



BOARD OF YAKIMA COUNTY COMMISSIONERS

Agenda Request Form (ARF)

Deliver completed ARF and finalized agenda item to the Clerk or Deputy Clerk of the Board at the Yakima County Commissioners' Office, Room 232.

Prepared by: Olivia Story

Department: Public Services

Requested Agenda Date: 2/27/2024

Presenting: Olivia Story

Board of County Commissioners Record Assigned

#

001-2024

Action Requested – Check Applicable Box:

PASS RESOLUTION

EXECUTE or AMEND

PASS ORDINANCE

AGREEMENT, CONTRACT, or GRANT

ISSUE PROCLAMATION

OTHER _____

Document Title:

IN THE MATTER OF AFFIRMING THE HEARING EXAMINER'S RECOMMENDATION TO AMEND THE OFFICIAL ZONING MAP ESTABLISHED BY YCC 19.10.020, APPROVE THE CONDITIONAL USE PERMIT AND ADMINISTRATIVE ADJUSTMENT

Background Information:

On 1/2/24 the Board held a closed record hearing hearing to consider the hearing examiner's recommendation to approve A1 Gas and Grocery Inc's application for a Minor Rezone from Local Business (B-2) to General Commercial (GC), a conditional use permit for vehicle storage for a 47-unit boat and RV storage facility, and an administrative adjustment to adjust the requirements of YCC 19.22.070 to allow for the use of gravel instead of paving, on 1 parcel (1.93 acres). At the conclusion of the work session held on 2/12/24, the Board passed a motion to affirm the hearing examiner's recommendation and directing staff to move this forward to resolution. (ZON2023-00001, CUP2023-00001, ADJ2023-00001, and SEP2023-00001)

Describe Fiscal Impact:

None

Summary & Recommendation:

This ordinance affirms the hearing examiner's recommendation to approve the Minor Rezone, Conditional User Permit, and Administrative Adjustment, effective upon the completion of the appeal period.

Department Head/Elected Official Signature

Corporate Counsel Initial (for Agreements Only)

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE 1-2024

IN THE MATTER OF AFFIRMING THE HEARING EXAMINER'S RECOMMENDATION TO AMEND THE OFFICIAL ZONING MAP ESTABLISHED BY YCC 19.10.020, APPROVE THE CONDITIONAL USE PERMIT FOR A 47-UNIT BOAT AND RV STORAGE FACILITY, AND APPROVE AN ADMINISTRATIVE ADJUSTMENT TO ADJUST THE REQUIREMENTS OF YCC 19.22.070 TO ALLOW FOR THE USE OF GRAVEL INSTEAD OF PAVING.

WHEREAS, Mitchell Parks on behalf of A-1 Gas and Groceries, Inc., submitted a minor rezone application for a minor rezone from Local Business (B-2) to General Commercial (GC), a conditional use permit for a 47-unit boat and RV storage facility, an administrative adjustment to adjust the requirements of YCC 19.22.070, and a SEPA environmental review (file nos. ZON2023-00001, CUP2023-00001, ADJ2023-00001, and SEP2023-00002) on January 12, 2023 (parcel no. 181330-41035); **and**,

WHEREAS, in accordance with the procedural provisions in YCC Titles 19 and 16B, the Yakima County Administrative Official provided notices of the application, the open record public hearing, and requested comments thereon; **and**,

WHEREAS, in accordance with the provisions in YCC 16.04 and YCC 16B, the Yakima County SEPA Responsible Official issued a Final Determination of Non-Significance (DNS) on October 19, 2023, after conducting an environmental review on the application pursuant to RCW 43.21C, the State Environmental Policy Act; **and**,

WHEREAS, in further compliance with the provisions of YCC Titles 19 and 16B, the Yakima County Hearing Examiner conducted an open record public hearing on the application on October 26, 2023, followed by the issuance of his recommendation on November 13, 2023, to approve the requested rezone, conditional use permit, and administrative adjustment; **and**,

WHEREAS, after providing public notices in accordance with YCC 16B, the Board conducted a closed record public hearing on January 2, 2024, to consider the Hearing Examiner's recommendation in accordance with YCC 16B.03.030(1)(d); **and**,

WHEREAS, after closing the hearing, the Board deliberated on February 2, 2024, and decided to affirm the hearing examiner's recommendation to approve the requested rezone, conditional use permit, and administrative adjustment; **now, therefore**,

BE IT HEREBY ORDAINED by the Board of Yakima County Commissioners:

Section 1. Findings. The Board hereby makes the following findings:

- A. The Board affirms the Hearing Examiner's Recommendation dated November 13, 2023, including its Findings and Conclusions, attached hereto in Attachment A.

BOARD OF YAKIMA COUNTY COMMISSIONERS

Section 2. YCC Title 19 Official Zoning Map Amendment, Conditional Use Permit, and Administrative Adjustment. The Official Zoning Map established by YCC 19.10.020(2) and subsequently amended, is hereby further amended by rezoning the subject parcel, as shown in the map attached hereto in Attachment B, to GC (General Commercial). The conditional use permit for a 47-unit boat and RV storage facility is approved, and the administrative adjustment to adjust the requirements of YCC 19.22.070 is approved.

Section 3. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to any other persons or circumstances.

Section 4. Effective Date. This rezone, conditional use permit, and administrative adjustment shall be effective upon completion of the appeal period.

DONE 2/27/2024

Attest:



Julie Lawrence, Clerk of the Board or
Erin Franklin, Deputy Clerk of the Board



Amanda McKinney, Chair



Kyle Curtis, Commissioner



LaDon Linde, Commissioner

*Constituting the Board of County Commissioners
for Yakima County, Washington*

Attachments: A – Hearing Examiner’s Recommendation dated November 13, 2023
B – Map of Subject Parcel

YAKIMA COUNTY
OFFICE OF THE HEARING EXAMINER

In the Matter of a Consolidated)	County File Nos. ZON2023-00001,
Application by A-I Gas and)	CUP2023-00001, & ADJ2023-00001
Groceries, Inc for a Minor Rezone)	
from B-2 to General Commercial)	
(GC), a Conditional Use Permit (CUP))	
for a vehicle storage facility, and an)	HEARING EXAMINER
administrative adjustment to paving)	RECOMMENDATION
requirements.)	
)	

I. INTRODUCTION

On January 12, 2023, Yakima County, Public Services Department: Planning Division received an application from Mitchell Parks on behalf of A-I Gas and Groceries, Inc, for a minor rezone from Local Business (B-2) to General Commercial (GC), a conditional use permit for vehicle storage for a 47-unit boat and RV storage facility, an administrative adjustment to adjust the requirements of YCC 19.22.070 to allow for the use of gravel instead of paving, and a SEPA environmental review on 1.93 acres of land within the City of Yakima Urban Growth Area (UGA).

II. SUMMARY OF RECOMMENDATION

Based on the information in the application file, comments received from Yakima County Public Services to include Building & Fire Safety, and Water Resources Division, Yakima County Roads Department, as well as outside agencies, a review of Title 19 Unified Land Development Code (ULDC) requirements under sections 19.36.030(4), 19.30.100(2), 19.10.040, 19.20, 19.21, 19.22, 19.25, 19.30.080, and a review of applicable goals and policies of the Yakima County Comprehensive Plan (*Horizon 2040*) the Administrative Official recommends Approval of the A-I Gas and Groceries, INC minor rezone and vehicle storage for a 47-unit boat and RV storage facility, subject to conditions to assure compliance with *Horizon 2040* (the Yakima County Comprehensive Plan) and pertinent development criteria, standards, and regulations. These conditions are set out in Section VI below.

