Chapter_15.17_–) and [15.18](#_CHAPTER_15.18_–).

### 15.19.020 – Illegal Uses, Structures and Lots Not Permitted

Structures, lots, required site improvements, uses, and/or developments not legally established or existing as of the effective date retain their illegal status and must be abated or fully conform and comply with the procedural and substantive provisions.

### 15.19.030 – Establishment

The burden of establishing that any nonconformity is a legal nonconformity as defined herein shall, in all cases, be upon the owner of such nonconformity and not upon the county/city. Upon request, the Administrative Official shall assist the property owner in locating public records that pertain to the legal status of the nonconformity.

### 15.19.040 – Development on Existing Lots of Record

In any district, any permitted use or structure may be erected on any existing lot or parcel. Provided, that no zero lot line, common wall, duplex, or multifamily development shall be allowed on existing lots of record in the SR and R-l zones unless the lot conforms to the minimum lot size requirements in [Table 5-2](#_Table_5-2_Subdivision), or the development involves the replacement or reconstruction of a damaged legally existing zero lot line, common wall, duplex, or multifamily development. This section shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district. Provided, that the setback dimensions of the structure shall conform to the regulations of the zoning district in which the lot is situated. [YMC 15.05.020(B)](#_15.05.020_Site_Design) contains additional provisions for development on nonconforming lots.

### 15.19.050 – Continuation of Nonconforming Uses

1. **Generally**. Any legal nonconforming use may continue as long as it remains otherwise lawful. Any change or expansion of the nonconforming use shall be made in accordance with the provisions of [YMC 15.19.070](#_15.19.070_–_Change) or [15.19.080](#_15.19.080_–_Change).
2. **Continuation When a Nonconforming Use is Damaged or Destroyed**. When a nonconforming use and associated structure are damaged, the nonconforming use may be replaced as it was prior to the damage. If the structure was also nonconforming, the structure may be rebuilt as it was immediately prior to the damage or in a manner that is more conforming in accordance with the provisions of [YMC 15.19.080](#_15.19.080_–_Change).

### 15.19.060 – Nonconforming Structures

1. **Generally**. Any legal nonconforming structure may continue so long as it remains otherwise lawful. A nonconforming structure other than a required site improvement may be included in and/or changed as part of any development, or modification to development, subject to review and approval under the procedures and provisions. Provided, that nothing in this section shall authorize the expansion or change of a nonconforming structure except as otherwise provided for in this Chapter. The required site improvements, parking, and signs are subject to the more specific policies on nonconforming parking and signs in [YMC Ch. 15.06](#_CHAPTER_15.06) and [15.08](#_CHAPTER_-_15.08), which shall control and govern.
2. **Maintenance of a Nonconforming Structure**. Nothing in this Chapter shall be construed to restrict normal structural repair and maintenance of a nonconforming structure, including the replacement of walls, fixtures, and plumbing.
3. **Reconstruction of a Nonconforming Structure**. When a nonconforming structure is damaged or destroyed, the Administrative Official or designee shall issue a development permit allowing the structure to be rebuilt as it was immediately prior to the damage or in a manner that is less nonconforming. Provided, no reconstruction of a nonconforming structure shall be performed without the issuance of a development permit by the Administrative Official. Applications and permits for such reconstruction shall be made in accordance with [YMC Ch. 15.11](#_CHAPTER_15.11_–) and [15.12](#_CHAPTER_15.12_-) except that no Certificate of Zoning Review is required.
4. **Proof of Compliance**. The property owner shall provide the information necessary to reasonably assure the Administrative Official or designee that the reconstruction being authorized complies with this section. The information provided shall include, but not be limited to:
   1. A general site plan showing the actual dimensions of the nonconforming structure, its height, and its exact placement on the lot prior to being damaged;
   2. Where a nonconforming use is involved, a written narrative describing the use or uses existing immediately prior to damage;
   3. An affidavit or certificate that the narrative and site plan accurately represent the nonconforming structure and/or use as they were immediately prior to damage. The Administrative Official or designee may approve reconstruction in conformance with the site plan or in a manner that is more conforming with the provisions and standards of the zoning district in which it is located. If the Administrative Official or designee determines that the requested reconstruction amounts to an expansion of the nonconforming structure, he shall forward the application to the Hearing Examiner for review under the provisions of [YMC Ch. 15.19](#_CHAPTER_15.19_–).

### 15.19.070 – Change - from a Nonconforming Use to a Class (1), (2), or (3) Use

The following procedures shall be followed for changing a nonconforming use to a Class (1), (2), or (3) use:

1. **Change to a Class (1) Use**. Application for changing a nonconforming use to a Class (1) use shall be made under the provisions of [YMC Ch. 15.13](#_CHAPTER_15.13_–), Type (1) review.
2. **Change to a Class (2) Use**. Application for changing a nonconforming use to a Class (2) use shall be made and reviewed under the provisions of [YMC Ch. 15.14](#_CHAPTER_15.14_–), Type (2) Review. The administrative official may approve the proposed Class (2) use when he determines the proposed use is compatible with the objectives of the Yakima Urban Area Comprehensive Plan, the intent of the zoning district, and the provisions and standards established herein.
3. **Change to a Class (3) Use**. Application for changing a nonconforming use to a Class (3) use shall be made and reviewed under the provisions of [YMC Ch. 15.15](#_CHAPTER_15.15_–), Type (3) Review. The Hearing Examiner shall hold at least one public hearing on the proposed change prior to rendering a decision. The hearing examiner may approve the proposed Class (3) use when he determines it is compatible with the objectives of the Yakima Urban Area Comprehensive plan and the purpose and intent.

### 15.19.080 – Change from a Nonconforming Use to Another Nonconforming Use; Expansion of a Nonconforming Use or Structure

The following procedures shall be followed to change a nonconforming use to a different nonconforming use; expand a nonconforming use throughout a structure; and/or expand a nonconforming structure or use throughout a lot or onto an adjoining lot. These procedures shall be used to expand a nonconforming structure throughout a lot. Provided, a structure that is nonconforming only by reason of excessive building height or substandard setbacks, or is a nonconforming single-family dwelling, may be altered or expanded under the modification provisions of [YMC 15.17.020](#_15.17.050_–_Appeals) when the alteration or expansion:

1. Does not increase the degree of nonconformity of the structure;
2. Complies with development standards of the district in which it is located;
3. The nonconforming structure is occupied by a Class (1) or Class (2) use or is a single-family dwelling or duplex; and,
4. In the case of expanding a nonconforming single-family dwelling or duplex, the proposed expansion is fifty percent or less of the existing building area. The provisions of [YMC 15.17.020](#_15.17.020_–_Modification) shall also be used for the reconstruction of a nonconforming single-family.
   1. Application. The application procedures shall be the same as those established in [YMC 15.15.030](#_15.15.030_–_Application) for Class (3) uses. A detailed site plan conforming to the provisions of [YMC 15.11.050](#_15.11.050_–_Detailed) shall accompany any applications required by this section.
   2. Public Hearing and Review. The department shall review and process the application under the provisions of [YMC 15.15.040](#_15.15.040_–_Review). The Hearing Examiner shall hold at least one public hearing. Within ten days after the public hearing, unless a longer period is agreed to on the record or in writing by the applicant, the Hearing Examiner shall render a written decision.
   3. Conditions for Approval. The Hearing Examiner may grant the relief requested if he finds all of the following:

a. That the expansion, change, reconstruction, or replacement requested would not be contrary to the public health, safety, or welfare;

b. That the proposed expansion, change, reconstruction or replacement is compatible with the character of the neighborhood; and, in the case of an expansion or change, does not significantly jeopardize future development of the area in compliance with the provisions and the intent of the zoning district;

c. That the significance of the applicant’s hardship is more compelling than, and reasonably overbalances, the public interest resulting from denial of the relief requested;

d. That the use or structure was lawful at the time of its inception; and,

e. That the value of nearby properties will not be significantly depressed by approving the requested expansion, change, reconstruction, or replacement.

The expansion, change, reconstruction, or replacement requested shall be denied if the Hearing Examiner finds that one or more of the provisions in subsection (3)(a-e) of this section are not met.

* 1. Findings and Conclusions. The Hearing Examiner shall prepare written findings and conclusions stating the specific reasons for his decision to approve, approve with conditions, or deny the application. The findings shall include the Hearing Examiner’s determination regarding compliance of the proposed expansion, change, reconstruction, or replacement with the criteria established in subsection (3) above. The Hearing Examiner shall issue a Certificate of Zoning Review in accordance with [YMC 15.15.060](#_15.15.060_–_Issuance) upon approval of an application and accompanying site plan.
  2. Conditional Approval. When approving a change in, or the expansion, reconstruction, or replacement of a nonconforming use or structure, the Hearing Examiner may attach conditions to the proposed change, expansion, replacement, reconstruction, or any other part of the development, in order to assure that the development is improved, arranged, and screened to be compatible with the objectives of the Yakima Urban Area Comprehensive Plan, YMC Title 15, and neighboring land uses.

### 15.19.090 – Modifications of an Approved Site Plan for a Nonconforming Use or Structure

Site plans approved for the change, expansion, reconstruction, or replacement of a nonconforming use or structure may be modified under the provisions of [YMC Ch. 15.17](#_Chapter_15.17_–).

### 15.19.100 – Discontinuance of a Nonconforming Use or Structure

A nonconforming use or structure shall become discontinued when it is:

1. Succeeded by a Class (1), (2), or (3) use;
2. Succeeded by another use or structure that is less nonconforming;
3. Discontinued and not reestablished within eighteen months, unless an extension is granted by the Administrative Official upon proper application. Denials of such requested extensions may be appealed in the same manner as Class (2) decisions under [YMC Ch. 15.14](#_CHAPTER_15.14_–); or,
4. Damaged and application for rebuilding or replacement is not made within eighteen months of such damage or resolution of court litigation or insurance settlement.

When a nonconforming use becomes discontinued, it shall be deemed that such use has ceased to exist and thus loses its status as a legal nonconforming use. Any subsequent use shall conform to the provisions of the use district in which it is located.

### 15.19.110 – Sale of a Nonconforming Use or Structure

Property classed as nonconforming may be transferred without that fact alone affecting the right to continue the nonconforming use or use of a nonconforming structure.

### 15.19.120 – Critical Area Non-Conforming Uses and Facilities

With respect to critical areas, as provided under [YMC 15.27.320](#_15.27.320_–_Non-Conforming), they are classified as either Conforming Uses with Non-Conforming Structures or Areas, or as non-conforming uses, as described in subsection (A) below. Both types have different review processes and decision criteria, as provided below in subsections (B) and (C).

1. **Classification Criteria**. There may be situations that do not conform to the standards or regulations. These situations are characterized as:
   1. Non-conforming Uses. Uses of a structure or land that were lawfully established at the time of their initiation but are currently prohibited by YMC Title 15 are non-conforming uses, and may utilize structures or land areas that are also non-conforming. A non-conforming use that is discontinued for any reason for more than one year shall have a presumption of intent to abandon, shall not be re-established, and shall lose its non-conforming status unless a Variance or Administrative Adjustment is obtained to extend the length of time based on documentation showing that an intent to abandon did not exist during the period of discontinuance. Such a Variance or Administrative Adjustment request may be submitted after the deadline has passed. In the case of destruction or damage where reconstruction costs exceed 50% of the assessed value, the structure shall not be rebuilt.
   2. Conforming Uses with Non-conforming Structures or Areas. These are structures or areas for conforming uses that were lawfully established at the time of their initiation, but currently do not conform to the bulk, dimensional, or other development standards. Structures or areas in locations approved under a permit shall not be considered non-conforming. Non-conforming outdoor areas that have not been used or maintained for 5 consecutive years shall lose their non-conforming status and may not be reestablished.
   3. Ordinary Care Required. Any non-conforming structure, area, or use may be maintained with ordinary care according to the provisions in [YMC 15.27.140](#_15.27.140_–_Applicability), [15.27.303](#_15.27.303_–_Minor), and [15.27.304](#_15.27.304_–_Documented) and do not require additional review under these Non-Conforming provisions.
2. **Process**.
   1. Alterations to Conforming Uses with Non-Conforming Structures or Areas. These uses shall be allowed under the following process requirements with the understanding that other permits or reviews may also be required under this Title:

a. Those that do not increase the existing non-conformity and otherwise conform to all other provisions are allowed without additional review under these non-conforming provisions.

b. Those that increase the non-conformity, including establishing additional square footage within a buffer, are allowed without additional review under these non-conforming provisions; however, an Adjustment must be obtained for the increased non-conformity.

c. Reconstruction or repair of a structure damaged less then 75% of the assessed value shall be processed as provided in subsections 1 and 2 above.

d. A nonconforming structure which is moved any distance shall be processed as provided in subsections (a) and (b) above.

e. Reconstruction or repair of structures destroyed or damaged 75% or more of the assessed value of the structure (not the whole property), including that resulting from neglect of maintenance or repair, shall be processed under these non-conforming provisions as a Type 2 review under this Title.

* 1. Alterations to Non-Conforming Uses.

a. Alterations to non-conforming uses involving expansion or alteration within an existing structure, but do not include alterations to outdoor areas or expansions of the building’s height or square footage are allowed without additional review under these non-conforming provisions.

b. Alterations to non-conforming uses, including their non-conforming structures or areas that do not qualify under subsection (a) above, shall be processed under these non-conforming provisions as a Type 2 review, as provided by this Title.

1. **Decision Criteria**. Decisions on projects that require review under the non-conforming provisions, as identified under subsection (B) above shall be based on the general decision criteria found in [YMC 15.27.311](#_15.27.311_–_Authorization) together with the criteria below:
   1. Decisions On Non-Conforming Structures. Applications for conforming uses with non-conforming structures or areas that are subject to subsection (B)(1)(e) above, shall not be approved unless a finding is made that the project meets all of the following criteria:

a. Using the original location will not place the structure or people in danger of a hazard;

b. The previous structure and any structural shore modification used to protect the structure did not increase hazards or damage to other properties; and,

c. The previous structure and any shore modification used to protect the structure did not cause significant impacts to the functions and values of the critical area.

* 1. Decisions On Non-Conforming Uses. A non-conforming use may not be altered or expanded in any manner that would bring that use into greater non-conformity.

## CHAPTER 15.20 – ADMINISTRATION

**Sections:**

[**15.20.010**](#_15.20.010_–_Purpose) **Purpose**

[**15.20.020**](#_15.20.020_–_Administrative) **Administrative Official’s—Duties and Powers**

[**15.20.030**](#_15.20.030_–_Planning) **Planning Department—Duties and Powers**

[**15.20.040**](#_15.20.050_–_Hearing) **Hearing Examiner—Duties and Powers**

[**15.20.050**](#_15.20.060__Regional) **City of Yakima Planning Commission**

[**15.20.060**](#_15.20.070_–_Legislative) **Legislative Body**

[**15.20.070**](#_15.20.080_–_No) **No Personal Liability for Acts or Omissions**

[**15.20.080**](#_15.20.090_–_Coordination) **Coordination with County/City**

[**15.20.090**](#_15.20.100_–_Entrance) **Entrance Onto Private Property**

[**15.20.100**](#_15.20.110_–_Statement) **Statement of Zoning District By City or County Officials/Reliance Limited**

[**15.20.110**](#_15.20.120_–_Computation) **Computation of Time**

### 15.20.010 – Purpose

The purpose of this Chapter is to define the responsibilities and requirements for the administration, enforcement, and interpretation.

### 15.20.020 – Administrative Official – Duties and Powers

1. **Office Established**. The Administrative Official or his designee shall be that person designated by the legislative body to enforce the provisions and the building code and administer the assigned provisions.
2. **Authority and Duties**. The administrative official shall have the following powers and responsibilities:
   1. Receive, examine, and process applications for Class (1) uses;
   2. Issue development permits for Class (1) uses in compliance with the provisions. Development permits for uses requiring review and approval by the Administrative Official or Hearing Examiner shall be issued only after receipt of a Certificate of Zoning Review from the Administrative Official;
   3. Receive, review, and adjudicate all site plans requiring Type (2) review;
   4. Receive, review, and decide applications for temporary hardship unit permits, basic design standard adjustments, and any other application for permit or approval assigned to him under provisions;
   5. Perform any other function or duty authorized or assigned to him under Title 15;
   6. Conduct inspections to determine compliance or noncompliance with the terms;
   7. Revoke, in writing, a permit or approval issued contrary to this Title or based on a false statement or misrepresentation in the application;
   8. Stop, by written order, work being done contrary to the development permit or to this Title. Such written order, posted on the premise involved, shall not be removed except by order of the building official. Removal without such order shall constitute a violation.
   9. Institute or cause to be instituted any appropriate action or proceedings to prevent the unlawful conversion, construction, reconstruction, alteration, occupancy, maintenance, use, repair, or erection of a structure or land; and/or restrain, correct, or abate such violation; and,
   10. Perform any other act or duty authorized or assigned to him under provisions.

All decisions of the Administrative Official shall be final unless appealed to the Hearing Examiner under [YMC Ch. 15.16](#_CHAPTER_15.16_–).

**15.20.030 Planning Department--Duties and powers.**

A. The planning department shall have the following powers and responsibilities:

1. Issue certificates of zoning review under the provisions of this title;

2. Receive, record and file all applications for permits, approvals or other action, including class (2) and (3) review, and applications for appeals, interpretations, variances and rezones;

3. Review and decide modifications to approved class (2) and (3) uses and existing class (1), (2) and (3) uses under the provisions of Chapter 15.17;

4. Provide staff support to the City of Yakima Planning Commission on all long range planning matters, proposed ordinance amendments, and Rezone applications;

5. Immediately change the official zoning map to accurately reflect any amendments made by official action of the legislative body;

6. Provide staff support to the hearing examiner, City of Yakima Planning Commission, and legislative body;

7. Perform any other act or duty authorized or assigned to it under the provisions of this title;

8. Maintain the official index of all permits and approvals under this title.

### 15.20.040 – Hearing Examiner – Duties and Powers

1. **Office**. The office of the Hearing Examiner, herein referred to as Hearing Examiner, is hereby recognized. The Hearing Examiner shall perform the duties and functions established by this or any other title. Unless the context requires otherwise, the term Hearing Examiner as used herein shall include Deputy Examiners and Examiners Pro-Tem. The hearing examiner shall be jointly hired and appointed by the City of Yakima and Yakima County.
2. **Authorities and Duties**. The Examiner shall receive and examine available information, conduct public hearings and keep a record thereof, and enter decisions as provided for herein.
3. **Effect of Decisions**.
   1. The decision of the hearing examiner on the following matters shall be final unless such decision is appealed to the legislative body pursuant to [YMC 15.16.040](#_15.16.040_–_Appeal):

a. Type (3) review decisions;

b. Variance requests;

c. Home occupations;

d. Revocation proceedings under [YMC Ch. 15.24](#_Chapter_15.24_–);

e. Nonconforming uses;

f. Appeals of decision by the Building Official or Administrative Official; and,

g. Any other authorized decision not expressly listed in subsection (C) (2) of this section.

* 1. The decision of the Hearing Examiner on rezone applications shall constitute a recommendation to the legislative body. Provided, that rezone applications initiated by the City or County to implement a newly adopted or amended Comprehensive Plan, or which are of broad general applicability, shall be heard by the City of Yakima Planning Commission.

### 15.20.050 City of Yakima Planning Commission.

1. **Establishment and Jurisdiction.** The City Planning Commission is organized

under RCW Chapter 35.63 and serves as a citizen advisory group to the

legislative bodies on long range planning matters.

1. **Authority and Duties.**
   1. As the long-range planning body for the City of Yakima, the City Planning Commission shall monitor the growth and development of the City of Yakima and continually reevaluate and recommend revisions to the City of Yakima comprehensive plan and this title;
   2. Investigate and make recommendations on other land use matters either

requested by the elected officials or upon its own initiative;

* 1. Study and report on all proposed text amendments to this title;
  2. Review and report to the joint board at least once every five years commencing on the date of enactment of this title. This five year report shall:
     1. Analyze the extent to which development has actually occurred in the City of Yakima and evaluate this title in terms of its ability to guide growth in conformance with the City of Yakima comprehensive plan,
     2. Recommend any changes in the zoning map which may be required in order to accommodate expected residential, commercial and industrial development in the Yakima urban area over the next 20 years,
     3. Analyze the need for any other regulations imposed by this title in terms of changed conditions since the last review,
  3. Advise the legislative body on land use matters,
  4. Monitor the hearings of the hearing examiner in order to stay informed on development activities, the concerns of the public, and the decisions of the hearing examiner, and
  5. Perform any other function authorized by law.

**15.20.060 City of Yakima Planning Commission.**

A. **Establishment and Jurisdiction**.. The commission is organized under RCW Chapter 36.70 and serves as a citizen advisory group to the legislative bodies on long range planning matters.

B. **Authority and Duties**.

1. As the long-range planning body for the Yakima urban area, the City of Yakima Planning Commission shall monitor the growth and development of the Yakima urban area and continually reevaluate and recommend revisions to the Yakima urban area comprehensive plan and this title;

2. Investigate and make recommendations on other land use matters either requested by the elected officials or upon its own initiative;

3. Study and report on all proposed text amendments to this title;

4. Review and report to the joint board at least once every five years commencing on the date of enactment of this title. This five year report shall:

a. Analyze the extent to which development has actually occurred in the Yakima urban area and evaluate this title in terms of its ability to guide growth in conformance with the Yakima urban area comprehensive plan,

b. Recommend any changes in the zoning map which may be required in order to accommodate expected residential, commercial and industrial development in the Yakima urban area over the next 20 years,

c. Analyze the need for any other regulations imposed by this title in terms of changed conditions since the last review,

5. Advise the legislative body on land use matters,

6. Monitor the hearings of the hearing examiner in order to stay informed on development activities, the concerns of the public, and the decisions of the hearing examiner,

7. Perform any other function authorized by law.

### 15.20.070 – No Personal Liability for Acts or Omissions

Each person responsible for the enforcement or administration and each official responsible for making any decision or recommendation under this Title is relieved from any personal liability whatsoever from any injury to persons or property as a result of his or her acts or omissions in good faith discharge of his or her responsibilities. If the person or member is sued for acts or omissions occurring in good faith discharge of his or her responsibilities, the County/City shall defend and provide legal representation of the person or member until final disposition of the proceedings. The County/City shall reimburse the person or official for any costs incurred in defending against alleged liability for the acts or omissions of the person or members in the good faith discharge of his or her duties.

### 15.20.080 – Coordination with County/City

1. **Purpose**. While this Title is enacted and administered separately by the City of Yakima/ Yakima County, it constitutes a significant joint planning effort and the furtherance of jointly developed and adopted land use policies and ordinances by the City of Yakima and Yakima County within the Yakima Urban Growth Area. The purpose of this section is to encourage and to authorize officials performing duties and responsibilities under this Title to solicit and consider comments from the other entity and to authorize the recognition of the joint nature of this ordinance as a factor in decision making.
2. **Coordinated Administration**. Any official performing duties or responsibilities under the provisions may solicit, receive, and consider comments by the County/City, on any interpretive, administrative, enforcement, permit or approval, or other decision under the terms. Uniform and coordinated administration, enforcement, and decision-making under the terms between the City of Yakima and Yakima County is declared to be a significant policy/goal, and may be considered as a factor in any interpretive, administrative, enforcement, quasi-judicial, or legislative decision under the provisions.

### 15.20.090 – Entrance onto Private Property

The Department and any Administrative Official, or their authorized representatives, shall have the right of entry onto any premises under consideration for approval or renewal of any permit, certificate, or other approval authorized or required under the provisions, for the purpose of inspecting and reviewing the premises in question.

### 15.20.100 – Statement of Zoning District by City or County Officials/Reliance Limited

Any person wishing to know and inquire of the County/City as to the official zoning district classification allowed by this Title for a specific parcel of property may submit a written request for such information to the appropriate department on forms prescribed by that department. Such written request shall specify or otherwise identify with particularity the parcel involved. The department shall respond to such requests and designate, if possible, the official zoning classification of such property. No person, contemplating the sale or purchase of any property, nor any person planning for or constructing improvements thereto, shall be entitled to rely on any oral or written representation of zoning district classification by any County/City employee or Cfficial except when an official statement of zoning classification is issued in writing under the provisions of this section.

### 15.20.110 – Computation of Time

In computing any period of time prescribed or allowed by this Title, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

## CHAPTER 15.21 – VARIANCES

**Sections:**

[**15.21.010**](#_15.21.010_–_Purpose) **Purpose**

[**15.21.020**](#_15.21.020_–_Application) **Application**

[**15.21.030**](#_15.21.030_–_Criteria) **Criteria For Variance Approval**

[**15.21.040**](#_15.21.040_–_Additional) **Additional Criteria For Variance Approval In The Floodplain And Airport Overlay Districts**

[**15.21.050**](#_15.21.050_–_Public) **Public Hearing By The Hearing Examiner**

[**15.21.060**](#_15.21.060_–_Action) **Action By The Hearing Examiner**

[**15.21.070**](#_15.21.070_–_Notice) **Notice Of Examiner’s Decision**

[**15.21.080**](#_15.21.080_–_Appeals) **Appeals**

### 15.21.010 – Purpose

The purpose of this Chapter is to empower the Hearing Examiner to vary or adapt the strict application of any of the requirements. Provided, such variance would not be contrary to the public interest, and the strict application of the particular regulation would result in peculiar, exceptional, and undue hardship on the owner of the property. It is the intent that the variance be used only to overcome some exceptional physical condition of land that prevents any reasonable use of the property.

### 15.21.020 – Application

A written application requesting a variance shall be submitted to the department under the applicable provisions of [YMC Ch. 15.11](#_CHAPTER_15.11_–).

### 15.21.030 – Criteria for Variance Approval

A variance shall be granted only when the applicant demonstrates that the variance will not be contrary to the public interest, is not self-created, and that practical difficulty and unnecessary hardship will result if it is not granted. The applicant must clearly establish and substantiate that the request for variance conforms to all the requirements and standards listed below:

1. That granting the variance will be consistent with the general purpose and intent and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
2. That granting the variance will not permit the establishment of any use not permitted in a particular zoning district;
3. That a unique circumstance exist. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or structures for which the variance is sought. The special circumstances or conditions must be peculiar to such land or structures and not generally applicable to land or structures in the neighborhood. The special circumstance or conditions must also be such that the strict application of the provisions would deprive the applicant of reasonable use of such land or structure; and,
4. That an unnecessary hardship exists. It is not sufficient proof of hardship to show that lesser cost would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases without knowledge of the restrictions. It must result from the application to the land or structure. It must be suffered directly by the property in question, and evidence of variance granted under similar circumstance shall not be considered. Neither nonconforming uses nor neighboring lands or structures, nor buildings in other zoning districts, shall be considered as controlling factors for the issuance of a variance;
5. That granting of the variance is necessary for the reasonable use of the land or structure; and,
6. That the variance as granted by the Hearing Examiner is the minimum variance that will accomplish this purpose.

### 15.21.040 – Additional Criteria for Variance Approval in the Floodplain and Airport Overlay Districts

When considering a variance in a Floodplain or Airport Overlay, the Hearing Examiner shall consider, in addition to the conditions in [YMC 15.21.030](#_15.21.030_–_Criteria), all technical evaluations, standards applying to the overlay district, and:

1. The danger to life and property due to flooding or airport conflicts;
2. The importance of the services provided by the proposed use to the community;
   1. The necessity to the facility of a waterfront or airport location;
   2. The availability of alternative locations for the proposed use which are not subject to flooding or airport hazards;
   3. The compatibility of the proposed use with existing and anticipated development; and,
   4. The relationship of the proposed use to the Airport Master Plan and Floodplain Management Program.

### 15.21.050 – Public Hearing by the Hearing Examiner

A public hearing shall be held and notice provided under the provisions of [YMC Ch. 15.11](#_CHAPTER_15.11_–). The applicant shall appear in person or by agent or attorney. Failure to appear shall constitute sufficient cause for continuance of the hearing or denial of the application. Other parties may submit written comments or appear in person, by agent, or attorney.

### 15.21.060 – Action by the Hearing Examiner

Within ten days of the conclusion of the hearing, unless a longer period is agreed to in the record or in writing by the applicant, the Hearing Examiner shall file a written on decision that shall include the following considerations:

* 1. The testimony at the public hearing;
  2. The extent to which the proposed variance is in compliance with the requirements of [YMC 15.21.030](#_15.21.030_–_Criteria) and [YMC 15.21.040](#_15.21.040_–_Additional), if applicable;
  3. That the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, or structure; and,
  4. The consistency of the variance with the general purpose and intent.

The Hearing Examiner may attach conditions to the approval of a variance to minimize the impacts of such approval on the neighborhood. The application for a variance shall be denied if the Hearing Examiner finds that one or more of the provisions of [YMC 15.21.030](#_15.21.030_–_Criteria) are not met.

### 15.21.070 – Notice of Examiner’s Decision

Copies of the Examiner’s decision shall be mailed to the applicant and to other parties of record not later than three days following the filing of the decision. “Parties of record” shall include the applicant and all other persons who specifically request notice of the decision by signing a register provided for such purpose at the public hearing.

### 15.21.080 – Appeals

Hearing Examiner decisions may be appealed to the legislative body in accordance with [YMC Ch. 15.16](#_CHAPTER_15.16_–).

## CHAPTER 15.22 – INTERPRETATIONS

**Sections:**

[**15.22.010**](#_15.22.010_–_Purpose) **Purpose**

[**15.22.020**](#_15.22.020_–_Written) **Written Request For Interpretation**

[**15.22.030**](#_15.22.030_–_Review) **Review By The Hearing Examiner**

[**15.22.040**](#_15.22.040_–_Notice) **Notice Of Examiner’s Decision**

[**15.22.050**](#_15.22.050_–_Use) **Use Interpretations**

[**15.22.060**](#_15.22.060_–_Interpretations) **Interpretations Of Zoning District Boundaries**

[**15.22.070**](#_15.22.070_–_Appeals) **Appeals**

### 15.22.010 – Purpose

The purpose of this Chapter is to define the responsibilities, rules, and procedures for clarifying the text, the zoning map that it incorporates, and the rules and regulations adopted pursuant to it.

