

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE NO. 6-2008

IN THE MATTER OF AMENDING THE YAKIMA URBAN AREA COMPREHENSIVE PLAN 2025 AND AMENDING THE YAKIMA COUNTY URBAN AREA ZONING ORDINANCE (YAKIMA COUNTY CODE TITLE 15A) OFFICIAL ZONING MAP, PERTAINING TO LOCATIONS ON SOUTH 33rd AVENUE IN TERRACE HEIGHTS AND SOUTH 80th AVENUE AND WEST NOB HILL BOULEVARD.

WHEREAS, Yakima County is required to prepare long-range comprehensive plans and related laws and regulations under the Washington State Growth Management Act (GMA) RCW 36.70A.040; and

WHEREAS, RCW 36.70A.130 provides for continuing review and evaluation of comprehensive plans and development regulations at least every seven years and for the revision or amendments to such plans not more than once a year but at least once every seven years, with certain exceptions; and

WHEREAS, RCW 36.70A.470 requires that counties and cities planning under RCW 36.70A.040 include in their development regulations a procedure for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest comprehensive plan or development regulation amendments; and

WHEREAS, RCW 36.70A further requires that the suggested amendments be docketed and considered not more than once a year, consistent with the provisions of RCW 36.70A; and

WHEREAS, the Regional Planning Commission held a properly noticed public hearing on the proposed comprehensive plan amendments and on January 9, 2008, issued its findings, conclusions and recommendations to the Board of Yakima County Commissioners; and

WHEREAS, the Yakima County Hearing Examiner held properly noticed public hearings on the proposed rezones and on March 17, 2008, issued his recommendations to the Board of Yakima County Commissioners; and

WHEREAS, a properly noticed public hearing on this ordinance was held by the Board of Yakima County Commissioners on March 18, 2008, to consider the proposed plan amendments and rezones; and

WHEREAS, the Board considered the requirements of RCW 36.70A, the analysis and proposed revisions, the recommended findings on the review and proposed revisions

forwarded by the Regional Planning Commission, public comments received, and Hearing Examiner findings; and,

WHEREAS, the Board of Yakima County Commissioners makes the following findings in support of its actions and makes findings in agreement with the findings of the Regional Planning Commission (Exhibits A and B) and the findings of the Hearing Examiner (Exhibits C and D); and,

WHEREAS, the Board of Yakima County Commissioners, concludes: (1) all notice requirements for the amendment to the Yakima Urban Area Comprehensive Plan 2025 and Title 15A have been completed, (2) all hearings and meeting necessary for the Board to adopt the 2007 amendments to the Yakima Urban Area Comprehensive Plan 2025 and Title 15A have been completed, (3) all matters material to the issuance of a SEPA determination on the 2007 amendments to the Yakima Urban Area Comprehensive Plan 2025 and Title 15A have been completed, and (4) the Board has given full consideration to the policy recommendations provided by the Regional Planning Commission, the Hearing Examiner, to comments received, and the above findings; now, therefore

BE IT HEREBY ORDAINED:

Section 1. Findings, Analysis and Conclusions. After reviewing the record and considering the arguments in the record and at public hearings, the Board of Yakima County Commissioners hereby adopts the above findings, analysis and conclusions.

Section 2. Revision of Future Land Use Map of Existing Comprehensive Plan. The Yakima Urban Area Comprehensive Plan 2025 Future Land Use Map shall be amended to change the land use designation on the subject property depicted in Exhibit E from Low Density Residential to Neighborhood Commercial. The Yakima Urban Area Comprehensive Plan 2025 Future Land Use Map, Terrace Heights Neighborhood Future Land Use Map, shall be revised to change the land use designation on the subject property depicted in Exhibit F from Medium Density Residential to Large Convenience Center.

Section 3. Revision of Title 15A Official Zoning Map. The Official Zoning Map of Title 15A shall be amended to change the zoning on the subject property depicted in Exhibit E from R-1 Single Family Residential to B-2 Local Business. The Official Zoning Map of Title 15A shall be amended to change the zoning on the subject property depicted in Exhibit F from R-2 Two Family Residential to Central Business District Support (CBDS).

Section 4. Severability. If any of the provisions of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to the other persons or circumstances shall not be affected.

Section 5. Effective Date. This ordinance shall be effective immediately.

Dated 12/16/08



Attest:

Tiera L. Girard

Christina S. Steiner
Clerk of the Board

Tiera L. Girard
Deputy Clerk of the Board

BOARD OF YAKIMA COUNTY
COMMISSIONERS

Ronald F. Gamache

Ronald F. Gamache, Chairman

J. Rand Elliott

J. Rand Elliott, Commissioner

Approved as to Form:

Christina S. Steiner

Deputy Prosecuting Attorney

Michael D. Leita

Michael D. Leita, Commissioner

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

EXHIBIT

“A”

SUMMARY OF RECOMMENDATION FOR ZON07-004

APPLICANT: Hordan Planning Services/Terrace Heights
Development
LOCATION: South 33rd Avenue, Terrace Heights
(outside of city limits)
PARCEL NO: 19132113410 and 19132124402

SUMMARY OF HEARING EXAMINER RECOMMENDATION

This application was not presented to the Hearing Examiner for review. Yakima County Code does not require, nor are there provisions for, Hearing Examiner review of comprehensive plan amendment and concurrent rezone applications.

DESCRIPTION OF REQUEST

The applicant requests changes in the Future Land Use Map on the *Subject Property* from Medium Density Residential to Large Commercial Center. If the comprehensive plan amendment is approved, a concurrent rezone from R-2 (Two Family Residential) to CBDS (Central Business District Support) is also requested. The *Subject Property* will ultimately be merged through a short subdivision exemption with the adjacent property to the north (parcel 1912113409) for the future construction of senior/student housing for the Pacific Northwest University of Health Sciences - College of Osteopathic Medicine, which is currently under construction.

This is a request for a non-project rezone of two parcels totaling about 15.58 acres in size located on the South 33rd Avenue approximately a ¼ mile south of its intersection with Terrace Heights Drive. The *Subject Property* is currently vacant.

