

	COMPREHENSIVE PLAN MAP AMENDMENT	
	CASE NUMBER(S): LRN2018-00006/SEP2018-00023	
	STAFF REPORT DRAFTED BY: Keelan McPhee	
	July 11, 2018	
	Planning Commission Hearing	
Applicant:	Yakima County Public Services Planning Division	
Representative:	Lynn Deitrick, Yakima County Public Services Planning Division	
Request:	Type of Amendment:	Development Regulation Text Amendment
General Description of proposed Text Amendment:	2018 text amendments to Title 19 Yakima County Unified Land Development Code regarding standards relating to: <ol style="list-style-type: none"> 1. Automotive wrecking/dismantling yards 2. Nurseries 3. Accessory Dwelling Units 4. Final Approval of Plats 	

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A. SUMMARY OF RECOMMENDATIONS

Staff recommends Approval of the requested Development Regulation Text Amendment, subject to consideration of testimony from neighbors and interested parties.

B. SUMMARY

Yakima County Public Services Planning Division is seeking to amend the Unified Land Development Code (YCC Title 19) to better implement the code. The proposed amendments will apply to:

1. Automotive wrecking/dismantling yards (Table 19.14 -1)
2. Nurseries (YCC 19.01, Table 19.14 -1 and YCC 19.18.340)
3. Accessory Dwelling Units (YCC 19.18.020(vi)(a))
4. Final Approval of Plats – Administrative Official Authorized. Revise Title 19.34.070(m)(i) to allow Administrative Official to sign final plats/subdivisions per RCW 58.17.100.

C. PROPOSED EDITS TO YCC 19 UNIFIED LAND DEVELOPMENT CODE (ULDC)

1. Automotive wrecking/dismantling yards (YCC TABLE 19.14-1):

When Yakima County adopted YCC Title 19 in May 2015 the table of allowable uses (YCC Table 19.14-1) inadvertently left off automotive wrecking/dismantling yards as an allowable use. This was clearly an error considering that the previous zoning code YCC Title 15 included automotive wrecking and dismantling yards as Type 3 uses in the Valley Rural zoning district (presently referred to as Rural 10/5) and Type 2 uses in the Industrial zoning district (presently referred to as M-1).

1 The ramifications of excluding auto wrecking yards from the allowable land use table not only
2 limits the ability of an existing wrecking yard owner from expanding, but it also prohibits the
3 establishment of new wrecking yards in the County. To further illustrate that the exclusion was
4 done in error, YCC Title 19 still defines Auto wrecking yards under 19.01 – Definitions.

5 **Staff Recommendation:**

6 Include auto wrecking yards in the Allowable Land Use Table (YCC Table 19.14-1) as they are listed
7 in the definitions “Auto wrecking, dismantling, salvage or junk yards”. Classify the use types in the
8 same way they were originally in YCC Title 15, however, since YCC Title 19 now has two industrial
9 zoning districts (M-1 for Light Industrial and M-2 for Heavy Industrial) auto wrecking yards should
10 be included in both industrial zoning districts. Therefore, the recommendation by staff would be
11 to have auto wrecking, dismantling, salvage or junk yards listed as Type 3 uses in the Rural-10/5
12 zoning district, Type 2 uses in the M-1 zoning district and Type 1 uses in the M-2 zoning district.

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14 Proposed changes to the Allowable Land Use Table (YCC Table 19.14-1) for auto wrecking yards
15 are shown in Table 1 below.

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Table 1. Proposed Allowable Land Use Table YCC 19.14-1 Review Types

	AG	FW	MIN	R/ELDP	R - 10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
Auto wrecking, dismantling, salvage or junk yard					<u>3</u>													<u>2</u>	<u>1</u>

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1 **2. Proposed changes to definitions and allowable land uses of “nurseries”:**
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3 **Background:**

4 Retail nurseries, wholesale nurseries, and greenhouses are differentiated from one another in YCC
 5 19.01 Definitions, but not in the Allowable Land Use Table (YCC Table 19.14-1). The Allowable
 6 Land Use Table only allows for retail nurseries, but YCC Title 19 defines both retail and wholesale
 7 nurseries. Having both definitions has led to some confusion, especially considering that
 8 wholesale nurseries aren’t listed as an allowable use and the primary difference between the two
 9 types of nurseries is on-site retail sales, or greenhouses on their property. See current definition
 10 of nurseries in Table 2 below.
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12 **Table 2. Nursery – Definitions YCC 19.01**