III. FINDINGS

A. Applicant/Property Owner. The application was filed by Mitchell Parks on behalf of AI Gas and Groceries Inc. Resham Singh is the registered agent and landowner of record of the subject property and has on file a letter authorizing Mitchell Parks to sign documents on his behalf.

B. Location and Parcel Number. The subject property is located on the north side of Wide Hollow Road; and approximately 400 feet west of the S. 80th Ave and Wide Hollow Rd intersection. The property is located approximately 400 feet west of the City of Yakima within the Yakima Urban Growth Area (Parcel Number: 181330-41035).

C. Project Proposal. The application proposes to rezone the subject parcel from Local Business (B-2) to General Commercial (GC) to allow for vehicle storage for a 47-unit boat and RV storage facility. Access is proposed to be from Wide Hollow Road. Currently, there is a gas station and convenience store located on the southern portion of the property which is served by Nob Hill Water Association. No additional water is required for the proposed project.

D. Jurisdiction of the Hearing Examiner. The details regarding the Hearing Examiner's jurisdiction in this matter may be summarized as follows:

1. The proposal is subject to the Yakima County Unified Land Development Code, Title 19 of the Yakima County Code (YCC).
1. A Zoning Map Amendment application consistent with Table 19.36-1 and not dependent upon a comprehensive plan or sub-area plan amendment shall be considered a minor rezone. YCC 19.36.030. Site-specific minor rezones may be processed at any time under Type 4 review pursuant to YCC 16B.03.030. Per YCC 16B.03.030, Type 4 Project permit applications are quasi-judicial actions which require an open record hearing before the Hearing Examiner.
2. The Examiner's written decision constitutes a recommendation to the Board of County Commissioners. The Board shall conduct a closed record hearing to act on the Examiner's recommendation. Public notice will be provided on Type 4 actions. The Board decision constitutes the final Decision. Final decisions are subject to Superior Court review in accordance with the Land Use Petition Act, Chapter 36.70C RCW.
3. According to YCC Table 19.14-1 entitled "Allowable Land Uses," proposals for Vehicle Storage in the GC zoning district shall be processed under a CUP Type 2

level of review. YCC 16B.03.060 entitled "Optional Consolidated Permit Review Process" states, "two or more project permits relating to a proposed project action may be processed collectively under the highest numbered category of project permit required for any part of the proposal or processed individually under each of the procedures identified by the code." The applicant has chosen to process the minor rezone, Type 2 land use review, and an administrative adjustment to paving requirements collectively under Type 4 review procedures.

E. Zoning and Land Use. The subject property is within the Local Business (B-2) zoning district and designated Urban Commercial by *Horizon 2040*. The surrounding parcels to the north are zoned Single-Family Residential (R-I) and designated Urban Residential. The parcels to the east are zoned Local Business (B-2) and designated Urban Commercial. The parcels to the south are zoned Suburban Residential (SR) and designated Urban Residential. The parcel to the west is zoned Light Industrial (M-I) and designated Urban Industrial.

"The purpose of the Local Business (B-2) district is to:

- (i) Provide areas for commercial activities such as small retail sales and service establishments that meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas;
- (ii) Accommodate small scale commercial uses that need a higher level of visibility and easy access to major arterials, and those uses where all goods produced on the premises are sold at retail; and
- (iii) Require the County's minimum urban development standards for commercial developments, or the respective city's standards, whichever are higher."

YCC 19.13.010(1)(b).

"The purpose of the General Commercial (GC) district is to accommodate wholesale and retail activities with some high-density residential development. This district is located only in Urban Growth Areas, primarily near and along the major arterials as designated in the Comprehensive Plan. The GC district is additionally intended to:

- (i) Provide sites for more diversified business types including non-retail commercial and business uses which are primarily related to automotive traffic; and
- (ii) Require the County's minimum urban development standards for commercial developments, or the respective city's standards, whichever are higher."

YCC 19.13.020(c).

The subject property currently contains a 2,320 square foot mini-mart and gas station, storage tanks for fuel, and a metal shed. The adjacent properties to the north and east contain single-family residences, the properties to the east, south, and west are commercial and industrial warehouses.

Floodplain conditions: Based upon current FEMA Mapping and GIS overlay, the entire parcel lies within the FEMA-designated 100yr floodplain / floodway zone. With the exception of a 185' feet (GIS scaled) strip of designated floodway running diagonally across the property, the remaining area of the parcel north and south of the designated floodway lies within the designated 100yr floodplain. The FEMA designated floodway is located on the parcel as follows:

Along the western property line, the northern floodway boundary is located approximately 130' feet (GIS scaled) south of the northwest property corner with the southern floodway boundary 185' feet south of the northern floodway boundary.

Along the eastern property line, the northern floodway boundary is located approximately 210' feet (GIS scaled) south of the northeast property corner with the southern floodway boundary 185' feet south of the northern floodway boundary.

F. Public Notice/Environmental Review

The application was processed in accordance with Ch. 16B YCC as follows:

1. After the application was submitted, the Building and Fire Safety Division, Water Resources Division, Yakima Health District, Transportation Division, Code Enforcement Section, Long Range Planning Section, Environmental and Natural Resources Planning Section, and Utilities Division were notified to provide comments on the proposal. Comments were received from the Building & Fire Safety Divisions, Transportation Division, and the Water Resources Division. Comments are attached to this staff report and addressed in the relevant findings of this recommendation.
2. A required Pre-Application Conference, as allowed by YCC Title 16B.04.010(1) for both the minor rezone and CUP was held on April 26, 2022 (EAC2022-00022), and a follow up summary was sent to the applicant on May 6, 2022.
3. When the application was deemed complete, a combined Notice of Application, Notice of Completeness, Notice of Environmental Review, and Notice of Future Hearing was mailed to property owners within 300 feet of the subject property and agencies with interest on August 2, 2023, with a comment period ending on August 16, 2023. A comment from the Washington Department of Ecology was received during the comment period and is addressed in Finding F.6. below. An

additional notice was mistakenly mailed on August 3rd . No comments were received because of this mailing.

4. A Notice of SEPA Determination of Non-Significance and Notice of the Open Record Hearing was mailed to the agencies and Adjoining Property Owners (APOs) on September 18, 2023, with the comment period ending October 2, 2023. The posting of the property was completed on October 10, 2023.
5. The dates of the main steps taken during the processing of this application are as follows:

Application Submitted	January 12, 2023
Notice of Incompleteness	February 23, 2023
Notice of Incompleteness	April 14, 2023
Notice of Incompleteness	June 30, 2023
Application Determined Complete	August 2, 2023
Notice of Application/Completeness/Future Hearing	August 2, 2023
Publishing Notice of Hearing in Yakima Herald-Republic	September 17, 2023
Notice of Open Record Public Hearing	September 18, 2023
Posting of Property	October 11, 2023
Open Record Hearing	October 26, 2023

6. Comments from the Washington State Department of Ecology during the 14-day comment period were received, included as Attachment H to the staff report, and provided below.

Water Quality

If your project anticipates disturbing ground with the potential for stormwater discharge off-site, the NPDES Construction Stormwater General Permit is recommended. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit may take 38-60 days. Note: If less than 5 acres of ground will be disturbed, it may be possible to obtain an Erosivity Waiver. If less than one acre will be disturbed, no permit or waiver is needed.