### 15.22.020 – Written Request for Interpretation

A written request for interpretation of any provision, use or non use, the zoning map, or any rule or regulation adopted pursuant to this Title, shall be submitted to the Department. Each request shall set forth the specific provision or provisions to be interpreted and the facts of the specific situation giving rise to the request for an interpretation.

### 15.22.030 – Review by the Hearing Examiner

The department shall, within five days of the receipt of any request for interpretation, forward all applications for interpretation to the Hearing Examiner for decision. The Hearing Examiner may refer any application or request for interpretation to any interested, affected, or concerned agencies or persons for review and comment. In addition, the Hearing Examiner may, at his sole discretion, schedule and hold a public hearing on any proposed interpretation issue. Notice of any hearing held to consider an interpretation shall be mailed to the person requesting the interpretation and published once at least ten working days prior to the hearing.

### 15.22.040 – Notice of Examiner’s Decision

1. The Hearing Examiner shall mail a written copy of his interpretation to the applicant, the Yakima County Planning Department, the City of Yakima Department of Community and Economic Development, and their respective administrative officials. Such notice shall be provided within thirty days from the date of his receipt of an application for interpretation, or such longer a period of time as may be agreed to by the applicant.
2. The Hearing Examiner shall clearly state the analysis and reasons upon which any interpretation is based and, if the interpretation is a use interpretation, how the interpretation is consistent with the specific conditions established in [YMC 15.22.050](#_15.22.050_–_Use).
3. The department shall keep a copy of each interpretation on file and shall make a copy available for public inspection during regular business hours.

### 15.22.050 – Use Interpretations

The following conditions shall govern the Hearing Examiner in issuing use interpretations. (See [YMC 15.04.040](#_15.04.040_–_Unclassified))

1. No use interpretation shall vary the location or review requirements of any use listed in [Table 4-1](#_TABLE_4-1) or home occupation listed in [Table 4-2](#_Table_4-2_Table_).
2. No use interpretation shall permit any use in any zoning district unless evidence is presented which demonstrates that it will comply with the intent and development standards established for the particular district.
3. The following conditions shall govern the Administrative Official in making use interpretations for the State Fair Park (see [YMC 15.04.200](#_15.04.200__State)):
   1. The Administrative Official shall be authorized to determine whether a new or expanded use not otherwise identified in [YMC 15.04.200(B)](#_15.04.200__State) is consistent with or similar to those listed prior to issuance of development permits. Such determination shall be made for the record in a written interpretation.
   2. If the Administrative Official cannot conclusively determine that a new or expanded use is consistent with or similar to those identified within State Fair Park special definitions, the interpretation question may be referred to the Hearing Examiner as provided in this Chapter.
   3. Uses found by the Administrative Official or Hearing Examiner to be consistent with or similar to [YMC 15.04.200(B)](#_15.04.200__State) shall be subject to the appropriate permit review process and development standards (see [YMC 15.05.020(K)](#_15.05.020_Site_Design) and [15.12.020(E)](#_15.12.020_–_Required)). A use not found to be consistent with or similar to those uses may be considered by the Hearing Examiner as an unclassified use within the GC district (see [YMC 15.04.040](#_15.04.040_–_Unclassified)).

### 15.22.060 – Interpretations of Zoning District Boundaries

The Hearing Examiner shall make interpretations when there is uncertainty regarding the zoning district boundaries shown on the official zoning map. The Hearing Examiner shall use the following rules to interpret the precise location of any zoning boundary shown on the official zoning map, boundaries shown as following or approximately following:

1. City limits, plotted lot lines or section lines, half-section lines, or quarter-section lines shall be construed as following such lines.
2. Streets shall be construed to follow the centerlines of such streets.
3. Railroad lines shall be construed to lie midway between the railroad lines' main tracks.
4. Shorelines of lakes, rivers, and streams shall be construed to follow the shoreline and, in the event of natural change in the shoreline, shall be construed as moving with the actual shoreline.
5. The centerline of streams, rivers, lakes, or canals shall be construed as following such centerlines. In the event of a natural change in the location of such streams, rivers, or other water courses the zoning boundary shall be construed as moving with the channel centerline.

Where a public right-of-way is vacated, the vacated area shall have the zoning district classification of the property to which it accrues.

### 15.22.070 – Appeals

The Hearing Examiner’s decision on an interpretation may be appealed under [YMC Ch. 15.16](#_CHAPTER_15.16_–).

## CHAPTER 15.23 – AMENDMENTS AND REZONES

**Sections:**

[**15.23.010**](#_15.23.010_–_Purpose) **Purpose**

[**15.23.020**](#_15.23.020_–_Text) **Text Amendments**

[**15.23.030**](#_15.23.030_–_Rezones—Zoning) **Rezones—Zoning Map Amendments**

[**15.23.040**](#_15.23.040_–_Appeals) **Appeals**

[**15.23.050**](#_15.23.050_–_Classification) **Classification Of Annexed Lands**

### 15.23.010 – Purpose

From time to time, a change in circumstance or condition may warrant a change in the zoning text or map created by this Title. The purpose of this Chapter is to establish the procedures to amend the zoning text and/or map when the proposed change would be consistent with the goals policies, and intent of the Yakima Urban Area Comprehensive Plan.

**15.23.020 Text amendments.**

A. **Initiation**. An amendment to the text, standards, procedures or other provisions of this title may be initiated by action of the legislative body with jurisdiction or the City of Yakima Planning commission.

B. **Action by the Legislative Body**. Any amendments in this title shall be by action of the legislative body with jurisdiction after a recommendation thereon from the City of Yakima Planning Commission. Such action shall occur in accordance with the procedures set forth in RCW Chapter 36.70 as it now exists or is hereafter amended.

**15.23.030 Rezones--Zoning map amendments.**

A. **Initiation**. An amendment to the zoning map may be initiated by:

1. Resolution of the legislative body with jurisdiction or the City of Yakima Planning Commission; or,

2. A rezone application filed by the property owner(s).

B. **Application**. All rezone applications shall be filed with the planning department. The planning department shall process the application under the provisions of Section 15.11.080. The application shall include the information required in Section 15.11.030 and the signature of the owner(s) of the property.

C. **Public Hearing by the Hearing Examiner or City of Yakima Planning Commission**. Upon receipt of a complete application for a rezone, the planning department shall forward the application to the hearing examiner or City of Yakima Planning Commission for public hearing and review. Provided, that rezone applications initiated by the city or county to implement a newly adopted or amended comprehensive plan, or which are of broad general applicability shall be heard by the City of Yakima Planning Commission under the provisions of RCW Chapter 36.70. The public hearing shall be held and notice provided under the provisions of Chapter 15.11.090. The applicant shall appear in person or by agent or attorney. Failure to do so shall constitute sufficient cause for continuance or denial of the requested action. Other parties may appear in person or by agent or attorney, or may submit written comments.

D. **Recommendation by the Hearing Examiner or City of Yakima Planning Commission**. Within ten days of the conclusion of the hearing, unless a longer period is agreed to in writing by the applicant, the Hearing Examiner or City of Yakima Planning Commission shall issue a written recommendation to approve, approve with conditions or deny the proposed rezone. The recommendation shall include the following considerations:

1. The testimony at the public hearing;

2. The suitability of the property in question for uses permitted under the proposed zoning;

3. The recommendation from interested agencies and departments;

4. The extent to which the proposed amendments are in compliance with and/or deviate from the goals and policies as adopted in the Yakima urban area comprehensive plan and the intent of this title;

5. The adequacy of public facilities, such as roads, sewer, water and other required public services;

6. The compatibility of the proposed zone change and associated uses with neighboring land uses; and,

7. The public need for the proposed change.

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

E. **Action by the Legislative Body**. Upon receipt of the hearing examiner's or the City of Yakima Planning Commission’s recommendation on a proposed rezone, the legislative body shall hold a public meeting and affirm or reject the hearing examiner's or the City of Yakima Planning Commission’s decision.

The legislative body shall conduct its own public hearing when it rejects the recommendation of the hearing examiner, the City of Yakima Planning Commission, or desires additional public testimony. Notice of the public hearing shall be given in the manner set forth in Section 15.11.090. In either case, the findings of the legislative body shall include the considerations established in subsection (E) of this section.

F. **Time Limit and Notification**. Proposed amendments shall be decided by the legislative body as soon as practicable and the applicant shall be notified in writing whether the rezone has been granted or denied.

### 15.23.050 – Classification of Annexed Lands

The zoning of land hereafter annexed by the City of Yakima shall not change upon annexation. Provided, the City Council may initiate and consider a rezone of the property proposed for annexation under [YMC Ch. 15.23](#_Chapter_15.23_–) and may adopt the zone change upon annexation.

## CHAPTER 15.24 – REVOCATION OF PERMITS OR APPROVALS

**Sections:**

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[**15.24.060**](#_15.24.060_–_Permit) **Permit Revocation Not An Exclusive Action**

[**15.24.070**](#_15.24.070_–_Appeals) **Appeals**

[**15.24.080**](#_15.24.080_–_Violation) **Violation**

### 15.24.010 – Authority

The Hearing Examiner may, under the provisions of this Chapter and upon petition by the Administrative Official or the legislative body, revoke or modify any permit, Certificate of Zoning Review, variance, home occupation permit, temporary hardship permit, or other permit or approval previously made or granted under YMC Title 15.

### 15.24.020 – Grounds For Permit Revocation

Such revocation or modification shall be made only on one or more of the following grounds:

1. That the approval was obtained by fraud or material misrepresentation; or,
2. That the permit or approval is being or has been recently exercised or used contrary to the terms or conditions of such permit or approval or in violation of any other statute, ordinance, or law and the department and/or Administrative Official's efforts by have been ineffective.

### 15.24.030 – Public Hearing By The Hearing Examiner

The Hearing Examiner shall hold a public hearing prior to the revocation or modification of any permit. Prior notice of such hearing and its purpose shall be given to the permitholder and the legal titleholder of the property at least ten days prior to the hearing. If the subject property is not occupied, notice of the hearing shall be posted on the property in a conspicuous place and mailed to the last known address of the permit’s applicant.

### 15.24.040 – Decision By The Hearing Examiner

Within ten days of the conclusion of the hearing, unless a longer period is agreed to on the record or in writing by the applicant, the Examiner shall issue a written decision to approve or deny the request for permit revocation. His written decision shall include the following considerations:

1. The testimony at the public hearing;
2. The recommendation from interested agencies and departments; and,
3. The grounds for permit revocation established in [YMC 15.24.020](#_15.24.020_–_Grounds).

The Hearing Examiner may, on his own motion or upon request of the permitholder, defer the effective date of any revocation and grant the permitholder an opportunity to affirmatively demonstrate to the examiner compliance with Title 15 or correction of any violation. The examiner may grant or impose interim terms and conditions of the approved use, construction, alteration, or occupancy of the premises covered by the permit or approval.

### 15.24.050 – Notice Of Examiner’s Decision

Copies of the Examiner’s decision shall be mailed to the permitholder, legal titleholder, and the official or body petitioning for permit revocation no later than three days following the decision's filing.

### 15.24.060 – Permit Revocation Not an Exclusive Action

YMC Ch. 15.24 is completely supplemental to other provisions. Provisions herein are neither an exclusive remedy nor a prerequisite for any other administrative or judicial action authorized under Title 15.

### 15.24.070 – Appeals

Any decision of the Hearing Examiner hereunder shall be final unless appealed in accordance with [YMC Ch. 15.16](#_CHAPTER_15.16_–).

### 15.24.080 – Violation

Continued use or occupancy of land or structures after the effective date of any revocation, and with knowledge that a permit or approval has been revoked under this Chapter, constitutes a special violation and is punishable under [YMC 15.25.020(B)](#_15.25.020_–_Criminal).

## CHAPTER 15.25 – VIOLATIONS AND ENFORCEMENT AND ADMINISTRATION

**Sections:**

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[**15.25.020**](#_15.25.020_–_Criminal) **Criminal Penalties**

[**15.25.030**](#_15.25.030_–_Civil) **Civil Penalties**

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[**15.25.080**](#_15.25.080_–_Disposition) **Disposition Of Civil Penalties Collected**

### 15.25.010 – Violations Unlawful

Violations of, or failure to comply with, the provisions shall be and hereby are declared to be unlawful.

### 15.25.020 – Criminal Defense Penalties

1. **General Penalties**. Any person, firm, or corporation violating any of the provisions; violating or failing to comply therewith; or violating or failing to comply with any order made or issued pursuant thereto (unless otherwise stated) shall for each and every violation and noncompliance respectively be guilty of a misdemeanor. Any person so convicted shall be punished for each offence by a fine or not more than five hundred dollars; imprisonment for not more than ninety days; or both fine and imprisonment. Provided, that except for the violations specified in [YMC 15.25.020(B)](#_15.25.020_–_Criminal) and [YMC 15.25.060(D)](#_15.25.060_–_Enforcement), a person not previously convicted of any violation and who is not convicted of more than one violation shall be punished by a fine only, not to exceed five hundred dollars.
2. **Special Penalty**. Any person who continues to use or occupy land or structures with knowledge that a permit or approval has been revoked under [YMC Ch. 15.24](#_Chapter_15.24_–) shall, upon conviction thereof, be punished for each offense by a fine of not less than two hundred fifty dollars nor more than five hundred dollars; by imprisonment for not more than ninety days; or both fine and imprisonment. The minimum fine imposed by this section shall not be suspended or deferred.
3. **Abatement**. Persons convicted for violations may be ordered by the court to abate any use or structure in violation of the provisions and shall be charged with the cost of abatement in the manner provided by law.

### 15.25.030 – Civil Penalty

In addition to any other penalty or remedy provided herein by law, a civil penalty in the amount of fifty dollars per day is hereby imposed upon any person, firm, or corporation that violates the provisions of YMC Title 15. Such civil penalty shall accrue from the date set for correction established by the building and enforcement official pursuant to [YMC 15.25.060(C)](#_15.25.060_–_Enforcement), and shall continue until the violation is corrected. The civil penalty constitutes a personal obligation of the person or persons to whom the notice of noncompliance set forth in [YMC 15.25.060(C)](#_15.25.060_–_Enforcement) is in effect. The prosecuting attorney/city attorney, on behalf of the County/City, is authorized to collect the civil penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional civil penalties so long as the violation continues.

If a violation is not corrected by the time established by the notice of noncompliance, or any extensions thereof, the building official shall cause a notice of lien to be filed in the Yakima County Auditor’s Office. Said notice of lien shall contain the legal description of the property and a copy of the notice of violation, together with proof of service of the notice of noncompliance as set forth in [YMC 15.25.060(C)](#_15.25.060_–_Enforcement). Upon date of filing such notice of lien, a lien shall exist in favor of the City or County (whichever takes the action) to secure the payment of the civil penalty imposed by this Title. Any person who takes or acquires any interest in said property subsequent to filing of said notice of lien shall take subject to said lien. The lien may be foreclosed by the County/City in the manner provided by law for the foreclosure of mortgages,

### 15.25.040 – Continued Violations – Remedies and Penalties

Any imposition of one penalty for any violation shall not excuse the violation nor permit it to continue. Any person, firm, or corporation shall be required to correct such violation or defects.

1. Each seven-day period in which a violation continues after the effective date for correction, as set forth in the notice of noncompliance provided in [YMC 15.25.060](#_15.25.060_–_Enforcement), shall constitute a separate criminal offense unless time for correction is otherwise expressly extended in writing by the building and enforcement official, or unless otherwise stayed as authorized under this Title. Provided, that where the building and enforcement official has ordered any work or occupancies or where any certificate or permit of approval has been revoked or suspended, each and every day that such work or occupancy continues or is permitted to continue shall constitute a separate criminal offense.
2. Any person, firm, or corporation who violates the provisions shall incur a cumulative civil penalty as set forth in [YMC 15.25.030](#_15.25.030_–_Civil), in the amount of fifty dollars per day from the date set for correction pursuant to said provisions until the violation is corrected.
3. In addition to any criminal or civil proceedings authorized under this Chapter to enforce this Title, and in addition to any fine, imprisonment, or penalty provided for therein continuing violations may be enjoined or ordered abated in civil proceedings for injunction or abatement or other equitable relief. For purposes of such actions, violations are declared to be public nuisances.
4. The prosecuting attorney/city attorney on behalf of the County/City and the public may pursue civil remedies to enforce compliance with the provisions. A private person directly affected by a violation may pursue civil remedies as provided herein; as otherwise provided by law to enforce compliance with; or recover damages for its violation. Provided, that a private person may not pursue to enforce the civil penalty as set forth in subdivision (B) of this section and in [YMC 15.25.030](#_15.25.030_–_Civil).

### 15.25.050 – Persons Liable

The owners, lessee, or tenant of any building, structure, premises, or part thereof, and the architect, builder, contractor, employee, agent, or other person who commits, authorizes, participates in, assists in, or who maintains after notice a violation may each be found guilty of a separate offense and suffer the penalties provided in [YMC 15.25.020](#_15.25.020_–_Criminal) and may be held jointly and severally liable in civil action brought to enforce the provisions.

### 15.25.060 – Enforcement and Administration

1. **General**. The Administrative Official is hereby authorized and directed to enforce the provisions. The Administrative Official may employ, appoint, and designate such employees, representatives, or officers to act on his behalf in the enforcement under such control and supervision as the Administrative Official may specify. Any reference herein to the Administrative Official shall also refer to his duly authorized representatives. The Administrative Official or his authorized representatives shall either upon complaint, or upon his own initiative investigate potential violations. It shall be the duty of all the City/County officers to assist the Administrative Official or his authorized representatives in the performance of this duty. It shall be the duty of all officers charged with the enforcement of the law to assist in the enforcement and its provisions.
2. **Entrance on to Private Property**. When necessary to perform any of his duties under this Title or to investigate upon reasonable cause or complaint the existence or occurrence of a violation, the Administrative Official may enter onto property to inspect the same or to perform any duty imposed or authorized by this Title. Provided, that if such building or premises be occupied and not a public place he shall first present proper credentials and request entry and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owners or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Administrative Official or his authorized representative shall have recourse to every remedy provided by law to secure entry. The right of entry authorized for this section extends to any employee, officer, or person that accompanies the building and enforcement official or his authorized representatives.

All permits and approvals issued under the provisions are hereby conditioned on free access by the Administrative Official to the property, premises, and/or structures involved during any period of construction, improvement, or change, for inspections to assure compliance with this Title and any conditions of approval for such permit or approval. The Administrative Official may enter onto private property, premises, and/or structures during any such period of construction, improvement, or change being done pursuant to a permit or approval for such purposes. Provided, that if the property, premises, or structures are occupied he shall first notify the occupant prior to entry.

1. **Notice of Noncompliance**. If the Administrative Official determines that any activity, condition, structure, or use exists that does not conform to the provisions he may issue a notice of noncompliance directed to the record owner of the property and/or to such other persons as are causing or contributing to such noncompliance. A notice of noncompliance shall contain:
   1. The name and address of the record owner or other person to whom the notice of noncompliance is directed;
   2. The street address when available or a legal description sufficient for identification of the structure, premises, or land upon which the noncompliance is occurring;
   3. A statement of the action required to be taken as determined by the Administrative Official and a date for correction, which shall be not less than three weeks from the date of service of the notice of noncompliance unless the Administrative Official has determined the noncompliance to be immediately hazardous;
   4. A statement that a cumulative civil penalty in the amount of fifty dollars per day shall be assessed against the person or persons to whom the notice of noncompliance is directed for each and every day following the date set for correction on which the noncompliance continues;
   5. A statement that the Administrative Official’s determination of noncompliance may be appealed to the Hearing Examiner upon written notice of appeal together with the payment of a filing fee in accordance with [YMC Ch. 15.16](#_CHAPTER_15.16_–), that such appeal shall be filed with the department issuing the notice within fifteen days of service of the notice of noncompliance, and that the per diem civil penalty shall continue to accrue during the pendency of such administrative appeal but is dependent on the outcome of the appeal; and,
   6. A statement that the civil penalty constitutes a lien on the property where the violation is occurring and that such lien may be foreclosed and property sold to satisfy said lien and penalty.

The notice of noncompliance shall be served upon the person or persons to whom it is directed either personally in the manner provided for by personal services of summons and complaints or by mailing a copy of the notice of noncompliance by certified mail, postage prepaid, return receipt requested, to such person at his last known address. Proof of such service shall be made at the time of service by a written declaration under penalty of perjury executed by the person making service, declaring the time, date, and manner by which service was made.

A notice of noncompliance issued pursuant to this section constitutes the determination from which an administrative appeal may be taken pursuant to the provisions of [YMC Ch. 15.16](#_CHAPTER_15.16_–). The cumulative civil penalty provided for in [YMC 15.25.030](#_15.25.030_–_Civil) and [15.25.040](#_15.25.040_–_Continued) shall continue to accrue during the pendency of such appeals but shall be dependent on the outcome of the appeal.

For good cause shown, the Administrative Official may extend the date set for correction of the notice of noncompliance; provided that such an extension shall not affect or extend the time in which an administrative appeal must be commenced, nor shall such extension be for a period of time in excess of one hundred eighty days.

1. **Stop Orders**. If the Administrative Official determines that any activity is being established or any improvement is being erected or altered that does not conform to this Title, he may issue an order to stop the activity. The Administrative Official shall prominently post this order on the subject property and shall make reasonable attempts to forward a copy of the order to the owner of the property, the person in charge of the property or occupant thereof, or the person causing the activity to be established or conducted or the improvement to be erected or altered. When any order to stop activity has been posted on the subject property it is unlawful for any person with active or constructive knowledge of the order to conduct the activity or do the work covered by the order until the Administrative Official has removed the posted copy of the order and issued a written authorization for the activity or work to be continued. Violation of an order to stop activity constitutes a separate offense under the provisions of [YMC 15.24.020](#_15.24.020_–_Grounds).
2. **Citations**. Whenever the Administrative Official determines that administrative effort to correct violations would be, or has been, useless or ineffective, he may cause to be initiated criminal proceedings for such violation or violations. In addition to any other means authorized by law for initiation of criminal complaints, the Administrative Official has the authority to issue and serve a citation when the violation is committed in his presence or to directly file a citation in court if a person refuses to sign a promise to appear or if upon investigation he has reasonable cause to believe that a person or persons has committed a violation. Such citations shall be on forms prescribed or approved by the administrator for the courts of the State of Washington. The Administrative Official is hereby granted the authority to and shall directly file such citations in a court of competent jurisdiction which filing shall constitute a lawful complaint for initiating criminal charge for violation of the ordinance codified in this Title. The court shall issue process for the attendance of the person charged as otherwise allowed or prescribed by law or court rule. It shall be the responsibility of the prosecuting authority of the appropriate jurisdiction to prosecute such cases in the name of the City/county.

### 15.25.070 – Collection of Civil Penalties

The Administrative Official and the prosecuting authority of the county/city are hereby authorized to take action to collect and/or enforce any civil penalty imposed by this Title. When a settlement or compromise of any civil penalty would be in furtherance of the objectives and purposes, the prosecuting authority may settle or compromise any civil penalty in an amount deemed appropriate by such authority.

### 15.25.080 – Disposition of Civil Penalties Collected

Any civil penalties assessed herein and collected shall be paid into the general fund of the county/city.

## CHAPTER 15.27 – CRITICAL AREAS

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## Chapter 15.27 – Part One – GENERAL PROVISIONS

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### 15.27.100 – Chapter and Authority

Yakima Municipal Code Chapter 15.27 is established pursuant to RCW 36.70A.060 (Growth Management Act Natural Resource Lands and Critical Areas - Development Regulations), RCW Ch. 43.21C (State Environmental Policy Act), and federal requirements for eligibility in the National Flood Insurance Program, pursuant to Title 42 of the Code of Federal Regulations (CFR). This Chapter shall be known as the "Critical Areas Ordinance of the City of Yakima, Washington."

### 15.27.110 – Language Interpretation

Unless specifically defined in Part Two ([YMC 15.27.200](#_15.27.200_–_Definitions)), words, phrases and terms in this Chapter shall be interpreted to provide meaning and to give this Chapter it’s most reasonable application.

1. **Shall** is mandatory;
2. **May** is discretionary and does not impose a requirement;
3. **Should** is always advisory;
4. **Include(s)** means the containment within as a subordinate part of a larger whole.

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.

### 15.27.120 – Purpose of Chapter

The purpose of [Ch. 15.27](#_Chapter_15.27_–) is to establish a single, uniform system of procedures and standards for development within designated critical areas within the incorporated City of Yakima and its Urban Growth Area.

### 15.27.130 – Intent of Chapter

1. Yakima Municipal Code Chapter 15.27 establishes policies, standards, and other provisions pertaining to development within designated critical areas regulated under the provisions of the Growth Management Act (RCW 36.70A) and development regulated under the National Flood Insurance Program. Wetlands, streams, stream corridors and rivers, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas; frequently flooded areas; and geologically hazardous areas constitute the City of Yakima's critical areas pursuant to WAC 365-190-030. These areas are of special concern to the people of the City of Yakima and the State of Washington because they are environmentally sensitive lands, or hazardous areas, which comprise an important part of the state’s natural resource base. The policies, standards, and procedures of this Chapter are intended to:
   1. Preserve development options within designated critical areas where such development will result in the level of “No net loss” of the functions and values of the critical areas;
   2. Where appropriate, avoid uses and development which are incompatible with critical areas;
   3. Prevent further degradation of critical areas unless the degradation has occurred beyond feasible protection;
   4. Conserve and protect essential or important natural resources;
   5. Protect the public health, safety, and general welfare;
   6. Further the goals and policies of the Yakima Urban Area Comprehensive Plan;
   7. Implement the goals and requirements of the Washington Growth Management Act (RCW 36.70A), and the National Flood Insurance Program (CFR Title 42);
   8. Recognize and protect private property rights; and,
   9. Provide development options for landowners of all existing lots to the greatest extent possible, through the establishment of Adjustment, Reasonable Use, and Non-Conforming Use and Facility provisions;
2. The policies, standards and procedures of this Chapter are not intended to:
   1. Regulate the operation and maintenance of existing, legally established uses and structures, including but not limited to vegetative buffers on existing uses that have been reduced in width prior to the effective date of this Chapter;
   2. Result in an unconstitutional regulatory taking of private property;
   3. Require the restoration of degraded critical areas for properties in a degraded condition prior to the effective date of this Chapter unless improvement of the buffer is needed for new development proposed on the property;
   4. Presume that regulatory tools are the only mechanism for protection; and,
   5. Prohibit the use of valid water rights.

### 15.27.140 – Applicability

1. The provisions of this Chapter shall apply to any new development, construction, or use within the incorporated portion of the City of Yakima and its Urban Growth Area designated as a critical area and upon any land mapped and designated as a special flood hazard area under the National Flood Insurance Program. However, this Chapter does not apply to the situations below, except that the Flood Hazard protection provisions of Y[MC Ch. 15.27 Part Four](#_CHAPTER_15.27_–_) will continue to apply as determined by [YMC 15.27.400](#_15.27.400_–_Flood) - 406:
   1. Within designated critical areas, there may exist lots, structures, and/or uses which were lawfully established prior to the adoption of this Chapter, as provided below, but which would be subsequently prohibited, regulated, or restricted under this Chapter. Such existing lots, structures, and/or uses shall be classified as legally non-conforming uses.
   2. It is the intent of this Chapter to permit these pre-existing legally non-conforming uses and structures to continue until such time as conformity is possible;

a. Critical areas on federally owned lands are not subject to the provision of this Chapter;

b. Minor, temporary, or transient activities (including those of a recreational nature) that do not alter the environment or require a dedicated staging area, use area, or route (including temporary signs) are not subject to this Chapter;

c. Mining, as defined in [YMC 15.27.200](#_15.27.200_–_Definitions), is carried out under a Washington Department of Natural Resources reclamation permit is not subject to the geologically hazardous areas provisions of this Chapter for erosion hazard areas, over steepened slope hazard areas, landslide hazard areas and suspected geologic hazard areas. Other critical areas provisions continue to apply.

1. The adoption and amendment dates of the relevant regulations are provided below:
   1. Critical Areas Ordinance adopted 1998;
   2. Flood Hazard Ordinance adopted 1981; and,
   3. Other rules and regulations, including the City of Yakima Subdivision Ordinance (YMC Title 14), the City of Yakima Urban Area Zoning Ordinance (YMC Title 15), and the Buildings Ordinance (YMC Title 11), shall remain in full force and effect as they apply to a designated critical area. Wherever the requirements of Ch. 15.27 conflict with the requirements of the Yakima Urban Area Zoning Ordinance, the Subdivision Ordinance or any other lawfully adopted municipal rules or regulations, the most restrictive standards shall apply.

### 15.27.150 – Science and Protection of Anadromous Fish

This Chapter has been updated consistent with the requirements for using the best available science and protection of anadromous fish as required by:

1. RCW 36.70A.172 Critical Areas -- Designation and Protection -- Best Available Science to be Used; and,
2. WAC 365-195-900 - 925 Growth Management Act — Procedural Criteria for Adopting Comprehensive Plans and Development Regulations – Part 9 - Best Available Science.

### 15.27.160 – Administrative Authority

1. The City of Yakima Community & Economic Development Department – Code Administration & Planning Division shall be responsible for the general administration of this Chapter. The Director of the Community & Economic Development Department or the Director’s designee shall serve as the Administrative Official of this Chapter, except as noted in Part Four [YMC 15.27.400](#_15.27.400_–_Flood) - 436. The Administrative Official shall establish procedures for implementation of this Chapter.
2. A written request for an interpretation of any provision of this Chapter may be submitted to the Administrative Official. Each request shall set forth the specific provision(s) to be interpreted and the facts of the specific situation giving rise to the request for an interpretation. Interpretations shall be processed in accordance with YMC Ch. 15.22 Interpretations.