Nursery	<p>“Nursery” means facilities used for the propagation and sale of agricultural or ornamental plants and related products. Nurseries are further classified as follows:</p> <p>(1) Retail nursery: A nursery that offers products to the general public including plant materials, planter boxes, fertilizer, sprays, garden tools, and related items.</p> <p>(2) Wholesale nursery: A nursery that raises nursery stock for sale to a retail nursery or other business. –put this use as its own in the land use table.</p> <p>(3) Greenhouse: A nursery facility constructed with transparent or translucent materials for indoor propagation of plants.</p>
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13 **Staff Recommendation:**

14 Staff proposes edits to the following sections of YCC Title 19:

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- 16 • YCC 19.01 Definitions:
 - 17 Delete existing nursery definition and re-define “nursery”, “nursery, retail” and “nursery,
 - 18 wholesale”. See Table 3.

19 **Table 3. YCC 19.01 Definitions – Proposed Nursery related edits**
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Nursery	<p>“Nursery” means facilities used for the propagation and sale of agricultural or ornamental plants and related products. Nurseries are further classified as follows:</p> <p>(1) Retail nursery: A nursery that offers products to the general public including plant materials, planter boxes, fertilizer, sprays, garden tools, and related items.</p> <p>(2) Wholesale nursery: A nursery that raises nursery stock for sale to a retail nursery or other business. –put this use as its own in the land use table.</p> <p>(3) Greenhouse: A nursery facility constructed with transparent or translucent materials for indoor propagation of plants.</p>
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<u>Nursery</u>	<p><u>A “Nursery” means a place where plants are propagated and grown to usable size. They include retail nurseries which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries which supply the needs of institutions or private estates. Nurseries may supply plants for gardens, for agriculture, for forestry and for conservation biology.</u></p>
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<u>Nursery, Retail</u>	<u>A “Retail nursery” means a nursery where plants and other related incidental items are sold to the general public. Retail nurseries may or may not grow plants on-site and may or may not include greenhouses.</u>
<u>Nursery, Wholesale</u>	<u>“Wholesale nurseries” are nurseries where plants sold only to businesses such as retail nurseries, commercial gardeners or landscapers. Wholesale nurseries must grow plants on-site. Wholesale nurseries may or may not include greenhouses.</u>

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- Regulatory notes: 19.18.340 Nurseries:

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To provide further clarity as to the distinction between retail and wholesale nurseries, staff recommends revising the current regulatory note listed under YCC 19.18.340 to read as follows:

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19.18.340 Nurseries. Within the Agriculture and Rural-10/5 zoning districts, retail plant nurseries shall only be permitted when they grow the majority of their products on the premises or the same farm operation. Retail nurseries may also sell incidental related products. Wholesale nurseries may not sell incidental related products.

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- Table 19.14-1:

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Add wholesale nurseries to the Agriculture land use category. Refer wholesale nurseries within the Agriculture land use category to definitions and regulatory note for nurseries (YCC 19.18.340). No other changes to the Allowable Land Use Table are proposed. See Table 4 below.

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Table 4. Staff Proposed Changes regarding Nurseries: Allowable Land Use Table YCC 19.14 Review Types

	AG	FW	MIN	R/ELDP	R - 10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
Agriculture*, silviculture, wholesale nurseries *† , and animal feeding operations*† (Excluding: concentrated animal feeding operations*, livestock auction/sale yards, rendering plants and slaughter houses)	1	1	1	1	1	1	1	1	1	1	1	1						1	1
Nursery, Retail *	3	3		3	2	3	1		3					1	1	1	1	2	

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1 **3. Proposed changes to Accessory Dwelling Units:**
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3 **Background:**

4 Yakima County allows for the placement of accessory dwelling units in certain zoning districts to
5 provide homeowners with an opportunity for extra income, companionship and/or security. This
6 provision enables a property owner to place a habitable accessory structure on their property, if
7 the accessory dwelling unit meets the standards listed under YCC Title 19.18.020 (1). Recently,
8 Yakima County has had numerous requests by property owners with existing accessory buildings
9 and/or aged/infirm residents (previously permitted by Yakima County zoning ordinances YCC
10 15 and 15A) to be converted to Accessory Dwelling Units. Unfortunately, many of the accessory
11 buildings fail to meet the siting criteria outlined in the compatibility section listed under YCC
12 19.18.020(vi)(a). The compatibility section for accessory dwelling units (YCC 19.18.020 (vi)(a)) as
13 shown below, requires accessory dwelling units to be located 100 feet or less from the primary
14 residence:
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16 YCC 19.18.020(vi)(a) Compatibility:

- 17 (a) Where authorized by the Allowable Land Use Table 19.14-1 in Chapter 19.14 accessory
18 dwelling units may be:
19 1. Attached to the primary residence;
20 2. Attached to or above an existing detached garage serving the primary residence; or
21 3. Detached from the primary residence and/or detached garage.

