

**City of Grandview, Washington
Hearing Examiner's Recommendations**

**In the Matter of Application for a)
Comprehensive Plan Amendment)
And for a Rezone of Three Parcels)
Submitted by:)**

Wyckoff Farms, Inc.)

December 20, 2023

**To Amend the Comprehensive)
Plan Future Land Use Map)
Designation from Industrial)
To Residential and Rezone Parcels)
On Forsell/Puterbaugh/Forrest)
Roads from the AG Agricultural)
District to the R-1 Low Density)
Residential District)**

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

(1) The Hearing Examiner conducted an open record public hearing for these applications on December 6, 2023.

(2) Byron Gumz, the YVCOG Regional Land Use Manager serving as Planner for the City of Grandview, presented his thorough staff report which recommended approval of both the Comprehensive Plan Amendment application and the Rezone application for the reasons set forth therein and in these recommendations.

(3) Testimony detailing many reasons supporting the approval of these applications such as reduction of conflicts between the applicant's hop fields and recent residential development to the south and the need for additional housing in the City was presented by the applicant's representatives for these applications, attorney Mark Fickes of Halverson Northwest Law Group P.C.; President of Wyckoff Farms, Inc. Court Wyckoff; Vice President of Engineering for Wyckoff Farms, Inc. David Pierce; and Century 21 Tri-Cities representative Jeff Bowlsey.

(4) Written comments that were submitted for the record include written narratives addressing the criteria for approval of the applications submitted by the applicant's attorney Mark Fickes; a written comment from the Sunnyside Valley Irrigation District relative to SVID pipelines within the property; a written comment from the Washington State Department of Transportation relative to the need for a traffic impact analysis to be conducted when specific development is proposed, particularly as to the ramp terminal capacity and safety of Exit 73; and a written comment from Stephen S. Hazzard, PE of HLA Engineering and Land Surveying, Inc. relative to the capacity of the City's sewer and water systems to serve future residential development on the subject properties.

(5) No one submitted any written comments or testimony in opposition to these applications.

(6) The recommendations for these applications have been issued within 14 days of the open record public hearing as required by Subsection 14.09.030(A)(4) of the Grandview Municipal Code (GMC).

B. Summary of Recommendations. The Hearing Examiner recommends that the Grandview City Council approve the requested amendment to the Comprehensive Plan Future Land Use Map designation of the three Wyckoff Farms, Inc. parcels from Industrial to Residential and approve the requested Rezone of the three parcels from the AG Agricultural District to the R-1 Low Density Residential District.

C. Basis for Recommendations. Based upon a view of the site and the surrounding area without anyone else present on December 6, 2023; the information contained in the staff report, exhibits, testimony and other evidence presented at an open record public hearing on December 6, 2023; and a consideration of the standards and criteria for approval of amendments to Comprehensive Plan Future Land Use Map designations and for approval of Rezones; the Hearing Examiner makes the following:

FINDINGS

I. Applicant/Property Owner. The applicant and property owner is Wyckoff Farms, Inc., attn: David Pierce, P.O. Box 249, Grandview, Washington 98930.

II. Location. The location of the three parcels comprising 145.36 acres currently in hop fields is north of Forsell Road in between Forrest Road and Puterbaugh Road. The Assessor's Parcel Numbers are 230915-32001, -31006 and -32002.

III. Proposal. These applications request approval of an amendment to the Comprehensive Plan Future Land Use Map designation of the subject parcels from the Industrial to the Residential designation and also approval of a Rezone from the AG Agricultural District to the R-1 Low Density Residential District in order to allow for future residential development of the property, probably in phases.

IV. Floodplain, Shoreline and Other Critical Area. The subject parcels are not within or near a floodplain, a shoreline regulated by the Shoreline Master Program or other critical area regulated by Chapter 18.06 of the Grandview Municipal Code (GMC).

