

**RACQUET LANE LUXURY TOWNHOMES
PD#002-20, PLP#001-20 & SEPA#012-20**

**City Council
Closed Record Public Hearing
September 15, 2020**

EXHIBIT LIST

Applicant: Racquet Lane Townhomes LLC
File Numbers: PD#002-20, PLP#001-20 & SEPA#012-20
Site Address: 2600 Racquet Ln
Staff Contact: Eric Crowell, Associate Planner

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**CITY OF YAKIMA, WASHINGTON
HEARING EXAMINER’S RECOMMENDATIONS**

August 6, 2020

**In the Matter of a Planned Development)
And a Preliminary Plat Application)
Submitted by:)
)
**Racquet Lane Townhomes, LLC)
)
For a Planned Development and 73-Lot)
Preliminary Plat in the R-3 Zone at)
2600 Racquet Lane to be Known as the)
“Racquet Lane Luxury Townhomes”)****

**PD#002-20
PLP#001-20
SEPA#012-20**

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

(1) The Hearing Examiner conducted a virtual Zoom open record public hearing on July 23, 2020.

(2) The detailed and thorough Planning Division staff report presented by Associate Planner Eric Crowell recommended approval of this Planned Development and Preliminary Plat subject to enumerated conditions.

(3) Testimony in favor of the application was presented by the Applicant’s representative, Thomas Durant of PLSA Engineering & Surveying, to the effect that the purpose of this application is to allow the units of an approved 73-unit residential complex under construction to be sold on separate lots rather than as condominium units and to the effect that revisions of two of the recommended conditions are requested in

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order to allow completed units to be sold pursuant to Final Plat approval before all of the units can be completed and connected to the City water and sewer mainlines. Testimony in favor of the application was also presented by Jeff Rauth, the manager for Racquet Lane Townhomes, LLC, who indicated that City water and sewer lines have been extended into the site, that street improvements will be constructed in accordance with the approved plan and that the intent is to sell lots as each row of the units is constructed.

(4) This recommendation has been issued within ten business days of the open record public hearing.

B. Summary of Recommendations. The Hearing Examiner recommends approval of this Planned Development and approval of this Preliminary Plat, subject to conditions, for the reasons set forth in Eric Crowell's staff report.

C. Basis for Recommendations. Based on a view of the site with no one else present on July 20, 2020; the staff report, exhibits, testimony and other evidence presented at the open record public hearing on July 23, 2020; and a consideration of the applicable Planned Development criteria, Preliminary Plat requirements, development standards and consistency criteria; the Hearing Examiner makes the following:

FINDINGS

I. Applicant/Property Owner/Representative. The Applicant and property owner is Racquet Lane Townhomes, LLC, 500 Grade Street, Kelso, Washington 98626. The representative of the Applicant and property owner for this proposal is Thomas R. Durant of PLSA Engineering & Surveying, 521 North 20th Avenue, Suite 3, Yakima, WA 98902.

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II. Location. The location of the proposal is 2600 Racquet Lane on Yakima County Assessor's Parcel No. 181335-24022 west of South 24th Avenue on the south side of Racquet Lane across from the Athletic Club which is on the north side of Racquet Lane.

III. Application. The main aspects of the history and details of this application may be summarized as follows:

(1) These applications are for a Planned Development, a Preliminary Plat and SEPA Review to develop about 5.2 acres into a 73-lot subdivision to be known as Racquet Lane Luxury Townhomes. It will contain common wall residences to be sold on 73 individual lots with their own backyards and parking areas plus an interest in a common area Tract including the Wide Hollow Creek buffers, the private access areas and some private parking areas. This 73-unit townhome development which is currently under construction has already been reviewed and was approved on February 28, 2018, for the sale of the interior space of 73 condominium units under CL2#012-17, CAO#002-17 and SEP#018-17. But the developer now prefers to be able to sell the units on their own individual lots with their own backyards and parking areas without those areas being part of the common area for condominium units. Planned Development approval is required to allow reduced lot sizes and widths of the individual lots, as well as building setbacks and private street standards. Plat approval is required to allow the sale of lots rather than only the sale of the interior space between the walls of condominium units.

(2) The Planned Development, Preliminary Plat and SEPA Review applications were received on April 22, 2020. They were deemed complete for processing on May 11, 2020. They are being processed under YMC Chapter 15.28 for Planned Development Overlays, YMC Chapter 14.20 for Subdivisions and YMC Chapter 6.88 for SEPA Environmental Review.

IV. Jurisdiction. Sections 1.43.080, 15.28.040 and 14.20.100 of the Yakima Municipal Code (YMC) provide that the Hearing Examiner shall hold a public hearing and submit recommendations to the City Council relative to the Planned Development criteria

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listed in YMC §15.28.040 and the Preliminary Plat criteria listed in YMC §14.20.100 and in RCW Chapter 58.17.

V. Notices. The property was posted with a land use action sign on May 1, 2020. A Notice of Application and Environmental Review was sent to the Applicant, SEPA agencies and property owners within 300 feet of the subject property on May 11, 2020. Due to the ongoing COVID-19 pandemic, both the Notice of Public Hearing and SEPA determination were postponed until the Planning Division could devise a process for holding hearings virtually. The 20-day public comment period for the SEPA review ended on June 1, 2020, without any comments being received. A Notice of the virtual Zoom public hearing set for July 23, 2020, was sent to the Applicant, SEPA agencies and property owners within 300 feet of the subject property and was published in the Yakima Herald-Republic on June 30, 2020.

VI. Zoning and Land Use. The subject property is zoned Multi-Family Residential (R-3). The R-3 zoning district is intended 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.

The district contains a variety of commercial and residential uses. Nearby properties have the following characteristics:

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<u>Location</u>	<u>Zoning</u>	<u>Land Use</u>
North	Prof. Business (B-1), Single-Family Residential (R-1)	Commercial, Residential
South	Light Industrial (M-1)	Vacant (Wide Hollow Creek)
East	Light Industrial (M-1)	Commercial
West	Light Industrial (M-1), Single-Family Residential (R-1)	Vacant

VII. Yakima Comprehensive Plan 2040. The subject property is located within the Commercial Mixed Use designation which promotes the greater integration of mixed uses that offer greater development choices to property owners, increased housing options, strengthened commercial retail areas, and lively pedestrian-oriented development. The following Comprehensive Plan goals and policies apply to this proposal:

(1) Goal 2.3: Preserve and enhance the quality, character, and function of Yakima’s residential neighborhoods.

(2) Policy 2.3.1: Provide for a wide variety of housing types within the city to meet the full range of housing needs for Yakima’s evolving population.

(3) Policy 2.3.1(C): Small lot single family. Allow for small lot single family development (lots smaller than 6,000 square feet) in special circumstances, including:
 -Within a master planned development on sites over two acres in size in applicable zones, provided the development incorporates traditional neighborhood design concepts and conformity with district density requirements.

(4) Policy 2.3.1(F): Townhouses. Encourage the development of townhouses in the R-2 and R-3 zones and commercial/mixed-use zones as an efficient form of housing. Design standards should emphasize pedestrian-oriented design, façade articulation, and usable open space.

(5) Goal 5.1: Encourage diverse and affordable housing choices.

(6) Policy 5.1.4: Facilitate small lot sizes, condominiums, clustering and other options that increase the supply of affordable homeownership options and the diversity of housing that meet the needs of aging, young professional, and small and large households.

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VIII. Environmental Review. These applications were required to undergo a second State Environmental Policy Act (SEPA) review because the new proposal involves the creation of more than 20 lots in the R-3 zoning district and involves a Planned Development application in order to reduce lot size, lot width, building setbacks and private street standards. On June 30, 2020, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) which became final without an appeal.

IX. Transportation Concurrency Ordinance. According to the 2017 decision for CL2#012-17, Section III(G)(1), a study entitled Traffic Analysis Report for Racquet Lane Apartments was submitted by Charbonneau Engineering Inc. on February 1, 2018. The study evaluated intersections along South 24th Avenue at the intersections of West Mead Avenue, Racquet Lane and West Washington Avenue regarding traffic flow and delay. This included 2018 existing traffic, 2021 background traffic, and 2021 total traffic as it pertains to Level of Service (LOS) and average delay per vehicle during the PM peak hour. The studied intersections will maintain Level of Service (LOS) C or better which complies with the City's adoption of Level of Service (LOS) D as the minimum LOS for stop and signalized controlled intersections. With a total of 17 automobile crashes over five years, the studied intersections are considered safe and no mitigation was found to be necessary.

X. Applicant's Statement of Details and Benefits of this Development. The Applicant's narrative answers to specific questions required of this type of development describe the following details and benefits of this proposal to create 73 townhouse lots

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ranging in size from 1,440 to 1,491 square feet that will contain common wall residential units featuring their own individual parking and rear yards:

(1) What land uses are proposed? *The approved development consists of 73 residential units under the land use category: attached single-family dwelling, common wall. Part of the site is a protected open space area consisting of Wide Hollow Creek, designated floodplain areas, wetlands and required buffers.*

(2) Will the land be subdivided? If so, what type of subdivision? (Long Plat, Short Plat, Binding Site Plan, etc.) *The 73 individual lots are to be created by regular subdivision (long plat).*

(3) How does the proposed Planned Development allow flexibility in development standards and permitted uses while ensuring compatibility with neighboring uses? *There are no changes in the land use, only the type of ownership is different. From the standpoint of neighboring property owners there should be little to no noticeable difference.*

(4) Describe how the proposed Planned Development facilitates the efficient use of the land. *Fee simple ownership as being proposed is considered by the applicant to be more efficient because it reduces or avoids development costs associated with condominiums and provides the owners with individual outdoor use areas and parking rather than just indoor living space. Other than that, there is no difference in the use of the land from that of the multiple-family residential use determined through Class 2 Review to conform to City standards, adopted in part, to provide for more efficient use of the land. It is believed there is market demand for housing using this approach.*

(5) Describe how the proposed Planned Development increases economic feasibility (i.e., fostering efficient arrangement of land use, buildings, transportation systems, open space and utilities). *The approved townhouse development has already been determined to be consistent with the Multi-family Residential (R-3) zoning district and comprehensive plan and compatible with surrounding land uses. The proposal does not change the number of dwelling units, density or site layout. The planned development and subdivision are efficiently laid out and consist of private vehicular circulation and parking and common open space in addition to privately owned open areas and residential lots.*

(6) How does the proposed Planned Development preserve or enhance natural amenities, features, shorelines and critical areas in the development of the site? *The*

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approved townhome development was reviewed under the critical areas ordinance and conditions imposed to protect the Wide Hollow Creek stream corridor, including wetlands and flood hazard areas, all of which are contained within an open space area under common ownership. A wetland delineation and report were prepared, mitigation measures identified and implemented including a vegetative buffer 50 feet from the edge of the delineated wetlands or coterminous with the edge of the 100-year floodplain, whichever is greater. Since there are no physical changes or modifications in site or building layout, this project does not change open space areas or how the project affects critical areas. Other open spaces are mostly unchanged, although as proposed, each lot will incorporate part of the open space area located directly behind the residential unit. This provides an amenity to lot owners and should also benefit the project by reducing demand on use of more sensitive open space areas. Open areas in common ownership remain and approved sitescreening is not modified by this proposal.

(7) Identify environmental impacts and appropriate mitigation measures. The townhome development went through SEPA environmental review with a Determination of Nonsignificance issued on February 28, 2018. Although no significant adverse environmental impacts were identified, measures that were required or taken to reduce adverse effects included delineating wetlands, preserving them and other critical areas in open space, setting aside other open space areas, sitescreening, developing a stormwater system utilizing low-impact development concepts and on-site retention of stormwater. Improvements to Racquet Lane include frontage improvements, illumination and future extension to S. 27th Avenue. Fire access is provided to all buildings as required by the IFC. A traffic study was conducted and determined that traffic generated by the approved 72 [73] dwelling units would maintain levels of service above adopted minimums. All of these measures have been or are being met by the existing development and there are no proposed changes to any of them being made under this application.

(8) How does the proposed Planned Development encourage environmentally sustainable development? The project uses "low-impact development" concepts defined as stormwater management and land development strategies that emphasize conservation and use of existing natural site features integrated with disturbed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential settings (YMC 15.02.020). It also encourages sustainable development by retaining stormwater on-site and preserving sensitive natural areas in open space. While the R-3 zoning district allows for 80 percent lot coverage, the lot coverage of this site is 55 percent. Proposed density

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(existing, since gross density is not being changed by this proposal), lot coverage and common open space ensures that stormwater facilities are functional.

(9) What services and facilities are available to serve the property? Are those services adequate? *Utilities and services that have been provided by the developer for the townhome project or that are already available include City sewer, water, natural gas, cable television and irrigation. All should be adequate based on the previous review since there are no changes in project design and no increase in number of residential units. Engineering design for the provision of City sewer and water service has been completed and approved. It includes a looped water line and fire hydrants. The proposed location of a private sewer line is being changed to conform to City policy to not extend such lines within easements across neighboring lots. The currently proposed location is between the separate buildings consisting of units (Lots) 60 to 66 and 67 to 73. It is to be relocated to the vehicle access area in front of (west of) the building that has units 67 to 73. Private water service lines that extend from the meters across neighboring lots are to be included in the public service easement in front of each of the buildings.*

(10) Will the proposed development promote economic development, job creation, diversification or affordable housing? *With or without the Master Planned Development, the project provides economic development and construction jobs. The proposed housing is affordable and intended for entry-level buyers, an under-served housing market. Providing these townhome units for fee simple ownership is unique for a residential development of this type and will provide a new and diversified option for home buyers.*

(11) How does the proposed development create vibrant mixed-use neighborhoods, with a balance of housing, commercial, and recreational facilities? *The site location includes a mixture of housing types and commercial land uses. A membership athletic facility is located nearby and other recreational opportunities in the immediate vicinity include Kissel Park and the Perry soccer complex.*

(12) How is the proposal consistent with goals, policies, and objectives of the Yakima Urban Area Comprehensive Plan? *The proposal is consistent with the purpose of the Commercial Mixed-Use future land use designation in that it promotes greater integration of mixed uses, offers development choices to property owners and increased housing options (Policy 2.2.4.A). It provides for a wide variety of housing types within the city to meet the full range of housing needs for Yakima's evolving population (Policy 2.3.1). Townhouses in the R-3 zone are encouraged as an efficient form of housing. The project emphasizes pedestrian-oriented design, façade articulation and usable open*

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space (Policy 2.3.1.F). Under Goal 2.7: "Resource protection and sustainable design. Reinforce and enhance Yakima's environmental stewardship" are policies to protect sensitive natural areas, restore graded natural areas, use functional low impact development features such as bio-swales. Under Goal 5.1: "Encourage diverse and affordable housing choices," is Policy 5.1.4 to facilitate condominiums and other options that increase the supply of affordable homeownership options and the diversity of housing that meet the needs of aging, young professional and small and large households. Policy 5.1.9 supports proposals for affordable assisted and market rate housing based on criteria that include dispersion of affordable housing throughout the City, convenient access to transit, a range of unit types, ownership housing when possible and long-term affordability. While this proposal meets all these criteria, in particular it is consistent with providing diverse and ownership housing. Sewer line relocation and water line location are consistent with Policy 8.2.1 to use land use, design and construction policies and regulations to manage placement and construction of utilities, encouraging the efficient use of land and co-location of facilities where feasible. It is also consistent with Policy 8.2.2 to ensure that utility facilities are designed, built and maintained to have a minimal impact on surrounding neighborhoods. The proposal does not reduce existing project consistency with any of the policies under Goal 9.3 to manage floodplains to protect public health and safety and to support ecological function.

(13) How does the proposed Planned Development utilize unique and innovative facilities that encourage the efficient and economical use of the land? *Providing a unique type of home ownership for a high-density residential development with low-impact characteristics encourages the efficient and economical use of the land.*

(14) Does the proposed Planned Development promote a sound system for traffic and pedestrian circulation? Describe. *There are no changes in approved traffic and pedestrian circulation, which is effectively a parking lot characterized by low vehicular speeds and convenient parking for residential units along with overflow parking.*

(15) How does the proposed Planned Development promote open space and use of natural and/or developed amenities? *The Wide Hollow Creek corridor, a natural amenity, is preserved as required by the approval decision for the townhome project. Other open space areas and buffers are being provided and each residential unit will have its own separate lawn/landscaped area.*

(16) Will the proposed Planned Development provide an architecturally attractive, durable and energy efficient development? *The approved residential structures are*

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unchanged by the application and have been approved subject to City construction and energy standards.

(17) Please provide a summary of all previously known land use decisions affecting the applicant's property and all outstanding conditions of approval with respect to such prior land use decisions. *Land use decisions applicable to the project are the Class 2 review approval in 2017 for the townhomes (approved as attached single-family dwellings, common wall) and a critical area standard development permit. Other previous land use decisions for this site are not applicable because development that was approved under them no longer exists. Since the approved residential buildings are still under construction, some of the outstanding conditions of the Type 2 review that were to be met prior to building permit or certificate of occupancy issuance have not yet been completed. Since they are now being constructed under standards for townhomes, rather than apartments, with fire rated walls between dwelling units, improvements such as sprinklers and vehicle charging stations are no longer a code requirement. Sitescreening, three streetlights, Racquet Lane frontage improvements consisting of curbs, gutters and sidewalks and S. 27th Avenue street extension have been completed, are under construction or soon will be. All are requirements for certificate of occupancy. Conditions required for building permit issuance including civil design of fire hydrants, on-site water mains and stormwater facility design have been approved and are being installed. An erosivity waiver was approved as allowed and best management practices for sediment and erosion control are being implemented for site development. There are no underground injection control wells. All structures that were on the site have been demolished or removed. A final site plan for the townhome development has been approved. Sitescreening standard 'A' is shown on the north and east property lines while standard 'C' is substituted on the west line. Wetland buffers as provided for by the wetland delineation and report are provided in the stream corridor. Modifications of the final site plan include creation of individual lots and relocation of a sewer line. No additional conditions were required for the approved critical areas standard development permit. Compliance with the permit is indicated by the approval of the final site plan with wetland buffers as shown.*

(18) Any other development standards proposed to be modified from the underlying zoning district requirements. *Development standards that are being reduced by this application are minimum lot size and lot width. If because of the subdivision, the private access easements are considered to be private streets, the Title 12 easement and pavement width standards would be reduced and curbs and sidewalks are not being*

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provided in the manner normally required for private streets. Lighting and parking are being provided along with emergency and refuse vehicle accessibility and turning around. Depending on how the travel-ways are characterized under YMC 15.05, the front setback standard may need to be slightly modified. The minimum lot size standard of 3,500 square feet for single-family common wall lots in the R-3 zone is to be reduced to 1,440 and 1,491 square feet. The minimum lot width standard of 35 feet for common wall lots in the R-3 zone is being reduced to 18 feet. Access to each of the lots is to be provided by what is essentially a parking lot and was reviewed and approved as such in accordance with the parking standards of YMC 15.06. If as a result of this subdivision, the access ways are treated as either private streets or private access easements, width of the easement and the traveled way would be reduced to 24 feet and there would not be the typically required curbs and sidewalks. For the purposes of building setback standards of YMC 15.05, Table 5-1, the front residential setbacks would be 34 feet from the centerline of the traveled way if considered to be a private road, but it would meet the 10-foot setback from edge of the access easement. Side setbacks from the access way to the south would meet both standards provided that the parking spaces to the south are not included in the access easement for the purposes of determining the setback. The purpose of these reductions is to accommodate the individual living units on separate lots. This is effectively being done in the same manner as for condominiums and has no greater effect on the purposes of these standards to maintain the residential character of the area or to not allow increased net density for zero lot line, attached and multi-family dwellings because gross density is not being changed and there is no upper net density limit in the R-3 zone. There is no greater or adverse effect on the purposes of lot width standards to prevent irregularly shaped lots along and control access to, rights-of-way. Lots are not irregularly shaped, they are just smaller than typical, access is completely internal to the site and access to public right-of-way is unchanged. For all of these reasons, this proposal will not change neighborhood character. Whether the vehicle areas are considered to be private roads or a parking lot, the purposes of setbacks standards are being met because there is no change in the effect that access would have on privacy, light, air, emergency access, or from traffic on adjoining property owners.

(19) What are the aesthetic considerations related to building bulk, architectural compatibility, light and glare, urban design, solar access and shadow impacts. *Zoning district standards being reduced have no overall effects on compatibility because they are internal to the site and do not alter density, setbacks, access, or improvement requirements for the external boundaries of the site.*

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(20) Please provide an inventory of any on-site cultural, historic and/or archaeological resources. *Review of public records available on-line from the Department of Archaeology and Historical Preservation showed no inventoried resources on the project site.*

XI. Development Services Team and Interested Agency Comments. The following comments were submitted by the Development Services Team as a result of its review conducted during the week of May 11, 2020, and by the other public agencies which submitted information regarding this proposal:

(1) Code Administration: Preliminary addressing for Lot 1 to Lot 73 of the Plat shall respectively be 2600 Racquet Ln. #1 to 2600 Racquet Ln. #73. Per Yakima Municipal Code (YMC) 7.56.080, the applicable water connection charges shall be paid in full at or before the time a building permit is obtained. Payment of applicable Wastewater connection fees must be paid pursuant to YMC 7.58. Any work to be performed in the City right-of-way requires an Excavation permit from City Engineering prior to commencing work, YMC 8.72.

(2) Yakima Regional Clean Air Agency: The contractors doing construction, demolition, excavation, clearing or landscaping work must file a Dust Control Plan with YRCAA, prior to the start of any work.

(3) Washington State Department of Ecology: Project with Potential to Discharge Off-Site: If the 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. 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. 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. More information on the stormwater program may be found on the Department of Ecology's stormwater

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website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact Lloyd Stevens, Jr. at the Department of Ecology, 509-571-3866, with questions about this permit.

(4) WSDOT Aviation Division: This development is located within Zone 6 of the WSDOT Airports and Compatible Land Use Guidebook's Airport Compatibility Zones. Multi-family developments are permitted in Zone 6. However, these activities should be reviewed to ensure they do not create height hazard obstructions, smoke, glare, dust, electronic interference or wildlife attractants, and that any other airspace hazards are mitigated.

XII. City Development Standards. City development standards applicable to residential developments on the subject parcel include the following:

(1) YMC §15.30.040: Airport Safety Overlay Zones: Zone 6 – Traffic Pattern Zone. The final zone contains the remainder of the airport environment where aircraft fly as they approach and depart the airport or are engaged in flight training. In this area, Zone 6 is typically larger than the other zones combined. A substantial percentage of accidents take place here, but they are scattered over the large area.

(2) 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 to warn aircraft of any building, structure, communication tower, use or tree or the topping of trees 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 those adopted by another local ordinance or regulation, the more restrictive limitation shall apply.

(3) YMC §15.30.060: Land Use Overlays: Within Land Use Overlay 4 (Zone 6 – Traffic Pattern Zone), Multifamily Development is a Class (1) use.

(4) YMC §15.30.070(D): Application Requirements: An aviation easement and deed declaration, which recognizes the preexistence of the airport and the right of over flight, shall be recorded for all uses within the approach and transitional surfaces of the conical surface area.

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(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 International Fire Code (2009 Edition). Additionally, such residential developments shall be subject to the requirements of Section D105 of Appendix D, International Fire Code (2009 Edition), pertaining to aerial fire apparatus roads, as applicable. All provisions of the International Fire Code referenced above are hereby adopted and incorporated herein by this reference, as now existing or as hereafter amended and adopted by the city. Minimum requirements for the primary and secondary access will be at least twenty-foot-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.

(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

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those locations and circumstances where they are consistent with the comprehensive sewer plan and are the preferable short-term solution to service of 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, 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 Association system shall conform to the requirements of the Nob Hill Water 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 mid block 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) and YMC §14.20.120: 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

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provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

XIII. City Ordinance Provisions Relating to Planned Developments. City ordinance provisions relative to the Applicant's proposed Planned Development include the following:

(1) YMC §15.28.010(A): Purpose: A master planned development overlay (PD) is a comprehensive development plan intended to provide flexibility in design and building placement, promote attractive and efficient environments that incorporate a variety of uses, densities and/or dwelling types, provide for economy of shared services and facilities, and economically utilize the land, resources, and amenities.

(2) YMC §15.28.025: Minimum Project Size: The minimum project size for a master planned development shall be two acres. All properties included in the master development plan shall be contiguous with logical outer boundaries.

(3) YMC §15.28.050: Development Agreement: An approved master planned development overlay (including conditions and development standards) shall be incorporated into a development agreement as authorized by RCW 36.70B.170. The development agreement shall provide for vesting of such development conditions and standards as are deemed reasonable and necessary to accomplish the goals of the master planned development. This agreement shall be binding on all property owners within the master planned development and their successors and shall require that development of the subject property be consistent with and implement the provisions of the approved master planned development. The approved development agreement shall be signed by the city manager and all property owners and lienholders within the boundaries of the master planned development overlay and recorded prior to approval and/or issue of any implementing plats or permits. The Applicant has submitted a proposed Development Agreement.

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(4) YMC §15.28.070(A): Vesting: The master planned development review shall be vested to development regulations, standards, conditions, and laws applicable at the time the development agreement described in YMC 15.28.050 is recorded, inclusive of specific conditions and standards set forth in said development agreement. The vesting period shall be for the time stated in the development agreement associated with each specific master planned development and shall be agreed upon by the parties to the development agreement after giving consideration to the extent and complexity of the proposed development as well as specific development planning considerations raised by the developer. During the stated vesting period the applicant shall be entitled to implement the master planned development in accordance with the terms and conditions of approval described in the development agreement.

(5) YMC §15.09.100(II): Private Street Review Requirements: The face of any plat, short plat, master development plan, binding site plan, or condominium document containing a private road, and all subsequent documents transferring ownership of lots within such plat or short plat, shall bear the following language:

“The City of Yakima has no responsibility to build, improve, maintain or otherwise service any private road for this plat/short plat. Any right-of-way dedicated to the public by this plat/short plat shall not be opened as a City (or County) street until such time as it is improved to city street standards and accepted as part of the City transportation system.”

XIV. Proposed Development Standards for this Planned Development. One of the purposes of the Planned Development provisions is to allow flexibility as to development standards, some of which are proposed for adjustment as follows:

(1) Lot Size: The Preliminary Plat and Planned Development indicates that lot sizes will range from 1,440 square feet to 1,491 square feet. This would be a reduction from the standard minimum lot size of 3,500 square feet for single-family common wall lots in the R-3 zoning district.

(2) Lot Width: The Preliminary Plat indicates that the lots will be 18 feet wide. This would be a reduction from the standard minimum lot width of 35 feet for single-family common wall lots in the R-3 zoning district.

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(3) Setbacks: The proposed setbacks for all lots within the Preliminary Plat and Planned Development are: front setback, 34 feet from the centerline of the access easement and 10 feet from the property line; rear setback, 0 feet from the property line; side setback next to an access easement, 30 feet from the centerline of the 24-foot-wide driveway which would not include the parking spaces south of the buildings and 0 feet from the property line; and the internal side setback, 0 feet from the property line.

(4) Private access ways: If the private access ways are considered private streets, their traveled way would be reduced to 24 feet.

(5) Sidewalk: The Planned Development will not have curb, gutter or sidewalk along the interior private access easement areas and adjacent townhome lots, but in accordance with YMC §15.05.020(J) the preliminary plat shows that curb, gutter and sidewalk will be constructed along the site's Racquet Lane frontage.

(6) Lot Coverage: The maximum lot coverage permitted in the R-3 zoning district is 80 percent, and the overall development has sufficient area to comply with this development standard and will only have an estimated lot coverage of 55 percent.

(7) Maximum Building Height: YMC Table 15-1 in YMC Chapter 15.05 specifies a maximum building height of 50 feet for development within the R-3 zoning district, but the subject parcel is located entirely within Airport Safety Overlay Zone 6 which limits building height to 35 feet. The Applicant's State Environmental Policy Act Checklist states that the tallest structure will be no more than 35 feet in height and will therefore comply with the building height standard.

(8) Access: In accordance with YMC §15.05.020(H), all of the lots will have 20 feet of frontage upon a public street, or be accessed through the common area within the Planned Development.

(9) Density: Net residential density excluding streets is calculated per YMC §15.05.030 using the total lot area of 5.2 acres less approximately 0.80 acres for the access easement and dividing the 73 dwelling units into the 4.4 acres so as to result in approximately 16.7 dwelling units per net residential acre. With a density of approximately 16.7 dwellings per net residential acre, the proposal complies with YMC §15.05.030(B) and Table 4-1 in YMC Chapter 15.04 which allow Multifamily Development of 13 dwelling units or more in the R-3 zone as a Class (1) use.

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(10) Streets/Dedication of Right-of-Way: No additional right-of-way is required to be dedicated for the street, curb, gutter and five-foot-wide sidewalk to be installed along the site's Racquet Lane frontage.

(11) Frontage Improvements: As stated in the proposed Development Agreement, the Applicant is not proposing to install sidewalk along parcel frontages, but will be required to install curb, gutter and sidewalk along the site's frontage on Racquet Lane. 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. At a minimum, one street light shall be installed midblock on the westernmost section of the loop as 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 will cost 150 percent of the restoration fee with no PCI discount.

(12) Wastewater: Sewer has been extended across Racquet Lane to the subject parcel. 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 per the Yakima Municipal Code.

(13) Water: The Applicant shall extend potable water to the subject Plat in accordance with YMC §12.04.010. Water is served by the City of Yakima, and the Preliminary Plat shows water service extending south from Racquet Lane into the new subdivision to serve all lots.

(14) Irrigation: The subject parcel is not located within the boundaries of an irrigation district.

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

XV. Planned Development Review Criteria. The purpose of YMC Chapter 15.28 is to provide flexibility in design and building placement, promote attractive and efficient

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environments that incorporate a variety of uses, densities and/or dwelling types, provide for economy of shared services and facilities, and economically utilize the land, resources and amenities. YMC §15.28.040 provides that the Hearing Examiner shall review a proposed Planned Development during an open record public hearing to inquire into and determine whether or not the following standards are satisfied and shall issue a recommendation to the City Council based upon the following considerations and criteria:

(1) Subsection 15.28.040(D)(1) -- The Master Plan Development application demonstrates the economic and efficient use of land and provides for an integrated and consistent development plan for the site. The high density nature of the proposed development is consistent with the Multi-Family Residential (R-3) zoning district and the Commercial Mixed Use future land use designation of the Comprehensive Plan. The Planned Development/Subdivision design is efficiently laid out and consists of a private access easement, open spaces and common wall townhomes identical to the design which was approved in 2017 for condominium units. The only difference is that approval of this Planned Development and Preliminary Long Plat will allow the units to be sold on their individual lots rather than as condominium units.

(2) Subsection 15.28.040(D)(2) -- The applicant has identified development standards and uses that are consistent with the master plan and designed in a manner that is compatible with adjacent land uses after consideration of applicable mitigation and site design. The Hearing Examiner may consider development standards that are different from currently adopted development standards in order to provide flexibility in site planning; to implement project design and concepts; to respond to market conditions; or to otherwise achieve the public benefits contemplated by the concept plan. Lot sizes, lot widths, structure setbacks and access easements here are adjusted merely to allow the same development approved for the sale of condominiums to be approved for the sale of individual owner-occupied lots with their own backyards and parking without in any way affecting compatibility with adjacent uses.

(3) Subsection 15.28.040(D)(3) -- Consideration shall be given to “low impact development” concepts. “Low Impact Development” is defined as stormwater manage-

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ment and land development strategies that emphasize conservation and use of existing natural site features integrated with disturbed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential settings (YMC §15.02.020). This project adheres to the definition of low impact development by retaining stormwater onsite. The high density layout of the townhomes and adjacent wetland buffer reduces the impact of the development on the abutting Wide Hollow Creek. Even though R-3 development allows for up to 80 percent lot coverage with impervious surfaces, this development will only result in about 55 percent lot coverage.

(4) Subsection 15.28.040(D)(4) -- There will be adequate infrastructure capacity available by the time each phase of development is completed. By the time the Planned Development is completed, there will be adequate infrastructure in place. The entire development will be served by City water and sewer. There will be adequate transportation infrastructure, as noted in the Traffic Impact Analysis and as required by conditions of CL2#012-17. The internal access easement provides for numerous driveway loops connecting to Racquet Lane which provide an efficient traffic circulation pattern with no dead ends.

(5) Subsection 15.28.040(D)(5) -- The Master Planned Development contains design, landscaping, parking/traffic management, and use mixture and location that limit or mitigate conflicts between the Master Planned Development and adjacent uses. Consideration shall be given to site planning that supports land use flexibility through means of appropriate setbacks, landscaping, site screening, buffers, and other design features or techniques. The proposed lot sizes, lot widths, setbacks and access easements will allow dwelling units to be situated in a high density manner while allowing the southern portion of the development to be used for traffic circulation and to serve as a buffer from Wide Hollow Creek.

(6) Subsection 15.28.040(D)(6) -- All potential significant off-site impacts including noise, shading, glare, and traffic have been identified and mitigation incorporated to the extent reasonable and practical. No significant off-site impacts are anticipated. A traffic study found that all studied intersections will maintain a Level of Service (LOS) C which complies with the City's minimum LOS D requirement. Street frontage improvements were required by CL2#012-17. Each unit will have its own parking and there will also be overflow parking to the south of each row of townhome units.

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(7) Subsection 15.28.040(D)(7) -- The project is designed and includes appropriate consideration of open spaces and transportation corridors, designs of street and public open space amenities, and results in the functional and visual appearance of one integrated project. The development contains common open space and private open spaces located on individual lots. The development for 73 townhouses on individual lots will have the visual appearance of one integrated project identical to the development that has already been approved for condominium units.

(8) Subsection 15.28.040(D)(8) -- The proposed project is not adverse to the public health, safety, or welfare. The proposed project, as conditioned, will accomplish the purposes set forth in YMC §15.28.010(A) to provide a comprehensive development plan intended to provide flexibility in design and building placement; to promote attractive and efficient environments that incorporate a variety of uses, densities and/or dwelling types; to provide for economy of shared services and facilities; and to economically utilize the land, resources and amenities. The development is not expected to adversely affect the environs of Wide Hollow Creek or cause any traffic concerns while providing additional opportunities for private home ownership in the City.

(9) Subsection 15.28.040(D)(9) -- The public benefits of approving the Master Planned Development outweigh the effect of modification of standards to the underlying zoning district. The public benefit of the proposed Planned Development is to allow the townhomes to be owner-occupied with their own backyards and parking while having the same appearance as the condominium development that was originally approved under CL2#012-17.

(10) Subsection 15.28.040(D)(10) -- The proposed development is designed to be consistent with the provisions of the Shoreline Master Program and Critical Areas Ordinance of the City of Yakima. The proposed development underwent Critical Areas Review, and this Planned Development will comply with the conditions of that review under CAO#002-17 since the change from condominium units to units on individual lots will not affect Critical Areas review considerations.

(11) Subsection 15.28.030(B)(5) -- The following elements set forth in Subsection 15.28.030(B)(5) of the YMC are properly addressed in a Development Agreement:

- (A) Narrative description of project and objectives;**
- (B) Summary of development standards;**
- (C) Site plan elements;**

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(D) Development phasing, including times of performance to preserve vesting;

(E) Public meeting summaries;

(F) Performance standards and conditions addressing the above items;

(G) Criteria for determining Major vs. Minor modifications and amendments; and

(H) Signature(s) by each owner of property within the Master Development Plan area acknowledging that all owners will agree to be bound by conditions of approval, including use, design and layout, and development standards contained with an approved Plan and Development Agreement.

A draft Development Agreement between Racquet Lane Townhomes, LLC and City of Yakima, Washington included in the record as Exhibit F-2b appears to address the elements listed in YMC §15.28.030(B)(5) which will be considered for approval by the City Council subject to any revisions that may be suggested by the City Attorney.

XVI. Preliminary Plat Review Criteria. Section 14.20.100 of the YMC 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 provisions of the City's Urban Area Zoning Ordinance. A determination of consistency with the provisions of the City's Urban Area Zoning Ordinance involves a consideration of the following provisions of Title 15 of the Yakima Municipal Code (YMC):

(a) Consistency with Intent of Multi-Family Residential (R-3) Zoning District: YMC §15.03.020(D) indicates that the intent of the R-3 zoning district is to allow residential development of a density of more than 12 dwelling units per net residential acre in areas served with both public water service and a public sewer system; to locate high-density residential development near neighborhood shopping facilities; and to avoid generating traffic that passes through lower-density residential areas. The proposed Preliminary Plat is consistent with the intent of the R-3 zoning district.

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(b) Consistency with Development Standards of the Multi-Family Residential (R-3) Zoning District: YMC Chapter 15.05 is designed to establish certain development requirements and the purpose of YMC Chapter 15.28 is to allow flexibility in development standards. The proposed development meets the requirements of those YMC Chapters insofar as it complies with many development standards and with adjustments to some of them in order to allow the sale of common wall residential units on individual lots which have the same design as units already approved to be sold as condominiums.

(c) Consistency with Intent of Planned Development Provisions: As previously noted, a Planned Development is a comprehensive development plan intended to provide flexibility in design and building placement, promote attractive and efficient environments that incorporate a variety of uses, densities, and/or dwelling types, provide for economy of shared services and facilities, and economically utilize the land, resources and amenities (YMC §15.28.010(A)). A residential Planned Development is designed to provide a type or mixture of residential dwellings with attendant streets, utilities, public facilities, and appurtenant common open space and recreational facilities, or other areas or facilities. A Planned Development is authorized in any residential zone that may include incidental or supporting uses and facilities that are consistent with the primary use of the site for residential dwelling units (YMC §15.28.020(A)). Uses in a residential Planned Development include: one-family, two-family and multi-family residences; recreational and amusement facilities which are intended to serve the development; and any other uses authorized in the underlying zone pursuant to either Type (1), (2) or (3) review as set forth in Table 4-1 (YMC §15.28.020(B)(1)(a), (b) and (f)). As has been previously noted, this proposed development meets the intent of the Planned Development provisions of the zoning ordinance.

(2) Subsection 14.20.100(A)(2) -- Consistency with the provisions of the Comprehensive Plan. The Future Land Use Map of the Yakima Urban Area Comprehensive Plan designates the property within the proposed Preliminary Plat as suitable for Commercial Mixed-Use development. This proposed Preliminary Plat is consistent with that designation and is also consistent with other provisions of the Comprehensive Plan that have previously been described, including Policy 2.2.4(A), Goal 2.3, Policy 2.3.1, Policy 2.3.1(C), Policy 2.3.1(F), Goal 2.7, Goal 5.1, Policy 5.1.4, Policy 5.1.9, Policy 8.2.1 and Policy 8.2.2.

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(3) Subsection 14.20.100(A)(3) -- Consistency with the provisions of this title, Title 14 entitled "Subdivision Ordinance." With the approval of the proposed Planned Development adjustments and imposition of the recommended conditions, this Preliminary Plat will meet the design requirements in YMC Chapters 14.25 and 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)(a) -- Appropriate provisions for public health, safety and general welfare. The construction of new residential units which will complement uses in the area will promote the public health, safety and general welfare insofar as there is a need in this community for a variety of housing options such as the proposed townhomes and insofar as this proposed Preliminary Plat would be required to comply with Planned Development conditions and all other conditions of approval specified by the City Council.

(5) Subsection 14.20.100(A)(4)(b) -- Appropriate provisions for open spaces. A large part of Tract A of the development is devoted to open spaces including a buffer for Wide Hollow Creek. Overall, the development will have impervious surfaces covering only about 55 percent of the parcel in a zoning district that allows 80 percent lot coverage.

(6) Subsection 14.20.100(A)(4)(c) -- Appropriate provisions for drainage ways. Stormwater will be retained on the site. Drainage system facilities will be provided in accordance with state and local regulations including the Eastern Washington Stormwater Manual and the City of Yakima Municipal Code requirements.

(7) Subsection 14.20.100(A)(4)(d) -- Appropriate provisions for streets or roads, alleys and other public ways. The subject property has frontage on Racquet Lane, and a private access easement to all of the lots will provide efficient traffic circulation over Tract A without any dead ends.

(8) Subsection 14.20.100(A)(4)(e) -- Appropriate provisions for transit stops. Yakima Transit Routes 7, 9 and 11 pass the intersection of West Washington Avenue and South 24th Avenue about one-half mile south of the subdivision.

(9) Subsection 14.20.100(A)(4)(f) -- Appropriate provisions for potable water supplies, irrigation and other water suppliers. All lots will be served with public

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domestic water and water for fire protection purposes by the City of Yakima which will constitute appropriate provisions for water for the development.

(10) Subsection 14.20.100(A)(4)(g) -- Appropriate provisions for sanitary waste disposal. A City of Yakima sewer main capable of serving all of the lots has been extended west along Racquet Lane and side sewers have been extended through Tract A to serve the lots. There will therefore be appropriate provisions for sanitary waste disposal for the proposed Preliminary Plat in the form of public sewer service provided in accordance with the City of Yakima's Title 12 standards.

(11) Subsection 14.20.100(A)(4)(h) -- Appropriate provisions for parks and recreation. Kissel Park is located approximately one mile from this subdivision.

(12) Subsection 14.20.100(A)(4)(i) -- Appropriate provisions for playgrounds. Appropriate provisions for playgrounds exist within this proposed Preliminary Plat due to the fact that playgrounds exist at the schools which the children within the proposed Preliminary Plat will be attending.

(13) Subsection 14.20.100(A)(4)(j) -- Appropriate provisions for schools and schoolgrounds. McClure Elementary School is located about one mile from the subdivision, Lewis and Clark Middle School is located about 1.4 miles away, Eisenhower High School is located about 2.5 miles away and Davis High School is located about 2.8 miles away.

(14) Subsection 14.20.100(A)(4)(k) -- Appropriate provisions for sidewalks. Per the provisions of the Planned Development Agreement, the proposed plat will not have internal sidewalks along the private access easement for the lots, but will have a sidewalk along its frontage on Racquet Lane.

(15) Subsection 14.20.100(A)(4)(l) -- Appropriate provisions for other planning features that assure safe walking conditions for students who walk to and from school. There was no evidence presented at the hearing of a need for other planning features to be provided within this Preliminary Plat in order to make appropriate provisions for safe walking conditions for students who walk to and from school in addition to the sidewalk that will be constructed on Racquet Lane.

(16) Subsection 14.20.100(A)(5) -- Public use and interest. The evidence indicated that this proposed Preliminary Plat will be consistent with neighboring land uses and will help serve the residential needs of this area by providing additional home ownership opportunities.

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(17) Time Limitation: 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 Plat approval the Applicant must submit to the City Council a written request asking to extend the approval period for a maximum of one year (YMC §14.20.160). Before the Final Plat can be recorded, all required infrastructure must be engineered, completed and inspected or engineered and financially secured and receive Final Plat approval from the Community Development Department.

XVII. Consistency Analysis under Subsection 16.06.020(B) of the Yakima

Municipal Code. The following analysis involves the consistency of the Planned Development and Preliminary Plat with applicable development regulations, or in the absence of applicable regulations, the adopted Comprehensive Plan as mandated by the State Growth Management Act and the Yakima Municipal Code. During project review, neither the City nor any subsequent reviewing body may re-examine alternatives to, or hear appeals on, the following items identified in these conclusions except for issues of code interpretation:

(1) The type of land use contemplated by the proposal (a residential development) is permitted as a Planned Development and Subdivision on this site so long as it complies with the conditions imposed by the Yakima City Council.

(2) The level of development with the proposed residential density of the development will not exceed the allowable level of development in the Multi-Family 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 will insure that adequate infrastructure and public facilities will be available for the proposed Planned Development and 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, primarily involves compliance with the Planned Development Agreement and conditions of Preliminary Plat approval imposed by the City Council.

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CONCLUSIONS

Based upon 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 Planned Development and Preliminary Plat pursuant to YMC §1.43.080, YMC §15.28.040 of the zoning ordinance and YMC §14.20.100 of the subdivision ordinance.

