

RESOLUTION NO. R-2019-

A RESOLUTION approving the Preliminary Long Plat of Anderson Park, a 94-lot subdivision, located at 2309 S. 64th Ave.

WHEREAS, on September 12, 2019, the City of Yakima Urban Area Hearing Examiner (“Hearing Examiner”) held an open-record public hearing to consider the application for a Preliminary Long Plat known as “Anderson Park,” submitted by Cottonwood Partners LLC (PLP#002-19, SEPA#024-19, ADJ#013-19); and

WHEREAS, on September 25, 2019, the Hearing Examiner requested and received a one-week extension from the applicant’s representative to submit his recommendation by October 3, 2019; and

WHEREAS, on October 3, 2019, the Hearing Examiner issued his Written Recommendation for approval of the proposed plat, subject to conditions; and

WHEREAS, the proposed application conforms to the City of Yakima Zoning Ordinance, Subdivision Ordinance, Development Standards Ordinance, Traffic Concurrency Ordinance, and other applicable land use regulations; and

WHEREAS, at a Closed Record Public Hearing on November 5, 2019, after notice duly given according to the requirements of the Yakima Municipal Code, the Yakima City Council adopted the Hearing Examiner’s Recommendation; and

WHEREAS, the City of Yakima has complied with the substantive, procedural, and notice requirements associated with SEPA, the Growth Management Act, and the Yakima Municipal Code for the purpose of reviewing the application; and

WHEREAS, the Yakima City Council finds that it is in the best interest of the City of Yakima to pass the following; now, therefore,

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

Section 1. Incorporation of Recitals. The above recitals are hereby incorporated into this resolution.

Section 2. Incorporation of the Hearing Examiner’s Recommendation and Conditions of Approval. The Hearing Examiner’s Recommendation is hereby adopted and ratified by the Yakima City Council as its conditional decision and approval of the Application herein. A copy of the Recommendation is attached hereto as Exhibit “A” and fully incorporated herein by this reference.

Section 3. Findings. The Yakima City Council adopts the findings of the Hearing Examiner as its own findings herein, and further finds that the requirements of RCW § 58.17.110 have been met.

Section 4. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this resolution is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this resolution.

ADOPTED BY THE CITY COUNCIL this 5th day of November, 2019.

ATTEST:

Kathy Coffey, Mayor

Sonya Claar Tee, City Clerk

Exhibit "A"

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**CITY OF YAKIMA, WASHINGTON
HEARING EXAMINER'S RECOMMENDATION**

October 3, 2019

| | | |
|---|---|--------------------|
| In the Matter of a Preliminary Long Plat |) | |
| Application Submitted by: |) | |
| |) | PLP#002-19 |
| Cottonwood Partners, LLC |) | CAO#008-19 |
| |) | ADJ#013-19 |
| For a 94-Lot Single-Family Preliminary |) | SEPA#024-19 |
| Long Plat to be Located in the Vicinity of |) | |
| South 64th Avenue and Occidental Avenue |) | |
| And to be Known as "Anderson Park" |) | |

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

(1) The Hearing Examiner conducted an open record public hearing for this application on September 12, 2019.

(2) The Planning Division staff report which recommended approval of this preliminary long plat subject to enumerated conditions was presented by Associate Planner Eric Crowell. The applicant's representative for this application, Mike Heit of HLA Engineering and Land Surveying, Inc., presented testimony in favor of the proposed preliminary plat and questioned whether the southernmost lots would be considered by the City to be subject to buffer requirements of the Hugh Bowman Ditch along the south edge of the property and the north edge of adjacent property, most of which is piped.

(3) In order to allow time to determine whether such a buffer would be required along the portion of the Hugh Bowman Irrigation Ditch which is not piped, the Hearing Examiner requested and received from the applicant's representative a one-week

extension to submit this Recommendation by October 3, 2019, which is the date that this Recommendation has been issued and submitted to the Planning Division for scheduling a closed record hearing by the City Council which will make the final Decision regarding this proposed preliminary plat.

B. Summary of Recommendation. The Hearing Examiner recommends approval of this Preliminary Plat of Anderson Park, subject to conditions.

C. Basis for Recommendation. Based on a view of the site with no one else present on September 9, 2019; the staff report, exhibits, testimony and other evidence presented at the open record public hearing conducted on September 12, 2019; and a consideration of the applicable subdivision requirements, development standards and consistency criteria; the Hearing Examiner makes the following:

FINDINGS

I. Applicant/Property Owner/Representative. The applicant/property owner is Cottonwood Partners, LLC, P.O. Box 8335, Yakima, WA 98908. The representative of the applicant/property owner for this proposal is Michael Heit of HLA Engineering and Land Surveying, Inc., 2803 River Road, Yakima, WA 98902.

II. Location. The location of the proposed preliminary plat is 2309 South 64th Avenue on the south side of Occidental Avenue east of South 64th Avenue. It is proposed to be located on Yakima County Assessor's Parcel Number 181205-11002.

III. Application. This application is for a preliminary plat to develop about 30.75 acres of Multifamily Residential (R-3)-zoned property partially located within a floodplain into a 94-lot single-family residential subdivision over the course of three phases. The application for a Preliminary Long Plat, Critical Areas Ordinance (CAO) Review, Administrative Adjustments to allow 5-foot side yard setbacks and 15-foot rear yard setbacks, and State Environmental Policy Act (SEPA) Review were received on May 3, 2019. On May 31, 2019, the application was deemed complete for processing by the Planning Division. The CAO and SEPA Reviews became final without appeals.

IV. Jurisdiction. Sections 14.3.080 and 14.20.100 of the Yakima Municipal Code (YMC) provide that the Hearing Examiner shall hold a public hearing and submit a recommendation to the City Council which shall include findings and conclusions based on the record relative to the subdivision criteria listed in YMC §14.20.100(A) and in RCW Chapter 58.17.

V. Notices. A Notice of Application, Environmental Review and Public Hearing for a Preliminary Long Plat (PLP#002-19), Critical Areas Ordinance Review (CAO#008-19), Administrative Adjustments (ADJ#013-19) and State Environmental Policy Act Review (SEPA#024-19) was provided by posting a Land Use Action Sign on the property on June 28, 2019; by mailing said Notice to the applicant and adjoining property owners within a 300-foot radius of the subject parcel requesting comments on the proposed application on July 30, 2019; and by publishing said Notice in the Yakima Herald-Republic on July 30, 2019. No comments were received during the 20-day public comment period for this application which ended on August 19, 2019.

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S. 64th Ave. & Occidental Ave.
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VI. Zoning and Land Use. The subject property is located within the Multifamily Residential (R-3) zoning district and it is currently vacant. The main purpose of the Yakima Urban Area Zoning Ordinance (UAZO) in Title 15 of the Yakima Municipal Code (YMC) is to implement the Yakima Urban Area Comprehensive Plan and promote the general health, safety and welfare of the present and future inhabitants of the Yakima Urban Area. YMC §15.03.020(D) states that the purpose and intent of the R-3 zoning district is to:

(1) Establish and preserve high-density residential districts by excluding activities not compatible with residential uses;

(2) Locate high-density residential development more than twelve dwelling units per net residential acre in areas receiving the full range of urban services;

(3) Locate high-density residential development near neighborhood shopping facilities; and

(4) Locate high-density residential development so that traffic generated by the development does not pass through lower-density residential areas.