V. Public Notice. These two applications have been processed in the following manner and public notice of the open record public hearing of December 6, 2023, has been given in the following ways pursuant to GMC §14.07.030(B):

Application submitted:	October 19, 2023
Notice mailed to owners of property within 300 feet:	November 8, 2023
Notice posted at City Hall, Library, Police Dept. & website:	November 8, 2023
Notice posted in three places on the property:	November 8, 2023
Notice published in the Grandview Herald:	November 8, 2023

VI. Environmental Review under the State Environmental Policy Act (SEPA). The City's SEPA Responsible Official issued a final SEPA Determination of Non-Significance (DNS) on November 22, 2023.

VII. Comprehensive Plan, Zoning and Land Uses. The Comprehensive Plan, zoning and land uses of the three parcels under consideration are as follows:

(1) These three parcels are currently within the Industrial designation of the Comprehensive Plan. The purpose of that designation is to include areas for industrial development such as for manufacturing, processing, packaging, storage or public facilities.

(2) The proposed Comprehensive Plan designation for these three parcels is Residential which would be an extension of the Residential designation and land use to the south of the parcels. The purpose of the Residential designation is to include areas that are appropriate for rural, single-family and multifamily residential living.

(3) The parcels are currently within the AG Agricultural zoning district. The purpose of the AG Agricultural District is to provide for minimum land use requirements to allow for agricultural uses to be conducted in certain portions of the City.

(4) The proposed zoning is the R-1 Low Density Residential District. The purpose of this district is to provide a low density residential environment containing single-family residential dwellings with smaller lots and useful yard spaces and to prohibit the development of incompatible uses that are detrimental to the residential environment.

(5) The nearby properties have the following Comprehensive Plan, zoning and land use characteristics:

<i>Direction</i>	<i>Comprehensive Plan</i>	<i>Zoning</i>	<i>Land Use</i>
North:	Urban Industrial (Yakima County)	M-1 Light Industrial (Yakima County)	Vacant/Residential
South:	Residential/ Low Density Residential	R-1 Low Density Residential	Residential/Agriculture
East:	Residential	M-1 Light Industrial	Residential/Agriculture
West:	Urban Industrial (Yakima County)	M-1 Light Industrial (Yakima County)	Agriculture

VIII. Jurisdiction and Process. The jurisdiction and the review process for these applications are as follows:

(1) Future Land Use Map Amendment: The Administrative Element (Chapter 7) of the Grandview Comprehensive Plan states that changes to the Future

Land Use Map (FLUM) shall only be granted if, after a recommendation is issued by the Hearing Examiner, the City Council finds that the amendment complies with the standards set forth below in Section X of these recommendations. As a part of this request for a FLUM amendment, a Rezone of the parcels is also requested.

(2) Rezone: Grandview Municipal Code 17.88 identifies the Rezone process. A Rezone also requires a recommendation from the Grandview Hearing Examiner and is approved by City Council if it complies with the standards set forth below in Section XI of these recommendations.

IX. Written Comments from Public Agencies. Findings that are relative to the written comments that have been submitted are as follows:

(1) The Sunnyside Valley Irrigation District (SVID) stated that they have multiple facilities within the properties. Those facilities are within easements or rights-of-way, which have restrictions regarding private development. Here no development is proposed at this time, but all future development on the site will be required to meet all of SVID's development standards in relation to their facilities.

(2) The Washington State Department of Transportation (WSDOT) provided comments on how the rezone has the potential to impact traffic volumes on Interstate 82, especially the Exit 73 interchange. They note that it is likely that traffic studies will be required upon future development of the site. Future development on the site will require review and permitting, and will likely require a traffic study at that time.

(3) HLA Engineering and Land Surveying, Inc., acting on behalf of the City of Grandview, provided comments relative to the availability of water and sewer to serve the area of the proposed rezone. HLA indicates that while there is likely capacity in the systems if capital facilities continue to be built out, improvements will be required upon development of the properties. Any future development will be reviewed at the time of application and any required infrastructure improvements will be required at that time.

