



# Public Services

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VERN M. REDIFER, P.E. - Director

## YAKIMA COUNTY PLANNING DIVISION Findings and Recommendation Of the Administrative Official

**PROJECT NAME:** Nonconforming Use Expansion – Yakima County Flood Control District

**REVIEW PROCESS:** Type 3

**FILE NUMBER:** PRJ2016-0228 / CUP2017-0105

**ZONING:** Split-zoned between Remote Extremely Limited Development Potential (R/ELDP) and Rural 10/5 (R-10/5)

**COMPREHENSIVE PLAN DESIGNATION:** Rural Remote and Rural Self-Sufficient

**PARCEL NUMBER:** 181305-44411, 181308-11001 and 181309-22004

**PROPOSAL:** The proposal is to reconfigure an auto wrecking yard to implement a levee setback as recommended in the Lower Naches Comprehensive Flood Hazard Management Plan.

**PROPERTY OWNERS/ APPLICANTS:** Yakima County Flood Control District  
128 N. 2<sup>nd</sup> Street, 4<sup>th</sup> Floor  
Yakima, WA 98901

**PREPARED BY:** *DR* Dinah Reed, Senior Project Planner

**RECOMMENDATION:** Approval, with the following conditions:

### RECOMMENDATION

Based on the findings and analysis, staff recommends APPROVAL of the Type 3 Conditional Use Permit for a nonconforming use alteration of the Weber Auto Wrecking Yard located within the R/ELDP and R-10/5 zoning districts, as described in application CUP2017-00105, subject to the following conditions:

1. The applicant shall apply for a Boundary Line Adjustment to reconfigure the size of the parcels 181305-44411, 181308-11001 and 181309-22004.
2. The applicant shall submit for and obtain final approvals on all necessary Building & Fire Safety Division permits relevant to any construction of proposed structure(s) prior to occupancy. Contact the Yakima County Public Services Department: Building & Fire Safety Division at (509) 574-2300.
3. The applicant shall obtain any necessary building permits that may be required for the eight-foot sight obscuring fence.
4. The applicant shall obtain a Road Approach Permit (RAP) from the Yakima County Transportation Division for access onto Powerhouse Road, as a condition of approval.
5. Any future exterior lighting installed shall be directed downward and otherwise arranged, fully shaded, screened, shielded, and of a design that results in the light being directed onto the site and of an intensity or brightness that does not reflect or cause glare or light intrusion into any adjacent or nearby residential use or interfere with the safe operation of motor vehicles on nearby roads.
6. Any future signage associated with this project shall meet the requirements of YCC Table 19.20-1 through 19.20-4.
7. Pursuant to 19.22.050(2) and 19.22.070(1)(b) the applicant shall provide 15 parking spaces with a minimum of screened gravel or crushed rock, or better.
8. Any loading facilities associated with this building shall adhere to the requirements of YCC 19.22.060, so that the trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way, and shall be separated from parking areas and shall be designated as truck loading spaces.
9. **Time Limit:** The conditions of approval for this Conditional Use Permit must be completed within three (3) years of the date of the Hearing Examiner's decision. Extension of time for cause may be granted pursuant to Subsection 19.30.100(4)(c) of the Yakima County Zoning Ordinance.
10. The owners, their grantees and assignees in interest will abide by the terms of YCC 16B.07.050 – Compliance, Extension, Expiration and Reinstatement attached to this decision. The applicant shall complete all required conditions, submit documentation that all conditions were met and request County inspection or review to determine that the requirements have been fulfilled within the timeframe specified in the decision and any authorized extensions.

**The following are ongoing conditions that apply to the project for the life of the permitted use. Failure at any time to comply with these conditions can result in the revocation of this permit.**

11. The project shall not extend beyond that described in this application and associated site plan submitted with the application referenced as file numbers CUP2017-00105. Any future modification(s) to this project shall be submitted to the Yakima County Planning Division for review and a decision based on County code.
12. Stormwater must be retained on site and upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.130.

Based upon information supplied by the applicant, a review of the Yakima County Comprehensive Plan (*Horizon 2040*) and a review of the Yakima County Code Title 19 (the Unified Land Development Code), the Administrator enters the following:

### FINDINGS STATEMENT

#### Location

1. The subject parcel is located at 6410 Powerhouse Road, on the west side of Powerhouse Road, approximately 500 feet south of the intersection of W. Powerhouse Road and US Hwy 12.