Toxics Clean-up

Historical aerial photos indicate a portion of your property was occupied by orchard during the time when lead arsenate was applied as a pesticide, often resulting in shallow soil contamination from lead and/or arsenic. Because your project is converting agricultural, industrial, or vacant property to a new land use that

increases exposure risk, soil sampling is required. Results should be submitted to Ecology at formerorchards@ecy.wa.gov"

G. Environmental Review. The minor rezone and conditional use proposal is subject to review under the State Environmental Policy Act (SEPA). A SEPA review application was submitted under SEP2023-00002. The application for the minor rezone and conditional use permit have been processed concurrently with SEPA review. When the application was deemed complete, combined Notice of Application, Notice of Completeness, Notice of Environmental Review, and Notice of Future Hearing was mailed to property owners within 300 feet of the subject property and agencies with interest on August 2, 2023, with a comment period ending on August 16, 2023. One comment letter was received from the Department of Ecology and is summarized in Section III.F.6, above. Yakima County's Planning Division issued a joint Notice of open record public hearing and Determination of Nonsignificance (DNS) to adjacent property owners and interested agencies on September 18, 2023, with the comment period ending October 2, 2023. The final SEPA Determination of Non-Significance (DNS) was issued on date October 19, 2023. Per YCC 16B.03.030(1)(d), there is no administrative appeal of the final threshold determination made for Type 4 reviews such as for a minor rezone or—as in this case—a consolidated proceeding involving Type 4 review.

H. Minor Rezone Review Criteria. Section 19.36.030(4) YCC outlines the review criteria for minor rezones. The review criteria and their application to the proposed rezone are addressed below:

1. The testimony at the public hearing:

No testimony other than the report by planning staff was presented at the hearing.

2. The suitability of the property in question for uses permitted under the proposed zoning:

The subject property is currently zoned Local Business (B2) and the proposal is to rezone it to General Commercial (GC). Currently there is a service station and convenience store located on the southern portion of this property, which is a commercial use that is consistent with the existing and proposed zoning. Both zoning districts allow for commercial uses; however, the GC zoning district allows for more commercial uses than the B2 zoning district and often with lower level of reviews. For example, the existing service station is a Type 2 review in the B2 zoning district and a Type 1 review in the GC. Additionally, the proposed land use of vehicle storage is not allowed in the B2, but it is a Type 2 review in the GC. Based on the land uses allowed in the GC, the proposed property is suitable for the GC zoning district. Those land uses allowed under current zoning and the proposed zoning can be seen in Table 19.14-1 within Ch. 19.14 YCC.

Proximity to arterial roads: A frequent attribute of lands within the GC zoning district is that they are located near and along major arterial roads based on the

relationship of allowable uses to transportation needs. *Horizon 2040* does not include a definition of “major” arterials. Instead, it characterizes as “principle” or “minor” in section 10.5.2.1 of Chapter 10 of *Horizon 2040*. “Urban principle arterials”

provide a network of streets and highways which can be identified as unusually significant. They are important both because they provide routes for traffic passing through the area and because they provide routes for movements within the urbanized area. Access to these routes is usually limited to intersections.

“Urban minor arterials connect with and augment principal arterials, serving trips of moderate length. They place more emphasis on access than principal arterials, but still emphasize mobility over access.” Wide Hollow Road is functionally classified as an Urban Minor Arterial Roadway. Based on the fact that uses in the GC district require access and access to principle arterials comes from minor arterials or urban collectors, minor arterials can play a “major” role in both moving traffic and providing access to GC uses. This is consistent with the intent of the GC district as well as *Horizon 2040*.

Floodplains: The entire site is within the Federal Emergency Management Agency (FEMA) designated 100-year floodplain, with approximately ½ acre within the FEMA mapped floodway that bisects the property. [See <https://msc.fema.gov/portal/search?AddressQuery=120.617819876051%2046.5828665439055#searchresultsanchor>.] No new development is allowed within the floodway. The location of this floodway is therefore a fundamental consideration in reviewing future development.

3. *The recommendation from interested agencies and departments (19.36.030(4)(c)):*

No comments in opposition to the minor rezone, CUP, ADJ, or SEPA were received from agencies or County departments. The comment received from the Washington State Department of Ecology is addressed above in III.F.6. The Yakima County Public Services Transportation, Building, Fire, and Water Resources division comments concerning the development review are addressed throughout this recommendation.

4. *The extent to which the proposed amendments are in compliance with and/or deviate from the goals and policies as adopted in the Comprehensive Plan, adopted neighborhood plans and the intent of [Title 19 YCC].* *Horizon 2040* provides goals and policies in the Land Use Element section that support uses similar to what is proposed by the applicant.

- i) PURPOSE STATEMENT YKLU-U9: General Commercial land use may include those uses identified in Neighborhood Commercial or Community Commercial, but do not necessarily serve the adjacent neighborhoods. General Commercial includes uses such as fast-food restaurants, auto- oriented services and other commercial services.
- ii) YKLU-U 9.4: Improve the appearance of commercial corridors by encouraging new development to place parking lots behind buildings, or along the side of the buildings. The proposed minor rezone, conditional Use Permit, Administrative Adjustment, or SEPA are consistent and compliant with the following Yakima County Comprehensive Plan — Horizon 2040 goals, objectives, and policies.
 - (1) Goal LU-U 1: Encourage urban growth within designated urban growth areas.
 - (2) Policy LU-U 1.2: Urban growth should occur within urban growth areas only and not be permitted outside of an adopted urban growth area except for new fully contained communities, master planned resorts, and major industrial sites. (RCW 36.70A.350)
 - (3) Policy LU-U 1. 7: Infill development, higher density zoning and small lot sizes should be encouraged where services have already been provided and sufficient capacity exists.
 - (4) Goal LU-U 2: Provide for an orderly, phased transition from rural to urban uses within the Urban Growth Area.
 - (5) Policy LU-U 2.6: Encourage full urban standards for developments within the Urban Growth Area, meeting the County 's minimum urban standards or the respective city 's standards, whichever is preferred. Improvements must be installed in accordance with approved plans.

5. *The adequacy and availability of public facilities, such as roads, sewer, water and other required public services:*

The site currently lacks adequate public sewer facilities for many developments that could be proposed if the rezone were approved, and the proposed commercial use is not completed. However, this is reported in the staff report to be typical of most rural developable sites. This project will not utilize public utilities such as water or sewer. The access from the proposed development is onto Wide Hollow Road, a county-maintained urban arterial road. Urban services including public transportation, police, and fire are available in the city 's urban growth area.

Developments are generally required by the existing development standards to provide any required public facilities concurrently with their development. *See e.g. YCC 19.23.040(2)(b)(ii).*

6. *The compatibility of the proposed zone change and associated uses with neighboring land uses.*

No evidence has been presented that would indicate that the proposed zoning change to General Commercial (GC) will be incompatible with the surrounding industrial, commercial and residential uses. Agricultural industrial uses are located to the west and south of this property. There are existing commercial uses located on the subject property and properties to the east. There are residential uses to the north; however, there is an unopened County right-of-way that will act as a buffer, and no public comment was offered to show any associated incompatibility. Site screening requirements for GC uses of the property will further minimize the likelihood of any incompatibility.

7. The public need for the proposed change. Public need shall mean that a valid public purpose, for which the Comprehensive Plan and this title have been adopted, is served by the proposed application. Findings that address public need must, at a minimum, document:
 - a. Whether additional land for a particular purpose is required in consideration of the amount already provided by the plan map designation or current zoning district within the area as appropriate; and,
 - b. Whether the timing is appropriate to provide additional land for a particular use[.]

