



# Public Services

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VERN M. REDIFER, P.E. - Director

## YAKIMA COUNTY PLANNING DIVISION

### Type 2 Application

- FINAL DECISION -

**PROJECT NAME:** Ali - Bullseye Burger Restaurant

**REVIEW PROCESS:** Type 2

**FILE NUMBER:** PRJ2017-00227 / CUP2017-00120


**PARCEL NUMBER:** 191429-21002

**ZONING:** Highway/Tourist Commercial (HTC)

**FUTURE LAND USE DESIGNATION:** Urban Growth Area

**PROPOSAL:** Type 2 application proposing an existing eating establishment as Bullseye Burger within a Chevron service station building.

**OWNER:** Akram Ali  
51 Firing Center Road  
Yakima, WA 98901

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

**DECISION:** Approved with the following conditions:

**The following conditions must be obtained within three years of the date of this decision. Please note that this decision and time limit pertains to conditional authorization for the subject land use only and failure to comply with all conditions will result in the revocation of this permit. This Final Decision includes the following conditions and the findings as described.**

1. The applicant shall obtain all necessary Yakima County Public Services: Building & Fire Safety Division permits prior to the commencement of construction. Please contact the Building & Fire Safety Division at (509) 574-2300.
2. The applicant shall obtain a Road Approach Permit (RAP) from the Yakima County Transportation Division for all existing accesses to the county roadway system, as a condition of approval.
3. The applicant shall provide at least seventeen (17) parking spaces for the combined use of the Chevron service station and eating establishment. The parking area shall comply with applicable standards

regarding accessible parking for disabled persons, as required by the Building Official. All required parking shall be installed prior to occupancy or commencement of use.

4. All parking facilities shall be paved with two inches thick surfacing on an aggregate base, or an equivalent surfacing acceptable to the Reviewing Official, to eliminate dust and mud. (YCC 19.22.070(1)(a)(i))
5. All paved parking spaces shall be marked by durable painted lines at least four inches wide and in accordance with YCC 19.22.070(4).
6. The applicant shall provide sitescreening and landscaping meeting the requirement of standard A along property lines in conformance to YCC 19.21.020 prior to commencement of use. The sitescreening and landscaping plan shall also meet the requirements for landscaping within the parking lot as described in YCC 19.21.030(2)(e).
7. 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.**

8. The project shall be completed in conformance with the project description and site plan submitted with the application referenced as file number CUP2017-00120. Any changes may require additional review. If changes are planned in the future, please contact the Yakima County Public Services Department: Planning Division at (509) 574-2300 for assistance with the permitting process.
9. 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. A Washington State Department of Ecology Construction Stormwater Permit may be required for new buildings.
10. Exterior lighting shall be directed downward and otherwise arranged, 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 into any adjacent residential use or interfere with the safe operation of motor vehicles.
11. The owner or lessee of the required parking area shall maintain the paved surface, drainage facilities, landscaping and irrigation facilities in conformance with the standards of YCC 19.22.
12. Any future signs for this project shall conform to the regulations as set forth in YCC 19.20.

Based upon information supplied by the applicant, a review of the Yakima County Comprehensive Plan (*Horizon 2040*) and the Yakima County Zoning Ordinance, the Administrator enters the following:

## **FINDINGS AND ANALYSIS**

### **Location**

1. The property is located at 51 Firing Center Road on the north side of Firing Center Road, and at the northeast intersection of Highway I-82 and Firing Center Road, approximately 3 miles northeast of the City of Selah, WA.

### **Project Description**

2. The applicant proposes to establish an existing restaurant "Bullseye Burger" located in a Chevron service station building. The hours of operation are seven (7) days per week, from 6 am – 8 pm. There are five (5) employees and 18 existing parking spaces. The site is served potable water via an individual well and sanitary disposal is provided via a septic system. Access is off of Firing Center Road.

