



# NON-CONFORMING USE

FINAL  
Revised 03/09/16

## Form

Yakima County Public Services

128 North Second Street · Fourth Floor Courthouse · Yakima, Washington 98901  
(509) 574-2300 · 1-800 572-7354 · FAX (509) 574-2301 · [www.co.yakima.wa.us](http://www.co.yakima.wa.us)

1. **Type of proposed action:** *(Check at least one)*

- Normal repair or maintenance activities within a structure** containing a nonconforming use when the cost of work and materials within any 12-month period will exceed 25% of the assessed value of the structure using the most current County Assessor's tax roll before the work begins. YCC 19.33.060(3)
- Expansion or Alterations of Use** of a structure or land shall be altered, enlarged, expanded, extended or replaced. YCC 19.33.060(4)
- ~~Change a nonconforming use~~ of a building, structure or land to an allowed use or another non-allowed use. YCC 19.33.060(5)
- Restoration or re-establishment of a damaged structure** containing a nonconforming use when the work within any 12-month period will exceed 50% of the square footage or the assessed value, as established by the current County Assessor's tax roll, of the structure before it was damaged or destroyed. YCC 19.33.060(6)
- Substantial or partial destruction of a residential structure** may be reconstructed when the lot contains one or more legal, nonconforming, habitable dwellings, as defined in YCC Title 13. The replaced dwelling may be increased in gross square footage as long as it does not exceed an increase of 50% of the building at the point it became nonconforming. YCC 19.33.060(6)(a)

2. **A Written statement that discusses and provides evidence relating to all items in the following list as required under YCC 19.33.060(4)(d)(i):**

*(Please label your responses in the written statement "a, b, c," etc.)*

- (A) That the alteration or expansion requested would not be contrary to the public health, safety or welfare;*
- (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;*
- (C) That the use or structure was lawful at the time of its inception;*
- (D) That the value of nearby properties will not be significantly depressed by approving the requested alteration or expansion;*
- (E) That the nonconforming structure shall comply with all development standards and codes to the extent feasible;*
- (F) That the use or 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*
- (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.*

3. **Please Answer the Following Questions:** *(Attach additional sheets as necessary)*

- a. How long has this activity (land use) occurred on this property? SINCE APPROX. 1971

- b. Has the use been actively conducted on the property within the last 18 months?  Yes  No
- c. Are you adding or changing a use or activity?  Yes  No  
 If yes, please indicate the new use(s) from the list in YCC Table 19.14-1: \_\_\_\_\_
- d. Have you made any expansions in the past?  Yes  No  
 If yes, please indicate the year(s) and square footage for each expansion: \_\_\_\_\_
- e. What is the size and use of all structures currently located on the property? \_\_\_\_\_
- f. Will you need to construct a new building or an addition to the existing building for the expansion?  
 Yes  No If yes, please answer the following:  
 (A) What is the proposed square footage: 2400 SQ FEET  
 (B) What is the proposed height: 30'  
 (C) What will be the proposed lot coverage: 7%
- g. Are you proposing to replace or demolish any structures?  Yes  No  
 If yes, please indicate the location: \_\_\_\_\_
- h. Do you currently have any employees?  Yes  No  
 If yes, how many employees? 6
- i. Are you proposing any new employees?  Yes  No  
 If yes, how many employees are proposed? \_\_\_\_\_
- j. Do you currently have any outdoor storage?  Yes  No If yes, please answer the following:  
 (A) What is currently stored? \_\_\_\_\_  
 (B) What is the current total square footage? \_\_\_\_\_  
 (C) What is the current method of site screening? \_\_\_\_\_  
 (D) What is the current type of landscaping? \_\_\_\_\_
- k. Are you proposing to install/expand any outdoor storage?  Yes  No If yes, please answer the following:  
 (A) What will be stored? VEHICLES, EARTH MATERIALS  
 (B) What is the proposed square footage? 3 ACRES  
 (C) What is the proposed method of site screening? CYCLOPE FENCING  
 (D) What is the proposed type of landscaping? EXISTING SHRUBS
- l. Is any outside lighting proposed?  Yes  No  
 If yes, please indicate the type and location: NEDO SIGN + SAFETY LIGHTING
- m. What is total number of existing off-street parking spaces? 0 Surface Type? GRAVEL
- n. Will you be expanding/proposing off-street parking area(s)?  Yes  No  
 If yes, please indicate the location and size of addition: \_\_\_\_\_

