

**CITY PLANNING – 2018 TEXT AMENDMENTS
TXT#002-18 & SEPA#020-18; TXT#003-18 & SEPA#025-18**

**City Council
Public Hearing
November 13, 2018**

EXHIBIT LIST

| | |
|----------------|-------------------------------------------------------|
| Applicant: | City of Yakima Planning Division |
| File Numbers: | TXT#002-18 & SEPA#020-18; TXT#003-18 & SEPA#025-18 |
| Site Address: | N/A |
| Staff Contact: | Joseph Calhoun, Planning Manager |

Table of Contents

| | |
|------------|----------------------------------------------------------------------------------------|
| CHAPTER AA | Yakima Planning Commission's Findings of Fact & Recommendations to the City Council |
| CHAPTER A | Staff Reports |
| CHAPTER B | SEPA Checklists |
| CHAPTER C | Applications |
| CHAPTER D | Public Notices – Various Text Amendments |
| CHAPTER E | Public Notices – Hotel/Motel/Extended Stay |
| CHAPTER F | Public Comments – Various Text Amendments |
| CHAPTER G | Public Comments – Hotel/Motel/Extended Stay |
| CHAPTER H | Supplemental Information – Various Text Amendments |
| CHAPTER I | Supplemental Information – Hotel/Motel/Extended Stay |

CITY PLANNING – 2018 TEXT AMENDMENTS
TXT#002-18 & SEPA#020-18; TXT#003-18 & SEPA#025-18

EXHIBIT LIST

CHAPTER AA

Yakima Planning Commission's Recommendations

[illegible]



DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

Planning Division

Joseph Calhoun, Manager

129 North Second Street, 2nd Floor, Yakima, WA 98901

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

YAKIMA PLANNING COMMISSION

**RECOMMENDATION TO THE YAKIMA CITY COUNCIL
FOR
AMENDMENT TO YAKIMA MUNICIPAL CODE**

October 16, 2018

WHEREAS, Pursuant to RCW 36.70A.130(1) the City is required to take legislative action to review and revise its development regulations in accordance with the Growth Management Act; and

WHEREAS, The City of Yakima last amended its Title 15 Zoning Ordinance on June 6, 2017; and

WHEREAS, These updates are considered to be a non-project application without a specific use or site plan to be considered; and

WHEREAS, Under the provisions of YMC 1.42 the Yakima Planning Commission is responsible for the review of amendments to the City's Yakima Zoning Ordinance and for recommending the approval, modification, or denial of each amendment; and

WHEREAS, The Yakima Planning Commission held study sessions to review the proposed amendments on July 25, 2018; August 8, 2018; August 22, 2018; September 12, 2018; and September 26, 2018; and

WHEREAS, All required public notice for these amendments were provided, in accordance with the provisions of YMC Ch. 16.10, on September 19, 2018; and

WHEREAS, SEPA Environmental Review for these updates was considered with the Preliminary Determination of Nonsignificance issued on September 19, 2018 being retained on October 10, 2018; and

WHEREAS, The Yakima Planning Commission held an open record public hearing on October 10, 2018 to hear testimony from the public, consider the amendments, and provide a recommendation to the Yakima City Council;

Now therefore, the Yakima City Planning Commission presents the following findings and recommendation to the Yakima City Council:

**DOC.
INDEX**

AA-2

Based upon a review of the information contained in the application, staff report, exhibits, testimony, and other evidence presented at an open record public hearing held on October 10, 2018, the Planning Commission makes the following:

PURPOSE AND DESCRIPTION OF PROPOSED AMENDMENTS:

The proposed amendments will define "Hotel, Motel, and Extended Stay" and identify what zoning districts the uses are allowed, and at what level of review. This amendment is the subject of a July 17, 2018 City Council Moratorium Public Hearing. At the July 17, 2018 public hearing it was moved and seconded:

"That this matter be sent to the Planning Commission for research and evaluation, and that the Planning Commission make a recommendation to Council proposing definitions for the following terms: Hotel; Motel; and Extended Stay; and make recommendations regarding what zones are appropriate for those uses and at what level of review."

YMC § 15.02.020 – Definitions:

"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.

YMC § 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 |
|----------------------------------|----|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| Motels and Hotels | | | | | | | | 2 | 1 | 1 | 1 | 1 | 1 | | |
| <u>Extended Stay Hotel/Motel</u> | | | | | | | | 2 | 1 | 2 | 2 | 3 | 3 | | |

FINDINGS OF FACT

1. This project underwent Environmental Review with the Determination of Nonsignificance being retained on October 10, 2018.
2. Public notice was provided in accordance with YMC Ch. 16.10, with a Notice of Public

DOC.
INDEX

AA-2



Hearing and Legal Ad Publication in the Yakima Herald newspaper on September 19, 2018.

3. The proposed amendments are consistent with the following Goal and Policy of the 2040 Comprehensive Plan:

Goal 2.1: Establish a development pattern consistent with the community's vision.

Policy 2.1.6: Adopt coordinated development regulations that facilitate Yakima's preferred land use pattern (e.g. allowed density, uses, and site provisions)

- Refine the land use code on an ongoing basis to make it user-friendly by employing simple language, easy to read charts, and illustrative graphics.
- Monitor and refine the land use code as needed to facilitate the preferred land use pattern and development character.
- Integrate an appropriate balance of predictability and flexibility when updating development regulations that allow ease of administration and interpretation and offer optional ways of meeting requirements when possible.

4. At its October 10, 2018 public hearing, the Yakima Planning Commission heard the staff presentation regarding the proposed amendment and considered oral testimony from John Cooper, on behalf of Yakima Valley Tourism.

- a. John Cooper provided testimony in favor of the staff proposal to increase the level of review for Extended Stay Hotel/Motel in certain districts.
- b. Written testimony in favor of a separate Extended Stay Hotel/Motel definition was submitted by John Cooper on behalf of Yakima Valley Tourism, and by Colette Keeton on behalf of the Yakima Valley Lodging Association.

YAKIMA PLANNING COMMISSION'S CONCLUSIONS

1. No adverse impacts have been identified;
2. The proposed updates underwent Environmental Review;
3. The proposed amendments are consistent with the Yakima Urban Area Zoning Ordinance and 2040 Comprehensive Plan.

MOTION

Based on the testimony and evidence presented during this afternoon's public hearing, it was moved and seconded that the City of Yakima Planning Commission draft findings of fact and forward a recommendation of approval to the Yakima City Council. The motion carried 5-0.

RECOMMENDATION TO CITY COUNCIL

The Planning Commission of the City of Yakima, having received and considered all evidence and testimony presented at the public hearing, and having received and reviewed the record herein, hereby recommends that the City Council of the City of Yakima APPROVE the proposed text amendments to the Yakima Municipal Code, as presented by staff.

RECOMMENDED this 16th day of October 2018.

By: _____

Patricia Byers
Patricia Byers, Chair
Yakima Planning Commission

DOC.
INDEX

AA-2





DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

YAKIMA PLANNING COMMISSION
RECOMMENDATION TO THE YAKIMA CITY COUNCIL
FOR
AMENDMENT TO YAKIMA MUNICIPAL CODE

September 26, 2018

WHEREAS, Pursuant to RCW 36.70A.130(1) the City is required to take legislative action to review and revise its development regulations in accordance with the Growth Management Act; and

WHEREAS, The City of Yakima last amended its Title 15 Zoning Ordinance on June 6, 2017; and

WHEREAS, These updates are considered to be a non-project application without a specific use or site plan to be considered; and

WHEREAS, Under the provisions of YMC 1.42 the Yakima Planning Commission is responsible for the review of amendments to the City's Yakima Zoning Ordinance and for recommending the approval, modification, or denial of each amendment; and

WHEREAS, The Yakima Planning Commission held study sessions to review the proposed amendments on December 13, 2017; January 10, 2018; March 14, 2018; March 28, 2018; April 11, 2018; May 5, 2018; May 23, 2018; and June 27, 2018; and

WHEREAS, All required public notice for these amendments were provided, in accordance with the provisions of YMC Ch. 16.10, on July 20, 2018; and

WHEREAS, SEPA Environmental Review for these updates was considered with the Preliminary Determination of Nonsignificance issued on July 20, 2018 being retained on August 10, 2018; and

WHEREAS, The Yakima Planning Commission held an open record public hearing on September 12, 2018 to hear testimony from the public, consider the amendments, and provide a recommendation to the Yakima City Council;

Now therefore, the Yakima City Planning Commission presents the following findings and recommendation to the Yakima City Council:

DOC.
INDEX
AA-1

Based upon a review of the information contained in the application, staff report, exhibits, testimony, and other evidence presented at an open record public hearing held on September 12, 2018, the Planning Commission makes the following:

PURPOSE AND DESCRIPTION OF PROPOSED AMENDMENTS:

The complete track changes text of the proposed amendment can be found in Exhibit A, incorporated herein by this reference.

1. YMC § 15.08.045(7) – Sign Code Exemptions

- a. Modifications to Flag size and Flag pole height/location.

2. YMC § 15.23.030 – Rezones-Zoning map amendments

- a. Requiring a non-project rezone application to submit a non-binding conceptual site plan.
- b. Requiring that any conditions imposed on a Rezone application be incorporated into a development agreement.

3. YMC § 15.09.045 – Accessory Dwelling Units

- a. Consistency with Table 4-1 related to level of review (Class 2 in SR and R-1)
- b. Adding R-2 and R-3 as allowable zoning districts (Class 1 in R-2 and R-3)
- c. Clarifying structure type and placement
- d. Decreasing the minimum lot size from 0.25 acres to a lot appropriately sized for a duplex.

4. YMC Ch. 15.17 – Modification

- a. Multiple changes throughout to allow any existing use which meets the applicable criteria to go through the Modification process.

5. YMC Ch. 15.02.020 – Definitions and YMC § 15.04.120 – Home Occupations

- a. Adding definition for “Home occupation, taxicab operator”
- b. Adding Taxicab Operator to Table 4-2

6. YMC § 15.03.020 – District and map overlay intent statements and YMC Table 4-1 – Permitted Land Uses

- a. Adding “light manufacturing, processing, research” to the Regional Development (RD) district intent statement.
- b. Adding certain uses and modifying the level of review of certain uses in the RD zone.

7. Various sections – Appeals

- a. Revised definition of “Party of Record” in YMC § 15.02.020
- b. All appeal language is being consolidated to YMC Ch. 16.08. Modified sections include:
 - i. YMC Ch. 1.43 – Hearing Examiner
 - ii. YMC Ch. 15.16 – Appeals
 - iii. YMC Ch. 16.08 – Appeals

FINDINGS OF FACT

1. This project underwent Environmental Review with the Determination of Nonsignificance being retained on August 10, 2018.
2. Public notice was provided in accordance with YMC Ch. 16.10, with a Notice of Public Hearing and Legal Ad Publication in the Yakima Herald newspaper on July 20, 2018.
3. The proposed amendments are consistent with the following Goal and Policy of the 2040 Comprehensive Plan:

Goal 2.1: Establish a development pattern consistent with the community's vision.

Policy 2.1.6: Adopt coordinated development regulations that facilitate Yakima's preferred land use pattern (e.g. allowed density, uses, and site provisions)

- Refine the land use code on an ongoing basis to make it user-friendly by employing simple language, easy to read charts, and illustrative graphics.
- Monitor and refine the land use code as needed to facilitate the preferred land use pattern and development character.
- Integrate an appropriate balance of predictability and flexibility when updating development regulations that allow ease of administration and interpretation and offer optional ways of meeting requirements when possible.

Policy 2.3.1(A): Accessory Dwelling Units (ADU). Allow for attached and detached ADU's in all residential districts provided size, design, and other provisions are included to promote compatibility with surrounding uses. Additional considerations may include:

- Reduce the minimum lot size for lots qualifying for an ADU.
- Allow free-standing ADU's provided lots retain useable open space and units minimize privacy impacts to adjacent properties.
- Provide an owner occupancy requirement (owner must live in primary home or ADU).

Policy 2.3.3(H): Allow home occupations that would not generate excessive traffic, create parking problems, or degrade the livability or appearance of the neighborhood.

Policy 2.5.6(B): Cascade Mill redevelopment – Promote coordinated development that integrates a mixture of uses, and the following land use design principles

- Promote and incentivize large-scale industrial park, business park, light manufacturing or other economic development that integrates with planned retail and recreation uses.

Goal 5.1: Encourage diverse and affordable housing choices.

Policy 5.1.6: Allow accessory dwelling units in single family zones to increase the supply of affordable housing units to help existing homeowners remain in their homes.

4. At its September 12, 2018 public hearing, the Yakima Planning Commission heard the staff presentation regarding the proposed amendment and considered oral testimony from Clarice Dyer.
 - a. Clarice Dyer provided testimony related to the minimum lot size for an ADU. The original recommendation was to allow ADUs on lots sized appropriately for a duplex. Based on the testimony, a new line will be added to allow an ADU on a lot that does not meet the minimum lot size if it goes through a higher level of review than what is required in Table 4-1.

DOC.
INDEX

AA-1

YAKIMA PLANNING COMMISSION'S CONCLUSIONS

1. No adverse impacts have been identified;
2. The proposed updates underwent Environmental Review;
3. The proposed amendments are consistent with the Yakima Urban Area Zoning Ordinance and 2040 Comprehensive Plan.

MOTION

Based on the testimony and evidence presented during this afternoon's public hearing, it was moved and seconded that the City of Yakima Planning Commission draft findings of fact and forward a recommendation of approval to the Yakima City Council. The motion carried 6-0.

RECOMMENDATION TO CITY COUNCIL

The Planning Commission of the City of Yakima, having received and considered all evidence and testimony presented at the public hearing, and having received and reviewed the record herein, hereby recommends that the City Council of the City of Yakima APPROVE the proposed text amendments to the Yakima Municipal Code, as modified during the September 12, 2018 public hearing.

RECOMMENDED this 26th day of September 2018.

By: _____

Patricia Byers
Patricia Byers, Chair
Yakima Planning Commission

DOC.
INDEX

AA-1

Exhibit "A"

City of Yakima Planning Division

2018 Text Amendments

1. Sign Code

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).

2. Rezone

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.

3. ADU's

15.09.045 Accessory dwelling units.

B. Requirements. An accessory dwelling unit is a permitted Glass (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.

DOC.
INDEX
AA-1

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 |
|-------------------------------------------------|----|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| Accessory Dwelling Unit (*) (See YMC 15.09.045) | 2 | 2 | 1 | 1 | | | | | | | | | | | |

4. Modification

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.

* Prior legislation: Ords. 3106, 93-81 and 95-13.

15.17.010 Purpose.

This chapter establishes provisions for the review of proposed modifications to existing or approved ~~Class (2)~~ or ~~(3)~~ uses.

DOC.
INDEX

AA-1

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. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008).

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.

5. Taxicab Home Occupation

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.

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 | |

**DOC.
INDEX**

AA-1

Table 4-2. Table of Permitted Home Occupations

| | Zoning District | | | | |
|-------------------------------------------------|-----------------|-----|-----|-----|-----|
| | SR | R-1 | R-2 | R-3 | B-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 |
| 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 | |

Table 4-2. Table of Permitted Home Occupations

| | Zoning District | | | | |
|------------------------------------------------------------------------------------------------|-----------------------------|----------|----------|----------|----------|
| | SR | R-1 | R-2 | R-3 | B-1 |
| 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 |
| Unclassified home occupation | See YMC <u>15.04.120(G)</u> | | | | |
| 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 | | | | | |

6. Regional Development Zoning District

15.03.020 District and map overlay intent statements.

**DOC.
INDEX**

AA-1

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.

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 | | 2 | | |
| Children's Outdoor Recreation Center* (Less than 500 ft. from abutting residential and/or containing a go-cart track) | | | | | | | | | | | 3 | | 2 | | |
| Drive-In Theatres | 3 | | | | | | | | | | 2 | | 2 | 2 | |

DOC.
INDEX

AA-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-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 | | | | | | | | | 2 | | |
| 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) | | | | | | | | | | | | | | |
| 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, and 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 | | |
| Community Gardens (*) (if accessory to an approved principal use) (See YMC 15.04.060(G)) | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Community Gardens (*) (with planting area of one-quarter acre or less) | 1 | 1 | 1 | 1 | 1 | 1 | | 1 | 1 | 1 | 1 | 1 | | 1 | |
| Community Gardens (*) (with planting area of more than one-quarter and up to one-half acre) | 2 | 2 | 2 | 2 | 2 | 2 | | 2 | 2 | 2 | 1 | 2 | | 2 | |
| Community Gardens (*) (with planting area of more than one-half acre up to one acre) | 2 | 2 | 2 | 2 | 2 | 2 | | 2 | 2 | 2 | 2 | 2 | | 2 | |
| Day Care Facilities (not home occupation): Family In-Home (*) | 1 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 | | 1 | 1 | | | |
| Day Care 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 | | | |

DOC.
INDEX

AA-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-2 |
|------------------------------------------------------------------------------|-------------------------|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| 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 Chapter 15.31) | | | | | | | | | | | | | | |
| 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 | | | 2 | 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 | 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 | | 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 |

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-2 |
|------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| 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 |
| Marijuana Processing (**) | | | | | | | | | | | | | | 1 | 1 |
| Marijuana Research (**) | | | | | | | | | | | | | | 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 | | | | | | | | | | | | | -2 | 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 |

**DOC.
INDEX**

AA-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-2 |
|-----------------------------------------------------------------------------------------------|-------------------|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| 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 | | | | | | | | | | | | | | |
| 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 | | | |
| 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 | |

**DOC.
INDEX**

AA-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-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 (*) 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 | |

DOC.
INDEX
AA-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-2 |
|------------------------------------------------------------------------------------------|-------------------|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| 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 | | |
| 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 |

DOC.
INDEX

AA-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-2 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| 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 a definition in YMC Chapter 15.02. ** See YMC 15.09.220 for general development requirements for marijuana uses. = 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 | | | | | | | | | | | | | | | |

DOC.
INDEX

AA-1

7. Appeals

15.02.020 Definitions

~~“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.~~

“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).

