

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

June 4, 2026

In the Matter of a Petition for)
Annexation of Two Parcels with)
R-2 Medium Density Residential)
Zoning Submitted by:)
Hugo E. Garibay, Property Owner)
Relative to About 2.16 Acres at)
160 Hickory Road East of Its)
Intersection with Hillcrest Road)

Annexation Resolution No. 2026-19

A. Introduction. The findings relative to the public hearing process for this petition are as follows:

(1) The Hearing Examiner conducted an open record public hearing on May 20, 2026, regarding this petition to annex approximately 2.16 acres located at 160 Hickory Road just east of its intersection with Hillcrest Road with City R-2 Moderate Density Residential zoning for the two parcels. *(Pages 4-5 of the record).*

(2) The staff report was presented by Byron Gumz, Regional Land Use Planning Manager of the Yakima Valley Conference of Governments acting as the City's Planner for this application. He submitted aerial illustrations of the property as additional exhibits 62, 63 and 64 for the record and recommended approval of the proposed annexation with City R-2 Medium Density Residential zoning *(Pages 57-61 of the record).*

(3) Mario Castellanos, the prospective developer of the property who is currently building single-family homes at 621 Wilson Road, testified in favor of approval of the proposed annexation with R-2 zoning.

(4) City Clerk Anita Palacios indicated that no written comments were submitted before the hearing.

(5) No other people testified at the hearing.

(6) This recommendation has been issued within ten working days of the hearing as required by Subsection 2.50.130(A) of the Grandview Municipal Code.

B. Summary of Recommendation. The Hearing Examiner recommends that the Grandview City Council approve the proposed annexation with R-2 Medium Density Residential zoning as recommended by the City's Planner which would be consistent with the Comprehensive Plan Future Land Use Map designation for the two parcels.

C. Basis for Recommendation. Based upon a view of the site without anyone else present on May 20, 2026; the information contained in the staff report, the exhibits and the testimony presented at the open record public hearing on May 20, 2026; and a consideration of the Grandview Comprehensive Plan and Grandview Zoning Ordinance, Title 17 of the Grandview Municipal Code (GMC); the Hearing Examiner makes the following:

FINDINGS

I. Petitioner/Property Owner. The petitioner and sole property owner of the two subject parcels is Hugo E. Garibay, 708 North 5th Street, Grandview, WA 98930 (*Pages 4-7 of the record*).

II. Location. The annexation area is located at 160 Hickory Road just east of its intersection with Hillcrest Road (*Pages 51, 56 and 63 of the record*).

III. Petition. The details relative to this annexation petition may be described as follows:

(1) The Yakima County Assessor's Office confirmed by letter of March 16, 2026, that the petition as submitted was signed by at least 60% of the assessed value of the property within the area proposed for annexation because it was signed by the only owner of the property within the area proposed for annexation (*Page 13 of the record*). The signer of the petition still owns property having an assessed value of more than 60% of the total assessed value of the property within the area proposed for annexation insofar as he owns 100% thereof (*Pages 6-7 of the record*).

(2) A 1975 doublewide mobile home and small wooden shed are currently located on the property. The land to the east and south is zoned for a manufactured home park. Land to the north is developed with single-family homes. To the west are two oversized lots with existing homes. The petitioner's parcels are within the City of Grandview's Urban Growth Area; are currently within the City's Comprehensive Plan designation of Residential; and are currently zoned by Yakima County as Single-Family Residential (R-1) (*Pages 6-7 and 57 of the record*).

(3) The Letter of Intention (60% Petition Method for Annexation Proceedings to the City of Grandview, Washington) was signed by Hugo E. Garibay who owned, and still owns, the two parcels located within the proposed annexation area that have an assessed value of 100% of the total assessed value of all of the properties within the area proposed for annexation (*Pages 3 and 6-7 of the record*).

(4) The petition requests annexation of the property with assumption of existing City indebtedness and with R-2 Medium Density Residential zoning. That zoning would be consistent with the Residential Comprehensive Plan designation for the property (*Pages 4-5 of the record*).

