

Exhibit "B"

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

November 12, 2010

In the Matter of an Application for)	
Approval of an Institutional Overlay)	OVR #001-09
Zone, a Master Development Plan and)	PD #002-09
Vacation of Rights-of-Way Submitted by:)		RW #002-10
)	SEPA #028-09
Yakima Valley Memorial Hospital)	
)	
In Order to Authorize and Facilitate)	
Development of Hospital Facilities as a)	
Closed Campus in accordance with a)	
30-Year Master Development Plan)	

A. Introduction. The introductory findings relative to the open record public hearing process for this application are as follows:

(1) The Hearing Examiner conducted an open record public hearing for this application on October 28, 2010.

(2) Associate Planner Jeff Peters presented an extremely thorough staff report which recommended approval of this application subject to conditions. Assistant City Attorney Mark Kunkler explained the three elements involved in this application. Planning Manager Joan Davenport also explained various details relative to the application during the course of the hearing.

(3) Representatives of Yakima Valley Memorial Hospital (the hospital or YVMH) who have been instrumental in this application in various ways next testified in favor of the application. The main points of their testimony appear at various points in the record and in this recommendation. Further detailing their testimony would unduly lengthen this already lengthy recommendation. In the order of their testimony, those who testified in various capacities at the hearing in behalf of this application were Royal Keith, Bill Wheeler, Stan Martinkus, Jim Aberle, Dave Franklund, Gregg Dohrn, Julia Kuhn, Michael Shinn and Rick Linneweh.

(4) Residents of the area next testified generally in favor of the application. Some of them expressed appreciation for this collaborative effort involving the City, the hospital and the Barge-Chestnut Neighborhood Association (BCNA) which will result in a closed hospital campus with building, parking, traffic circulation, lighting, sitescreening and

landscaping features that will promote compatibility with the neighborhood. The main concerns expressed by residents involved traffic, and more specifically, (i) the failure of the final environmental impact statement (FEIS) or of the recommended conditions of this application to impose an obligation upon the hospital to help implement the Barge-Chestnut Neighborhood traffic calming plan that will separately be considered by the City Council in the future and (ii) the inclusion as Phase 3 mitigation measures in the part of the FEIS table appearing on page 8 of this recommendation, and in sections 3.5.3.2 and 3.5.3.3 of the draft Development Agreement attached to the staff report, of traffic signals on South 24th Avenue at its intersections with Summitview Avenue and Tieton Drive which residents believe will encourage cut-through traffic on 24th Avenue. Since the four public comment letters and responses to three of them are in the record as Exhibit I and since three typed summaries of this testimony and one letter regarding traffic concerns were added to the record at the hearing as Exhibits J-5 through J-8, more than this summary of the main points would also unduly lengthen this recommendation. In the order of their testimony, those nearby residents who testified at the hearing were Walt Ranta, Ralph Call, Bruce Simpson, Don Uebelacker, Yuki Reiss, Gary Forrest, Leni Skarin, Paul Nagle-McNaughton, Paul Schafer, Jo N. Miles and Paul Beaulaurier.

(5) This recommendation has been issued within ten business days of the hearing.

B. Summary of Recommendation. The Hearing Examiner recommends that the Yakima City Council approve this application subject to conditions.

C. Basis for Recommendation. Based upon a view of the site and surrounding areas without anyone else present on October 27, 2010; the information contained in the staff report, exhibits, testimony and other evidence presented at an open record public hearing on October 28, 2010; and a review of the SEPA Planned Action FEIS prepared for this application, the Yakima Urban Area Comprehensive Plan and the Yakima Urban Area Zoning Ordinance; the Hearing Examiner makes the following:

FINDINGS

I. Applicant. The applicant is Yakima Valley Memorial Hospital, 2811 Tieton Drive, Yakima, Washington.

II. Location. The location of the hospital campus is between Tieton Drive and Chestnut Avenue and between South 27th and South 31st Avenues. The Assessor's Tax Parcel numbers are 181323-33004, 33024, 33028, 33413, 33414, 33415, 33416, 33417, 33418, 33426, 33429, 33430, 33432, 33435, 33437, 33438, 33442, 33445, 33446, 33447, 33449, 33450, 33451, 33452, 33453, 33454, 33455, 33456, 33457, 33465, 33473, 33474, 33475,

33477, 33478, 33479, 33480, 33487, 33488, 33489, 33490, 33492, 33508, 33509, 33510, 34032, 34033, 34034, 34035, 34447, 34539, and 181323-33436 (partial).

III. Background and Details of Application. The background and elements of this application may be summarized as follows:

(1) The YVMH which was founded in 1950 serves the greater Yakima area from its main campus on Tieton Drive in the City of Yakima, and from several satellite facilities throughout Yakima County. The main campus is 26.4 acres in size. The hospital has 226 hospital beds, approximately 500,000 square feet of facilities and provides the following inpatient services: General Medical, Cancer Care, Heart Care, Critical Care, Orthopedics, Surgery, The Family Birthplace, Pediatric Care, Neonatal Intensive Care Unit, Surgery and Psychiatric Care. The hospital admits approximately 14,300 patients a year, which are served by 327 physicians representing 35 specialties, over 2,300 employees, and over 460 volunteers.

(2) Since its inception in 1950, YVMH has grown and evolved to meet the needs of the growing Yakima Valley communities. Over time, the hospital has added new services, renovated the original facilities, and constructed new facilities on the main campus, as well as some satellite locations throughout Yakima County. In response to rapid changes in the field of health care and a realization that the main campus was reaching its capacity, YVMH's Board of Directors authorized a future needs assessment in 2003 through early 2004 to determine what level of future growth it should plan for and whether the hospital had sufficient area and resources to meet the projected growth on the main hospital campus. The assessment concluded that the hospital did not have sufficient space on the campus to expand its facilities in the following manners as needed without acquiring additional property or making more efficient use of the land on the main hospital campus: Main Hospital Building Addition (775,528 square feet); West Pavilion I (72,555 square feet); West Pavilion II (50,000 square feet); Early Learning Center (12,000 square feet); North Pavilion I (100,000 square feet); East Pavilion I (50,000 square feet); Rainier House, Human Resources (2,039 square feet); Parking Garage 1, PG-1 (283,745 square feet); Parking Garage 2, PG-2 (99,248 square feet); Parking Garage 3, PG-3 (88,274 square feet); Parking Garage 4a, PG-4a (283,230 square feet); Parking Garage 4b, PG-4b (282,230 square feet); and total off-street parking (4,149 parking spaces). Therefore, YVMH's Board of Directors authorized the hospital staff to start a master planning process that would accommodate the projected needs of the hospital facility at the existing campus.

(3) On April 30, 2004, YVMH submitted an application to the City for a Comprehensive Plan Future Land Use Map Amendment and a State Environmental Policy Act (SEPA) checklist. The application requested a change in the Future Land Use Map designations for numerous parcels owned by YVMH and for some parcels owned by

neighboring property owners from the Low Density Residential designation to the Professional Office designation.

(4) Between January and June of 2005, YVMH unveiled to the public an early version of its Campus Master Plan, and its Board of Trustees approved a policy that development projects would be limited to only improvements related to hospital care or improvements necessary for patient safety. Based upon this early version of the campus master development plan and Comprehensive Plan Future Land Use Map amendment, the City of Yakima issued an Environmental Determination of Significance Supplemental Environmental Impact Statement, and Notice of Final Scoping on May 12, 2005.

(5) Between July and December of 2005, YVMH continued to study the environmental impacts of the proposed master plan, including a detailed Traffic Impact Analysis. It held three community forums to inform neighborhood residents of its proposed development plans, and continued to explore the early findings of the environmental impact statement.

(6) Between January and June of 2006, it became apparent to the City and YVMH that neither the hospital's pending Comprehensive Plan Future Land Use Map Amendment, nor the City's existing Planned Development process would meet the needs of the hospital, or the Barge-Chestnut Neighborhood Association (BCNA). As a result, YVMH, the BCNA, and the City of Yakima started exploring new innovative planning processes which included the Institutional Overlay process. It was decided that an Institutional Overlay Master Planning process should be added to the City of Yakima's Comprehensive Plan and Municipal Code. Due to the lack of a more appropriate permitting process, the BCNA requested that YVMH delay submitting its EIS, and that various revisions to the master development plan be discussed. Additionally, during this time when the City was in the process of updating its Comprehensive Plan, it was agreed by the hospital, BCNA, and the City that the hospital's Comprehensive Plan Map Amendment request should be modified to request an Institutional Overlay designation for the subject properties as a part of the City's 2006 Comprehensive Plan updating process.

(7) Between July and December of 2006, YVMH continued to meet with both the BCNA and City to review the progress being made on the Comprehensive Plan update, and to introduce proposed language for the draft Institutional Overlay Ordinance. On December 12, 2006, the City of Yakima City Council approved the requested Yakima Urban Area Comprehensive Plan amendment designating the hospital campus on the Future Land Use Map as an Institutional Overlay.

(8) Between January and June of 2007, YVMH, the BCNA and the City continued developing and refining the language for the proposed Institutional Overlay ordinance. The hospital and BCNA continued to make further revisions to the campus plan, and the BCNA introduced a plan for calming traffic in their neighborhood.

(9) Between July of 2007 and June of 2008, the City of Yakima, YVMH, and

BCNA continued work on the Institutional Overlay ordinance, and the BCNA traffic calming plan.

(10) Between July and August of 2008, public workshops and a public hearing by the Regional Planning Commission were conducted on the Institutional Overlay Zoning Ordinance, and on September 2, 2008, the Yakima City Council approved the proposed ordinance.

(11) Between August of 2008 and November of 2009, YVMH continued to meet and work with the City of Yakima and the BCNA to prepare and finalize the hospital's Institutional Overlay, Master Development Plan, and SEPA application. YVMH formally submitted its application to the City of Yakima Planning Division for review and processing on September 8, 2009. The hospital's application was deemed complete for further processing on November 9, 2009, following submittal of requested additional information, thus initiating review of the proposed application.

IV. Notices. Notices of the open record public hearing of October 28, 2010, were provided by the following methods:

Posting of land use action signs on the property:	May 16, 2010
Mailing of hearing notice to owners within 500 feet:	October 1, 2010
Publishing of hearing notice in the Yakima Herald-Republic:	October 1, 2010
Posting of hearing notice in three public places	October 1, 2010

V. State Environmental Policy Act. The SEPA review process for this application may be summarized as follows:

(1) The City of Yakima has conducted a SEPA Environmental review for the proposed development (SEPA #028-09). On November 10, 2009, the City of Yakima issued a Notice of Determination and EIS Scoping regarding YVMH's Institutional Overlay/Master Development Plan Environmental Checklist and application.

(2) On December 10, 2009, the Notice of Determination of Final Scoping was issued identifying the probable adverse impacts to be studied as Traffic, Parking and Stormwater.

