

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

**In the Matter of an Application)
for a Rezone Submitted by:)**

**Moo Sung & Ran Young Kang,)
First Church of the Nazarene,)
And Gretchen Lange, Owners)**

October 23, 2024

**To Rezone Six Parcels West of)
North Elm Street and South of)
The Interstate 82 Right-of-Way)
From the Current AG Agricultural)
Zoning District to the R-2 Medium)
Density Residential Zoning District)**

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

(1) The Hearing Examiner conducted an open record public hearing for this application on October 9, 2024.

(2) Byron Gumz, the YVCOG Regional Land Use Manager serving as Planner for the City of Grandview, presented his staff report which recommended approval of this Rezone application for the reasons set forth therein.

(3) Noe Gonzalez of G Squared Enterprise LLC testified in favor of approval of the requested Rezone as the representative of the applicants/owners Moo Sung Kang and Ran Young Kang.

Moo Sung & Ran Young Kang,
First Church of the Nazarene, and
Gretchen Lange for a Rezone of
Six Parcels West of North Elm
Street and South of Interstate 82
From the AG to the R-2 Zone

(4) Written agency comments that were submitted for the record include a letter 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; a letter from the Sunnyside Valley Irrigation District relative to several SVID facilities within the property; a letter from the Washington State Department of Ecology relative to requirements prior to ground disturbing activities; and an email from the Yakima Health District to the effect that their review is not needed since any future development would be served by municipal water and sewer.

(5) No property owners or residents of the area submitted any written comments or testimony relative to this application.

(6) The recommendation for this application has 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 Recommendation. The Hearing Examiner recommends that the Grandview City Council approve the requested Rezone of six parcels from the AG Agricultural zoning district to the R-2 Medium Density Residential zoning district.

C. Basis for Recommendation. Based upon a view of the site and the surrounding area without anyone else present on October 9, 2024; the information contained in the staff report, exhibits, testimony and other evidence presented at an open record public hearing on October 9, 2024; and a consideration of the criteria for approval of Rezones; the Hearing Examiner makes the following:

FINDINGS

I. Applicants/Property Owners. The applicants and property owners are Moo Sung Kang and Ran Young Kang, 335 Wine Country Road, Prosser, WA 99350 as the owners of parcels 230914-41002, -41005, -44004 and 44401; First Church of the Nazarene, 500 North Elm Street, Grandview, WA 98930 as the owner of parcel 230914-44407; and Gretchen Lange, 670 North Elm Street, Grandview, WA 98930 as the owner of parcel 230914-41009.

II. Location. The location of the six parcels comprising approximately 46.78 acres is on the west side of North Elm Street and south of the I-82 right-of-way. The Assessor's Parcel Numbers are 230914-41002, -41005, -44004, -44401, -44407 and -41009.

III. Proposal. This application requests approval of a Rezone from the AG Agricultural zoning district to the R-2 Medium Density Residential zoning district in order to allow for future residential development of the four Kang parcels and in order to make the zoning of the First Church of the Nazarene and the Lange parcels where a church and a residence are respectively located to become conforming with their current "Residential" Comprehensive Plan designation. This application is referred to as a nonproject Rezone request because it does not request approval for any specific type of residential use at this time.

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. This application has been processed in the following manner and public notice of the open record public hearing of October 9, 2024, has been given in the following ways pursuant to GMC §14.07.030(B):

Application Submitted:	April 16, 2024
Notice of Incompleteness:	April 30, 2024
Application Resubmitted:	May 21, 2024
Application Determined Complete:	May 31, 2024
Notice of Application/Environmental Review/Public Hearing:	June 12, 2024
Property Posted:	June 12, 2024
Legal Notice in Grandview Herald:	June 12, 2024
Issuance of Final SEPA Threshold Determination:	July 19, 2024
Open Record Public Hearing: (postponed to include additional property owners)	July 18, 2024
Revised Application Submitted:	August 20, 2024
Notice of Application/Environmental Review/ Public Hearing posted in public places and mailed:	September 6, 2024
Property Posted in three places:	September 11, 2024
Legal Notice Published in Grandview Herald:	September 11, 2024
Issuance of Revised Final SEPA Determination of Non-Significance (DNS) Threshold Determination:	September 27, 2024
Open Record Public Hearing:	October 9, 2024
Closed Record City Council Public Hearing:	To be determined

After the application was submitted, a combined Notice of Application, Environmental Review, and Public Hearing was mailed to property owners within 300 feet

of the property and to agencies having jurisdiction or interest in the proposal on June 10, 2024, with the comment period ending on June 26, 2024. An additional notice was sent on September 6, 2024, with the comment period ending on September 26, 2024 to include the additional properties within the proposal. Four agencies commented in total, with Sunnyside Valley Irrigation District and the Yakima Health District each submitting two similar letters during the two comment periods.