Chapter 1.43 HEARING EXAMINER

Sections:

- 1.43.010 Office established.
- 1.43.020 Appointment.
- 1.43.030 Qualifications.
- 1.43.040 Removal.
- 1.43.050 Standards of conduct.
- 1.43.060 Rules.
- 1.43.070 Time computation.
- 1.43.080 Duties and powers.
- 1.43.090 Applications.
- 1.43.100 Master applications.
- 1.43.110 Report of department.
- 1.43.120 Examiner's decision.
- 1.43.130 Notice of examiner's decision.
- 1.43.140 Appeal from examiner's decision.
- 1.43.150 Effect of appeal.
- 1.43.160 Council action on appeals.
- 1.43.170 Appeal of decisions made by council.
- 1.43.180 Annual report.

1.43.010 Office established.

There is established an office of hearing examiner. The office of examiner shall be under the administrative supervision of the examiner and shall be separate from and not an administrative part of the department of community and economic development. Unless the context requires otherwise, the term "examiner" as used herein shall include deputy examiners and examiners pro tem. (Ord. 2948 § 1 (part), 1986).

1.43.020 Appointment.

The hearing examiner and any deputy examiners shall be appointed by the city council after consideration of the recommendation of the joint hearing examiner committee created by and pursuant to the "Intergovernmental Agreement for the Mutual Use of Hearing Examiner Services" entered into by and between the city of Yakima and Yakima County, Washington. Such examiner shall serve an indefinite term of office which shall, however, be reviewed one year following the date of original appointment and thereafter every four years. The council may also appoint examiners pro tem to serve in the event of absence or inability to act of the examiner and deputy examiners. (Ord. 2948 § 1 (part), 1986).

1.43.030 Qualifications.

Examiners shall be appointed solely with regard to their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions

**DOC.
INDEX**

AA-1

conferred upon them. Examiners shall hold no other elective or appointive office or position with the city of Yakima or the county of Yakima. (Ord. 2948 § 1 (part), 1986).

1.43.040 Removal.

An examiner may be removed from office for cause by a majority vote of the city council after consideration of a recommendation as to removal or nonremoval from the joint hearing examiner committee. (Ord. 2948 § 1 (part), 1986).

1.43.050 Standards of conduct.

(a) No person, including city or county officials, elective or appointive, shall attempt to influence an examiner in any matter pending before him, except at a public hearing duly called for such purpose, or to interfere with an examiner in the performance of his duties in any other way; provided, that an official or employee of the city of Yakima or Yakima County may, in the performance of his official duties provide information to the examiner when the action is disclosed at the hearing or meeting; nor, shall this section prohibit rendering of legal services to the examiner or to the council.

(b) No examiner shall conduct or participate in any hearing or decision in which the examiner shall have a direct or indirect financial or personal interest or in which such conduct or participation shall violate any rule of law applicable thereto. (Ord. 2948 § 1 (part), 1986).

1.43.060 Rules.

The examiner shall implement procedural rules for the conduct of hearings and other procedural matters related to the duties of his office in accordance with RCW 36.70.970. (Ord. 2948 § 1 (part), 1986).

1.43.070 Time computation.

In computing any period of time prescribed by this chapter, the day of the act 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, Sunday, or a city legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, or a city legal holiday. (Ord. 2948 § 1 (part), 1986).

1.43.080 Duties and powers.

The examiner shall hear, make a record of, and decide matters provided in this chapter or by other ordinances, including but not limited to the following land use matters:

A. Matters prescribed by the Yakima urban area zoning ordinance, Title 15 of this code. Decisions of the examiner on such matters shall have the legal effect as set forth in the provisions of said ordinance;

B. Review of preliminary plats and modifications thereto using the procedures and provisions for review by the planning commission as set forth in RCW Chapter 58.17 and the city of Yakima subdivision ordinance, Title 14 of this code. The decisions of the examiner on such matters shall constitute recommendations to the city council;

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;

E. Pedestrian skybridge applications in the manner set forth in YMC 11.65.040(F) and pedestrian skybridge permit violations as set out in YMC 11.65.070;

F. The examiner may conduct hearings required pursuant to RCW Chapter 43.21C, State Environmental Policy Act (SEPA), and Chapter 6.88 YMC at the request of the city responsible official charged with responsibility for holding such a hearing; provided, that the substantive SEPA decision and the decision on the associated action shall be made by the responsible official;

G. The examiner may, at the request of the city shoreline administrator, receive and examine available information, conduct public hearings and prepare records and reports thereof, and issue recommendations to the council based upon findings and conclusions on applications for shoreline substantial development permits and conditional use permits;

H. Conduct public hearings on petitions and resolutions to vacate streets and public rights-of-way pursuant to RCW Chapter 35.79. Decisions of the examiner on such matters shall constitute a recommendation to the city council.

The provisions of this section designating and assigning to the hearing examiner the duties and functions listed above shall supersede any and all conflicting provisions of the municipal code of the city of Yakima. (Ord. 2016-028 § 2, 2016; Ord. 2013-033 § 1 (Exh. A), 2013; Ord. 93-91 § 1, 1993; Ord. 3257 § 1, 1990; Ord. 3224 § 1, 1989; Ord. 2948 § 1 (part), 1986).

1.43.090 Applications.

Applications for permits or approvals subject to review by the examiner shall be made to the city department of community and economic development (hereinafter referred to as the "department"). The department shall accept such applications only if applicable filing requirements are met. The department, in coordination with the hearing examiner, shall be responsible for assigning a date for and assuring due notice of public hearing for each application, which date and notice shall be in accordance with the statute or ordinance governing the application. (Ord. 2948 § 1 (part), 1986).

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).

DOC.
INDEX
AA-1

1.43.110 Report of department.

Where no specific provision for a report of the department is contained in the statute or ordinance governing the application, the department may coordinate and assemble the reviews of other county/city departments, other state or local governmental agencies and franchised public utilities having an interest in the subject application and prepare a report summarizing the factors involved and the department's findings and recommendations. At least seven calendar days prior to the scheduled hearing the report shall be filed with the examiner and copies thereof shall be mailed to the applicant and made available for public inspection. Copies thereof shall be provided to interested parties upon request. (Ord. 2948 § 1 (part), 1986).

1.43.120 Examiner's decision.

Within ten working days of the conclusion of a hearing, unless longer period is agreed to in writing by the applicant, the examiner shall render a written decision which shall include findings and conclusions based on the record. Except as provided in YMC 1.43.080 and 1.43.100 and the decision of the examiner shall be final and conclusive on the fifteenth day after the date of the decision unless a notice of appeal to the Yakima city council is filed pursuant to YMC 1.43.140. The examiner's decisions together with his findings, conclusions, and record of proceedings shall be filed with the department of community and economic development. If the effect of the decision is a recommendation to the legislative body, the original thereof shall be transmitted to the legislative body (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. (Ord. 2948 § 1 (part), 1986).

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).

1.43.150 Effect of appeal.

The timely filing of an appeal under this chapter shall stay the effective date of the examiner's decision until the appeal is adjudicated by the council or until the appeal is withdrawn. (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.

DOC.
INDEX
AA-1

~~(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).

"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).

Chapter 15.16 APPEALS

Sections:

- 15.16.005 Appeals
- 15.16.010 Purpose.
- 15.16.015 Conflict of provisions.
- 15.16.020 Appeals—Where filed.
- 15.16.030 Consolidated appeals.
- 15.16.040 Appeal of the administrative official's decision.
- 15.16.050 Appeal of the hearing examiner's decision.
- 15.16.060 Legislative body action on appeals.
- 15.16.070 Appeal of decisions made by the legislative body.
- 15.16.080 Effect of appeals.
- 15.16.090 Actions not appealable.

15.16.005 Appeals.

The procedures to appeal actions under Title 14, Title 15, Title 16, and Chapter 6.88 YMC, shall be found in YMC 16.08.

15.16.010 Purpose.

The purpose of this chapter is to establish the procedures for appealing decisions made under the provisions of this title. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986).

15.16.015 Conflict of provisions.

In the event of any conflict between this chapter and that of YMC Title 16, the provisions of Title 16 shall prevail. (Ord. 2016-029 § 1 (Exh. A) (part), 2016).

15.16.020 Appeals—Where filed.

All appeals authorized under the provisions of this title, except judicial appeals, shall be filed with the division. The division shall forward the appeal to the appropriate administrative official, schedule an appeal hearing, provide the required notification, and maintain complete records of all appeal hearings unless otherwise provided for in this chapter. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986).

15.16.030 Consolidated appeals.

A.— All appeals of project permit application decisions, other than an appeal of SEPA determination of significance, shall be considered together in a consolidated appeal and shall not be separated from the substantive matters of the application.

B.— Appeals of determinations of significance under SEPA, Chapter 6.88 YMC, shall proceed as provided in that chapter in an open record hearing. The purpose of this early and separate appeal hearing is to resolve the need for an environmental impact statement (EIS) and to permit

administrative and judicial review prior to preparation of an EIS. (Ord. 2016-029 § 1 (Exh. A) (part), 2016).

~~15.16.040 Appeal of the administrative official's decision.~~

A.— ~~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.~~

B.— ~~Appeal. All appeals shall be filed within fourteen days following the mailing of the final decision by the administrative official or designee. Appeals shall be filed with the division. If a final decision does not require mailing, the appeal shall be filed within fourteen days following the issuance of the final decision.~~

C.— ~~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 division of the city. 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.~~

D.— ~~Notice. The division shall:~~

1.— ~~Set a reasonable time and place for hearing of the appeal;~~

2.— ~~Provide a notice of appeal and public hearing to the official whose decision is being appealed and parties entitled to notice of the decision, including posting of property and published notice at least ten days prior to the hearing.~~

E.— ~~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 or she deems pertinent.~~

F.— ~~Staff Report. A staff report shall be prepared and transmitted to the examiner, along with the record in accordance with YMC 16.08.020(C).~~

G.— ~~Action by the Hearing Examiner. Testimony given during the appeal shall be limited to those points cited in the appeal application. 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 division 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.~~

H.— ~~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 16.08.030. (Ord. 2016-029 § 1 (Exh. A) (part), 2016; Ord. 2008-46 § 1 (part), 2008; Ord. 3019 §§ 53, 54, 1987; Ord. 2947 § 1 (part), 1986. Formerly 15.16.030).~~

15.16.050 Appeal of the hearing examiner's decision.

A.— Appeals. The decision of the hearing examiner shall be final and conclusive unless appealed to the legislative body by a person aggrieved, or by any agency of the city, affected by the decision in the following manner:

- 1.— The appealing party must file a complete written notice of appeal with the planning division 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.
- 3.— The city council shall hear appeals of all decisions by the hearing examiner during a public meeting or a limited hearing for receipt of oral legal argument.

B.— Appeal Procedures.

- 1.— Notice of Filed Appeal. The planning division shall notify the parties of record and appellant 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 division.

A.— Content of Notice of Filed Appeal. The notice to parties and appellant shall contain the following statements: All parties of record wishing to respond to the appeal may submit a written argument or memorandum to the legislative body within thirty days from the date that the notice is mailed; and any written argument or memorandum shall not include the presentation of new evidence and shall be based only upon the facts presented to the examiner.

- 2.— Submittal of Written Argument or Memorandum.

a.— The appellant or any party of record may file with the division a written argument or memorandum of authority within thirty days of the date of mailing of the notice of a filed appeal.

b.— Rebuttal to Written Argument and Memorandum. Upon completion of the thirty-day submittal period for submission of any written argument and memorandum, the appellant at their expense may obtain copies of any such submissions, and shall be provided a fifteen-day rebuttal period (starting on the thirty-first day from the date of mailing of the notice of filed appeal).

- c.— Extension of Time for Written Argumentation and Memorandum.

- 1.— No written argument or memorandum of authorities may be thereafter submitted except written request for cause granted by the division. However, requests for extension must be made no later than the last date the memoranda would otherwise be due.

- 2.— The legislative body may grant further extensions on a finding by the legislative body of the existence of extenuating circumstances which warrant such extensions.

**DOC.
INDEX**

AA-1

d.—Upon extension of any request for written argumentation or memorandum, a notice of extension shall be given to all parties of record, and the notice shall include the statement that: "Memoranda, written arguments or comments shall not include the presentation of any new evidence and shall be based only on the facts presented to the examiner."

3.—Transfer of Record to Legislative Body. When a timely appeal has been filed and the deadline for receipt of written memoranda and all extensions has passed, the division shall deliver to the legislative body a copy of the examiner's decision, the evidence presented to the examiner, a recording of the hearing before the examiner and any written argument or memorandum of authority which has been received. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 3019 § 55, 1987: Ord. 2947 § 1 (part), 1986: Formerly 15.16.040).

15.16.060 Legislative body action on appeals.

A.—General. When the record and the examiner's decision have been transmitted to the legislative body, the clerk of the legislative body shall schedule a date for a closed record appeal 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 division.

B.—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.

C.—Site Views. The legislative body may view the site.

D.—Scope of Review. Legislative body review of the facts shall be limited to the records which include all materials received in evidence at any previous stage of the review, audio/visual tapes of the prior hearing(s), and the final order being appealed, and argument by the parties at the examiner's hearing. 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.

E.—Appellant and Respondent Arguments. The appellants and any respondents to the appeal shall have the opportunity to present oral and written argument. Oral argument shall be confined to the prior established hearing examiner record and to any alleged errors in the decision.

F.—Action on Appeal. At the public hearing the legislative body may adopt, amend and adopt, reject, reverse, or 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 legislative body renders a decision different from the decision of the examiner, the legislative body shall adopt amended findings and conclusions accordingly. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986: Formerly 15.16.050).

15.16.070 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 twenty-one 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 as provided in Chapter 36.70C RCW. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986: Formerly 15.16.060).

~~15.16.080 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 of this title including cancellations and revocations of permits or approvals. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 3019 § 56, 1987: Ord. 2947 § 1 (part), 1986: Formerly 15.16.070).

~~15.16.090 Actions not appealable.~~

A.—Generally. Only final actions or decisions of an administrative official or other official may be appealed under this chapter.

B.—Procedural Rulings. Interim procedural or other rulings during or as part of a review or decision making process by an administrative or other officer under this title are not appealable except as part of the final decision or action.

C.—Enforcement Actions. No enforcement action for violation of this title is appealable except as expressly provided in YMC 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 party in a court of law. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986: Formerly 15.16.080).

Chapter 16.08 APPEALS

Sections:

- 16.08.005 Purpose and Applicability
- 16.08.010 Consolidated appeals.
- 16.08.012 Appeals—Where filed.
- 16.08.014 Burden of proof.
- 16.08.015 Definitions
- 16.08.018 Appeal of administrative official's decision
- 16.08.020 Open record appeals subject to review by hearing examiner.
- 16.08.025 Appeal of the hearing examiner's decision
- 16.08.030 Closed record appeal subject to review by the city council.
- 16.08.040 Judicial appeals.
- 16.08.050 Effect of appeals.
- 16.08.060 Actions not appealable.

16.08.005 Purpose and Applicability.

The purpose of this chapter is to establish the procedures for appealing decisions made under the provisions of Title 14, Title 15, Title 16, and Chapter 6.88 of the Yakima Municipal Code. The procedures may also be used for any other matter where there is an appeal opportunity and the procedures of such appeal are not specifically outlined elsewhere in this Code.

16.08.010 Consolidated appeals.

- A. All appeals of project permit application decisions, other than an appeal of SEPA determination of significance, shall be considered together in a consolidated appeal and shall not be separated from the substantive matters of the application.
- B. Appeals of Determinations of Significance under SEPA, Chapter 6.88 YMC, shall proceed as provided in that chapter in an open record hearing. The purpose of this early and separate appeal hearing is to resolve the need for an environmental impact statement (EIS) and to permit administrative and judicial review prior to preparation of an EIS. (Ord. 98-66 § 1 (part), 1998).

16.08.012 Appeals—Where filed.

All appeals authorized under the provisions of Title 14, Title 15, Title 16 and Chapter 6.88 of the Yakima Municipal Code, except judicial appeals, shall be filed with the division. The division shall forward the appeal to the appropriate administrative official, schedule an appeal hearing, provide the required notification, and maintain complete records of all appeal hearings unless otherwise provided for in this chapter.

16.08.014 Burden of proof.

The appellant shall bear the burden to demonstrate at least one of the following:

1. The decision-maker (either the administrative official or hearing examiner) exceeded his or her jurisdiction or authority;
2. The decision-maker failed to follow applicable procedures in reaching the decision;
3. The decision-maker committed an error of law; and/or

4. The findings, conclusions or decision prepared by the decision-maker are not supported by substantial evidence.

16.08.015 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

"Administrative official" means the duly appointed city of Yakima director of community development.

"Agency" means any municipal corporation, state or federal government or subdivision thereof.

"Aggrieved Person" or "Person Aggrieved" means a person who is directly affected by the approval, denial or conditioning of a permit, or a person who is directly affected by a decision of the administrative official, hearing examiner or city council.

"Appellant" means the person or party appealing a decision made by the administrative official or the hearing examiner.

"Applicant" means a person submitting an application for any permit or approval required by the Yakima Municipal Code Title 14 or Title 15, and who is the owner of the subject property or the authorized agent of the owner.

"Department" or "Division" means the city of Yakima Department of Community Development.

"Legislative Body" means the Yakima city council.

"Officer" means the director of community development or his or her designee.

"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).

"Person" means any corporation, company, association, society, firm, partnership, or business, as well as an individual, a state and all political subdivisions of a state, any agency or instrumentality thereof.