(3) On May 28, 2010, the Notice of Application, Request for Public Comment and Availability of Planned Action Draft Environmental Impact Statement (DEIS) was issued with a 30 day public comment period. The DEIS contained two traffic analysis reports, a parking study, and stormwater analysis. Four public comments were received during the public comment period and addressed in the Planned Action Final Environmental Impact Statement (FEIS).

(4) On October 1, 2010, the DEIS was finalized providing for appropriate mitigation for all identified environmental impacts, throughout the five phases of

construction. If these applications are approved and the applicant's projects/development plans are consistent with the Planned Action FEIS, no further SEPA review is necessary.

(5) The various Planned Action FEIS mitigation measures set forth in Table 5 and Table 6 of the Planned Action FEIS may be described as follows:

Summary of Mitigation Measures by Phase

Phase 1	Phase 2	Phase 3	Phase 4/5
Summary of development activities generating net additional trips that require traffic mitigation.			
No new buildings or additions are planned during this phase.	Construction activities that will generate net new trips that require traffic mitigation: 130,000 sq. ft. addition to hospital	Construction activities that will generate net new trips that require traffic mitigation: 46,000 sq. ft. addition to hospital; and 27,000 sq. ft. of clinical office space.	Construction activities that will generate net new trips that require traffic mitigation: 184,000 sq. ft. addition to hospital; and 150,000 sq. ft. of new medical office space.
Summary of development activities not generating net additional trips.			
Close campus and prepare for construction in subsequent phases.	Construction activities that will not create net additional trips include: a 28,000 sq. ft. addition to Energy Plant/Loading Dock; a new 12,000 sq. ft. Early Learning Center facility; two parking garages; required mitigation measures; and the demolition of buildings.	Construction activities that will not create net additional trips include: one parking garage; required mitigation measures; and, the demolition of buildings.	Construction activities that will not create net additional trips include: one or two parking garages; required mitigation measures; and the demolition of buildings.
Traffic	Traffic	Traffic	Traffic

1. YVMH installs traffic diverter at S. 28 th Ave/W. Walnut St.	1. YVMH fair share payment of 1.8% toward S. 16 th Ave/Nob Hill Blvd intersection improvements.	1. YVMH fair share payment of 19.4% of the cost of installing a signal at the intersection of S 24 th Ave/Tieton Drive.	1. YVMH fair share payment of 1.1% toward S. 40 th Ave/Nob Hill Blvd Intersection improvements.
2. Vacate portion of S. 28 th Avenue.	2. YVMH installs traffic signal and dual southbound left-turn lanes at S. 28 th Ave/Tieton Drive intersection.	2. YVMH fair share payment of 4% of the cost of installing a signal at the intersection of N. 24 th Ave/Summitview Ave.	2. YVMH fair share payment of 4% toward N.16 th Ave/Summitview Ave intersection improvements.
3. Vacate portion of S. 29th Avenue.	3. City implements Phase 2 BCNA traffic calming improvements as warranted.	3. YVMH fair share payment of 2.4% toward N. 40 th Ave/Summitview Ave intersection improvements.	3. YVMH fair share payment of 9.5 % toward S. 16 th Ave/Tieton Drive intersection improvements.
4. City implements Phase 1 BCNA traffic calming improvements.			4. YVMH installs traffic signal or improvements at S. 30th Ave/Tieton Drive intersection as warranted.
Parking			

1. Construction of the approved parking facilities adding 230 surface parking spaces for a total of 1,650 parking spaces.	1. Construction of the approved parking facilities resulting in the replacement of 493 surface parking spaces and the addition of 1,131 covered parking spaces for a net increase of 638 and a total of 2,288 parking spaces.	1. Construction of the approved parking facilities resulting in the replacement of 138 surface parking spaces and the addition of 275 covered parking spaces for a net increase of 137 and a total of 2,425 parking spaces.	1. Construction of the approved parking facilities resulting in the potential replacement of 676 surface parking spaces with up to 2,400 covered parking spaces for a net increase of 1,724 and a total of up to 4,149.
2. Monitoring of parking needs.	2. Monitoring of parking needs.	2. Monitoring of parking needs.	2. Monitoring of parking needs.
Stormwater			
1. Preparation of a storm water management plan in accordance with provisions of YMC.	1. Implementation of the approved storm water management plan.	1. Implementation of the approved storm water management plan.	1. Implementation of the approved storm water management plan.

VI. Current Zoning and Land Uses. The subject parcel is currently zoned Single-Family Residential (R-1), Two-Family Residential (R-2) and Multi-Family Residential (R-3). The purposes of these zoning districts are described as follows:

(1) **R-1 Zoning District:** The R-1 zoning district is intended to establish and preserve residential neighborhoods for detached-single family dwellings free from other uses except those which are compatible with, and serve the residents of, the district. The district is intended to allow for moderate-density residential development up to seven dwelling units per net residential acre in areas served by public water and sewer with public police and fire protection. The district is characterized by forty-five percent lot coverage; access to individual lots by local access streets; large front, rear and side yard setbacks; and one and two story structures. The density in the district is generally seven dwelling units per net residential acre or less (YMC § 15.03.020(B)).

(2) **R-2 Zoning District:** The purpose of the R-2 residential zoning district is to establish and preserve residential neighborhoods for detached single-family dwellings, duplexes and other uses compatible with the intent of the district, and to locate residential

development with densities up to twelve dwellings per net residential acre in areas receiving a full range of public services including public water and sewer, and police and fire protection. The district is characterized by up to fifty percent lot coverage, access via local access streets and collectors, one and two story buildings, some clustering of units, and large front, rear and side yard setbacks. Typical uses in this district are single-family dwellings and duplexes. The density in this district generally ranges from seven to twelve dwelling units per net residential acre (YMC § 15.03.020(C)).

(3) **R-3 Zoning District:** The purpose of the R-3 residential zoning district is to establish and preserve high-density residential districts by excluding activities not compatible with regular uses, and to locate high-density residential development that is more than twelve dwelling units per net residential acre in areas that receive the full range of urban services. In addition, the district is intended to locate high-density residential development near neighborhood shopping facilities, and so that traffic generated by the development does not pass through lower density residential areas (YMC § 15.03.020(D)).

(4) **Land Uses:** The subject properties under review are currently occupied by the YVMH medical complex and by selected nearby single-family homes which the hospital has under contract to purchase so that they can be relocated or demolished. Adjacent properties have the following characteristics:

<u>Location</u>	<u>Zoning</u>	<u>Land Use</u>
North	R-1	Residential
South	R-1	Residential
West	B-1/R-1	Office/Residential
East	R-1	Residential

VII. Yakima Urban Area Comprehensive Plan. The Yakima Urban Area Comprehensive Plan (YUACP) designates the future land use designation for this area as Professional Office with an option for an Institutional Overlay district to be applied. The intent of those designations may be described as follows:

(1) **Professional Office:** The City's "Professional Office" Comprehensive Plan Future Land Use designation is intended to allow a wide range of office uses, such as financial institutions, real estate, insurance, engineering, legal, medical offices and other similar business uses specifically permitted by the applicable zoning district.

(2) **Institutions:** The City's "Institutions" Comprehensive Plan Future Land Use designation described at pages III-14 and III-15 of the Comprehensive Plan includes existing and new large-scale institutional facilities such as hospitals and higher education facilities that may have significant impacts to the surrounding land uses. Institutions such as hospitals and higher education facilities play an important role in the community,

providing needed health and educational services to the citizens of the community and region. Hospitals and higher educational facilities also provide major employment in the Yakima Urban Growth Area and contribute to the growth of Yakima's economy. However, when these institutions are located in or adjacent to residential or pedestrian oriented commercial areas, their activities and facilities can generate noise, traffic, and other effects that could be potentially incompatible with the surrounding land uses. It is anticipated that uses shown as "Institutions" on the Future Land Use Map will be regulated under an "Institutional Overlay (IO)" zone. Designation of an IO on the City's Zoning Map would occur only after approval of a detailed master site plan by the City following the public process, which includes public hearings. The Yakima Valley Memorial Hospital Campus has been designated in the Comprehensive Plan as an Institutional Overlay. As a result, the proposed Master Development Plan was designed to implement this Comprehensive Plan designation.

(3) The Comprehensive Plan contains the following Goals and Policies that are relevant to the proposed Master Development Plan:

- Goal 3.3:** Preserve existing neighborhoods.
- Policy 3.3.1:** Preserve the character of neighborhood such as historic character, architecture, natural features and layout.
- Policy 3.3.2:** Ensure that new development is compatible in scale, style, density, and aesthetic quality to an established neighborhood.
- Policy 3.3.3:** Integrate historic preservation by ensuring new construction and development integrate the existing historical buildings and landscaping to help create a distinctive identity for the neighborhood.
- Goal 3.5:** Protect and promote identification of archeological and significant historical sites and structures.
- Policy 3.5.2:** Identify historic neighborhoods within the Yakima Urban Area and assist in obtaining an official classification as historic by the Local or National Register of Historic Places.
- Goal 3.14:** Maximize the public service and economic benefits of institutions, while minimizing the adverse impacts associated with their development growth and expansion.
- Policy 3.14.1:** New institutions should be placed where they are compatible with surrounding land uses, and existing institutions should be developed to be compatible with adjoining land uses.
- Policy 3.14.1.2:** Institutions proposed for location in or adjacent to residential areas will be reviewed under the "Institutional Overlay" zoning requirements, when adopted.
- Policy 3.14.2:** Access to institutions shall be from the nearest arterial and should not increase traffic on local residential streets.

- Policy 3.14.3:** An impact analysis of how improvement to institutions will affect traffic, parking, and other qualities in surrounding areas will be prepared as part of an Institutional Overlay request.
- Policy 3.14.5:** All new development or expansion of hospital and higher education facilities can be developed through establishing IO districts.
- Policy 3.14.6:** The establishment of an Institutional Overlay (IO) district on the Zoning Map will provide specific development standards that allow for appropriate growth and development for new institutions, or for the expansion of existing institutions within their existing or proposed development boundaries.
- The purpose of establishing an IO is to reduce or eliminate land use conflicts between the proposed use and the surrounding areas.
 - An IO provides additional new regulations to the existing underlying zoning district provision.
 - An IO district allows institutions to freely choose design and development that best suit their facility and surrounding areas.
 - Citizen participation will be encouraged throughout the planning process.
 - A Public Hearing before the Hearing Examiner using the Class (3) review process will be required prior to the approval of the establishment of an IO.
 - Review criteria will become more restrictive the closer the institution siting gets to the residential uses.
- Policy 3.14.7:** Establish boundaries for institutions to reasonably protect established residential neighborhoods from further encroachment by institutions and allow the institution to plan for future growth.
- Policy 3.14.8:** Require development and expansion of institutions to be reasonably compatible with the adjacent residential neighborhoods, and to reasonably minimize the parking and traffic impacts on the adjacent residential neighborhoods.
- Policy 3.14.9:** Encourage institutions to develop master plans for their future development to ensure that future growth is planned and coordinated specific to the needs of the adjacent residential neighborhoods. Master plans may allow institutions to develop more intensively to reduce the amount of property necessary for their future growth.