(5) The surrounding properties contain uses and zoning as follows:

| Direction | Zoning | Land Use |
|------------------|--------------------------|-----------------|
| North | R-1: City of Yakima | Residential |
| South | R-3: City of Yakima | Residential |
| | R-1 & R-2: Yakima County | Residential |
| East | R-2: Yakima County | Residential |
| West | R-1: Yakima County | Residential |

VII. Environmental Review. This application was required to undergo State Environmental Policy Act (SEPA) review because it proposed to subdivide a parcel of land into more than 20 lots in the R-3 zoning district, and due to the requirement that the application undergo a Critical Areas Review. Notice was mailed on July 30, 2019, and

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the public comment period ended on August 19, 2019. No comments were received. A Determination of Nonsignificance (DNS) was issued on August 21, 2019, and was not appealed.

VIII. Transportation Concurrency Ordinance. The applicant applied for Transportation Concurrency (TCO#004-19) on May 3, 2019. The proposal was approved for Concurrency on May 10, 2019, because it will not exceed the PM peak hour capacity of the City arterial system, and reserve capacity exists on all impacted streets.

IX. Development Services Team. The following comments were submitted by the Development Services Team which met on May 21, 2019, and by other public agencies who submitted written comments for this proposal:

(1) **Code Administration:** The preliminary addressing for this Plat are the following Cottonwood Loop addresses:

| | | | | | |
|--------|---------------------|--------|---------------------|--------|---------------------|
| Lot 1 | 6115 Cottonwood Lp. | Lot 33 | 6403 Cottonwood Lp. | Lot 65 | 6102 Cottonwood Lp. |
| Lot 2 | 6113 Cottonwood Lp. | Lot 34 | 6401 Cottonwood Lp. | Lot 66 | 6100 Cottonwood Lp. |
| Lot 3 | 6111 Cottonwood Lp. | Lot 35 | 6317 Cottonwood Lp. | Lot 67 | 6012 Cottonwood Lp. |
| Lot 4 | 6109 Cottonwood Lp. | Lot 36 | 6315 Cottonwood Lp. | Lot 68 | 6010 Cottonwood Lp. |
| Lot 5 | 6107 Cottonwood Lp. | Lot 37 | 6311 Cottonwood Lp. | Lot 69 | 6008 Cottonwood Lp. |
| Lot 6 | 6105 Cottonwood Lp. | Lot 38 | 6307 Cottonwood Lp. | Lot 70 | 6006 Cottonwood Lp. |
| Lot 7 | 6103 Cottonwood Lp. | Lot 39 | 6305 Cottonwood Lp. | Lot 71 | 6004 Cottonwood Lp. |
| Lot 8 | 6101 Cottonwood Lp. | Lot 40 | 6303 Cottonwood Lp. | Lot 72 | 6002 Cottonwood Lp. |
| Lot 9 | 6017 Cottonwood Lp. | Lot 41 | 6227 Cottonwood Lp. | Lot 73 | 6000 Cottonwood Lp. |
| Lot 10 | 6015 Cottonwood Lp. | Lot 42 | 6223 Cottonwood Lp. | Lot 74 | 6602 Cottonwood Lp. |
| Lot 11 | 6013 Cottonwood Lp. | Lot 43 | 6221 Cottonwood Lp. | Lot 75 | 6600 Cottonwood Lp. |
| Lot 12 | 6011 Cottonwood Lp. | Lot 44 | 6219 Cottonwood Lp. | Lot 76 | 6510 Cottonwood Lp. |
| Lot 13 | 6009 Cottonwood Lp. | Lot 45 | 6215 Cottonwood Lp. | Lot 77 | 6508 Cottonwood Lp. |
| Lot 14 | 6007 Cottonwood Lp. | Lot 46 | 6211 Cottonwood Lp. | Lot 78 | 6506 Cottonwood Lp. |
| Lot 15 | 6005 Cottonwood Lp. | Lot 47 | 6209 Cottonwood Lp. | Lot 79 | 6504 Cottonwood Lp. |
| Lot 16 | 6003 Cottonwood Lp. | Lot 48 | 6207 Cottonwood Lp. | Lot 80 | 6502 Cottonwood Lp. |

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|--------|---------------------|--------|---------------------|--------|---------------------|
| Lot 17 | 6001 Cottonwood Lp. | Lot 49 | 6205 Cottonwood Lp. | Lot 81 | 6500 Cottonwood Lp. |
| Lot 18 | 6605 Cottonwood Lp. | Lot 50 | 6203 Cottonwood Lp. | Lot 82 | 6412 Cottonwood Lp. |
| Lot 19 | 6603 Cottonwood Lp. | Lot 51 | 6201 Cottonwood Lp. | Lot 83 | 6410 Cottonwood Lp. |
| Lot 20 | 6601 Cottonwood Lp. | Lot 52 | 6210 Cottonwood Lp. | Lot 84 | 6408 Cottonwood Lp. |
| Lot 21 | 6513 Cottonwood Lp. | Lot 53 | 6208 Cottonwood Lp. | Lot 85 | 6406 Cottonwood Lp. |
| Lot 22 | 6511 Cottonwood Lp. | Lot 54 | 6206 Cottonwood Lp. | Lot 86 | 6404 Cottonwood Lp. |
| Lot 23 | 6509 Cottonwood Lp. | Lot 55 | 6204 Cottonwood Lp. | Lot 87 | 6402 Cottonwood Lp. |
| Lot 24 | 6507 Cottonwood Lp. | Lot 56 | 6202 Cottonwood Lp. | Lot 88 | 6400 Cottonwood Lp. |
| Lot 25 | 6505 Cottonwood Lp. | Lot 57 | 6200 Cottonwood Lp. | Lot 89 | 6310 Cottonwood Lp. |
| Lot 26 | 6503 Cottonwood Lp. | Lot 58 | 6116 Cottonwood Lp. | Lot 90 | 6308 Cottonwood Lp. |
| Lot 27 | 6501 Cottonwood Lp. | Lot 59 | 6114 Cottonwood Lp. | Lot 91 | 6306 Cottonwood Lp. |
| Lot 28 | 6413 Cottonwood Lp. | Lot 60 | 6112 Cottonwood Lp. | Lot 92 | 6304 Cottonwood Lp. |
| Lot 29 | 6411 Cottonwood Lp. | Lot 61 | 6110 Cottonwood Lp. | Lot 93 | 6302 Cottonwood Lp. |
| Lot 30 | 6409 Cottonwood Lp. | Lot 62 | 6108 Cottonwood Lp. | Lot 94 | 6300 Cottonwood Lp. |
| Lot 31 | 6407 Cottonwood Lp. | Lot 63 | 6106 Cottonwood Lp. | | |
| Lot 32 | 6405 Cottonwood Lp. | Lot 64 | 6104 Cottonwood Lp. | | |

(2) **Engineering:** Engineering comments relative to this proposed preliminary plat were to the effect that TMC Title 12 improvements and other improvements, including but not limited to the following, are required:

(a) YMC Chapters 8.60 and 12.05 – New curb, gutter, and sidewalk shall be installed along the site's frontage on 64th Avenue. New sidewalk shall be constructed per standard detail R5, a 5-foot sidewalk along 64th Avenue frontage. The road is to be expanded to 22 feet from the centerline per detail R3.