"Respondent" means the party against whom an appeal is taken or any party of record responding to an appeal.

"Subject Property" means the real property that is at issue in the original application.

16.08.018 Appeal of the administrative official's decision.

A. Appeal to the Hearing Examiner. Except as otherwise provided, any aggrieved person, party of record, or agency directly affected by any decision of the administrative official or designee may appeal that decision to the hearing examiner.

B. Appeal. All appeals shall be filed within fourteen days following the mailing of the final decision by the administrative official or designee. Appeals shall be filed with the division. If a final decision does not require mailing, the appeal shall be filed within fourteen days following the issuance of the final decision.

C. 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 division of the city. 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. Appeals shall also include a sworn statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

D. Notice. The division shall:

1. Set a reasonable time and place for hearing of the appeal; and
2. Provide a notice of appeal and public hearing to the official whose decision is being appealed and parties entitled to notice of the decision, including posting of property and publishing the notice at least ten days prior to the hearing.

E. 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, together with such additional written report as he or she deems pertinent.

F. Staff Report. A staff report shall be prepared and transmitted to the hearing examiner, along with the record in accordance with this chapter.

G. Action by the Hearing Examiner. Testimony given during the appeal shall be limited to those points cited in the appeal application. 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 parties to the appeal 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 was taken. The division 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.

H. 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 pursuant to this chapter.

16.08.020 Open record appeals subject to review by hearing examiner.

A. The hearing examiner shall hear appeals de novo. An applicant or representative shall be present at the hearing. In the event that the applicant or his or her representative is not present at the time of the hearing, the hearing shall be canceled and rescheduled by the planning division with appropriate public notice given in accordance with this title.

B. Notice of an appeal hearing shall be mailed to parties entitled to notice of the decision, including posting of property and published notice.

C. A staff report shall be prepared, file transmitted to the examiner, and hearing conducted in the manner described in the appropriate ordinance subject of the appeal and Washington State law. The hearing examiner shall have ten working days to issue a decision on the appeal. All decisions of the hearing examiner are subject to appeal to the city council.

D. The applicant or property owner shall remove all land use action signs from the subject property within thirty days from the date of issuance of the final decision or action on the underlying land use application. Any signage which is in good condition shall be returned to the city of Yakima planning division. (Ord. 2016-030 § 15, 2016: Ord. 98-66 § 1 (part), 1998).

16.08.025 Appeal of the hearing examiner's decision.

A. Appeals. The decision of the hearing examiner shall be final and conclusive unless appealed to the legislative body by a person aggrieved, a party of record, or by any agency of the city affected by the hearing examiner's decision in the following manner:

1. The appealing party must file a complete written notice of appeal with the division upon forms prescribed by the department and accompanied by the appeal fee within fourteen days from the date of mailing of the hearing 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.

3. The notice of appeal shall include a sworn statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

4. The city council shall hear appeals of all decisions of the hearing examiner during a public meeting or a limited hearing for receipt of oral legal argument, unless precluded by law.

B. Appeal Procedures—Notice of Appeal.

1. Notice of Filed Appeal. The planning division shall notify the parties of record and appellant 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 division.

2. Content of Notice of Filed Appeal. The notice to parties of record and appellant shall contain the following statements: All parties named in the appeal of the hearing examiner's decision wishing to respond to the appeal may submit a written argument or memorandum to the legislative body within thirty days from the date that the notice is mailed; and any written argument or memorandum shall not include the presentation of new evidence and shall be based only upon the facts presented to the examiner.

C. Submittal of Written Argument or Memorandum.

1. The named parties ~~appellant~~ to the hearing examiner's decision ~~or any party of record~~ may file with the division a written argument or memorandum of authority within thirty days of the date of mailing of the notice of a filed appeal.

2. Rebuttal to Written Argument and Memorandum. Upon completion of the thirty day submittal period for submission of any written argument and memorandum, the parties named in the appeal of the hearing examiner's decision ~~appellant~~, at their expense, may obtain copies of any such submissions, and shall be provided a fifteen day rebuttal period which starts on the thirty-first day from the date of mailing of the notice of the filed appeal.

3. Extension of Time for Written Argument and Memoranda.

a. No written argument or memorandum of authorities may be thereafter submitted except by the legislative body's approval of a written request for an extension for cause. Requests for extension must be made no later than the last date the memoranda would otherwise be due.

b. The legislative body may grant further extensions on a finding by the legislative body of the existence of extenuating circumstances which warrant such extension(s).

c. Upon granting an extension, a notice of extension shall be given to all parties of record, and the notice shall include the statement that: "Written arguments and memoranda shall not include the presentation of any new evidence and shall be based only on the facts presented to the examiner."

D. Transfer of Record to Legislative Body. When a timely appeal has been filed and the deadline for receipt of written memoranda and arguments and all extensions have passed, the division shall deliver to the legislative body a copy of the examiner's decision, the evidence presented to the examiner, a recording of the hearing before the examiner, and any written argument or memorandum of authority which the division has received.

E. An appeal shall be dismissed by the city council if:

1. It is filed by a person without standing to appeal;

2. The city council does not have jurisdiction to hear the appeal;

3. It is not timely filed;

4. The appeal fees are not timely paid; and/or

5. It is not filed in accordance with the procedures set forth in these rules.

All motions to dismiss a defective appeal shall be filed within fifteen (15) calendar days from the filing date of the appeal.

16.08.030 Closed record appeal subject to review by the city council.

A. Setting the Hearing Date and Notice of the Appeal.

1. Hearing Date. When the record and the examiner's decisions have been transmitted to the legislative body, the clerk of the legislative body shall schedule a date for a closed record appeal by the legislative body at which time the legislative body shall consider the appeal. The date of the appeal should not be later than twenty days following the date the legislative body receives the information from the division, unless a different date is agreed upon by the city and the parties to the appeal.

DOC.
INDEX
AA-1

2. Public Notice. The clerk of the legislative body shall mail written notice to the appellant, all parties named in the appeal of the hearing examiner's decision, all parties of record, and the examiner to apprise them of the meeting date before the legislative body.

B.A. Hearing Must Be Open to the Public. The city council shall hear appeals of all decisions by the hearing examiner during a public meeting or a limited hearing for receipt of oral legal argument.

BC. A complete appeal application must be submitted prior to the scheduling of the council meeting or limited hearing.

C. The closed record appeal shall be on the record before the city council, and no new evidence shall be presented. The city council may, however, choose to do a site visit as part of its review. The record shall include all materials received in evidence at any previous stage of the review, audio/visual tapes of the prior hearing(s), the final order being appealed, and argument by the parties at the examiner's hearing.

D. The appellants and any respondents to the appeal shall have the opportunity to present oral and written argument. Oral argument shall be confined to the prior established hearing examiner record and to any alleged errors in the decision. Participation in the closed record hearing is limited to the city, including all staff, the applicant for the proposal subject to appeal, and those persons or entities which have timely and properly filed complete written appeal statements (either as appellants or respondents).

E. Following the closed record appeal hearing, the city council may affirm the decision of the examiner, remand the matter back to the hearing examiner with appropriate directions, or may reverse or modify the hearing examiner decision. The council shall adopt its own written findings and conclusions in support of its decision. If the council determines there is no error in the examiner's decision, it may adopt the findings of the examiner and accept the decision of the hearing examiner. If the city council renders a decision different from the decision of the examiner, the city council shall adopt amended findings and conclusions accordingly. (Ord. 98-66 § 1 (part), 1998).

16.08.040 Judicial appeals.

The city's final decision shall be final and conclusive unless on an application may be appealed by a party of record with standing to file a land use petition in Yakima County superior court. Such petition must be filed within twenty-one days of issuance of the decision, and the proceeding shall follow the requirements as provided in Chapter 36.70C RCW. (Ord. 98-66 § 1 (part), 1998).

16.08.050 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 of this title including cancellations and revocations of permits or approvals.

16.08.060 Actions not appealable.

A. Generally. Only final actions or decisions of an administrative official or other official may be appealed under this chapter.

B. Procedural Rulings. Interim procedural or other rulings during or as part of a review or decision making process by an administrative or other official under this title are not appealable except as part of the final decision or action.

C. Enforcement Actions. No enforcement action for violation of Title 15 Yakima Municipal Code is appealable except as expressly provided in YMC 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 law enforcement action commenced by any party in a court of law.

**DOC.
INDEX**

AA-1

[illegible]



DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

Planning Division

Joseph Calhoun, Manager

129 North Second Street, 2nd Floor, Yakima, WA 98901

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

**Recommendation Regarding Amendments to the City's Zoning Ordinance:
Hotel, Motel and Extended Stay**

TO: City of Yakima Planning Commission
FROM: Joseph Calhoun, Planning Manager
SUBJECT: Zoning Ordinance Text Amendments – File TXT#003-18
FOR MEETING OF: October 10, 2018

I. PURPOSE AND DESCRIPTION OF PROPOSED AMENDMENTS:

The City of Yakima Planning Division is proposing non-project minor amendments to the City of Yakima's Municipal Code Titles 15. The proposed amendments will define "Hotel, Motel, and Extended Stay" and identify what zoning districts the uses are allowed, and at what level of review. This amendment is the subject of a July 17, 2018 City Council Moratorium Public Hearing. At the public hearing it was moved and seconded:

"That this matter be sent to the Planning Commission for research and evaluation, and that the Planning Commission make a recommendation to Council proposing definitions for the following terms: Hotel; Motel; and Extended Stay; and make recommendations regarding what zones are appropriate for those uses and at what level of review."

The Planning Commission held study sessions on these proposed amendments on July 25, 2018; August 8, 2018; August 22, 2018; September 12, 2018; and September 26, 2018.

Proposed Amendment Sections:

After review of definitions at Planning Commission Study Sessions, the draft language for consideration is as follows:

YMC § 15.02.020 – Definitions:

"Hotel" means a lodging use located in a structure, or structures, where rooms are usually accessed by means of common interior hallways and where 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.

"Motel" means a lodging use located in a structure, or structures, where rooms are usually accessed by means of exterior corridors and where 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.

"Extended Stay Hotel/Motel" means a hotel or motel that rents rooms 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.

**DOC.
INDEX**

A-2

Yakima
2015
1994

YMC § 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 |
|-----------------------------------------|----|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| <u>Motels, and Hotels, and Extended</u> | | | | | | | | | | | | | | | |
| <u>Stay Hotel/Motel</u> | | | | | | | | 2 | 1 | 1 | 1 | 1 | 1 | | |

II. CITY OF YAKIMA ZONING ORDINANCE

1. The City of Yakima Zoning Ordinance, YMC Title 15, does not currently define "Hotel, Motel, or Extended Stay." The use of "Motels and Hotels" has been an allowed use in several zoning districts since the inception of YMC Title 15 in 1986.
2. Motels and Hotels are currently allowed in the SCC zoning district as a Type 2 use; and in the LCC, AS, GC, CBD, and RD zoning districts as a Type 1 use. District intent statements for those zones, per YMC § 15.03.020, are as follows:

H. 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.

I. 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.

J. 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.

K. 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.

- L. 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.
 - 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, 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.
- 3. Certain uses, such as the Convention Center in the downtown core, or regional draw areas like Kiwanis Park and SOZO sports bring thousands of tourists each year to Yakima that need a hotel or motel to stay in.
 - 4. Most of these hotel rooms are rented as a daily/short-term stay which is important to maintain in key zoning districts such as the CBD, RD, and AS zones due to their proximity to large tourist draw uses.
 - 5. If Table 4-1, Table of Permitted Land Uses, adds "Extended Stay Hotel/Motel" to the same line as "Motels and Hotels," the level of review would be the same for both uses which could limit room availability for transient visitors if existing hotels are converted to extended stay.
 - 6. To provide clarification between the similar but disparate uses, staff recommends the following definitions and level of review:

"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.

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-2 |
|----------------------------------|----|-----|-----|-----|-----|-----|----|----------|----------|----------|----------|----------|----------|-----|-----|
| Motels and Hotels | | | | | | | | 2 | 1 | 1 | 1 | 1 | 1 | | |
| <u>Extended Stay Hotel/Motel</u> | | | | | | | | <u>2</u> | <u>1</u> | <u>2</u> | <u>2</u> | <u>3</u> | <u>3</u> | | |

III. YAKIMA COMPREHENSIVE PLAN 2040

The proposed text amendments are consistent with the following goals and policies of the Comprehensive Plan 2040

- Goal 2.1: Establish a development pattern consistent with the community's vision.
- Policy 2.1.6: Adopt coordinated development regulations that facilitate Yakima's preferred land use pattern (e.g. allowed density, uses, and site provisions)
- Refine the land use code on an ongoing basis to make it user-friendly by employing simple language, easy to read charts, and illustrative graphics.
 - Monitor and refine the land use code as needed to facilitate the preferred land use pattern and development character.
 - Integrate an appropriate balance of predictability and flexibility when updating development regulations that allow ease of administration and interpretation and offer optional ways of meeting requirements when possible.

IV. ENVIRONMENTAL REVIEW (SEPA)

This project was processed for review under the State Environmental Policy Act as a procedural action per WAC 197-11-800(19), and a Preliminary Determination of Nonsignificance was issued on September 19, 2018 (SEPA#025-18). The DNS was retained on October 10, 2018.

V. PUBLIC NOTICE

Notice of Public Hearing
Legal Ad Publication

September 19, 2018
September 19, 2018

1. One comment was received from John Cooper, on behalf of Yakima Valley Tourism. The letter notes the importance of clearly identifying what a hotel use is and ensuring that existing lodging properties remain for their intended purpose. The keystone properties, or those that form the critical lodging mass that serve visitors, are located primarily in the downtown core and near the interstate (CBD, RD, and GC zones). The letter highlights the importance of the hotels in these districts being available for transient visitors.

The letter talks about transient guests being a person passing through a place with only a brief stay or sojourn, which typically is 30 days or less in the lodging industry. Regarding extended stay, the letter notes "there is a difference between an extended stay hotel and someone staying in a hotel or motel for an extended period." Extended stay hotels are first and foremost hotels with most guests staying less than 30 days. They also cater to corporate travelers and others that need to stay longer, but also accept daily travelers. Additional information is provided from the websites of extended stay hotels.

Tourism is a vital industry to Yakima with visitors spending more than \$400 million each year and employing 3,850 people. Visitors to Yakima generate \$37 million in state and local taxes. The city uses lodging taxes to pay for bonds and operation of City facilities like the Convention Center and Capitol Theatre.

2. Another comment was received from Colette Keeton, on behalf of the Yakima Valley Lodging Association. The association met on September 19, 2018 to discuss the definitions and proposed the following regarding extended stay:

“Extended stay hotel/motel” means a lodging use in a structure, or structure[s], where more than 10% of the rooms are provided or made available to the public for a fee for extended stays. The length of stay can be up to or exceed 30 consecutive days. Rooms designated for extended stay use may include kitchen facilities. This definition does not include other defined uses including, but not limited to, a boarding house or multi-family dwelling.

VI. FINDINGS

1. In accordance with the City Council Moratorium, the Planning Commission held 5 study sessions to research and evaluate definitions for Hotel, Motel, and Extended Stay; and examine what zoning districts the uses should be allowed in, and at what level of review.
2. Motels and Hotels are currently allowed in certain zoning districts as either a Class 2 or Class 1 permitted use.
3. The addition of definitions for Hotel, Motel, and Extended Stay Hotel/Motel will provide clarity and consistency to new applicants who propose such uses in the city limits.
4. Adding “Extended Stay Hotel/Motel” as a higher level of review in certain zoning districts will support maintaining room availability for transient visitors who come to Yakima for brief stays.
5. Two comments were received that highlighted the importance of separating Hotel and Motel uses from Extended Stay.

VII. CONCLUSIONS

1. No adverse impacts have been identified by the approval of these amendments.
2. The proposed text amendments are supported by the Yakima Comprehensive Plan 2040.

VIII. RECOMMENDATION

The Department of Community Development recommends APPROVAL of these text amendments as proposed in section II.6. of this report.

SUGGESTED MOTIONS:

Approval (Original YPC Proposal):

Based on the testimony and evidence presented during this afternoon's public hearing, I move that the Planning Commission draft findings of fact and forward a recommendation of approval of the Planning Commission's proposal (found under section I) to the Yakima City Council.

Approval (Modified Staff Proposal):

Based on the testimony and evidence presented during this afternoon's public hearing, I move that the Planning Commission draft findings of fact and forward a recommendation of approval of the City Staff's proposal (found under section II.6 above) to the Yakima City Council.

Approval with modifications:

Based on the testimony and evidence presented during this afternoon's public hearing, I move that the City of Yakima Planning staff modify the draft language to include the changes noted in the minutes of this afternoon's public hearing, and with these changes move that the Planning Commission draft findings of fact and forward a recommendation of **approval** to the Yakima City Council.

Denial:

Based on the testimony and evidence presented during this afternoon's public hearing, I move that the Planning Commission reject the proposal to include findings of fact documenting the reasons for denial, and order the proposal be forwarded to the Yakima City Council with a recommendation for **denial**.



DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

Planning Division

Joseph Calhoun, Manager

129 North Second Street, 2nd Floor, Yakima, WA 98901

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

Recommendation Regarding Amendments to the City's Zoning Ordinance

TO: City of Yakima Planning Commission
FROM: Joseph Calhoun, Planning Manager
SUBJECT: Zoning Ordinance Text Amendments – File TXT#002-18
FOR MEETING OF: September 12, 2018

I. PURPOSE AND DESCRIPTION OF PROPOSED AMENDMENTS:

The City of Yakima Planning Division is proposing non-project minor amendments to the City of Yakima's Municipal Code Titles 1, 15, and 16. The proposed amendments will modify the sign code, YMC § 15.08.045 Exemptions; Rezone criteria in YMC § 15.23.030; Accessory Dwelling Unit Standards in YMC § 15.09.045 and 15.04.030, Table 4-1; the Modification Chapter in YMC 15.17; Adding a definition and land use for Taxicab Home Occupation in YMC §§ 15.02.020 and 15.04.120; modifying the district intent statement and permitted uses in the Regional Development (RD) zoning district, YMC §§ 15.03.020 and 15.04.030, Table 4-1; and finally consolidation of Appeals from YMC Ch. 1.43 and YMC § 15.16 into YMC Ch. 16.08.

