

**ORDINANCE NO. 2019-\_\_\_\_\_**

**AN ORDINANCE** authorizing an addendum, herein referred to as "Addendum 1" made and entered into by and between the City of Yakima, a Washington municipal corporation, herein referred to as "City" and Enterprise for Progress in the Community, a Washington non-profit corporation, herein referred to as "EPIC" to amend Section 4 of the 1998 Development Agreement originally approved under Ordinance No. 98-53.

**WHEREAS**, on March 15, 2019, Triumph Treatment Services submitted to the Planning Division a Rezone, Type (3) Review, and Environmental Review; and

**WHEREAS**, said application included a request that the 1998 Development Agreement be amended to increase the maximum building height from 24 feet to 35 feet; and

**WHEREAS**, on June 13, 2019, the Hearing Examiner held an open-record public hearing to consider the Planning Division's recommendation of approval for the application, including the request to amend the 1998 Development Agreement; and

**WHEREAS**, on July 1, 2019, the Planning Division issued the Hearing Examiner's recommendation to City Council, dated June 27, 2019, which included a condition that a modified development agreement or amendment to the existing 1998 Development Agreement be submitted to and considered by City Council; and

**WHEREAS**, on August 5, 2019, the Yakima City Council authorized Section 4 of the 1998 Development Agreement to be modified, requiring this addendum to be added to the Agreement; Now, Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:**

The City Manager of the City of Yakima is hereby authorized and directed to execute the attached and incorporated Addendum 1 to the 1998 Development Agreement ("Exhibit A") originally approved by the Yakima City Council under Ordinance No. 98-53 ("Exhibit B"), amending Section 4 to increase the maximum building height from 24 feet to 35 feet, attached hereto and incorporated herein by this reference.

**PASSED BY THE CITY COUNCIL** this 20th day of August, 2019.

ATTEST:

\_\_\_\_\_  
Kathy Coffey, Mayor

\_\_\_\_\_  
Sonya Claar Tee, City Clerk

Publication Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

**EXHIBIT A**  
**ADDENDUM 1**  
**TO**  
**1998 DEVELOPMENT AGREEMENT BETWEEN**  
**THE CITY OF YAKIMA**  
**AND**  
**ENTERPRISE FOR PROGRESS IN THE COMMUNITY (EPIC)**

In consideration of the mutual covenants, promises, and agreements set forth herein, it is agreed by and between the City and EPIC that Section 4 of the 1998 Development Agreement shall state as follows and this Addendum shall be fully incorporated therein:

4. Developer and its transferees and successors in interest shall restrict building heights on the Subject Property to 35 feet.

CITY OF YAKIMA

ENTERPRISE FOR PROGRESS IN THE  
COMMUNITY

By: \_\_\_\_\_  
Cliff Moore, City Manager

By: \_\_\_\_\_  
Mamie Barbosa, CEO

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Sonya Clara Tee, City Clerk

## **EXHIBIT B**

### **ORDINANCE NO. 98-53**

**AN ORDINANCE** concerning land use and zoning; rezoning 4.65 acres in the vicinity of 2701 Englewood from Single-Family Residential (R-1) to Multi-Family Residential (R-3) and amending the Official Yakima Urban Area Zoning Map accordingly; granting Class 2 approval for Group Homes; granting Class 3 approval for Professional Offices; and granting an Administrative Adjustment to the parking standards for Group Homes and Professional Offices.

**WHEREAS**, Enterprise for Progress in the Community (EPIC) has requested: (1) amendment of the Official Yakima Urban Area Zoning Map to rezone 4.65 acres in the vicinity of 2701 Englewood (Yakima County Assessor's Parcel # 181314-33015) (referred to below as "the Subject Property") from Single-Family Residential (R-1) to Multi-Family Residential (R-3); (2) Class 2 approval for Group Homes; (3) Class 3 approval for Professional Offices; and (4) an Administrative Adjustment to the parking standards for Group Homes and Professional Offices (see Department of Community and Economic Development files UAZO RZ #8-98, CL(2) #26-98, CL(3) #8-98, ADM. ADJ. #30-98); and