(b) YMC Chapter 8.72 – An excavation and street break permit shall be obtained for all work within the public right of way.

(c) YMC §12.06.020 – Right-of-way shall be dedicated to provide for 27 feet of right-of-way width from the centerline of South 64th Avenue along frontage of the plat.

(d) YMC §12.06.080 – Street lighting: Street lights shall be installed and shall meet the design and placement standards of the City Engineer. Lighting improvements shall become the property of the City of Yakima upon installation and will thereafter be maintained by the City.

(e) All improvements shall be completed prior to issuance of a Certificate of Occupancy.

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(3) Wastewater: Sewer is to be installed per City of Yakima Municipal Code and Engineering Standards.

(4) Nob Hill Water Association: Water from Nob Hill Water Association is available to serve this new development. A new looped water main will need to be installed as well as an extension down to an existing eight-inch mainline that comes off of Ahtanum Road. This will require an easement from the [Novobielski] property to the southeast corner of the new development's lot. The Nob Hill Water Association will be installing new mainline, fire hydrants, and services for development. A cost estimate for the project will be in progress as soon as Nob Hill Water Association receives finalized engineered plans for the project.

(5) Yakima Clean Air Agency (YRCAA): Comments submitted by YRCAA were as follows:

(a) Prior to demolishing and renovating any structures an asbestos survey must be done by a certified asbestos building inspector;

(b) Any asbestos found must be removed by a licensed asbestos abatement contractor prior to demolition;

(c) A Notification of Demolition and Renovation (NODR) application must be filed with YRCAA and the appropriate fee should be paid;

(d) Prior to the project construction, demolition, excavation, clearing or landscaping work, contractors must file a Dust Control Plan with YRCAA and get approval; and

(e) This project is located within the Urban Area Growth Area. Therefore, burning is prohibited at all times.

(6) Department of Ecology: The Washington State Department of Ecology comments may be summarized as follows:

(a) Ecology recommends that the project proponent notify FEMA of their proposed changes to the regulatory floodplain through the submittal of a CLOMR using FEMA's MT-2 paperwork. If the project proceeds to construction, Ecology recommends the community request a LOMR to the effective flood insurance rate map to reflect as-built conditions.

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(b) Based upon the historical agricultural use of this land, there is a possibility that the soil contains residual concentrations of pesticides. Ecology recommends that the soils be sampled and analyzed for lead and arsenic, and for organochlorine pesticides. If these contaminants are found at concentrations above the Model Toxics Control Act cleanup levels, Ecology recommends that potential buyers be notified of their occurrence.

(c) If your project anticipates disturbing ground with the potential for stormwater discharge off-site, the NPDES Construction Stormwater General Permit is recommended. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit may take 38-60 days.

(d) The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water and storm drains by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading or construction.

(e) In the event that an unpermitted Stormwater discharge does occur off-site, it is a violation of Chapter 90.48 RCW, Water Pollution Control, and is subject to enforcement action.

(7) Ahtanum Irrigation District: Ahtanum Irrigation District comments may be summarized as follows:

(a) This parcel is within the Ahtanum Irrigation District rather than the Yakima-Tieton Irrigation District service area.

(b) No water rights will be affected by this application. Our records indicate that the above parcel does not have a water right as established in the Final Decree (2019), the Conditional Final Order Subbasin No. 23 (Ahtanum, 2019), and the Final Schedule of Rights dated May 9, 2019, in *State of Washington, Dept. of Ecology v. Acquavella*, et al.

(c) However, for Irrigation District approval purposes, our Board must sign off on the plat. We require the original Mylar for signature plus one additional copy for our records. Our Board meets once per month, so signature arrangements need to be made in advance.

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(8) **Department of Health (DOH) – Office of Drinking Water:** The DOH – Office of Drinking Water initially provided comments stating that Nob Hill Water Association only has 77 connections according to their latest WFI (Water Facilities Inventory) Form and that the organization's Water System Plan (WSP) is good until 2022. However, evidence was submitted at the hearing in the form of an email from DOH – Office of Drinking Water dated September 6, 2019, confirming the existence of 2,282 additional Nob Hill Water Association connections available to serve additional uses including the residences in the proposed preliminary plat.

(9) **Yakima Air Terminal:** The Yakima Air Terminal submitted the following comments relative to the following subjects:

(a) Retention of Water On Site and the Collection of Waste Water: The Yakima Air Terminal-McAllister Field is required by the Federal Aviation Administration (FAA) to uphold a Wildlife Hazardous Management Plan, which ensures wildlife on and surrounding airport property does not present a safety hazard for aircraft operations. Entailed in the plan, the airport maintains an environment not conducive to attract wildlife to the airfield, which could create such hazards. In the event stormwater runoff is collected and managed on-site via surface retention and infiltration facilities, or in underground infiltration facilities, this environment could attract wildlife. Since wildlife (typically waterfowl) are attracted to standing water like retention ponds, it is not recommended that retention ponds be used for stormwater runoff. Instead the use of detention ponds or connections to the City stormwater system is preferred.

(b) Please view the Washington State Department of Transportation – Airport Stormwater Guidance Manual for Best Management Practices in order to assist in reducing wildlife attractants at <https://www.wsdot.wa.gov/aviation/AirportStormwaterGuidanceManual.htm>.

(c) Building and Parking Lot Lighting Requirements: The Yakima Air Terminal-McAllister Field has a variety of facilities to allow for aircraft to operate safely and efficiently in and out of the Yakima Valley. Currently the airport has two runways (09/27 and 04/22) which aircraft utilize for takeoff and landing operations. Additionally, a helicopter flight path enters the airport over 64th Avenue. Outlined in the proposal, the property owner provides general information as it relates to the lighting of the proposed facilities. Depending on the intensity, angle, height and color of the lighting, it could potentially become a hazard for aircraft and helicopter operations. Pilots could become disoriented by

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these lights while departing and arriving at the airport, which could create an unsafe situation for both the aircraft and nearby properties. The Yakima Air Terminal-McAllister Field recommends the developer follow lighting guidelines set forth by the FAA, which ensures all lighting will have shields so that light will illuminate in a downward orientation to ensure it does not cause a hazard to aircraft operating at the airport during hours of darkness.

(d) Dust Control – During Construction and During Normal Day-to-Day Operations: Any dust created by the development of the property could affect aircraft and helicopter operations. The dust may cause flight hazards if a pilot's visibility is reduced by blowing dust during takeoff and landing. Proper mitigation for dust control including the use of water trucks is critical to ensure visibility is not reduced, which could create an in-flight hazard.

(e) Aircraft Noise, Fumes and Vibrations: The Yakima Air Terminal-McAllister Field is located approximately 2.0 miles of the proposed development. Due to the location, the property is directly in-line with the airport's secondary runway, which receives a good portion of aircraft operations. Because of this close location beyond the end of the runway, the proposed development will be subject to low flying aircraft as they land and takeoff from the Yakima airport. These aircraft often produce loud engine noises, vibrations and exhaust fumes that can be an annoyance to surrounding properties. Since the airport is a public use facility funded by local, state and federal government agencies, it is open and available on a 24-hour basis, 7 days a week, 365 days a year to all aircraft that operate in the National Airspace System. The 2014 Yakima Airport Master Plan identified 52,659 annual aircraft operations in 2015, which is forecasted to increase to 62,065 by 2030. Aircraft that typically operate at the Yakima airport include Bombardier Q400s, Boeing 737s, MD 80s, EMB-120s, helicopters, military cargo (C130s, KC-135s and C17s), military fighter jets (F16s and F18s), and smaller general aviation aircraft. Some of aircraft outlined above may emit vibrations and noise levels exceeding the normal 65dnl (Daylight Noise Level) area for the airport. Late night takeoff and landings could be a nuisance for those living in the housing development.