- o. Do you have an existing sign?  Yes  No *If yes, please answer the following:*
- (A) How many signs? \_\_\_\_\_
- (B) What is the sign height? \_\_\_\_\_
- (C) What is the sign square footage? \_\_\_\_\_
- (D) Is it illuminated?  Yes  No
- (E) If the sign is illuminated, how is it illuminated?  Internally  Externally
- (F) Where is the sign located? \_\_\_\_\_

- p. Will you be adding or modifying a sign?  Yes  No *If yes, please answer the following:*
- (A) How many signs? 2
- (B) What is the sign height? ~~NUMBERS~~ 10' FEET BY ROAD
- (C) What is the sign square footage? 12' x 12' BY ROAD 4' x 8' ON SHOP
- (D) Is it illuminated?  Yes  No
- (E) If the sign is illuminated, how is it illuminated?  Internally  Externally
- (F) Where is the sign located? BY ROAD / ON SHOP

- q. Fencing: (Indicate on site plan which is proposed and which is existing)
- (A) What is the fencing material: CYCLONE
- (B) Is the fence view obscuring?  Yes  No
- (C) Are you 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)? 6'

YCC 19.33.030(2) states that it is the burden of the property owner or proponent to demonstrate the legal nonconformity of a lot, use and structure. **The required attachments must be submitted with this application to establish the Legal Nonconforming Status of a Lot, Use and Structures:**

- 1) For **legal nonconforming lots** please submit a copy of a deed or development permit executed prior to the change in code. YCC 19.33.030(2)
- 2) For **legal nonconforming structures** please submit development permits, historical photos, and affidavits from person knowledgeable of the historic configuration of the structure.  
YCC 19.33.030(2)
- 3) Other acceptable documentation includes, but are not limited to: (YCC 19.33.060(1)(b)):
  - i) Dated business receipts showing types of service or goods provided;
  - ii) Statements of records from utilities, such as power, water or gas, that indicate the date and type of use and demonstrate that the use was conducted over time;
  - iii) Operating licenses issued by government agencies;
  - iv) Property rental invoices or receipts;
  - v) Income tax records;
  - vi) Dated listings in telephone, business or Polk directories;
  - vii) Records of the County Assessor;
  - viii) Building, land-use or development permits;
  - ix) Dated photographs, newspaper clippings and other relevant documentation; or
  - x) Notarized affidavits from neighbors or person who have observed the nonconforming use over required period of time may assist in substantiating its presence.



# 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? HEAVY CONSTRUCTION EQUIPMENT STORAGE, MAINTENANCE, REPAIR AND CONTRACTING SERVICES
  3. What is the size of the subject property? (Amount of acreage or square feet): 3 ACRES
  4. What is the size and use of structures currently located on the property? NONE
  5. What is the size, height and use of structures proposed to be placed or constructed? 60x40 SHOP 30' HIGH
  6. List other permits and approvals that will be required. NOT KNOWN AT THIS TIME
- 
7. Will the project be conducted entirely within a structure?  Yes  No  
If no, explain what outdoor activities would occur: EQUIPMENT MOVING AROUND YARD
  8. Total number of employees? 5
  9. How many parking spaces are you proposing? Existing: N/A Proposed: NONE Surface Type: GRAVEL
  10. Will you have a sign?  Yes (if yes, please answer the following questions.)  No
    - a. How many signs are proposed? 2
    - b. What is the square footage of the sign? 144 sq ft (12'x12') 32 sq ft (4'x8')
    - c. What is the height of the sign? 12' + 4'
    - 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? 12' EAST END OF PROPERTY 4' ON SHOP
  11. What is the name of the road that the proposed/existing access is located on? McLaughlin
    - 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? UNKNOWN
    - d. How wide is the surface of the road? UNKNOWN
  12. How will you manage storm water runoff? WILL CONTAIN ON OUR PROPERTY

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

a. Fence Material: CYCLONE

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)? 6'

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

If yes, what type and what is the location? GRAVEL AND ROCK WORK / ENTIRE SITE

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

16. What are the days & hours of operation? Days: M-SAT Hours: 10AM-6PM

17. Will the operation be seasonal? If so list months of operation: FEBRUARY - NOVEMBER

18. Is any outdoor lighting proposed?  Yes  No

If yes, what is the proposed location(s)? NEXT TO SHOP

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: \_\_\_\_\_

The current site (parcel # 181432-21012) is not being used and has an existing concrete slab and overgrowth.

