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**Exhibit "A"**  
**City of Yakima, Washington**  
**Hearing Examiner's Recommendation and Decision**

**December 29, 2017**

|  |   |                    |
|--|---|--------------------|
| <b>In the Matter of an Application</b> | ) |                    |
| <b>Submitted on Behalf of:</b>         | ) | <b>RZ#003-17</b>   |
|  | ) | <b>CL3#009-17</b>  |
| <b>Gail Buchanan</b>                   | ) | <b>SEPA#028-17</b> |
|  | ) |                    |
| <b>For a Project Rezone from the</b>   | ) |                    |
| <b>R-1 Zone to the R-3 Zone; for</b>   | ) |                    |
| <b>Class (3) Review; and for SEPA</b>  | ) |                    |
| <b>Review to Construct Residential</b> | ) |                    |
| <b>Mini-Storage Buildings</b>          | ) |                    |

**A. Introduction.** The findings relative to the hearing process for this application may be summarized as follows:

(1) The Hearing Examiner conducted an open record public hearing relative to this application on December 14, 2017.

(2) The thorough staff report that was presented by Associate Planner Trevor Martin recommended approval of this application for a rezone to the R-3 zoning district and a Class (3) residential mini-storage use subject to conditions.

(3) The applicant Gail Buchanan and the applicant's representative for this

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proposal, Bill Hordan of Hordan Planning Services, both testified in favor of the application by explaining why a rezone to the R-3 zone would make the zoning consistent with the Comprehensive Plan "Mixed Residential" designation, why a residential mini-storage use is being proposed for the site, and why that type of 12-foot-high self-contained facility would be more compatible with the area than some of the 35-foot-high residential uses that could be developed in the R-1 zone or some of the 50-foot-high residential uses that could be developed in the R-3 zone.

(4) Mary Gunther, who resides across South 88<sup>th</sup> Avenue east of the proposed facility, expressed her desire that the proposed landscaping along South 88<sup>th</sup> Avenue be attractive and her desire to see infrastructure improvements in the future such as sidewalk along South 88<sup>th</sup> Avenue for the entire distance between Summitview Avenue and Tieton Drive.

(5) No one else appeared to testify at the hearing.

(6) Eight written comments from residents in the area of the proposed facility were received during the comment period prior to the hearing. Five of the comments were in favor of the proposed facility because it would provide a place for residents in the area to conveniently store their property, one of the comments expressed a desire for sidewalk, street lighting and improved drainage along South 88<sup>th</sup> Avenue, and two of the comments expressed a concern about drawing additional strangers to the area, adding more traffic in the area and, if multifamily housing were developed on the property, adding more students to Apple Valley Grade School and other West Valley schools.

(7) This recommendation relative to the requested rezone and this decision relative to the requested Class (3) use have been issued within ten business days of the hearing.

**B. Summary of Recommendation and Decision.** The Hearing Examiner recommends that the Yakima City Council approve the requested project rezone from R-1 to R-3 to allow for the construction of a residential mini-storage facility and approves that Class (3) residential mini-storage use subject to conditions if the

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requested rezone is granted by the City Council.

**C. Basis for Recommendation and Decision.** Based upon a view of the site on December 12, 2017, with no one else present; the application, staff report, exhibits, testimony and other evidence presented at the open record public hearing on December 14, 2017; and a review of both the 2040 Yakima Urban Area Comprehensive Plan and the Yakima Urban Area Zoning Ordinance; the Hearing Examiner makes the following:

## **FINDINGS**

**I. Applicant, Property Owner, Representative.** Gail Buchanan of 313 Mountain Shadows Place, Yakima, Washington is the applicant and the property owner for this proposal. Bill Hordan of Hordan Planning Services, 410 North 2<sup>nd</sup> Street, Yakima, Washington is the representative of the applicant and of the property owner for this proposal.

**II. Location.** The location of the proposed residential mini-storage facility is 408 South 88<sup>th</sup> Avenue, Yakima, Washington. The Assessor's Parcel Number for the property is 181319-34010.