(10) Department of Archaeology and Historic Preservation (DAHP): DAHP submitted the following comments:

(a) A review of our statewide predictive model has identified the project area as having a very high probability for archaeological resources. Further, the

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scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we recommend a professional archaeological survey of the project area be conducted prior to ground disturbing activities. We also appreciate receiving any correspondence or comments from concerned tribes or other parties concerning cultural resource issues that you receive.

(b) These comments are based on the information available at the time of this review and on behalf of the SHPO in conformance with Washington State law. Should additional information become available, our assessment may be revised.

(c) Additional information was subsequently requested and submitted in the form of an email from DAHP dated September 9, 2019, which confirmed that the survey is recommended rather than required.

X. Applicable Subdivision Ordinance and Statutory Provisions. Applicable subdivision regulatory provisions are as follows:

(1) YMC §15.03.020(D): The R-3 zoning district is intended in part to exclude activities not compatible with residential uses.

(2) YMC §15.05.030(A): Creation of new lots – Subdivision requirements: Table of Subdivision Requirements: The YMC §15.05.030(A) table establishes basic development criteria for lot size and width that must be met when reviewing an application for a new subdivision. For detached single-family dwelling construction in the R-3 zoning district, the required minimum lot size is 6,000 square feet.

(3) YMC §15.30.040: Airport Safety Overlay Zones: The subject property is located partially in Zone 6 of the Airport Safety Overlay, and per YMC §15.30.060, detached single-family dwellings are Class (1) uses.

(4) YMC §15.30.050: Height Limitation: Height Limitation 2 (Zone 6): No building within this zone shall exceed thirty-five feet above the ground. Any building proposed to exceed this height must undergo further review by the airport manager and the FAA. The administrative official may require lights or markers as a warning to aircraft on any buildings, structures, communication towers, uses, or trees, or the topping

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of any trees to reduce their height, when recommended by the FAA, WSDOT Aviation Division or the airport manager. Lights and markers shall meet FAA specifications. Whenever the height limitations of this section differ from those of any other section of this chapter, or that adopted by another local ordinance or regulation, the more restrictive limitation shall apply.

(5) YMC §15.05.055(1): New development improvement standards: Fire apparatus access roads for multiple-family residential developments and one- or two-family residential developments shall be subject to the provisions of Sections D106 and D107, respectively, of Appendix D of the applicable International Fire Code. Additionally, such residential developments shall be subject to the requirements of Section D105 of Appendix D, of the applicable International Fire Code pertaining to aerial fire apparatus roads, as applicable. All other applicable provisions of the International Fire Code, as now existing or as hereafter amended and adopted by the City, are required. Minimum requirements for the primary and secondary access will be at least twenty feet wide, unobstructed, paved lanes.

(6) YMC §12.02.010: Establishment of easements: Public utility easements shall be established for the location of new and proposed public utility lines serving new land divisions and land development. Public utility easements shall also be established across the front of new lots and redeveloped lots to provide future utility access as determined necessary by the City Engineer. Public utility easements shall be dedicated (granted) at the time that subdivision and/or land use approval is granted.

(7) YMC §12.02.020: Easement location and width: Eight-foot-wide utility easements shall be dedicated along the front of each lot in subdivisions and short subdivisions. Easements for new and/or future utility lines shall be a minimum of eight feet in width, or twice the buried depth of the utility, whichever is greater.

(8) YMC §12.03.010: Sewer service required: Pursuant to YMC §12.03.010, all new lots and development shall be served by a sanitary sewer line located adjacent to the lot or development site.

(9) YMC §12.03.040: Minimum sewer size: The minimum size for public sewer lines is eight inches in diameter.

(10) YMC §12.03.070: Side sewer service: Each building containing sanitary facilities shall be served by a separate private side sewer line from a public main. Branched side sewers serving multiple buildings and properties shall not be permitted. Single side sewers serving multi-unit buildings are permitted.

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(11) YMC §12.03.090: Gravity flow required: Sewer lines shall be designed for gravity flow operation. Lift stations and force mains (pressurized lines) shall be limited to those locations and circumstances where they are consistent with the comprehensive sewer plan and are the preferable short-term solution to service the development site and other properties in the vicinity.

(12) YMC §12.04.010: Water service required: All new lots and development shall be served by a public water supply line maintained by the City of Yakima, Nob Hill Water Company [Association], or other water purveyor, and located adjacent to the lot or development site. The water line shall be capable of providing sufficient flow and pressure to satisfy the fire flow and domestic service requirements of the proposed lots and development as approved by the City Engineer in cooperation with the Code Administration Manager and Water Irrigation Division Manager.

(13) YMC §12.04.020: Water line extension required: Water lines shall be extended to the point where the adjoining property owner's responsibility for further extension begins. This typically requires extension across the street or easement frontage of the developing property. In some cases it will require dedication of an easement and a line extension across the property or extension along two or more sides of the developing property. Extensions will be consistent with and implement the City's adopted water comprehensive plan.

(14) YMC §12.04.040: Minimum size and material standards: New water lines in the City of Yakima water system shall be constructed of Class 52 ductile iron and shall be a minimum of eight inches in diameter. Improvements and additions to the Nob Hill Water Company [Association] system shall conform to the requirements of Nob Hill Water Company [Association].

(15) YMC §12.05.010: Sidewalk installation required: Sidewalks shall be installed along both sides of all new, improved and reconstructed streets. Projects which repair small portions of or maintain existing street shall not be considered "improvement" for the purpose of this section and shall not trigger the requirements of this section. Sidewalks shall also be installed across the frontage of all newly developed or redeveloped lots where feasible.

(16) YMC §12.06.010: Street types, functional classification: The Yakima Urban Area Comprehensive Plan, and/or the West Valley Neighborhood Plan, designates the functional classification of the principal arterial, minor arterial and collector streets and establishes their functional classification. All other streets are classified as local residential access.

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(17) YMC §12.06.030: Design standards, adjustment of standards: Final design of street improvements is subject to approval by the City Engineer. The City Engineer, at his discretion, is authorized to adjust these standards as necessary to facilitate the construction of new streets and improvement of existing streets. Projects which repair small portions of or maintain existing streets shall not be considered "improvements" for the purposes of this section.

(18) YMC §12.06.070: Provision of street curbing: Barrier curbs shall be installed along all public streets. Rolled mountable curbs may be permitted along residential access streets. Curb design shall be consistent with the standards of the City Engineer.

(19) YMC §12.06.080: Street lighting: A street light shall be installed at each street intersection and at midblock if the block exceeds five hundred feet in length. Street lights shall meet the design and placement standards of the City Engineer. Lighting improvements shall become the property of the City of Yakima upon installation and will thereafter be maintained by the City.