(5) At the City Council's regular meeting of March 10, 2026, the City Council by means of Resolution No. 2026-19 accepted the request for annexation subject to the following conditions: (i) that the annexation is accepted as proposed in the information attached to the Resolution; (ii) that the City requires simultaneous adoption of the City's zoning regulations consistent with the Urban Growth Area Future Land Use Designation: R-2 Medium Density Residential for the proposed annexation; and (iii) that the City requires the assumption of an appropriate share of all existing City indebtedness by the area to be annexed. The City Council by that Resolution also referred the petition for annexation to the Hearing Examiner to receive and examine available information, conduct a public hearing, prepare a

record thereof, and enter findings of fact and conclusions based upon those facts, together with a recommendation to the City Council *(Page 9 of the record)*.

(6) The sufficiency of the petition signed by the sole owner of the property having an assessed value of at least 60% of the assessed value of all of the properties within the area proposed for annexation was confirmed by a letter from the Yakima County Assessor's office dated March 16, 2026 *(Page 16 of the record)*.

(7) This Recommendation sets forth the legal description of the area proposed for annexation including the adjacent road right-of-way which was prepared by HLA Engineering and Land Surveying, Inc. on March 23, 2026 *(Pages 54-56 of the record)*. The legal description was confirmed as correct by an email from Yakima County Engineering Services Manager Brett Sheffield on March 25, 2026 *(Page 52 of the record)*.

(8) If the City Council agrees with this recommendation, it will authorize the annexation petition to be forwarded to the Boundary Review Board. If it is approved by that Board or if 45 days pass without the filing of a request for review, it will be returned for the City Council's adoption of an annexation ordinance.

IV. State Environmental Policy Act. The SEPA procedure for this matter may be detailed as follows:

(1) On April 22, 2026, the City distributed a Notice of Development Application, Environmental Determination & Notice of Public Hearing with a comment period ending on May 13, 2026, which stated that the City intends to issue a threshold Determination of Non-significance utilizing the optional SEPA process authorized by WAC 197-11-355 *(Pages 35-38 of the record)*.

(2) Following the comment period, a final threshold Determination of Non-significance (DNS) was issued on May 14, 2026, which retained the initial DNS by determining that the proposed annexation with appropriate zoning would not have a probable significant adverse environmental impact *(Page 39 of the record)*.

V. Zoning and Land Uses. The zoning and land uses of the property proposed for annexation and of the property in the surrounding area may be described as follows:

(1) The property proposed for annexation currently is zoned by Yakima County as Single-Family Residential (R-1) *(Pages 58 and 63 of the record)*. The petition requests that the property be zoned the City's R-2 Medium Density Residential *(Pages 4-5 of the record)*. GMC §17.34.010 states that the R-2 Medium Density Residential zoning district is primarily intended to provide a medium-density residential environment which generally should contain multiple unit residential structures of a scale compatible with structures in lower density districts with useful yard spaces. Minimum lot area is 7,500 square feet for single-family structures and 8,000 square feet for two-family structures, with two dwelling units per lot allowed. This proposed zoning is consistent with the Residential Comprehensive Plan designation for the property *(Page 59 of the record)*. The property is located within the Grandview Urban Growth Area *(Page 57 of the record)*.

(2) There is currently a 1975 doublewide mobile home and a small shed on the property *(Pages 6-7 of the record)*.

(3) The properties in the vicinity of these two parcels have the following zoning and land use characteristics:

<i>Location</i>	<i>Zoning</i>	<i>Existing Uses</i>	<i>Jurisdiction</i>
North:	R-1P Single-Family Residential Park	Residential	Grandview
South:	MR Manufactured Home Park	Vacant	Grandview
East:	MR Manufactured Home Park	Vacant	Grandview
West:	R-1 Single-Family Residential	Residential	Yakima County

(Pages 58-59 of the record).

VI. Comprehensive Plan. The Grandview Comprehensive Plan Future Land Use Map designation for the parcels is Residential. That designation is intended to provide a medium-density residential environment *(Page 59 of the record)*.

VII. Floodplains, Floodways or Shorelines. There are no FEMA floodplains, floodways or other flood hazard areas within or near these parcels, and there are no designated Shoreline Environments that are regulated by the Yakima County

Regional Shoreline Master Program within or near these parcels (*Pages 59-60 of the record*).

VIII. Critical Areas. There are no known critical areas as defined by GMC Chapter 18.06 within or near these parcels (*Page 60 of the record*).

IX. Concurrency. Review under GMC Chapter 14.10 relative to Transportation Concurrency Management is not required because no development is proposed. Future development may require transportation concurrency review (*Page 60 of the record*).