FINDINGS

- ° This is a non-project comprehensive plan amendment and rezone request.
- ° The *Subject Property* is located within the Urban Growth Area of the city of Yakima (Terrace Heights).
- ° The *Subject Property* is adjacent to the future home of the Pacific Northwest University of Health Sciences - College of Osteopathic Medicine.
- ° The *Subject Property* is well suited for the intended use (senior/student housing), which is permitted in the CBDS (Central Business District Support) zoning district.

- ° Yakima County's comprehensive plan for this area is the Terrace Heights Neighborhood Plan (THNP) and the Yakima Urban Area Comprehensive Plan 2025 (YUACP).
- ° The Terrace Heights Neighborhood Plan Medium Density Residential designation would not support the requested rezone of the *Subject Property* to CBDS (Central Business District Support).
- ° The Terrace Heights Neighborhood Plan's Large Commercial Center designation would support the requested rezone of the *Subject Property* to CBDS (Central Business District Support) zoning district.
- ° The proposed rezone and intended use (senior/student housing) of the *Subject Property* would be compatible with the proposed neighboring land uses the south (Medium Density Residential).
- ° The granting of this request would fulfill a major objective of the existing Comprehensive Plan without conflicting with other goals and policies.
- ° Approval of this request will not affect the cumulative impacts of other Comprehensive Plan applications.
- ° No public testimony was given at the RPC Hearing on December 12, 2007 in opposition to the comp plan amendment or requested rezone.
- ° All public utilities are available to the property.

ENVIRONMENTAL ANALYSIS (SEPA)

The Environmental Checklist submitted by the Applicant reveals no direct significant adverse environmental impacts. A Determination of Non-significance (DNS) was issued by Yakima County on December 28, 2007. The comment period ends on January 11, 2008.

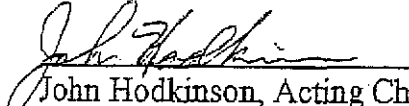
REGIONAL PLANNING COMMISSION CONCLUSIONS

- ° No adverse impacts have been identified by this amendment request.
- ° The amendment request meets the approval criteria of both YCC 16B.10.040 and YMC 16.10.040 and complies with the goals and policies of the Terrace Heights Neighborhood Plan and Yakima Urban Area Comprehensive Plan 2025.

- This proposal will allow for the merger with the existing commercial use (Pacific Northwest University of Health Sciences - College of Osteopathic Medicine) located to the north of the *Subject Property*, and also permits the expansion of the University to satisfy their senior/student housing needs.
- The proposed use is residential in nature and will have no adverse impacts to future medium density residential uses on adjacent parcels the south or east.
- The change in zoning for the *Subject Property* would be consistent with the proposed Comprehensive Plan Future Land Use Map designation.

MOTION

Based upon the analysis, findings and conclusions outlined above, it was moved and seconded that the Regional Planning Commission recommend **APPROVAL** of the amendment request, resulting in a comprehensive plan Future Land Use Map designation change from Medium Density Residential to Large Commercial Center; thereby allowing a concurrent rezone from R-2 (Two Family Residential) to CBDS (Central Business District Support). The motion carried unanimously.


John Hodkinson, Acting Chair
Regional Planning Commission

1/9/08
Date

EXHIBIT

“B”

SUMMARY OF RECOMMENDATION FOR ZON07-005

APPLICANT: Hordan Planning Services/STORAGE CO.
LOCATION: South 80th Avenue and West Nob Hill Boulevard
(outside of city limits)
PARCEL NO: 18133014005 and 18133014006

SUMMARY OF HEARING EXAMINER RECOMMENDATION

This application was not presented to the Hearing Examiner for review. Yakima County Code does not require, nor are there provisions for, Hearing Examiner review of comprehensive plan amendment and concurrent rezone applications.

DESCRIPTION OF REQUEST

The applicant requests changes in the Future Land Use Map and zoning on the *Subject Property* from Low Density Residential to Neighborhood Commercial. If the comp plan amendment is approved, a concurrent rezone from R-1 (Single-Family Residential) to B-2 (Local Business District) is also requested. The applicant believes the widening of West Nob Hill Boulevard to five lanes and the proposed connection between Wide Hollow Road and West Nob Hill Boulevard will create a "bypass" road of existing businesses, which lie south of this site, thus creating a need for local business activities to be located at the corner of South 80th Avenue and West Nob Hill Boulevard, instead of the vicinity of South 80th and Wide Hollow. The increase in residential subdivisions in the general vicinity creates a need for neighborhood commercial access.

This is a request for a non-project rezone of two parcels totaling about 9.88 acres in size located on the South 80th Avenue at the intersection with West Nob Hill Boulevard. Each parcel has a single family dwelling unit.

FINDINGS

- ° This is a non-project comprehensive plan amendment and rezone request.
 - ° The *Subject Property* is located within the Urban Growth Area of the city of Yakima; therefore the comprehensive plan for this area is the Yakima Urban Area Comprehensive Plan 2025 (YUACP).
 - ° The Yakima Urban Area Comprehensive Plan 2025 Low Density Residential designation would not support the requested rezone of the *Subject Property* to B-2 (Local Business District).
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- ° The Yakima Urban Area Comprehensive Plan 2025 Neighborhood Commercial designation would support the requested rezone of the *Subject Property* to B-2 (Local Business District).
- ° With the proposed West Nob Hill Boulevard expansion to connect with Wide Hollow Road, the *Subject Property* will be located at the intersection of two major arterials, thus a prime location for commercial uses.
- ° The *Subject Property* is well suited for commercial uses, due to the proximity to residential uses, size of property and location to the proposed West Nob Hill Boulevard and South 80th Avenue intersection.
- ° Yakima Urban Area Comprehensive Plan 2025 policies require Neighborhood Commercial uses to provide adequate buffering between commercial and residential uses.
- ° The proposed rezone and potential commercial uses allowed at the *Subject Property* would be compatible with the proposed neighboring land uses with appropriate level of screening.
- ° Adjoining properties have had recent changes in land use designation and zoning to Neighborhood Commercial.
- ° The granting of this request would fulfill a number of objectives of the Comprehensive Plan without conflicting with other goals and policies.
- ° Approval of this request will not affect the cumulative impacts of other Comprehensive Plan applications.
- ° Three written comments were submitted in opposition to the requested rezone.
- ° No public testimony was given at the RPC Hearing on December 12, 2007.
- ° All public utilities are available to the property.