The minor rezone and CUP proposal provides the following benefits to the public need and purpose:

- a. The vehicle storage for a boat and RV storage development will provide storage for the surrounding residential uses on smaller lots who are not able to store boats or RVs on their lots. The accessibility to the arterial road system will also allow storage facilities for boat and RV owners beyond the immediate neighborhood.
 - b. The developer will be responsible for the road improvements which will reduce public road costs to be borne by the public. "Growth will be paid for by growth."
 - c. The proposal will complement and not conflict with the surrounding residential uses if the conditions of the recommendation are met.
8. *Whether substantial changes in circumstances exist to warrant an amendment to the current designation or zone.*

This proposed rezone from Local Business (B-2) to General Commercial (GC), does not change the underlying Urban Commercial land use designation of the County's comprehensive plan or require an amendment. The intent of the Urban Commercial land use category, adopted as part of the future land use map, is to provide for commercial areas where a wide range of retail activities and services are permitted. The Urban Commercial land use designation is a general designation intended to accommodate all the urban commercial land use designations listed in each of the

fourteen cities' and towns' future land use maps. The GC zoning district implements the Urban Commercial future land use designation in *Horizon 2040*.

The current buildings in the subject B-2 property and neighboring properties were first constructed in 1965. Since that time, agricultural cold storage facilities have been constructed on adjacent properties. In addition, the application materials indicate that residential development in the general vicinity have established rules prohibiting storage of RVs and boats at residences or on the nearby streets, thus increasing the demand for RV and boat storage facilities. In absence of countervailing evidence, this suggests that there have been sufficient changes in circumstances to allow a change in zoning district.

H. Vehicle Storage Title 19 YCC Applicability

According to Table 19.14-1, "Vehicle Storage" in the GC zoning district is a Type 2 use. The proposed use falls within the definition of vehicle storage. Notwithstanding that the proposed RV and boat storage development is being processed under Type 4 procedures, it remains a Type 2 Use is generally allowed in the GC zoning district, subject to YCC 19.10.040(4) standards. The compatibility between a Type 2 Administrative Use and the surrounding environment cannot always be determined in advance. Therefore, a Type 2 Administrative Use may be conditioned to ensure compatibility and compliance with the provisions of the zoning district and the goals, objectives and policies of the Comprehensive Plan" (YCC 19.30.030(2)(b)(iv)).

1. *Potential Conditions regarding Considerations Applicable to all Type 2 Uses.* In a final decision on an application, conditions may be imposed to (1) assure project compliance with any development standard or criterion for approval set forth in Title 19 YCC or other relevant provisions of the Yakima County Code, (2) mitigate material impacts of the development, whether environmental or otherwise, (3) ensure compatibility of the development with existing neighboring land uses, (4) assure consistency with the intent and character of the district involved, (5) ensure that the structures and areas proposed are surfaced, arranged and screened in such a manner that they are compatible with and not detrimental to existing or reasonable expected future development of the neighborhood, or resource uses, consistent with the Comprehensive Plan, and (6) achieve and further the intent, goals, objectives, and policies of the Comprehensive Plan and Title 19. YCC 19.30.100(3) also allows the imposition of enumerated additional special conditions to further the objectives set forth in YCC 19.30.100(2). Analysis of these considerations is set forth in the following subsection.
2. The proposed vehicle storage development, as conditioned, would satisfy the requirements and objectives that are applicable to all Type 2 conditional uses set forth in YCC 19.01.070(19) and would allow for the imposition of additional conditions under YCC 19.30.100(2) in the following ways:

- a. Comply with any development standard or criteria for approval set forth in Title 19 YCC or other relevant provisions of Yakima County Code (YCC 19.30.100(2)(a)):
 - (1) *YCC 19.10.040.* The proposal, as conditioned, would also comply with the General Commercial (GC) zoning district development provision, standards and criteria as noted below.
 - (2) *Conformity with All Regulations Required (YCC 19.10.040(1)).* "Any development, structure, or part shall conform to all of the regulations specified in this Title for the situation and zoning district in which they are located in order to be authorized, erected, constructed, reconstructed, moved or structurally altered." This project will comply with the standards of the GC zoning district and the development standards of YCC 19.10.040, provided the conditions below are met.
 - (3) *Yards, Lots, Open Space and Off-Street Parking and Loading Spaces (YCC 19.10.040(2)(a)).* "Yards or lots ... shall meet at least the minimum requirements established by Title 19 YCC and shall not be smaller than the minimum standards established in Chapters 19.10 through 19.18. The lot size, width, depth, shape and orientation shall be in accordance with the applicable zoning laws." This section is not applicable to the proposal. No lots or yards are being created or modified. The subject parcel is a conforming lot size in the GC zoning district. The parking stalls associated with the project are intended for long term storage of boats and RVs and not for daily trip parking use.
 - (4) *Access Required (YCC 19.10.040(3)).* "All new development shall have a minimum of 20 feet of lot frontage upon a public road or be served by an access easement conforming to the dimensional requirements of Sections 19.23.040 and 19.23.050 to provide for access to the development. The approach location shall be reviewed by the County Engineer for compliance with YCC Chapter 10.08. Approach connections to other public roads are subject to review by the applicable agency. Verification of legal access and a valid road approach permit shall be required prior to final approval of any permit granted under this Title."

The Yakima County Transportation Division provided the following comments:

The applicant has submitted the preliminary engineering (30%) design for the required frontage improvements associated with this project. The scope of improvements and projected changes appear to be fully captured in the proposal and has been found to be acceptable by the

Yakima County Transportation Manager (Ivan Klingele, P.E.) and Assistant County Engineer (Brett Sheffield, P.E.). If ZON23-001 and CUP2023-OOI are conditionally approved, the improvements shown on the 30% engineering design shall be required prior to the issuance of any building permits as required in YCC 19.23.040&045. The proposed improvements will improve Wide Hollow Road to meet the standards of its roadway classification and meet Yakima County Roadway standards.

Prior to the construction of said improvements, applicant shall provide complete 90% engineering for the proposed improvements, to be approved by the Office of the County Engineer. When 90% plans have been approved, a preconstruction meeting shall take place between Yakima County Roads, the applicant, the Engineer of Record and any Contractors/Sub-contractors associated with the construction. The engineer of record will be responsible for coordinating all material and structural testing associated with the project. When the project is complete, the engineer of record shall submit final as-built plans - or - a record of approved changes in conjunction with the approved 90% plans - AND- testing results to be reviewed and approved by the Office of the County Engineer. Once approved, Yakima County Roads will move forward to the acceptance of the improvements into the County Roadway system."

The applicant is proposing to access the site via Wide Hollow Road, an existing paved Urban Minor Arterial. Conditions and verifications of approval for the frontage improvements are included in Section VI, below.

- (5) *Land Uses (YCC 19.10.040(4))*: "Uses allowed within a zoning district are listed as permitted, administrative or conditional uses in the Allowable Land Uses Table 19.14-1 within Chapter 19.14 YCC." As noted above the RV and boat storage use is an allowable vehicle storage use in the GC district.
- (6) *Building and Fire Safety Permits Required (YCC 19.10.040(5))*: "No building or other structure shall be erected, moved, added to or structurally altered without a permit issued by the Building Official under RCW 19.27 and YCC Title 13. No building permit shall be issued except in conformity with this Title." The Yakima County Building and Fire Safety Division commented:

In addition, based on current FEMA mapping and GIS overlay, there is designated 100-year floodplain and floodway on the parcel. There is no new construction or placement of all types of RV's including boats for storage, or placement of manufactured homes allowed within the FEMA designated flood way. Based upon 2021 GIS overlay, there are currently no structures located within the designated floodway. The existing structures are located within the 100yr floodplain. All construction is required to comply with all applicable flood resistant construction methods within the current adopted building codes, FEMA Standard and ASCE 24-14."

