



Public Services

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VERN M. REDIFER, PE - Director

YAKIMA COUNTY PLANNING DIVISION

Findings and Recommendation Of the Administrative Official

PROJECT NAME: Torres Child Day Care Center

REVIEW PROCESS: Type 3

FILE NUMBER: CUP2018-00090

PARCEL NUMBER(s): 230922-22402

ZONING: Single-Family Residential (R-1)

**COMPREHENSIVE
PLAN DESIGNATION:** Urban Residential – Urban Growth Area

PARCEL LOCATION: 421 Puterbaugh Road. The subject parcel is located on the east side of Puterbaugh Road, approximately 500 feet south of the intersection of Forsel Road and Puterbaugh Road, and abutting the western border of Grandview, WA city limits.

OWNER: Elias & Maria Torres
421 Puterbaugh Road
Grandview, WA 98930

APPLICANT/AGENT: Nimo Construction, LLC
907 Rouse Road
Sunnyside, WA 98944

PREPARED BY: Jacob Clay, Project Planner, Zoning and Subdivision

RECOMMENDATION: Conditional Use Permit – **APPROVAL** with conditions

RECOMMENDATION

Based on the findings and analysis, staff recommends **APPROVAL** of the Conditional Use Permit for a child day care center within the R-1 zoning district, as described in application material CUP2018-00090, subject to the following conditions:

1. 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 of the child day care center. Contact the Yakima County Public Services Department: 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. The fact that the road approach application is in conjunction with a Conditional Use Permit 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 RAP. Contact the Yakima County Public Services Department: Transportation Division at (509) 574-2300.
3. The applicant shall provide a total of 4 parking spaces. All parking shall be installed prior to commencement of use of the child day care center. A final site plan for the parking lot shall be approved by the Reviewing Official prior to construction. The following parking shall be installed prior to commencement of use of the child day care center. All parking shall be built to the standards approved by the Reviewing Official as follows:
 - a) Parking facilities shall not be located over 400 feet from the child day care center building.
 - b) Parking facilities shall be paved with two inches thick asphaltic surfacing, or an equivalent surfacing acceptable to the Reviewing Official to eliminate dust and/or mud
 - c) Parking areas shall be graded and drained, so all surface water is disposed of on-site.
 - d) 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.
 - e) The owner or lessee of a required parking area shall maintain the paved surface, drainage facilities, landscaping and irrigation facilities.
 - f) Parking facilities shall be landscaped to the standards listed in Chapter 19.21 and as follows:
 - i) Parking lots within the Urban Growth Area shall be landscaped a minimum of ten percent of the total area used for parking spaces and maneuvering to and from those spaces.
 - ii) Landscaping shall consist of a combination 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.
 - iii) 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.
 - iv) Every parking lot serving a Type 3 use that abuts property zoned R-1 shall be separated from such property by a solid wall, or view-obscuring fence, or landscaped berm at least six feet in height, or landscaped with a 3-foot width of Standard C sitescreening. The screening shall be provided and maintained along the property line of such lot. Ingress and egress locations shall meet the vision clearance triangle standards.
4. A six-foot wide planting area of Standard A Open Area Landscaping shall be placed along the frontage of Puterbaugh Road.
5. A three-foot wide Standard C: Visual Screen shall be placed around the developed project area.

6. A landscaping site plan shall be submitted and approved prior to issuance of building permits. The site plan shall include the location, height, size and type of all plantings and fences.
7. The applicant shall receive written verification from the Yakima Health District stating that a sufficient potable water source and domestic sewage disposal is servicing the child day care center. Verification shall be provided to Yakima County Planning Division prior to commencement of use of the child day care center.
8. **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.
9. 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.

10. The project shall be completed in conformance with the project description and site plan submitted with the application referenced as file number CUP2018-00090. Any changes may require a modification to this authorization. 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.
11. 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.
12. 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.

FINDINGS STATEMENT

Project Description

1. The proposed project will establish a child day care center inside of an existing single-family residence. The day care center will have approximately 12 children and there is a proposed outdoor play area west of the single-family residence. The day care will operate Monday through Friday from the hours of 7am to 4pm. Two employees will operate the day care center. The existing well on the property and existing septic system will be utilized. Access is via a private-shared driveway from Puterbaugh Road.

According to Washington State Department of Early Learning, the child day care has been licensed in this location since April 16, 2004. The owner received septic approval for a home day care through the Yakima Health District under HOS2004-00191 and again through HOS2016-00132. Yakima County Public Services Planning Division noticed the unpermitted child day care center when reviewing a building permit to expand the single-family residence, BLD2018-00669. An early assistance meeting (EAC2018-00063) was held on September 28, 2018 to let the property owner know of the permitting process to establish a child day care center.

