

**GRANDVIEW CITY COUNCIL
REGULAR MEETING AGENDA
TUESDAY, APRIL 13, 2021**



This meeting will be held in person and will also be available via teleconference. For meeting information and instructions, please contact City Hall at (509) 882-9200.

REGULAR MEETING – 7:00 PM

PAGE

- 1. CALL TO ORDER & ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. PRESENTATIONS**
 - A. Introduction of Yakima County Commissioners Amanda McKinney, Ron Anderson and Ladon Linde 1
 - B. 2021 Arbor Day Proclamation 2
- 4. PUBLIC COMMENT** – At this time, the public may address the Council on any topic whether on the agenda or not, except those scheduled for public hearing.
- 5. CONSENT AGENDA** – Items on the Consent Agenda will be voted on together by the Council, unless a Councilmember requests that items be removed from the Consent Agenda and discussed and voted upon separately. An item removed from the Consent Agenda will be placed under Unfinished and New Business.
 - A. Minutes of the March 23, 2021 Committee-of-the-Whole meeting 3-5
 - B. Minutes of the March 23, 2021 Council meeting 6-11
 - C. Minutes of the March 30, 2021 Special Council meeting 12
 - D. Payroll Check Nos. 12096-12124 in the amount of \$30,269.05
 - E. Payroll Electronic Fund Transfers (EFT) Nos. 60521-60527 in the amount of \$110,324.74
 - F. Payroll Direct Deposit 3/16/21-3/31/21 in the amount of \$129,573.87
 - G. Claim Check Nos. 121764-121868 in the amount of \$180,297.81
- 6. ACTIVE AGENDA** – Notice: Items discussed at the 6:00 pm Committee-of-the-Whole meeting of an urgent or time sensitive nature may be added to the active agenda pursuant to City Council Procedures Manual Section 3.18(c).
 - A. Closed Record Public Hearing – Rezone Application and Conditional Use Permit Application submitted by North 44 Homes LLC for the Euclid Meadows Manufactured Home Park located north of Grant Court and east of North Euclid Road, Grandview, WA 13-45
 - Grandview Hearing Examiner Revised Public Hearing Packet dated March 4, 2021 is included as part of the agenda packet per reference in the Hearing Examiner's Recommendation and Decision (1-196)
 - B. Public Hearing – 2021-2026 Six-Year Transportation Improvement Program Amendment 46-47

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C. Resolution No. 2021-14 amending the 2021-2026 Six-Year Transportation Improvement Program to procure right-of-way to accommodate new roadway design for the Old Inland Empire Highway Improvements from Grandridge Avenue to Elm Street	48-49
D. Ordinance No. 2021-04 amending the 2021 Annual Budget	50-51
E. Resolution No. 2021-15 approving Task Order No. 2021-05 with HLA Engineering and Land Surveying, Inc., for the Elm Street Resurfacing	52-55
7. UNFINISHED AND NEW BUSINESS	
8. CITY ADMINISTRATOR AND/OR STAFF REPORTS	
9. MAYOR & COUNCILMEMBER REPORTS	
10. ADJOURNMENT	

The City of Grandview Committee-of-the-Whole and Regular Council Meetings scheduled for Tuesday, April 13, 2021 at 6:00 pm and 7:00 pm will be held in person and will also be available via teleconference.

Please join the meeting from your computer, tablet or smartphone.

Join Zoom Meeting

<https://zoom.us/j/99006432100?pwd=d3VtdnYvK2hY2k1R2tDZHhIWEd3UT09>

Meeting ID: 990 0643 2100

Passcode: 595589

To join via phone: +1 253 215 8782

Meeting ID: 990 0643 2100

Passcode: 595589

Anita Palacios

From: Anita Palacios
Sent: Thursday, March 18, 2021 1:40 PM
To: amanda.mckinney@co.yakima.wa.us; ron.anderson@co.yakima.wa.us;
ladon.linde@co.yakima.wa.us
Cc: julie.lawrence@co.yakima.wa.us; Cus Arteaga; Gloria Mendoza
(mendozag@grandview.wa.us); Gloria Mendoza 1 (gmcmendoza@gmail.com)
Subject: Grandview City Council Meeting Invite - Tuesday, April 13, 2021 @ 7 pm

Yakima County Commissioners McKinney, Anderson and Linde:

On behalf of the Mayor and City Council of the City of Grandview, we cordially invite you to attend our City Council meeting on Tuesday, April 13, 2021, 7:00 p.m., in the Council Chambers at City Hall, 207 West Second Street, Grandview, Washington to be formally introduced to City Council. The meeting will also be held via teleconference as follows:

Please join the meeting from your computer, tablet or smartphone.

Join Zoom Meeting

<https://zoom.us/j/99006432100?pwd=d3VtdnYvK2hlY2k1R2tDZHhIWEd3UT09>

Meeting ID: 990 0643 2100

Passcode: 595589

To join by phone: +1 253 215 8782 US

Meeting ID: 990 0643 2100

Passcode: 595589

The Mayor and Council are excited to work with each of you as we continue to promote our County and the City of Grandview.

Thanks,

Anita G. Palacios, MMC
City Clerk/Human Resources
City of Grandview
207 West Second Street
Grandview, WA 98930
PH: (509) 882-9208 or 882-9200
Fax: (509) 882-3099
anitap@grandview.wa.us
www.grandview.wa.us



2021 ARBOR DAY PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and

NOW, THEREFORE, I, Gloria Mendoza, Mayor of the City of Grandview, Washington, do hereby proclaim **APRIL 21, 2021** as **ARBOR DAY** in the City of Grandview, Washington, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 13th day of April, 2021



Mayor Gloria Mendoza

**GRANDVIEW CITY COUNCIL
COMMITTEE-OF-THE-WHOLE MEETING MINUTES
MARCH 23, 2021**

1. CALL TO ORDER

Mayor Gloria Mendoza called the Committee-of-the-Whole meeting to order at 6:00 p.m., in the Council Chambers at City Hall.

Governor Proclamation 20-28.15 continued the prohibition on "in-person" meetings through termination of the State of Emergency or until rescinded whichever occurs first. This meeting was available via teleconference.

2. ROLL CALL

Present: Mayor Mendoza and Councilmembers David Diaz, Mike Everett, Bill Moore (Mayor Pro Tem), Robert Ozuna, Javier Rodriguez and Joan Souders

Absent: Councilmember Diana Jennings

Staff present: City Administrator/Public Works Director Cus Arteaga, City Attorney Quinn Plant, City Treasurer Matt Cordray, Police Chief Kal Fuller, Fire Chief Pat Mason, Assistant Public Works Director Todd Dorsett and City Clerk Anita Palacios

3. PUBLIC COMMENT – None

4. NEW BUSINESS

A. Ordinance amending the 2021 Annual Budget

City Treasurer Cordray explained that staff monitoring and review of fund and department budgets identified some budget accounts to be amended. An ordinance was prepared to provide for the amending of the 2021 Annual Budget to accommodate the changes in sources and uses. By Fund, the highlights of the budget changes were:

- Current Expense Fund: Increased revenues for Contributions to Museum. Increased appropriations for General Facilities Repairs & Maintenance and Museum Office & Operating Supplies. Net effect was a decrease to estimated ending fund balance.
- Transportation Benefit District Fund: Increased appropriations for Professional Services and Repairs & Maintenance for Elm Street Resurfacing. Net effect was a decrease in estimated ending fund balance.

Discussion took place.

On motion by Councilmember Moore, second by Councilmember Diaz, the C.O.W. moved an ordinance amending the 2021 Annual Budget to the April 13, 2021 regular Council meeting for consideration.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes

- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez - Yes
- Councilmember Souders – Yes

B. Resolution approving Task Order No. 2021-05 with HLA Engineering and Land Surveying, Inc., for the Elm Street Resurfacing

City Administrator Arteaga explained that at the March 9, 2021 Committee-of-the-Whole meeting as part of the annual street maintenance plan, staff recommended Council consider a grind and overlay of Elm Street from East Second Street to East Fourth Street in lieu of a Class B sealcoat treatment of West Fifth Street. The estimate for this project was approximately \$110,000.00. He presented Task Order No. 2021-05 with HLA Engineering and Land Surveying, Inc., for the Elm Street Resurfacing with a total fee for services in the amount of \$15,900.00 for design and construction engineering services.

Discussion took place.

On motion by Councilmember Everett, second by Councilmember Souders, the C.O.W. moved a resolution approving Task Order No. 2021-05 with HLA Engineering and Land Surveying, Inc., for the Elm Street Resurfacing to the April 13, 2021 regular Council meeting for consideration.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez - Yes
- Councilmember Souders – Yes

C. Economic Development Special Meeting – Councilmember Everett

Councilmember Everett proposed that Council hold a special meeting on Tuesday, March 30, 2021 for the purpose of planning for economic development.

Discussion took place.

On motion by Councilmember Everett, second by Councilmember Diaz, the C.O.W. agreed to hold an in-person/virtual special meeting on Tuesday, March 30, 2021 at 6:00 p.m., for the purpose of planning for economic development.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes

- Councilmember Rodriguez - Yes
- Councilmember Souders – Yes

5. OTHER BUSINESS

Council Chamber Electronic Equipment – City Administrator Arteaga recommended that with the onset of in-person meetings, new electronic equipment be purchased for the Council Chambers so that the meetings could also be held virtually. Council concurred and directed staff obtain an estimate for consideration.

Eluding/Shooting Police Incident – Police Chief Fuller provided an update on the eluding/shooting police incident that occurred in the City on March 21, 2021.

6. ADJOURNMENT

The C.O.W. meeting adjourned at 6:55 p.m.

Mayor Gloria Mendoza

Anita Palacios, City Clerk

**GRANDVIEW CITY COUNCIL
REGULAR MEETING MINUTES
MARCH 23, 2021**

1. CALL TO ORDER

Mayor Gloria Mendoza called the regular meeting to order at 7:00 p.m. in the Council Chambers at City Hall.

Governor Proclamation 20-28.15 continued the prohibition on "in-person" meetings through termination of the State of Emergency or until rescinded whichever occurs first. This meeting was available via teleconference.

Present: Mayor Mendoza and Councilmembers David Diaz, Mike Everett, Bill Moore (Mayor Pro Tem), Robert Ozuna, Javier Rodriguez and Joan Souders

Absent: Councilmember Diana Jennings

Staff present: City Administrator/Public Works Director Cus Arteaga, City Attorney Quinn Plant, City Treasurer Matt Cordray, Fire Chief Pat Mason, Assistant Public Works Director Todd Dorsett and City Clerk Anita Palacios

2. PLEDGE OF ALLEGIANCE

Mayor Mendoza led the pledge of allegiance.

3. PRESENTATIONS – None

4. PUBLIC COMMENT – None

5. CONSENT AGENDA

On motion by Councilmember Moore, second by Councilmember Ozuna, Council approved the Consent Agenda consisting of the following:

- A. Minutes of the March 9, 2021 Committee-of-the-Whole meeting
- B. Minutes of the March 9, 2021 Council meeting
- C. Payroll Check Nos. 12081-12095 in the amount of \$93,485.49
- D. Payroll Electronic Fund Transfers (EFT) Nos. 60515-60519 in the amount of \$92,667.30
- E. Payroll Direct Deposit 3/1/21-3/15/21 in the amount of \$115,536.20
- F. Claim Check Nos. 121672-121763 in the amount of \$944,855.72

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

6. ACTIVE AGENDA

A. Public Hearing – Ambulance Service Utility Fee

Mayor Mendoza opened the public hearing for the purpose of receiving comments on the implementation of an ambulance service utility fee by reading the public hearing procedure.