### 15.27.170 – Severability

If any provision of this Chapter or its application to any person or legal entity or circumstances is held to be invalid, the remainder of said chapter or the application of the provision to other persons or legal entities or circumstances shall not be affected.

**Chapter 15.27 – PART TWO – DEFINITIONS**

[**15.27.200**](#_15.27.200_–_Definitions) **Definitions Generally**

### 15.27.200 – Definitions Generally

Definitions listed in Part Two of this document shall be applied to the regulations, review, and administration of all critical areas, including Flood Hazard Areas, unless the definition itself identifies the term as applying to Flood Hazard administration, in which case the definition only applies to that situation.

**Abutting** means bordering upon, to touch upon, or in physical contact with. Sites are considered abutting even though the area of contact may be only a point.

**Adjacent** means to be nearby and not necessarily abutting.

**Administrative Official** means the duly appointed Director of Community & Economic Development Department or a designee, or the relevant decision maker identified in [Ch. 15.27](#_Chapter_15.27_–) Project Permit Administration, synonymous with "administrator" or "director."

**Alluvial fan** is a low, outspread, relatively flat to gently sloping feature, shaped like an open fan or a segment of a cone, deposited by a stream at the place where it issues from a valley upon a plain or broad valley; where a tributary stream is near or at its junction with the main stream; or wherever a constriction in a valley abruptly ceases or the gradient of the stream suddenly decreases. It is steepest near the mouth of the valley where its apex points upstream and it slopes gently and convexly outward with gradually decreasing gradient.

**Applicant** means a person, party, firm, corporation, or other legal entity that proposes development, construction, or use on a parcel of property.

**Aquifer** means a saturated geologic formation, which will yield a sufficient quantity of water to serve as a private or public water supply.

**Bank** means the land surface above the ordinary high water mark that abuts a body of water and contains it to the bank full depth.

**Bankfull depth** means the average vertical distance between the channel bed and the estimated water surface elevation required to completely fill the channel to a point above which water would enter the floodplain or intersect a terrace or hillslope. In cases where multiple channels exist, the bankfull depth is the average depth of all channels along the cross-section.

**Base Flood** for purposes of administering Part Four means the flood having a one (1%) percent chance of being equaled or exceeded in any given year. (See, IBC 1612.2)

**Base flood** **elevation** for purposes of administering Part Four means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum, North American Vertical Datum, or other datum specified on the Flood Insurance Rate Map. (See, IBC 1612.2)

**Basement** for purposes of administering Part Four means any area of the building having its floor subgrade (below ground level) on all sides. (See, IBC 1612.2)

**Bed** means the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that may have been altered by unnatural means.

**Bedrock** means the solid rock underlying unconsolidated surface materials.

**Berm** means a mound or wall of earth material used as a protective barrier or to control the

**Best management practices or BMPs** means schedules of activities, practices, maintenance procedures, and structural and/or managerial practices that, when used singly or in a combination prevent or reduce adverse impacts to the environment.

**Bioengineering** means project designs or construction methods, which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials, to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for the establishment of vegetation.

**Breakwater** means a fixed or floating off-shore structure that protects the shore from the forces of waves or currents.

**Bulkhead** means a vertical or nearly vertical erosion protection structure placed parallel to the shore consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

**Building Official** means the manager of the Code Administration and Planning Division or a designee.

**Channel** means an open conduit, either naturally or artificially created, which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.

**Classification** means value and hazard categories to which critical areas and natural resource lands will be assigned.

**Clearing** means the removal of timber, brush, grass, ground cover or other vegetative matter from a parcel of land.

**Compaction** means compressing soil or other material through some mechanical means to make it denser.

**Construction** means the assembly, placement, or installation of structures, roadways, transmission lines, and other improvements within a parcel of land.

**Construction Materials** for the purpose of Part Four means all new construction and substantial improvements shall be constructed with material and utility equipment resistant to flood damage. (See Technical Bulletin 2-93 for qualifying materials. (FEMA § 60.3(a)(3)(ii))

**Constructions Methods** for the purpose of Part Four means all new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

**Critical Aquifer recharge area** means an area with a critical recharging effect on an aquifer(s) used for potable water or areas where a drinking water aquifer is vulnerable to contamination that would affect the potability of the water.

**Designated** means formal legislative action to identify and describe a critical area.

**Department** means the City of Yakima Department of Community & Economic Development.

**Development** means the division of land into lots or parcels in accordance with the City’s Subdivision Ordinance (YMC Title 14), and any clearing, excavation, dredging, drilling, filling, dumping, removal of earth and mineral materials, or other permanent or temporary modification of a parcel of land up to, but not including, construction as defined in this Chapter. For the purpose of YMC 15.27.400 - 436, "development" also means any manmade change to improved or unimproved real estate located within a special flood hazard area, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling, temporary or permanent storage of equipment and works defined in this Chapter. (See, IBC § G 201.2)

**Dike** means an embankment to prevent flooding by a stream or other water body. A dike is also referred to as a levee.

**Dock** means a structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.

**Dredging** means removal of earth from the bed of a stream, lake, or pond for the purpose of increasing the depth of surface water or obtaining minerals, construction aggregate, or landfill materials. This definition does not include excavation for mining within a pond created by a mining operation approved under this Chapter or under a local zoning ordinance, or a mining operation in existence before Zoning, Shorelines, or Critical Areas permits were required for such operations.

**Earth material** means any rock, natural soil, organic material or combination thereof.

**Enhance** means to strengthen any of the basic functional properties listed in [YMC 15.27.504](#_15.27.504_–_Functional) that exist but do not perform at optimum efficiency. "Optimum" refers to the most favorable or best performance of each function achievable for a specific segment of stream corridor.

**Ephemeral stream** means a stream that flows only in response to precipitation with no groundwater association, usually 30 days or less per year. The lack of any groundwater association results in a lack of a distinctive riparian vegetation compared to the surrounding landscape.

**Erosion** means the wearing away of the earth's surface as a result of the movement of wind, water, or ice.

**Excavation** means the mechanical removal of earth material.

**Fill** means the addition of any material, such as (by way of illustration) earth, clay, sand, rock, gravel, concrete rubble, rubble, wood chips, bark, or waste of any kind, which is placed, stored or dumped upon the surface of the ground resulting in an increase in the natural surface elevation. The physical structure of a shore stabilization structure shall not be considered fill. However, fill placed behind the structure is considered fill. Stream bed manipulation for irrigation diversions shall not be considered fill.

**Flood** means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

**Flood hazard permit** means written approval applied for and obtained in accordance with such rules and regulations as are established under this Chapter.

**Flood insurance rate map (FIRM)** means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood insurance study** means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

**Floodplain** means a land area adjoining a river, stream, watercourse or lake which has been determined likely to flood. The extent of the floodplain may vary with the frequency of flooding being considered as per FEMA FIRM Maps. "Flood plain" is synonymous with the one hundred (100) year floodplain and means that land area is susceptible to inundation with a one (1) percent chance of being equaled or exceeded in any given year.

**Flood-prone** means a land area for which a floodway and floodplain has not been determined with respect to any specific flood frequency, but for which the potential for flooding can be identified by information observable in the field such as soils or geological evidence, or by materials such as flood studies, topographic surveys, photographic evidence or other data.

**Flood-proofing** for purposes of administering “Part Four” means any combination of structural and nonstructural changes or adjustments to structures, which reduce or lessen flood damages to lands, water or wastewater treatment facilities, structures and contents of buildings.

**Floodway** means the regular channel of a river, stream, or other watercourse, plus the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**Floodway fringe** for purposes of administering Part Four means that portion of a floodplain which is inundated by floodwaters but is not within a defined floodway. Floodway fringes serve as temporary storage for floodwaters.

**Grade** means the vertical location of the ground surface.

**Grade, Existing** is the current grade in either its undisturbed, natural condition or as disturbed by some previous modification.

**Grade, Finish** is the final grade of the site which conforms to an approved plan.

**Grade, Natural** is the grade as it exists or may have existed in its original undisturbed condition.

**Grade, Rough** is a stage where grade conforms approximately to an approved plan.

**Grading** means any excavation, filling, or combination thereof.

**Groundwater** means water that occurs beneath the land surface, also called subsurface water or subterranean water. Groundwater includes water in the zone of saturation of a water-bearing formation.

**Hydrologically related critical areas (HRCA)** include all those areas identified in [YMC 15.27.502](#_15.27.502_–_Hydrologically), which are important and deserving of protection by nature of their value for the functional properties found in [YMC 15.27.504](#_15.27.504_–_Functional).

**Hyporheic** means a groundwater area adjacent to and below channels where water is exchanged with channel water and water movement is mainly in the downstream direction.

**Intermittent stream** means a stream which flows only during certain times of the year, with inputs from precipitation and groundwater, but usually more than 30 days per year. Groundwater association generally produces an identifiable riparian area. This definition does not include streams that are intermittent because of irrigation diversion or other manmade diversions of the water.

**Lake or pond** means an inland body of standing water. The term can include the reservoir or expanded part of a river behind a dam.

**Lowest floor**, for purposes of administering Part Four, means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

**Manufactured home** means a structure fabricated on a permanent chassis that is transportable in one (1) or more sections; is designed to be used with or without a permanent foundation when connected to the required facilities and is used for human occupancy as a residential dwelling. The term "manufactured home" shall include "mobile home" for regulatory purposes under this Chapter. The term shall not include "recreation vehicle," "commercial coach," "camping vehicle," "travel trailer," "park trailer," "tip-out," and any other similar vehicle, which is not intended, designed, constructed, or used as a single-family dwelling.

**Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale pursuant to Title 15 of this Code.

**Manufactured home park or subdivision,** **existing** means a manufactured home park or subdivision that was completed before December 15, 1981, the effective date of the floodplain management regulations.

**Minerals** mean gravel, sand, and metallic and non-metallic substances of commercial value.

**Mining** means the removal of naturally occurring minerals and materials from the earth for commercial value. Mining includes processing and batching. Mining does not include large excavations for structures, foundations, parking areas, etc. (See [YMC 15.27.518](#_15.27.518_–_Dredging))

**Minor Revision** for the purpose of this Chapter is as follows but not limited to: minor changes in facility orientation or location, minor changes I structural design that does not change the height or increase ground floor area, and minor accessory structures (such as equipment covers or small sheds near the main structure etc.).

**Native** means indigenous to or originating naturally within the City of Yakima and surrounding areas.

**Natural conditions** mean those conditions, which arise from or are found in nature and not modified by human intervention.

**New construction**, for purposes of administering Part Four of YMC Ch. 15.27, means start of construction after construction plans were submitted to the City and the Building Division reviewed and approved the construction plans to create a structure.

**Non-conforming structure**, for purposes of administering Part Four of YMC Ch. 15.27, means a structure, which was lawful prior to the adoption or amendment of this Chapter, but which fails by reason of such adoption or amendment, to conform to the present requirements of the zoning district in which it is located. In addition, the structure may not be permitted as a new structure under the terms of this Chapter because the structure may not be in conformance with the applicable elevation and/or flood-proofing requirements.

**Non-conforming use**, for purposes of administering [Part Four of YMC Ch. 15.27](#_CHAPTER_15.27_–_), means a use of land or structure, which was lawfully established and maintained prior to the adoption or amendment of this Chapter, but does not conform to this Chapter for the zoning district in which it is located. In addition, the use may not be permitted as a new use under the terms of this Chapter because the use may not be in conformance to the applicable elevation and/or flood-proofing requirements.

**Normal Appurtenances** includes: garages, deck, driveways, utilities, fences, and grading, which do not exceed two hundred fifty (250) cubic yards.

**Normal repair** means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction.

**Ordinary high water mark** means a mark on lakes and streams which can be found by examining the bed and banks and ascertaining where the presence and action of waters are common and usual, and so long continued in ordinary years as to create a character mark upon the soil distinct from that of the abutting upland.

**Perennial stream** means a stream that flows year round in normal water years.

**Project site** means that portion of any lot, parcel, tract, or combination thereof which encompasses all phases of the total development proposal.

**Qualified Professional** means a person with experience, training, expertise, and related work experience appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). The professional shall provide their qualifications to the Administrative Official to insure the professional has the acceptable level of qualifications and experience for the relevant critical area they will be working in.

**Recreation Vehicle** means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and,
4. Designed primarily for temporary living quarters used during recreational, camping, travel, or seasonal conditions.

**Restore** means to re-establish the basic functional properties listed in [YMC 15.27.504](#_15.27.504_–_Functional) that have been lost or destroyed through natural events or human activity with measures such as re-vegetation and removal or treatment of toxic materials.

**Restoration** Does not imply a requirement for returning the site to aboriginal or pre-European settlement conditions rather the return of a critical area with vegetation and addressing any toxic materials from the date of the permit.

**Revetment** means a facing placed on a bank or bluff to protect a slope, embankment, or shore structure against erosion by wave action or currents.

**Riparian Vegetation** means the terrestrial vegetation that grows beside rivers, streams, and other freshwater bodies and that depends on these water sources for soil moisture greater than would otherwise be available from local precipitation.

**Riprap** means a layer, facing, or protective mound of rubble or stones randomly placed to prevent erosion, scour, or sloughing of a structure or embankment; also the stone used for this purpose.

**Scour** means the removal of underwater material by waves and currents, especially at the base or toe of a shore stabilization structure.

**Shoreline**, as used in this Chapter, means those water areas, the associated features, and the land areas that are subject to the State Shoreline Management Act, as defined in RCW 90.58.030 and the City of Yakima’s current Shoreline Master Program (definitions).

**Shore stabilization** means the construction or modification of bulkheads, retaining walls, dikes, levies, riprap, breakwaters, jetties, groins, weirs, and other structures along the shore, for the purpose of controlling stream undercutting, stream erosion or lake shore erosion.

**Single-family residence** means a detached dwelling designed for and occupied by one (1) family, including those structures and developments, which are a normal appurtenance.

**Slope** means an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

**Solid waste** means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, wood waste, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

**Special flood hazard area** means the land in the floodplain identified by the Federal Emergency Management Agency that is subject to a one (1) percent or greater chance of flooding in any given year, commonly known as the one hundred (100) year floodplain.

**Start of construction** for purposes of administering Part Four, means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings or land preparation, such as clearing, grading and filling, the installation of streets or walkways;,excavation for a basement, footings, piers or foundations, or the erection of temporary forms.

**Stream** means water contained within a channel either perennial, intermittent, or ephemeral. Streams include both natural watercourses or those modified by man (Example: stream flow manipulation, channelization, and relocation of the channel). They do not include irrigation ditches, wasteways, drains, outfalls, operational spillways, canals, stormwater runoff facilities, or other artificial watercourses except those that are located within existing wetland or streams.

**Stream corridor**, as used in this Chapter, means features listed and described in [YMC 15.27.502](#_15.27.502_–_Hydrologically).

**Structure** means anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, but not including fences or walls used as fences less than six (6) feet in height and include gas or liquid storage tanks when located above ground.

**Substantial improvement** for purposes of administering Part Four means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the assessed value of the structure either:

1. Before the improvement or repair is started; or,
2. Before the damage occurred to a structure.

For the purposes of this definition "substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The total value of all improvements to an individual structure undertaken subsequent to March 4, 1986, the effective date, shall be used to define "substantial improvement" for said structure. The term does not, however, include either:

1. Any project for improvement to a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or,
2. Any alteration of a structure listed on the National Register or Historic Places or a state inventory of historic places.

**Use** (See “Use" as defined in [YMC Ch. 15.02](#_CHAPTER_15.02_DEFINITIONS)).

**Utility Equipment** for the purposes of Part Four means all electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**Vegetative buffer or Buffer** means an area extending landward from the ordinary high water mark of a lake or stream and/or from the edge of a wetland which is maintained or otherwise allowed to provide support for the performance of the basic functional properties of a stream corridor, wetland and other hydrologically related critical areas as set forth in [YMC 15.27.504](#_15.27.504_–_Functional) and [15.27.603](#_15.27.603_–_Wetland).

**Wetland** means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

**Wildlife** means all species of the animal kingdom whose members exist in Washington in a wild state, which includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development.

**Wildlife habitat** means an area, of climate, soils, vegetation, relationship to water, location and or other physical properties which are identified as having a critical importance to the maintenance of wildlife species.

**Works** means any dam, wall, wharf, embankment, levee, dike, berm, pile, bridge, improved road, abutments, projection, excavation, channel rectification, or improvement.

## CHAPTER 15.27 - PART THREE - APPLICATION AND REVIEW PROCEDURES

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**GENERAL PROVISIONS**

### 15.27.300 – Critical Area Development Authorization Required

1. No new development, construction or use shall occur within a designated critical area without obtaining a development authorization in accordance with the provisions of this Chapter, except for those provided for in [YMC 15.27.303](#_15.27.303_–_Minor). Exemptions, as provided for in [YMC 15.27.304](#_15.27.304_–_Documented) through [15.27.306](#_15.27.306_–_Documented), shall be considered as development authorization.
2. With respect to application and review procedures, it is the intent of this Chapter to streamline and coordinate development authorization within a critical area and recognize other requirements by local, state and/or federal permits or authorizations. Development, construction or use occurring within a designated critical area shall be processed according to the provisions of this Chapter, unless determined to be exempt.
3. Approval of a development authorization under this Chapter shall be in addition to, and not a substitute for, any other development permit or authorization required by the City of Yakima. Approval of a development authorization under this Chapter shall not be interpreted as an approval of any other permit or authorization required of a development, construction or use.
4. Development authorizations issued in accordance with this Chapter shall continue with the land and have no “sunset clause” unless otherwise stated in the development authorization.
5. Coordination with Other Jurisdictions.
   1. Where all or a portion of a standard development project site is within a designated critical area and the project is subject to another local, state or federal development permit or authorization, the Administrative Official shall determine whether the provisions of this Chapter can be processed in conjunction with a local, state or federal development permit or authorization, or whether a separate critical area development authorization application and review process is necessary. The decision of the Administrative Official shall be based upon the following criteria:

a. The nature and scope of the project and the critical area features involved or potentially impacted;

b. The purpose or objective of the permit or authorization and its relationship to protection of the critical area;

c. The feasibility of coordinating the critical area development authorization with other permitting agency;

d. The timing of the permit or authorization.

* 1. When a determination has been made that provisions of this Chapter can be handled through another applicable development permit or authorization process, project proponents may be required to provide additional site plans, data and other information necessary as part of that process to ensure compliance with this Chapter. The Administrative Official's decision on the critical area development authorization shall be coordinated to coincide with other permits and authorizations. The Administrative Official may determine to accept the development authorization and/or permits from the other reviewing agencies as complete compliance with the City’s critical area ordinance.

**INQUIRY AND EARLY ASSISTANCE**

### 15.27.301 – Critical Area Identification Form and Critical Area Report Requirements

1. Prior to the review of any applicable proposed development, construction or use, the applicant shall provide the City with a Critical Areas Identification Form and site plan and any other information the City may require to determine if a critical area is present.
2. Upon receipt of a Critical Area Identification Form and site plan, the Administrative Official or designee may conduct a site examination to review critical area conditions. The Administrative Official or designee shall notify the property owner of the site examination prior to the site visit. Reasonable access to the site shall be provided by the property owner.
3. The Administrative Official or designee shall review the available information pertaining to the proposal and make a determination whether any critical areas may be affected. If so, a more detailed critical area report shall be submitted in conformance with [YMC 15.27.314](#_15.27.314_–_Critical) and [YMC 15.27.315](#_15.27.315_–_Supplemental), except as provided below:
   1. No critical areas present. If the Administrative Official or designee is able to sufficiently determine a critical area does not exist within or adjacent to the project area and / or a critical area report is not required.
   2. Critical areas present, but no impact. If the Administrative Official or designee is able to determine the existence, location and type of critical area and the project area is not within the critical area and or the project will not have an indirect impact on the function of an adjacent wetland.
   3. Critical areas may be affected by a proposal. The Administrative Official or designee may waive the requirement for a critical areas report utilizing the technical expertise of other reviewing agencies if:

a. The Administrative Official is sufficiently able to determine the existence, location and type of the critical area;

b. The project scale or nature is such that a specialist is not necessary to identify impacts and mitigation; and,

c. The applicant agrees to provide mitigation the Administrative Official deems adequate to mitigate for anticipated impacts.

1. Reports will generally fall into the following groups:
   1. Determining the absence of a critical area;
   2. Determining the existence, location and type of a critical area;
   3. Determining impacts of an encroachment on a critical area and general mitigation measures; and
   4. Developing a compensatory mitigation plan.
2. The Administrative Official or designee shall base wetland boundary determinations on those criteria specified in the Washington State Wetlands Identification and Delineation Manual (1997). Wetland mitigation adequacy determination by the Administrative Official shall be consistent with the Wetland Mitigation in Washington State, Parts 1 & 2 (March 2006 or as updated).

### 15.27.302 – Pre-application Conference

Any new development or use falling under the provisions of this Chapter may be subject to a pre-application conference. Prior to the pre-application conference, the project proponent must submit a Critical Area Identification From and preliminary site plan.

A project review for flood hazards shall follow the pre-application requirements established to administer Part Four Flood Hazard Areas.

The pre-application conference is intended to allow the Administrative Official or designee to:

1. Establish the scope of the project and identify potential concerns that may arise;
2. Identify permits, exemptions, and authorizations, which the project proponent may need to obtain;
3. Determine whether the project will be processed through the development procedures of this Chapter or coordinated with the review procedures of another development permit or authorization;
4. Provide the proponent with resources and technical assistance (such as maps, scientific information, other source materials, etc.); and,
5. Determine whether there is a need for a preliminary site assessment.

**ABBREVIATED REVIEW ALTERNATIVES**

### 15.27.303 – Minor Activities Allowed without a Permit or Exemption

This Chapter shall be inapplicable to the following actions ([YMC 15.27.140(B)](#_15.27.140_–_Applicability)):

1. Maintenance of existing, lawfully established areas of crop vegetation, landscaping, paths, and trails or gardens within a regulated critical area or its buffer. Examples include: mowing lawns, weeding, garden crops, pruning, and planting of non-invasive ornamental vegetation or indigenous native species to maintain the general condition and extent of such areas;
2. Minor maintenance and/or repair of structures that do not involve additional construction, earthwork or clearing. Examples include painting, trim or facing replacement, re-roofing, etc. Cleaning , operation and maintenance of canals, ditches, drains, waste ways etc. is not considered additional earthwork, as long as the cleared materials are placed outside the stream corridor, wetlands, and buffers;
3. Low impact activities such as hiking, canoeing, viewing, nature study, photography, hunting, fishing, education or scientific research;
4. Creation of private trails that do not cross streams or wetlands that are less than two (2) feet wide and do not involve placement of fill or grubbing of vegetation;
5. Maintenance and normal work of the Greenway pathway and grounds;
6. Planting of native vegetation;
7. Noxious weed control outside vegetative buffers identified in [YMC 15.27.514](#_15.27.514_–_Vegetative); and,
8. Noxious weed control within vegetative buffers, if the criteria listed below are met. Control methods not meeting these criteria may still apply for a restoration exemption, or other authorization as applicable:
   1. Hand removal/spraying of individual plants or other acceptable method approved by the administrative official;
   2. No area wide vegetation removal/grubbing.

### 15.27.304 – Documented Exemption–Procedural Requirements

The following development activities are exempt from standard development permits, except that Flood Hazard exemptions shall follow the exemption procedures found in [YMC 15.27.403](#_15.27.403_–_Documented). Exemption from this Chapter shall follow subsection (F)(1) below, and does not under any circumstances give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party’s expense, according to [YMC 15.27.521](#_15.27.521_–_Reclamation).

1. Exemptions shall be construed narrowly and any exempted development shall be consistent with the policies and provisions of this Chapter.
2. If any part of a proposed development is not eligible for an exemption, then a development permit is required for the entire proposed project.
3. The burden of proof that a development or use is exempt is on the applicant.
4. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this Chapter, such development must also obtain an Adjustment.
5. All exempted activities shall use reasonable methods to avoid potential impacts to critical areas.
6. The proponent of an exempt activity shall submit a written request for a documented exemption which states the following:
   1. Why the exemption is being sought.
   2. A project description that demonstrates the following:

a. The sequence of activities to be conducted,

b. The equipment to be used (hand or mechanical),

c. The best management practices to be used,

d. The efforts employed to minimize adverse impacts, and

e. Restoration for disturbed areas following the activity including mitigation for lost wetland functions.

1. The Administrative Official or designee shall approve or deny the exemption. A formal letter of exemption shall be provided when an exempt activity is approved under this Chapter. If an exemption cannot be granted, the Administrative Official or designee shall notify the applicant in writing, stating the reason for denial of the exemption, at which time the applicant may pursue other permit processes under this Chapter or modify the activity to a level that would justify reconsideration.
2. The following activities are exempt from the standard development permit process and identified in the following locations. However, this provision does not exempt an activity from other parts, permits or reviews required under [Ch. 15.27](#_Chapter_15.27_–):
   1. Those activities listed in [YMC 15.27.305](#_15.27.305_–_Documented);
   2. Those activities listed in [YMC 15.27.306](#_15.27.306_–_Documented); and,
   3. Those activities listed in [YMC 15.27.403](#_15.27.403_–_Documented) are exempt from the Flood Hazard Permit requirements of “Part Four” [YMC Ch. 27](#_CHAPTER_15.27_–_), Flood Hazard Areas.

### 15.27.305 – Documented Exemptions for Hydrologically Related Critical Areas and Wetlands

The following development activities are exempt from standard development permits, except that Flood Hazard exemptions shall follow the exemption procedures found in [YMC 15.27.403](#_15.27.403_–_Documented).

1. Construction of a single-family residence and appurtenances where the residence and appurtenances meet all requirements of the City of Yakima and do not lie within a designated critical area or buffer (See Single-Family Dwelling and Normal Appurtenances definition [YMC 15.27.200](#_15.27.200_–_Definitions)). Applications for development within critical areas or their buffers shall follow the procedures of [YMC 15.27.317](#_15.27.317_–_Adjustment).
   1. Construction shall not involve placement of fill in any wetland or at locations waterward of the ordinary high water mark; and,
   2. Construction authorized under this exemption shall be located landward of the ordinary high water mark.
2. Single-Family residence bulkheads, which includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting the single-family residence and appurtenant structures from loss or damage by erosion.
   1. Normal protective bulkheads are not exempt if constructed for the purpose of creating dry land.
   2. Bioengineering options shall be considered by the Administrative Official or designee prior to exemption of (B)(3) & (B)(4) below.
   3. When repairing an existing bulkhead by construction of a vertical wall it shall be constructed no further waterward of the existing bulkhead.
   4. Bioengineered erosion control projects may be considered a bulkhead when the project has been approved by the Department of Fish and Wildlife;
3. Normal maintenance or repair of existing structures or development, including damage by accident, fire, or elements are exempt, but may require a building permit. (See [YMC 15.27.200](#_15.27.200_–_Definitions)).
   1. Except where repair involves total replacement or causes substantial adverse effects to the environment.
   2. Replacement of non-conforming uses or facilities may also be subject to [YMC Ch. 15.19](#_CHAPTER_15.19_–);
4. Emergency construction for protecting property from damage by the elements. The following criteria must exist to qualify any action under an emergency provision:
   1. There must be an immediate threat to life, public or private property, or the environment arising from a natural condition or technical incident.
   2. The emergency response must be confined to the action necessary to protect life or property from damage.
   3. The scope of the emergency response must be limited to the work necessary to relieve the immediate threat.
   4. The emergency response applies only to the period of time when the actual emergency exists.
   5. The request must be accompanied by a permit application or for an emergency exemption. Submittal requirements may be waived until after the emergency is deemed abated, and at that time the property owner shall submit an emergency mitigation summary to the City of Yakima;
5. Construction of a dock for the use of a single-family or multiple-family residence;
6. The construction of canals, waterways, drains, reservoirs, or other manmade facilities as a part of an irrigation system;
7. Any project with certification from the governor pursuant to RCW Ch. 80.50 (Energy facilities — site locations);
8. Watershed restoration projects pursuant to RCW 89.08.460;
9. Site exploration and investigation activities required for a development permit provided that:
   1. The activity will have no significant adverse impact on the environment,
   2. The activity does not involve the installation of any structure, and
   3. Upon completion of the activity, the vegetation and land configuration of the site are restored to conditions as they existed prior to the activity;
10. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020 (control of spartina and purple loosestrife), through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under RCW Ch. 43.21C (SEPA);
11. A public or private project to improve fish or wildlife habitat or fish passage, if:
    1. The project has been approved by the Department of Fish and Wildlife;
    2. The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to RCW Ch. 75.20 (Hydraulics Code);
    3. The Administrative Official has determined that the project is consistent with this Chapter.
    4. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 (Fish Habitat Enhancement Projects) are deemed to be consistent with this Chapter.
12. Hazardous substance remedial actions pursuant to RCW Ch. 70.105D (Model Toxics Control Act).
13. The removal of trees which are hazardous, posing a threat to public safety, or pose an imminent risk of damage to private or public property, from critical areas and their buffers.

### 15.27.306 – Documented Exemptions for Geologically Hazardous Areas Development Authorizations

The following development activities are exempt from standard development permits that are required for Geologically Hazardous Areas:

1. Additions to or alteration of existing single-family residences.
2. Uses and surface disturbances (clearing and grubbing) that do not include excavation, fill or irrigation;
3. Structures less than one hundred and twenty (120) square feet; and,
4. Oil, gas, wind, or other exploration that does not include explosions, road construction, excavation or fill.