(20) YMC §14.05.200(A-B): Allowance of bond in lieu of actual construction of improvements prior to approval of short plat or final plat: The subdivision or short subdivision applicant may, as an alternative to actual construction of any required improvements, provide a surety bond or other secure method providing for and securing to the City the actual construction of required improvements within a specified period of time and expressed in a bond or other appropriate instrument establishing such security. Any bond or other method of securing actual construction of required improvements shall specify the improvements covered and the schedule for completion. In cases of subdivision, the bond or other method of securing actual construction of required improvements shall be subject to approval by the City Engineer and City Attorney prior to approval of the final plat by the City Council. In cases of short subdivisions, the bond or other method of securing actual construction of required improvements shall be subject to approval by the City Engineer and City Attorney prior to approval of the final short plat by the Administrator. In no case shall the amount of the bond or other method of securing actual construction of required improvements be less than one hundred ten percent of the estimated actual cost of the improvements based upon the approved civil engineering design of the required improvements.

(21) RCW 58.17.110(1), YMC §14.20.100(A) and YMC §14.20.120(A): The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine (a) if appropriate provisions are made for the public health, safety and general welfare and for

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open spaces, drainage ways, streets and other public ways, transit stops, potable water supplies, irrigation and other water supplies, sanitary waste disposal, parks and recreation, playgrounds, schools and schoolgrounds, sidewalks, and other planning features that assure safe walking conditions for students who walk to and from school; and (b) whether said plat will serve the public use and interest.

XI. Applicable Critical Areas Ordinance Provisions. Applicable Critical Areas Ordinance regulatory provisions are as follows:

(1) YMC Critical Area Development Authorization Required: Pursuant to YMC §15.27.300(A), no new development, construction or use shall occur within a designated critical area without obtaining a development authorization in accordance with the provisions of this chapter, except for those provided for in YMC §15.27.303.

(2) Permitted Uses – Floodway Fringe: Pursuant to YMC §15.27.409(A), Detached Single-Family Dwellings is a permitted use within the floodway fringe (floodplain) as long as the proposal complies with the flood hazard protection standards of YMC §15.27.407 and YMC §15.27.408.

(3) Subdivision Proposals: YMC §15.27.407(F) requires that all subdivision proposals shall:

- (i) Be consistent with the need to minimize flood damage;
- (ii) Have roadways, public utilities, and other facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (iii) Have adequate drainage provided to reduce exposure to flood damage;
- (iv) Include base flood elevation data; and
- (v) In the cases where base flood elevation is not available and the subdivision is greater than five acres or fifty lots, a step-back water analysis shall be required to generate the base flood elevation data.

XII. Applicable Administrative Adjustment Ordinance Provisions. Applicable Administrative Adjustment Ordinance provisions are as follows:

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(1) YMC §15.02.020: Compatibility Defined: “Compatibility” means the characteristics of different uses or developments that permit them to be located near each other in harmony with or without special mitigation measures.

(2) YMC §15.10.010: Purpose: The purpose of this chapter is to specify and outline the authority of the Administrative Official to impose special conditions of approval on any permit or approval issued under the provisions of this title and to establish the authority of the Administrative Official to administratively adjust some of the development standards set forth in YMC §15.05.060 and YMC Chapters 15.05 through 15.08.

(3) YMC §15.10.020: Administrative Adjustment of Some Development Standards Is Not Authorized: The Administrative Official shall not have the authority to reduce the site design requirements for minimum lot size, building height or subdivision requirements set forth in YMC §15.05.030 and Table 5-2, or YMC §15.05.060.

XIII. Preliminary Plat Findings. YMC §14.20.100(A) provides that the Hearing Examiner shall review a proposed preliminary plat during an open record public hearing to inquire into and determine whether or not the following standards are satisfied:

(1) **Subsection 14.20.100(A)(1) – Consistency with the City’s Urban Area Zoning Ordinance Intent, Design, Improvement and Development Provisions Applicable to the R-3 Zoning District.** A determination of consistency with the City’s Urban Area Zoning Ordinance intent, design, improvement and development provisions applicable to the R-3 zoning district involves a consideration of the following provisions of Title 15 and Title 12 of the Yakima Municipal Code (YMC):

(a) Consistency with the Intent of the Multifamily Residential (R-3) Zoning District: YMC §15.03.020(D) indicates that the intent of the R-3 zoning district is in part to exclude activities that are not compatible with residential uses. The proposed preliminary plat designed for single-family residences excludes activities that are not compatible with residential uses.

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(b) Consistency with Design, Improvement and Development Provisions Applicable to the Multifamily Residential (R-3) Zoning District: YMC Chapter 15.05 establishes certain basic development requirements. These are the minimum criteria that must be met to assure land use compatibility and promote the public health, safety and welfare. The proposed development meets the requirements applicable in the R-3 zoning district as follows:

(i) *Minimum Lot Size:* The lots ranging in size from 7,088 square feet to 35,932 square feet will meet the minimum 6,000-square-foot lot size requirement for single-family residences.

(ii) *Minimum Lot Width:* The lots will all meet or exceed the minimum lot width of 50 feet prescribed for the R-3 zoning district by Table 5-2 of YMC Chapter 15.05.

(iii) *Maximum Lot Coverage:* The maximum lot coverage is the percentage of net land area of a site that can be covered with structures and other impervious surfaces. In the R-3 zoning district, the maximum lot coverage is 80%. All lots within the proposed preliminary plat have sufficient lot area to comply with this development standard.

(iv) *Structure Setbacks:* In the residential zoning districts, structure setbacks are intended to provide light, air and emergency access. All lots in the proposed preliminary plat have sufficient area to meet the setback requirements specified by YMC Table 5-1 in YMC Chapter 15.05 which are as follows if adjusted by the requested Administrative Adjustment:

| Location | From Centerline of Right-of-Way | From Property Line |
|-------------------------------------|---------------------------------|--------------------|
| Front, Cottonwood Loop | 45 feet | 20 feet |
| Rear (internal) | N/A | 15 feet |
| Rear, Occidental Road | 45 feet | 20 feet |
| Rear, South 64 th Avenue | 60 feet | 20 feet |
| Side (internal) | N/A | 5 feet |
| Side, Cottonwood Loop | 40 feet | 10 feet |

The side (internal) setback has been requested to be adjusted from 10 feet to 5 feet as specified for the R-1 zone. The rear (internal) setback has been

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requested to be adjusted from 15 feet, or one-half of the building height, to just 15 feet.

(v) *Maximum Building Height:* The maximum building height in the R-3 zoning district is 50 feet (YMC Chapter 15.05, Table 5-1), except that approximately 37% of the property is subject to Zone 6 of the Airport Safety Overlay (ASO) which limits the height to 35 feet. Building heights will not exceed that height. The applicant's State Environmental Policy Act Checklist states that the tallest structure will likely be less than 35 feet in height so as to comply with both standards.

(vi) *Residential Accessory Structures:* Residential accessory structures are allowed upon all lots of record provided they meet the provisions of YMC §15.05.020(E).

(vii) *Fencing:* Fencing upon and behind property lines is allowed in accordance with YMC §15.05.020(G).

(viii) *Access:* All lots will have 20 feet of frontage upon a public street or be accessed by a 20-foot-wide access easement in accordance with YMC §15.05.020(H).

(ix) *Sidewalk:* The proposed preliminary plat shows that curb, gutter and sidewalk will be constructed along all street frontages in accordance with YMC §15.05.020(J), and curb, gutter and sidewalk shall also be installed along the frontage of the plat on South 64th Avenue.