(2) A SEPA Determination of Nonsignificance (DNS) was issued for this proposed Planned Development and Preliminary Plat on June 30, 2020, and became final without an appeal.

(3) No testimony or written comments were submitted in opposition to the proposed Planned Development and Preliminary Plat.

(4) The proposed Planned Development for Racquet Lane Luxury Townhomes satisfies all of the considerations and criteria for approval set forth in YMC §15.28.040(D).

(5) The proposed Preliminary Plat of Racquet Lane Luxury Townhomes, with the Planned Development adjustments to development standards and the conditions detailed below, satisfies the criteria for approval set forth in YMC §14.20.100 and RCW 58.17.110 because it is in compliance with the City's 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; will serve the public use and interest; 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 only walk to and from school.

(6) This proposed Planned Development and Preliminary Plat are in compliance with all of the consistency requirements of Subsection 16.06.020(B) of the Yakima Municipal Code.

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RECOMMENDATIONS

The Hearing Examiner recommends to the Yakima City Council that the proposed Planned Development and the proposed 73-lot Preliminary Plat at 2600 Racquet Lane named "Racquet Lane Luxury Townhomes" as described in the application and related documents which are assigned file numbers PD#002-20, PLP#001-20 and SEPA#012-20 be **APPROVED**, subject to compliance with the following conditions:

A. This Planned Development and Subdivision shall comply with conditions A(4), A(6), B(6), and B(7) of CL2#012-17;

B. All lots shall be served with public water and sewer in accordance with YMC Title 12 standards. No individual domestic or irrigation wells shall be permitted for any of the lots. Prior to Final Plat approval, written verification from the Applicant must be submitted to the Planning Division indicating that each lot within the plat will be served with domestic water and sewer, and that applicable fees will be paid;

C. Prior to approval of the Final Plat, all required improvements other than the water and sewer hookups to the uncompleted units shall be constructed or financially secured in the manner required by the City Engineer;

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

E. 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;

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

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

H. 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;

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I. 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;

J. 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 of 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;

K. This Plat shall be subject to the following notes, which must be placed on the face of the Plat:

1. 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;

2. 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;

3. The City of Yakima has no responsibility to build, improve, maintain or otherwise service any private road for this plat. Any right-of-way dedicated to the public by this plat shall not be opened as a City (or County) street until such time as it is improved to City street standards and accepted as part of the City transportation system; and

4. This subdivision is subject to the specific Master Planned Development Overlay of Racquet Lane Luxury Townhomes, as approved by the Yakima City Council on _____, under Resolution No. _____, and recorded under Auditor's File Number _____, which controls the development and usage of this property within this recorded plat. All development shall comply with the following standards:

Minimum Lot Size: 1,440 square feet;

Minimum Lot Width: 18 feet;

Front-Yard Setback: 34 feet from the centerline of the 24-foot-wide access easement;

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Side-Yard Setback: 30 feet from centerline of 24-foot-wide access easement
0 feet from interior property line;

L. A current title report covering the subject property must accompany the Final Plat;

M. An aviation easement and deed declaration, which recognizes the preexistence of the airport and the right of over flight, shall be recorded for all uses within the approach and transitional surfaces of the conical surface area;

N. The Applicant and City of Yakima shall enter into a Development Agreement codifying all development standards and conditions of approval prior to Final Plat approval to be finalized and recorded in accordance with RCW 36.70B and all other laws applicable to Development Agreements;

O. Upon Preliminary Plat approval, the Applicant has five years to submit the Final Plat. Thereafter, 30 days prior to the expiration of said approval the Applicant must submit to the City Council a written request asking to extend the approval period for a maximum period of one year; and

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

DATED this 6th day of August, 2020.



Gary M. Cuillier, Hearing Examiner

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When Recorded Return To:

Michael F. Shinn
Halverson | Northwest Law Group P.C.
P.O. Box 22550
Yakima, WA 98907

**DEVELOPMENT AGREEMENT BETWEEN
RACQUET LANE TOWNHOMES, LLC
AND
CITY OF YAKIMA, WASHINGTON**

Grantor(s): Racquet Lane Townhomes, LLC, a Washington limited liability company

Grantee(s): City of Yakima, Washington

Abbreviated Legal Description: Ptn. SE ¼ NW ¼ Sec 35, T13, R18 E.W.M

Full legal description on page 9.

Assessor's Tax Parcel ID No: 181335-24022

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DEVELOPMENT AGREEMENT

This Development Agreement is entered into by and between the CITY OF YAKIMA, a municipal corporation ("City"), and Racquet Lane Townhomes, LLC, a Washington limited liability company ("Developer").

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the legislature of the State of Washington, and the City Council of the City of Yakima have enacted RCW 36.70B.170 through 36.70B.210 and YMC 15.28.050, respectively ("Development Agreement Legislation"), which authorizes and directs the City to enter into a Development Agreement where development is part of a Master Planned Development Overlay as provided in YMC Chapter 15.28, et seq. to establish development rights and obligations for the Developer;

B. Developer owns a 5.2 acre parcel of property (the "Subject Property") within the city limits of the City of Yakima in the Multi-Family Residential (R3) zoning district which was approved for construction of 73 townhouses, with 184 parking spaces pursuant to the Developer's request for Type (2) Review, Environmental Review, and Critical Areas Review (City File Nos. CL2#012-17, SEPA#018-17, and CAO#002-17) by decision of the Yakima Department of Community Development on February 28, 2018;

C. Developer is proposing that the 73 townhouses be situated on separately owned residential lots, each consisting of a unit's individual parking spaces, the unit and at least 20 feet of lawn/landscaping area, with the rest of the development site being in one or more tracts under the common control of a homeowners association made up of the lot owners, rather than condominiumizing the development. To accomplish this, the Developer has filed a companion application in accordance with the City's Master Planned Development Overlay Ordinance, YMC Chapter 15.28, et seq. The parties intend that this Agreement guide the current and future uses of the Subject Property, the legal description of which appears on the attached Exhibit "A".

AGREEMENT

NOW, THEREFORE, in consideration of the promises, covenants and provisions set forth in this Development Agreement (hereinafter sometimes the "Agreement"), the parties agree as follows:

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1. THE PROPOSED DEVELOPMENT. The Developer's proposal for the property is to construct 73 townhouses with 184 parking spaces on the 5.2 acre parcel zoned Multi-Family Residential (R-3), currently identified as Yakima County Assessor's Tax Parcel Number 181335-24022, located at 2600 Racquet Lane, Yakima, Washington. The proposal for development is the same as that applied for and approved by the City of Yakima Department of Community Development in its decision dated February 28, 2018, on Developer's applications for Type (2) Review, Environmental Review, and Critical Areas Review (File Nos. CL2#012-17, SEPA#018-17, and CAO#002-17) except that the Developer wishes each townhouse to be capable of separate fee simple ownership as described above in Recital C., rather than through formation of a condominium association. The Developer's planned development application has been filed with the City. It will be reviewed by the Hearing Examiner for the City and, if approved, will be incorporated herein and attached hereto as a further exhibit. The planned development shall hereinafter be referred to in this Agreement as the "Proposed Development". The Proposed Development will not be phased.

2. CONDITIONS OF APPROVAL. Developer agrees to abide by the terms and conditions of approval as may be recommended by the Hearing Examiner, including construction of all infrastructure described on the Proposed Development site plan map which is incorporated herein by this reference as if set forth in full. Developer agrees that the use of the property pursuant to this Agreement shall be consistent with the project description identified in the Developer's Application, as approved, for Type (2) Review, Environmental Review, and Critical Areas Review (File Nos. CL2#012-17, SEPA#018-17, and CAO#002-17). Developer agrees to abide by the conditions set forth in the February 28, 2018 decision by the City of Yakima Department of Community Development as well as such further conditions as may be imposed by the Hearing Examiner for the City, as well as any other conditions as may be required by applicable federal, state and local law including, but not limited to, the City's Title 12 and all other applicable development standards except as modified and approved pursuant to YMC Chapter 15.28. The required standards are otherwise the same as exist or may hereinafter be amended; provided, however, that the procedures and substantive rules of the City's Master Planned Development Ordinance, as codified at Chapter 15.28 of the Yakima Municipal Code as it existed as of the date of this Agreement is incorporated herein by this reference and shall guide and control all matters related to said ordinances and to the planned development aspects of the Proposed Development until this Agreement terminates. Developer agrees to make future applications or submissions as may be necessary to fully implement any phased review of the Proposed Development and any specific project proposed therein.

3. SUMMARY OF PROPOSED MODIFICATIONS TO DEVELOPMENT STANDARDS.

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The minimum lot size standard of 3,500 square feet for single-family common wall lots in the R-3 zone is to be reduced to 1,440 square feet.

The minimum lot width standard of 35 feet for common wall lots in the R-3 zone is to be reduced to 18 feet.

Internal vehicular access/circulation within the development was reviewed and approved under parking standards of YMC Chapter 15.06. If as a result of the subdivision of this property it is considered to be a 'street' or 'streets' regulated under the development standards of YMC Chapter 12, YMC 15.09.100, and YMC 15.05.030 (regarding setbacks), the following modifications (and clarifications) are requested:

- a. Reduction of access easement and street width to 24 feet or as shown otherwise on the approved site plan;
- b. Curbs, sidewalks and parking existing or as shown on the approved site plan to satisfy municipal code street requirements for these improvements;
- c. Front setbacks 34 feet from the centerline of the access easement;
- d. Side setbacks measured from the access drive (either edge or centerline) but not from parking spaces.

4. DEVELOPER'S COMPLIANCE. Developer agrees to abide by all such conditions as may also be identified as a part of the Developer's Homeowner's Association and Declaration of Covenants, Conditions, and Restrictions for the Proposed Development.

5. APPEALS. In the event that any of the permits or approvals associated with the Proposed Development are, or may be, appealed, then in that event the City's obligation under this Agreement and under any development entitlements, shall be suspended, and may be terminated in whole or in part to the extent the City reasonably believes necessary to maintain consistency between this Agreement and any applicable development entitlements and the conclusion of any appellate proceedings associated with the Proposed Development. Developer agrees not to appeal any of the previously required permits or approvals associated with the Proposed Development, including, but not limited to, the approvals, as conditioned, by the City of Yakima Planning Department's February 28, 2018 Decision on Developer's request for Type (2) Review, Environmental Review, and Critical Areas Review.

6. DEFAULT/NOTICE. No party shall be in default under this Agreement unless it has failed to perform as required for a period of thirty (30) days after written notice of default to the other party. Each notice of default shall specify the nature of the alleged default and the manner in which the default may be cured satisfactorily. The party not in default under this Agreement shall have all rights and remedies

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provided by law or equity, including without limitation, damages, specific performance or writs to compel performance or require action consistent with this Agreement.

7. NO THIRD PARTY BENEFICIARY. This Agreement is made and entered into for the sole protection and benefit of the parties hereto and their successors and assigns. No other person shall have any right of action based upon any provision in this Agreement.

8. THIRD PARTY LEGAL CHALLENGE. In the event any legal action or special proceeding is commenced against the City by any person or entity other than by a party to this Agreement to challenge this Agreement or any provision herein, including any of the permits, approvals or entitlements associated with this Agreement, the City may elect to tender the defense of such lawsuit or individual claims in the lawsuit to Developer. In such event, Developer shall hold the City harmless from and defend the City from all costs and expenses incurred in the defense of such lawsuit or individual claims in the lawsuit including, but not limited to reasonable attorney's fees and expenses of litigation and damages awarded to the prevailing party or parties in such litigation. The Developer shall not settle any such tendered lawsuit without the consent of the City, which consent shall not be unreasonably withheld.

9. TERM. This Agreement shall continue in force for a period of thirty (30) years unless extended or terminated as provided herein, or when the property has been fully developed, whichever first occurs, and all the Developer's obligations in connection herewith have been satisfied in the sole reasonable discretion of the City. Provided, however, that termination of this Agreement shall not affect any of the Developer's obligations to comply with the Yakima Urban Area Comprehensive Plan, any applicable zoning, subdivision, or other municipal codes, or any land use entitlements approved with respect to the property or Proposed Development. Termination of this Agreement shall not affect any of Developer's obligations herein which expressly or by implication are to continue after the termination of this Agreement; notwithstanding the generality of the foregoing, the parties expressly agree and covenant that the streets within the Proposed Development shall be required to be private and may not be accepted by the City of Yakima as public streets.

10. CITY'S RESERVATION OF RIGHTS. The parties intend this Agreement to be interpreted to the full extent authorized by law and as an exercise of the City's authority to enter into development agreements pursuant to RCW 36.70B.170. Provided, however, that this Agreement shall be construed to exclude from its scope and reserve to the City the authority which City's must retain pursuant to Chapter 36.70B RCW. Without limitation, this shall include the right of the City to impose new or different conditions on the Subject Property to the extent required by stormwater development standards and any serious threat to public health and safety. Developer acknowledges that any phased approach to developing the Proposed Development

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contemplates and requires the exercise of further discretionary powers by the City. Nothing in this Agreement shall be construed to limit the authority or the obligation of the City or any of its officials or officers in complying with or applying applicable law during review of specific project proposals or other subsequent phases of the Proposed Development.

11. DEVELOPER'S WARRANTIES AND REPRESENTATIONS.

Developer represents and warrants to the City that Developer has a property interest in the property, and that the covenants and obligations of Developer in this Agreement and in the permits, approvals, and entitlements associated with this Agreement and the Proposed Development do not violate or constitute a default under or breach of any agreement between Developer and any third party by which Developer is bound. Developer represents and warrants to City that Developer is fully authorized to enter into and perform its obligations under this Agreement. Developer represents and warrants to City that there is neither pending nor, to the knowledge of Developer, any threatened legal action, arbitration or administrative hearing before any governmental authority to which Developer is a party and which could enjoin or restrict Developer's right or ability to perform its obligations under this Agreement.

12. MODIFICATION OF AN APPROVED MASTER PLANNED DEVELOPMENT OVERLAY. Modifications to the adopted Master Development Plan and/or Development Agreement may be requested from time to time.

Minor modifications will undergo Type (1) Review as defined in YMC Chapter 15.13. The administrative official shall review modifications to adopted Master Development Plan and/or Development Agreement as a minor modification if it has been determined that:

- (1) the amendment does not increase the area identified for any particular land use or increase the residential density approved in the master plan;
- (2) the amendment does not increase the total area of nonresidential uses by more than 5%;
- (3) the amendment does not materially change the type and character of approved uses;
- (4) the amendment does not materially change parking or traffic circulation within the development;
- (5) the amendment does not materially change setbacks, buffers, landscaping, shoreline, critical areas, or other mitigation measures;
- (6) the amendment does not materially impact the overall design of the approved master plan; and
- (7) other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the master planned development

which are deemed not to be material or significant in relation to the entire master planned development and are determined not to have any significant adverse effect on adjacent or nearby lands or the public health, safety or welfare.

Major modifications will undergo Type (3) Review as defined in YMC Chapter 15.15 and shall be referred to the Hearing Examiner in accordance with YMC 15.15.040. A "major modification" shall be any modification to an approved master development plan or development agreement that is deemed to be more significant than a "minor modification" as described hereinabove.

13. VESTING. The Master Planned Development shall be vested to development regulations, standards, conditions, and laws applicable at the time the Development Agreement is recorded, inclusive of specific conditions and standards set forth in said Development Agreement to the extent it complies with applicable Washington law. The vesting period shall be for the "term" as stated in the Development Agreement and shall be agreed upon by the parties to the Development Agreement after giving consideration to the extent and complexity of the Proposed Development as well as specific development planning considerations raised by the Developer.

14. SEVERABILITY. If any provisions of this Agreement are determined to be unenforceable or invalid pursuant to a final decree or judgment by a court of law or tribunal with jurisdiction, then the remainder of this Agreement not decreed or adjudged unenforceable or invalid shall remain unaffected and in full force and effect.

15. AGREEMENT TO BE RECORDED. This Agreement may be modified only by written agreement of the parties hereto. This Agreement or a memorandum thereof shall be recorded against the property as a covenant with the land which touches and concerns the property and shall be binding upon the City and Developer, their heirs, successors and assigns, and all future owners of the property. Developer shall be responsible for the costs of recording.

16. AGREEMENT APPROVAL. This Agreement may only become effective upon execution by the City of Yakima following adoption of a resolution approving the same following a public hearing in compliance with Chapter 36.70B RCW.

17. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement of the parties and incorporates all prior discussions and agreements.

IN WITNESS WHEREOF, this Agreement has been entered into between the City and Developer, and is effective as of the _____ day of _____, 2020.

RACQUET LANE TOWNHOMES, LLC,

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CITY OF YAKIMA
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a Washington limited liability company

By: _____
Its: _____

CITY OF YAKIMA, a Political Subdivision of
the State of Washington

By: _____, Mayor

APPROVED AS TO FORM:

By: _____, City Attorney

ATTEST TO:

By: _____, City Clerk

[ACKNOWLEDGMENTS ON FOLLOWING PAGE]

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CITY OF YAKIMA
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STATE OF WASHINGTON)
) ss.
County of Yakima)

On this ____ day of _____, 2020, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, to me known to be the _____ of RACQUET LANE TOWNHOMES, LLC, the limited liability company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited liability company for the uses and purposes therein mentioned, and on oath stated that (s)he is authorized to execute the same instrument on behalf of the limited liability company.

Witness my hand and official seal hereto affixed the day and year first above written.

NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission Expires: _____

STATE OF WASHINGTON)
) ss.
County of Yakima)

On this ____ day of _____, 2020, I certify that I know or have satisfactory evidence that _____, MAYOR of the CITY OF YAKIMA, is the person who appeared before me, and said person acknowledged that they are authorized to sign this instrument on behalf of the City of Yakima, and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Witness my hand and official seal hereto affixed the day and year first above written.

NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission Expires: _____

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Exhibit "A"
Legal Description

That portion of the West 1/2 of the Southeast quarter of the Northwest quarter of Section 35, Township 13 North, Range 18, E.W.M. lying North of a line beginning at a point on the East line of said West 1/2 a distance of 894 feet North of the Southeast corner of said West 112;

thence Northwesterly in a straight line to a point in the West line of said West 1/2 which said point is situate 978 feet North of the Southwest corner of said West 1/2

EXCEPT that portion lying South of the center line of Wide Hollow Creek as same existed on May 31, 1966

AND EXCEPT the North 25 feet thereof as conveyed to the City of Yakima for street.

Situated in Yakima County, State of Washington.

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DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

**CITY OF YAKIMA PLANNING DIVISION'S
FINDINGS of FACT, CONCLUSIONS, & RECOMMENDATION
for**

**REQUEST FOR PLANNED DEVELOPMENT, PRELIMINARY LONG PLAT AND
ENVIRONMENTAL REVIEW**

File Numbers: PD#002-20, PLP#001-20 & SEPA#012-20

APPLICANT: Racquet Lane Townhomes LLC
APPLICANT ADDRESS: 500 Grade St., Kelso, WA 98626
PROJECT LOCATION: 2600 Racquet Ln.
TAX PARCEL NUMBER: 181335-24022
DATE OF REQUEST: April 22, 2020
DATE OF RECOMMENDATION: July 23, 2020
STAFF CONTACT: Eric Crowell, Associate Planner

I. DESCRIPTION OF REQUEST:

Master Planned Development to subdivide approximately 5.32 acres into 73 lots for 73 townhomes in the R-3 zoning district with a tract for common areas.

II. SUMMARY OF DECISION:

The Administrative Official recommends **approval** of the Planned Development and Preliminary Plat, subject to conditions.

III. FACTS:

A. Property History

1. This 73-unit townhome development was originally reviewed under CL2#012-17/ SEPA#018-17/CAO#002-17, was approved on February 28, 2018, and is currently under construction. After construction began, the developer had a desire to sell the units as individual lots rather than condominiums, the former of which requires the PLP/PD process.

B. Processing

1. The applications for a Planned Development, Preliminary Long Plat, and SEPA Environmental Review were received on April 22, 2020.
2. The applications were deemed complete for processing on May 11, 2020.
3. The applications are being processed under YMC Ch. 14.20 for Subdivision, YMC Ch. 15.28 for Master Planned Development Overlay, and YMC Ch. 6.88 for SEPA Environmental Review.

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4. Pursuant to YMC Ch. 1.43, the Hearing Examiner has the authority to make a recommendation on matters prescribed by YMC Title 15.
5. **Public Notice:** In accordance with YMC Title 14, Subdivision Ordinance; YMC Title 15, Urban Area Zoning Ordinance; and YMC Title 16, Development Permit Regulations, notice was provided for this application as follows:
 - a. The subject property was posted with a land use action sign on May 1, 2020.
 - b. A Notice of Application and Environmental Review was sent to the applicant, SEPA agencies, and adjoining property owners within 300 feet of the subject property on May 11, 2020.
 - c. Due to the ongoing COVID-19 pandemic, both the Notice of Public Hearing and SEPA determination were postponed until the Planning Division could devise a process of holding such meetings virtually.
 - d. The 20-day public comment period for SEPA ended on June 1, 2020, and no comments were received.
 - e. A Notice of DNS and Public Hearing was sent to the applicant, SEPA agencies, and adjoining property owners within 300 feet of the subject property on June 30, 2020.
6. **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 requirements of a Planned Development. A Determination of Non-Significance (DNS) was issued on June 30, 2020, and was not appealed.

C. Transportation Concurrency: According to the decision for CL2#012-17, Section III (G)(1), a study entitled Traffic Analysis Report for Racquet Lane Apartments was submitted by Charbonneau Engineering Inc. on February 1, 2018. The study evaluated intersections along S. 24th Ave. at the intersections of W. Mead Ave., Racquet Ln., and W. Washington Ave. regarding traffic flow and delay. This included 2018 existing traffic, 2021 background traffic, and 2021 total traffic as it pertains to level of service (LOS) and average delay per vehicle during the PM peak hour.

D. Current Zoning and Land Use:

1. The subject property is approximately 5.2 acres, is zoned Multi-Family Residential (R-3), and has permits issued for the approved development (CL2#012-17).
2. YMC § 15.03.020 (D) provides that the purpose of the Multi-Family Residential District is intended to:
 - a. Establish and preserve high-density residential districts by excluding activities not compatible with residential uses;

- b. Locate high-density residential development more than twelve dwelling units per net residential acre in areas receiving the full range of urban services;
 - c. Locate high-density residential development near neighborhood shopping facilities; and
 - d. Locate high-density residential development so that traffic generated by the development does not pass through lower-density residential areas.
3. The surrounding properties contain uses and zoning as follows:

Direction	Zoning	Land Use
North	B-1, R-1	Commercial, Residential
South	M-1	Vacant (Wide Hollow Cr.)
East	M-1	Commercial
West	M-1, R-1	Vacant

E. Planned Development—Written Narrative

Pursuant to YMC § 15.28.030, the applicant has requested this Planned Development for the benefit of this subdivision in order to create townhouse lots ranging in size from 1,440 to 1,491 square feet, and has provided in the application (dated April 22, 2020) the following statements explaining the applicant’s reasons for the Planned Development:

1. What land uses are proposed?

The approved development consists of 73 residential units under the land use category: attached single-family dwelling, common wall. Part of the site is a protected open space area consisting of Wide Hollow Creek, designated floodplain areas, wetlands and required buffers.

2. Will the land be subdivided? If so, what type of subdivision? (Long Plat, Short Plat, Binding Site Plan, etc.)

The 73 individual lots are to be created by regular subdivision (long plat).

3. How does the proposed Planned Development allow flexibility in development standards and permitted uses while ensuring compatibility with neighboring uses?

There are no changes in the land use, only the type of ownership is different. From the standpoint of neighboring property owners there should be little to no noticeable difference.

4. Describe how the proposed Planned Development facilitates the efficient use of the land.

Fee simple ownership as being proposed is considered by the applicant to be more efficient because it reduces or avoids development costs associated with condominiums and provides the owners with individual outdoor use areas and parking rather than just indoor living space. Other than that, there is no difference in the use of the land from that of the multiple-family residential use determined through Class 2 Review to conform to City standards, adopted in part, to provide for more efficient use of the land. It is believed there is market demand for housing using this approach.

5. Describe how the proposed Planned Development increases economic feasibility (i.e., fostering efficient arrangement of land use, buildings, transportation systems, open space and utilities).

The approved townhouse development has already been determined to be consistent with the Multi-family Residential (R-3) zoning district and comprehensive plan and compatible with surrounding land uses. The proposal does not change the number of dwelling units, density or site layout. The planned development and subdivision are efficiently laid out and consist of private vehicular circulation and parking and common open space in addition to privately owned open areas and residential lots.

6. How does the proposed Planned Development preserve or enhance natural amenities, features, shorelines and critical areas in the development of the site?

The approved townhome development was reviewed under the critical areas ordinance and conditions imposed to protect the Wide Hollow Creek stream corridor, including wetlands and flood hazard areas, all of which are contained within an open space area under common ownership. A wetland delineation and report were prepared, mitigation measures identified and implemented including a vegetative buffer 50 feet from the edge of the delineated wetlands or coterminous with the edge of the 100-year floodplain, whichever is greater. Since there are no physical changes or modifications in site or building layout, this project does not change open space areas or how the project affects critical areas.

Other open spaces are mostly unchanged, although as proposed, each lot will incorporate part of the open space area located directly behind the residential unit. This provides an amenity to lot owners and should also benefit the project by reducing demand on use of more sensitive open space areas. Open areas in common ownership remain and approved sitescreening is not modified by this proposal.

7. Identify environmental impacts and appropriate mitigation measures.

The town home development went through SEPA environmental review with a Determination of Nonsignificance issued on February 28, 2018. Although no significant adverse environmental impacts were identified, measures that were

required or taken to reduce adverse effects included delineating wetlands, preserving them and other critical areas in open space, setting aside other open space areas, sitescreening, developing a stormwater system utilizing low-impact development concepts and on-site retention of stormwater. Improvements to Racquet Lane include frontage improvements, illumination and future extension to S. 27th Avenue. Fire access is provided to all buildings as required by the IFC. A traffic study was conducted and determined that traffic generated by the approved 72 dwelling units would maintain levels of service above adopted minimums.

All of these measures have been or are being met by the existing development and there are no proposed changes to any of them being made under this application.

8. How does the proposed Planned Development encourage environmentally sustainable development?

The project uses "low-impact development" concepts defined as stormwater management and land development strategies that emphasize conservation and use of existing natural site features integrated with disturbed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential settings (YMC 15.02.020). It also encourages sustainable development by retaining stormwater on-site and preserving sensitive natural areas in open space. While the R-3 zoning district allows for 80 percent lot coverage, the lot coverage of this site is 55 percent. Proposed density (existing, since gross density is not being changed by this proposal), lot coverage and common open space ensures that stormwater facilities are functional.

9. What services and facilities are available to serve the property? Are those services adequate?

Utilities and services that have been provided by the developer for the townhome project or that are already available include City sewer, water, natural gas, cable television and irrigation. All should be adequate based on the previous review since there are no changes in project design and no increase in number of residential units. Engineering design for the provision of City sewer and water service has been completed and approved. It includes a looped water line and fire hydrants. The proposed location of a private sewer line is being changed to conform to City policy to not extend such lines within easements across neighboring lots. The currently proposed location is between the separate buildings consisting of units (Lots) 60 to 66 and 67 to 73. It is to be relocated to the vehicle access area in front of (west of) the building that has units 67 to 73.

Private water service lines that extend from the meters across neighboring lots are to be included in the public service easement in front of each of the buildings.

10. Will the proposed development promote economic development, job creation, diversification or affordable housing?

With or without the Master Planned Development, the project provides economic development and construction jobs. The proposed housing is affordable and intended for entry-level buyers, an under-served housing market. Providing these townhome units for fee simple ownership is unique for a residential development of this type and will provide a new and diversified option for home buyers.

11. How does the proposed development create vibrant mixed-use neighborhoods, with a balance of housing, commercial, and recreational facilities?

The site location includes a mixture of housing types and commercial land uses. A membership athletic facility is located nearby and other recreational opportunities in the immediate vicinity include Kissel Park and the Perry soccer complex.

12. How is the proposal consistent with goals, policies, and objectives of the Yakima Urban Area Comprehensive Plan?

The proposal is consistent with the purpose of the Commercial Mixed-Use future land use designation in that it promotes greater integration of mixed uses, offers development choices to property owners and increased housing options (Policy 2.2.4.A).

It provides for a wide variety of housing types within the city to meet the full range of housing needs for Yakima's evolving population (Policy 2.3.1).

Townhouses in the R-3 zone are encouraged as an efficient form of housing. The project emphasizes pedestrian-oriented design, façade articulation and usable open space (Policy 2.3.1.F).

Under Goal 2.7: "Resource protection and sustainable design. Reinforce and enhance Yakima's environmental stewardship" are policies to protect sensitive natural areas, restore graded natural areas, use functional low impact development features such as bio-swales.

Under Goal 5.1: "Encourage diverse and affordable housing choices," is Policy 5.1.4 to facilitate condominiums and other options that increase the supply of affordable homeownership options and the diversity of housing that meet the needs of aging, young professional and small and large households. Policy 5.1.9 supports proposals for affordable assisted and market rate housing based on criteria that include dispersion of affordable housing throughout the City, convenient access to transit, a range of unit types, ownership housing when possible and long-term affordability. While this proposal meets all these criteria, in particular it is consistent with providing diverse and ownership housing.

Sewer line relocation and water line location are consistent with Policy 8.2.1 to use land use, design and construction policies and regulations to manage placement and construction of utilities, encouraging the efficient use of land and co-location of facilities where feasible. It is also consistent with Policy 8.2.2 to ensure that utility facilities are designed, built and maintained to have a minimal impact on surrounding neighborhoods.

The proposal does not reduce existing project consistency with any of the policies under Goal 9.3 to manage floodplains to protect public health and safety and to support ecological function.

13. How does the proposed Planned Development utilize unique and innovative facilities that encourage the efficient and economical use of the land?

Providing a unique type of home ownership for a high-density residential development with low-impact characteristics encourages the efficient and economical use of the land.

14. Does the proposed Planned Development promote a sound system for traffic and pedestrian circulation? Describe.

There are no changes in approved traffic and pedestrian circulation, which is effectively a parking lot characterized by low vehicular speeds and convenient parking for residential units along with overflow parking.

15. How does the proposed Planned Development promote open space and use of natural and/or developed amenities?

The Wide Hollow Creek corridor, a natural amenity, is preserved as required by the approval decision for the townhome project. Other open space areas and buffers are being provided and each residential unit will have its own separate lawn/landscaped area.

16. Will the proposed Planned Development provide an architecturally attractive, durable and energy efficient development?

The approved residential structures are unchanged by the application and have been approved subject to City construction and energy standards.

17. Please provide a summary of all previously known land use decisions affecting the applicant's property and all outstanding conditions of approval with respect to such prior land use decisions.

Land use decisions applicable to the project are the Class 2 review approval in 2017 for the townhomes (approved as attached single-family dwellings, common wall) and a critical area standard development permit. Other previous land use

decisions for this site are not applicable because development that was approved under them no longer exists.

Since the approved residential buildings are still under construction, some of the outstanding conditions of the Type 2 review that were to be met prior to building permit or certificate of occupancy issuance have not yet been completed. Since they are now being constructed under standards for townhomes, rather than apartments, with fire rated walls between dwelling units, improvements such as sprinklers and vehicle charging stations are no longer a code requirement. Sitescreening, three streetlights, Racquet Lane frontage improvements consisting of curbs, gutters and sidewalks and S. 27th Avenue street extension have been completed, are under construction or soon will be. All are requirements for certificate of occupancy.

Conditions required for building permit issuance including civil design of fire hydrants, on-site water mains and stormwater facility design have been approved and are being installed. An erosivity waiver was approved as allowed and best management practices for sediment and erosion control are being implemented for site development. There are no underground injection control wells. All structures that were on the site have been demolished or removed.

A final site plan for the townhome development has been approved. Sitescreening standard 'A' is shown on the north and east property lines while standard 'C' is substituted on the west line. Wetland buffers as provided for by the wetland delineation and report are provided in the stream corridor. Modifications of the final site plan include creation of individual lots and relocation of a sewer line.

No additional conditions were required for the approved critical areas standard development permit. Compliance with the permit is indicated by the approval of the final site plan with wetland buffers as shown.

18. Any other development standards proposed to be modified from the underlying zoning district requirements.

Development standards that are being reduced by this application are minimum lot size and lot width. If because of the subdivision, the private access easements are considered to be private streets, the Title 12 easement and pavement width standards would be reduced and curbs and sidewalks are not being provided in the manner normally required for private streets. Lighting and parking are being provided along with emergency and refuse vehicle accessibility and turning around. Depending on how the travel-ways are characterized under YMC 15.05, the front setback standard may need to be slightly modified.

The minimum lot size standard of 3,500 square feet for single-family common wall lots in the R-3 zone is to be reduced to 1,440 and 1,491 square feet.

The minimum lot width standard of 35 feet for common wall lots in the R-3 zone is being reduced to 18 feet.

Access to each of the lots is to be provided by what is essentially a parking lot and was reviewed and approved as such in accordance with the parking standards of YMC 15.06. If as a result of this subdivision, the access ways are treated as either private streets or private access easements, width of the easement and the traveled way would be reduced to 24 feet and there would not be the typically required curbs and sidewalks. For the purposes of building setback standards of YMC 15.05, Table 5-1, the front residential setbacks would be 34 feet from the centerline of the traveled way if considered to be a private road, but it would meet the 10-foot setback from edge of the access easement.

Side setbacks from the access way to the south would meet both standards provided that the parking spaces to the south are not included in the access easement for the purposes of determining the setback.

The purpose of these reductions is to accommodate the individual living units on separate lots. This is effectively being done in the same manner as for condominiums and has no greater effect on the purposes of these standards to maintain the residential character of the area or to not allow increased net density for zero lot line, attached and multi-family dwellings because gross density is not being changed and there is no upper net density limit in the R-3 zone. There is no greater or adverse effect on the purposes of lot width standards to prevent irregularly shaped lots along and control access to, rights-of-way. Lots are not irregularly shaped, they are just smaller than typical, access is completely internal to the site and access to public right-of-way is unchanged. For all of these reasons, this proposal will not change neighborhood character.

Whether the vehicle areas are considered to be private roads or a parking lot, the purposes of setbacks standards are being met because there is no change in the effect that access would have on privacy, light, air, emergency access, or from traffic on adjoining property owners.

19. What are the aesthetic considerations related to building bulk, architectural compatibility, light and glare, urban design, solar access and shadow impacts.

Zoning district standards being reduced have no overall effects on compatibility because they are internal to the site and do not alter density, setbacks, access, or improvement requirements for the external boundaries of the site.

20. Please provide an inventory of any on-site cultural, historic and/or archaeological resources.

Review of public records available on-line from the Department of Archaeology and Historical Preservation showed no inventoried resources on the project site.

F. Development Services Team Review: A Development Services Team (DST) Review was conducted during the week of May 11, 2020, for technical review of this project. The following comments were received:

1. Code Administration:
 - a. Preliminary addressing for the Plat is as follows:

Lot 1	2600 Racquet Ln. #1	Lot 26	2600 Racquet Ln. #26	Lot 51	2600 Racquet Ln. #51
Lot 2	2600 Racquet Ln. #2	Lot 27	2600 Racquet Ln. #27	Lot 52	2600 Racquet Ln. #52
Lot 3	2600 Racquet Ln. #3	Lot 28	2600 Racquet Ln. #28	Lot 53	2600 Racquet Ln. #53
Lot 4	2600 Racquet Ln. #4	Lot 29	2600 Racquet Ln. #29	Lot 54	2600 Racquet Ln. #54
Lot 5	2600 Racquet Ln. #5	Lot 30	2600 Racquet Ln. #30	Lot 55	2600 Racquet Ln. #55
Lot 6	2600 Racquet Ln. #6	Lot 31	2600 Racquet Ln. #31	Lot 56	2600 Racquet Ln. #56
Lot 7	2600 Racquet Ln. #7	Lot 32	2600 Racquet Ln. #32	Lot 57	2600 Racquet Ln. #57
Lot 8	2600 Racquet Ln. #8	Lot 33	2600 Racquet Ln. #33	Lot 58	2600 Racquet Ln. #58
Lot 9	2600 Racquet Ln. #9	Lot 34	2600 Racquet Ln. #34	Lot 59	2600 Racquet Ln. #59
Lot 10	2600 Racquet Ln. #10	Lot 35	2600 Racquet Ln. #35	Lot 60	2600 Racquet Ln. #60
Lot 11	2600 Racquet Ln. #11	Lot 36	2600 Racquet Ln. #36	Lot 61	2600 Racquet Ln. #61
Lot 12	2600 Racquet Ln. #12	Lot 37	2600 Racquet Ln. #37	Lot 62	2600 Racquet Ln. #62
Lot 13	2600 Racquet Ln. #13	Lot 38	2600 Racquet Ln. #38	Lot 63	2600 Racquet Ln. #63
Lot 14	2600 Racquet Ln. #14	Lot 39	2600 Racquet Ln. #39	Lot 64	2600 Racquet Ln. #64
Lot 15	2600 Racquet Ln. #15	Lot 40	2600 Racquet Ln. #40	Lot 65	2600 Racquet Ln. #65
Lot 16	2600 Racquet Ln. #16	Lot 41	2600 Racquet Ln. #41	Lot 66	2600 Racquet Ln. #66
Lot 17	2600 Racquet Ln. #17	Lot 42	2600 Racquet Ln. #42	Lot 67	2600 Racquet Ln. #67
Lot 18	2600 Racquet Ln. #18	Lot 43	2600 Racquet Ln. #43	Lot 68	2600 Racquet Ln. #68
Lot 19	2600 Racquet Ln. #19	Lot 44	2600 Racquet Ln. #44	Lot 69	2600 Racquet Ln. #69
Lot 20	2600 Racquet Ln. #20	Lot 45	2600 Racquet Ln. #45	Lot 70	2600 Racquet Ln. #70
Lot 21	2600 Racquet Ln. #21	Lot 46	2600 Racquet Ln. #46	Lot 71	2600 Racquet Ln. #71
Lot 22	2600 Racquet Ln. #22	Lot 47	2600 Racquet Ln. #47	Lot 72	2600 Racquet Ln. #72
Lot 23	2600 Racquet Ln. #23	Lot 48	2600 Racquet Ln. #48	Lot 73	2600 Racquet Ln. #73
Lot 24	2600 Racquet Ln. #24	Lot 49	2600 Racquet Ln. #49		
Lot 25	2600 Racquet Ln. #25	Lot 50	2600 Racquet Ln. #50		

- b. Per Yakima Municipal Code (YMC) 7.56.080, the applicable water connection charges shall be paid in full at or before the time a building permit is obtained. Payment of applicable Wastewater connection fees must be paid pursuant to YMC 7.58. Any work to be performed in City right-of-way requires an Excavation permit from City Engineering prior to commence work YMC 8.72.

2. Yakima Regional Clean Air Agency
 - a. Contractors doing construction, demolition, excavation, clearing, or landscaping work must file a Dust Control Plan with YRCAA, prior to the start of any work.

3. Washington State Department of Ecology
 - a. Project with Potential to Discharge Off-Site: If the 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.

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.

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.

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact Lloyd Stevens, Jr. at the Dept. of Ecology, 509-571-3866, with questions about this permit.

4. WSDOT Aviation Division
 - a. This development is located within Zone 6 of the WSDOT Airports and Compatible Land Use Guidebook's Airport Compatibility Zones. Multi-family developments are permitted in Zone 6. However, these activities should be review to ensure they do not create height hazard obstructions, smoke, glare, dust, electronic interference, wildlife attractants, or any other airspace hazards are mitigated.

G. Applicable Law—Subdivision

1. YMC § 15.03.020 (D): R-3 Zoning District Defined: The R-3 zoning district is intended to establish and preserve high-density residential districts by excluding activities not compatible with residential uses, locate high-density residential development more than 12 dwelling units per net residential acre in areas receiving the full range of urban services, locate high-density residential development near neighborhood shopping facilities, and locate high-density residential development so that traffic generated by the development does not pass through lower-density residential areas.
2. YMC § 15.05.030 (A): Creation of new lots—Subdivision requirements: Table of Subdivision Requirements: Pursuant to YMC § 15.05.030 (A), this 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: Zone 6—Traffic Pattern Zone. The final zone contains the remainder of the airport environment where aircraft fly as they approach and depart the airport or are engaged in flight training. In area, zone 6 is typically larger than the other zones combined. A substantial percentage of accidents take place here, but they are scattered over the large area.
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 building, structure, communication tower, use, or tree(s) or to top the tree to reduce its 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 § 15.30.060: Land Use Overlays: Within Land Use Overlay 4 (Zone 6—Traffic Pattern Zone), Multifamily Development is a Class (1) use.
6. YMC § 15.30.070 (D): Application Requirements: An aviation easement and deed declaration, which recognizes the preexistence of the airport and the right of over flight, shall be recorded for all uses within the approach and transitional surfaces of the conical surface area.
7. 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 International Fire Code (2009 Edition). Additionally, such residential developments shall be subject to the requirements of Section D105 of Appendix D, International Fire Code (2009 Edition), pertaining to aerial fire apparatus roads, as applicable. All provisions of the International Fire Code referenced above are hereby adopted and incorporated herein by this reference, as now existing or as hereafter amended and adopted by the city. Minimum requirements for the primary and secondary access will be at least twenty feet wide, unobstructed, paved lanes.
8. 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.
9. 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.

10. 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.
11. YMC § 12.03.040: Minimum sewer size: The minimum size for public sewer lines is eight inches in diameter.
12. 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.
13. 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 of the development site and other properties in the vicinity.
14. 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, 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.
15. 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.
16. 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 system shall conform to the requirements of Nob Hill Water Company.
17. 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.

18. 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.
19. 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.
20. 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.
21. YMC § 12.06.080: Street lighting: A street light shall be installed at each street intersection and at mid block 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.
22. YMC § 14.05.200 (A-B): Allowance of bond in lieu of actual construction of improvements prior to approval or 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.

23. RCW 58.17.110 (1) and YMC § 14.20.120: 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, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks

and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

H. Applicable Law—Master Planned Development Overlay

1. YMC § 15.28.010 (A): Purpose: A master planned development overlay (PD) is a comprehensive development plan intended to provide flexibility in design and building placement, promote attractive and efficient environments that incorporate a variety of uses, densities and/or dwelling types, provide for economy of shared services and facilities, and economically utilize the land, resources, and amenities.
2. YMC § 15.28.025: Minimum Project Size: The minimum project size for a master planned development shall be two acres. All properties included in the master development plan shall be contiguous with logical outer boundaries.
3. YMC § 15.28.050: Development Agreement: An approved master planned development overlay (including conditions and development standards) shall be incorporated into a development agreement as authorized by RCW 36.70B.170. The development agreement shall provide for vesting of such development conditions and standards as are deemed reasonable and necessary to accomplish the goals of the master planned development. This agreement shall be binding on all property owners within the master planned development and their successors and shall require that development of the subject property be consistent with and implement the provisions of the approved master planned development. The approved development agreement shall be signed by the city manager and all property owners and lienholders within the boundaries of the master planned development overlay and recorded prior to approval and/or issue of any implementing plats or permits.
4. YMC §§ 15.28.070 (A): Vesting: The master planned development review shall be vested to development regulations, standards, conditions, and laws applicable at the time the development agreement described in YMC 15.28.050 is recorded, inclusive of specific conditions and standards set forth in said development agreement. The vesting period shall be for the time stated in the development agreement associated with each specific master planned development and shall be agreed upon by the parties to the development agreement after giving consideration to the extent and complexity of the proposed development as well as specific development planning considerations raised by the developer. During the stated vesting period the applicant shall be entitled to implement the master planned development in accordance with the terms and conditions of approval described in the development agreement.
5. YMC § 15.09.100 (H): Private Street Review Requirements: The face of any plat, short plat, master development plan, binding site plan, or condominium document containing a private road, and all subsequent documents transferring ownership of lots within such plat or short plat, shall bear the following language:

"The City of Yakima has no responsibility to build, improve, maintain or otherwise service any private road for this plat/short plat. Any right-of-way dedicated to the

public by this plat/short plat shall not be opened as a City (or County) street until such time as it is improved to city street standards and accepted as part of the City transportation system.”