*Staff Finding: The Yakima Health District provided comment that "unless they plan on adding seating, the current septic system will be adequate. As far as the water system, there is already one in place. It is AWAD #51, PWS #AC913 H, and the operator of the system has a green permit and is in good standing." Based on the YHD comment regarding domestic water and sanitary disposal, no additional/updated systems are required.*

### **Zoning and Land Use**

3. Pursuant to the Yakima County Unified Land Development Code (Title 19), the subject property is located within the Highway/Tourist Commercial (HTC) zoning district. The HTC zoning district is intended to provide "areas for commercial establishments that offer accommodations, supplies, services or recreational opportunities to the traveling public" (YCC 19.11.040(1)(b)). Additionally, the HTC zoning district is "intended to permit only those uses that promote and enhance the recreation and tourism industry" of Yakima County (YCC 19.11.040(1)(b)). In accordance with the Yakima County Comprehensive Plan (*Horizon 2040*), the property is within the Urban Growth area of Selah, WA. The intent of Yakima County's Urban Growth Area land use category is to, in part, "direct future urban growth toward those rural lands where services and facilities can be economically and logically extended, and away from farm lands of long-term commercial significance" (*Horizon 2040* Goal LU-U 1.10).

The property was purchased as an existing business (Chevron station) with an attached eating establishment in August 2013. The eating establishment changed from a Subway to Firing Center Burger, and is, with this proposal, being established at Bullseye Burger. All surrounding parcels are also within the HTC zoning district. Directly to the west is the I-82 interchange with Firing Center Road. Further to the east are properties within the Rural 10/5 zoning district and range in size from 3-5 acres and are in agricultural production with some house sites.

### **Jurisdiction and Process**

4. This proposal is being reviewed as a "restaurant". Table 19.14-1 lists Restaurants as Type 2 uses in the HTC zoning district.

### **Environmental Review**

5. Although there is a Type 5 stream in the southeast portion of the subject parcel, the land uses are located at least 275 feet west of the stream and possible wetland, therefore, no critical areas have been identified by the Yakima County Planning Division: Environmental and Natural Resources Section that would be affected by this proposal. The proposal is also exempt from SEPA review by WAC 197-11-800(1)(b).

*Staff Finding: Based on the comment from the Environmental & Natural Resources Section, the Reviewing Official will not require a SEPA review for this project. For questions related to environmental or critical areas please contact the Yakima County Planning Division, Environmental & Natural Resources Section, at (509) 574-2300.*

#### **Notice of Application**

6. After the application was submitted, an internal notice of project review was emailed to representatives of the Transportation Division, the Building and Fire Safety Division, the Environmental and Natural Resources Planning Section, the Water Resources Division, the Utilities Division, and the Yakima Health District. Once the application was determined to be complete, a combined Notice of Application and Notice of Completeness were mailed to property owners within 300 feet of the property and to agencies having jurisdiction or interest in the proposal on December 12, 2017, with the comment period ending December 26, 2017.

*Staff Finding: No comments were received from outside agencies or adjacent property owners. Comments from the Yakima County Transportation Division are addressed in Finding #8(c).*

#### **Review Criteria for Conditional Use Permits**

7. "Type 2 Administrative Uses shown on the Allowable Land Use Table 19.14-1 in Chapter 19.14 are generally allowed in the zoning district. The compatibility between a Type 2 Administrative Use and the surrounding environment cannot always be determined in advance. Therefore, a Type 2 Administrative Use may be conditioned to ensure compatibility and compliance with the provisions of the zoning district and the goals, objectives and policies of the Comprehensive Plan" (YCC 19.30.030(2)(b)(iv)).