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 September 27, 2024.

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

(1) These six parcels are currently within the Residential designation of the Comprehensive Plan. The purpose of that designation is to specify areas that are appropriate for rural, single-family and multifamily residential living.

(2) The six 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. The AG zoning district is inconsistent with the Residential Comprehensive Plan designation for the six parcels.

(3) The proposed zoning for the six parcels is the R-2 Medium Density Residential District. According to GMC Title 17.34.010, the R-2 zoning district is established to provide a medium-density residential environment. Lands within this R-2 zoning district generally should contain multiple unit residential structures of a scale compatible with structures in lower density districts with useful yard spaces. The R-2 district is intended to allow for a gradual increase in density from low density residential districts and, where compatible, can provide a transition between

different use areas. The requested R-2 zoning district is consistent with the Residential designation of the Comprehensive Plan for the parcels.

(4) The majority of the site is currently vacant but has been used to grow row crops (corn) recently. One of the subject parcels is developed with a church and another is developed with a single-family residence. Low density residential development and agricultural activities are the main nearby uses.

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

<i>Direction-Comprehensive Plan</i>	<i>-----Zoning-----</i>	<i>-----Land Use</i>
North:	Residential Right-of-Way	I-82
South:	Residential R-2 Medium Density Residential	Residential/Vacant/Future duplex development
East:	Residential R-1 Low Density Residential	Residential/Agriculture/ Truck Repair
West:	Residential R-1 Low Density Residential	Residential/Vacant (owned by the Grandview School District)

VIII. Jurisdiction and Process. A Rezone requires a recommendation from the Grandview Hearing Examiner and a decision by the Grandview City Council as to whether it complies with the criteria set forth in GMC §14.09.030(A)(3)(c) and in GMC 17.88.060 which are addressed below in Section X of this recommendation.

IX. Written Comments from Public Agencies. The written comments that have been submitted and the findings relative thereto are as follows:

(1) HLA Engineering and Land Surveying, Inc. provided a statement on the capacity of Grandview’s Water and Sewer Systems to provide service to the area proposed to be rezoned. HLA identifies a projected number of residences possible

within the area based on average housing densities and people per housing unit. The water/sewer volumes predicted fall within the capacity of both the water and sewer systems, with the understanding that improvements that have been identified in the Grandview Capital Facilities Plan will continue to be developed.

Staff and Hearing Examiner Findings: The letter also contains details relative to the location and depth of the water and/or sewer lines that future development will need to connect to. It is recommended that the applicants Moo Sung Kang and Ran Young Kang coordinate with the City prior to any future design/development.

(2) The Sunnyside Valley Irrigation District (SVID) provided comments relative to their facilities located within the area of the requested Rezone. Their facilities require a minimum of a 30-foot-wide easement depending on the depth of the facility. Crossing or encroachment of the facilities will require an SVID permit. There are also limitations on development and uses within easements, including buildings/structures and trees.

Staff and Hearing Examiner Findings: Based on the map included in the SVID comment letters, it appears as though SVID has several facilities within the area of the rezone. A separate application will be made for the future development of the area proposed to be rezoned. SVID will be provided notice at that time. It is in the interest of the applicants Moo Sung Kang and Ran Young Kang to communicate with SVID regarding the location of their facilities prior to design of any future development to ensure there are no conflicts.

(3) The Yakima Health District (YHD) submitted comments to the effect that they do not have a review associated with the proposal since any future development will be served by municipal water and sewer.

Staff and Hearing Examiner Findings: The applicants Moo Sung Kang and Ran Young Kang may contact YHD if they have any questions.

(4) The Washington State Department of Ecology (DOE) submitted comments from their Water Quality Program. The comments state that if there is potential for stormwater to discharge off site, an NPDES Construction Stormwater General Permit is recommended. The permit requires a Stormwater Pollution Prevention Plan be prepared and implemented prior to any construction activities taking place. They note that if ground disturbance is between one and five acres, the development may qualify for an Erosivity Waiver.