**III. Application.** This application for a rezone and Class (3) use was submitted on September 28, 2017. A notice of a complete application was sent on October

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19, 2017. The application is a project rezone request which combines a request for a rezone of a 1.78-acre parcel from the Single-Family Residential (R-1) zoning district to the Multifamily Residential (R-3) zoning district with a request for approval of a Class (3) residential mini-storage facility. The proposed 31,810-square-foot residential mini-storage facility would consist of five buildings which would include 200 storage units of various sizes constructed in a single phase as an internal “fortress” compound on three sides. The sliding gated entry/exit with a key pad entry system would be located on the fourth side on the south which would provide distance separation between the facility and adjacent uses. Interior roadways would be hard-surfaced. Black chain link fencing with plastic privacy slats would be six feet in height along the north, west and south sides. Decorative wrought iron fencing along the east side four feet east of the most easterly building would allow 16 feet of width for arborvitae along the fence and river rock with Alaskan Cedars planted on 20-foot centers in the area west of the street right-of-way. Access to the facility would be limited to the hours between 6 a.m. and 9 p.m. seven days per week. An on-site camera would be installed for security purposes and low-impact Wall-pac type lighting would prevent light and glare from leaving the site. There would be three public parking spaces located at the entrance of the facility for renters and maintenance personnel. The facility would be accessed by South 88<sup>th</sup> Avenue which is classified as a collector arterial requiring 60 – 80 feet of right-of-way with curb, gutter and sidewalk per YMC Title 12. There currently exist 60 feet of right-of-way. Curb, gutter and sidewalk will be required along the frontage of the subject property either when it is

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developed or when the property to the south is also developed. The site can be served by Nob Hill Water Association. The sewer line located at the intersection of Tieton Drive and South 88<sup>th</sup> Avenue will need to be extended to the site if any bathroom, office or other such facilities that utilize water are installed on the site.

**IV. Notices.** Notices for the December 14, 2017, hearing were provided in accordance with the applicable ordinance requirements in the following manners:

|                              |                  |
|------------------------------|------------------|
| Posting of property          | October 22, 2017 |
| Mailing of hearing notice    | October 23, 2017 |
| Publishing of hearing notice | October 23, 2017 |

**V. Environmental Review.** Besides the eight written comments submitted by nearby property owners during the comment period, the Washington State Department of Ecology commented that there is a possibility that the soil contains concentrations of pesticides due to the historical agricultural use of the property and that DOE recommends that the soil be sampled and analyzed for lead, arsenic and organochlorine pesticides and that potential buyers be notified if these contaminants are found at concentrations above the Model Toxics Control Act clean up levels and also commented that this project will require an Erosivity waiver. A SEPA Determination of Nonsignificance (DNS) was issued on November 14, 2017, which became final without any appeals.

**VI. Zoning and Land Uses.** The subject property is about 1.78 acres in size, is currently zoned Single-Family Residential (R-1) and is currently vacant. Adjacent

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properties currently have zoning and land use characteristics that can be described as follows:

| <u>Location</u> | <u>Existing Zoning</u> | <u>Existing Land Use</u>                    |
|-----------------|------------------------|---|
| North           | R-1                    | Single Family Home                          |
| East            | R-1                    | S. 88 <sup>th</sup> Ave./Single Family Home |
| South           | R-1                    | Vacant                                      |
| West            | R-1                    | Single Family Home                          |

**VII. Comments of Development Services Team.** The Development Services Team meeting held for this project on October 17, 2017, resulted in the following comments:

(1) **Engineering.** This project requires Title 12 improvements, including but not limited to the following:

(a) 8.67 & 12.05 – New curb, gutter, sidewalk and road widening on S. 88th Ave. The street section shall conform to standard detail R3. New sidewalks shall be constructed per standard detail R5.

(b) 8.64 – Driveway(s) to be constructed per this chapter and standard detail R4 for Commercial Approach - Type 1.

(c) 8.60 & 12.05 – With the limited improvements on S. 88th Avenue, consideration may be given to deferring required frontage improvements listed above through a Covenant/Deferral agreement, as mutually agreed upon by the City.

(d) 8.72 – An excavation and street break permit shall be obtained for all work within the public right of way. Refer to chapter 8 for requirements.