### 15.27.307 – Mitigation requirements

1. All mitigation shall be sufficient to maintain the functions and values of the critical area.
2. All development shall demonstrate that reasonable efforts have been examined to avoid and minimize impacts to critical areas; and
3. When an alteration to a critical area is proposed, it shall be avoided, minimized, or mitigated for in the following order of preference:
   1. Avoiding the impact;
   2. Minimizing impacts by limiting the degree or magnitude of the action, by using appropriate technology. (i.e. project redesign, relocation or timing, to avoid or reduce impacts);
   3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment as appropriate;
   4. Reducing or eliminating the impact by preservation and maintenance operations;
   5. Compensating for the impact by replacing or providing substitute resources or environments; and,
   6. Monitoring the impact and taking appropriate corrective measures.
4. If an alteration to a critical area is unavoidable, all adverse impacts to that critical area and its buffers shall be mitigated for in accordance with an approved Mitigation Plan and mitigation for wetland impacts shall be mitigated in accordance with the Washington State Department of Ecology Wetland Mitigation in Washington State, Parts 1 and 2 (March 2006 or as updated).
5. Mitigation shall be in-kind and on-site, whenever possible, and may be out-of-kind and/or off-site when deemed appropriate by the Administrative Official or designee.

## Review Process

### 15.27.308 – Application Submittal

1. Applications for development authorizations under this Chapter shall be made on forms provided by the Department. Application submittals shall include a site plan drawn to an engineering scale of 1:20 showing:
   1. Dimensions of all sides of the parcel,
   2. Size and location of existing and proposed structures,
   3. Excavation, fill, drainage facilities, impervious surfaces, topography, slope; and,
   4. Other information as needed to determine the nature and scope of the proposed development; and
   5. Location of all critical areas such as those identified in [YMC 15.27.314](#_15.27.314_–_Critical).
2. The submittal shall also include all required critical areas reports prepared in conformance with [YMC 15.27.314](#_15.27.314_–_Critical) & [YMC 15.27.315](#_15.27.315_–_Supplemental).
3. To be complete, a critical area development authorization application must include all maps, drawings and other information or data specified by this Chapter or requested on the basis of the pre-application conference ([YMC 15.27.302](#_15.27.302_–_Pre-application)).

### 15.27.309 – Determination of Review Process

1. The Administrative Official or designee shall determine from the application submittal, and other available information what type of permit and/or review will be required under this Chapter.
2. Specific information of permit type, review and process can be found in subsequent sections of Part Three of this Chapter. However, a description of each type of permit or review is provided in Table 27.3-1 below. More than one permit or review may be needed for a project dependant upon project complexity.

### Table 27.3-1

|  |
| --- |
| General Permits or Reviews |
| Standard Development. Standard development projects include any development not subject to RCW Ch. 90.58, the Shoreline Management Act. |
| Documented Exemptions. Documented Exemptions are described as minor activities that do not need to go through a permit process. Exemptions from this Chapter may be found in [YMC 15.27.305](#_15.27.305_–_Documented) - [YMC 15.27.306](#_15.27.306_–_Documented), and [YMC 15.27.403](#_15.27.403_–_Documented). |
| Specific Permits |
| Adjustment. An Administrative Adjustment is used outside Shoreline jurisdiction when a project requires a reduction or adjustment to a development standard. |
| Non-conforming Use or Facility Alteration. A Non-conforming Use or Facility Alteration is necessary when an existing use that currently does not conform to this Chapter is to be altered. |
| Minor revisions to an Existing Permit. A Minor Revision to an Existing Permit allows a simplified review of certain changes to a project that has previously received a permit. |
| Reasonable Use Exception. A Reasonable Use Exception provides an alternative to landowners when all reasonable use of a property has been prohibited. |
| Flood Hazard Permit. A Flood Hazard Permit is required for activities within floodplains. It may include many of the specific permit types noted above, which are described in Part Four [YMC 15.27.400](#_15.27.400_–_Flood) - [YMC 15.27.436](#_15.27.436_–_Federal). It is focused mainly on construction methods, but may include site design to minimize impacts to adjacent properties or resources, or to locate the proposed development in areas where depth and velocity of floodwaters during the base flood do not exceed the current standards for construction of human occupied structures or safe access. |

### 15.27.310 – Development Authorization – Review Procedure

Upon submittal and acceptance of a completed development authorization application, the Administrative Official or designee shall process and review the application as follows. Except: Permits or reviews under Part Four shall follow the development regulations and procedures of [YMC 15.27.400](#_15.27.400_–_Flood) – [436](#_15.27.436_–_Federal).

1. Development authorizations shall be processed in accordance with Notice Procedures in YMC Title 16 and with specific requirements provided in [YMC 15.27.316](#_15.27.316_–_Standard) - [320](#_15.27.320_–_Non-Conforming), including but not limited to:
   1. Submittals;
   2. Completeness review;
   3. Notices;
   4. Hearings;
   5. Decisions; and,
   6. Appeals.
2. Development authorizations shall be reviewed in conformance with the applicable development standards of [YMC 15.27.321](#_15.27.321_–_General) and with Parts Five – Eight.
3. Decisions on a development authorization shall be consistent with [YMC 15.27.311](#_15.27.311_–_Authorization), [YMC 15.27.312](#_15.27.312_–_Conditional), and with any specific decision criteria provided under the section for each relevant permit type, as provided in [YMC 15.27.316](#_15.27.316_–_Standard) - [321](#_15.27.321_–_General).

### 15.27.311 – Authorization Decisions – Basis for Action

The action on any development authorization under this Chapter shall be based upon the following criteria:

1. Impact of the project to critical area features on and abutting the property;
2. Danger to life or property that would likely occur as a result of the project;
3. Compatibility of the project with the critical area features;
4. Conformance with applicable development standards;
5. Compliance with flood hazard mitigation requirements of [YMC 15.27.400](#_15.27.400_–_Flood) - [436](#_15.27.436_–_Federal);
6. Adequacy of the information provided by the applicant or available to the Department;
7. Based upon the project evaluation, the Administrative Official shall take one (1) of the following actions:
   1. Grant the development authorization;
   2. Grant the development authorization with conditions, as provided in [YMC 15.27.312](#_15.27.312_–_Conditional), to mitigate impacts to the critical area feature(s); or,
   3. Deny the development authorization.
8. The decision by the Administrative Official or designee shall include written findings and conclusions.

### 15.27.312 – Conditional Approval of Development Authorization

In granting any development authorization, the Administrative Official or designee may impose conditions to:

1. Accomplish the purpose and intent of this Chapter;
2. Eliminate or mitigate any identified negative impacts of the project; and,
3. Protect critical areas from damaging and incompatible development.

### 15.27.313 – Fees and Charges

The Yakima City Council shall establish the schedule of fees and charges listed in YMC Ch. 15.26 (City of Yakima Fee Schedule), for development authorizations, variances, appeals and other matters pertaining to this Chapter.

**Critical Areas Reports**

### 15.27.314 – Critical Areas Report Requirements

1. The Administrative Official or designee may require a critical areas report, paid for by the applicant, when it is determined necessary.
2. A qualified professional shall prepare the report consistent with Best Available Science.
   1. The intent of these provisions is to require a reasonable level of technical study and analysis sufficient to protect critical areas. The analysis shall be appropriate to the value or sensitivity of a particular critical area and relative to the scale and potential impacts of the proposed activity.
3. The critical area report shall:
   1. Demonstrate the proposal is consistent with the purposes and standards of this Chapter;
   2. Describe all potential risks to critical areas, and assess impacts on the critical area from the activities and uses proposed; and,
   3. Identify mitigation and protective measures.
4. The critical areas report shall include information addressing the supplemental report requirements (See [YMC 15.27.315](#_15.27.315_–_Supplemental)).
5. The Administrative Official or designee shall review the critical areas report for completeness and accuracy and shall consider the recommendations and conclusions to assist in making decisions on development authorizations, appropriate mitigation, and protective measures.
6. Critical areas reports shall be valid for a period of five (5) years, unless it can be demonstrated that a previous report is adequate for current analysis. Reports prepared for adjacent properties may be utilized for current analysis only when it can be shown through a supplemental report or site investigation that conditions on site are unchanged.
7. The Administrative Official or designee may require the preparation of a new critical area assessment or a supplemental report if the initial assessment is in error.
8. The Administrative Official or designee may reject or request revision of the critical areas report when it can be demonstrated that the assessment is inaccurate, incomplete or does not fully address the critical areas impacts involved.
9. Applicants shall provide reports and maps to the City in both electronic and paper formats. In addition, all critical area delineations / maps shall be provided to the City by means of a GPS projected coordinate system data set, such as, NAD 27 or NAD 83. The City may waive this requirement for single-family developments. Applicants are encouraged to coordinate with the Administrative Official or designee regarding electronic submittal guidelines.
10. At a minimum, a critical areas report shall include the following information:
    1. A site plan showing the proposed development footprint and clearing limits, and all relevant critical areas and buffers;
    2. A written summary of the critical areas, including their size, type, classification or rating, condition, disturbance history, and functions and values. For projects on or adjacent to geologically hazardous areas or areas subject to high floodwater depth or velocity the description shall identity the type and characteristics of the hazard;
    3. An analysis of potential adverse impacts and how they will be mitigated or avoided. Geological hazardous areas are additionally required to assess the risks posed by the development to critical areas, public and private properties, and both associated and unassociated near by facilities and uses;
    4. When impacts cannot be avoided, the report shall include a plan describing mitigation to replace critical area functions and values. For projects on or adjacent to geologically hazardous areas or areas subject to high floodwater depth or velocity the mitigation shall additionally address the site, and other public and private properties, and both associated and unassociated near by facilities and uses potentially affected;
    5. The dates, names, and qualifications of the persons preparing the report and documentation of analysis methods including any fieldwork performed on the site; and
    6. Additional reasonable information requested by the Administrative Official or designee.
11. A critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site.
12. The Administrative Official or designee may limit the geographic area of the critical area report as appropriate.
13. Compensatory Mitigation Plans - When compensatory mitigation, as described in [YMC 15.27.307](#_15.27.307_–_Mitigation), are proposed for wetland areas or stream channels, the applicant shall submit a mitigation plan as part of the critical area report, which includes:
    1. A written report identifying environmental goals and objectives of the proposed compensation including a description of:

a. The anticipated impacts to the critical areas;

b. The mitigating actions proposed;

c. The purpose of the compensation measures, including site selection criteria;

d. The compensation goals and objectives;

e. The desired resource functions;

f. Construction activities start and completion dates; and,

g. Analysis of anticipated success of the compensation project.

* 1. A review of the best available science supporting the proposed mitigation;
  2. A description of the report and the author’s experience to date in restoring or creating the type of critical area report proposed; and,
  3. Performance Standards – The mitigation plan shall include measurable specific criteria for evaluating the goals and objectives to ensure the mitigation project has been successfully attained.
  4. Detailed Construction Documents – The mitigation documents shall include written specifications and plans describing the mitigation proposed, such as:

a. The proposed construction sequence, timing, and duration;

b. Grading and excavation details;

c. Erosion and sediment control features;

d. A planting plan specifying plant species, quantities, locations, size, spacing, and density;

e. Measures to protect and maintain plants until established; and,

f. Documents should include scale drawings showing necessary information to convey both existing and proposed topographic data, slope, elevations, plants and project limits.

* 1. Monitoring Program - The mitigation plan shall include:

a. A program for monitoring both construction of the compensatory project and its completion and survivability;

b. A plan which details how the monitoring data will be evaluated to determine if the performance standards are being met;

c. Reports as needed to document milestones, successes, problems, and contingency actions of the compensation project; and,

d. Monitoring for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years;

* 1. Contingency Plan – Identification of the potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.
  2. Financial Guarantees – A financial guarantee ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted in accordance with [YMC 15.27.321(A)](#_15.27.321_–_General).

1. Innovative Mitigation.
   1. Advanced mitigation or mitigation banking are examples of alternative mitigation projects allowed under the provisions of this section. One (1) or more applicants or an organization with demonstrated capability, may undertake a mitigation project together if it is demonstrated that all of the following circumstances exist:

a. Creation or enhancement of a larger system of critical areas and open space is preferable to the preservation of many individual habitat areas;

b. The applicant demonstrates the organizational and fiscal capability to act cooperatively;

c. The applicant demonstrates that long-term management of the habitat area will be provided;

d. There is a clear potential for success of the proposed mitigation at the identified site;

e. There is a clear likelihood for success of the proposed plan based on supporting scientific information and demonstrated experience in implementing similar plans;

f. The proposed project results in equal or greater protection and conservation of critical areas than would be achieved using parcel-by-parcel regulations and/or traditional mitigation approaches;

g. The plan is consistent with the general purpose and intent of this section;

h. The plan shall contain relevant management strategies which are within the scope of this section; and,

i. The plan shall contain clear and measurable standards for achieving compliance with the purposes of this section, a description of how such standards will be monitored and measured over the life of the plan, and a fully funded contingency plan if any element of the plan does not meet standards for compliance.

* 1. Conducting mitigation as part of a cooperative process does not reduce or eliminate the required wetland replacement ratios.
  2. Projects that propose compensatory wetland mitigation shall also use the standards in [YMC 15.27.604](#_15.27.604_–_Compensatory). For those situations where a mitigation bank may provide an opportunity for mitigation, the requirements in [YMC 15.27.605](#_15.27.605_–_Wetland) shall apply.

### 15.27.315 – Supplemental Report Requirements for Specific Critical Areas

1. **Stream Corridors**: When a critical areas report is required for a stream corridor or hydrologically related critical area, it shall include the following:
   1. A habitat and native vegetation conservation strategy that addresses methods to protect the functional properties listed in [YMC 15.27.504](#_15.27.504_–_Functional); and,
   2. Where proposed construction lies within an immediate zone of potential channel migration, a hydrologic analysis report may be required. The report shall assume the conditions of the one-hundred-year flood, include on-site investigative findings, and consider historical meander characteristics in addition to other pertinent facts and data.
2. **Wetlands**. When a critical areas report is required for Wetlands, it shall include the following:
   1. The exact location of a wetland's boundary and wetland rating as determined through the performance of a field investigation by a qualified wetland professional applying the Washington State Wetland Identification and Delineation Manual (Ecology Publication #96-94) as required by RCW 36.70A.175 and the Washington State Wetland Rating System for Eastern Washington;
   2. All delineated wetlands and required buffers within two hundred (200) feet of the project area shall be shown on the site plan. Available information should include, but not be limited to aerial photos, land based photos, soils maps, or topographic maps;
   3. An analysis of the wetlands including the following site related information;

a. A statement specifying the accuracy of the report and all assumptions made and relied upon;

b. Documentation of fieldwork performed on the site, including field data sheets for delineations, wetland rating forms, baseline hydrologic data, etc.;

c. A description of the methodologies used to conduct the wetland delineations, or impact analyses including references;

d. Wetland category, including vegetative, faunal, and hydrologic characteristics; and,

* 1. For projects that will affect the wetland or buffer, provide the following:

a. A habitat and native vegetation conservation strategy that addresses methods to protect or enhance on-site habitat and wetland functions and values listed in [YMC 15.27.603(A)](#_15.27.603_–_Wetland) and [YMC 15.27.504](#_15.27.504_–_Functional); and,

b. Mitigation sequencing, pursuant to [YMC 15.27.307](#_15.27.307_–_Mitigation) to avoid, minimize, and mitigate impacts shall result in “not net loss” of acreage or functional values of wetlands and shall follow the guidance provided in [YMC 15.27.604](#_15.27.604_–_Compensatory).

1. **Geologically Hazardous Areas**. When a critical areas report is required for a Geologically Hazardous Area, it shall include the following:
   1. A description of the site features, including surface and subsurface geology.
   2. A description of the geologic processes and hazards affecting the property, including a determination of the actual hazard types for any Suspected and Risk Unknown hazards identified in the affirmative determination of hazard;
   3. A description of the vulnerability of the site to seismic and other geologic processes and hazards; and,
   4. A description of any potential hazards that could be created or exacerbated as a result of site development;
   5. For developments in or affecting landslide hazard areas the report shall also include:

a. Assessments and conclusions regarding slope stability including the potential types of landslide failure mechanisms (e.g., debris flow, rotational slump, translational slip, etc.) that may affect the site. The stability evaluation shall also consider dynamic earthquake loading and shall use a minimum horizontal acceleration as established by the current version of the YMC Title 11 (Building Code);

b. An analysis of slope recession rate shall be presented in those cases where stability is impacted by stream meandering or other forces acting on the toe of the slope; and,

c. Description of the run-out hazard of landslide debris to the proposed development that starts up-slope and/or the impacts of landslide run-out on down-slope properties and critical areas.

**Flood Hazards**. Prior to authorization of any construction within a floodplain, which can be anticipated to displace floodwaters or alter the depth or velocity of floodwaters during the base flood, an engineering report shall be prepared by a licensed engineer in the State of Washington that establishes any new flood elevations that would result for the one-hundred-year flood frequency if the project were implemented.

**Permit Review Criteria**

### 15.27.316 – Standard Development Permit

1. Classification criteria – standard development permits include any development not subject to RCW Ch. 90.58 (Shoreline Management Act).
2. Process - standard development permits shall be processed as either a Type (1) or Type (2) Review; and applications that are of a significant size or scope may be processed as a Type (2) or (3) Review at the judgment of the Administrative Official or designee. Examples of such projects include those that typically require environmental review (SEPA), filling or excavating a stream channel or wetlands, involve large amounts of fill, require large amounts of parking, etc.
3. Decision criteria – decisions on standard development permits shall be based on the general decision criteria found in [YMC 15.27.311](#_15.27.311_–_Authorization).

### 15.27.317 – Adjustment

1. **Classification Criteria**. For projects not required to be processed under RCW Ch. 90.58 (Shoreline Management Act), the Administrative Official or designee is authorized to administratively adjust the development standards. Existing structures, parcel size, property boundaries, and other constraints may preclude conformance with building setbacks and vegetative buffers. Given such constraints, administrative adjustments may be authorized where the site plan and project design include measures to ensure the protection and performance of the functional properties identified in [YMC 15.27.504](#_15.27.504_–_Functional). Adjustments of vegetative buffer standards listed in Table 6-1 and 6-2 may be reduced to the minimum buffer width listed. Reductions below the minimum may be considered but require stricter criteria be met in subsection (C)(4) below. Adjustments to prohibited use limits are not allowed.
2. **Process**. Requests for an Adjustment permit shall be processed as a Type (2) Review. Requests for adjustments of development standards shall be made in writing and shall specify the standard(s) that an adjustment is sought for, along with the reasons why the adjustment is sought.
3. **Decision Criteria**. Decisions on adjustment permits shall be based on the general decision criteria found in [YMC 15.27.311](#_15.27.311_–_Authorization) together with the criteria below.
   1. A particular standard may be reduced or modified as long as the Administrative Official determines that the adjustment and/or reduction:

a. Is consistent with the purpose of this Chapter,

b. Is consistent with the intent of the standard; and,

c. Will not result in degradation of the critical area.

* 1. The Administrative Official or designee shall consider the following:

a. The proximity and relationship of the project to any critical area and its potential impacts;

b. The functions and values that the critical area performs;

c. The overall intensity of the proposed use;

d. The presence of threatened, endangered, or sensitive species;

e. The site's susceptibility to severe erosion; and,

f. The use of buffer averaging or buffer enhancement plans by the applicant using native vegetation or other measures to enhance the functions and values of the Hydrologically Related Critical Area (HRCA).

* 1. When granting an adjustment, the Administrative Official or designee may require, but is not limited to the following alternative measures to protect the functions and values of the HRCA:

a. Restoration of impaired channels and banks to conditions which support natural stream flows, fish habitat, and other values;

b. Restoration, enhancement, and preservation of soil characteristics and the quantity and variety of native vegetation;

c. Provisions for erosion control and the reduction and filtration of stormwater runoff on the stream channel and buffer;

d. Removal or alteration of existing manmade facilities associated with stream channels, or drainage ways which improve stream-flow or exchange of surface waters;

e. Replacement of lost stream corridor features on an acre-for-acre basis and replacement of lost wetlands in accordance with guidance provided in the Washington State Department of Ecology’s Wetland Mitigation in Washington State, Parts 1 and 2 (March 2006 or as updated);

f. Conservation easements for key portions of stream corridor property and/or their inclusion within public or private conservation programs; or,

g. Vegetative buffer averaging may be modified by averaging buffer widths. Buffer averaging is preferred in the use of mitigation sequencing ([YMC 15.27.307](#_15.27.307_–_Mitigation)) over a reduction in the buffer standards.

* 1. The following additional criteria must be met to reduce the critical areas stream and wetland buffers found in Tables 27.5-1 and 27.5-2 below the minimum listed in the respective tables:

a. There is a hardship related to maintenance of the minimum buffer width that results from parcel boundaries or existing on-site development;

b. When warranted under subsection (A) above the buffer width shall be the maximum possible while meeting the minimum need of the proposal; and,

c. The applicant shall prepare a mitigation plan which addresses the decrease of wetland or stream function due to the decrease in buffer size.

### 15.27.318 – Reasonable Use Exception

1. **Classification Criteria**. If the application of this Chapter would deny all reasonable economic use of the subject property, the property owner may apply for a Reasonable Use Exception.
2. **Process**. A Reasonable Use Exception shall be processed as a Type (3) Review with a public hearing.
3. **Decision Criteria**. The Reasonable Use request shall be accompanied by conformance criteria. Failure to satisfy any one of the criteria shall result in denial of the request and the burden of the proof shall be on the applicant. Decisions on a Reasonable Use request shall be based on the general decision criteria found in [YMC 15.27.311](#_15.27.311_–_Authorization) together with the criteria below.
   1. The application of this Chapter would deny all reasonable use of the property; provided that the inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant;
   2. No other reasonable use of the property has less impact on the critical area; and,
   3. Any alteration is the minimum necessary to allow for reasonable use of the property.

### 15.27.319 – Minor Revisions to Approved Uses or Development

1. **Classification Criteria**. Minor revisions as described in & [YMC 15.27.200](#_15.27.200_–_Definitions) to a project that has been previously approved under a critical area permit are allowed under the following circumstances:
   1. Changes that are not substantive are not required to obtain a revision and may be allowed; and,
   2. Substantive changes are those that materially alter the project in a manner that relates to its conformance with the permit requirements. Such changes may be approved as a minor revision, if the Administrative Official or designee determines that the proposed revision is within the scope and intent of the original permit, and meets the criteria listed below. Failure to meet the criteria below will require a new permit.

a. Lot coverage and height may be increased by a maximum of ten (10%) percent from the provisions of the original permit, provided that:

* + - 1. Revisions involving new structures not shown on the original site plan shall require a new permit; and,
      2. Any revisions authorized under this subsection shall not exceed height, lot coverage, setback, or any other requirements of this Chapter.

b. Landscaping may be added without an application for a new permit provided that it is consistent with conditions of the original permit;

c. The use authorized pursuant to the original permit has not changed; and,

d. No additional significant adverse environmental impacts will be caused by the project revision.

1. **Process**. Minor revisions to existing permits shall be processed under Class (1) Review procedures.
2. **Decision Criteria**. Decisions on permit revisions shall be based on the general decision criteria found in [YMC 15.27.311](#_15.27.311_–_Authorization).

### 15.27.320 – Non-Conforming Uses and Facilities

Non-Conforming Uses and Facilities are classified as either Conforming Uses with Non-Conforming Structures or Areas, or as Non-conforming Uses. Both of which have different review processes and decision criteria, as provided for in [YMC Ch. 15.19](#_CHAPTER_15.19_–).

### 15.27.321 – General Critical Areas Protective Measures

The standards below apply to all permits and reviews performed under this Chapter.

1. **Financial Guarantees**. Financial guarantees may be required to ensure mitigation, maintenance, and monitoring.
   1. When required, mitigation pursuant to a development proposal is not completed prior to the City of Yakima’s final permit approval, the Administrative Official or designee may require the applicant to post a financial guarantee to ensure that the work will be completed.
   2. If a development proposal is subject to compensatory mitigation, the applicant must post a financial guarantee to ensure mitigation is fully functional.
   3. All financial guarantees shall be in the amount of one hundred and twenty-five percent (125%) of the estimated cost of the uncompleted actions and/or the estimated cost of restoring the functions and values of the critical area that are at risk.
   4. The financial guarantee may be in the form of a surety bond, performance bond, assignment of savings account, irrevocable letter of credit guaranteed by an acceptable financial institution, or other form acceptable to the Administrative Official or designee, with terms and conditions acceptable to the City of Yakima attorney.
   5. The financial guarantee shall remain in effect until the Administrative Official or designee determines that the standards bonded for have been met. Financial guarantees for wetland or stream compensatory mitigation shall be held for a minimum of five (5) years after completion of the work to ensure that the required mitigation has been fully implemented and demonstrated to function.
   6. If public funds have previously been committed for mitigation, maintenance, monitoring, or restoration, a financial guarantee will not be required.
   7. Failure to satisfy critical area requirements shall constitute a default, and the Administrative Official and his or her designee may demand payment of any financial guarantee.
   8. Any funds recovered pursuant to this section shall be used to complete the required mitigation. Such funds shall be deposited in a separate account. The City of Yakima will use such funds to arrange for completion of the project or mitigation, and follow-up corrective actions.
   9. Depletion, failure, or collection of financial guarantees shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
2. **Subdivision Standards**. The following standards apply to all permits or reviews under the Subdivision Ordinance (Title 14) that contain critical areas:
   1. All subdivisions that contain critical areas shall be eligible for density bonuses or other development incentives, as provided in the Subdivision Ordinance (Title 14) and Zoning Ordinances (Titles 15);
   2. Critical areas shall be actively protected through the following:

a. Roads and utilities for the subdivision shall avoid critical areas and their buffers, as much as possible;

b. When Geologically Hazardous Areas (excluding Erosion, Over steepened Slopes of Intermediate Risk, Stream Undercutting, and Earthquake hazards), FEMA Floodway, Channel Migration Zone (CMZ), Streams, Wetlands and/or Vegetative Buffers fall within the boundary of a subdivision;

* + - 1. Said critical areas shall be protected by placing them entirely within a separate critical area tract or by including them entirely within one of the developable parcels. Other options, such as conservation easements and building envelopes may be deemed appropriate by the Administrative Official as meeting this provision when special circumstances obstruct the viability of this provision:
      2. For those new lots that do contain said critical areas, useable building envelopes (5,000 square feet or more for residential uses) shall be provided on the plat that lies outside said critical areas.

c. New lots partially within the floodplain shall provide a usable building envelope (5,000 square feet or more for residential uses) outside the floodplain;

d. New lots entirely within the floodplain shall be at least one (1) acre in area;

e. For new lots containing streams, wetlands, and/or vegetative buffers, outdoor use envelopes shall be provided on the plat that lies outside said critical areas;

f. Degraded vegetative buffers shall be restored, or provided with protection measures that will allow them to recover;

g. Floodplains and critical areas shall be depicted on preliminary subdivision plats and relevant information about them disclosed on the final plat.

h. Lots or parcels that lie entirely within a Geologically Hazardous Areas (excluding Erosion, Over Steepened Slopes of Intermediate Risk, Stream Undercutting, and Earthquake hazards), FEMA Floodway, Channel Migration Zone (CMZ), Stream, Wetland, and/or Vegetative Buffers may not be further divided.

## CHAPTER 15.27 – PART FOUR - FLOOD HAZARD AREAS

**Sections Defined:**

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[**15.27.401**](#_15.27.401_–_Principles) **Principles**

[**15.27.402**](#_15.27.402_–_Applicability) **Applicability**

[**15.27.403**](#_15.27.403_–_Documented) **Documented Exemptions**

[**15.27.404**](#_15.27.404_–_Interpretations) **Interpretations**

[**15.27.405**](#_15.27.405_–_Compliance) **Compliance**

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**FLOOD HAZARD PROTECTION STANDARDS**

[**15.27.407**](#_15.27.407_–_General) **General Standards**

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**FLOODWAY USES**

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**ELEVATION AND FLOODPROOFING CERTIFICATION**

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[**15.27.436**](#_15.27.436_–_Federal) **Federal Flood Hazard Map Correction Procedures**

**FLOOD HAZARD AREAS – GENERAL PROVISIONS**

### 15.27.400 – Flood Hazard Areas Established

The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA), accompanying Flood Insurance Rate Maps (FIRMs), Flood Boundary, and Floodway Maps, and any amendments thereto made by the Federal Emergency Management Agency, which, are adopted by reference and declared to be part of Part Four of the City of Yakima’s Critical Areas Ordinance and are established as flood hazard areas. The Flood Insurance Study and maps are on file with the City of Yakima, Washington.

### 15.27.401 – Principles

Part Four recognizes the right and need of the river channel to periodically carry more than the normal flow of water and establishes regulations to minimize loss of life and property, restrict uses and regulate structures consistent with the degree of flood hazard. In advancing the above principals, the intent of Part Four is:

1. To alert the county assessor, appraisers, owners, potential buyers and lessees to the natural limitations of flood-prone land;
2. To meet the minimum requirements of the National Flood Insurance program; and,
3. To implement state and federal flood protection programs.

### 15.27.402 – Applicability

The guidelines and regulations set forth herein, YMC Title 11, and related Building Codes shall apply to all special flood hazard areas.

1. The provisions of Part Four of this Chapter shall apply to any development proposed in a special flood hazard area;
2. Flood hazard permits shall be approved by the City of Yakima. Approval shall only be granted in accordance with Part Four of this Chapter and other applicable local, state, and federal regulations;
3. Topographic, engineering and construction information necessary to evaluate the proposed project shall be submitted to the department for approval; and,
4. The granting of a permit for any development or use does not constitute a representation, guarantee or warranty of any kind or nature by the City of Yakima, or its employees, of the practicality or safety of any structure or proposed use, and shall not create liability upon or cause action against the above mentioned body, or employee, for any damage that may result.

### 15.27.403 – Documented Exemptions

The following uses and activities are exempt from the provisions of Part Four of this Chapter:

1. The alteration or substantial improvement of any structure listed on the National Register of Historic Places or state inventory of historic places;
2. The installation and maintenance of aboveground utility transmission lines and poles; and,
3. Private driveways, fences and other accessory activities and/or uses necessary for agricultural uses which the administrative official determines will not unduly decrease flood storage or capacity, significantly restrict floodwaters, create a substantial impoundment of debris carried by floodwaters, and will resist flotation and collapse.

