

2018 Text Amendments – Track Changes Version

15.08.045 Exemptions.

The following signs are exempt from the permitting requirements of this chapter:

7. Flags. Any flags; ~~provided, that they conform to all provisions of this chapter for signs~~ subject to the following standards:

- a. Residential zoning districts are allowed one flag pole per street frontage.
- b. No more than two flags may be flown on a single flag pole.
- c. The maximum flag pole height shall be the maximum structure height of the underlying zoning district per YMC § 15.05.030, Table 5-1.
- d. Flag poles shall meet applicable setback standards for accessory structures.
- e. The maximum square footage of a flag shall be as follows:
 - i. Pole height of 20-feet or less: 4'x6'
 - ii. Pole height greater than 20-feet to 30-feet: 5'x8'
 - iii. Pole height greater than 30-feet: 6'x10'
 - iv. Upon application, flag size may be increased proportionate to the maximum pole height as a Modification (YMC § 15.17).

15.23.030 Rezones—Zoning map amendments.

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. Non-project Rezone applications shall also include a non-binding conceptual site plan to show potential future use of the property.

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.

15.09.045 Accessory dwelling units.

B. Requirements. An accessory dwelling unit is a permitted ~~Class (3)~~ use in the SR, R-1, R-2, and R-3 zoning districts (See YMC § 15.04.030, Table 4-1), 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, ~~or be its own stand-alone structure.~~

6. ~~The~~ An ADU attached to the primary structure shall have the same building setbacks as the primary structure. An ADU that is attached to, or built above, a detached garage or a stand-alone structure shall have the same building setbacks as an accessory structure.

9. ADUs shall only be permitted on parcels/lots ~~one-quarter acre in size~~ sized appropriately for a duplex per YMC § 15.05.030, Table 5-2. ADUs proposed on lots smaller than the minimum lot size may be approved after undergoing one additional level of review as shown in YMC § 15.04.030, Table 4-1.

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, or is a stand-alone structure, each unit shall have its own sewer and water connection, with required meters.

15.04.030, Table 4-1. Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
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) (*)	1	2												1	1
Concentrated Feeding Operation (*)	3														
Floriculture, Aquaculture	1													1	1
Fruit Bin Sales/Storage	3									2				1	1
Marijuana Production (**)														1	1
Winery and Brewery—Basic (*)											3		3	1	2
Resort/Destination w/on-site 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				
Children's Outdoor Recreation Center* (More than 500 ft. from abutting residential and not containing a go-cart track)											2		<u>2</u>		
Children's Outdoor Recreation Center* (Less than 500 ft. from abutting residential and/or containing a go-cart track)											3		<u>2</u>		
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		

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
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			
Mission (*) (with Type (3) review, and development agreement—see definition)											2	2		2	
MANUFACTURING															
Agricultural Product Support											2	2	2	1	1
Aircraft Parts										1			<u>2</u>	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, and Other Foods													3 <u>2</u>	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		<u>2</u>	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	2	1	1
Fabricated Structural Metal Products										2	3	3		1	1
Food Processing												2	3	1	1
Furniture										2		3	2	1	1

[illegible]

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
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	<u>1</u>	<u>1</u>											
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			
Multifamily 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														
Mobile Home Parks (*)	2			2							2				
Mobile Home (*) or Manufactured Homes (*)	See YMC 15.04.160														
Retirement Homes (*)	2		3	1	3						1	1			
Temporary Hardship Units (See YMC 15.04.140)	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

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Wrecking and Dismantling Yard (*) and 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 Chapter 15.29)														
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 Day Care/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, and 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 and 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
Marijuana Retail (**)						1		1	1		1	1	1		
Massage Therapy/Spa (*)					1	1	1	1	1	1	1	1	1		
Mobile Vendor	See YMC Ch. 5.57														
Motels and Hotels*								2	1	1	1	1	1		

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Extended Stay Hotel/Motel*								2	1	2	2	3	3		
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														
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 and 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

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
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
<p>* Refers to a definition in YMC Chapter 15.02.</p> <p>** See YMC 15.09.220 for general development requirements for marijuana uses.</p> <p>= Not Permitted</p> <p>1 = Class (1) Permitted Use</p> <p>2 = Class (2) Requires an Administrative Review by the Administrative Official</p> <p>3 = Class (3) Requires a Public Hearing by the Hearing Examiner</p>															

Chapter 15.17

MODIFICATIONS TO EXISTING OR APPROVED USES OR DEVELOPMENT*

Sections:

- 15.17.010 Purpose.
- 15.17.020 Modification to permitted development and uses regulated.
- 15.17.030 Exemptions.
- 15.17.040 Review of modifications.
- 15.17.050 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 (1), (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 (1), (2) or (3) use or development.