Fire Safety - "Based on the information received for the proposed project provided, all future construction, remodels, revisions or change of use are required to comply with all applicable provisions of the current adopted International Fire Codes (IFC) with Washington State Amendments and the current adopted Yakima County Ordinances (YCO) and require fire code permits and associated applications and plan reviews. At this time, the only structure being applied for is the fencing around the property and would not require a fire code review.

The proposed project will also require fire code plan review of existing private and/or shared driveways, to ensure fire apparatus access roads (FAAR) allow for adequate emergency access. Individual and/or shared future driveways, including private roads, must meet FAAR requirements (per YCC 13.10.085 and 2018 IFC Appendix D, Section D1 03.2). An informational handout with examples of FAAR requirements can be found online at: <https://www.yakimacounty.us/DocumentCenter/View/26605/FAAR-ApprovedDriveways>. The current lot is meeting the minimum access to the storage area, but a fire apparatus access turnaround will be required. The area labeled as the "flood plain" through the gated area can be utilized as an unobstructed fire apparatus turnaround, marking "FIRE LANE - NO PARKING."

Per IFC Section 506. I, a key box is required to be placed at the entrance of your gate for emergency access. Currently the "fire breaching gate" is not allowed access. If there is a key box on the front of the adjacent store, this may be utilized for both properties with approval from the Fire Marshal's Office. Please contact your local fire department for specific location[s] and instructions for accessibility.

Per IFC Section 315.4 Outdoor Storage, RV's and Vehicles shall be located 10¹ from all adjacent lot lines. Parking areas will need to be labeled clearly, and not to impede within 10¹ of lot lines. This must also be noted on the site plan submittal. This setback may be reduced upon approval from the Fire Marshal's Office, provided no hazards to adjoining properties exist.

Building "Based upon the information submitted, all new construction and modifications to existing structures require building permits. All construction is required to comply with all applicable provisions of the current adopted International Building Codes with Washington State Amendments and the current adopted Washington State Energy Codes. Building permits and Building Codes are based upon the buildings use and construction type.

The proposed fence over 7 in height will require a building permit with engineered plans. Any modifications to the existing building will require a building permit. Any ground disturbance over 100 cubic yards will require a Grading and Excavation Permit."

Based on the applicant 's proposal, building and fire safety permits are required for the development.

- b. *Setbacks, Easements and Right-of-Way (YCC 19.10.040(6))*: "Chapters 19.11 through 19.18 list standard minimum setbacks for buildings or other structures and uses. Exceptions to certain setbacks are listed in Subsection 19.10.040(6)(b)..." YCC Table 19.13.020-1 (Lot Standards, Setbacks, Lot Coverage and Building Height Requirements) lists the standard minimum setbacks for buildings or other structures and uses in the GC zoning district. The site plan indicates that all setbacks will be met.
- c. *Vision Clearance Triangles at Intersections and Driveways (YCC 19.10.040(7)(b))*: "A vision clearance triangle shall be maintained at all driveways and curbcuts, and the intersection of an alley with a public street for vision and safety purposes... The

applicant is required to maintain vision clearance triangles where the development accesses onto Wide Hallow Road as described in YCC 19.10.040(7)(b).

- d. *Maximum Lot Coverage and Building Height (YCC 19.10.040(8)(a) & Table 19.12.020-2):* "Lot coverage means the percentage of the area of a lot covered by buildings, accessory structures, or other impervious surfaces" (YCC 19.01.070(12)). Building height is considered to be the vertical distance from grade plane to the average height of the highest roof surface (YCC 19.01.070(2)). The maximum building height is intended to maintain building and structure heights that are compatible with the character and intent of the zoning district. According to YCC Table 19.13.020-1, the maximum lot coverage in the GC zoning district is 100%. Based on the site plan and application materials, the proposed lot coverage is 78.25% and meets this requirement. According to YCC Table 19.13.020-1, the maximum building height in the GC zoning district is 50 feet; however, there are no proposed buildings associated with the application. The project development shall not exceed the lot coverage and building height standards unless an administrative adjustment is applied for and approved.
- e. *Fences, Walls and Recreational Screens (YCC 19.10.040(9)): The provisions of YCC 19.10.040(9) "shall govern the location and height of fences and walls, to allow access to properties by utility employees and emergency response personnel and to maintain good appearance of residential areas and visual access along residential streets and between lots."* According to the CUP application, the existing 5-foot wooden fence and a 10 ' metal fence will be replaced with an 11-foot chain link fence. According to YCC 19.10.040(9), fences can be placed on or behind the property line. The maximum fence height in the GC zoning district for all uses is four feet within the required front yard setback area, and eight feet behind the required front setback in the GC districts. The new fence will be required to meet YCC 19.10.040(9). An administrative adjustment to allow the 11-foot fence will need to be applied for and must be approved prior to the release of building permits, unless the applicant submits a proposal that meets the fencing requirements of this section. Any new fencing, walls, and recreational screens installed in the future shall also meet the requirements of YCC 19.10.040(9).

Fencing located in the floodway is typically prohibited. However, after several conversations between the Planning Division and the Environmental Services Department as well as email communication (see attachment F to the Staff Report) with the Building Department, County staff determined that chain link fencing in the floodway that runs diagonally through the middle of the parcel would be acceptable as it is replacing a wooden fence that is already installed.

- f. *Exterior Lighting (YCC 19.10.040(10)): "Exterior lighting is regulated to minimize light pollution to neighboring properties and encourage true-color, full-spectrum light rendition in projects. Exterior lighting for all uses and signs shall be directed downward and otherwise arranged, fully shaded, screened, shielded, and of a*

design that results in the light being directed onto the site and of an intensity or brightness that does not reflect or cause glare or light intrusion into any adjacent or nearby residential use or interfere with the safe operation of motor vehicles." The applicant is utilizing the current lighting on the property and is not proposing additional lighting. Any future new exterior lighting will be required to comply with the standards set forth in YCC 19.10.040(10).

g. *Floodplain Development (YCC 19.10.040(11))*: "A pre-application meeting and a Flood Hazard Permit application is required for all new development in floodplains in order to minimize and mitigate potential adverse impacts to property and infrastructure while reducing risks to public health and safety." The Yakima County Building Division commented that

New construction is prohibited within the FEMA designated floodway areas (YCC 16C.05.36.020). Placement of recreational of all vehicles which includes storage is prohibited within the FEMA designated floodway areas (181BC, Appendix G, Section G601. I). Based upon 2021 GIS overlay, there are currently no structures located within the designated floodway. The existing structures are located within the designated 100year floodplain. All construction is required to comply with all applicable flood resistant construction methods within the currently adopted building codes, FEMA Standard and ASCE 24.

There is no new construction or placement of all types of RVs, including boats for storage, allowed within the FEMA-designated floodway. Prior to the issuance of a Certificate of Occupancy, all signs or barriers that prohibit parking in the floodway shall be installed and properly maintained to prevent parking of boats or RVs in the floodway. The replacement of the existing fence in the floodway is permitted, and it must be designed to allow water to flow through the fencing without interruption. The area designated for the vehicle storage for a boat and RV Parking is identified on the site plan and lies entirely outside of the floodway.

h. *Stormwater Requirements (YCC 19.10.040(12))*: Private development projects must comply with the National Pollution Discharge Elimination System (NPDES) permit requirements under the Federal Clean Water Act (CWA) where applicable." The Yakima County Water Resources Division commented that

Stormwater must be retained on site. Any natural drainageways must not be altered or impeded. Upland drainage, if any must be conveyed through the property in accordance with criteria found at YCC 12.10.250.