(e) 12.06 – Street and right of way widths shall conform to this section unless otherwise approved. S. 88th Avenue is classified as a Collector Arterial. Required right-of-way is to be a minimum of 30 feet on both sides of the street, 60 feet total.

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(f) The right-of-way shown on GIS mapping constitutes adequate right-of-way. The street is to be constructed per 12.06.020 and Standard Detail R3.

(g) All required frontage improvements shall be completed prior to issuance of a Certificate of Occupancy unless allowed to be covered by a Covenant/ Deferral agreement.

(2) **Traffic Engineering.** No comments.

(3) **Code Administration.** Fire hydrant requirements and other City requirements shall be as follows:

(a) Fire hydrants are required to be installed prior to the issuance of building permits in accordance with the 2015 International Fire Code Appendix B calculations meeting the necessary fire flow of the buildings.

(b) Due to the size of the buildings, a licensed designer in responsible charge (architect) will be required to show how the buildings will be constructed to comply with the fire/life/safety provisions of the 2015 International Building Code.

(c) A City of Yakima Business License is required per YMC 5.52 prior to commencing business.

(4) **Planning.** The subject site is located along the Apple Valley Elementary School Safe Routes to School Route. Frontage improvements shall be installed across the subject site in accordance with the Engineering requirements listed above. Safe Routes to School is a program aimed at helping to improve access to nearby school facilities for children walking to school. The subject site is located in a residential neighborhood approximately 530 feet from the nearest school. Installing frontage improvements across the site would help improve walking conditions to Apple Valley Elementary. Lighting shall be provided to illuminate any off-street parking or loading space used at night. When provided, lighting shall be directed to reflect away from adjacent and abutting properties. Parking lots adjacent to residential districts or uses shall be designed with down-shielding and luminaries creating no lighting pollution upon those properties. A photometric lighting plan may be required if the parking lot is located adjacent to or abutting residential properties.

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(5) **Surface Water.** Surface Water requirements for this proposed project rezone and residential mini-storage use are as follows:

(a) As this project involves clearing or grading one acre or more, a Stormwater Pollution Prevention Plan (SWPPP) Permit shall be required of the applicant. The main submittals required for a SWPPP Permit are drainage plan(s) and calculations; a temporary Erosion and Sediment Control Plan; a stormwater maintenance agreement and plan; proof that the maintenance agreement was recorded in the Yakima County Auditor's Office; and a Stormwater Pollution Prevention Plan (SWPPP) or Erosivity Waiver (unless exempt). A copy of the SWPPP or Erosivity Waiver Certificate Statement shall be given to the Surface Water Engineer.

(b) The applicant is advised to read Chapter 7.83 of the Yakima Municipal Code to obtain all appropriate information concerning the Stormwater Site Plan and Chapter 7.82 for information concerning the Stormwater Pollution Prevention Plan.

(c) Grading and/or building permits shall not be issued without the project site first passing an erosion control inspection.

(d) Complete stormwater design plans, specifications and runoff/storage calculations supporting the stormwater design are required pursuant to the Eastern Washington Stormwater Manual and City of Yakima standards. These plans and control measures must be completed by a licensed Professional Engineer and then be reviewed and approved by the City of Yakima Surface Water Engineer prior to construction.

(e) UIC Registration – Stormwater. In accordance with Chapter 2, Section 2.4, of the December 2006 edition of the Department of Ecology's Guidance for UIC Wells that Manage Stormwater Publication Number 05-10-067, Underground Injection Control (UIC) wells constructed on or after February 3, 2006 are considered new and must be registered with the Department of Ecology (DOE) prior to construction.

(f) A Construction Stormwater General Permit may be required from the Washington State Department of Ecology. The applicant should contact the Department of Ecology to determine if this permit is required.

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Due to recent changes by the Department of Ecology to the permit, Ecology will no longer accept paper copies of the "Notice of Intent for Construction Activity." Applicants should review the Ecology stormwater web page at <http://www.ecy.wa.gov/programs/wq/stormwater/construction/enoi.html>.

(6) **Sewer.** If any bathroom or office facilities are installed, sewer will need to be extended from the south for more than 500 feet to the site. Sewer design and construction will be done per City of Yakima Municipal Code and meet the requirements of City of Yakima Engineering and Wastewater Divisions.