*Staff Finding: The proposed eating establishment is compatible with Urban Land Use Element of Horizon 2040. The intent of Urban Commercial land use category is to provide for commercial areas where a wide range of retail activities and service are permitted. The intent of the Highway Tourist Commercial (HTC) zoning district is to provide services to the traveling public. A restaurant located in the HTC zoning district meets this intent.*

#### **Development Standards**

8. 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 restaurant will comply with the standards of the HTC zoning district and the development standards of YCC 19.10.040, provided the above conditions are met.*

- b. **Yards, Lots, Open Space and Off-Street Parking and Loading Spaces:** (YCC 19.10.040(2)(b)) "No part of a yard, other space, off-street parking or loading space required in connection with any development for the purpose of complying with this Title, shall be included as a part of a yard, open space, off-street parking or loading space similarly required for any other development, except as allowed Section 19.21.030 for consolidated perimeter plantings and Section 19.22.050 for shared parking areas."

*Staff Finding: The applicant is not proposing to share yard, open space, or parking and therefore meets this provision.*

- c. **Access Required:** (YCC 19.10.040(3)) Verification of legal access and a valid road approach permit may be required prior to issuance of any permit granted pursuant to this title.

*Staff Finding:* The applicant is proposing to access from Firing Center Road. The Yakima County Transportation Division made the following comment:

*“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 all existing 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 building permits can be issued without the completion and approval of a Road Approach Permit.”*

*The applicant shall obtain a Road Approach Permit (RAP) from the Yakima County Transportation Division as a condition of approval.*

- d. **Land Uses:** (YCC 19.11.040(4)) “Uses allowed within a zoning district are listed as permitted, administrative, or conditional uses in the Allowable Land Uses Table 19.14-1 within Chapter 19.14.”

*Staff Finding:* “Restaurants, café and drive-in eating facilities” are classified as Type 2 use in the HTC zoning district according to the Allowable Land Use Table 19.14-1.

- 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 applicant shall obtain and finalize all necessary permits for the restaurant from the Yakima County Building and Fire Safety Division. For more information, please contact the Yakima County Building and Fire Safety Division at (509) 574-2300.

- f. **Setbacks, Easements and Right-of-Way:** (YCC 19.10.040(6)) Chapter 19.11 lists the standard minimum setbacks of buildings or other structures and uses in the HTC zoning district in Table 19.11.040-2. State Route 821 is within a right-of-way greater than 60 feet in width, so the required setback from State Route 821 is 25 feet from the edge of its right-of-way. Interior side and rear setbacks for primary structures from adjoining lots shall be 10 feet from the property line.

*Staff Finding:* Based on the provided site plan and aerial photography, the Chevron service station, in which the restaurant is located, is over 100 feet from Firing Center Road, and is over 60 feet from the rear property line. Additionally, it is placed well over 100 feet from both side property lines, therefore meeting the required setbacks in the HTC zoning district.

- g. **Vision Clearance Triangles at Intersections and Driveways:** (YCC 19.10.040(7)) “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. 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 so as to impede vision between the heights of two and one-half and ten feet above the centerline grade of the streets.”

*Staff Finding: The buildings are located no closer than 195 feet from the nearest road right-of-way, therefore not within the vision clearance triangle.*

- h. **Maximum Lot Coverage and Building Height:** (YCC 19.11.030-2) The maximum lot coverage is defined as “the percentage of the area of a lot covered by buildings, accessory structures, or impervious surfaces” (YCC 19.01.070(12)). Building height is defined as “the vertical distance from grade plane to the average height of the highest roof” (YCC 19.01.070(2)).

*Staff Finding: According to Table 19.11.040-2, maximum lot coverage in the HTS zoning district is 80% of the total lot area. According to aerial photos, impervious surface on the subject parcel is approximately 1.37 acres out of a total of 3.15 acres. Table 19.11.040-2 also states that maximum building height in the HTC zoning district is 45 feet.*

- 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: The applicant stated in the application materials there is no fence and is not proposing a fence. If additional fencing is proposed in the future, it must meet the requirements of YCC 19.10.040(9).*

- 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.”

*Staff Finding: The applicant has not proposed exterior lighting. This decision conditions that all future and existing exterior lighting shall meet the requirements as outlined above and in YCC 19.10.040(10).*

- 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.”