I. Yakima Comprehensive Plan 2040

1. Defined: Commercial Mixed Use promotes the greater integration of mixed uses that offer greater development choices to property owners, increased housing options, strengthened commercial retail areas, and lively pedestrian-oriented development.
2. The following goals and policies apply to this proposal:
 - a. Goal 2.3: Preserve and enhance the quality, character, and function of Yakima’s residential neighborhoods.
 - i. Policy 2.3.1: Provide for a wide variety of housing types within the city to meet the full range of housing needs for Yakima’s evolving population.
 - ii. Policy 2.3.1 (C): Small lot single family. Allow for small lot single family development (lots smaller than 6,000 square feet) in special circumstances, including:
 - Within a master planned development on sites over two acres in size in applicable zones, provided the development incorporates traditional neighborhood design concepts and conformity with district density requirements.
 - iii. Policy 2.3.1 (F): Townhouses. Encourage the development of townhouses in the R-2 and R-3 zones and commercial/mixed-use zones as an efficient form of housing. Design standards should emphasize pedestrian-oriented design, façade articulation, and usable open space.
 - b. Goal 5.1: Encourage diverse and affordable housing choices.
 - i. Policy 5.1.4: Facilitate small lot sizes, condominiums, clustering and other options that increase the supply of affordable homeownership options and the diversity of housing that meet the needs of aging, young professional, and small and large households.

IV. SUBDIVISION FINDINGS:

A. Background and Processing:

1. The subject property has permits issued for the approved development (CL2#012-17), is approximately 5.2 acres in size, has a Future Land Use designation of Commercial Mixed Use, and is zoned Multi-Family Residential (R-3).
2. Pursuant to RCW Ch. 58.17, YMC § 1.43.080 and YMC § 14.20.100, the City of Yakima Hearing Examiner is authorized to make a recommendation for approval or disapproval, with written findings of fact and conclusions to support the recommendation to the City Council on preliminary plats due to a Master Planned Development Overlay being part of the application. Within ten working days of

the conclusion of a hearing, unless the applicant agrees to a longer period in writing, the Hearing Examiner shall render a written recommendation, which shall include findings and conclusions based on the record.

3. Public notice for this public hearing was provided in accordance with the Yakima Municipal Code.

B. Planned Development Site Design and Improvement Standards:

1. One of the purposes of the Planned Development Ordinance is to allow flexibility in development standards. This proposal includes the following development standards:
 - a. Lot Size: The preliminary plat and planned development indicates that lot sizes will range from 1,440 square feet to 1,491 square feet.
 - b. Lot Width: The preliminary plat indicates that the lots will be 18 feet wide.
 - c. Lot Coverage: The maximum lot coverage permitted in the R-3 zoning district is 80 percent and the overall development has sufficient area to comply with this development standard.
 - d. Setbacks: All lots within the preliminary plat and planned development propose the following setbacks:

Location	From Centerline of Right-of-Way	From Property Line
Front, Access Easement	34	10 feet
Rear	N/A	0 feet
Side (access easement)	30 feet from the centerline of the 24-foot-wide driveway	0 feet
Side (internal)	N/A	0 feet

2. Maximum Building Height: YMC Ch. 15.05 Table 5-1 identifies that the maximum building height for development within the R-3 zoning district is 50 feet. However, the subject parcel is located entirely within Airport Safety Overlay (ASO) Zone 6, which limits building height to 35 feet. As identified in the applicant's State Environmental Policy Act Checklist, the tallest structure will be no more than 35 feet in height, complying with the standard.
3. Access: In accordance with YMC §15.05.020 (H), all lots have 20 feet of frontage upon a public street, or are accessed through the common area within the planned development.
4. Sidewalk: Per the provisions of the Planned Development, there will be no curb, gutter, or sidewalk along the interior private access easement and adjacent townhome lots. In accordance with YMC §.15.05.020 (J), the preliminary plat

identifies that curb, gutter, and sidewalk is proposed to be constructed along the site's Racquet Ln. frontage.

5. Density: With a density of approximately 16.7 dwellings per net residential acre, the proposed preliminary plat complies with YMC § 15.05.030 (B) and Table 4-1 of Ch. 15.04 of the UAZO which allows Multifamily Development 13 dwelling units or greater in the R-3 zone as a Class (1) use.
 - a. Net residential density excluding streets calculated per YMC § 15.05.030:
 - Total lot area: 5.2 acres
 - Access easement on Tract A: approximately 0.80 acres
 - 73 dwelling units / 4.4 = 16.6 dwelling units per net residential acre
6. Streets/Dedication of Right-of-Way: No additional right-of-way is required to be dedicated. Curb, gutter, and a five-foot-wide sidewalk shall be installed along the site's Racquet Ln. frontage.

C. Development Standards:

1. Frontage Improvements
 - a. Per the development agreement, the applicant is not proposing to install sidewalk along parcel frontages, but will be required to install curb, gutter, and sidewalk along the site's frontage on Racquet Ln. The street section shall conform to standard detail R3 and the new sidewalks shall be constructed per standard detail R5, in accordance with YMC Ch. 8.67 and 12.05.
 - b. At minimum, one street light shall be installed midblock on the westernmost section of the loop as 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.
 - c. Pursuant to Ch. 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 will cost 150 percent of the restoration fee with no PCI discount.
2. Wastewater
 - a. Sewer has been extended across Racquet Ln. to the subject parcel.
 - b. A minimum sixteen foot easement shall be maintained over all public utility lines in accordance with YMC §§ 12.02.010 and 12.02.020.
 - c. All lots with the subject plat shall be served by a separate side sewer line from a public main in accordance with YMC § 12.03.070.
 - d. Sewer is to be installed per the Yakima Municipal Code.

3. Water
 - a. The applicant shall extend potable water to the subject plat in accordance with YMC § 12.04.10.
 - b. Water is served by the City of Yakima, and the preliminary plat displays water service extending south from Racquet Ln. into the new subdivision to serve all lots.
4. Irrigation
 - a. The subject parcel is not located within an irrigation district.

D. Easements: Easements are to be established in accordance with YMC §§ 12.02.010 and 12.02.020.

E. Subdivision Ordinance

As proposed, and with the recommended conditions, this preliminary plat meets all the design requirements of YMC Title 14, the City's subdivision ordinance and the development standards of YMC Title 12. The recommended conditions are intended to ensure consistency with the provisions of the City's subdivision ordinance and that appropriate provisions are provided for the following:

1. Public health, safety, welfare: This proposal complements 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 Hearing Examiner.
2. Open spaces: The proposed plat provides for open spaces throughout the development.
3. Drainage systems: Drainage system facilities will be provided in accordance with state and local regulations including the City of Yakima Municipal Code and the Eastern Washington Storm Water Manual.
4. Streets, alleys, and other public ways: The subject property has frontage upon Racquet Ln., and proposes a private access easement across Tract A to provide adequate access to all lots.
5. Water supplies: Public water is required to be used for domestic and fire flow purposes, and water is available to the site from the City of Yakima.
6. Sanitary waste disposal: A City of Yakima sewer main capable of serving the development has been extended west along Racquet Ln., and side sewers have been extended through Tract A in order to serve all lots.
7. Parks and playgrounds: Open space, parks, recreation, and playgrounds are located approximately one mile from this subdivision due to the proximity of Kissel Park.

8. Sites for schools: McClure Elementary School is located approximately one mile from this subdivision, Lewis and Clark Middle School is located approximately 1.4 miles away, Eisenhower High School is located approximately 2.5 miles away, and Davis High School is located approximately 2.8 miles away.
9. Sidewalks: Per the provisions of the development agreement, sidewalks will not be provided along this development's internal access easement that serves the lots, but will be installed along the Racquet Ln. frontage.
10. Public Transit: Yakima Transit Routes 7, 9, and 11 pass the intersection of S. 24th Ave. and W. Washington Ave. approximately 0.5 miles south of the subdivision.
11. Serves the public interest and use: This proposed 73-lot residential subdivision is consistent with neighboring land uses and better serves the needs of the City of Yakima than the undeveloped status of the property.

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

V. MASTER PLANNED DEVELOPMENT OVERLAY FINDINGS

A. The purpose of YMC Ch. 15.28 is to provide flexibility in design and building placement, promote attractive and efficient environments that incorporate a variety of uses, densities and/or dwelling types, provide for economy of shared services and facilities, and economically utilize the land, resources, and amenities.

B. Pursuant to YMC § 15.28.040 (D), the hearing examiner shall evaluate a master planned development application and other evidence submitted into the record; and shall issue such recommendation based upon the following considerations and criteria:

1. The master planned development application demonstrates the economic and efficient use of land and provides for an integrated and consistent development plan for the site. The high density nature of the proposed development is consistent with the R-3 zoning district and the future land use designation of Commercial Mixed-Use. The planned development/subdivision design is efficiently laid out and consists of a private access easement, open spaces, and common wall townhome lots.
2. The applicant has identified development standards and uses that are consistent with the master plan and designed in a manner that is compatible with adjacent land uses after consideration of applicable mitigation and site design. The hearing examiner may consider development standards that are different from currently adopted development standards in order to provide flexibility in site planning; to implement project design and concepts; to respond to market

conditions; or to otherwise achieve the public benefits contemplated by the concept plan. The lot sizes, lot width, and structure setbacks will be reduced to allow for each townhome to be situated on its own lot of record, which in turn will allow each dwelling unit to be owner-occupied. The development is compatible with adjacent uses.

3. Consideration shall be given to "low impact development" concepts. The high density layout of the townhomes and adjacent wetland buffer reduces the impact of the development on the abutting Wide Hollow Creek. While the R-3 zoning district allows for up to 80 percent lot coverage, this project will only result in 55 percent lot coverage, less than the maximum permitted even in the lowest density residential zoning districts.
4. There will be adequate infrastructure capacity available by the time each phase of development is completed: By the time each phase is completed, there will be adequate infrastructure capacity available. All phases will be served by city sewer and water. There will be adequate transportation infrastructure, as noted in the Traffic Study, and as required by the conditions of CL2#012-17. The access easement provides for numerous driveway loops connecting to Racquet Ln., allowing for an efficient traffic circulation pattern with no dead ends.
5. The master planned development contains design, landscaping, parking/traffic management, and use mixture and location that limit or mitigate conflicts between the master planned development and adjacent uses. Consideration shall be given to site planning that supports land use flexibility through means of appropriate setbacks, landscaping, sitescreening, buffers, and other design features or techniques. The proposed lot sizes, lot width, and setbacks will allow the dwelling units to be situated in a high density manner, allowing the southern portion of the development to be used for traffic circulation and to serve as a buffer from the Wide Hollow Creek environment.
6. All potential significant off-site impacts including noise, shading, glare, and traffic have been identified and mitigation incorporated to the extent reasonable and practical. There are not anticipated to be any significant off-site impacts. A traffic study was previously performed and frontage improvements will be required by the conditions of CL2#012-17. Each unit will have its own parking, and there will also be overflow parking to the south of the townhome blocks.
7. The project is designed and includes appropriate consideration of open spaces and transportation corridors, designs of street and public open space amenities, and results in the functional and visual appearance of one integrated project. The development contains common open space and private open spaces located on the individual lots. While containing 73 individual parcels for the townhomes, the subdivision will appear visually as a unified project.
8. The proposed development is not adverse to the public health, safety, or welfare. The development will not adversely affect the environs of Wide Hollow Creek, nor is it expected to cause any traffic concerns.
9. The public benefits of approving the master planned development outweigh the effect of modification of standards to the underlying zoning district. Approval of

this planned development will allow each townhome to be situated on its own lot of record, which will allow them to be owner-occupied units. Lot sizes, lot width, and setbacks will be reduced. The development itself will not appear visually different from what was originally approved under CL2#017-20.

10. The proposed development is designed to be consistent with the provisions of the shoreline master program and critical areas ordinance of the appropriate jurisdiction. The original Type (2) Review underwent Critical Areas Review (CAO#002-17), and this planned development will be in full compliance with the conditions of the review and nothing will materially change aside from property lines.

VI. CONCLUSIONS:

- A. The Hearing Examiner has jurisdiction (RCW Ch. 58.17, YMC §§ 1.43.080, 14.20.100, and 15.28.040).
- B. This recommendation is based upon a project narrative and site plan received April 22, 2020.
- C. This Preliminary Long Plat complies with the general requirements for subdivision approval as specified by YMC Ch. 14.20 and 15.05.
- D. This Master Planned Development Overlay and Development Agreement complies with the general requirements for a planned development as specified by YMC Ch. 15.28.
- E. The proposed modifications by the Development Agreement to reduce the lot size, lot width, and setbacks of this subdivision will allow each townhome to be on its own individual lot of record.
- F. A Determination of Nonsignificance (DNS) was issued on June 30, 2020, for this proposed development, and was not appealed.
- G. This proposed subdivision serves the public use and interest and provides for the possibility of creating new additional housing within the City of Yakima.
- H. This preliminary subdivision complies with the goals and objectives of the Urban Area Comprehensive Plan, the intent and purpose of the R-3 zoning district, the provisions of the Urban Area Zoning Ordinance, Subdivision Ordinance, and Title 12 Development Standards, and Chapter 12.08.
- I. The proposed plat complies with the provisions of RCW 58.17.110 and YMC § 14.20.100, providing appropriately for: the public health, safety, and general welfare, open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, sidewalks, and other planning features that assure safe walking conditions for residents of the neighborhood.

VII. RECOMMENDATION:

The Planning Division recommends that this 73-lot subdivision known as "Racquet Lane Luxury Townhomes," file numbers PD#002-20 and PLP#001-20, be approved based

upon the above findings and conclusions and subject to the conditions of approval as follows:

- A. This Subdivision and Planned Development shall comply with conditions A (4), A (6), B (6), and B (7) of CL2#012-17;
- B. 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;
- C. All lots shall be served with public water. No individual domestic or irrigation wells shall be permitted for any of the lots. Prior to final plat approval, written verification from City of Yakima must be submitted to the Planning Division indicating that each lot with the plat has been served with domestic and applicable fees paid;
- D. 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;
- E. A minimum 8-foot wide public utility easement shall be provided adjacent to all public road rights-of-way;
- F. 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;
- G. All public and private utilities shall be located underground, with the exception of telephone boxes and such similar structures;
- H. All public and private utilities to be located within public road rights-of-way must be constructed prior to the start of road construction;
- I. 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;
- J. 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;
- K. 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 of 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;
- L. This plat shall be subject to the following notes, which must be placed on the face of the plat:

1. 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;
2. 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;
3. The City of Yakima has no responsibility to build, improve, maintain or otherwise service any private road for this plat/short plat. Any right-of-way dedicated to the public by this plat/short plat shall not be opened as a City (or County) street until such time as it is improved to city street standards and accepted as part of the City transportation system; and
4. This subdivision is subject to the specific Master Planned Development Overlay of Racquet Lane Luxury Townhomes, as approved by the Yakima City Council on ____, under Resolution No. ____, and recorded under Auditor's File Number ____, which controls the development and usage of this property within this recorded plat. All development shall comply with the following standards:

Minimum Lot Size: 1,440 square feet
 Minimum Lot Width: 18 feet
 Front-Yard Setback: 34 feet from centerline of 24-foot-wide access easement
 Side-Yard Setback: 30 feet from centerline of 24-foot-wide access easement,
 0 feet from interior property line

- M. A current title report covering the subject property must accompany the final long plat;
- N. An aviation easement and deed declaration, which recognizes the preexistence of the airport and the right of over flight, shall be recorded for all uses within the approach and transitional surfaces of the conical surface area;
- O. The applicant and City of Yakima shall enter into a Development Agreement codifying all development standards and conditions of approval prior to final plat approval to be finalized and recorded in accordance with RCW 36.70B and all other laws applicable to development agreements;
- P. Upon preliminary plat approval, the applicant has five years to submit the final plat. Thereafter, 30 days prior to the expiration of said approval the applicant must submit to the City Council a written request asking to extend the approval period for a maximum period of one year; and
- Q. In accordance with YMC 14.20.230, the city shall not issue any building permits until a copy of the final recorded short plat is submitted.
- R. All other requirements of the zoning and subdivision ordinance, although not specifically set forth herein, shall be complied with in their entirety.

VICINITY MAP



File Number: PD#002-20 & PLP#001-20
Project Name: RACQUET LANE LUXURY TOWNHOMES
Site Address: 2600 RACQUET LN



Proposal: Master Planned Development to subdivide approximately 5.32 acres into 73 lots for 73 townhomes in the R-3 zoning district with a tract for common areas. The proposal to develop 73 townhomes was previously approved under file no. CL2#012-17 but did not include a request to subdivide the property into individual lots. Contact the City of Yakima Planning Division at (509) 575-6183

Map Disclaimer: Information shown on this map is for planning and illustration purposes only. The City of Yakima assumes no liability for any errors, omissions, or inaccuracies in the information provided or for any action taken, or action not taken by the user in reliance upon any maps or information provided herein.

Date Created: 7/15/2020

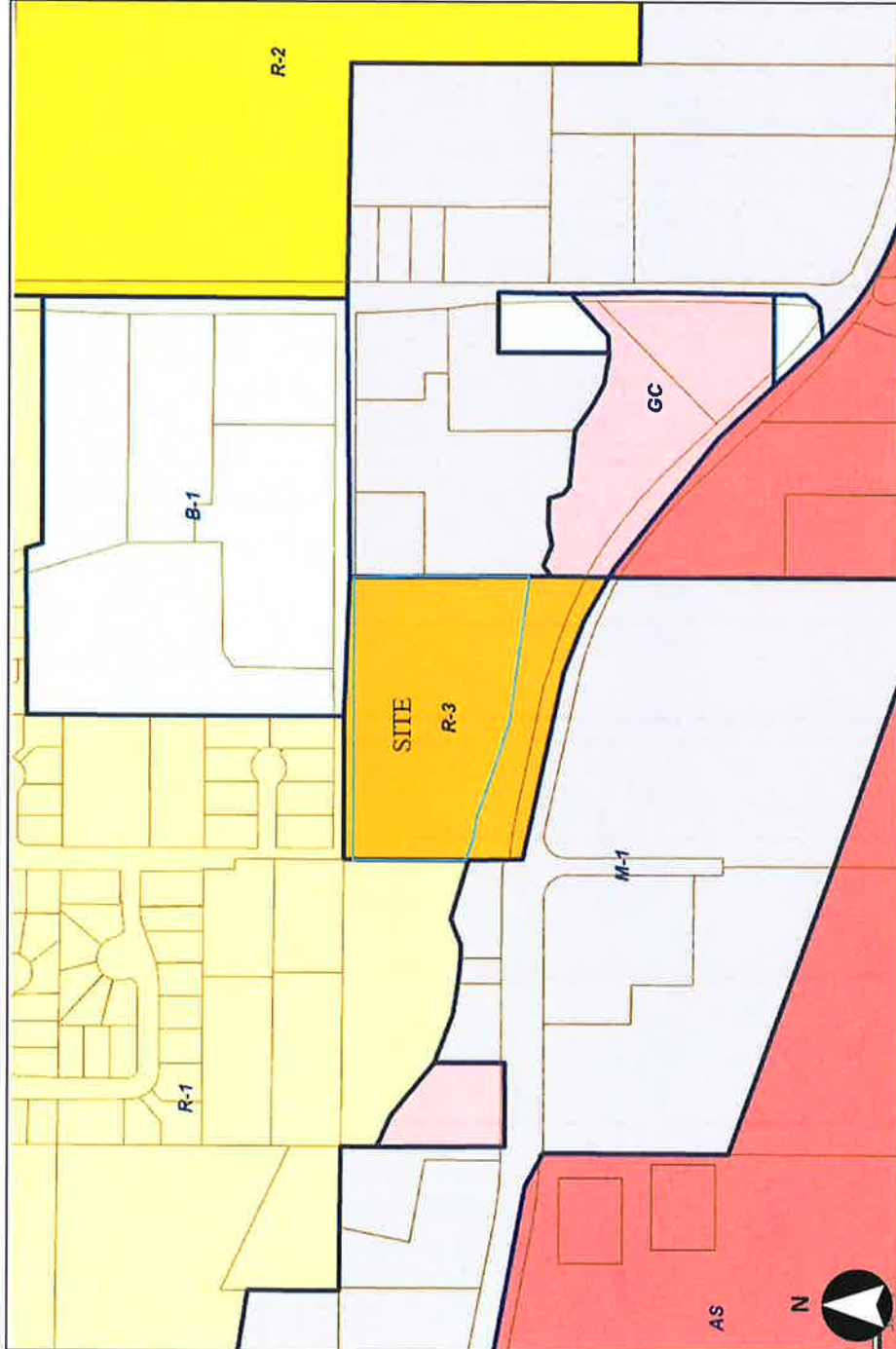


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ZONING MAP



File Number: PD#002-20, PLP#001-20 & SEPA#012-20
 Project Name: RACQUET LANE LUXURY TOWNHOMES
 Site Address: 2600 RACQUET LN



- Yakima Urban Area Zoning
- SR Suburban Residential
 - R-1 Single Family
 - R-2 Two Family
 - R-3 Multi-Family
 - B-1 Professional Business
 - B-2 Local Business
 - HB Historical Business
 - SCC Small Convenience Center
 - LCC Large Convenience Center
 - CBD Central Business District
 - GC General Commercial
 - M-1 Light Industrial
 - M-2 Heavy Industrial
 - RD Regional Development
 - AS Airport Support



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AERIAL MAP

File Number: PD#002-20, PLP#001-20 & SEPA#012-20
Project Name: RACQUET LANE LUXURY TOWNHOMES
Site Address: 2600 RACQUET LN

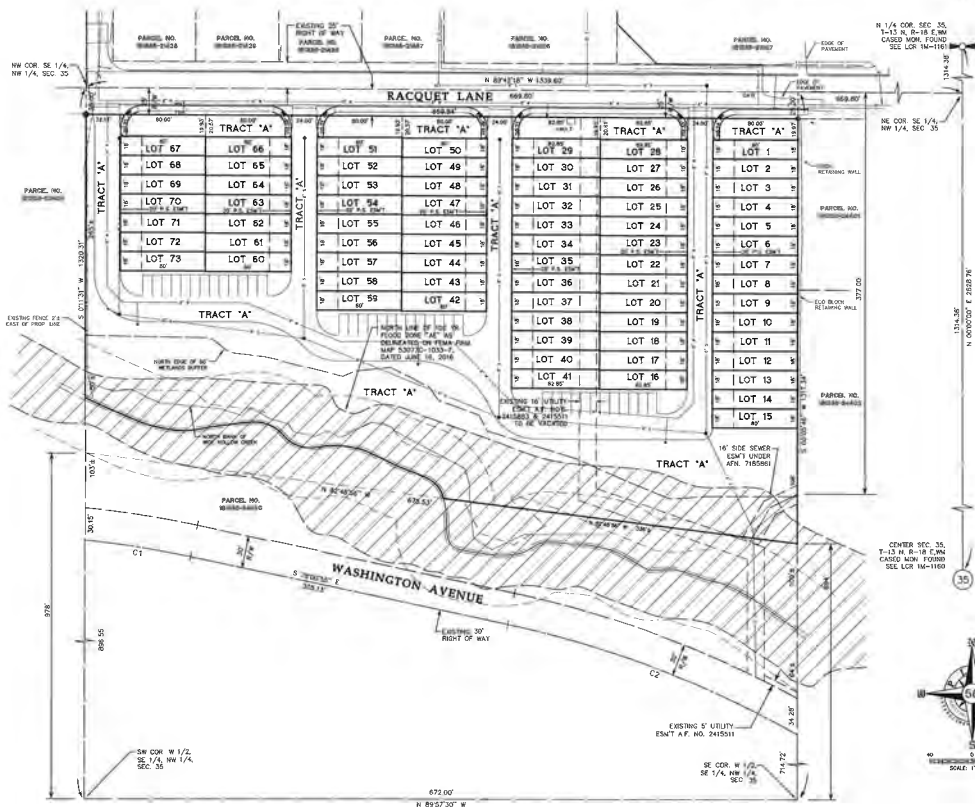


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Date Created: 7/15/2020



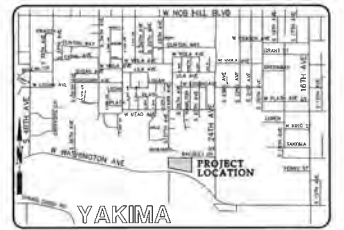
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MASTER PLANNED DEVELOPMENT – SINGLE USE
AND
PRELIMINARY PLAT OF
RACQUET LANE LUXURY TOWNHOMES
IN THE SE 1/4 OF THE NW 1/4 OF SEC. 35, T-13 N, R-18 E.W.M.



LEGAL DESCRIPTION
 THAT PORTION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 13 NORTH RANGE 18 EAST AND LONG NORTH OF A POINT BEGINNING AT A POINT ON THE EAST LINE OF SAID WEST HALF A DISTANCE OF 584 FEET NORTH OF THE SOUTHWEST CORNER OF SAID WEST HALF, THENCE NORTHWESTERLY IN A STRAIGHT LINE TO A POINT ON THE WEST LINE OF SAID WEST HALF, THENCE SAID POINT IS 574 FEET NORTH OF THE SOUTHWEST CORNER OF SAID WEST HALF;
 EXCEPT THAT PORTION LYING SOUTH OF THE CENTERLINE OF WIDE HOLLOW CREEK AS SHOWN HEREON MAY 31, 1956, AND EXCEPT THE NORTH 20 FEET THEREOF CONVEYED TO THE CITY OF YAKIMA FOR STREET.

LOT AREAS
 LOTS 1 THRU 10 AND LOTS 42 THRU 73 EACH HAVE AN AREA OF 1,440 SQUARE FEET
 LOTS 16 THRU 41 EACH HAVE AN AREA OF 1,495 SQUARE FEET.
 TRACT "A" HAS AN AREA OF 2.98 ACRES



VICINITY MAP
NO SCALE
RECEIVED
 APR 22 2020
 CITY OF YAKIMA
 PLANNING DIV

- NOTES**
1. PROPERTY IS ZONED R-3, MULTI-FAMILY RESIDENTIAL.
 2. THE PARCEL CONTAINS 5.56 ACRES.
 3. TRACT "A" WILL BE DESIGNATED AS A PUBLIC SERVICE AND ACCESS EASEMENT FOR THE USE OF ALL PROPOSED LOTS.
 4. RACQUET LANE WILL BE BUILT TO CITY OF YAKIMA STANDARDS AND MAINTAINED BY THE CITY OF YAKIMA. THE OWNERS WHEN THE SITE WILL BE MAINTAINED BY A HOME OWNERS ASSOCIATION.
 5. STORM WATER DRAINAGE IS PROPOSED TO MANAGED ON-SITE.
 6. SANITARY SEWER WILL BE CONNECTED TO THE CITY OF YAKIMA SEWAGE COLLECTION SYSTEM.
 7. DOMESTIC WATER WILL BE CONNECTED TO THE CITY OF YAKIMA DOMESTIC WATER SYSTEM.
 8. THE UNDERGROUND POWER, TELEPHONE, NATURAL GAS AND CABLE TELEVISION SYSTEMS WILL BE PROVIDED THE RESPECTIVE UTILITY.



OWNER/DEVELOPER
 STEF BARDI FOR
 RACQUET LANE DEVELOPMENT, L.L.C.
 500 GRAND STREET
 WELLS, WASHINGTON 98686
 PH: (360) 751-5803

ENGINEER/SURVEYOR
 RICK WEBER
 PLSA ENGINEERING AND SURVEYING
 1130 W LINCOLN AVENUE
 YAKIMA, WASHINGTON 99102
 PH: 575-8990

PLSA ENGINEERING-SURVEYING-PLANNING
 302 NORTHERN BOUND AVENUE SUITE 3
 YAKIMA, WASHINGTON 99102
 (509) 575-8990

MASTER PLANNED DEVELOPMENT
 PRELIMINARY PLAT
 PARCEL NO. 181135 - 24022
 PREPARED BY: JEFF RAUTH
 DATE: 10/1/19

DATE: 8/9/2018
 DRAWN BY: 126190
 SHEET NO. 1
 OF 1

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Maxey, Lisa

From: Platts, Thomas <PlattsT@wsdot.wa.gov>
Sent: Friday, May 29, 2020 9:34 AM
To: Maxey, Lisa
Subject: RE: [EXTERNAL] Notice of Application & SEPA - Racquet Ln Luxury Townhomes - PD# 002-20, PLP#001-20 & SEPA#012-20

Good morning Lisa,

I wanted to reach out and provide comments for this NOA and SEPA package.

This development is located within Zone 6 of the WSDOT Airports and Compatible Land Use Guidebook's Airport Compatibility Zones. Multi-family developments are permitted in Zone 6. However, these activities should be review to ensure they do not create height hazard obstructions, smoke, glare, dust, electronic interference, wildlife attractants, or any other airspace hazards are mitigated.

Thank you and please let me know if you have any questions or concerns.

Max

T.S. "Max" Platts
WSDOT Aviation Division
Aviation Planner
Office: 360-709-8028
Cell: 360-890-5258



From: Maxey, Lisa <Lisa.Maxey@YAKIMAWA.GOV>
Sent: Monday, May 11, 2020 9:09 AM
To: Belles, Carolyn <Carolyn.Belles@yakimawa.gov>; Brown, David <David.Brown@yakimawa.gov>; Calhoun, Joseph <Joseph.Calhoun@YAKIMAWA.GOV>; Contreras, Pedro <Pedro.Contreras@YAKIMAWA.GOV>; Corona, Silvia <Silvia.Corona@yakimawa.gov>; Cutter, Jeff <Jeff.Cutter@yakimawa.gov>; Davenport, Joan <Joan.Davenport@yakimawa.gov>; Dean, James <James.Dean@yakimawa.gov>; DeBusschere, Suzanne <suzanne.debusschere@yakimawa.gov>; Denman, Glenn <Glenn.Denman@yakimawa.gov>; Desgrosellier, Bob <Bob.Desgrosellier@yakimawa.gov>; Doan, Tony <Tony.Doan@YAKIMAWA.GOV>; Horton, Kelli <Kelli.Horton@yakimawa.gov>; Ibarra, Rosalinda <Rosalinda.Ibarra@yakimawa.gov>; Kallevig, Dana <Dana.Kallevig@yakimawa.gov>; Layman, Randy <Randy.Layman@yakimawa.gov>; Markham, Aaron <aaron.markham@yakimawa.gov>; Matthews, Archie <Archie.Matthews@yakimawa.gov>; Maxey, Lisa <Lisa.Maxey@YAKIMAWA.GOV>; Meloy, Randy <Randy.Meloy@yakimawa.gov>; Murray, Matthew <matt.murray@yakimawa.gov>; Reid, Patrick <pat.reid@yakimawa.gov>; Riddle, Dan <Dan.Riddle@yakimawa.gov>; Rossignol, Linda <Linda.Rossignol@yakimawa.gov>; Schafer, Scott <Scott.Schafer@yakimawa.gov>; Shane, Mike <Mike.Shane@yakimawa.gov>; Story, Gregory <Gregory.Story@yakimawa.gov>; Watkins, Sara <Sara.Watkins@YAKIMAWA.GOV>; Zabell, John <John.Zabell@yakimawa.gov>; Zammarchi, Loretta <Loretta.Zammarchi@YAKIMAWA.GOV>; Ahtanum Irrigation District - Beth Ann Brulotte <bethb@ahtanum.net>;

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Cawley, Marc <Marc.Cawley@yakima.gov>; Chamber of Commerce <chambe.yakima.org>; Chuck Doan - Yakima School District <doan.chuck@yakimaschools.org>; Department of Agriculture <kmclain@agr.wa.gov>; Department of Commerce (CTED) - Review Team <reviewteam@commerce.wa.gov>; Department of Ecology <sepaunit@ecy.wa.gov>; Department of Ecology - Lori White <lori.white@ecy.wa.gov>; Department of Ecology - SEPA Register <separegister@ecy.wa.gov>; Department of Ecology -CRO Coordinator <crosepacoordinator@ecy.wa.gov>; Department of Fish and Wildlife <SEPAdesk@dfw.wa.gov>; Department of Fish and Wildlife <TeamYakima@dfw.wa.gov>; Department of Fish and Wildlife - Eric Bertrand <Eric.Bertrand@dfw.wa.gov>; Department of Fish and Wildlife - Scott Downes <Scott.Downes@dfw.wa.gov>; Department of Natural Resources <sepacenter@dnr.wa.gov>; Dept of Social & Health Svcs - Robert Hubenthal <Robert.Hubenthal@dshs.wa.gov>; Dept. Archaeology & Historic Preservation - SEPA Review <sepa@dahp.wa.gov>; Desgrosellier, Bob <Bob.Desgrosellier@yakimawa.gov>; Energy Facility Site Evaluation Council - Stephen Posner <sposner@utc.wa.gov>; Henne, Dennis <Dennis.Henne@uniongapwa.gov>; Ibarra, Rosalinda <Rosalinda.Ibarra@yakimawa.gov>; Kallevig, Dana <Dana.Kallevig@yakimawa.gov>; Nob Hill Water - Bob Irving <bob@nobhillwater.org>; Office of Rural & Farmworker Housing - Marty Miller <martym@orfh.org>; Peterson, Robert <Rob.Peterson@yakimaairterminal.com>; Riddle, Dan <Dan.Riddle@yakimawa.gov>; Scott Izutsu - Yakima School District <izutsu.scott@yakimaschools.org>; Trevor Greene - Yakima School District <greene.trevor@yakimaschools.org>; US Army Corps of Engineers - David Moore <david.j.moore@usace.army.mil>; WA State Dept of Health, Office of Drinking Water <SEPA.reviewteam@doh.wa.gov>; WA State Dept of Health, Office of Drinking Water <jamie.gardipe@doh.wa.gov>; WA State Parks & Recreation Commission <jessica.logan@parks.wa.gov>; Gonseth, Paul <GonsetP@wsdot.wa.gov>; WSDOT SC Planning Mailbox <SCPlanning@WSDOT.WA.GOV>; Platts, Thomas <PlattsT@wsdot.wa.gov>; WVSD - Angela Watts, Asst Supt of Bus/Fin <vonessena@wvsd208.org>; WVSD - Mike Brophy, Supt. <brophym@wvsd208.org>; Yakama Bureau of Indian Affairs - Rocco Clark <rocco.clark@bia.gov>; Yakama Nation Environmental Management Program - Elizabeth Sanchey <esanchey@yakama.com>; Yakama-Klickitat Fisheries - John Marvin <jmarvin@yakama.com>; Yakima County Building Official - Harold Maclean <Harold.maclean@co.yakima.wa.us>; Yakima County Commissioners <commissioners.web@co.yakima.wa.us>; Yakima County Flood Control District - Dianna Woods <dianna.woods@co.yakima.wa.us>; Yakima County Flood Control District - Terry Keenhan <terry.keenhan@co.yakima.wa.us>; Yakima County Health District <yhd@co.yakima.wa.us>; Yakima County Health District - Ryan Ibach <ryan.ibach@co.yakima.wa.us>; Yakima County Planning - Manager - Tommy Carroll <thomas.carroll@co.yakima.wa.us>; Yakima County Planning - Zoning/Sub - Jason Earles <jason.earles@co.yakima.wa.us>; Yakima County Public Svcs Director, Lisa Freund <lisa.freund@co.yakima.wa.us>; Yakima Greenway Foundation - Kellie Connaughton <Kellie@yakimagreenway.org>; Yakima Regional Clean Air Agency - Hasan Tahat <hasan@yrcaa.org>; Yakima Valley Conference of Governments - Mike Shuttleworth <mike.shuttleworth@yvcog.org>; Yakima Valley Museum - Peter Arnold, Exec Director <peter@yvmuseum.org>; Yakima Valley Trolleys <info@yakimavalleytrolleys.org>; Yakima Waste Systems - Keith Kovalenko <keithk@wasteconnections.com>

Cc: Crowell, Eric <Eric.Crowell@YAKIMAWA.GOV>

Subject: [EXTERNAL] Notice of Application & SEPA - Racquet Ln Luxury Townhomes - PD#002-20, PLP#001-20 & SEPA#012-20

WARNING: This email originated from outside of WSDOT. Please use caution with links and attachments.

Attached is a Notice of Application and SEPA Environmental Review regarding the above-entitled project. The public hearing will be scheduled at a later date. If you have any questions about this proposal, please contact assigned planner Eric Crowell at eric.crowell@yakimawa.gov. Thank you!



Lisa Maxey
Planning Technician
City of Yakima Planning Division
p: 509.576.6669
129 North 2nd Street, Yakima, Washington, 98901



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 West Alder Street • Union Gap, Washington 98903-0009 • (509) 575-2490

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CITY OF YAKIMA
PLANNING DIV.

May 27, 2020

Eric Crowell
Community Development
City of Yakima
129 North 2nd Street
Yakima, WA 98901

Re: PD#002-20, PLP#001-20, SEPA#012-20

Dear Eric Crowell:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Racquet Lane Luxury Townhomes Master Planned Development. We have reviewed the documents and have the following comments.

WATER QUALITY

Project with Potential to Discharge Off-Site

If the 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.

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.

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.

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact **Lloyd Stevens, Jr.** at the Dept. of Ecology, 509-571-3866, with questions about this permit.

Sincerely,

Gwen Clear
Gwen Clear
Environmental Review Coordinator
Central Regional Office
509-575-2012
crosepa@ecy.wa.gov

202002444

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Yakima Regional Clean Air Agency
186 Iron Horse Court, Suite 101
Yakima, WA 98901
(509) 834-2050, Fax (509) 834-2060
www.yakimacleanair.org

May 27, 2020

Joan Davenport, Planning Manager
City of Yakima, Department of Community & Economic Development
129 North Second Street
Yakima, WA 98901

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MAY 27 2020
CITY OF YAKIMA
PLANNING DIV.

RE: PD#002-20, PLP#001-20, SEPA#012-20

Dear Ms. Davenport:

Thank you for providing the Yakima Regional Clean Air Agency (YRCAA) the opportunity to review and comment on the above project, for the development of 73 townhomes "Racquet Lane Townhomes", located at 2600 Racquet Ln., Yakima, WA.

Following review YRCAA has the following comment(s):

1. Contractors doing construction, demolition, excavation, clearing, or landscaping work must file a Dust Control Plan with YRCAA, prior to the start of any work.

Thank you for the opportunity to connect with the county's continued support in protecting the air quality in Yakima County.

Best regards,

Hasan M. Tahat, Ph.D.
Compliance, Engineering and Planning Division Supervisor



COMMUNITY DEVELOPMENT DEPARTMENT
Office of Code Administration
129 North Second Street, 2nd Floor Yakima, Washington 98901
(509) 575-6126 Fax (509) 576-6576
codes@yakimawa.gov www.buildingyakima.com

May 7, 2020

To: Eric Crowell, Associate Planner
From: Carolyn Belles, Permit Project Coordinator
Re: PD#002-20 PLP#001-20 - 2600 RACQUET LN 181335-24022

The recommended addresses for this proposal is:

Lot 1: 2600 Racquet Ln #1, 2600 Racquet Ln #2, 2600 Racquet Ln #3, etc.

Per Yakima Municipal Code (YMC) 7.56.080, the applicable water connection charges shall be paid in full at or before the time a building permit is obtained. Payment of applicable Wastewater connection fees must be paid pursuant to YMC 7.58. Any work to be performed in City right-of-way requires an Excavation permit from City Engineering prior to commence work YMC 8.72.



**City of Yakima Development Services Team
Request For Comments
May 7, 2020**

To:	City of Yakima Development Services Team
From:	Eric Crowell, Associate Planner
Subject:	Request for Comments
Applicant:	Racquet Lane Townhomes LLC
File Numbers:	PD#002-20, PLP#001-20, SEPA#012-20
Location:	2600 Racquet Ln.
Parcel Number(s):	181335-24022

Proposal
<p>Master Planned Development to subdivide approximately 5.32 acres into 73 lots for 73 townhomes in the R-3 zoning district with a tract for common areas. The proposal to develop 73 townhomes was previously approved under file no. CL2#012-17 but did not include a request to subdivide the property into individual lots.</p>
<p>Please review the attached application and site plan and prepare any written comments you might have regarding this proposal at your earliest convenience. My email address is eric.crowell@yakimawa.gov and the Planning Division's fax number is (509) 575-6105. Should you have any questions, or require additional information, please call me at (509) 576-6736.</p>

Comments:

_____ Contact Person _____ Department/Agency

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ENVIRONMENTAL CHECKLIST

STATE ENVIRONMENTAL POLICY ACT (SEPA)

(AS TAKEN FROM WAC 197-11-960)

YAKIMA MUNICIPAL CODE CHAPTER 6.88

PURPOSE OF CHECKLIST

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

INSTRUCTIONS FOR APPLICANTS

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help you describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

USE OF CHECKLIST FOR NONPROJECT PROPOSALS

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project", "applicant", and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B – Environmental Elements – that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND INFORMATION (To be completed by the applicant.)

1. **Name Of Proposed Project (If Applicable):**
Racquet Lane Luxury Townhomes

2. **Applicant's Name & Phone:**
Thomas R. Durant, PLSA Engineering & Surveying
509-575-6990

3. **Applicant's Address:**
521 N. 20th Ave, Suite 3
Yakima WA 98902

4. **Contact Person & Phone:**
Thomas R. Durant, PLSA Engineering
509-575-6990

5. **Agency Requesting Checklist:** City of Yakima

6. **Proposed Timing Or Schedule (Including Phasing, If Applicable):**
No phasing. Residential units are now under construction. Final plat to be recorded as soon as approvals can be obtained. Expected to take place during 2020.

7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:**
No

8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:**
Determination of Nonsignificance issues on February 28, 2018.
CAO study with wetland delineation & report.

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A. BACKGROUND INFORMATION (To be completed by the applicant.)

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain:

Building permit applications and issuance for townhome construction.

10. List any government approvals or permits that will be needed for your proposal, if known:

Preliminary and final and subdivision plat.
Master Planned Development.

