



# 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)

VERN M. REDIFER, P.E. - Director

YAKIMA COUNTY PLANNING DIVISION  
**Administrative Adjustment Application**  
- FINAL DECISION -

**PROJECT NAME:** Bozin Administrative Adjustment to Front Setback and Side Setback for Dwelling and Fence Height

**REVIEW PROCESS:** Type 2

**FILE NUMBER:** PRJ2015-00966/VAR2016-00056

**PARCEL NUMBER:** 171201-33002


**COUNTY ZONING:** Single-Family Residential (R-1)

**COMPREHENSIVE  
PLAN LAND USE:** Urban Growth Area

**PROPOSAL:** Type 2 administrative adjustment application to reduce the required 45 foot setback from the centerline of the private road to 37 feet for an addition to the front of a single-family dwelling, for an administrative adjustment to the side setback on the east from five (5) feet to 3' 7", and for the fence height in the R-1 zoning district front setback to be adjusted from four (4) feet to 79 inches and the height of the fence along the remainder of the east lot line all the way to rear of the property to be adjusted from six (6) feet to 79 inches.

**OWNER:** Leonard Bozin  
2821 S. Wiley Road  
Yakima, WA 98903

**AGENT:** same as owner

**PREPARED BY:**  Dinah Reed, Senior Project Planner, Zoning and Subdivision

**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 Building & Fire Safety Division permits relevant to the expansion/construction of the structures on parcel no. 171201-33002 prior to commencement of

construction. Please contact the Yakima County Public Services Department: Building & Fire Safety Division at (509) 574-2300.

2. The owners, their grantees and assignees in interest will abide by the terms of the Compliance, Extension, Expiration and Reinstatement requirements as outlined in YCC 16B.07.050. 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.**

3. The project shall be completed in conformance with the project description and site plan submitted with the application referenced as file number VAR2016-00056. Any changes will 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 application process.
4. The proposed addition to the front of the single-family dwelling shall not be located closer than 37 feet from the centerline of the private road.
5. The fence height in the front setback of the R-1 zoned lot shall not exceed 79 inches.
6. Any future fence height in other locations on the subject parcel exceeding seven feet shall meet YCC Title 13.

Based upon information supplied by the applicant, a review of the Yakima County Comprehensive Plan (*Plan 2015*) and the Yakima County Zoning Ordinance, the Administrator enters the following:

### **FINDINGS AND ANALYSIS**

#### **Location**

1. The property is located at 2821 S. Wiley Road, 540 feet east of Wiley Road, approximately 600 feet south of Ahtanum Road, and within the Urban Growth Area of the City of Yakima, WA.

#### **Project Description**

2. The applicant has submitted an Administrative Adjustment application to reduce the required front setback (45 feet from planned centerline of a private road) to 37 feet from the planned centerline to accommodate an addition of a bay window to the front of the house. An Administrative Adjustment is also requested to be reduced from five (5) feet to 3' 7" for the side setback to the east property line. The applicant also requests an administrative adjustment to the fence height in the front setback from four (4) feet to 79" (6.6 feet) in height and from six (6) feet to 79" from the front setback to the rear of the lot for a fence that runs along the east property line from the road to the back of the property. The applicant proposes the 79" fence height for security and privacy purposes. This application will resolve in part, COD2015-00189, for building additions to the single-family residence without obtaining a building permit.

#### **Zoning and Land Use**

3. Pursuant to the Yakima County Unified Land Development Code, the subject property is zoned (R-1). The R-1 zoning district is intended, in part, to "facilitate development at targeted urban densities under the Comprehensive Plans, and provide for low-density, single-family residential development in areas designated by the Comprehensive Plan, depending on availability of infrastructure" (YCC

19.12.010(1)). In accordance with the Yakima County Comprehensive Plan (*Plan 2015*), the property is designated Urban Growth Area. The intent of Yakima County's Urban Growth Area land use category is, in part, to "provide for an orderly, phased transition from rural to urban uses within the Urban Growth Area" (*Plan 2015* Goal LU-U 2).

The 0.17 acre subject parcel currently contains a single-family residence that was built in 1940, before the Yakima County Zoning Ordinance was put in place requiring setbacks. Surrounding parcels to the south and east are also within the R-1 zoning district (lots east and west of the subject parcel are small house lots ranging in size from 0.17 to 0.36 in size). To the south of the subject parcel is a larger R-1 lot over 4.5 acres. To the east is a 43 acre lot in agricultural production, split zoned between R-1 and R-2. To the north of the subject parcel is the Wiley Union Church on two lots zoned Local Business District (B-2).

#### **Jurisdiction and Process**

4. The proposal is being reviewed as an administrative adjustment to the road setback standards of YCC 19.12.010(3) and Table 19.12.010-2. YCC 19.35.020(5) allows for the administrative adjustment of certain development standards through the Type 2 review process, as described in YCC 16B.03.030(1)(b), and to the fence height requirements of YCC 19.10.040(9)(a)(iii)(A) Type 2 applications must be reviewed and may be conditioned to ensure compatibility with the provisions of YCC Title 19 and applicable comprehensive plans (YCC 19.30.030(2)(b)(iv)).

#### **Environmental Review**

4. It was determined that a State Environmental Policy Act (SEPA) environmental review is not required for this project as YCC 16.04.100(2) and WAC 197-11-800(6)(e) categorically exempt variances from SEPA review.

#### **Notice of Application**

5. A combined Notice of Application and Notice of Completeness was mailed to agencies having jurisdiction or interest in the proposal, on February 16, 2017 with the comment period ending March 2, 2017. One agency comment was received and one comment was received from a nearby property owner. Their comments are summarized below:

##### Ahtanum Irrigation District –

"No water rights will be affected by this application. Our records indicate the above parcel has no water right as established in the Conditional Final Order (CFO) dated April 15, 2009 and Draft Schedule of Rights dated December 15, 2016 in State of Washington, Dept. of Ecology v. Acquavella." (see attached letter)

##### Neighboring Property Owner –

A neighbor provided comments that he opposes any land use approvals for the subject applicant, based on the history of the applicant with regards toward County regulations.