Fire Chief Mason presented the staff report. He explained that Grandview predominately had an ambulance that responded from within the city limits since the 1990's. The local ambulance services transitioned from being privately owned businesses to publicly operated services in the mid to late 1990's. This was when the downward trend of ambulance services not being able to fully fund themselves privately occurred. Since then, the level of care expected and provided increased and the ability of the ambulance service to fully fund itself continued to decline. In 2018, City Council was advised by the current ambulance service provider that additional funding was needed from the City or the level of service would be reduced, which included removing the ambulance from the Grandview location. Council and staff studied the issue and it was decided to begin paying Sunnyside Fire Department ambulance services in order to continue providing the ambulance service from the Grandview location. This agreement was initiated with an understanding the City would need to secure a long-term revenue source to sustain the ambulance service. In 2020, Council and staff began researching the possibility of implementing an ambulance utility fee to provide a long-term revenue source for EMS/ambulance services in the City. A cost study was completed which established that a rate of \$5.95 per month per ERU would generate approximately \$275,000 per year to fund the ambulance services. An ordinance was prepared to implement an ambulance utility of \$5.95 per month per ERU. One of the steps required to implement the ambulance utility fee was to advertise and hold a public hearing. In mid-February 2021, a public hearing notice was advertised and mailed to all City utility account holders. He advised that he personally spoke to the Rotary and Chamber groups, was interviewed by local news agencies and received approximately 10 phone calls in regards to the implementation of the ambulance utility fee. One of the phone calls was from a gentleman who did not live in Grandview, but owned a rental property and was concerned about the financial burden this was going to place on him. A couple of people he spoke with understood the need, but questioned how this would be implemented for multi-family apartment complexes and what could be done to assist with dividing the cost to individual units. The remaining calls were for clarification of what the fee was or how it would be applied. All in all, he said the people he talked with understood the situation the City was in and what the City was trying to do to remedy it.

City Clerk Palacios indicated that the following written public comments were received:

Letter dated March 21, 2021 from James A. & Nancy E. Davidson, P.O. Box 56, 606 Cherry Lane, Grandview, Washington, in support of the establishment of the utility fee.

Email dated March 23, 2021 from Jim & Sharon Sewell, 906 King Street, Grandview, Washington, in support of the ambulance service utility and the proposed monthly fee.

Mayor Mendoza requested public comments.

The following public comments were received during the hearing:

Erika Nava-Sanchez, Grandridge Apartments, LLC, 610 Grandridge Road, Grandview, Washington, requested Council consider defining or declaring the City's intent within the ordinance that the ambulance utility was, and should be considered, a traditional public utility like water, sewer, or garbage for purposes of any federal or state program that considers public utilities for purposes of establishing rent reasonableness, contract rent, housing assistance payments, rent reasonableness, operating cost adjustment factors, utility allowances or other similar determinations where public utilities were factored, weighted, or calculated as part of the government program providing housing assistance to either a tenant or landlord/owner. General provision/allowance for owners/landlords to request individualized billing to each unit regardless of whether the property (or unit) was part of a government subsidy program. The landlord/owner would have the option to pay the entire amount (like water/sewer/garbage) or treat the ambulance utility more like electricity, where the tenant was responsible for placing the utility in the tenant's names, and if the tenant defaults billing ultimately remains responsible owner/landlord.

Jon Seitz, general legal counsel to Grandridge Apartments LLC, Yakima, Washington, requested that the following points of consideration for language changes be included in the record:

Specific Points:

GMC 7.04.080 Base Utility Charges.

Section 7.04.080B.6. Federally Subsidized Rental Properties. Owners and landlords of properties with multiple rented residential units that are not individually metered and that are subject to rent control under Section 8 of the Housing Act of 1937 (42 USC § 1437f) or other similar federal housing programs may request that the City assign, cost-allocate, and disseminate monthly assessments, as authorized by this, to the tenant leaseholder of each residential unit; provided, that: [...]

- Consider removing the metering language as a condition precedent to individualized tenant allocation. Whether a multifamily complex is individually metered or not, it is important that the landlord/owner can have the option to allocate the utility to the tenant for purposes of these programs.
- Consider language that applies to tenants holding housing assistance "housing choice vouchers" that are not considered "project-based" rental assistance (that is, assistance that is tied specifically to the real property) because the choice vouchers also factor utilities for purposes of determining the allowable rental assistance.
- Consider language that broadens the scope of programs to state and federal programs.

Proposed:

Section 7.04.080B.6. Federally Subsidized Rental Properties. Owners and landlords of properties with multiple rented residential units that are subject to rent control under Section 8 of the Housing Act of 1937 (42 USC § 1437f), or other similar federal or state housing assistance programs, whether the assistance is project-based or by individual rental assistance such as a housing choice voucher, may request that the City assign, cost-allocate, and disseminate monthly assessments, as authorized by this, to the tenant leaseholder of each residential unit; provided, that: [...]

Section 7.04.080B.6.b. The owner or landlord making such request shall submit and continually update a listing of each federally subsidized tenant leaseholder's name and address to the Finance Director; and [...]

- Consider a more finite requirement regarding the updating of information where continually updating is a vague standard and, in some cases may not be necessary where there is relative stability for tenant's being housed.
- Consider expanding the federal component to federal and state.

Proposed:

Section 7.04.080B.6.b. The owner or landlord making such request shall, upon tenant change in occupancy or vacancy, submit and continually update a listing of each federal or state subsidized or housing assisted tenant leaseholder's name and address to the Finance Director; and [...]

Section 7.04.080B.6.c.i. The owner or landlord making such request, as a condition of its business license or occupancy and operational permit, shall assume financial liability for any past due amount, to include late fees, for each delinquent uniquely addressed utility assessment in the event that:

(A) Any tenant leaseholder subject to this request becomes 45 or more days delinquent on any assessed utility fee, as authorized under this section and published in SMC 2.02.020(D); or

(B) Any utility fee assessment addressed to the tenant leaseholder is returned marked undeliverable to the U.S. Postal Service.

- Consider notice of delinquency requirement to landlord/owner prior to liability attaching with warning period that allows landlord / owner to take multiple actions, e.g., paying account, transferring account back to landlord's name, and/or 14-day pay/vacate notice. Without notification, tenants may allow a delinquency to continue without notice to the landlord/owner, which results in undue delay and fees that could be avoided where the landlord/owner had notice.
- Check/reference code section "SMC 2.02.020(D)"—may be a citation to another municipal code.

Proposed:

Section 7.04.080B.6.c.i. The owner or landlord making such request, as a condition of its business license or occupancy and operational permit, shall assume financial liability for any past due amount, to include late fees, for each delinquent uniquely addressed utility assessment in the event that:

(A) Any tenant leaseholder subject to this request becomes 45 or more days delinquent on any assessed utility fee, as authorized under this section and published in SMC 2.02.020(D); or

(B) any utility fee assessment addressed to the tenant leaseholder is returned marked undeliverable to the U.S. Postal Service.

Provided, upon either occurrence set forth in (A) or (B), the City's Finance Department will provide written notification of the delinquency to the landlord/owner before the landlord / owner shall have the responsibility to assume financial liability for the delinquency or be assessed with any late fees. Upon such notification, the landlord/owner shall 30 days, or

until the next billing cycle following the notification, whichever period is longer, to cure any delinquency or late fees associated with the tenant account.

Section 7.04.080B.6.c.ii. *The City may take enforcement action, to include interruption of City utility services, until such time that any past due amount, to include late fees, for each delinquent utility assessment is paid in full.*

- *Consider removal of interrupting other utility services as a remedy if the ambulance fee is placed in the tenant's name. There can be scenarios where a tenant may be ultimately responsible and the landlord is pursuing a pay/vacate option against the tenant. However, if other utilities are discontinued, that could be considered a retaliatory act under the RLTA that is attributable to the landlord.*

Proposed:

Section 7.04.080B.6.c.ii. *The City may take enforcement action to collect upon the delinquency until such time that any past due amount, to include late fees, for each delinquent utility assessment is paid in full.*

The public testimony portion of the hearing was declared closed and no further comments were received.

B. Ordinance No. 2021-03 adopting a new Title 7 of the Grandview Municipal Code Establishing an Ambulance Utility

On motion by Councilmember Everett, second by Councilmember Rodriguez, Council approved Ordinance No. 2021-03 adopting a new Title 7 of the Grandview Municipal Code Establishing an Ambulance Utility.

Roll Call Vote:

- Councilmember Diaz – No
- Councilmember Everett – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

C. Resolution No. 2021-12 authorizing the Mayor to sign a Recreational Use Permit by and between the City of Grandview and the Lower Valley Cal Ripken League

This item was previously discussed at the March 9, 2021 C.O.W. meeting.

On motion by Councilmember Moore, second by Councilmember Rodriguez, Council approved Resolution No. 2021-12 authorizing the Mayor to sign a Recreational Use Permit by and between the City of Grandview and the Lower Valley Cal Ripken League.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes

- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

D. **Resolution No. 2021-13 accepting the fuel bid from Bleyhl Farm Service for the year Beginning April 1, 2021 to March 31, 2022**

On motion by Councilmember Everett, second by Councilmember Diaz, Council approved Resolution No. 2021-13 accepting the fuel bid from Bleyhl Farm Service for the year Beginning April 1, 2021 to March 31, 2022.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

7. UNFINISHED AND NEW BUSINESS – None

8. CITY ADMINISTRATOR AND/OR STAFF REPORTS – None

9. MAYOR & COUNCILMEMBER REPORTS

Ambulance Utility Fee – Mayor Mendoza thanked Fire Chief Mason for his work on the ambulance utility fee implementation.

10. ADJOURNMENT

On motion by Councilmember Moore, second by Councilmember Rodriguez, the Council meeting adjourned at 7:40 p.m.

Mayor Gloria Mendoza

Anita Palacios, City Clerk

**GRANDVIEW CITY COUNCIL
SPECIAL MEETING MINUTES
ECONOMIC DEVELOPMENT PLANNING
MARCH 30, 2021**

1. CALL TO ORDER

Mayor Gloria Mendoza called the special meeting to order at 6:00 p.m. in the Council Chambers at City Hall.

This special meeting was held in-person and also available via teleconference.

Present in person: Mayor Mendoza and Councilmembers David Diaz, Bill Moore, Robert Ozuna and Javier Rodriguez

Present via teleconference: Councilmembers Mike Everett, Diana Jennings and Joan Souders

Staff present were: City Administrator/Public Works Director Cus Arteaga, City Treasurer Matt Cordray, Assistant Public Works Director Todd Dorsett and City Clerk Anita Palacios

Present on behalf of the Port of Grandview were Port Commissioners Richard Shenyer and Frank Lyall along with Property & Marketing Manager Randy Tucker

Present on behalf of the Grandview Chamber of Commerce was President Cody Goeppner

2. ECONOMIC DEVELOPMENT PLANNING

On motion by Councilmember Everett, second by Councilmember Moore, Council continued this special meeting for three weeks to Tuesday, April 20, 2021 due to technical difficulties.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

3. ADJOURNMENT

The special meeting adjourned at 6:30 p.m.