X. Development Standards. This petition is likewise not subject to any of the development standards that are contained in the Grandview Municipal Code since no development of the parcels is proposed at this time (*Page 60 of the record*).

XI. Infrastructure. Sewer and water lines are located near the property proposed for annexation, and the property has access to Hickory Road. Future development of the property may require improvements to that road, including the dedication of additional right-of-way (*Page 60 of the record*).

XII. Hearing Examiner Jurisdiction. Annexation procedures are governed by Chapter 17.96 of the Grandview Municipal Code (GMC) and Chapter 35A.14 of the Revised Code of Washington (RCW). The Hearing Examiner has jurisdiction to make a recommendation regarding annexation with appropriate zoning to the City Council based on the criteria set forth in GMC Chapter 17.96, GMC Chapter 14.09 and GMC Chapter 17.88 after a public hearing with prior notice described in RCW 35A.14.130.

XIII. Notices of Hearing. Notices of the Hearing Examiner’s open record public hearing of May 20, 2026, were provided as follows:

(1) The type of notice required for annexations by GMC §2.50.120(B) to be provided at least 10 working days prior to the hearing is not specified by GMC Chapter 17.96 or GMC Chapter 2.50. But RCW 35A.14.130 requires the City to “cause notice of the hearing to be published in one or more issues of a newspaper of general circulation in the city” and requires that “The notice shall also be posted in three public places within the territory proposed for annexation, and shall specify the time and place of hearing and invite interested persons to appear and voice approval or disapproval of the annexation.”

(2) Notice of the public hearing before the Hearing Examiner was posted in three places on the property proposed for annexation on April 20, 2026 (*Pages 48-51 of the record*).

(3) Notice of the public hearing was published in the City’s official newspaper, the Grandview Herald, on April 22, 2026, at least 10 working days prior to the hearing in accordance with RCW 35A.14.130 and GMC §2.50.120(B) (*Page 40 of the record*).

(4) Additional notice for the requested rezone of the parcels proposed for annexation was provided on April 20, 2026, in the manner required for permit or development applications such as rezones by mailing the notice of the date, time and place of the public hearing to owners of property within 300 feet of the parcels proposed for annexation and for rezoning, and by posting the notice of the public hearing at City Hall, the Library, the Police Department and the City’s website (*Pages 41-47 of the record*).

XIV. Annexation Review Criteria. The annexation review criteria include the following requirements that are either prescribed by State statutes or by City ordinances:

(1) 60% Petition (RCW 35A.14.120). This annexation petition satisfies the requirements of RCW 35A.14.120 because the assessed value of the properties petitioning for the annexation is at least 60%, namely is 100%, of the total assessed value of all of the properties within the area proposed for annexation and the petition

has been determined to be sufficient by the Yakima County Assessor's Office (*Page 13 of the record*).

(2) Annexation Review Criteria (GMC §17.96.030). GMC §17.96.030 provides that "At the time of the official public hearing on any proposed annexation to the city, the Hearing Examiner shall recommend a district classification of the area to be annexed in accordance with Chapter 2.50 GMC, which recommendation shall be in keeping with the overall comprehensive plan for the urban area, and the best arrangement of land uses to promote public health, safety, morals, and general welfare."

(3) Zoning District Classification in Keeping with the Comprehensive Plan (GMC §17.96.040). The requested R-2 Medium Density Residential zoning for the property is in keeping with the Comprehensive Plan's Residential designation for the property and is also consistent with the following Comprehensive Plan Land Use Element Goal and Policies:

GOAL 4: To pursue well-managed, orderly expansion of the urban area in a manner that is within the sustainable limits of the land.

Policy 4.2: Provide residential areas that offer a variety of housing densities, types, sizes, costs and locations to meet future demand.

Policy 4.3: Ensure that new residential development makes efficient use of the existing transportation network and provides adequate access to all lots.

(*Page 59 of the record*).