VIII. Yakima Urban Area Zoning Ordinance. The institutional overlay zone has the following characteristics:

Yakima Valley Memorial Hospital
Institutional Overlay, Master Development
Plan and Vacation of Street Rights-of-Way
Located at 2811 Tieton Drive: OVR #001-09;
PD #002-09; RW #002-10; and SEPA #028-09

(1) **Institutional Overlay Zone:** The purposes of the Institutional Overlay (IO) zone is to allow for large-scale institutional facilities with special locational needs and impacts which must be designated and performed in a manner that is compatible with surrounding land uses. Through a master plan review process (YMC § 15.31.030) the public is involved in the development of performance standards. A development agreement and site master plan assure predictability for the owner, appropriate jurisdiction, and citizens. The process balances the need for large-scale institutional facilities to grow while minimizing adverse environmental impacts associated with such development on the adjacent community (YMC § 15.31.010).

(2) **Institutional Review Process:** The institutional overlay zone and master development plan (YMC § 15.31) identifies that the application shall be reviewed using the review procedures described in YMC § 15.23.030. Upon filing of a valid rezone application and completion of the required environmental review process, the Planning Division shall forward the rezone application, together with its recommendation, to the Hearing Examiner to conduct a public hearing and review in conformity with YMC § 15.23.030. Prior to the public hearing a recommendation will be obtained from the City of Yakima Planning Commission. The decision of the Examiner shall be in the form of a written recommendation to the legislative body pursuant to YMC § 15.23.030(E).

(3) **Compliance with Institutional Review Process:** In accordance with YMC § 15.31.030, the City of Yakima Planning Division reviewed the proposed application and forwarded the application with its recommendation to the Hearing Examiner on October 21, 2010, to conduct the public hearing pursuant to YMC § 15.23.030. In regard to the requirement to have a recommendation from the Planning Commission prior to the public hearing, agreement was expressed at the hearing with the City Planning Division's view that since YVMH's original Comprehensive Plan map amendment application to create the institutional overlay future land use designation was combined with the City's 2006 Comprehensive Plan update process, the approval of the 2025 Comprehensive Plan by the Yakima Regional Planning Commission constitutes the Planning Commission's recommendation of approval in regard to this matter. The Examiner also agrees with that view. YMC § 15.31.030 requires that the institutional overlay zone and master development plan be reviewed using the review process and hearing process in conformity with that section entitled "Rezoning – Zoning map amendments."

IX. Institutional Overlay Rezone Review Criteria per YMC § 15.31.030 and YMC § 15.23.030. YMC § 15.31.030 provides that recommendations regarding institutional overlay zones and master planned developments must be based upon the following rezone criteria specified in YMC § 15.23.030(E):

(1) **The testimony at the public hearing:** The testimony at the public hearing is included in the record in the form of the electronic recording of the hearing and in the

form of written comments reflecting the points presented by the testimony. The main points of the testimony may be summarized as follows:

(a) No testimony was presented at the public hearing to the effect that the application should be denied.

(b) Most of the testimony was very complimentary of the extensive collaborative efforts of the representatives of the Yakima Valley Memorial Hospital, the Barge-Chestnut Neighborhood Association and the City which have over a period of years culminated in the application now under consideration.

(c) Despite the testimony emphasizing the many positive aspects of the proposal under consideration, some residents submitted testimony and/or written comments about several specific traffic issues of concern to the Barge-Chestnut Neighborhood. The main concern revolved around the FEIS requirement for the hospital's participation in the installation of traffic signals on South 24th Avenue at its intersections with Summitview Avenue and Tieton Drive by Phase 3 of the hospital's expansion, possibly by 2025 or 2035. That concern arises from a belief that those traffic signals would result in cut-through traffic on South 24th Avenue. Another concern revolved around the failure of the FEIS or the recommended conditions of approval of this application to impose an obligation on the hospital to play a role in implementing the traffic calming plan for the Barge-Chestnut neighborhood. Another concern was the failure of the proposed traffic calming plan to carry into the later phases of the hospital's expansion. Along the same lines of desiring a link between the hospital's expansion and the proposed Barge-Chestnut Neighborhood traffic calming plan, it was suggested that some or all of the funds that the City would be receiving from the hospital for the vacated street property (\$127,050) should be kept in a separate fund to be utilized to assist in the implementation of the traffic calming plan. The applicant supported that suggestion, and Mr. Shinn called attention to a provision in RCW 35.79.030 which requires that one-half of the revenue received as compensation for areas vacated must be dedicated to the acquisition, improvement, development and maintenance of public open space or transportation capital projects within the City.

(d) Although the FEIS has become final with its requirement for the hospital's participation in the cost of traffic signals on South 24th Avenue for Phase 3 of its expansion, sections 3.5.3.2 and 3.5.3.3 of the draft Development Agreement state the obvious that those traffic signals will only be installed "when warranted in accordance with the standards set forth in the Manual on Uniform Traffic Control Devices (MUTCD)." The expert testimony of the City's traffic consultant, Julia Kuhn of Kittelson & Associates, was to the effect that intersection improvements at all of the locations mentioned in the FEIS, except for the intersections of Tieton Drive with South 28th Avenue and South 30th Avenue,

would be needed even if the hospital were not expanded. That is confirmed by the fact that the hospital's fair share of the costs of those traffic signals is only a small percentage of the total costs. It would be difficult to take the position that traffic signals will never be installed at those intersections even if they are needed or that the safety of motorists and pedestrians at those intersections can be sacrificed in order to avoid cut-through traffic. Nevertheless, even though the Barge-Chestnut Neighborhood traffic calming plan is not in the record of this application or presented for the Examiner's consideration, it was suggested at the hearing that perhaps it would be worth exploring possible ways that the traffic calming plan improvements or other traffic improvements would or could help avoid or forestall the need for those traffic signals or minimize adverse effects of cut-through traffic if they are installed in the future.

(e) The Hearing Examiner also pointed out at the hearing that the traffic calming plan has historically been on a separate track from this application and will in fact be considered by the City Council in the not-too-distant future. It was not linked to this application either as an FEIS mitigation condition or a recommended condition of this application because it has not been found to be an expense resulting from the hospital's expansion that the hospital should bear in addition to the extensive number of FEIS traffic mitigation measures. Although the hospital could voluntarily participate in the implementation of the traffic calming plan, the opinions of the traffic experts in the record would not support imposition of that obligation upon the hospital. If there is a problem with the way the phasing of the traffic calming plan addresses the later phases of the hospital's expansion, that would be better addressed in the consideration of the phasing of the traffic calming plan rather than in the phasing of the hospital's expansion.

(f) The Hearing Examiner also pointed out at the hearing that deciding how to use the funds received from the hospital for the vacated streets is particularly a City Council prerogative, and that the Examiner frankly lacks the knowledge or expertise to even make a recommendation in that regard. This is true even though it was clear from the testimony at the hearing that a recommendation from the Examiner to that effect would be well-received by both the Barge-Chestnut Neighborhood Association and by the hospital. But there could be many factors that will be considered in the budget process to determine how to best use those funds, and the Examiner does not presume to be qualified to even make a recommendation in this regard despite the invitation at the hearing to do so.

(g) In summary, even though testimony and written comments were submitted about some very specific traffic concerns in the Barge-Chestnut Neighborhood, the testimony even by those who raised the traffic concerns did not

suggest that the application should be denied. The bulk of the testimony presented at the public hearing was very positive about the process -- and about the results of the process -- involved in this application.

(2) **The suitability of the property in question for uses permitted under the proposed zoning:** The subject properties are and have been historically suitable for the use of a hospital/institution. YVMH has been operating and expanding its campus at its current location since approximately 1950. On December 12, 2006, the Yakima City Council approved the City of Yakima's 2025 Comprehensive Plan which included an amendment to Chapter 3, Land Use for Institutional Overlays. The text amendment for an Institutional Overlay was aimed specifically at providing a Comprehensive Plan and Zoning process that accommodates both the needs of Institutional master development plans that are intended to guide future development over long time periods for institutions such as hospitals or colleges, as well as the needs of surrounding neighborhoods. In recognition of the new Institutional Overlay designation and the incorporation of YVMH's 2004 Comprehensive Plan Future Land Use Map Amendment into the City's 2006 Comprehensive Plan Update Process, YVMH's Comprehensive Plan's Future Land Use Designation was modified to include an Institutional Overlay. This pre-designation of the subject property ultimately identifies the property in question as suitable for the proposed siting of an Institutional Overlay.

(3) **The recommendation from interested agencies and departments:** No agencies are opposed to this application. The proposed Master Development Plan was prepared in consultation with City of Yakima Departments and is designed to avoid potential adverse impacts and meet or exceed City standards.

(4) **The extent to which the proposed amendments are in compliance with and/or deviate from the goals, policies, of the Yakima Urban Area Comprehensive Plan and the intent of this title:** The proposed amendment meets the intent of goals and policies providing for protection of surrounding neighborhoods and supporting the establishment of Institutional Overlays. These policies and goals include Goal 3.3, Policies 3.3.1 to 3.3.3, Goal 3.14 and Policies 3.14.1 to 3.14.9 of the Yakima Urban Area Comprehensive Plan 2025. In addition, the hospital campus has been designated in the Comprehensive Plan as an Institutional Overlay specifically to enable YVMH, in collaboration with the Barge-Chestnut Neighborhood Association, to prepare and submit a Master Development Plan for City review and approval. The proposed amendment meets the intent of this title, YMC Title 15, which is described in YMC § 15.01.030, so long as it complies with the criteria and requirements of an institutional overlay.

(5) **The adequacy of public facilities, such as roads, sewer, water and other required public services:** The subject properties are currently served by City water, sewer and all other utilities. They have direct frontage upon Tieton Drive, Walnut Street, South 31st, 30th, 29th, 28th and 27th Avenues. It has generally been determined that there is

adequate water and sewer capacity to support the full implementation of the Master Development Plan, and there is adequate space on campus to collect and treat stormwater through on-site bio-filtration facilities. In addition, the applicant has submitted a Right-of-Way Vacation application with its Institutional Overlay application which requests the vacation of portions of South 29th and 30th Avenues just south of Chestnut Avenue for the purpose of closing off the hospital campus to through traffic through the Barge-Chestnut Neighborhood. The vacation of these two streets will not affect the adequacy of public facilities because appropriate easements are required to be provided for the continuation of all existing facilities upon vacation of the public streets.