(x) *Density:* The proposed preliminary plat dividing 30.75 acres into 94 lots will have a density of 3.94 dwelling units per net residential acre with streets excluded ($1,038,559 \text{ square feet} \div 43,560 \text{ square feet} = 23.84 \text{ acres}$; $94 \text{ dwelling units} \div 23.84 \text{ acres} = 3.94 \text{ dwelling units per net residential acre}$). This density complies with YMC §15.05.030(B) and YMC Table 4-1 of YMC Chapter 15.04 which prescribe a maximum of 13 dwelling units or more per net residential acre in the R-3 zoning district.

(xi) *Street Right-of-Way:* Right-of-way along South 64th Avenue shall be dedicated to increase the right-of-way width from the centerline to 27 feet, and to allow the roadway width from the centerline to be increased to 22 feet.

(xii) *Frontage Improvements:* The applicant will be required to install curb, gutter and sidewalk along parcel frontages in accordance with

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YMC §12.05.010. The street section shall conform to standard detail R3 and the new sidewalks shall be constructed per standard detail R5, in accordance with YMC Chapters 8.67 and 12.05. Similarly, the applicant will be required to install curb, gutter and sidewalk along the site's frontage on South 64th Avenue. At a minimum, one street light shall be installed midblock on the westernmost section of the loop since the street exceeds 500 feet in total length. Street lighting shall meet the design and placement standards of the City Engineer. Lighting improvements shall become the property of the City of Yakima upon installation and will thereafter be maintained by the City. Pursuant to YMC Chapter 8.72, an excavation and street break permit shall be obtained for all work within the public right-of-way. Roads less than five years old can be cut, but the cost will be 150 percent of the restoration fee with no PCI discount. Frontage improvements are not required along Occidental Road because curb, gutter and sidewalk have been installed as a condition of the Anderson Estates plat adjacent to Occidental Avenue on the north (PLP#003-16, FSP#002-18).

(xiii) *Wastewater:* Sewer has been extended across Occidental Road to the subject property. A minimum 16-foot-wide easement shall be maintained over all public utility lines in accordance with YMC §12.02.010 and YMC §12.02.020. All lots within the subject plat shall be served by a separate side sewer line from a public main in accordance with YMC §12.03.070. Sewer is to be installed in accordance with the Yakima Municipal Code.

(xiv) *Water:* The applicant shall extend potable water to the subject plat in accordance with YMC §12.04.010. Water is served by the Nob Hill Water Association. The preliminary plat shows water service extending from 64th Avenue eastward along Occidental Road and then south into the new subdivision to serve all lots.

(xv) *Irrigation:* The subject parcel is located within the Ahtanum Irrigation District and therefore the Irrigation District's approval is required upon the final plat.

(xvi) *Easements:* Easements are to be established in accordance with YMC §12.02.010 and YMC §12.02.020.

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(2) Subsection 14.20.100(A)(2) – Consistency with the provisions of the Comprehensive Plan. The Future Land Use Map III-3 of the 2040 Yakima Urban Area Comprehensive Plan designates the property within the proposed preliminary plat as suitable for Mixed Residential development which provides for a mixture of housing types and densities. Specifically, the proposed preliminary plat is consistent with the following Goal and Policies of the City's Comprehensive Plan:

(a) Goal 2.3 which is to preserve and enhance the quality, character and function of Yakima's residential neighborhoods.

(b) Policy 2.3.1 which is to provide for a wide variety of housing types within the City to meet the full range of housing needs for Yakima's evolving population.

(c) Policy 2.3.2 which is to preserve and enhance established residential neighborhoods. Specifically: ... (A) Ensure that new development is compatible in scale, density and aesthetic quality to an established neighborhood.

(3) Subsection 14.20.100(A)(3) – Consistency with the provisions of this title, Title 14 entitled "Subdivision Ordinance." As proposed and with the recommended conditions, this preliminary plat will meet all the design requirements in YMC Chapter 14.30 of the City's subdivision ordinance and in the City's Title 12 development standards. This review and the recommended conditions are intended to ensure consistency with the provisions of the City's subdivision ordinance as well as other applicable City ordinances.

(4) Subsection 14.20.100(A)(4) – Appropriate provisions for enumerated features. As proposed and with the recommended conditions, this 94-lot preliminary plat of Anderson Park will make appropriate provisions for the following features required by YMC 14.20.100(A)(4) and RCW 58.17.110(1):

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(i) *Public health, safety, welfare:* The construction of new single-family dwellings and/or two-family dwellings will complement adjacent uses and will promote the public health, safety and general welfare insofar as there is a need in this community for additional housing and insofar as this proposed preliminary plat would be required to comply with all applicable City development standards, and all conditions of approval specified by the City Council. The need for additional housing in this area is recognized by the Mixed Residential designation for the property by the 2040 Comprehensive Plan which provides for areas with a mixture of housing types and densities and is also recognized by the following provisions of the Comprehensive Plan: Goal 2.3 which is to preserve and enhance the quality, character and function of Yakima's residential neighborhoods; Policy 2.3.1 which is to provide for a wide variety of housing types within the City to meet the full range of housing needs for Yakima's evolving population; and Policy 2.3.2 which is to preserve and enhance established residential neighborhoods, specifically to ensure that new development is compatible in scale, density, and aesthetic quality to an established neighborhood.

(ii) *Open spaces:* The proposed lots are larger than the minimum lot size required in the R-3 zoning district for both single-family and two-family dwellings. Lot coverage of 80 percent or less in the R-3 zoning district will provide adequate light and air for future residents in accordance with the standards in the zoning ordinance without additional open spaces.

(iii) *Drainage systems:* Drainage system facilities must be provided in accordance with state and local regulations including the City of Yakima Municipal Code and the Eastern Washington Storm Water Manual.

(iv) *Streets, alleys, and other public ways:* The subject property has frontage upon Occidental Road and South 64th Avenue, and includes new public streets (Cottonwood Loop) to provide adequate access to all internal lots.

(v) *Water supplies:* Public water is required to be used for domestic and fire flow purposes. While water is available to the site from Nob Hill Water Association by way of Occidental Road, the Office of Drinking Water expressed a concern that the current WFI indicates that the Nob Hill Water Association only has 77 available connections to serve the 94-lot

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subdivision. Evidence was submitted at the hearing to the effect that the Association has developed 2,282 more available connections to serve additional uses including the residences in this plat.

(vi) *Sanitary waste disposal*: Public sewer is required to service all lots within the subject development. A City of Yakima sewer main capable of serving the development has been extended east along Occidental Road.

(vii) *Parks and playgrounds*: Open space, parks, recreation and playgrounds are located within 0.70 of a mile to 2.5 miles of this plat due to the proximity of West Valley Park and West Valley School playgrounds.

(viii) *Sites for schools*: Wide Hollow Elementary School and West Valley Middle Level Campus are located approximately two miles from this subdivision, while West Valley High School is located approximately 2.5 miles away. No comments were submitted by the School District.

(ix) *Sidewalks*: Sidewalks are required and shall be provided along this development's internal streets ("Cottonwood Loop") and along the South 64th Avenue frontage. Sidewalk has already been constructed along Occidental Road as a condition of the adjacent long plat to the north named the Plat of Anderson Estates.