11. Give a brief, but complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.):

Subdivide an existing approving 73 unit townhome development into 73 lots and an additional tract in common ownership. Approval of a master planned development is required to reduce the minimum lot size, minimum lot width and other code modifications to accomplish the proposal.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist:

2600 Racquet Lane, Yakima Washington located within the northwest Section 35, Township 13 Range 18 East WM Preliminary plat with legal description has been submitted. Parcel No. 18133524022

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B. ENVIRONMENTAL ELEMENTS (to be completed by the applicant)	Space Reserved for Agency Comments
1. Earth	
a. General description of the site (✓ one):	
<input type="checkbox"/> flat <input checked="" type="checkbox"/> rolling <input type="checkbox"/> hilly <input type="checkbox"/> steep slopes <input type="checkbox"/> mountainous <input type="checkbox"/> other	
b. What is the steepest slope on the site (approximate percent slope)? ~3.5%	
c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. Umapine silt loam. The site is not designated agricultural land of long term commercial significance because of its location in the City limits.	
d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. None Known	
e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. Site grading for road improvements and construction of town homes. Grading for storm water	
f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. Possible erosion could occur as part of new development	
g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? 75%	
h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: Provide TESC measures and maintain during construction	
2. Air	
a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. Emission of typical construction equipment, no post development emissions. Dust	
b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. None Known	
c. Proposed measures to reduce or control emissions or other impacts to air, if any: Water site during construction to reduce dust	
3. Water	
a. Surface Water	

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B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)	Space Reserved for Agency Comments
<p>1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. Yes, Wide Hollow Creek, Type 2 Stream. Delineated wetlands.</p>	
<p>2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. Road improvements and construction of townhomes are planned w/in 200 feet of Wide Hollow Creek and wetlands.</p>	
<p>3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. None</p>	
<p>4. Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. No</p>	
<p>5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. Southerly portion of parcel w/in floodplain.</p>	
<p>6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No</p>	
<p>b. Ground Water</p>	
<p>1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. No</p>	
<p>2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. None</p>	<p>RECEIVED APR 29 2020 CITY OF YAKIMA PLANNING DIV.</p>
<p>c. Water Runoff (including stormwater)</p>	

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)	Space Reserved for Agency Comments				
<p>1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.</p> <p>Storm water run off will be maintained on site with the use of bio-infiltration swales</p>					
<p>2. Could waste materials enter ground or surface waters? If so, generally describe.</p> <p>No</p>					
<p>3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.</p> <p>No. Buffers have been applied</p>					
<p>d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:</p> <p>Site grading design, catch basins and bio-infiltration swales are proposed</p>					
<p>4. Plants</p>					
<p>a. Check (✓) types of vegetation found on the site:</p>					
Deciduous Tree:	<input type="checkbox"/> Alder	<input type="checkbox"/> Maple	<input type="checkbox"/> Aspen		<input checked="" type="checkbox"/> Other
Evergreen Green:	<input type="checkbox"/> Fir	<input type="checkbox"/> Cedar	<input type="checkbox"/> Pine		<input type="checkbox"/> Other
	<input checked="" type="checkbox"/> Shrubs	<input checked="" type="checkbox"/> Grass	<input type="checkbox"/> Pasture	<input type="checkbox"/> Crop Or Grain	<input type="checkbox"/> Orchards, vineyards, or other permanent crops
Wet Soil Plants:	<input checked="" type="checkbox"/> Cattail	<input type="checkbox"/> Buttercup	<input type="checkbox"/> Bullrush	<input type="checkbox"/> Skunk Cabbage	<input checked="" type="checkbox"/> Other
Water Plants:	<input type="checkbox"/> Milfoil	<input type="checkbox"/> Eelgrass	<input type="checkbox"/> Water Lily		<input type="checkbox"/> Other
<p><input checked="" type="checkbox"/> Other types of vegetation</p>					
<p>b. What kind and amount of vegetation will be removed or altered?</p> <p>Site will be stripped except that area within the wetland buffer</p>					
<p>c. List threatened or endangered species known to be on or near the site.</p> <p>None known</p>					
<p>d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:</p> <p>None Proposed</p>					
<p>e. List all noxious weeds and invasive species known to be on or near the site.</p> <p>None Known</p>					
<p>5. Animals</p>					
<p>a. List any birds or other animals which have been observed on or near the site or are known to be on or near the site.</p> <p>Examples include:</p> <p>birds: hawk, heron, eagle, <u>songbirds</u>, other:</p> <p>mammals: deer, bear, elk, beaver, other:</p> <p>fish: bass, salmon, trout, herring, shellfish, other <u>X</u></p> <p>Salmon, trout and ground squirrel</p>					
<p>b. List any threatened or endangered species known to be on or near the site.</p> <p>Steelhead</p>					

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B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)	Space Reserved for Agency Comments
c. Is the site part of a migration route? If so, explain. None Known	
d. Proposed measures to preserve or enhance wildlife, if any: Wetland buffer has been delineated and preserved.	
e. List any invasive animal species known to be on or near the site. None	
6. Energy and Natural Resources	
a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. Gas & Electrical	
b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. No	
c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: All buildings will be constructed to the latest energy code by permit	
7. Environmental Health	
a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. None known	
1. Describe any known or possible contamination at the site from present or past uses. None Known	
2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. None Known	
3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. None known	
4. Describe special emergency services that might be required. None	
5. Proposed measures to reduce or control environmental health hazards, if any: None proposed	
b. Noise	
1. What types of noise exist in the area, which may affect your project (for example: traffic, equipment, operation, other)? Air traffic and vehicle traffic. Major arterial road and airport adjacent to site	

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B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)	Space Reserved for Agency Comments	
<p>2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. Short Term- primarily construction equipment during business hours. Long Term- primarily vehicle and residential</p>		
<p>3. Proposed measures to reduce or control noise impacts, if any: Short term construction noise to be restricted to business hours only</p>		
8. Land and Shoreline Use		
<p>a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. Townhomes being developed on the site. Adjacent site to the east and portion of the north is commercial. Portion of property to the north is residential. To the south is a major arterial road</p>		
<p>b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? No</p> <p>1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: No</p>		
<p>c. Describe any structures on the site. 73 townhomes are under construction</p>		
<p>d. Will any structures be demolished? If so, what? No.</p>		
<p>e. What is the current zoning classification of the site? R-3 Multi family</p>		
<p>f. What is the current comprehensive plan designation of the site? commercial mixed use</p>		
<p>g. If applicable, what is the current shoreline master program designation of the site? NA</p>		
<p>h. Has any part of the site been classified as a critical area by the city or county? If so, specify. Wide Hollow Creek is classified as a Type 2 stream by City of Yakima</p>		
<p>i. Approximately how many people would reside or work in the completed project? ~150</p>		
<p>j. Approximately how many people would the completed project displace? None</p>		


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B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)	Space Reserved for Agency Comments
k. Proposed measures to avoid or reduce displacement impacts, if any. None proposed	
l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: Townhome development approved with compatibility requirements that are not being changed.	
m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: none	
9. Housing	
a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. 73 units middle income housing	
b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. None	
c. Proposed measures to reduce or control housing impacts, if any: None Proposed	
10. Aesthetics	
a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? 35 feet	
b. What views in the immediate vicinity would be altered or obstructed? None	
c. Proposed measures to reduce or control aesthetic impacts, if any: None proposed	
11. Light and Glare	
a. What type of light or glare will the proposal produce? What time of day would it mainly occur? Typical external street lighting and lighting for individual dwellings	
b. Could light or glare from the finished project be a safety hazard or interfere with views? No	
c. What existing off-site sources of light or glare may affect your proposal? None known	
d. Proposed measures to reduce or control light and glare impacts, if any: Parking lighting will be down cast	
12. Recreation	

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CITY OF YAKIMA
PLANNING DIV.

B. ENVIRONMENTAL ELEMENTS (to be completed by the applicant)	Space Reserved for Agency Comments
<p>a. What designated and informal recreational opportunities are in the immediate vicinity? None, private property</p>	
<p>b. Would the proposed project displace any existing recreational uses? If so, describe. None</p>	
<p>c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: None</p>	
13. Historic and Cultural Preservation	
<p>a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. No</p>	
<p>b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. None known</p>	
<p>c. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. None Known</p>	
14. Transportation	
<p>a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. Racquet Lane will be extended to the site</p>	
<p>b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? No. Approximate distance to transit stop is .34 miles</p>	
<p>c. How many parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? 184</p>	
<p>d. Will the proposal require any new or improvements to existing roads, streets, pedestrian bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). Extension of public infrastructure and utilities along Racquet Lane a public road</p>	
<p>e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. No</p>	

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B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)	Space Reserved for Agency Comments	
<p>f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? Per ITE Trip Generation 7th edition 0.79 trips/unit = 58 trips/day</p>		
<p>g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe: No</p>		
<p>h. Proposed measures to reduce or control transportation impacts, if any: None Proposed</p>		
15. Public Services		
<p>a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe: 73 attached single-family dwelling units (townhomes) are being developed on this site. There is no increase in the approved number of units and as a result no additional impacts to public services</p>		
<p>b. Proposed measures to reduce or control direct impacts on public services, if any. None Proposed</p>		
16. Utilities		
<p>a. Circle utilities currently available at the site: <u>electricity</u> <u>natural gas</u> <u>water</u> refuse service telephone sanitary sewer septic system, other _____</p>		
<p>b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. New Water, Sewer and Power extensions are being made to serve the proposed site</p>		
C. SIGNATURE (To be completed by the applicant)		
<p>The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.</p>		
 Property Owner or Agent Signature	<p>Apr. 28, 2020 Date Submitted</p>	
<p>Thomas R. Durant Name of Signee</p>	<p>PLSA Engineering & Surveying Position and Agency/Organization</p>	
<p>PLEASE COMPLETE SECTION "D" ON THE NEXT PAGE IF THERE IS NO PROJECT RELATED TO THIS ENVIRONMENTAL REVIEW</p>		

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PLANNING DIV.



**PACIFIC
ALLIANCE
TITLE** LLC

Pacific Alliance Title
311 North Fourth Street, Suite 102
Yakima, WA 98901
Phone: (509) 225-6809
Fax: (509) 248-8924

PLAT CERTIFICATE

RE: 2600 Racquet Lane

Pacific Alliance Title has examined the records of the Yakima County Auditor and the Yakima County Clerk, and hereby certifies that pursuant to the requirements as set forth in RCW 58.17.165, the parties executing the plat of Racquet Lane Townhomes are all of the necessary parties having an interest therein.

DATE: April 17, 2020

Pacific Alliance Title

By: _____
Title Officer

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Plat/Short Plat Guarantee

**SCHEDULE A
PLAT/SHORT PLAT GUARANTEE**

File No.: 2034059

Fee: \$300.00

Date of Guarantee: April 17, 2020

Subdivision/Short Subdivision: Property Address
2600 Racquet Lane Yakima, Washington 98902

PIN
181335-24022

The assurances referred to on the face page hereof are hereby given to the County of and the City within which said subdivision or short subdivision is located and are:

1. That, according to those public records which, under the recording laws, impart constructive notice of matters affecting the title to the land included within the exterior boundary shown on the above-referenced subdivision or short subdivision, the only parties having any record title interest in said land whose signatures are necessary, under the requirements of RCW Chapter 58.17, on the certificates consenting to the recordation of the plat and offering for dedication any streets, roads, avenues and other easements offered for dedication by said plat are:

Racquet Lane Townhomes, LLC, a Washington limited liability company

2. The plat referred to above is a subdivision of: **See attached SCHEDULE C**

NOTE:

The liability of the Company under this report shall be limited to the amount of actual loss sustained by the addressee because of reliance upon the information set forth herein, but in no event shall such liability exceed the limits outlined in our rate schedule.

SCHEDULE B

1. Assessments that may be levied, as follows:
For/By : City of Yakima

2. Deed of Trust, security Agreement and Fixture Filing with Assignment of Leases and Rents, to secure an indebtedness of \$3,850,000.00, including any interest, advances or other obligations secured thereby;
Dated : July 29, 2019
Recorded : August 2, 2019
Auditor's File No. : 8022896, 8022897, 8022898
Grantor : Racquet Lane Townhomes, LLC, a Washington limited liability company
Trustee : Pacific Alliance Title, LLC
Beneficiary : PBRELF I, LLC, a Washington limited liability company

3. Terms and provisions as contained in an instrument,
Entitled : Community Review Board Findings of Fact, Conclusions and Decision
Executed By : Joe Caruso, Code Administration Manager
Recorded : October 5, 2018
Auditor's File No. : 7995058

4. Easement or right-of-way for necessary canals, tunnels or other water conduits and for telephone and transmission lines

5. Easement, including the terms, covenants and provisions thereof, affecting a portion of said premises, for the purposes hereinafter stated, as disclosed by instrument,
Recorded : January 12, 1943
Auditor's File No. : 1015767
For : road purposes and waste ditches

6. Easement, including the terms, covenants and provisions thereof, affecting a portion of said premises, for the purposes hereinafter stated, as granted by instrument,
Auditor's File No. : 1240151
For : road purposes

7. Terms and provisions as contained in an instrument,
Entitled : Agreement
Recorded : July 8, 1959
Auditor's File No. : 1782233
Which Among Other Things Provides: gate

8. Easement, including the terms, covenants and provisions thereof, affecting a portion of said premises, for the purposes hereinafter stated, as granted by instrument,
Recorded : November 6, 1975
Auditor's File No. : 2402585
For : utilities
In favor of : City of Yakima

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Plat/Short Plat Guarantee

9. Easement, including the terms, covenants and provisions thereof, affecting a portion of said premises, for the purposes hereinafter stated, as granted by instrument,
Recorded : March 30, 1976
Auditor's File No. : 2415883
For : utilities
In favor of : City of Yakima
10. Easement, including the terms, covenants and provisions thereof, affecting a portion of said premises, for the purposes hereinafter stated, as granted by instrument,
Recorded : March 21, 1985
Auditor's File No. : 2729076
For : utilities
In favor of : City of Yakima
11. Any rights, easements, interests or claims which may exist or arise by reason of or reflected by the facts shown on the plat of a survey made by Sundquist Land Surveying, on February 21, 1994, Recorded in Volume 58 of Surveys Page 23, Auditor's File No. 3040982, as follows:
A) asphalt parking area
B) fences
C) channel of Wide Hollow Creek
12. Terms and provisions as contained in an instrument,
Entitled : Covenants
Executed By : Marchal T Irwin
Recorded : April 10, 1995
Auditor's File No. : 3090056
13. Easement, including the terms, covenants and provisions thereof, affecting a portion of said premises, for the purposes hereinafter stated, as granted by instrument,
Recorded : September 21, 2000
Auditor's File No. : 7185860
For : irrigation line
In favor of : Irwin Paxton Associates
14. Easement, including the terms, covenants and provisions thereof, affecting a portion of said premises, for the purposes hereinafter stated, as granted by instrument,
Recorded : September 21, 2000
Auditor's File No. : 7185861
For : sewer line
In favor of : Diane Irwin
15. Easement, including the terms, covenants and provisions thereof, affecting a portion of said premises, for the purposes hereinafter stated, as granted by instrument,
Recorded : November 20, 2000
Auditor's File No. : 7193350
For : power line
In favor of : Irwin Paxton Associates
16. Terms and provisions as contained in an instrument,
Entitled : Service Agreement
Executed By : Shake Free Inc
Recorded : February 28, 2001
Auditor's File No. : 7205216

Plat/Short Plat Guarantee

17. Easement for electrical transmission and distribution lines of one or more wires, and all necessary or desirable appurtenances, including telephone and telegraph wires, towers, poles, props, guys and other supports; and related matters,
Recorded : March 23, 2004
Auditor's File No. : 7390887
Grantee : Pacific Power & Light Company
18. Any rights, easements, interests or claims which may exist or arise by reason of or reflected by the facts shown on the plat of a survey made by PLSA, on August 15, 2005, designated job No. 05176, Auditor's File No. 7586304, as follows:
 - A) designated wetlands
 - B) centerline of Wide Hollow Creek
 - C) 100 foot building buffer line
 - D) north bank of Wide Hollow Creek
 - E) utility easement
 - F) north edge of 100 year flood plain
19. Any rights, easements, interests or claims which may exist or arise by reason of or reflected by the facts shown on the plat of a survey made by Huijbregtse Louman, on August 4, 2008, designated job No. 07060, Auditor's File No. 7625173, as follows:
 - A) 27' easement under Auditor's File No. 2355944
20. Regulatory control by the State Supervisor of Flood Control through the establishment of a Flood Control Zone No. 9, inclusive within the boundaries thereof; these premises and other property as lying within a flood basin. Control being exercised by issuance of regulatory orders and permits affecting the planning, construction, operation and maintenance of any structure or improvements, public or private, to be erected or built, or to be reconstructed or modified. (RCW 86.16.010 et seq.)
21. Any question that may arise due to the shifting and changing course of the Wide Hollow Creek, or due to said Wide Hollow Creek having shifted or changed its course.
22. Any prohibition of or limitation of use, occupancy or improvements of the land resulting from the rights of the general public or riparian owners to use any waters which may cover the land.
23. Terms, provisions, definitions, covenants, options, obligations, restrictions and easements for maintenance, landscaping or construction, contained in declaration, or as may be contained in any By-Laws adopted pursuant to said declaration,
Condominium : My Creek Condominium
Recorded : April 30, 2002
Auditor's File No. : 7270218 and 7270219
24. Terms, provisions, recitals, easements, statements as contained in an instrument,
Entitled : Condominium Plan of My Creek Condominium
Executed By : Irwin Paxton Associates
Recorded : April 30, 2002
Auditor's File No. : 7270217
Which Among Other Things Provides: survey map
25. Stormwater Maintenance Agreement, with the City of Yakima, and the terms and conditions thereof.
Recorded : August 20, 2019
Auditor's File No. : 8024521

End of Schedule B

SCHEDULE C

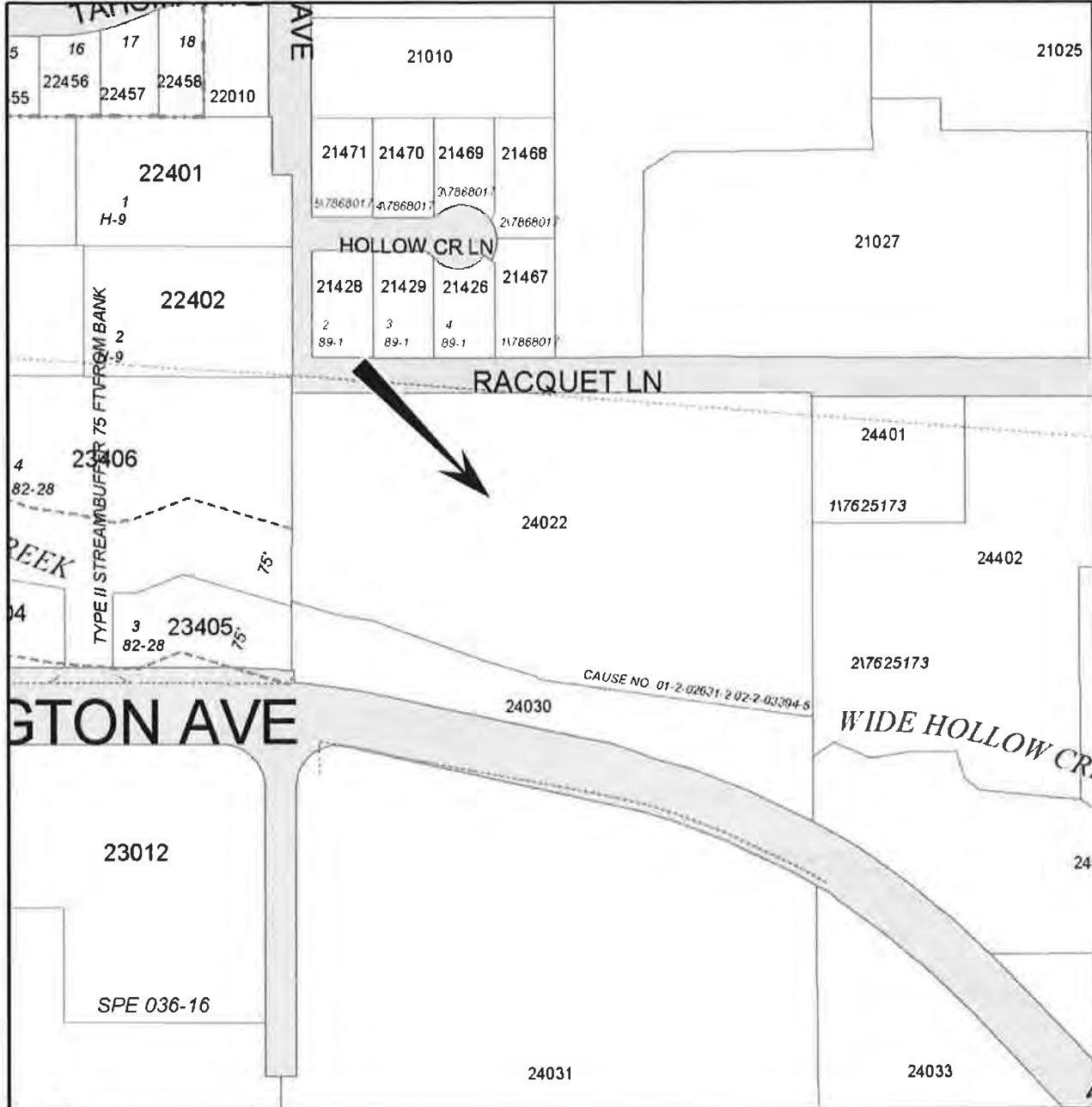
That portion of the West 1/2 of the Southeast quarter of the Northwest quarter of Section 35, Township 13 North, Range 18, E.W.M. lying North of a line beginning at a point on the East line of said West 1/2 a distance of 894 feet North of the Southeast corner of said West 1/2;
thence Northwesterly in a straight line to a point in the West line of said West 1/2 which said point is situate 978 feet North of the Southwest corner of said West 1/2
EXCEPT that portion lying South of the center line of Wide Hollow Creek as same existed on May 31, 1966
AND EXCEPT the North 25 feet thereof as conveyed to the City of Yakima for street.

Situated in Yakima County, State of Washington.

Yakima County GIS - Washington Land Information Portal

[\[Print Map\]](#)
[\[Close Map\]](#)

Yakimap.com



Map Center: **Range:18 Township:13 Section:35**

 City Limits
 Sections

WWW.YAKIMAP.COM
 Yakima County GIS
 128 N 2nd Street
 Yakima, WA 98901
 (509)574-2992



One Inch = 200 Feet

Feet 100 200 300

MAP AND PARCEL DATA ARE BELIEVED TO BE ACCURATE, BUT ACCURACY IS NOT GUARANTEED; THIS IS NOT A LEGAL DOCUMENT AND SHOULD NOT BE SUBSTITUTED FOR A TITLE SEARCH, APPRAISAL, SURVEY, FLOODPLAIN OR ZONING VERIFICATION

Copyright (C) Yakima County GIS
Printed On: 10/2/2017 3:47:24 PM

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WHEN RECORDED RETURN TO:

Raquet Lane Townhomes, LLC
2500 Racquet Lane
Yakima, WA 98902

YAKIMA COUNTY EXCISE TAX
DATE: 07/08/2016
PAID: \$8,905.00
REC NO: E010502
BY: LATA S
Yakima County Treasurer's Office

Escrow Number: 2028142
Filed for Record at Request of: Pacific Alliance Title, LLC

STATUTORY WARRANTY DEED

THE GRANTOR(S), John Ritchie, a married man as his separate estate for and in consideration of Ten Dollars and other valuable consideration in hand paid, conveys, and warrants to **Racquet Lane Townhomes, LLC**, a Washington Limited Liability Company the following described real estate, situated in the County of Yakima, State of Washington:

SEE EXHIBIT "A" ATTACHED HERETO

Abbreviated Legal: (Required if full legal not inserted above.)
Ptn of SE 1/4 of NW 1/4 of Sec 35, T13, R18E, W1M
Tax Parcel Number(s): 181335-24022

Subject to rights, reserved in federal patents, state or railroad deeds, building or use restrictions general to the area, zoning regulations, utility easements of record, and rights of way or easements shown on the plat or visible by inspection, reserved oil and/or mineral rights, and any future adjudication of surface water rights by any appropriate federal and/or state proceeding.

Subject to Liability to future annual assessments for the current year and subsequent years, by the City of Yakima, Stormwater, Soil, and Horticulture Pest and Disease Control District, which are not yet due and payable.

Subject to Easement or right-of-way for necessary canals, tunnels or other water conduits and for telephone and transmission lines

Subject to Easement, including the terms, covenants and provisions thereof, affecting a portion of said premises, for the purposes hereinafter stated, as disclosed by instrument,
Recorded : January 12, 1943
Auditor's File No. : 1015767
For : road purposes and waste ditches

Subject to Easement, including the terms, covenants and provisions thereof, affecting a portion of said premises, for the purposes hereinafter stated, as granted by instrument,
Auditor's File No. : 1240151
For : road purposes

Subject to Terms and provisions as contained in an instrument,
Entitled : Agreement
Recorded : July 8, 1959
Auditor's File No. : 1782233
Which Among Other Things Provides: gate

Subject to Easement, including the terms, covenants and provisions thereof, affecting a portion of said premises, for the purposes hereinafter stated, as granted by instrument,
Recorded : November 6, 1975
Auditor's File No : 2402585
For : utilities
In favor of : City of Yakima

Subject to Easement, including the terms, covenants and provisions thereof, affecting a portion of said premises, for the purposes hereinafter stated, as granted by instrument,
Recorded : March 30, 1976

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Auditor's File No. : 2415883
For : utilities
In favor of : City of Yakima

Subject to Easement, including the terms, covenants and provisions thereof, affecting a portion of said premises, for the purposes hereinafter stated, as granted by instrument,

Recorded : March 21, 1985
Auditor's File No. : 2729076
For : utilities
In favor of : City of Yakima

Subject to Any rights, easements, interests or claims which may exist or arise by reason of or reflected by the facts shown on the plat of a survey made by Sundquist Land Surveying, on February 21, 1994, Recorded in Volume 58 of Surveys Page 23, Auditor's File No. 3040882, as follows:

- A) asphalt parking area
- B) fences
- C) channel of Wide Hollow Creek

Subject to Terms and provisions as contained in an instrument,

Entitled : Covenants
Executed By : Marshal T Irwin
Recorded : April 10, 1995
Auditor's File No. : 3090056

Subject to Easement, including the terms, covenants and provisions thereof, affecting a portion of said premises, for the purposes hereinafter stated, as granted by instrument,

Recorded : September 21, 2000
Auditor's File No. : 7185880
For : irrigation line
In favor of : Irwin Paxton Associates

Subject to Easement, including the terms, covenants and provisions thereof, affecting a portion of said premises, for the purposes hereinafter stated, as granted by instrument,

Recorded : September 21, 2000
Auditor's File No. : 7185861
For : sewer line
In favor of : Diane Irwin

Subject to Easement, including the terms, covenants and provisions thereof, affecting a portion of said premises, for the purposes hereinafter stated, as granted by instrument,

Recorded : November 20, 2000
Auditor's File No. : 7193360
For : power line
In favor of : Irwin Paxton Associates

Subject to Terms and provisions as contained in an instrument,

Entitled : Service Agreement
Executed By : Shake Free Inc
Recorded : February 28, 2001
Auditor's File No. : 7205216

Subject to Easement for electrical transmission and distribution lines of one or more wires, and all necessary or desirable appurtenances, including telephone and telegraph wires, towers, poles, props, guys and other supports; and related matters,

Recorded : March 23, 2004
Auditor's File No. : 7390887
Grantee : Pacific Power & Light Company

Subject to Any rights, easements, interests or claims which may exist or arise by reason of or reflected by the facts shown on the plat of a survey made by PLSA, on August 15, 2005, designated job No. 05176, Auditor's File No. 7586304, as follows:

- A) designated wetlands
- B) centerline of Wide Hollow Creek
- C) 100 foot building buffer line
- D) north bank of Wide Hollow Creek
- E) utility easement
- F) north edge of 100 year flood plain

Subject to Any rights, easements, interests or claims which may exist or arise by reason of or reflected by the facts shown on the plat of a survey made by Huijbreghse Louman, on August 4, 2008, designated

job No. 07060, Auditor's File No. 7625173, as follows:
A) 27' easement under Auditor's File No. 2355944

Subject to Regulatory control by the State Supervisor of Flood Control through the establishment of a Flood Control Zone No. 9, inclusive within the boundaries thereof; these premises and other property as lying within a flood basin. Control being exercised by issuance of regulatory orders and permits affecting the planning, construction, operation and maintenance of any structure or improvements, public or private, to be erected or built, or to be reconstructed or modified. (RCW 86.16.010 et seq.)

Subject to Any question that may arise due to the shifting and changing course of the Wide Hollow Creek, or due to said Wide Hollow Creek having shifted or changed its course.

Subject to Any prohibition of or limitation of use, occupancy or improvements of the land resulting from the rights of the general public or riparian owners to use any waters which may cover the land.

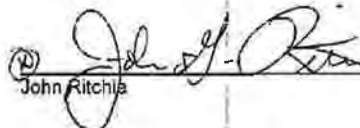
Subject to Terms, provisions, definitions, covenants, options, obligations, restrictions and easements for maintenance, landscaping or construction, contained in declaration, or as may be contained in any By-Laws adopted pursuant to said declaration,
Condominium : My Creek Condominium
Recorded : April 30, 2002
Auditor's File No. : 7270218 and 7270219

Subject to Terms, provisions, recitals, easements, statements as contained in an Instrument,
Entitled : Condominium Plan of My Creek Condominium
Executed By : Irwin Paxton Associates
Recorded : April 30, 2002
Auditor's File No. : 7270217
Which Among Other Things Provides: survey map

Subject to Pendency of Yakima County Superior Court Cause No. 77-2-01484-5, State of Washington, Department of Ecology, Plaintiff vs. (numerous named defendants), notice of which is given by Lis Pendens recorded under Yakima County Auditor's File No. 2479271, being an action for the determination of the rights to divert, withdraw or otherwise make use of the surface waters of the Yakima River Drainage Basin, in accordance with the provisions of chapters 90.03 and 90.44 Revised Code of Washington. (Attorney for Plaintiff: Charles B. Roe, Jr. Senior Assistant Attorney General)

Subject to future general property taxes and assessments.

Dated: June 30, 2016


John Ritchie

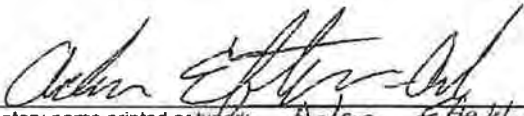
State of Washington
County of KING

ss

I certify that I know or have satisfactory evidence that John Ritchie is/are the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument and acknowledged it to be his/her/their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 6/30/16




Notary name printed or typed: Adam Eftekhari-Asl
Notary Public in and for the State of WA
Residing at: Seattle, WA
My appointment expires: 11-01-2017

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EXHIBIT "A"
LEGAL DESCRIPTION

That portion of the West 1/2 of the Southeast quarter of the Northwest quarter of Section 35, Township 13 North, Range 18, E.W.M. lying North of a line beginning at a point on the East line of said West 1/2 a distance of 894 feet North of the Southeast corner of said West 1/2; thence Northwesterly in a straight line to a point in the West line of said West 1/2 which said point is situate 978 feet North of the Southwest corner of said West 1/2 EXCEPT that portion lying South of the center line of Wide Hollow Creek as same existed on May 31, 1966 AND EXCEPT the North 25 feet thereof as conveyed to the City of Yakima for street.

Situated in Yakima County, State of Washington.

LPB 10-05(f)
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FILE# 8022896
 YAKIMA COUNTY, WA
 08/02/2019 11:39:29AM
 DEED OF TRUST
 PAGES: 35
 PACIFIC ALLIANCE TITLE COMPANY

Recording Fee: 138.50

RETURN ADDRESS:

Pyatt Broadmark Management, LLC
 1420 Fifth Avenue, Suite 2000
 Seattle, WA 98101

2034059

**DEED OF TRUST, SECURITY AGREEMENT
 AND FIXTURE FILING WITH
 ASSIGNMENT OF LEASES AND RENTS**

GRANTOR(S): RACQUET LANE TOWNHOMES, LLC
 GRANTEE(S): PBRELF I, LLC
 ADDITIONAL ON PAGE 1: PACIFIC ALLIANCE TITLE, LLC
 ABBREVIATED LEGAL DESCRIPTION: Ptn of the SE 1/4 of the NW 1/4 of Sec 35, Tw 13N, Rge 18E.
 (SEE PAGE 35 FOR FULL LEGAL DESCRIPTION)
 ASSESSOR'S TAX PARCEL NO(S): 181335-24022

File # 8022897
 UCC
 08/02/2019 11:39:30AM
 File # 8022898
 ASSIGNMENT
 08/02/2019 11:39:31AM

THIS DEED OF TRUST, SECURITY AGREEMENT AND FIXTURE FILING WITH ASSIGNMENT OF LEASES AND RENTS ("Deed of Trust") is made as of July 29th, 2019, by RACQUET LANE TOWNHOMES, LLC, a Washington limited liability company ("Grantor"), as grantor and debtor, whose address is 6842 36th Lane SE, Lacey, WA 98503; to Pacific Alliance Title, LLC ("Trustee"), as trustee, whose address is 311 North Fourth Street, Ste 102, Yakima, WA 98901; for the benefit of PBRELF I, LLC, a Washington limited liability company ("Beneficiary"), as beneficiary and secured party, whose address is Pyatt Broadmark Management, LLC, 1420 Fifth Avenue, Suite 2000, Seattle, Washington 98101.

WITNESSETH:

GRANTOR HEREBY IRREVOCABLY GRANTS, BARGAINS, SELLS, CONVEYS, TRANSFERS AND ASSIGNS:

A. To Trustee, in trust, with power of sale and right of entry and possession, all of its present and future estate, right, title and interest in and to that certain real property located

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in the County of Yakima, State of Washington, as more particularly described in Exhibit A attached hereto and made a part hereof, including all hereditaments, privileges, reversions, remainders, development rights and audits, air rights, appurtenances, easements and rights thereto, of every kind and nature, or used in connection therewith or as a means of access thereto, together with all right, title and interest that Grantor now has or may hereafter acquire in the following and any proceeds thereof:

1. All income, rents, royalties, revenues, issues, profits and proceeds from any and all of such real property, subject, however, to the right, power and authority hereinafter conferred upon Beneficiary or reserved to Grantor to collect and apply such income, rents, royalties, revenues, issues, profits and proceeds.

2. All deposits or other security or advanced payments, including, without limiting the generality of the foregoing, rental payments, made by or on behalf of Grantor to others with respect to (i) utility service for all or any part of said property or any improvements thereon, (ii) insurance policies relating to said property or any improvements thereon, (iii) cleaning, maintenance, repair or similar services for said property or any part thereof or any improvements thereon, (iv) rental of equipment used in the operation of any part of said property or any improvements thereon, and (v) parking services for all or any part of said property.

3. All fixtures now or hereafter affixed to such real property, including all buildings, structures and improvements of every kind and description now or hereafter erected or placed thereon and any and all machinery, boilers, equipment (including, without limitation, all equipment for the generation or distribution of air, water, heat, electricity, light, telephone, fuel or refrigeration or for ventilating or air-conditioning purposes or for sanitary or drainage purposes or for the removal of dust, refuse or garbage), fire sprinklers and alarms, control devices, partitions, appliances, cabinets, awnings, window shades, blinds, drapes and drapery rods and brackets, screens, carpeting and other floor coverings, incinerators and other property of every kind and description now or hereafter placed, attached, affixed or installed in such buildings, structures or improvements, and all replacements, repairs, additions, accessions or substitutions or proceeds thereto or therefor; but excluding the movable trade fixtures owned by tenants leasing space in the Improvements; all of such fixtures, including buildings, whether now or hereafter placed thereon, being hereby declared to be real property and referred to hereinafter as the "Improvements".

4. All damages, royalties and revenue of every kind, nature and description whatsoever that Grantor may be entitled to receive from any person or entity owning or having or hereafter acquiring a right to the oil, gas or mineral rights and reservations of such real property, with the right in Beneficiary to receive and receipt therefor and apply the same to the indebtedness secured hereby either before or after any Default (as hereinafter defined) hereunder, and Beneficiary shall have the right to demand, sue for and recover any such payments but shall not be required so to do.

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5. All proceeds and claims arising on account of any damage to or taking of such real property or the Improvements or any part thereof, and all causes of action and recoveries for any loss or diminution in the value of such real property or the Improvements, including the proceeds of any policy of insurance covering the Improvements or the proceeds of any condemnation action or transfer in lieu of condemnation.

All of the property conveyed or intended to be conveyed to Trustee in Paragraph A above is hereinafter referred to as the "Real Property".

B. To Beneficiary, as secured party, a security interest in any portion of the Real Property owned by Grantor which may be construed to be personal property and in all other personal property of every kind and description, whether now existing or hereafter acquired and owned by Grantor, or in which Grantor has an interest, now or at any time hereafter attached to, erected upon, situated in or upon, forming a part of, appurtenant to, used or useful in the construction or operation of or in connection with, or arising from the use or enjoyment of all or any portion of, or from any lease or agreement pertaining to, the Real Property, including:

1. All equipment, machinery, inventory, fixtures, fittings, appliances, apparatus, furnishings, furniture and all other property of every kind and any replacements thereof or additions thereto now or at any time appurtenant to or located upon the Real Property; all personal property of every kind now or at any time hereafter located on or appurtenant to the Real Property and used in connection with the use, enjoyment, occupancy or operation of the Real Property. Without limiting the foregoing general description, such property includes all equipment and facilities for the generation or distribution of air, water, heat, electricity, light, fuel, telephone, or refrigeration, or for ventilation or air conditioning purposes or for sanitary drainage purposes or for the removal of dust, refuse or garbage, or for any activity related to the maintenance or repair of the Real Property, or for the pursuit of any other activity in which Grantor may be engaged on the Real Property, and including without limitation all motor vehicles owned, leased or used by Grantor, tools, musical instruments and systems, cabinets, awnings, window shades, venetian blinds, drapes and drapery rods and brackets, screens, carpeting and other window and floor coverings, decorative fixtures, plants, cleaning apparatus, and cleaning equipment, refrigeration equipment, cables, computers, software, books, supplies, kitchen equipment, tractors, lawn mowers, ground sweepers and tools, swimming pools, Jacuzzis, recreational or play equipment together with all substitutions, accessions, repairs, additions and replacements to any of the foregoing.

2. All goodwill, trademarks, trade names, all names by which the Property is operated or known, option rights, purchase contracts, goods, consumer goods, documents, books and records and general intangibles of Grantor relating to the Real Property; all accounts, deposit accounts, contract rights, instruments, chattel paper and other rights of Grantor for payment of money, for property sold or lent, for services rendered, for money lent, or for advances or deposits made, and any other intangible property of Grantor related to the Real Property.

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3. All water stock relating to the Real Property, shares of stock or other evidence of ownership of any part of the Real Property that is owned by Grantor in common with others, and all documents of membership in any owners' or members' association or similar group having responsibility for managing or operating any part of the Real Property.

4. All plans and specifications prepared for construction of the Improvements and all surveys, maps, plats, studies, data and drawings related thereto; and also all contracts and agreements of Grantor relating to such plans and specifications or to such studies, data and drawings, or to the construction, maintenance or repair of the Improvements.

5. All licenses (including, but not limited to, any gambling licenses, liquor licenses, operating licenses or similar matters), contracts, performance bonds, management contracts or agreements, franchise agreements, permits, authorizations, approvals or certificates required or used in connection with the construction, ownership, operation, repair or maintenance of the Improvements.

6. All substitutions, accessions, additions and replacements to any of the foregoing; all proceeds of any of the foregoing property, including, without limitation, proceeds of any voluntary or involuntary disposition, diminution in value or claim respecting any such property (pursuant to judgment, condemnation award or otherwise) and all goods, documents, general intangibles, chattel paper and accounts, wherever located, acquired with cash proceeds of any of the foregoing or proceeds thereof.

7. All books and records of every kind and nature relating in any way to the Real Property.

All of the property assigned or transferred or intended to be assigned or transferred to Beneficiary in Paragraph B above is hereinafter referred to as the "Personal Property". This Deed of Trust also constitutes a Security Agreement under the Washington Uniform Commercial Code and any other applicable law.

All of the Real Property and the Personal Property is referred to herein collectively as the "Property". The parties intend that the definition of Property is to be broadly construed and in the case of doubt as to whether a particular item is included in the definition of Property, the doubt should be resolved in favor of inclusion.

TO HAVE AND TO HOLD the Property bargained and described, together with all and singular the lands, tenements, privileges, water rights, hereditaments and appurtenances thereto belonging or in any way appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all of the estate, right, title, claim and demands whatsoever of Grantor, either in law or in equity, of, in and to the above-bargained property forever,

FOR THE PURPOSE OF SECURING:

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1. Payment of the indebtedness (the "Loan") evidenced by a Promissory Note of even date herewith and any renewals, extensions or modifications thereof and any replacements or substitutions therefor, in the original principal amount of Three Million Eight Hundred Fifty Thousand and 00/100 Dollars (\$3,850,000.00), or so much thereof as is advanced by Beneficiary, executed by Grantor and delivered to Beneficiary (the "Note"), together with the interest thereon, and the fees and other charges as provided by the Note, which is made a part hereof by reference, and such further sums as may be advanced or loaned by Beneficiary to Grantor.

2. Payment of such further sums as Grantor may hereafter borrow from Beneficiary when evidenced by another note or instrument reciting it is so secured, payable to Beneficiary or order and made by Grantor or any successor in ownership, together with all extensions, renewals, modifications, amendments and replacements thereto.

3. Performance of each agreement of Grantor herein contained or contained in any other agreement given by Grantor or any other persons or entity to Beneficiary for the purpose of further securing any indebtedness hereby secured, or executed in connection with, the making of the Loan secured hereby, including, without limitation, the Note; this Deed of Trust; Assignment of Leases and Rents; UCC Financing Statement(s); Construction Loan Agreement (if any); and any and all other agreements entered into in connection herewith, but expressly excluding that certain Guaranty (the "Guaranty") of Jeffrey P. Rauth ("Guarantor") and that certain Environmental Certificate and Indemnity Agreement entered into in connection herewith (the "Environmental Certificate"). The Note, this Deed of Trust, the Assignment of Leases and Rents, the UCC Financing Statement(s), the Construction Loan Agreement (if any) and any and all other agreements entered into in connection herewith, are collectively (except the Guaranty and Environmental Certificate) referred to herein as the "Loan Documents".

GRANTOR REPRESENTS, WARRANTS, COVENANTS AND AGREES AS FOLLOWS:

ARTICLE I COVENANTS

1.1 Payment of Note and Performance of Deed of Trust.

Grantor shall pay the principal, interest and other charges payable under the Note according to its terms, and will perform and comply with each and every term, covenant and condition hereof, and of the Note, and all of the other Loan Documents.

1.2 Warranty of Title

Grantor represents and warrants that at the time of the delivery of this Deed of Trust:

- (i) Grantor is seized in fee simple of the Real Property and owns outright every part thereof;
- (ii) there are no liens or encumbrances against or upon the Real Property other than those permitted by Beneficiary on its mortgagee's policy of title insurance insuring the lien of this

Deed of Trust (the "Permitted Encumbrances"), and none will be created or suffered to be created by Grantor during the term of this Deed of Trust, except as have been disclosed to and approved by Beneficiary in writing and upon such terms and conditions as may be satisfactory to Beneficiary; (iii) Grantor has good right to make this Deed of Trust; (iv) Grantor has good and absolute title to all existing Personal Property, and has good right, full power and lawful authority to convey and encumber the same in the manner and form conveyed and encumbered hereby; (v) the Personal Property, is free and clear of all liens, charges, and encumbrances whatsoever, including, security agreements, conditional sales contracts and anything of a similar nature, and none will be created or suffered to be created by Grantor; (vi) there is no financing statement covering the Property, or any part thereof, on file in any public office; (vii) the Real Property constitutes one or more tax parcels, each with a separate tax assessment independent of any land or improvements not covered by this Deed of Trust; (viii) the Real Property constitutes one or more legal lots capable of being conveyed without violation of any subdivision or platting laws or regulations; and (ix) Grantor will warrant and forever defend the title to the Property against the claims of all persons whomsoever.

1.3 Tax Deposits and Insurance.

Upon written demand of Beneficiary after a Default, and until such Default is cured, or at such time as there have been more than four (4) late payments under the Note, Grantor will pay to Beneficiary or its servicing agent on the first day of each month, together with and in addition to the regular installments due under the Note, an amount equal to one-twelfth (1/12) of the yearly taxes, assessments, other similar charges (including any amounts which may become payable to Grantor pursuant to Paragraph 1.5 hereof), and insurance premiums as reasonably estimated by Beneficiary or by Beneficiary's servicing agent to be sufficient to allow the payment at least thirty (30) days before they become due of all taxes, assessments, other similar charges and insurance premiums related to the Property. The arrangement provided for in this Paragraph 1.3 is solely for the added protection of Beneficiary and entails no responsibility on Beneficiary's part beyond the allowing of due credit, without payment of interest or income to Grantor, unless specifically required by law, for the sums actually received by it. Those sums received, but not immediately required for payment of the items set forth above, may be commingled with the other funds of Beneficiary and may be invested or otherwise used by Beneficiary without payment of any interest to or on behalf of Grantor until such time as payment of the items set forth above is required. Upon demand of Beneficiary or its servicing agent, Grantor shall promptly deliver to Beneficiary or its servicing agent such additional sums as are necessary to make up any deficiency in the amount necessary to pay such taxes, assessments, other similar charges and insurance premiums in a timely manner. Upon assignment of this Deed of Trust by Beneficiary, any funds on hand shall be turned over to the assignee and any responsibility of the assignor with respect thereto shall terminate. Each transfer of the Real Property shall automatically transfer to the grantee all rights of the grantor with respect to any funds accumulated hereunder.