(6) The compatibility of the proposed zone change and associated uses with neighboring land uses: The proposed Institutional Overlay/Master Development Plan and hospital use can be considered compatible with the surrounding zoning and neighborhood as they were prepared in consultation with the Barge-Chestnut Neighborhood Association, and were designed to promote compatibility between the ongoing operations of the hospital and the surrounding residential neighborhood. Input from the Barge-Chestnut Neighborhood Association regarding the Master Site Plan included the siting and orientation of future buildings and parking garages, relationships between the campus and the surrounding neighborhood, scale and mass of future parking garages, the intensity and density of landscaping, traffic concerns, and the location of pedestrian walkways, paths and community connections. The proposed closing of the hospital campus to vehicular traffic in the Barge-Chestnut Neighborhood is a key design feature that will make the campus even more compatible with the neighboring residential properties.

(7) The public need for the proposed change. The public need for the proposed Institutional Overlay and Master Development Plan is found in the fact that creation of the overlay and master plan will direct development on the hospital properties in a way which benefits Yakima Valley Memorial Hospital, the Barge-Chestnut Neighborhood, and the general public by:

- (a) Fixing the campus boundaries;
- (b) Prioritizing future improvements and establishing a Phasing Plan to guide future construction;
- (c) Providing certainty to neighboring property owners that the size, scale and location of proposed hospital development will not encroach further into the Barge-Chestnut Neighborhood;
- (d) Providing certainty to YVMH that the proposed development can be built without public opposition, through a streamlined permitting process;
- (e) Creating an aesthetically pleasing functional campus environment that provides for proper vehicle access, parking, walkways, and landscaping; and

(f) Controlling vehicle access to the campus to reduce traffic in the Barge-Chestnut Neighborhood.

X. Development Standards per YMC § 15.31.040(A). Development standards for uses within an Institutional Overlay zone may differ from those of the underlying zone when approved as part of the Master Development Plan. The current zoning district development standards are compared to the applicant's proposed development standards as follows (YMC § 15.31.040 (A)):

(1) **Maximum gross floor area of development.** Current Zoning District Standards: None. Applicants Proposed Standards: The following maximum gross floor areas for each building are established as "not to exceed" figures and shall be incorporated into the Master Development Plan Planned Action Ordinance, and Development Agreement as conditions of approval: Main Hospital Building Addition (775,528 square feet); West Pavilion I (72,555 square feet); West Pavilion II (50,000 square feet); Early Learning Center (12,000 square feet); North Pavilion I (100,000 square feet); East Pavilion I (50,000 square feet); Rainier House, Human Resources (2,039 square feet); Parking Garage 1, PG-1 (283,745 square feet); Parking Garage 2, PG-2 (99,248 square feet); Parking Garage 3, PG-3 (88,274 square feet); Parking Garage 4a, PG-4a (283,230 square feet); and Parking Garage 4b, PG-4b (282,230 square feet).

(2) **Maximum building height.** Current Zoning District Standards: Single-Family Residential, R-1 (35 feet); Two-Family Residential, R-2 (35 feet); and Multi-Family, R-3 (50 feet). Applicant's Proposed Standards: The following building heights have been established as "not to exceed" figures and shall be incorporated into the Master Development Plan Planned Action Ordinance and the Development Agreement as conditions of approval. Energy Plant and Loading Dock (60 feet); East Addition -- Hospital Building (75 feet); Early Learning Center (20 feet); West Pavilion I Addition (30 feet); West Addition -- Hospital Building (75 feet); East Pavilion Addition (30 feet); South Addition -- Hospital Building (75 feet); North Pavilion Addition (60 feet); Parking Garage 1 (36 feet); Parking Garage 2 (24 feet); Parking Garage 3 (24 feet); Parking Garage 4a (36 feet); and Parking Garage 4b (36 feet).

(3) **Minimum building setbacks.** Current Zoning District Standards: Tieton Drive (20 feet from property line) and South 31st, 30th, 29th, 28th and 27th Avenues (10 feet from property line). Applicant's Proposed Standards: The building setbacks from external property lines shall be as depicted on Figure 20 of the Master Development Plan application as minimum figures and shall be incorporated into the Master Development Plan Planned Action Ordinance and Development Agreement as conditions of approval: i. e., Tieton Drive (18 to 41 feet); South 31st Avenue (21 to 104 feet); north property line between South 31st and South 28th Avenues (125 to 133 feet); east property line between South 29th and South 28th Avenues (30 feet); north property line between South 28th and

South 27th Avenues (40 to 42 feet); and South 27th Avenue (58 to 103 feet). In order to make the most effective use of space on the hospital campus, the applicant's request that no setbacks be required from internal lot lines as depicted in Figure 20 and that it retain the right to consolidate existing parcels, adjust parcel lines and/or submit binding site plan(s) for City review and approval in the future is approved.

(4) **Maximum lot coverage.** Current Zoning District Standards: Single Family Residential, R-1 (45%); Two-Family Residential, R-2 (50%); and Multi-Family, R-3 (80%). The current level of lot coverage is 70%. Applicant's Proposed Standard: The applicant proposed a lot coverage standard of 71% as part of its application. However, due to the fact that some variation in building size and landscaping is allowed to occur with this Master Development Plan, YVMH is now requesting that the 71% lot coverage standard for the Master Development Plan be adjusted and approved at 80%. This standard is consistent with the R-3 and B-1 zoning district lot coverage standards. Furthermore, this nine percent increase is acceptable because it allows needed flexibility to promote compatibility with neighboring land uses. Upon approval, this Institutional Overlay/Master Development Plan shall be incorporated into the Master Development Plan Planned Action Ordinance and Development Agreement as a condition of approval.

(5) **Minimum and maximum off-street parking.** Current Zoning District Standards: Hospital (1.5 spaces for each bed); Medical Office Buildings (1 space for each 200 square feet of gross floor area); and Early Learning Center, Day Care Center (1 space for each employee plus 1 space for each 6 children). Applicant's Proposed Standards: Hospital (4.72 spaces per bed for a suburban setting); Medical office building (3.53 spaces per 1,000 square feet); and Early Learning Center (3.16 spaces per 1,000 square feet -- assumes a stand-alone location). The applicant's proposed parking standards were derived from the Institute of Transportation Engineers (ITE) Parking Generation Manual (3rd Edition) that contains national data that can be used to estimate parking needs for a variety of land uses. These standards differ slightly from the City of Yakima's parking standards but were assessed for adequacy in the Environmental Impact Statement based on the national data and the current and future parking conditions at the hospital. The proposed standards have been incorporated into the Planned Action FEIS as Table 5, which identifies the required amount of parking to be built per phase. Based on national experience, the proposed standards have been determined to be adequate for the proposed Master Development Plan and will provide a surplus of parking on the campus in all phases of development. As a result, YVMH will be required to build the identified amount of parking per phase in adherence with Table 5 of the FEIS, and the identified information shall be incorporated into the Master Development Plan Planned Action Ordinance and Development Agreement as a condition of approval.

(6) **Landscaping.** Current Zoning District Standard: The current landscaping/sitescreening standard for hospital uses that abut residential uses or areas is sitescreening

standard “C”. Sitescreening standard “C” consists of a view-obscuring fence made of wood, masonry block, concrete or slatted chain link material. A three-foot-wide planting strip landscaped with a combination of trees, shrubs and groundcover along the outside of the fence is also required when the fence is adjacent to a street, alley or pedestrian way (YMC §15.07.040). Applicant’s Proposed Standard: Other than fencing, the applicant is not proposing a different standard for this requirement. YVMH has developed in concert with the Barge-Chestnut Neighborhood Association, a conceptual landscaping plan which is generally depicted in Figure 18 of the Master Development Plan application. It is proposed that the fencing surrounding the campus be designed to match the existing wrought iron fencing and as a result will not be made of view-obscuring materials as required by the City’s landscaping standards. Any and all other proposed landscaping shall meet the requirements of YMC § 15.07.040. Upon completion of the proposed landscaping plan, it shall be submitted to the City of Yakima for review and approval in accordance with the provisions of the Development Agreement.

(7) **Signage.** Current Zoning District Standard: YMC 15.08. Applicant’s Proposed Standard: The applicant is not proposing a different standard for this requirement, and all signage proposed as part of future development shall meet the current zoning ordinance standards of YMC § 15.08.

(8) **Exterior lighting, shadows, and glare reduction.** Current Zoning District Standard: None. Applicant’s Proposed Standard: New lighting shall be shielded and downward-facing in accordance with “Dark Sky” principles that promote safety while minimizing the potential adverse impacts on neighboring properties. As a condition of approval of the Master Development Plan, prior to construction of each phase, the applicant shall provide the City of Yakima with a lighting plan which complies with the “Dark Sky” principles.

(9) **Other standards determined by the City to be necessary to ensure land use compatibility with other uses in the surrounding area.** No other standards have been identified which need to be applied to promote compatibility with other uses in the area.

XI. Legislative Body’s Topics for Consideration per YMC § 15.31.040(B). The enumerated topics for consideration by the legislative body in determining development standards for a particular Institutional Overlay zone are set forth as follows in YMC § 15.31.040 (B):

(1) **The institution’s compatibility with surrounding uses as related to public safety.** The proposed Master Development Plan was designed to address potential public health and safety issues. No adverse public health or safety issues have been identified as a result of the proposed Institutional Overlay/Master Development Plan.

(2) The institution's compatibility with surrounding uses as related to site access, on-site vehicular and pedestrian circulation, and on & off-street parking. The proposed Institutional Overlay/Master Development Plan and Planned Action EIS includes provisions for vehicle, pedestrian and bicycle access, as well as parking plans specifically created with the intent to provide more efficient campus roadways and pedestrian pathways. Transit ways, campus infrastructure, pedestrian spaces, and open space were designed to be physically connected to provide efficient, safe and attractive linkages. The overall transportation plan includes the development of a looped roadway that requires the closure of the hospital campus to thru traffic, that follows South 28th Avenue, South 30th Avenue and Walnut Street, and the vacation of portions of South 29th and South 30th Avenues. The primary objectives of this closed campus and looped roadway are to separate patients, employees and emergency vehicles; to provide for appropriate parking distribution; and to provide for development of safe landscaped pedestrian walkways. It is also the intent to direct all vehicular access to the campus to Tieton Drive to reduce traffic through the adjoining Barge-Chestnut Neighborhood. The City of Yakima's Traffic Engineering Consultant, Kittelson & Associates, has reviewed the hospital's internal circulation and parking plans to ensure the proposed plans meet the future needs of the proposed development and community. The consultant has concluded that the proposed Institutional Overlay/Master Development Plan provides adequate circulation and parking so long as the hospital complies with the conditions of the City of Yakima's YVMH FEIS issued October, 1 2010. The proposed looped roadway is also consistent with the provisions of the traffic calming plan proposed by the Barge-Chestnut Neighborhood Association and ratified by a vote of neighboring residences.