*Staff Finding: Yakima County Zoning Ordinance Title 19 allows for Administrative Adjustments to the standards of which the applicant has applied. The applicant shall also be required to meet the standards required of this Decision and obtain all necessary permits from the Yakima County Building Division for commencement of construction, as a condition of approval.*

#### **Review Criteria for Administrative Adjustments:**

8. YCC 19.35.020(1) describes that the administrative adjustment of certain development standards may be approved through a Type 2 review, as described within YCC 16B.03.030(1)(b). The administrative adjustment of the Yakima County Code may be approved if the defined criteria of subsection

19.35.020(5) are met, and specifically that a particular standard may be reduced or modified if the Reviewing Official finds that the adjustment and/or reduction in standard is consistent with:

- a. "The purpose and intent of the Comprehensive Plan Policies that relate to the specific adjustment being proposed and this Title;"

*Staff Finding: The housing purposes, goals, and policies of Plan 2015 are implemented through the Yakima County Code. The adjustment of the development standards proposed as a part of this application is consistent with Goal H 1 of Plan 2015, which encourages "diversity in the type, density and location of housing within the County and its cities while protecting public health, safety, and quality of life."*

*The proposed addition to the front and back of the single-family dwelling is completely contained within the subject parcel, although the close proximity of the dwelling to the fence on the east property line will require special construction standards of the east wall of the dwelling by the Building Division. Therefore, the proposal would not adversely affect the public health, safety, or quality of life, so the proposed administrative adjustment is consistent with Goal H 1 of Plan 2015.*

- b. "The purpose and intent of the specific zoning district and the standard being adjusted;"

*Staff Finding: Table 19.12.010-2 requires that structures be located 45 feet from the planned centerline of a private road for the front setback. Interior side setbacks shall be five (5) feet from the property line, and rear setbacks shall be 15 feet from an adjoining lot. The applicant's lot size is small (0.17 acres) with a house built in 1940. If the applicant wishes to make expansions and improvements to the dwelling the only recourse is to apply for an administrative adjustment to the setback standards of the R-1 zoning district. The intent of the R-1 zoning district is to, in part, "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 proposed expansion to the single-family residence is consistent with the intent of the R-1 zoning district as it is continuing an existing residential use.*

- c. "Maintaining the minimum administrative adjustment necessary to accommodate the proposed use;"

*Staff Finding: The size of the subject parcel (0.17 acres) limits the expansion of the existing dwelling. As proposed, the expansion to the front of the dwelling with a bay window, to the east side of the property, and to the rear of the property is the most the applicant can expand the dwelling without building a second floor. The dwelling's drainfield is to the north (rear) of the structure which does not allow much expansion in that direction. Therefore, the requested administrative adjustment for the front lot line, the side lot line, and the fence height is the minimum necessary to accommodate the proposed use.*

- d. "Balancing the flexibility of the administrative adjustment with the health, safety and general welfare of individual neighborhoods and the community; and"

*Staff Finding: The subject parcel is located near the end of a private road which dead ends just past the eastern boundary of the subject parcel. The only traffic passing in front of the subject parcel would be an extremely limited number of vehicles accessing the one residence to the east of the subject parcel.*


Additionally, the increase in fence height along the east property line from four (4) feet in the front setback to 79 inches, was discussed during a litigation settlement between the property owner and the neighboring parcel owner to the east, in July 2016. Section 6 of the Settlement Agreement provided testimony that the neighboring property owner to the east of the subject parcel agreed to a replacement of the existing chain link fence with a new 6 foot, 8 inch prefabricated concrete panel fence, located between the two parcels. Provided all conditions of this decision and all standards set forth in Title 19 are met, the adjustment of the setback to the private road for the dwelling expansion and the fence height on the east property line will not adversely affect the health, safety, and general welfare of the neighborhood and/or community.

- e. "The placement or design of structures will maximize solar access for the production of solar energy."

*Staff Finding: There are no solar energy facilities in the vicinity of this project, so the proposed location of the single-family dwelling's addition will not affect the production of solar energy.*

**DECISION**

Based upon the above findings, the Yakima County Administrative Official hereby **APPROVES WITH CONDITIONS** the requested Type 2 Administrative Adjustment for Leonard Bozin, subject to the conditions listed above.

**Administrative Official:** LYNN DEITRICK, AICP  
  
**Designee:** Jason Earles  
Planning Section Manager, Subdivision/Zoning  
**Date:** 5/26/17

**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., 6/9/17. 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.

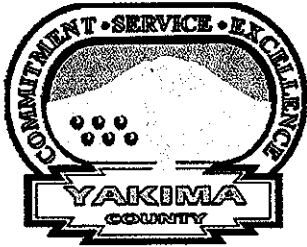
Attachments:

- A. YCC 16B.07.050 – Compliance, Extension, Expiration and Reinstatement
- B. Comment letter from Ahtanum Irrigation District dated February 23, 2017.
- C. Application
- D. Narrative
- E. Site Plan
- F. Internal Comments
- G. Settlement Agreement dated July 2016

VAR2016-00056 R1 Bozin adminadjustsetbacks dsr1FINAL.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.*



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

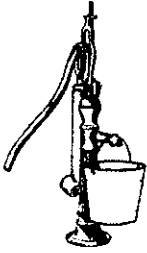
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- (1) Compliance with Conditions and Safeguards of Project Permit. It is the affirmative duty of a project permit holder and the land owner (as applicant) to comply with any conditions made a part of the terms under which the approval of a project 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.





## AHTANUM IRRIGATION DISTRICT

10705 Gilbert Rd Ste B, Yakima, Washington 98903-9203  
Phone (509) 249-0226 ~ Fax (509) 249-0233

February 23, 2017

Public Services (S)

DINAH  
FEB 27 2017

Yakima County Public Services  
Planning Division  
Attention: Dinah Reed, Sr. Project Planner  
128 North Second Street – 4<sup>th</sup> Floor Courthouse  
Yakima, Washington 98901

Vern \_\_\_ Gary \_\_\_ Don \_\_\_ Lynn \_\_\_  
Dave \_\_\_ Lisa \_\_\_ Carmen \_\_\_

Subject: VAR2016-00056 (Leonard Bozin)  
Parcel No: 171201-33002

Dear Ms. Reed:

We are in receipt of the YCPS Notice of Application for the above parcel dated February 16, 2017

No water rights will be affected by this application. Our records indicate the above parcel has no water right as established in the Conditional Final Order (CFO) dated April 15, 2009 and Draft Schedule of Rights dated December 15, 2016 in State of Washington, Dept. of Ecology v. Acquavella.