(7) **Water/Irrigation.** No comments – the applicant has indicated that there will not be any facilities requiring water or sewer at the site.

**VIII. Rezone Review Criteria.** The Hearing Examiner's recommendations regarding rezone applications within the Yakima Urban Area must be based upon the following criteria specified in Subsection 15.23.030(D) of the Yakima Municipal Code (YMC):

(1) **The testimony at the public hearing.** Associate Planner Trevor Martin, applicant Gail Buchanan and the applicant's representative Bill Hordan all testified in favor of the requested rezone from the R-1 zone to the R-3 zone to allow the proposed residential mini-storage facility. The only other testimony was presented by nearby resident Mary Gunther who expressed her desire that the proposed landscaping along South 88<sup>th</sup> Avenue be attractive and her desire to see infrastructure improvements in the future such as sidewalk along South 88<sup>th</sup> Avenue for the entire distance between Summitview Avenue and Tieton Drive.

(2) **The suitability of the property in question for uses permitted under the proposed zoning.** The property will be well suited for the proposed residential mini-storage use, as conditioned, so long as all of the other criteria for approval of the requested R-3 zone are satisfied and so long as the criteria for approval of a Class (3) residential mini-storage use are satisfied. The property is suitable for the requested project rezone to the Multifamily Residential (R-3) zoning district to allow for construction of residential mini-storage units because that use would not

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require sanitary sewer in order to function. Residential uses would require the extension of a sewer line to an area that is uphill from the subject property or that is more than 500 feet from the subject property which would in either case be prohibitive due to the expense. The subject property is also suitable for the proposed mini-storage facility because the property is flat, fronts on a collector street, has indirect access to Summitview Avenue and to Tieton Drive, has access to public water, is located in a residential area and near an elementary school, is not encumbered with floodplains or critical areas, is served with police and fire protection, and is large enough to be considered for a rezone to R-3 even to accommodate a multi-family project if one were proposed. Since this is a project rezone for the specific residential mini-storage use described in the Class (3) use application, there is no need to consider the suitability of the property for other uses allowed in the R-3 zoning district.

**(3) The recommendation from interested agencies and departments.** The Planning Division recommends approval of the proposed project rezone. No agencies or departments opposed this rezone request.

**(4) The extent to which the requested zoning amendment is in compliance with and/or deviates from the goals and policies as adopted in the Yakima Urban Area Comprehensive Plan and the intent of the zoning ordinance.** The R-3 zoning district would be consistent with the current Mixed Residential designation of the subject property as is prescribed by the Future Land Use Map III-3 and Table III-11 entitled Future Land Use and Current Zoning Comparison of the City's 2040 Comprehensive Plan, while the present R-1 zoning district is not considered to be consistent with the Mixed Residential designation for the property. Even though the Comprehensive Plan goals and policies neither encourage nor discourage the development of residential mini-storage facilities on properties that are designated Mixed Residential by the Comprehensive Plan, the proposed use would provide a commercial service and a benefit to the residents of the area by providing a place for convenient and needed storage of items within an enclosed area that cannot be accommodated within the residences themselves. It would also be consistent with the following policies in the 2040 Comprehensive Plan: Policy 2.1.1 which is to designate the general distribution, location and extent of the uses of land for housing, commerce, recreation, open spaces, public utilities and facilities and other land uses; Policy 2.1.4 which is to manage and

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maintain the City's Official Zoning Map to ensure continued consistency with the Future Land Use Map; Policy 2.1.7 which is to allow new development only where adequate public services can be provided; Policy 2.1.10 which is to require properties to assume zoning consistent with the City's Future Land Use Plan, as adopted or as amended where appropriate; and Policy 2.12.2 which provides in part that public schools shall be accessible by sidewalks and bikeways. The proposed project rezone to R-3 would also be in compliance with the intent of the R-3 zoning district specified in YMC §15.03.020(D)(1) of the zoning ordinance to exclude activities that are not compatible with residential uses. No variances or other administrative adjustments from the prescribed development standards of the R-3 zoning district are being requested.