(3) The institution's compatibility with surrounding uses as related to landscaping and buffering of buildings, parking, loading and storage areas. In concert with the Barge-Chestnut Neighborhood Association, YVMH has developed a conceptual landscaping plan which is generally depicted in Figure 18 of the Master Development Plan application and which is premised on the fact that the fencing surrounding the campus will be designed to match the existing wrought iron fencing and as a result will not be made of view-obscuring materials. Due to the fact that the proposed plan has not yet been fully reviewed and approved by the Barge-Chestnut Neighborhood Landscaping Committee, all proposed landscaping will be required to comply with YMC § 15.07.040. Furthermore, upon completion of the proposed landscaping plan it shall be submitted to the City of Yakima for review and approval in accordance with the provisions of the Development Agreement.

(4) The institution's compatibility with surrounding uses as related to light and shadow impacts. All new lighting on the hospital campus will be shielded and downward-facing in accordance with "Dark Sky" principles that promote safety while minimizing potential adverse effects on neighboring properties. As a condition of approval

of the Master Development Plan, the applicant shall prior to construction of each phase provide the City of Yakima with a lighting plan which complies with the "Dark Sky" principles.

(5) The institution's compatibility with surrounding uses as related to potential environmental impacts, such as noise, vibration, smoke, dust, odors, light/glare, or other undesirable impacts. Although the only environmental impacts that were identified as needing further study and mitigation as a result of the proposed Institutional Overlay/Master Development Plan were Traffic, Stormwater, and Parking, YVMH has proposed the following conditions as a part of the Master Development Plan to ensure that all environmental impacts and undesirable effects are addressed:

(a) Geotechnical reports will be prepared in conjunction with subsequent project specific development proposals, as required by the City.

(b) Prior to the initiation of each phase, YVMH shall prepare and submit for City review and approval a construction access plan. This plan will apply to truck movements associated with the removal of excavated material from the campus and deposit of structural fill. The plan would also involve the measures to retain access by emergency vehicles at all times and changes to common access routes necessitated by construction activities or road closures.

(c) In conjunction with each building permit, YVMH shall submit for City review and approval a Temporary Erosion Control Plan that includes such measures as the placement of quarry spills at the truck egress location to minimize tracking of soil onto City streets.

(d) Prior to the initiation of each phase, YVMH shall prepare and submit for appropriate agency review and approval a dust control plan to minimize potential particulate emissions. Additionally, the hospital will explore, prior to the implementation of each phase, measures that can be implemented to reduce potential impacts to air quality.

(e) Prior to the initiation of each phase, a Storm Water Management Plan will be submitted for City review and approval. It is expected that this plan will feature onsite retention/detention and bio-filtration in swales incorporated into landscaped buffers.

(f) Utility Plans: Prior to initiating each phase of development, a utility plan or plans shall be submitted to the City for review and approval. The plan or plans will demonstrate that adequate capacity exists or can reasonably be provided to meet projected need for water and sewer services in accordance with City standards.

(g) Operational noise impacts are not expected from traffic related to the Proposed Action along any of the residential streets in the project's vicinity or

from the parking garages. Therefore, noise mitigation is not proposed for either project-related traffic along public roadways or for parking garage facilities.

(h) Noise associated with construction activities will be controlled in accordance with the provisions of the City's noise ordinance.

(i) Select exterior light sources and security lighting within the above-grade portion of parking structures will direct light to the intended objective and minimize light spillage.

(j) Design of the façades of the above-grade portion of parking structures will minimize light spillage beyond the parking structure.

(k) Site and orient exterior lighting fixtures to direct light downward and away from off-campus land uses.

(l) Perimeter landscaping will be provided and maintained around the campus boundaries to lessen the effects of off-campus light spillage and shadow impacts.

(m) Where possible, shield construction area lighting to lessen off-campus light-related impacts.

(6) **The institution's compatibility with surrounding uses as related to the number, size, and location of signage.** The applicant is not proposing a different standard for this requirement. All signage proposed as part of future development will be required to meet the current zoning ordinance standards of YMC § 15.08.

(7) **The institution's compatibility with surrounding uses as related to the character of the neighboring properties compared to the adjacent institutional uses and activities.** The closed campus is the overriding feature of the proposal which makes the institutional uses and activities compatible with the character of the neighboring properties. The collaboration with the Barge-Chestnut Neighborhood resulted in many other features such as the location and height of structures, landscaping, lighting and sitescreening that promote the compatibility of the hospital with neighboring properties.

(8) **The unique characteristics of the proposed use.** As previously stated, the subject properties are and have been historically suitable for the use of a hospital/institution because YVMH has been operating and expanding its campus at its current location since approximately 1950. Implementation of the proposed Institutional Overlay/Master Development Plan will enable the hospital to continue to expand its facilities while serving the healthcare needs of the community and while providing the surrounding neighborhood with protection from further encroachment of hospital development.

(9) **The unique characteristics of the subject property.** The subject property is unique in that has been developed and used for over sixty years as a hospital serving the Greater Yakima Valley. Approval of the proposed Master Development Plan will enable the hospital to continue to grow on the same property and respond to changes in the health

care industry. The hospital campus is readily accessible from Tieton Drive, and the layout of the campus lends itself to vacating the streets that provide secondary access and directing all access to the main entrances off of Tieton Drive. There is sufficient land on the site to support extensive landscaping and the development of amenities that will create a park-like setting for the use and enjoyment of hospital patients, visitors, staff and neighboring residents.

(10) **The arrangement of buildings and open spaces as they relate to each other within the institutional campus.** Based upon input from the Barge-Chestnut Neighborhood Association, the Institutional Overlay/Master Development Plan has been designed to have the buildings oriented to minimize their appearance from the neighborhood. Several of the buildings have been designed with floors below grade to reduce their overall height, and extensive landscaping is being proposed to further shield the new buildings and additions. In addition, each new building and addition will be designed to be consistent with the height of the neighboring buildings even though specific building heights will not be established until building permit submittal.

(11) **Visual impacts of the institution on the surrounding area.** The placement and maximum building height limitations for each building proposed in the Institutional Overlay/Master Development Plan was designed in consultation with the Barge-Chestnut Neighborhood Association to specifically minimize the alteration of views and aesthetic impacts. In locations where views may be affected, appropriate landscaping has been designed.

(12) **Public improvements proposed in connection with the institution's Master Plan.** Public improvements/mitigation will be required by phase as identified in Table 6 of the Planned Action FEIS.

(13) **The public benefit provided by the institution.** As stated previously, the public need for the proposed Institutional Overlay and Development Master Plan is that creation of the overlay and master plan will direct development on the hospital properties in a way which benefits Yakima Valley Memorial Hospital, the Barge-Chestnut Neighborhood, and the public by:

- (a) Fixing the campus boundaries;
- (b) Prioritizing future improvements and establishing a Phasing Plan to guide future construction;
- (c) Providing certainty to neighboring property owners that the size, scale and location of proposed hospital development will not encroach further into the Barge-Chestnut Neighborhood;
- (d) Providing certainty to YVMH that the proposed development can be built without public opposition, through a streamlined permitting process;
- (e) Creating an aesthetically pleasing functional campus environment that provides for proper vehicle access, parking, walkways and landscaping; and

(f) Controlling vehicle access to the campus to reduce traffic in the Barge-Chestnut Neighborhood.

XII. Effect of Approval of Institutional Overlay/Master Development Plan per YMC § 15.31.050. The effect of approval of the Institutional Overlay/Master Development Plan shall be as follows:

(1) Approval of the Institutional Overlay/Master Development Plan by the legislative body shall guide future development within the Institutional Overlay. The approved Master Development Plan and Development Agreement shall remain binding upon YVMH and the City. Approvals of building permits and zoning certificates shall be as required for Type (1) permits provided the proposed improvement conforms to the Master Development Plan as approved.

(2) In addition, any City, County, State, Federal or other regulation or standard not specifically superseded by the adopted Master Plan and Development Agreement shall remain in full force and effect. Any use of land for purposes other than specifically approved as part of the adopted Master Plan and Development Agreement shall be subject to all requirements of the underlying land use zone as designated on the Official Zoning Map (YMC 15.31.050).

XIII. Subsequent Actions and Project Applications under an Approved Master Plan and Amendments to the Master Plan per YMC § 15.31.060. The processes utilized for subsequent actions, applications and amendments are as follows:

(1) All proposed actions or construction which implement the Master Development Plan shall be reviewed through the Type (1) review process. Minor modifications to the adopted Master Development Plan and/or Development Agreement will undergo Type (2) review, and major modifications will undergo a Type (3) review. Specific criteria must be incorporated into the final zoning regulation/Planned Action Ordinance and Development Agreement governing the hospital's Master Plan as required by YMC § 15.31.060.

(2) In accordance with YMC § 15.31.060 (A), (B) and (C) and with YMC § 15.31.025(C)(7), the applicant has identified the following criteria for determining major vs. minor modifications which shall be incorporated into both the Planned Action Ordinance and Development Agreement:

Type 1 Administrative Review. Projects or actions consistent with the approved Master Development Plan. This includes, but is not limited to:

(a) Adjustments to the location of buildings consistent with exterior setbacks and the provisions of the approved Master Development Plan;

(b) Adjustments to the height of buildings consistent with exterior setbacks and the provisions of the approved Master Development Plan;

- (c) Adjustments to the proposed square footage of buildings that do not require additional traffic mitigation;
- (d) Changes to the Phasing Plan consistent with approved Mitigation Plans and the approved Master Development Plan;
- (e) Detailed building plans consistent with the approved Master Development Plan;
- (f) Detailed landscaping plans prepared in consultation with the Barge-Chestnut Neighborhood Association consistent with the approved Master Development Plan;
- (g) Detailed utility plans consistent with the approved Master Development Plan; and
- (h) The consolidation of lots or lot line adjustments.

Type 2 Administrative Review/Minor Modification. Projects or actions that do not substantially differ from the approved Master Development Plan, as determined by the Director of Community and Economic Development, shall be considered Minor Modifications and include:

- (a) Adjustments to the location of buildings, proposed in consultation with and agreed to in writing by the Barge-Chestnut Neighborhood Association's President, which require modifications to approved exterior setbacks;
- (b) Minor modifications to the height of buildings greater than the approved not to exceed levels, proposed in consultation with and agreed to by the Barge-Chestnut Neighborhood Association;
- (c) Revisions to the Phasing Plan that require minor modifications to approved Mitigation Plans;
- (d) New structures or additions to existing structures that do not extend construction beyond approved exterior setbacks, or make construction higher in elevation than is approved under the Master Development Plan;
- (e) The addition of more parking spaces for projects contemplated by the Master Development Plan, provided the additional parking spaces do not extend beyond approved exterior setbacks;
- (f) A waiver of a development standard or Master Development Plan condition where the proposal does not go beyond the minimum necessary to afford relief, and the change will not be materially detrimental to the public or injurious to property or improvements in the vicinity of the institution.