*Staff Finding: The parcel on which the Chevron service station and restaurant are located is not within a floodplain. Therefore, a pre-application meeting is not required.*

- l. **Stormwater Requirements:** (YCC 19.10.040(12)) YCC 19.10.040(12) “is intended to ensure public and private development projects comply with the National Pollution Discharge Elimination System (NPDES) permit requirements under the Federal Clean Water Act (CWA) where applicable.”

*Staff Finding: The Yakima County Water Resources Division did not provide comments for this project. This decision conditions that all stormwater generated on the subject parcel be retained on site. Please contact the Yakima County Water Resources Division for questions regarding soils and stormwater.*

### Signs

9. (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: The applicant was approved for new signs under CUP2017-00058, and is not proposing new signs with this application. Any new signage in the future must meet the sign requirements of YCC 19.20.030.*

### Parking and Loading Space

10. YCC 19.22.050(2) allows the Reviewing Official to make the determination to evaluate a proposed land use based closely on similar land uses listed in Table 19.22-2. According to Table 19.22-2 "eating and drinking establishments" require one space for each 250 square feet of floor area. "Gasoline service stations" require 3 spaces per pump.

*Staff Finding: The application material states that the eating establishment is 1,300 square feet and that he has five (5) employees, which would require five (5) parking spaces. The Chevron station appears to have four (4) pumps, based on Google Maps, therefore would require 12 parking spaces. The applicant's application states that he has 18 existing parking spaces, therefore meets the parking requirements for both the restaurant and service station.*

*According to YCC 19.22.070(1)(a)(i), all parking facilities within Urban Growth Areas "shall be paved with two inches thick asphaltic surfacing on an aggregate base, or an equivalent surfacing acceptable to the Reviewing Official, to eliminate dust and/or mud."*

*"Parking areas shall be graded and drained so all surface water is disposed of on-site. Grading and drainage facilities shall be designed according to accepted engineering standards, YCC Title 12.10 and the Stormwater Management Manual for Eastern Washington, which require review by the Public Services Director or designee" (YCC 19.22.070(2)).*

*"All paved parking spaces shall be marked by durable painted lines at least four inches wide and extending the length of the stall or by curbs or other means approved by the Reviewing Official to indicate individual parking stalls. Signs or markers located on the parking lot surface shall be used as necessary to ensure safe and efficient use of the parking lot. All accessible parking spaces shall be marked and signed in compliance with the currently adopted building code" (YCC 19.22.070(4)).*

*"Lighting shall be provided to illuminate any off-street parking or loading space used at night. When provided, lighting shall be directed to reflect away from adjacent and abutting properties and comply with Subsection 19.10.040(10)" (YCC 19.22.070(5)).*

*"The owner or lessee of the required parking area shall maintain the paved surface, drainage facilities, landscaping and irrigation facilities in conformance with the standards of [Chapter YCC 19.22] and the approved site plan" (YCC 19.22.070(7)).*

*This decision conditions that the applicant comply with all requirements of YCC 19.22.070 as it pertains to construction and maintenance of the parking area.*

**Sitescreening and Landscaping**

11. YCC 19.21.030 states "Any proposed new use, including any outdoor storage area, shall provide maintained landscape planting and sitescreening under [Chapter YCC 19.21] to accomplish the legislative intent stated in Section 19.21.010 ... In this Section 'proposed new use' includes new uses and modifications to existing uses being reviewed under this Title." Landscaping and sitescreening shall be provided along all frontages and parking lots within the HTC zoning district.