#### Project Description

2. This project was previously granted a Conditional Use Permit (CUP2016-00118). Due to the complexity of the project, implementation of the project has been delayed, and further time extensions to the existing permit are not allowed. The project has changed very little since the original application, with the change being location of the proposed stormwater treatment pond approximately 50 feet east of the original proposal, to allow for employee parking and make the main commercial access into the wrecking yard itself align better with the finalized road approach and parking plan.

The proposal is to reconfigure the Weber's Auto Parts and Towing business (wrecking yard), through a Boundary Line Adjustment enabling the Yakima County Public Services: Water Resources Division to implement Phase 2 of the Rambler's Park Levee Setback Project (N-1 levee), that was applied for and approved under SSE2015-00016 and CUP2015-00017. The intent of the reconfiguration of the yard is to implement a levee setback as recommended in the Lower Naches Comprehensive Flood Hazard Management Plan. All other permits for the project have been secured.

The reconfigured wrecking yard will lie to the east of the new N-1 levee. The 7.99-acre parcel (181305-44411) to the north of Weber's wrecking yard is split zoned with 5.33 acres within Rural 10/5 (R-10/5) and 2.66 acres within Remote/Extremely Limited Development Potential (R/ELDP). The proposal will relocate 4.0 acres of the wrecking yard, currently within the R/ELDP zoning district on parcel 181305-11001 to the parcel to the north 181305-44411 that is within the R-10/5 zoning district, except for a small portion of that parcel, approximately 0.02 acres in size, that is still within the R/ELDP, which will continue to contain the wrecking yard business.

Retail trade and Service "Maintenance and repair shops..." a.k.a. "auto wrecking yards" under Table 19.14 Allowable Land Uses are not allowed in the R/ELDP zoning district, and may be approved under a Type 3 review process when located within the R-10/5 zoning district.

According to the application materials, the auto wrecking yard business has been family owned since 1966, thereby categorizing the business as a Legal Nonconforming Use, Expansions or Alterations of Uses under Title 19.33.060(4)(vi) within the R/ELDP zoned portions of the wrecking yard.

The reconfiguration will not result in any changes to the operation of the business which is open to the public Monday – Friday, 8am-5pm, and closed on Saturday and Sunday, with a 24-hour emergency towing service. There will not be any changes to the two existing shop buildings (2,400 square feet and 9,500 square feet), one with an office used for the business. The operation currently employs 5-6 employees, 3 of which are full-time.

The proposal will include eliminating the existing tow pen, and the installation of a stormwater retention facility and paved new tow pen of the same size will be constructed. The proposal is to reduce the potential for groundwater pollution by paving the new tow pen, and routing stormwater runoff from this area to a retention pond. The pond will be sized to retain runoff from multiple 25-year events (similar to high snowfall winter).

Access is proposed off Powerhouse Road in one location at the south end of the parcel. The north access will be eliminated with the reconfiguration.

### **Zoning and Land Use**

3. Pursuant to the Yakima County Unified Land Development Code, Title 19, the subject property is split zoned and is located within both the Rural Extremely Limited Development Potential and Rural-10/5 zoning districts. Pursuant to Title 19.11.030, “The rural districts are intended to serve as a buffer between urban lands and resource lands, provide non-resource areas for future urban expansion, limit the costs of providing services to remote or underdeveloped areas, and retain the rural/agrarian character of the County while offering a variety of lifestyle choices for the residents of Yakima County.”

In accordance with the Yakima County Comprehensive Plan (*Horizon 2040*), the property is designated Rural Self-Sufficient and Rural Remote. The intent of this land use category is to implement Growth Management Act Planning Goals related to reducing sprawl, protecting the environment and providing adequate facilities and services commensurate with the density of development.

The subject parcels in total are 35.84 acres in size. Surrounding properties to the north and east are zoned Highway Commercial (HC) and Light Industrial (M-1) with similar land uses such as; Poor Boys Auto Wrecking and Dodge Properties. The property to the south is within the R/ELDP zoning district and within the Naches River floodplain, with very limited future development potential.