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1.4 Taxes, Liens and Other Charges.

Grantor shall pay when due:

1.4.1 All taxes, assessments and other governmental or public charges affecting the Property, including any accrued interest, cost or penalty thereon and will submit receipts therefor to Beneficiary at least ten (10) days before delinquency;

1.4.2 All encumbrances (including any debt secured by deeds of trust), ground rents, liens or charges, with interest, on the Property or any part thereof, and all costs and fees related thereto (provided that nothing in this subparagraph 1.4.2 shall be construed as a consent by Beneficiary to any such encumbrances, ground rents, liens, or charges). Grantor shall have the right to contest the amount or validity, in whole or in part, of any such taxes, assessments, encumbrances, liens, or charges payable under subparagraph 1.4.1 or this subparagraph 1.4.2 by appropriate proceedings conducted in good faith and with due diligence, in which event, Grantor, upon prior written notice to Beneficiary, may postpone or defer payment of such encumbrance, lien, or charge, if and so long as:

(1) such proceedings shall operate to prevent the collection of the encumbrance, lien, or charge;

(2) neither the Property nor any part thereof would by reason of such postponement or deferment be in danger of being forfeited or lost; and

(3) Grantor, before the date such encumbrance, lien, or charge becomes delinquent, gives such reasonable security as may be requested by Beneficiary to insure payment of such encumbrance, lien, or charge and prevent any forfeiture or loss of the Property or any part thereof;

1.4.3 All charges for utilities or services, including, but not limited to, electricity, gas, garbage, sewer and water; and

1.4.4 All costs, fees and expenses of this Deed of Trust, including cost of evidence of title, Trustee's fees and attorneys' fees required to be paid herein.

Grantor's obligations under subparagraph 1.4.1 shall be deemed satisfied if Grantor has promptly and properly paid all of such amounts to Beneficiary or its servicing agent pursuant to Paragraph 1.3 hereof.

1.5 Further Taxes.

In the event of the passage, after the date of this Deed of Trust, of any law deducting from the value of the Property for the purposes of taxation, any lien thereon, or changing in any way the laws now in force for the taxation of deeds of trust or debts secured by deeds of trust,

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or the manner of the collection of any such taxes, so as to affect the Beneficiary's interest in this Deed of Trust, or imposing payment of the whole or any portion of any taxes, assessments or other similar charges against the Property upon Beneficiary, the indebtedness secured hereby shall immediately become due and payable at the option of Beneficiary; provided, however, that such election by Beneficiary shall be ineffective if such law either (a) shall not impose a tax upon Beneficiary nor increase any tax now payable by Beneficiary, or (b) shall impose a tax upon Beneficiary or increase any tax now payable by Beneficiary and prior to the due date of such tax: (i) Grantor is permitted by law and can become legally obligated to pay such tax or the increased portion thereof (in addition to all interest, and other charges payable hereunder and under the Note) without exceeding the limits imposed by applicable interest rate laws; (ii) Grantor does pay such tax or increased portion; and (iii) Grantor agrees with Beneficiary in writing to pay, or reimburse Beneficiary for the payment of, any such tax or increased portion thereof when thereafter levied or assessed against the Property or any portion thereof. The obligations of Grantor under such agreement shall be secured hereby.

1.6 Insurance. Grantor shall at all times provide, maintain and keep in force:

1.6.1 Fire insurance on the Improvements on the Real Property and on all Personal Property, including endorsements of extended coverage, vandalism and malicious mischief. Such policies shall be in an amount sufficient to prevent Beneficiary or Grantor from becoming a co-insurer under the terms of the applicable policies, but in any event in an amount not less than the greater of one hundred percent (100%) of the then full replacement cost of the Improvements, as revalued on an annual basis, without deduction for depreciation or the amount of the then outstanding principal balance and accrued interest of the Note. Each of such policies shall contain a replacement cost endorsement for an agreed amount.

1.6.2 Flood insurance upon the Property in the event that the Property is located in a designated flood plain and such insurance is available pursuant to the provisions of the Flood Disaster Protection Act of 1973 or other applicable legislation (Beneficiary reserves the right to require that Grantor secure flood insurance in excess of the amount provided by the Flood Disaster Protection Act of 1973, if such insurance is commercially available, up to the amount of insurance required in subparagraph 1.6.1 hereof), or, in the alternative, a certificate from the appropriate agency as evidence that the Property is not located in a flood hazard area as defined by the U.S. Department of Housing and Urban Development pursuant to the Flood Disaster Protection Act of 1973.

1.6.3 Comprehensive general public liability insurance against claims for personal injury liability, and liability for bodily injury, death, and damage to property, products and completed operations, against any and all claims, including all legal liability to the extent insurable and imposed upon Beneficiary, and all court costs, legal fees and expenses. The limits of liability for such insurance coverage shall be in an amount not less than One Million and 00/100 Dollars (\$1,000,000.00) per occurrence and Two Million and 00/100 Dollars (\$2,000,000.00) in the aggregate, and shall be without a deductible or self-insured retention

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together with excess/umbrella liability coverage of not less than Five Million and 00/100 Dollars (\$5,000,000.00) per occurrence. Upon request, Grantor shall also carry additional insurance or additional amounts of insurance covering Grantor or the Property as Beneficiary shall reasonably require. If the Property is vacant, Grantor shall provide a standalone vacant land or vacant building policy, consistent with the foregoing limits. A Property is vacant if no authorized person undertakes any activities on the Property, resides or works on the Property, and no other action has been taken with respect to the Property. See subparagraph 1.6.4 for required insurance once construction activities commence.

1.6.4 If Grantor is undertaking construction activities on the Property, at all times during which time such structural construction, material repairs or alterations are being made with respect to the Property, Grantor shall maintain Builder's Risk Insurance under special cause of loss from coverage in an amount satisfactory to Beneficiary.

1.6.5 If Grantor has employees, Grantor shall also maintain workers' compensation insurance, subject to the laws of the state where the Property is located, and employer's liability insurance with a limit of at least One Million and 00/100 Dollars (\$1,000,000.00) per accident and per disease per employee, with respect to any work or operations on or about the Property.

1.6.6 If Grantor is required to provide Builder's Risk Insurance under subparagraph 1.6.4, above, Grantor shall cause each general contractor and each other contractor with whom Grantor contracts directly for the Property to provide and maintain comprehensive (commercial) general liability insurance, protective liability insurance and workers' compensation insurance for all employees of such contractor meeting, respectively, the requirements of subparagraphs 1.6.1, 1.6.3 and 1.6.4 above. Beneficiary reserves the right to reject any exclusions from coverage. The policy or policies may not include exclusions for multifamily, condominiums, townhouses, residential structure or tract homes, if Beneficiary is constructing the same. The policy or policies may not exclude Action Over Claims or subsidence coverage. Beneficiary reserves the right to require a Contractor Jobsite Pollution policy. The policy must cover commercial Auto, Hired and Non-Owned, at limits no less than those set forth in subparagraph 1.6.3 above.

1.6.7 Such other insurance, and in such amounts, as may from time to time be reasonably required by Beneficiary against the same or other insurable hazards which at the time are commonly insured against in the case of premises similarly situated, due regard being given to the height and type of buildings thereon and their construction, use and occupancy.

Grantor shall furnish Beneficiary with certificates evidencing each policy required to be provided by Grantor hereunder and certified copies of each policy. All policies for such insurance shall be (a) issued by companies approved by Beneficiary, which shall have an A.M. Best's Key Rating of at A-VIII or higher, or, if a rating by A.M. Best is no longer available, then a similar rating from a similar or successor service; (b) on forms approved by Beneficiary; (c) subject to the approval of Beneficiary as to amount, content, form, and

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expiration date; and (d) provide that they may not be cancelled without thirty (30) days prior written notice to Beneficiary. All policies, except the general liability policy shall contain a Lender's Loss Payable Endorsement (Form BFU 438, or its equivalent), in favor of Beneficiary insuring that the proceeds thereof shall be payable to Beneficiary (to the extent of its interest). The general liability and builder's risk policies shall name Beneficiary as an additional insured. Upon Beneficiary's request, Grantor shall provide Beneficiary with evidence of the replacement cost of the Property.

At least thirty (30) days before expiration of any policy required to be provided by Grantor hereunder, Grantor shall furnish Beneficiary proof of issuance of a policy continuing in force the insurance covered by the policy so expiring. Grantor shall furnish Beneficiary receipts for the payment of premiums on such insurance policies or other evidence of such payment reasonably satisfactory to Beneficiary. In the event that Grantor does not deposit with Beneficiary evidence of renewal of expiring insurance and evidence of payment of premium thereon at least thirty (30) days before expiration of any policy, then Beneficiary may, but shall not be obligated to, procure such insurance and pay the premiums therefor or any force-placed insurance. In each such event, Grantor agrees to repay to Beneficiary the premiums thereon promptly on demand, and until such repayment is received, interest thereon shall accrue at the Default Rate defined in the Note.

Grantor's obligations under this Paragraph 1.6 shall be deemed satisfied if Grantor has timely paid all insurance premiums for such policies to Beneficiary or its servicing agent pursuant to Paragraph 1.3 hereof.

1.7 Casualty.

Grantor hereby assigns to Beneficiary all insurance proceeds that it may be entitled to receive, and such proceeds shall be delivered to and held by Beneficiary to be applied as mutually agreed by Grantor and Beneficiary; either to the reduction of the indebtedness secured hereby, or for Grantor to immediately restore any portion or all of the Improvements to their original condition and, in that event, Beneficiary shall make the insurance proceeds available to Grantor as restoration progresses; provided that if, in the opinion of Beneficiary, the amount of insurance proceeds will not be sufficient to restore the Improvements to their original condition, then prior to Beneficiary making any insurance proceeds available to Grantor, Grantor shall deposit the amount of the deficiency with Beneficiary. If such amount is not deposited with Beneficiary within ten (10) days after receipt by Beneficiary of the insurance proceeds then the proceeds shall be applied to the reduction of the indebtedness secured hereby unless Beneficiary elects otherwise. If for any reason Grantor and Beneficiary cannot agree as to the application of such insurance proceeds, Beneficiary shall determine such application. The application of insurance proceeds to the reduction of the principal balance outstanding on the Note shall not serve to cure any existing Default. If the proceeds are sufficient to pay in full the indebtedness and other sums secured hereby, then any excess proceeds shall be paid over to Grantor.

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In the event of the foreclosure of this Deed of Trust or other transfer of the title to the Property in extinguishment, in whole or in part, of the indebtedness secured hereby, all right, title and interest of Grantor in and to any insurance policy, or premiums or payments in satisfaction of claims or any other rights thereunder then in force shall pass to the purchaser or grantee notwithstanding the amount of any bid at such foreclosure sale.

Nothing contained herein shall prevent accrual of interest as provided in the Note, which accrual shall continue until such proceeds are actually received and applied to the outstanding principal balance of the Note.

After the happening of any casualty, whether or not required to be insured against under the policies to be provided by Grantor hereunder, Grantor shall give prompt written notice thereof to Beneficiary.

1.8 Condemnation.

If the Property or any part thereof is taken or damaged by reason of any public improvement, condemnation proceeding, or conveyance in lieu thereof, or in any other manner, Beneficiary shall be entitled to all compensation, awards and other payments or relief therefor, and shall be entitled, at its option, to commence, appear in and prosecute in its own name any action or proceeding, or to make any compromise or settlement in connection with such taking or damage. All such compensation, awards, damages, rights of action and proceeds (the "Proceeds") are hereby assigned to Beneficiary who shall deduct therefrom all its reasonable expenses. Thereafter, if the remaining Proceeds are sufficient, in Beneficiary's sole opinion, to restore the Property, Beneficiary shall make the remaining Proceeds available as needed for the restoration of the Property. If the remaining Proceeds are not sufficient to restore the Property, the proceeds shall be applied to the Note and other obligations secured hereunder, in Beneficiary's sole discretion. The application of a condemnation award to the reduction of the outstanding principal balance of the Note shall not serve to cure any existing Default.

Nothing contained herein shall prevent the accrual of interest as provided in the Note, which accrual shall continue until such Proceeds are actually received and applied to the outstanding principal balance of the Note.

1.9 Care of the Property. Grantor shall:

1.9.1 Keep the Property in good condition and repair and not commit or permit any waste or deterioration of the Property or suffer any act or occurrence that would impair the security for the debt secured hereby;

1.9.2 Not remove, demolish or substantially alter any portion of the Property or permit or suffer such to be done, without Beneficiary's prior written consent (except for demolition or construction of tenant improvements and such alterations as may be required by laws, ordinances or regulations of governmental authorities);

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1.9.3 Replace any work or materials that are not in accordance with the plans and specifications previously approved by Beneficiary and unsatisfactory to Beneficiary, within fifteen (15) days after written notice from Beneficiary or, if such replacement requires more than fifteen (15) days, to commence replacement within fifteen (15) days and diligently proceed thereafter;

1.9.4 Comply with all laws, ordinances, rules, regulations and orders of governmental authorities now or hereafter affecting the Property or requiring any alterations or improvements to be made thereon, and perform all of its obligations under any covenant, condition, restriction or agreement of record affecting the Property, and deliver to Beneficiary copies of any permits, approvals or disapprovals issued by any governmental authority relating to the Property within ten (10) days of receipt thereof;

1.9.5 Not commit, suffer or permit any act to be done in, upon or to the Property in violation of any law or ordinance or any covenant, condition or restriction affecting the Property;

1.9.6 Do any and all acts which, from the character or use of the Property, may be reasonably necessary to protect and preserve the security of Beneficiary, the specific enumerations herein not excluding the general;

1.9.7 Perform all of Grantor's obligations or covenants under any encumbrance affecting the Property, including without limitation, leases, declarations, covenants, conditions, restrictions or other agreements relating to or affecting the Property;

1.9.8 Not create, suffer or permit any lien or encumbrance against or affecting the Property, including without limitation any Personal Property that Grantor intends to acquire with a purchase money security interest, except the Permitted Encumbrances, without Beneficiary's prior written consent;

1.9.9 Not take or permit to be taken any actions that might invalidate any insurance carried on the Property;

1.9.10 Except as provided in the Loan Documents, not permit any new building or additions to existing structures to be erected on the Property without the prior written consent of Beneficiary, and not construct any improvements on the Property or undertake any site development work unless approved by Beneficiary, which consent shall not be unreasonably withheld;

1.9.11 Not initiate or acquiesce in any change in the use or nature of the occupancy of the Property (including any conversion to condominiums) or in any zoning or other land use classification affecting the Property without the prior written consent of Beneficiary, which consent shall not be unreasonably withheld;

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1.9.12 Insure that at all times the Property constitutes one or more legal lots capable of being conveyed without violation of any subdivision or platting laws, ordinances, rules or regulations, or other laws regulating the dimension or separation of real property; and

1.9.13 Promptly notify Beneficiary of any litigation pending or, to Grantor's knowledge, threatened against Grantor, the Property, any Guarantor, or any other guarantor of the Note whether or not such amount is covered by insurance.

1.10 Further Assurances.

If required by Beneficiary at any time during the term of this Deed of Trust, Grantor will execute, acknowledge and deliver to Beneficiary, in form satisfactory to Beneficiary, such chattel mortgages, security agreements or other similar security instruments, in form and substance satisfactory to Beneficiary, covering all property of any kind whatsoever situated on the Property owned by Grantor or in which Grantor has any interest which, in the sole opinion of Beneficiary, is important to the operation of the Real Property covered by this Deed of Trust. Grantor shall further, from time to time, within fifteen (15) days after request by Beneficiary, execute, acknowledge and deliver any financing statement, renewal, affidavit, certificate, continuation statement or other document as Beneficiary may reasonably request and is necessary to perfect, preserve, continue, extend or maintain the security interest under and the priority of this Deed of Trust and any such chattel mortgage or other security instrument. Grantor further agrees to pay to Beneficiary on demand all costs and expenses incurred by Beneficiary in connection with the preparation, execution, recording, filing and refiling of any such instrument or document including the charges for examining title and obtaining the appropriate title update. However, neither a request so made by Beneficiary nor the failure of Beneficiary to make such request shall be construed as a release of the Property, or any part thereof, from the conveyance of title by this Deed of Trust, it being understood and agreed that this covenant and any such chattel mortgage, security agreement or other similar instrument, delivered to Beneficiary, are cumulative and given as additional security. Any breach of such security agreement or other similar instrument shall constitute a Default under this Deed of Trust.

1.11 Leases and Other Agreements Affecting the Property; Assignment.

1.11.1 Grantor shall fully and promptly keep, observe, perform and satisfy each obligation, condition, covenant and restriction affecting the Property or imposed on it under any agreement between Grantor and a third party relating to the Property (including, without limitation, any leases or rental agreements for any portion of the Property (the "Leases") and any contracts relating to the construction, maintenance or management of the Property (the "Contracts")) so that there will be no default thereunder and so that the persons obligated thereon shall be and remain at all times obligated to perform thereunder. Grantor will not permit to exist any condition, event or fact which could allow or serve as a basis or justification for any such person to avoid such performance. All right, title and interest of Grantor in the Leases

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and the Contracts are hereby assigned to Beneficiary absolutely and irrevocably and not as additional security. Grantor expressly agrees that it is the intention of Grantor and Beneficiary that such assignment is absolute and shall entitle Beneficiary to collect, subject to the license granted in Paragraph 2.2 hereof, Rents (as defined in Paragraph 2.1) due under the Leases without the taking of any additional steps by Beneficiary (including, but not limited to, the taking of possession of the Property or the appointment of a receiver). Notice of such assignment shall be given to the tenant or tenants thereunder as may be required by Beneficiary.

Without the prior written consent of Beneficiary, which consent shall not be unreasonably withheld Grantor shall not:

- (1) accept prepayments of Rent under the Leases exceeding one month, in addition to a security deposit;
- (2) modify or amend any Leases or, except where the lessee is in default, cancel or terminate the same or accept a surrender of the leased premises;
- (3) consent to the assignment or subletting of the whole or any portion of any lessee's interest under any of the Leases which has a term of more than one (1) year or grant any options to renew for a term greater than one (1) year;
- (4) create or permit any lien or encumbrance which upon foreclosure would be superior to any Leases; or
- (5) in any other manner impair Beneficiary's rights and interest with respect to the rents received from the Leases or the Contracts.

1.11.2 All Leases and Contracts shall be subject to the prior written approval of Beneficiary, which approval shall not be unreasonably withheld, and at Beneficiary's option, shall be made subordinate to this Deed of Trust.

1.11.3 Grantor, or its designees approved in writing in advance by Beneficiary, shall be the exclusive manager of the Property. Any management agreement affecting the Property shall be subject to the prior written approval of Beneficiary, which shall not be unreasonably withheld, shall expressly subordinate to this Deed of Trust and the lien hereof, and shall be terminable by Beneficiary or the purchaser at any foreclosure sale upon such sale or transfer in lieu thereof without payment of any termination fee or other amounts to the manager.

1.11.4 Beneficiary shall respond promptly to Grantor's or its manager's request for any consents or approvals required by this Paragraph 1.11. Beneficiary shall be deemed to have given its consent or approval if Beneficiary fails to respond to any such request within five (5) business days.

1.12 Expenses.

1.12.1 Upon a Default, Beneficiary or Trustee shall have the right to employ an attorney in connection with their rights under the Loan Documents and Grantor shall pay all attorneys' fees, costs and expenses, including expenses of retaking, holding, preparing for sale or selling (including cost of evidence or search of title and the costs and expenses of an investigation of the Property for Hazardous Waste (as defined below) and other environmental characteristics) in connection with any action or actions that may be brought for the foreclosure of this Deed of Trust, possession of the Property, the protection of or the defense of the priority of the lien provided for hereby, the appointment of a receiver, or the enforcement of any and all covenants or rights contained in or secured by this Deed of Trust.

1.12.2 Grantor will pay within thirty (30) days of written demand all sums expended or expense incurred by Trustee or Beneficiary, including, without limitation, attorneys' fees, under any of the terms of this Deed of Trust. If such sums are not so paid within thirty (30) days of written notice, such sums shall thereafter bear interest at the Default Rate (as defined in the Note).

1.13 Books, Records and Accounts.

Grantor shall keep and maintain, or cause to be kept and maintained proper and accurate books, records and accounts reflecting all items of income and expense in connection with the operation of the Property or in connection with any services, equipment or furnishings provided in connection with the operation of the Property or conduct of activities on the Property. After two (2) business days prior notice to Grantor, Beneficiary or its designee shall have the right from time to time at all times during normal business hours to examine such books, records and accounts at the office of Grantor or other person or entity maintaining such books, records and accounts and to make copies or extracts thereof as Beneficiary or its designee shall desire. Grantor shall deliver such financial reports and other information as requested by Beneficiary from time to time.

1.14 Subrogation.

Beneficiary will be subrogated for further security to the lien of and to all rights of any beneficiary, mortgagee or lienholder under any encumbrance, whether or not released of record, paid out of the proceeds of the loan secured by this Deed of Trust or advanced pursuant to the terms hereof and of any of the other Loan Documents.

1.15 Inspection of Property.

After notice and accompanied by a representative of Grantor or its property manager, Beneficiary is authorized, for itself, its agents or employees to enter at least once a month and at any reasonable time during normal business hours upon any part of the Property for the purpose of inspecting the same, determining Grantor's compliance with the provisions of the

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Loan Documents and for the purpose of performing any of the acts it is authorized to perform under the terms of the Loan Documents. Grantor agrees to cooperate with Beneficiary to facilitate such inspections.

1.16 Property Compliance.

1.16.1 The Improvements and their use shall comply fully with (and no notices of violation have been received in connection with) environmental, air quality, zoning, flood plain, planning, subdivision, building, health, labor, discrimination, fire, traffic, safety, wetlands, shoreline and other governmental or regulatory rules, laws, ordinances, statutes, codes and requirements applicable to the Property, including, without limitation, the Fair Housing Act of 1968 (as amended) and the Americans with Disabilities Act of 1990 (as amended) (collectively, the "Building Laws"). Grantor shall use its best effort to insure receipt of such final certificates as may be required or customary to evidence compliance with all building codes and permits, and approval of full occupancy of the Improvements and of all installations therein. Grantor shall cause the Property to be continuously in compliance with all Building Laws (as the same may be amended from time to time). The Property is the only property required to operate the Improvements as constructed in compliance with all Building Laws. All buildings constructed on the Real Property are higher than the 100-year flood plain or are covered by adequate flood insurance.

1.16.2 Grantor shall protect, defend, indemnify and hold Beneficiary harmless from and against all liability threatened against or suffered by Beneficiary by reason of a breach by Grantor of the foregoing representations and warranties contained in the preceding subparagraph 1.16.1. The foregoing indemnity shall include the cost of all alterations to the Property (including architectural, engineering, legal and accounting costs), all fines, fees and penalties, and all legal and other expenses (including attorneys' fees), incurred in connection with the Property being in violation of any Building Laws and for the cost of collection of the sums due under the indemnity. In the event that Beneficiary shall become the owner of the Property by foreclosure or deed in lieu of foreclosure of the Deed of Trust, the foregoing indemnification obligation shall survive such foreclosure or deed in lieu of foreclosure.

1.17 Collateral Security Instruments.

If Beneficiary at any time holds additional security for any obligations secured hereby, it shall have the right to enforce the terms thereof or otherwise realize upon the same, at its option, either before or concurrently herewith or after a sale is made hereunder, and may apply the proceeds upon the indebtedness secured hereby without affecting the status of or waiving any right to exhaust all or any other security, including the security hereunder, and without waiving any breach or default or any right or power whether exercised hereunder or contained herein or in any such other security.

1.18 Suits Affecting Property.

Grantor shall appear in and defend any action or proceeding purporting to affect the Property or this Deed of Trust or any other security for the obligations secured hereby, the interest of Beneficiary or the rights, powers or duties of Trustee hereunder. Grantor agrees to notify Beneficiary before it commences any action or proceeding relating to any part of the Property or the security of this Deed of Trust (except actions to terminate month-to-month tenancies or evict tenants thereunder to the extent permitted by Paragraph 1.11 hereof). Grantor shall pay all costs and expenses, including the cost of evidence of title and attorneys' fees in any action or proceeding in which Beneficiary or Trustee may appear or be made a party, including, but not limited to, foreclosure or other proceeding commenced by those claiming a right to any part of the Property under any prior or subordinate liens, any forfeiture proceeding, in any action to partition or condemn all or part of the Property, and in any action concerning the disposition or availability of insurance proceeds relating to the Property, whether or not such proceedings are pursued to final judgment. Grantor hereby assigns to Beneficiary all proceeds payable by third parties arising from claims or events of impairment or loss to the Property, and agrees that Beneficiary may require that such amount be paid directly to Beneficiary. In any claim, action or proceeding affecting the Property or Beneficiary's security in which Beneficiary appears (including any claim on the title insurance policy insuring the lien of this Deed of Trust), Grantor fully waives, to the extent necessary, in Beneficiary's opinion, to protect Beneficiary's interests hereunder and under any other Loan Document, any rights to privacy or nondisclosure it may have with regard to information provided to Beneficiary in connection with the Loan secured hereby.

1.19 Beneficiary's Right to Defend Action and Cure Certain Defaults.

Beneficiary shall have the right to appear in and defend any action or proceeding at law or in equity or in bankruptcy purporting to affect the Property or any security for the obligations secured hereby. Beneficiary shall be allowed and paid all Beneficiary's costs, charges and expenses, including cost of evidence of title and attorneys' fees incurred in such action or proceeding in which Beneficiary may appear.

If Grantor fails to make any payment or to do any act as herein provided, or if Grantor allows, in violation of this Deed of Trust, any lien encumbrance or charge against the Property and Grantor fails to cure such default within thirty (30) days of Beneficiary's delivery of written notice to Grantor, then Beneficiary or Trustee, but without obligation so to do and without releasing Grantor from any obligation hereof, shall have the right to: make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon the Property for such purposes; commence, appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien that in the judgment of either appears to be prior or superior hereto; and, in exercising any such power, incur any liability, expend whatever amounts in

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Beneficiary's or Trustee's absolute discretion it may deem necessary therefor, including cost of evidence of title and attorneys' fees.

Grantor hereby agrees to pay, within ten (10) days of written demand, all of Beneficiary's costs, charges, expenses and amounts referred to above in this Paragraph 1.19, including the cost of evidence of title and attorneys' fees incurred in such action or proceeding in which Beneficiary may appear. All costs, charges and expenses so incurred, together with interest thereon as aforesaid, shall be secured by the lien of this Deed of Trust. Such amounts, if not paid within ten (10) days of written demand therefor, shall thereafter bear interest at the Default Rate (as defined in the Note).

1.20 Hazardous Materials.

1.20.1 The term "Environmental Liability" shall mean any claim, demand, obligation, cause of action, accusation, allegation, order, violation, damage (including consequential damage), injury, judgment, penalty or fine, cost of Enforcement or Remedial Action, or any other cost or expense whatsoever, including attorneys' fees and disbursements, resulting from the violation or alleged violation of any Environmental Law or from any Enforcement or Remedial Action. The term "Environmental Law" or "Environmental Laws" means and includes, without limitation, any federal, state or local law, statute, regulation or ordinance pertaining to health, industrial hygiene or the environmental or ecological conditions on, under or about the Property, including without limitation each of the following: the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601 *et seq.*; the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. § 6901 *et seq.*; the Toxic Substance Control Act, as amended, 15 U.S.C. § 2601 *et seq.*; the Clean Air Act, as amended, 42 U.S.C. § 7401 *et seq.*; the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251 *et seq.*; the Federal Hazardous Materials Transportation Act, 49 U.S.C. § 1801 *et seq.*; the Washington Model Toxics Control Act, RCW Ch. 70.105D, the Washington Hazardous Waste Management Act, RCW Ch. 70.105; the Washington Water Pollution Control Act, RCW Ch. 90.48; the Washington Clean Air Act, RCW Ch. 70.94; the Washington Industrial Safety and Health Act, RCW Ch. 49.17; and the Washington State Environmental Policy Act, RCW Ch. 43.21C, and the rules, regulations and ordinances of the U.S. Environmental Protection Agency, the Washington Department of Ecology and of all other agencies, boards, commissions and other governmental bodies and officers having jurisdiction over the Property or the use or operation thereof. The term "Enforcement or Remedial Action" shall mean any step taken by any person, agency or entity to enforce compliance with or to collect or impose penalties, fines, or other sanctions provided by any Environmental Law. The term "Hazardous Material" means and includes, without limitation: (i) those substances included within the definitions of "hazardous substances," "hazardous materials," "toxic substances," "pollutants," "hazardous wastes," or "solid waste" in any Environmental Laws; (ii) those substances listed in the U.S. Department of Transportation Table or amendments thereto (49 CFR 172.101) or by the U.S. Environmental Protection Agency (or any successor agency) as hazardous substances (40 CFR Part 302 and

any amendments thereto); (iii) those other substances, materials and wastes which are or become regulated under any applicable federal, state or local law, regulation or ordinance or by any federal, state or local governmental agency, board, commission or other governmental body, or which are or become classified as hazardous or toxic by any such law, regulation or ordinance; and (iv) any material, waste or substance which is any of the following: (a) asbestos; (b) polychlorinated biphenyl; (c) designated or listed as a "hazardous substance" pursuant to Paragraphs 307 or 311 of the Clean Water Act (33 U.S.C. § 1251 *et seq.*); (d) explosive; (e) radioactive; (f) a petroleum product; (g) trichlorethane; or (h) trichloethane.

1.20.2 Grantor hereby represents and warrants that, except as disclosed in writing to Beneficiary, neither Grantor nor, to the best knowledge of Grantor, any other person, has ever caused or permitted any Hazardous Material to be placed, held, located or disposed of, on, under or at the Property, or any other real property legally or beneficially owned (or in which any interest or estate is owned) by Grantor in any state now or hereafter having in effect a so-called "Superlien" law or ordinance (the effect of which would be to create a lien on the Property to secure any obligation in connection with such real property in such other state). Grantor hereby represents and warrants that neither the Property, nor any part thereof has ever been used (whether by the Grantor or, to the best knowledge of Grantor, by any other person) (a) to generate, manufacture, store, treat or dispose of any Hazardous Material in any manner or quantity which violates an Environmental Law, or (b) for the operation of a gas station, automobile repair facility, dry cleaners, photo developing laboratory, junkyard, landfill, or waste treatment storage, disposal, processing or recycling facility. Grantor further represents and further warrants that neither Grantor, nor to the best knowledge of Grantor, any other person, has ever caused or permitted any asbestos to be located on or in the Property, except as disclosed in writing to Beneficiary. To the best knowledge of Grantor after due inquiry, Grantor has no knowledge of any proceeding or inquiry by any governmental authority (including, without limitation, the United States Environmental Protection Agency and Washington State Department of Ecology) with respect to the presence of any Hazardous Material on the Property or the migration thereof from or to adjoining property. To the best of Grantor's knowledge after due inquiry, there has been no investigation nor does Grantor have any knowledge of any contemplated investigation, by any local, state or federal governmental agency with authority to regulate, promulgate, administer or enforce any Environmental Laws within 2,000 yards of the Property.

1.20.3 Grantor shall keep and maintain the Property in compliance with and shall not cause or permit the Property to be in violation of any Environmental Law. If Hazardous Materials are disposed of or discovered on the Property, which under any Environmental Law require any special handling, collection, storage, treatment or disposal, Grantor shall commence with diligence, within thirty (30) days of notice thereof, to take all actions at its sole expense necessary to comply with any Environmental Laws. Grantor shall not use, generate, manufacture, treat, store, allow to remain or dispose of on, under, or about the Property or transport to or from the Property any Hazardous Materials in any manner or quantity which violates an Environmental Law. In the event of any activity involving any asbestos-containing

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materials ("ACMs") located on the Property, Grantor shall first perform a comprehensive asbestos survey before demolition or renovation activities, and shall protect all ACMs from damage or remove or dispose of all ACMs in accordance with all applicable Environmental Laws.

Grantor shall immediately advise Beneficiary in writing of (i) any and all enforcement, cleanup, remedial, removal, or other governmental or regulatory actions instituted, completed, or threatened pursuant to any Environmental Law affecting the Property; (ii) all claims made or threatened by any third party against Grantor or the Property relating to damage, contribution, cost recovery compensation, loss, or injury resulting from any Environmental Liability; and (iii) Grantor's discovery of any occurrence or condition on any real property adjoining or in the vicinity of the Property that could cause the Property or any part thereof to be subject to any restrictions on the ownership, occupancy, transferability, or use of the Property under any Environmental Laws or require Enforcement or Remedial Action on the Property.

Beneficiary shall have the right to join and participate in, as a party if it so elects, any legal proceedings or actions initiated in connection with any Environmental Liability and to have its attorneys' fees and consultants' fees in connection therewith paid by Grantor. Except in the case of emergencies (which shall be deemed to exist for a maximum of 24 hours), without Beneficiary's prior written consent, which shall not be unreasonably withheld, Grantor shall not take any remedial action in response to the presence of any Hazardous Material on, under or about the Property.

If Grantor fails to comply with any of the foregoing representations, warranties and covenants, Beneficiary may (i) declare a Default under this Deed of Trust, and/or (ii) cause the removal (and/or other cleanup acceptable to Beneficiary) of any Hazardous Material from the Property. Grantor shall be liable for any costs of Hazardous Material removal and/or other cleanup (including transportation and storage costs) incurred by Beneficiary, whether or not the costs exceed the amount of the Loan and whether or not a court has ordered the cleanup, and such costs shall become due and payable, on demand by Beneficiary, and with interest thereon at the Default Rate specified in the Note from the date of such demand. Grantor shall give Beneficiary, its agents and employees, access to the Property to remove or otherwise clean up any Hazardous Material. Beneficiary, however, has no affirmative obligation to remove or otherwise clean up any Hazardous Material, and nothing in this Deed of Trust or the other Loan Documents shall be construed as creating any such obligation.

1.21 Conveyance of Property.

In the event that, without Beneficiary's prior written consent, (i) all or any part of, or any interest in, the Property is sold, transferred, conveyed, by way of merger, reorganization, amalgamation, or otherwise, leased (other than a lease of any portion of the space in the Improvements for a term of one (1) year or less, without an option to purchase made in accordance with Paragraph 1.11), further encumbered, or a contract of sale or other conveyance

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entered into with respect thereto, or (ii) there is a transfer of more than ten percent (10%) of the beneficial interests in Grantor, in the aggregate, or more than twenty percent (20%) of the voting power in Grantor, in the aggregate (or of the voting power of any person or entity owning twenty percent (20%) or more of Grantor), then, upon the occurrence of any one or more of the foregoing events, Beneficiary shall have the right, at its option, to declare all amounts secured hereby immediately due and payable.

The execution and delivery by Grantor of any joint venture agreement, partnership agreement, declaration of trust, option agreement or other instrument whereunder any other person or entity may become entitled, directly or indirectly, to the possession or enjoyment of more than ten percent (10%) of the Property, or more than ten percent (10%) of the income or other benefits derived or to be derived therefrom, shall in each case be deemed to be a conveyance or assignment of the Grantor's interest in the Property for the purposes of this section, and shall require the prior written consent of the Beneficiary.

1.22 Anti-Forfeiture and Anti-Terrorism.

Grantor hereby further expressly represents and warrants to Beneficiary that neither Grantor nor any other person involved with the Property has committed or engaged in any act, enterprise, or omission affording the federal government or any state or local government the right of forfeiture as against the Property, or any part thereof, or the right to any monies paid in performance of its obligations under this Deed of Trust or under any of the other Loan Documents. Grantor hereby covenants and agrees not to commit, permit or suffer to exist any act or omission or engage in any enterprise affording such right of forfeiture. In furtherance thereof, Grantor hereby indemnifies Beneficiary and agrees to defend and hold Beneficiary harmless from and against any loss, damage or injury by reason of the breach of the covenants and agreements or the warranties and representations set forth in the preceding sentence. Without limiting the generality of the foregoing, the filing of formal charges or the commencement of proceedings against Grantor, Beneficiary or all or any part of the Property under any federal or state law for forfeiture of the Property or any part thereof or of any monies paid in performance of Grantor's obligations under the Loan Documents shall, at the election of the Beneficiary, constitute a Default hereunder unless cured by Grantor within thirty (30) days of Beneficiary's delivery of written notice to Grantor.

Grantor covenants that is not a person or associated with a person blocked under Executive Order 13224 and the related anti-terrorism regulations, including, without limitation, 31 CFR Pts. 595-597, as the same may be amended from time to time; and the acquisition of the Property and the loans secured by this Deed of Trust are not transactions blocked by such order and regulations.

1.23 Financial Covenants. Upon Grantor's breach of this Deed of Trust or any other Loan Document (without regards to any notice or cure periods), Beneficiary shall be entitled to establish, effective upon delivery of written notice to Grantor, such financial standards upon

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Grantor as Beneficiary may reasonably require and the failure to meet and maintain such standards shall be a Default.

ARTICLE II ASSIGNMENT OF RENTS

2.1 Assignment of Rents.

Grantor hereby absolutely and unconditionally assigns and transfers to Beneficiary all the income, rents, royalties, revenue, issues, profits and proceeds (collectively, the "Rents") of the Property, whether now due, past due or to become due, and hereby gives to and confers upon Beneficiary the right, power and authority to collect the Rents. Grantor irrevocably appoints Beneficiary its true and lawful attorney at the option of Beneficiary at any time, either by itself, through an agent or a receiver, to demand, receive and enforce payment, to give receipts, releases and satisfactions, and to sue, either in the name of Grantor or in the name of Beneficiary, for all the Rents. It is agreed that neither the foregoing assignment of Rents to Beneficiary, nor the exercise by Beneficiary of any of its rights or remedies under this Paragraph 2.1 or under Paragraph 2.2, nor the appointment of a receiver or possession of the Property by a receiver shall make Beneficiary a "mortgagee-in-possession" or otherwise responsible or liable in any manner with respect to the Property or the use, occupancy or enjoyment or operation of all or any portion thereof, unless and until Beneficiary in person assumes actual possession thereof. Nothing herein shall require Beneficiary to have a receiver appointed to collect any Rents, but Beneficiary shall be entitled to such appointment at its option in accordance with Paragraph 2.2 hereof. This assignment of Rents is intended to be specific, perfected and choate upon recording as provided in RCW 7.28.230.

2.2 License to Collect.

Notwithstanding anything to the contrary herein, so long as no Default exists, Grantor shall have a license to collect all Rents and to retain, use and enjoy the same. Upon any occurrence of a Default hereunder such license shall be revoked upon notice to Grantor from Beneficiary and all rights shall revert to Beneficiary who then shall have the right to exercise all of its rights as absolute owner of the Leases and Rents. Grantor agrees that payments made by tenants or occupants to Beneficiary shall, as to such tenants, be considered as though made to Grantor and in discharge of tenants' obligations to Grantor to the extent of such payments. Nothing herein contained shall be construed as obliging Beneficiary to perform any of Grantor's covenants under any lease or rental agreement. Grantor shall execute and deliver to Beneficiary, upon demand, any further or supplemental assignments deemed desirable by Beneficiary in order to further carry out and confirm the intentions of this Paragraph 2.2 and upon failure of the Grantor so to comply, Beneficiary shall have the right to, in addition to any other rights or remedies, at its option, declare all obligations secured by this Deed of Trust to be immediately due and payable.

**ARTICLE III
SECURITY AGREEMENT AND FIXTURE FILING**

3.1 Security Agreement.

This Deed of Trust creates a lien on the Property, and to the extent the Property is not real property under applicable law, this Deed of Trust constitutes a security agreement under the Washington Uniform Commercial Code and any other applicable law ("Security Agreement"). If required by Beneficiary, at any time during the term of this Deed of Trust, Grantor will execute and deliver to Beneficiary, in form satisfactory to Beneficiary, additional security agreements, financing statements or other instruments covering all Personal Property or fixtures of Grantor which may at any time be furnished, placed on, or annexed or made appurtenant to the Real Property or used, useful or held for use in the operation of the Improvements. Grantor further agrees that:

3.1.1 The obligations covered by this Security Agreement include future advances in all forms.

3.1.2 Beneficiary may commingle any personal property that comes into its possession and require Grantor to assemble the personal property and make it available to Beneficiary at a place to be designated by Beneficiary which is reasonably convenient to both parties. To the extent Beneficiary is required for any reason to provide commercially reasonable notice to Grantor, Grantor agrees that notice mailed by first class mail ten (10) days before the event of which notice is given, is commercially reasonable notice.

3.1.3 The standard by which Beneficiary's rights and duties under Article 9A of RCW Ch. 62A, as amended or corresponding provisions of subsequent superseding Washington state law, including but not limited to, Part 6 thereof, is measured, shall be gross negligence or willful misconduct.

3.1.4 Grantor shall notify Beneficiary in writing within thirty (30) days of any change in name of Grantor or its corporate structure. Nothing herein shall be construed as a consent by Beneficiary to a change in name or corporate structure otherwise prohibited hereby.

Grantor hereby irrevocably constitutes and appoints Beneficiary the attorney-in-fact of Grantor, to execute, deliver and file with the appropriate filing officer or office such security agreements, financing statements or other instruments as Beneficiary may request or require in order to impose and perfect the lien and security interest hereof more specifically on the Personal Property or any fixture.

It is understood and agreed that, in order to protect Beneficiary from the effect of RCW 62A.9A-334, as amended or corresponding provisions of subsequent superseding Washington state law, in the event that (i) Grantor intends to purchase any goods which may

become fixtures attached to the Property, or any part thereof, and (ii) such goods will be subject to a purchase money security interest held by a seller or any other party:

a. Grantor shall, before executing any security agreement or other document evidencing such security interest, obtain the prior written approval of Beneficiary, and all requests for such written approval shall be in writing and contain the following information:

(1) a description of the fixtures to be replaced, added to, installed or substituted;

(2) the address at which the fixtures will be replaced, added to, installed or substituted; and

(3) the name and address of the proposed holder and proposed amount of the security interest,

and any failure of Grantor to obtain such approval shall be a material breach of Grantor's covenant under this Deed of Trust, and shall, at the option of Beneficiary, entitle Beneficiary to all rights and remedies provided for herein upon a Default provided, that Beneficiary shall be deemed to have approved such agreement if it fails to object to such agreement within thirty (30) days of its actual receipt of Grantor's written request for such approval. No consent by Beneficiary pursuant to this subsection shall be deemed to constitute an agreement to subordinate the right of the Beneficiary in fixtures or other property covered by this Deed of Trust.

b. If at any time Grantor fails to make any payment on an obligation secured by a purchase money security interest in the Personal Property or any fixtures, Beneficiary may, at its option, at any time pay the amount secured by such security interest and the amount so paid shall be (i) secured by this Deed of Trust and shall be a lien on the Property having the same priorities as the liens and security interests created by this Deed of Trust, and (ii) payable on demand with interest at the rate specified in the Note from the time of such payment. Failure of Grantor to make such payment to Beneficiary within ten (10) days after demand, shall, at the election of Beneficiary, constitute a Default hereunder.

c. Beneficiary shall have the right to acquire by assignment from the holder of such security interest any and all contract rights, accounts receivable, negotiable or non-negotiable instruments, or other evidence of Grantor's indebtedness for such Personal Property or fixtures, and, upon acquiring such interest by assignment, shall have the right to enforce the security interest as assignee thereof, in accordance with the terms and provisions of the Washington Uniform Commercial Code then in effect, and in accordance with any other provisions of law.

d. Whether or not Beneficiary has paid the indebtedness secured by, or taken an assignment of, such security interest, Grantor covenants to pay all sums and perform all obligations secured thereby, and a default by Grantor under such security agreement shall, at the election of Beneficiary, constitute a Default hereunder.

3.2 Fixture Filing.

To the extent that any of the Property constitutes a fixture, this Deed of Trust shall serve as a Fixture Filing pursuant to the Washington Uniform Commercial Code.