The Planning Commission held study sessions on these proposed amendments on December 13, 2017; January 10, 2018; March 14, 2018; March 28, 2018; April 11, 2018; May 5, 2018; May 23, 2018; and June 27, 2018.

Proposed Amendment Sections:

The complete track changes text can be found in Exhibit "A" and is incorporated herein by reference. A summary of the amendments is as follows:

1. YMC § 15.08.045(7) – Sign Code Exemptions
 - a. Modifications to Flag size and Flag pole height/location.

Staff Analysis: This standard provides more flexibility for an exemption under the sign chapter. For example, under the current language a homeowner in the R-1 zone could only have a 10-ft tall flag pole.

2. YMC § 15.23.030 – Rezones-Zoning map amendments
 - a. Requiring a non-project rezone application to submit a non-binding conceptual site plan.
 - b. Requiring that any conditions imposed on a Rezone application be incorporated into a development agreement.

Staff Analysis: Changes as discussed previously from conversation related to a non-project rezone processed in 2017. The proposal is similar to other cities (Ellensburg, Wenatchee) in the requirement for a DA when conditions are placed on a Rezone. Requiring a conceptual site plan

**DOC.
INDEX
A-1**

with a non-project rezone will provide the notified property owners a visual representation of what future development could look like, but will not be binding on the applicant.

3. YMC § 15.09.045 – Accessory Dwelling Units

- a. Consistency with Table 4-1 related to level of review (Class 2 in SR and R-1)
- b. Adding R-2 and R-3 as allowable zoning districts (Class 1 in R-2 and R-3)
- c. Clarifying structure type and placement
- d. Decreasing the minimum lot size from 0.25 acres to a lot appropriately sized for a duplex

Staff Analysis: ADU's were added to the Zoning Ordinance in 2010 but have been proposed and constructed minimally due to the onerous restrictions. Currently they are only permitted in the SR and R-1 zones and only on parcels 0.25 acres or more. On occasion a customer will inquire about adding an ADU to a single family home in the R-2 zone and it isn't permitted.

Proposed is to add the remaining residential zones (R-2 and R-3) and abandon the 0.25 acre requirement and instead rely on the minimum lot size to build a duplex (8,000 square-feet in SR and R-1, 7,000 square-feet in R-2 and R-3). Additionally, the restriction that an ADU can only be attached to the primary dwelling or attached to/above a detached garage has posed issues – adding the ability to build a stand-alone ADU that meets the accessory structure setbacks will provide significant flexibility over the current Ordinance. Finally, a cleanup to a conflict between the text and table – the text indicates a Class (3) where the table lists a Class (2). Since additional districts are proposed, the change is to remove indication of level of review from the text and rely on the table.

4. YMC Ch. 15.17 – Modification

- a. Multiple changes throughout to allow any existing use which meets the applicable criteria to go through the Modification process.

Staff Analysis: These changes are proposed to allow the abbreviated Modification review process to be applicable to all previously approved uses, including Type 1. Currently, the code requires a Modification of an existing and approved Type 1 use to go through another Type 1 Review to modify the development. This is contrary the defined purpose of a Modification which means "any change or alteration to the occupancy, arrangement, placement or construction of any existing use, structure, or associated site improvement, and any change or alteration of land."

5. YMC Ch. 15.02.020 – Definitions and YMC § 15.04.120 – Home Occupations

- a. Adding definition for "Home occupation, taxicab operator"
- b. Adding Taxicab Operator to Table 4-2

Staff Analysis: These changes were proposed by a member of the public, and will provide sole-proprietor or family taxi businesses to be operated out of the home as a Home Occupation rather than out of a commercial establishment, which for many is cost prohibitive.

6. YMC § 15.03.020 – District and map overlay intent statements and YMC Table 4-1 – Permitted Land Uses

- a. Adding "light manufacturing, processing, research" to the Regional Development (RD) district intent statement.
- b. Adding certain uses and modifying the level of review of certain uses in the RD zone.

Staff Analysis: These changes are proposed to provide for additional light manufacturing uses in the RD zoning district. This district contains several large tracts (Mill Site, Speedway) that could benefit from a greater number of potential uses above and beyond what is currently allowed in RD.

7. Various sections – Appeals

- a. Revised definition of "Party of Record" in YMC § 15.02.020
- b. All appeal language is being consolidated to YMC Ch. 16.08. Modified sections include:
 - i. YMC Ch. 1.43 – Hearing Examiner
 - ii. YMC Ch. 15.16 – Appeals
 - iii. YMC Ch. 16.08 – Appeals

Staff Analysis: These changes are proposed to consolidate all Appeal procedures into one place (YMC Ch. 16.08 Appeals). Currently, there is language in YMC Ch. 1.43, YMC Ch. 15.16, and YMC Ch. 16.08. These changes provide consistency throughout all Titles as all appeals now would be processed under YMC Ch. 16.08. This also streamlines any future text amendments related to appeals as only YMC Ch. 16.08 would need to be amended.

II. YAKIMA COMPREHENSIVE PLAN 2040

The proposed text amendments are consistent with the following goals and policies of the Comprehensive Plan 2040

Goal 2.1: Establish a development pattern consistent with the community's vision.

Policy 2.1.6: Adopt coordinated development regulations that facilitate Yakima's preferred land use pattern (e.g. allowed density, uses, and site provisions)

- Refine the land use code on an ongoing basis to make it user-friendly by employing simple language, easy to read charts, and illustrative graphics.
- Monitor and refine the land use code as needed to facilitate the preferred land use pattern and development character.
- Integrate an appropriate balance of predictability and flexibility when updating development regulations that allow ease of administration and interpretation and offer optional ways of meeting requirements when possible.

Policy 2.3.1(A): Accessory Dwelling Units (ADU). Allow for attached and detached ADU's in all residential districts provided size, design, and other provisions are included to promote compatibility with surrounding uses. Additional considerations may include:

- Reduce the minimum lot size for lots qualifying for an ADU.
- Allow free-standing ADU's provided lots retain useable open space and units minimize privacy impacts to adjacent properties.
- Provide an owner occupancy requirement (owner must live in primary home or ADU).

- Policy 2.3.3(H): Allow home occupations that would not generate excessive traffic, create parking problems, or degrade the livability or appearance of the neighborhood.
- Policy 2.5.6(B): Cascade Mill redevelopment – Promote coordinated development that integrates a mixture of uses, and the following land use design principles
- Promote and incentivize large-scale industrial park, business park, light manufacturing or other economic development that integrates with planned retail and recreation uses.
- Goal 5.1: Encourage diverse and affordable housing choices.
- Policy 5.1.6: Allow accessory dwelling units in single family zones to increase the supply of affordable housing units to help existing homeowners remain in their homes.

III. ENVIRONMENTAL REVIEW (SEPA)

This project was processed for review under the State Environmental Policy Act as a procedural action per WAC 197-11-800(19), and a Preliminary Determination of Nonsignificance was issued on July 20, 2018 (SEPA#020-18). The DNS was retained on August 10, 2018.

IV. PUBLIC NOTICE

Notice of Public Hearing
Legal Ad Publication

July 20, 2018
July 20, 2018

No written comments were submitted prior to the public hearing.

V. CONCLUSIONS

1. No adverse impacts have been identified by the approval of these amendments.
2. The proposed text amendments are supported by the Yakima Comprehensive Plan 2040.

VI. RECOMMENDATION

The Department of Community Development recommends APPROVAL of these text amendments.

SUGGESTED MOTIONS:

Approval:

Based on the testimony and evidence presented during this afternoon's public hearing, I move that the Planning Commission draft findings of fact and forward a recommendation of **approval** to the Yakima City Council.

Approval with modifications:

Based on the testimony and evidence presented during this afternoon's public hearing, I move that the City of Yakima Planning staff modify the draft language to include the changes noted in the minutes of this afternoon's public hearing, and with these changes move that the Planning Commission draft findings of fact and forward a recommendation of **approval** to the Yakima City Council.

Denial:

Based on the testimony and evidence presented during this afternoon's public hearing, I move that the Planning Commission reject the proposal to include findings of fact documenting the reasons for denial, and order the proposal be forwarded to the Yakima City Council with a recommendation for **denial**.

Exhibit "A"

City of Yakima Planning Division

2018 Text Amendments

1. Sign Code

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).

2. Rezone

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.

3. ADU's

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.

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 |
|------------------------------------------------------------|----|-----|----------|----------|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| Accessory Dwelling Unit (*) (See YMC <u>15.09.045</u>) | 2 | 2 | <u>1</u> | <u>1</u> | | | | | | | | | | | |

4. Modification

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.

* Prior legislation: Ords. 3106, 93-81 and 95-13.

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. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008).

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.

5. Taxicab Home Occupation

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.

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 | |

**DOC.
INDEX
A-1**

Table 4-2. Table of Permitted Home Occupations

| | Zoning District | | | | |
|-------------------------------------------------|-----------------|-----|-----|-----|-----|
| | SR | R-1 | R-2 | R-3 | B-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 |
| 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 | |

DOC.
INDEX
A-1

Table 4-2. Table of Permitted Home Occupations

| | Zoning District | | | | |
|------------------------------------------------------------------------------------------------|-----------------------------|----------|----------|----------|----------|
| | SR | R-1 | R-2 | R-3 | B-1 |
| 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 |
| Unclassified home occupation | See YMC <u>15.04.120(G)</u> | | | | |
| 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 | | | | | |
| x = Not Permitted | | | | | |

6. Regional Development Zoning District

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.

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 | | 2 | | |
| Children's Outdoor Recreation Center* (Less than 500 ft. from abutting residential and/or containing a go-cart track) | | | | | | | | | | | 3 | | 2 | | |
| Drive-In Theatres | 3 | | | | | | | | | | 2 | | 2 | 2 | |

DOC.
INDEX

A-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-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 | | | | | | | | | 2 | | |
| 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) | | | | | | | | | | | | | | |
| 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, and 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 | | |
| Community Gardens (*) (if accessory to an approved principal use) (See YMC 15.04.060(G)) | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Community Gardens (*) (with planting area of one-quarter acre or less) | 1 | 1 | 1 | 1 | 1 | 1 | | 1 | 1 | 1 | 1 | 1 | | 1 | |
| Community Gardens (*) (with planting area of more than one-quarter and up to one-half acre) | 2 | 2 | 2 | 2 | 2 | 2 | | 2 | 2 | 2 | 1 | 2 | | 2 | |
| Community Gardens (*) (with planting area of more than one-half acre up to one acre) | 2 | 2 | 2 | 2 | 2 | 2 | | 2 | 2 | 2 | 2 | 2 | | 2 | |
| Day Care Facilities (not home occupation); Family In-Home (*) | 1 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 | | 1 | 1 | | | |
| Day Care 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 | | | |

DOC.
INDEX

A-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-2 |
|------------------------------------------------------------------------------|-------------------------|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| 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 Chapter 15.31) | | | | | | | | | | | | | | |
| 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 | | | 2 | 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 | | | | | | | | | | | | | 32 | 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 | | 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 |

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-2 |
|------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| 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 |
| Marijuana Processing (**) | | | | | | | | | | | | | | 1 | 1 |
| Marijuana Research (**) | | | | | | | | | | | | | | 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 | | | | | | | | | | | | | -2 | 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 |

DOC.
INDEX
A-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-2 |
|-----------------------------------------------------------------------------------------------|-------------------|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| 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 | | | | | | | | | | | | | | |
| 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 | | | |
| 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 | |

**DOC.
INDEX**

A-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-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 (*) 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 | |

DOC.
INDEX

A-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-2 |
|------------------------------------------------------------------------------------------|-------------------|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| 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 | | |
| 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 |

DOC.
INDEX

A-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-2 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| 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 a definition in YMC Chapter 15.02. ** See YMC 15.09.220 for general development requirements for marijuana uses. = 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 | | | | | | | | | | | | | | | |

**DOC.
INDEX**

A-1

7. Appeals

15.02.020 Definitions

~~"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.~~

"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).

DOC.
INDEX

A-1

Chapter 1.43 HEARING EXAMINER

Sections:

- 1.43.010 Office established.
- 1.43.020 Appointment.
- 1.43.030 Qualifications.
- 1.43.040 Removal.
- 1.43.050 Standards of conduct.
- 1.43.060 Rules.
- 1.43.070 Time computation.
- 1.43.080 Duties and powers.
- 1.43.090 Applications.
- 1.43.100 Master applications.
- 1.43.110 Report of department.
- 1.43.120 Examiner's decision.
- 1.43.130 Notice of examiner's decision.
- 1.43.140 Appeal from examiner's decision.
- 1.43.150 Effect of appeal.
- 1.43.160 Council action on appeals.
- 1.43.170 Appeal of decisions made by council.
- 1.43.180 Annual report.

1.43.010 Office established.

There is established an office of hearing examiner. The office of examiner shall be under the administrative supervision of the examiner and shall be separate from and not an administrative part of the department of community and economic development. Unless the context requires otherwise, the term "examiner" as used herein shall include deputy examiners and examiners pro tem. (Ord. 2948 § 1 (part), 1986).

1.43.020 Appointment.

The hearing examiner and any deputy examiners shall be appointed by the city council after consideration of the recommendation of the joint hearing examiner committee created by and pursuant to the "Intergovernmental Agreement for the Mutual Use of Hearing Examiner Services" entered into by and between the city of Yakima and Yakima County, Washington. Such examiner shall serve an indefinite term of office which shall, however, be reviewed one year following the date of original appointment and thereafter every four years. The council may also appoint examiners pro tem to serve in the event of absence or inability to act of the examiner and deputy examiners. (Ord. 2948 § 1 (part), 1986).

1.43.030 Qualifications.

Examiners shall be appointed solely with regard to their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions

**DOC.
INDEX**

A-1

conferred upon them. Examiners shall hold no other elective or appointive office or position with the city of Yakima or the county of Yakima. (Ord. 2948 § 1 (part), 1986).

1.43.040 Removal.

An examiner may be removed from office for cause by a majority vote of the city council after consideration of a recommendation as to removal or nonremoval from the joint hearing examiner committee. (Ord. 2948 § 1 (part), 1986).

1.43.050 Standards of conduct.

(a) No person, including city or county officials, elective or appointive, shall attempt to influence an examiner in any matter pending before him, except at a public hearing duly called for such purpose, or to interfere with an examiner in the performance of his duties in any other way; provided, that an official or employee of the city of Yakima or Yakima County may, in the performance of his official duties provide information to the examiner when the action is disclosed at the hearing or meeting; nor, shall this section prohibit rendering of legal services to the examiner or to the council.

(b) No examiner shall conduct or participate in any hearing or decision in which the examiner shall have a direct or indirect financial or personal interest or in which such conduct or participation shall violate any rule of law applicable thereto. (Ord. 2948 § 1 (part), 1986).

1.43.060 Rules.

The examiner shall implement procedural rules for the conduct of hearings and other procedural matters related to the duties of his office in accordance with RCW 36.70.970. (Ord. 2948 § 1 (part), 1986).

1.43.070 Time computation.

In computing any period of time prescribed by this chapter, the day of the act 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, Sunday, or a city legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, or a city legal holiday. (Ord. 2948 § 1 (part), 1986).

1.43.080 Duties and powers.

The examiner shall hear, make a record of, and decide matters provided in this chapter or by other ordinances, including but not limited to the following land use matters:

A. Matters prescribed by the Yakima urban area zoning ordinance, Title 15 of this code. Decisions of the examiner on such matters shall have the legal effect as set forth in the provisions of said ordinance;

B. Review of preliminary plats and modifications thereto using the procedures and provisions for review by the planning commission as set forth in RCW Chapter 58.17 and the city of Yakima subdivision ordinance, Title 14 of this code. The decisions of the examiner on such matters shall constitute recommendations to the city council;

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;

E. Pedestrian skybridge applications in the manner set forth in YMC 11.65.040(F) and pedestrian skybridge permit violations as set out in YMC 11.65.070;

F. The examiner may conduct hearings required pursuant to RCW Chapter 43.21C, State Environmental Policy Act (SEPA), and Chapter 6.88 YMC at the request of the city responsible official charged with responsibility for holding such a hearing; provided, that the substantive SEPA decision and the decision on the associated action shall be made by the responsible official;

G. The examiner may, at the request of the city shoreline administrator, receive and examine available information, conduct public hearings and prepare records and reports thereof, and issue recommendations to the council based upon findings and conclusions on applications for shoreline substantial development permits and conditional use permits;

H. Conduct public hearings on petitions and resolutions to vacate streets and public rights-of-way pursuant to RCW Chapter 35.79. Decisions of the examiner on such matters shall constitute a recommendation to the city council.

The provisions of this section designating and assigning to the hearing examiner the duties and functions listed above shall supersede any and all conflicting provisions of the municipal code of the city of Yakima. (Ord. 2016-028 § 2, 2016; Ord. 2013-033 § 1 (Exh. A), 2013; Ord. 93-91 § 1, 1993; Ord. 3257 § 1, 1990; Ord. 3224 § 1, 1989; Ord. 2948 § 1 (part), 1986).

1.43.090 Applications.

Applications for permits or approvals subject to review by the examiner shall be made to the city department of community and economic development (hereinafter referred to as the "department"). The department shall accept such applications only if applicable filing requirements are met. The department, in coordination with the hearing examiner, shall be responsible for assigning a date for and assuring due notice of public hearing for each application, which date and notice shall be in accordance with the statute or ordinance governing the application. (Ord. 2948 § 1 (part), 1986).