### **Hearing Examiner Jurisdiction**

4. The proposal is subject to Yakima County Unified Land Development Title 19 (Title 19). This proposal is considered “Maintenance and repair shops, including specialized repair (radiator, etc.)”, under Table 19.14-1, Allowable Land Uses. According to the Chapter 19.14 Allowable Land Use table, “Maintenance and repair shops, including specialized repair (radiator, etc.)” is

not an allowed use in the R/ELDP zoning district and is considered a Type 3 in the R-10/5 zoning district. As this use was previously approved under an older code and "Maintenance and repair shops, including specialized repair (radiator, etc.)" is not currently allowed within the R/ELDP zoning district, Yakima County Flood Control District has applied for a nonconforming use alteration/expansion to reconfigure the current operation. The nonconforming use criteria are addressed below under Finding #9.

Title 19.33.060(4)(d) states, "The Hearing Examiner may consider applications under Type 3 review to alter, enlarge, expand, extend or reconstruct a legal nonconforming use, other than residential structures and mining sites...in the same location or to include a portion of a structure, site or adjoining lot it did not previously occupy on the date said use became nonconforming."

According to Title 16B.03.030 Project Permit Procedures-Defined, "Type 3 applications are quasi-judicial actions and require an open record hearing by the Hearing Examiner. The Examiner's written decision constitutes the final decision... Public notice will be provided on Type 3 actions."

#### **Notice of Application**

5. A Notice of Application, Notice of Completeness and Notice of Future Hearing was mailed to adjoining property owners on November 28, 2017 with the comment period ending on December 12, 2017. The public hearing was set for March 1, 2018 and noticed as such. Notice was provided in accordance with the applicable ordinance requirements in the following manner:

Mailing of hearing notice to property owners w/in 300 feet:	January 11, 2018
Publishing of hearing date in the Yakima Herald-Republic:	January 11, 2018
Posting of hearing notice on the property:	February 14, 2018

#### **Comments**

6. Comments were received from one agency as follows:

##### **State of Washington Department of Ecology –**

"Shorelands/Environmental Assistance: A Conditional Use Permit (County Permit WET17-008) to fill the two wetlands located north of the wrecking yard was approved by Ecology (Permit No. 1111) on August 10, 2017. The fill was required for the relocation of the wrecking yard."

"Toxics Clean-Up: Historic uses of this site indicated that it is likely to be contaminated with hazardous substances. Any released known or discovered at the site must be reported to Ecology as required by the Model Toxics Control Act. This information should be passed on to the proponent and/or property owner. The facility addressed in this proposal was formerly listed as know (or suspected) contaminated site on Ecology's Confirmed and Suspected Contaminant Sites List, Ecology Facility/Site ID #49387898, TCP Cleanup Site ID #13018."

“Water Quality: Project with Potential to Discharge Off-Site. The NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with disturbed ground. This permit requires that the SEPA check list fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38-day process and may take up to 60 days if the original SEPA does not disclose all proposed activities. The permit requires that Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this include storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading or construction.”

*Staff Finding: The full comment letter is attached to this Decision, along with specific contact information regarding each comment. The applicant will be required to comply with the WA State Department of Ecology requirements.*

### **Environmental Review**

7. A SEPA review was conducted for the Ramblers Park Levee Setback in 2013 under SEP2013-00024 that incorporated all phases of the project, including Phase 2 which includes the current proposal. The lead agency issued a Final Mitigated Determination of Non-Significance (MDNS) that the proposal will not have a significant adverse impact on the environment and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This current application does not require a SEPA review because that requirement was satisfied at the beginning of the phased project in 2013 via SEPA2013-00024, YCC Chapter 16.04.

### **Critical Areas**

8. The applicant is within Shoreline Jurisdiction of the Naches River. A Shoreline Conditional Use Permit and Shoreline Non-conforming Use Expansion (WET2015-00003) was conducted concurrently with CUP2015-00017. Additionally, County Permit WET17-008 to fill the two wetlands located north of the wrecking yard was approved by Ecology (Permit No. 1111) on August 10, 2017. The fill was required for the relocation of the wrecking yard. Yakima County Public Services: Environmental and Natural Resources recommends approval of the project.