*Staff Finding: YCC Table 19.21.-1 requires a Standard A site screening for parcels within the HTC that are adjacent to parcels within the HTC zoning district. Open Area Landscaping - Standard A plantings are required to meet the legislative intent as stated in Section 19.21.010. Shrubs and/or groundcover plants, including xeriscape, shall be species that will achieve a maximum approximate height of three feet. Trees shall be included throughout the planting area and be spaced no more than 30 feet apart on center.*

*The following standards are required for parking areas within Urban Growth Areas, as per YCC 19.21.030(2)(e):*

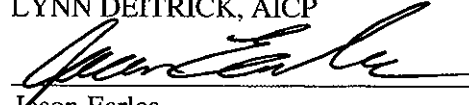
- i. "Parking areas within Urban Growth Areas ... shall be landscaped a minimum of ten percent of the total area used for parking spaces and maneuvering to and from those spaces. This landscaping may be used to satisfy the lot coverage requirements.*
- ii. A standard of one shade tree from an approved list in the landscaping guidelines authorized by Sections 19.21.030, or as approved by the Reviewing Official, shall be planted for every 14 parking stalls within Urban Growth Areas... Such shade trees shall be provided in-between parking stalls such that no more than 14 continuous single-row parking stalls or 28 continuous double-row parking stalls will exist within the parking lot.*
- iii. Landscaping shall consist of combinations of trees, shrubs, and groundcover with careful consideration to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.*
- iv. Landscaping shall be located within the parking area, such as in-between parking spaces or in parking 'islands', or around the perimeter of the parking lot.*
- v. Parking lots are subject to the perimeter landscaping standards listed in Subsections 19.21.030(2)(b) and 19.21.030(2)(c). However, for each additional shade tree provided within the parking area that exceeds the minimum number of shade trees required by Subsection (iii) above, the required number of perimeter trees shall be reduced by 1.5 trees, rounded down to the next whole number."*

**DECISION**

Based upon the above findings, the Yakima County Administrative Official hereby Conditionally Approves the Type 2 Application for the establishment of Bullseye Burger Restaurant subject to the conditions listed above.

**Administrative Official:** LYNN DEITRICK, AICP

**Designee:**

  
\_\_\_\_\_  
Jason Earles  
Planning Section Manager, Subdivision/Zoning

**Date:**

1/18/18



### NOTICE OF APPEAL

In accordance with Section 16B.09 of the Yakima County Code, any person of standing may appeal the Administrative Official's decision to the Yakima County Hearing Examiner. A notice of such appeal shall be filed in writing and delivered to the Planning Division on the 4th Floor of the Yakima County Courthouse, Yakima, Washington on or before 4:00 p.m., 2/1/18. The appeal shall be in writing, shall be accompanied by the filing fee, and shall include:

- A. The appellant's name, address, and telephone number.
- B. Appellant's statement establishing standing to initiate the appeal under Section 16B.09.020 of this Chapter;
- C. An identification of the specific proposal and specific actions, omissions, conditions or determinations for which appeal is sought;
- D. Appellant's statement of the particular grounds for the appeal, setting forth the principal points of appeal and addressing why the appellant believes the decision to be wrong; and
- E. The desired outcome or relief sought by the appellant.

If you have any questions regarding this decision or the appeal process, please contact Dinah Reed, Senior Project Planner, of our staff at (509) 574-2300.

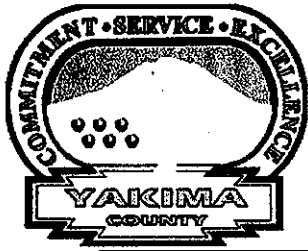
Attachments:

- A. YCC 16B.07.050 – Compliance, Extension, Expiration and Reinstatement
- B. Conditional Use Permit Application
- C. Narrative
- D. Site Plan

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*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, nation 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.*



# **Compliance, Extension, Expiration and Reinstatement (YCC 16B.07.050)**

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- (1) Compliance with Conditions and Safeguards of Project Permit. It is the affirmative duty of a project permit holder and the land owner (as applicant) to comply with any conditions made a part of the terms under which the approval of a project permit was granted as authorized by Yakima County Code. 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. When the conditions of the project permit have been met within the timeframe specified by the decision and any subsequent extension authorized by the applicable code, the applicant shall provide a letter certifying that the conditions were met to the Administrative Official to document compliance.
  