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).

**DOC.
INDEX**

A-1

1.43.110 Report of department.

Where no specific provision for a report of the department is contained in the statute or ordinance governing the application, the department may coordinate and assemble the reviews of other county/city departments, other state or local governmental agencies and franchised public utilities having an interest in the subject application and prepare a report summarizing the factors involved and the department's findings and recommendations. At least seven calendar days prior to the scheduled hearing the report shall be filed with the examiner and copies thereof shall be mailed to the applicant and made available for public inspection. Copies thereof shall be provided to interested parties upon request. (Ord. 2948 § 1 (part), 1986).

1.43.120 Examiner's decision.

Within ten working days of the conclusion of a hearing, unless longer period is agreed to in writing by the applicant, the examiner shall render a written decision which shall include findings and conclusions based on the record. Except as provided in YMC 1.43.080 and 1.43.100 and the decision of the examiner shall be final and conclusive on the fifteenth day after the date of the decision unless a notice of appeal to the Yakima city council is filed pursuant to YMC 1.43.140. The examiner's decisions together with his findings, conclusions, and record of proceedings shall be filed with the department of community and economic development. If the effect of the decision is a recommendation to the legislative body, the original thereof shall be transmitted to the legislative body (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. (Ord. 2948 § 1 (part), 1986).

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).

1.43.150 Effect of appeal.

The timely filing of an appeal under this chapter shall stay the effective date of the examiner's decision until the appeal is adjudicated by the council or until the appeal is withdrawn. (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).

"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).

Chapter 15.16 APPEALS

Sections:

- 15.16.005 Appeals
- 15.16.010 Purpose.
- 15.16.015 Conflict of provisions.
- 15.16.020 Appeals—Where filed.
- 15.16.030 Consolidated appeals.
- 15.16.040 Appeal of the administrative official's decision.
- 15.16.050 Appeal of the hearing examiner's decision.
- 15.16.060 Legislative body action on appeals.
- 15.16.070 Appeal of decisions made by the legislative body.
- 15.16.080 Effect of appeals.
- 15.16.090 Actions not appealable.

15.16.005 Appeals.

The procedures to appeal actions under Title 14, Title 15, Title 16, and Chapter 6.88 YMC, shall be found in YMC 16.08.

15.16.010 Purpose.

The purpose of this chapter is to establish the procedures for appealing decisions made under the provisions of this title. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986).

15.16.015 Conflict of provisions.

In the event of any conflict between this chapter and that of YMC Title 16, the provisions of Title 16 shall prevail. (Ord. 2016-029 § 1 (Exh. A) (part), 2016).

15.16.020 Appeals—Where filed.

All appeals authorized under the provisions of this title, except judicial appeals, shall be filed with the division. The division shall forward the appeal to the appropriate administrative official, schedule an appeal hearing, provide the required notification, and maintain complete records of all appeal hearings unless otherwise provided for in this chapter. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986).

15.16.030 Consolidated appeals.

A.—All appeals of project permit application decisions, other than an appeal of SEPA determination of significance, shall be considered together in a consolidated appeal and shall not be separated from the substantive matters of the application.

B.—Appeals of determinations of significance under SEPA, Chapter 6.88 YMC, shall proceed as provided in that chapter in an open record hearing. The purpose of this early and separate appeal hearing is to resolve the need for an environmental impact statement (EIS) and to permit

administrative and judicial review prior to preparation of an EIS. (Ord. 2016-029 § 1 (Exh. A) (part), 2016).

~~15.16.040 Appeal of the administrative official's decision.~~

A.—~~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.~~

B.—~~Appeal. All appeals shall be filed within fourteen days following the mailing of the final decision by the administrative official or designee. Appeals shall be filed with the division. If a final decision does not require mailing, the appeal shall be filed within fourteen days following the issuance of the final decision.~~

C.—~~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 division of the city. 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.~~

D.—~~Notice. The division shall:~~

- ~~1. Set a reasonable time and place for hearing of the appeal;~~
- ~~2. Provide a notice of appeal and public hearing to the official whose decision is being appealed and parties entitled to notice of the decision, including posting of property and published notice at least ten days prior to the hearing.~~

E.—~~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 or she deems pertinent.~~

F.—~~Staff Report. A staff report shall be prepared and transmitted to the examiner, along with the record in accordance with YMC 16.08.020(C).~~

G.—~~Action by the Hearing Examiner. Testimony given during the appeal shall be limited to those points cited in the appeal application. 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 division 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.~~

H.—~~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 16.08.030. (Ord. 2016-029 § 1 (Exh. A) (part), 2016; Ord. 2008-46 § 1 (part), 2008; Ord. 3019 §§ 53, 54, 1987; Ord. 2947 § 1 (part), 1986. Formerly 15.16.030).~~

~~15.16.050 Appeal of the hearing examiner's decision.~~

~~A.— Appeals. The decision of the hearing examiner shall be final and conclusive unless appealed to the legislative body by a person aggrieved, or by any agency of the city, affected by the decision in the following manner:~~

- ~~1.— The appealing party must file a complete written notice of appeal with the planning division 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.~~
- ~~3.— The city council shall hear appeals of all decisions by the hearing examiner during a public meeting or a limited hearing for receipt of oral legal argument.~~

~~B.— Appeal Procedures:~~

~~1.— Notice of Filed Appeal. The planning division shall notify the parties of record and appellant 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 division.~~

~~A.— Content of Notice of Filed Appeal. The notice to parties and appellant shall contain the following statements: All parties of record wishing to respond to the appeal may submit a written argument or memorandum to the legislative body within thirty days from the date that the notice is mailed; and any written argument or memorandum shall not include the presentation of new evidence and shall be based only upon the facts presented to the examiner.~~

~~2.— Submittal of Written Argument or Memorandum:~~

~~a.— The appellant or any party of record may file with the division a written argument or memorandum of authority within thirty days of the date of mailing of the notice of a filed appeal.~~

~~b.— Rebuttal to Written Argument and Memorandum. Upon completion of the thirty-day submittal period for submission of any written argument and memorandum, the appellant at their expense may obtain copies of any such submissions, and shall be provided a fifteen-day rebuttal period (starting on the thirty-first day from the date of mailing of the notice of filed appeal).~~

~~c.— Extension of Time for Written Argumentation and Memorandum:~~

~~1.— No written argument or memorandum of authorities may be thereafter submitted except written request for cause granted by the division. However, requests for extension must be made no later than the last date the memoranda would otherwise be due.~~

~~2.— The legislative body may grant further extensions on a finding by the legislative body of the existence of extenuating circumstances which warrant such extensions.~~

d.—Upon extension of any request for written argumentation or memorandum, a notice of extension shall be given to all parties of record, and the notice shall include the statement that: "Memoranda, written arguments or comments shall not include the presentation of any new evidence and shall be based only on the facts presented to the examiner."

3.—Transfer of Record to Legislative Body. When a timely appeal has been filed and the deadline for receipt of written memoranda and all extensions has passed, the division shall deliver to the legislative body a copy of the examiner's decision, the evidence presented to the examiner, a recording of the hearing before the examiner and any written argument or memorandum of authority which has been received. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 3019 § 55, 1987: Ord. 2947 § 1 (part), 1986: Formerly 15.16.040).

~~15.16.060 Legislative body action on appeals.~~

A.—General. When the record and the examiner's decision have been transmitted to the legislative body, the clerk of the legislative body shall schedule a date for a closed record appeal 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 division.

B.—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.

C.—Site Views. The legislative body may view the site.

D.—Scope of Review. Legislative body review of the facts shall be limited to the records which include all materials received in evidence at any previous stage of the review, audio/visual tapes of the prior hearing(s), and the final order being appealed, and argument by the parties at the examiner's hearing. 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.

E.—Appellant and Respondent Arguments. The appellants and any respondents to the appeal shall have the opportunity to present oral and written argument. Oral argument shall be confined to the prior established hearing examiner record and to any alleged errors in the decision.

F.—Action on Appeal. At the public hearing the legislative body may adopt, amend and adopt, reject, reverse, or 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 legislative body renders a decision different from the decision of the examiner, the legislative body shall adopt amended findings and conclusions accordingly. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986: Formerly 15.16.050).

~~15.16.070 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 twenty-one 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 as provided in Chapter 36.70C RCW. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986: Formerly 15.16.060).

15.16.080 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 of this title including cancellations and revocations of permits or approvals. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 3019 § 56, 1987: Ord. 2947 § 1 (part), 1986: Formerly 15.16.070).

15.16.090 Actions not appealable.

A.— Generally. Only final actions or decisions of an administrative official or other official may be appealed under this chapter.

B.— Procedural Rulings. Interim procedural or other rulings during or as part of a review or decision-making process by an administrative or other officer under this title are not appealable except as part of the final decision or action.

C.— Enforcement Actions. No enforcement action for violation of this title is appealable except as expressly provided in YMC 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 party in a court of law. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986: Formerly 15.16.080).

Chapter 16.08 APPEALS

Sections:

- 16.08.005 Purpose and Applicability
- 16.08.010 Consolidated appeals.
- 16.08.012 Appeals—Where filed.
- 16.08.014 Burden of proof.
- 16.08.015 Definitions
- 16.08.018 Appeal of administrative official's decision
- 16.08.020 Open record appeals subject to review by hearing examiner.
- 16.08.025 Appeal of the hearing examiner's decision
- 16.08.030 Closed record appeal subject to review by the city council.
- 16.08.040 Judicial appeals.
- 16.08.050 Effect of appeals.
- 16.08.060 Actions not appealable.

16.08.005 Purpose and Applicability.

The purpose of this chapter is to establish the procedures for appealing decisions made under the provisions of Title 14, Title 15, Title 16, and Chapter 6.88 of the Yakima Municipal Code. The procedures may also be used for any other matter where there is an appeal opportunity and the procedures of such appeal are not specifically outlined elsewhere in this Code.

16.08.010 Consolidated appeals.

- A. All appeals of project permit application decisions, other than an appeal of SEPA determination of significance, shall be considered together in a consolidated appeal and shall not be separated from the substantive matters of the application.
- B. Appeals of Determinations of Significance under SEPA, Chapter 6.88 YMC, shall proceed as provided in that chapter in an open record hearing. The purpose of this early and separate appeal hearing is to resolve the need for an environmental impact statement (EIS) and to permit administrative and judicial review prior to preparation of an EIS. (Ord. 98-66 § 1 (part), 1998).

16.08.012 Appeals—Where filed.

All appeals authorized under the provisions of Title 14, Title 15, Title 16 and Chapter 6.88 of the Yakima Municipal Code, except judicial appeals, shall be filed with the division. The division shall forward the appeal to the appropriate administrative official, schedule an appeal hearing, provide the required notification, and maintain complete records of all appeal hearings unless otherwise provided for in this chapter.

16.08.014 Burden of proof.

The appellant shall bear the burden to demonstrate at least one of the following:

1. The decision-maker (either the administrative official or hearing examiner) exceeded his or her jurisdiction or authority;
2. The decision-maker failed to follow applicable procedures in reaching the decision;
3. The decision-maker committed an error of law; and/or

4. The findings, conclusions or decision prepared by the decision-maker are not supported by substantial evidence.

16.08.015 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

"Administrative official" means the duly appointed city of Yakima director of community development.

"Agency" means any municipal corporation, state or federal government or subdivision thereof.

"Aggrieved Person" or "Person Aggrieved" means a person who is directly affected by the approval, denial or conditioning of a permit, or a person who is directly affected by a decision of the administrative official, hearing examiner or city council.

"Appellant" means the person or party appealing a decision made by the administrative official or the hearing examiner.

"Applicant" means a person submitting an application for any permit or approval required by the Yakima Municipal Code Title 14 or Title 15, and who is the owner of the subject property or the authorized agent of the owner.

"Department" or "Division" means the city of Yakima Department of Community Development.

"Legislative Body" means the Yakima city council.

"Officer" means the director of community development or his or her designee.

"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).

"Person" means any corporation, company, association, society, firm, partnership, or business, as well as an individual, a state and all political subdivisions of a state, any agency or instrumentality thereof.

"Respondent" means the party against whom an appeal is taken or any party of record responding to an appeal.

"Subject Property" means the real property that is at issue in the original application.

16.08.018 Appeal of the administrative official's decision.

A. Appeal to the Hearing Examiner. Except as otherwise provided, any aggrieved person, party of record, or agency directly affected by any decision of the administrative official or designee may appeal that decision to the hearing examiner.

B. Appeal. All appeals shall be filed within fourteen days following the mailing of the final decision by the administrative official or designee. Appeals shall be filed with the division. If a final decision does not require mailing, the appeal shall be filed within fourteen days following the issuance of the final decision.

C. 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 division of the city. 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. Appeals shall also include a sworn statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

D. Notice. The division shall:

1. Set a reasonable time and place for hearing of the appeal; and
2. Provide a notice of appeal and public hearing to the official whose decision is being appealed and parties entitled to notice of the decision, including posting of property and publishing the notice at least ten days prior to the hearing.

E. 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, together with such additional written report as he or she deems pertinent.

F. Staff Report. A staff report shall be prepared and transmitted to the hearing examiner, along with the record in accordance with this chapter.

G. Action by the Hearing Examiner. Testimony given during the appeal shall be limited to those points cited in the appeal application. 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 parties to the appeal 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 was taken. The division 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.

H. 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 pursuant to this chapter.

16.08.020 Open record appeals subject to review by hearing examiner.

A. The hearing examiner shall hear appeals de novo. An applicant or representative shall be present at the hearing. In the event that the applicant or his or her representative is not present at the time of the hearing, the hearing shall be canceled and rescheduled by the planning division with appropriate public notice given in accordance with this title.

B. Notice of an appeal hearing shall be mailed to parties entitled to notice of the decision, including posting of property and published notice.

C. A staff report shall be prepared, file transmitted to the examiner, and hearing conducted in the manner described in the appropriate ordinance subject of the appeal and Washington State law. The hearing examiner shall have ten working days to issue a decision on the appeal. All decisions of the hearing examiner are subject to appeal to the city council.

D. The applicant or property owner shall remove all land use action signs from the subject property within thirty days from the date of issuance of the final decision or action on the underlying land use application. Any signage which is in good condition shall be returned to the city of Yakima planning division. (Ord. 2016-030 § 15, 2016: Ord. 98-66 § 1 (part), 1998).

16.08.025 Appeal of the hearing examiner's decision.

A. Appeals. The decision of the hearing examiner shall be final and conclusive unless appealed to the legislative body by a person aggrieved, a party of record, or by any agency of the city affected by the hearing examiner's decision in the following manner:

1. The appealing party must file a complete written notice of appeal with the division upon forms prescribed by the department and accompanied by the appeal fee within fourteen days from the date of mailing of the hearing 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.
3. The notice of appeal shall include a sworn statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.
4. The city council shall hear appeals of all decisions of the hearing examiner during a public meeting or a limited hearing for receipt of oral legal argument, unless precluded by law.

B. Appeal Procedures—Notice of Appeal.

1. Notice of Filed Appeal. The planning division shall notify the parties of record and appellant 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 division.
2. Content of Notice of Filed Appeal. The notice to parties of record and appellant shall contain the following statements: All parties named in the appeal of the hearing examiner's decision wishing to respond to the appeal may submit a written argument or memorandum to the legislative body within thirty days from the date that the notice is mailed; and any written argument or memorandum shall not include the presentation of new evidence and shall be based only upon the facts presented to the examiner.

C. Submittal of Written Argument or Memorandum.

1. The named parties appellant to the hearing examiner's decision or any party of record may file with the division a written argument or memorandum of authority within thirty days of the date of mailing of the notice of a filed appeal.

2. Rebuttal to Written Argument and Memorandum. Upon completion of the thirty day submittal period for submission of any written argument and memorandum, the parties named in the appeal of the hearing examiner's decisionappellant, at their expense, may obtain copies of any such submissions, and shall be provided a fifteen day rebuttal period which starts on the thirty-first day from the date of mailing of the notice of the filed appeal.

3. Extension of Time for Written Argument and Memoranda.

a. No written argument or memorandum of authorities may be thereafter submitted except by the legislative body's approval of a written request for an extension for cause. Requests for extension must be made no later than the last date the memoranda would otherwise be due.

b. The legislative body may grant further extensions on a finding by the legislative body of the existence of extenuating circumstances which warrant such extension(s).

c. Upon granting an extension, a notice of extension shall be given to all parties of record, and the notice shall include the statement that: "Written arguments and memoranda shall not include the presentation of any new evidence and shall be based only on the facts presented to the examiner."

D. Transfer of Record to Legislative Body. When a timely appeal has been filed and the deadline for receipt of written memoranda and arguments and all extensions have passed, the division shall deliver to the legislative body a copy of the examiner's decision, the evidence presented to the examiner, a recording of the hearing before the examiner, and any written argument or memorandum of authority which the division has received.

E. An appeal shall be dismissed by the city council if:

1. It is filed by a person without standing to appeal;

2. The city council does not have jurisdiction to hear the appeal;

3. It is not timely filed;

4. The appeal fees are not timely paid; and/or

5. It is not filed in accordance with the procedures set forth in these rules.

All motions to dismiss a defective appeal shall be filed within fifteen (15) calendar days from the filing date of the appeal.

16.08.030 Closed record appeal subject to review by the city council.

A. Setting the Hearing Date and Notice of the Appeal.

1. Hearing Date. When the record and the examiner's decisions have been transmitted to the legislative body, the clerk of the legislative body shall schedule a date for a closed record appeal by the legislative body at which time the legislative body shall consider the appeal. The date of the appeal should not be later than twenty days following the date the legislative body receives the information from the division, unless a different date is agreed upon by the city and the parties to the appeal.