X. Standards and Criteria for Approval of Amendments to Future Land Use Map Designations. Chapter 17.92 of the Grandview Municipal Code provides that applications for amendments to the Comprehensive Plan designations shall be processed by following applicable provisions of GMC Title 14. The following standards and criteria for consideration of amendments to the Comprehensive Plan Future Land Use Map designations set forth in the Grandview Comprehensive Plan Administration Element apply to this application for this requested amendment in the following specific ways:

(1) The proposal is consistent with the provisions of the GMA and other applicable state planning requirements. This proposal is consistent with the following GMA Goals set forth in RCW 36.70A.020:

(a) Urban growth: Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(b) Reduce sprawl: Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(c) Housing: Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(2) The proposal is consistent with and will help implement the goals, objectives, and policies of this plan. This proposal is consistent with and would implement the following goals, policies, and objectives of the Grandview Comprehensive Plan:

(a) Land Use GOAL 1: To create a balanced community by controlling and directing growth in a manner that enhances, rather than detracts from, community quality and values.

(b) Policy 1.1: Through land use management decisions, strive to influence both rates and patterns of growth in order to achieve goals of the Comprehensive Plan.

(c) Policy 1.3: Encourage urban infill where possible to avoid sprawl and the inefficient leapfrog pattern of development.

(d) Land Use GOAL 7: To preserve the character, agricultural heritage, and quality of life in Grandview and the surrounding rural areas that are part of the community.

(e) Policy 7.2: Establish a pattern of development that supports a sense of community.

(f) Policy 7.3: Encourage land use decisions that are sensitive to Grandview's history and culture.

(g) Housing GOAL 1: Provide safe and sanitary housing for all persons within the community.

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

(i) 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).

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

(k) Housing GOAL 3: Encourage a mixture of housing types and densities throughout the UGA that are compatible with public service availability.

(3) Required changes to the implementing regulations are identified prior to adoption of the proposed change and are scheduled for revision so that these implementing regulations remain consistent with the Comprehensive Plan. This criterion is not applicable because no changes to the implementing regulations are required prior to adoption of the proposed Comprehensive Plan

amendment in order for the implementing regulations to remain consistent with the Comprehensive Plan.

(4) The proposal will increase the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses or on other uses legally existing or permitted in the area. The proposal will increase the development potential of the site by allowing residential development on the property that would reduce potential conflicts with areas to the south that are developed with residential uses rather than agricultural uses. The Determination of Non-Significance (DNS) issued for these applications determined that the proposal would not result in any probable significant adverse environmental impacts to existing uses or to uses that are permitted in the area.

(5) The proposal is an extension of similar adjacent use or is of sufficient size to make the proposal logical. The requested Residential Future Land Use Map designation of the subject parcels would be an extension of the Residential designation of the Comprehensive Plan to the south of these parcels. Since the property is 146.36 acres, is adjacent to public roadways and is capable of being served with municipal services, it would also be of sufficient size and in a good location to make residential development logical.

(6) The traffic generated by the proposal will not unduly burden the traffic circulation systems in the vicinity. The collector and arterial system currently serves or can concurrently be extended to serve the proposal, as needed. The traffic will not increase as a result of a Residential designation of the property. Street frontage improvements and possibly other street improvements that are recommended by a traffic impact analysis may be required when specific development is proposed.

(7) Adequate public facilities and services exist or can be concurrently developed to serve the proposal. Adequate public facilities and services are available near the site or can be extended to the site.

(8) The other characteristics of the proposal are compatible with those of other uses in the vicinity. The historic use of the site is for agricultural uses. The proposal for future residential uses on the site will be compatible with the recent residential development adjacent to the site across Forsell Road and with other

residential uses in the area. Residential development of the property would reduce the potential for conflicts with existing residential uses that could result from continued farming activity that can cause odor, noise and dust. There is no industrial development adjacent to the property, but if industrial development is proposed to the north or west in the future, it will be reviewed at the time of development to ensure that impacts to residential uses are minimized.

(9) The other uses in the vicinity of the proposal are such as to permit the proposal to function properly. The other uses in the vicinity of the parcels, particularly the existing residential uses to the south, are such as to permit future residential uses on the subject property to function properly in harmony with those existing residential uses.