Mayor Gloria Mendoza

Anita Palacios, City Clerk



**CITY OF GRANDVIEW
NOTICE OF CLOSED RECORD PUBLIC HEARING
REZONE & CONDITIONAL USE PERMIT APPLICATIONS**

NOTICE IS HEREBY GIVEN that the City Council of the City of Grandview will hold a closed record public hearing on **Tuesday, April 13, 2021 at 7:00 p.m.**, to consider the Hearing Examiner's recommendation that the City Council approve the requested rezone and conditional use permit for the following:

Applicant(s): North 44 Homes LLC

Property Owner(s): North 44 Homes LLC

Proposed Project: Euclid Meadows Manufactured Home Park – Rezone & Conditional Use Permit

Current Zoning: R-1 Low Density Residential & R-3 High Density Residential

Proposed Zoning: MR Manufactured Home Park

Location of Project: North of Grant Court and east of North Euclid Road, Grandview, Yakima County, Washington. Parcel Nos. 230914-32001 and 230914-32004

The closed record public hearing will be held via teleconference as follows:

Please join the meeting from your computer, tablet or smartphone.

Join Zoom Meeting

<https://zoom.us/j/99006432100?pwd=d3VtdnYvK2hY2k1R2tDZHhIWEd3UT09>

Meeting ID: 990 0643 2100

Passcode: 595589

To join by phone: +1 253 215 8782 US

Meeting ID: 990 0643 2100

Passcode: 595589

A copy of the Hearing Examiner's recommendation is available at no charge from the City Clerk's Office, 207 West Second Street, Grandview, WA 98930, PH: (509) 882-9200 or anitap@grandview.wa.us.

CITY OF GRANDVIEW

Anita G. Palacios, MMC, City Clerk

Publish: Grandview Herald – March 17, 2021

**CITY OF GRANDVIEW
CITY COUNCIL**

CLOSED RECORD PUBLIC HEARING PROCEDURE

THE FOLLOWING PROCEDURE IS USED BY THE GRANDVIEW CITY COUNCIL TO MEET APPEARANCE OF FAIRNESS REQUIREMENTS AND TO CREATE OR SUPPLEMENT THE HEARING RECORD:

MAYOR

Tonight's closed record public hearing will include the following land use proposal:

Applicant(s) & Property Owner(s): North 44 Homes LLC

Proposed Project: Euclid Meadows Manufactured Home Park – Rezone & Conditional Use Permit

Current Zoning: R-1 Low Density Residential & R-3 High Density Residential

Proposed Zoning: MR Manufactured Home Park

Location of Project: North of Grant Court and east of North Euclid Road, Grandview, Yakima County, Washington. Parcel Nos. 230914-32001 and 230914-32004

The closed record public hearing will now begin:

1. This hearing must be fair in form and substance as well as appearance, therefore:

- a. Is there anyone in the audience who objects to my participation as Mayor or any Councilmember's participation in these proceedings? (If objections, the objector must state his/her name, address, and the reason for the objection.)
- b. Do any of the Councilmembers have an interest in this property or issue? Do any of you stand to gain or lose any financial benefit as a result of the outcome of this hearing? Can you hear and consider this in a fair and objective manner?
- c. Has any member of the Council engaged in communication outside this hearing with opponents or proponents on these issues to be heard? If so, that member must place on the record the substance of any such communication so that other interested parties may have the right at this hearing to rebut the substance of the communication.
- d. Thank you, the hearing will continue.
(or)
At this point, Councilmember ***** will be excusing him/herself from the meeting. [Ask Councilmember to state his/her reasons for being excused.]

2. The purpose of this hearing is for the Council to review the record and consider the pertinent facts relating to this issue.
3. No new testimony will be allowed. Any clarification of the record being requested by the Councilmembers will first be authorized by the Mayor after consulting with the City Attorney.
4. The record generated will be provided by staff. Staff will now provide a review of the record.
5. Councilmembers will now consider the record and discuss among themselves the facts and testimony from the open record hearing. (Discussion and any requests for clarification of the record are made).

(Requests for clarification are directed to the Mayor and must be specific to the record. The Mayor after consulting with the City Attorney will authorize the clarification or deny it based on the opinion of the City Attorney.

6. If clarification of the record is authorized:
 - a. When you address the Council, begin by stating your name and address for the record.
 - b. Speak slowly and clearly.
 - c. You will be allowed to only provide the clarification of the record as authorized. No new testimony will be allowed.
7. Now that we have reviewed the record concerning this issue, this subject is open for decision. Council may:
 - a. Approve as recommended.
 - b. Approve with conditions.
 - c. Modify, with or without the applicant's concurrence, provided that the modifications do not:
 - i. Enlarge the area or scope of the project.
 - ii. Increase the density or proposed building size.
 - iii. Significantly increase adverse environmental impacts as determined by the responsible official.
 - iv. Deny (re-application or re-submittal is permitted).
 - v. Deny with prejudice (re-application or re-submittal is not allowed for one year).
 - vi. Remand for further proceedings and/or evidentiary hearing in accordance with Section 14.09.070.

CITY OF GRANDVIEW
AGENDA ITEM HISTORY/COMMENTARY
COUNCIL MEETING

ITEM TITLE:

Closed Record Public Hearing – Rezone Application and Conditional Use Permit Application submitted by North 44 Homes LLC for the Euclid Meadows Manufactured Home Park located north of Grant Court and east of North Euclid Road, Grandview, WA

AGENDA NO. Active 6 (A)

AGENDA DATE: April 13, 2021

DEPARTMENT:

Planning – Hearing Examiner Recommendation

FUNDING CERTIFICATION (City Treasurer)
(If applicable)

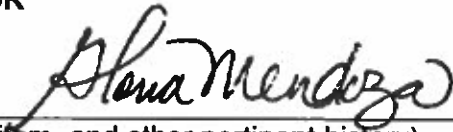
DEPARTMENT DIRECTOR REVIEW

Anita Palacios, City Clerk/Planning



CITY ADMINISTRATOR

MAYOR



ITEM HISTORY (Previous council reviews, action related to this item, and other pertinent history)

North 44 Homes LLC submitted a Rezone Application and a Conditional Use Permit Application for Parcel Nos. 230914-32001 and 230914-32004 consisting of 24.84 acres located north of Grant Court and east of North Euclid Road, Grandview, WA. The applicants requested a Rezone from R-1 Low Density Residential and R-3 High Density Residential to MR Manufactured Home Park. The applicants also requested a Conditional Use Permit to develop and construct a manufactured home park.

ITEM COMMENTARY (Background, discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

On February 18, 2021, a public hearing was held before the Hearing Examiner to receive comments on the proposed Rezone and Conditional Use Permit. The public hearing was continued to March 4, 2021. A copy of the Hearing Examiner's Recommendation RZ#2021-01 and CUP #2021-01 dated March 18, 2021 is attached.

ACTION PROPOSED

Recommend Council accept the Hearing Examiner's Recommendation RZ#2021-01 to approve the requested Rezone from R-1 Low Density Residential and R-3 High Density Residential to MR Manufactured Home Park for Parcel Nos. 230914-32001 and 230914-32004 located north of Grant Court and east of North Euclid Road, Grandview, WA.

At the April 27, 2021 regular meeting, staff will present an ordinance changing the zoning classification of certain lands and amending the zoning map of the City of Grandview as requested for Parcel Nos. 230914-32001 and 230914-32004 to MR Manufactured Home Park for Council consideration.

If the City Council approves the requested Rezone, the Hearing Examiner in that event also approves a Conditional Use Permit for the proposed 24.84-acre Euclid Meadows Manufactured Home Park.

RECEIVED

MAR 19 2020

CITY OF GRANDVIEW

City of Grandview, Washington
Hearing Examiner's Recommendation and Decision

March 18, 2021

In the Matter of Applications)
For a Rezone and a Conditional)
Use Permit Submitted by:)
)
North 44 Homes LLC)
)
Requesting a Rezone of a Parcel)
Zoned R-1 and a Parcel Zoned R-1)
And R-3 Consisting of 24.84 Acres)
On the East Side of the 700 Block)
Of North Euclid Street to the MR)
Manufactured Home Park District)
And Requesting a Conditional Use)
Permit for a Manufactured Home)
Park on the Two Rezoned Parcels)

RZ#2021-01
CUP#2021-01

A. Introductory Findings. The introductory findings relative to the hearing process for these Rezone and Conditional Use Permit applications may be summarized as follows:

(1) The Hearing Examiner conducted a virtual GoToMeeting open record public hearing for these applications commencing on February 18, 2021.

(2) On that date Yakima Valley Conference of Governments Senior Planner Jeff Watson who serves as Planner for the City of Grandview for this matter, presented his staff report for these applications which recommended denial of the

Rezone and Conditional Use Permit applications as proposed due to inconsistency with the Comprehensive Plan (*Record at pages 86-104*). The staff report asserts inconsistency with the Comprehensive Plan on the basis that the applications overwhelmingly exceed established well defined thresholds for additional manufactured home parks and manufactured home placement (*Record at page 104*). Those established well defined thresholds are described as Table 5-11 and Table 5-12 relative to projected future needs for housing (*Record at pages 90 and 102*). The applications are also said to be inconsistent with other provisions of the Comprehensive Plan which are set forth in full and analyzed as to their consistency or inconsistency with the Comprehensive Plan in Subsection X(1) of this recommendation and decision. The reasons advanced by Mr. Watson on February 18 as to inconsistency of the applications with the Comprehensive Plan are contained in his staff report (*Record at pages 86-104*) and in the transcript which he submitted for the record of his February 18, 2021 testimony (*Record at pages 190-195*).

(3) Testimony was also presented by a representative of the applicant, Brad Beauchamp, explaining the reasons why he disagrees with the reasons advanced in the staff report for concluding that the applications are inconsistent with the Comprehensive Plan. The applicant's reasons for concluding that the applications are consistent and in accord with the Comprehensive Plan are contained in responsive comments inserted in certain portions of the staff report (*Record at pages 105-124*); the applicant's responsive narrative to the staff report in an addendum (*Record at pages 125-127*); the applicant's proposed Hearing Examiner Findings (*Record at pages 128-130*); the applicant's photographs of the appearance of its manufactured homes (*Record at pages 131-140*); and the applicant's February 17, 2021 email, ideas for a development agreement and second responsive narrative designated as Addendum #2 to the staff report (*Record at pages 141-145*).

(4) The applicant's engineer, John Fetteroff, responded to the position asserted in the staff report by testifying that Table 5-11 of the Comprehensive Plan is not intended to limit the permissible number of manufactured homes within the City.

(5) City Clerk Anita Palacios submitted written comments for the record. Written comments in the record are from the Yakima Health District (*Record at page 76*), the Sunnyside Valley Irrigation District (*Record at pages 77-78*), the

Washington State Department of Transportation (*Record at pages 79-81*); residents of 706 North Euclid Street named Mary and Terry Alaniz (*Record at pages 82-83*); the Yakima Regional Clean Air Agency (*Record at pages 84-85*); and the Washington State Department of Ecology (*Record at pages 85(a)-85(c)*).