DOC.
INDEX

A-1

2. Public Notice. The clerk of the legislative body shall mail written notice to the appellant, all parties named in the appeal of the hearing examiner's decision, all parties of record, and the examiner to apprise them of the meeting date before the legislative body.

B.A. Hearing Must Be Open to the Public. The city council shall hear appeals of all decisions by the hearing examiner during a public meeting or a limited hearing for receipt of oral legal argument.

BC. A complete appeal application must be submitted prior to the scheduling of the council meeting or limited hearing.

C. The closed record appeal shall be on the record before the city council, and no new evidence shall be presented. The city council may, however, choose to do a site visit as part of its review. The record shall include all materials received in evidence at any previous stage of the review, audio/visual tapes of the prior hearing(s), the final order being appealed, and argument by the parties at the examiner's hearing.

D. The appellants and any respondents to the appeal shall have the opportunity to present oral and written argument. Oral argument shall be confined to the prior established hearing examiner record and to any alleged errors in the decision. Participation in the closed record hearing is limited to the city, including all staff, the applicant for the proposal subject to appeal, and those persons or entities which have timely and properly filed complete written appeal statements (either as appellants or respondents).

E. Following the closed record appeal hearing, the city council may affirm the decision of the examiner, remand the matter back to the hearing examiner with appropriate directions, or may reverse or modify the hearing examiner decision. ~~The council shall adopt its own written findings and conclusions in support of its decision.~~ If the council determines there is no error in the examiner's decision, it may adopt the findings of the examiner and accept the decision of the hearing examiner. If the city council renders a decision different from the decision of the examiner, the city council shall adopt amended findings and conclusions accordingly. (Ord. 98-66 § 1 (part), 1998).

16.08.040 Judicial appeals.

The city's final decision ~~shall be final and conclusive unless on an application may be~~ appealed by a party of record with standing to file a land use petition in Yakima County superior court. Such petition must be filed within twenty-one days of issuance of the decision, and the proceeding shall follow the requirements as provided in Chapter 36.70C RCW. (Ord. 98-66 § 1 (part), 1998).

16.08.050 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 of this title including cancellations and revocations of permits or approvals.

16.08.060 Actions not appealable.

A. Generally. Only final actions or decisions of an administrative official or other official may be appealed under this chapter.

B. Procedural Rulings. Interim procedural or other rulings during or as part of a review or decision making process by an administrative or other official under this title are not appealable except as part of the final decision or action.

C. Enforcement Actions. No enforcement action for violation of Title 15 Yakima Municipal Code is appealable except as expressly provided in YMC 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 law enforcement action commenced by any party in a court of law.

CITY PLANNING – 2018 TEXT AMENDMENTS
TXT#002-18 & SEPA#020-18; TXT#003-18 & SEPA#025-18

EXHIBIT LIST

CHAPTER B

SEPA Checklists

[illegible]



ENVIRONMENTAL CHECKLIST

STATE ENVIRONMENTAL POLICY ACT (SEPA)

(AS TAKEN FROM WAC 197-11-960)

YAKIMA MUNICIPAL CODE CHAPTER 6.88

PURPOSE OF CHECKLIST

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

INSTRUCTIONS FOR APPLICANTS

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help you describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

USE OF CHECKLIST FOR NONPROJECT PROPOSALS

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project", "applicant", and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B – Environmental Elements – that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND INFORMATION (To be completed by the applicant.)

1. Name Of Proposed Project (If Applicable):

City of Yakima Planning Division - Hotel/Motel/Extended Stay Text Amendments

2. Applicant's Name & Phone:

City of Yakima Planning Division, (509) 575-6183

3. Applicant's Address:

129 North 2nd Street, Yakima, WA 98901

4. Contact Person & Phone:

Planning Manager Joseph Calhoun, (509) 575-6042

5. Agency Requesting Checklist: City of Yakima

6. Proposed Timing Or Schedule (Including Phasing, If Applicable):

N/A - Non-Project Action

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:

None at this time

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:

None known. Per WAC 197-11-315(1)(e), as a non-project proposal, section B of the Environmental Checklist will not be filled out.

A. BACKGROUND INFORMATION (To be completed by the applicant.)

- 9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain:**

None Pending

- 10. List any government approvals or permits that will be needed for your proposal, if known:**

SEPA determination, City of Yakima Planning Commission Public Hearing, and City Council Approval.

- 11. Give a brief, but complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.):**

This proposal amends the City of Yakima's Municipal Code Title 15 to add definitions of "Hotel," "Motel," and "Extended Stay Hotel/Motel," and amends YMC § 15.04.030 Table 4-1, Permitted Land Uses. The draft amendments can be found here: <https://www.yakimawa.gov/services/planning/hotel-motel-extended-stay/>

- 12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist:**

City Limits

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| C. SIGNATURE (To be completed by the applicant.) | |
| The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision. | |
|  | September 19, 2018 |
| Property Owner or Agent Signature | Date Submitted |
| Joan Davenport | Community Development Director/City of Yakima |
| Name of Signee | Position and Agency/Organization |
| PLEASE COMPLETE SECTION "D" ON THE NEXT PAGE IF THERE IS NO PROJECT RELATED TO THIS ENVIRONMENTAL REVIEW | |

| D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (To be completed by the applicant.) (IT IS NOT NECESSARY to use this sheet for project actions) | Space Reserved For Agency Comments |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <p>Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal, or the types of activities that would likely result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.</p> | |
| <p>1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? The proposed changes will not affect how land uses discharge to water, emissions to the air,</p> | |
| <p>Proposed measures to avoid or reduce such increases are: None proposed. Any future measures to avoid such increases will be dealt with at the project level.</p> | |
| <p>2. How would the proposal be likely to affect plants, animals, fish, or marine life? The proposed changes will not affect plants, animals, fish, or marine life, as they are regulatory in nature.</p> | |
| <p>Proposed measures to protect or conserve plants, animals, fish, or marine life are: None proposed. Any future measures to avoid such increases will be dealt with at the project level.</p> | |
| <p>3. How would the proposal be likely to deplete energy or natural resources? The proposed changes do not involve regulations dealing with energy or natural resources.</p> | |
| <p>Proposed measures to protect or conserve energy and natural resources are: None Proposed. Any future measures to avoid such increases will be dealt with at the project level.</p> | |
| <p>4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? The proposed changes will not change or affect any environmental sensitive areas or regulations.</p> | |
| <p>Proposed measures to protect such resources or to avoid or reduce impacts are: None Proposed. Any future measures to avoid such increases will be dealt with at the project level.</p> | |
| <p>5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? No change to shoreline uses are proposed. The proposal will alter the land use process for "hotel," "motel," and "extended stay hotel/motel" in certain zoning districts. Depending on the proposal and zone, the use will require either Type 1, 2, or 3 review.</p> | |
| <p>Proposed measures to avoid or reduce shoreline and land use impacts are: None Proposed. Any future measures to avoid such increases will be dealt with at the project level.</p> | |
| <p>6. How would the proposal be likely to increase demands on transportation or public services and utilities? Not likely. The traffic impacts will result in a minimal change, if any, from other uses that are allowed in the zoning districts proposed for this use.</p> | |
| <p>Proposed measures to reduce or respond to such demand(s) are: None Proposed. Any future measures to avoid such increases will be dealt with at the project level.</p> | |
| <p>7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. The proposed changes will not conflict with any local, state, or federal laws, or requirements for the protection of the environment.</p> | |



ENVIRONMENTAL CHECKLIST

STATE ENVIRONMENTAL POLICY ACT (SEPA)

(AS TAKEN FROM WAC 197-11-960)

YAKIMA MUNICIPAL CODE CHAPTER 6.88

PURPOSE OF CHECKLIST

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

INSTRUCTIONS FOR APPLICANTS

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help you describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

USE OF CHECKLIST FOR NONPROJECT PROPOSALS

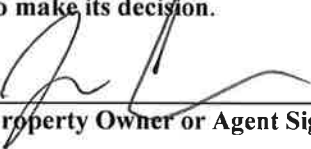
For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project", "applicant", and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B – Environmental Elements – that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND INFORMATION (To be completed by the applicant.)

1. **Name Of Proposed Project (If Applicable):** City of Yakima Urban Area Zoning Ordinance Amendments 2018.
2. **Applicant's Name & Phone:** City of Yakima Planning Division, (509) 575-6183
3. **Applicant's Address:** 129 North Second Street, Yakima, WA 98901
4. **Contact Person & Phone:** Joseph Calhoun, 509-575-6042
5. **Agency Requesting Checklist:** City of Yakima
6. **Proposed Timing Or Schedule (Including Phasing, If Applicable):** N/A – Non Project Action
7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:** None at this time
8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:** None known. Per WAC 197-11-315(1)(e), as a non-project proposal, section B of the Environmental Checklist will not be filled out.
9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain:** None Pending
10. **List any government approvals or permits that will be needed for your proposal, if known:** SEPA determination, City of Yakima Planning Commission Public Hearing, and City Council Approval.

11. Give a brief, but complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.): The City of Yakima Planning Division is proposing non-project minor amendments to the City of Yakima's Municipal Code Title 15. The proposed amendments will modify the sign code, YMC § 15.08.045 Exemptions; Rezone criteria in YMC § 15.23.030; Accessory Dwelling Unit Standards in YMC § 15.09.045 and 15.04.030, Table 4-1; the Modification Chapter in YMC 15.17; Adding a definition and land use for Taxicab Home Occupation in YMC §§ 15.02.020 and 15.04.120; modifying the district intent statement and permitted uses in the Regional Development (RD) zoning district, YMC §§ 15.03.020 and 15.04.030, Table 4-1; and finally consolidation of Appeals from YMC Ch. 1.43 and YMC § 15.16 into YMC Ch. 16.08.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist: City Limits

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| C. SIGNATURE (To be completed by the applicant.) | |
| The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision. | |
|  | 4/12/14 |
| Property Owner or Agent Signature | Date Submitted |
| Joseph Calhoun | City of Yakima Planning Mbr |
| Name of Signee | Position and Agency/Organization |

| D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (To be completed by the applicant.) (IT IS NOT NECESSARY to use this sheet for project actions) | Space Reserved For Agency Comments |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal, or the types of activities that would likely result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms. | |
| <p>1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?</p> <p>The proposed changes will not affect how land uses discharge to water, emissions to the air, storage, or release of toxic or hazardous substances, or the production of noise.</p> <p>Proposed measures to avoid or reduce such increases are:</p> <p>None proposed. Any future measures to avoid such increases will be dealt with at the project level.</p> | |
| <p>2. How would the proposal be likely to affect plants, animals, fish, or marine life?</p> <p>The proposed changes will not affect plants, animals, fish, or marine life, as they are regulatory in nature.</p> <p>Proposed measures to protect or conserve plants, animals, fish, or marine life are:</p> <p>None proposed. Any future measures to avoid such increases will be dealt with at the project level.</p> | |

| D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (To be completed by the applicant.) (IT IS NOT NECESSARY to use this sheet for project actions) | Space Reserved For Agency Comments |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <p>3. How would the proposal be likely to deplete energy or natural resources? The proposed changes do not involve regulations dealing with energy or natural resources.</p> | |
| <p>Proposed measures to protect or conserve energy and natural resources are: None Proposed. Any future measures to avoid such increases will be dealt with at the project level.</p> | |
| <p>4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? The proposed changes will not change or affect any environmental sensitive areas or regulations.</p> | |
| <p>Proposed measures to protect such resources or to avoid or reduce impacts are: None Proposed. Any future measures to avoid such increases will be dealt with at the project level.</p> | |
| <p>5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? No change to shoreline uses are proposed. Depending on future proposals, the level of review will be dependent on the type of use and zoning district.</p> | |
| <p>Proposed measures to avoid or reduce shoreline and land use impacts are: None Proposed. Any future measures to avoid such increases will be dealt with at the project level.</p> | |
| <p>6. How would the proposal be likely to increase demands on transportation or public services and utilities? Not likely. The traffic impacts will be examined at the project level.</p> | |
| <p>Proposed measures to reduce or respond to such demand(s) are: None Proposed. Any future measures to avoid such increases will be dealt with at the project level.</p> | |
| <p>7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. The proposed changes will not conflict with any local, state, or federal laws, or requirements for the protection of the environment.</p> | |

CITY PLANNING – 2018 TEXT AMENDMENTS
TXT#002-18 & SEPA#020-18; TXT#003-18 & SEPA#025-18

EXHIBIT LIST

CHAPTER C

Applications

[illegible]



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 AND ANSWER ALL QUESTIONS COMPLETELY.

If you have any questions about this form or the application process, please ask to speak with a planner. All necessary attachments and the filing fee are required upon submittal. Filing fees are not refundable. This application consists of several parts. PART I - GENERAL INFORMATION, PART II – SUPPLEMENTAL APPLICATION, and PART III – CERTIFICATION are on this page. PART II, III, and IV 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: | City of Yakima Planning Division | | | | | | |
| | Mailing Address: | 129 N 2nd St | | | | | | |
| | City: | Yakima | St: | WA | Zip: | 98901 | Phone: | (509) 575-6183 |
| | E-Mail: | joseph.calhoun@yakimawa.gov | | | | | | |
| 2. Applicant's Interest in Property: | Check One: | <input type="checkbox"/> Owner | <input type="checkbox"/> Agent | <input type="checkbox"/> Purchaser | <input checked="" type="checkbox"/> Other <u>Local Government</u> | | | |
| 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): N/A - Non Project Action | | | | | | | | |
| 5. Legal Description of Property. (if lengthy, please attach it on a separate document) N/A - Non Project Action | | | | | | | | |
| 6. Property Address: N/A - Non Project Action | | | | | | | | |
| 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 checked="" type="checkbox"/> Environmental Checklist (SEPA Review) | | <input type="checkbox"/> Administrative Adjustment | | <input type="checkbox"/> Type (1) Review | | | | |
| <input type="checkbox"/> Type (2) Review | | <input type="checkbox"/> Type (3) Review | | <input type="checkbox"/> Binding Site Plan | | | | |
| <input type="checkbox"/> Comprehensive Plan Text or Map Amendment | | <input type="checkbox"/> Critical Areas Review | | <input type="checkbox"/> Easement Release | | | | |
| <input type="checkbox"/> Planned Development | | <input type="checkbox"/> Preliminary Short Plat | | <input type="checkbox"/> Preliminary Long Plat | | | | |
| <input type="checkbox"/> Amended Long Plat | | <input type="checkbox"/> Rezone | | <input type="checkbox"/> Shoreline | | | | |
| <input type="checkbox"/> Transportation Concurrency | | <input type="checkbox"/> Other: _____ | | <input checked="" type="checkbox"/> Other: <u>Text Amendment</u> | | | | |

PART II – SUPPLEMENTAL APPLICATION – SEPA CHECKLIST

9. Environmental Checklist (see attached forms)

PART III – CERTIFICATION

10. 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 09/17/2018 |
| Applicant's Signature | Date |

FILE/APPLICATION(S)#

TXT #003-18 & SEPA #025-18

| | | | |
|-----------------------|---------------------|---------------------|--------------------|
| DATE FEE PAID: N/A | RECEIVED BY: N/A | AMOUNT PAID: N/A | RECEIPT NO: N/A |
|-----------------------|---------------------|---------------------|--------------------|

Proposed Text Amendment to

YMC Title 15

TXT#003-18, SEPA#025-18

Definitions for Hotel, Motel, Extended Stay

Draft Definitions for Consideration and Discussion:

“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.

“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.

Extended Stay options:

1. “Extend Stay Hotel/Motel” means a lodging use in a structure, or structure, where more than 10% of the rooms are provided or made available to the public for a fee for extended stays. The length of stay can be up to or exceed 30 consecutive days. Rooms designated for extended stay use may include kitchen facilities. This definition does not include other defined uses including, but not limited to, a boarding house or multi-family dwelling.
2. “Extended Stay Hotel/Motel” means a hotel or motel that rents rooms 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.

Existing Zoning Districts:

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-2 |
|-------------------|----|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| Motels and Hotels | | | | | | | | 2 | 1 | 1 | 1 | 1 | 1 | | |

Extended Stay Hotel/Motel _____

Note: Recommended definition, designations of appropriate zoning districts, and levels of review for “Extended Stay Hotel/Motel” are subject to further discussion by the Planning Commission and public input.



LAND USE APPLICATION

CITY OF YAKIMA, DEPARTMENT OF COMMUNITY DEVELOPMENT

129 NORTH SECOND STREET, 2ND FLOOR, YAKIMA, WA 98901

PHONE: (509) 575-6183 FAX: (509) 575-6105

INSTRUCTIONS – PLEASE READ FIRST AND ANSWER ALL QUESTIONS COMPLETELY.