(x) *Public Transit*: Yakima Transit Routes 2 and 5 pass the intersection of South 64th Avenue and West Washington Avenue approximately one-half mile north of the subdivision.

(xi) *Serves the public use and interest*: This proposed 94-lot residential subdivision is consistent with neighboring land uses, better serves the needs of the City than the present undeveloped status of the property and helps satisfy the need for additional housing within the City.

(xii) *Time Limitation*: Upon preliminary plat approval, the applicant has five years from the date of preliminary plat approval to submit the final plat. Thereafter, at least 30 days prior to the expiration of preliminary approval, the applicant must submit to the City Council a written request to extend the approval period for a maximum period of one additional year (YMC §14.20.160). Before the final plat can be recorded, all required infrastructure must either be engineered, completed and inspected or be engineered and financially secured, and approval of the final plat must be obtained from the City Community Development Department.

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XIV. Critical Areas Ordinance Findings. Critical Areas Findings issued by the CAO Administrative Official without any appeal are as follows:

(1) Consistent with YMC §15.27.031(C)(2), the Administrative Official reviewed the available information pertaining to the proposal and made a determination that Critical Areas were present, but there is no impact.

(2) Per YMC §15.27.309, it has been determined that a Standard Development Permit is required.

(3) Consistent with YMC §15.27.311: Authorization Decisions – Basis for Action, it has been determined that the applicant meets the following criteria:

(i) *Impact of the project to critical area features on and abutting property:* The impact to critical area features will be minimal as long as the subdivision provides adequate buffers between the residential lots and the floodplain that crosses the subject parcel.

(ii) *Danger to life or property that would likely occur as a result of the project:* The floodplain of Spring Creek – Tributary 1 is located on the parcel, and the proposed grading plan will channelize the floodwater flowing into the development to prevent flooding on specific parcels.

(iii) *Compatibility of the project to critical area features:* In addition to the floodplain being realigned to generally follow the direction of Cottonwood Loop, each lot will have a building pad outside of the floodplain. Lots 17, 18 and 36 are far larger than the average lot in the subdivision, and will allow floodwaters to flow across them in a manner that will avoid the building pads where the houses will be located.

(iv) *Conformance with applicable development standards:* All applicable standards of YMC Chapter 15.27 will be met.

(v) *Compliance with flood hazard mitigation requirements of YMC §15.27.400 to YMC §15.27.436:* The existing FEMA FIRM Panel 53077C1029F is in the process of being revised that will result in building pads for the subdivision that will be located outside of the floodplain.

(vi) *Adequacy of the information provided by the applicant or available to the Division:* The application submitted is adequate for review. Based upon the project evaluation, the administrative official shall take one of the following actions: grant the development authorization; grant the development authorization

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with conditions as provided in YMC §15.27.312 to mitigate impacts to the critical area feature(s); or deny the development authorization.

XV. Administrative Adjustment Findings. Administrative Adjustment findings are as follows:

(1) Pursuant to YMC §15.10.030, the applicant has requested an Administrative Adjustment for the benefit of this subdivision in order to reduce the side yard setbacks from 10 feet to 5 feet and in order to reduce the rear yard setbacks (other than those adjacent to a street) from 15 feet or one-half the building height, whichever is greatest, to just 15 feet. The proposed Administrative Adjustments would adjust the side setbacks and the rear setbacks other than those adjacent to streets for all of the proposed single-family residential lots from the R-3 Multifamily Residential standard setbacks to the R-1 Single-Family Residential standard setbacks.

(2) The purpose of the setback reduction request is to have setbacks consistent with the single-family housing use. Strict enforcement of the current R-3 rear setback standard would require larger setbacks than other single-family residential developments, and would not provide sufficient buildable area to construct the desired houses.

(3) The proposal is compatible with neighboring properties because of its design. The neighboring properties were developed under the City's single-family residential setback standards, which are the same proposed side and rear setback standards that are being requested here. The requested setback standards are compatible with the neighboring properties because they would be the same as the setbacks required for single-family residences in areas zoned R-1 for single-family residences.

(4) The requested 15-foot rear setback is consistent with the standard implemented throughout the neighboring properties, and would provide the desired setback protection intended by the zoning ordinance. That requested rear setback standard is compatible with the neighboring properties because it would be the same as the rear setback required for single-family residences in the R-1 zone.

(5) The request is consistent with the zoning of the property because single-family residences are allowed in the R-3 zoning district. The request would still provide a 15-foot rear setback consistent with the setbacks required for single-family residences in the R-1 zone. Therefore the proposed 15-foot rear yard setback would be consistent with current zoning and provide the desired setback for neighboring uses. The 5-foot side

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setback would still provide adequate privacy, light, air and view consistent with single-family residence requirements because single-family structures are typically shorter than multifamily structures and do not require as much separation.

(6) The proposal is consistent with the use and zoning of the neighboring property because of its design and because the proposed use is single-family residences. The neighboring property on all sides are either zoned R-1 or are used for single-family residences. The proposal meets the intent of the R-3 zone because single-family residences are allowed in the R-3 zone. The neighboring properties have the same standard 5-foot side setback and 15-foot rear setback as are requested here. Therefore, the requested setbacks are consistent with the uses and zoning throughout the neighboring properties and would provide the desired setback protection that is intended by the zoning ordinance. The setbacks would be the same as the setbacks for the neighboring single-family residences and would provide adequate privacy, light, air and view when combined with the existing and proposed uses.

(7) The proposed project is in the best interest of the community because it would create new premier middle-income single-family homes in the area; would allow sufficient area for the proposed single-family residences to be constructed; and would be consistent with the setbacks required in the R-1 zone and implemented throughout the neighboring properties.

(8) The purpose of YMC Chapter 15.10 is to provide flexibility by allowing certain development standards in YMC Chapters 15.05 through 15.08 to be administratively adjusted. A particular standard may be reduced or modified, so long as the Administrative Official determines that the adjustment and/or reduction is consistent with the intent and purpose of the standards, and will accomplish one or more of the following objectives:

(i) *Siting for solar access:* Siting for solar access is not a factor with this application because that is not the purpose of the requested Administrative Adjustment.

(ii) *Zero lot line construction:* Zero lot line criteria do not apply to this application because no zero lot line construction is proposed.

(iii) *Coordinate site features with surrounding land uses and physical features:* Based on the proposed layout of the subdivision, the reduced rear yard and side yard setbacks will allow detached single-family dwellings to be easily placed on their respective lots without requiring their layout and size to be reduced.

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(iv) *Flexibility of design and placement of structures and other site improvement that is the minimum adjustment necessary to accommodate the proposed structure or site improvement:* Reducing the rear yard setback to a minimum of 15 feet and the side yard setback from 10 feet to 5 feet will allow detached single-family dwellings to be sited within the subdivision in the same manner that they may be sited in all areas that are zoned R-1 for single-family residential development.

(v) The requested side and rear setback standards are consistent with the purpose of the R-3 zoning district for single-family residences; serve the purposes of the setback requirements to provide the same type of light and air for single-family residences that are required for single-family residences in the R-1 zoning district; and would satisfy two of the criteria for an Administrative Adjustment even though only one criterion is necessary to grant the requested Administrative Adjustment.