ENVIRONMENTAL ANALYSIS (SEPA)

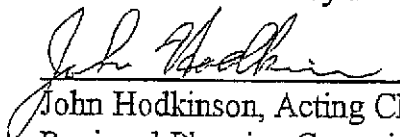
The Environmental Checklist submitted by the Applicant reveals no direct significant adverse environmental impacts. A Determination of Non-significance (DNS) was issued by Yakima County on December 28, 2007. The comment period ends on January 11, 2008.

REGIONAL PLANNING COMMISSION CONCLUSIONS

- No adverse impacts have been identified by this amendment request.
- The amendment request meets the approval criteria of both YCC 16B.10.040 and YMC 16.10.040 and complies with the goals and policies of the Yakima Urban Area Comprehensive Plan 2025.
- The proposed new bypass arterial connection of West Nob Hill Boulevard and Wide Hollow Road will create an immediate need for commercial at this intersection.
- The change in zoning for the *Subject Property* would be consistent with the proposed Comprehensive Plan Future Land Use Map designation.

MOTION

Based upon the analysis, findings and conclusions outlined above, it was moved and seconded that the Regional Planning Commission recommend **APPROVAL** of the amendment request, resulting in a comprehensive plan Future Land Use Map designation change from Low Density Residential to Neighborhood Commercial; thereby allowing a concurrent rezone from R-1 (Single-Family Residential) to B-2 (Local Business District). The motion carried by a 4 to 1 vote.


John Hodkinson, Acting Chair
Regional Planning Commission

1/9/08
Date

EXHIBIT

“C”

MAR 17 2008

Vern____Gary____Don____Steve____
Bill____Dave____Lisa____Carmen____

**County of Yakima, Washington
Hearing Examiner's Recommendation**

March 17, 2008

**In the Matter of a Rezone)
Application Submitted by:)
Storageco, LLC & UCIP, LLC)
For rezone of 9.88 Acres at South)
80th Avenue & Nob Hill Boulevard)
From the R-1 to the B-2 Zone)**

**ZON 07-005
PRJ2007-0661**

Introduction. The Hearing Examiner conducted a public hearing on March 14, 2008, and this rezone recommendation has been issued within ten business days of the hearing. A staff report prepared by Project Planner Thomas Carroll and presented by Project Planner Kolya McCleave recommended approval of the rezone application. The applicant's representative, Bill Hordan of Hordan Planning Services, testified in favor of the application. Michael and Kathy Marsolek wrote letters received on October 18, 2007 in opposition to the requested rezone because of their belief that business development will interfere with residential development on their duplex lots directly to the north of the property proposed for rezone. The uncontradicted testimony at the hearing indicated that the orientation of the duplexes on their lots and the benefits of nearby commercial uses for residents outweigh the unsubstantiated fears expressed in those letters. No other testimony or public comments were submitted regarding the requested rezone.

Summary of Recommendation. The Hearing Examiner agrees with the Planning Division's and Mr. Hordan's reasons for recommending approval of this rezone from the Single-Family Residential (R-1) zone to the Local Business District (B-2) zone if the Board of Yakima County Commissioners approves the requested change in the Comprehensive Plan designation for the property from the Low Density Residential to the Neighborhood Commercial designation.

Basis for Recommendation. Based upon views of the site without anyone else present on February 28, 2008 and March 14, 2008; the information contained in the staff report, the application, the exhibits, the testimony and the other evidence presented at the open record public hearing on March 14, 2008; and a review of both the 1997 Yakima County Urban Area Comprehensive Plan and the Yakima County Urban Area Zoning Ordinance (YCUAZO), the Hearing Examiner makes the following:

FINDINGS

I. **Applicant/Property Owners.** The applicant is Bill Hordan of Hordan Planning Services, 410 North 2nd Street, Yakima, Washington, on behalf of Storageco, LLC which owns parcel 181330-14005 (9.33 acres) and UCIP, LLC which owns parcel 181330-14006 (.55 acres).

II. **Location.** The property is located in the West Valley area on the west side of South 80th Avenue north of a planned extension of West Nob Hill Boulevard westerly to Wide Hollow Road.

III. Application. This application requests a concurrent rezone of 9.88 acres in the vicinity of South 80th Avenue and Nob Hill Boulevard from R-1 to B-2 in connection with a Comprehensive Plan designation change from Low Density Residential to Neighborhood Commercial. This application is being processed under the provisions of the 1997 Yakima Urban Area Comprehensive Plan because the application was submitted prior to the recent December, 2007 adoption of the Yakima Urban Area Comprehensive Plan 2025. Driving forces behind this request include the planned connection between Wide Hollow Road and West Nob Hill Boulevard which will bypass existing businesses south of the site and the increase in residential development in the area which will create a need and demand on the part of local residents for neighborhood commercial uses nearby.

IV. Notices. Notices of the public hearing were provided in accordance with applicable ordinance requirements in the following manner:

| | |
|---|-------------------|
| Posting of notice of public hearing on the property: | February 29, 2008 |
| Mailing of notice of public hearing to property owners: | February 29, 2008 |
| Publishing of notice of public hearing in newspaper: | March 1, 2008 |

V. State Environmental Policy Act. Environmental review for this proposed rezone was conducted in accordance with the optional SEPA process authorized by WAC 197-11-355. The comment period for the threshold Determination of Nonsignificance (DNS) ended on January 11, 2008 without any comments in opposition thereto. The Final Determination of Nonsignificance was issued on January 18, 2008. No appeal was filed within the appeal period. Further environmental review will be required of most

commercial uses when applications for specific construction permits are submitted in the future. Yakima Urban Area Comprehensive Plan policies 3.12.5, 3.12.6, 3.12.7 and 3.12.8 require potential impacts from commercial uses to be addressed when adjacent to residential uses.

