



City of Yakima

# **Non-Conforming Use / Structure**

## **Application Packet**

**City of Yakima, Planning Division  
129 North 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor, Yakima, WA 98901  
Phone#: (509) 575-6183 Email: [ask.planning@yakimawa.gov](mailto:ask.planning@yakimawa.gov)**

Check <https://www.yakimawa.gov/services/planning/land-use-application-forms/>  
for the most current version of this application form.

## **CHANGE OR EXPANSION OF A NONCONFORMING USE OR STRUCTURE**

Occasionally, a site may have a nonconforming use or structure on it or the property owner/lessee may wish to expand. In order to provide flexibility, certain development standards may be modified under a Type (3) review process due to the size of the expansion. Commonly modifications include additions to garages or houses, or the expansion of an existing business.

**How do I get started?:** The initial step is to determine if your project will need to go through a Change or Expansion of a Nonconforming Use. In some situations the expansion may qualify under the Administrative Modification procedures in YMC Ch. 15.17; provided, the structure is nonconforming only by reason of excessive building height or substandard setbacks, or is a nonconforming single-family dwelling when the alteration or expansion and meets the following requirements:

1. It does not increase the degree of nonconformity of the structure;
2. It complies with development standards of the district in which it is located;
3. It 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.

**Talk to a City Planner:** Before preparing your application, you may wish to have a City Planner review your proposal. The City offers “Pre-Application” meetings in which you can gain a better understanding of the review process and potential requirements for your project from various City departments before you formally submit your land use application and pay the application fee. More information and instructions for applying for a Pre-Application meeting can be found online: <https://www.yakimawa.gov/services/planning/pre-application/>.

**Submit Your Application:** A completed application on the attached forms is required along with the application fee, a written narrative or explanation, and a general site plan. Once you have submitted an application, a Planner will be assigned to process your application. To expedite the process, be sure that all parts of the application package are completed. All narratives must be completed with each question being answered separately. All items on the site plan checklist must be shown on the site plan and the completed checklist submitted with your application. Any items that are not applicable should be noted. In addition, please do not forget to sign your application and site plan.

**Development Service Team (DST):** Representatives from City departments, State agencies, and private utility companies will review your proposal. Should significant concerns arise during the DST meeting, a conference may be scheduled between you and the appropriate agency in order to discuss possible application modifications. After the DST meeting, you may have an opportunity to change aspects of your proposal to address any concerns raised.

**Additional Information:** During the review process, the Administrative Official may request additional/more detailed information, which may delay the review process. A timely response will keep the project moving forward.

**Notice of Application and Public Hearing:** A copy of your application, written narrative, the preliminary site plan, and other pertinent information will be provided to the applicant/owner and all property owners within 300 feet of the subject property by postcard or paper notice. A notice of the application and hearing date will be published in the Yakima Herald Republic. The applicant must post the property prior to issuance of the required Notice of Application. This notice provides the public an opportunity to submit written comments on the proposal during a 20-day comment period.

**Attend Public Hearing:** The Hearing Examiner will conduct the Public Hearing. Hearings are generally scheduled on the second and fourth Thursday of the month beginning at 9:00 AM in the City of Yakima Council Chambers. These hearings are televised on the Yakima Public Access Channel (YPAC). You or your representative must attend the hearing; however, representation by an attorney is not required.

**Notice of Decision:** Within ten working days after the close of the public hearing, the Examiner will issue a written decision. Notice of the Hearing Examiner’s decision will be mailed to you and all parties of record.

**Appeal the Decision?:** For Decisions on a Change or Expansion of a Nonconforming Use or Structure, the Hearing Examiner’s Decision is final unless appealed to City Council. Appeals of the Hearing Examiner’s decision must be filed within 14 days of the date of mailing of the Decision on forms provided by the City of Yakima along with the applicable appeal fee. The Zoning Ordinance allows for appeals of all or part of the Decision.



# LAND USE APPLICATION

**CITY OF YAKIMA, DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**129 NORTH SECOND STREET, 2ND FLOOR, YAKIMA, WA 98901**  
**PHONE: (509) 575-6183 EMAIL: ask.planning@yakimawa.gov**

**INSTRUCTIONS – PLEASE READ FIRST Please type or print your answers clearly.**

Answer all questions completely. If you have any questions about this form or the application process, please ask a Planner. Remember to bring all necessary attachments and the required filing fee when the application is submitted. The Planning Division cannot accept an application unless it is complete and the filing fee paid. Filing fees are not refundable.  
 This application consists of four parts. PART I - GENERAL INFORMATION AND PART IV – CERTIFICATION are on this page. PART II and III contain additional information specific to your proposal and MUST be attached to this page to complete the application.