Zoning and Land Use

2. Pursuant to the Yakima County Zoning Ordinance, the subject property is located within the Single-Family Residential zoning district. According to YCC Title 19.12.010(1)(c) "The purpose of the R-1 (R-1) zoning district is further intended to protect single-family neighborhoods from encroachment by potentially incompatible non-residential land uses or impacts. Establish new residential neighborhoods and preserve existing residential neighborhoods for detached single-family dwellings free from other uses, except those which are compatible with and serve the residents of this district." The child day care center will be compatible with the R-1 zoning district and has the potential to serve the surrounding neighborhood.

Purpose Statement Economic Development 7 of *Horizon 2040* states "*Horizon 2040's* Visioning 'check in' called for promoting and assisting new and existing small businesses. Specifically, it recommended an entrepreneurial incubator assistance program for these businesses. This goal and policies carry out the Visioning strategy by supporting new small businesses, incubator facilities, and encouraging home occupations which do not impact the surrounding neighborhood." This project will support a small business with the Urban Growth Area of the City of Grandview and provide a nurturing low cost environment for a start-up business/entrepreneur (Goal ED 7 of *Horizon 2040*).

The 6.87 acre subject parcel currently has a single-family residence located on it. Parcels to the north, west and south are also within the R-1 zoning district. Parcels to the east are within the city limits of the City of Grandview. Parcels range in size from 1.25 acres to 28.04 acres and are developed with single-family residences and agriculture production.

Hearing Examiner Jurisdiction

3. The proposal is subject to the Yakima County Unified Land Development Code Title 19 (Title 19). Table 19.14 of Allowable Land Uses, designates a Child Day Care Center as defined by Section 19.01.070 of Title 19 as a use requiring Type 3 review in the R-1 zoning district. According to Yakima County Code 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

4. A Notice of Application and Notice of Completeness was mailed to adjoining property owners and interested agencies on October 31, 2018. The public hearing was set for November 29, 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: | October 31, 2018 |
| Publishing of hearing date in the Yakima Herald-Republic: | October 31, 2018 |
| Mailing of rescheduled hearing notice to property owners w/in 300 feet: | November 19, 2018 |
| Publishing of rescheduled hearing date in the Yakima Herald-Republic: | November 19, 2018 |
| Posting of hearing notice on the property: | November 20, 2018 |

The open record public hearing was rescheduled because the Yakima County Courthouse was closed due to a fire on November 13th and 14th. The applicant had planned to pick up the sign to post on the property on the morning of November 13th but was not able to.

Comments

5. One comment was received from Sunnyside Valley Irrigation District. An internal comment was received from Yakima County Transportation Division provided comment in Finding #9(c).

Sunnyside Valley Irrigation District comment letter dated November 2, 2018: The Irrigation District stated that the proposed project will not impact any SVID facilities.

Staff Finding: Since the Sunnyside Valley Irrigation District has no concerns regarding the project there will not be additional conditions regarding irrigation as part of this Recommendation.

Environmental Review

6. This project is exempt from SEPA review because it does not exceed the threshold stated in YCC 16.04.100(b), construction of commercial buildings over 12,000 square feet. As such, a SEPA checklist was not required for this project.

Development Standards

7. The development standards that apply for all proposed projects 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 child day care center will conform to all of the applicable regulations of Title 19 and the R-1 zoning district, 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 open 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 part of a yard, open space, off-street parking or loading space similarly required for any other development..."

Staff Finding: The child day care center will be sharing parking with the existing single-family use. Shared parking standards are stated in Finding 10, below. Other than parking,

the proposal does not include sharing open space or loading space with other uses or parcels.

- c) **Access Required:** (YCC 19.10.040(3)) “When a proposed use requires access to a County roadway, the approach location shall be reviewed by the County Engineer.”

The Yakima County Public Services Transportation Division had the following comment: “Yakima County Transportation has no record of a Road Approach Permit for this parcel. Per title 10.08.020 and 19.10.040(3) and RCW 36.75.130 the applicant shall obtain a 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 RAP.”

Staff Finding: The applicant shall apply for a Road Approach Permit for access to Puterbaugh Road prior to issuance of building permits.

- 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 Uses Table 19.14-1 within Chapter 19.14.”

Staff Finding: According to YCC 19.14.010(1), Table 19.14-1 indicates those uses which may be permitted through Type 1, 2, 3, or 4 review in the various zoning districts. Table 19.14-1 Allowable Land Uses, lists “Child Day Care Center” as a Type 3 review in the R-1 zoning district. YCC 19.14.010(2) states “‘Type 3’ uses which may be authorized subject to the approval of a conditional use permit as set forth in Section 19.30.030. Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing Examiner review of applications subject to a Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).”