VI. Comprehensive Plan, Zoning and Land Uses. The current Urban Area Comprehensive Plan designations, zoning and land uses of properties in the vicinity are as follows:

| <u>Location</u> | <u>Comprehensive Plan</u> | <u>Zoning</u> | <u>Land Use</u> |
|-----------------------------|---------------------------|---------------|--------------------------|
| Subject Property | Low Density Residential | R-1 | Residential |
| North (Large Subdivision) | Low Density Residential | R-1 | Residential, undeveloped |
| South (Parcel 181330-41001) | Neighborhood Commercial | B-2 | Residential |
| East (Parcel 191321-13402) | Low Density Residential | R-1 | Church |
| West (Large Subdivision) | Low Density Residential | R-1 | Residential, undeveloped |

VII. Rezone Review Criteria. The recommendation regarding this rezone application must be based upon the following criteria specified in Subsection 15A.23.030(e) of the YCUAZO:

(1) The testimony at the public hearing: All of the testimony at the public hearing was in favor of the proposed rezone.

(2) The suitability of the property for uses permitted under the proposed zoning: The property is suitable for uses permitted under the proposed B-2 zoning. Examples of uses that would be allowed if the property were rezoned to B-2 include:

(a) As Class 1 (permitted) uses: storage of gravel and equipment for street construction, single family dwelling, two family dwelling (duplex), multi-family dwellings, advertising agency, mailing and addressing services, art supplies, parking lots and garages, bakery, beauty shops, office supplies, butcher shop, camera store, candy store, coin and stamp shop, commercial services, electronic store, deli, drug store, banks, insurance agents, medical offices, nursery, pet store, restaurant and drive-in eating facilities, video sales/rentals.

(b) As Class 2 (usually permitted) uses: bowling alleys, campgrounds, gyms, movie theaters, churches, day care, funeral home, junior colleges, library, boarding home, animal clinic, automotive sales, automotive repair shops, hardware stores, grocery stores (6am to 10pm), liquor store, laundry facilities, gas station (6am to 10pm), residential mini-storage.

(c) As Class 3 (usually not permitted) uses: Miniature golf, high school, printing and binding facilities, woodworking facilities, residential planned development, auction house, department store, grocery store (24hrs), lumber yards, second hand store, gas stations (24hrs), taverns, utility substations.

The property will be a prime location for future commercial development when Nob Hill Boulevard is extended to the west and connected to Wide Hollow Road. The applicant has no current plans for the site until those improvements are made. Since the property is not as valuable without that connection, the applicant plans to wait for that road expansion to occur before selling or developing the property. The property owners could, however, apply for any of possible uses listed above prior to completion of road improvements. If the property owners try to develop the property before the road

improvements are in place, they may be required to complete the necessary road improvements along their own property first as a result of project level review. Either way, the location of the property near the intersection of South 80th Avenue and Nob Hill Boulevard adjacent to commercially zoned property on the south and extensive residential development in the vicinity make this property suitable for uses permitted under Local Business District (B-2) zoning. The property is flat and is served by all necessary urban services and facilities. It is not severely encumbered by critical areas. Access will be safe and convenient, especially after Nob Hill Boulevard is extended westerly. Requirements for buffering and site screening will help ensure compatibility with surrounding uses such as the mixture of older and newer homes, a mobile home park, a church and attached common wall residences.

(3) The recommendation from interested agencies and departments: The only recommendation from interested agencies and departments was the recommendation of the Yakima County Planning Division in favor of the proposed rezone. The City of Yakima Division of Environmental Planning and the State of Washington Department of Ecology submitted comments detailing requirements of future development on the property, but did not make a recommendation as to the proposed rezone.

(4) The extent to which the proposed rezone is in compliance with and/or deviates from the goals and policies as adopted in the Yakima Urban Area Comprehensive Plan and the intent of the Zoning Ordinance: The proposed rezone would not be in compliance with the current Low Density Residential Comprehensive Plan designation for the property. It would be in compliance with the requested Neighborhood Commercial Comprehensive Plan designation which has been

recommended for the property by the Regional Planning Commission. The proposed rezone would comply with the 1997 Yakima Urban Area Comprehensive Plan because it would further many of the goals, objectives and policies of the Plan for commercial development. For example, it would further Goal C2 of the Plan by encouraging urban development within the existing Yakima Urban Area near the City limits along arterial routes in an area served with full urban standards. The area is in need of convenient commercial services that are consistent with the development pattern of the community.

The proposed rezone is also in compliance with the intent of the zoning ordinance set forth in Subsection 15A.03.030(k) of the YCUAZO which states that the intent of the B-2 zone is to provide areas for commercial activities outside the Central Business District that meet the retail shopping and service needs of the community and accommodate small scale commercial uses requiring high visibility and easy access to major arterials.

(5) The adequacy of public facilities such as roads, sewer, water and other required public services: Public facilities are available to accommodate uses permitted in the requested B-2 zone. With frontage on South 80th Avenue and an unimproved portion of Nob Hill Boulevard which is slated for improvement in the near future, the property has safe and convenient access to the urban street system. The property can be served with domestic water, sanitary sewer, natural gas, electricity, telephone and any other utilities needed for existing and future uses allowed in the B-2 zone.

(6) The compatibility of the proposed zone change and associated uses with neighboring land uses: The proposed zone change and associated land use change would be compatible with existing neighborhood uses. As proposed, Local Business

District zoning would abut the same zoning district which lies to the south. Uses anticipated in that zone are identical to what can be expected on this property. Significant changes are expected in this neighborhood, particularly when the West Nob Hill Boulevard/Wide Hollow Road connection is made and the impending Wal-Mart Superstore to the east is constructed. Since this property will abut an urban arterial on its south and an urban collector on its east, site-screening, buffering, building design, open space and traffic flow alterations will all need to be taken into consideration as the property develops. The site is large enough to accommodate all these changes and to also be sensitive to the residential neighbors on the north, south and west by implementing site screening standards required by the zoning ordinance.