ARTICLE IV DEFAULTS AND REMEDIES

4.1 Events of Default.

If any of the following events shall occur (each, a "Default"):

4.1.1 Default in payment when due of any indebtedness evidenced by the Note or secured hereby or the failure to pay when due any other sums of money required to be paid by any of the Loan Documents, subject to any applicable notice or cure periods provided in the Loan Documents; or

4.1.2 Failure by Grantor or any other party, including a Guarantor, to strictly comply with any of the covenants, terms, conditions, restrictions or agreements contained in this Deed of Trust, the Note, or any of the other Loan Documents, except a failure to pay money as required in subparagraph 4.1.1 above or a default under subparagraphs 4.1.3 through 4.1.9 below; or

4.1.3 A default occurs under any of the Loan Documents (after the expiration of any applicable notice or cure periods) or there is a default under any other loan from any party that is secured in whole or in part by the Property, or any part thereof; or

4.1.4 Grantor, any member of Grantor, a Guarantor, or any other guarantor of the Note (collectively, a "Loan Party") applies for or consents to the appointment of a receiver or trustee for it or any portion of its property, or if such receiver or trustee is appointed for any Loan Party or its property, or any Loan Party makes an assignment for the benefit of creditors, or any Loan Party admits in writing its inability to pay its debts as they become due, or any Loan Party becomes insolvent, or a petition is filed by any Loan Party pursuant to any of the provisions of the United States Bankruptcy Code, as amended, and such breach is not cured within thirty (30) days of Beneficiary's delivery of written notice to Grantor; or

4.1.5 A petition is filed against any Loan Party pursuant to any of the provisions of the United States Bankruptcy Code, as amended, or there is an attachment or

sequestration of any of the property of any Loan Party and the same is not discharged or bonded within sixty (60) days; or

4.1.6 Any representation or disclosure made to Beneficiary, in this Deed of Trust, the Note or any other Loan Document, by any Loan Party proves to be materially false or misleading on the date when such representation or disclosure was made, whether or not that representation or disclosure appears in this Deed of Trust, or any Loan Party omits to provide any information that makes any such representation or disclosure materially false or misleading; or

4.1.7 A transfer of the Property in violation of Paragraph 1.21 hereof occurs; or

4.1.8 Grantor fails to comply with the financial covenants contained in Paragraph 1.23 hereof and such breach is not cured within thirty (30) days of Beneficiary's delivery of written notice to Grantor; or

4.1.9 A default (after the expiration of any applicable notice or cure periods) occurs under any other loan currently existing or hereafter made by Beneficiary, or an entity owned by any beneficial owner of Beneficiary, to Grantor, Guarantor, or any entity in which fifty percent (50%) or more of the beneficial interests are owned by one or more persons who own fifty percent (50%) or more of the beneficial interests of Grantor or Guarantor;

then and in any such event, Beneficiary shall be entitled to exercise all rights, and shall have the benefit of all remedies provided by law or set forth in this Deed of Trust or in any other instrument given to secure the indebtedness evidenced by the Note, including the right to declare all sums secured hereby immediately due and payable.

Notwithstanding the foregoing, upon a Default, Beneficiary shall have the right, in person or through a third party designated by Beneficiary, to take possession of the Property and perform any and all work and labor necessary to complete any on-going improvements being constructed by Grantor on the Property (the "Work"). All sums expended by Beneficiary in so doing shall be deemed to have been advanced under the Note and secured by this Deed of Trust and the other Loan Documents. Any sums disbursed by Beneficiary in excess of the maximum principal amount of the Loan will be considered as additional advances to Grantor bearing interest at the rate of interest provided for in the Note, and secured by the Deed of Trust and all other Loan Documents. Beneficiary, by electing to so complete the Work will not be deemed to have assumed any liability to Grantor or any other person or entity for completing the Work or for the manner or quality of construction of the Work, and Grantor hereby expressly waives any such liability on behalf of Beneficiary. Grantor hereby constitutes and appoints Beneficiary as its true and lawful attorney in fact with full power of substitution to complete the Work in the name of Grantor and to (i) make such additions, changes and corrections in any plans and specifications as Beneficiary deems desirable; (ii) employ contractors, subcontractors, architects and other persons as shall be required for such purposes; (iii) pay,

settle or compromise all existing bills and claims which may be liens against the Property or as may be necessary or desirable for the completion of the Work or for clearance of title; and (iv) do any and all things which Grantor might do on its own behalf in order to complete the Work free and clear of all liens and encumbrances. The power of attorney granted pursuant to this paragraph shall be deemed a power coupled with an interest and irrevocable.

Further notwithstanding the foregoing, in the case of a default specified in subparagraph 4.1.2 above, if such default is susceptible of cure by Grantor, Beneficiary shall not exercise any such remedies unless Grantor fails to cure such default within thirty (30) days after written notice thereof from Beneficiary; provided that, if such default is of such nature that it cannot reasonably be cured within such thirty day period, such thirty day period shall be extended (to a period not exceeding ninety (90) days) if and so long as, in Beneficiary's sole judgment, Grantor is diligently prosecuting such cure. No waiver by Beneficiary of any default on the part of Grantor shall be construed as a waiver of any subsequent default hereunder.

4.2 Foreclosure Sale.

If a Default occurs and Beneficiary so requests, Trustee shall sell the Property in accordance with the Deed of Trust Act of the State of Washington (RCW Ch. 61.24 as existing now or hereafter amended) at public auction to the highest bidder. Any person except Trustee may bid at the Trustee's sale. Trustee shall apply the proceeds of the sale as follows (i) to the expenses of sale, including Trustee's fees and attorneys' fees; (ii) to all the indebtedness evidenced by the Note and all other indebtedness secured by this Deed of Trust or any other Loan Document; and (iii) the surplus, if any, shall be distributed in accordance with the Deed of Trust Act. Trustee shall deliver to the purchaser at the sale its deed, without warranty, which shall convey to the purchaser the interest in the Property which Grantor had or had the power to convey at the time of its execution of this Deed of Trust and such as it may have acquired thereafter. The Trustee's deed shall recite the facts showing that the sale was conducted in compliance with all the requirements of the law and of this Deed of Trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrances for value. The power of sale conferred by this Deed of Trust and by the Deed of Trust Act of the State of Washington is not an exclusive remedy, and when not exercised Beneficiary may foreclose this Deed of Trust as a mortgage. Further, Beneficiary reserves all rights granted by RCW 61.24.100 (as existing now or hereafter amended) to pursue a deficiency judgment against Grantor and/or any Guarantor.

Beneficiary shall have the right to proceed as to the Personal Property in accordance with Beneficiary's rights and remedies in respect to real property or sell the Personal Property separately and without regard to the remainder of the Property in accordance with Beneficiary's rights and remedies provided by the Washington Uniform Commercial Code as well as other rights and remedies available at law or in equity.

4.3 Other Remedies Upon Default.

Upon the occurrence of a Default, Beneficiary is authorized, either by itself or by its agent to be appointed by it for that purpose or by a receiver appointed by a court of competent jurisdiction, to enter into and upon and take and hold possession of any portion or all of the Property, both real and personal, and exclude Grantor and all other persons therefrom; to operate and manage the Property and rent and lease the same; to perform such reasonable acts of repair or protection as may be reasonably necessary or proper to conserve the value thereof; and collect any Rents for the benefit and protection of Beneficiary, and from time to time apply or accumulate such Rents in such order and manner as Beneficiary or such receiver, in its sole discretion, shall consider advisable, to or upon the following: the expenses of receivership, if any; the proper costs of upkeep, maintenance, repair and/or operation of the Property; the repayment of any sums theretofore or thereafter advanced pursuant to the terms of this Deed of Trust; the interest then due or next to become due upon the indebtedness secured hereby; the costs of appraisal of the Property; insurance premiums; and the taxes and assessments upon the Property then due or next to become due, or upon the unpaid principal of such indebtedness. The collection or receipt of Rents by Beneficiary, its agent or receiver, after notice of default and notice of sale shall not affect or impair such default or notices or any sale proceedings predicated thereon. Any Rents in the possession of Beneficiary, its agent or receiver, at the time of sale and not theretofore applied as herein provided, shall be applied in the same manner and for the same purposes as the proceeds of the sale.

Neither Trustee nor Beneficiary shall be under any obligation to make any of the payments or do any of the acts referred to in this Paragraph 4.3, and any of the actions referred to in this Paragraph 4.3 may be taken by Beneficiary regardless of whether any notice of default or notice of sale has been given hereunder and without regard to the adequacy of the security for the indebtedness evidenced by the Note.

4.4 Effect of Foreclosure on Leases.

Beneficiary shall have the right, at its option, to foreclose this Deed of Trust subject to the rights of any tenants of the Property, and the failure to make any tenants a party defendant to any foreclosure proceeding will not be asserted by the Grantor as a defense in any action or suit instituted to collect the indebtedness secured hereby or any deficiency remaining after foreclosure. Any such tenant whom Beneficiary elects to not make a party or subject to any foreclosure action shall continue in possession of its leasehold for the unexpired term of its lease and shall attorn to Beneficiary or other purchaser at the sale.

4.5 Sale in Parcels; Marshalling.

The Property, real, personal or mixed, may be sold as an entirety or in parcels, by one sale or by several sales held at one time or at different times, all as Trustee or Beneficiary, in its unrestricted discretion, may elect. Grantor, for and on behalf of itself and all persons claiming by, through or under Grantor, waives any and all right to have the Property marshaled

upon any foreclosure sale and agrees that, upon foreclosure, the Property may be sold as an entirety and not in parcels.

4.6 Appointment of Receiver.

Upon a Default, Beneficiary, separately or in any action to foreclose this Deed of Trust, shall be entitled (without notice and without regard to the adequacy of any security for the Note, the absence of waste or deterioration of the Property or other arguments based on equity) to the appointment of a receiver of the Property, including without limitation, of the Rents, who shall have, in addition to all the rights and powers customarily given to and exercised by such receiver, all the rights and powers granted to Beneficiary by the covenants contained herein. Once appointed, at Beneficiary's option, such receiver may remain in place until the default is cured.

4.7 Payment of Proceeds.

Whenever this Deed of Trust requires that amounts payable by a third party be paid directly to Beneficiary (for example, insurance proceeds and proceeds of claims of loss or damage to the Property), Beneficiary may enforce such right with a preliminary injunction or temporary restraining order. Grantor agrees that irreparable harm may result if such payments are not made directly to Beneficiary.

**ARTICLE V
GENERAL COVENANTS**

5.1 No Waiver.

Grantor covenants and agrees that the acceptance by Beneficiary of any sum secured hereby after its due date, or in an amount less than the sum then due, shall not constitute a waiver by Beneficiary of its rights either to require prompt payment when due of all other sums so secured or to declare a default or exercise such other rights as herein provided for failure so to pay. No failure by Beneficiary to insist upon strict performance of any term, covenant or condition hereof, nor failure to exercise any right or remedy hereunder, shall constitute a waiver of any such breach of such term, covenant or condition or of the later exercise of such right or remedy. All waivers shall be in writing.

5.2 Remedies Cumulative.

No remedy herein conferred upon or reserved to Trustee or Beneficiary is intended to be exclusive of any other remedy herein or by law provided or permitted, but each shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

5.3 Plats, Easements and Other Agreements.

At any time upon written request of Beneficiary, payment of its fees and presentation of this Deed of Trust and the Note for endorsement (in case of full reconveyance, for cancellation and retention), without affecting the liability of any person for the payment of the indebtedness or the effect of the Deed of Trust upon the remainder of the Property, Trustee may (i) consent to the making of any map or plat of said Real Property, (ii) join in granting any easement or creating any restriction thereon; (iii) join in any subordination or other agreement affecting this Deed of Trust or the lien or charge thereof; or (iv) reconvey, without warranty, all or any part of the Real Property. The grantee in any reconveyance may be described as the "person or persons legally entitled thereto," and the recitals therein of any matters or facts shall be conclusive proof of the truthfulness thereof. Grantor agrees to pay Trustee's fee for full or partial reconveyance, together with a recording fee, if Trustee, at its option, elects to record said reconveyance.

5.4 Notices.

All notices hereunder shall be deemed to have been duly given if mailed by United States registered or certified mail (return receipt requested and postage prepaid), sent by a reputable overnight delivery service, or personally delivered to the parties at the addresses set forth on page one of this Deed of Trust (or at such other addresses as shall be given in writing by any party to the other), and shall be deemed complete upon any such mailing, sending or delivery.

5.5 Heirs and Assigns; Terminology.

This Deed of Trust applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term "Grantor" shall mean both the original Grantor and any subsequent owner or owners of any of the Property. The term "Beneficiary" shall mean the owner and holder, including pledgees, of the Note, whether or not named as Beneficiary herein. In this Deed of Trust, whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural. The term "and/or" as used herein means one or the other or both, or any one or all, or any combination of the things or persons in connection with which the words are used. The obligations of Grantor hereunder shall be joint and several, binding on the community of which any grantor is a part and on the separate or quasi-community property of any grantor.

The captions and headings are inserted only as a matter of convenience and for reference, and in no way define, limit or describe the scope or intent of this Deed of Trust nor in any way affect this Deed of Trust.

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5.6 Severability.

If any provision hereof should be held unenforceable or void, then such provision shall be deemed separable from the remaining provisions and shall in no way affect the validity of this Deed of Trust, except that if such provision relates to the payment of any monetary sum then Beneficiary may, at its option, declare the indebtedness and all other sums secured hereby immediately due and payable, provided that no prepayment fee shall be payable in the event Beneficiary elects to exercise the option to accelerate contained in this Paragraph 5.6.

Grantor acknowledges and agrees that this document constitutes, among others, four (4) separate agreements: a Deed of Trust, a Security Agreement, a UCC Fixture Filing and an Assignment of Leases and Rents, each of which may be construed and enforced independently of the others even though the provisions hereof are common to all.

5.7 Time is of the Essence.

Time is of the essence hereof in connection with all obligations of Grantor herein or in the Note. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive its right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

5.8 Jury Trials.

It is mutually agreed by Grantor and Beneficiary that they each waive trial by jury in any action, proceeding, or counterclaim brought by either of them against the other on any matter whatsoever arising out of or in any way connected with the Note, this Deed of Trust or the Loan secured hereby.

5.9 Oral Agreements.

ORAL AGREEMENTS OR ORAL COMMITMENTS TO LOAN MONEY, EXTEND CREDIT, MODIFY LOAN TERMS OR TO FORBEAR FROM ENFORCING REPAYMENT OF A DEBT ARE NOT ENFORCEABLE UNDER WASHINGTON LAW.

5.10 Non-Agricultural Use.

The Real Property that is the subject of this Deed of Trust is not used principally or primarily for agricultural purposes.

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5.11 Waiver of Homestead Exemption.

Grantor hereby waives all rights to any homestead exemption to which Grantor would otherwise be entitled under any present or future constitutional, statutory, or other provision of applicable state or federal law.

5.12 No Personal, Family or Household Use.

The indebtedness evidenced by the Note shall not be used for personal, family or household use.

5.13 Governing Law.

This Deed of Trust is to be governed by and construed in accordance with the laws of the State of Washington.

5.14 Termination.

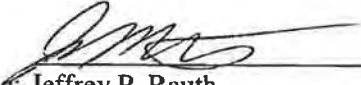
Trustee shall reconvey all or any part of the Property covered by this Deed of Trust to the person legally entitled thereto upon written request of Grantor and Beneficiary, or upon satisfaction of the obligations secured hereby and written request of reconveyance made by Beneficiary.

[Signature(s) follow on next page]

IN WITNESS WHEREOF, Grantor has executed this instrument as of the date first written above.

"GRANTOR"

RACQUET LANE TOWNHOMES, LLC,
a Washington limited liability company

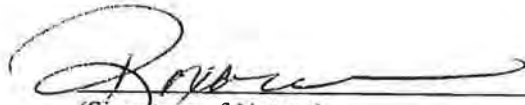
By: 
Name: Jeffrey P. Rauth
Title: Manager

STATE OF WASHINGTON)
) ss
COUNTY OF YAKIMA)

I certify that I know or have satisfactory evidence that Jeffrey P. Rauth is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Manager of RACQUET LANE TOWNHOMES, LLC, a Washington limited liability company to be the free and voluntary act and deed of said limited liability company, for the uses and purposes mentioned in the instrument.

WITNESS my hand and official seal hereto affixed this 29 day of July, 2019.




(Signature of Notary)
Roxanne Frasier

(Print or stamp name of Notary)
NOTARY PUBLIC in and for the State
of Washington
My Appointment Expires: January 21, 2022

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**EXHIBIT A
LEGAL DESCRIPTION OF REAL PROPERTY**

That portion of the West 1/2 of the Southeast quarter of the Northwest quarter of Section 35, Township 13 North, Range 18, E.W.M. lying North of a line beginning at a point on the East line of said West 1/2 a distance of 894 feet North of the Southeast corner of said West 1/2; thence Northwesterly in a straight line to a point in the West line of said West 1/2 which said point is situate 978 feet North of the Southwest corner of said West 1/2 EXCEPT that portion lying South of the center line of Wide Hollow Creek as same existed on May 31, 1966 AND EXCEPT the North 25 feet thereof as conveyed to the City of Yakima for street.

Situated in Yakima County, State of Washington.

2600 Racquet Lane, Yakima, WA 98902

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PLANNING DIV.



Supplemental Application For:
PLANNED DEVELOPMENT
YAKIMA MUNICIPAL CODE CHAPTER 15.28

PART I - APPLICATION INFORMATION

- PROPERTY OWNERS (attach if long): List all parties and financial institutions having an interest in the property.
Racquet Lane Townhomes, LLC
- SURVEYOR AND/OR CONTACT PERSON WITH THEIR CONTACT INFORMATION:
PLSA Engineering & Surveying Contact: Thomas R. Durant 575-6990
521 N. 20th Ave, Suite 3 Surveyor: Rick Wehr
- NAME OF PLANNED DEVELOPMENT: Racquet Lane Luxury Townhomes
- ZONING OF SUBJECT PROPERTY: (check all that apply)
 SR R-1 R-2 R-3 B-1 B-2 HB SCC LCC CBD GC AS RD M-1 M-2
- SITE FEATURES:
A. General Description: Flat Gentle Slopes Steepened Slopes
B. Describe any indication of hazards associated with unstable soils in the area, i.e. slides or slipping:

C. Is the property in a 100-Year Floodplain or other critical area as mapped by any local, state, or national maps or as defined by the Washington State Growth Management Act or the Yakima Municipal Code? **Yes see narrative**
- UTILITY AND SERVICES: (Check all that are available)
 Electricity Telephone Natural Gas Sewer Cable TV Water Irrigation Naches-Cowiche
- OTHER INFORMATION:
A. Distance to Closest Fire Hydrant: **On-Site**
B. Distance to Nearest School (and name of school): **McClure Elementary -- 3/4 mile**
C. Distance to Nearest Park (and name of park): **Kissel Park -- 1/2 mile**
D. Method of Handling Stormwater Drainage: **Existing approved system -- infiltration swales**
E. Type of Planned Development: Residential Commercial Industrial Mixed Use

PART II - REQUIRED ATTACHMENTS

- PRELIMINARY PLAT/SITE PLAN REQUIRED (please use the attached City of Yakima Plat/Site Plan Checklist)
- TITLE REPORT (disclosing all lien holders and owners of record):
- TRAFFIC CONCURRENCY (if required, see YMC Ch. 12.08, Traffic Capacity Test):
- ENVIRONMENTAL CHECKLIST
- NARRATIVE (attached)
- DRAFT DEVELOPMENT AGREEMENT: (which shall include: Narrative Description of Project and Objectives; Summary of Development Standards; Site Plan Elements; Development Phasing, including times of performance to preserve vesting (YMC 15.28.070); Public Meeting Summaries; Performance Standards and Conditions addressing the items above; Criteria for Determining Major vs. Minor Modifications and amendments; and, Signatures by each owner of property within the Master Development Plan area acknowledging that all owners will agree to be bound by conditions of approval, including use, design and layout, and development standards contained within the approved Plan and Development Agreement.)

I hereby authorize the submittal of the planned development application to the City of Yakima for review. I understand that conditions of approval such as dedication of right-of-way, easements, restrictions on the type of buildings that may be constructed, and access restrictions from public roads may be imposed as a part of approval and that failure to meet these conditions may result in denial of the development.

Property Owner Signature (required)

Apr 21, 2020
Date



Supplemental Application For:

PLANNED DEVELOPMENT

YAKIMA MUNICIPAL CODE CHAPTER 15.28

PART IV – NARRATIVE (The following information should be addressed in the land use application)

1. What land uses are proposed?
See attached
2. Will the land be subdivided? If so, what type of subdivision? (Long Plat, Short Plat, Binding Site Plan, etc)
See attached
3. How does the proposed Planned Development allow flexibility in development standards and permitted uses while ensuring compatibility with neighboring uses?
See attached
4. Describe how the proposed Planned Development facilitates the efficient use of the land.
See attached
5. Describe how the proposed Planned Development increases economic feasibility. (i.e. fostering efficient arrangement of land use, buildings, transportation systems, open space, and utilities)
See attached
6. How does the proposed Planned Development preserve or enhance natural amenities, features, shorelines and critical areas in the development of the site?
See attached

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7. Identify environmental impacts and appropriate mitigation measures.

See attached

8. How does the proposed Planned Development encourage environmentally sustainable development?

See attached

9. What services and facilities are available to serve the subject property? Are those services adequate?

See attached

10. Will the proposed development promote economic development, job creation, diversification, or affordable housing?

See attached

11. How does the proposed development create vibrant mixed-use neighborhoods, with a balance of housing, employment, commercial, and recreational opportunities?

See attached

12. How is the proposed development consistent with goals, policies, and objectives of the Yakima Urban Area Comprehensive Plan?

See attached

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13. How does the proposed Planned Development utilize unique and innovative facilities that encourage the efficient and economical use of the land?

See attached

14. Does the proposed Planned Development promote a sound system for traffic and pedestrian circulation? Describe.

See attached

15. How does the proposed Planned Development promote open space and use of natural and/or developed amenities?

See attached

16. Will the proposed Planned Development provide an architecturally attractive, durable, and energy efficient development?

See attached

17. Please provide a summary of all previous known land use decisions affecting the applicant's property and all outstanding conditions of approval with respect to such prior land use decisions.

See attached

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18. Any other development standards proposed to be modified from the underlying zoning districts requirements.

See attached

19. What are the aesthetic considerations related to building bulk, architectural compatibility, light and glare, urban design, solar access and shadow impacts.

See attached

20. Please provide an inventory of any on-site cultural, historic, and/or archaeological resources.

See attached

Note: if you have any questions about this process, please contact us City of Yakima, Planning Division, 129 N. 2nd St., Yakima, WA or 575-6183

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SITE PLAN CHECKLIST

The application shall include a concept site plan which includes the elements in this checklist. Please complete this checklist and include it with your site plan

Check all boxes as: (✓ or X) Included or (-) Not Applicable

<input checked="" type="checkbox"/>	Project boundaries
<input checked="" type="checkbox"/>	Primary uses and ancillary uses
<input checked="" type="checkbox"/>	Existing and proposed structures
<input type="checkbox"/>	Gross floor area of development
<input type="checkbox"/>	Maximum building heights
<input checked="" type="checkbox"/>	Minimum building setbacks
<input checked="" type="checkbox"/>	Maximum lot coverage
<input type="checkbox"/>	Any other development standards proposed to be modified from the underlying zoning district requirements
<input type="checkbox"/>	The proposed circulation system of arterial and collector streets including, if known, the approximate general location of local streets, private streets, off-street parking, service and loading areas, and major points of access to public rights-of-way, with notations of proposed public or private ownership as appropriate
<input checked="" type="checkbox"/>	The proposed location of new and/or expanded public and private utility infrastructure
<input checked="" type="checkbox"/>	Sitescreening, landscaping and street trees
<input type="checkbox"/>	A master planned development incorporating commercial or industrial facilities must provide a buffer or site design along the perimeter of the master planned development, which shall reasonably transition the master planned development to any adjacent properties zoned or used for residential purposes. If automobile parking, driveways, or machinery operation are to be provided within one hundred feet of a master planned development boundary, sitescreening shall be provided in accordance with YMC 15.07.020
<input type="checkbox"/>	Aesthetic considerations related to building bulk, architectural compatibility, light and glare, urban design, solar access and shadow impacts
<input type="checkbox"/>	Site features as appropriate to mitigate traffic, environmental, geotechnical, and other impacts as identified in technical studies required by this chapter
<input checked="" type="checkbox"/>	Shoreline and critical areas where applicable

Note: The Planning Division or reviewing official may require additional information to clarify the proposal, assess its impacts, or determine compliance with the YMC and other laws and regulations.

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Written Narrative – Part IV

Introduction

This proposal is to use a regular subdivision to create individual lots for an approved 73-unit townhouse development. Each residential unit is to have its own separate lot consisting of the living unit, rear yard, and personal parking. The remainder of the property will be in one or more tracts in common ownership to include vehicle circulation, parking (other than individual unit parking spaces) and other open space areas.

1. What land uses are proposed?

The approved development consists of 73 residential units under the land use category: attached single-family dwelling, common wall. Part of the site is a protected open space area consisting of Wide Hollow Creek, designated floodplain areas, wetlands and required buffers.

2. Will the land be subdivided? If so, what type of subdivision? (Long Plat, Short Plat, Binding Site Plan, etc.)

The 73 individual lots are to be created by regular subdivision (long plat).

3. How does the proposed Planned Development allow flexibility in development standards and permitted uses while ensuring compatibility with neighboring uses?

There are no changes in the land use, only the type of ownership is different. From the standpoint of neighboring property owners there should be little to no noticeable difference.

4. Describe how the proposed Planned Development facilitates the efficient use of the land.

Fee simple ownership as being proposed is considered by the applicant to be more efficient because it reduces or avoids development costs associated with condominiums and provides the owners with individual outdoor use areas and parking rather than just indoor living space. Other than that, there is no difference in the use of the land from that of the multiple-family residential use determined through Class 2 Review to conform to City standards, adopted in part, to provide for more efficient use of the land. It is believed there is market demand for housing using this approach.

5. Describe how the proposed Planned Development increases economic feasibility (i.e., fostering efficient arrangement of land use, buildings, transportation systems, open space and utilities).

The approved townhouse development has already been determined to be consistent with the Multi-family Residential (R-3) zoning district and comprehensive plan and compatible with surrounding land uses. The proposal does not change the number of dwelling units, density or site layout. The planned development and subdivision are efficiently laid out and consist of private vehicular circulation and parking and common open space in addition to privately owned open areas and residential lots.

6. How does the proposed Planned Development preserve or enhance natural amenities, features, shorelines and critical areas in the development of the site?

The approved townhome development was reviewed under the critical areas ordinance and conditions imposed to protect the Wide Hollow Creek stream corridor, including wetlands and flood hazard areas, all of which are contained within an open space area under common ownership. A wetland delineation and report were prepared, mitigation measures identified and implemented including a vegetative buffer 50 feet from the edge of the delineated wetlands or coterminous with the edge of the 100-year floodplain, whichever is greater. Since there are no physical changes or modifications in site or building layout, this project does not change open space areas or how the project affects critical areas.

Other open spaces are mostly unchanged, although as proposed, each lot will incorporate part of the open space area located directly behind the residential unit. This provides an amenity to lot owners and should also benefit the project by reducing demand on use of more sensitive open space areas. Open areas in common ownership remain and approved sitescreening is not modified by this proposal.

7. Identify environmental impacts and appropriate mitigation measures.

The townhome development went through SEPA environmental review with a Determination of Nonsignificance issued on February 28, 2018. Although no significant adverse environmental impacts were identified, measures that were required or taken to reduce adverse effects included delineating wetlands, preserving them and other critical areas in open space, setting aside other open space areas, sitescreening, developing a stormwater system utilizing low-impact development concepts and on-site retention of stormwater. Improvements to Racquet Lane include frontage improvements, illumination and future extension to S. 27th Avenue. Fire access is provided to all buildings as required by the IFC. A traffic study was conducted and determined that traffic generated by the approved 72 dwelling units would maintain levels of service above adopted minimums.

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All of these measures have been or are being met by the existing development and there are no proposed changes to any of them being made under this application.

8. How does the proposed Planned Development encourage environmentally sustainable development?

The project uses “low-impact development” concepts defined as stormwater management and land development strategies that emphasize conservation and use of existing natural site features integrated with disturbed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential settings (YMC 15.02.020). It also encourages sustainable development by retaining stormwater on-site and preserving sensitive natural areas in open space. While the R-3 zoning district allows for 80 percent lot coverage, the lot coverage of this site is 55 percent. Proposed density (existing, since gross density is not being changed by this proposal), lot coverage and common open space ensures that stormwater facilities are functional.

9. What services and facilities are available to serve the property? Are those services adequate?

Utilities and services that have been provided by the developer for the townhome project or that are already available include City sewer, water, natural gas, cable television and irrigation. All should be adequate based on the previous review since there are no changes in project design and no increase in number of residential units. Engineering design for the provision of City sewer and water service has been completed and approved. It includes a looped water line and fire hydrants. The proposed location of a private sewer line is being changed to conform to City policy to not extend such lines within easements across neighboring lots. The currently proposed location is between the separate buildings consisting of units (Lots) 60 to 66 and 67 to 73. It is to be relocated to the vehicle access area in front of (west of) the building that has units 67 to 73.

Private water service lines that extend from the meters across neighboring lots are to be included in the public service easement in front of each of the buildings.

10. Will the proposed development promote economic development, job creation, diversification or affordable housing?

With or without the Master Planned Development, the project provides economic development and construction jobs. The proposed housing is affordable and intended for entry-level buyers, an under-served housing market. Providing these townhome units for fee simple ownership is unique for a residential development of this type and will provide a new and diversified option for home buyers.

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11. How does the proposed development create vibrant mixed-use neighborhoods, with a balance of housing, commercial, and recreational facilities?

The site location includes a mixture of housing types and commercial land uses. A membership athletic facility is located nearby and other recreational opportunities in the immediate vicinity include Kissel Park and the Perry soccer complex.

12. How is the proposal consistent with goals, policies, and objectives of the Yakima Urban Area Comprehensive Plan?

The proposal is consistent with the purpose of the Commercial Mixed-Use future land use designation in that it promotes greater integration of mixed uses, offers development choices to property owners and increased housing options (Policy 2.2.4.A).

It provides for a wide variety of housing types within the city to meet the full range of housing needs for Yakima's evolving population (Policy 2.3.1).

Townhouses in the R-3 zone are encouraged as an efficient form of housing. The project emphasizes pedestrian-oriented design, façade articulation and usable open space (Policy 2.3.1.F).

Under Goal 2.7: "Resource protection and sustainable design. Reinforce and enhance Yakima's environmental stewardship" are policies to protect sensitive natural areas, restore graded natural areas, use functional low impact development features such as bio-swales.

Under Goal 5.1: "Encourage diverse and affordable housing choices," is Policy 5.1.4 to facilitate condominiums and other options that increase the supply of affordable homeownership options and the diversity of housing that meet the needs of aging, young professional and small and large households. Policy 5.1.9 supports proposals for affordable assisted and market rate housing based on criteria that include dispersion of affordable housing throughout the City, convenient access to transit, a range of unit types, ownership housing when possible and long-term affordability. While this proposal meets all these criteria, in particular it is consistent with providing diverse and ownership housing.

Sewer line relocation and water line location are consistent with Policy 8.2.1 to use land use, design and construction policies and regulations to manage placement and construction of utilities, encouraging the efficient use of land and co-location of facilities where feasible. It is also consistent with Policy 8.2.2 to ensure that utility facilities are designed, built and maintained to have a minimal impact on surrounding neighborhoods.

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CITY OF YAKIMA
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The proposal does not reduce existing project consistency with any of the policies under Goal 9.3 to manage floodplains to protect public health and safety and to support ecological function.

13. How does the proposed Planned Development utilize unique and innovative facilities that encourage the efficient and economical use of the land?

Providing a unique type of home ownership for a high-density residential development with low-impact characteristics encourages the efficient and economical use of the land.

14. Does the proposed Planned Development promote a sound system for traffic and pedestrian circulation? Describe.

There are no changes in approved traffic and pedestrian circulation, which is effectively a parking lot characterized by low vehicular speeds and convenient parking for residential units along with overflow parking.

15. How does the proposed Planned Development promote open space and use of natural and/or developed amenities?

The Wide Hollow Creek corridor, a natural amenity, is preserved as required by the approval decision for the townhome project. Other open space areas and buffers are being provided and each residential unit will have its own separate lawn/landscaped area.

16. Will the proposed Planned Development provide an architecturally attractive, durable and energy efficient development?

The approved residential structures are unchanged by the application and have been approved subject to City construction and energy standards.

17. Please provide a summary of all previously known land use decisions affecting the applicant's property and all outstanding conditions of approval with respect to such prior land use decisions.

Land use decisions applicable to the project are the Class 2 review approval in 2017 for the townhomes (approved as attached single-family dwellings, common wall) and a critical area standard development permit. Other previous land use decisions for this site are not applicable because development that was approved under them no longer exists.

Since the approved residential buildings are still under construction, some of the outstanding conditions of the Type 2 review that were to be met prior to building permit or certificate of

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occupancy issuance have not yet been completed. Since they are now being constructed under standards for townhomes, rather than apartments, with fire rated walls between dwelling units, improvements such as sprinklers and vehicle charging stations are no longer a code requirement. Sitescreening, three streetlights, Racquet Lane frontage improvements consisting of curbs, gutters and sidewalks and S. 27th Avenue street extension have been completed, are under construction or soon will be. All are requirements for certificate of occupancy.

Conditions required for building permit issuance including civil design of fire hydrants, on-site water mains and stormwater facility design have been approved and are being installed. An erosivity waiver was approved as allowed and best management practices for sediment and erosion control are being implemented for site development. There are no underground injection control wells. All structures that were on the site have been demolished or removed.

A final site plan for the townhome development has been approved. Sitescreening standard 'A' is shown on the north and east property lines while standard 'C' is substituted on the west line. Wetland buffers as provided for by the wetland delineation and report are provided in the stream corridor. Modifications of the final site plan include creation of individual lots and relocation of a sewer line.

No additional conditions were required for the approved critical areas standard development permit. Compliance with the permit is indicated by the approval of the final site plan with wetland buffers as shown.

18. Any other development standards proposed to be modified from the underlying zoning district requirements.

Development standards that are being reduced by this application are minimum lot size and lot width. If because of the subdivision, the private access easements are considered to be private streets, the Title 12 easement and pavement width standards would be reduced and curbs and sidewalks are not being provided in the manner normally required for private streets. Lighting and parking are being provided along with emergency and refuse vehicle accessibility and turning around. Depending on how the travel-ways are characterized under YMC 15.05, the front setback standard may need to be slightly modified.

The minimum lot size standard of 3,500 square feet for single-family common wall lots in the R-3 zone is to be reduced to 1,440 and 1,491 square feet.

The minimum lot width standard of 35 feet for common wall lots in the R-3 zone is being reduced to 18 feet.

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Access to each of the lots is to be provided by what is essentially a parking lot and was reviewed and approved as such in accordance with the parking standards of YMC 15.06. If as a result of this subdivision, the access ways are treated as either private streets or private access easements, width of the easement and the traveled way would be reduced to 24 feet and there would not be the typically required curbs and sidewalks. For the purposes of building setback standards of YMC 15.05, Table 5-1, the front residential setbacks would be 34 feet from the centerline of the traveled way if considered to be a private road, but it would meet the 10-foot setback from edge of the access easement.

Side setbacks from the access way to the south would meet both standards provided that the parking spaces to the south are not included in the access easement for the purposes of determining the setback.

The purpose of these reductions is to accommodate the individual living units on separate lots. This is effectively being done in the same manner as for condominiums and has no greater effect on the purposes of these standards to maintain the residential character of the area or to not allow increased net density for zero lot line, attached and multi-family dwellings because gross density is not being changed and there is no upper net density limit in the R-3 zone. There is no greater or adverse effect on the purposes of lot width standards to prevent irregularly shaped lots along and control access to, rights-of-way. Lots are not irregularly shaped, they are just smaller than typical, access is completely internal to the site and access to public right-of-way is unchanged. For all of these reasons, this proposal will not change neighborhood character.

Whether the vehicle areas are considered to be private roads or a parking lot, the purposes of setbacks standards are being met because there is no change in the effect that access would have on privacy, light, air, emergency access, or from traffic on adjoining property owners.

19. What are the aesthetic considerations related to building bulk, architectural compatibility, light and glare, urban design, solar access and shadow impacts.

Zoning district standards being reduced have no overall effects on compatibility because they are internal to the site and do not alter density, setbacks, access, or improvement requirements for the external boundaries of the site.

20. Please provide an inventory of any on-site cultural, historic and/or archaeological resources.

Review of public records available on-line from the Department of Archaeology and Historical Preservation showed no inventoried resources on the project site.

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CITY OF YAKIMA
PLANNING DIV



LAND USE APPLICATION

CITY OF YAKIMA, DEPARTMENT OF COMMUNITY DEVELOPMENT
129 NORTH SECOND STREET, 2ND FLOOR, YAKIMA, WA 98901
PHONE: (509) 575-6183 EMAIL: ask.planning@yakimawa.gov

INSTRUCTIONS - PLEASE READ FIRST. Please copy and bring your own set of this form.

Answer all questions completely. If you have any questions about this form or the application process, please ask a Planner. Remember to bring all necessary attachments and the required filing fee when the application is submitted. The Planning Division cannot accept an application unless it is complete and the filing fee paid. Filing fees are not refundable.
This application consists of four parts. PART I - GENERAL INFORMATION AND PART IV - CERTIFICATION are on this page. PART II and III contain additional information specific to your proposal and MUST be attached to this page to complete the application.

PART I - GENERAL INFORMATION

1. Applicant's Information:	Name:	Racquet Lane Townhomes, LLC						
	Mailing Address:	500 Grade Street						
	City:	Kelso	St:	WA	Zip:	98626	Phone:	(360) 751-5803
	E-Mail:							
2. Applicant's Interest in Property:	Check One:	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Agent	<input type="checkbox"/> Purchaser	<input type="checkbox"/> Other _____			
3. Property Owner's Information (If other than Applicant):	Name:	same						
	Mailing Address:							
	City:		St:		Zip:		Phone:	()
	E-Mail:							

4. Subject Property's Assessor's Parcel Number(s): 181335-24022

5. Legal Description of Property. (if lengthy, please attach it on a separate document)
Shown on preliminary plat

6. Property Address: 2600 Racquet Lane

7. Property's Existing Zoning:
 SR R-1 R-2 R-3 B-1 B-2 HB SCC LCC CBD GC AS RD M-1 M-2

8. Type Of Application: (Check All That Apply)

<input checked="" type="checkbox"/> Planned Development	<input checked="" type="checkbox"/> Development Agreement	<input type="checkbox"/> Admin. Adjustment	<input type="checkbox"/> Binding Site Plan
<input type="checkbox"/> Type (1) Review	<input type="checkbox"/> Type (2) Review	<input type="checkbox"/> Type (3) Review	<input type="checkbox"/> Comprehensive Plan Map or Text Amendment
<input type="checkbox"/> Critical Areas Review	<input type="checkbox"/> Easement Release	<input type="checkbox"/> Environmental Checklist (SEPA Review)	<input type="checkbox"/> Final Long Plat
<input type="checkbox"/> Final Short Plat	<input type="checkbox"/> Interpretation by Hearing Examiner	<input type="checkbox"/> Long Plat Alteration	<input type="checkbox"/> Modification
<input type="checkbox"/> Non-Conforming Use/Structure	<input type="checkbox"/> Overlay District	<input checked="" type="checkbox"/> Preliminary Long Plat	<input type="checkbox"/> Preliminary Short Plat
<input type="checkbox"/> Rezone	<input type="checkbox"/> Right-of-Way Vacation	<input type="checkbox"/> Shoreline	<input type="checkbox"/> Short Plat Amendment
<input type="checkbox"/> Short Plat Exemption	<input type="checkbox"/> Transportation Concurrency	<input type="checkbox"/> Variance	<input type="checkbox"/> Other: _____

PART II - SUPPLEMENTAL APPLICATION & PART III - REQUIRED ATTACHMENTS

SEE ATTACHED SHEETS

PART IV - CERTIFICATION

I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.

	Apr 21, 2020
Property Owner's Signature	Date
_____	_____
Applicant's Signature	Date

FILE APPLICATION(S) PD # 008-20 PLP # 001-20 SEPA # 018-20

SMALL FEE TABLE: _____

SEPA →
4/23/20
5/6/20

Online
Online

\$4,310.00
\$265.00

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CR-20-004343
CR-20-004439

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Supplemental Application For:

PRELIMINARY LONG PLAT
CITY OF YAKIMA, SUBDIVISION ORDINANCE, TITLE 14

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PLANNING DIV.

PART II - APPLICATION INFORMATION

1. PROPERTY OWNERS (attach if long): List all parties and financial institutions having an interest in the property.
Racquet Lane Townhomes, LLC

2. SURVEYOR AND/OR CONTACT PERSON WITH THEIR CONTACT INFORMATION:
PLSA Engineering & Surveying Contact: Thomas R Durant
521 N. 20th Ave, Suite 3, Yakima, 575-6990 Surveyor: Rick Wehr

3. NAME OF SUBDIVISION: Racquet Lane Luxury Townhomes

4. NUMBER OF LOTS AND THE RANGE OF LOT SIZES: 73 lots, 1,440 to 1,491 sq. ft.; 2.8 ac+/- tract

5. SITE FEATURES:
A. General Description: Flat Gentle Slopes Steepened Slopes
B. Describe any indication of hazards associated with unstable soils in the area, i.e. slides or slipping?
None
C. Is the property in a 100-Year Floodplain or other critical area as mapped by any local, state, or national maps or as defined by the Washington State Growth Management Act or the Yakima Municipal Code? Yes

6. UTILITY AND SERVICES: (Check all that are available)
 Electricity Telephone Natural Gas Sewer Cable TV Water Irrigation Naches-Cowiche

7. OTHER INFORMATION:
A. Distance to Closest Fire Hydrant: On-site
B. Distance to Nearest School (and name of school): McClure Elementary -- 3/4 mile
C. Distance to Nearest Park (and name of park): Kissel Park 1/2 mile
D. Method of Handling Stormwater Drainage: Existing approved system -- infiltration swales
E. Type of Potential Uses: (check all that apply)
 Single-Family Dwellings Two-Family Dwellings Multi-Family Dwellings Commercial Industrial


PART III - REQUIRED ATTACHMENTS

1. PRELIMINARY PLAT REQUIRED: (Please use the attached City of Yakima Preliminary Plat Checklist)

2. TRAFFIC CONCURRENCY: (if required, see YMC Ch. 12.08, Traffic Capacity Test)

3 ENVIRONMENTAL CHECKLIST (required):

I hereby authorize the submittal of the preliminary plat application to the City of Yakima for review. I understand that conditions of approval such as dedication of right-of-way, easements, restrictions on the type of buildings that may be constructed, and access restrictions from public roads may be imposed as a part of preliminary plat approval and that failure to meet these conditions may result in denial of the final plat.


Property Owner Signature (required)

Apr 21, 2020
Date

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PLAT PLAN CHECKLIST

Please complete this checklist and include it with your preliminary plat. Preliminary plats shall be prepared by a land surveyor registered in the state of Washington.

<input checked="" type="checkbox"/>	The plat plan shall be legibly drawn in ink on paper that is at least 18 x 24 inches in size
<input checked="" type="checkbox"/>	All plat plans shall be drawn at a scale of 1"=100' or larger. The scale shall be noted on the plat.
<input checked="" type="checkbox"/>	All existing lots or parcels included in the proposed subdivision.
<input checked="" type="checkbox"/>	The proposed name of the subdivision. This name shall not duplicate any name used on a recorded plat or subdivision in Yakima County, including the municipalities of Yakima County.
<input checked="" type="checkbox"/>	An accurate and complete legal description of the proposed subdivision.
<input checked="" type="checkbox"/>	Date the plat was prepared.
<input checked="" type="checkbox"/>	North Arrow
<input checked="" type="checkbox"/>	Boundary lines based upon a recent land survey of the land proposed to be subdivided and boundary lines of all proposed lots and streets.
<input checked="" type="checkbox"/>	Location and size of water and sewer lines, utility easements, and drainage system proposed to serve the lots within the proposed subdivision and their point(s) of connection with existing services.
<input checked="" type="checkbox"/>	Location, size, purpose, and nature of existing roads, streets, rights-of-way, and easements adjacent to, or across, the land.
<input checked="" type="checkbox"/>	Location of any streets, rights-of-way, or easements proposed to serve the lots within the proposed subdivision with a clear designation of their size, purpose, and nature.
<input checked="" type="checkbox"/>	Parcels of land intended or required to be dedicated for streets or other public purposes.
<input type="checkbox"/>	Contour lines at two-foot elevation intervals for slopes less than ten percent and five-foot elevation intervals for slopes more than ten percent. Elevations shall be based upon city of Yakima datum if available.