### **Review Criteria for Nonconforming Existing Use Reconstruction/Alteration of Structures**

9. Pursuant to YCC Title 19.33.060(4)(d)(i) The Hearing Examiner may grant the relief requested if he finds all of the following:
  - a. “That the alteration or expansion requested would not be contrary to the public health, safety or welfare;”

*Staff finding: The purpose for the alteration/moving of the wrecking yard from the west to the north is for the public good by being proactive to prevent future flooding of the property. Phase 2 of the levee setback will reduce the high potential for levee flanking and reduce large damage costs by levee removal and reconfiguration. Phase 2 will improve sediment transport in this reach of the river which will in turn stop or reverse the ongoing*

*rise in flood heights, flood hazard, and frequency of levee failure, thereby complying with this standard.*

- b. “That the alteration or expansion is compatible with the character of the neighborhood; and does not significantly jeopardize future development of the area in compliance with the provisions and the intent of the zoning district;”

*Staff finding: There is a similar land use (wrecking yard) directly across Powerhouse Road from the subject parcel which is in keeping with the character of the neighborhood. Future development of the area is extremely limited because the surrounding parcels are within the floodway which does not allow development.*

- c. “The use or structure was lawful at the time of its inception;”

*Staff finding: The auto wrecking yard business has been family owned since 1966, prior to the Yakima County Zoning Ordinance, thereby categorizing the business as a Legal Nonconforming Use, Expansions or Alterations of Uses under Title 19.33.060(4)(vi).*

- d. “That the value of nearby properties will not be significantly depressed by approving the requested alteration or expansion;”

*Staff finding: There are no new structures being proposed. Moving the wrecking yard to the north will enable the property owners to remove an existing fence made of rubber tires. A new site-obscuring fence will keep the wrecking yard from being visible from the road. The visibility by surrounding property values should not be affected.*

- e. “That the nonconforming structure shall comply with all development standards and codes to the extent feasible;”

*Staff finding: The proposed alteration shall comply with all applicable development standards such as building height, setbacks, lot coverage etc. No variances or adjustments are being requested for the proposal at this time.*

- f. “That the use of the structure will not cause, increase or expand detrimental attributes for the area it is located due to: use of hazardous materials; generation of noise, odors or electronic interference; introduction of incompatible uses; or generation of large numbers of vehicle trips; change in hours of operation; and emissions of light or glare, and;”

*Staff finding: New structures are not proposed with this application. However, the proposal includes eliminating the existing tow pen and the installation of a stormwater retention facility and a paved new tow pen of the same size will be constructed. The purpose of the new tow pen is to prevent detrimental attributes such as hazardous materials leaking into the area. The hours of operation, number of employees and basic business operations (vehicle trips) will remain the same, therefore should comply with this standard.*

- g. "That the proposed alteration or expansion requested will not create negative health or safety impacts and need not be excluded to protect the public from harm."

*Staff finding: No useful purpose would be served by strict application of the provisions or requirements of this Title with which the use does not conform because the use was lawfully established. The proposed expansion will not create negative health or safety impacts. There is no reason to deny the expansion to protect the public from harm.*

### **Development Standards**

10. The development standards that generally apply for the type of project being proposed are as follows:

- a. **Conformity with All Regulations Required:** (YCC 19.10.040(1)) "Any development, structure or part shall conform to all of the regulations specified in this Title for the situation and zoning district in which they are located in order to be authorized, erected, constructed, reconstructed, moved or structurally altered."

*Staff Finding: The proposed alteration of the wrecking yard will conform to all of the applicable regulations of Title 19 and the R/ELDP & R-10/5 zoning districts, provided the above conditions are met.*

- b. **Yards, Lots, Open Space and Off-Street Parking and Loading Spaces:** (YCC 19.10.040(2)(c)) "No yard or lot existing at the time of the adoption of this Title shall be reduced in dimension or area below the minimum requirements in this Title."

*Staff Finding: As proposed, the alteration of the wrecking yard will reduce the dimension or area of the existing yards below the minimum requirements for the R/ELDP, however the area of the subject parcels was already existing as smaller than the 40-acre minimum requirement lot size in the R/ELDP, therefore will not pose any additional impact on this standard. Section 19.34.020 (o) states that the applicant may "adjust the size and dimension of undersized or nonconforming lots provide that the adjustment does not increase the divisibility of any of the final lots."*

- c. **Access Required:** (YCC 19.10.040(3)) "All new development shall have a minimum of 20 feet of lot frontage upon a public road or be served by an access easement conforming to the dimensional requirements of Sections 19.23.040 and 19.23.050 to provide for access to the development. The approach location shall be reviewed by the County Engineer for compliance with YCC Chapter 10.08. Approach connections to other public roads are subject to review by the applicable agency. Verification of legal access and a valid road approach permit shall be required prior to final approval of any permit granted under this Title." The Yakima County Transportation Division provided the following comment:

"Examiners Decision from CUP2016-00118 stated that access will continue to exist by way of the existing approach onto Powerhouse Road on the southern entrance of the property, but a Road Approach Permit must be obtained from the Yakima County Transportation Division. As of 11/17 No Road approach permit has been



applied for or processed by the Yakima County Transportation Division. The new site plan submitted proposes three (3) approaches, only the southern approach will be allowed based upon previous findings and decisions.