- A. The modification will not increase residential density that would require an additional level of review;
- B. The modification will not increase the amount of parking by more than ten percent or twenty spaces (whichever is least), except that the amount of parking for controlled atmosphere and cold storage warehouses may be increased by up to twenty spaces. This limit shall be calculated cumulatively for all previous modifications since the last normal review;
- C. Any expansion of use area or structure will not exceed fifty percent of the gross floor area. This limit shall be calculated cumulatively for all previous modifications since the last normal review;
- D. The modification will not increase the height of any structure;
- E. This limit shall be calculated cumulatively for all previous modifications since the last normal review;
- F. The modification will not add a drive-thru facility; and
- G. The modification does not include hazardous materials.

15.17.030 Exemptions.

For exemptions from the review processes, see YMC 15.01.040(A).

15.17.040 Review of modifications.

- A. Submittals. Applications for modification shall follow the submittal requirements for Type (1) review. In addition, for ~~an approved Class (2) or (3)~~ a previously approved 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.
- B. 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 (1), (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 division, it will not create or materially increase any adverse impacts or undesirable effects of the project.
 - 2. All proposed new structures, site improvements, or structural alterations to existing structures or site improvements comply with the development standards of YMC Chapters 15.05 through 15.08, except as approved under the adjustment or variance provisions.
- C. Decision and Notification of Decision. The planning division 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 section shall be denied. The division 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 division regarding approval or denial of administrative modifications may be appealed as prescribed by the applicable review.

15.02.020 Definitions

"Home occupation, taxicab operator" means the accessory use of a dwelling as an administrative office for a Taxicab licensed under YMC Ch. 5.78. This use shall be limited to a maximum of two vehicles operated by immediate family members who reside in the home.

"Hotel" means a lodging use located in a structure, or structures, where rooms are usually accessed by means of common interior hallways, and which more than 90% of the rooms are provided to transient visitors for a fee on a daily or short-term basis. For purposes of this definition, "daily or short term" means 30 or fewer

consecutive days. This definition does not include other defined uses including, but not limited to, a boarding house or multi-family dwelling.

“Motel” means a lodging use located in a structure, or structures, where rooms are usually accessed by means of exterior corridors, and which more than 90% of the rooms are provided to transient visitors for a fee on a daily or short-term basis. For purposes of this definition, “daily or short term” means 30 or fewer consecutive days. This definition does not include other defined uses including, but not limited to, a boarding house or multi-family dwelling.

“Extended Stay Hotel/Motel” means a hotel or motel where more than 10% of the rooms are rented to the public for longer stays, which are more than 30 consecutive days. This definition does not include other defined uses including, but not limited to, a boarding house or multi-family dwelling.

“Party of Record” means: (1) the applicant; (2) the property tax payer for the subject property as identified by the records available from the Yakima County assessor’s office; (3) the legal owner of the subject property; (4) any person who testified at the open record public hearing on the application; and/or (5) any person who submitted written comments during administrative review (within the required timeframe) or has submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or form letters).

15.04.120 Home Occupations

Table 4-2. Table of Permitted Home Occupations

	Zoning District				
	SR	R-1	R-2	R-3	B-1
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	
Day care, family home*	1	1	1	1	1

Table 4-2. Table of Permitted Home Occupations

	Zoning District				
	SR	R-1	R-2	R-3	B-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 contractor*	1	1	1	2	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, desktop publishing service*	1	1	1	1	
Small engine repair	2				
<u>Taxicab Operator*</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>1</u>
Wedding service	2	2	2	2	2

Table 4-2. Table of Permitted Home Occupations

	Zoning District				
	SR	R-1	R-2	R-3	B-1
Unclassified home occupation	See YMC <u>15.04.120</u> (G)				
NOTES:					
* Refers to definition in YMC Chapter <u>15.02</u>					
1 = Type (1) Permitted Home Occupation					
2 = Type (2) Review and Approval by the Administrative Official Required					
3 = Type (3) Review Public Hearing and Approval by the Hearing Examiner Required					
χ = Not Permitted					

15.03.020 District and map overlay intent statements.

M. 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, light manufacturing, processing, research, 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.