XVI. Consistency Analysis under Subsection 16.06.020(B) of the Yakima Municipal Code. The consistency analysis for this proposed preliminary plat of Anderson Park is as follows:

(1) The type of land use contemplated by the proposal (a single-family residential development) is permitted on this site so long as it complies with the conditions imposed by the Yakima City Council, as well as the regulations of the zoning ordinance, subdivision ordinance, building codes and other applicable regulations. The proposed single-family dwellings are Class (1) permitted uses in the R-3 zoning district.

(2) The level of development with the proposed density and size of lots will not exceed the allowable level of development in the Multifamily Residential (R-3) zoning district.

(3) The availability and adequacy of infrastructure and public facilities is not an issue because the additional infrastructure that will be provided at the applicant's expense would insure that adequate infrastructure and public facilities are available for the proposed preliminary plat.

(4) The character of the proposal, such as the proposal's consistency with applicable development standards of the City's Urban Area Zoning Ordinance,

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primarily involves consideration of specific development standards relating to lot size, access, potable water, sewage disposal and other features of the proposed preliminary plat which have been discussed in detail above. With the recommended conditions, the proposed preliminary plat of Anderson Park will be consistent with the development standards of applicable City ordinances.

CONCLUSIONS

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

(1) The Hearing Examiner has jurisdiction to recommend to the Yakima City Council the approval of a proposed preliminary plat pursuant to YMC §1.43.080 and YMC §14.20.100.

(2) A SEPA Determination of Nonsignificance (DNS) was issued for this proposed preliminary plat on August 21, 2019, that became final without any appeal.

(3) No testimony or written comments were submitted in opposition to this proposed 94-lot preliminary plat of Anderson Park or in opposition to the requested Administrative Adjustment.

(4) The proposed preliminary plat of Anderson Park, with all of the conditions detailed below, is in compliance with the City's 2040 Comprehensive Plan, zoning ordinance and subdivision ordinance; makes appropriate provisions for the public health, safety and general welfare and for open spaces, drainage ways, streets, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds and sidewalks; and, according to the weight of the evidence presented at the hearing, does not require that specific provisions be made for the other requisite plat considerations such as additional schools, additional schoolgrounds or additional planning features that assure safe walking conditions for students who walk to and from school; and said plat will serve the public use and interest.

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(5) This proposed preliminary plat is in compliance with all of the consistency requirements of Subsection 16.06.020(B) of the Yakima Municipal Code.

RECOMMENDATION

The Hearing Examiner recommends to the Yakima City Council that the proposed 94-lot preliminary plat of "Anderson Park" to be developed for single-family residences as described in the application and related documents which are assigned file numbers PLP#002-19, ADJ#013-19, CAO#008-19 and SEPA#024-19 be **APPROVED**, subject to compliance with the following conditions:

(1) Prior to approval of the final plat, all required improvements shall be constructed or financially secured according to the standards and requirements of the City Engineer and YMC Title 12.

(2) All lots shall be served with public water from the Nob Hill Water Association. No individual domestic or irrigation wells shall be permitted for any of the lots. Prior to final plat approval, written verification from Nob Hill Water Association must be submitted to the Planning Division indicating that each lot within the plat has been served with domestic water and applicable fees have been paid.

(3) All lots shall be provided with public sewer service according to YMC Title 12 standards. Prior to final plat approval, written verification from the City of Yakima Engineering Department must be provided to the Planning Division indicating that all sewer extensions have been completed and inspected or financially secured.

(4) A minimum 8-foot-wide public utility easement shall be provided adjacent to all public road rights-of-way.

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(5) Easements for new and/or future utilities shall be a minimum of 16 feet in width, provided that the width of easements for buried utilities will be twice the depth of the planned excavation.

(6) All public and private utilities shall be located underground, with the exception of telephone boxes and such similar structures.

(7) All public and private utilities to be located within public road rights-of-way must be constructed prior to the start of road construction.

(8) All interior roads shown on the preliminary plat shall be constructed with curb, gutter and sidewalks on both sides of the street, and street lighting in accordance with YMC Chapter 12.06, Standard Detail R5, and WSDOT Curb and Sidewalk Plans F-10.12-03.

(9) Curb, gutter and sidewalk shall be installed along the South 64th Avenue frontage of the subdivision, which may be installed at the same time that the intersection of South 64th Avenue and Occidental Road is improved and which has to occur before a combined total of more than 75 dwelling units are constructed on the adjacent Plat of Anderson Estates and/or on this Plat of Anderson Park.

(10) An excavation and street break permit shall be obtained for all work within the public right-of-way. Roads less than five years old can be cut, but will cost 150 percent of the restoration fee with no PCI discount.

(11) All frontage improvements shall be completed or bonded for prior to long plat approval. Civil engineering plans for public improvements shall be approved prior to bonding for public improvements.

(12) At the discretion of the City Engineer, the owner may bond for required frontage improvements or enter into a deferral agreement for future participation in the cost of any frontage and/or roadway improvement by means of a Local Improvement District (LID) which is constructed abutting the owner's property. The bond or deferral agreement shall be executed and recorded prior to or as part of approval of the plat.

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(13) Fire hydrants shall be placed at locations specified by the Building Codes, Planning Division and the Yakima Fire Department. All lots must be provided with adequate fire flow.

(14) All permits required by the Yakima Regional Clean Air Agency shall be obtained.

(15) The applicant shall submit a CLOMR to FEMA, and if the project proceeds to construction, a LOMR to the effective flood insurance rate map shall be submitted in order to reflect as-built conditions.

(16) An NPDES Construction Stormwater General Permit is required if there is a potential for stormwater discharge from the construction site. The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction. The applicant shall contact the Department of Ecology to determine if these permits are required.

(17) Due to the proximity to the Yakima Air Terminal, for the purposes of stormwater runoff, it is preferred that retention ponds not be used, instead utilizing detention ponds or connections to the City stormwater system.

(18) Streetlights shall be installed per the direction of the Engineering Division, and lighting guidelines set forth by the FAA shall be followed.

(19) This plat shall be subject to the following notes, which must be placed on the face of the plat:

(i) The addresses shown on this plat are accurate as of the date of recording, but may be subject to change. The City of Yakima Building Codes Division is responsible for the confirmation or reassignment of addresses at the time of building permit issuance.

(ii) The owners shown hereon, their grantees and assignees in interest hereby covenant and agree to retain all surface water generated within the plat on-site.

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(20) Irrigation approval is required, and shall be shown on the face of the final plat.

(21) A current title report covering the subject property must accompany the final long plat.

(22) Upon preliminary plat approval, the applicant has five years to submit the final plat. In order to obtain an extension of that time period, the applicant must submit to the City Council a written request asking to extend the approval period for a maximum period of one year at least 30 days prior to the expiration of said approval.

(23) The subdivision requirements of YMC Table 5-2 shall be followed in accordance with YMC §15.05.030, except that for property lines not abutting public rights-of-way, the side yard setback may be reduced to five (5) feet and the rear yard setback may be reduced to fifteen (15) feet.

(24) Because the Administrative Adjustment request is part of the overall preliminary long plat, the adjustment shall be applicable so long as the plat remains otherwise conforming.

(25) All other requirements of the zoning and subdivision ordinance, although not specifically set forth herein, shall be complied with in their entirety.

(26) A professional archaeological survey of the project area is recommended by DAHP prior to construction on the property.

DATED this 3rd day of October, 2019.



Gary M. Cuillier, Hearing Examiner