

Chapter 14.15
SHORT SUBDIVISION—PROCEDURE

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**CITY OF YAKIMA
PLANNING DIV.**

Sections:

- 14.15.010 Preliminary application for short subdivision—Requirements.
- 14.15.020 Criteria for approval.
- 14.15.030 Preliminary application—Time limitation.
- ~~14.15.040 Public notice of short plat application.~~
- 14.15.050 Administrator's approval/disapproval.
- 14.15.060 Findings and conclusions.
- 14.15.070 Final short plat—Time limitation.
- 14.15.080 Land survey requirements.
- 14.15.090 Final short plat contents.
- 14.15.100 Approval of short subdivision—Recording.
- 14.15.110 Resubdivision restricted.
- 14.15.120 Short plat amendment/alteration.

~~14.15.040 — Public notice of short plat application.~~

~~Within ten calendar days after the short subdivision application is determined to be complete, notice of the application shall be sent by first class mail to all owners, as shown on the records of the Yakima County assessor, of land located within three hundred feet of either (1) the land proposed to be subdivided, or (2) any land adjacent to the land proposed to be subdivided which is also owned by an owner of the land proposed to be subdivided. The notice of application will follow the notice requirements of Yakima Municipal Code Chapter 16.05 and may be either a postcard format or letter size paper. (Ord. 2011-08 § 1 (part), 2011: Ord. 2010-31 § 1, 2010: Ord. 98-65 § 2 (part), 1998. Formerly 14.15.050).~~

14.15.050 Administrator's approval/disapproval.

~~Following the notice of application,~~ In accordance with RCW 58.17.060, the administrator shall approve, disapprove, or return for modification all preliminary short subdivision applications. In reaching the conclusion to approve or disapprove short subdivisions, the administrator shall determine whether the requirements of this title have been satisfied and make a formal written finding of fact as to whether the short subdivision is consistent with the standards of the city of Yakima zoning ordinance and urban area comprehensive plan. (Ord. 2011-08 § 1 (part), 2011: Ord. 98-65 § 2 (part), 1998. Formerly 14.15.040)

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15.04.120 Home occupations.

A. Purpose. The conduct of an accessory business within an existing dwelling may be permitted under the provisions of this section. It is the intent of this section to:

1. Ensure the compatibility of home occupations with other uses permitted in the underlying zone; and
2. Preserve the existing dwelling as the primary use of the structure or property; and
3. Maintain and preserve the character of residential neighborhoods; and
4. 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.

B. Table of Permitted Home Occupations. Table 4-2 titled "Table of 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 zoning district. Proposed home occupations in existing dwellings in the commercial and industrial zoning districts shall follow the land use requirements of the R-3 zoning district. All permitted home occupations are subject to the standards of this title, including the specific conditions of subsection C of this section and the applicable review procedures of YMC Chapters 15.13, 15.14 and 15.15. Specific uses not permitted as home occupations are listed in subsection H of this section.

Table 4-2. Table of Permitted Home Occupations

	Zoning District			
	SR	R-1	R-2	R-3
Barbershop, beauty parlor	<u>12</u>	<u>12</u>	<u>12</u>	<u>12</u>
Business administration*	1	1	1	1
Day care, family home*	1	1	1	1
Dentist	1	<u>12</u>	<u>12</u>	<u>12</u>
Dog grooming	<u>12</u>	<u>13</u>	<u>13</u>	<u>13</u>
Food preparation*	1	1	1	1
Home contractor*	1	1	1	1
Home instruction* 1—5 students	1	1	1	1
6—8 students	<u>12</u>	<u>12</u>	<u>12</u>	<u>12</u>
Home office*	1	1	1	1
Locksmith and gunsmith	1	1	1	1
Massage therapy/spa*	1	1	1	1
Physician	1	<u>12</u>	<u>12</u>	<u>12</u>
Product assemblage/service*	1	<u>12</u>	<u>12</u>	<u>12</u>
Short term rental*	1	1	1	1
Taxicab operator*	1	1	1	1
Wedding service	<u>12</u>	<u>12</u>	<u>12</u>	<u>12</u>
Unclassified home occupation	See YMC 15.04.120(G)			