1.43.080 Duties and powers.

C. Preliminary plat extension requests pursuant to RCW 58.17.140 and city of Yakima subdivision ordinance, Title 14 of this code. Decisions of the examiner on such matters shall constitute final decisions unless appealed to the council pursuant to the provisions of ~~this chapter~~ Title 16 of the Yakima Municipal Code;

D. Plat vacations or amendments pursuant to RCW Chapter 58.11, 58.12, or 58.17. Decisions of the examiner on such matters shall constitute final decisions unless appealed to the council under the provisions of ~~this chapter~~ Title 16 of the Yakima Municipal Code;

1.43.100 Master applications.

Any persons proposing a development or project which requires more than one of the permits or approvals listed in Section 1.43.080 of this chapter may submit a master application to the department on forms furnished by the department containing all necessary information. The master application shall thereafter be processed by the examiner subject to the longest time limitations applicable to any of the required permits for approval. If any of the required approvals constitute a recommendation to the legislative body, the decision of the examiner to all such permits shall constitute a recommendation to the legislative body, otherwise the decision of the examiner shall be final subject to an appeal to the legislative body pursuant to this chapter, Title 15 and Title 16 YMC. (Ord. 2948 § 1 (part), 1986).

1.43.130 Notice of examiner's decision.

Unless different procedures are prescribed by the ordinance or statute governing the application, the department shall mail copies of the examiner's decision by certified mail to the applicant and by regular mail to other parties of record not later than three working days following the filing of a written decision by the examiner.

For purposes of this chapter, "Party of Record" means: (1) the applicant; (2) the property tax payer for the subject property as identified by the records available from the Yakima County assessor's office; (3) the legal owner of the subject property; (4) any person who testified at the open record public hearing on the application; and/or (5) any person who submitted written comments during administrative review (within the required timeframe) or has submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or form letters).

~~For purposes of this chapter "parties of record" means the applicant and all other persons who have either submitted written comment on any action or proposed action, or who have appeared at a public hearing or public meeting and specifically requested notice of the decision by signing a register provided for such purpose at the hearing or meeting.~~

1.43.140 Appeal from examiner's decision.

Appeals from the hearing examiner's decision shall use the procedures outlined in Chapter 16.08 YMC.

~~Except as to those decisions which constitute recommendations to the council as provided in YMC 1.43.080 and 1.43.100, and except for appeals processed under the city of Yakima Municipal Code, Chapter 15.16, a final decision by the examiner may be appealed to the council by any person aggrieved, or by any officer, department, board, or bureau of the city affected by the examiners decision, in the following manner:~~

~~(a) The appealing party must file a complete written notice of appeal with the department upon forms prescribed by the department and accompanied by the appeal fee within fourteen days from the date of the examiner's final decision.~~

~~(b) The notice of appeal shall specify the claimed error(s) and issue(s) which the council is asked to consider on appeal and shall specifically state all the grounds for such appeal. Issues or grounds of appeal which are not so identified need not be considered by the council.~~

~~(c) The 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 council within fourteen days from the date that the notice to parties is mailed and 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.~~

~~(d) 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 authorities may be thereafter submitted except as follows. The appellant or parties of record may request, in writing, and the department may, in its discretion and for cause, grant, without any 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 memorandum would otherwise be due. The city council may grant further extensions on a finding by the council of the existence of extenuating circumstances which 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.~~

~~(e) 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 council, 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. (Ord. 2001-78 § 1, 2001; Ord. 2948 § 1 (part), 1986).~~

1.43.160 Council action on appeals.

~~(a) General. When the record and the examiners decision has been transmitted to the council, the clerk of the council shall schedule a date for a public meeting by the council at which time the council shall consider the appeal. The date of the public meeting should not be later than twenty days following the date the council receives the information from the department.~~

~~(b) Public Notice of Meeting on Appeals. The clerk of the council shall mail written notice to all parties of record and the examiner to apprise them of the meeting date before the council.~~

~~(c) Site Views. The council may view the site.~~

~~(d) Scope of Review. Council review of the facts shall be limited to evidence presented to the examiner. The council 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.~~

~~(e) Action on Appeal. At the public meeting the council 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 the purpose of taking and considering new factual evidence by the examiner. If the council renders a decision different from the decision of the examiner, the council shall adopt amended findings and conclusions accordingly. (Ord. 2948 § 1 (part), 1986).~~

1.43.170 Appeal of decisions made by council.

~~The action of the council on 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 for the purpose of review of the action taken or files an appropriate appeal as allowed to by law. 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 proceeding for purposes of review by the superior court. (Ord. 2948 § 1 (part), 1986).~~

1.43.180 Annual report.

The examiner shall report in writing to and meet with the city planning commission and city council at least annually, if requested, for the purpose of reviewing the administration of the city's land use policies and regulating ordinances. The report shall include a summary of the hearing examiner's decisions since the prior report. (Ord. 2010-22 § 2, 2010; Ord. 2948 § 1 (part), 1986).