Moo Sung & Ran Young Kang,
First Church of the Nazarene, and
Gretchen Lange for a Rezone of
Six Parcels West of North Elm
Street and South of Interstate 82
From the AG to the R-2 Zone

Staff and Hearing Examiner Findings: Since this is a nonproject Rezone request, there are no ground disturbing activities proposed for the area of the requested Rezone at this time.

X. 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. The zoning of the subject six parcels is recommended by the City's Planner and by the Hearing Examiner to be the R-2 Medium Density Residential zoning district which would be consistent with the purpose of the 2016 Comprehensive Plan "Residential" designation of the six parcels which is not true of their current AG Agricultural zoning. The R-2 zoning district would also be consistent with the following Comprehensive Plan Land Use Goal and Policies, as well as the following Comprehensive Plan Housing Goal, Policy and Objectives:

(a) Land Use GOAL 1: 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) Policy 7.2: Establish a pattern of development that supports a sense of community.

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

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

(g) 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).

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

The requested Rezone to the R-2 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 X of this recommendation.

(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 September 27, 2024, 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, medium density residential development on the subject property would reduce the potential for conflicts between the recent agricultural use of the subject property with nearby residential uses and would provide needed housing in a good location in the City. The Rezone is also in the public interest because there currently is more demand for additional residential uses than for agricultural uses in the City and because it would cause the six parcels to become consistent with their Comprehensive Plan designation.

(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 (TIA) will likely be required when specific development is proposed on four of the six parcels which would analyze the traffic impacts and the need for the applicants Moo Sung Kang and Ran Young Kang to make any traffic improvements to City streets and/or possibly to any WSDOT interchange 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 six parcels to the R-2 Medium Density Residential District would cause the zoning of these six parcels to become consistent with its current Residential Comprehensive Plan designation which is not true of its current AG Agricultural zoning. The R-2 Medium Density Residential zoning would also be in accord with Land Use Goal 1; Land Use Policies 1.1, 1.3 and 7.2; Housing Goal 1; Housing Policy 1.1; and Housing Objectives 1 and 6 of the 2016 Comprehensive Plan that are summarized above in Subsection X(1) of this recommendation.

(2) Whether the effect of the proposal on the immediate vicinity will be materially detrimental. The requested R-2 Medium Density Residential District zoning for these six parcels would not be materially detrimental to the immediate vicinity because it would reduce the potential for conflicts between existing nearby residential uses and recent agricultural farming practices and would benefit properties in the immediate vicinity by extending City utilities to the subject property. It would also change the zoning of the parcels to be the same as the adjacent property to the south that is planned for duplex development. In addition it would change the zoning of the parcels to be consistent with their Comprehensive Plan Residential designation. Although notice of the application 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-2 zoning of these six 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 cause these six parcels to have zoning that is consistent with their Comprehensive Plan designation and would allow for the future development of needed additional housing in a good location in the City which 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 requested 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 applicants Moo Sung Kang and Ran Young Kang as a condition for approval of the requested R-2 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 Rezones that meet the criteria for approval.

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

(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 Rezone would be compatible with the adjacent and nearby land uses.

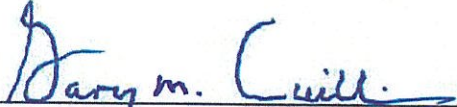
(6) The public use and interest would be served by approval of the requested Rezone.

(7) The requested Rezone satisfies all of the criteria for approval which are set forth in GMC §14.09.030(A)(3)(c) and GMC §17.88.060.

RECOMMENDATION

The Hearing Examiner recommends that the Grandview City Council approve the requested Rezone of parcels 230914-41002, 230914-41005, 230914-44004, 230914-44401, 230914-44407 and 230914-41009 from the AG Agricultural zoning district to the R-2 Medium Density Residential zoning district.

DATED this 23rd day of October, 2024.



Gary M. Cuillier, Hearing Examiner

Moo Sung & Ran Young Kang,
First Church of the Nazarene, and
Gretchen Lange for a Rezone of
Six Parcels West of North Elm
Street and South of Interstate 82
From the AG to the R-2 Zone