We have no additional comments. If you require further information, please contact me at 249-0226.

Sincerely,

AHTANUM IRRIGATION DISTRICT

*George Marshall*

George Marshall  
Stream Patrolman

GM:bab

Cc: Leonard Bozin

Attachment: B



# GENERAL APPLICATION FORM

Public Services **FINAL**  
Revised 10/01/15

## For Land Use Actions

DEC 14 2016

Yakima County Public Services

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

(Staff Use Only)

Zoning District: R-1 RURAL Date: 12/14/16  
 Receipt #: \_\_\_\_\_ Reviewed By: JLD  
 Proposed Land Use: SAME Project #: PRJ 2015-966  
 Case #(s): VAR 2016-56  
RECPW73842 CRDCASE COD15-189

### CHECK ALL THAT APPLY AND ATTACH THE APPROPRIATE SUPPLEMENTAL FORM(S)

- | Zoning   |   | Subdivision                                  | Shoreline   |
|--|---|--|---|
| <input type="checkbox"/> Type 1                  | <input checked="" type="checkbox"/> Admin. Adjustment | <input type="checkbox"/> Exemption (SSE)     | <input type="checkbox"/> Shoreline Substantial Dev. |
| <input type="checkbox"/> Type 2                  | <input type="checkbox"/> Variance                     | <input type="checkbox"/> Short Subdivision   | <input type="checkbox"/> Shoreline Conditional Use  |
| <input type="checkbox"/> Type 3                  | <input type="checkbox"/> Modification                 | <input type="checkbox"/> Subdivision (Long)  | <input type="checkbox"/> Shoreline Variance         |
| <input type="checkbox"/> Type 4                  | <input type="checkbox"/> Non-Conforming Use           | <input type="checkbox"/> Binding Site Plan   | <input type="checkbox"/> Shoreline Exemption        |
| <input type="checkbox"/> Reduce Resource Setback | <input type="checkbox"/> Interpretation               | <input type="checkbox"/> Alteration/Vacation | <input type="checkbox"/> Shoreline Non-Conforming   |
| <input type="checkbox"/> Accessory Dwelling Unit | <input type="checkbox"/> Dairy                        | <input type="checkbox"/> *Amendment          | <input type="checkbox"/> Shoreline Minor Revision   |
| <input type="checkbox"/> Minor Rezone            | <input type="checkbox"/> Mining                       | <input type="checkbox"/> Sub Variance        |   |
| <input type="checkbox"/> Major Rezone            |   |  |   |
|  |   |  | Critical Areas                                      |
|  |   |  | <input type="checkbox"/> CA Standard Development    |
|  |   |  | <input type="checkbox"/> CA Adjustment              |
|  |   |  | <input type="checkbox"/> CA Reasonable Use Except.  |
|  |   |  | <input type="checkbox"/> CA Minor Revision          |
|  |   |  | <input type="checkbox"/> CA Non-Conforming Use      |

Parcel Number(s): A. 171201-33002 B. \_\_\_\_\_ C. \_\_\_\_\_

Subject Property Address: 2821 S. Wiley Rd

Are you requesting the Optional Consolidated Permit Review Process as provided under YCC 16B.03.060? Yes  No

\* In accordance with YCC16B.04.020(2)(a) please submit verification with your Short Subdivision Amendment or Subdivision Amendment that the majority of those persons having an ownership interest in the lots, tracts, parcels, or portion thereof to be revised or altered has signed the proposed application.

### Applicant Information: (Please check the box indication the primary contact person)

By signing this form, I hereby state as true that all ownership interests of the property have reviewed the proposal as presented in the application materials and support the proposed change(s) in land use and hereby give Yakima County permission to enter my property during the course of this review to inspect my property as needed. Additionally, I hereby agree to pay all additional fees associated with the processing of this application including Hearing Examiner Fees, Transportation Fees or any other fees that may be associated with the proposed project.

(If the property is owned by a corporation or LLC please attach documentation showing that the person signing has the authority to sign on behalf of the corporation or LLC.) Please Fill Out In Blue or Black Ink and Original Signatures only.

**Property Owner:** Leonard Borin

Day Phone: (509) 823-0395 Company (if any) \_\_\_\_\_

Mailing Address: 2821 S Wiley Rd City: Yakima State: WA ZIP: 98903

E-mail Address: \_\_\_\_\_

Signature: [Signature] Date: 12/5/16

**Applicant/Agent (if different):** \_\_\_\_\_

Day Phone: ( ) \_\_\_\_\_ Company (if any) \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Attachment: [Signature]

If there are additional owners, provide an attachment in the same format and with the same declarations



# ADMINISTRATIVE ADJUSTMENT FORM

FINAL  
Revised 10/01/15

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)

## Zoning Ordinance Requirement and Adjustment Requested: (Answer the following)

1. Is this adjustment being processed under the Optional Consolidated Permit Review Process?

Yes  No

2. Type of Adjustment Requested (Check as applicable)

**Setbacks:** Which setback is proposed to be adjusted?  Front  Side  Rear

**Parking:**  **Loading**

**Sign height**  **Building height**

**Fence height**  **Walls and Recreational Screens**

**Site screening**  **Landscaping**

**Lot coverage**  **Waste and Recycling Storage**

**Siting Criteria for manufactured homes located outside UGA, and outside RT, RS zoning districts:**  Roof Pitch  Roof materials

Pit setting  Siding materials

**Other:**

6' Fence - Adj to 79" High Fence

3. Zoning standard requires: 5ft setback from structure to property line & 45ft from rear setback line  
(example: 15-foot rear yard setback from southern property line, or 6-foot fence along west property line)

4. Proposed standard: 3ft 7in setback from structure to property line & 37ft from the road center line  
(example: 10-foot rear yard setback from southern property line, or 8-foot fence along the west property line)

5. Why is the proposed adjustment needed? 8 ft off front of structure  
1 ft 3" on the side of structure

6. Are there other alternatives to your design that could be made in order to meet the standard?  Yes  No  
If Yes, explain: as proposed