- (2) Extension of Any Approved Project Permit. A valid project permit, other than a preliminary plat, may be extended one time only for up to one additional year by action of the Administrative Official.
  - (a) Requests for extensions shall be made in writing, shall be submitted to the Planning Division prior to the expiration date and shall be accompanied by the final approved site plan showing the location and size of any development or work already completed on the project. Such extension request shall present a timeline that identifies when each of the conditions of the decision has or will be completed and shall detail unique and special circumstances that prohibited the commencement or completion, or both, of the use authorized.
  - (b) The Administrative Official shall review the request without public notice or hearing and issue the decision within fourteen days from the receipt of the completed request. The Administrative Official may:
    - (i) Approve the extension based on a work schedule provided by the applicant to assure the work will be completed according to a modified schedule, or
    - (ii) Disapprove the extension.
  - (c) The Administrative Official shall mail the decision to the applicant and shall specify the decision as final unless appealed to the Hearing Examiner under the provisions of Chapter 16B.09 of this Title. Conditions of approval listed previously in the Notice of Decision issued pursuant to 16B.07.010 through 16B.07.030 of this Chapter may be appealed only according to the procedures and time periods specified in YCC 16B.09.010 and are not subject to appeal again following any decision or determination of the Administrative Official made under this Section 16B.07.050.

Attachment:   A

- (3) Failure to Complete Approved Permit Conditions within Specified Timeframe and Failure to Comply with Permit Decisions or Conditions.
- (a) Expiration. If compliance with the terms of the project permit approval has not occurred within the timeframe specified by the decision and any subsequent extension authorized by the applicable code, the project shall be considered expired by time limitation and the land use approval shall be null and void. Expiration of a project permit granted pursuant to Yakima County Code shall not be subject to appeal.
  - (b) Violations. A project permit issued or processed pursuant to any applicable Title listed in YCC 16B.01.020 will be deemed in violation of this Code if it is ascertained that the application included any false information material to the project permit approval, or if it develops that the conditions and safeguards made a part of the terms under which the approval was granted are not being maintained. Such violations of project permit approval shall be subject to Chapter 16B.11 and other remedies available to Yakima County under any applicable law to enforce conditions of permit approvals, remedy land use and code violations or abate those violations including without limitation YCC Title 13.
  - (c) Compliance agreement. The applicant and the County may enter into a compliance agreement to complete the required conditions subject to appropriate fees to compensate the County in preparing, recording and implementing the compliance agreement. On terms acceptable to the Administrative Official, in his or her sole discretion, the County may offer an extension of time to complete the required conditions of approval subject to appropriate fees to compensate the County in preparing, recording and implementing any such compliance agreement; provided, however, that no compliance agreement may be used in lieu of the permit process to remove or negotiate conditions of approval.
- (4) Reinstatement. Where a project permit has expired, the applicant may apply to have the permit reinstated and the work authorized by the original permit can be recommenced, provided the following are met:
- (a) The applicant submits a written request not more than sixty days after the original permit or authorized extension expired.
  - (b) The applicant provides a timeline for successful achievement of all conditions upon which the Administrative Official can agree.
  - (c) The codes under which the original permit was issued and other laws which are enforced by Yakima County have not been amended in any manner which affects the work authorized by the original permit.
  - (d) No changes have been made or will be made in the original plans and specifications for such work.
  - (e) The applicant submits a reinstatement fee. The fee for a reinstated permit shall be seventy percent of the amount required for a new project permit pursuant to YCC Title 20.
  - (f) Where the request for reinstatement does not comply with all of the preceding criteria in this Subsection, a new project permit application must be submitted and processed as a new project, at full permit fees.