### 15.27.404 – Interpretations

1. In the interpretation and application of Part Four of this Chapter, the provisions shall be considered as minimum requirements; and shall be strictly construed in favor of the policies and standards herein; and deemed neither to limit nor repeal any other powers granted under state statute. Its provisions shall be applied in addition to and as a supplement to provisions of the Yakima Municipal Code Title 11, Buildings; Title 12, Development Standards; Title 14, Subdivisions; and, Title 15, Urban Area Zoning Ordinance. [YMC 15.27.400](#_15.27.400_–_Flood) - [15.27.436](#_15.27.436_–_Federal) are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where these ordinances and other ordinances conflict or overlap, the standard imposing the more stringent requirement shall prevail.
2. In an interpretation as to an exact location of the boundaries of the special flood hazard areas (i.e., conflict between a mapped boundary and actual field conditions), the person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of the National Flood Insurance Program § 60.6 (See 44 CFR 59, et seq. and IBC 104.1).

### 15.27.405 – Compliance

No structure or land shall hereafter be used, constructed, located, extended, converted, or altered without full compliance with the terms of Part Four of this Chapter and other applicable regulations.

### 15.27.406 – Warning and Disclaimer of Liability

The degree of flood protection required by Part Four of this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. Part Four does not imply that land outside the area of special flood hazards or permitted uses within such area will not be subject to flooding or flood damage.

**FLOOD HAZARD PROTECTION STANDARDS**

### 15.27.407 – General Standards

The following regulations shall apply in all special flood hazard areas pursuant to the IBC, ASCE-24, and Hud 24 CFR Part 3280:

1. Anchoring and Construction Techniques.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring shall meet the specifications set forth below for structures located within one hundred (100) feet of a floodway or the ordinary high water mark if no floodway has been established.
3. All new construction and any improvements or additions to existing floodproofed structures that would extend beyond the existing floodproofing located within one hundred (100) feet of the floodway or one hundred (100) feet of the ordinary high water mark if no floodway has been established. Unless it can be demonstrated that non-zero-rise construction methods will not impede the movement of floodwater or displace a significant volume of water.
4. Except where otherwise authorized, all new construction and substantial improvements to existing structures shall require certification by a registered professional engineer, architect or surveyor that the design and construction standards are in accordance with adopted floodproofing techniques.
   1. Utilities. All new and replacement water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
   2. Subdivision Proposals. Subdivision proposals shall:

a. Be consistent with the need to minimize flood damage;

b. Have roadways, public utilities and other facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c. Have adequate drainage provided to reduce exposure to flood damage;

d. Include base flood elevation data; and,

e. In the cases where base flood elevation is not available and the subdivision is greater then 5 acres or 50 lots, a step-back water analysis shall be require to generate the base flood elevation data.

* 1. Watercourse Alterations. The flood-carrying capacity within altered or relocated portions of any watercourse shall be maintained. Prior to the approval of any alteration or relocation of a watercourse in riverine situations, the department shall notify adjacent communities, the Department of Ecology and FEMA of the proposed development.

### 15.27.408 – Specific Standards

In all special flood hazard areas where base elevation data has been provided as set forth in [YMC 15.27.400](#_15.27.400_–_Flood), the following regulations shall apply, in addition to the General Standards of [YMC 15.27.407](#_15.27.407_–_General):

1. **Residential Construction**. (See. IRC 323.2)
   1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at a minimum to or above the base flood elevation.
   2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one (1) foot above grade; and,

c. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

* 1. Residential construction within one hundred (100) feet of a floodway, or the ordinary high water mark if no floodway has been established, shall also meet the requirements of [YMC 15.27.407(C)](#_15.27.407_–_General).

1. **Nonresidential Construction** (44 CFR 60.3(C)(3) & (4)). New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
   1. Be floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
   2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
   3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans; and,
   4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in [YMC 15.27.408(A)(2)](#_15.27.408_–_Specific).
2. **Manufactured Homes**. Manufactured homes shall be elevated in accordance with IBC 501.1 Appendix “G.”
3. **Recreational Vehicles**. Recreational vehicles placed on sites are required to either:
   1. Be on the site for fewer than 180 consecutive days;
   2. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or,
   3. Meet the anchoring requirements of [YMC 15.27.408(C)](#_15.27.408_–_Specific).

**FLOODWAY FRINGE USES**

### 15.27.409 – Permitted Uses

The following uses are permitted in the floodway fringe areas:

1. **Permitted Uses**. Any use permitted in the zoning district in accordance with YMC Title 15, unless prohibited by [YMC 15.27.410](#_15.27.410_–_Prohibited).
2. **Utility Transmission Lines**. Utility transmission lines shall be permitted when consistent with YMC Title 15 and where not otherwise inconsistent with [Part Four YMC Ch. 15.27](#_CHAPTER_15.27_–_); except that when the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway fringe or special flood hazard area, such transmission line shall conform to the following:
   1. Electric transmission lines shall cross floodway fringe and special flood hazard areas by the most direct route feasible. When support towers must be located within floodway fringe or special flood hazard areas, they shall be placed to avoid high floodwater velocity and/or depth areas, and shall be adequately floodproofed.
   2. Buried utility transmission lines transporting hazardous materials, including but not limited to crude and refined petroleum products and natural gas, shall be buried a minimum of four (4) feet. Such burial depth shall be maintained within the floodway fringe or special flood hazard area to the maximum extent of potential channel migration as determined by hydrologic analyses. All such hydrologic analyses shall conform to requirements of [YMC 15.27.411(C)(3)](#_15.27.411_–_Permitted).
   3. Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and non-hazardous materials shall be buried below existing natural and artificial drainage features.
   4. Aboveground utility transmission lines, not including electric transmission lines, shall only be allowed for the transportation of non-hazardous materials. In such cases, applicants must demonstrate that line placement will have no appreciable effect upon flood depth, velocity or passage. Such lines shall be adequately protected from flood damage.
   5. Aboveground utility transmission line appurtenant structures, including valves, pumping stations or other control facilities, shall not be permitted in floodway fringe or special flood hazard areas except where no other alternative is available, or in the event a floodway fringe or special flood hazard location is environmentally preferable. This does not apply to domestic water and regional wastewater transmission pipes. In such instances, aboveground structures shall be located so that no appreciable effect upon flood depth, velocity or passage is created, and shall be adequately floodproofed.

### 15.27.410 – Prohibited Uses

New manufactured home parks and the expansion of manufactured home/parks are prohibited in floodway fringe areas.

## FLOODWAY USES

### 15.27.411 – Permitted Uses

Permitted uses include any use permitted in the zoning district in accordance with YMC Title 15, provided that said use is in compliance with the flood hazard protection standards of [YMC 15.27.407](#_15.27.407_–_General) & [15.27.408](#_15.27.408_–_Specific) and other applicable provisions of this Chapter and will have a negligible effect upon the floodway in accordance with the floodway encroachment provisions of [YMC 15.27.412(2)](#_15.27.412_–_Prohibited): Permitted uses include:

1. All encroachments, including fill, new construction and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the effect of the subject encroachment together with the cumulative effects of all similar potential encroachments shall not materially cause water to be diverted from the established floodway, cause erosion, obstruct the natural flow of water, reduce the carrying capacity of the floodway, or result in any increase in flood levels during the occurrence of the base flood discharge;
2. Surface mining, provided that the applicant can provide clear evidence that such uses will not divert flood flows causing channel-shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flooding threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of YMC Title 15;
3. Utility transmission lines, unless otherwise prohibited by this Chapter; except that when the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway en route to another destination, as opposed to serving customers within a floodway, such transmission lines shall conform to the following:
   1. All utility transmission lines shall cross floodways by the most direct route feasible as opposed to paralleling floodways;
   2. Electric transmission lines shall span the floodway with support towers located in flood fringe areas or beyond. Where floodway areas cannot be spanned due to excessive width, support towers shall be located to avoid high floodwater velocity and/or depth areas, and shall be adequately floodproofed;
   3. Buried utility transmission lines transporting hazardous and non-hazardous materials, including but not limited to crude and refined petroleum products and natural gas, shall be buried a minimum of four (4) feet below the maximum established scour of the waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained horizontally within the hydraulic floodway to the maximum extent of potential channel migration as determined by hydrologic analyses. In the event potential channel migration extends beyond the hydraulic floodway, conditions imposed upon floodway fringe and special flood hazard areas shall also govern placement. All hydrologic analyses are subject to acceptance by the City of Yakima, which shall assume the conditions of a one-hundred (100) year frequency flood as verified by the U.S. Army Corps of Engineers, and shall include on-site investigations and consideration of historical meander characteristics in addition to other pertinent facts and data. The use of riprap as a meander containment mechanism within the hydraulic floodway shall be consistent with the City of Yakima Shoreline Master Program Regulations;
   4. Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and non-hazardous materials shall be buried below existing natural and artificial drainage features; and,
   5. Aboveground utility transmission lines, not including electric transmission lines, shall only be allowed for the transportation of non-hazardous materials where an existing or new bridge or other structure is available and capable of supporting the line. When located on existing or new bridges or other structures with elevations below the one-hundred (100) year flood level, the transmission line shall be placed on the downstream side and protected from flood debris. In such instances, site-specific conditions and flood damage potential shall dictate placement, design and protection throughout the floodway. Applicants must demonstrate that such aboveground lines will have no appreciable effect upon flood depth, velocity or passage, and shall be adequately protected from flood damage. If the transmission line is to be buried except at the waterway crossing, burial specifications shall be determined as in subsection (C)(3) above.
4. Construction or reconstruction of residential structures only as authorized in [YMC 15.27.412(E)](#_15.27.412_–_Prohibited);
5. Improvements to existing residential structures that are not substantial improvements per [YMC 15.27.200](#_15.27.200_–_Definitions), provided the improvement complies with the requirement set forth in [YMC 15.27.412(B)](#_15.27.412_–_Prohibited);
6. Water-dependent utilities and other installations which by their very nature must be in the floodway. Examples of such uses are: dams for domestic/industrial water supply; wastewater treatment and collection systems; stream crossings or wetlands, flood control and/or hydroelectric production; water diversion structures and facilities for water supply; irrigation and/or fisheries enhancement; floodwater and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; and structures and nonstructural uses and practices; provided, that the applicant shall provide evidence that a floodway location is necessary in view of the objectives of the proposal, and provided further that the proposal is consistent with other provisions of this Chapter and the City’s Shoreline Master Program. In all instances of locating utilities and other installations in floodway locations, project design must incorporate floodproofing and otherwise comply with subsection (C) above;
7. Dikes, provided that the applicant can provide evidence that:
   1. Adverse effects upon adjacent properties will not result relative to increased floodwater depths and velocities during the base flood or other more frequent flood occurrences;
   2. Natural drainage ways are minimally affected in that their ability to adequately drain floodwaters after a flooding event is not impaired;
   3. The proposal has been coordinated through the appropriate diking district where applicable, and that potential adverse effects upon other affected diking districts have been documented; and,
   4. Roads and bridges, subject to the regulations of subsection (C)(1-5) above.

### 15.27.412 – Prohibited Uses

The following uses/developments are prohibited in the floodway:

1. Any structure, including manufactured homes, designed for or to be used for human habitation of a permanent nature (including temporary dwellings authorized by [YMC 15.04.130](#_15.04.130_–_Temporary) & [15.04.140](#_15.04.140_Temporary_Hardship));
2. Any encroachments, including fill, new construction and other development shall require certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the effect of the subject encroachment together with the cumulative effects of all similar potential encroachments shall not materially cause water to be diverted from the established floodway, cause erosion, obstruct the natural flow of water, reduce the carrying capacity of the floodway, or result in any increase in flood levels during the occurrence of the base flood discharge;
3. Aboveground utility transmission line appurtenant structures, including valves, pumping stations, or other control facilities, shall not be permitted in the floodway, except for domestic water and regional wastewater facilities where necessary;
4. Where a floodway has not been determined by preliminary Corps of Engineers' investigations or official designation, a floodway shall be defined by qualified engineering work by the applicant on the basis of a verified one-hundred (100) year flood event;
5. Construction or reconstruction of residential structures within designated floodways, except for:
   1. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and
   2. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty (50) percent of the assessed value of the structure either

a.Before the repair, reconstruction or improvement is started; or,

b.If the structure has been damaged and is being restored, before the damage occurred.

* 1. Work done on structures to correct existing violations of existing health, sanitary or safety codes, or to structures identified as historic places shall not be included in the fifty (50) percent.
  2. If subsection (B) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Part Four.

1. The construction or storage of any object subject to flotation or movement during flood level periods;
2. The following uses, due to their high degree of incompatibility with the purpose of establishing and maintaining a functional floodway, are specifically prohibited:
   1. The filling of wetlands, except as authorized under Part Five Fish and Wildlife Habitat and the Stream Corridor and Part Six Wetlands;
   2. Solid waste landfills, dumps, junkyards, outdoor storage of vehicles, and/or materials; and,
   3. Damming or relocation of any watercourse that will result in any downstream increase in flood levels during the occurrence of the base flood discharge (See [YMC 15.27.509](#_15.27.509_–_)).
3. The listing of prohibited uses in this section shall not be construed to alter the general rule of statutory construction that any use not permitted is prohibited.

### 15.27.413 – Non-Conforming Uses and Facilities

1. Within the special flood hazard areas established by [YMC Ch. 15.19](#_CHAPTER_15.19_–) or amendments thereto, there may exist structures and uses of land and structures, which were lawful before these sections were adopted or amended, but which would be prohibited, or restricted under the terms of Part Four of this Chapter or future amendment.
2. It is the intent of [YMC Ch. 15.19](#_CHAPTER_15.19_–) to permit these lawful pre-existing nonconformities to continue until they are removed by economic forces or otherwise, but not to encourage their survival except in cases where continuance thereof would not be contrary to the public health, safety or welfare, or the spirit of this Chapter.

## FLOOD HAZARD PROTECTION ADMINISTRATION

### 15.27.414 – Administration

The building official is vested with the duty of administering the rules and regulations relating to flood hazard protection in accordance with the provisions of Part Four and may prepare and require the use of such forms as are essential to such administration.

### 15.27.415 – Authority

Upon application, the building official shall have the authority to grant a flood hazard permit when compliance with the applicable conditions as set forth in Part Four of this Chapter and in other applicable local, state and federal regulations has been demonstrated and the proposal is found to be consistent with the purpose of the policies of the Critical Areas Ordinance.

### 15.27.416 – Permit - Required

Prior to any development within a special flood hazard area, a flood hazard permit shall be obtained. This permit may be in addition to the critical area development authorization as set forth in Part Three of this Chapter.

### 15.27.417 – Permit – Application

All persons applying for a flood hazard permit shall submit a written application, accompanied by an application fee as specified in Title 11, using the forms supplied. The application shall not be considered complete until the following minimum information is provided as identified below and in [YMC 15.11.050](#_15.11.050_–_Detailed):

1. Name, address and telephone number of applicant and property owner if different;
2. Project description and taxation parcel identification number;
3. Name of the stream or body of water associated with the floodplain in which the development is proposed; and,
4. Site plan map drawn to an engineering scale showing:
   1. Actual dimensions and shape of the parcel to be built on;
   2. Sizes and location of existing structures on the parcel;
   3. Location and dimensions of the proposed development, structure or alteration;
   4. Location, volume and type of any proposed fill; and,
   5. The application shall include other information as may be required by the Administrative Official to clarify the application for the enforcement of [Part Four of YMC 15.27](#_CHAPTER_15.27_–_);

### 15.27.418 – Permit – Review

Flood hazard permit applications will be reviewed to determine:

1. The elevation and floodproofing requirements of Part Four of this Chapter;
2. The proposed development’s location in relation to the floodway and any encroachments [YMC 15.27.412(B)](#_15.27.412_–_Prohibited);
3. Alteration or relocation of a watercourse [YMC 15.27.407(D)](#_15.27.407_–_General);
4. That the proposed development is a permitted use under Part Four of this Chapter and YMC Title 15; and,
5. That all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

### 15.27.419 – Use of Available Data

When base flood elevation data has not been provided in accordance with [YMC 15.27.400](#_15.27.400_–_Flood), Flood hazard areas established, the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer [YMC 15.27.408](#_15.27.408_–_Specific), [YMC 15.27.412](#_15.27.412_–_Prohibited), and [YMC Ch. 15.25](#_Chapter_15.25_–).

### 15.27.420 – Limitations

Permits issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized is a violation of Part Four and punishable as provided by [YMC Ch. 15.25](#_Chapter_15.25_–).

### 15.27.421 – Permit – Expiration & Cancellation

If the work described in any permit has not begun within one hundred eighty (180) days from the date of issuance thereof, the permit shall expire and be canceled by the building official.

### 15.27.422 – Performance Bonds

1. The City may require bonds in such form and amounts as may be deemed necessary to assure that the work shall be completed in accordance with approvals under [YMC 15.27 Part Four](#_CHAPTER_15.27_–_). Bonds, if required, shall be furnished by the property owner, or other person or agent in control of the property.
2. In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the City in an amount equal to that which would be required in the surety bond.

### 15.27.423 – Appeals

The decision to grant, grant with conditions, or deny a flood hazard permit shall be final and conclusive unless the applicant appeals the decision pursuant to the procedure established for appeals in Part Three.

### 15.27.424 – Coordination

Upon application, the building official shall have the authority to grant a flood hazard permit when compliance with the applicable conditions as set forth in Part Four of this Chapter and in other applicable local, state and federal regulations has been demonstrated and the proposal is found to be consistent with the purpose of this Chapter.

## ELEVATION AND FLOODPROOFING CERTIFICATION

### 15.27.425 – Applicability

Certification for elevation or floodproofing shall be required only for the new construction or substantial improvement of any residential, commercial, industrial, or nonresidential structure located in a special flood hazard area.

### 15.27.426 – Certification Form

The form of the elevation and floodproofing certificate shall be specified by the administrative official and shall be generally consistent with that required by FEMA for the administration of the National Flood Insurance Program.

### 15.27.427 – Information To Be Obtained And Maintained

The elevation and floodproofing certificate shall verify the following flood hazard protection information:

1. The actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
2. The actual elevation in relation in mean sea level of flood proofing of all new or substantially improved non-residential flood proofed structures; and,
3. Where a base flood elevation has not been established according to [YMC 15.27.400](#_15.27.400_–_Flood), or where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

### 15.27.428 – Certification Responsibility

The project proponent shall be responsible for providing required certification data to the administrative official prior to the applicable construction inspection specified in the certification form. All elevation and floodproofing data specified in [YMC 15.27.427](#_15.27.427_–_Information) must be obtained and certified by a registered professional engineer, architect, or surveyor. The elevation and floodproofing certification shall be permanently maintained by the administrative official.

## FLOOD HAZARD VARIANCES

### 15.27.429 – Procedure

Any person seeking a variance from the requirements of Part Four authorized under [YMC 15.27.430](#_15.27.430_–_Variance) shall make such request in writing to the planning department on the forms they supply. Upon receipt of a completed application and application fee for the variance, a notice of the variance request shall be forwarded to all landowners of adjacent property within twenty eight (28) days of the receipt of a completed application and payment of fees. The notice shall solicit written comment on the variance request and specify a time period not less than twenty (20) days from the date of mailing, during which written comments may be received and considered. The notice shall also state that copies of the administrative official's final decision will be mailed upon request. The administrative official may also solicit comments from any other person or public agency he or she feels may be affected by the proposal.

### 15.27.430 – Variance Limitations

1. Variances shall be limited solely to the consideration of:
   1. Elevation requirements for lowest floor construction;
   2. Elevation requirements for floodproofing; and,
   3. The type and extent of floodproofing.
2. Variances shall not be considered for any procedural or informational requirements or use prohibitions of [YMC 15.27 Part Four](#_CHAPTER_15.27_–_).

### 15.27.431 – Conditions For Authorization

Before a variance to the provisions of Part Four may be authorized, it shall be shown that:

1. There are special circumstances applicable to the subject property or to the intended use, such as size, topography, location or surroundings, that do not apply generally to other property in the same vicinity and zone;
2. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located;
3. Such a variance is the minimum necessary, considering the flood hazard, to afford relief;
4. Failure to grant the variance would result in exceptional hardship to the applicant; and,
5. The granting of such a variance will not result in:
   1. Increased flood heights;
   2. Additional threats to public safety;
   3. Creation of nuisances;
   4. Extraordinary public expense; or,
   5. Conflicts with other existing local laws or ordinances.

### 15.27.432 – Administrative Official’s Decision

After considering any comments received from other agencies, jurisdictions or adjoining property owners, the administrative official shall approve, approve with conditions, or deny the variance request. The administrative official shall prepare written findings and conclusions stating the specific reasons upon which the decision is based.

### 15.27.433 – Notification And Final Decision

The decision shall be issued within seven (7) days from the end of the comment period. Further, the administrative official shall mail the findings and decision to the applicant and to other parties of record requesting a copy.

### 15.27.434 – Power To Refer Decisions

In exercising the duties and powers of implementing and administrating Part Four of this Chapter, the administrative official may refer any variance application to the hearing examiner for action at a public hearing.

### 15.27.435 – Appeals

Any decision by the administrative official to approve or deny a variance request may be appealed subject to the procedures set forth in [YMC Ch. 15.16](#_CHAPTER_15.16_–).

### 15.27.436 – Federal Flood Hazard Map Correction Procedures

The procedures for federal flood hazard map correction, as provided in federal regulations 44 CFR 70 of the National Insurance Program are hereby adopted by reference.

## CHAPTER 15.27 - PART FIVE - FISH AND WILDLIFE HABITAT AND THE STREAM CORRIDOR SYSTEM

**Sections Defined:**

**Introduction**

[**15.27.500**](#_15.27.500_–_Purpose) **Purpose And Intent**

[**15.27.501**](#_15.27.501_–_Protection) **Protection Approach**

**Designation And Mapping**

[**15.27.502**](#_15.27.502_–_Hydrologically) **Hydrologically Related Critical Area Features**

[**15.27.503**](#_15.27.503_–_Habitat) **Habitat And Habitats Of Local Importance**

[**15.27.504**](#_15.27.504_–_Functional) **Functional Properties**

[**15.27.505**](#_15.27.505_–_Streams,) **Stream, Lake And Pond Typing System**

[**15.27.506**](#_15.27.506_–_Wetland) **Wetland Rating System**

[**15.27.507**](#_15.27.507_–_Maps) **Maps**

**General Development Standards**

[**15.27.508**](#_15.27.508_–_Prohibited) **Prohibited Uses**

[**15.27.509**](#_15.27.509_–_) **General Policies And Standards**

**Water Dependency Development Standards And Buffer Requirements**

[**15.27.510**](#_15.27.510_–_Use) **Use Classifications**

[**15.27.511**](#_15.27.511_–_Water-Dependent) **Water-Dependent Uses**

[**15.27.512**](#_15.27.512_–_Water-Related) **Water-Related Uses**

[**15.27.513**](#_15.27.513_–_Non-Water) **Non-Water Oriented Uses**

[**15.27.514**](#_15.27.514_–_Vegetative) **Vegetative Buffers**

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[**15.27.515**](#_15.27.515_–_Roads,) **Roads, Railroads And Parking**

[**15.27.516**](#_15.27.516_–_Utility) **Utility Transmission Lines**

[**15.27.517**](#_15.27.517_–_Shore) **Shore Stabilization**

[**15.27.518**](#_15.27.518_–_Dredging) **Dredging And Excavation**

[**15.27.519**](#_15.27.519_–_Filling) **Filling**

[**15.27.520**](#_15.27.520_–_Commercial) **Commercial Mining Of Gravel**

[**15.27.521**](#_15.27.521_–_Reclamation) **Reclamation**

### Introduction

### 15.27.500 – Purpose And Intent

The stream corridor system includes hydrologically related critical areas, streams, lakes, ponds, and wetlands and is part of a fragile and highly complex relationship of geology, soils, water, vegetation, and wildlife. Policies and standards to help conserve and protect are designed to accomplish the following:

1. Meet the requirements of the Growth Management Act (RCW 36.70A.172) regarding best available science;
2. Follow the requirements pursuant to the Flood-Resistant Construction in the adopted Building Code;
3. Provide a zero net loss of natural wetland functions and values;
4. Provide possible alternatives for necessary development, construction, and uses within a designated stream corridor and other hydrologically related critical areas;
5. Prevent decline in the quantity and quality of surface and subsurface waters;
6. Conserve, restore, and protect fish and wildlife habitats, vegetation, and ecological relationships;
7. Protect sensitive areas of the stream corridor from the potential negative effects of development;
8. Through voluntary agreements or government incentives, provide protection of natural wetland functions and values; and,
9. Recognize wildlife areas conservation habitats within their natural geographic location through coordinated land use planning.

### 15.27.501 – Protection Approach

1. To maintain fish and wildlife habitat, there must be adequate environmental conditions for reproduction, foraging, resting, cover, and dispersal of animals. Factors affecting both habitat and its quality include the presence of essential resources such as food, water, nest building materials, and lack of diseases. The City of Yakima protects fish and wildlife habitat through:
   1. Protection of habitat for aquatic species; and,
   2. Protection of habitat for species located near the water.
2. The City of Yakima's approach to protecting Threatened, Endangered, and Sensitive Species Habitat is by using the protection approach sections of [YMC Ch. 15.27](#_Chapter_15.27_–).

## DESIGNATION AND MAPPING

### 15.27.502 – Hydrologically Related Critical Area Features

Stream corridors and other hydrologically related critical areas include one (1) or more of the following features:

1. Any floodway or floodplain identified as a special flood hazard area identified by the Federal Emergency Management Agency (FEMA) as identified in the Flood Insurance study or corresponding maps, is hereby adopted by reference and declared to be part of this Chapter;
2. Perennial and intermittent streams, excluding ephemeral streams, including the stream main channel and all secondary channels within the ordinary high water mark;
3. Naturally occurring ponds under twenty (20) acres and associated submerged aquatic beds; and man-made lakes and ponds created within a stream channel;
4. All wetlands as defined in [YMC 15.27.200](#_15.27.200_–_Definitions);
5. Any flood-prone area indicated by U.S. Soil Conservation Service soil survey data; and,
6. A buffer area for a stream channel, lake, or pond or from the edge of a wetland.

### 15.27.503 – Habitat And Habitats Of Local Importance

1. **Habitats of Local Importance** are habitats or species that due to their declining population, sensitivity to habitat manipulation or other values make them important on a local level. Habitats of Local Importance may include a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.
2. **Species and Habitats of Local Importance** may be identified for protection under this Chapter. State or local agencies, individuals or organizations may identify and nominate for consideration specific species and habitats, or a general habitat type, including streams, ponds or other features. Proponents shall have the burden of presenting evidence concerning the criteria set forth below. The nomination shall be processed once a year through the annual comprehensive plan amendment cycle.
   1. The decision for changes to species and habitats of local importance shall con­sider:

a. Concern due to population status;

b. Sensitivity to habitat manipulation;

c. Importance to the local community; and,

d. Criteria used to identify state Priority Species, which includes:

* + - 1. State Candidate Species that are defined by WDFW Policy M-6001 to include fish and wildlife species that WDFW will review for possible listing as State Endnaged, Threatened, or Sensitive;
      2. Vulnerable Aggregations, which includes those species or groups of animals susceptible to significant population declines, within a specific area, by virtue of their inclination to aggregate;
      3. Species of Recreational, Commercial, and/or Tribal Importance that are Vulnerable; and,
      4. The Economic impact both positive and negative to the applicants property or surrounding property. Economic impact are to be determined by a properly qualified individual or firm using industry standards.
  1. Nominated habitats and habitats for species of local importance shall consider the following and must include maps to illustrate the proposal:

a. A seasonal range or habitat element which, if altered, may reduce the likelihood that the species will maintain or reproduce over the long term;

b. Areas of high relative density or species richness, breeding habitat, winter range, and movement corridors;

c. Habitat with limited availability or high vulnerability to alteration; and,

d. Whether these habitats are already iden­tified and protected under the provisions of this or other local ordinances or state or federal law.

* 1. Habitat management recomendations shall be included for use in the administration of this section.

1. **Development Standards**. Projects located within a Habitats of Local Importance, as designated in subsection (A) above shall meet the standards below, rather than the development standards in [YMC 15.27.508](#_15.27.508_–_Prohibited) – [15.27.521](#_15.27.521_–_Reclamation), unless review is also needed for a Hydrologically Related Critical Area. Projects shall be designated using management recommendations established for the species or habitat by federal and state agencies, or those adopted for Species and Habitats of Local Importance by the City of Yakima. The department shall consider the extent such recommendations are used in its decision on the proposal, and may consider recommendations and advice from agencies with expertise.

### 15.27.504 – Functional Properties

1. Streams, lakes, ponds and wetlands, require a sufficient riparian area to support one (1) or more of the following functional properties:
   1. Stream bank and shore stabilization;
   2. Providing a sufficient shade canopy to maintain water temperatures that supports fish and their habitat;
   3. Moderating the impact of stormwater runoff;
   4. Filtering solids, nutrients and harmful substances;
   5. Surface erosion prevention;
   6. Providing and maintaining migratory corridors for wildlife;
   7. Supporting a diversity of wildlife habitat; or,
   8. Allowing for the natural occurrence of woody debris and organic matter to collect in the aquatic environment.
2. Stream channels assist in one (1) or more of the following functional properties:
   1. Groundwater recharge and/or discharge;
   2. Water transport;
   3. Sediment transport and/or storage;
   4. Biochemical functions;
   5. Channel migration and the protection of habitats; or,
   6. Food and habitat.
3. Lakes, ponds and wetlands generally provide similar functions and generally provide one (1) or more of the following functional properties:
   1. Biogeochemical functions that improve water quality;
   2. Hydrologic functions maintaining the water regime in a watershed (flood flow attenuation, decreasing erosion, and groundwater recharge); or,
   3. Food and habitat.
4. Floodplains generally provide one (1) or more of the following functional properties:
   1. Floodwater storage;
   2. Floodwater passage and the movement of high velocity waters;
   3. Sediment storage and recruitment;
   4. Food and habitat;
   5. Nutrient sink and/or source; or,
   6. Groundwater recharge and discharge.
5. Habitat for wildlife consists of the arrangement of food, water, cover, and space. Wildlife habitat generally includes one (1) or more of the following functional properties:
   1. Reproduction and/or nesting;
   2. Resting and refuge;
   3. Foraging for food; or,
   4. Dispersal and migration.
6. Some functions require larger areas, which may not be achievable due to existing development and construction constraints, especially in urban areas. In these instances, adjustments to the minimum standards to accommodate such constraints may be necessary. Where adjustments may be necessary, reductions of standards should be offset by enhancement, restoration or preservation measures which replace the lost functions or values or strengthen other functional values if replacement is not possible.