Per title 10.08.020 and 19.10.040 (3) the applicant shall obtain a Road Approach Permit (RAP) from the Yakima County Transportation Division for any existing and or proposed accesses to the county roadway system. The fact that the road approach application is in conjunction with a CUP must be disclosed by the applicant at the time of application. No future build permits cannot be issued without the completion and approval of a Road Approach Permit.”

*Staff Finding: The applicant has proposed to use the existing access at the south entrance from Powerhouse Road. The applicant shall obtain a Road Approach Permit (RAP) from the Yakima County Transportation Division for access onto Powerhouse Road, as a condition of approval.*

- d. **Land Uses:** (YCC 19.10.040(4)) “Uses allowed within a zoning district are listed as permitted, administrative or conditional uses in the Allowable Land Use Table 19.14-1 within Chapter 19.14.”

*Staff Finding: According to Table 19.14-1 Allowable Land Uses, Retail trade and Service “Maintenance and repair shops...” a.k.a. “auto wrecking yards” are not allowed in the R/ELDP zoning district. Therefore, this proposal is being processed as a nonconforming use expansion under a Type 3 review.*

- e. **Building Permits Required:** (YCC 19.10.040(5)) “No building or other structure shall be erected, moved, added to or structurally altered without a permit issued by the Building Official under RCW 19.27 and YCC Title 13. No building permit shall be issued, except in conformity with this Title.”

*Staff Finding: The Yakima County Building and Fire Safety Division has not commented on this proposal. For more information on building and fire code permits, please contact the Building and Fire Safety Division at (509)574-2300.*

- f. **Setbacks, Easements and Right-of-Way:** Chapter 19.11 lists the standard minimum setbacks of buildings or other structures and uses in the R 10-5 and R/ELDP zoning districts in Table 19.11.030-2. Powerhouse Road is designated as Local Access Road, which requires a fifty (50) foot setback from the planned centerline for front and street side setbacks. Interior side setbacks for primary structures are 10 feet from the property line. Rear setbacks from adjoining lots are 10 feet from the property line.

*Staff Finding: No new structures are proposed and existing structures meet these setbacks.*

- g. **Vision Clearance Triangles at Intersections and Driveways:** (YCC 19.10.040(7)(b)) “A vision clearance triangle shall be maintained at all driveways and curbcuts, and the intersection of an alley with a public street for vision and safety purposes. The vision

clearance triangle shall measure 15 feet along the perpendicular street curb lines or pavement edge, or travel lane of the public street and 15 feet along the driveway or alley, as illustrated in Figure 19.10.040-2. The third side of the triangle shall be a straight line connecting the 15-foot sides described above. No sign or associated landscaping shall be placed within this triangle to materially impede vision between the heights of two and one-half and ten feet above the centerline grade of the streets.”

*Staff Finding: According to YCC 19.10.040(7)(b), this subsection applies only to uses established under this Title. As the wrecking yard was established under a previous title, the applicants are not required to establish a new vision clearance triangle.*

- h. **Maximum Building Height and Lot Coverage:** (YCC 19.10.030 & Table 19.11.030-2) Building height is defined as “the vertical distance from grade plane to the average height of the highest roof surface” (YCC 19.01.070(2)). The maximum building height is intended to maintain building and structure heights that are compatible with the character and intent of the zoning district. Lot coverage is defined as “the percentage of the area of a lot covered by buildings, accessory structures, or other impervious surfaces” (YCC 19.01.070(2)). According to Table 19.11.030-2, the maximum building height in the both the R/ELDP and R-10/5 is 35 feet and the maximum lot coverage is unspecified.