**(5) The adequacy of public facilities, such as roads, sewer, water and other required public services.** The subject property is accessed by a collector arterial and is served by public water, public transit, electricity, telephone and police and fire protection. Specifically, utilities along Tieton Drive and South 88<sup>th</sup> Avenue which are available to serve the subject property include Nob Hill Water Association water service, Cascade Natural Gas service, Pacific Power electricity service, Centurylink telephone service, City of Yakima garbage collection service and City of Yakima fire and police department service. Although sewer service cannot be economically extended more than 500 feet to the subject property, the proposed use does not require sewer service. If the applicant does install any facilities which require sewer service in the future, the applicant will need to extend City of Yakima sewer service to the subject property despite the expense involved. This site is also part of the Apple Valley Elementary School Safe Routes to School Path so that curb, gutter and sidewalk improvements will be required to be installed along the frontage of the site as part of the proposed development, either when it is developed or when the property to the south is also developed. All of the streets serving the subject property have sufficient carrying capacity to accommodate the proposed use.

**(6) The compatibility of proposed zone change and associated uses with neighboring land uses.** The proposal is consistent with the uses and zoning of neighboring properties because this is a mixed-use neighborhood. The general area consists of older single-family residences, newer single-family residences, duplexes, a public school, vacant ground and even a mobile home park to the east,

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north of Tieton Drive. The proposed residential storage facility use would be more consistent with the surrounding existing uses than a multifamily residential apartment complex because the proposed use is low-impact. It would generate fewer vehicle trips, would not increase school enrollment, would occupy a vacant parcel of property and would provide a necessary service to surrounding neighborhoods. Although the proposed use is a Class 3 use, it would be more consistent with the nearby neighborhoods than other uses that could be developed on the property. Moreover, as conditioned, the proposed residential mini-storage use that would be allowed by the requested rezone to the R-3 zoning district would be compatible with neighboring land uses because of its design characteristics. The former use on the subject property was a fruit packing plant that was destroyed by fire in 2003. The subject property thereafter became a dumping ground for litter. The proposed residential storage facility, on the other hand, would have a "fortress" design that would help keep any adverse aesthetic or noise aspects of the facility from leaving the site on the east, north and west sides by using the buildings as buffers between the internal use of the facility and the exterior residential uses outside the facility. The applicant has also proposed (i) limited hours to access the site between 6 a.m and 9 p.m.; (ii) aesthetically pleasing black chain link fencing with plastic privacy slats along three sides of the facility; (iii) wrought iron fencing with plants and other landscaping along the east side of the facility adjacent to South 88<sup>th</sup> Avenue; (iv) location of the only entry/exit at the southeast corner of the facility; (v) the doors all opening to the inside of the facility; (vi) all buildings on the south side except for one being set back 30 feet from the property line with the facility being located as far to the north part of the property as possible; (vii) motion sensor security lighting; (viii) no permanent employees; (ix) no signage; (x) no outdoor storage areas; (xi) an on-line payment system; (xii) an on-line rental system; (xiii) three parking spaces at the entrance to the facility; and (xiv) buildings not to exceed 12 feet in height. These measures have been proposed to mitigate any adverse impacts of this proposed facility on the surrounding neighborhood in order to maintain compatibility between the existing uses and the proposed use.

**(7) The public need for the proposed change.** The applicant testified at the hearing that there is a need for additional storage facilities in the West Valley area as shown by the fact that 96% to 100% of the storage units are rented in three

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nearby residential mini-storage facilities. There is also a public need for the zoning of property to be consistent with its Comprehensive Plan Future Land Use Map designation which the requested rezone to the R-3 zoning district from the R-1 zoning district would accomplish.

**IX. Class (3) Review Criteria for a Proposed Residential Mini-Storage**

**Use.** The Hearing Examiner's findings and conclusions are required to set forth specific reasons and ordinance provisions demonstrating that the decision satisfies the following requirements set forth in YMC §15.04.020(C) and §15.15.040(E):

(1) **Compliance and Compatibility with the Objectives and Development Standards of the Comprehensive Plan.** As previously noted relative to the rezone criteria in this regard, this proposed project rezone and Class (3) residential mini-storage use are fully supported by the City's Comprehensive Plan Future Land Use Map due to the subject property's Mixed Residential designation. The requested R-3 zoning district would be compliant and compatible with that designation while the current R-1 zoning district is not compliant or compatible with that designation. The requested R-3 zoning district would allow the proposed residential mini-storage facility to be approved if it satisfies the review criteria for a Class (3) use. As previously noted above, the proposed use would be compliant and compatible with Comprehensive Plan Policies 2.1.1, 2.1.4, 2.1.7, 2.1.10 and 2.12.2.