7. What is the minimum adjustment needed to accommodate the proposed use?  
If Yes, explain: as proposed

8. How will the proposed adjustment impact your neighbors? it should not affect them at all

9. Are there developments in the neighborhood that are similar to your proposal?  Yes  No  
If Yes, explain: \_\_\_\_\_

10. Are there physical features, such as topography, right-of-way, and existing constraints on the property?  
 Yes  No

If Yes, explain: \_\_\_\_\_

Answer the following questions if you are requesting an adjustment to the sign standards: **NA**

11. What is the proposed sign: Height: \_\_\_\_\_ Size: \_\_\_\_\_ Shape: \_\_\_\_\_ Color: \_\_\_\_\_
12. How many signs are proposed? \_\_\_\_\_
13. What is the proposed location of the sign? \_\_\_\_\_
14. What is the proposed landscaping associated with the sign? \_\_\_\_\_
15. How does the proposed sign relate to the immediate area? \_\_\_\_\_
16. Is the sign associated with a multiple-use complex?  Yes  No

If yes, explain how the available sign area will be allocated between tenants or leasable spaces:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Answer the following questions if you are requesting an adjustment to Site Screening or Landscaping standards: **NA**

17. Is the adjustment needed due to inadequate sunlight?  Yes  No
18. What is the distance between the proposed structure and the existing structures on the adjoining property?  
**8'**
19. What is the proposed setback from the front of the new structure? **37' c/c Rd**
20. Does the area in front of the building have any of the following:  Decorative paving/pavers  Trees  
 Planters  Other Amenities (explain) **NO**
21. Are you proposing to utilize Xeriscape (drought tolerant) landscaping?  Yes  No
22. Is there existing vegetation within the required landscaping areas?  Yes  No

If yes, describe size, location and type: **NA**



# NARRATIVE FORM

FINAL  
Revised 10/01/15

Yakima County Public Services  
128 North Second Street · Fourth Floor Courthouse · Yakima, Washington 98901  
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The Narrative Form is designed to help you, the application review, interested agencies, and adjacent property owners to the proposal understand the scope of your project and how your project meets the legal requirements in the Yakima County Codes. You should refer to the appropriate sections of the ordinance when describing your proposal if applicable. You can obtain a copy of the ordinance in our office or access it on the internet at:

<http://codepublishing.com/wa/yakimacounty/>

**Narrative Content:** Please tell us the “who”, “what”, “where”, and “why” of your proposal. A list of typical content is provided below. **Please do not limit your project’s description to just these items.** In order for us to conduct a timely review of your project please **be as detailed as possible.** Any missing/confusing information could result in the delay of our review.

Note: Not all content listed below will be pertinent to your proposal. These items are suggestions in order to help you draft your narrative.

**Suggested Content:**

- Describe the current use of the site including all existing structures with their dimensions, square footage and usage.
- Describe the proposed use in detail (including but not limited to the type of business and/or use, hours and days of operation, number of employees, number of people living on-site, maximum number of customers and/or guests, changes or additions to the driveways or other access points, the type of mitigation or adjustment requested).
- Describe which standards are proposed to be adjusted and justify why the standard needs to be adjusted.
- Describe any new or existing structures to be used as part of this proposal.
- Describe how the proposed use will be pertinent to the proposed/existing structures.
- Describe any parking facilities (number of spaces and surface type), landscaping, signage, and lighting that will be associated with your proposal.
- Describe your access to the property and the route of travel to the site.
- For commercial operations describe the travel ways that will be located onsite.
- Describe the timelines for completion of your proposal.

**Please remember that your narrative must explain in detail the specifics of your proposal and any missing information may result in the need for future reviews.** Your narrative can be typed and printed on a separate sheet of paper with “See Attached” written below, or you may print out legibly your narrative on the lines provided.

Attachment: 17

NARRATIVE STATEMENT  
BOZIN ADMINISTRATIVE ADJUSTMENT,  
FILE NO. VAR2016-00056

Public Services ( )

DINAH JJ  
FEB 06 2017

Vern \_\_\_ Gary \_\_\_ Don \_\_\_ Lynn \_\_\_  
Dave \_\_\_ Lisa \_\_\_ Carmen \_\_\_

Applicant is seeking administrative adjustment to permit construction of a precast concrete fence on the east and west boundaries of Applicant's property.

Applicant is requesting two administrative adjustments:

- (1) An administrative adjustment from a 6 feet to a 6 feet 7 inch fence from the rear of Applicant's property to the edge of the 45 foot setback from the private road fronting Applicant's property, and
- (2) An administrative adjustment from a 4 feet to a 6 feet 7 inch fence from the north edge of the setback to the south boundary of Applicant's property.

Applicant's property is extremely narrow. The neighboring parcels have improvements constructed immediately adjacent to Applicant's property line with the improvements of the neighbor on the east being constructed within the 45 foot setback from the private road.

The 79 inch high fence is required to provide both privacy and security for Applicant's property.

Applicant and his family have been subject to consistent harassment and invasion of privacy from Applicant's neighbor to the east. Litigation between Applicant and the neighbor to the east resulted in a Settlement Agreement pursuant to which the neighbor specifically agreed to construction of the fence in question along Applicant's east boundary.

The Settlement Agreement provides in relevant part:

"6. Applicant agrees Bozin may replace the existing fence on  
The boundary between the Epperson and Bozin parcels with  
a 6 foot 8 inch prefabricated concrete paneled fence."

In addition to privacy for Applicant and his family, the fence will provide security for the Applicant's property. A 6 foot high fence reducing to 4 feet within the setback area would be inadequate to provide privacy and security.

The precast panels to be used for the fence are not made in 6 feet high, only 6 feet 7 inches high.

## NARRATIVE STATEMENT

I purchased Parcel No. 171201-33002 in October, 2012. At the time I purchased the property, the fence lines were pointed out to me as being the boundaries of the parcel. The East wall of the residence on the property was more than 5-feet from the fence on what I had been advised was the East boundary of the property.

I intended to redo the residence structure and went to the County to apply for a permit but was told a permit cannot be issued because setback requirements were not satisfied.

In the fall of 2015, I started to remodel the bathroom in the residence, for which I understood a permit was not required. The condition of the structure was very poor and the remodeling work resulted in other portions of the structure beginning to collapse. I immediately began reconstruction work to preserve the residence and, as part of that work, added a bay window in front and a covered patio at the rear of the residence.