We propose to build a shop 40' x 60' and 30' tall to house an office and mechanical service area for our construction equipment. We own Superior Grading and Paving which has 6 employees and various construction equipment. In addition to the shop, we plan to install a 12' x 12' neon sign on the east end of the property to advertise our business with another 4' x 8' neon sign on the shop. We will be open Monday thru Saturday, 6am-6pm. This property will be home base for the crew to meet daily and the equipment to be stored and maintained between jobs. We also plan to stock pile small amounts of crushed rock, top soil, and fill material on the concrete slab, with ecology blocks around the perimeter, as it becomes available. There is a possibility of some customer visitation to the office but most of our business is handled via phone and computer.

The shop will be built close enough to the existing road, with access off McLaughlin, so the trucks and equipment can drive NW around the shop to get to the stock piled material, on the south side. However the shop will not be

so close to the road one couldn't park their car/truck in front and be well off the road. (See drawing) The property will be cleaned and prepped with gravel and sterilant to prevent weeds. We will also enclose the entire property with cyclone fencing and roll up locking gates.

A) This proposal would not be contrary to the public health, safety or welfare.

B) The alteration or expansion is compatible with the neighborhood as viewed on-line and in person. Other same like businesses exist.

C) See nonconformity: CUP2018-00059

D) The value of nearby properties will not be depressed as our property will be cleaned, groomed and well maintained.

E) New structures will comply with all standards and codes.

F) The new structure will not cause, increase or expand detrimental attributes for the area it is located.

G) The proposed alteration or expansion will not create negative health or safety impacts.

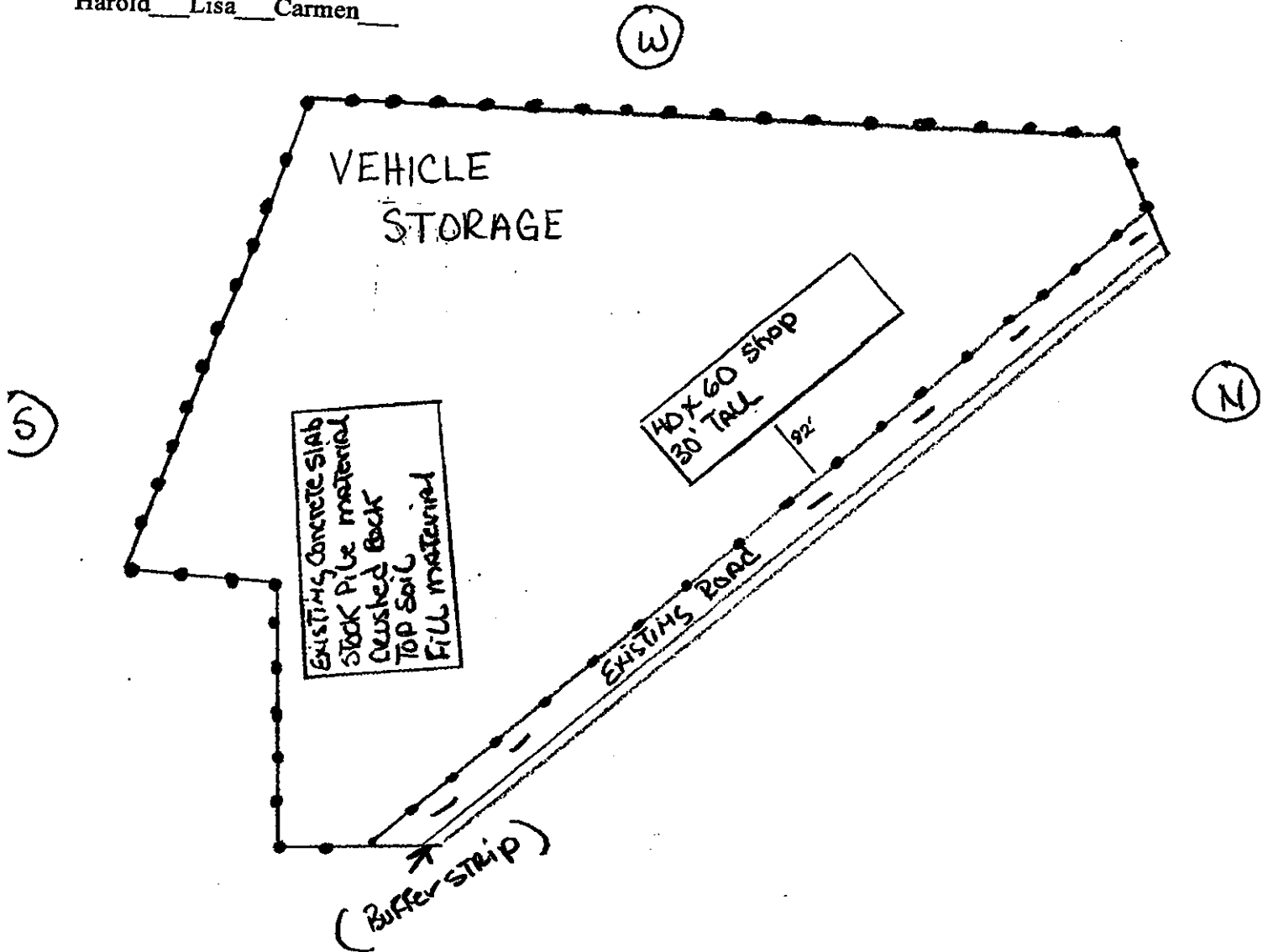
CHP 18-86 -  
Public Services (SC)