(4) Zoning District Classification in Keeping with the Best Arrangement of Land Uses (GMC §17.96.030). GMC §17.96.030 also requires a recommendation regarding the zoning district classification for an area to be annexed to be in keeping with the best arrangement of land uses to promote public health, safety, morals, and general welfare. The parcels proposed for annexation are within the City's Urban Growth Area. Since the adjacent properties to the north, south and east sides of the property are within the City limits, approval of the proposed annexation would result in a natural and expected expansion of the City's boundaries. Since R-1P Single-Family Residential Park zoning is adjacent to the property proposed for annexation on the north, MR Manufactured Home Park zoning is adjacent to the property proposed for annexation on the south and east, and Yakima County R-1 Single-Family Residential zoning is adjacent to the property proposed for annexation on the west, R-2 Medium Density Residential zoning would constitute the natural, expected, transitional zoning district for the property and would result in the best arrangement of land uses for the proposed annexation area. That type of future land

use would be compatible with other similar nearby residential land uses. This general criterion as to the best arrangement of land uses to promote the public health, safety, morals and general welfare can also be determined through a consideration of the more specific rezone criteria in the following section that apply here since this petition requests a change of the zoning from the current Yakima County Single-Family Residential (R-1) zoning to the City's R-2 Medium Density Residential zoning.

XV. 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 §17.88.060(B) provide that a recommendation is to be made to the City Council regarding rezones in accordance with GMC Title 14 and GMC Chapter 2.50. GMC §14.09.030(A)(3) and GMC §14.09.030(A)(4) prescribe the 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 enumerated actions such as rezones. 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. The zoning of the approximate 2.16-acre annexation area is recommended by the petitioner, the City's Planner and the Hearing Examiner to be the R-2 Medium Density Residential zoning district for the two parcels having the Residential Comprehensive Plan designation. In this way the proposed rezone will be consistent with the Comprehensive Plan and with the Land Use Element Goal 4, as well as Policies 4.2 and 4.3 of the Comprehensive Plan. The rezone of the parcels to the R-2 Medium Density Residential zoning district would also meet the

requirements and intent of the City's zoning ordinance so long as that zoning satisfies all of the following criteria for approval of a rezone.

(2) The development (proposed rezone) makes adequate provisions for drainage, streets and other public ways, irrigation water, domestic water supply and sanitary wastes. City of Grandview water and sewer lines are located near the parcels proposed for annexation and the property is accessed by means of Hickory Road. Future development of the two parcels may require the dedication of additional road right-of-way and street improvements and will require that adequate provisions be made for drainage and sanitary wastes. *(Page 60 of the record).*

(3) The development (proposed rezone) adequately mitigates impacts identified under other GMC chapters and in particular GMC Title 18. The proposed annexation and zoning have been determined to lack any probable significant adverse impacts on the environment through the SEPA Determination of Non-significance issued as the final threshold determination per GMC Title 18 on May 14, 2026.

(4) The development (proposed rezone) is beneficial to the public health, safety, morals and welfare and is in the public interest. The requested rezone is beneficial to the public health, safety, morals and welfare and is in the public interest because the parcels will serve as a future site for needed additional residential units within the City that would be compatible with the nearby residential zoning and uses.

(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. No development of any specific medium density residential use is proposed at this time, but development of medium density residential uses on the 2.16-acre site in the future may be subject to the Transportation Concurrency Management requirements of GMC Chapter 14.10 and may require a Certificate of Concurrency depending upon the specific type of development proposed.

(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 for dedication at this time. Future development may require a dedication of additional road right-of-way that is reasonably needed to mitigate the effects of the development and is proportional to the impacts created by the development.

In addition to these criteria, Section 17.88.060 of the Grandview Municipal Code provides that the Hearing Examiner shall enter findings for a rezone relative to the following additional criteria:

(1) Whether the proposal is in accord with the goals and policies of the Comprehensive Plan. The rezone of the two parcels to the R-2 Medium Density Residential zoning district would be consistent with the Comprehensive Plan's Residential designation for the parcels and would be in accord with the Comprehensive Plan's Land Use Element Goal 4, as well as Policies 4.2 and 4.3 set forth above in Subsection XIV(3) of this Recommendation.

(2) Whether the effect of the proposal on the immediate vicinity will be materially detrimental. The proposed annexation with R-2 Medium Density Residential zoning for the 2.16-acre annexation area will not be materially detrimental to the immediate vicinity because the two parcels can be utilized in the future for a medium density residential use in an area where there are already various types of residential uses located to the north and west of the property.

(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 these parcels for the community as a whole because it is consistent with the Comprehensive Plan's Residential designation for the property and because it will allow for development of one or more R-2 Medium Density Residential uses on the two parcels which will help accommodate the population growth of the City and which will be compatible with uses that already exist in the area.