(7) The public need for the proposed change: The public need for the proposed zoning change arises from a variety of factors. The following circumstances are the most noteworthy:

(a) Hundreds of new residents have moved to this area. Small convenience centers are needed which provide local services without major "anchor" stores. The public may obtain goods and services without having to travel a long distance. The Yakima Urban Area in this location is currently in a cycle following substantial housing development which creates a demand for new commercial services.

(b) Substantial changes in circumstances since the property was zoned for single-family residential use that substantiate a public need for a change in zoning include the widening and reconstruction of West Nob Hill Boulevard between South 72nd Avenue and South 80th Avenue; the future design plans for the connection of West Nob Hill Boulevard and Wide Hollow Road; the change in the zoning for properties lying south of the subject property to commercial; the substantial change in zoning for much of the Congdon property; the previous approval of a Class (3) mini-storage complex on the subject property; and the proliferation of residential subdivisions within the immediate area.

VIII. Consistency of the Rezone with Development Regulations and the Comprehensive Plan under the Criteria Required by Section 16B.06.020 of the Yakima County Code must be determined by a consideration of the following four factors:

(1) The types of land uses permitted at the site through a rezone to the Local Business District (B-2) zone would be consistent with the requested Neighborhood Commercial Comprehensive Plan designation of the site.

(2) The density of residential development or the level of development such as units per acre or other measures of density is not affected by this application because any use permitted under B-2 zoning will be consistent with the density allowed by the comprehensive plan and zoning ordinance.

(3) The availability and adequacy of infrastructure and public facilities is not an issue because adequate infrastructure and public facilities are available for the future uses allowed in the B-2 zoning district.

(4) The characteristics of the development will have to be consistent with the development regulations of the zoning ordinance. The zoning ordinance sets forth specific standards for future development of the property.

CONCLUSIONS

Based on the findings above, the Examiner reaches the following conclusions:

1. The Hearing Examiner has jurisdiction to make a recommendation to the Board of Yakima County Commissioners regarding this rezone application.

2. The zoning ordinance public hearing notice requirements have been satisfied.

3. Figure III-2, the Land Use Compatibility Chart for the Yakima County Urban Area Comprehensive Plan, provides that the proposed rezone of the subject parcel from the Single-Family Residential (R-1) zone to the Local Business District (B-2) zone would not be consistent with the current Low Density Residential Comprehensive Plan designation for the property, but would be consistent with the requested Neighborhood Commercial Comprehensive Plan designation for the property.

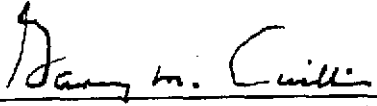
4. The proposed rezone from the Single-Family Residential (R-1) zone to the Local Business District (B-2) zone would satisfy the requirements for a rezone set forth in Subsection 15A.23.030(e) of the zoning ordinance and the consistency standards of

Section 16B.06.020 of the Yakima County Code if the requested and recommended Comprehensive Plan change to the Neighborhood Commercial designation is approved by the Board of Yakima County Commissioners.

RECOMMENDATION

The Hearing Examiner recommends that the Board of Yakima County Commissioners approve this application for a rezone from the Single-Family Residential (R-1) zone to the Local Business District (B-2) zone if, but only if, the Board approves the Comprehensive Plan change to the Neighborhood Commercial designation which has been recommended by the Regional Planning Commission.

DATED this 17th day of March, 2008.



Gary M. Cuillier, Hearing Examiner

EXHIBIT

“D”

MAR 17 2008

Vern____Gary____Don____Steve____
Bill____Dave____Lisa____Carmen____County of Yakima, Washington
Hearing Examiner's Recommendation

March 17, 2008

In the Matter of a Rezone)
 Application Submitted by:)
)
 Terrace Heights Development, LLC)
)
 For rezone of 15.58 Acres on South)
 33rd Street in Terrace Heights)
 From the R-2 to the CBDS Zone)

ZON 07-004
PRJ2007-0660

Introduction. The Hearing Examiner conducted a public hearing on March 14, 2008, and this rezone recommendation has been issued within ten business days of the hearing. A staff report prepared by Project Planner Thomas Carroll and presented by Project Planner Kolya McCleave recommended approval of the rezone application. The applicant's representative, Bill Hordan of Hordan Planning Services, testified in favor of the application. Jess and Paula Heaverlo submitted letters dated October 11, 2007 and March 13, 2008 which stated that the Large Convenience Center designation and the Pacific Northwest University of Health Sciences – College of Osteopathic are both good for the community and that they have no objection to them; that a concern exists because the development is being built over the top of underground springs and water bogs so as to push water down to neighboring lower ground; and that a concern also exists because

the existing catch basin for water is not large enough for the entire project. No other testimony or written comments from the public were submitted regarding the requested rezone.

Summary of Recommendation. The Hearing Examiner agrees with the Planning Division's and Mr. Hordan's reasons for recommending approval of this rezone from the Two-Family Residential (R-2) to the Central Business District Support (CBDS) zoning district if the Board of Yakima County Commissioners approves the requested change in the Comprehensive Plan designation for the property from the Medium Density Residential to the Large Convenience Center designation.

Basis for Recommendation. Based upon a view of the site without anyone else present on February 28, 2008; the information contained in the staff report, the application, the exhibits, the testimony and the other evidence presented at the open record public hearing on March 14, 2008; and a review of both the 1997 Yakima County Urban Area Comprehensive Plan and the Yakima County Urban Area Zoning Ordinance (YCUAZO), the Hearing Examiner makes the following:

FINDINGS

I. Applicant/Property Owner. The applicant is Bill Hordan of Hordan Planning Services, 410 North 2nd Street, Yakima, Washington, on behalf of property owner Terrace Heights Development, LLC, represented by Brig Temple, 111 South 33rd Street, #200, Yakima, Washington.

II. Location. The location of the property is on the west side of South 33rd Street approximately 1,900 feet south of the intersection with Terrace Heights Drive and South 33rd Street within the Terrace Heights area. The parcel numbers are 191321-13410 (8.37 acres) and 191321-24402 (7.21 acres).