*Staff Finding: No new buildings are proposed, therefore meets this requirement.*

- i. **Fences, Walls and Recreational Screens:** (YCC 19.10.040(9)) The provisions of YCC 19.10.040(9) “. . . shall govern the location and height of fences and walls, to allow access to properties by utility employees and emergency response personnel and to maintain good appearance of residential areas and visual access along residential streets and between lots.”

*Staff Finding: According to WAC 308-63-070(1), “the activities of a vehicle wrecker must be conducted entirely within the established place of business. A physical barrier must designate the boundary of the wrecking yard. Where necessary to obscure public view of the premises, it must be enclosed by a sight-obscuring wall or fence at least 8 feet high.”*

*The applicant has proposed to remove the existing tire bales that have served as a fence and construct an 8-foot tall sight obscuring fence around the perimeter of the wrecking yard. The fence will be constructed of chain link with integral slats as a visual barrier. Based on YCC 19.10.040(9)(v), the proposed fence for this project is allowed to exceed the 6-foot height maximum and shall comply with WAC 308-63-070(1) enclosure requirements for site screening. As a condition of approval the applicant shall obtain any necessary building permits that may be required for the 8-foot sight obscuring fence.*

- j. **Exterior Lighting:** (YCC 19.10.040(10)) “Exterior lighting is regulated to minimize light pollution to neighboring properties and encourage true-color, full-spectrum light rendition in projects. Exterior lighting for all uses and signs shall be directed downward and otherwise arranged, fully shaded, screened, shielded, and of a design that results in the light being directed onto the site and of an intensity or brightness that does not reflect or

cause glare or light intrusion into any adjacent or nearby residential use or interfere with the safe operation of motor vehicles.” Figures 19.10.040-3 and -4 of the Yakima County Code contain examples of exterior lighting sources and fixtures.

*Staff Finding: The applicant proposes to retain the existing lighting around the existing buildings. As conditioned in this recommendation, all existing and/or proposed lighting fixtures shall meet the exterior lighting design requirements.*

- k. **Floodplain Development:** (YCC 19.10.040(11)) “A pre-application meeting and a Flood Hazard Permit application is required for all new development in floodplains in order to minimize and mitigate potential adverse impacts to property and infrastructure while reducing risks to public health and safety. Yakima County will utilize existing flood hazard data and mapping to assist applicants with the layout and design of their proposal. If the potential adverse impacts cannot be mitigated through the Flood Hazard Permit under YCC 16A.05, 16C.05 and 16D.05, a critical areas and shoreline permit will be required under Yakima County Critical Areas and Shoreline codes.”

*Staff Finding: Based on the Yakima County Critical Areas maps, the subject property is entirely in the floodway. Pre-application meetings were a part of the Yakima County Flood Control District staff process. A Shoreline Conditional Use Permit and Shoreline Non-conforming Use Expansion (WET2015-00003) was conducted with CUP2015-00017. Yakima County Public Services: Environmental and Natural Resources recommends approval of the project.*

- l. **Stormwater Requirements:** (YCC 19.10.040(12)) Stormwater quality and quantity concerns for project permits shall be addressed through YCC Chapter 12.10, the State Environmental Policy Act environmental review process, or through the requirements of the Washington Department of Ecology. This is to ensure public and private development projects comply with National Pollution Discharge Elimination System (NPDES) permit requirements under the Federal Clean Water Act (CWA) where applicable.

*Staff Finding: The applicants will be required to retain stormwater runoff on-site and comply with the requirements of YCC 12.10.130. For questions regarding stormwater information contact Dianna Woods, Water Resources Division, at (509)574-2300.*

### Signs

11. YCC 19.20.030(1) “All on-premises signs are accessory uses and shall be subject to the same procedural and review requirements as the principal use, except that new signs accessory to existing or approved uses may be reviewed as modifications to existing or approved uses under Section 19.35.030.” All proposed signs are subject to the review procedures of Title 19 and the standards of Chapter 19.20, which include Table 19.20-1 Type of Signs Permitted, Table 19.20-2 Number of Signs Permitted, Table 19.20-3 Maximum Area per Sign Face, and Table 19.20-4 Sign Height and Setbacks.

***Staff Finding:** According to the applicant, the existing sign will be retained. No new signs are proposed. Any future signs shall be required to meet the provision of the code as it exists at that time.*

### **Sitescreening and Landscaping**

12. Yakima County Code requires sitescreening to provide a visual buffer between uses of different intensity, streets and structures, reduce erosion and stormwater runoff, protect property values, and eliminate potential land use conflicts by mitigating adverse impacts from dust, odor, litter, noise, glare, lights, signs, buildings, or parking areas (YCC 19.21.010(2)).