**WHEREAS**, on August 13, 1998, the City of Yakima Hearing Examiner conducted a duly convened open record public hearing regarding the requested rezone, Class 2 and Class 3 zoning review, and Administrative Adjustment, and after considering the contents of the file and evidence received at the public hearing, issued his Examiner's Recommendation, Examiner No. IU98-2-25, dated August 27, 1998; and

**WHEREAS**, the Hearing Examiner recommended:

1. The Subject Property should be rezoned from Single-Family Residential (R-1) to Multi-Family Residential (R-3); and
2. Class 2 approval for Group Homes, Class 3 approval for Professional Offices, and Administrative Adjustment to the parking standards for Group Homes and Professional Offices should be granted, subject to certain conditions stated on pages 7-8 of the Hearing Examiner's Recommendation; and

**WHEREAS**, at its regular public meeting on October 6, 1998, the City Council duly considered the requested rezone, Class 2 and Class 3 approvals, and Administrative Adjustment, and the Hearing Examiner's Recommendation; and

**WHEREAS**, after considering the Hearing Examiner's Recommendation, the contents of the file, and the statements of interested persons, the City Council finds with respect to the requested rezone:

1. The Subject Property is suitable for uses permitted in the Multi-Family Residential (R-3) zoning district;

2. There exists a public need for the requested rezone;
3. Circumstances have changed since the existing zoning was established which now make the requested rezone appropriate; and
4. The requested rezone is consistent with and complies with:
  - a. The requirements and considerations set forth in chapter 15.23 of the Yakima Municipal Code;
  - b. The goals and policies of the Yakima Urban Area Comprehensive Plan;
  - c. The intent of the Yakima Urban Area Zoning Ordinance;
  - d. Other applicable land use controls; and

**WHEREAS**, after considering the Hearing Examiner's Recommendation, the contents of the file, and the statements of interested persons, the City Council finds that, subject to the conditions stated on pages 7 and 8 of the Hearing Examiner Recommendation, and the additional condition, to be included in a recorded development agreement, that any change(s) in the use of the Subject Property shall require review and enforcement or administrative adjustment of the parking standards applicable to the proposed different use(s), the requested Class 2 and Class 3 approvals and Administrative Adjustment should be granted; and

**WHEREAS**, it is in the best interests of the City to adopt the Hearing Examiner's findings and conclusions and recommendation to approve the requested rezone and, subject to the conditions stated on pages 7-8 of the Hearing Examiner Recommendation to grant the requested Class 2 and Class 3 approvals and Administrative Adjustment; **now, therefore,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF YAKIMA, WASHINGTON:**

**Section 1.** The Yakima City Council adopts the findings, conclusions and recommendations of the Hearing Examiner's Recommendation, Examiner No. IU98-2-25, dated August 27, 1998, and incorporates that Hearing Examiner's Recommendation by reference as part of this ordinance.

**Section 2.** Regarding the requested rezone of the Subject Property, which is located in the vicinity of 2701 Englewood in Yakima, Washington, and legally described as:

The following-described portion of the South Half of the Southwest Quarter (S½SW¼) of Section Fourteen (14), Township Thirteen (13) North, Range Eighteen (18) East of the Willamette Meridian:

Beginning at an iron pin on the South line of said subdivision situate 1019.3 feet East of the Southwest corner thereof; thence North 54° West 33.85 feet; thence Northwesterly along the Northeasterly right of way line of "Power House Road"

449 feet to an iron pin, said point is designated as point "D"; thence North 40° 43' East 450.7 feet to a point designated as point "A"; thence South 33° 10' East 180.1 feet to a point designated as point "B"; the true point of beginning of this description; thence continuing South 33° 10' East 225 feet; thence South 49° 30' West 60 feet; thence South 40° 30' East 343 feet, more or less, to the Westerly line of Bower's Englewood Tracts, as shown on plat recorded in Volume "H" of Plats, page 45; thence North 33° 24' West 809 feet to a point designated as point "E"; thence on a line bearing South 81° 24' West to the intersection with a line extending from point "A" to point "B", said point of intersection designated as point "C"; thence South 33° 10' East to the true point of beginning.