Water Resources - Stormwater. The applicant proposes to develop approximately 1.0 acres of previously "undisturbed" land. Per YCC 12.10.210(1)(a), a Stormwater Site Plan is required to be approved (prior to any ground disturbing activities) for projects that disturb a land area greater than one acre. As such, a Stormwater Site Plan will be required to be submitted in concurrence with any required land use application.

Additionally, per YCC 12.10.220(1), due to the property being located within the County Stormwater Utility (YCC 12.09), a Stormwater Pollution Prevention Plan (SWPPP) is required to be submitted to the County to ensure the project meets requirements outlined in YCC 12.10.210 during construction.

However, YCC 12.10.220(2) indicates that "development or redevelopment greater than one (1) acre and less than five (5) acres may qualify for an Erosivity Waiver in lieu of a construction SWPPP". If an Erosivity Waiver is desired, the applicant will need to submit a complete and signed Erosivity Waiver Certification a minimum of two (2) weeks prior to the start of construction.

Please contact Elias Hansen, Engineer 2 - Stormwater, at (509) 574-2295 with any questions related to stormwater requirements.

Development is not allowed in areas designated as floodway.
Other Floodplain/Floodway concerns see comments for Flood/Hazard review."

According to the application materials, the applicant is not proposing to develop any structures that would produce additional runoff on the property. All stormwater must be retained on site. Approval by Yakima County Public Services of an engineered stormwater site plan with supporting documentation is required prior to issuance of building permits, land disturbance or commencement of use..

- i. *Signs (YCC 19.20.030(1))*: All on-premises signs are accessory uses and shall be subject to the same procedural and review requirements as the principal use, except that new signs accessory to existing or approved uses may be reviewed as modifications to existing or approved uses under Section 19.35.030. The applicant is not proposing any signage. Therefore, no review is required. However, future sign proposals shall comply with the standards set forth in YCC 19.20.030 to the existing or approved use.
- j. *Sitescreening and Landscaping (Chapter 19.21 YCC)*: Sitescreening and landscaping consistent with the requirements of Chapter 19.21 shall be provided for any proposed new use, which includes modifications to existing uses being reviewed under this title. According to 19.21.020(1), the applicant is required to submit a

sitescreening and landscaping plan depicting the location, height, size, and type of all plantings and fences under the requirements of this chapter. Per the Staff Report, the applicant must submit a sitescreening and landscaping plan to be approved prior to the release of building permits.

- (1) *Property Along Street frontages:* Along the street frontage of properties zoned B-1, B-2, SCC, LCC, HTC, GC, M-I, and M-2, except where buildings are built with no setback from the property line: a minimum three-foot wide planting area of Standard B (Low Buffer) is required. Fences and landscaping shall comply with the vision clearance triangle standards of Subsection 19.10.040(7). However, where the applicant elects to provide plantings within all vision clearance triangles on the property and within the rights-of-way adjacent to all clear view triangles, an increase of ten percentage points in the maximum impervious surface limit shall be granted by the Administrative Official; provided, that the plantings in the public rights-of-way are acceptable to the County Engineer. The applicant shall provide Standard B (Low Buffer) on the exterior (street side) of the proposed fence along Wide Hollow Road while complying with the vision clearance triangle standards.
- (2) *Property Perimeters Not Along Street Frontages (YCC 19.21.030(2)(c)):* Planting strips as specified by Table 19.21-I shall be provided along all property lines that abut other parcels, except where adjacent to railroads or where buildings are lawfully built with no setback from the property line. The type of planting in this strip varies depending upon the zone designation of the properties sharing the property line (with or without an intervening alley) as indicated in Table 19.21-1. The owners of adjacent properties may enter into a written agreement to consolidate their perimeter plantings along shared boundaries. Therefore, instead of each property providing a separate planting strip, they together could provide one planting strip, so long as the required planting type and width, as indicated in the table, is provided. The agreement shall be recorded and enforceable on both parties under Section 19.21.020(5).

The property to the north is zoned R-1, the property to the east is zoned B-2, and the property to the west is zoned M-I.

- (3) *Standard C (Visual Screen) YCC 19.21.030(2)(A)(iii):* The following Standard C planting along the property zoned R-I perimeters are required unless the applicant provides additional sight obscuring/fencing options to the proposed fencing as allowed in Alternative C-I below. A condition and verification of approval for this requirement was added to this recommendation. Standard C shall consist of at least one of the alternatives below as proposed by the applicant:

C-1: A minimum six-foot high, site obscuring fence made of wood, masonry block, concrete or vinyl material. Fencing shall be of uniform aesthetic appearance on both sides;

C-2: A planting strip to provide a continuous screen at least six feet high within three years of project completion that will ensure privacy and screen views such as, but not limited to, area lighting, headlights, traffic, and service areas; C-3: A planting strip of trees that will be selected and spaced to provide a continuous canopy of touching branches that will grow to at least ten feet high within ten years of project completion.

Standard B planting must be installed along the property zoned B-2 perimeters. Standard B plantings shall provide a continuous screen that will achieve and maintain a three to four-foot height within three years of project completion so as to buffer views into and out of the site; provided that the plants shall be evergreen when adjacent to parking areas to block headlights. Groundcovers shall be included as necessary to fill in the planting area.

There are no Sitescreening and Landscaping standards for the side of the property that borders the parcel to the west that is zoned M-1.

(4) *Landscaping in Other Areas of Sites (YCC 19.21.030(2)(d))*: All other developed portions of the development project area located within a zone shown in Table 19.21-1 not covered by structures, hard surfaces, or other prescribed plantings shall be planted in Standard A (Open Area Landscaping with Trees); provided, that the total maximum required sitescreening and landscaping is fifteen percent of the development project area. For projects with multiple phases, this requirement applies to the area of each phase when it is developed. According to Table 19.21-1, GC-zoned lots adjacent to R-1 and B-2 lots require Standard C and B sitescreening and landscaping to be provided on a total maximum of 15% of the development project area that is not covered by structures, hard surfaces, or other prescribed plantings. Any approval must be conditioned accordingly.

(5) *Parking and Loading*: According to YCC 19.22.070, "All off-street parking lots, driveways, travel ways, parking aisles, vehicle storage and vehicle sales lots having a capacity of three or more vehicles, shall be constructed in accordance with the following. All parking and loading spaces and related access drives, maneuvering, and vehicle storage areas and must be built to urban standards approved by the Reviewing Official:

(a) Parking facilities within Urban Growth Areas, Rural Settlements, Highway/Tourist Commercial, and Rural Transitional Areas shall be paved with two inches thick asphaltic surfacing on an aggregate base, or an equivalent surfacing acceptable to the Reviewing Official, to eliminate dust and/or mud.