III. Application. This application requests a concurrent rezone of 15.58 acres on South 33rd Street south of Terrace Heights Drive in Terrace Heights from the R-2 zone to the CBDS zone in connection with a Comprehensive Plan designation change from the Medium Density Residential designation to the Large Convenience Center designation. The application is being processed under the provisions of the 1997 Urban Area Comprehensive Plan because the application was submitted prior to the recent December, 2007 adoption of the Urban Area Comprehensive Plan 2025. The property which is currently part of a larger parcel to the south would ultimately be merged through a short subdivision exemption with the adjacent property to the north (parcel 191211-13409). The property would be used for a portion of the future campus for the Pacific Northwest University of Health Sciences – College of Osteopathic Medicine which is a Class (1) permitted school use in the CBDS zoning district. This property would primarily accommodate a need for student and/or senior housing on the campus.

IV. Notices. Notices of the public hearing were provided in accordance with applicable ordinance requirements in the following manner:

| | |
|--|-------------------|
| Posting of notice of public hearing on the property: | February 28, 2008 |
| Mailing of notice of public hearing: | February 29, 2008 |
| Publishing of notice of public hearing in newspaper: | March 1, 2008 |

V. State Environmental Policy Act. Environmental review for this proposed rezone was conducted in accordance with the optional SEPA process authorized by WAC 197-11-355. The comment period for the threshold Determination of Nonsignificance (DNS) ended on January 11, 2008 without any comments in opposition thereto. The Final Determination of Nonsignificance was issued on January 18, 2008. No appeal was filed within the appeal period. Further environmental review will be required of most commercial uses when applications for specific construction permits are submitted in the future. Since future phases of development will be near a wetland, the following environmental and related measures will be required:

(1) The large Type 1 wetland located along the western edge of the subject property is one of the highest quality wetlands in the urban area that is not directly adjacent to the river. Deer were observed in the wetland. The groundwater flow that supports the wetland passes to the south through the Riverside Christian School, across Keys Road and discharges to the Yakima River at Sportsman's Park. The groundwater appears to be influenced by the Yakima River, making the wetland a Shoreline of the state. The buffer for this wetland is listed as 200 feet in the Critical Areas Ordinance. The buffer of the wetland is not within shoreline jurisdiction, and thus is subject to normal critical areas review rather than shoreline review.

(2) Prior to development, potential impacts to the wetland will need to be considered and measures will need to be taken to mitigate wetland impacts and protect ecological functionality. A 200-foot setback and vegetative buffer must be maintained from the wetland to ensure that the critical area is protected from the increased impacts associated with development. Future site-plans must clearly indicate the location of the wetland and its associated buffers. A Critical Areas buffer adjustment will be required prior to any development, construction, or use within the buffer area. Conditions of a Critical Areas adjustment will likely require the buffer be improved and restored through the planting of additional native vegetation. Fencing may be required between the wetland and any development.

(3) In addition, Mr. McCleave testified at the hearing that he has advised Mr. Heaverlo that his concerns about groundwater and stormwater will be addressed at the project review stages of the development. In addition, Mr.

Hordan testified at the hearing in response to the comments of Mr. and Mrs. Heaverlo that the developer procures independent soil testing and utilizes structural fabric and fill in some locations as needed; that there will be more than the one existing swale for stormwater in order to hold the water for all the paved areas projected for development; and that future development will involve additional SEPA review and possibly additional Critical Areas review.

VI. Comprehensive Plan, Zoning and Land Uses. The current Urban Area Comprehensive Plan designations, zoning and land uses of properties in the vicinity are as follows:

| <u>Location</u> | <u>Comprehensive Plan</u> | <u>Zoning</u> | <u>Land Use</u> |
|-----------------------------|----------------------------|---------------|--------------------------|
| Subject Property | Medium Density Residential | R-2 | Residential, undeveloped |
| North (Parcel 191321-13409) | Large Convenience Center | CBDS | Commercial, undeveloped |
| South (Parcel 191321-14213) | Medium Density Residential | R-2 | Residential, undeveloped |
| East (Parcel 191321-13402) | Low Density Residential | R-1 | Residential, undeveloped |
| West (Parcel 191321-21001) | Light Industrial | M-1 | School |

VII. Rezone Review Criteria. The recommendation regarding this rezone application must be based upon the following criteria specified in Subsection 15A.23.030(e) of the YCUAZO:

(1) The testimony at the public hearing: All of the testimony at the public hearing was in favor of the proposed rezone.

(2) The suitability of the property for uses permitted under the proposed zoning: The property is suitable for uses permitted under the proposed CBDS zoning. Examples of uses that would be allowed if the property were rezoned to CBDS include:

(a) As Class 1 (permitted) uses: movie theater, bowling alley, golf course, church, day care center, police and fire station, library, schools, storage of gravel and equipment for street construction, printing, stockpiling of earthen materials, attached single family dwelling (zero lot line), duplex, multi-family dwelling, advertising agencies, parking lots and garages, bakery, beauty and barber shops, various retail stores, insurance agents, medical offices, restaurant and drive-in eating facilities, video sales/rentals.

(b) As Class 2 (usually permitted) uses: campgrounds, game rooms, parks, funeral home, bakery, manufacturing, furniture or cabinet shop, meat and dairy products, boarding house, auction house, fuel and oil distributors, heavy equipment storage.

(c) As Class 3 (usually not permitted) uses: ag chemical sales and storage, fruit bin sales, amusement park, hospital, correctional facilities, college, high school, zoo, apparel manufacturing, furniture or cabinet shop, glass and pottery manufacturing, paperboard containers, printing and publishing, sheet metal shop, hazardous waste treatment and storage facility, kennels, commercial planned development, second hand store, junk handling, storage facilities.

This requested rezone would give the University the opportunity to construct its campus as anticipated through the master plan which was conceptually reviewed by Yakima County in January of 2007. The use of the property is known. It is proposed to be a medical campus. The change in zoning is needed to accommodate this use and is suitable for this use, which is a Class (1) use in the proposed zoning district. The property is flat, contiguous to the proposed campus and capable of being served with all necessary

infrastructure such as streets, water and sewer service. It can also be served with such services as police and fire protection.