SEP 26 2018

Matt Don Lynn  
Harold Lisa Carmen

#181431-21012

Darren + Jennifer Warchime  
Superior Grading and Paving  
8-10-18  
P.O. Box 9573  
Yakima, WA 98909



(E)

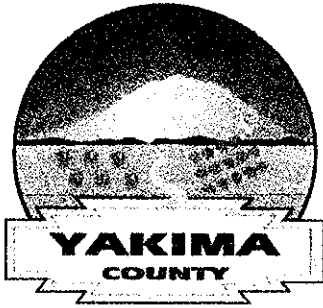
\* Plan: To Gravel ENTIRE AREA, AFTER CLEAN-UP.

- Build 40x60 Shop
- CONCRETE slab, ECO Blocks AROUND Perimeter  
TO STOCK PILE small amounts of MATERIAL  
Crushed Rock, TOP SOIL, FILL material
- INSTALL NEON BUSINESS SIGN
- INSTALL CYCLONE FENCE WITH LOCKING ROLL UP GATES.

Cyclone  
Fence







# Public Services

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VERNA M. REDIFER, P.E. - Director

June 14, 2018

Thomas Durant  
PLSA Engineering & Surveying  
521 N. 20<sup>th</sup> Ave, Suite 3  
Yakima, WA 98902

Re: Determination of nonconformity: Heckart Heavy Equipment Storage  
File Number: CUP2018-00059

Dear Mr. Durant:

The Type 1 application that you submitted on May 16, 2018 has been reviewed to determine the legal status of a nonconforming use. Yakima County Code 19.33.060(1)(a) states "any person may request a determination by the Administrative Official through a Type 1 process regarding legal status of a nonconforming use." The subject parcel is located within the Rural – 10/5 zoning district and has Assessor's Parcel Number 181431-21012. You are requesting a determination for the legal status of a heavy construction equipment storage, maintenance, repair and contracting services as the primary use of the parcel and the stockpiling of earthen materials as an accessory use.

YCC Title 19, effective as of October 1, 2015, and YCC Title 15, adopted October 1, 1974 and repealed October 1, 2015, do not allow for the requested primary use in the Rural – 10/5 zoning district (Valley Rural at the time of Title 15). To continue operation, it must be determined that the use was established prior to zoning regulations.

YCC 19.33.060(1)(b) states "evidence submitted by the applicant shall demonstrate the specific use was lawfully created or established under the zoning regulations in existence at the time and that said use has been maintained and operated continuously, without alteration to the use outside of approval under applicable code, since the time zoning regulations governing the land changed." Your application materials consist of dated photographs as early as 1971, notarized affidavits from neighbors or persons who have observed the nonconforming use over a required period of time, and relevant documentation.