# CONDITIONAL USE PERMIT FORM

FINAL  
Revised 10/1/15

Yakima County Public Services  
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Please Answer the Following Questions (*Please attach a separate sheet if needed*):

1. Are you applying for a:  Type 1  Type 2  Type 3  Type 4
2. What is the proposed use, as listed in YCC Table 19.14-1? \_\_\_\_\_
3. What is the size of the subject property? (Amount of acreage or square feet): 4 1/2
4. What is the size and use of structures currently located on the property? 1,300 SQ FT
5. What is the size, height and use of structures proposed to be placed or constructed? N/A
6. List other permits and approvals that will be required. \_\_\_\_\_
7. Will the project be conducted entirely within a structure?  Yes  No  
If no, explain what outdoor activities would occur: \_\_\_\_\_
8. Total number of employees? 5
9. How many parking spaces are you proposing? Existing: 18 Proposed: \_\_\_\_\_ Surface Type: \_\_\_\_\_
10. Will you have a sign?  Yes (if yes, please answer the following questions.)  No
  - a. How many signs are proposed? 3
  - b. What is the square footage of the sign? 3 x 8
  - c. What is the height of the sign? 3
  - d. Will the sign be illuminated?  Yes  No
  - e. If the sign is illuminated, how will it be illuminated?  Internally  Externally
  - f. Where will it be located? \_\_\_\_\_
11. What is the name of the road that the proposed/existing access is located on? Firing Control
  - a. Is the road a:  County Road  State Highway  Private Road  
If the road is a private road, is there an existing Road Maintenance Agreement?  Yes  No  
(If yes, please provide a copy)
  - b. Is the road constructed out of:  Pavement  Gravel  Dirt
  - c. How wide is the Right-of-Way/Easement? 170 FT
  - d. How wide is the surface of the road? \_\_\_\_\_
12. How will you manage storm water runoff? Existing Site

Attachment: B

13. Fencing (If applicable check both)?  New  Existing

a. Fence Material: \_\_\_\_\_

b. Will the fence be view obscuring fence?  Yes  No

c. Will you be placing barbed wire on the top of the fence?  Yes  No

d. What is the total height of the fence (including the barbed wire if proposed)? N/A

14. Are you proposing any site screening or landscaping?  Yes  No

If yes, what type and what is the location? \_\_\_\_\_

15. What is the proposed source of irrigation water? Existing

16. What are the days & hours of operation? Days: 7 Hours: 6AM TO 8PM

17. Will the operation be seasonal? If so list months of operation: NO

18. Is any outdoor lighting proposed?  Yes  No

If yes, what is the proposed location(s)? \_\_\_\_\_

19. What is the proposed source of domestic water?

a.  Public Water: Name of provider: \_\_\_\_\_

b.  Community Well: What is the well number: \_\_\_\_\_

i. Where is the well located? \_\_\_\_\_

ii. Is there an existing Well Maintenance Agreement?  Yes  No

*(If yes, please provide a copy)*

c.  Individual Well

20. What is the proposed method of sewage disposal?

a.  Public Sewer: Name of provider: \_\_\_\_\_

b.  Community Septic System: Where is the septic system located? \_\_\_\_\_

c.  Individual Septic System

d.  Other explain: \_\_\_\_\_

We purchased the existing property and businesses AS IS at St Firing Center Rd in August of 2013. The businesses were a Gas Station C Store With a Subway Restaurant. In October 2016 our agreement with Subway ended and we terminated the Franchise. Over the next six months we purchased a grill Fryer and a Hood in order to serve hot food along with the Sandwiches. In January we received a business license from the State of Washington to operate Bullseye Burger. Our Hood was permitted by Yakima County in March 2017. In October 2017 we received our liquor license. We currently operate Firing Center Burger located at St Firing Center Rd inside The Chevron. Hours of operation are 7 days a week 6AM to 8PM, We employ 5 people and our goal is to provide good food to local and traveling customers. When we purchased the Property in 2013 we were unaware it wasn't zoned for Type 2 Restaurant. The Subway Franchise had been in business since 2007. We would like your permission to continue to operate the Restaurant and be in full compliance with the County.

Please use additional pages as needed