After receiving a Stop Work Order from the County, I applied for a building permit. The application was denied because the County determined the record boundary of my parcel was not the East fence but was actually 4.9 feet to the West of the fence, so the setback requirements were not met.

I attempted to resolve the boundary issue with my Easterly neighbor but was unable to do so.

Through my attorney, I commenced a quiet title action which finally resulted, in July, 2016, in a Judgment quieting title to the 4.9 feet between the East boundary line of my property as shown of record and the fence line which I always understood to be the boundary. The result of the quiet title action is that there is now more than 5 feet from my East boundary to the East wall of my residence.

In August, 2016, my attorney and I met with County building and planning officials to attempt to resolve any issues remaining before issuance of a building permit for my remodeling work on my residence.

The result of that meeting and follow-up correspondence between County representatives and my attorney was the County asserting an administrative adjustment was required because a supporting post at the Northeast corner of the patio area which was located within 5-feet of the boundary constituted a wall for which an administrative adjustment was required, and the bay window on the South side of the residence was less than 25-feet from the North boundary of the undefined access easement to the South of my property, also requiring an administrative adjustment. This administrative adjustment application is filed to resolve those two (2) issues.

Fence Adjustment From 6' MAX to 79" (existing Fence)

LAW OFFICE OF  
**FLOWER & ANDREOTTI**  
SUITE 1, YAKIMA LEGAL CENTER  
303 EAST 'D' STREET  
YAKIMA, WA 98901  
TELEPHONE: 509-248-9084  
FACSIMILE: 509-248-9372

**PATRICK ANDREOTTI**  
[pandreotti@flower-andreottilaw.com](mailto:pandreotti@flower-andreottilaw.com)

**CHARLES C. FLOWER (Ret.)**

May 3, 2017

Public Services (cs)

DINAH  
MAY 05 2017

Vern \_\_\_ Gary \_\_\_ Don \_\_\_ Lynn \_\_\_  
Harold \_\_\_ Lisa \_\_\_ Carmen \_\_\_

Dinah Reed, Sr. Project Planner  
Yakima County Public Services  
128 North 2<sup>nd</sup> Street  
Yakima, WA 98901

Re: Bozin Administrative Adjustment File No: VAR2016-00056

Dear Ms. Reed:

This letter addresses what I believe are the two (2) final issues remaining on the Bozin application for administrative adjustment.

1. Bay Window Setback: The Bozin residence on Parcel No. 171201-33002 was constructed in approximately 1940 on a lot which is .17 acres in size. At the time the residence was constructed, there were no minimum setback requirements.

The Bozin parcel is located near the end of a private road/driveway which dead ends just past the East boundary of the Bozin parcel. The only traffic passing in front of the Bozin residence are an extremely limited number of vehicles accessing the residential parcel immediately to the East of Bozin. The property to the South of the Bozin parcel is an open field.

The Bozin residence, as constructed in 1940, is within the 45-foot setback required by the current development code.

The requested administrative adjustment for the bay window is the minimum necessary to accommodate the proposed use.

The granting of the requested adjustment will not interfere with use of the private road/driveway fronting the property nor will it impair sight distances on the road/driveway.

The proposed administrative adjustment is consistent with the purpose and intent of the Comprehensive Plan designation of the property as well as the purpose and intent of the zoning district.

2. Fence on East lot line: Applicant has requested administrative adjustment to permit a 69-inch high fence on the East boundary of his property within the 45-foot setback of the centerline of the private driveway/road fronting Applicant's property.



The purpose of the fence line limitation within a road setback is to provide a view of traffic on the roadway for vehicles entering the road from parcels fronting on the road. This height restriction is not necessary on Applicant's East boundary.

The private roadway fronting the Bozin property terminates immediately East of the Bozin property line. The only traffic passing the Bozin residence is traffic to and from the Epperson property, Parcel No. 171201-33001.

Because there is no through traffic on the private road/driveway passing the Bozin property, limiting the height of the proposed fence within the setback is not necessary for the intended purpose of the fence height limitation within the setback.

In addition, the neighboring property owner has specifically agreed to the construction of the proposed fence to the boundary line without a reduction in height in the setback area.

Bozin and his neighbor to the East, Epperson, were involved in a quiet title action, Yakima County Superior Court No. 15-2-03805-39, to resolve a dispute over the boundary line between their respective parcels.

The litigation was settled by execution of a Settlement Agreement in July, 2016, a copy of which is enclosed.

Section 6 of the Settlement Agreement specifically provides:

"Epperson agrees Bozin may replace the existing fence on the boundary between the Epperson and Bozin parcels with a 6-foot 8-inch prefabricated concrete panel fence. Bozin shall notify Epperson prior to beginning construction of the fence and Epperson shall have the right to be present during construction to insure the new fence is not located East of the existing fence line."

The boundary fence replaced by the concrete panel fence extended to the South line of the Bozin property. A copy of a site plan prepared 10/07/2015 showing the location of the old boundary fence is enclosed.

The Eppersons clearly agreed to the construction of the 6-foot 8-inch concrete panel fence to the South lot line of the Bozin property.

Given the nature of the road/driveway fronting the Bozin property, the fact the road terminates immediately past the Bozin East boundary line, the fact the reduction in fence size is not necessary for sight distance/safety purposes, and because the neighboring property specifically agreed to the fence, granting the proposed administrative adjustment on the fence height is not inconsistent with the purposes of the setback requirements and is appropriate.

Dinah Reed, Sr. Project Planner

Page 3

May 3, 2017

Let me know if you have questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Patrick Andreotti".

PATRICK ANDREOTTI

PA:pk

Enclosures



# MINIMUM REQUIREMENTS SITE PLAN SUBMITTAL CHECKLIST

FINAL  
Revised 10/01/15

## Land Use Actions

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)

This informational brochure will assist in the preparation of your site plan for project submittal. The minimum site plan information on this page is required. Check the box beside those items that you have included on your site plan. A sample site plan is also included for your assistance. If you need information or assistance please contact the Public Services at (509) 574-2300.