If you have any questions about this form or the application process, please ask to speak with a planner. All necessary attachments and the filing fee are required upon submittal. Filing fees are not refundable. This application consists of several parts. PART I - GENERAL INFORMATION, PART II – SUPPLEMENTAL APPLICATION, and PART III – CERTIFICATION are on this page. PART II, III, and IV 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: | City of Yakima Planning Division | | | | | | |
| | Mailing Address: | 129 North Second Street | | | | | | |
| | City: | Yakima | St: | WA | Zip: | 98901 | Phone : | (509) 575-6183 |
| | E-Mail: | ask.planning@yakimawa.gov | | | | | | |
| 2. Applicant's Interest in Property: | Check One: | <input type="checkbox"/> Owner | <input type="checkbox"/> Agent | <input type="checkbox"/> Purchaser | <input checked="" type="checkbox"/> Other | Local Government | | |
| 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): N/A – Non Project Action | | | | | | | | |
| 5. Legal Description of Property. (if lengthy, please attach it on a separate document) N/A – Non Project Action | | | | | | | | |
| 6. Property Address: N/A – Non Project Action | | | | | | | | |
| 7. Property's Existing Zoning: <input checked="" type="checkbox"/> SR <input checked="" type="checkbox"/> R-1 <input checked="" type="checkbox"/> R-2 <input checked="" type="checkbox"/> R-3 <input checked="" type="checkbox"/> B-1 <input checked="" type="checkbox"/> B-2 <input checked="" type="checkbox"/> HB <input checked="" type="checkbox"/> SCC <input checked="" type="checkbox"/> LCC <input checked="" type="checkbox"/> CBD <input checked="" type="checkbox"/> GC <input checked="" type="checkbox"/> AS <input checked="" type="checkbox"/> RD <input checked="" type="checkbox"/> M-1 <input checked="" type="checkbox"/> M-2 | | | | | | | | |
| 8. Type Of Application: (Check All That Apply) | | | | | | | | |
| <input type="checkbox"/> | Administrative Adjustment | <input checked="" type="checkbox"/> | Environmental Checklist (SEPA Review) | <input type="checkbox"/> | Easement Release | | | |
| <input type="checkbox"/> | Type (1) Review | <input type="checkbox"/> | Right-of-Way Vacation | <input type="checkbox"/> | Rezone | | | |
| <input type="checkbox"/> | Type (2) Review | <input type="checkbox"/> | Transportation Concurrency | <input type="checkbox"/> | Shoreline | | | |
| <input type="checkbox"/> | Type (3) Review | <input type="checkbox"/> | Non-Conforming Use/Structure | <input type="checkbox"/> | Critical Areas Review | | | |
| <input type="checkbox"/> | Preliminary Short Plat | <input type="checkbox"/> | Appeal to HE / City Council | <input type="checkbox"/> | Variance | | | |
| <input type="checkbox"/> | Final Short Plat | <input type="checkbox"/> | Interpretation by Hearing Examiner | <input type="checkbox"/> | Temporary Use Permit | | | |
| <input type="checkbox"/> | Short Plat Amendment | <input type="checkbox"/> | Modification | <input type="checkbox"/> | Overlay District | | | |
| <input type="checkbox"/> | Preliminary Long Plat | <input type="checkbox"/> | Home Occupation | <input type="checkbox"/> | Binding Site Plan | | | |
| <input type="checkbox"/> | Final Long Plat | <input type="checkbox"/> | Comprehensive Plan Text or Map Amendment | <input type="checkbox"/> | Planned Development | | | |
| <input type="checkbox"/> | Plat Alteration –Long Plat | <input type="checkbox"/> | Short Plat Exemption: | <input checked="" type="checkbox"/> | Other: Text Amendment | | | |

PART II – SUPPLEMENTAL APPLICATION – SEPA CHECKLIST

9. Environmental Checklist (see attached forms)

PART III – CERTIFICATION

10. 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)#

TXT #002-18

SEPA #020-18

DATE FEE PAID:

RECEIVED BY:

AMOUNT PAID:

RECEIPT NO:

City of Yakima Planning Division

2018 Text Amendments

1. Sign Code

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).

Staff Analysis: This standard provides more flexibility for an exemption under the sign chapter. For example, under the current language a homeowner in the R-1 zone could only have a 10-ft tall flag pole.

2. Rezone

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.

Staff Analysis: Changes as discussed previously from conversation related to a non-project rezone processed in 2017. The proposal is similar to other cities (Ellensburg, Wenatchee) in the requirement for a DA when conditions are placed on a Rezone. Requiring a conceptual site plan with a non-project rezone will provide the notified property owners a visual representation of what future development could look like, but will not be binding on the applicant.

3. ADU's

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 or larger per YMC § 15.05.030, Table 5-2.

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 |
|-------------------------------------------------|----|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| Accessory Dwelling Unit (*) (See YMC 15.09.045) | 2 | 2 | 1 | 1 | | | | | | | | | | | |

Staff Analysis: ADU's were added to the Zoning Ordinance in 2010 but have been proposed and constructed minimally due to the onerous restrictions. Currently they are only permitted in the SR and R-1 zones and only on parcels 0.25 acres or more. On occasion a customer will inquire about adding an ADU to a single family home in the R-2 zone and it isn't permitted.

Proposed is to add the remaining residential zones (R-2 and R-3) and abandon the 0.25 acre requirement and instead rely on the minimum lot size to build a duplex (8,000 square-feet in SR and R-1, 7,000 square-feet in R-2 and R-3). Additionally, the restriction that an ADU can only be attached to the primary dwelling or attached to/above a detached garage has posed issues – adding the ability to build a stand-alone ADU that meets the accessory structure setbacks will provide significant flexibility over the current Ordinance. Finally, a cleanup to a conflict between the text and table – the text indicates a Class (3) where the table lists a Class (2). Since additional districts are proposed, the change is to remove indication of level of review from the text and rely on the table.

4. Modification

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.

* Prior legislation: Ords. 3106, 93-81 and 95-13.

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

DOC.
INDEX
C-1

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. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008).

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.

Staff Analysis: These changes are proposed to allow the abbreviated Modification review process to be applicable to all previously approved uses, including Type 1. Currently, the code requires a Modification of an

DOC.
INDEX
C-1

existing and approved Type 1 use to go through another Type 1 Review to modify the development. This is contrary the defined purpose of a Modification which means "any change or alteration to the occupancy, arrangement, placement or construction of any existing use, structure, or associated site improvement, and any change or alteration of land."

5. Taxicab Home Occupation

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.

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 |
| Dentist | 1 | 2 | 2 | 2 | |
| Dog grooming | 2 | 3 | 3 | 3 | 3 |

Table 4-2. Table of Permitted Home Occupations

| | Zoning District | | | | |
|------------------------------------------------------------------------------------------------|------------------------------|-----|-----|-----|-----|
| | SR | R-1 | R-2 | R-3 | B-1 |
| 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 | | | | |
| Taxicab Operator* | 1 | 1 | 1 | 2 | 1 |
| Wedding service | 2 | 2 | 2 | 2 | 2 |
| Unclassified home occupation | See YMC <u>15.04.120</u> (G) | | | | |

DOC.
INDEX
C-1

Table 4-2. Table of Permitted Home Occupations

| | Zoning District | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----|-----|-----|-----|
| | SR | R-1 | R-2 | R-3 | B-1 |
| <p>NOTES:</p> <p>* Refers to definition in YMC Chapter <u>15.02</u></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>χ = Not Permitted</p> | | | | | |

Staff Analysis: These changes were proposed by a member of the public, and will provide sole-proprietor or family taxi businesses to be operated out of the home as a Home Occupation rather than out of a commercial establishment, which for many is cost prohibitive.

6. Regional Development Zoning District

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.

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 |

DOC.
INDEX
C-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-2 |
|------------------------------------------------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| 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 | | 2 | | |
| Children's Outdoor Recreation Center* (Less than 500 ft. from abutting residential and/or containing a go-cart track) | | | | | | | | | | | 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 | | | | | | | | | 2 | | |
| 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 | | | |

DOC.
INDEX
C-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-2 |
|---------------------------------------------------------------------------------------------|-------------------------|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| State Fair Park | (See YMC 15.04.200) | | | | | | | | | | | | | | |
| 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, and 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 | | |
| Community Gardens (*) (if accessory to an approved principal use) (See YMC 15.04.060(G)) | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Community Gardens (*) (with planting area of one-quarter acre or less) | 1 | 1 | 1 | 1 | 1 | 1 | | 1 | 1 | 1 | 1 | 1 | | 1 | |
| Community Gardens (*) (with planting area of more than one-quarter and up to one-half acre) | 2 | 2 | 2 | 2 | 2 | 2 | | 2 | 2 | 2 | 1 | 2 | | 2 | |
| Community Gardens (*) (with planting area of more than one-half acre up to one acre) | 2 | 2 | 2 | 2 | 2 | 2 | | 2 | 2 | 2 | 2 | 2 | | 2 | |
| Day Care Facilities (not home occupation): Family In-Home (*) | 1 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 | | 1 | 1 | | | |
| Day Care 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 Chapter 15.31) | | | | | | | | | | | | | | |
| 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 | |

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-2 |
|------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| 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 | | | 2 | 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 | | | | | | | | | | | | | 32 | 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 | | 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 |
| Marijuana Processing (**) | | | | | | | | | | | | | | 1 | 1 |

DOC.
INDEX
C-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-2 |
|-----------------------------------------------------------------------------------------------|-------------------|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| Marijuana Research (**) | | | | | | | | | | | | | | 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 | | | | | | | | | | | | | 2 | 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 | | | | | | | | | | | | | | |
| 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 | | |

DOC.
INDEX
C-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-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 |
| 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 | |

DOC.
INDEX
C-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-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 | | |
| 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 | |

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-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 |
| 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 | | | | | | | | | | | | | | | |

DOC.
INDEX
C-1

| | SR | R-1 | R-2 | R-3 | B-1 | B-2 | HB | SCC | LCC | AS | GC | CBD | RD | M-1 | M-2 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|----|-----|-----|----|----|-----|----|-----|-----|
| 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> | | | | | | | | | | | | | | | |

Staff Analysis: These changes are proposed to provide for additional light manufacturing uses in the RD zoning district. This district contains several large tracts (Mill Site, Speedway) that could benefit from a greater number of potential uses above and beyond what is currently allowed in RD.

7. Appeals

15.02.020 Definitions

~~"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.~~

"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).

Chapter 1.43 HEARING EXAMINER

Sections:

- 1.43.010 Office established.
- 1.43.020 Appointment.
- 1.43.030 Qualifications.
- 1.43.040 Removal.
- 1.43.050 Standards of conduct.
- 1.43.060 Rules.
- 1.43.070 Time computation.
- 1.43.080 Duties and powers.
- 1.43.090 Applications.
- 1.43.100 Master applications.
- 1.43.110 Report of department.
- 1.43.120 Examiner's decision.
- 1.43.130 Notice of examiner's decision.
- 1.43.140 Appeal from examiner's decision.
- 1.43.150 Effect of appeal.
- 1.43.160 Council action on appeals.
- 1.43.170 Appeal of decisions made by council.
- 1.43.180 Annual report.

1.43.010 Office established.

There is established an office of hearing examiner. The office of examiner shall be under the administrative supervision of the examiner and shall be separate from and not an administrative part of the department of community and economic development. Unless the context requires otherwise, the term "examiner" as used herein shall include deputy examiners and examiners pro tem. (Ord. 2948 § 1 (part), 1986).

1.43.020 Appointment.

The hearing examiner and any deputy examiners shall be appointed by the city council after consideration of the recommendation of the joint hearing examiner committee created by and pursuant to the "Intergovernmental Agreement for the Mutual Use of Hearing Examiner Services" entered into by and between the city of Yakima and Yakima County, Washington. Such examiner shall serve an indefinite term of office which shall, however, be reviewed one year following the date of original appointment and thereafter every four years. The council may also appoint examiners pro tem to serve in the event of absence or inability to act of the examiner and deputy examiners. (Ord. 2948 § 1 (part), 1986).

1.43.030 Qualifications.

Examiners shall be appointed solely with regard to their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions

**DOC.
INDEX**

#

C-1

conferred upon them. Examiners shall hold no other elective or appointive office or position with the city of Yakima or the county of Yakima. (Ord. 2948 § 1 (part), 1986).

1.43.040 Removal.

An examiner may be removed from office for cause by a majority vote of the city council after consideration of a recommendation as to removal or nonremoval from the joint hearing examiner committee. (Ord. 2948 § 1 (part), 1986).

1.43.050 Standards of conduct.

(a) No person, including city or county officials, elective or appointive, shall attempt to influence an examiner in any matter pending before him, except at a public hearing duly called for such purpose, or to interfere with an examiner in the performance of his duties in any other way; provided, that an official or employee of the city of Yakima or Yakima County may, in the performance of his official duties provide information to the examiner when the action is disclosed at the hearing or meeting; nor, shall this section prohibit rendering of legal services to the examiner or to the council.

(b) No examiner shall conduct or participate in any hearing or decision in which the examiner shall have a direct or indirect financial or personal interest or in which such conduct or participation shall violate any rule of law applicable thereto. (Ord. 2948 § 1 (part), 1986).

1.43.060 Rules.

The examiner shall implement procedural rules for the conduct of hearings and other procedural matters related to the duties of his office in accordance with RCW 36.70.970. (Ord. 2948 § 1 (part), 1986).

1.43.070 Time computation.

In computing any period of time prescribed by this chapter, the day of the act 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, Sunday, or a city legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, or a city legal holiday. (Ord. 2948 § 1 (part), 1986).

1.43.080 Duties and powers.

The examiner shall hear, make a record of, and decide matters provided in this chapter or by other ordinances, including but not limited to the following land use matters:

A. Matters prescribed by the Yakima urban area zoning ordinance, Title 15 of this code. Decisions of the examiner on such matters shall have the legal effect as set forth in the provisions of said ordinance;

B. Review of preliminary plats and modifications thereto using the procedures and provisions for review by the planning commission as set forth in RCW Chapter 58.17 and the city of Yakima subdivision ordinance, Title 14 of this code. The decisions of the examiner on such matters shall constitute recommendations to the city council;

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;

E. Pedestrian skybridge applications in the manner set forth in YMC 11.65.040(F) and pedestrian skybridge permit violations as set out in YMC 11.65.070;

F. The examiner may conduct hearings required pursuant to RCW Chapter 43.21C, State Environmental Policy Act (SEPA), and Chapter 6.88 YMC at the request of the city responsible official charged with responsibility for holding such a hearing; provided, that the substantive SEPA decision and the decision on the associated action shall be made by the responsible official;

G. The examiner may, at the request of the city shoreline administrator, receive and examine available information, conduct public hearings and prepare records and reports thereof, and issue recommendations to the council based upon findings and conclusions on applications for shoreline substantial development permits and conditional use permits;

H. Conduct public hearings on petitions and resolutions to vacate streets and public rights-of-way pursuant to RCW Chapter 35.79. Decisions of the examiner on such matters shall constitute a recommendation to the city council.

The provisions of this section designating and assigning to the hearing examiner the duties and functions listed above shall supersede any and all conflicting provisions of the municipal code of the city of Yakima. (Ord. 2016-028 § 2, 2016; Ord. 2013-033 § 1 (Exh. A), 2013; Ord. 93-91 § 1, 1993; Ord. 3257 § 1, 1990; Ord. 3224 § 1, 1989; Ord. 2948 § 1 (part), 1986).

1.43.090 Applications.

Applications for permits or approvals subject to review by the examiner shall be made to the city department of community and economic development (hereinafter referred to as the "department"). The department shall accept such applications only if applicable filing requirements are met. The department, in coordination with the hearing examiner, shall be responsible for assigning a date for and assuring due notice of public hearing for each application, which date and notice shall be in accordance with the statute or ordinance governing the application. (Ord. 2948 § 1 (part), 1986).

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).

1.43.110 Report of department.

Where no specific provision for a report of the department is contained in the statute or ordinance governing the application, the department may coordinate and assemble the reviews of other county/city departments, other state or local governmental agencies and franchised public utilities having an interest in the subject application and prepare a report summarizing the factors involved and the department's findings and recommendations. At least seven calendar days prior to the scheduled hearing the report shall be filed with the examiner and copies thereof shall be mailed to the applicant and made available for public inspection. Copies thereof shall be provided to interested parties upon request. (Ord. 2948 § 1 (part), 1986).

1.43.120 Examiner's decision.

Within ten working days of the conclusion of a hearing, unless longer period is agreed to in writing by the applicant, the examiner shall render a written decision which shall include findings and conclusions based on the record. Except as provided in YMC 1.43.080 and 1.43.100 and the decision of the examiner shall be final and conclusive on the fifteenth day after the date of the decision unless a notice of appeal to the Yakima city council is filed pursuant to YMC 1.43.140. The examiner's decisions together with his findings, conclusions, and record of proceedings shall be filed with the department of community and economic development. If the effect of the decision is a recommendation to the legislative body, the original thereof shall be transmitted to the legislative body (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. (Ord. 2948 § 1 (part), 1986).~~

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).~~

1.43.150 Effect of appeal.

The timely filing of an appeal under this chapter shall stay the effective date of the examiner's decision until the appeal is adjudicated by the council or until the appeal is withdrawn. (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).

"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).

DOC.
INDEX
C-1

Chapter 15.16 APPEALS

Sections:

~~15.16.005 Appeals~~
~~15.16.010 Purpose.~~
~~15.16.015 Conflict of provisions.~~
~~15.16.020 Appeals—Where filed.~~
~~15.16.030 Consolidated appeals.~~
~~15.16.040 Appeal of the administrative official's decision.~~
~~15.16.050 Appeal of the hearing examiner's decision.~~
~~15.16.060 Legislative body action on appeals.~~
~~15.16.070 Appeal of decisions made by the legislative body.~~
~~15.16.080 Effect of appeals.~~
~~15.16.090 Actions not appealable.~~

15.16.005 Appeals.

The procedures to appeal actions under Title 14, Title 15, Title 16, and Chapter 6.88 YMC, shall be found in YMC 16.08.

~~15.16.010 Purpose.~~

~~The purpose of this chapter is to establish the procedures for appealing decisions made under the provisions of this title. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986).~~

~~15.16.015 Conflict of provisions.~~

~~In the event of any conflict between this chapter and that of YMC Title 16, the provisions of Title 16 shall prevail. (Ord. 2016-029 § 1 (Exh. A) (part), 2016).~~

~~15.16.020 Appeals—Where filed.~~

~~All appeals authorized under the provisions of this title, except judicial appeals, shall be filed with the division. The division shall forward the appeal to the appropriate administrative official, schedule an appeal hearing, provide the required notification, and maintain complete records of all appeal hearings unless otherwise provided for in this chapter. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986).~~

~~15.16.030 Consolidated appeals.~~

~~A.—All appeals of project permit application decisions, other than an appeal of SEPA determination of significance, shall be considered together in a consolidated appeal and shall not be separated from the substantive matters of the application.~~

~~B.—Appeals of determinations of significance under SEPA, Chapter 6.88 YMC, shall proceed as provided in that chapter in an open record hearing. The purpose of this early and separate appeal hearing is to resolve the need for an environmental impact statement (EIS) and to permit~~

DOC.
INDEX
C-1

administrative and judicial review prior to preparation of an EIS. (Ord. 2016-029 § 1 (Exh. A) (part), 2016).