***Staff Finding:** The adjacent parcel to the north (181305-44409) is zoned Highway Commercial and the adjacent parcel to the south (181309-22004) is zoned R/ELDP. Parcels directly across the road to the east are within the Highway Commercial and Light Industrial zoning districts. Landscape buffers are not a requirement for uses within the HC and R/ELDP zoning districts.*

### **Parking and Loading**

13. Yakima County's parking standards are intended to establish adequate off-street parking, reduce on-street parking, increase traffic safety, maintain smooth traffic flow, reduce the visual impact of parking lots and ensure parking and loading facilities are installed prior to occupancy. Parking standards applicable to the proposal are as follows:
- a. **Nonconforming Parking (YCC 19.22.040(5)):** Any use on the effective date of this Section or any amendments hereto, is nonconforming in terms of required off-street parking facilities may continue in the same manner as if it was conforming; however, the number of existing off-street parking spaces shall not be reduced.
  - b. Wrecking yards are not listed in the calculation of parking standards Table 19.22-2. Section 19.22.050(2) states that "The Reviewing Official can make a determination to evaluate a proposed land use based closely on similar land uses listed in Table 19.22-1. The use that most closely fits is "Automobiles sales, retail nurseries, and other open sales and rental yards" – which require one space for each 1,000 square feet of gross floor area, plus four spaces, plus one space for each 10,000 square feet of open sales area. The area of the wrecking yard used by customers is less than 100,000 square feet, plus a very small business office. The large existing structures are not open to the public. Based on these calculations the applicant would be required to provide 15 spaces.

***Staff Finding:** The applicant has proposed 15 parking spaces. According to the applicant there are 3 full-time employees and approximately 20 customers who visit the wrecking yard at different times throughout a given day. Although there are two large structures on the property utilized for the business, interaction with customers is conducted either in the outdoor area of the wrecking yard, or the small office portion. The applicant only needs enough parking for 3 employees and several customers who arrive at different times throughout a given day. As described by the applicant, the proposed 15 parking spaces have been adequate for the wrecking yard operation based on the historical need for parking in the past. Therefore, 15 proposed spaces should meet the parking requirements for this application.*

- c. Location and Design of Parking and Loading Facilities (YCC 19.22.060): Off-street loading and unloading spaces and parking for truck queuing shall be required for any industrial building. Loading spaces shall be located so that trucks do not obstruct pedestrian or vehicle traffic movement or project into any public or private road right-of-way. All loading space areas are to be separated from parking areas and must be designated as truck loading spaces, meeting the requirements of Table 19.22-4. Maneuvering space shall be designed and arranged to allow the most efficient use of all required loading spaces based on the types of vehicles typically used.

*Staff Finding: According to the applicant, tow trucks are dispatched from the site and return several times a day. Semi-trucks deliver and take away vehicles monthly. Any loading facilities associated with this building will be required to adhere to YCC 19.22.060 as a condition of this recommendation.*

### **Water and Sewer**

14. Chapter 19.25, Sewer and Water, is intended to provide specific standards that will ensure an adequate source of potable water will be provided prior to development approval. The types of domestic water and sewage disposal system that are authorized for certain projects, if regional sewer and area-wide public water are not available, are listed in order of priority under YCC 19.25.040 and under Tables 19.25-1 and 19.25-2.

*Staff Finding: There is currently a source of potable water supplied to the existing business and sewage disposal via an existing individual well and on-site septic system. The Yakima Health District commented under CUP2015-017 that since they have no records of the existing septic system or well, an evaluation is required to determine the adequacy of the systems.*

## **CONCLUSION AND RECOMMENDATION**

Based on the findings and analysis, staff recommends APPROVAL of the Type 3 Conditional Use Permit for Yakima County Flood Control District, as described in CUP2017-00105, subject to the conditions listed above.

### **Attachments:**

- A. WA State Department of Ecology Comment letter, dated December 8, 2017

[CUP2017-105\\_RELDP\\_YakimaCountyFloodControlDistrict\\_NUE\\_dsrl\\_jweFINAL.docx](#)

*Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.*

*If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.*