(6) A resident of 1017 West Wine Country Road named Ty Hoffard testified about the density of the proposal and the fact that rented space does not constitute home ownership. A resident of 503 Toivo Court named Esmeralda Reygoza testified about density, parking, traffic, freeway noise and possible devaluation of her property to the south. Brad Beauchamp responded that the homes would have two parking spaces in front and one or two along the side, that financing is available for manufactured homes, and that about ten acres of the property is zoned R-3 so as to allow apartment buildings. Jeff Watson responded that the manufactured homes could be placed on single-family lots. City Administrator Cus Arteaga indicated that the applicant would construct 40-foot-wide streets with curb, gutter and sidewalks within the manufactured home park and would widen and improve part of North Euclid Street.

(7) Since the limited number of manufactured homes listed in Table 5-11 of the Comprehensive Plan appeared to be the most specific basis for the staff report's recommendation of denial of these Rezone and Conditional Use Permit applications, the Hearing Examiner continued the hearing to March 4, 2021. The continuance was to allow the City to see if further evidence of the intent of that Table could be submitted for this record such as evidence of intent from Planning Commission or City Council minutes or tapes. Additional evidence was submitted for the record by means of a Memorandum from City Administrator Cus Arteaga dated February 25, 2021 (*Record at pages 148-149*). That additional evidence included (i) minutes of Planning Commission, Committee-of-the-Whole and City Council meetings (*Record at pages 149-181*); (ii) an email relative to the intent and nature of Comprehensive Plan projections in Table 5-11 and Table 5-12 from City of Yakima Planning Manager Joseph Calhoun who served as Senior Planner with the Yakima Valley Conference of Governments during the period in which the City was updating its Comprehensive Plan in 2015 and 2016 (*Record at pages 182-183*); and (iii) a Memorandum on the same subject from Grandview City Attorney Quinn N. Plant. (*Record at page 184*).

(8) At the continued hearing on March 4, 2021, Planner Jeff Watson agreed with the opinions of Joseph Calhoun and Quinn Plant which indicate in part that

Table 5-11 is not a threshold or other limitation on the number of different types of housing that the City may approve; that Table 5-11 is not a policy or planning goal and has not been adopted as a development regulation of the City; that Table 5-11 is instead a projection based on a number of assumptions which attempts to extrapolate from the City's current housing stock the number and types of housing that may be needed to accommodate the City's medium projected population growth over a 20-year period if growth and development occur as they have in the past; that when read in conjunction with Table 5-10 that identifies 344.1 acres of undeveloped residential land within the City limits and Table 5-12 which projects a need for 211.6 acres of residential land to accommodate the City's medium projected population growth, the Tables show that there is a surplus of land available for residential development in the City which exceeds the needs of the City's 20-year medium projected population growth; and that the Washington court decision of *Woods v. Kittitas County*, 162 Wn.2d 597, 613 (2007) holds that a comprehensive plan does not directly regulate site-specific land use decisions, but instead local development regulations, including zoning regulations, directly constrain individual land use decisions (*Record at pages 182-184*). After expressing agreement with the opinions of Mr. Calhoun and Mr. Plant, Mr. Watson referred to other language in the *Woods* case and in other court cases which hold that since comprehensive plans serve as guides or blueprints to be used in making land use decisions, a proposed land use decision must only generally conform, rather than strictly conform, to the comprehensive plan. His contentions to the effect that the Rezone and Conditional Use Permit applications fail to generally conform to the Comprehensive Plan because the applications are for 140% or 2.5 times the number of manufactured home units on 75% of the land specified in Table 5-11 and Table 5-12 and because they are inconsistent with Goals and Policies of the Comprehensive Plan are set forth in the transcript of his March 4, 2021 testimony which he submitted for the record and which also includes language from three court decisions (*Record at pages 186-189 and 196*). Mr. Watson further indicated in response to questions from the Hearing Examiner that the conclusion in the staff report to the effect that the proposed manufactured home park would not serve the public use and interest is based upon its inconsistency with Table 5-11 of the Comprehensive Plan (*Record at page 104*) and that the applications satisfy all of the other criteria for approval other than consistency with the Comprehensive Plan.

(9) Although there is no transcript of the hearing testimony of the applicant's representative Brad Beauchamp in the record, he mainly testified in support of points made in the applicant's written submittals (*Record at pages 105-147*). He indicated that the manufactured homes would not constitute low income housing because they are not subsidized housing; that the residents would have an average annual income of \$50,000-\$60,000; that the residents would pay an average of \$1,400 per month for their space rent and home loan of approximately \$95,000-\$125,000 (*Record at page 125-126*); that the manufactured homes would be more affordable than stick-built homes because no large down payment would be required to purchase them; that even though space rent could increase with increased taxes and other expenses, taxes and other expenses also increase for other types of homes; that the manufactured home park would pay its way because City sales tax revenue of about \$1.8 million would result from the sale of the homes which would all be sold on the site within the City of Grandview and because personal property taxes would be paid by the home owners and real property taxes would be paid by the owner of the manufactured home park (*Record at page 125*); that home owners would be allowed to move their homes from the park, but as with other homes the expense of that usually means that they are sold instead of moved; that the manufactured home park would be compatible with properties developed to lower standards to the west and would be compatible with the adjacent manufactured homes in Grant Court to the south; that all structures would be single-story rather than 35-foot-high apartments that currently could be built in the R-3 zone on the south part of the property east and northeast of Grant Court; that 40-foot-wide streets with curbs, gutters, sidewalks on both sides of the street, and street lights would be built to City standards (*Record at page 143*); and that 98% of the asserted inconsistency with the Comprehensive Plan is based on a Table which is simply there for projection purposes. After all of the Hearing Examiner's questions were answered by the individuals at the hearing, including Cus Arteaga and Anita Palacios, and after it was ascertained that no one else wished to testify, the hearing was closed.

(10) This Rezone recommendation and this Conditional Use Permit decision have been issued within 10 business days of the public hearing, and also within 14 calendar days of the public hearing as is required by Subsection 14.09.030(A)(4) of the Grandview Municipal Code.

B. Basis for Recommendation and Decision. Based upon a view of the site and surrounding area without anyone else present on February 17, 2021; the information contained in the staff report, exhibits, testimony and other evidence presented at a virtual open record public hearing commencing on February 18, 2021, and concluding on March 4, 2021; and a consideration of the Grandview Zoning Ordinance and Comprehensive Plan; the Hearing Examiner makes the following:

FINDINGS

I. Applicant/Property Owner. The applicant and property owner is North 44 Homes LLC, 4001 South Vancouver Street, Kennewick, Washington 99337.

II. Location. The westernmost 9.54-acre parcel (230914-32004) is on the east side of the 700 block of North Euclid Street north of Grant Court and is zoned R-1 Low Density Residential. The adjacent 15.3-acre parcel to the east (230914-32001) is zoned R-3 High Density Residential on about 9.54 acres of the southern portion that is east and northeast of Grant Court and is zoned R-1 Low Density Residential on the remaining northern portion of the parcel (*Record at pages 42-43 and 142*).

III. Proposal. The nature of the Rezone and Conditional Use Permit applications and the characteristics of the relatively flat property where the Euclid Meadows Manufactured Home park would be located may be summarized as follows:

(1) These applications request (i) approval of a Rezone of parcel number 230914-32004 adjacent to the east side of North Euclid Street and the northern portion of the adjacent parcel number 230914-32001 easterly thereof from the R-1 Low Density Residential District to the MR Manufactured Home Park District; (ii) approval of a Rezone of the southern portion of the adjacent parcel number 230914-32001 from the R-3 High Density Residential District to the MR Manufactured Home Park District; and (iii) approval of a Conditional Use Permit for a 24.84-acre manufactured home park to be located on said rezoned parcels which would be known as Euclid Meadows Manufactured Home Park as depicted on site plans in the record (*Record at pages 86, 45-46 and 14-18*).

(2) The two parcels do not fall within or near a floodplain, and do not fall within a designated Shoreline Environment as regulated by the Yakima County Regional Shoreline Master Program. No critical areas were identified per Chapter 18.06 of the Grandview Municipal Code (*Record at page 87*).

(3) The Rezone application can be approved, denied or conditioned by the Grandview City Council, but the Conditional Use Permit application cannot be approved by the Hearing Examiner unless the Rezone is approved by the City Council.

IV. Compliance with Development Standards. The proposed manufactured home park would comply with all of the City's development standards and would exceed those standards by reducing its density to 188 new manufactured homes from the 295 homes (at 12 units per acre) that are allowed or the 443 units (at 18 units per acre) that would be allowed if a community center were to be included in addition to the proposed sidewalk, walking path, playground/park and landscaping amenities (*Record at page 142; GMC §17.20.060(C)*); by providing 40-foot-wide streets to City standards with curb, gutter, sidewalks on both sides and street lights rather than the 28-foot-wide streets with curbs that would be allowed (*GMC §17.20.070(G)(1)(b)(i)*); by providing three rather than two off-street parking spaces for each unit (*GMC §17.20.070(I)*); by providing a playground/park; by

providing a walking path to the park; by providing significant landscaping and a fence for each individual back yard; by providing electronic speed limit signs if permitted by the City; and by providing a full block fence along North Euclid Street in addition to the requisite visitor parking areas and other manufactured home park requirements of GMC Chapter 17.20. The applicant is willing to commit to these increased development standards by means of a development agreement that would be recorded against the property (*Record at pages 142-143*).

V. The Comprehensive Plan. The 2016 Comprehensive Plan designation for the property and all adjacent properties is “Residential.” That designation is intended to include “Areas appropriate for rural, single-family, and multifamily residential living.” A Rezone to the proposed MR Manufactured Home Park District in connection with a petition for annexation has previously been recommended for approval by the City’s Planner at that time, Mike Shuttleworth, and by this Hearing Examiner as being consistent with the Residential designation of 7.87 acres of the property, but not with the Low Density Residential designation of 1.99 acres of the property located south of the Quail Run Manufactured Home Park (*Brett and Teresa Smith d/b/a Quail Run Manufactured Home Park, February 21, 2019*). That recommendation set forth several Comprehensive Plan Goals and Policies that are involved in this matter, but did not consider the numerous other provisions set forth in Mr. Watson’s staff report that will be addressed below in Subsection X(1) of this recommendation and decision which addresses the criterion of the proposal’s consistency with the Comprehensive Plan.

VI. Zoning and Land Uses. The property under consideration and all of the adjacent properties are within the “Residential” designation of the Comprehensive Plan. The zoning of the subject property is R-1 and R-3 and it is currently undeveloped. The zoning of the property to the north is AG Agricultural and it is currently used for agricultural purposes as a vineyard. The zoning of the properties to the west and south is R-1 and they are currently used for single-family residences. The zoning of the property to the east which is used for agricultural and residential purposes is Yakima County’s UGA zoning.

VII. Environmental Review. After consideration of a SEPA Environmental Checklist submitted on December 1, 2020 (*Record at pages 29-46*) and consideration of the comments submitted by February 4, 2021 (*Record at pages 48-49 and 76-85(c)*), the City issued a final Determination of Non-Significance on February 9, 2021, which was not appealed (*Record at page 47*).