### Required Site Plan Information:

1	<input type="checkbox"/>	Paper size shall be 8.5 x 11 or 11 x 17. If multiple pages, provide an index sheet showing the entire site. <b>Grid paper or picture backgrounds are not acceptable, the map must be reproducible</b>
2	<input type="checkbox"/>	Blue or Black Ink, in order that they may be photocopied.
3	<input type="checkbox"/>	North Arrow (north should be pointing to the top of the page)
4	<input type="checkbox"/>	Legend to include:
	<input type="checkbox"/>	<i>Owner/Applicant Name</i>
	<input type="checkbox"/>	<i>Date the Site Plan was drawn.</i>
	<input type="checkbox"/>	<i>Name, address and telephone number of the person preparing the site plan</i>
	<input type="checkbox"/>	<i>Tax Parcel Number</i>
	<input type="checkbox"/>	<i>Standard engineering scale of the drawing (at least: 1" = 200 ft.)</i>
5	<input type="checkbox"/>	Property line dimensions of all lot(s) involved in the project.
6	<input type="checkbox"/>	The location, width and purpose of all easements (utility, access and/or irrigation) on the site and adjacent to the site.
7	<input type="checkbox"/>	Location of new and/or expanded public and private utility infrastructure.
8	<input type="checkbox"/>	Streets and access easements, with the name, dimensions, type (public or private) and road surface (paved, gravel or dirt).
9	<input type="checkbox"/>	Location, dimension and design of off-street parking facilities and points of ingress (to) and egress (from).
10	<input type="checkbox"/>	Location of pedestrian and vehicular circulation patterns, sidewalks, trails and bicycle paths.
11	<input type="checkbox"/>	Location, shape, size, gross floor area, height and types of all existing and proposed structures, minimum building setbacks from the property lines and other structures, and the total lot coverage.
12	<input type="checkbox"/>	Location and dimensions of all proposed exterior land uses.
13	<input type="checkbox"/>	The distance from existing and proposed structures to the centerline of state, county, or private access roads.
14	<input type="checkbox"/>	Location of structures on the adjoining lots, which may cause compatibility issues.
15	<input type="checkbox"/>	All major man-made and natural physical features such as railroads, canals, streams, creeks, drainage ditches, hills, depressions, steep slopes, lakes, shorelines, floodplains*, floodways, the 100-year base flood elevations etc. on-site or adjacent to the site. <b>(*Boundaries of the 10 and 25-year floodplain using the flood risk maps as provided by Yakima County as part of a mandatory pre-application meeting.)</b>
16	<input type="checkbox"/>	Description of the extent to which any watercourse will be altered or relocated as a result of the proposal.
17	<input type="checkbox"/>	Proposed location and dimensions of community and other open space.
18	<input type="checkbox"/>	Existing and proposed landscaping, site screening, street trees and stormwater drainage facilities.
19	<input type="checkbox"/>	Location of well or water systems within 100 feet of the subject property or within a 100 foot well control zone and the distance from any structures within the well control zone.
20	<input type="checkbox"/>	Proposed contours and grading as they affect lot layout, streets, and drainage ways.
21	<input type="checkbox"/>	Location of proposed or existing drain field area, extension area, and tank area as well as replacement areas and distances to structures and property lines
22	<input type="checkbox"/>	Location of adjacent public water, sewer main, fire protection systems and other underground facilities within or adjacent to the development.
23	<input type="checkbox"/>	Within a UGA, Master Planned Resort or Rural Settlement show the existing topographic contours at intervals of not more than 5' when the ground slopes exceed 10% <b>Extend 100' beyond the boundaries of</b>

**Attachment:**     E

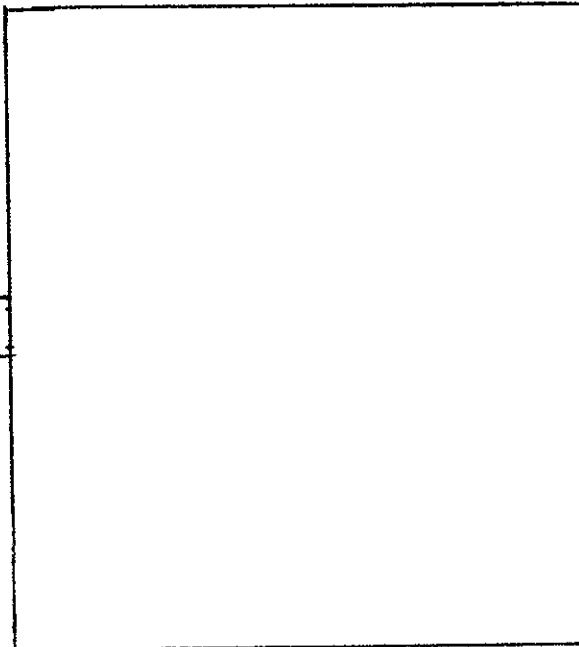
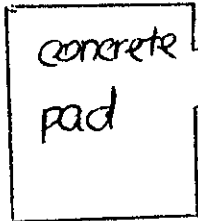
# Site Plan

12/5/16

Parcel No.  
171201-33002

Precast concrete fence

Drain Field



covered patio  
septic TANK

3'1"

79" Fence

3'7"