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		Zoning District			
		SR	R-1	R-2	R-3
<p>NOTES:</p> <p>* Refers to definition in YMC Chapter 15.02.</p> <p>1 = Type (1) Permitted Home Occupation</p> <p>2 = Type (2) Review and Approval by the Administrative Official Required</p> <p>3 = Type (3) Review, Public Hearing and Approval by the Hearing Examiner Required</p> <p>= Not Permitted</p> <p><u>Home Occupations Classified as a Type (1) Review are classified as a low impact home occupation, these businesses are exempt from filing any additional land use review beyond the business licensing requirements.</u></p>					

C. 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). For the purpose of administering this section, "primary residence" shall be defined as the residence where a person or persons resides for the majority of the calendar year;
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 change 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; the frequency of deliveries should be comparable to that of a single-family home without a home business;
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;
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 ensure 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 of this title 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 of this title.

D. **Materials and Storage.** The storage of equipment, materials, or goods shall be permitted in connection with a home occupation provided such storage complies with the following standards:

1. All equipment, materials, or goods shall be stored completely within the space designated for home occupation activities and not visible from the public right-of-way.
2. Only those materials or goods that are utilized or produced in connection with the home occupation may be stored within the dwelling unit or accessory building.
3. All flammable or combustible compounds, products, or materials shall be maintained and utilized in compliance with fire code.
4. The frequency of home deliveries should be comparable to that of a single-family home without a home occupation associated with the residence.

E. **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.

F. **Application Fee and Review Period.** Application for a home occupation shall be made in accordance with the provisions of YMC Chapter 15.11, except as noted, and shall be accompanied by the appropriate filing fee. The administrative official may accept an aerial photo of the site in lieu of a site plan when the aerial photo clearly shows all structures and parking areas and no new construction or site modifications are proposed.

G. **Unclassified Home Occupation—Review by the Hearing Examiner.** Home occupations not listed in Table 4-2 shall be reviewed by the hearing examiner in accordance with the provisions of YMC 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.

H. **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 a 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;

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10. Taxidermist;
11. Two-way radio and mobile telephone system sales and service;
12. Vehicle sign painting (except for the application of decals).

I. 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 officer shall state the specific reasons and cite the specific provisions and sections of this title on which the denial is based.

J. Parking. The administrative official shall determine parking requirements for home occupations, as provided by YMC 15.06.040(B). This determination may be guided by, but not restricted by, the standards of YMC Chapter 15.06. (Ord. 2023-026 § 1 (Exh. A), 2023; Ord. 2020-001 § 1 (Exh. A) (part), 2020; Ord. 2019-044 § 1 (Exh. A) (part), 2019; Ord. 2018-047 § 1 (Exh. A) (part), 2018; Ord. 2016-029 § 1 (Exh. A) (part), 2016; Ord. 2015-036 § 4, 2015; Ord. 2008-46 § 1 (part), 2008; Ord. 93-81 § 19, 1993; Ord. 3245 § 6, 1990; Ord. 3019 §§ 15—17, 1987; Ord. 2947 § 1 (part), 1986. Formerly 15.04.090).

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 division. The planning division shall process the application under the provisions of YMC 15.11.070 and Title 16. The application shall include the information required in YMC 15.11.020 and the signature of the owner(s) of the property. ~~Nonproject rezone applications shall also include a nonbinding conceptual site plan to show potential future use 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 division 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 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 YMC 16.05.050. 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 YMC Ch. 15.11 and Title 16. In either case, the findings of the legislative body shall include the considerations established in subsection D of this section.

F. Development Agreement. Conditions may be proposed in order to mitigate any detrimental effect the rezone might have on uses or property in the immediate vicinity. Any conditions imposed by the city shall be incorporated in a development agreement executed by the city council and the property owner(s), under the procedures set forth in RCW 36.70B.170 through 36.70B.200.

G. 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. (Ord. 2018-047 § 1 (Exh. A) (part), 2018: Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2011-12 § 11, 2011: Ord. 2010-22 § 8, 2010: Ord. 2008-46 § 1 (part), 2008: Ord. 3019 § 67, 1987: Ord. 2947 § 1 (part), 1986).

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