### 15.27.505 ­– Streams, Lakes And Ponds Typing System

For purposes of this Chapter, the City of Yakima hereby adopts a stream, lake and pond typing system, for those features designated as critical areas in [YMC 15.27.502](#_15.27.502_–_Hydrologically) as follows:

1. **Type 1 Streams** are those waters, within their ordinary high water mark (OHWM), meeting the criteria as "shorelines of the state” and “shorelines of statewide significance” under RCW Ch. 90.58. Waters associated with Type 1 streams as defined in RCW Ch. 90.58 are not included;
2. **Type 2 Streams** are those surface water features which require protection due to the nature of their contributions to the functional properties listed in [YMC 15.27.504](#_15.27.504_–_Functional) and are considered “Streams, Lakes and/or Ponds of Local Importance,” as listed in [Appendix B](#_Appendix_A);
3. **Type 3 Streams** include all perennial streams within the City of Yakima not classified as Type 1 or 2. (See [YMC 15.27.200](#_15.27.200_–_Definitions) “perennial stream”);
4. **Type 4 Streams** are all intermittent streams within the City of Yakima not classified as Type 1, 2 or 3. (See [YMC 15.27.200](#_15.27.200_–_Definitions) “intermittent stream”);
5. **Type 5 Streams** are all ephemeral streams within the City of Yakima not classified as Type 1, 2, 3 or 4. Type 5 streams are not regulated as streams. (See [YMC 15.27.200](#_15.27.200_–_Definitions) “ephemeral stream”); and,
6. **Lakes And Ponds**
   1. Lakes and ponds not designated as a shoreline that receive water from the OHWM of a Type 2, 3, or 4 stream shall have the same surface water type as the highest stream type from which the lake or pond receives water.
   2. Natural lakes and ponds, not designated as a shoreline, that do not receive water from the OHWM of a Type 1, 2, 3, or 4 stream shall be Type 3 ponds.
   3. Lakes or ponds not designated as a shoreline that are connected to a Type 1 stream shall be Type 1 ponds.

### 15.27.506 – Wetland Rating System

1. Wetlands within the City of Yakima are defined in [YMC 15.27.200](#_15.27.200_–_Definitions) and are shown on the data maps referenced in [YMC 15.27.507](#_15.27.507_–_Maps). Most, but not all, of the wetlands within the City of Yakima occur near streams. The functional properties for wetlands are identified in [YMC 15.27.504](#_15.27.504_–_Functional) and [15.27.603](#_15.27.603_–_Wetland).
2. For regulatory purposes, wetlands are classified into four (4) categories according to the Wetland Rating System found in [YMC 15.27.603(2)](#_15.27.603_–_Wetland).

### 15.27.507 – Maps

Certain fish and wildlife habitat and hydrologically related critical areas have been inventoried and are depicted on a series of paper and electronic maps. The maps do not officially define the extent or characteristics of specific critical areas; rather the potential physical boundaries and characteristics. Maps may be both regulatory and non-regulatory in nature as described below:

1. Regulatory maps include any floodway or floodplain identified as a special flood hazard area by the Federal Emergency Management Agency (FEMA) as identified in the Flood Insurance Studies (FIRM).
2. Informational maps indicate the approximate presence, location and/or typing of the potential critical area. Informational maps include, but are not limited to the following:
   1. Wetlands;
   2. Streams;
   3. Channel migration zone; and,
   4. Species and Habitats of Local Importance – Note: This map will be generated at such a time when the City of Yakima formally adopts a specie or habitat of local importance.
3. Other non-regulatory information sources include maps or other data sources, but are not limited to:
   1. Comprehensive Flood Hazard Management Plans;
   2. Soil Survey of the City of Yakima;
   3. Surface Geologic Maps;
   4. Historic and Current Aerial Photo Series; and,
   5. Geohydraulic studies – geologic cross sections showing aquifers and confining units.

## GENERAL DEVELOPMENT STANDARDS

### 15.27.508 – Prohibited Uses

The following uses and activities are prohibited within a designated hydrologically related critical area:

1. Storage, handling, and disposal of material or substances that are dangerous or hazardous with respect to water quality and life safety;
2. The placement of mining tailings, spoilage, and mining waste materials, except for that associated with the mining of gravel;
3. The draining or filling of a wetland, lake or pond, except as provided for in [YMC 15.27.519](#_15.27.519_–_Filling);
4. The removal and transport of material for fill outside of the stream corridor;
5. Site runoff storage ponds, holding tanks and ponds, and other similar waste disposal facilities. Note: This provision does not include Regional Wastewater plant facilities, collection pipes, septic systems approved by a local or state agency, and other related facilities;
6. Solid waste disposal sites;
7. Automobile wrecking yards;
8. Fill for the sole purpose of increasing land area within the stream corridor;
9. Uses located within the floodway fringe that are listed in [YMC 15.27.410](#_15.27.410_–_Prohibited); and,
10. Uses located within the floodway that are listed in [YMC 15.27.412](#_15.27.412_–_Prohibited).

### 15.27.509 – General Policies And Standards

The following policies and standards shall apply to any development, construction, or use carried out within a designated hydrologically related critical area:

1. The ordinary high water mark of a stream or lake, and the edge of a wetland shall be marked on the ground before any development, construction, or use is initiated;
2. Existing vegetation and any vegetative species pertinent to the critical area identified on the project site within the stream corridor shall only be disturbed to the minimum extent possible;
3. Nesting areas and other sensitive habitat identified within a stream corridor shall be disturbed to the minimum extent possible;
4. Projects within the stream corridor shall be scheduled to occur at times and during seasons having the least impact to spawning, nesting, or other sensitive wildlife activities. Scheduling recommendations from the appropriate state and/or federal agency may be considered;
5. Developments that obtain a stormwater permit approved by a local, state or federal agency and transportation projects using the Eastern Washington Stormwater manual are exempt from:
   1. Excavation, grading, cut/fills, compaction, and other modifications which contribute to erosion of soils shall be confined to the minimum necessary to complete the authorized work and avoid increased sediment load;
   2. The removal of ground-cover vegetation, excavation, and grading shall be scheduled for periods when soils are the least vulnerable to erosion, compaction and movement unless suitable protective measures are used to prevent erosion;
   3. Increases in impervious surface area, compaction of soil, changes in topography, and other modifications of land within a stream corridor shall provide on-site facilities for the detention, control, and filtration if potential increases have been identified to occur;
   4. The discharge point for controlled stormwater runoff shall be designed and constructed to avoid erosion; and,
   5. Matting or approved temporary ground cover shall be used to control erosion until natural vegetative ground cover is successfully established.
6. Development, construction, and uses shall not directly or indirectly degrade surface water and groundwater through the introduction of nutrients, fecal coliform, toxins, and other biochemical substances;
7. Prior to the approval of development, construction, or uses within a designated stream corridor, any existing source of biochemical or thermal degradation identified as originating on the project property shall be corrected;
8. Facilities which use fertilizers, pesticides or herbicides shall use landscaping, low-risk products, application schedules, and other protective methodology to minimize the surface and subsurface transfer of biochemical materials into the stream corridor;
9. Modifications to natural channel gradient, channel morphology, drainage patterns, and other stream features shall not permanently alter or obstruct the natural volume or flow of surface waters;
10. Development, construction, or uses within the stream corridor shall not alter or divert flood flows, cause channel shift, erosion, and increase or accelerate the flooding of upstream or downstream flood hazard areas;
11. Structures placed in close proximity to the outer edge of bends in stream channels shall be located to minimize the hazard from stream undercutting and stream bank erosion stemming from potential future stream migration;
12. The Department of Ecology and adjacent communities shall be notified prior to any alteration or relocation of a watercourse and evidence of such notification shall be submitted to the Federal Emergency Management Agency;
13. Maintenance shall be provided for the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
14. Development, construction, or uses within the hydrologically related critical area shall be mitigated using mitigation sequencing as outlined in [YMC 15.27.307](#_15.27.307_–_Mitigation);
15. Development shall not obstruct, cut off, or isolate stream corridor features;
16. Nothing in these regulations shall constitute authority of any person to trespass or in any way infringe upon the rights of private ownership;
17. If archaeological resources are uncovered during excavation, developers and property owners shall immediately stop work and notify the City of Yakima, the Washington State Office of Archaeology, and Historic Preservation and any affected Indian Nation. Archaeological sites are subject to RCW Ch. 27.44 and RCW Ch. 27.53. Development or uses that may impact such sites shall comply with WAC Ch. 25-48 Archaeological Excavation and Removal Permit;
18. Projects located within the floodway must meet the requirements of [YMC 15.27.411](#_15.27.411_–_Permitted); and,
19. Any portion of the vegetative buffer temporarily damaged or disturbed as a result of construction activities (excluding approved permanent use areas) shall be repaired at the completion of construction using the reclamation found in [YMC 15.27.521](#_15.27.521_–_Reclamation).

## WATER DEPENDENCY DEVELOPMENT STANDARDS AND BUFFER REQUIREMENTS

### 15.27.510 – Use Classifications

For purposes of this section, the components of any development, construction, or use requiring a critical area development authorization shall be classified as provided below, and shall conform with the development standards applicable to the classification provided in [YMC 15.27.511](#_15.27.511_–_Water-Dependent) – [15.27.513](#_15.27.513_–_Non-Water):

1. **Water Oriented Uses** are one of the following two (2) categories of uses:
   1. Water-dependent uses include dams, water diversion facilities, marinas, boat launching facilities, water intakes and outfalls, aquaculture, log booming, stream and wetland crossings for roads and railroads, stream and wetland crossings for utilities, swimming beaches, fishing sites, in-water or on-land shore stabilization structures, livestock watering sites, and other uses that cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of their operations. This provision applies only to the specific portion of a project that is demonstrably dependent upon the water or shore.
   2. A water-related use is one not intrinsically dependent on a waterfront location but whose economic viability is enhanced by a waterfront location either because it requires large quantities of water, or because it provides services for water dependant uses and the proximity to its customers makes such services less expensive and/or more convenient. Examples would include thermal power plants, sewage treatment plants, water processing and treatment plants, support services for fish hatcheries or aquaculture, fly shops and boat rental shops.
2. **Non-Water-Oriented Uses** include any use not qualifying as uses in subsection (A) above.

### 15.27.511 – Water-Dependent Uses

The following provisions shall apply to water-dependent uses:

1. Structures shall be clustered at locations on the water's edge having the least impact to the surface water and shore.
2. Use areas and structures which require direct shore locations shall be located and constructed to minimize impacts to the shore area and the vegetative buffer specified in [YMC 15.27.514](#_15.27.514_–_Vegetative).
3. Use areas and structures requiring direct shore locations shall minimize any obstruction or impairment of normal public navigation of the surface water.

### 15.27.512 – Water-Related Uses

The following provisions shall apply to the water-related uses:

1. Structures and use areas shall be located as far landward from the ordinary high water mark or wetland edge as is possible and still preserve the essential or necessary relationship with the surface water.
2. Structures and use areas shall not be located within the vegetative buffer specified in [YMC 15.27.514](#_15.27.514_–_Vegetative) except where existing development or the requirements associated with the use make such a location unavoidable.

### 15.27.513 – Non-Water Oriented Uses

The following provisions shall apply to non-water-oriented uses:

1. Structures and use areas shall be set back so as not to be located within the vegetative buffer specified in [YMC 15.27.514](#_15.27.514_–_Vegetative).
2. Construction abutting the vegetative buffer specified in [YMC 15.27.514](#_15.27.514_–_Vegetative) shall be designed and scheduled to ensure there will not be permanent damage or loss of the vegetative buffer.

### 15.27.514 – Vegetative Buffers

The establishment of a vegetative buffer system is necessary to protect the functions and values of certain hydrologically related critical areas. Standard and minimum buffers for streams, lakes, ponds, and wetlands are listed in Table 5-1 and 5-2.

1. Vegetative buffers shall be measured from the ordinary high water mark for streams, lakes, and ponds, and from the edge of the wetlands. The width of the buffer shall be determined according to the stream or wetland type. Buffer width may be reduced through an adjustment permit process ([YMC 15.27.317](#_15.27.317_–_Adjustment)). However, the Administrative Official may not approve reductions to the standard buffer widths for wetlands that score medium (20-28 points) or high (29-36 points) for wetland habitat function, except where it can be shown that a particular wildlife species needs within the buffer can be met with a smaller buffer.
2. Type 1 streams, lakes, and ponds are protected by the Shoreline Master Program and are not part of this Title.
3. The minimum buffer widths listed in Tables 27.5-1 and 27.5-2 are the lowest possible buffer widths allowed by means of the adjustment process. Adjustments below the minimum buffer width must meet additional approval criteria as provided in [YMC 15.27.317(3)(d)](#_15.27.317_–_Adjustment).
4. The adequacy of these standard buffer widths presumes the existence of a relatively intact native vegetative community within the buffer zone that is deemed adequate to protect the identified critical area.
   1. If the vegetation is degraded, then re-vegetation may be considered with any adjustment to the buffer width.
   2. Where the use is being intensified, a degraded buffer may be re-vegetated to maintain the standard width.

### Table 27.5-1

|  |  |
| --- | --- |
| Stream Type | Buffer Width - standard/(minimum adjustment) |
| Type 1 Shoreline streams, lakes, & ponds | 100’ |
| Type 2 streams, lakes, & ponds | 75’/(25’) |
| Type 3 streams (Perennial), lakes, & ponds | 50’/(25’) |
| Type 4 streams (Intermittent), lakes, & ponds | 25’/(15’) |
| Type 5 streams (Ephemeral) | No buffer standards Type 5 streams are not regulated as streams, but may be protected under geologically hazardous area, floodplain, stormwater, construction, grading or other development regulations. |

\*\*\*The Administrative Official may not approve reductions to the standard buffer widths for wetlands that score medium (20-28 points) or high (29-36 points) for wetland habitat function, except where it can be shown that a particular wildlife species needs within the buffer can be met with a smaller buffer.\*\*\*

### Table 27.5-2

|  |  |  |  |
| --- | --- | --- | --- |
| Type 1 Wetlands  (standard/minimum) | Type 2 Wetlands  (standard/minimum) | Type 3 Wetlands  (standard/minimum) | Type 4 Wetlands  (standard/minimum) |
| 200’/100’ | 150’/75’ | 100’/50’ | 50’/25’ |

Land Modification Development Standards

### 15.27.515 – Roads, Railroads, And Parking

The following provisions shall apply to the location and construction of roads, railroads, and parking within a designated hydrologically related critical area:

1. Roads and railroads shall not be located within a designated stream corridor except where it is necessary to cross the corridor or where existing development, topography, and other conditions preclude locations outside the stream corridor;
   1. Construction of roadways across stream corridors shall be by the most direct route possible having the least impact to the stream corridor;
   2. Roadways that must run parallel to streams or wetlands shall be along routes having the greatest possible distance from stream or wetland and the least impact;
   3. Roadways within the stream corridor shall not hydrologically obstruct, cut-off or isolate stream corridor features, unless it is clearly unavoidable;
2. Material excavated from the roadway area to achieve the design grade shall be used as fill where necessary to maintain grade or shall be transported outside the stream corridor;
3. Necessary fill to elevate roadways shall not impede the normal flow of floodwaters or cause displacement that would increase the elevation of flood waters such that it would cause properties not in the floodplain to be flood-prone;
4. Spoil, construction waste, and other debris shall not be used as road fill or buried within the stream corridor;
5. Bridges and water-crossing structures shall not constrict the stream channel or impede the flow of ordinary high water, sediment, and woody debris;
6. The preservation of natural stream channels and drainage ways shall be preferred over the use of culverts. Where culverts are the preferred method, large, natural bottom culverts, multi-plate pipes, and bottomless arches are preferred;
7. The alignment and slope of culverts shall parallel and match the natural flow of streams or drainage ways and shall be sized to accommodate the volume, flow and velocity of ordinary high water and shall terminate on stable, erosion-resistant materials;
8. Where fish are present, culverts shall be designed and constructed to specifications provided through the Department of Fish and Wildlife;
9. At least one end of a wood stringer bridge shall be anchored to prevent the bridge from being washed away during a high water event;
10. Roads must be designed and constructed using established flood resistant design and construction methods when the road is possibly subject to flood water damage; and,
11. Roads and bridges within floodways must meet the requirements of [YMC 15.27.411(C) & (H)](#_15.27.411_–_Permitted), unless an engineer can demonstrate another appropriate method.

### 15.27.516 – Utility Transmission Lines And Facilities

The following provisions shall apply to the location, construction, and installation of utility transmission lines (such as those for wastewater, water, communication, natural gas) within a designated hydrologically related critical area:

1. Utility transmission lines shall be permitted within the stream corridor only where it is necessary to cross the corridor or where development, topography, and other conditions preclude locations outside the stream corridor.
2. Utility transmission lines across stream corridors shall be by the most direct route possible having the least impact to the stream corridor.
3. The construction of utility transmission lines within a stream corridor shall be designed and located to provide a minimum disruption to the functional properties.
4. Utility lines under streams and wetlands shall be placed in a sleeve casing to allow easy replacement or repair with minimal disturbance to the stream corridor.
5. Buried utility transmission lines crossing a stream corridor shall be buried a minimum of four feet below the maximum scour or 1/3 of the bankfull depth of the waterway, whichever is greater, and for a similar depth below any associated floodway and floodplain to the maximum extent or potential channel migration as determined by hydrologic analysis.
6. Wherever possible, new aboveground installations shall use existing bridges or pole facilities.
7. Aboveground electrical support towers and other similar transmission structures shall be located as far upland as is reasonably practical.
8. Transmission support structures shall be located clear of high flood velocities and located in areas of minimum flood depth, which require the least amount of floodproofing.
9. Underground utility transmission lines shall be constructed so they do not alter, intercept or dewater groundwater patterns that support streams, wetlands and hyporheic flow.
10. All new and replacement water supply systems and wastewater systems within a special flood hazard area must meet the requirements of [YMC 15.27.407(B)](#_15.27.407_–_General) (re: infiltration or discharge into or out of the system).
11. Utility transmission lines within the Floodway Fringe shall meet the standards of [YMC 15.27.409(B)](#_15.27.409_–_Permitted).
12. Utility transmission lines within the Floodway shall meet the standards of [YMC 15.27.411(C)](#_15.27.411_–_Permitted).

### 15.27.517 – Shore Stabilization

The following provisions shall apply to shore stabilization projects:

1. Shore stabilization projects shall be allowed only where there is evidence of erosion which clearly threatens existing property, structures, or facilities, and which stabilization will not jeopardize other upstream or downstream properties;
2. Stabilization projects shall be developed under the supervision of, or in consultation with, agencies or professionals with appropriate expertise;
3. Stabilization projects shall be confined to the minimum protective measures necessary to protect the threatened property;
4. The use of fill to restore lost land may accompany stabilization work, provided the resultant shore does not extend beyond the new ordinary high water mark, finished grades are consistent with abutting properties, a restoration plan is approved for the area, and the fill material is in compliance with [YMC 15.27.519](#_15.27.519_–_Filling).;
5. Stabilization projects shall use design, material, and construction alternatives that does not require high or continuous maintenance, and which prevents or minimizes the need for subsequent stabilization of the shore's other segments;
6. Alternative Preferences Vegetation, berms, bioengineering techniques, and other nonstructural alternatives, which preserve the natural character of the shore shall be preferred over riprap, concrete revetments, bulkheads, breakwaters, and other structural stabilization. While riprap, rock or other natural materials shall be preferred over concrete revetments, bulkheads, breakwaters and other structural stabilization;
7. Applications to construct or enlarge dikes or levees shall meet the requirements of [YMC 15.27.411(G)](#_15.27.411_–_Permitted);
8. Revetments and bulkheads shall be no higher than necessary to protect and stabilize the shore;
9. Breakwaters shall be constructed of floating or open-pile designs rather than fill, riprap, or other solid construction methods; and,
10. All new flood control projects shall define maintenance responsibilities and a funding source for operations, maintenance and repairs for the life of the project.

### 15.27.518 – Dredging And Excavation

The following provisions shall apply to dredging and excavation within a designated hydrologically related critical area:

1. Dredging in surface waters shall be allowed only where necessary:
   1. Because of existing navigation needs;
   2. Habitat improvement;
   3. Maintenance; and,
   4. Construction of water dependant uses.
2. Dredging and excavation shall be confined to the minimum area necessary to accomplish the intended purpose or use.
3. Hydraulic dredging or other techniques that minimize the dispersal and broadcast of bottom materials shall be preferred over agitation forms of dredging.
4. Curtains and other appropriate mechanisms shall be used to minimize widespread dispersal of sediments and other dredge materials.
5. Entries across shore and wetland edges to accomplish dredging or excavation shall be confined to the minimum area necessary to gain entry and shall be confined to locations with the least potential for site disturbance and damage.
6. Dredging and excavation shall be scheduled at times having the least impact to fish during spawning, nesting, and other identified natural processes.
7. Dredge spoils are also considered fill, and shall not be deposited within the stream except where such deposit is in accordance with approved procedures intended to preserve or enhance wildlife habitat, natural drainage, or other naturally occurring conditions.

### 15.27.519 – Filling

The following provisions shall apply to filling activities within a designated hydrologically related critical area:

1. Fill within surface waters or wetlands shall be allowed only where necessary in conjunction with water-dependent uses, or an approved reclamation plan under [YMC 15.27.521](#_15.27.521_–_Reclamation) or approved compensatory mitigation plan under [YMC 15.27.604](#_15.27.604_–_Compensatory).
2. Fill for the purpose of increasing elevation may be permitted if it can be accomplished in a manner consistent with this Chapter’s policies.
3. Fill shall be the minimum necessary to accomplish the use or purpose and shall be confined to areas having the least impact to the stream corridor. Other alternatives should be preferred over fill to elevate new homes in the floodplain, such as increasing foundation height or zero-rise methods such as piers, posts, columns, or other methods.
4. Fill in floodplains shall meet the requirements of Part Four, Flood Hazard Areas.
5. Unless site characteristics dictate otherwise, fill material within surface waters or wetlands shall be sand, gravel, rock, or other clean material, with a minimum potential to degrade water quality.
6. Fill placement shall be scheduled at times having the least impact to fish during spawning, nesting, and other identified natural processes.
7. Fill and finished surface material shall require low maintenance, provide high resistance to erosion, and prevent or control the migration of sediments and other material from the fill area to surrounding water, shore, and wetlands, unless the Washington Department of Fish and Wildlife indicates other options are preferred.
8. Projects that propose fill shall make every effort to acquire fill onsite (compensatory storage) where appropriate.
9. Fill should not obstruct, cut off, or isolate stream corridor features.

### 15.27.520 – Commercial Mining Of Gravel

The following provisions shall apply to the commercial mining of gravel within a designated hydrologically related critical area:

1. Prior to the authorization of commercial gravel mining operation, the project proponent shall provide maps to scale which illustrate the following:
   1. The extent to which gravel excavation and processing will affect or modify existing stream corridor features, including existing riparian vegetation;
   2. The location, extent and size in acreage of any pond, lake, or feature that will be created as a result of mining excavation;
   3. The description, location, and extent of any proposed subsequent use that would be different than existing uses.
2. Wherever feasible, the operations and any subsequent use or uses shall not cause permanent impairment or loss of floodwater storage, wetland, or other stream corridor features. Mitigation shall provide for the feature's replacement at equal value except wetlands which shall be mitigated according to guidance in the Washington State Department of Ecology’s Wetland Mitigation in Washington State, Parts 1 and 2 (March 2006 or as updated).
3. Any surface mining allowed within the floodway shall meet the standards of [YMC 15.27.411(B)](#_15.27.411_–_Permitted).
4. Except where authorized by City of Yakima in consultation with the State Department of Fish and Wildlife and Department of Ecology, the following shall apply:
   1. The excavation zone for the removal of gravels shall be located a minimum of one hundred feet upland from the ordinary high water mark (OHWM) of the stream channel.
   2. Equipment shall not be operated, stored, refueled, or provided maintenance within one hundred feet of the OHWM.
   3. Gravel washing, rock-crushing, screening, or stockpiling of gravels shall not occur within one hundred feet of the OHWM.
5. Mining proposals shall be consistent with the Washington Department of Natural Resources Surface Mine Reclamation Standards, (WAC Ch. 332-18, RCW Ch. 78.44).

### 15.27.521 – Reclamation

The following guidelines shall apply to the reclamation of disturbed sites resulting from development activities with a designated hydrologically related critical area:

1. Development, construction, or uses shall include the timely restoration of disturbed features to a natural condition or to a stabilized condition that prevents degradation;
2. Large-scale projects that extend over several months shall be phased to allow reclamation of areas where work or operations have been completed;
3. Reclamation shall be scheduled to address precipitation, meltwater runoff, growing season, and other seasonal variables that influence restoration and recovery;
4. Topography shall be finished to grades, elevations, and contours consistent with natural conditions in adjacent and surrounding areas;
5. Where existing development and construction prevent return of a site to its natural condition, sites may be finished to conditions comparable to surrounding properties provided suitable protective measures are used to prevent stream corridor degradation;
6. Cut-and-fill slopes shall be stabilized at, or at less than the normal angle of repose for the materials involved;
7. For the replacement or enhancement of vegetation within wetlands and required vegetative buffers naturally occurring, native plant species shall be used; and,
8. In other parts of the stream, naturally occurring, native plant species shall be used, unless a showing of good cause acceptable to the Administrative Official or designee is provided. Should good cause be shown then self-maintaining or low-maintenance plant species compatible with the native vegetation shall be used in place of non-native and high-maintenance species.

## CHAPTER 15.27 - PART SIX - WETLANDS

**Sections:**

[**15.27.600**](#_15.27.600_Purpose_and) **Purpose and Intent**

[**15.27.601**](#_15.27.601_–_Designating) **Designating and Mapping**

[**15.27.602**](#_15.27.602_–_Protection) **Protection Approach**

[**15.27.603**](#_15.27.603_–_Wetland) **Wetland Functions and Rating**

[**15.27.604**](#_15.27.604_–_Compensatory) **Compensatory Mitigation**

[**15.27.605**](#_15.27.605_–_Wetland) **Wetland Mitigation Banks**

### 15.27.600 – Purpose And Intent

The purpose and intent of the provisions protecting wetland critical areas is equivalent to the purpose and intent for [YMC 15.27.500](#_15.27.500_–_Purpose).

### 15.27.601 – Designating And Mapping

1. Wetlands are all areas meeting the definition for wetlands as defined in [YMC 15.27.200](#_15.27.200_–_Definitions) and are hereby designated critical areas which are subject to YMC Ch. 15.27, except the following:
   1. Irrigation systems that create an artificial wetlands; and,
   2. Areas where changes in irrigation practices have caused wetland areas to dry up.
2. The approximate location and extent of wetlands are shown on maps maintained by The City of Yakima. These maps may include information from the National Wetlands Inventory produced by the U.S. Fish and Wildlife Service and are to be used as a guide for the City of Yakima.

### 15.27.602 – Protection Approach

Wetlands will be protected using the Protection Approach for Hydrologically Related Critical Areas found in [YMC 15.27.501](#_15.27.501_–_Protection). Wetlands and their functions will be protected using the standards found in Part Four.

### 15.27.603 – Wetland Functions And Rating

1. Wetlands are unique landscape features that are the interface between the aquatic and terrestrial environments. Wetlands provide the following functions:
   1. Biogeochemical functions, which improve water quality in the watershed (such as nutrient retention and transformation, sediment retention, metals, and toxics retention and transformation).
   2. Hydrologic functions, which maintain the water regime in a watershed, such as: flood flow attenuation, decreasing erosion, and groundwater recharge.
   3. Food and habitat functions, which includes habitat for invertebrates, amphibians, anadromous fish, resident fish, birds, and mammals.
2. Wetlands shall be rated based on categories that reflect the functions and values of each wetland and shall be based on the criteria provide in the Washington State Wetland Rating System for Eastern Washington, revised August 2004 (Ecology Publication #04-06-15 which are summarized below:
   1. Category I wetlands are more sensitive to disturbance than most wetlands; relatively undisturbed; and contain ecological attributes that are difficult to replace. Generally, these wetlands are not common and make up a very small percentage of the wetlands within the City of Yakima. The following types of wetlands are classified as Category I:

a. Wetlands scoring 70 points or more (out of 100) in the Eastern Washington Wetland Rating System (EWWRS);

b. Alkali wetlands;

c. Natural heritage wetlands (wetlands identified by Washington Department of Natural Resources Natural Heritage Program scientists); and,

d. Bogs.

* 1. Category II wetlands are difficult but not impossible to replace and provide high levels of some functions. Category II wetlands include:

a. Wetlands scoring between 51-69 points (out of 100) in the EWWRS;

b. Unassociated vernal pools; and,

c. Forested Wetlands

* 1. Category III wetlands are often smaller, less diverse, and/or more isolated from other natural resources. Category III wetlands include:

a. Wetlands with a moderate level of functions (scoring between 30 -50 points) in the EWWRS; and,

b. Associated vernal pools.

* 1. Category IV wetlands have the lowest levels of functions, scoring less than 30 points in the EWWRS. Category IV wetlands are often heavily disturbed and are wetlands that should be able to be replaced.

1. Wetlands shall be rated as they exist on the day of project application submission. Information regarding the original condition of illegally modified wetlands that can not be discerned from aerial photographs or other reliable information sources shall use the highest appropriate points value within each missing data field of the EWWRS rating sheet to complete the rating.