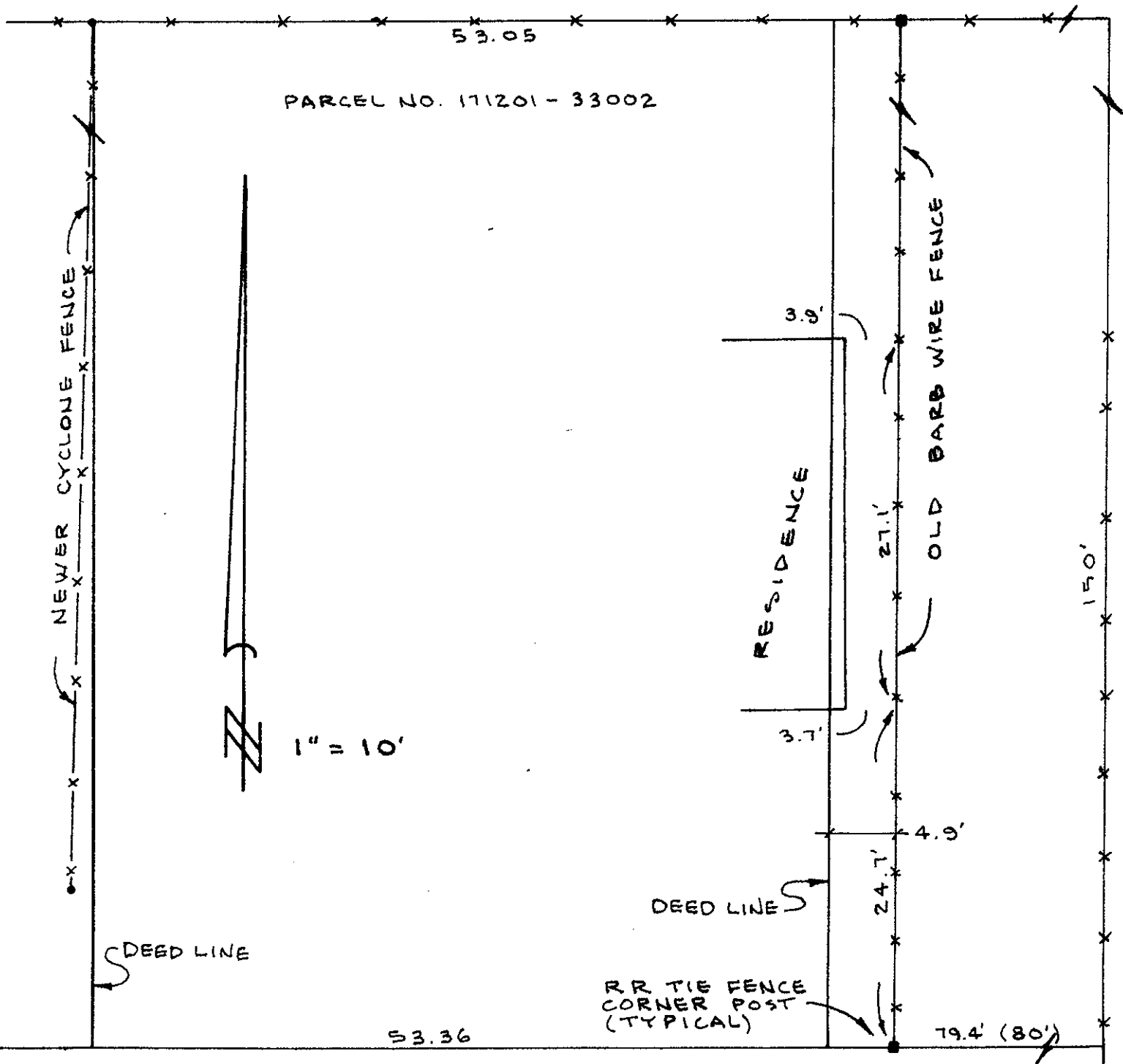
3'1"

37'

Property line



SITE PLAN  
= PREPARED FOR =  
LEONARD BOZIN



*Jan Bell*  
Oct. 7, 2015

# Actions on Case VAR2016-00056 Parcel Number: 17120133002

Bozin Administrative Adjustment on Side and Front setbacks due to COD Violation COD2015-00189 also fence height 6 ft. standard to 79in existing fence without permit

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<b>Incomp./Req. for Addtl. Info.</b>	<b>Assigned To:</b>	<b>Done By:</b>
Sent on 1/3/2017	Due - 90 days 2/17/2017	Info. received
Incompleteness notice issued on 1/3/17		

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<b>Incomp./Req. for Addtl. Info.</b>	<b>Assigned To:</b>	<b>Done By:</b>
Sent on 3/16/2017	Due - 90 days 4/30/2017	Info. received

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<b>PC Tracking</b>	<b>Assigned To:</b>	<b>Done By:</b>
Date Created 2/14/2017	Date Due	Finished
forwarded draft notice to planner for review jep		

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<b>PC Tracking</b>	<b>Assigned To:</b>	<b>Done By:</b>
Date Created 2/14/2017	Date Due	Finished
forwarded file for notice and postcard on 2/14 mailing on 2/16		

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<b>Building Completeness Notes</b>	<b>Assigned To:</b>	<b>Done By:</b>
Date Routed 12/14/2016	Comment Required By 12/16/2016	Response Date
Notes made by me to case # BLD2015-00762 on 7/22/2016: Rec'd copy of quiet title from owner. Still does not meet the minimum side setback. The photos provided by code enforcement show an enlargement of the footprint and would require an administrative adjustment. Info scanned and attached to case documents. 12/14/2016 mmg		

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<b>Case Created</b>	<b>Assigned To:</b>	<b>Done By:</b> JEP
		Date Created 12/14/2016

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<b>No Submittal Received</b>	<b>Assigned To:</b>	<b>Done By:</b> JEP
		Date Created 12/14/2016

---

<b>Trans. Completeness Notes</b>	<b>Assigned To:</b>	<b>Done By:</b> JKT
Date Routed 12/19/2016	Comment Required By 12/21/2016	Response Date 12/19/2016
No transportation concerns		

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<b>Building Completeness Notes</b>	<b>Assigned To:</b>	<b>Done By:</b> GG
Date Routed 12/20/2016	Comment Required By 12/22/2016	Response Date 12/20/2016
12-20-16 Customer has applied for a permit for his addition BLD2015-00762 on 09/29/2015. It is still in incomplete status. Customer had already started construction. Claimed that he was just remodeling what was already there. Pictures in the code case show that it is more than what was originally there. (GG)		

---

<b>Utilities Issues</b>	<b>Assigned To:</b>	<b>Done By:</b> JES
Date Routed 12/22/2016	Comment Required By 12/24/2016	Response Date 12/22/2016
No concerns.		

---

**Zoning Completeness Notes****Assigned To:****Done By:** DSR

Date Routed 12/23/2016

Comment Required By 12/25/2016

Response Date 12/23/2016

Incomplete. The applicant doesn't really provide justification for the administrative adjustments in his narrative. Also, he needs to adjust the fence height in the front setback from 4 feet to 79" within the first 45 feet from centerline. He only asks for an adjustment from 6 feet to 79".

**MDT meeting scheduled****Assigned To:****Done By:**

Applied 12/14/2016

Meeting Date 12/27/2016

**Surface Water Issues****Assigned To:****Done By:** EH

Date Routed 12/27/2016

Comment Required By 12/29/2016

Response Date 12/27/2016

No comment at this time.