VIII. Concurrency. The concurrency test and requirements of Chapter 14.10 of the Grandview Municipal Code entitled Transportation Concurrency Management were applied to the proposed Conditional Use Permit application submitted with this Rezone application. Consideration of the applicant’s Transportation Checklist (*Record at page 41*) resulted in a finding that street improvements to North Euclid Street would be required and that traffic volumes would not be expected to fall below the City’s street Level of Service (LOS) C. The minimum acceptable LOS on City streets prescribed by the 2016 Grandview Comprehensive Plan Transportation Element is LOS D (*Record at page 87*).

IX. Public Notice for the Hearing. In accordance with the applicable City ordinance requirements for notice of open record public hearings conducted by the Hearing Examiner, the City's Notice of Development Application, Environmental Determination & Notice of Public Hearing for the February 18, 2021, virtual open record public hearing (i) was posted at City Hall, the Library, the Police Department and the City's website and was also mailed to owners of property within 300 feet of the property under consideration, to interested parties and to governmental agencies on January 19, 2021 (*Record at pages 55-66*); (ii) was posted at a total of three places on the property on January 20, 2021 (*Record at pages 67-74*); and (iii) was published in the official newspaper of the City (Grandview Herald) on January 20, 2021 (*Record at page 75*).

X. Development Review Criteria for Rezones and Conditional Use Permits. GMC §14.03.035 provides that a Hearing Examiner may make land use decisions as determined by the City Council at the request of the Planning Commission or City Administrator. GMC §14.07.030(B) requires at least 10 days advance notice of public hearings by publication, mailing and posting. GMC §14.03.040(A)(4) and GMC §14.09.030(A)(4) provide that a recommendation is to be made to the City Council regarding rezones. But GMC §14.03.040(B)(2) and GMC §14.09.030(A)(2) & (B)(1) provide that the Hearing Examiner is to make the decisions approving or denying Conditional Use Permits. GMC §14.01.040(H) defines a development as any land use permit or action regulated by GMC Titles 14 through 18 including, among other permits or actions, rezones and conditional use permits. GMC §14.09.030(A)(3)(c) provides that the Hearing

Examiner is not to recommend approval of a proposed development without first making the following findings and conclusions:

(1) The development is consistent with the Comprehensive Plan and meets the requirements and intent of the Grandview Municipal Code. The proposed development would meet the requirements and intent of the Grandview Municipal Code if the Rezone is found to be consistent with the Comprehensive Plan. There is a disagreement between the City's Planner Jeff Watson and the applicant as to the consistency of the requested Rezone and Conditional Use Permit with the Comprehensive Plan. The Hearing Examiner is therefore required to issue findings as to the proposal's consistency with the following Comprehensive Plan provisions set forth by Mr. Watson as the basis for his recommendation of denial of the applications at pages 102-104 of the record. In doing so, the Hearing Examiner must keep in mind that since site-specific rezones are quasi-judicial rather than legislative actions, the decision-making body has the burden to justify a denial of an application if it is based on general standards such as those contained in a Comprehensive Plan. (*Sunderland Family Treatment Services v. Pasco*, 127 Wn.2d 783, 797, 903 P.2d 986 (1995)).

(a) The following provisions within the Land Use Element of the Comprehensive Plan are set forth in the staff report as a basis for denial of the applications:

"GOAL 1: Create a balanced community by controlling and directing growth in a manner that enhances, rather than detracts from, community quality and values.

Policy 1.1: In its land use management decisions, the City should strive to influence both rates and patterns of growth in order to achieve goals of the Comprehensive Plan.

Policy 1.2: The City should resist growth pressures that could adversely affect community values, amenities, and infrastructure. The City should support development that furthers community goals.

Policy 1.5: Adopt the medium population projections in the Comprehensive Plan as the guide for the amount of growth the City will accommodate through the year 2035.

Policy 1.7: Revise development regulations as needed to be consistent with the adopted Comprehensive Plan.” (*Record at page 102*).

(b) According to the weight of the evidence submitted for the record of this matter, the proposed Euclid Meadows Manufactured Home Park is consistent with and in general conformance with the above Comprehensive Plan provisions for the following reasons:

(i) With Goal 1 because the nature and design features of this proposal, including in part its new single-story manufactured homes instead of view-obscuring 35-foot-high apartment buildings that could be located adjacent to existing single-story manufactured homes and stick-built homes on the south and its well-designed moderate-income housing features with amenities, would contribute to a balanced community in a manner that would enhance community quality and values;

(ii) With Policy 1.1 and Policy 1.2 because the proposal is consistent with the majority of Comprehensive Plan Goals which the City strives to achieve and support;

(iii) With Policy 1.5 because the City has in fact adopted medium population projections as a guide for what growth it will accommodate through 2035, but the City has not adopted those population projections as a Goal, Policy, Objective or regulatory limitation on the amount of growth that the City may desire or choose to accommodate in excess of those projections (*Record at pages 182-184*); and

(iv) With Policy 1.7 because the proposal will comply with any and all development regulations that the City has found a need to revise in order to be consistent with the 2016 Comprehensive Plan and because those revisions have not included a repeal of the MR Manufactured Home Park District or a reduction in the number of manufactured homes allowed in a manufactured home park by GMC §17.20.060(C).

(c) The following paragraph quoting, with emphasis added, part of a narrative within the Land Use Element of the Comprehensive Plan which explains how the projections in Table 5-11 and Table 5-12 were arrived at and how they compare to the number of manufactured homes in this proposal is next set forth in the staff report as a basis for denial of the applications:

“Within its housing element the Comprehensive Plan stipulates in the projected future needs for housing in Tables 5-11 and 5-12 the housing types, units, and acreage for the 20-year planning period (to 2035). It calls for a total of ‘566 total units; 386 Single Family, 102 Multi Family, and 78 *Manufactured Homes or Other.*’ The application as proposed would amount to 2.4 times the number of manufactured homes called for in the table; or 1/3 the total additional units needed through 2035. The narrative goes on to say that ‘*the projected number of units needed (78) was multiplied by the average current single-family home lot size of (0.43 ac) resulting in a projected acreage requirement of 33.4 ac(res) ...*’ The application as proposed calls for 188 units on 24.84 acres.” (Record at page 102).

(d) The proposed Euclid Meadows Manufactured Home Park is not required to be consistent with or in general conformance with the projected housing needs in Table 5-11 and Table 5-12 for the following reasons:

(i) Neither Table 5-11 nor Table 5-12 is designated as a Goal, Policy or Objective of the Comprehensive Plan. Both are designated merely as projections. Their projections are based on a number of assumptions that may or may not prove to be accurate. They provide information as to what the City might need as far as residential land and housing types for the projected medium population growth over a 20-year period if, and only if, the City’s growth rate and the types of housing types developed within the City during that 20-year period will be the same as its historical growth rate and will result in development of the same percentages of housing types that existed in the City in 2013. The Tables do not purport to constitute a limitation upon the amount of growth or upon the maximum number of each housing type that the City may desire or find appropriate to approve in excess of the projected need for the 20-year period. (Record at pages 90 and 182-184).

(ii) The Hearing Examiner also agrees with the opinions and statements of City of Yakima Planning Manager Joseph Calhoun and Grandview City Attorney Quinn Plant as to the intent of Table 5-11 and Table 5-12 and their lack of a role in determining the proposal’s consistency with the Comprehensive Plan because they are neither Goals, Policies nor Objectives of the Comprehensive Plan (Record at pages 182-

184). The Tables constitute expectations only for those who have faith in the accuracy of the many assumptions upon which they are based. The Tables nowhere purport to constitute a blueprint of the desires of the community or of the City or anything else other than projections based upon a number of assumptions. Since they are not Comprehensive Plan Goals, Policies or Objectives, a comparison of their projected numbers of housing types needed over the 20-year period with the proposed numbers in applications cannot justify denial of the applications on the basis that they are inconsistent with the Comprehensive Plan. (*Record at page 188*).

(iii) As Mr. Plant states, the requested MR Manufactured Home Park District zoning is consistent with the Comprehensive Plan Future Land Use designation of “Residential.” The rationale in the staff report for denial of the applications on the basis that the proposed number of manufactured homes “overwhelmingly exceeds” the “established well defined thresholds” set forth in Table 5-11 (*Record at page 104*) cannot be a valid basis for concluding that the proposal is inconsistent with the Comprehensive Plan. Nor can the rationale advanced for denial of the applications during the March 4 presentation to the effect that proposing 2.5 times the number of manufactured homes that is projected in Table 5-11 “is not general conformance” with the Comprehensive Plan (*Record at page 188*) be a valid basis for concluding that the proposal is inconsistent with the Comprehensive Plan. Both approaches rely upon the same comparison of projected numbers in the Tables with proposed numbers in the applications.

(iv) Another reason for concluding that Table 5-11 and Table 5-12 cannot be used as a basis for denying this proposal is because they are ambiguous. If there is a projected need for manufactured homes to be located on 33.4 acres within the City as indicated by Table 5-12, this proposal is for less than that amount of acreage, even including the 7.87 acres involved in the Smith Rezone request to the MR Manufactured Home Park District in 2019. On the other hand, if it had been the intent of Table 5-11 and Table 5-12 to require each of the 78 future manufactured homes to be located on 0.43 acres of land, the City would have been required to either repeal or amend its MR Manufactured Home Park District zoning provisions to be consistent with such a requirement.

(v) As a final practical point, the applicant advances an additional reason why the Tables should not be interpreted as a limitation upon the City's ability to allow more residential development to occur than the Tables project. The applicant poses the possibility that one or more developers could acquire a monopoly as to residential development in the City if the Tables were used in that manner (*Record at page 146*). On the other hand, if the Tables are not interpreted as a limitation upon the number of various types of residential housing units that can be approved by the City so long as they satisfy the requisite criteria for approval, as a practical matter the consequences of overestimating the need for a certain type of residential housing in the City will be borne by developers who as a consequence find that there is no immediate demand for the type of housing that they have developed.

(e) The following statements within the Housing Element of the Comprehensive Plan relative to a Coordinated Housing Strategy for Grandview are also set forth in the staff report as a basis for denial of the applications:

“(i) Consideration and implementation of the housing goals, policies, and objectives. Land use decisions, new municipal ordinances and the allocation of available resources should be made in consideration of the goals, policies and objectives contained in this comprehensive plan.

(ii) Revise the zoning ordinance to create a greater variety of residential zone options which include:

1. Larger lots
2. More off-street parking
3. Lower density

(iii) Improve neighborhoods by decreasing density by enforcing the Uniform Housing Code.

(iv) As there has been significant development in the lower income apartment housing category, the City of Grandview recognizes that it has a need to support housing that generates sufficient property tax revenue to pay for services. The City can no longer support new lower income/value residential developments.

(v) The City of Grandview will re-evaluate the housing needs in seven to 10 years to see if additional non-taxable housing is needed.

(vi) Preserve current low- to moderate-income housing stock by developing housing rehabilitation programs that include public and private investment in owner-occupied housing rehabilitation projects.” (*Record at page 102*).

(f) According to the weight of the evidence presented for this record, the proposed Euclid Meadows Manufactured Home Park would be consistent with and in general conformance with the above Comprehensive Plan provisions for the following reasons:

(i) Housing Goals, Policies and Objectives contained in the Comprehensive Plan are in fact being considered prior to making this recommendation and decision.

(ii) This proposal is consistent with any zoning ordinance revisions that have been made to create a greater variety of residential zone options which include larger lots, more off-street parking and lower density because the proposal will comply with all such revised ordinance provisions that are applicable to the proposed manufactured home park.