Type 3 Review/Major Modifications. Projects or actions not contemplated in the approved Master Development Plan may be considered Major Modifications and include:

- (a) Modifications to the proposed square footage of buildings that require additional traffic mitigation;

(b) New structures, or additions to an existing structure, or additional parking spaces, that do not meet criteria of Type (2) review above;

(c) Any expansion of the boundaries established by the approved Master Development Plan; and

(d) All other changes to the approved Master Development Plan which in the opinion of the Administrative Official represent a substantial change to the design, impacts, character or functional nature of the project.

(3) The City generally agrees with the applicant's proposed Type 1, Type 2 and Type 3 Review/Modification conditions with the exception of Type 2 Review conditions (a) and (b). It is a concern of the City Planning Division that requiring the approval of the Barge-Chestnut Neighborhood Association or its President prior to submittal of a Minor Modification usurps the Type 2 Review process, and adds uncertainty to the public review process in the event that the Barge-Chestnut Neighborhood Association dissolves or becomes dysfunctional. Therefore, it is the recommendation of the Planning Division that the references to either the Barge-Chestnut Neighborhood Association or its President be removed from these two conditions. Conversely, this recommendation would not in any way preclude the Barge-Chestnut Neighborhood Association and YVMH from entering into a private agreement in regard to these two conditions. There was no objection to this at the hearing and the Examiner recommends that Type 2 Review conditions (a) and (b) be modified to the extent recommended by the Planning Division.

XIV. Development Agreement Requirements per YMC § 15.31.025(C). A draft Development Agreement was submitted as part of the application for an Institutional Overlay Application/Master Development Plan. The following elements set forth in YMC § 15.31.025(C) must be included in the Development Agreement:

- (a) Narrative description of project and objectives;
- (b) Restatement of development standards of YMC § 15.31.040(B);
- (c) Site plan elements;
- (d) Development phasing, including times of performance to preserve vesting;
- (e) Public meeting summaries (YMC § 15.31.026);
- (f) Performance standards and conditions addressing the above items;
- (g) Criteria for determining Major vs. Minor modifications and amendments; and,
- (h) Property owner signature.

The draft Development Agreement shall be modified, as necessary, to include a summary of the public hearings and meetings regarding this process, and all conditions of approval specified by the Yakima City Council.

XV. Description of the Applicant's Requested Vacation of Street Right-of-Way. The hospital's application for vacation of street right-of-way may be described as follows:

(1) The subject right-of-way for this vacation is a portion of two public local access streets, South 29th Avenue and South 30th Avenue. The public streets are fully developed with curb, gutter, sidewalk and paving. South 29th Avenue currently ends in a cul-de-sac in front of residential properties owned by YVMH and only serves two privately-owned single-family residences. South 30th Avenue provides access to the hospital campus from the north and to five other properties located south of Chestnut Avenue.

(2) The vacation of these streets is an essential design feature of the proposed Master Development Plan that will enable the campus to be closed and so that all vehicular access will be directed to main entrances off of Tieton Drive. The two private residences that utilize South 29th Avenue for access will continue to use the roadway as a privately owned, joint use driveway. Since South 29th Avenue is currently not a through street and all other property fronting the segment of South 29th Avenue to be vacated is owned by YVMH, the public use of the right-of-way is not adversely affected. The vacation of South 30th Avenue will be implemented in phases, and it is anticipated that affected property owners will deed their share of the vacated roadway to YVMH for maintenance as a private street and will retain or be granted an access easement. As a result, no property owners will be denied access to their property.

(3) The public will continue to have bicycle and pedestrian access to the hospital campus by way of South 30th Avenue, but vehicles seeking to access the hospital campus will by design and at the request of the Barge-Chestnut Neighborhood Association be redirected to entrances off of Tieton Drive.

(4) There is currently an existing 6-inch waterline in both South 29th Avenue and South 30th Avenue, with existing ¾-inch water services to each parcel. Even though no other franchise utilities responded to the notice of the proposed vacation, YVMH will be required as a condition of approval to provide a plan accurately showing all existing utilities and appropriate easements to protect the identified utilities.

XVI. Street Right-of-Way Vacation Procedure and Criteria per RCW 35.79 and City Policy. Chapter 35.79 of the Revised Code of Washington and supplemental City policy prescribe the procedure and the criteria for vacation of street right-of-way. Owners of more than two-thirds of the property abutting the portions of the streets to be vacated signed the petition and proper notice of the hearing was given. The requisite criteria are satisfied for approval of this street vacation for the following reasons:

(1) **Public benefit and reasons supporting the proposed vacation and the limits of the proposed vacation.** The public benefit of the project is that YVMH has prepared a Master Development Plan in consultation with the Barge-Chestnut

Neighborhood Association to guide growth and development activities on the main campus of the hospital over the next 30 years. An essential design feature of the Master Development Plan is closing the campus and directing all vehicular traffic to the main entrance on Tieton Drive so as to reduce the amount of vehicular traffic through the Barge-Chestnut Neighborhood. The vacation of portions of South 29th and South 30th Avenues is also necessary to implement the Master Development Plan. The vacation will benefit the surrounding neighborhood by providing predictability and consistency with the traffic calming plans that are in the process of being approved for the neighborhood by the City. The proposed street vacation will enable YVMH to make the most efficient use of the space on the hospital campus and will avoid the need to expand the campus boundaries, or to increase the height of buildings on the campus beyond what is proposed in the Master Development Plan, or to relocate to another site.

(2) Necessity for the Right-of-Way as Access to Property. This vacation request does not deny sole access to any property. The proposed street vacation has been designed in consultation with the City and the affected property owners in order to maintain public access to all affected properties. South 29th Avenue is proposed to be vacated from West Walnut Street north to West Chestnut Avenue. Upon approval, YVMH will install a decorative fence or barrier across South 29th Avenue at the northern boundary of the hospital campus along with landscaping, and site improvements in accordance with the Master Development Plan. The two private property owners that utilize this segment of the roadway will own and maintain it as a private joint use driveway, and reciprocal access easements will be granted. As a result, these properties will not have any pass-through traffic traveling past their property to the hospital. South 30th Avenue is also proposed to be vacated from West Walnut Street to West Chestnut Avenue. In order to maintain appropriate access to all affected properties throughout all phases of construction, the vacation itself will be implemented in phases. Specifically, in accordance with the provisions of an agreement to be finalized between YVMH and the five affected property owners, ownership of the segment of South 30th Avenue from the campus boundary north to West Chestnut Avenue will be deeded to YVMH. The property owners will reserve or be granted a private access easement. YVMH will then install a temporary barricade across South 30th Avenue at the current boundary of the hospital campus in accordance with the provisions of the approved Master Development Plan. This will allow the five affected property owners to access West Chestnut Avenue on what will then be a dead-end private street, owned and maintained by YVMH. It is anticipated that YVMH will subsequently acquire and incorporate into the campus two of the privately owned parcels that front on South 30th Avenue. A permanent fence and landscaping will then be installed in accordance with the Master Development Plan. The three remaining private property owners will then continue to access West Chestnut

Avenue from the private road without any pass-through traffic other than pedestrians and bicycles.

(3) **Consistency with the Six Year Transportation Improvement Plan, the Urban Area Comprehensive Plan and other Official City Plans and Policies.** The streets to be vacated are not slated for improvement on the City's Six Year Transportation Plan or required to remain public streets under any other City plan or policy. On the other hand, the hospital campus has been designated in the City Comprehensive Plan as an Institutional Overlay which enables YVMH to prepare a Master Development Plan to guide future growth and development activities on the campus. The proposed street vacation is an essential feature of the proposed Master Development Plan which has been prepared by the hospital in accordance with the provisions of the City's Comprehensive Plan and development regulations. The street vacation is also consistent with the proposed traffic calming plan which was prepared by the Barge-Chestnut Neighborhood Association and will be considered for adoption by the City Council.

(4) **Consistency with Existing and Anticipated Development in the Area based on Zoning, Current Use and Long-Range Plans.** This criterion is satisfied because the hospital campus has been designated in the City Comprehensive Plan as an Institutional Overlay which enables the hospital to prepare a Master Development Plan to guide future growth over the next 30 years. The proposed street vacation is an essential feature of the proposed Master Development Plan that has been prepared in accordance with the City's Comprehensive Plan and development regulations. One purpose of the Institutional Overlay and corresponding Master Development Plan is to ensure compatibility of land uses on an ongoing basis while allowing further development of the proposed institutional use.

(5) **Provisions for Relocation of Existing Utilities or Easements for Existing Utilities.** All existing utilities will remain in place, and language reserving an easement for their continued use will be retained within the ordinance granting the street vacation.

(6) **Fair Market Appraisal and Compensation to the City.** City resolution R-2007-126 specifies the requirements under which compensation must be paid to the City for vacation of public streets and alleys. Compensation in the amount of one-half of the independently appraised value must be paid to the City prior to the effective date of any street vacation where 110% of the Yakima County Assessor's valuation for the vacated area exceeds \$20,000. Based upon YVMH's independent appraisal conducted by Korn's Appraisal Service, the total amount of compensation required for the vacation of the identified portions of both South 29th Avenue and South 30th Avenue is \$127,050 which is one-half the appraised value of both street segments:

- (a) South 29th Avenue: \$127,100 less R-2007-126 reduction by 50% is \$63,550.
- (b) South 30th Avenue: \$127,000 less R-2007-126 reduction by 50% is \$63,500.
- (c) The total compensation to be paid for both street segments is \$127,050.

XVII. Transportation Concurrency per YMC 12.08. Transportation Currency review for this application may be described as follows:

(1) The applicant submitted a Traffic Analysis Report and a Planned Action EIS relative to its campus expansion plan to increase the size of the hospital by 379,943 square feet and medical office space by 177,000 square feet in the vicinity of South 28th Avenue and Tieton Drive. The data analyzed in the report is taken from the EIS and related material, which also provided additional detailed information related to trip distribution and generation rates.

(2) City of Yakima Administrative procedures for Concurrency Analysis use the PM Peak hour trip of the adjacent street for the selected land use category. The site-generated traffic is distributed to the Arterial Street sections noted below. Estimated distribution of the site-generated trips is shown on the table below. Based upon actual data, City of Yakima Traffic Volumes for PM Peak Hour is assessed as 8.7% of total Average Daily Traffic (ADT). Peak hour reserve capacity includes any vehicle trips previously assigned under the Concurrency Ordinance.