15.16.040 Appeal of the administrative official's decision.

A.—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.

B.—Appeal. All appeals shall be filed within fourteen days following the mailing of the final decision by the administrative official or designee. Appeals shall be filed with the division. If a final decision does not require mailing, the appeal shall be filed within fourteen days following the issuance of the final decision.

C.—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 division of the city. 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.

D.—Notice. The division shall:

- 1.—Set a reasonable time and place for hearing of the appeal;
- 2.—Provide a notice of appeal and public hearing to the official whose decision is being appealed and parties entitled to notice of the decision, including posting of property and published notice at least ten days prior to the hearing.

E.—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 or she deems pertinent.

F.—Staff Report. A staff report shall be prepared and transmitted to the examiner, along with the record in accordance with YMC 16.08.020(C).

G.—Action by the Hearing Examiner. Testimony given during the appeal shall be limited to those points cited in the appeal application. 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 division 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.

H.—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 16.08.030. (Ord. 2016-029 § 1 (Exh. A) (part), 2016; Ord. 2008-46 § 1 (part), 2008; Ord. 3019 §§ 53, 54, 1987; Ord. 2947 § 1 (part), 1986. Formerly 15.16.030).

~~15.16.050 Appeal of the hearing examiner's decision.~~

A. Appeals. The decision of the hearing examiner shall be final and conclusive unless appealed to the legislative body by a person aggrieved, or by any agency of the city, affected by the decision in the following manner:

- ~~1. The appealing party must file a complete written notice of appeal with the planning division 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.~~
- ~~3. The city council shall hear appeals of all decisions by the hearing examiner during a public meeting or a limited hearing for receipt of oral legal argument.~~

B. Appeal Procedures.

~~1. Notice of Filed Appeal. The planning division shall notify the parties of record and appellant 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 division.~~

~~A. Content of Notice of Filed Appeal. The notice to parties and appellant shall contain the following statements: All parties of record wishing to respond to the appeal may submit a written argument or memorandum to the legislative body within thirty days from the date that the notice is mailed; and any written argument or memorandum shall not include the presentation of new evidence and shall be based only upon the facts presented to the examiner.~~

~~2. Submittal of Written Argument or Memorandum.~~

~~a. The appellant or any party of record may file with the division a written argument or memorandum of authority within thirty days of the date of mailing of the notice of a filed appeal.~~

~~b. Rebuttal to Written Argument and Memorandum. Upon completion of the thirty-day submittal period for submission of any written argument and memorandum, the appellant at their expense may obtain copies of any such submissions, and shall be provided a fifteen-day rebuttal period (starting on the thirty-first day from the date of mailing of the notice of filed appeal).~~

~~c. Extension of Time for Written Argumentation and Memorandum.~~

~~1. No written argument or memorandum of authorities may be thereafter submitted except written request for cause granted by the division. However, requests for extension must be made no later than the last date the memoranda would otherwise be due.~~

~~2. The legislative body may grant further extensions on a finding by the legislative body of the existence of extenuating circumstances which warrant such extensions.~~

DOC.
INDEX
C-1

d.—Upon extension of any request for written argumentation or memorandum, a notice of extension shall be given to all parties of record, and the notice shall include the statement that: "Memoranda, written arguments or comments shall not include the presentation of any new evidence and shall be based only on the facts presented to the examiner."

3.—Transfer of Record to Legislative Body. When a timely appeal has been filed and the deadline for receipt of written memoranda and all extensions has passed, the division shall deliver to the legislative body a copy of the examiner's decision, the evidence presented to the examiner, a recording of the hearing before the examiner and any written argument or memorandum of authority which has been received. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 3019 § 55, 1987: Ord. 2947 § 1 (part), 1986: Formerly 15.16.040).

15.16.060 Legislative body action on appeals.

A.—General. When the record and the examiner's decision have been transmitted to the legislative body, the clerk of the legislative body shall schedule a date for a closed record appeal 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 division.

B.—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.

C.—Site Views. The legislative body may view the site.

D.—Scope of Review. Legislative body review of the facts shall be limited to the records which include all materials received in evidence at any previous stage of the review, audio/visual tapes of the prior hearing(s), and the final order being appealed, and argument by the parties at the examiner's hearing. 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.

E.—Appellant and Respondent Arguments. The appellants and any respondents to the appeal shall have the opportunity to present oral and written argument. Oral argument shall be confined to the prior established hearing examiner record and to any alleged errors in the decision.

F.—Action on Appeal. At the public hearing the legislative body may adopt, amend and adopt, reject, reverse, or 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 legislative body renders a decision different from the decision of the examiner, the legislative body shall adopt amended findings and conclusions accordingly. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986: Formerly 15.16.050).

15.16.070 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 twenty-one 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 as provided in Chapter 36.70C RCW. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986: Formerly 15.16.060).

~~15.16.080 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 of this title including cancellations and revocations of permits or approvals. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 3019 § 56, 1987: Ord. 2947 § 1 (part), 1986: Formerly 15.16.070).

~~15.16.090 Actions not appealable.~~

A.— Generally. Only final actions or decisions of an administrative official or other official may be appealed under this chapter.

B.— Procedural Rulings. Interim procedural or other rulings during or as part of a review or decision making process by an administrative or other officer under this title are not appealable except as part of the final decision or action.

C.— Enforcement Actions. No enforcement action for violation of this title is appealable except as expressly provided in YMC 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 party in a court of law. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986: Formerly 15.16.080).

Chapter 16.08 APPEALS

Sections:

- 16.08.005 Purpose and Applicability
- 16.08.010 Consolidated appeals.
- 16.08.012 Appeals—Where filed.
- 16.08.014 Burden of proof.
- 16.08.015 Definitions
- 16.08.018 Appeal of administrative official's decision
- 16.08.020 Open record appeals subject to review by hearing examiner.
- 16.08.025 Appeal of the hearing examiner's decision
- 16.08.030 Closed record appeal subject to review by the city council.
- 16.08.040 Judicial appeals.
- 16.08.050 Effect of appeals.
- 16.08.060 Actions not appealable.

16.08.005 Purpose and Applicability.

The purpose of this chapter is to establish the procedures for appealing decisions made under the provisions of Title 14, Title 15, Title 16, and Chapter 6.88 of the Yakima Municipal Code. The procedures may also be used for any other matter where there is an appeal opportunity and the procedures of such appeal are not specifically outlined elsewhere in this Code.

16.08.010 Consolidated appeals.

- A. All appeals of project permit application decisions, other than an appeal of SEPA determination of significance, shall be considered together in a consolidated appeal and shall not be separated from the substantive matters of the application.
- B. Appeals of Determinations of Significance under SEPA, Chapter 6.88 YMC, shall proceed as provided in that chapter in an open record hearing. The purpose of this early and separate appeal hearing is to resolve the need for an environmental impact statement (EIS) and to permit administrative and judicial review prior to preparation of an EIS. (Ord. 98-66 § 1 (part), 1998).

16.08.012 Appeals—Where filed.

All appeals authorized under the provisions of Title 14, Title 15, Title 16 and Chapter 6.88 of the Yakima Municipal Code, except judicial appeals, shall be filed with the division. The division shall forward the appeal to the appropriate administrative official, schedule an appeal hearing, provide the required notification, and maintain complete records of all appeal hearings unless otherwise provided for in this chapter.

16.08.014 Burden of proof.

The appellant shall bear the burden to demonstrate at least one of the following:

1. The decision-maker (either the administrative official or hearing examiner) exceeded his or her jurisdiction or authority;
2. The decision-maker failed to follow applicable procedures in reaching the decision;
3. The decision-maker committed an error of law; and/or

DOC.
INDEX
C-1

4. The findings, conclusions or decision prepared by the decision-maker are not supported by substantial evidence.

16.08.015 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

"Administrative official" means the duly appointed city of Yakima director of community development.

"Agency" means any municipal corporation, state or federal government or subdivision thereof.

"Aggrieved Person" or "Person Aggrieved" means a person who is directly affected by the approval, denial or conditioning of a permit, or a person who is directly affected by a decision of the administrative official, hearing examiner or city council.

"Appellant" means the person or party appealing a decision made by the administrative official or the hearing examiner.

"Applicant" means a person submitting an application for any permit or approval required by the Yakima Municipal Code Title 14 or Title 15, and who is the owner of the subject property or the authorized agent of the owner.

"Department" or "Division" means the city of Yakima Department of Community Development.

"Legislative Body" means the Yakima city council.

"Officer" means the director of community development or his or her designee.

"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).

"Person" means any corporation, company, association, society, firm, partnership, or business, as well as an individual, a state and all political subdivisions of a state, any agency or instrumentality thereof.

"Respondent" means the party against whom an appeal is taken or any party of record responding to an appeal.

"Subject Property" means the real property that is at issue in the original application.

16.08.018 Appeal of the administrative official's decision.

A. Appeal to the Hearing Examiner. Except as otherwise provided, any aggrieved person, party of record, or agency directly affected by any decision of the administrative official or designee may appeal that decision to the hearing examiner.

B. Appeal. All appeals shall be filed within fourteen days following the mailing of the final decision by the administrative official or designee. Appeals shall be filed with the division. If a final decision does not require mailing, the appeal shall be filed within fourteen days following the issuance of the final decision.

C. 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 division of the city. 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. Appeals shall also include a sworn statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

D. Notice. The division shall:

1. Set a reasonable time and place for hearing of the appeal; and
2. Provide a notice of appeal and public hearing to the official whose decision is being appealed and parties entitled to notice of the decision, including posting of property and publishing the notice at least ten days prior to the hearing.

E. 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, together with such additional written report as he or she deems pertinent.

F. Staff Report. A staff report shall be prepared and transmitted to the hearing examiner, along with the record in accordance with this chapter.

G. Action by the Hearing Examiner. Testimony given during the appeal shall be limited to those points cited in the appeal application. 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 parties to the appeal 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 was taken. The division 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.

H. 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 pursuant to this chapter.

16.08.020 Open record appeals subject to review by hearing examiner.

A. The hearing examiner shall hear appeals de novo. An applicant or representative shall be present at the hearing. In the event that the applicant or his or her representative is not present at the time of the hearing, the hearing shall be canceled and rescheduled by the planning division with appropriate public notice given in accordance with this title.

B. Notice of an appeal hearing shall be mailed to parties entitled to notice of the decision, including posting of property and published notice.

DOC.
INDEX

C-1

C. A staff report shall be prepared, file transmitted to the examiner, and hearing conducted in the manner described in the appropriate ordinance subject of the appeal and Washington State law. The hearing examiner shall have ten working days to issue a decision on the appeal. All decisions of the hearing examiner are subject to appeal to the city council.

D. The applicant or property owner shall remove all land use action signs from the subject property within thirty days from the date of issuance of the final decision or action on the underlying land use application. Any signage which is in good condition shall be returned to the city of Yakima planning division. (Ord. 2016-030 § 15, 2016: Ord. 98-66 § 1 (part), 1998).

16.08.025 Appeal of the hearing examiner's decision.

A. Appeals. The decision of the hearing examiner shall be final and conclusive unless appealed to the legislative body by a person aggrieved, a party of record, or by any agency of the city affected by the hearing examiner's decision in the following manner:

1. The appealing party must file a complete written notice of appeal with the division upon forms prescribed by the department and accompanied by the appeal fee within fourteen days from the date of mailing of the hearing 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.
3. The notice of appeal shall include a sworn statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.
4. The city council shall hear appeals of all decisions of the hearing examiner during a public meeting or a limited hearing for receipt of oral legal argument, unless precluded by law.

B. Appeal Procedures—Notice of Appeal.

1. Notice of Filed Appeal. The planning division shall notify the parties of record and appellant 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 division
2. Content of Notice of Filed Appeal. The notice to parties of record and appellant shall contain the following statements: All parties named in the appeal of the hearing examiner's decision wishing to respond to the appeal may submit a written argument or memorandum to the legislative body within thirty days from the date that the notice is mailed; and any written argument or memorandum shall not include the presentation of new evidence and shall be based only upon the facts presented to the examiner.

C. Submittal of Written Argument or Memorandum.

1. The named parties ~~appellant~~ to the hearing examiner's decision ~~or any party of record~~ may file with the division a written argument or memorandum of authority within thirty days of the date of mailing of the notice of a filed appeal.

DOC.
INDEX

C-1

2. Rebuttal to Written Argument and Memorandum. Upon completion of the thirty day submittal period for submission of any written argument and memorandum, the parties named in the appeal of the hearing examiner's decision appellant, at their expense, may obtain copies of any such submissions, and shall be provided a fifteen day rebuttal period which starts on the thirty-first day from the date of mailing of the notice of the filed appeal.

3. Extension of Time for Written Argument and Memoranda.

a. No written argument or memorandum of authorities may be thereafter submitted except by the legislative body's approval of a written request for an extension for cause. Requests for extension must be made no later than the last date the memoranda would otherwise be due.

b. The legislative body may grant further extensions on a finding by the legislative body of the existence of extenuating circumstances which warrant such extension(s).

c. Upon granting an extension, a notice of extension shall be given to all parties of record, and the notice shall include the statement that: "Written arguments and memoranda shall not include the presentation of any new evidence and shall be based only on the facts presented to the examiner."

D. Transfer of Record to Legislative Body. When a timely appeal has been filed and the deadline for receipt of written memoranda and arguments and all extensions have passed, the division shall deliver to the legislative body a copy of the examiner's decision, the evidence presented to the examiner, a recording of the hearing before the examiner, and any written argument or memorandum of authority which the division has received.

E. An appeal shall be dismissed by the city council if:

1. It is filed by a person without standing to appeal;

2. The city council does not have jurisdiction to hear the appeal;

3. It is not timely filed;

4. The appeal fees are not timely paid; and/or

5. It is not filed in accordance with the procedures set forth in these rules.

All motions to dismiss a defective appeal shall be filed within fifteen (15) calendar days from the filing date of the appeal.

16.08.030 Closed record appeal subject to review by the city council.

A. Setting the Hearing Date and Notice of the Appeal.

1. Hearing Date. When the record and the examiner's decisions have been transmitted to the legislative body, the clerk of the legislative body shall schedule a date for a closed record appeal by the legislative body at which time the legislative body shall consider the appeal. The date of the appeal should not be later than twenty days following the date the legislative body receives the information from the division, unless a different date is agreed upon by the city and the parties to the appeal.

2. Public Notice. The clerk of the legislative body shall mail written notice to the appellant, all parties named in the appeal of the hearing examiner's decision, all parties of record, and the examiner to apprise them of the meeting date before the legislative body.

B.A. Hearing Must Be Open to the Public. The city council shall hear appeals of all decisions by the hearing examiner during a public meeting or a limited hearing for receipt of oral legal argument.

B.C. A complete appeal application must be submitted prior to the scheduling of the council meeting or limited hearing.

C. The closed record appeal shall be on the record before the city council, and no new evidence shall be presented. The city council may, however, choose to do a site visit as part of its review. The record shall include all materials received in evidence at any previous stage of the review, audio/visual tapes of the prior hearing(s), the final order being appealed, and argument by the parties at the examiner's hearing.

D. The appellants and any respondents to the appeal shall have the opportunity to present oral and written argument. Oral argument shall be confined to the prior established hearing examiner record and to any alleged errors in the decision. Participation in the closed record hearing is limited to the city, including all staff, the applicant for the proposal subject to appeal, and those persons or entities which have timely and properly filed complete written appeal statements (either as appellants or respondents).

E. Following the closed record appeal hearing, the city council may affirm the decision of the examiner, remand the matter back to the hearing examiner with appropriate directions, or may reverse or modify the hearing examiner decision. The council shall adopt its own written findings and conclusions in support of its decision. If the council determines there is no error in the examiner's decision, it may adopt the findings of the examiner and accept the decision of the hearing examiner. If the city council renders a decision different from the decision of the examiner, the city council shall adopt amended findings and conclusions accordingly. (Ord. 98-66 § 1 (part), 1998).

16.08.040 Judicial appeals.

The city's final decision shall be final and conclusive unless on an application may be appealed by a party of record with standing to file a land use petition in Yakima County superior court. Such petition must be filed within twenty-one days of issuance of the decision, and the proceeding shall follow the requirements as provided in Chapter 36.70C RCW. (Ord. 98-66 § 1 (part), 1998).

16.08.050 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 of this title including cancellations and revocations of permits or approvals.

16.08.060 Actions not appealable.

A. Generally. Only final actions or decisions of an administrative official or other official may be appealed under this chapter.

B. Procedural Rulings. Interim procedural or other rulings during or as part of a review or decision making process by an administrative or other official under this title are not appealable except as part of the final decision or action.

C. Enforcement Actions. No enforcement action for violation of Title 15 Yakima Municipal Code is appealable except as expressly provided in YMC 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 law enforcement action commenced by any party in a court of law.

Staff Analysis: These changes are proposed to consolidate all Appeal procedures into one place (YMC Ch. 16.08 Appeals). Previously, there was language in YMC Ch. 1.43, YMC Ch. 15.16, and YMC Ch. 16.08. These changes provide for consistency throughout the Titles as all appeals now would be processed under YMC Ch. 16.08. This also streamlines any future text amendments as only YMC Ch. 16.08 would need to be amended.

DOC.
INDEX
C-1