Note: Planning Division or reviewing official may require additional information to clarify the proposal, assess its impacts, or determine compliance with the YMC and other laws and regulations.

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PLANNING DIV.

**RACQUET LANE LUXURY TOWNHOMES
PD#002-20, PLP#001-20 & SEPA#012-20**

EXHIBIT LIST

**CHAPTER G
Public Notices**

DOC INDEX #	DOCUMENT	DATE
G-1	Determination of Complete Application	05/11/2020
G-2	Land Use Action Installation Certificate	05/01/2020
G-3	Notice of Application & SEPA G-3a: Parties and Agencies Notified G-3b: Affidavit of Mailing	05/11/2020
G-4	Notice of Determination of Nonsignificance & Public Hearing G-4a: Legal Ad G-4b: Press Release and Distribution Email G-4c: Parties and Agencies Notified G-4d: Affidavit of Mailing	06/30/2020
G-5	HE Agenda & Packet Distribution List	07/16/2020
G-6	HE Agenda & Sign-In Sheet	07/23/2020
G-7	Notice of Hearing Examiner's Recommendation (See DOC INDEX#AA-1 for H.E. Recommendation) G-7a: Parties and Agencies Notified G-7b: Affidavit of Mailing	08/07/2020
G-8	Letter of Transmittal to City Clerk: City Council Hearing (mailing labels, site plan, and vicinity map)	08/19/2020

CITY OF YAKIMA, PLANNING DIVISION

LETTER OF TRANSMITTAL

I, Lisa Maxey, as an employee of the City of Yakima, Planning Division, have transmitted to: Sonya Claar Tee, City Clerk, by hand delivery, the following documents:

1. Mailing labels for **RACQUET LANE LUXURY TOWNHOMES** (**PD#002-20 & PLP#001-20**) including all labels for parties of record and property owners within a radius of 300 feet of the subject property
2. Site Plan
3. Vicinity Map

Signed this 19th day of August, 2020.

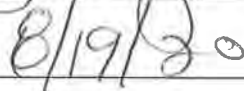


Lisa Maxey
Planning Technician

Received By: _____



Date: _____



18133524003 AIR PARK PLAZA LLC 2601 W J ST YAKIMA, WA 98902	18133521026 EMPRATT LLC 1508 S 26TH AVE YAKIMA, WA 98902	18133523012 FILLIOL PROPERTIES LLC PO BOX 10054 YAKIMA, WA 98909
18133524022 RACQUET LANE TOWNHOMES LLC 1103 MADISON AVE YAKIMA, WA 98902	18133524031 TRIUMPH ACTUATION SYSTEMS 899 CASSATT RD STE 210 BERWYN, PA 19312	18133524401 UROGROUP II LLC 2500 RACQUET LN STE 100 YAKIMA, WA 98902
18133524402 UROGROUP LLC 2500 RACQUET LN #100 YAKIMA, WA 98902	18133524033 YAKIMA CITY 129 N 2ND ST YAKIMA, WA 98901	18133521027 YAKIMA VALLEY RACQUET CLUB PO BOX 9584 YAKIMA, WA 98909
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24 Total Parcels - Racquet Lane Luxury Townhomes - PD#002-20 & PLP#001-20	PLSA Engineering & Surveying Attn: Tom Durant 521 N 20th Ave #3 Yakima, WA 98902	Racquet Lane Townhomes LLC 500 Grade St Kelso, WA 98626
	<p>NTC of City Council Hearing PD#002/PLP#001-20 Hearing: 9/15/20</p>	

In-House Distribution E-mail List

Revised 04/2020

Name	Division	E-mail Address
Silvia Corona	Clerk's Office	Silvia.Corona@yakimawa.gov
Carolyn Belles	Code Administration	Carolyn.Belles@yakimawa.gov
Glenn Denman	Code Administration	Glenn.Denman@yakimawa.gov
John Zabell	Code Administration	John.Zabell@yakimawa.gov
Kelli Horton	Code Administration	Kelli.Horton@yakimawa.gov
Linda Rossignol	Code Administration	Linda.Rossignol@yakimawa.gov
Pedro Contreras	Code Administration	Pedro.Contreras@yakimawa.gov
Suzanne DeBusschere	Code Administration	Suzanne.DeBusschere@yakimawa.gov
Tony Doan	Code Administration	Tony.Doan@yakimawa.gov
Joan Davenport	Community Development	Joan.Davenport@yakimawa.gov
Rosalinda Ibarra	Community Development	Rosalinda.Ibarra@yakimawa.gov
Bob Desgrosellier	Engineering	Bob.Desgrosellier@yakimawa.gov
Dan Riddle	Engineering	Dan.Riddle@yakimawa.gov
Aaron Markham	Fire	Aaron.markham@yakimawa.gov
Pat Reid	Fire	Pat.Reid@yakimawa.gov
Jeff Cutter	Legal	Jeff.Cutter@yakimawa.gov
Sara Watkins	Legal	Sara.Watkins@yakimawa.gov
Archie Matthews	ONDS	Archie.Matthews@yakimawa.gov
Joseph Calhoun	Planning	Joseph.Calhoun@yakimawa.gov
Lisa Maxey	Planning	Lisa.Maxey@yakimawa.gov
Matt Murray	Police	Matthew.murray@yakimawa.gov
Scott Schafer	Public Works	Scott.Schafer@yakimawa.gov
Loretta Zammarchi	Refuse	Loretta.Zammarchi@yakimawa.gov
Randy Layman	Refuse	Randy.Layman@yakimawa.gov
Gregory Story	Transit	Gregory.Story@yakimawa.gov
James Dean	Utilities	James.Dean@yakimawa.gov
Dana Kallevig	Wastewater	Dana.Kallevig@yakimawa.gov
Randy Meloy	Wastewater	Randy.Meloy@yakimawa.gov
Dave Brown	Water/Irrigation	David.Brown@yakimawa.gov
Mike Shane	Water/Irrigation	Mike.Shane@yakimawa.gov

Outside Distribution

Name	Address	Included In Mailing?
Pacific Power Attn: Estimating Department <i>(Subdivision notices ONLY)</i>	500 N Keys Rd, Yakima, WA 98901	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Type of Notice: Ntc of City Council Hearing

File Number(s): PD#002 / PLP#001-20

Date of Mailing: 9/15/20
Hearing

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Maxey, Lisa

From: Maxey, Lisa
Sent: Wednesday, August 19, 2020 8:40 AM
To: Claar Tee, Sonya
Subject: Mailing for City Council Hearing - Racquet Lane Townhomes
Attachments: In-House Distribution E-mail List_ updated 04.20.2020; Local Media List _07.16.2020

Good morning Sonya,

When you email the notice, please send it to these distribution groups (attached): In-House Distribution E-mail List updated 04.20.2020 & Local Media List 07.16.2020.

Please also email it to these parties:

jeff.ers@live.com
TDURANT@PLSAOFYAKIMA.COM

Mailing labels will be brought to you shortly.

Thank you!



Lisa Maxey
Planning Technician
City of Yakima Planning Division
p: 509.576.6669
129 North 2nd Street, Yakima, Washington, 98901

VICINITY MAP



File Number: PD#002-20 & PLP#001-20

Project Name: RACQUET LANE LUXURY TOWNHOMES

Site Address: 2600 RACQUET LN



Proposal: Master Planned Development to subdivide approximately 5.32 acres into 73 lots for 73 townhomes in the R-3 zoning district with a tract for common areas. The proposal to develop 73 townhomes was previously approved under file no. CL2#012-17 but did not include a request to subdivide the property into individual lots. Contact the City of Yakima Planning Division at (509) 575-6183

Map Disclaimer: Information shown on this map is for planning and illustration purposes only. The City of Yakima assumes no liability for any errors, omissions, or inaccuracies in the information provided or for any action taken, or action not taken by the user in reliance upon any maps or information provided herein.

Date Created: 7/15/2020



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AFFIDAVIT OF MAILING

STATE OF WASHINGTON

CITY OF YAKIMA

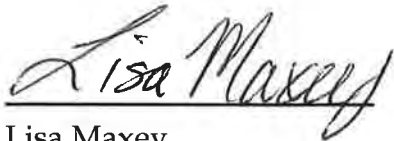
RE: PLP#002-20, PLP#001-20 & SEPA#012-20

Racquet Lane Luxury Townhomes

2600 Racquet Ln

I, Lisa Maxey, as an employee of the City of Yakima Planning Division, have dispatched through the United States Mails, a **Notice of Hearing Examiner's Recommendation**; a true and correct copy of which is enclosed herewith; that said notice was addressed to the applicant, parties of record, and all property owners of record within a radius of 300 feet of subject property; that said property owners are individually listed on the mailing list retained by the Planning Division; and that said notices were mailed by me on this 7th day of **August, 2020**.

That I mailed said notices in the manner herein set forth and that all of the statements made herein are just and true.



Lisa Maxey

Planning Technician

18133524003 AIR PARK PLAZA LLC 2601 W J ST YAKIMA, WA 98902	18133521026 EMPRATT LLC 1508 S 26TH AVE YAKIMA, WA 98902	18133523012 FILLIOL PROPERTIES LLC PO BOX 10054 YAKIMA, WA 98909
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	NTC of HE Recommendation PD#002/PLP#001/SEPA#012-20 Sent 8/7/20	DOC. INDEX # G-7a

In-House Distribution E-mail List		
Name	Division	E-mail Address
Silvia Corona	Clerk's Office	Silvia.Corona@yakimawa.gov
Carolyn Belles	Code Administration	Carolyn.Belles@yakimawa.gov
Glenn Denman	Code Administration	Glenn.Denman@yakimawa.gov
John Zabell	Code Administration	John.Zabell@yakimawa.gov
Kelli Horton	Code Administration	Kelli.Horton@yakimawa.gov
Linda Rossignol	Code Administration	Linda.Rossignol@yakimawa.gov
Pedro Contreras	Code Administration	Pedro.Contreras@yakimawa.gov
Suzanne DeBusschere	Code Administration	Suzanne.DeBusschere@yakimawa.gov
Tony Doan	Code Administration	Tony.Doan@yakimawa.gov
Joan Davenport	Community Development	Joan.Davenport@yakimawa.gov
Rosalinda Ibarra	Community Development	Rosalinda.Ibarra@yakimawa.gov
Bob Desgrosellier	Engineering	Bob.Desgrosellier@yakimawa.gov
Dan Riddle	Engineering	Dan.Riddle@yakimawa.gov
Aaron Markham	Fire	Aaron.markham@yakimawa.gov
Pat Reid	Fire	Pat.Reid@yakimawa.gov
Jeff Cutter	Legal	Jeff.Cutter@yakimawa.gov
Sara Watkins	Legal	Sara.Watkins@yakimawa.gov
Archie Matthews	ONDS	Archie.Matthews@yakimawa.gov
Joseph Calhoun	Planning	Joseph.Calhoun@yakimawa.gov
Lisa Maxey	Planning	Lisa.Maxey@yakimawa.gov
Matt Murray	Police	Matthew.murray@yakimawa.gov
Scott Schafer	Public Works	Scott.Schafer@yakimawa.gov
Loretta Zammarchi	Refuse	Loretta.Zammarchi@yakimawa.gov
Randy Layman	Refuse	Randy.Layman@yakimawa.gov
Gregory Story	Transit	Gregory.Story@yakimawa.gov
James Dean	Utilities	James.Dean@yakimawa.gov
Dana Kallevig	Wastewater	Dana.Kallevig@yakimawa.gov
Randy Meloy	Wastewater	Randy.Meloy@yakimawa.gov
Dave Brown	Water/Irrigation	David.Brown@yakimawa.gov
Mike Shane	Water/Irrigation	Mike.Shane@yakimawa.gov

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Outside Distribution		
Name	Address	Included In Mailing?
Pacific Power Attn: Estimating Department <i>(Subdivision notices ONLY)</i>	500 N Keys Rd, Yakima, WA 98901	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Type of Notice: NTC of HE Recommendation

File Number(s): PD#002 / PLP#001 / SEPA# 012-20

Date of Mailing: 8/7/20

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Maxey, Lisa

From: Maxey, Lisa
Sent: Friday, August 07, 2020 9:37 AM
To: Belles, Carolyn; Brown, David; Calhoun, Joseph; Contreras, Pedro; Corona, Silvia; Cutter, Jeff; Davenport, Joan; Dean, James; DeBusschere, Suzanne; Denman, Glenn; Desgrosellier, Bob; Doan, Tony; Horton, Kelli; Ibarra, Rosalinda; Kallevig, Dana; Layman, Randy; Markham, Aaron; Matthews, Archie; Maxey, Lisa; Meloy, Randy; Murray, Matthew; Reid, Patrick; Riddle, Dan; Rossignol, Linda; Schafer, Scott; Shane, Mike; Story, Gregory; Watkins, Sara; Zabell, John; Zammarchi, Loretta
Cc: Crowell, Eric
Subject: Notice of Hearing Examiner's Recommendation - Racquet Ln Townhomes - PD#001-20, PLP#002-20 & SEPA#012-20
Attachments: NOTICE OF HE RECOMMENDATION_Racquet Ln Townhomes - PD PLP SEPA.PDF

Attached is a Notice of the Hearing Examiner's Recommendation to City Council regarding the above-entitled project. If you have any questions about this proposal, please contact assigned planner Eric Crowell at eric.crowell@yakimawa.gov. Thank you!



Lisa Maxey
Planning Technician
City of Yakima Planning Division
p: 509.576.6669
129 North 2nd Street, Yakima, Washington, 98901



DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

**NOTIFICATION OF HEARING EXAMINER'S
RECOMMENDATION TO THE YAKIMA CITY COUNCIL**

DATE: August 7, 2020
TO: Applicant, Adjoining Property Owners and Parties of Record
SUBJECT: Notice of the Hearing Examiner's Recommendation
FILE #(S): PD#002-20, PLP#001-20 & SEPA#012-20
APPLICANT: Racquet Lane Townhomes LLC
PROJECT LOCATION: 2600 Racquet Ln

On August 6, 2020, the City of Yakima Hearing Examiner rendered their recommendation on **PD#002-20 and PLP#001-20**, a Master Planned Development to subdivide approximately 5.32 acres into 73 lots for 73 townhomes in the R-3 zoning district with a tract for common areas. The proposal to develop 73 townhomes was previously approved under file no. CL2#012-17 but did not include a request to subdivide the property into individual lots. The applications were reviewed at a virtual open record public hearing held on July 23, 2020.

Enclosed is a copy of the Hearing Examiner's Recommendation. The Hearing Examiner's Recommendation will be considered by the Yakima City Council in a public hearing to be scheduled. The City Clerk will notify you of the date, time and place of the public hearing.

For further information or assistance, you may contact Associate Planner Eric Crowell at (509) 576-6736 or email to: eric.crowell@yakimawa.gov.

Eric Crowell
Associate Planner

Date of Mailing: **August 7, 2020**
Enclosures: Hearing Examiner's Recommendation

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Registrants for 'City of Yakima Hearing Examiner Public Hearings on July 23rd'

Search by name or email

Search

Approved (2)

Denied/Blocked (0)

<input type="checkbox"/>	Registrants	Email Address	Registration Date	
<input type="checkbox"/>	Bruce Lloyd	yakimarentals@hotmail.com	Jul 9, 2020 11:00 AM	Copy
<input type="checkbox"/>	Jeff Rauth	jeff.ers@live.com	Jun 30, 2020 10:01 PM	Copy

Cancel Registration

Resend Confirmation Email

< **1** >



DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

**CITY OF YAKIMA
HEARING EXAMINER
AGENDA**

**Thursday July 23, 2020
ZOOM VIRTUAL MEETING
Beginning at 9:00 a.m.**

I. CALL TO ORDER

II. INTRODUCTION

III. PUBLIC HEARINGS

A. BRUCE LLOYD (01/22/2020) RZ#001-20, CL2#008-20 & SEPA#003-20

Planner: Trevor Martin

Address: 702 S 48th Ave

Request: Proposal to rezone a 0.38-acre parcel from Single-Family Residential (R-1) to Local Business (B-2) and convert a two-story shop building that is on site of the existing single-family residence into a four-unit apartment building with four indoor parking bays and a common laundry room.

B. RACQUET LANE LUXURY TOWNHOMES (04/22/2020) PD#002-20, PLP#001-20 & SEPA#012-20

Planner: Eric Crowell

Address: 2600 Racquet Ln

Request: Master Planned Development to subdivide approximately 5.32 acres into 73 lots for 73 townhomes in the R-3 zoning district with a tract for common areas. The proposal to develop 73 townhomes was previously approved under file no. CL2#012-17 but did not include a request to subdivide the property into individual lots.

IV. ADJOURNMENT

To attend this virtual meeting to listen and/or testify, please register with your name and email address here:

https://cityofyakima.zoom.us/webinar/register/WN_syHYKh0tRCyGso7bXeD4IA

After registering, you will receive emailed instructions for joining the meeting online with your device or by calling in.

View the Hearing Online by Zoom: To join the meeting, click the link in the confirmation email that you received after registering. If you wish to speak during the public hearing, use the "raise your hand" feature.

Listen to the Hearing by Phone: You may call any of the phone numbers listed in the confirmation email that you received after registering. You will need to enter the meeting ID and password when prompted. If you wish to speak during the public hearing, press *9 on your phone to "raise your hand."

This Zoom public hearing will be live streamed at www.yakimawa.gov (go to the "City Council" drop-down menu and select "Stream Meetings Live") and telecast live on Y-PAC, Spectrum Cable Channel 194.



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**Hearing Examiner AGENDA ONLY
Distribution List - 1/2/2020**

Phil Lamb
311 North 3rd Street
Yakima, WA 98901

KIT-KATS Radio
4010 Summitview, Suite 200
Yakima, WA 98908

All YPAC
randy.beehler@yakimawa.gov
mike.brown@yakimawa.gov
sean.davido@yakimawa.gov
bonnie.lozano@yakimawa.gov
john.fannin@yakimawa.gov

Yakima Assoc. of Realtors
Gov. Affairs Committee
2707 River Road
Yakima, WA 98902-1165

KARY Radio
17 N 3rd St Ste 103
Yakima, WA 98901

Matthew Murray
Police Chief
Matthew.murray@yakimawa.gov

KCYU-FOX 68
David Okowski
1205 West Lincoln Ave.
Yakima, WA 98902

KIMA TV
2801 Terrace Heights Drive
Yakima, WA 98901

Aaron Markham
Fire Chief
Aaron.markham@yakimawa.gov

Pacific Power
Mike Paulson
500 N. Keys Rd.
Yakima, WA 98901

KNDO TV
216 West Yakima Avenue
Yakima, WA 98902

Sonya Claar-Tee
City Clerk
sonya.claartee@yakimwa.gov

Office of Rural FWH
Marty Miller
1400 Summitview #203
Yakima, WA 98902

Yakima Herald-Republic
P.O. Box 9668
Yakima, WA 98909

Alex Meyerhoff
Interim City Manager
alex.meyerhoff@yakimawa.gov
cally.price@yakimawa.gov

Yakima School Dist. #7
Superintendent
104 North 4th Street
Yakima, WA 98902

Jeff Cutter
City Attorney
Jeff.cutter@yakimawa.gov

Radio KDNA
P.O. Box 800
Granger, WA 98932

Business Times
Bruce Smith
P.O. Box 2052
Yakima, WA 98907

Patrick D. Spurgin
411 N. 2nd St.
Yakima, WA 98901

KAPP TV
Attn: Newsroom
PO Box 1749
Yakima, WA 98907-1749

Yakima Valley C.O.G.
311 N. 4th Street #204
Yakima, WA 98901

Gary Cuillier
314 N. 2nd Street
Yakima, WA 98901

Reed C. Pell
31 Chicago Avenue #4
Yakima, WA 98902
reed@reedcpell.net

Maud Scott
309 Union Street
Yakima, WA 98901

Matt Murray
Police Chief
matthew.murray@yakimawa.gov

<p>Hearing Examiner Packet AGENDA, STAFF REPORT, SITE PLAN AND MAPS..... Updated 06/25/2020</p>	<p>Sara Watkins City Legal Department Sara.watkins@yakimawa.gov</p>	<p>Archie Matthews ONDS Archie.matthews@yakimawa.gov</p>
<p>Dana Kallevig Wastewater Division Dana.kallevig@yakimawa.gov</p>	<p>Joan Davenport Community Development Joan.davenport@yakimawa.gov</p>	<p>Bob Desgrosellier Engineering Division Bob.desgrosellier@yakimawa.gov</p>
<p>Rosalinda Ibarra Community Development Rosalinda.ibarra@yakimawa.gov</p>	<p>Joseph Calhoun Planning Manager Joseph.calhoun@yakimawa.gov</p>	<p>Yakima County Planning Manager Thomas Carroll Thomas.Carroll@yakimawa.gov</p>
<p>Yakima County Public Services Lisa Freund Lisa.Freund@co.yakima.wa.us</p>	<p>Yakima County Commissioners Commissioners.web@co.yakima.wa.us</p>	
<p>DON'T FORGET TO SEND ONE TO THE APPLICANT & PROPERTY OWNER.....</p>	<p>Binder Copy For the Record/File</p>	

Racquet Lane Townhomes LLC
500 Grade St
Kelso, WA 98626
jeff.crs@live.com

Racquet Lane Townhomes LLC
1103 Madison Ave
Yakima, WA 98902

PLSA Engineering + Surveying
Attn: Tom Durant
521 N. 20th Ave #3
Yakima, WA 98902
tdurant@plsaofyakima.com

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STATE OF WASHINGTON

CITY OF YAKIMA

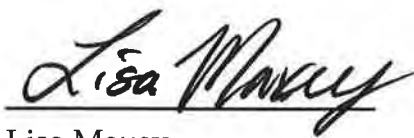
RE: PD#002-20, PLP#001-20 & SEPA#012-20

Racquet Lane Luxury Townhomes

2600 Racquet Ln

I, Lisa Maxey, as an employee of the City of Yakima Planning Division, have dispatched through the United States Mails, a **Notice of Determination of Non-Significance (DNS) and Public Hearing**; a true and correct copy of which is enclosed herewith; that said notice was addressed to the applicant, parties of record, listed SEPA agencies and all property owners of record within a radius of **300** feet of subject property; that said property owners are individually listed on the mailing list retained by the Planning Division; and that said notices were mailed by me on this **30th** day of **June, 2020**.

That I mailed said notices in the manner herein set forth and that all of the statements made herein are just and true.



Lisa Maxey

Planning Technician

In-House Distribution E-mail List		
Name	Division	E-mail Address
Silvia Corona	Clerk's Office	Silvia.Corona@yakimawa.gov
Carolyn Belles	Code Administration	Carolyn.Belles@yakimawa.gov
Glenn Denman	Code Administration	Glenn.Denman@yakimawa.gov
John Zabell	Code Administration	John.Zabell@yakimawa.gov
Kelli Horton	Code Administration	Kelli.Horton@yakimawa.gov
Linda Rossignol	Code Administration	Linda.Rossignol@yakimawa.gov
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Tony Doan	Code Administration	Tony.Doan@yakimawa.gov
Joan Davenport	Community Development	Joan.Davenport@yakimawa.gov
Rosalinda Ibarra	Community Development	Rosalinda.Ibarra@yakimawa.gov
Bob Desgrosellier	Engineering	Bob.Desgrosellier@yakimawa.gov
Dan Riddle	Engineering	Dan.Riddle@yakimawa.gov
Aaron Markham	Fire	Aaron.markham@yakimawa.gov
Pat Reid	Fire	Pat.Reid@yakimawa.gov
Jeff Cutter	Legal	Jeff.Cutter@yakimawa.gov
Sara Watkins	Legal	Sara.Watkins@yakimawa.gov
Archie Matthews	ONDS	Archie.Matthews@yakimawa.gov
Joseph Calhoun	Planning	Joseph.Calhoun@yakimawa.gov
Lisa Maxey	Planning	Lisa.Maxey@yakimawa.gov
Matt Murray	Police	Matthew.murray@yakimawa.gov
Scott Schafer	Public Works	Scott.Schafer@yakimawa.gov
Loretta Zammarchi	Refuse	Loretta.Zammarchi@yakimawa.gov
Randy Layman	Refuse	Randy.Layman@yakimawa.gov
Gregory Story	Transit	Gregory.Story@yakimawa.gov
James Dean	Utilities	James.Dean@yakimawa.gov
Dana Kallevig	Wastewater	Dana.Kallevig@yakimawa.gov
Randy Meloy	Wastewater	Randy.Meloy@yakimawa.gov
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Mike Shane	Water/Irrigation	Mike.Shane@yakimawa.gov

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Outside Distribution		
Name	Address	Included In Mailing?
Pacific Power Attn: Estimating Department <i>(Subdivision notices ONLY)</i>	500 N Keys Rd, Yakima, WA 98901	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Type of Notice: NTC of DNS & Public Hearing

File Number(s): PD #002 / PLP #001 / SEPA #012-20

Date of Mailing: 6/30/20

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18133524003 AIR PARK PLAZA LLC 2601 W J ST YAKIMA, WA 98902	18133521026 EMPRATT LLC 1508 S 26TH AVE YAKIMA, WA 98902	18133523012 FILLIOL PROPERTIES LLC PO BOX 10054 YAKIMA, WA 98909
18133524022 RACQUET LANE TOWNHOMES LLC 1103 MADISON AVE YAKIMA, WA 98902	18133524031 TRIUMPH ACTUATION SYSTEMS 899 CASSATT RD STE 210 BERWYN, PA 19312	18133524401 UROGROUP II LLC 2500 RACQUET LN STE 100 YAKIMA, WA 98902
18133524402 UROGROUP LLC 2500 RACQUET LN #100 YAKIMA, WA 98902	18133524033 YAKIMA CITY 129 N 2ND ST YAKIMA, WA 98901	18133521027 YAKIMA VALLEY RACQUET CLUB PO BOX 9584 YAKIMA, WA 98909
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18133522402 FRANCISCO J & SARAH L LOPEZ 1626 S 27TH AVE YAKIMA, WA 98902	18133523405 GARYN WOOD 1015 TERRACE DR NW SALEM, OR 97304	18133523406 GARYN WOOD 1015 TERRACE DR NW SALEM, OR 97304
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24 Total Parcels - Racquet Lane Luxury Townhomes - PD#002-20 & PLP#001-20	PLSA Engineering & Surveying Attn: Tom Durant 521 N 20th Ave #3 Yakima, WA 98902	Racquet Lane Townhomes LLC 500 Grade St Kelso, WA 98626
	Ntc of DNS & Hearing PD# 002 / PLP# 001 / SEPA# 012-20 Sent 6/30/20	DOC. INDEX # <u>G-4c</u>

<p>Ahtanum Irrigation District Beth Ann Brulotte, Executive Assistant 10705-B Gilbert Road Yakima, WA 98903-9203 bethb@ahtanum.net</p>	<p>Cascade Natural Gas 8113 W Grandridge Blvd Kennewick, WA 99336</p>	<p>Century Link Manager 8 South 2nd Ave, Rm#304 Yakima, WA 98902</p>
<p>Charter Communications Manager 1005 North 16th Ave Yakima, WA 98902</p>	<p>City of Union Gap Dennis Henne, Development Director P.O. Box 3008 Union Gap, WA 98903 Dennis.henne@uniongapwa.gov</p>	<p>Chamber of Commerce 10 North 9th Street Yakima, WA 98901 chamber@yakima.org</p>
<p>Department of Agriculture Kelly McLain PO Box 42560 Olympia, WA 98504 kmclain@agr.wa.gov</p>	<p>Dept of Archaeology & Historic Preservation 1063 S Capitol Way, Ste 106 Olympia, WA 98504-8343 Sepa@dahp.wa.gov</p>	<p>Department of Commerce Review Team 1011 Plum St SE Olympia, WA 98504-3172 reviewteam@commerce.wa.gov</p>
<p>Department of Ecology Annie Szvetcz, SEPA Policy Lead P.O. Box 47703 Olympia, WA 98504-7703 separegister@ecy.wa.gov sepaunit@ecy.wa.gov lori.white@ecy.wa.gov</p>	<p>Department of Ecology Gwen Clear, Central Regional Coordinator 1250 West Alder Street Union Gap, WA 98903 crosepacoordinator@ecy.wa.gov</p>	<p>Department of Fish and Wildlife Eric Bartrand 1701 South 24th Ave Yakima, WA 98902 Eric.Bartrand@dfw.wa.gov Scott.Downes@dfw.wa.gov TeamYakima@dfw.wa.gov</p>
<p>Department of Fish and Wildlife SEPA Desk PO Box 43200 Olympia, WA 98504 SEPAdesk@dfw.wa.gov</p>	<p>Department of Health Kelly Cooper PO Box 47820 Olympia, WA 98504 Kelly.cooper@doh.wa.gov</p>	<p>Department of Natural Resources SEPA Center PO Box 47015 Olympia, WA 98504 sepacenter@dnr.wa.gov</p>
<p>Department of Social & Health Services Robert Hubenthal Office of Capital Programs P.O. Box 45848 Olympia, WA 98504 Robert.Hubenthal@dshs.wa.gov</p>	<p>Environmental Protection Agency NEPA Review Unit 1200 6th Ave #155, 14 D-12 Seattle, WA 98101</p>	<p>Energy Facility Site Evaluation Council -EFSEC Stephen Posner, SEPA Officer PO Box 43172 Olympia, WA 98504-3172 sposner@utc.wa.gov</p>
<p>Engineering Division Bob Desgrossellier, Senior Engineer 129 N 2nd Street Yakima, WA 98901 bob.desgrossellier@yakimawa.gov</p>	<p>Federal Aviation Administration 2200 W. Washington Ave Yakima, WA 98903</p>	<p>Governor's Office of Indian Affairs PO Box 40909 Olympia, WA 98504</p>
<p>Nob Hill Water Association Bob Irving, Engineering Technician 6111 Tieton Drive Yakima, WA 98908 bob@nobhillwater.org</p>	<p>Office of Rural and Farm Worker Housing Marty Miller 1400 Summitview Ave, Ste# 203 Yakima, WA 98902 Martym2@orfh.org</p>	<p>Pacific Power Mike Paulson 500 North Keys Rd Yakima, WA 98901</p>
<p>Parks & Recreation Commission Jessica Logan PO Box 42650 Olympia, WA 98504 Jessica.logan@parks.wa.gov</p>	<p>North Yakima Conservation District Manager 1606 Perry Street, Ste. C Yakima, WA 98902</p>	<p>Yakima Valley Trolleys Paul Edmondson 313 North 3rd Street Yakima, WA 98901</p>
<p>Yakima Valley Trolleys PO Box 796 Yakima, WA 98907 info@yakimavalleytrolleys.org</p>	<p>United States Postal Service Maintenance Department 205 W Washington Ave Yakima, WA 98903</p>	<p>US Army Corps of Engineers Seattle District, Regulatory Branch P.O. Box 3755 Seattle, WA 98124-3755 david.j.moore@usace.army.mil</p>

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<p>WA State Attorney General's Office 1433 Lakeside Court, Ste# 102 Yakima, WA 98902</p>	<p>WA State Dept of Health, Office of Drinking Water Jamie Gardipe 16201 E Indiana Ave, Ste# 1500 Spokane Valley, WA 99216 SEPA.reviewteam@doh.wa.gov Jamie.gardipe@doh.wa.gov</p>	<p>Wastewater Division Marc Cawley and Dana Kallevig 2220 East Viola Ave Yakima, WA 98901 marc.cawley@yakimawa.gov dana.kallevig@yakimawa.gov</p>
<p>West Valley School District Angela Von Essen, Asst. Supt. Of Business & Finance 8902 Zier Road Yakima, WA 98908-9299 vonessena@wvsd208.org</p>	<p>West Valley School District Mike Brophy, Superintendent 8902 Zier Road Yakima, WA 98908-9299 brophym@wvsd208.org</p>	<p>WSDOT Paul Gonseth, Planning Engineer 2809 Rudkin Road Union Gap, WA 98903 gonsetp@wsdot.gov</p>
<p>WSDOT South Central Regionl Planning Office SCplanning@wsdot.wa.gov</p>	<p>WSDOT, Aviation Division Max Platts, Aviation Planner 7702 Terminal St SW Tumwater, WA 98501 plattst@wsdot.wa.gov</p>	<p>Yakama Bureau of Indian Affairs Rocco Clark, Environmental Coordinator P.O. Box 632 Toppenish, WA 98948 Rocco.clark@bia.gov</p>
<p>Yakama Nation Environmental Mgmt Program Elizabeth Sanchez, Environmental Review Coordinator P.O. Box 151 Toppenish, WA 98948 esanchez@yakama.com</p>	<p>Yakama-Klickitat Fisheries Project John Marvin 760 Pence Road Yakima, WA 98909 jmarvin@yakama.com</p>	<p>Yakima Air Terminal Robert Peterson, Airport Asst Manager 2400 West Washington Ave Yakima, WA 98903 robert.peterson@yakimawa.gov</p>
<p>Yakima County Building Department Harold Maclean 128 North 2nd Street, 4th Floor Yakima, WA 98901 Harold.Maclean@co.yakima.wa.us</p>	<p>Yakima County Commissioners Commissioners.web@co.yakima.wa.us</p>	<p>Yakima County Health District Ryan Ibach, Director of Environmental Health 1210 Ahtanum Ridge Dr Ste#200 Union Gap, WA 98903 yhd@co.yakima.wa.us ryan.ibach@co.yakima.wa.us</p>
<p>Yakima County Flood Control District Terry Keenhan & Dianna Woods 128 North 2nd Street, 4th Floor Yakima, WA 98901 Terry.Keenhan@co.yakima.wa.us Dianna.Woods@co.yakima.wa.us</p>	<p>Yakima County Planning Tommy Carroll & Jason Earles 128 North 2nd Street, 4th Floor Yakima, WA 98901 Thomas.Carroll@co.yakima.wa.us Jason.Earles@co.yakima.wa.us</p>	<p>Yakima County Public Services Lisa Freund, Public Services Director 128 North 2nd Street, 4th Floor Yakima, WA 98901 lisa.freund@co.yakima.wa.us</p>
<p>Yakima Greenway Foundation Kellie Connaughton, Executive Director 111 South 18th Street Yakima, WA 98901 kellie@yakimagreenway.org</p>	<p>Yakama Indian Nation Johnson Meninick, Cultural Resources Program P.O. Box 151 Toppenish, WA 98948 Yakama Indian</p>	<p>Yakama Indian Nation Ruth Jim, Yakima Tribal Council P.O. Box 151 Toppenish, WA 98948</p>
<p>Yakima Regional Clean Air Agency Hasan Tahat, Compliance, Engineering & Planning Division Supervisor 186 Iron Horse Ct # 101 Yakima, WA 98901 hasan@yrcaa.org</p>	<p>Yakima School District Trevor Greene, Superintendent 104 North 4th Ave Yakima, WA 98902 greenetrevor@yakimaschools.org</p>	<p>Yakima School District Scott Izutsu , Associate Superintendent 104 N 4th Ave Yakima, WA 98902 izutsu.scott@yakimaschools.org</p>
<p>Yakima School District Jay Baucom, Asst. Director of Maintenance & Operations 104 N 4th Ave Yakima, WA 98902 baucom.jay@yakimaschools.org</p>	<p>Yakima-Tieton Irrigation District Sandra Hull 470 Camp 4 Rd Yakima, WA 98908</p>	<p>Yakima Valley Canal Co Robert Smoot 1640 Garretson Lane Yakima, WA 98908</p>
<p>Yakima Valley Conference of Governments Lynn Deitrick, Senior Planner 311 North 4th Street, Ste# 202 Yakima, WA 98901 Lynn.Deitrick@yvcog.org</p>	<p>Yakima Valley Museum Peter Arnold, Executive Director 2105 Tieton Drive Yakima, WA 98902 peter@yvmuseum.org</p>	<p>Yakima Waste Systems Keith Kovalenko, District Manager PO Box 2830 Yakima, WA 98907 keithk@wasteconnections.com</p>

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Ahtanum Irrigation District Beth Ann Brulotte, Executive Assistant 10705-B Gilbert Road Yakima, WA 98903	Cascade Natural Gas 8113 W Grandridge Blvd Kennewick, WA 99336	Century Link Manager 8 South 2nd Ave, Rm#304 Yakima, WA 98902
Charter Communications Manager 1005 North 16th Ave Yakima, WA 98902	City of Union Gap Dennis Henne, Development Director P.O. Box 3008 Union Gap, WA 98903	Department of Agriculture Kelly McLain P.O. Box 42560 Olympia, WA 98504
Environmental Protection Agency NEPA Review Unit 1200 6th Ave #155, 14 D-12 Seattle, WA 98101	Federal Aviation Administration 2200 W. Washington Ave Yakima, WA 98903	Governor's Office of Indian Affairs PO Box 40909 Olympia, WA 98504
Pacific Power Mike Paulson 500 North Keys Rd Yakima, WA 98901	North Yakima Conservation District Manager 1606 Perry Street, Ste. C Yakima, WA 98902	Yakima Valley Trolleys Paul Edmondson 313 North 3rd Street Yakima, WA 98901
Yakima Valley Trolleys PO Box 796 Yakima, WA 98907	United States Postal Service Maintenance Department 205 W Washington Ave Yakima, WA 98903	US Army Corps of Engineers Seattle District Regulatory Branch P.O. Box 3755 Seattle, WA 98124-3755
WA State Attorney General's Office 1433 Lakeside Court, Ste# 102 Yakima, WA 98902	Yakama Bureau of Indian Affairs Superintendent P.O. Box 632 Toppenish, WA 98948	Yakama Indian Nation Johnson Meninick, Cultural Resources Program P.O. Box 151 Toppenish, WA 98948
Yakama Indian Nation Ruth Jim, Yakima Tribal Council P.O. Box 151 Toppenish, WA 98948	Yakima School District Trevor Greene, Superintendent 104 North 4th Ave Yakima, WA 98902	Yakima-Tieton Irrigation District Sandra Hull 470 Camp 4 Rd Yakima, WA 98908
Yakima Valley Canal Co Robert Smoot 1640 Garretson Lane Yakima, WA 98908		

\\Apollo\Shared\Planning\Assignments-Planning\LABELS and FORMS\SEPA REVIEWING AGENCIES_updated 06.18.20 - Form List.docx

Type of Notice: NTC of DNS & Public Hearing

File Number: PD#002 / PLP#001 / SEPA# 012-20

Date of Mailing: 6/30/20

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Maxey, Lisa

From: Maxey, Lisa
Sent: Tuesday, June 30, 2020 10:51 AM
To: 'tcbgc@aol.com'; Belles, Carolyn; Brown, David; Calhoun, Joseph; Contreras, Pedro; Corona, Silvia; Cutter, Jeff; Davenport, Joan; Dean, James; DeBusschere, Suzanne; Denman, Glenn; Desgrosellier, Bob; Doan, Tony; Horton, Kelli; Ibarra, Rosalinda; Kallevig, Dana; Layman, Randy; Markham, Aaron; Matthews, Archie; Maxey, Lisa; Meloy, Randy; Murray, Matthew; Reid, Patrick; Riddle, Dan; Rossignol, Linda; Schafer, Scott; Shane, Mike; Story, Gregory; Watkins, Sara; Zabell, John; Zammarchi, Loretta; Ahtanum Irrigation District - Beth Ann Brulotte; Cawley, Marc; Chamber of Commerce; Department of Agriculture; Department of Commerce (CTED) - Review Team; Department of Ecology; Department of Ecology - Lori White; Department of Ecology - SEPA Register; Department of Ecology -CRO Coordinator; Department of Fish and Wildlife; Department of Fish and Wildlife; Department of Fish and Wildlife - Eric Bartrand; Department of Fish and Wildlife - Scott Downes; Department of Natural Resources; Dept of Social & Health Svcs - Robert Hubenthal; Dept. Archaeology & Historic Preservation - SEPA Review; Desgrosellier, Bob; Energy Facility Site Evaluation Council - Stephen Posner; Henne, Dennis; Ibarra, Rosalinda; Kallevig, Dana; Nob Hill Water - Bob Irving; Office of Rural & Farmworker Housing - Marty Miller; Peterson, Robert; Riddle, Dan; Scott Izutsu - Yakima School District; Trevor Greene - Yakima School District; US Army Corps of Engineers - David Moore; WA State Dept of Health, Office of Drinking Water; WA State Dept of Health, Office of Drinking Water; WA State Parks & Recreation Commission; WSDOT - Paul Gonseth; WSDOT - South Central Regional Planning Office; WSDOT Aviation - Max Platts; WVSD - Angela Watts, Asst Supt of Bus/Fin; WVSD - Mike Brophy, Supt.; Yakama Bureau of Indian Affairs - Rocco Clark; Yakama Nation Environmental Management Program - Elizabeth Sanchez; Yakama-Klickitat Fisheries - John Marvin; Yakima County Building Official - Harold Maclean; Yakima County Commissioners; Yakima County Flood Control District - Dianna Woods; Yakima County Flood Control District - Terry Keenhan; Yakima County Health District; Yakima County Health District - Ryan Ibach; Yakima County Planning - Manager - Tommy Carroll; Yakima County Planning - Zoning/Sub - Jason Earles; Yakima County Public Svcs Director, Lisa Freund; Yakima Greenway Foundation - Kellie Connaughton; Yakima Regional Clean Air Agency - Hasan Tahat; Yakima School District - Jay Baucom; Yakima Valley Museum - Peter Arnold, Exec Director; Yakima Valley Trolleys; Yakima Waste Systems - Keith Kovalenko; YVCOG - Lynn Deitrick; Brown, Michael; Davido, Sean; El Mundo; El Sol de Yakima; Fannin, John; Hispanic Chamber of Commerce; KAPP TV News; KBBO-KRSE Radio - manager; KDNA Noticias; KDNA Radio - Francisco Rios; KEPR TV News; KIMA TV News; KIT News; KIT/KATS/DMVW/KFFM - Lance Tormey; KNDO TV News; KNDU TV News; KUNW-TV Univision; KVEW TV News; La Casa Hogar; La Voz; Lozano, Bonnie; NWCN News; NWPR - Anna King; Randy Luvaas - Yakima Business Times; RCDR - Maria DJ Rodriguez; Reed C. Pell; Tu Decides; Tu Decides - Albert Torres; West Valley School District - Angela Watts; Yakima Herald Republic - Mai Hoang; Yakima Herald Republic Newspaper; Yakima Valley Business Times; YPAC - Randy Beehler
Cc: Crowell, Eric
Subject: Notice of DNS & Public Hearing - Racquet Lane Luxury Townhomes - PD#002-20, PLP# 001-20 & SEPA#012-20
Attachments: NOTICE OF DNS & PUBLIC HEARING_Racquet Lane Luxury Townhomes - PD PLP SE....pdf

Attached is a Notice of Determination of Nonsignificance (DNS) and Public Hearing regarding the above-entitled project. If you have any questions about this proposal, please contact assigned planner Eric Crowell at eric.crowell@yakimawa.gov. Thank you!