(3) **The recommendation from interested agencies and departments:** The only recommendation from interested agencies and departments was the recommendation of the Yakima County Planning Division in favor of the proposed rezone. The State Department of Ecology submitted comments detailing requirements of future development on the property, but did not make a recommendation as to the rezone.

(4) **The extent to which the proposed rezone is in compliance with and/or deviates from the goals and policies as adopted in the Yakima Urban Area Comprehensive Plan and the intent of the Zoning Ordinance:** The proposed rezone would not be in compliance with the current Medium Density Residential Comprehensive Plan designation for the property. It would be in compliance with the requested Large Convenience Center Comprehensive Plan designation which has been recommended for the property by the Regional Planning Commission. It would also be in compliance with the following Comprehensive Plan and zoning provisions:

(a) The 1997 Yakima Urban Area Comprehensive Plan Large Convenience Center designation is intended in part to provide areas to meet service needs consistent with development patterns of the community.

(b) Terrace Heights Neighborhood Plan Goal 14 is to maintain and enhance the growing civic and commercial cores in Terrace Heights and establish a connection between the two. A related Terrace Heights Neighborhood Plan Policy is to recognize the area of Terrace Heights Drive between Keys Road and South 33rd Street as the primary commercial emphasis core.

(c) The 1997 Yakima Urban Area Comprehensive Plan and Terrace Heights Neighborhood Plan both encourage urban development within the existing Yakima Urban Area near the city limits along arterial routes which are served with full

urban standards and which provide a convenient location consistent with the development pattern of the community. (Yakima Urban Area Comprehensive Plan Goal C2 & Terrace Heights Neighborhood Plan Goals 1 and 14).

(d) Based on existing land use and zoning regulations the proposed use of the subject property (high-density residential) would be allowed even without the requested Comprehensive Plan amendment and rezone. Essentially this Comprehensive Plan amendment and rezone are needed to keep the school campus from being split-zoned with two different Comprehensive Plan designations and to provide greater flexibility for the university's future needs.

(e) Plan policies require that commercial areas be buffered to protect adjacent residential neighborhoods. However, in this situation the potential impacts upon the planned 148-lot residential subdivision to the south will be minimized because the subject property's intended use will be residential in nature.

(f) Even though Comprehensive Plan policies generally do not encourage commercial uses outside city limits, which might indicate that the concurrent rezone is premature until the subject site is annexed, this site has been identified by the Terrace Heights Neighborhood Plan as a commercial area. This characterization of the area is partly due to the road improvements and the presence of both regional water and sewer service in this location.

(g) The proposed rezone is also in compliance with the intent of the zoning ordinance set forth in Subsection 15A.03.030(j) of the YCUAZO which states that the intent of the CBDS zone is to accommodate high-density residential development as well as commercial activities. The proposed rezone would provide high-density residential uses and greater flexibility for the university's future needs in an area which is specifically designated for commercial uses by the Terrace Heights Neighborhood Plan.

(5) The adequacy of public facilities such as roads, sewer, water and other required public services: Public facilities are available to accommodate uses permitted in the requested CBDS zone. With frontage on South 33rd Street, the property has safe and convenient access to the urban street system. The property can be served with domestic water, sanitary sewer, natural gas, electricity, telephone and any other utilities needed for existing and future uses allowed in the CBDS zone.

(6) **The compatibility of the proposed zone change and associated uses with neighboring land uses:** The proposed zone change and associated land use change would be compatible with existing neighborhood uses. Neighboring land uses to the north and east are generally commercial in nature, or are zoned to accommodate commercial uses. Riverside Christian High School is located on property to the west. This use is separated from the subject property by a naturally buffered wetland and an active railroad track. Property to the south is currently being reviewed by Yakima County as a mixed-use residential subdivision. Adequate buffering and site-screening exists or can be implemented through land use approval to ensure compatibility between existing and proposed uses. The university campus and associated uses are proposed to be spacious and provide substantial open space.

(7) **The public need for the proposed change:** The public need for the proposed change arises from the following circumstances:

(a) It is difficult to find large parcels within the urban area that can accommodate large projects of this nature. Since a medical university is an ambitious undertaking, a large tract of land is needed to accommodate it and its associated land uses. This university, if permitted to be constructed as proposed, would provide jobs in this area and highly-educated professionals to staff needed medical centers in this community and elsewhere. There is a substantial public need for this land use change to provide future flexibility for this beneficial undertaking.

(b) Substantial changes in circumstances that have occurred since the property was rezoned from Suburban Residential to Two-Family Residential in 1999 include the adoption of the Terrace Heights Neighborhood Plan which identified this general area as a commercial center; the construction of Terrace Heights Drive and South 33rd Street to full urban standards to the edges of the Yakima Urban Area; improvements to the Terrace Heights Water System

including a new well, transmission lines, booster station and reservoir; improvements to the Terrace Heights Sewer District transmission lines and construction of a new sewer lift station just south of Highway 24; and completion of a new bridge crossing of Highway 24 with upgrades to the interchange of Yakima Avenue and Interstate 82. These changes in circumstances have resulted in better access to the Terrace Heights Area, as well as access to modern day water and sewer services. The overall plan for the Iron Horse Development of the subject property has changed and has resulted in plans for a new medical university and other changes in land uses in the area that were not envisioned in 1999. These changes substantiate a public need for this relatively minor change in zoning to create an additional 15.58 acres of CBDS-zoned property to provide flexibility for future university campus improvements.

VIII. Consistency of the Rezone with Development Regulations and the Comprehensive Plan under the Criteria Required by Section 16B.06.020 of the Yakima County Code is determined by a consideration of the following factors:

(1) The types of land uses permitted at the site through a rezone to the Central Business District Support (CBDS) zone would be consistent with the requested Large Convenience Center Comprehensive Plan designation of the site.

(2) The density of residential development or the level of development such as units per acre or other measures of density is not affected by this application because any use permitted under CBDS zoning will be consistent with the density allowed by the comprehensive plan and zoning ordinance.

(3) The availability and adequacy of infrastructure and public facilities is not an issue because adequate infrastructure and public facilities are available for the future uses allowed in the CBDS zoning district.