**Code Enforc. Issues****Assigned To:****Done By:** JCJ

Date Routed 12/29/2016

Comment Required By 12/31/2016

Response Date 12/29/2016

The patio on the back of the SFR is new, the footprint has increased. The original footing print is 13x15 the new plans indicate the footing print is 15.5 x 14.7. He has also installed a 7 ft fence on the property line according to Mr. Bozin. There is only a few inches from the roof overhang to the fence.

**PC Tracking****Assigned To:****Done By:** DSR

Date Created 1/3/2017

Date Due

Finished 1/3/2017

Wrote letter of Incompleteness and gave to Patty for mailing.

**Information received****Assigned To:** DSR**Done By:** JMJ

Date received 2/6/2017

Rcvd Narrative Statement - forward to scanning. 2-6-17 JMJ

**Notice of Application Sent****Assigned To:****Done By:** JEP

Notice Due

Comment Ends 3/2/2017

Notice sent 2/16/2017

**Information received****Assigned To:** DSR**Done By:** MNP

Date received 2/27/2017

Rec'd Info from Ahtanum Irrigation District regarding water rights - Forward to Scanning - MP

**Information received****Assigned To:** DSR**Done By:** JMJ

Date received 3/2/2017

Rcvd comment ltr from Dave Hale - forward to scanning. 3-1-17 JMJ

**Incomp./Req. for Addtl. Info.****Assigned To:****Done By:** DSR

Sent on

Due - 90 days

Info. received 3/15/2017

Sent 2nd letter request for more info regarding justification for setback reduction to front and back property lines.

**Meeting****Assigned To:****Done By:** DSR

Meeting Date 4/27/2017

Met with Patrick Andreotti and Mr. Bozin, and his neighbor across the street. Explained to Patrick I needed a "justification" in writing for the setback adjustment and he said he provide one.

**Completeness Review Period**

***Assigned To:***

***Done By:*** DSR

Appl. received 12/14/2016

Review due 1/11/2017

Notice Sent 5/3/2017

Received justification from Andreotti regarding front setback and fence height.

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**Information received**

***Assigned To:*** DSR

***Done By:*** JDW

Date received 5/5/2017

Rec'd response letter to case - FWD to scanning - 5/5/17 -jdw

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SETTLEMENT AGREEMENT

Date: July \_\_\_\_, 2016.

Parties:

LEONARD BOZIN, a married man, as his separate estate ("Bozin").

DOILE G. EPPERSON and DORIS J. EPPERSON, husband and wife ("Epperson").

Recitals:

1. Bozin has record title to Yakima County, Washington real property particularly described as:

The East 50 feet of the West 580 feet of the North 150 feet of the Southwest quarter of the Southwest quarter of Section 1, Township 12 North, Range 17 E.W.M. (Parcel No. 171201-33002) ("Bozin Property")

2. Epperson has record title to Yakima County, Washington real property located East of and adjacent to the Bozin Property, particularly described as:

The East 80 feet of the North 150 feet of the West half of the Southwest quarter of the Southwest quarter of Section 1, Township 12 North, Range 17 E.W.M. (Parcel No. 171201-33001) ("Epperson Property")

3. There is a dispute between the parties about ownership of the West 4.9 feet of the property to which Epperson has legal title.

4. Bozin commenced a quiet title action in Yakima County Superior Court Case No. 15-2-03805-39 to quiet title to the disputed strip.

5. The parties desire, by this Agreement, to resolve this dispute and avoid the expense of further litigation.

AGREEMENT

In consideration of the terms, covenants and conditions herein including the above Recitals, the parties agree:

1. Findings of Fact, Conclusions of Law and a Judgment quieting title to the disputed strip in Bozin in the form attached as Exhibit "A" shall be approved by the parties' counsel and entered in Yakima County Superior Court Case No. 15-2-03805-39.

2. Upon receipt by Bozin's counsel of the above-described Findings of Fact, Conclusions of Law and Judgment approved for entry by Epperson's counsel, Bozin shall pay Epperson \$5,000.00.

3. Epperson will not object to, protest or otherwise interfere with applications by Bozin to Yakima County to establish the residence on the Bozin Property in its present location as a legal non-conforming use, to obtain a variance from the Development Code setback requirements, or any other application required by Yakima County to allow Bozin to complete remodeling the residence, including but not limited to building, electrical, plumbing and Health District permits.

4. After receiving authorization from Yakima County to proceed with the remodeling of his residence, Bozin shall install gutters on the East eave of the residence to prevent water from the residence running onto the Epperson Property.

5. Epperson shall, within four (4) months after installation of the gutters on the Bozin residence, install gutters on the West side of the structures on the Epperson Property adjacent to the Bozin-Epperson Property line to prevent water from running down to the Bozin property. At Epperson's request, Bozin will assist in installation of the gutters.

6. Epperson agrees Bozin may replace the existing fence on the boundary between the Epperson and Bozin parcels with a 6-foot 8-inch prefabricated concrete panel fence. Bozin shall notify Epperson prior to beginning construction of the fence and Epperson shall have the right to be present during construction to insure the new fence is not located East of the existing fence line. After the new fence has been constructed, neither party shall go upon the property of the other without the other party's consent; provided, however, in the event during construction on the Bozin residence tools or materials fall onto the Epperson Property, Bozin may go upon the Epperson Property to retrieve the tools or material; provided further, however, any such use of the Epperson Property by Bozin shall be purely permissive and shall not give rise to any claim to adverse possession.

7. In the event of any future disagreement between the parties, contact to discuss the disagreement shall be only between Leonard Bozin and Doile Epperson, and not between either one and the other's family members. Neither party shall threaten or harass the other.

8. Venue of any action to enforce or construe this Agreement shall be in Yakima County, Washington, and the prevailing party shall be entitled to an award of their reasonable attorney fees and costs.

  
LEONARD BOZIN

  
DOILE G. EPPERSON

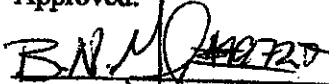
  
DORIS J. EPPERSON

Approved:



PATRICK ANDREOTTI, WSBA #7243.  
FLOWER & ANDREOTTI,  
Attorney for Plaintiff.

Approved:



BRETT N. GOODMAN, WSBA #49,727.  
FINNEY, FALK & YARGER, PLLP.  
Attorneys for Defendants.