EXCEPT right of way for Englewood Avenue along the South line thereof.

Yakima County Assessor's Parcel #181314-33015

the City Council finds formally that:

1. The Subject Property is suitable for uses permitted in the Multi-Family Residential (R-3) zoning district;
2. There exists a public need for the requested rezone;
3. Circumstances have changed since the existing zoning was established which now make the requested rezone appropriate; and
4. The requested rezone is consistent with and complies with:
  - a. The requirements and considerations set forth in Chapter 15.23 Yakima Municipal Code;
  - b. The goals and policies of the Yakima Urban Area Comprehensive Plan;
  - c. The intent of the Yakima Urban Area Zoning Ordinance; and
  - d. Other applicable land use controls.

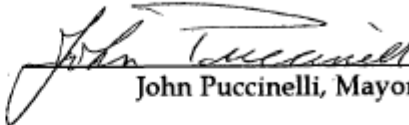
**Section 3.** The Official Yakima Urban Area Zoning Map is amended to rezone the Subject Property from Single-Family Residential (R-1) to Multi-Family Residential (R-3).

**Section 4.** The requested Class 2 and Class 3 approvals and Administrative Adjustment are granted subject to the conditions stated on pages 7-8 of the Hearing Examiner's Recommendation, and the additional condition that the required development agreement shall also provide that any change(s) in the use of the Subject Property shall require review and enforcement or administrative adjustment of the parking standards applicable to the proposed different use(s).

**Section 5.** The City Clerk is hereby authorized and directed to file with the Yakima County Auditor a certified copy of this ordinance.

**Section 6.** Subject to the foregoing provisions and conditions, this ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter, and this action shall be final and conclusive unless within 21 days from the date this ordinance is passed by the City Council an aggrieved party commences proceedings for review pursuant to the provisions of Chapter 36.70C RCW.

**PASSED BY THE CITY COUNCIL** at a regular meeting and signed and approved this 3<sup>RD</sup> day of November, 1998.

  
John Puccinelli, Mayor

ATTEST:

  
City Clerk

Publication Date: 11-6-98

Effective Date: 12-6-98

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Ordinance 98-53

Filed at request of  
and return to:

CITY CLERK  
City of Yakima  
129 N. 2nd St.  
Yakima, WA 98901

DOCUMENT TITLE: DEVELOPMENT AGREEMENT

GRANTORS: ENTERPRISE FOR PROGRESS IN THE COMMUNITY (EPIC)  
HAROLD ALDERSON  
MARGARET ALDERSON

GRANTEES: CITY OF YAKIMA

LEGAL DESCRIPTION:

PART OF THE S½ OF THE SW¼ OF SECTION 14 TOWNSHIP 13 N, RANGE 18 EWM

Additional legal below on this page.

ASSESSOR'S TAX PARCEL NUMBER 181314-33015

#### DEVELOPMENT AGREEMENT

This Development Agreement (the "Agreement") is made as of this 25<sup>th</sup> day of November, 1998, by the City of Yakima, Washington, a municipal corporation organized under the laws of the State of Washington (the "City"), and Enterprise for Progress in the Community (EPIC), and Harold and Margaret Alderson ("Developer").

#### RECITALS

A. Developer has requested: (1) amendment of the Official Yakima Urban Area Zoning Map to rezone 4.65 acres in the vicinity of 2701 Englewood (referred to below as "the Subject Property") from Single-Family Residential (R-1) to Multi-Family Residential (R-3); to grant Class 2 approval for Group Homes and Class 3 approval for Professional Offices; and Administrative Adjustment to the parking standards for Group Homes and Professional Offices (see Department of Community and Economic Development files UAZO RZ #8-98, CL(2) #26-98, CL(3) #8-98, ADM. ADJ. #30-98). The Subject Property is Yakima County Assessor's Tax Parcel Number 181314-33015) and is described as:

The following-described portion of the South Half of the Southwest Quarter (S½SW¼) of Section Fourteen (14), Township Thirteen (13) North, Range Eighteen (18) East of the Willamette Meridian:

Beginning at an iron pin on the South line of said subdivision situate 1019.3 feet East of the Southwest corner thereof; thence North 54° West 33.85 feet; thence Northwesterly along the Northeasterly right of way line of "Power House Road" 449 feet to an iron pin, said point is designated as point "D"; thence North 40° 43' East 450.7 feet to a point designated as point "A";

DEVELOPMENT AGREEMENT/ EPIC REZONE

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CITY OF YAKIMA

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Yakima Co, WA



thence South 33° 10' East 180.1 feet to a point designated as point "B"; the true point of beginning of this description; thence continuing South 33° 10' East 225 feet; thence South 49° 30' West 60 feet; thence South 40° 30' East 343 feet, more or less, to the Westerly line of Bower's Englewood Tracts, as shown on plat recorded in Volume "H" of Plats, page 45; thence North 33° 24' West 809 feet to a point designated as point "E"; thence on a line bearing South 81° 24' West to the intersection with a line extending from point "A" to point "B", said point of intersection designated as point "C"; thence South 33° 10' East to the true point of beginning.

EXCEPT right of way for Englewood Avenue along the South line thereof.

Situated in Yakima County, Washington

B. The City is willing to rezone the Subject Property from Single-Family Residential (R-1) to Multi-Family Residential (R-3); to grant Class 2 approval for Group Homes and Class 3 approval for Professional Offices; and Administrative Adjustment to the parking standards for Group Homes and Professional Offices, but only if:

1. Building heights on the Subject Property are restricted to 24 feet.
2. Offices and related space are limited to entities providing services or goods directly related to the facility. This is intended to allow flexibility, a variety of services, and perhaps a small food service operation, without permitting free-standing commercial operations.
3. Any change(s) in the use of the Subject Property shall trigger review and enforcement or administrative adjustment of the parking standards applicable to the proposed different use(s).

C. Developer agrees to fully satisfy the conditions specified above.

#### AGREEMENT

In consideration of the mutual promises herein, the City and the Developer agree as follows:

1. Developer stipulates that, for the purposes of establishing and enforcing this development agreement, the City's current development regulations are "development regulations adopted by a local government planning under chapter 36.70A RCW" according to the provisions of RCW 36.70B.170.
2. The City shall rezone the Subject Property from Single-Family Residential (R-1) to Multi-Family Residential (R-3).
3. The City shall grant Class 2 approval for Group Homes and Class 3 approval for Professional Offices; and Administrative Adjustment to the parking standards for Group Homes and Professional Offices.
4. Developer and its transferees and successors in interest shall restrict building heights on the Subject Property to 24 feet.
5. Developer and its transferees and successors in interest shall limit offices and related space to entities providing services or goods directly related to the facility. This is intended to allow flexibility, a variety of services, and perhaps a small food service operation, without permitting free-standing commercial operations.
6. Developer and its transferees and successors in interest stipulate and agree that any change(s) in the use of the Subject Property shall require review and enforcement or administrative adjustment of the parking standards applicable to the proposed different use(s).



7. Notices and Demands. Any notice or demand which either party hereto is required or desires to give to or make upon the other shall be in writing and shall be delivered or made by United States registered or certified mail, return receipt requested, postage prepaid, addressed as follows:

In the case of the City to:

City of Yakima  
c/o City Manager  
129 North Second Street  
Yakima, Washington 98901

In the case of the Developer to:

EPIC  
2902 Castlevale Road, Suite A  
Yakima, Washington 90902

8. Litigation, Venue, and Governing Law. In the event any suit or action is instituted by either party to enforce compliance with or interpret any of the terms, provisions or conditions of this development agreement, the prevailing party shall be entitled to collect, in addition to necessary court costs, such sums as the court may adjudge as reasonable attorney's fees. The venue of any action to enforce or interpret this development agreement shall lie in the Superior Court of Washington for Yakima County, Washington. This Agreement shall be governed by the laws of the State of Washington.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