(4) The characteristics of the development will have to be consistent with the development regulations of the zoning ordinance. The zoning ordinance sets forth specific standards for future development of the property.

CONCLUSIONS

Based on the above findings, the Examiner reaches the following conclusions:

1. The Hearing Examiner has jurisdiction to make a recommendation to the Board of Yakima County Commissioners regarding this rezone application.

2. The zoning ordinance public hearing notice requirements have been satisfied.

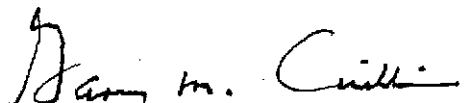
3. Figure III-2, the Land Use Compatibility Chart for the Yakima County Urban Area Comprehensive Plan, provides that the proposed rezone of the subject parcel from the Two-Family Residential (R-2) zone to the Central Business District Support (CBDS) zone would not be consistent with the current Medium Density Residential Comprehensive Plan designation for the property, but would be consistent with the requested and recommended Large Convenience Center Comprehensive Plan designation for the property.

4. The proposed rezone from the Two-Family Residential (R-2) zone to the Central Business District Support (CBDS) zone would satisfy the requirements for a rezone set forth in Subsection 15A.23.030(e) of the zoning ordinance and the consistency standards of Section 16B.06.020 of the Yakima County Code if the requested and recommended Comprehensive Plan change to the Large Convenience Center designation is approved by the Board of Yakima County Commissioners.

RECOMMENDATION

The Hearing Examiner recommends that the Board of Yakima County Commissioners approve this application for a rezone from the Two-Family Residential (R-2) zone to the Central Business District Support (CBDS) zone if, but only if, the Board approves the Comprehensive Plan change to the Large Convenience Center designation which has been recommended by the Regional Planning Commission.

DATED this 17th day of March, 2008.



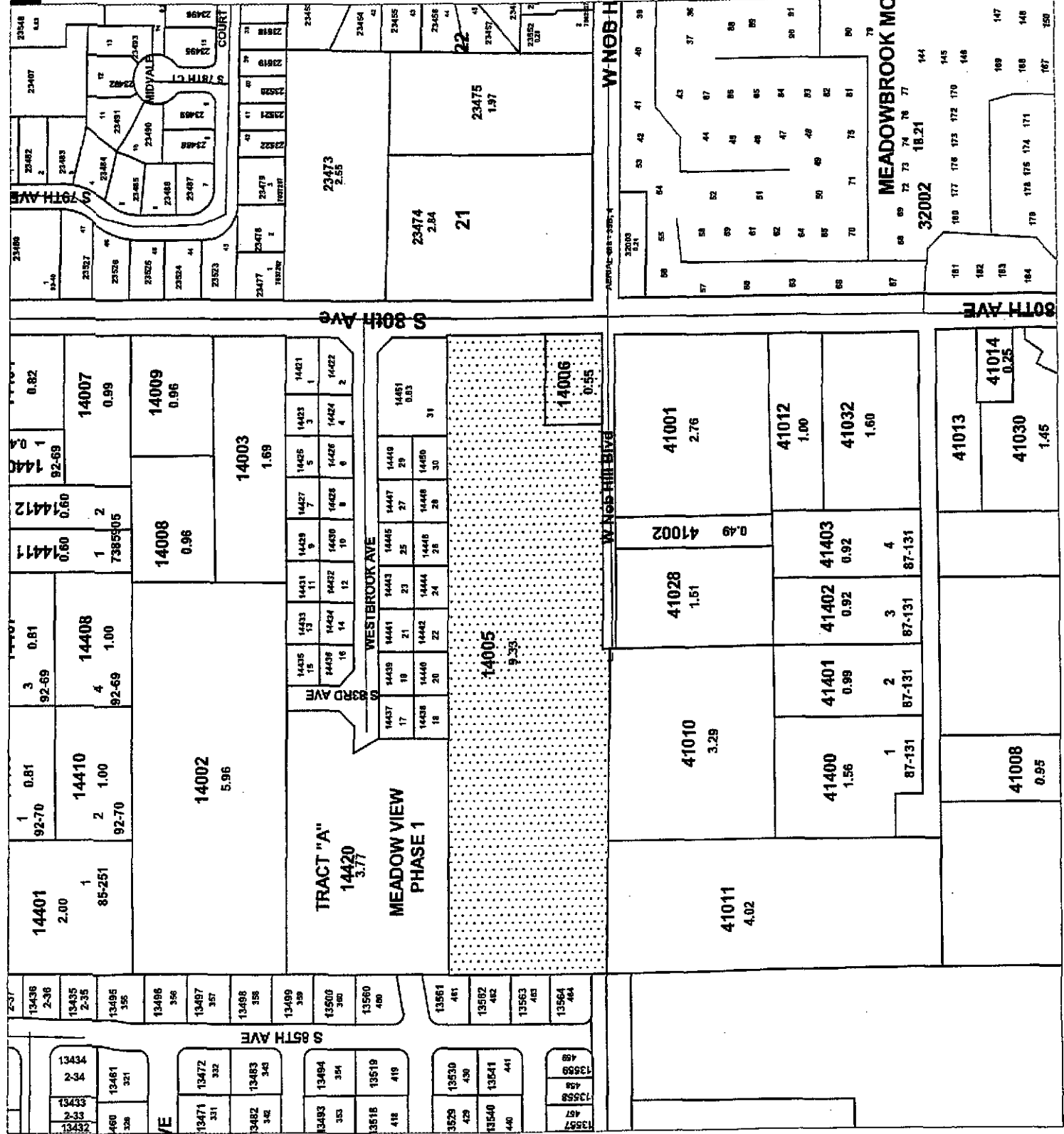
Gary M. Cuillier, Hearing Examiner

EXHIBIT

“E”

Exhibit E
Yakima

Tax Lots

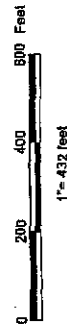


EXHIBIT

“F”

Tax Lots

Parcel Lot lines are for visual display only. Do not use for legal purposes.



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