**PART I – GENERAL INFORMATION**

1. Applicant's Information:	Name:				
	Mailing Address:				
	City:	St:	Zip:	Phone: (    )	
	E-Mail:				
2. Applicant's Interest in Property:	Check One:	<input type="checkbox"/> Owner	<input type="checkbox"/> Agent	<input type="checkbox"/> Purchaser	<input type="checkbox"/> Other _____
3. Property Owner's Information (If other than Applicant):	Name:				
	Mailing Address:				
	City:	St:	Zip:	Phone: (    )	
	E-Mail:				
4. Subject Property's Assessor's Parcel Number(s):					
5. Legal Description of Property. (if lengthy, please attach it on a separate document)					
6. Property Address:					
7. Property's Existing Zoning: <input type="checkbox"/> SR <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> B-1 <input type="checkbox"/> B-2 <input type="checkbox"/> HB <input type="checkbox"/> SCC <input type="checkbox"/> LCC <input type="checkbox"/> CBD <input type="checkbox"/> GC <input type="checkbox"/> AS <input type="checkbox"/> RD <input type="checkbox"/> M-1 <input type="checkbox"/> M-2					
8. Type Of Application: (Check All That Apply) <input type="checkbox"/> Non-Conforming Use/Structure <input type="checkbox"/> Environmental Checklist (SEPA Review) <input type="checkbox"/> Other: _____ <input type="checkbox"/> Master Application (select if submitting two or more applications under Title 15)					

**PART II – SUPPLEMENTAL APPLICATION, PART III – REQUIRED ATTACHMENTS, & PART IV – NARRATIVE**

SEE ATTACHED SHEETS

**PART V – CERTIFICATION**

I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.

\_\_\_\_\_  
 Property Owner's Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Applicant's Signature

\_\_\_\_\_  
 Date

**FILE/APPLICATION(S)#**

<b>DATE FEE PAID:</b>	<b>RECEIVED BY:</b>	<b>AMOUNT PAID:</b>	<b>RECEIPT NO:</b>



**Supplemental Application For:  
CHANGE OR EXPANSION OF A  
NONCONFORMING USE OR STRUCTURE  
YAKIMA URBAN AREA ZONING ORDINANCE, CHAPTER 15.19**

**PART II - APPLICATION INFORMATION**

**1. TYPE OF PROPOSED ACTION:** (✓check at least one)

Change from one nonconforming use to another nonconforming use

Proposed Use: \_\_\_\_\_

Expansion of a nonconforming use

Nonconforming use being expanded: \_\_\_\_\_

Expansion of a nonconforming structure

How is the structure nonconforming: \_\_\_\_\_

**2. SIZE OR INCREASE OF EXPANSION:**

**3. EXISTING USE:** (Must Be Taken From YMC Ch. 15.04, Table 4-1)

**4. WILL THE PROPOSED CHANGE:**

- |                              |                             |  |
|------------------------------|-----------------------------|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Increase residential density?  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Increase the amount of required parking by more than 10% or 20 spaces?   |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Increase/decrease use/structure by more than 50% (includes previous modifications) of the existing use or structure? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Change or modify any special condition previously imposed under Class (1), (2), or (3) Review?                       |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Increase the height of any structure?  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Adversely reduce the amount of existing landscaping or the amount or location of required landscaping?               |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Add a drive-thru or include hazardous materials?   |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Expand an existing non-conforming use (except provided for in YMC § 15.19.080) or render a structure non-conforming? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Increase the degree of nonconformity of the structure?   |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Comply with all other development standards of the district in which it is located?                                  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Create or materially increase any adverse impacts or undesirable effects?  |

**5. IS THE NEW USE OR CHANGE IN USE PROPOSED**

- |                              |                             |   |
|------------------------------|-----------------------------|---|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | A nonconforming structure occupied by a Class (1) or Class (2) use or a single-family dwelling or duplex? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | A Class (1) or (2) use in that particular district?   |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Similar in character and hours to the operation and the use approved or existing?                         |

**PART III - REQUIRED ATTACHMENTS**

1. SITE PLAN: (Please use the City of Yakima Site Plan Checklist, attached)

2. DESCRIPTION: A description of the location, size, and type of modification is required.

3. WRITTEN NARRATIVE: (Please submit a *separate written response* to the following questions)

A. Explain how are the proposal and associated improvements compatible with neighboring land uses.

B. Explain how the expansion or change is not contrary to the public health, safety, or welfare.

C. Explain how the proposal will not significantly depress the value of nearby properties.

D. Explain how the use or structure was lawful at the time of its inception.

E. Explain how the significance of the hardship on the applicant is more compelling than, and reasonably overbalances, any benefit the public may derive from denial of the relief requested.