(2) **Compliance and Compatibility with the Intent and Character of the Multifamily Residential (R-3) Zoning District.** As also previously noted relative to the rezone criteria in this regard, YMC §15.03.020(D)(1) provides that the intent of the R-3 zoning district is in part to exclude activities which are not compatible with residential uses. The proposed residential mini-storage facility is designed to be compatible with residential uses and is allowed in the R-3 zoning district by YMC Table 4-1 in YMC §15.04.030 so long as it satisfies the prescribed criteria for approval of a Class (3) use. It is not allowed as any type of use in the R-1 zoning district.

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(3) **Compliance with the Provisions and Standards Established in the Zoning Ordinance.** The applicable provisions and standards in the zoning ordinance include the requirements detailed above in the comments of the City's Development Services Team. Development standards which apply within the R-3 zoning district include the following:

(a) **Parking:** YMC Table 6-1 in YMC §15.06.040 requires residential mini-storage facilities to have one parking space for every 300 square feet of office area. Since there will not be an office for the proposed facility, no parking spaces are required. Cement pavers providing for three parking spaces are nevertheless shown on the site plan.

(b) **Sightscreening:** Based upon existing land uses and a strict application of the sitescreening standards of Chapter 15.07 set forth in YMC §15.07.040, sitescreening standard "C" consisting of a six-foot-high view-obscuring fence is required along the north, west and south property lines.

(c) **Setbacks:** YMC Table 5-1 of YMC Chapter 15.05 requires front building setbacks of 50 feet from the centerline of a right-of-way or a minimum of 20 feet from the front property line; 15 feet or one-half the building height from the rear property line; and 10 feet or one-half of the building height from the side property lines. The applicant's site plan meets all required structure setbacks from the centerline of South 88<sup>th</sup> Avenue and from the property lines of the subject property.

(d) **Lot coverage:** The maximum permitted lot coverage in the R-3 zoning district is 80%. According to the site plan, the applicant proposes lot coverage of 79.5%.

**X. Consistency of the Proposed Residential Mini-Storage Use with Development Regulations and the Comprehensive Plan under the Criteria Required by YMC §16.06.020B** is determined by consideration of the following factors:

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(1) **The types of land uses permitted at the site** include the proposed residential mini-storage use which is allowed as a Class (3) use in the R-3 zoning district if, as here, the criteria for approval of the requested rezone from the R-1 zoning district to the R-3 zoning district are satisfied and if the criteria for approval of the proposed Class (3) residential mini-storage use are also satisfied.

(2) **The density of residential development** and the level of development such as units per acre would allow for approval of the requested rezone and for approval of the proposed Class (3) use. The proposed use of the subject property would be slightly less dense than the maximum density allowed in the R-3 zoning district since lot coverage would be 79.5% in a zoning district that allows 80% lot coverage.

(3) **The availability and adequacy of infrastructure and public facilities** is not an issue here since there are adequate public utility services available for the proposed use which will not utilize or need sanitary sewer service and since there is adequate access to the site by way of South 88<sup>th</sup> Avenue.

(4) **The characteristics of the development** are consistent with the development regulations and comprehensive plan considerations as discussed in detail above.

## **CONCLUSIONS**

Based upon the foregoing Findings, the Hearing Examiner reaches the following Conclusions:

(1) Pursuant to YMC Chapter 1.43, the Hearing Examiner has jurisdiction to recommend approval by the Yakima City Council of the requested project rezone from R-1 to R-3 in order to allow for approval of a residential mini-storage use and has jurisdiction to approve said Class (3) residential mini-storage use if the requested rezone is granted, and if, as here, all of the criteria for approval of said requested rezone and of said proposed Class (3) use are satisfied.

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(2) Public notice for the December 14, 2017, open record public hearing was provided in accordance with zoning ordinance requirements.