(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 probable significant adverse environmental impacts of the proposed annexation and recommended zoning at this time. The City's SEPA

Determination of Non-significance determined that no impacts of that nature are likely to result from this annexation with R-2 Medium Density Residential zoning.

(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. There is no need for a development agreement between the City and the petitioner for the proposed annexation with the recommended zoning. Future development will be reviewed at the time of application to ensure consistency with applicable development standards, and the City could require some type of development agreement at that time depending upon the type of development that is proposed.

CONCLUSIONS

Based on the foregoing findings, the Hearing Examiner reaches the following conclusions:

(1) The Hearing Examiner has jurisdiction under GMC §17.96.030, GMC §2.50.080(C)(1) and GMC §2.50.080(C)(2) to make a recommendation to the Grandview City Council regarding this petition for annexation with appropriate zoning.

(2) A Final SEPA Determination of Non-significance (DNS) was issued on May 14, 2026.

(3) The two parcels proposed for annexation are located within the City of Grandview Urban Growth Area. The north, south and east sides of the proposed annexation area are contiguous to the City limits.

(4) There will be sufficient water, sewer and street capacity for development of the two parcels in the proposed annexation area with one or more R-2 Medium Density Residential uses so long as any requisite infrastructure improvements are provided by the applicant at that time.

(5) The annexation petition has met the requirements for the 60% petition method authorized by RCW 35A.14.120 that requires the owners of properties having an assessed value of at least 60% of the assessed value of all of the properties within the area proposed for annexation to join in the petition because the sole owner of 100% of the assessed value of the properties within the area proposed for annexation has signed the petition.

(6) The proposed annexation area should have R-2 Medium Density Residential zoning in order to be consistent with its Residential Comprehensive Plan designation.

(7) The requested annexation with the recommended R-2 Medium Density Residential zoning satisfies the applicable requirements and criteria set forth in RCW 35A.14.120, GMC §17.96.030, GMC §17.96.040, GMC §14.09.030(A)(3)(c) and GMC §17.88.060 that are needed to be satisfied in order to recommend its approval by the Grandview City Council.

RECOMMENDATION

The Hearing Examiner recommends to the Grandview City Council that this petition for annexation of Parcel Nos. 230927-11424 and 230927-11425 as described in the documentation submitted for this application, in the City Planner's staff report and in this Recommendation be **APPROVED** with R-2 Medium Density Residential zoning subject to the assumption of an appropriate share of all existing City indebtedness by the annexed area and with the annexed area being legally described in the following manner which has been prepared by HLA Land Surveying and Engineering, Inc. and which has been confirmed as accurate by Yakima County Engineering Services Manager Brett Sheffield:

That portion of the Northeast quarter of Section 27, Township 9 North, Range 23 East, W.M., described as follows:

Commencing at the Northeast corner of said Section 27;

Thence South 0°06' West along the East line thereof 500 feet to the Easterly extension of the South line of Tract 64, GRANDVIEW ORCHARD TRACTS according to the official plat thereof recorded in Volume "B" of Plats, Page 14, records of Yakima County, Washington;

Thence North 89°56' West along said South line of said Tract 64 and its Easterly extension 1034.37 feet;

Thence North 0°05'06" East 104.25 feet to the Westerly line of said Tract 64, being the Easterly right of way line of Hickory Road and the Point of Beginning;

Thence Northwesterly at a right angle to the centerline of said Hickory Road, to the Westerly right of way line of said Hickory Road;

Thence Southwesterly along said right of way line to the Southerly extension of the West line of Tract 62 of said Plat;

Thence North along the West line of said Tract 62 and its Northerly and Southerly extension to the North line of the Northeast quarter of said Section 27;

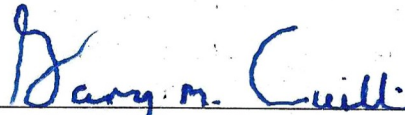
Thence East along the North line to the Westerly line of said Tract 64, being the Easterly right of way line of said Hickory Road;

Thence Southerly along said line to the Point of Beginning;

Situate in Yakima County, State of Washington.

Yakima County Tax Parcel Nos. 230927-11424 and 23097-11425.

DATED this 4th day of June, 2026.



Gary M. Cuillier
Gary M. Cuillier, Hearing Examiner