### 15.27.604 – Compensatory Mitigation Requirements

Projects that propose compensation for wetland acreage and/or functions are subject to State and Federal regulations. Compensatory mitigation for alterations to wetlands shall provide for a no net loss of wetland functions and values, and must be consistent with the mitigation plan requirements of [YMC 15.27.314(M)](#_15.27.314_–_Critical). The following documents were developed to assist applicants in meeting the above requirements.

1. Compensatory mitigation plans must be consistent with Guidance on Wetland Mitigation in Washington State Part 2: Guidelines for Developing Wetland Mitigation Plans and Proposals or as revised (Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10; Ecology publication number 04-06-013B).
2. Compensatory mitigation application and ratios for mitigation of wetlands shall be consistent with “Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands – Appendix 8-D- § 8-D3” or as revised (Washington State Department of Ecology. Publication # 05-06-008).

### 15.27.605 – Wetland Mitigation Banks

1. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
   1. The bank is certified under RCW Ch. 90.84 or WAC Ch. 173-700;
   2. The Administrative Official determines that the wetland mitigation bank can provide appropriate compensation for the authorized impacts; and,
   3. The proposed use of credits is consistent with the terms and conditions of the bank’s certification.
2. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank’s certification.
3. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank’s certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.

## CHAPTER 15.27 - PART SEVEN - GEOLOGICALLY HAZARDOUS AREAS

**Sections:**

[**15.27.700**](#_15.27.700_–_Purpose) **Purpose and Intent**

[**15.27.701**](#_15.27.701_–_Mapping) **Mapping and Designation**

[**15.27.702**](#_15.27.702_–_Geologically) **Geologically Hazardous Areas Protection Approach**

[**15.27.703**](#_15.27.703_–_Development) **Development Review Procedure for Geologically Hazardous Areas**

[**15.27.704**](#_15.27.704_–_General) **General Protection Requirements**

### 15.27.700 – Purpose and Intent

1. Geologically hazardous areas include those areas susceptible to erosion, sliding, earthquake, or other geological events. These areas pose a threat to the health and safety of the City of Yakima’s citizens when incompatible development is sited in significantly hazardous areas. When mitigation is not feasible, development within geologically hazardous areas should be avoided.
2. The purpose of this section is to:
   1. Minimize risks to public health and safety and reduce the risk of property damage by regulating development within geologically hazardous areas;
   2. Maintain natural geological processes while protecting new and existing development; and,
   3. Establish review procedures for development proposals in geologically hazardous areas.
3. This section does not imply that land outside mapped geologically hazardous areas or uses permitted within such areas will be without risk. This section shall not create liability on the part of the City of Yakima, any officer, or employee thereof for any damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

### 15.27.701 – Mapping And Designation

1. Geologically hazardous areas are areas that are susceptible to one or more of the following, based on WAC 365-190-080(4)(b)-(h):
   1. Erosion hazards;
   2. Landslide hazards, which include:

a. over steepened slopes;

b. alluvial fan/flash flooding;

c. avalanche; and,

d. stream undercutting;

* 1. Seismic hazards (referred to below as earthquake hazards); and,
  2. Volcanic hazards.

1. The approximate location and extent of erosion hazard areas are shown on the City of Yakima’s critical area map titled “Erosion Hazard Areas of the City of Yakima.” Erosion hazard areas were identified by using the “Soil Survey of Yakima County Area, Washington” and the “Soil Survey of Yakima Indian Reservation Irrigated Area, Washington, Part of Yakima County.”
2. The approximate location and extent of Geologically Hazardous Areas are shown on the City’s critical area map titled “Geologically Hazardous Areas of the City of Yakima.” The following geologically hazardous areas have been mapped and classified using the criteria found in WAC 365-190-080(4)(b)-(h):
   1. Landslide Hazard Areas (LS). These include places where landslides, debris flows, or slumps have occurred.

a. High Risk (LS3) is defined as areas that are presumed to have had a landslide, debris flow, or slump within 10,000 years or less.

b. Intermediate Risk (LS2) is defined as areas where landslides, debris flows, or slumps are older than 10,000 years, but are still capable of movement.

c. Low Risk areas are defined as: Areas unlikely to fail. These areas are unlabeled and combined with other Low Risk categories.

* 1. Over Steepened Slope Hazard Areas (OS). These include areas with slopes steep enough to create a potential problem.

a. High Risk areas (OS3) are defined as having a high potential to fail, include slopes greater than 40%, and consist of areas of rock fall, creep, and places underlain with unstable materials.

b. Intermediate Risk areas (0S2) are defined as areas less likely to fail but are still potentially hazardous. This category includes slopes between 15% and 40%.

c. Low Risk areas are defined as areas unlikely to fail. These areas are unlabeled and combined with other Low Risk categories.

* 1. Alluvial Fan/Flash Flooding Hazard Areas (AF). These areas include locations where flash floods can occur and are often associated with inundation by debris from flooding. These area may include:

a. Alluvial fans;

b. Canyons;

c. Gullies; and,

d. Small streams where catastrophic flooding can occur.

* 1. Avalanche Risk Hazard Areas (AR). Areas of avalanche hazards are limited to areas near Cascade Crest, which are currently located outside the City of Yakima’s UGA.
  2. Stream Undercutting Hazard Areas (SU). These areas are confined to banks near main streams and rivers where undercutting of soft materials may result.

a. High Risk areas (SU3) include steep banks of soft material adjacent to present stream courses.

b. Intermediate Risk areas (SU2) are banks along the edge of a flood plain but away from the present river course.

c. Low Risk areas (SU1) are unlabeled and combined with other Low Risk areas on the maps.

* 1. Earthquake Activity Hazard Areas (EA). Recorded earthquake activity in the City of Yakima is mostly marked by low magnitude events and thus low seismic risk. The City of Yakima’s Low Risk areas are unlabeled and combined with other low risk hazards.
  2. Suspected Geologic Hazard Areas (SUS). These are areas for which detailed geologic mapping is deficient but preliminary data indicate a potential hazard may exist. No risk assessment (1-2-3) is given for these areas. Most are probably OS or LS hazards.
  3. Risk Unknown Hazard Areas (UNK). This category is limited to areas where geologic mapping is lacking or is insufficient to make a determination. All of these areas are associated with other classified geologic hazards.

1. Volcanic Hazard Areas are not mapped but are defined as areas subject to pyroclastic (formed by volcanic explosion) flows, lava flows, and inundation by debris flows, mudflows or related flooding resulting from volcanic activity. Volcanic Hazard Areas in the City of Yakima are limited to pyroclastic (ash) deposits. No specific protection requirements are identified for volcanic hazard areas.

### 15.27.702 – Geologically Hazardous Areas Protection Approach

The geologically hazardous areas protection approach can be met by following the guidelines below and by implementing the appropriate sections of the Building Code as adopted in YMC Title 11.

1. **Erosion Hazard Areas**. Protection measures for erosion hazard areas will be accomplished by implementing the regulatory standards for erosion and drainage control required under YMC Title 11 Building Code. YMC Title 11 requirements can be met by the application of the Best Management Practices (BMPs) in the Eastern Washington Stormwater Manual (WDOE Publication number 04-10-076); equivalent manual adopted by the City of Yakima; or any other approved manual deemed appropriate by the Building Official.
2. **Landslide Hazard Areas**. Protection measures for landslide hazard areas will be accomplished through the review process of [YMC 15.27.703](#_15.27.703_–_Development) by implementing the development standards of [YMC 15.27.704](#_15.27.704_–_General).
3. **Alluvial Fan/Flash Flooding Hazard Areas**. Protection measures for alluvial fan/flash flooding hazard areas will be accomplished through the review process of [YMC 15.27.703](#_15.27.703_–_Development).
4. **Stream Undercutting Hazard Areas** - Protection measures for stream undercutting hazard areas will be accomplished by Critical Areas review for flood hazards, streams, and Shoreline jurisdiction.
5. **Avalanche Hazard Areas**. This condition is outside the City of Yakima’s UGA and, therefore, does not apply.
6. **Oversteepened Slope Hazard Areas**. Protection measures for oversteepened slope hazard areas will be accomplished through the review process of [YMC 15.27.703](#_15.27.703_–_Development), by implementing the development standards of [YMC 15.27.704](#_15.27.704_–_General).
7. **Earthquake/Seismic Hazard Area Protection Standards**. Protection measures for earthquake/seismic hazard areas will be accomplished by implementing the appropriate sections of the Building Code as adopted in YMC Title 11.
8. **Suspected Geologic Hazard Areas And Risk Unknown Hazard Areas**. Protection measures for suspected geologic hazard areas and risk unknown hazard areas will be accomplished through the review process of [YMC 15.27.703](#_15.27.703_–_Development) and by implementing the development standards of [YMC 15.27.704](#_15.27.704_–_General).

### 15.27.703 – Development Review Procedure For Geologically Hazardous Areas

1. The Administrative Official shall make a Determination of Hazard to confirm whether the development or its associated facilities (building site, access roads, limits of grading/ excavation/ filling, retaining walls, septic drainfields, landscaping, etc.) are located:
   1. Within a mapped geologically hazardous area;
   2. Adjacent to or abutting a mapped geologically hazardous area and may result in or contribute to an increase in hazard, or pose a risk to life and property on or off the site;
   3. Within a distance from the base of an adjacent landslide hazard area equal to the vertical relief of said hazard area; or,
   4. Within the potential run-out path of a mapped avalanche hazard.
2. Developments that receive an affirmative Determination of Hazard by the Administrative Official under subsection (A) above, must conduct a Geologic Hazard Report as provided in [YMC 15.27.315(C)](#_15.27.315_–_Supplemental), which may be part of a GeoTechnical Report required below.
   1. If the Geologic Hazard Report determines that no hazard exists or that the project area lies outside the hazard, then no Geologic Hazard review is needed.
   2. The Administrative Official is authorized to waive further Geologic Hazard review for oversteepened slopes on the basis that the hazards identified by the Geologic Hazard report will be adequately mitigated through the issuance of a grading or construction permit.
3. Developments that receive an affirmative Determination of Hazard, but do not meet the provisions of subsection (B)(1) or (B)(2) above, must:
   1. Obtain a Critical Areas Development Authorization under Part Three;
   2. Submit a GeoTechnical Report that is suitable for obtaining grading and construction permits that will be required for development;

a. The geo-technical report shall incorporate a submitted assessment which includes the design of all facilities;

b. A description and analysis of the risk associated with the measures proposed to mitigate the hazards; and,

c. Ensure the public safety, and protect property and other critical areas; and,

* 1. Be consistent with [YMC 15.27.704](#_15.27.704_–_General).

### 15.27.704 – General Protection Requirements

1. Grading, construction, and development and their associated facilities shall not be located in a geologically hazardous area, or any associated setback for the project recommended by the GeoTechnical Report, unless the applicant demonstrates that the development is structurally safe from the potential hazard, and that the development will not increase the hazard risk onsite or off-site.
2. Development shall be directed toward portions of parcels, or parcels under contiguous ownership, that are at the least risk of hazard in preference to lands with higher risk, unless determined to be infeasible in the GeoTechnical Report.
3. The GeoTechnical Report shall incorporate methods to ensure that education about the hazard and any recommended buildable area for future landowners is provided.
4. The applicable requirements of grading and construction permits for developments in hazardous areas must be included in the development proposal and GeoTechnical Report.

## CHAPTER 15.27 PART EIGHT - CRITICAL AQUIFER RECHARGE AREAS (CARA)

**Sections:**

[**15.27.800**](#_15.27.800_Purpose_and) **Purpose and Intent**

[**15.27.810**](#_15.27.810_Mapping) **Mapping**

[**15.27.820**](#_15.27.820_Protection_Approach) **Protection Approach**

### 15.27.800 – Purpose And Intent

1. The Growth Management Act (RCW Ch. 36.70A) requires local jurisdictions to protect areas with a critical recharging effect on aquifers used for potable water or areas where drinking aquifers are vulnerable to contamination. These areas are referred to as Critical Aquifer Recharge Areas (CARA) in this section.
2. Potable water is an essential life sustaining element and much of the City of Yakima’s drinking water comes from groundwater supplies. Once groundwater is contaminated it can be difficult and costly to clean. In some cases, the quality of groundwater in an aquifer is inextricably linked to its recharge area.
3. The intent of this section is to:
   1. Preserve, protect, and conserve the City of Yakima's CARA from contamination; and,
   2. Establish a protection approach that emphasizes the use of existing laws and regulations while minimizing the use of new regulations.
4. It is not the intent of this ordinance to:
   1. Regulate everyday activities (including the use of potentially hazardous substances that are used in accordance with State and Federal regulations and label specifications);
   2. Enforce or prevent illegal activities;
   3. Regulate land uses that use or store small volumes of hazardous substances (including in-field agricultural chemical storage facilities, which do not require permits, or are already covered under existing state, federal, or county review processes and have detailed permit review);
   4. Establish additional review for septic systems, which are covered under existing City of Yakima review processes;
   5. Establish additional review for stormwater control, which is covered under existing review processes and has detailed permit review; or,
   6. Require review for uses that do not need building permits and/or zoning review.

The above items are deemed to have small risks of CARA contamination or are beyond the development review system’s ability to control.

### 15.27.810 – Mapping

1. **Mapping Methodology**. The CARA is depicted in the map titled “Critical Aquifer Recharge Areas of the City of Yakima” located within the City of Yakima's 2006 Urban Area Comprehensive Plan 2025. The CARA map was developed through a geographic information system (GIS) analysis using the methodology outlined in the Washington Department of Ecology “Guidance Document for the Establishment of Critical Aquifer Recharge Area Ordinances” (Publication #97-30). The approximate location and extent of critical aquifer recharge areas are depicted on the above mentioned map, and are to be used solely as a guide for the City. The CARA map estimates areas of moderate, high, and extreme susceptibility of contamination, as well as, wellhead protection areas. In characterizing the hydrogeologic susceptibility of these recharge areas with regard to contamination, the following physical characteristics were utilized:
   1. Depth to ground water;
   2. Soil (texture, permeability, and contaminant attenuation properties);
   3. Geologic material permeability; and,
   4. Recharge (amount of water applied to the land surface, including precipitation and irrigation).
2. **Wellhead Protection Areas**. The CARA map includes those Wellhead Protection Areas for which the City of Yakima has maps. Wellhead Protection Areas are required for all Class A public water systems in the State of Washington. The determination of a wellhead protection area is based upon the time of travel of a water particle from its source to the well. Water purveyors collect site specific information to determine the susceptibility of the water source to surface sources of contamination. Water sources are ranked by the Washington State Department of Health with a high, moderate, or low susceptibility to surface contamination. Wellhead protection areas are defined by the boundaries of the ten (10) year time of ground water travel, in accordance with WAC 246-290-135. For purposes of this Chapter, all wellhead protection areas shall be considered highly susceptible.

### 15.27.820 – Protection Approach

1. Maps shall be used only as an informational resource to communicate with applicants regarding potential problems in meeting the applicable laws on a particular site. The maps indicate that areas of high susceptibility tend to be located in valley bottoms and follow along floodplain and stream corridors. Extreme susceptibility locations are located largely within floodplains and along streams and wetlands.
2. Land uses are subject to many existing, federal, state, local, or tribal laws regarding the handling of substances that may contaminate CARAs. Disclosure, educational information, and coordination of existing laws during existing review processes can accomplish the requirement to protect the CARA. Consequently, the City of Yakima’s protection of the CARA shall be accomplished through normal project permit review under various Yakima Municipal Code sections, especially the stream protection standards in YMC Ch. 15.27 (Part Five Fish and Wildlife Habitat and the Stream Corridor System); YMC Title 11, which provides detailed construction, use, and fire/life-safety standards for the storage and handling of dangerous and hazardous substances to a greater extent than most existing state; and federal laws.
3. The Administrative Official shall develop and maintain a list of the relevant laws noted above. This list shall be informational and it is intended to be used in coordination with development permit review. This list shall be periodically reviewed and updated so as to provide the most comprehensive list possible to inform project applicants of the requirements of other agencies.
4. The Administrative Official shall also develop and maintain a table of land uses with the potential of being subject to the relevant laws noted above. The table shall be generated and maintained using the intent stated in [YMC 15.27.800(D)](#_15.27.800_–_Purpose).
5. The Building Official and Water/Irrigation Manager shall cooperatively develop questionnaires, to be filled out by new development permit applicants, which comprehensively establish the potential use, storage, and handling methods within the project for substances that have the potential to contaminate groundwater. The questionnaires are intended to ensure full application of existing building and construction codes related to such substances in order to forestall new regulations.
6. The Building Official and Water/Irrigation Manager shall develop technical assistance and information materials to assist landowners and developers with understanding and meeting relevant existing federal, state, and local laws relating to CARAs.

## Chapter 15.28 MASTER PLANNED DEVELOPMENT OVERLAY

**Sections:**

[**15.28.010**](#_15.28.010_–_Purpose) **Purpose**

[**15.28.020**](#_15.28.020_–_Types) **Types of Master Planned Development Overlays – Permitted Uses**

[**15.28.025**](#_15.28.025_–_Minimum) **Minimum Project Size**

[**15.28.030**](#_15.28.030_–_Application) **Application – Master Planned Development Overlay**

[**15.28.035**](#_15.28.035_–_Phased) **Phased Development**

[**15.28.038**](#_15.28.038_–_Planned) **Planned Action – Environmental Review**

[**15.28.040**](#_15.28.040_–_Review) **Review Process**

[**15.28.050**](#_15.28.050_–_Master) **Master Planned Development Overlay – Development Agreement**

[**15.28.060**](#_15.28.060_–_Implementing) **Implementing Permits and Approvals**

[**15.28.070**](#_15.28.070_–_Vesting.) **Vesting**

[**15.28.080**](#_15.28.080_Modification_of) **Modification of an Approved Master Planned Development Overlay**

### 15.28.010 – Purpose

1. **Purpose**. A Master Planned Development Overlay (PD) is a comprehensive development plan intended to provide flexibility in design and building placement, promote attractive, and efficient environments that incorporate a variety of uses, densities and/or dwelling types, provide for economy of shared services and facilities, and economically utilize the land, resources, and amenities. A Master Planned Development Overlay is intended to create regulatory incentives and standards that:
   1. Allow flexibility in development standards and permitted uses while ensuring compatibility with neighboring uses;
   2. Facilitate the efficient use of land and provide for a comprehensive review of integrated development projects;
   3. Increase economic feasibility by fostering efficient arrangement of land use, buildings, transportation systems, open space and utilities;
   4. Preserve or enhance natural amenities, features, Shorelines and Critical Areas in the development of a particular site;
   5. Identify significant environmental impacts and ensure appropriate mitigation;
   6. Provide certainty regarding the character, timing and conditions for planned residential, commercial, industrial and mixed use development within an identified geographic area and vest such projects through a public review process;
   7. Encourage environmentally sustainable development;
   8. Provide needed services and facilities in an orderly, fiscally responsible manner;
   9. Promote economic development, job creation and diversification and affordable housing in the City/County;
   10. Create vibrant mixed-use neighborhoods, with a balance of housing, employment, commercial and recreational opportunities; and,
   11. Promote consistency with the goals, policies and objectives of the Yakima Urban Area Comprehensive Plan.
2. A Master Planned Development may take the form of a residential, commercial, industrial, or mixed-use development. Each is intended to accommodate and facilitate larger scale development designed to accomplish integrated and flexible site planning. Residential, Commercial and Industrial Master Planned Developments shall be allowed in zoning districts consistent with the primary use of the respective Master Planned Development (e.g., residential PD in residential zones). A Master Planned Development-mixed use shall be permitted in any zoning district subject to specific findings that the site and master concept plan are compatible with existing adjacent land uses.
3. Applicants for Master Planned Development will be encouraged to utilize unique and innovative facilities that encourage the efficient and economical use of the land; promote a sound system for traffic and pedestrian circulation; promote open space and use of natural and/or developed amenities; and provide an architecturally attractive, durable, and energy efficient development.

### 15.28.020 – Types Of Master Planned Development Overlays – Permitted Uses

1. **Types of Master Planned Developments**. The following four types of Master Planned Development Overlays are authorized within the Yakima Urban Area:
   1. Master Planned Development - Residential. A residential Master Planned Development is designed to provide a type or mixture of residential dwellings (single-family, two-family, or multiple-family) with attendant streets, utilities, public facilities, and appurtenant common open space and recreational facilities or other areas or facilities. A residential Master Planned Development is authorized in any residential zone (Suburban Residential (SR), Single Family Residential (R-1), Two Family Residential (R-2), and Multi-Family Residential (R-3)); and Professional Business (B-1) and Local Business (B-2) zones. The residential Master Planned Development may include incidental or supporting uses and facilities that are consistent with the primary use of the site for residential dwelling units.
   2. Master Planned Development - Commercial. A commercial Master Planned Development is designed for the integrated site planning of commercial, retail, office, or mixed commercial use (commercial, office and retail) developments. The commercial Master Planned Development shall be for the primary purpose of providing commercial services and facilities, and may include any incidental and/or supportive land uses. A commercial Master Planned Development is authorized in any commercial or business district (i.e., B-1, B-2, SCC, LCC, AS, GC, CBD, and RD) and Light Industrial (M-1) as identified in [Table 4-1](#_TABLE_4-1).
   3. Master Planned Development - Industrial. An industrial Master Planned Development is designed to allow for the innovative site planning of industrial land uses and facilities, industrial parks and business parks. The industrial Master Planned Development shall be allowed in Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts as designated in [Table 4-1](#_TABLE_4-1).
   4. Master Planned Development – Mixed Use. The intent of the Mixed Use Master Planned Development is to encourage the innovative mixture of residential, office, commercial, retail, and certain light manufacturing uses. Uses may be combined in single structures or buildings or may be designed in conjunction with other uses.

A Mixed Use Master Planned Development is intended to accommodate larger scale residential, commercial, retail, office, and/or recreational uses. It is recognized that mixed use development will include innovative planning techniques; a mixture and variety of land uses; integrated planning of site improvements and structures; and site planning that increases the economic feasibility and efficient use of land. A mixed use Master Planned Development is authorized in any zoning district except Airport Support (AS) and Heavy Industrial (M2).

1. **Master Planned Developments - Permitted Uses**. The following uses are permitted in Master Planned Developments upon approval of a Master Development Plan:
   1. Residential Master Planned Developments.

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

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

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

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

e. Manufactured home park and subdivision, provided that the provisions of [YMC 15.04.150](#_15.04.150_–_Standards) shall be met as a condition of approval of the Master Planned Development; and,

f. Any other uses authorized in the underlying zone are pursuant to Type (1), (2), or (3) review and are set forth in [Table 4-1](#_TABLE_4-1).

* 1. Commercial and Industrial Master Planned Developments.

a. Uses are permitted in accordance with those uses allowed within the underlying zoning district as identified in [Table 4-1](#_TABLE_4-1).

b. Such other uses as are consistent with the Yakima Urban Area Comprehensive Plan and Future Land Use Map or are of a similar type and intensity as those uses allowed within the underlying zoning district as identified in [Table 4-1](#_TABLE_4-1).

* 1. Mixed Use Master Planned Development. Any residential, retail, commercial, office, public, light industrial, and/or recreational use may be permitted in a Mixed Use Master Planned Development provided such uses are designed in harmony with the overall site plan and do not adversely impact adjoining properties and development. It is recognized that uses may include a combination of residential, commercial, retail, service, and recreational uses developed in an innovative manner. It is the intent of this district to provide flexibility in design, concept, and usage in order to respond to and meet the needs of the community and marketplace.

1. **Additional Uses Allowed**. Unless otherwise restricted by [YMC 15.28.020(B)](#_15.28.020_–_Types), the Hearing Examiner is authorized to recommend additional uses within a Master Planned Development provided such uses are an integrated component of the development and not detrimental to surrounding land uses. Authorization of additional uses shall take into consideration the following factors:
   1. Any nonresidential uses proposed in a Master Planned Development - Residential shall be primarily designed and intended for the use of the residents within the proposed development and planned as an integral part of such Master Planned Development;
   2. Non-residential uses within a Master Planned Development - Residential are limited to those uses allowed as Class (1) or Class (2) uses in Professional Business (B-1), Local Business (B-2), and Small Convenience Center (SCC), as listed in YMC Ch. 15.04, [Table 4-1](#_TABLE_4-1). Such non-residential uses will be limited to no more than ten percent (10%) of the land contained in the Master Planned Development, excepting recreational facilities or as otherwise provided in [YMC Ch. 15.28](#_Chapter_15.28_MASTER). No commercial or other intensive non-residential use is permitted to be closer to the boundary of any adjacent residential district than is permitted for the same use by the underlying zoning; and,
   3. Residential uses within a Master Planned Development Commercial or Industrial shall be limited to those that are secondary to the primary commercial and industrial use and designed in a manner that is consistent with integrated site planning.

### 15.28.025 – Minimum Project Size

The minimum project size for a Master Planned Development shall be two (2) acres. All properties included in the Master Development Plan shall be contiguous with logical outer boundaries.

### 15.28.030 – Application – Master Planned Development Overlay

1. **Application for Master Planned Development Overlay**. The Master Planned Development Overlay zone shall be established only in conjunction with a Master Development Plan, which sets forth the parameters for development of the property including a Site Plan and Development Agreement. An application for a Master Planned Development may be submitted as a concept plan or consolidated with site specific proposals (e.g., preliminary plat, use applications, etc.). The proposed master plan shall be for property under single ownership, or if in multiple ownerships, the master plan application shall be signed by each owner of property within the master plan and all owners shall agree to be bound by conditions of approval, including use, design and layout and development standards established through the hearing process. All properties included in the master concept plan shall be contiguous with logical outer boundaries located within in the Urban Growth Area (UGA). A proposed master concept plan may include properties both within and outside the jurisdictional boundaries of the City of Yakima provided that all areas are located within the UGA. Applications for Master Planned Development Overlays which transcend jurisdictional boundaries shall complete one of the following prior to acceptance of the application for processing:
   1. Annexation of the remainder of the property lying outside of city limits into the City of Yakima; or,
   2. Submit a petition for annexation to the Yakima City Council for the above mentioned property, and attain and submit an Early Transfer of Jurisdiction letter to the City of Yakima releasing the proposed land use application to be processed by the City of Yakima.
2. **Development Plan – Submission Requirements**. An application for Master Planned Development shall include the following information:
   1. Planning History. A summary of all previous known land use decisions affecting the applicant’s property and a list of all outstanding conditions of approval with respect to such prior land use decisions.
   2. Existing Property Information. An application for a Master Plan Development shall contain the following information on and adjacent to the site, presented in narrative, tabular, and/or graphic formats:

a. Vicinity map that identifies surrounding uses within 500 feet of the site boundary.

b. Legal description for the proposed Master Planned Development together with a title report disclosing all lien holders and owners of record.

c. Zoning map that identifies base and overlay zoning designations for the site and surrounding property uses within 500 feet of the site boundary.

d. Site description including the following information provided in narrative, tabular, and/or graphic formats:

e. Topography and natural resources including 100-year floodplain; wetlands, rivers, streams, or other critical areas; and natural hazards such as steep slopes greater than 15%, and unstable, impermeable, or weak soils.

f. Inventory of cultural, historic, and/or archaeological resources on the site, if any.

g. Existing buildings, if any, including use, location, size, and date of construction.

h. Existing on-site transportation systems including streets, sidewalks, and bike paths, if any.

i. Location and size of existing public and private utilities on the site including water, sanitary sewer, stormwater retention/treatment facilities, and electrical, telephone, and data transmission lines.

j. Location of public and private easements.

k. A description of the type, design, and characteristics of the surrounding properties for purposes of assessing the proposed Master Planned Development effects.

* 1. Technical Studies. Technical Studies may be required by the Administrative Official when potential adverse impacts are identified outside of the SEPA regulatory review process and may include the following:

a. A Traffic Impact Analysis sufficient to asses access to the site and within the site, on-street parking impacts and limitations and necessary traffic-related improvements;

b. Drainage Study;

c. Geotechnical Analysis;

d. Noise Analysis;

e. Visual Composite; and,

f. Other analysis of potentially significant issues as identified during the SEPA environmental checklist review.

* 1. Site Plan. The application shall include a concept Site Plan which includes the following elements

a. Project boundaries;

b. Primary uses and ancillary uses;

c. Existing and proposed structures;

d. Gross floor area of development;

e. Maximum building heights;

f. Minimum building setbacks;

g. Maximum lot coverage;

h. Any other development standards proposed to be modified from the underlying zoning district requirements;

i. The proposed circulation system of arterial and collector streets, including if known, the approximate general location of local streets, private streets, off-street parking, service and loading areas, and major points of access to public rights-of-way, with notations of proposed public or private ownership as appropriate;

j. The proposed location of new and/or expanded public and private utility infrastructure;

k. Site-screening, landscaping and street trees;

l. A Master Planned Development incorporating commercial or industrial facilities must provide a buffer or site design along the perimeter of the Master Planned Development, which shall reasonably transition the Master Planned Development to any adjacent properties zoned or used for residential purposes. If automobile parking, driveways, or machinery operation is to be provided within one hundred feet (100) of a Master Planned Development boundary, sitescreening shall be provided in accordance with [YMC 15.05.020](#_15.05.020_Site_Design);

m. Aesthetic considerations related to building bulk, architectural compatibility, light and glare, urban design, solar access and shadow impacts;

n. Site features as appropriate to mitigate traffic, environmental, geotechnical, and other impacts as identified in technical studies required by this Chapter; and,

o. Shoreline and Critical Areas where applicable.

* 1. Development Agreement. The application should also include a Draft Development Agreement including the following elements:

a. Narrative Description of Project and Objectives;

b. Summary of Development Standards;

c. Site Plan Elements;

d. Development Phasing, including times of performance to preserve vesting ([YMC 15.28.070](#_15.28.070_–_Vesting));

e. Public Meeting Summaries;

f. Performance Standards and Conditions addressing items “a” through “e” above;

g. Criteria for Determining Major vs. Minor Modifications and amendments; and,

h. Signatures by each owner of property within the Master Development Plan area acknowledging that all owners will agree to be bound by conditions of approval, including use, design and layout, and development standards contained with an approved Plan and Development Agreement.