4. FOR PREVIOUSLY APPROVED USES AND STRUCTURES: A copy of the Final Site Plan previously approved with proposed modification must be submitted.

**Note:** if you have any questions about this process, please contact us, City of Yakima, Planning Division, 129 N. 2nd St., Yakima, WA or 509-575-6183

# SITE PLAN CHECKLIST & INSTRUCTIONS

**A Detailed Site Plan Is Required:** On August 8, 1996, the City Council passed a resolution (No. R-96-91) adopting a requirement that all site plans submitted in conjunction with any building permit application, land use application, and environmental application shall contain certain information and be approved by the appropriate Division Manager. All information that is applicable to your proposal shall be checked off and clearly displayed on the site plan. It is in the applicant's best interest to provide a carefully drawn and scaled site plan with all required information. The decision on whether or not to grant approval of your development proposal is largely based on the information you provide. **An application cannot be processed until an adequate site plan is submitted.**

Please complete this checklist and include it with your site plan. The site plan must contain all pertinent information. Items not applicable to the proposed project shall be noted.

- 1) **Use Ink:** Use blue or black permanent ink. It may be helpful to draft the site plan in pencil then trace over in ink. Ink is necessary for adequate duplication.
- 2) **Use A Straight Edge:** All lines must be straight and done with the aid of a ruler or other straight edge. Use a compass when delineating circular drawings such as cul-de-sacs. Computer drafted site plans are acceptable.
- 3) **Draw To Scale:** Site plans shall be drawn to scale. The site plan template has a suggested map scale of one inch equaling twenty feet (1"=20'). Distances on the map must be as representative of reality as possible. For example, if the distance from a structure to a property line is 20 feet, the distance on the site plan will be 1 inch.
- 4) **Use Site Plan Checklist:** Use the site plan checklist and provide all applicable information on the site plan.
- 5) **Fill In Information On The Site Plan Template.** The template is available online on the Planning Division webpage (<https://www.yakimawa.gov/services/planning/>) in the "application forms and fees" section, and also at the permits counter on the 2<sup>nd</sup> floor of City Hall. If you choose not to use the city's site plan template, please provide the information listed on the site plan template (background info, lot coverage, parking, etc.) on your site plan.

**Note:** You may benefit from the aid of a professional in the preparation of a site plan.

### Check all boxes as: (✓ or X) Included or ( - ) Not Applicable

<input type="checkbox"/>	The site plan shall be legibly drawn in ink on paper of sufficient size to contain the required information, but not less than 8.5" X 11" for Class (1) projects and 11" X 17" for Class (2) and Class (3) projects.
<input type="checkbox"/>	All site plans shall be drawn to a standard engineering scale and indicated on the site plan. The scale selected shall best fit the paper. Planning staff recommends 1"=20'.
<input type="checkbox"/>	Site address, parcel number(s) and zoning designation of subject property.
<input type="checkbox"/>	Property boundaries and dimensions.
<input type="checkbox"/>	Names and dimensions of all existing streets bounding the site.
<input type="checkbox"/>	Dimensions, location and use of proposed and existing structures including loading docks.
<input type="checkbox"/>	Structure setbacks.
<input type="checkbox"/>	North Arrow.
<input type="checkbox"/>	Lot coverage with calculations shown on site plan.
<input type="checkbox"/>	Location and size of any easements.
<input type="checkbox"/>	Location and type of existing & proposed landscaping including landscaping within the public right-of-way.
<input type="checkbox"/>	Location and size of existing and proposed side sewer and water service lines.
<input type="checkbox"/>	Adjacent land uses and zoning designations.
<input type="checkbox"/>	Location and size of all parking spaces shown on the site plan.
<input type="checkbox"/>	Location and dimensions of proposed or existing driveway approaches.
<input type="checkbox"/>	Vision clearance triangles at street intersections and where driveways and curb cuts intersect with streets. <b>SEE 15.05.040 – Vision Clearance attached with Sample Site Plan</b>
<input type="checkbox"/>	Location and size of proposed or existing signs.
<input type="checkbox"/>	Location and size of required site drainage facilities including on-site retention.
<input type="checkbox"/>	Location, type, and description of required sitescreening.
<input type="checkbox"/>	Location and size of existing or proposed public sidewalks that are within 200-feet of the subject property.
<input type="checkbox"/>	Proposed frontage improvements located within the public right-of-way.
<input type="checkbox"/>	Name, address, phone number, and signature of the owner or person responsible for the property.

**Note:** Planning Division or reviewing official may require additional information to clarify the proposal, assess its impacts, or determine compliance with the YMC and other laws and regulations.