- 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 applicants will be required to obtain and finalize any necessary permits for the day care center. A change of use may be required through the Building Division for the partial change from single-family residential to child day care center. A building permit is currently being applied for, BLD2018-00669, to expand the single-family residence. 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:** (YCC 19.10.040(6)) Chapter 19.12 lists the standard minimum setbacks of buildings or other structures and uses in the R-1 zoning district in Table 19.12.010-2. Setbacks from a collector roadway, Puterbaugh Road, shall be 25 feet from the planned edge of right-of-way. Interior side setbacks shall be 5 feet from the property line. Rear setbacks from adjoining lots shall be 15 feet from the property line.

Staff Finding: As proposed, the child day care center will meet the required setbacks of the R-1 zoning district. If future expansion of the child day care center is needed it shall meet the standards of the 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 curbscuts, 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 so as to materially impede vision between the heights of two and one-half and ten feet above the centerline grade of the streets.”

Staff Finding: The applicants shall ensure that a vision clearance triangle as described in YCC 19.10.040(7)(b) is maintained.

- h) **Maximum Lot Coverage and Building Height:** (YCC 19.12.010) 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(12)). 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)).” In the R-1 zoning district, according to Table 19.12.010-2, the maximum building height is 35 feet and the maximum lot coverage is 45%.

Staff Finding: According to the applicants site plan the lot coverage will be approximately 28% and no structure will be over 35 feet tall. This project will meet the lot coverage and building height standards of YCC 19.12.010.

- 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 the application material, there is an existing fence directly west of the single-family residence. Any new fencing shall not exceed 4 feet tall when within the front yard setback and 6 feet tall in other areas of the property. Fencing may be constructed on or behind the property line but shall not impede on the vision clearance triangle as described in Finding 7g.

- 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 is not proposing any exterior lighting with this proposal. Any new exterior lighting shall comply with the standards set forth 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: Based on the Yakima County Critical Areas maps, the subject property is not within the floodplain. A pre-application meeting was held for the child day care center, EAC2018-00063, but not because of the floodplain.

- 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: Stormwater must be retained on site and any natural drainageways must not be altered or impeded. For questions regarding stormwater information, contact the Water Resources Division at (509)574-2300.

Signs

8. 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 YCC 19.20.070 there are additional requirements for new signs in Table 19.20-1, Table 19.20-2, Table 19.20-3, and Table 19.20-4. According to Table 19.20-1, signs are not allowed in the R-1 zoning district unless it is to identify a subdivision. The child day care center will not be allowed to have a changing message center sign, video sign, freestanding sign, projecting sign, wall sign, or freeway sign. Yakima County Code offers a number of non-reviewed signs (YCC 19.20.040) that may be appropriate for the new use.

Sitescreening and Landscaping

9. 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: According to YCC 19.21.030(2)(b)(i)(A), property perimeters along street frontages zoned R-1 shall have a minimum six-foot-wide planting area of Standard A Open Area Landscaping. Additionally, according to YCC 19.21.030(2)(c) property perimeters not along street frontages shall have a planting strip as specified by Table 19.21-1. Table 19.21-1 indicates that Standard C: Visual Screen at least three feet wide will be required along all property lines abutting other parcels. However, YCC 19.21.030(2)(k)(i)(A) states all

sitescreening shall be located on the perimeter of a parcel upon which the development occurs; provided that the sitescreening may be located along the perimeter of the development project area when the proposed development will occupy only a portion of a large parcel. The sitescreening shall be around the child day care center and its use area.

Standard A: Open Area Landscaping is described as: "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." (YCC 19.21.030(2)(a)(iii)).

Standard C: Visual Screen is described as: "Standard C Sitescreening is intended to provide a continuous visual screen between different uses. Sitescreening Standard C shall at a minimum consist of a six-foot-high, site obscuring fence made of wood, masonry block, concrete or vinyl material. Fencing shall be of uniform aesthetic appearance on both sides. Where required, plantings shall be selected to ensure residential privacy and screen views such as, but not limited to, area lighting, headlights, traffic, and service areas. The planting area shall include shrubs that will provide a continuous screen at a minimum height of six feet within three years of planting. Trees, if used as an alternative site screen to shrubs, should provide continuous canopy and shall be spaced at intervals resulting in touching of branches after ten years of normal growth." (YCC 19.21.030(2)(a)(iii)).

A final site plan shall be submitted with all sitescreening and landscaping depicting the location, height, size, and type of all plantings and fences. A final site shall be approved by the Reviewing Official prior to construction (YCC 19.21.020(1)). Installation of sitescreening and landscaping shall be completed within three years of the Hearing Examiners decision.

Parking and Loading

10. According to YCC 19.22.020, no off-street parking or loading spaces shall be placed, constructed, located, relocated or modified after adoption of this Title without first receiving a development permit from the Reviewing Official. All off-street parking and vehicle storage shall be in conformance with YCC 19.22.