- (b) The Reviewing Official may consider using alternative surfacing materials, such as gravel, for portions of parking facilities primarily used by heavy equipment where maintenance and repair of paved surfaces would be located.
- (6) *Grading and Drainage. Parking areas shall be graded and drained so all surface water is disposed of on-site. Grading and drainage facilities shall be designed according to accepted engineering standards, YCC Title 12.10 and the Stormwater Management Manual for Eastern Washington, which will require review by the Public Services Director or designee.*
- (7) *Wheel Stops and Curbs*
 - (a) The front of a parking space with a curb that is improved with groundcover landscape material, instead of asphalt or concrete pavement; may be counted toward landscape or open space area requirements.
 - (b) The perimeter of a parking or loading area and access and maneuvering drives associated with them shall be improved with a curb, rail or equivalent so vehicles do not extend over a property line, sidewalk or public or private street.
- (8) *Markings. All paved parking spaces (except motor vehicle sales areas) shall be marked by durable painted lines at least four inches wide and extending the length of the stall or by curbs or other means approved by the Reviewing Official to indicate individual parking stalls. Signs or markers located on the parking lot surface shall be used as necessary to ensure safe and efficient use of the parking lot. All accessible parking spaces shall be marked and signed in compliance with the currently adopted International Building Code. Wheel stops may be required by the Administrative Official as needed on graveled surfaces to designate spaces in parking and loading areas.*
- (9) *Lighting. Lighting shall be provided to illuminate any off-street parking or loading space used at night. When provided, lighting shall be directed to reflect away from adjacent and abutting properties and comply with Subsection 19.10.040(10). 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 or abutting residential properties. Further requirements and restrictions are required when the property is located within the Airport Safety Overlay District. See Chapter 19.17 YCC.*

(10) **Landscaping of Parking Areas.** Parking facilities must be landscaped under the standards listed in Chapter 19.21 YCC.

(11) **Maintenance.** The owner or lessee of a required parking area shall maintain the paved surface, drainage facilities, landscaping and irrigation facilities in conformance with the standards of this Chapter and the approved site plan.

According to YCC 19.22.070, the Reviewing Official may consider using alternative surfacing materials, such as gravel, for portions of parking facilities primarily used by heavy equipment where maintenance and repair of paved surfaces would be located. The application materials include an Administrative Adjustment (ADJ2023-00001) requesting the use of gravel in the place of asphalt. The Administrative Adjustment requirements are analyzed below .

I. Required Findings for Type 2 Use Decisions. The Reviewing Official must make findings and conclusions regarding the following relevant criteria:

1. *The present and future needs of the community will be adequately served by the proposed development and that the community as a whole will be benefited rather than injured.* The proposed CUP will benefit the population by providing vehicle storage for boat and RV storage options for the population and best use of the subject parcel through infill and reducing sprawling developments. Urban development standard compliance at the expense of the applicant and not injuring the community as a whole are appropriate conditions for approval. If the minor rezone is approved, the proposed vehicle storage development will be consistent with the GC zoning density, Horizon 2040 Comprehensive Plan, and YCC 19.10.040 development standards.
2. *The proposed use is compatible with neighborhood land uses, the goals, objectives and policies of the Comprehensive Plan, and the legislative intent of the zoning district.* The proposed project is consistent with supporting Horizon 2040 Comprehensive Plan goals, objectives, and policies as discussed above. As conditioned, the character of the development will be consistent and compatible with neighboring land uses and the intent of the GC zoning district and underlying Urban Commercial land use designation.
3. *The site of the proposed use is adequate in size and shape to accommodate the proposed use.* According to the site plan, the proposed development is an adequate lot size to accommodate setbacks, height, and lot coverage as discussed above.
4. *All setbacks, spaces, walls and fences, parking, loading, sitescreening, landscaping, and other features required by Title19 YCC.* The proposal complies with the development and performances standards of the zoning district and this Title, provided that the conditions of approval are met.

5. *The proposed use complies with other development and performance standards of the zoning district and this Title.* The proposal was reviewed above to meet the requirements of the YCC 19.10.040 General Development Regulations, provided that the conditions of approval are met.
6. *The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.* Compliance with the Yakima County Transportation Division's requirements to mitigate for road improvements to Wide Hallow Road is a condition of approval.
7. *The proposed use will have no substantial adverse effect on abutting property or the permitted use thereof.* The proposal will not have any substantial adverse effects on abutting properties or permitted uses, provided that the conditions below are met.
8. *The development complies with all criteria in Chapter 19.18 applicable to the proposed use, unless otherwise administratively adjusted.* The development complies with all criteria in Chapter 19.18 applicable to the proposed use, unless otherwise administratively adjusted (19.30.080(7)(i)). The proposed vehicle storage proposal as submitted will meet all the criteria in YCC19.18 if the conditions stated in this decision are met and the administrative adjustment is also approved.

J. Administrative Adjustment Review Criteria: In accordance with YCC 19.35.020(5) the Reviewing Official may adjust certain standards if it is found the administrative adjustment is consistent with criteria as set forth and analyzed below:

1. *The purpose and intent of Comprehensive Plan policies that relate to the specific adjustment being proposed and Title 19 YCC.* The consistency of the proposed action with Horizon 2040 is analyzed above. The ordinance also contemplates the adjustment of paving requirement; the adjustment is consistent with the plan and ordinance policies.
2. *The purpose and intent of the specific zoning district and the standard being adjusted.* The general requirement is to install a hard surface for vehicle storage in the CG zone; however, the applicant is requesting an administrative adjustment to allow for the use of gravel. Gravel is used in the surrounding parcels and would be compatible with the neighborhood. In the application for the adjustment, the applicant noted that there is little need to have an asphalt surface as this will only be used for RV trailer storage, and would not include RVs with engines which might leak engine fluids. Lastly, because the vehicles will be parked for long periods of time, the traffic is anticipated to be very low, causing little to no dust, and should not require a hard surface such as asphalt.

3. *Maintaining the minimum administrative adjustment necessary to accommodate the proposed use;* The current standard for a vehicle storage use in the GC zone is to install a hard surface (asphalt) YCC 19.22.070(1). According to the application, the proposed boat and RV storage area would be surfaced with compact gravel instead. Screened and crushed gravel surfacing is viewed as acceptable for heavy equipment parking under some circumstances despite the general hard surface requirement. Screened and crushed gravel surfacing therefore appears to be a minimum reasonable adjustment.
4. *Balancing the flexibility of the administrative adjustment with the health, safety and general welfare of individual neighborhoods and community;* As part of the Administrative Adjustment process, neighboring property owners within 300 ' of the subject property were notified of the project, as were various agencies. No comments were received from the notified neighboring property owners. Provided all the conditions of this decision are met, a reduction of the surfacing standards will not adversely affect the health, safety, and general welfare of the neighborhood or community. *The placement or design of structures will maximize solar access for the production of solar energy.* The proposed development does not involve any solar access for the production of solar energy at this time; therefore, this criterion is not applicable.

Based upon the fact the storage area is for a boat and RV storage facility, the surrounding parcels are also utilizing gravel and it is compatible with the neighborhood, and there will be limited access to the fenced gravel storage area, the proposal meets the Administrative Adjustment decision criteria, provided the conditions of approval are met.

K. Consistency Analysis of the Proposed Use with Development Regulations and Comprehensive plan (YCC 16B.06.020 and RCW 36.70B.040): As part of project review, the reviewing official will determine if a proposed project is consistent with Yakima County's applicable development regulations or, in the absence of applicable regulations, the adopted Yakima County Comprehensive Plan. Consistency should be determined in the project review process by considering four factors found in applicable plans and regulations (RCW 36.70B.040). They are as follows:

1. *The type of land use;* If approved, the applicant's request will change the zoning from Local Business (B-2) to General Commercial (GC) and retain the Urban Commercial land use category.
2. *The level of development, such as units per acre or other measures of density;* If the rezone is approved, the proposed vehicle storage development will not affect the density of the CG zoning district. the current vehicle storage application is not completed, any uses that may be proposed in the future, will need to be analyzed for consistency through the appropriate land use review as required in Table 19.14-1.