THE CITY OF YAKIMA,  
a Washington municipal corporation

By

R. A. Zais, Jr.  
R. A. Zais, Jr.  
City Manager

DEVELOPER:  
ENTERPRISE FOR PROGRESS IN THE  
COMMUNITY (EPIC),  
a Washington municipal corporation

By

Ed Ferguson  
Name Printed Ed Ferguson  
Signer's Title Executive Director

Harold Alderson  
Harold Alderson

Margaret Alderson  
Margaret Alderson

ATTEST:

Karen S. Roberts  
City Clerk



CITY CONTRACT NO. 98-122  
ORD. 98-53  
RESOLUTION NO.

DEVELOPMENT AGREEMENT/ EPIC REZONE

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CITY OF YAKIMA

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Yakima Co. WA

State of Washington )  
 ) ss:  
County of Yakima )

I certify that I know or have satisfactory evidence that Ed. Ferguson is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the (type of authority, e.g., officer, trustee, etc.) Executive Officer of (name of party on behalf of whom instrument was executed) EPIC

be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: November 25, 1998

Kathryn E. Fritsch  
Printed Name: KATHRYN E. FRITSCHE  
NOTARY PUBLIC in and for the State of Washington  
residing at Yakima  
My commission expires: 11/17/01

State of Washington )  
 ) ss:  
County of Yakima )

I certify that I know or have satisfactory evidence that Harold Alderson is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: November 25, 1998

Kathryn E. Fritsch  
Printed Name: KATHRYN E. FRITSCHE  
NOTARY PUBLIC in and for the State of Washington  
residing at Yakima  
My commission expires: 11/17/01

State of Washington )  
 ) ss:  
County of Yakima )

I certify that I know or have satisfactory evidence that Margaret Alderson is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: November 25, 1998

Kathryn E. Fritsch  
Printed Name: KATHRYN E. FRITSCHE  
NOTARY PUBLIC in and for the State of Washington  
residing at Yakima  
My commission expires: 11/17/01





**CITY OF YAKIMA, WASHINGTON**

**Information Services - GIS**

FILE NO: UAZO RZ#8-98

APPLICANT: EPIC

REQUEST: REZONE FROM R-1 TO R-3 AND LOCATE  
A PROFESSIONAL OFFICE BUILDING

LOCATION: N. OF ENGLEWOOD BTWN 27TH & 32ND AVES.

Scale - 1in = 300ft  
0 150 300



**Subject Property**



**Zoning Boundary**



**Yakima City Limits**

RZ8-98 05/08/98



**BUSINESS OF THE CITY COUNCIL  
YAKIMA, WASHINGTON  
AGENDA STATEMENT**

Item No. 17  
For Meeting Of Nov. 3, 1998

**ITEM TITLE:** Ordinance Adoption - EPIC Rezone

**SUBMITTED BY:** William R. Cook, Director, Community & Economic Development

**CONTACT PERSON/TELEPHONE:** Bruce Benson, Associate Planner 575-6042

**SUMMARY EXPLANATION:**

**BACKGROUND**

On Oct. 6, 1998, the City Council voted to accept the Hearings Examiner's recommendation to rezone approximately 4.65 acres of land located at 2701 Englewood Avenue from R-1, Single-Family Residential to R-3, Multi-Family Residential.. Attached for your action is the Rezone Ordinance which will effect this change.

Resolution \_\_\_ Ordinance X Contract \_\_\_ Other (Specify) \_\_\_\_\_ Map \_\_\_\_\_

Funding Source \_\_\_\_\_

APPROVAL FOR SUBMITTAL: \_\_\_\_\_

  
City Manager

**STAFF RECOMMENDATION:** Adopt Ordinance.

**BOARD RECOMMENDATION:** Hearing Examiner recommended approval of rezone on August 27, 1998.

**COUNCIL ACTION:**

RECEIVED

AUG 27 1998

CITY OF YAKIMA  
PLANNING DIV.