Staff Finding: According to YCC 19.22.050(1) the parking standards in Table 19.22-1 are established as the parking standards for the uses indicated. Table 19.22-1 states that two parking spaces are required for a commercial day care center. The application material indicates that there will be two employees. Therefore, four parking spaces shall be provided for the child day care center. Since the child day care center will take place in the single-family residence the two uses may share parking when the hours of operation do not overlap (YCC 19.22.050(4)(a)). The day care will not be used as a single-family residence during the hours of 7am-4pm.

All parking shall be installed prior to commencement of use of the child day care center (YCC 19.22.030). Parking facilities shall not be located over 400 feet from the child day care center building (YCC 19.22.060(1)(c)). All parking shall be built to standards approved by the Reviewing Official as follows (YCC 19.22.070):

- A) *Parking facilities within Urban Growth Areas shall be paved with two inches thick asphaltic surfacing, or an equivalent surfacing acceptable to the Reviewing Official, to eliminate dust and/or mud.*

- B) Parking areas shall be graded and drained, so all surface water is disposed of on-site.*
- C) 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.*
- D) Parking facilities must be landscaped under the standards listed in Chapter 19.21 and as follows.*
 - a. Parking lots within the Urban Growth Area shall be landscaped a minimum of ten percent of the total area used for parking spaces and maneuvering to and from those spaces (YCC 19.21.030(2)(e)(i)).*
 - b. Landscaping shall consist of a combination 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 (YCC 19.21.030(2)(e)(iii)).*
 - c. 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 (YCC 19.21.030(2)(e)(iv)).*
 - d. Every parking lot serving a Type 3 use that abuts property zoned R-1 shall be separated from such property by a solid wall, or view-obscuring fence, or landscaped berm at least six feet in height, or landscaped with a 3-foot width of Standard C sitescreening. The screening shall be provided and maintained along the property line of such lot. Ingress and egress locations shall meet the vision clearance triangle standards of YCC 19.10.040(7) as discussed in Finding 7g (YCC 19.21.030(2)(e)(vi)).*
- E) The owner or lessee of a required parking area shall maintain the paved surface, drainage facilities, landscaping and irrigation facilities in conformance with the standards of this Chapter and the approved site plan.*

A final site plan for the parking lot shall be approved by the Reviewing Official prior to construction (YCC 19.22.050).

Water and Sewer

11. Chapter 19.25, Sewer and Water, is intended to provide specific standards that will ensure an adequate source of potable water and sewage disposal 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: According to YCC Table 19.25-1 new structures in the R-1 zoning district have four options in order of priority; area-wide public water supply system, or; existing public water system, or; new public water system, or; an individual well. The application material indicates that an individual well will be utilized. The Yakima Health District did not comment on the project but may require that the individual well be improved to be a two-party shared well because it is serving two uses (single-family residence and child day care center).

According to YCC Table 19.25-2 structures in the R-1 zoning district have three options in order of priority; regional sewer system, or; community on-site sewage disposal system, or; individual septic. The application material indicates that an individual system will be utilized for sanitary waste disposal. The Yakima Health District did not comment on the project but

may require that the existing system be improved to be a community on-site sewage disposal system because it is serving two uses (single-family residence and child day care center).

The applicant shall review the project with the Yakima Health District prior to issuance of building permits. Please contact the Yakima Health District at (509) 575-4040 for more information.

CONCLUSION AND RECOMMENDATION

Based on the findings and analysis, staff recommends APPROVAL of the Type 3 Conditional Use Permit for Elias and Maria Torres, as described in CUP2018-00090, subject to the conditions listed above.

Attachments:

- A. YCC 16B.07.050 – Compliance, Extension, Expiration and Reinstatement
- B. Sunnyside Valley Irrigation District Letter

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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)

- (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.

November 2, 2018

NOV 07 2018

Yakima County Planning Division
128 North 2nd Street
4th Floor Courthouse
Yakima, WA 98901

Matt ___ Don ___ Lynn ___
Harold ___ Lisa ___ Carmen ___

RE: Subject: **CUP2018-00090 – Torres Child Day Care Center**
Applicant: **Nimo Construction, LLC on behalf of Elias & Maria Torres**
Tax Parcel: **230922-22402**

To whom it may concern:

This office has reviewed the proposed project. Sunnyside Valley Irrigation District (SVID) has the following comments:

- The proposed project will not impact any SVID facilities.

Thank you for the opportunity to comment on this proposed project. If you have any questions please contact Diane Weber at (509) 837-6980 or weberd@SVID.org.

Sincerely,



Ron C. Cowin, P.E.
Assistant Manager – Engineering

Attachment: B