(iii) There is nothing about the proposal that is inconsistent with a strategy to decrease the density of neighborhoods by enforcing the Uniform Housing Code.

(iv) This proposal does not consist of lower income apartment housing and is the type of housing that the City supports because it generates not only real property tax revenue, but also sales tax revenue and personal property tax revenue to pay for City services (*Record at pages 125-127*).

(v) This proposal is not the type of housing that will be evaluated in seven to 10 years because it is not non-taxable housing.

(vi) The placement of only new manufactured homes in the proposed Euclid Meadows Manufactured Home Park will dispense with the need for any housing rehabilitation projects there.

(g) The following Goals, Policies and Objectives in the Housing Element of the Comprehensive are also set forth in the staff report as a basis for denial of the applications:

“GOAL 1: Provide safe and sanitary housing for all persons within the community.

Policy 1.1: Support the development of housing stock that meets the varied needs of the community while attracting higher income residents.

Objective 1: Encourage the construction of new units to increase the local housing supply. New construction should provide for a moderate- to low-income and senior housing market demand as well as upscale residences. It should also provide for an appropriate mix of housing types and intensities (single-family, multifamily, group homes, adult family homes).

Objective 2: Encourage manufactured housing parks and subdivisions that are well designed and compatible with neighboring land uses.

Objective 3: Allow, on individual lots, manufactured housing that meets accepted standards for manufactured housing and is permanently affixed to a foundation.

Objective 4: Encourage and support the rehabilitation of older homes.

Objective 5: Encourage infilling in residential areas.

Objective 6: Encourage more medium and high-value residential construction.

Policy 1.2: Support the implementation of public housing programs in partnership with private developers that supplement the efforts of local developers in meeting the housing needs of the community.

Objective 1: Pursue programs to expand the housing options of low and moderate-income groups and the elderly.

Objective 2: Coordinate public programs with the activities of local developers to provide for the optimal utilization of community resources.

Policy 1.3: Support housing availability to meet the needs of all income groups.

Objective 1: Make current housing information available to potential developers and encourage its use in the consideration of development alternatives.

Objective 2: Provide for the periodic updating of existing plans and

development regulations (e.g., comprehensive plan and zoning ordinance) and ongoing analysis of housing problems.

Objective 3: Ensure that all new housing developments pay for the cost of providing utilities, streets, parks and public safety requirements.

Policy 1.4: Encourage higher dwelling unit values to at least cover the cost of general municipal services.

Objective 1: Encourage more neighborhood development in various price ranges with amenities within the development.

Objective 2: Improve enforcement of the Uniform Building Code, Uniform Housing Code, zoning ordinance and the nuisance code to remove junk vehicles, enforce parking regulations, reduce overcrowded homes, and find ways to remove blighted conditions.

GOAL 2: Residential areas that are safe, sanitary and attractive places to live will be established and maintained in Grandview.

Policy 2.1: The City of Grandview will ensure and facilitate the provision of municipal services appropriate to the density of residential development.

Policy 2.2: The initial cost of providing municipal services to serve new residential developments will be borne by the developer.

Policy 2.3: The City of Grandview will work cooperatively with other public agencies, private institutions, and organizations to foster housing rehabilitation in suitable areas.” (*Record at pages 103-104*).

(h) According to the weight of the evidence presented for this record, the proposed Euclid Meadows Manufactured Home Park would be consistent with and in general conformance with the above Comprehensive Plan provisions for the following reasons:

(i) As to Goal 1, this proposal would provide safe and sanitary housing.

(ii) As to Policy 1.1, this proposal would meet the varied needs of the present community and would not prevent or interfere with any of the City’s efforts to also attract higher income residents.

(iii) As to Objective 1, this proposal would result in the construction of new units to increase the local housing supply, would provide moderate-income and senior housing, and would help provide in the City an appropriate mix of housing types and intensities without preventing or interfering with any of the City's efforts to also provide upscale residences.

(iv) As to Objective 2, this is the most specific objective of the Comprehensive Plan which is directly applicable to this proposal and which indicates clearly and succinctly that an Objective of the City is to "Encourage manufactured housing parks and subdivisions that are well designed and compatible with neighboring lands." The evidence shows that the proposed Euclid Meadows Manufactured Home Park is well designed and would be compatible with neighboring lands.

(v) As to Objective 3, this proposal would not prevent or interfere with the City's zoning provisions that allow construction of certain types of manufactured housing on individual lots within the City.

(vi) As to Objective 4, this proposal would not prevent or interfere with the City's efforts to rehabilitate older homes, but the fact that only new manufactured homes would be allowed in Euclid Meadows Manufactured Home Park would mean that this proposal would not need to utilize any type of housing rehabilitation efforts of the City.

(vii) As to Objective 5, this proposal would constitute infilling of a residential area.

(viii) As to Objective 6, this proposal would add more of the medium-value residential construction encouraged by the Objective and would not prevent or interfere with the other type of construction encouraged by this Objective.

(ix) As to Policy 1.2, this proposal is not public housing, but will not prevent or interfere with the City's support for that type of housing.

(x) As to Objective 1, this proposal is a private endeavor which would expand the housing options of moderate-income groups and the elderly without involving a public program.

(xi) As to Objective 2, this proposal would provide for the optimal utilization of community resources through efforts of a private developer based in Kennewick rather than through a public program.

(xii) As to Policy 1.3, this proposal would provide housing availability for medium-income and elderly residents which is one of the types of housing that is supported by this Policy.

(xiii) As to Objective 1, this proposal which involves a significant financial commitment is no doubt a result of the applicant's consideration of development alternatives based upon available housing information.

(xiv) As to Objective 2, this proposal does not prevent or interfere with the City's periodic updating of existing plans and development regulations and ongoing analysis of housing problems and would comply with any and all plans and development regulations which the City has updated.

(xv) As to Objective 3, this proposal would in fact pay for the cost of providing utilities, streets, parks and public safety requirements, and the applicant has agreed to be bound by a development agreement to that effect.

(xvi) As to Policy 1.4, this proposal would provide new housing of a value which as a result of payment of significant amounts of sales taxes, real property taxes and personal property taxes would pay its own way and cover the cost of general municipal services on a continuing basis in the future.

(xvii) As to Objective 1, this proposal would constitute a type of neighborhood development which is encouraged in various price ranges and which includes amenities within the development.

(xviii) As to Objective 2, this proposal will not prevent or interfere with the City's efforts to improve enforcement of various codes and regulations to remove junk vehicles, enforce parking regulations, reduce overcrowded homes, and find ways to remove blighted conditions, but this proposal would be designed and operated so as not to require the City's efforts to remedy such problems.

(xix) As to Goal 2, this proposal would establish and maintain a residential area that would be a safe, sanitary and attractive place to live.

(xx) As to Policy 2.1, this proposal would be provided with municipal services appropriate to the density of the residential development that would be paid for by the owner of the manufactured home park and its residents by means of applicable taxes and fees.

(xxi) As to Policy 2.2, the initial cost of providing municipal services to serve this new residential development would be borne by the developer.

(xxii) As to Policy 2.3, this proposal will not prevent or interfere with the City's housing rehabilitation efforts in suitable areas, but the proposed Euclid Meadows Manufactured Home Park is not an area that would require any housing rehabilitation efforts on the part of the City.

(i) In summary, for the following main reasons this proposed manufactured home park is found to be consistent with and in general conformance with the Comprehensive Plan provisions set forth in the staff report as the sole basis for its denial:

(i) First and foremost, this proposal is consistent with and in conformance with the Comprehensive Plan because it is located within the "Residential" designation rather than the "Low Density Residential" designation of the Comprehensive Plan.

(ii) Comparison of the Table 5-11 and Table 5-12 numbers of various types of housing units projected to be needed by 2035 to the number of manufactured homes proposed for Euclid Meadows Manufactured Home Park does not establish a lack of consistency with or a lack of general conformance with the Comprehensive Plan because those Tables are informational projections rather than Comprehensive Plan Goals, Policies or Objectives. Those Tables are not intended in any way to limit the number of various types of residential housing which the City may approve during the 20-year planning period. They do not even purport to specify the desired number of various types of residential housing that the City would like to see developed within the City limits or within annexed areas during the 20-year planning period. They are merely informational projections based upon the City's historical rate of growth and upon the percentages of the various housing types which existed in the City in 2013.

(iii) Besides being located within the “Residential” rather than the “Low Density Residential” designation of the Comprehensive Plan, Objective 2 of Policy 1.1 of Goal 1 of the Housing Element which is to “Encourage manufactured housing parks and subdivisions that are well designed and compatible with neighboring land uses” confirms in clear and unambiguous language this proposal’s consistency with the Comprehensive Plan. In addition to that clear and unambiguous Objective, for the reasons explained in detail above, this proposal is found to be consistent with and in general conformance with most, if not all, of the Comprehensive Plan Goals, Policies and Objectives which are set forth in the staff report as the sole basis for denial of these applications.

(iv) These findings would be reached under the weight of the evidence submitted for this matter even if the City as the decision-making body did not have the burden to justify any decision denying these applications on the basis of general standards contained in the Comprehensive Plan per Washington court cases such as *Sunderland Family Treatment Services v. Pasco*, *supra*, at page 797.

(v) This analysis relative to consistency with and general conformance with the Comprehensive Plan addresses the only criterion that is advanced as a reason to deny the Rezone and Conditional Use Permit applications for the proposed Euclid Meadows Manufactured Home Park.

(2) The development makes adequate provisions for drainage, streets and other public ways, irrigation water, domestic water supply and sanitary wastes. The proposed Euclid Meadows Manufactured Home Park would make adequate provisions for drainage and streets by installing 40-foot-wide streets with curbs, gutter, sidewalks on both sides of the street, and street lights to City standards. The applicant is willing to enter into a development agreement that details all of the features that would exceed City requirements, as well as those which would comply with the provisions of GMC Chapter 17.20 (*Record at pages 142-143*). The proposed manufactured home park would be served by City of Grandview water and sewer services (*Record at page 76*). Since development of the proposed manufactured home park would comply with or exceed all applicable City development standards and all other applicable regulations, it would satisfy this criterion.

(3) The development adequately mitigates impacts identified under other GMC chapters and in particular GMC Title 18. The City determined that the requested Rezone to the MR Manufactured Home Park District and the proposed Conditional Use Permit for Euclid Meadows Manufactured Home Park would not result in any probable significant adverse environmental impacts under GMC Title 18 by issuing a final SEPA Determination of Non-Significance on February 9, 2021, which was not appealed (*Record at page 47*).

(4) The development is beneficial to the public health, safety and welfare and is in the public interest. The proposed Euclid Meadows Manufactured Home Park would be beneficial to the public health, safety and welfare and would be in the public interest because it would provide additional housing stock in the form of single-family residences which could be purchased rather than rented and which would be located on property that is adjacent to existing residential uses on the south, west and east sides, some of which adjacent residences to the south are also manufactured homes (*Record at page 87*).