(3) A SEPA Determination of Nonsignificance (DNS) for this requested rezone and proposed residential mini-storage facility was issued on November 14, 2017, and became final without any appeals.

(4) The requested rezone and proposed residential mini-storage use are compliant and compatible with the Future Land Use Map III-3, with the Land Use Compatibility Table III-11 and with policies of the 2040 Yakima Urban Area Comprehensive Plan.

(5) R-3 zoning is permitted within the Mixed Residential designation of the City's 2040 Comprehensive Plan in locations where, as here, it will be compatible with all of the neighboring land uses.

(6) The evidence presented at the hearing was to the effect that there is currently a high demand for residential mini-storage facilities within the West Valley area of the City that supports the requested rezone and the proposed Class (3) use.

(7) The proposed residential mini-storage use is less dense than the maximum lot coverage allowed in the R-3 zoning district, is allowed as a Class (3) use in that zoning district and is compliant and compatible with the intent and with the development standards of that zoning district without the need for any variances or administrative adjustments of the applicable development standards.

(8) Approval of this project rezone and Class (3) use application will result in public benefits which include increased investment and tax base resulting from the improvement of the property and the availability of needed residential mini-storage units in the West Valley area of the City.

(9) This application satisfies all of the prescribed criteria for approval by the Yakima City Council of a project rezone from the R-1 to the R-3 zoning district so as to allow for approval of a residential mini-storage use, and this application also satisfies all of the criteria prescribed by the City's zoning ordinance for the Hearing Examiner's approval of the proposed Class (3) residential mini-storage use if the requested rezone is granted by the Yakima City Council.

Gail Buchanan  
Rezone from R-1 to R-3  
Residential Mini-Storage Use  
408 South 88<sup>th</sup> Avenue  
RZ#003-17; CL3#009-17

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(10) This request for a rezone and for approval of the proposed Class (3) residential mini-storage use complies with the YMC §16.06.020(B) criteria for making a Determination of Consistency.

## **RECOMMENDATION AND DECISION**

The Hearing Examiner recommends to the Yakima City Council that this application for a project rezone from the Single-Family Residential (R-1) zoning district to the Multifamily Residential (R-3) zoning district in order to allow for construction of a residential mini-storage facility in accordance with the documentation submitted for City File Nos. RZ#003-17, CL3#009-17 and SEPA#028-17 be **APPROVED**, and the Hearing Examiner also **APPROVES** said proposed Class (3) residential mini-storage use subject to the following conditions if the requested rezone is granted by the Yakima City Council:

(1) A commercial driveway approach, meeting standard detail R4, shall be installed at the ingress/egress point.

(2) An excavation and street break permit shall be obtained for all work in the public right-of-way.

(3) Frontage improvements complete with curb, gutter and sidewalk shall be installed along the entire frontage of the subject property along South 88<sup>th</sup> Avenue.

(4) Fire hydrants are required to be installed prior to issuance of building permits in accordance with the 2015 International Fire Code Appendix B.

(5) Nob Hill Water Association water is available to the subject property. Public waterline(s) shall be extended and looped to required fire hydrants and be contained within a 16-foot-wide public utility easement.

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(6) The buildings will require the installation of a fire sprinkler system if they are not constructed with fire walls creating separate 2,500-square-foot buildings, in accordance with Chapters 7 and 9 of the 2015 International Building Code.

(7) A Stormwater Pollution Prevention Plan (SWPPP) permit shall be required to be submitted to the City of Yakima Surface Water Engineer together with all necessary submittals.

(8) Complete stormwater design plans, specifications and runoff/storage calculations supporting the stormwater design are required pursuant to the Eastern Washington Stormwater Manual and City of Yakima Standards.

(9) All proposed lighting shall be downshielded so that no light spills onto adjacent properties. A photometric lighting plan shall be submitted to the City prior to the issuance of building permits.

(10) The residential mini-storage facility shall be constructed and maintained in compliance with all applicable codes and regulations.

**DATED** this 29<sup>th</sup> day of December, 2017.

  
\_\_\_\_\_  
**Gary M. Cuillier, Hearing Examiner**

Gail Buchanan  
Rezone from R-1 to R-3  
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408 South 88<sup>th</sup> Avenue  
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