(10) If the proposal has significant adverse impacts beyond the City limits, the proposal has been jointly reviewed by Yakima County. The requested amendment of the Future Land Use Map designation to Residential is not expected to have any significant adverse impacts beyond the City limits. No comments were received from Yakima County regarding the SEPA review of this proposal. The City's Determination of Non-Significance (DNS) for the requested Comprehensive Plan amendment found that it would not result in any probable significant adverse environmental impacts.

(11) Any other similar considerations that may be appropriate to the particular case. The requested amendment of the Future Land Use Map designation from Industrial to Residential will help meet a need and demand for additional housing within the City and will not deprive the City of land needed for industrial development. Since RCW 36.70A.130(5)(c) mandates a Comprehensive Plan update by June 30, 2026, the City will soon in less than two years begin a complete reassessment of the City's growth projections and land use needs for the next 20-year planning window. In the meantime there will be ample property designated and zoned for industrial uses to meet the demand for that type of development in the City until the updated Comprehensive Plan reassessment of land use needs is completed.

XI. Standards and Criteria for Rezones. GMC §14.03.035 provides that a Hearing Examiner may make land use decisions as determined by the City Council at the request of either the Planning Commission or City Administrator. GMC §14.07.030(B) requires at least 10 days notice of public hearings by publication, mailing and posting. GMC §14.03.040(A)(4), GMC §14.09.030(A)(4) and GMC §17.88.020(A)(2) provide that a recommendation is to be made to the City Council regarding rezones in accordance with GMC Title 14. GMC §14.09.030(A)(3) and GMC §14.09.030(A)(4) provide applicable procedures. GMC §14.01.040(H) defines a development as any land use permit or action regulated by GMC Titles 14 through 18 including but not limited to subdivisions, binding site plans, rezones, conditional use permits or variances. GMC §14.09.030(A)(3)(c) provides that the Hearing Examiner is not to recommend approval of a proposed development such as a rezone without making the following findings and conclusions:

(1) The development (proposed Rezone) is consistent with the Comprehensive Plan and meets the requirements and intent of the Grandview Municipal Code. As explained above in Subsection X(2) of these recommendations, the zoning of the subject three parcels is recommended by the City's Planner and Hearing Examiner to be the R-1 Low Density Residential District which would be consistent with the purpose of the 2016 Comprehensive Plan "Residential" designation. The R-1 zoning district would also be consistent with the Comprehensive Plan provisions quoted above in that Subsection X(2) – namely Land Use Goals 1 and 7; Land Use Policies 1.1, 1.3, 7.2 and 7.3; Housing Goals 1 and 3; Housing Policy 1.1; and Housing Objectives 1 and 6. On the other hand, a Rezone to the R-1 zoning district would not be consistent with the Comprehensive Plan if the Comprehensive Plan designation is not changed from Industrial to Residential, and the existing AG Agricultural zoning is not consistent with its current Comprehensive Plan Industrial designation. The requested Rezone to the R-1 zone would

also meet the requirements and intent of the City's zoning ordinance so long as the requested Rezone satisfies all of the criteria for the approval of a Rezone that are set forth in this Section XI of these recommendations.

(2) The development (proposed Rezone) makes adequate provisions for drainage, streets and other public ways, irrigation water, domestic water supply and sanitary wastes. Drainage, street, irrigation water, domestic water and sanitary waste improvements, as well as other improvements, will be required at the time that a specific development is proposed.

(3) The development (proposed Rezone) adequately mitigates impacts identified under other GMC chapters and in particular GMC Title 18. The proposed Rezone has been determined to lack any probable significant adverse impacts on the environment through the final SEPA Determination of Non-Significance (DNS) that was issued pursuant to GMC Title 18 on November 22, 2023, as the final threshold determination.

(4) The development (proposed Rezone) is beneficial to the public health, safety, morals and welfare and is in the public interest. The requested Rezone would be beneficial to the public health, safety, morals and welfare and would be in the public interest for several reasons. For example, low density residential development on the subject property would reduce the potential for conflicts between the existing agricultural use of the subject property with nearby residential uses; would provide needed housing in a good location in the City that will be close to schools and the downtown area; and would provide the additional housing at a more affordable price than is possible in other communities where the price of land is more expensive. The proposal is also in the public interest because there currently is more demand for additional residential uses than for industrial or agricultural uses in the City.