Master Application by	)	EXAMINER'S RECOMMENDATION
EPIC for a Rezone from R-1	)	
to R-3, Class 2 Review	)	City No. UAZO RZ #8-98,
for Group Homes, Class 3	)	EC #18-98, CL(3) #8-98,
Review for Offices, and	)	CL(2) #26-98, Adm. Adj. #30-98
Adjustment of Parking near	)	
2701 Englewood Avenue	)	EXAMINER NO. IU98-2-25

The Examiner conducted a public hearing on August 13, 1998. The staff report presented by Bruce Benson recommended approval. Steve Liddicoat, of Gridline, Inc., and an EPIC entourage appeared on behalf of the proposal. There was no opposition. The Examiner inspected the property prior to the hearing.

SUMMARY OF DECISION. The Examiner recommends approval. Although this is a multi-faceted, large, and fairly complex proposal, it is entirely non-controversial. The only issue deals with potential limitations on commercial business, and what types of entities can locate professional offices on site.

From the view of the site, the matters contained in the official record including the staff report, a review of both the Yakima Urban Area Comprehensive Plan and the Yakima Urban Area Zoning Ordinance, and from evidence received at the hearing, the Examiner makes the following:

FINDINGS

1. Applicant. EPIC - Enterprise for Progress in the Community.
2. Location. 2701 Englewood Avenue; Assessor's parcel number 181314-33015. The legal description is attached to the application and incorporated by reference.

EXAMINER'S RECOMMENDATION - 1  
EPIC  
HE #IU98-2-25

HEARING EXAMINER  
FOR THE  
CITY AND COUNTY OF YAKIMA  
POST OFFICE BOX 4  
YAKIMA, WASHINGTON 98907  
(509) 248-0706

3. Application. This is a master application requesting a rezone of approximately 4.65 acres from R-1, Single-Family Residential to R-3, Multi-Family Residential together with Environmental Review, Class (2) review for Group Homes, Class (3) review to permit Professional Offices, and an Administrative Adjustment to the parking standards for Group Homes and Professional Offices.

4. Proposed Zone. Multi-Family Residential (R-3).

5. Proposed Use. Group Homes and related offices.

6. Current Zoning and Use. This property is currently orchard and zoned R-1.

Adjacent properties have the following characteristics:

<u>Location</u>	<u>Zoning</u>	<u>Existing Land Use</u>
North	R-1	Orchard
East	R-1	Single-Family Residential
West	R-1 and R-2	Residential
South	R-2	Residential

7. Project Description. This is a master application involving the above cited five separate land use reviews. The EPIC organization is purchasing this orchard property, and adjacent orchard lands, with plans for a future mixed use development. On this property they propose nine individual group homes and/or offices and four outbuildings to be constructed in a four phase development. EPIC already has a presence in this area in that they operate programs and locate some of their administrative functions at the former Castlevale School building along Castlevale Road, located approximately 1/4 mile to the north. This property was part of the recent Fruitvale annexation incorporated into the City of Yakima on May 1, 1998.

The staff report contains considerably more detail, and is adopted and incorporated by reference.

8. Yakima Urban Area Zoning Ordinance. The criteria for rezones established by YMC 15.23.030(5) are considered below:

EXAMINER'S RECOMMENDATION - 2  
EPIC  
HE #IU98-2-25

HEARING EXAMINER  
FOR THE  
CITY AND COUNTY OF YAKIMA  
POST OFFICE BOX 4  
YAKIMA, WASHINGTON 98907  
(509) 248-0706



**8.1 Testimony.** All testimony and written comments support the rezone.

**8.2 Suitability of the Property.** This property is physically well suited for this relatively intense use.

**8.3 Agency Recommendations.** No agencies are opposed to the rezone. The Planning Division recommends approval.

**8.4 Compliance with Comprehensive Plan and Zoning Ordinance.** This is dealt with in more detail in the staff report. Perhaps the most salient point is that this area is designated by the 1997 Comprehensive Plan as appropriate for high density development. Both the old and the new plans encourage this type of project, which locates public facilities of this type within the urban area, in areas well served by arterials, in a manner which is compatible with surrounding development.