22 The attached or detached ADU shall be located within 100 feet from the primary residence.
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24 For the most part, Yakima County doesn't see a problem with the siting criteria as it applies to
25 newly placed or existing accessory buildings. However, the County does see a problem with the
26 100' separation distance when applied to previously permitted aged/infirm residents. Many
27 of these previously approved aged/infirm residents will not meet that 100' or less separation
28 distance. Often moving these structures under that 100' distance is cost-prohibitive, due to
29 significant infrastructure improvements made to the residence (pit-set, paving, sidewalks,
30 plumbing, electrical, etc.) by the property owner. YCC Title 19 does not allow for administrative
31 adjustments to this 100' setback distance, therefore applicants requesting an aged/infirm
32 residence to be converted to an accessory dwelling unit must apply for a variance under YCC 19.35
33 to the 100' setback standard. Unfortunately, variances have strict approval standards that are
34 difficult to meet and often are denied.
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36 **Staff Recommendation:**

37 County staff recommends adding language to the compatibility section under YCC 19.18.020(iv)
38 that exempts aged/infirm residents from 100' separation distance provided that the residence
39 meets the rest of the accessory dwelling unit standards under YCC 19.18.020. The proposed
40 edited language to YCC 19.18.020(vi)(A) is as follows:
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1 19.18.020 (vi) Compatibility:

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3 (A) Where authorized by the Allowable Land Use Table 19.14-1 in Chapter 19.14 accessory
4 dwelling units may be:

- 5
6 1. Attached to the primary residence;
7 2. Attached to or above an existing detached garage serving the primary residence; or
8 3. Detached from the primary residence and/or detached garage.
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10 The attached or detached ADU shall be located within 100 feet from the primary residence,
11 [except for previously permitted temporary aged and infirmed residences, provided they meet](#)
12 [all other requirements for accessory dwelling units in YCC19.18.020.](#)
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14 **4. Proposed change to YCC 19.34 Divisions of Land - Administrative Official authorized to approve**
15 **final plats:**

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17 **Background:**

18 Senate Bill 5674 (2017) amended RCWs 58.17.100, 58.17.170 and 58.17.190 to authorize
19 legislative bodies (the Yakima Board of County Commissioners) to delegate final approval of plats
20 to administrative personnel by Ordinance. The proposed text amendment to YCC 19.34.070(m)(i)
21 will give the Administrative Official authority to sign a final plat already approved by the Board of
22 County Commissioners in a closed record public hearing, as per RCW 58.17.100, which states:
23 *“The legislative authorities of cities, towns, and counties may by ordinance delegate final plat*
24 *approval to an established planning commission or agency, or to such other administrative*
25 *personnel in accordance with state law or local charter.”*
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27 **Staff Recommendation:**

28 County Planning staff proposes the following text changes to YCC 19.34.070(m)(i) to ensure
29 consistency with RCW 58.17.170:
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31 19.34.070(m)(i)

32 (m) Approvals, Certificates, Affidavits, Covenants, Disclaimers and Endorsements. Include the
33 following information, if practicable, or, if not, on a separate attached statement. Any required
34 signatures shall be in permanent black ink on the original document to be filed.

35 (i) Approvals by Administrative Official for short subdivision, and [upon receipt of a final plat](#)
36 [for a subdivision meeting the requirements of YCC Title 19.34.070, the Administrative Official](#)
37 [shall review the final plat and shall approve the final plat if determined that the final plat](#)
38 [conforms to the conditions of preliminary plat approval and applicable state laws and meets](#)
39 [the requirements of YCC Title 19 as they existed when the preliminary plat was approved by](#)
40 ~~the chairperson of~~ the Board of County Commissioners ~~for subdivision~~;

41 **D. ENVIRONMENTAL REVIEW**
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43 The Yakima County Planning Division has not identified any significant environmental impacts that
44 would result from the proposed Development Regulation Text Amendments to Title 19. Yakima

1 County issued a final threshold determination after public testimony taken by the Yakima County
2 Planning Commission.
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4 **E. RECOMMENDATIONS**

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6 The Yakima County Planning Division recommends **Approval** of the **YCC Title 19** text amendments
7 listed in this staff report, subject to consideration of testimony from neighbors and interested parties.
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