(5) The development does not lower the level of service of transportation below the minimum standards as shown within the Comprehensive Plan. If the development results in a level of service lower than those shown in the Comprehensive Plan, the development may be approved if improvements or strategies to raise the level of service are made concurrent with the development. For the purpose of this section, “concurrent with the development” is defined as the required improvements or strategies in place at the time of occupancy, or a financial commitment is in place to complete the improvements or strategies within six years of approval of the development. The proposed manufactured home park is not expected to result in traffic volumes that would cause the Level of Service on the City’s streets to fall below Level of Service (LOS) C. The acceptable LOS on City streets prescribed by the City’s 2016 Comprehensive Plan Transportation Element is LOS D (*Record at page 87*).

(6) The area, location and features of any land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development. Any dedication of additional right-of-way along existing streets or for new streets would be reasonably needed to mitigate the effects of the development, would be proportionate to the impacts created by the

development and could be included in a development agreement which would be agreeable to the applicant (*Record at pages 142-143*).

XI. Additional Specific Review Criteria for Rezones. GMC §17.88.060(A) provides that after the completion of an open record public hearing regarding a request for a Rezone, the Hearing Examiner shall make and enter findings and conclusions which support a recommendation relative to five considerations. GMC §17.88.060(B) and GMC §17.88.080 provide that those findings and conclusions are to be forwarded to the City Council to decide at a regular business meeting in accordance with GMC Chapter 2.50 whether to approve the Rezone with or without modification, whether to enter into an agreement with the applicant or whether to deny the Rezone. GMC §17.88.060(A) provides that the Hearing Examiner shall find whether or not:

(1) The proposal is in accord with the goals and policies of the comprehensive plan. The requested Rezone from the R-1 and R-3 zoning districts to the MR Manufactured Home Park District is in accord with the Goals and Policies of the Comprehensive Plan as explained in detail above in Subsection X(1) of this recommendation and decision.

(2) The effect of the proposal on the immediate vicinity will be materially detrimental. The effect on the immediate vicinity of the requested Rezone of the two parcels to the MR Manufactured Home Park District would not be materially detrimental because the Comprehensive Plan designation for the property and for all of the properties surrounding the two parcels is Residential. The traffic is not expected to decrease the Level of Service of City streets to an unacceptable level, particularly after improvements are made to North Euclid Street at the expense of the applicant. Surrounding properties are either used for agricultural or residential purposes. Ten or more residences adjacent to the property on the south in Grant Court are manufactured homes. All structures within the proposed manufactured home park would be single-story structures rather than 35-foot-high apartment buildings which could be built on the south

side of the property under the current R-3 zoning (*GMC §17.35.050(E)(1)*) and which would interfere with the views from the homes to the east and south of the R-3 zoned property to a greater extent than would the proposed single-story manufactured homes. There would be landscaping, fencing and walls to prevent detrimental effects to properties in the immediate vicinity.

(3) There is merit and value in the proposal for the community as a whole. The merit and value for the community as a whole would be to have additional single-family housing within the City in a manufactured home park that would comply with all applicable requirements and would be in a residential area where other manufactured homes already exist nearby.

(4) Conditions should be imposed in order to mitigate any significant adverse impacts from the proposal. The City's SEPA Responsible Official determined that the requested Rezone will not have any probable significant adverse impacts in need of mitigation and issued a final Determination of Non-Significance on February 9, 2021, which became final without an appeal (*Record at page 47*).

(5) A development agreement should be entered into between the city and the petitioner, and if so, the terms and conditions of such an agreement. The applicant is willing to enter into a development agreement to limit the density of the manufactured home park to 188 homes instead of the 295 homes that are permitted or instead of the 443 homes that would be permitted by adding a community center. (*GMC §17.20.060(C)*; *Record at page 142*); to provide 40-foot-wide streets to City standards with curb, gutter, sidewalks on both sides and street lights rather than the requisite 28-foot-wide streets with curbs (*GMC §17.20.070(G)(1)(b)(i)*; *Record at page 143*); to provide three rather than two off-street parking spaces for each unit (*GMC §17.20.070(I)*; *Record at page 143*); to provide a playground/park with a walking path to the park; to provide significant landscaping and a fence for each individual back yard; to provide electronic speed limit signs if permitted by the City; and to provide a full block fence along North Euclid Street in addition to the requisite visitor parking areas and other manufactured home park requirements of GMC Chapter 17.20 (*Record at pages 142-143*). The Hearing Examiner recommends that these and other agreeable conditions such as North Euclid Street improvements be incorporated into a development agreement to be recorded against the property as a condition of the Rezone.

XII. Additional Specific Review Criteria for Conditional Use Permits.

Upon conclusion of the open record public hearing required for consideration of a Conditional Use Permit by GMC §17.86.070, the Hearing Examiner is required by GMC §17.86.080 to make and enter findings and conclusions from the record as to whether or not:

(1) The proposal is in accordance with the goals, policies, objectives, maps and/or narrative text of the Comprehensive Plan. Even though the Hearing Examiner finds that the requested Rezone from the R-1 and R-3 zoning districts to the MR Manufactured Home Park District and the requested Conditional Use Permit for the proposed manufactured home park are in accordance with the Goals, Policies, Objectives, maps and relevant narrative text of the Comprehensive Plan for reasons explained above in Subsection X(1) of this recommendation and decision, the Conditional Use Permit for the proposed Euclid Meadows Manufactured Home Park approved by this decision can only become effective if the requested Rezone to the MR Manufactured Home Park District is approved by the City Council.

(2) The proposal will adversely affect public infrastructure. As previously noted in Subsection X(2) above, the proposal will not adversely affect public infrastructure. It is not expected to reduce the Level of Service of City streets to an unacceptable level. It will utilize City of Grandview water and sewer services. Internal drainage and 40-foot-wide streets with curbs, gutter, sidewalks on both sides of the street, and street lights would be constructed to City standards. The applicant is willing to enter into a development agreement that details all of the features that exceed City requirements, as well as those which comply with the provisions of GMC Chapter 17.20 and with other applicable City ordinance provisions (*Record at pages 142-143*).

(3) The proposal will be constructed, maintained and operated to be in harmony with the existing or intended character of the general vicinity. The proposed Euclid Meadows Manufactured Home Park would have single-story structures with back yard fences and a block wall along North Euclid Street (*Record at page 142*). Manufactured homes already exist in Grant Court to the south, and other residential uses already exist in all other directions except north of the property (*Record at page 87*). The residential use is also expected to be in

harmony with the existing or intended character of the general vicinity because it will be required to be in conformance with all applicable local, state and federal requirements, as well as any development agreement requirements that may be made a condition of the requested Rezone.

(4) The location and height of proposed structures and the site design will discourage the development of permitted uses on property in the general vicinity or impair the value thereof. The location and height of the single-story homes and the fencing in their backyards is not expected to discourage the development of permitted uses on property in the general vicinity or impair the value thereof. The single-story structures will significantly reduce the type of view obstruction that could result from the construction of 35-foot-high apartment buildings on the southern portion of the property adjacent to existing single-story single-family residences.

(5) The operations in connection with the proposal will be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district. The proposed Euclid Meadows Manufactured Home Park is not expected to be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic or flashing lights than would be the operation of any permitted uses within the district since its use will be residential and such annoyances would result in objections from residents of the manufactured home park which would likely result in elimination of the annoyances before they would affect nearby properties.

(6) The proposal will endanger the public health or safety if located and developed where proposed, or in any way will become a nuisance to uses permitted in the district. The proposed manufactured home park is not expected to endanger the public health or safety or become a nuisance to uses permitted in the district due to its design, fencing and aesthetic features.

CONCLUSIONS

Based upon the foregoing Findings, the Hearing Examiner concludes as follows:

(1) The Hearing Examiner has authority to make a recommendation to the Grandview City Council relative to a Rezone application and to decide whether to approve a Conditional Use Permit contingent upon the City Council's approval of the Rezone application.

(2) The public notice requirements of the Grandview Municipal Code have been satisfied.

(3) SEPA environmental review for the requested Rezone and Conditional Use Permit completed pursuant to RCW 43.21C and GMC Title 18 resulted in the issuance of a Determination of Non-Significance for both applications on February 9, 2021 which became final without an appeal.

(4) The City of Grandview has sufficient public services and sufficient water, sewer and street capacity for the requested Rezone and the proposed Euclid Meadows Manufactured Home Park.

(5) The only issue raised in this matter as to the applications' compliance with the requisite criteria for approval of the requested Rezone and Conditional Use Permit was a question relative to their consistency with the Comprehensive Plan.

(6) The Rezone and Conditional Use Permit applications satisfy the requisite criteria for approval of both applications, preferably subject to conditions prescribed in a development agreement to be recorded against the property as a condition of both applications.

(7) Any findings in this recommendation and decision that instead constitute conclusions or mixed findings and conclusions shall be considered as such even though not included within this section entitled Conclusions.

(8) The Hearing Examiner's recommendation regarding the Rezone application will be considered and decided by the Grandview City Council at a closed record public hearing with the result that (i) the Rezone application can be approved, conditioned, modified or denied by the City Council and (ii) the Hearing Examiner's decision approving the Conditional Use Permit application can only become effective if the Rezone is approved by the City Council.

RECOMMENDATION

The Hearing Examiner recommends that the City Council rezone parcel number 230914-32004 adjacent to the east side of North Euclid Street and the northern portion of the adjacent parcel number 230914-32001 easterly thereof from the R-1 Low Density Residential District to the MR Manufactured Home Park District and rezone the southern portion of parcel number 230914-32001 from the R-3 High Density Residential District to the MR Manufactured Home Park District subject to terms of a development agreement containing conditions agreeable to the City and the applicant to be recorded against the property.

DECISION

If the City Council approves the requested Rezone, the Hearing Examiner in that event also approves a Conditional Use Permit for the proposed 24.84-acre Euclid Meadows Manufactured Home Park on parcel numbers 230914-32001 and 230914-32004 to be developed and maintained in accordance with the site plan and design features submitted for the applications and subject to the City's development standards and requirements as well as the same terms and conditions set forth in any development agreement that is required by the City Council for approval of the Rezone.

DATED this 18th day of March, 2021.



Gary M. Cuillier, Hearing Examiner



**NOTICE OF PUBLIC HEARING
2021-2026 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM
AMENDMENT**

NOTICE IS HEREBY GIVEN that the City Council of the City of Grandview, Washington, will conduct a public hearing on **TUESDAY, APRIL 13, 2021, at 7:00 p.m.**, to receive comments on an amendment to the 2021-2026 Six-Year Transportation Improvement Program to procure right-of-way to accommodate new roadway design for the Old Inland Empire Highway Improvements from Grandridge Avenue to Elm Street.

Due to Governor Inslee's prohibition on "in-person" meetings, this public hearing will be available by teleconference only:

Please join the meeting from your computer, tablet or smartphone.

Join Zoom Meeting

<https://zoom.us/j/99006432100?pwd=d3VtdnYvK2hY2k1R2tDZHhIWEd3UT09>

Meeting ID: 990 0643 2100

Passcode: 595589

To join by phone: +1 253 215 8782 US

Meeting ID: 990 0643 2100

Passcode: 595589

Written comments may also be submitted to anitap@grandview.wa.us or mailed to the City of Grandview, Attn: City Clerk, 207 West Second Street, Grandview, WA 98930 and must be received by Tuesday, April 13, 2021 at 5:00 p.m.