(3) The table below shows the specific information leading to the approval of this application for consistency with YMC 12.08 and for the determination that this development will not exceed the PM peak hour capacity of the City Arterial street system, and that reserve capacity exists on all impacted streets. This review does not include any site development or safety issues which may be discussed at the project level or SEPA review. Even though the review does not address intersection level of service, the Planned Action EIS and traffic studies submitted by the applicant provide intersection mitigation by development phases. The specifics set forth in the table are as follows:

		Existing 2009 Conditions (PM Peak Hr)				With Development Build-out PM Peak Hour (2035)			
Segment	Direction	Volume	Lanes	v/c	LOS	Volume	Lanes		LOS
40th Ave	Northbound	798	2	0.5	A	1229	2	0.61	B
(Summitview to Tieton)	Southbound	1145	2	0.72	C	1763	2	0.88	D
	Total	1943	4	0.61	B	2992	4	0.85	D
16th Ave	Northbound	763	2	0.48	A	1322	2	0.66	B
(Summitview to Tieton)	Southbound	1032	2	0.65	B	1646	2	0.82	D
	Total	1795	4	0.56	A	2968	4	0.85	D
Tieton Drive	Eastbound	635	2	0.4	A	1019	2	0.51	A

(40th to 32nd Ave)	Westbound	916	2	0.57	A	1511	2	0.76	C
	Total	1551	4	0.48	A	2530	4	0.70	C
Tieton Drive	Eastbound	559	2	0.35	A	1070	2	0.54	A
(32nd to 16th Ave)	Westbound	823	2	0.51	A	1485	2	0.74	C
	Total	1382	4	0.43	A	2555	4	0.71	C

XIII. Development Services Team (DST). A courtesy DST meeting was held for this project on March 20, 2009, and January 27, 2010. The comments received from public agencies and private companies with an interest in this application may be summarized as follows:

(1) **Code Administration.** Any structures to be demolished will require the Yakima Regional Clean Air Agency to sign-off in order to obtain demolition permits at the City of Yakima. Further review will be forthcoming for hydrant fire flows and/or additional hydrant placement. A paved access path will be required to every portion of the hospital campus for Fire Department access. (Section D102.1 of the 2009 International Fire Code). Plan review will be conducted under the guidelines of whatever edition of the building code is adopted at the time that building plans are submitted.

(2) **Fire & Life Safety.** For possible rescue scenarios, the truck companies would need access to rooftops and windows all around the building. The platform truck is eight feet wide and extends outriggers four feet more on each side. Information is requested for proposed locations or relocation of Fire Department Connections for sprinkler systems and standpipes prior to a recommendation being issued on location of fire hydrants. Entrances to the parking lot should be sufficient to allow passage of a fire engine. Fire Department access to or from the hospital campus on South 29th or South 30th Avenues is not needed, and these streets can be closed off. The installation of gates, bollards or other means of providing a travel-way for emergency vehicles is not required because fire engine access to the hospital will be from Tieton Drive, and emergency vehicles responding to calls from the private residences will be able to back up onto Chestnut when departing. The Fire Department will not require a hammerhead at the end of South 29th and South 30th Avenues near parking garage 4a and 4b. The Department will be able to access the roof of the two-story parking garages from South 30th Avenue or the nearby surface parking lots. Seventeen feet of pavement is required for the hook and ladder truck to setup.

(3) **Engineering.** An important element of the Master Development Plan is the closing of the campus to through traffic and directing access to entrances off Tieton Drive. It will involve the following details:

(a) This will involve vacating portions of South 29th Avenue and South 30th Avenue roughly from West Walnut Street north to the boundary of the campus just south of West Chestnut Avenue;

(b) This potential street vacation would create two dead end streets about 150 feet in length;

(c) There are two private driveways on South 29th Avenue south of West Chestnut, one on each side of the street;

(d) There are 4 private driveways on South 30th Avenue south of West Chestnut, 2 on the west side of the street and 2 on the east side of the street; and

(e) There are two privately owned residences on the east side of South 30th Avenue that are located inside of the proposed boundaries of the hospital campus.

It is the policy of the City not to create dead-ends when vacating streets. However, cul-de-sacs or hammerheads would be of little or no benefit to the City in this instance, and are not recommended. As to other aspects of the application, sewer is provided by the City of Yakima and is adequate to provide service to the site. Water is provided by the City of Yakima and is adequate to serve the site. Private roads shall be built to City of Yakima Standards, and handicap ramps will be required as needed. Street lighting will be required at each intersection, or midblock if the block is over 500 feet in length.

(4) **Stormwater:** The applicant previously contacted the City Engineering Division regarding stormwater requirements. As a result, the FEIS issued October 1, 2010, appropriately mitigates for all identified stormwater issues.

(5) **Traffic Engineering:** Traffic Concurrency Review is required and provided above.

(6) **Wastewater:** The EIS for the hospital's application for expansion should address the following items.

(a) Proposed structure location and the location of existing wastewater lines should be verified and addressed as necessary. Relocation of existing public wastewater lines to service adjacent parcels may be necessary;

(b) Information regarding the estimated wastewater flow and determination as to whether the existing public sewer lines have reserve capacity to meet the needs of the applicant will need to be conducted by the applicant;

(c) Identification of any anticipated medical waste streams that may be included in the domestic discharge. Side-sewers discharging medical waste are required to install sampling ports (manholes) in accordance with YMC § 7.65.150.

(d) Public utility easements for wastewater pipes shall allow for access for wastewater equipment to all sewer manholes and clean-outs. A proper surface to accommodate these vehicles shall be provided and maintained by the property owner. Access shall not be blocked by fences. The property owner should not plant landscaping or construct permanent or temporary structures within the

easement. In the event that access or repairs cause the removal of any fences, structures or landscaping, the property owner shall assume the risk and costs associated with the removal and/or replacement. In addition, the owner shall assume all liability for any claims filed in association with the property damage caused directly from a sewer back up from the sewer pipe in which the City's access was blocked or hampered by the property owner.

(e) There are sewer lines that currently run in the alleys behind private residences that would need to be relocated to these streets and as a result an easement to access these new sewer lines would also be required.

(7) **Water.** The City Water Division indicated that the existing water distribution system around the hospital is adequate for future domestic needs of the hospital. However, the City Water Division recommends the following for fire service.

(a) Construct a 12-inch diameter water main in South 30th Avenue from Tieton Drive to Walnut Street.

(b) Continue the 12-inch water main east in Walnut to connect to an existing section of 12-inch water main.

(c) Construct a 12-inch water main in South 28th Avenue from Walnut south to Tieton Drive.

(d) Construct a 12-inch water main in South 29th Avenue from Walnut north to Chestnut.

The City of Yakima indicated that this water main improvement would not only satisfy the future fire flow requirements, but would also correct a present fire flow deficiency described in the Draft Supplemental Environment Impact Statement, dated January 2006, page M-1, last paragraph. An existing 3-inch diameter irrigation main in the alley between South 29th and South 30th Avenues will need to be relocated because of construction of the parking garage in Phase 4. This irrigation main could be relocated when the new domestic water main is installed in South 29th Avenue and the new sanitary sewer main is constructed. If the proposed streets are vacated, the City will need an easement to access existing and planned utilities. There are currently waterlines and stormwater facilities in the street right-of-ways. It may be necessary to install new waterlines to address existing deficiencies and/or to provide adequate fire flow to the campus. These new waterlines would most likely be installed in both of these street right-of-ways.

(8) **Yakima Regional Clean Air Agency (YRCAA):** Contractors doing clearing, grading, paving, construction or landscaping work must file a dust control plan with Yakima Regional Clean Air Agency (YRCAA). Burning is prohibited at all times during land clearing. Prior to demolishing any structures, an asbestos survey must be done by a certified asbestos building inspector. Any asbestos found must be removed by a licensed

asbestos abatement contractor prior to demolition, and notification for the demolition must be filed with the YRCAA.

(9) **Washington State Department of Ecology:** An NPDES Construction Stormwater General Permit from the Department of Ecology is required if there is a potential for stormwater discharge from a construction site with more than one acre of disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placement. The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading or construction. The water purveyor is responsible for ensuring that the proposed uses are within the limitations of its water rights. If the proposal's actions are different than the existing water right (source, purpose, the place of use or period of use), then it is subject to approval from the Department of Ecology pursuant to RCW § 90.03.380 and RCW § 90.44.100. If water is used for dust suppression, it must be obtained legally. A water right permit is required for all surface water diversions and for any water from a well that will exceed 5,000 gallons per day.

XIX. Consistency of the Application with Development Regulations and with the Comprehensive Plan under the Criteria Required by YMC § 16.06.020(B) is to be determined by consideration of the following factors:

(1) **The types of land uses permitted at the site** include the hospital/institutional use which is consistent with the Comprehensive Plan's current Institutional Overlay designation and compatible with the R-1, R-2 and R-3 zoning districts of the hospital campus and surrounding areas.

(2) **The density of residential development or the level of development such as units per acre or other measures of density** is not a factor weighing against approval of this application where the design features of the proposal will accommodate a lot coverage of 80% without being incompatible with neighboring properties.

(3) **The availability and adequacy of infrastructure and public facilities** are not an issue. The subject property is located in an area where all urban services and facilities are present. Improvements to utilities or infrastructure needed to adequately serve the site or address the impacts of the expansion will be provided at the applicant's expense as per the mitigation measures and conditions required for approval of this application.

(4) **The characteristics of the development** will meet all applicable development standards for construction and development in the R-1, R-2 and R-3 zoning districts which are not amended by approval of the Institutional Overlay/Master Development Plan Development Agreement in accordance with all the criteria prescribed for same.

CONCLUSIONS

Based on the foregoing Findings, the Hearing Examiner reaches the following Conclusions:

(1) The Hearing Examiner has jurisdiction under YMC § 1.43.080, YMC § 15.31.030, YMC § 15.28.040 and RCW 35.79 to make a recommendation to the Yakima City Council regarding YVMH's application for the proposed Institutional Overlay/Master Development Plan and associated Street Right-of-Way Vacation.

(2) The public hearing notice requirements of YMC Titles 15 and 16 and of RCW 35.79 have been satisfied.

(3) SEPA review resulted in issuance of a final Planned Action Final Environmental Impact Statement on October 1, 2010, which became final without any appeals being filed during the appeal period.

(4) As conditioned, all of the applicable criteria are satisfied for approval of the proposed Institutional Overlay/Master Development Plan and Street Right-of-Way Vacation requested by the hospital.