With respect to the zoning ordinance, R-3 zoning is considered compatible with R-1 zoning if appropriate site considerations are taken. In this instance, in order to promote a compatible development, the applicant will separate access, using a collector arterial, so that access does not run through R-1 neighborhoods. Sitescreening will be employed to the east and west, there will be building height limitations, and buildings will be designed to architecturally blend with the neighboring areas.

**8.5 Adequacy of Public Facilities.** The developer acknowledges that all public utilities need to be extended to this site, and will be done so as part of this project.

**8.6 Compatibility.** Perhaps the single most significant factor is that there is absolutely no opposition to this proposal. EPIC has met with the neighbors prior to the public hearing, and has obviously done an exceptional job of designing a project which fits into the area.

**8.7 Public Need.** As reflected in the entire file, including the staff report, there is a substantial public need for

EXAMINER'S RECOMMENDATION - 3  
EPIC  
HE #IU98-2-25

HEARING EXAMINER  
FOR THE  
CITY AND COUNTY OF YAKIMA  
POST OFFICE BOX 4  
YAKIMA, WASHINGTON 98907  
(509) 248-0706

the community services currently offered and proposed to be offered by EPIC.

9. Class 2 and Class 3 Review. Even if granted the rezone, this proposal remains dependent upon receiving concurrent approval for both the Class (2) group homes and the Class (3) professional offices. The property is not proposed for subdivision so control of this development will remain in the hands of the developer. This proposal has a separate access from a collector arterial; once traffic has left the arterial it will not be mixed with other residential traffic in the area. The site plan indicates a campus-like environment with compatible offices and group homes. The entire project will be integrated with the surrounding neighborhood by appearance and segregated by use. Landscaping, site screening, and topography will be used to provide a buffer to other less intensive land uses.

10. Adjustment of Parking Standards. YMC Section 15.10.020 authorizes the Administrative Official to adjust certain standards of the ordinance, including parking standards. Such adjustments are intended to allow for site flexibility and provide the opportunity for some tradeoffs in amenities in exchange for the adjustment in standards. Of the five criteria listed in UAZO 15.10.020, the subject proposal conforms, or does not conform, in the following ways:

1. Siting for solar access:

Does not apply, solar access is not a consideration in this request.

2. Zero Lot Line construction:

Does not apply, no zero lot line construction is proposed.

3. Coordinate site features with surrounding land uses:

Does not apply.

4. Flexibility of design:

The parking standards for group homes is one space for each two beds and the standard for offices is one space for each two

EXAMINER'S RECOMMENDATION - 4  
EPIC  
HE #IU98-2-25

HEARING EXAMINER  
FOR THE  
CITY AND COUNTY OF YAKIMA  
POST OFFICE BOX 4  
YAKIMA, WASHINGTON 98907  
(509) 248-0706

hundred square feet of gross floor area. The site plan indicates that to meet the standard based on usage there should be 87 parking spaces and only 77 are indicated. The applicant has indicated that their group home client residents are not permitted to have a car while in residence. On this basis they have requested reduction of the parking standards by ten spaces. The request is logical; the standard presumes vehicle usage when there will be none. The reduction is realistic. In the future, if any of the building space set aside for group home use is altered to office use, the issue of parking spaces should be reexamined because offices require significantly more parking than group homes.

5. Consistency with sub-area plans:

No plans exist to address this area.

11. Phased Development. The applicant has presented a site plan and narrative proposing four phases of development. Phase I, closest to Englewood, is believed to be financially feasible upon receipt of zoning and land use approval. Development of additional phases will require continuing financial support and agency partnering which is dependent upon many factors. The applicant asks that approval be granted now for future phases. The maximum time period requested between phases is three years. The applicant would also like to reserve the right to begin phase development earlier, if possible. This is contingent upon the requirement that all phasing or partial phasing will require complete infrastructure improvements before certificates of occupancy are issued.