CITY OF GRANDVIEW

Anita G. Palacios, MMC
City Clerk

Publish: Grandview Herald – March 17 & 24, 2021

CITY OF GRANDVIEW CITY COUNCIL

PUBLIC HEARING PROCEDURE

THE FOLLOWING PROCEDURE IS USED BY THE GRANDVIEW CITY COUNCIL TO MEET APPEARANCE OF FAIRNESS REQUIREMENTS:

MAYOR

1. The public hearing for the purpose of receiving comments on an amendment to the 2021-2026 Six-Year Transportation Improvement Program to procure right-of-way to accommodate new roadway design for the Old Inland Empire Highway Improvements from Grandridge Avenue to Elm Street is now open.
2. Before hearing from the public, City Administrator/Public Works Director Cus Arteaga will present the staff report.
3. Public comments will now be received. When you address the Council, begin by stating your name and address for the record.
4. Comments received by mail will now be entered in the record. The City Clerk will read any received.
5. The public testimony portion of this hearing is now closed. No further comments will be received.

RESOLUTION NO. 2021-14

**A RESOLUTION OF THE CITY OF GRANDVIEW, WASHINGTON,
AMENDING THE 2021-2026 SIX-YEAR TRANSPORTATION IMPROVEMENT
PROGRAM TO PROCURE RIGHT-OF-WAY TO ACCOMMODATE NEW ROADWAY
DESIGN FOR THE OLD INLAND EMPIRE HIGHWAY IMPROVEMENTS FROM
GRANDRIDGE AVENUE TO ELM STREET**

WHEREAS, on July 14, 2020, Council adopted by Resolution No. 2020-29 the 2021-2026 Six-Year Transportation Improvement Program (TIP) for the improvements and maintenance of City streets; and,

WHEREAS, amendments have been prepared to the 2021-2026 Six-Year TIP to procure right-of-way to accommodate new roadway design for the Old Inland Empire Highway Improvements from Grandridge Avenue to Elm Street; and,

WHEREAS, a public hearing on said amendments was advertised and held on April 13, 2021,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANDVIEW, as follows:

The 2021-2026 Six-Year Transportation Improvement Program amendment as attached hereto and incorporated herein by reference is hereby approved and adopted.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on April 13, 2021.

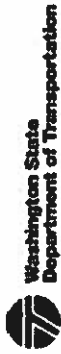
MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



Six Year Transportation Improvement Program From 2021 to 2026

Agency: Grandview

County: Yakima

MPOR/TPO: YVCOG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Terminal F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	1 / 8052(003)	Old Inland Empire Highway Improvements Grandridge Avenue to Elm Street Reconstruct roadway including widening, excavation, gravel surfacing, hot mix asphalt, curb and gutter, sidewalk, storm drainage improvements, landscaping, and street lights. Procure right-of-way to accommodate new roadway design.	WA-05178	07/14/20	07/14/20		2020-29	04	C P T W	0.740	CE	Yes

Funding									
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
S	RW	2021	STP(US)	88,500		0	13,500	100,000	
S	CN	2023	STP(US)	1,811,200		0	282,700	2,093,900	
Totals				1,897,700		0	296,200	2,193,900	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
RW	100,000	0	0	0	0
CN	0	0	2,093,900	0	0
Totals	100,000	0	2,093,900	0	0

Grand Totals for Grandview				Total Funds	
				Local Funds	296,200
				State Funds	0
				Federal Funds	1,897,700
				2,193,900	

ORDINANCE NO. 2021-04

**AN ORDINANCE OF THE CITY OF GRANDVIEW, WASHINGTON,
AMENDING THE 2021 ANNUAL BUDGET**

WHEREAS, the original 2021 estimated beginning fund balances and revenues do not reflect available budget sources; and

WHEREAS, there are necessary and desired changes in uses and expenditure levels in the funds; and

WHEREAS, there are sufficient sources within the funds to meet the anticipated expenditures,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANDVIEW, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. That the 2021 annual budget be amended to reflect the changes presented in Exhibit A.

Section 2. That the City Administrator is authorized and directed to adjust estimated revenues, expenditures and fund balances reflecting the determined changes.

Section 3. This Ordinance shall be in full force and effect five (5) day after its passage and publication as required by law.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on April 13, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLICATION: 4/14/21
EFFECTIVE: 4/19/21

Exhibit A

Beginning Balance	Estimated Revenues	Appropriated Expenditures	Ending Balance	Budget Total
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Current Expense Fund

Original 2020 Budget	1,350,130	5,716,190	6,871,740	194,580	7,066,320
Amendment Amount		1,000	8,500	(7,500)	1,000
Amended Total	1,350,130	5,717,190	6,880,240	187,080	7,067,320

TBD Fund

Original 2020 Budget	307,860	181,800	92,650	397,010	489,660
Amendment Amount			110,000	(110,000)	-
Amended Total	307,860	181,800	202,650	287,010	489,660

RESOLUTION NO. 2021-15

**A RESOLUTION OF THE CITY OF GRANDVIEW, WASHINGTON,
APPROVING TASK ORDER NO. 2021-05 WITH HLA ENGINEERING
AND LAND SURVEYING, INC., FOR THE ELM STREET RESURFACING**

WHEREAS, the City of Grandview has entered into a General Services Agreement with HLA Engineering and Land Surveying, Inc., (HLA) for work pursuant to task orders; and,

WHEREAS, the City would like to enter into a Task Order with HLA to provide professional engineering services and land surveying for the Elm Street Resurfacing,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANDVIEW, AS FOLLOWS:

The Mayor is hereby authorized to sign Task Order No. 2021-05 with HLA Engineering and Land Surveying, Inc., to provide professional engineering services and land surveying for the Elm Street Resurfacing in the amount of \$15,900.00 in the form as is attached hereto and incorporated herein by reference.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at a special meeting on April 13, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

TASK ORDER NO. 2021-05

REGARDING GENERAL AGREEMENT BETWEEN CITY OF GRANDVIEW

AND

HLA ENGINEERING AND LAND SURVEYING, INC. (HLA)

PROJECT DESCRIPTION:

Elm Street Resurfacing
HLA Project No. 21078

The City of Grandview (CITY) desires to improve roadways at key locations within their city limits as part of their annual maintenance plan. The City determined that Elm Street needs repair, from 2nd Street to 4th Street.

Engineering design work will begin immediately following Task Order approval. Construction is anticipated to occur in 2021.

SCOPE OF SERVICES:

At the direction of the CITY, HLA will provide professional engineering services for the Elm Street Resurfacing (PROJECT). HLA shall provide a comprehensive civil engineering construction document package (plans, specifications, and estimate) to improve asphalt condition consisting of planing existing asphalt surface, preleveling existing asphalt, resurfacing with hot mix asphalt, and pavement markings. Services will also include advertising and bidding, recommendation of contract award to the lowest responsible bidder, and engineering services during construction.

HLA shall provide the following services:

1.0 Design Engineering

- 1.1 Prepare site topographic survey in AutoCAD format showing field-located improvements and utilities.
- 1.2 Attend one (1) design meeting with the CITY to obtain input regarding existing and proposed improvements.
- 1.3 Prepare complete plan set, including plan sheets with construction notes and plan details.
- 1.4 Prepare final construction cost estimate.
- 1.5 Prepare final PROJECT specifications.
- 1.6 Submit final documents to the CITY for review and approval.
- 1.7 Transmit plans to dry utility companies, including power, cable, natural gas, and telephone to advise them of pending construction.
- 1.8 Incorporate CITY review comments and provide final construction documents for bidding approval.
- 1.9 Prepare advertisement for bids and transmit to newspapers as selected by the CITY. Advertising fees to be paid by the CITY.
- 1.10 Provide contract documents to potential bidders, as requested, and maintain planholder list.

- 1.11 Prepare any required addenda to contract documents.
- 1.12 Answer questions during bidding from prospective bidders.
- 1.13 Attend PROJECT bid opening, check and tabulate bids, and make recommendation of award to lowest responsible bidder.

2.0 Construction Engineering

- 2.1 Following award of the Contract by the CITY, prepare Notice of Award to the Contractor.
- 2.2 Assist in reviewing bond and insurance and prepare contracts.
- 2.3 Coordinate and conduct preconstruction conference followed by issuance of Notice to Proceed.
- 2.4 Provide submittal review for PROJECT materials as provided by the Contractor per the PROJECT specifications.
- 2.5 Attend construction meetings anticipated once per week during the duration of the improvements.
- 2.6 Furnish a qualified resident engineer (inspector) to observe construction as requested by the City. The resident engineer shall provide minimal surveillance of construction for substantial compliance with plans and specifications.
- 2.7 Recommend progress payments for the Contractor to the CITY.
- 2.8 Prepare and submit proposed contract change orders when applicable.
- 2.9 Conduct final inspection and prepare punchlist of items to be corrected by the Contractor and provide to the CITY.
- 2.10 Prepare record drawings of civil-related improvements based on the Contractor's as-built plans.
- 2.11 Prepare administrative documents for the appropriate agencies which have jurisdiction over funding, design, and construction of the PROJECT.

3.0 Additional Services

Provide professional engineering and land surveying services for additional work requested by the CITY that is not included above.

4.0 Items to be Furnished and Responsibility of CITY

- 4.1 Provide full information as to CITY requirements of the PROJECT.
- 4.2 Pay for PROJECT advertising, notices or other publications as may be required by the funding source.
- 4.3 Assist HLA by providing all available information pertinent to the PROJECT, including previous reports, drawings, plats, surveys, utility records, and any other data relative to design and construction of the PROJECT.
- 4.4 Examine all studies, reports, sketches, estimates, specifications, drawings, proposals, and other documents presented by HLA, and provide written decisions within a reasonable time as not to delay the work of HLA.

- 4.5 Obtain approval of all governmental authorities having jurisdiction over the PROJECT, and approvals and consents from other individuals or bodies as necessary for completion. Pay all review fees and costs associated with obtaining such approvals.

TIME OF PERFORMANCE:

HLA will diligently pursue completion of the PROJECT with the following schedule anticipated:

1.0 Design Engineering

Completion of plans, specifications, opinion of cost, and bidding services within fifteen (15) working days following receipt of signed Task Order.

2.0 Construction Engineering

It is estimated construction of improvements will be completed within five (5) working days following award of the contract and Notice to Proceed.

3.0 Additional Services

Time for completion of work directed by the CITY under Additional Services shall be negotiated and mutually agreed upon at the time of service request by the CITY.

FEE FOR SERVICE:

1.0 Design Engineering

All work for Design Engineering services shall be performed for the Lump Sum fee of \$11,300.00.

2.0 Construction Engineering

All work for Construction Engineering services shall be completed on an hourly basis, at normal hourly billing rates, for the estimated maximum fee of \$4,600.00. If the Contractor is granted additional working days beyond those identified in the Time of Performance, then work shall be considered Additional Services.

3.0 Additional Services

Any additional work requested by the CITY that is not included in this Task Order shall be authorized by the CITY and agreed upon by HLA in writing prior to proceeding with the services. HLA will perform the additional services as directed/authorized by the CITY on a time-spent basis at the hourly billing rates included in our General Agreement, plus reimbursement for direct non-salary expenses such as laboratory testing, printing expenses, vehicle mileage, out-of-town travel costs, and outside consultants.

Proposed:



HLA Engineering and Land Surveying, Inc.
Michael T. Battle, PE, President

3/10/2021

Date

Approved:

City of Grandview
Gloria Mendoza, Mayor

Date