3. *Infrastructure, including public facilities and services needed to serve the development.* Nob Hill Water is available and currently used by the convenience store on the southern portion of the property. Sewer service is not available. The proposed boat and RV storage facility will not require water or sewer. If there is ever a use other than the proposed boat and RV storage facility proposed for this parcel, water and sewer will need to be reassessed at that time.
4. *The characteristics of the development, such as development standards.* As conditioned, the character of the development will be consistent and compatible with applicable minor rezone review criteria, development standards, intent of the GC zoning district and underlying Urban Commercial land use designation.

IV. CONCLUSIONS

- A. The Hearing Examiner has jurisdiction to conduct an open record hearing and provide a recommendation to the Board of County Commissioners on the consolidated applications.
- B. The application for the minor rezone, conditional use permit, and administrative adjustment were reviewed against all relevant provisions of *Horizon 2040*, Title 19 YCC and other relevant development standards and regulations as set forth in this recommendation.
- C. Based on the findings above, the proposal has been determined to be consistent with the minor rezone review criteria.
- D. Conditions have been identified to reasonably ensure compatibility, compliance, and consistency with the provisions of the Minor Rezone review criteria, *Horizon 2040* goals and policies, Yakima County Code, YCC 16B.06.020 and RCW 36.70B.040 in compliance with all applicable Yakima County and State of Washington law requirements.

V. RECOMMENDATION

Based on the Findings and Conclusions above, the Hearing Examiner recommends APPROVAL of the Minor Rezone from B-I to GC (ZON2023-00001), the Type 2 use of the rezoned property for a vehicle (boat and RV) storage facility (CUP202300001) SUBJECT TO THE CONDITIONS BELOW, and the Administrative Adjustment for the use of gravel surface the storage facility (ADJ2023-00001), also SUBJECT TO THE CONDITIONS BELOW.

VI. CONDITIONAL USE PERMIT AND ADJUSTMENT CONDITIONS

The following conditions must be obtained within three years of the date of the final Yakima County Board decision. Please note that the decision and time limit pertain to conditional authorization for the subject land use only and failure to comply with all conditions will

result in the revocation of the permit. The Final Decision should include the following conditions and the findings as described.

Building:

A. The applicant shall apply to the Yakima County Public Services Department: Building and Fire Safety Division for all Building permits for the proposed structures. All permits for the proposed structures must be issued, inspected, and finalized prior to occupancy. The applicant shall also submit a site plan for approval indicating how (i.e., signs, barriers etc.) parking will be restricted in the FEMA designated floodway area.

Fire:

B. The applicant shall apply for all Fire Life Safety permits for the proposed and existing structures. All permits for the proposed and existing structures must be issued, inspected, and finalized prior to occupancy.

Per IFC Section 506.1, a key box is required to be placed at the entrance of your gate for emergency access. Currently the "fire breaching gate" is not allowed access. If there is a key box on the front of the adjacent store, this may be utilized for both properties with approval from the Fire Marshal's Office. Please contact your local fire department for specific box locations and instructions for accessibility.

Per IFC Section 315.4 Outdoor Storage, RVs and Vehicles shall be located 10' from all adjacent lot lines. Parking areas will need to be labeled clearly, and not within 10' of lot lines. This must also be noted on the site plan submittal. This setback may be reduced upon approval from the Fire Marshal's Office, provided no hazards to adjoining properties exist. The final site plan needs to be approved by the Fire Marshal's Office to address any required setback reductions required by IFC506.

Parking:

C. Prior to the issuance of a Certificate of Occupancy, all signs or barriers that prohibit parking in the floodway shall be installed and properly maintained to prevent parking of boats or RVs in the floodway.

Roads:

D. Prior to the construction of said improvements, applicant shall provide complete 90% engineering for the proposed improvements, to be approved by the Office of the County Engineer. Please contact Jamie West from the Yakima County Transportation Division at (509) 574-2300 for road design process and procedural requirements prior to construction approval.

Fencing:

E. The applicant shall ensure that any fencing installed meets the requirements as outlined in YCC 19.10.040(9). According to YCC 19.10.040(9)(a)(i)(B), the maximum fence height in the CG zoning district for all uses is four feet within the required front yard setback area, and eight feet behind the required front setback. Based on the application, if the applicant wants to exceed this height standard, an administrative adjustment will need to be applied for and must be approved prior to the release of building permits. Verification that this requirement has been met shall be submitted to the Yakima County Planning Division prior to the release of building permits. For further information please contact the Yakima County Planning Division at 509-574-2300.

Sitescreening and Landscaping:

F. The applicant shall submit a final sitescreening and landscaping plan depicting the location, height, size and type of all plantings meeting the requirements of YCC Chapter 19.21. This plan must be approved by the Yakima County Planning Division prior to the issuance of building permits and installation of the sitescreening and landscaping as required.

G. The applicant shall landscape "Property Perimeters along Street Frontages" The applicant shall provide Standard B (Low Buffer) on the exterior (street side) of the proposed fence along Wide Hollow Road while complying with the vision clearance triangle standards. Verification that this requirement has been met must be submitted to the Yakima County Planning Division prior to the issuance of the Certificate of Occupancy.

H. The applicant shall site screen "Property Perimeters Not Along Street Frontages" — The applicant shall follow Standard C planting to the north, along the property zoned R-1 perimeters as required unless the applicant provides additional sight obscuring/fencing options to the proposed fencing as allowed in Alternative C-I. Verification that this requirement has been met must be submitted to the Yakima County Planning Division prior to the issuance of the Certificate of Occupancy.

I. The applicant shall site screen "Property Perimeters Not Along Street Frontages" — The applicant shall follow Standard B planting along the property to the east, zoned B-2 perimeters: Standard B (Low Buffer). Standard B plantings shall provide a continuous screen that will achieve and maintain a three to four-foot height within three years of project completion so as to buffer views into and out of the site; provided that the plants shall be evergreen when adjacent to parking areas to block headlights. Groundcovers shall be included as necessary to fill in the planting area.

J. The applicant shall site screen and landscape a 15% percent maximum of the total development project area that is not covered by structures, hard surfaces, or other prescribed plantings with Standard C sitescreening and landscaping standards as required by Table 19.21-1. Verification that this requirement has been met must be

submitted to the Yakima County Planning Division prior to the issuance of the Certificate of Occupancy.

K. The owners, their grantees and assignees in interest will abide by 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.

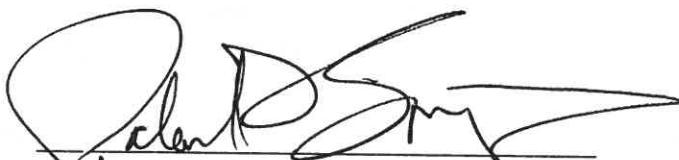
The following are ongoing conditions that apply to the project for the life of the permitted use. Failure at any time to comply with these conditions can result in the revocation of this permit.

L. The applicant shall ensure that vision clearance triangles at the access points of the development to Wide Hallow Road are maintained in accordance with YCC 19.10.040(7)(a) and (b).

M. The applicant shall ensure that any exterior lighting installed meets the requirements as outlined in 19.10.040(10). In accordance with YCC 19.10.040(10), exterior lighting for all uses shall be directed downward and otherwise arranged, fully shaded, screened, shielded and of a design that results in the light being directed onto the site and of an intensity or brightness that does not reflect or cause glare or light intrusion into any adjacent or nearby residential use or interfere with the safe operation of motor vehicles. For further information please contact the Yakima County Planning Division at 509-574-2300.

N. Stormwater must be retained on site. Any natural drainageways must not be altered or impeded. Upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.250.

DATED THIS 13TH DAY OF NOVEMBER 2023



Patrick D. Spurgin
Hearing Examiner Pro Tem