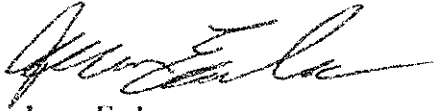
After careful review of the evidence you provided it has been determined that there is a legal nonconforming use on this property. From aerial photographs it is easy to see that there is storage of construction equipment taking place from 1971 to the most recent photograph of 2015. The 2017 photograph that was provided does not show construction equipment being stored. However, with the affidavit of Harry Jefferson we can determine that the storage of equipment has taken place since 2015. The maintenance and repair of the construction equipment is more difficult to determine because it most likely was conducted within the structure until the late 1990's fire. Again, with the affidavit of Harry Jefferson and a photograph from SPU1996-00043 it can be conferred that the maintenance and repair of heavy construction equipment took place prior to the adoption of county zoning ordinances in 1974. The stockpiling of earthen materials prior to October, 1 1974 is seen in aerial photographs and evidenced through the affidavit of Harry Jefferson.

The deed and title report that was submitted with the application refers to the parcel as the "Gleed Truck Stop" and includes the purchase of the land as well as all equipment on the premises. This deed is dated October 12<sup>th</sup>, 1972 and adds evidence that heavy construction equipment existed on this parcel prior to the first zoning ordinance.

We have determined that the use is a legal nonconforming use on the parcel for heavy construction equipment storage, maintenance, repair and contracting services. ~~To expand or alter the use the property~~ owner or future property owner will need to follow YCC 19.33.060(4). YCC 19.33.060(2) states that the legal nonconforming status of a use runs with the land. When the current land owner sales the parcel, the legal nonconforming use will remain unless the new property owner changes the use or discontinues the legal nonconforming use (YCC 19.33.060(7)).

Yakima County Planning Division has determined that this parcel has a legal nonconforming use for heavy construction equipment storage, maintenance, repair and contracting services as well as the use for stockpiling earthen materials. For future alterations and expansions of the parcel please contact the Yakima County Public Services Department: Planning Division at (509) 574-2300.

Sincerely,



Jason Earles  
Planning Section Manager - Zoning and Subdivision

C: File  
Sadie Heckart

file:///G:/Development%20Services/Projects/2018/CUP/Type%201/CUP18-059%20Heckert%20R10-5%20NCU/CUP2018-00059%20Nonconformity%20determination\_icc(2)\_jwe(1)\_FINAL.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, 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.*



YAKIMA COUNTY

Property Account Summary

As Of 1/25/2018 Status: Active

Account No.: 181431-21012 Alternate Property Number:

Account Type: Real Property

TCA: 315

Situs Address: MCLAUGHLIN/HWY 12 WA

Legal: TH PT OF NW1/4 OF SEC 31 & SW1/4 SEC 30 DESC FOL BEG NW COR SW1/4 SEC 30, TH N 2 D 45'W 68.9 FT TO CEN OF SR NO.5, TH S 48 D 49'E AL CEN LN 1871 FT, TH S 8 D 07'W 409.70 FT, TH S 18 D 36'W 77 FT, TH N 69 D 33'W 194.33 FT, TH S 28 D 11'W 729.7 FT TH S 62 D 10'30 E 1321 FT, TH S 86 D 16'E 418.3 FT TO TRUE POB, TH N 1 D 26'E 502.1 FT, TH N 63 D 26'E TO SW'LY R/W LN OF S.R.12, TH SE'LY AL R-W TO N-5 CEN LN TH S TO A PT 251 FT S OF NE COR OF NW1/4 SEC 31, TH S 88 D 8'W 145 FT, TH S 86 FT, TH NW'LY TO TRUE POB

Parties:

Role	Name & Address
Owner	HECKART, CHARLES Z. & SADIE 2212 JEROME AVE YAKIMA WA 98902
Taxpayer	HECKART, CHARLES Z & SADIE E 2212 JEROME AVE YAKIMA WA 98902

Property Values:

Value Name	2018	2017	2016	2015	2014
Taxable Value Regular	\$47,200	\$47,200	\$47,200	\$47,200	\$47,000
Taxable Value Excess	\$47,200	\$47,200	\$47,200	\$47,200	\$47,000
Assessed Value	\$47,200	\$47,200	\$47,200	\$47,200	\$47,000
Market Land	\$47,200	\$47,200	\$47,200	\$47,200	\$47,000
Market Improvement	\$0	\$0	\$0	\$0	\$0
New Construction					

Property Characteristics:

Tax Year	Characteristic	Value
2018	Use Code	91 Undeveloped Land
	Unit of Measure	Acre(s)
	Size	3

Exemptions:

(End of Report)

R10/5