The applicant has been advised that the approval of a phased development will require continued adherence to the final site plans and designs approved through this review and hearings process. Alterations of these site plans and proposals could be achieved through the modification process set forth in YMC Chapter 15.17. Any changes in excess of that permitted under the

EXAMINER'S RECOMMENDATION - 5  
EPIC  
HE #IU98-2-25.

HEARING EXAMINER  
FOR THE  
CITY AND COUNTY OF YAKIMA  
POST OFFICE BOX 4  
YAKIMA, WASHINGTON 98907  
(509) 248-0706

modification provisions will require additional Class (2) or Class (3) review, and perhaps additional SEPA review, depending upon the type and scope of changes requested.

Phasing is appropriate.

12. Environmental Review. A Determination of Non-significance was issued by the city, and is now final.

13. Public Notice. Notice for the hearing was provided in accordance with the UAZO requirements in the following manner:

Mailing of notices to adjacent owners	July 31, 1998
Posting of property	July 31, 1998
Legal Ad published	July 31, 1998

From the foregoing Findings, the Examiner makes the following:

#### CONCLUSIONS

1. The Examiner has jurisdiction.
2. The proposed master application conforms to the goals and policies of the Yakima Urban Area Comprehensive Plan, and to the intent of the Yakima Area Zoning Ordinance, the property is suitable for uses permitted in the R-3 district; and will serve the public use and interest, subject to the conditions set forth below.
3. All notice provisions of the ordinance have been complied with.

Based upon the foregoing findings and conclusions, the Examiner submits to the Yakima City Council the following:

EXAMINER'S RECOMMENDATION - 6  
EPIC  
HE #IU98-2-25

HEARING EXAMINER  
FOR THE  
CITY AND COUNTY OF YAKIMA  
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YAKIMA, WASHINGTON 98907  
(509) 248-0706

### RECOMMENDATIONS

1. Approve this rezone application, from R-1 to R-3.
2. Approve the Class 2 request for group homes and the Class 3 request for professional offices; approve the requested adjustment to parking standards, and approve the proposed phasing, subject to the following conditions:

2.1. Dedication of an additional ten feet of right-of-way and frontage improvements are required along Englewood Avenue. These shall include asphalt widening, curb and gutter with controlled drainage, and a seven foot wide sidewalk. This will necessitate a civil engineering design approved by the City Engineer prior to construction. (YMC Section 14.20.020).

2.2. A final site plan will be required showing the frontage improvements to Englewood and noting the approved time frames for the phasing of development.

2.3. The developer shall submit design and engineering plans to the City Engineer for all water, and sewer improvements. No construction of improvements shall begin until the City Engineer has approved the plans.

2.4. The developer shall consult with the Fire Department regarding placement of fire hydrants prior to their installation.

2.5. "No Parking" signs shall be placed along the private access road.

2.6. Irrigation water shall be utilized for non-domestic purposes, if available.

2.7. A development agreement or deed restriction shall be executed and recorded with the County Auditor restricting building heights to 24 feet; offices and related space shall be limited to entities providing services or goods directly related to the facility. [This is intended to allow flexibility,

EXAMINER'S RECOMMENDATION - 7  
EPIC  
HE #IU98-2-25

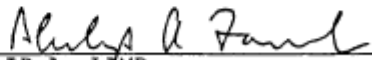
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allowing a variety of services, and perhaps a small food service operation, without permitting free standing commercial operations.]

2.8. Phased development is approved. Certificates of occupancy shall not be issued for buildings within a given phase until infrastructure for that phase is completed or otherwise financially guaranteed or bonded for.

2.9 This project approval shall be valid for ten years, and subject to extension as the Administrative Official may determine is reasonable.

DATED this 27 day of August, 1998.

  
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PHILIP A. LAMB  
Hearing Examiner

EXAMINER'S RECOMMENDATION - 8  
EPIC  
HE #IU98-2-25

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