### 15.28.035 – Phased Development

The Master Planned Development Overlay application may include two (2) or more phases of development provided that:

1. The development plan identifies phases of the project in sufficient detail to evaluate timing and coordination of phased development;
2. The proposed timing or sequencing of development, recognizing that phasing may require flexibility that is responsive to market demands;
3. Each phase will be subject to development standards identified, adopted, and vested in the review process; and,
4. Each phase of a proposed master plan shall contain adequate infrastructure, landscaping and all other conditions in order to allow the phase to stand alone if no other subsequent phases are developed.

### 15.28.038 – Planned Action – Environmental Review

An application for Master Planned Development Overlay shall include a completed Environmental Checklist. If requested by Applicant and deemed appropriate by the City/County, a Master Planned Development Overlay proposal may be designated by the City/County as a Planned Action pursuant to RCW 43.21C.031(2) and WAC 197-11-164 et seq.

### 15.28.040 – Review Process

1. **Application**. The Master Planned Development Overlay application shall be reviewed using the rezone procedures described in [YMC 15.23.030](#_15.23.030_–_Rezones—Zoning). The criteria of [YMC 15.23.030(E)(1)-(7)](#_15.23.030_–_Rezones—Zoning) shall not be used. Upon filing of a complete Master Plan application and completion of the required environmental review process, the planning department shall forward the application, together with its recommendation, to the Hearing Examiner to conduct a public hearing and review in conformity with [YMC 15.23.030](#_15.23.030_–_Rezones—Zoning).
2. **Pre-application Conference**. A Master Planned Development site plan shall be subject to a pre-application conference prior to formal submittal. The preliminary site plan shall be submitted to the Administrative Official, which shall include the material outlined for a master concept plan as set forth in [YMC 15.28.030(B)](#_15.28.030_–_Application). The Administrative Official shall coordinate with the appropriate departments and provide recommendations to the applicant regarding site planning; use and concept design; street, and utility layout, design, and location; development standards; and other matters pertinent to the application and review criteria.
3. **Public Hearing and Recommendation**. A Master Plan Development application shall be reviewed in an open record public hearing before the Hearing Examiner. Hearings shall be as prescribed in YMC 16.03.030 and 16.03.040. The Hearing Examiner shall apply the Master Plan Development review criteria set forth herein and issue a written recommendation to the legislative body to approve, approve with conditions, or deny the proposed Master Planned Development. The Hearing Examiner may add recommended conditions as necessary to protect the general public interest, health, safety, comfort, and welfare from potential impacts, nuisances, hazards, or offensive conditions. The recommendation shall specifically include findings, conclusions, and conditions based on evidence and testimony in the open record public hearing.
4. **Master Plan Development – Review Criteria**. The Hearing Examiner shall evaluate a Master Planned Development application and other evidence submitted into the record; and, shall issue such recommendation based upon the following considerations and criteria:
   1. The master plan development application demonstrates the economic and efficient use of land and provides for an integrated and consistent development plan for the site.
   2. The applicant has identified development standards and uses that are consistent with the master plan and designed in a manner that is compatible with adjacent land uses after consideration of applicable mitigation and site design. The Hearing Examiner may consider development standards that are different from currently adopted development standards in order to provide flexibility in site planning; to implement project design and concepts; to respond to market conditions; or to otherwise achieve the public benefits contemplated by the concept plan.
   3. Consideration shall be given to “low impact development” concepts.
   4. There will be adequate infrastructure capacity available by the time each phase of development is completed.
   5. The Master Planned Development contains design, landscaping, parking/traffic management, and use mixture and location that limit or mitigate conflicts between the Master Planned Development and adjacent uses. Consideration shall be given to site planning that supports land use flexibility through means of appropriate setbacks, landscaping, sitescreening, buffers, and other design features or techniques.
   6. All potential significant off-site impacts including noise, shading, glare, and traffic have been identified and mitigation incorporated to the extent reasonable and practical.
   7. The project is designed and includes appropriate consideration of open spaces and transportation corridors, designs of street and public open space amenities, and results in the functional and visual appearance of one integrated project.
   8. The proposed development is not adverse to the public health, safety, or welfare.
   9. The public benefits of approving the Master Planned Development outweigh the effect of modification of standards to the underlying zoning district.
   10. The proposed development is designed to be consistent with the provisions of the Shoreline Master Program and Critical Areas Ordinance of the appropriate jurisdiction.
5. **Legislative Body**. Following receipt of the Hearing Examiner’s recommendation, the legislative body shall schedule a closed record hearing for consideration of the Hearing Examiner’s recommendation on the Master Planned Development Overlay application. Upon conclusion of the hearing, the legislative body may:
   1. Accept the Hearing Examiner’s recommendation;
   2. Remand the Master Planned Development application to the Hearing Examiner to provide supplementary findings and conclusions on specific issues;
   3. Modify Hearing Examiner’s recommendation based upon testimony and evidence provided at the open record public hearing. In the event of a modification of the Hearing Examiner’s recommendation, the legislative body shall enter its own modified findings of fact and conclusions of law as are necessary and consistent with their final determination; or,
   4. Deny the application, with or without prejudice.
6. **Appeals**. The legislative body’s decision shall be the final decision on the project permit application, subject to appeal pursuant to the Land Use Petition Act (LUPA) – RCW Ch. 36.70C.

### 15.28.050 – Master Planned Development Overlay – Development Agreement

An approved Master Planned Development Overlay (including conditions and development standards) shall be incorporated into a development agreement as authorized by RCW 36.70B.170. The development agreement shall provide for vesting of such development conditions and standards as are deemed reasonable and necessary to accomplish the goals of the Master Planned Development. This agreement shall be binding on all property owners within the Master Planned Development and their successors and shall require that development of the subject property be consistent with and implement the provisions of the approved Master Planned Development. The approved development agreement shall be signed by the City Manager or chairman of the Board of the Yakima County Commissioners and all property owners and lienholders within the boundaries of the Master Planned Development Overlay and recorded prior to approval and/or issue of any implementing plats or permits.

### 15.28.060 – Implementing Permits And Approvals

1. **Implementing Applications**. Any development applications submitted for property within an approved Master Planned Development Overlay shall be reviewed for consistency with and implement the Master Planned Development plan. Such implementing applications with appropriate fees shall include but not be limited to applications for preliminary plat approval, binding site plans, certificates of zoning review, building permits, and other similar applications. Any subsequent application shall be reviewed and approved in accordance with the conditions and standards adopted in the Master Planned Development Overlay.
2. **Planned Action – Environmental Review**. An applicant may submit a Master Planned Development concept plan as a planned action pursuant to WAC 197-11-164. Any project review pursuant to the authorized planned action shall include the following:
   1. Verification that the project meets the description in, and will implement any applicable conditions or mitigation measures identified in the Master Planned Development approval and ordinance or resolution; and,
   2. Verification that the probable significant adverse environmental impacts of the project have been addressed in environmental review in the context of the master plan review processes.

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

### 15.28.070 – Vesting

1. The Master Plan Development review shall be vested to development regulations, standards, conditions, and laws applicable at the time the development agreement described in [YMC 15.28.050](#_15.28.050_–_Master) is recorded, inclusive of specific conditions and standards set forth in said development agreement. The vesting period shall be for the time stated in the development agreement associated with each specific Master Planned Development and shall be agreed upon by the parties to the development agreement after giving consideration to the extent and complexity of the proposed development as well as specific development planning considerations raised by the developer. During the stated vesting period the applicant shall be entitled to implement the Master Planned Development in accordance with the terms and conditions of approval described in the development agreement.
2. Vesting of rights may also include reservation of traffic capacity on public streets and roadways or capacity in public facilities such as sewer and water, if such reservations are specifically agreed upon in the development agreement required by [YMC 15.28.050](#_15.28.050_–_Master). Such reservations shall be applicable for the time as set forth in the development agreement.

### 15.28.080 – Modification Of An Approved Master Planned Development Overlay

Implementation of the Master Development Plan shall be reviewed through the Type (1) review process. Modifications to the adopted Master Development Plan and/or Development Agreement may be requested from time to time. Minor modifications will undergo Type (2) review. Major modifications will undergo Type (3) review. The following criteria are established to assist this determination.

1. **Type (1) Review Projects or Actions**. Type (1) review process shall be applied to (1) future projects or actions in compliance with an approved Master Development Plan and Development Agreement; and
2. **Type (2) Review Projects or Actions**. Type (2) review process shall be applied for minor modifications to an approved Master Development Plan or Development Agreement.

A change or amendment to the approved master plan shall be deemed a “minor modification” if, in the reviewing official’s discretion, the following criteria are satisfied:

* 1. The amendment does not increase the areas identified for any particular land use or increase the residential density approved in the master plan;
  2. The amendment does not increase the total floor area of nonresidential uses by more than five percent (5%);
  3. The amendment does not materially change the type and character of approved uses.
  4. The amendment does not materially change parking or traffic circulation within the development;
  5. The amendment does not materially change setbacks, buffers, landscaping, shoreline, critical areas, or other mitigation measures;
  6. The amendment does not materially impact the overall design of the approved master plan; and,
  7. Other similar changes of a minor nature proposed to be made to the configuration, design, layout, or topography of the Master Planned Development which are deemed not to be material or significant in relation to the entire Master Planned Development and are determined not to have any significant adverse effect on adjacent or nearby lands or the public health, safety or welfare.

1. **Type (3) Review Projects or Actions**. A major modification to the Master Development Plan shall be subject to a Type (3) review and shall be referred to the Hearing Examiner in accordance with [YMC 15.14.040](#_15.14.040_–_Review). A “major modification” shall be any modification to an approved Master Development Plan or Development Agreement that is deemed to be more significant than a “minor modification” as described herein above.

Type 2 and 3 review shall be conducted consistent with the provisions of [YMC 15.14](#_CHAPTER_15.14_–), and [15.15](#_CHAPTER_15.15_–), respectively. For any changes falling outside the scope of such review, the procedures set forth in this Chapter for original Master Development Plan and Development Plan approval shall be followed.

## Chapter 15.30 AIRPORT SAFETY OVERLAY (ASO)

**Sections:**

[**15.30.010**](#_15.30.010_Purpose) **Purpose**

[**15.30.020**](#_15.30.020_Definitions) **Definitions**

[**15.30.030**](#_15.30.030_Application_of) **Applications Of Airport Safety Overlay Provisions**

[**15.30.040**](#_15.30.040_Class_(1)) **Class (1) Uses**

[**15.30.050**](#_15.30.050_Class_(2)) **Class (2) And Class (3) Uses**

[**15.30.060**](#_15.30.060_Application_requirements.) **Application Requirements**

[**15.30.070**](#_15.30.070_Height_limitations) **Height Limitations And Additional Requirements**

[**15.30.080**](#_15.30.080_Special_provisions) **Special Provisions For New Airports, Heliports And Landing Fields**

### 15.30.010 – Purpose

The airport safety overlay is intended to protect the airspace around the Yakima Air Terminal at McAllister Field and any other state and federal system airports from airspace obstructions or hazards and incompatible land uses in proximity to the Yakima Air Terminal at McAllister Field or other public airport with defined airspace per Federal Aviation Regulations (FAR) Part 77.

### 15.30.020 – Definitions

The following terms are established for the purpose of protecting the airspace of the Yakima Air Terminal at McAllister Field or any other state and federal system airport:

**Airspace Hazard** means any structure, tree, or use of land which compromises public safety or obstructs the airspace required for the safe operation of aircraft in or around an airport, as determined by the Administrative Official under this Title.

**Airspace Obstruction** means any structure, tree, land mass, smoke, or steam or use of land which penetrates the primary, approach, transitional, horizontal, or conical surface of an airport as defined by Federal Aviation Regulations (FAR), Part 77.

**Avigation Easement** means an easement granted for the free and unobstructed use and passage of aircraft over, across, and through the airspace above, or in the vicinity of property.

**Civil Airport Imaginary Surfaces** means the imaginary airspace (primary, approach, transitional, horizontal, and conical surfaces) designated by the Federal Aviation Administration and as defined by FAR, Part 77.

**Established Airport Elevation** means the highest point of an airport’s usable landing area, measured in feet above mean sea level.

**Hazard To Air Navigation** means an official determination by the FAA that an airspace obstruction constitutes a hazard to air navigation. The FAA determination that an airspace obstruction does not constitute a “hazard to air navigation” under federal regulations does not prevent the Administrative Official from determining that it is an airspace hazard or potentially incompatible land use under this Title.

**Potentially Incompatible Land Use** means land uses deemed potentially incompatible within the airport safety overlay include:

* 1. Those land uses located in the primary airport safety overlay, being an area bounded by the limits of the approach surface and the transitional surface within the conical surface area, that are of such intensity as to potentially endanger public health, safety, or welfare. Such uses include manufactured or mobile home parks, schools, places of public assembly, and multifamily residential uses; and,
  2. Those land uses within the primary or secondary airport safety overlay constituting airspace hazards, as determined by the Administrative Official.

**Runway Protection Zone(s)** means a trapezoidal area representing the ground level at the innermost portion of the runway approach as defined in the respective airport master plan.

### 15.30.030 – Application Of Airport Safety Overlay Provisions

1. All zoning districts regulated under this Title lying within the airport safety overlay are subject to the requirements of this overlay, except as may be otherwise stated herein.
2. The airport safety overlay (ASO) contains those areas defined by Federal Aviation Regulations (FAR), Part 77 as imaginary surfaces and the runway protection zone(s) as illustrated on the airport layout plan (ALP) and zoning map, and comprised of two parts:
   1. The primary airport safety area addresses land use compatibility with airport operations and structure height. It is located in an area bounded by the limits of the runway protection zone and the FAA defined approach and transitional surfaces within the conical surface area; and,
   2. The secondary airport safety overlay principally addresses structure height, particularly where a structure may constitute an incompatible land use under this Title. It is bounded by the exterior of the conical surface area and the approach and transitional approach surfaces extending beyond the conical surface.

### 15.30.040 – Class (1) Uses

1. The uses listed as Class (1) uses within the underlying zoning district shall be subject to the height restrictions listed in [YMC 15.30.070](#_15.30.070_–_Height) or [YMC Ch. 15.05](#_CHAPTER_15.05), [Table 5-1](#_Table_5-1_Design), whichever is the more restrictive. No separate application for a Class (1) use in the airport overlay is required, provided the Administrative Official can conclusively determine that the proposed structure or use:
   1. Does not constitute a potentially incompatible land use;
   2. Will not exceed thirty-five feet in height; or, if greater than thirty-five feet in height, will not penetrate the approach, transitional, horizontal, or conical surface zones of the airport for any existing or planned approaches as defined by FAR, Part 77; and,
   3. Is not within a designated runway protection area or an identified future sixty-five DNL aircraft noise impacted area within the airport master plan or the FAA approved airport layout plan. Such structures and uses shall in any case be subject to the limitation of [YMC 15.30.070](#_15.30.070_Height_limitations) and to the recording of an avigation easement.
2. Class (1) uses shall be subject to Type (2) application and review procedures pursuant to [YMC 15.30.060](#_15.30.060_–_Application) where the use is a potentially incompatible land use, or where the Administrative Official cannot make a conclusive determination as required in subsection (A) above.

### 15.30.050 – Class (2) And Class (3) Uses

1. The uses listed as Class (2) and Class (3) uses within the underlying zoning district are subject to:
   1. The height restrictions listed in [YMC 15.30.070](#_15.30.070_Height_limitations) and [YMC Ch. 15.05](#_CHAPTER_15.05), [Table 5-1](#_Table_5-1_Design), whichever are the more restrictive;
   2. The provisions of [YMC Ch. 15.04](#_CHAPTER_15.04_PERMITTED) and any other review criteria for the use required by the underlying zoning district; and,
   3. A determination that the use can be appropriately conditioned to mitigate noise impacts and other airport safety concerns.
2. Where an airspace hazard has been determined to exist by the Administrative Official, the FAA determination on obstructions and hazards to air navigation shall be balanced with special consideration for unique characteristics of local terrain, reporting points for pilots using VFR, airport operations, and development patterns.

### 15.30.060 – Application Requirements

1. Applications for uses within the airport safety overlay established by this Chapter shall include the following information:
   1. Property boundary lines as they relate to the boundaries of the primary and secondary airport safety overlay;
   2. Location, elevation, and height of all existing and proposed buildings, structures, utility lines, and trees taller than thirty-five feet in height;
   3. A description of the proposed use; and,
   4. A statement of compatibility from the airport manager when the use is to be located within the airport safety overlay relative to the impact of the use on airport operations and safety.
2. In consideration of an application for a building, structure, or other use, which will exceed thirty-five feet in height, the Administrative Official may require the applicant to submit either of the following:
   1. A certificate from a registered professional engineer or a licensed land surveyor, which clearly states that no airspace obstruction will result from the proposed use; or,
   2. Either or both of the following:

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

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

### 15.30.070 – Height Limitations And Additional Requirements

1. A building, structure, communication tower, use, or tree that penetrates any of the FAA designated imaginary surfaces constitutes an obstruction within the ASO overlay. Therefore, the allowable height of any building, structure, communication tower, use, or tree within the airport safety overlay shall conform to the following:
   1. The ground level elevation above mean sea level plus the height of any building, structure, communication tower, use, or tree at its proposed location shall not penetrate any FAR, Part 77, designated imaginary surfaces of an airport.
   2. However, structures thirty-five feet or more in height may penetrate the imaginary surfaces when the reviewing official, in consultation with Washington State Department of Transportation (WSDOT) Aviation Division or the airport manager, can determine that the structure is not likely to constitute an airspace hazard.
   3. The Administrative Official may require lights or markers as a warning to aircraft on the building, structure, communication tower, use, or tree(s) or to top the tree to reduce its height when recommended by the FAA, WSDOT Aviation Division or the airport manager. Lights and markers shall meet FAA specifications.
   4. Notwithstanding any other provision, the Administrative Official shall not approve any building, structure, communication tower, use, or tree when the FAA has designated it a hazard to air navigation.
2. Whenever the height limitations of this section differ from those of any other section of this chapter, or that adopted by another local ordinance or regulation, the more restrictive limitation shall apply.
3. No use or activity shall take place within the airport safety overlay in such a manner as to: make it difficult for pilots to distinguish between airport lights and others lights; create electrical interference with navigational signals or radio communication between the airport and aircraft; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create birds-strike hazards; or otherwise create a hazard which may in any way endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.
4. The regulations prescribed by this Chapter shall not be construed to require a property owner to remove, lower, or make changes or alterations to any structure which legally existed prior to the effective date of the ordinance codified in this chapter, except as may be compelled by state or federal regulation. However, such structures shall be considered nonconforming if such structure is in conflict with these regulations.
5. An aviation easement and deed declaration, which recognizes the preexistence of the airport and the right of over flight, shall be recorded for all uses within the approach and transitional surfaces of the conical surface area.

### 15.30.080 – Special Provisions For New Airports, Heliports And Landing Fields

All new airports, heliports, or landing fields shall be designed so that the incidence of aircraft passing in the vicinity of preexisting dwellings or places of public assembly is minimized. They shall be located so that air traffic shall not generate more than fifty-five DNL as measured at the property line and shall not be located in close proximity to incompatible land uses as defined in this Title. The proponents shall show that adequate controls or measures will be taken to reduce noise levels, vibrations, dust or bright lights, as required by federal, state, county, and city regulations.

## Chapter 15.31 INSTITUTIONAL OVERLAY

**Sections**

[**15.31.010**](#_15.31.010_Purpose.) **Purpose**

[**15.31.015**](#_15.31.015_Eligibility_and) **Eligibility And Applicability**

[**15.31.020**](#_15.31.020_Permitted_uses.) **Permitted Uses**

[**15.31.025**](#_15.31.025_Supplemental_Application) **Supplemental Application Submittal Requirements**

[**15.31.026**](#_15.31.026__Public) **Public Meeting Required Prior To Application Submittal**

[**15.31.030**](#_15.31.030_Review_process) **Review Process**

[**15.31.040**](#_15.31.050_Development_standards) **Development Standards**

[**15.31.050**](#_15.31.060_Effect_of) **Effect Of Approval**

[**15.31.060**](#_15.31.070_Subsequent_Actions) **Subsequent Actions And Project Applications Under An Approved Master Plan, Amendments To Master Plan**

### 15.31.010 – Purpose

The purpose of the Institutional Overlay zone is to allow for large-scale institutional facilities with special locational needs and impacts which must be designed and perform in a manner that is compatible with surrounding land uses. Through a master plan review process ([YMC 15.31.030](#_15.31.030_–_Review)) the public is involved in the development of performance standards. A Development Agreement and site master plan assure predictability for the owner, the appropriate jurisdiction and the citizen. The process balances the need for large-scale institutional facilities to grow while minimizing adverse environmental impacts associated with such development on the adjacent community.

### 15.31.015 – Eligibility And Applicability

1. Construction or expansion of hospital and community college institutional uses will be permitted only in Institutional Overlay zones designated on the Official Zoning Map of the appropriate jurisdiction.
2. The Institutional Overlay designation is not required as a pre-condition for interior improvements or external onsite improvements for facilities existing as of the date of adoption of this Chapter where said improvements do not expand the existing building or land area.
3. The Institutional Overlay designation is not required for institutions located in commercial, industrial or other non-residential zones, except when located adjacent to a residential district.
4. Either the sponsoring institution or the City/County may initiate the establishment of an Institutional Overlay zone.
5. The minimum area which may be included within an Institutional Overlay zone shall be five acres, measured to the center of abutting street rights-of-way. The addition of contiguous property to an existing Institutional Overlay zone shall have no minimum required area but shall require an amendment to the Official Zoning Map.

### 15.31.020 – Permitted Uses

The Institutional Overlay zone is intended to allow for the establishment, expansion, and revision of institutional uses including hospitals and higher educational facilities. Uses that are functionally integrated with, ancillary, and/or substantively related to the primary institutional use or that primarily and directly serve the users of an institution may be defined as permissible institutional uses through the Master Development Plan review process and Development Agreement.

### 15.31.025 – Supplemental Application Submittal Requirements

The Institutional Overlay zone shall be established only in conjunction with a Master Development Plan, which sets forth the parameters for development of the property including a Site Plan and Development Agreement. Applicants for an Institutional Overlay shall, in addition to the requirements of chapter (rezone application requirements), submit a Master Development Plan to include the following:

1. Technical Studies, including:
   1. A Traffic Impact Analysis sufficient to assess access to the site and within the site, on-street parking impacts and limitations and necessary traffic-related improvements;
   2. Drainage Study;
   3. Geotechnical Analysis;
   4. Noise Analysis; and,
   5. Other analysis of potentially significant issues as identified by the SEPA environmental checklist.
2. Master Site Plan which includes the following elements:
   1. Boundaries of the institution;
   2. Primary uses and ancillary uses;
   3. Gross floor area of development;
   4. Maximum building heights;
   5. Minimum building setbacks;
   6. Maximum lot coverage;
   7. Minimum and maximum number of off-street parking spaces;
   8. Sitescreening;
   9. Aesthetic considerations related to building bulk, architectural compatibility, light and glare, urban design, landscaping, street trees, solar access, and shadow impacts; and,
   10. Site features as appropriate to mitigate traffic, environmental, geotechnical, and other impacts as identified in technical studies required by this Chapter.
3. Draft Master Development Agreement including the following elements:
   1. Narrative Description of Project and Objectives;
   2. Restatement of the Development Standards of [YMC 15.31.040(B)](#_15.31.040_–_Development);
   3. Site Plan Elements;
   4. Development Phasing;
   5. Public Meeting Summary ([YMC 15.31.026](#_15.31.026_–_Public));
   6. Performance Standards and Conditions Addressing subsections (1) - (5) above; and,
   7. Criteria for Determining Major vs. Minor Modifications.

### 15.31.026 – Public Meeting Required Prior To Application Submittal

Prior to the formal filing of an application for an Institutional Overlay zone, the sponsoring institution or the City/County, whichever initiated the establishment of the Institutional Overlay zone, shall hold at least two public meetings to discuss the proposal and identify concerns of the affected area residents and property owners. The applicant shall provide written notification to property owners of record within 500 feet of the subject property at least 14 days prior to the holding of the public meetings. The master development plan proposal shall document and reflect the various concerns raised through this pre-application, public input process.

**15.31.030 Review Process**

The institutional overlay zone and master development plan shall be reviewed using the review process described in YMC [15.23.030](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1523.html#15.23.030), and as further specified herein. Upon filing of a valid rezone application and completion of the required environmental review process, the planning department shall forward the rezone application, together with its recommendation, to the hearing examiner to conduct a public hearing and review in conformity with YMC [15.23.030](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1523.html#15.23.030). Prior to said hearing a recommendation will be obtained from the City of Yakima Planning Commission. The decision of the hearing examiner shall be in the form of a written recommendation to the legislative body pursuant to YMC [15.23.030](http://www.codepublishing.com/WA/Yakima/Yakima15/Yakima1523.html#15.23.030)(E).

### 15.31.040 – Development Standards

1. Development standards for uses within an Institutional Overlay zone may differ from those of the underlying zone when approved as part of the Master Development Plan. Standards which may supersede those of the underlying zone include the following:
   1. Maximum gross floor area of development;
   2. Maximum building height;
   3. Minimum building setbacks
   4. Maximum lot coverage;
   5. Minimum and maximum off-street parking;
   6. Landscaping;
   7. Signage;
   8. Exterior lighting, shadows, and glare reduction; and,
   9. Other standards determined by the City/County to be necessary to ensure land use compatibility with other uses in the surrounding area.
2. The legislative body shall consider the following in determining the standards for a particular Institutional Overlay zone in a specific location:
   1. The institution's compatibility with surrounding uses, especially related to:

a. Public safety;

b. Site access, on-site vehicular and pedestrian circulation, and on & off-street parking;

c. Landscaping and buffering of buildings, parking, loading and storage areas,

d. Light and shadow impacts,

e. Potential environmental impacts, such as noise, vibration, smoke, dust, odors, light/glare, or other undesirable impacts,

f. Number, size, and location of signage; and,

g. The character of the neighboring properties compared to the adjacent institutional uses and activities.

* 1. The unique characteristics of the proposed use(s);
  2. The unique characteristics of the subject property;
  3. The arrangement of buildings and open spaces as they relate to each other within the institutional campus;
  4. Visual impacts of the institution on the surrounding area;
  5. Public improvements proposed in connection with the institution's Master Plan; and,
  6. The public benefit provided by the institution.

### 15.31.050 – Effect Of Approval

1. The approval by the legislative body of a Master Development Plan for an Institutional Overlay shall guide future development within the Institutional Overlay. The approved Master Development Plan and Development Agreement shall remain binding upon the sponsoring institution and the appropriate jurisdiction. Approvals of building permits and zoning certificates shall be as required for Type (1) permits provided the proposed improvement conforms to the Master Development Plan as approved.
2. Any City, County, State, Federal, or other regulation or standard not specifically superseded by the adopted Master Plan and Development Agreement remains in full force and effect. Any use of land for purposes other than is specifically approved as part of the adopted Master Plan and Development Agreement shall be subject to all requirements of the underlying land use zone as designated on the Official Zoning Map.

### 15.31.060 – Subsequent Actions And Project Applications Under An Approved Master Plan; Amendments To Master Plan

Implementation of the Master Development Plan shall be reviewed through the Type (1) review process. Modifications to the adopted Master Development Plan and/or Development Agreement may be requested from time to time. Minor revisions will undergo Type (2) review. Major modifications will undergo Type (3) review. Specific criteria for determining major vs. minor modifications shall be incorporated into the final zoning regulation and Development Agreement governing the institution's Master Plan. The following criteria are established to assist this determination.

1. **Type (1) Review Projects or Actions**. For future projects or actions in compliance with an approved Master Development Plan and Development Agreement the Type (1) review process shall be applied.
2. **Type (2) Review Projects or Actions**. The following projects or actions, representing projects or actions which do not substantially differ from projects contemplated by an approved Master Development Plan shall be subject to Type (2) review: An amendment to the Master Development Plan defined in the Development Agreement as a Minor Modification ([YMC 15.31.025(C)(7)](#_15.31.025_–_Supplemental).
3. **Type (3) Review Projects or Actions**. The following actions, not contemplated by an approved Master Development Plan shall be subject to Type (3) review: An amendment to the Master Development Plan is defined in the Development Agreement as a Major Modification ([YMC 15.31.025(C)(7)](#_15.31.025_Supplemental_Application)).
4. **Type (1), (2), and (3) Reviews** shall be conducted consistent with the provisions of YMC Ch. 15.13, 15.14, and 15.15 respectively. For any changes falling outside the scope of such review, the procedures set forth in this Chapter for original Master Development Plan and Development Plan approval shall be followed.

### YAKIMA URBAN GROWTH AREA LEGAL DESCRIPTION - Appendix A

### CITY OF YAKIMA - CRITICAL AREAS ORDINANCE - Appendix B

Designated Type 2 Stream Corridors

The following stream reaches within Yakima County are designated critical areas under the City of Yakima’s Critical Areas Ordinance.

1. **Bachelor Creek**: From source at Ahtanum Creek (SEC13-TWP12N-RGE16 EWM) downstream to its mouth at Ahtanum Creek (SEC1-TWP12N-RGE18E).
2. **Cottonwood Canyon Creek**: From the south line of SEC32-TWP13N-RGE17E, downstream to mouth at Wide Hollow Creek (SEC36-TWP13N-RGE17E).
3. **Hatton Creek**: From its source at Ahtanum Creek (SEC18-TWP12N-RGE17) downstream to its confluence with Ahtanum Creek (SEC18-TWP12N-RGE18E).
4. **Wide Hollow Creek**: From the east line of the SW1/4 of the NW1/4 (SEC28-TWP13N-RGE17E) downstream to the mouth at the Yakima River.