(5) The development (proposed Rezone) 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. A traffic impact analysis will likely be required when specific development is proposed which would analyze the traffic impacts and the need for the applicant to make any traffic improvements to City streets or WSDOT facilities at that time.

(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. Here this criterion is not applicable because there is no land proposed or required for dedication at this time.

In addition, Section 17.88.060 of the Grandview Municipal Code provides that the Hearing Examiner shall enter findings for a Rezone indicating whether the following additional criteria are satisfied:

(1) Whether the proposal is in accord with the goals and policies of the Comprehensive Plan. A Rezone of these three parcels to the R-1 Low Density Residential District would be in accord with Land Use Goals 1 and 7; Land Use Policies 1.1, 1.3, 7.2 and 7.3; Housing Goals 1 and 3; Housing Policy 1.1; and Housing Objectives 1 and 6 of the 2016 Comprehensive Plan that are set forth above in Subsection X(2) of these recommendations.

(2) Whether the effect of the proposal on the immediate vicinity will be materially detrimental. R-1 Low Density Residential District zoning for these three parcels would not be materially detrimental to the immediate vicinity and would have merit and value for the community as a whole because it would reduce the potential for conflicts between existing nearby residential uses and current agricultural farming practices and would benefit properties in the immediate vicinity by extending City utilities to the subject property. Although notice of the applications and of the hearing was given to nearby property owners by mailing, posting and publication, no members of the public submitted written comments or testimony in opposition to the requested R-1 zoning of the subject parcels.

(3) **Whether there is merit and value in the proposal for the community as a whole.** There is merit and value in the recommended zoning of the subject parcels for the community as a whole because the proposed Rezone would allow for the future development of needed additional housing in a good location in the City that would be compatible with nearby uses and would not adversely impact any critical areas.

(4) **Whether conditions should be imposed in order to mitigate any significant adverse impacts from the proposal.** There is no need for conditions to be imposed in order to mitigate significant adverse impacts from the recommended zoning. The City's SEPA Determination of Non-Significance determined that no likely significant adverse environmental impacts would result from the amendment of the Comprehensive Plan designation or from the Rezone.

(5) **Whether a development agreement should be entered into between the City and the petitioner and, if so, the terms and conditions of such an agreement.** At this time there is no need for a development agreement between the City and the applicant as a condition for approval of the requested R-1 zoning prior to submission of a specific development proposal.

CONCLUSIONS

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

(1) The Hearing Examiner has authority to recommend that the Grandview City Council approve amendments to Comprehensive Plan Future Land Use Map designations and approve Rezones that meet the criteria for approval.

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

(3) SEPA environmental review completed pursuant to GMC Title 18 and RCW 43.21C resulted in the issuance of a final Determination of Non-Significance on November 22, 2023..

(4) There is sufficient water, sewer and street capacity to serve future residential development on the subject property so long as water storage and source improvements are made as recommended in the Water System Plan and other improvements are made as required for the specific development of the property.

(5) The requested Comprehensive Plan amendment and the requested Rezone would be compatible with surrounding land uses.


(6) The public use and interest would be served by approval of the requested Comprehensive Plan amendment and the requested Rezone.

(7) The requested Comprehensive Plan amendment and the requested Rezone satisfy all of the standards and criteria for their approval.

RECOMMENDATIONS

The Hearing Examiner recommends that the Grandview City Council approve the requested amendment to the Comprehensive Plan Future Land Use Map designation of Assessor's Parcel Numbers 230915-31006, 230915-32001 and 230915-32002 from the Industrial designation to the Residential designation and approve the requested Rezone of the three parcels from the AG Agricultural District to the R-1 Low Density Residential District.

DATED this 20th day of December, 2023.



Gary M. Cuillier, Hearing Examiner