RECOMMENDATION

The Hearing Examiner recommends to the Yakima City Council that this application for the proposed Institutional Overlay/Master Development Plan and Street Right-of-Way Vacation as described in the documentation submitted for OVR #001-09, PD #002-09, RW #002-10 and SEPA #028-09 be **APPROVED** subject to the following conditions:

Institutional Overlay/Master Development Plan Planned Action Ordinance:

1. Development Agreement: A Development Agreement shall be executed that includes specific details how each required mitigating measure and condition of approval shall be implemented.
2. Master Development Plan Boundaries: The boundaries of the Yakima Valley Memorial Hospital shall not exceed those existing and proposed boundaries depicted in Figure 1 of the Planned Action FEIS.
3. Building Removal: In order to implement the Master Development Plan it will be necessary to remove and replace several existing buildings on the hospital campus. If feasible, these buildings will be made available for re-use elsewhere in the

community, and if not feasible, they will be demolished in accordance with the provisions of the Yakima Municipal Code. The following buildings identified in Figure 2 of the Planned Action FEIS may be removed during the identified phases of development, subject to more detailed conditions in the Development Agreement:

- a. Four residential structures currently owned by Yakima Valley Memorial Hospital: Phase 1;
 - b. The former church building currently owned by YVMH: Phase 1;
 - c. Grounds maintenance building: Phase 1/2/3;
 - d. The existing Early Learning Center Building: Phase 2/3;
 - e. The Chinook House: Phase 2/3;
 - f. The Rimrock House: Phase 2/3;
 - g. Two private residential structures proposed to be acquired by YVMH (aka Balmelli Residence and the McLean Residence): Phase 3/4;
 - h. Tieton Building: Phase 4; and
 - i. Memorial Building: Phase 4.
4. Proposed Uses: The approved Master Development Plan shall consist of up to twelve structures, including additions to the main hospital facility, new and expanded medical office buildings, support buildings and associated off-street parking including covered parking structures. The maximum “not to exceed” square footage for each building is as follows:
 - a. Hospital Building: 775,528 square feet;
 - b. West Pavilion I: 72,555 square feet;
 - c. West Pavilion II: 50,000 square feet;
 - d. Early Learning Center: 12,000 square feet;
 - e. North Pavilion I: 100,000 square feet;
 - f. East Pavilion I: 50,000 square feet;
 - g. Rainier House (Human Resources): 2,039 square feet;
 - h. Parking Garage 1 (PG-1): 283,745 square feet;
 - i. Parking Garage 2 (PG-2): 99,248 square feet;
 - j. Parking Garage 3 (PG-3): 88,274 square feet;
 - k. Parking Garage 4a (PG-4a): 283,230 square feet; and
 - l. Parking Garage 4b (PG-4b): 282,230 square feet.
5. Building Height: The “not to exceed” height for each building is as follows:
 - a. Energy Plant and Loading Dock: not to exceed 60 feet in height;
 - b. East Addition-Hospital Building: not to exceed 75 feet in height;
 - c. Early Learning Center: not to exceed 20 feet in height;

- d. West Pavilion I Addition: not to exceed 30 feet in height;
 - e. West Addition-Hospital Building: not to exceed 75 feet in height;
 - f. East Pavilion Addition: not to exceed 30 feet in height;
 - g. South Addition-Hospital Building: not to exceed 75 feet in height;
 - h. North Pavilion Addition: not to exceed 60 feet in height;
 - i. Parking Garage 1: not to exceed 36 feet in height;
 - j. Parking Garage 2: not to exceed 24 feet in height;
 - k. Parking Garage 3: not to exceed 24 feet in height;
 - l. Parking Garage 4a: not to exceed 36 feet in height; and
 - m. Parking Garage 4b: not to exceed 36 feet in height.
6. Building Locations: Buildings will be located in substantial conformance with the approved Site Plan (Figure 3 of the Planned Action FEIS), provided that the exact location will be determined on detailed drawings submitted in conjunction with building permit applications. Building setbacks shall meet or exceed the minimum setbacks depicted in Figure 20 of the Master Development Plan application.
 7. Parcels: The Master Development Plan site consists of numerous parcels. Yakima Valley Memorial Hospital may propose to consolidate parcels, adjust boundary lines, or submit a binding site plan for City review and approval.
 8. Lot Coverage: The modified maximum lot coverage standard at build-out shall be not more than 80% of the site covered with imperious surfaces, excluding public and private roads and rights-of-way.
 9. Pedestrian and Bicycle access: Pedestrian and bicycle access shall be developed in accordance with the conceptual design depicted in Figure 19 of the Master Development Plan application.
 10. Traffic Mitigation: YVMH shall be responsible for mitigating traffic impacts in accordance the provisions of recommended mitigating measures contained in Tables 5 and 6 of the Planned Action FEIS and the Planned Action Ordinance. The implementation of these mitigating measures shall be specified in the Development Agreement.
 11. Parking: New parking shall be developed in accordance with the parking plan depicted in Figure 5 of the Planned Action FEIS issued on October 1, 2010. On-site parking will be available on the hospital campus at all times in accordance with the following standards:

- a. 4.72 spaces per hospital bed;
 - b. 3.53 spaces per 1,000 square feet of medical office space; and
 - c. 3.16 spaces per 1,000 square feet of Early Learning Center.
- 12. Heli-Pad: Prior to initiating the construction of Parking Garage 2, the existing heli-pad shall be relocated to the Yakima Air Terminal.
- 13. Stormwater Management: All development activities shall be designed and constructed in accordance with the provisions of the Eastern Washington Storm Water Design Manual as adopted by the City of Yakima and identified in the YVMH Planned Action FEIS issued October 1, 2010.
- 14. Utility Plans: Prior to initiating each phase of development, one or more utility plans shall be submitted for City review and approval. The plan(s) will demonstrate that adequate capacity exists or can reasonably be provided to meet City standards for projected need for water, sewer and stormwater services.
- 15. Construction Access Plans: Prior to initiating each phase of development, a construction access plan shall be submitted for City review and approval. This plan will address parking of construction workers, truck movements associated with construction activities, the storage of construction equipment and materials, maintaining access to hospital facilities by emergency vehicles, replacement of on-site parking disturbed by construction activities, and changes to common access routes necessitated by construction activities or road closures.
- 16. Dust Control Plans: Prior to the initiation of each phase of implementation, Yakima Valley Memorial Hospital shall prepare and submit for appropriate agency review and approval a dust control plan to minimize potential particulate emissions. In addition, the hospital will explore, prior to the implementation of each phase, measures that can be taken to reduce potential impacts to air quality.
- 17. Geotechnical Reports: Geotechnical reports shall be required to be prepared in conjunction with subsequent project-specific development proposals, as required by the City of Yakima.
- 18. Temporary Erosion Control Plan: With each building permit application, Yakima Valley Memorial Hospital shall submit for City review and approval a Temporary Erosion Control Plan that includes such measures as the placement of quarry spalls at truck egress locations to minimize tracking of soil onto City streets.

19. Noise: Noise associated with construction activities shall adhere to the provisions of YMC § 6.04.180.
20. All references to the Barge-Chestnut Neighborhood Association or its President shall be removed from the Type 2 Modification conditions a and b to be incorporated into the Planned Action Ordinance and Development Agreement.
21. The applicant shall work with the City of Yakima to prepare a Planned Action Ordinance which meets the requirements of WAC 197-11-164,-168 and -172. The terms of the Planned Action Ordinance shall contain substantially the same terms that are contained in the draft Planned Action Ordinance which is in the record attached as Exhibit "A" to the Planning Division staff report.

Right-of-Way Vacation Ordinance:

22. Campus Closure: Prior to initiating any activities associated with the expansion of existing buildings or the construction of new buildings on the hospital campus, South 29th Avenue and South 30th Avenue shall be vacated and closed to vehicular traffic between Walnut Street and Chestnut Avenue in accordance with the conditions of the street vacation ordinance approved by the City and the conceptual street vacation plans depicted in Figures 24 and 25 of the Planned Action FEIS. No cul-de-sacs or hammerheads shall be required. The campus closure shall also be accompanied by the construction of a traffic diverter at the intersection of South 28th Avenue and West Walnut Street. This diverter shall be designed and constructed, subject to City approval, in accordance with the conceptual design depicted in Figure 23 of the Planned Action FEIS.
 - a. Upon approval of the street vacation, the vacation shall not be considered final until the required street vacation fee of \$127,050 is paid, the necessary implementation documents have been executed between YVMH and the affected property owners, and copies of the recorded documents have been provided to the City of Yakima. YVMH shall have one year from the date of City Council approval to satisfy these conditions and may request up to one additional year extension.
 - b. Prior to approval of the proposed street vacation ordinance that will be recorded, a master utility plan shall be created and submitted to the City of

- Yakima Planning Division for approval identifying all existing and proposed utility lines and easements.
- c. Upon approval of the master utility plan, any and all utilities not identified as being protected by a utility easement shall have an easement recorded in conjunction with the street vacation.
 - d. Upon approval of the vacation, the vacated street rights-of-way shall become the property of the abutting owners on each side, one half to each, in accordance with State law and shall be zoned either R-1 (Single-Family Residential), R-2 (Two-Family Residential) or R-3 (Multi-Family Residential), with an Institutional Overlay where applicable, so as to have the same zoning as the property abutting the vacated area.
23. Vehicular Access: Prior to initiating any activities associated with the expansion of existing buildings or the construction of new buildings on the hospital campus, all vehicular access to the campus shall be provided by way of the South 28th Avenue and South 30th Avenue intersections with Tieton Drive. Intersection improvements shall be constructed at the intersection of Tieton Drive and South 28th Avenue. These improvements shall include the installation of a traffic signal at the intersection and the widening of the southbound approach to include dual left-turn lanes and a right-turn lane.
24. Upon approval of the proposed street right-of-way vacation by the Yakima City Council, an ordinance shall be created which includes the above conditions 22 and 23. The ordinance shall contain substantially the same terms that are contained in the draft ordinance in the record which is Exhibit "B" of the Planning Division's staff report.

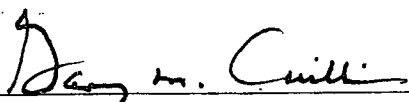
Development Agreement:

25. Landscaping and Screening: As a condition of the Development Agreement, prior to initiating any activities associated with the expansion of existing buildings or the construction of new buildings on the hospital campus, a detailed landscaping plan, prepared in consultation with the Barge-Chestnut Neighborhood Association and in accordance with the conceptual design depicted in Figure 18 of the Master Development Plan application, shall be submitted for City review and approval.
26. Lighting: As a condition of the Development Agreement, new lighting shall be shielded and downward-facing, generally complying with dark sky principals and

installed at locations that promote safety while minimizing the potential for adverse impacts on neighboring properties.

- a. Exterior light sources and security lighting within the above-grade portion of the parking structures shall direct light to the intended object and minimize light spillage.
 - b. All facades of the above-grade portion of the parking structures shall minimize light spillage beyond the structure.
 - c. The location and orientation of exterior lighting fixtures shall direct light downward and away from off-campus land uses.
 - d. Where possible YVMH shall shield construction area lighting to lessen off-campus light related impacts.
27. Public Notice: Yakima Valley Memorial Hospital and the City of Yakima recognize the importance of maintaining a strong working relationship with the residents of the Barge-Chestnut Neighborhood and providing appropriate public notice throughout the implementation of the approved Master Development Plan. As a result, the parties agree that the Development Agreement shall include provisions for providing public notice throughout the implementation of the Master Development Plan
28. All conditions listed above and any other conditions required by the Yakima City Council shall be included in a Development Agreement in accordance with the provisions of YMC § 15.31.025(C). The Development Agreement shall contain substantially the same terms that are contained in the draft Development Agreement in the record which is Exhibit "C" of the Planning Division's staff report.

DATED this 12th day of November, 2010.



Gary M. Cuillier, Hearing Examiner