Lisa Maxey
Planning Technician
City of Yakima Planning Division
p: 509.576.6669
129 North 2nd Street, Yakima, Washington, 98901

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YAKIMA
HERALD-REPUBLIC
WE TELL YOUR STORIES YAKIMAHERALD.COM

El Sol de Yakima
-Ad Proof-

**This is the proof of your ad scheduled to run on the dates indicated below.
Please proof read notice carefully to check spelling and run dates,
if you need to make changes**

Date:	06/29/20
Account #:	110358
Company Name:	CITY OF YAKIMA PLANNING
Contact:	ROSALINDA IBARRA,AP
Address:	129 N 2ND STREET YAKIMA, WA 98901-2720
Telephone:	(509) 575-6164
Fax:	

Account Rep:	Simon Sizer
Phone #	(509) 577-7740
Email:	ssizer@yakimaherald.com
Ad ID:	949781
Start:	06/30/20
Stop:	06/30/20
Total Cost:	\$219.00
Lines:	120.0
# of Inserts:	1
Ad Class:	6021

Run Dates:	
Yakima Herald-Republic	06/30/20

**CITY OF YAKIMA
NOTICE OF PUBLIC HEARING**

DATE: 6/30/2020; **FROM:** Joan Davenport, AICP, Community Development Director; **FILE NO.:** PD#002-20, PLP#001-20, and SEPA#012-20; **SITE ADDRESS:** 2600 Racquet Ln.; **APPLICANT:** Racquet Lane Townhomes LLC (500 Grade St., Kelso, WA 98626); **PROPOSAL:** Master Planned Development to subdivide approximately 5.32 acres into 73 lots for 73 townhomes in the R-3 zoning district with a tract for common areas. The proposal to develop 73 townhomes was previously approved under file no. CL2#012-17 but did not include a request to subdivide the property into individual lots. Notice is hereby given by the Department of Community Development, Planning Division that the public hearing previously unscheduled due to COVID-19 has been scheduled to be held on **Thursday, July 23, 2020**, beginning at **9:00 a.m.** or soon thereafter. **Due to the COVID-19 pandemic, the hearing will not be held in the City Hall Council Chambers, but will be held via Zoom. All written comments received by 5:00 p.m. on July 13, 2020, will be considered prior to issuing the staff recommendation to the Hearing Examiner, and will be made part of the official record.**

This Zoom public hearing will be live streamed at www.yakimawa.gov (go to the "City Council" drop-down menu and select "Stream Meetings Live") and telecast live on Y-PAC, Spectrum Cable Channel 194.

IF YOU WOULD LIKE TO ATTEND THIS VIRTUAL MEETING TO LISTEN AND/OR TESTIFY, PLEASE REGISTER WITH YOUR NAME AND EMAIL ADDRESS IN ADVANCE

HERE: https://cityofyakima.zoom.us/webinar/register/WN_syHYKh0tRCyGso7bXeD4IA

After registering, you will receive emailed instructions for joining the meeting online with your device or by calling in.

View the Hearing Online by Zoom: To join the meeting, click the link in the confirmation email that you received after registering. All attendees will be muted upon entry. If you wish to speak during the public hearing, use the "raise your hand" feature. When it is your turn to speak, the host will unmute you. A message will appear on your screen, and you will need to select "unmute." You should announce your name and mailing address for the record prior to making your comments. Once you are finished with your comments, the host will mute you. **Listen to the Hearing by Phone:** You may call any of the phone numbers listed in the confirmation email that you received after registering. You will need to enter the meeting ID and password when prompted. All attendees will be muted upon entry. If you wish to speak during the public hearing, press *9 on your phone to "raise your hand." When it is your turn to speak, you will hear an automated announcement indicating your phone has been unmuted and you can now be heard by all participating in the meeting. You should announce your name and mailing address for the record prior to making your comments. Once you are finished with your comments, the host will mute you and you will hear an automated announcement indicating your phone has been muted. If you have any questions regarding this proposal, please contact Eric Crowell, Associate Planner at (509) 576-6736 or email to: eric.crowell@yakimawa.gov.

(949781) June 30, 2020

Courtesy of Yakima Herald-Republic

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**CITY OF YAKIMA
NOTICE OF PUBLIC HEARING**

DATE: 6/30/2020; **FROM:** Joan Davenport, AICP, Community Development Director; **FILE NO.:** PD#002-20, PLP#001-20, and SEPA#012-20; **SITE ADDRESS:** 2600 Racquet Ln.; **APPLICANT:** Racquet Lane Townhomes LLC (500 Grade St., Kelso, WA 98626); **PROPOSAL:** Master Planned Development to subdivide approximately 5.32 acres into 73 lots for 73 townhomes in the R-3 zoning district with a tract for common areas. The proposal to develop 73 townhomes was previously approved under file no. CL2#012-17 but did not include a request to subdivide the property into individual lots. Notice is hereby given by the Department of Community Development, Planning Division that the public hearing previously unscheduled due to COVID-19 has been scheduled to be held on **Thursday, July 23, 2020**, beginning at **9:00 a.m.** or soon thereafter. **Due to the COVID-19 pandemic, the hearing will not be held in the City Hall Council Chambers, but will be held via Zoom. All written comments received by 5:00 p.m. on July 13, 2020, will be considered prior to issuing the staff recommendation to the Hearing Examiner, and will be made part of the official record.**

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DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

**WASHINGTON STATE ENVIRONMENTAL POLICY ACT
DETERMINATION OF NONSIGNIFICANCE
CITY OF YAKIMA, WASHINGTON
June 30, 2020**

PROJECT DESCRIPTION: Master Planned Development to subdivide approximately 5.32 acres into 73 lots for 73 townhomes in the R-3 zoning district with a tract for common areas. The proposal to develop 73 townhomes was previously approved under file no. CL2#012-17 but did not include a request to subdivide the property into individual lots.

LOCATION: 2600 Racquet Ln.
PARCEL NUMBER: 181335-24022
PROPONENT: Racquet Lane Townhomes LLC
PROPERTY OWNER: Racquet Lane Townhomes LLC
LEAD AGENCY: City of Yakima

FILE NUMBERS: SEPA #012-20

DETERMINATION: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355.
There is no further comment period on the DNS.

Responsible Official: Joan Davenport
Position/Title: SEPA Responsible Official
Phone: (509) 575-6183
Address: 129 N. 2nd Street, Yakima, WA 98901

Date: June 30, 2020

Signature _____

You may appeal this determination to: Joan Davenport, AICP, Director of Community Development, at 129 N. 2nd Street, Yakima, WA 98901.

No later than: **July 14, 2020.**

By method: Complete appeal application form and payment of \$580.00 appeal fee.

You should be prepared to make specific factual objections. Contact the City of Yakima Planning Division to read or ask about the procedures for SEPA appeals.



DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

NOTICE OF PUBLIC HEARING

DATE: June 30, 2020
TO: SEPA Reviewing Agencies, Applicant, and Adjoining Property Owners
FROM: Joan Davenport, AICP, Community Development Director
FILE NO.: PD#002-20, PLP#001-20, and SEPA#012-20
SITE ADDRESS: 2600 Racquet Ln.
APPLICANT: Racquet Lane Townhomes LLC (500 Grade St., Kelso, WA 98626)

PROPOSAL: Master Planned Development to subdivide approximately 5.32 acres into 73 lots for 73 townhomes in the R-3 zoning district with a tract for common areas. The proposal to develop 73 townhomes was previously approved under file no. CL2#012-17 but did not include a request to subdivide the property into individual lots.

NOTICE OF HEARING: Notice is hereby given by the Department of Community Development, Planning Division that the public hearing previously *unscheduled* due to COVID-19 has been scheduled to be held on **Thursday, July 23, 2020**, beginning at **9:00 a.m.** or soon thereafter. **Due to the COVID-19 pandemic, the hearing will not be held in the City Hall Council Chambers, but will be held via Zoom.**

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IF YOU WOULD LIKE TO ATTEND THIS VIRTUAL MEETING TO LISTEN AND/OR TESTIFY, PLEASE REGISTER WITH YOUR NAME AND EMAIL ADDRESS IN ADVANCE HERE:

https://cityofyakima.zoom.us/webinar/register/WN_syHYKh0tRCyGso7bXeD4IA

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If you have any questions regarding this proposal, please contact Eric Crowell, Associate Planner at (509) 576-6736 or email to: eric.crowell@yakimawa.gov.

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AVISO DE AUDIENCIA PÚBLICA

FECHA DE AVISO: 30 de junio, 2020
PARA: Agencias de Revisión Ambiental, Solicitante, y Propietarios Adyacentes
DE: Joan Davenport, AICP, Directora de Desarrollo Comunitario
No. DE ARCHIVO: PD#002-20, PLP#001-20, SEPA#012-20
UBICACIÓN: 2600 Racquet Ln.
SOLICITANTE: Racquet Lane Townhomes LLC (500 Grade St., Kelso, WA 98626)

DESCRIPCIÓN DEL PROYECTO: Plan de Desarrollo para subdividir aproximadamente 5.32 acres en 73 lotes para viviendas en la zona residencial multi-familiar R-3 con un tramo para áreas comunes. La propuesta para desarrollar 73 viviendas fue aprobada previamente bajo el archivo CL2#012-17 pero no incluyo una solicitud para subdividir la propiedad en lotes individuales.

AVISO DE AUDIENCIA PÚBLICA: Por la presente, el Departamento de Desarrollo Comunitario, Division de Planificación avisa que la audiencia pública previamente imprevista debido a COVID-19 ha sido reprogramada para el jueves 23 de julio 2020 comenzando a las 9:00 am poco después. Debido a la pandemia de COVID-19, la audiencia no se llevará a cabo en la Sala del Concejo Municipal, sino que será programada virtualmente usando la plataforma Zoom.

Todos los comentarios escritos recibidos antes de las 5:00 p.m. el 13 de julio 2020 serán considerados antes de emitir la recomendación al Examinador de Audiencias, y serán parte del archivo oficial.

Esta audiencia pública de Zoom se transmitirá en vivo por internet en www.yakimawa.gov (vaya al menú de "City Council" y seleccione "Stream Meetings Live"). También se transmitirá en vivo por YPAC, canal de cable Spectrum 194.

SI DESEA ASISTIR A ESTA REUNIÓN VIRTUAL PARA ESCUCHAR Y/O TESTIFICAR, REGÍSTRESE POR ADELANTADO CON SU NOMBRE Y CORREO ELECTRÓNICO AQUÍ:

https://cityofyakima.zoom.us/webinar/register/WN_syHYKh0tRCyGso7bXeD4IA

Después de registrarse, recibirá instrucciones por correo electrónico para ingresar en línea con su dispositivo o llamando por teléfono.

Ver la audiencia pública en línea por Zoom: Para ingresar a la reunión, haga clic en el enlace ubicado en el correo electrónico de confirmación que recibió al registrarse. Todos los participantes serán silenciados al ingresar. Si desea hablar durante la audiencia pública, use la función para "levantar la mano". Cuando sea su turno de hablar, el anfitrión desactivara el silenciador. Un mensaje aparecerá en su pantalla y seleccione la opción "unmute". Debe anunciar su nombre y dirección postal para el registro antes de hacer sus comentarios. Una vez haya terminado sus comentarios, el anfitrión lo silenciará.

Escuche la audiencia pública por teléfono: Puede llamar a cualquiera de los números telefónicos ubicados en el correo electrónico de confirmación que recibió al registrarse. Deberá ingresar el ID y la contraseña de la reunión cuando se lo solicite. Todos los participantes serán silenciados al ingresar. Si desea hablar durante la audiencia pública, presione *9 en su teléfono para "levantar la mano". Cuando sea su turno de hablar, escuchara un anuncio automatizado indicando que el audio de su teléfono ha sido activado y todos los participantes pueden escucharlo. Debe anunciar su nombre y dirección postal para el registro antes de hacer sus comentarios. Una vez haya terminado sus comentarios, el anfitrión lo silenciará y escuchara un anuncio automatizado indicando que su teléfono ha sido silenciado.

Si tiene preguntas sobre esta propuesta o este aviso, por favor de contactar a la Oficina de Planificación al (509) 575-6183 o por correo electrónico al: ask.planning@yakimawa.gov.

AFFIDAVIT OF MAILING

STATE OF WASHINGTON

CITY OF YAKIMA

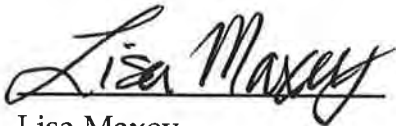
RE: PD#002-20, PLP#001-20 & SEPA#012-20

Racquet Lane Luxury Townhomes

2600 Racquet Ln

I, Lisa Maxey, as an employee of the Yakima City Planning Division, have dispatched through the United States Mails, a **Notice of Application and Environmental Review**; a true and correct copy of which is enclosed herewith; that said notice was addressed to the applicant, SEPA reviewing agencies, and all property owners of record within a radius of 300 feet of subject property; that said property owners are individually listed on the mailing list retained by the Planning Division; and that said notices were mailed by me on the 11th day of May, 2020.

That I mailed said notices in the manner herein set forth and that all of the statements made herein are just and true.



Lisa Maxey

Planning Technician

18133524003 AIR PARK PLAZA LLC 2601 W J ST YAKIMA, WA 98902	18133521026 EMPRATT LLC 1508 S 26TH AVE YAKIMA, WA 98902	18133523012 FILLIOL PROPERTIES LLC PO BOX 10054 YAKIMA, WA 98909
18133524022 RACQUET LANE TOWNHOMES LLC 1103 MADISON AVE YAKIMA, WA 98902	18133524031 TRIUMPH ACTUATION SYSTEMS 899 CASSATT RD STE 210 BERWYN, PA 19312	18133524401 UROGROUP II LLC 2500 RACQUET LN STE 100 YAKIMA, WA 98902
18133524402 UROGROUP LLC 2500 RACQUET LN #100 YAKIMA, WA 98902	18133524033 YAKIMA CITY 129 N 2ND ST YAKIMA, WA 98901	18133521027 YAKIMA VALLEY RACQUET CLUB PO BOX 9584 YAKIMA, WA 98909
18133522401 BONNIE FAIRBAIRN 1620 S 27TH AVE YAKIMA, WA 98902	18133521428 DANIEL L & COLLEEN M ELLINGSWORTH 2610 HOLLOW CREEK PL YAKIMA, WA 98902	18133522403 DAVID J MILLER 1624 S 27TH AVE YAKIMA, WA 98902
18133522402 FRANCISCO J & SARAH L LOPEZ 1626 S 27TH AVE YAKIMA, WA 98902	18133523405 GARYN WOOD 1015 TERRACE DR NW SALEM, OR 97304	18133523406 GARYN WOOD 1015 TERRACE DR NW SALEM, OR 97304
18133523404 HAK S & EUN SOOK KIM 8110 PLATH AVE YAKIMA, WA 98908	18133521471 JOAQUIN VALDOVINOS PO BOX 1247 YAKIMA, WA 98909	18133521470 JOSHUA C ELLINGSWORTH 2607 HOLLOW CREEK PL YAKIMA, WA 98902
18133521426 LOUIS & DIANA ROMERO 2606 HOLLOW CREEK PLACE YAKIMA, WA 98902	18133524030 ROBERTO ARTEAGA 14400 TIETON DR YAKIMA, WA 98908	18133521467 SCOTT & KIMBERLY WOODWARD 2604 HOLLOW CREEK PL YAKIMA, WA 98902
18133521469 TINA RANAE ELLINGSWORTH 2605 HOLLOW CREEK PL YAKIMA, WA 98902	18133521429 TRACY M & KAI J CHRISTIANSON 2608 HOLLOW CREEK PL YAKIMA, WA 98902	18133521468 WENDY FAE OBRIEN 2603 HOLLOW CREEK PL YAKIMA, WA 98902
24 Total Parcels - Racquet Lane Luxury Townhomes - PD#002-20 & PLP#001-20	PLSA Engineering & Surveying Attn: Tom Durant 521 N 20th Ave #3 Yakima, WA 98902	Racquet Lane Townhomes LLC 500 Grade St Kelso, WA 98626
	Ntc of App & SEPA PD#002/PLP#001/SEPA#012-20 Sent 5/11/20	DOC. INDEX # G-3a

<p>Ahtanum Irrigation District Beth Ann Brulotte, Executive Assistant 10705-B Gilbert Road Yakima, WA 98903-9203 bethb@ahtanum.net</p>	<p>Cascade Natural Gas 8113 W Grandridge Blvd Kennewick, WA 99336</p>	<p>Century Link Manager 8 South 2nd Ave, Rm#304 Yakima, WA 98902</p>
<p>Charter Communications Manager 1005 North 16th Ave Yakima, WA 98902</p>	<p>City of Union Gap Dennis Henne, Development Director P.O. Box 3008 Union Gap, WA 98903 Dennis.henne@uniongapwa.gov</p>	<p>Chamber of Commerce 10 North 9th Street Yakima, WA 98901 chamber@yakima.org</p>
<p>Department of Agriculture Kelly McLain PO Box 42560 Olympia, WA 98504 kmclain@agr.wa.gov</p>	<p>Dept of Archaeology & Historic Preservation 1063 S Capitol Way, Ste 106 Olympia, WA 98504-8343 Sepa@dahp.wa.gov</p>	<p>Department of Commerce Review Team 1011 Plum St SE Olympia, WA 98504-3172 reviewteam@commerce.wa.gov</p>
<p>Department of Ecology Annie Szvetcz, SEPA Policy Lead P.O. Box 47703 Olympia, WA 98504-7703 separegister@ecy.wa.gov sepaunit@ecy.wa.gov lori.white@ecy.wa.gov</p>	<p>Department of Ecology Gwen Clear, Central Regional Coordinator 1250 West Alder Street Union Gap, WA 98903 crosepacoordinator@ecy.wa.gov</p>	<p>Department of Fish and Wildlife Eric Bertrand 1701 South 24th Ave Yakima, WA 98902 Eric.Bertrand@dfw.wa.gov Scott.Downes@dfw.wa.gov TeamYakima@dfw.wa.gov</p>
<p>Department of Fish and Wildlife SEPA Desk PO Box 43200 Olympia, WA 98504 SEPAdesk@dfw.wa.gov</p>	<p>Department of Health Kelly Cooper PO Box 47820 Olympia, WA 98504 Kelly.cooper@doh.wa.gov</p>	<p>Department of Natural Resources SEPA Center PO Box 47015 Olympia, WA 98504 sepacenter@dnr.wa.gov</p>
<p>Department of Social & Health Services Robert Hubenthal Office of Capital Programs P.O. Box 45848 Olympia, WA 98504 Robert.Hubenthal@dshs.wa.gov</p>	<p>Environmental Protection Agency NEPA Review Unit 1200 6th Ave #155, 14 D-12 Seattle, WA 98101</p>	<p>Energy Facility Site Evaluation Council -EFSEC Stephen Posner, SEPA Officer PO Box 43172 Olympia, WA 98504-3172 sposner@utc.wa.gov</p>
<p>Engineering Division Bob Desgrossellier, Senior Engineer 129 N 2nd Street Yakima, WA 98901 bob.desgrossellier@yakimawa.gov</p>	<p>Federal Aviation Administration 2200 W. Washington Ave Yakima, WA 98903</p>	<p>Governor's Office of Indian Affairs PO Box 40909 Olympia, WA 98504</p>
<p>Nob Hill Water Association Bob Irving, Engineering Technician 6111 Tieton Drive Yakima, WA 98908 bob@nobhillwater.org</p>	<p>Office of Rural and Farm Worker Housing Marty Miller 1400 Summitview Ave, Ste# 203 Yakima, WA 98902 Martym2@orfh.org</p>	<p>Pacific Power Mike Paulson 500 North Keys Rd Yakima, WA 98901</p>
<p>Parks & Recreation Commission Jessica Logan PO Box 42650 Olympia, WA 98504 Jessica.logan@parks.wa.gov</p>	<p>North Yakima Conservation District Manager 1606 Perry Street, Ste. C Yakima, WA 98902</p>	<p>Yakima Valley Trolleys Paul Edmondson 313 North 3rd Street Yakima, WA 98901</p>
<p>Yakima Valley Trolleys PO Box 796 Yakima, WA 98907 info@yakimavalleytrolleys.org</p>	<p>United States Postal Service Maintenance Department 205 W Washington Ave Yakima, WA 98903</p>	<p>US Army Corps of Engineers Seattle District, Regulatory Branch P.O. Box 3755 Seattle, WA 98124-3755 david.j.moore@usace.army.mil</p>

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<p>WA State Attorney General's Office 1433 Lakeside Court, Ste# 102 Yakima, WA 98902</p>	<p>WA State Dept of Health, Office of Drinking Water Jamie Gardipe 16201 E Indiana Ave, Ste# 1500 Spokane Valley, WA 99216 SEPA.reviewteam@doh.wa.gov Jamie.gardipe@doh.wa.gov</p>	<p>Wastewater Division Marc Cawley and Dana Kallevig 2220 East Viola Ave Yakima, WA 98901 marc.cawley@yakimawa.gov dana.kallevig@yakimawa.gov</p>
<p>West Valley School District Angela Von Essen, Asst. Supt. Of Business & Finance 8902 Zier Road Yakima, WA 98908-9299 vonessena@wvvsd208.org</p>	<p>West Valley School District Mike Brophy, Superintendent 8902 Zier Road Yakima, WA 98908-9299 brophym@wvvsd208.org</p>	<p>WSDOT Paul Gonseth, Planning Engineer 2809 Rudkin Road Union Gap, WA 98903 gonsetp@wsdot.gov</p>
<p>WSDOT South Central Regionl Planning Office SCplanning@wsdot.wa.gov</p>	<p>WSDOT, Aviation Division Max Platts, Aviation Planner 7702 Terminal St SW Tumwater, WA 98501 plattst@wsdot.wa.gov</p>	<p>Yakama Bureau of Indian Affairs Rocco Clark, Environmental Coordinator P.O. Box 632 Toppenish, WA 98948 Rocco.clark@bia.gov</p>
<p>Yakama Nation Environmental Mgmt Program Elizabeth Sanchez, Environmental Review Coordinator P.O. Box 151 Toppenish, WA 98948 esanchez@yakama.com</p>	<p>Yakama-Klickitat Fisheries Project John Marvin 760 Pence Road Yakima, WA 98909 jmarvin@yakama.com</p>	<p>Yakima Air Terminal Robert Peterson, Airport Asst Manager 2400 West Washington Ave Yakima, WA 98903 robert.peterson@yakimawa.gov</p>
<p>Yakima County Building Department Harold Maclean 128 North 2nd Street, 4th Floor Yakima, WA 98901 Harold.Maclean@co.yakima.wa.us</p>	<p>Yakima County Commissioners Commissioners.web@co.yakima.wa.us</p>	<p>Yakima County Health District Ryan Ibach, Director of Environmental Health 1210 Ahtanum Ridge Dr Ste#200 Union Gap, WA 98903 yhd@co.yakima.wa.us ryan.ibach@co.yakima.wa.us</p>
<p>Yakima County Flood Control District Terry Keenhan & Dianna Woods 128 North 2nd Street, 4th Floor Yakima, WA 98901 Terry.Keenhan@co.yakima.wa.us Dianna.Woods@co.yakima.wa.us</p>	<p>Yakima County Planning Tommy Carroll & Jason Earles 128 North 2nd Street, 4th Floor Yakima, WA 98901 Thomas.Carroll@co.yakima.wa.us Jason.Earles@co.yakima.wa.us</p>	<p>Yakima County Public Services Lisa Freund, Public Services Director 128 North 2nd Street, 4th Floor Yakima, WA 98901 lisa.freund@co.yakima.wa.us</p>
<p>Yakima Greenway Foundation Kellie Connaughton, Executive Director 111 South 18th Street Yakima, WA 98901 kellie@yakimagreenway.org</p>	<p>Yakama Indian Nation Johnson Meninick, Cultural Resources Program P.O. Box 151 Toppenish, WA 98948 Yakama Indian</p>	<p>Yakama Indian Nation Ruth Jim, Yakima Tribal Council P.O. Box 151 Toppenish, WA 98948</p>
<p>Yakima Regional Clean Air Agency Hasan Tahat, Compliance, Engineering & Planning Division Supervisor 186 Iron Horse Ct # 101 Yakima, WA 98901 hasan@yrcaa.org</p>	<p>Yakima School District Trevor Greene, Superintendent 104 North 4th Ave Yakima, WA 98902 greenetrevor@yakimaschools.org</p>	<p>Yakima School District Scott Izutsu , Associate Superintendent 104 N 4th Ave Yakima, WA 98902 izutsu.scott@yakimaschools.org</p>
<p>Yakima School District Chuck Doan, Director of Maintenance & Operations 104 N 4th Ave Yakima, WA 98902 doan.chuck@yakimaschools.org</p>	<p>Yakima-Tieton Irrigation District Sandra Hull 470 Camp 4 Rd Yakima, WA 98908</p>	<p>Yakima Valley Canal Co Robert Smoot 1640 Garretson Lane Yakima, WA 98908</p>
<p>Yakima Valley Conference of Governments Mike Shuttleworth, Planning Manager 311 North 4th Street, Ste# 202 Yakima, WA 98901 Mike.shuttleworth@yvcog.org</p>	<p>Yakima Valley Museum Peter Arnold, Executive Director 2105 Tieton Drive Yakima, WA 98902 peter@yvmuseum.org</p>	<p>Yakima Waste Systems Keith Kovalenko, District Manager PO Box 2830 Yakima, WA 98907 keithk@wasteconnections.com</p>

Ahtanum Irrigation District Beth Ann Brulotte, Executive Assistant 10705-B Gilbert Road Yakima, WA 98903	Cascade Natural Gas 8113 W Grandridge Blvd Kennewick, WA 99336	Century Link Manager 8 South 2nd Ave, Rm#304 Yakima, WA 98902
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Yakima Valley Trolleys PO Box 796 Yakima, WA 98907	United States Postal Service Maintenance Department 205 W Washington Ave Yakima, WA 98903	US Army Corps of Engineers Seattle District Regulatory Branch P.O. Box 3755 Seattle, WA 98124-3755
WA State Attorney General's Office 1433 Lakeside Court, Ste# 102 Yakima, WA 98902	Yakama Bureau of Indian Affairs Superintendent P.O. Box 632 Toppenish, WA 98948	Yakama Indian Nation Johnson Meninick, Cultural Resources Program P.O. Box 151 Toppenish, WA 98948
Yakama Indian Nation Ruth Jim, Yakima Tribal Council P.O. Box 151 Toppenish, WA 98948	Yakima School District Trevor Greene, Superintendent 104 North 4th Ave Yakima, WA 98902	Yakima-Tieton Irrigation District Sandra Hull 470 Camp 4 Rd Yakima, WA 98908
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\\Apollo\Shared\Planning\Assignments-Planning\LABELS and FORMS\SEPA REVIEWING AGENCIES_updated 03.05.20 - Form List.docx

Type of Notice: Ntc of Application & SEPA

File Number: PD#002 / PLP#001 / SEPA #012-20

Date of Mailing: 5/11/20

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Pedro Contreras	Code Administration	Pedro.Contreras@yakimawa.gov
Suzanne DeBusschere	Code Administration	Suzanne.DeBusschere@yakimawa.gov
Tony Doan	Code Administration	Tony.Doan@yakimawa.gov
Joan Davenport	Community Development	Joan.Davenport@yakimawa.gov
Rosalinda Ibarra	Community Development	Rosalinda.Ibarra@yakimawa.gov
Bob Desgrosellier	Engineering	Bob.Desgrosellier@yakimawa.gov
Dan Riddle	Engineering	Dan.Riddle@yakimawa.gov
Aaron Markham	Fire	Aaron.markham@yakimawa.gov
Pat Reid	Fire	Pat.Reid@yakimawa.gov
Jeff Cutter	Legal	Jeff.Cutter@yakimawa.gov
Sara Watkins	Legal	Sara.Watkins@yakimawa.gov
Archie Matthews	ONDS	Archie.Matthews@yakimawa.gov
Joseph Calhoun	Planning	Joseph.Calhoun@yakimawa.gov
Lisa Maxey	Planning	Lisa.Maxey@yakimawa.gov
Matt Murray	Police	Matthew.murray@yakimawa.gov
Scott Schafer	Public Works	Scott.Schafer@yakimawa.gov
Loretta Zammarchi	Refuse	Loretta.Zammarchi@yakimawa.gov
Randy Layman	Refuse	Randy.Layman@yakimawa.gov
Gregory Story	Transit	Gregory.Story@yakimawa.gov
James Dean	Utilities	James.Dean@yakimawa.gov
Dana Kallevig	Wastewater	Dana.Kallevig@yakimawa.gov
Randy Meloy	Wastewater	Randy.Meloy@yakimawa.gov
Dave Brown	Water/Irrigation	David.Brown@yakimawa.gov
Mike Shane	Water/Irrigation	Mike.Shane@yakimawa.gov

Revised 04/2020

Outside Distribution		
Name	Address	Included In Mailing?
Pacific Power Attn: Estimating Department <i>(Subdivision notices ONLY)</i>	500 N Keys Rd, Yakima, WA 98901	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Type of Notice: NTC of App + SEPA

File Number(s): PD#002 / PLP#001 / SEPA #012-20

Date of Mailing: 5/11/20

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Maxey, Lisa

From: Maxey, Lisa
Sent: Monday, May 11, 2020 9:09 AM
To: Belles, Carolyn; Brown, David; Calhoun, Joseph; Contreras, Pedro; Corona, Silvia; Cutter, Jeff; Davenport, Joan; Dean, James; DeBusschere, Suzanne; Denman, Glenn; Desgrosellier, Bob; Doan, Tony; Horton, Kelli; Ibarra, Rosalinda; Kallevig, Dana; Layman, Randy; Markham, Aaron; Matthews, Archie; Maxey, Lisa; Meloy, Randy; Murray, Matthew; Reid, Patrick; Riddle, Dan; Rossignol, Linda; Schafer, Scott; Shane, Mike; Story, Gregory; Watkins, Sara; Zabell, John; Zammarchi, Loretta; Ahtanum Irrigation District - Beth Ann Brulotte; Cawley, Marc; Chamber of Commerce; Chuck Doan - Yakima School District; Department of Agriculture; Department of Commerce (CTED) - Review Team; Department of Ecology; Department of Ecology - Lori White; Department of Ecology - SEPA Register; Department of Ecology -CRO Coordinator; Department of Fish and Wildlife; Department of Fish and Wildlife; Department of Fish and Wildlife - Eric Bartrand; Department of Fish and Wildlife - Scott Downes; Department of Natural Resources; Dept of Social & Health Svcs - Robert Hubenthal; Dept. Archaeology & Historic Preservation - SEPA Review; Desgrosellier, Bob; Energy Facility Site Evaluation Council - Stephen Posner; Henne, Dennis; Ibarra, Rosalinda; Kallevig, Dana; Nob Hill Water - Bob Irving; Office of Rural & Farmworker Housing - Marty Miller; Peterson, Robert; Riddle, Dan; Scott Izutsu - Yakima School District; Trevor Greene - Yakima School District; US Army Corps of Engineers - David Moore; WA State Dept of Health, Office of Drinking Water; WA State Dept of Health, Office of Drinking Water; WA State Parks & Recreation Commission; WSDOT - Paul Gonseth; WSDOT - South Central Regional Planning Office; WSDOT Aviation - Max Platts; WVSD - Angela Watts, Asst Supt of Bus/Fin; WVSD - Mike Brophy, Supt.; Yakama Bureau of Indian Affairs - Rocco Clark; Yakama Nation Environmental Management Program - Elizabeth Sanchey; Yakama-Klickitat Fisheries - John Marvin; Yakima County Building Official - Harold Maclean; Yakima County Commissioners; Yakima County Flood Control District - Dianna Woods; Yakima County Flood Control District - Terry Keenhan; Yakima County Health District; Yakima County Health District - Ryan Ibach; Yakima County Planning - Manager - Tommy Carroll; Yakima County Planning - Zoning/Sub - Jason Earles; Yakima County Public Svcs Director, Lisa Freund; Yakima Greenway Foundation - Kellie Connaughton; Yakima Regional Clean Air Agency - Hasan Tahat; Yakima Valley Conference of Governments - Mike Shuttleworth; Yakima Valley Museum - Peter Arnold, Exec Director; Yakima Valley Trolleys; Yakima Waste Systems - Keith Kovalenko
Cc: Crowell, Eric
Subject: Notice of Application & SEPA - Racquet Ln Luxury Townhomes - PD#002-20, PLP# 001-20 & SEPA#012-20
Attachments: NOTICE OF APPLICATION & SEPA_Racquet Lane Luxury Townhomes - PD PLP SEPA....pdf

Attached is a Notice of Application and SEPA Environmental Review regarding the above-entitled project. The public hearing will be scheduled at a later date. If you have any questions about this proposal, please contact assigned planner Eric Crowell at eric.crowell@yakimawa.gov. Thank you!



Lisa Maxey
Planning Technician
City of Yakima Planning Division
p: 509.576.6669
129 North 2nd Street, Yakima, Washington, 98901



DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

Planning Division

Joseph Calhoun, Manager

129 North Second Street, 2nd Floor, Yakima, WA 98901

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

DATE: May 11, 2020
TO: SEPA Reviewing Agencies, Applicant, and Adjoining Property Owners
FROM: Joan Davenport, AICP, Community Development Director
APPLICANT: Racquet Lane Townhomes LLC
FILE NUMBER: PD#002-20, PLP#001-20, SEPA#012-20
LOCATION: 2600 Racquet Ln.
TAX PARCEL NUMBER(S): 181335-24022
DATE OF APPLICATION: April 22, 2020
DATE OF COMPLETENESS: May 11, 2020

PROJECT DESCRIPTION Master Planned Development to subdivide approximately 5.32 acres into 73 lots for 73 townhomes in the R-3 zoning district with a tract for common areas. The proposal to develop 73 townhomes was previously approved under file no. CL2#012-17 but did not include a request to subdivide the property into individual lots.

Due to the ongoing COVID-19 pandemic and stay-at-home order, the public hearing for the Planned Development (PD#002-20) and Preliminary Long Plat (PLP#001-20) will be scheduled at a later date once public meetings can be held again, adhering to standard public notice guidelines.

DETERMINATION OF CONSISTENCY Pursuant to YMC § 16.06.020(A), the project considerations are determined to be consistent with applicable development regulations, as follows:

- 1. The type of land use: Master Planned Development and Preliminary Long Plat for a previously approved Multi-Family Development (13+ DU/NRA), a Class (2) use in the R-3 zoning district.
2. Level of Development: Lots range from approximately 1,440 to 1,491 square feet.
3. Infrastructure and public facilities: The subject property is able to be served by public streets, water, sewer, garbage collection, etc.
4. Characteristics of development: The proposal shall adhere to all Title 12 and Title 15 development standards.

Pursuant to YMC § 16.06.020(B), the development regulations and comprehensive plan considerations are found to be consistent, as follows:

- 1. The type of land use: Master Planned Development and Preliminary Long Plat for a previously approved Multi-Family Development (13+ DU/NRA) a Class (2) use in the R-3 zoning district.
2. Density of Development: Approximately 30.4 dwelling units per net residential acre.
3. Availability and adequacy of infrastructure and public utilities: The subject property is able to be served by public facilities.

NOTICE OF ENVIRONMENTAL REVIEW This is to notify agencies with jurisdiction and environmental expertise and the public that the City of Yakima, Planning Division, has been established as the lead agency, under WAC § 197-11-928 for this project. The City of Yakima has reviewed the proposed project for probable adverse environmental impacts and expects to issue a Determination of Nonsignificance (DNS) per WAC § 197-11-355. The proposal may include mitigation measures under applicable codes and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination may be obtained by request and may be appealed pursuant to YMC § 6.88.170.

Required Permits: The following local, state, and federal permits/approvals may or will be needed for this project: Building Permit, Grading Permit

Required Studies: N/A

Existing Environmental Documents: None

Development Regulations for Project Mitigation and Consistency Include: the State Environmental Policy Act, the Yakima Urban Area Zoning Ordinance, YMC Title 12—Development Standards, and the Yakima Urban Area Comprehensive Plan.

REQUEST FOR WRITTEN COMMENTS: Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts. There is a 20-day comment period for this review. This may be your only opportunity to comment. All written comments received by 5:00 p.m. on **June 1, 2020**, will be considered prior to issuing the final SEPA determination. Please reference file numbers (PD#002-20, PLP#001-20 & SEPA#012-20) and applicant's name (Racquet Lane Townhomes LLC) in any correspondence you submit. You can mail your comments to:

**Joan Davenport, AICP, Community Development Director
City of Yakima, Department of Community Development
129 N. 2nd St., Yakima, WA 98901**

NOTICE OF DECISION A copy of the SEPA threshold determination will be mailed to parties of record and entities who were provided this notice once it is rendered.

The file containing the complete application is available for public review at the City of Yakima Planning Division, City Hall – 2nd Floor, 129 N. 2nd St., Yakima, WA. If you have any questions on this proposal, please contact Eric Crowell, Associate Planner at (509) 576-6736, or email to: eric.crowell@yakimawa.gov.

Enclosed: Narratives, Project Descriptions, SEPA Checklist, Site Plans, and Vicinity Map



DEPARTAMENTO DE DESARROLLO COMUNITARIO

Joan Davenport, AICP, Directora

Division de Planificación

Joseph Calhoun, Gerente

129 Norte Calle 2ª, 2º Piso, Yakima, WA 98901

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

AVISO DE APLICACIÓN Y REVISIÓN AMBIENTAL

El Departamento de Desarrollo Comunitario de la Ciudad de Yakima ha recibido una aplicación por parte de un propietario/solicitante y este es un aviso sobre esa solicitud. Información sobre la ubicación de la propiedad en cuestión y la solicitud es la siguiente:

FECHA OTORGADA: 11 de mayo, 2020
PARA: Agencias de Revisión Ambiental, Solicitante y Propietarios Adyacentes
DE: Joan Davenport, AICP, Directora de Desarrollo Comunitario
SOLICITANTE: Racquet Lane Townhomes LLC
No. DE ARCHIVO: PD#002-20, PLP#001-20, SEPA#012-20
UBICACIÓN: 2600 Racquet Ln.
No. DE PARCELA: 181335-24022
FECHA DE APLICACIÓN: 22 de abril, 2020
FECHA DE APLICACIÓN COMPLETA: 11 de mayo, 2020

DESCRIPCIÓN DEL PROYECTO: Master Plan de Desarrollo para subdividir aproximadamente 5.32 acres en 73 lotes para viviendas en la zona residencial R-3 con un tramo para áreas comunes. La propuesta para desarrollar 73 viviendas fue aprobada previamente bajo el archivo CL2#012-17 pero no incluyo una solicitud para subdividir la propiedad en lotes individuales.

Debido a la continua pandemia del virus COVID-19 y el orden de permanecer en casa, la audiencia pública para el plan de desarrollo (PD#002-20) y Subdivisión Preliminar (PLP#001-20) se programara una vez que las reuniones públicas puedan ejercerse nuevamente, adhiriéndose al estándar de avisos públicos.

DETERMINACIÓN DE LA CONSISTENCIA: Conforme al Código Municipal YMC §16.06.020(A), las consideraciones del proyecto se determinan consistentes a las siguientes normas de desarrollo aplicables:

1. El tipo de uso terrenal: Master Plan de Desarrollo y Subdivisión Preliminar para viviendas multifamiliar previamente aprobado (13+ unidades), revisión Clase 2 en la zona residencial R-3.
2. Nivel de desarrollo: Los lotes varían de aproximadamente 1,440 a 1,491 pies cuadrados.
3. Infraestructura e instalaciones públicas: La propiedad puede ser servida por calles públicas, agua, drenaje, recolección de basura, etc.
4. Características del desarrollo: La propuesta se adherirá a los estándares de desarrollo del Título 12 y Título 15.

Conforme al Código Municipal YMC §16.06.020(B), los reglamentos de desarrollo y las consideraciones del plan comprensivo son coherentes, de la siguiente manera:

1. El tipo del uso terrenal: Master Plan de Desarrollo y Subdivisión Preliminar para viviendas multifamiliar previamente aprobado (13+ unidades), revisión Clase 2 en la zona residencial R-3.
2. Densidad del desarrollo: Aproximadamente 30.4 unidades de vivienda por acre residencial.
3. Disponibilidad y adecuación de infraestructura y servicios públicos: La propiedad en cuestión puede ser servida por instalaciones públicas.

AVISO DE REVISIÓN AMBIENTAL: Esto es para notificar a las agencias con jurisdicción y experiencia ambiental y al público que la Ciudad de Yakima, Division de Planificación, se establece como la agencia principal, de acuerdo con la Ley Estatal de Política Ambiental de Washington (SEPA) bajo WAC §197-11-928 para la revisión de este proyecto. La Ciudad de Yakima ha revisado el proyecto propuesto para posibles impactos ambientales adversos y espera emitir una Determinación de No-Significancia (DNS) para este proyecto conforme al proceso DNS opcional en WAC § 197-11-355. La propuesta puede incluir medidas de mitigación bajo los códigos aplicables y el proceso de revisión del proyecto puede incorporar o requerir medidas de mitigación independientemente de si se prepara un EIS (Declaración de Impacto Ambiental). Una copia de

la determinación de umbral posterior se puede obtener por solicitud y se puede apelar de acuerdo con el Código Municipal de Yakima YMC § 6.88.170.

Permisos Requeridos: Los siguientes permisos/aprobaciones locales, estatales, y federales pueden o serán necesarios para este proyecto: Permiso de Construcción, Permiso de Nivelación Terrenal

Estudios Requeridos: N/A

Documentos Ambientales Existentes: Ninguno

Los Reglamentos de Desarrollo para la Mitigación y Consistencia de Proyectos Incluyen: La Ley Estatal de Política Ambiental de Washington, La Ordenanza de Zonificación del Área Urbana de Yakima, Los Estándares de Desarrollo del Título 12, y el Plan Integral del Área Urbana de Yakima.

SOLICITUD DE COMENTARIOS ESCRITOS: Se anima a las agencias, tribus, y el público a revisar y comentar sobre el proyecto y sobre sus probables impactos ambientales. Habrá un periodo de veinte días para hacer sus comentarios. Este podría ser su única oportunidad para comentar. Todos los comentarios recibidos por escrito antes de las 5:00 p.m. **el 1 de junio, 2020** serán considerados antes de emitir la decisión final sobre esta solicitud. Por favor de hacer referencia al número de archivo (PD#002-20, PLP#001-20 & SEPA#012-20) o al nombre del solicitante (Racquet Lane Townhomes LLC) en cualquier correspondencia que envíe. Envíe sus comentarios sobre esta propuesta a:

**Joan Davenport, AICP, Community Development Director
City of Yakima, Department of Community Development
129 N. 2nd St., Yakima, WA 98901**

AVISO DE LA DECISIÓN FINAL: Cuando la decisión final sea emitida, una copia será enviada a las personas que mandaron comentarios o que recibieron este aviso inicial. La decisión será definitiva a menos que sea apelada.

El archivo que contiene la aplicación completa está disponible para inspección pública en la Oficina de Planificación de la Ciudad de Yakima en el 129 al Norte la Calle 2da, Yakima, WA. Si tiene cualquier pregunta sobre esta propuesta, puede contactar a la Oficina de Planificación al (509) 575-6183 o por correo electrónico al: ask.planning@yakimawa.gov

Adjunto: Narrativa, Descripción del Proyecto, Lista de SEPA, Plan del Sitio, Mapa



CITY OF YAKIMA
**LAND USE ACTION INSTALLATION
 CERTIFICATE**

File Number:	PD#002-20, PLP#002-20, SEPA#012-20
Applicant/Project Name:	Racquet Lane Townhomes
Site Address:	2600 Racquet Lane
Date of Posting:	May 1, 2020
Land Use Sign ID#(s):	54

Location of Installation (Check One):

Land Use Action Sign is installed per standards described in YMC §15.11.080(C).

Land Use Action Sign is installed in an alternate location on the site.

Note: this alternate location (if not pre-approved by the Planning Manager) may not be acceptable by the Planning Division and is subject to relocation (at the owner's expense) to a more visible site on the property.

The alternative location is:

The required notice of application will be sent to the applicant and property owners within a 300-foot radius after the Planning Division has received this Land Use Action Installation Certification. Failure to post a Land Use Action sign and return this form signed in a timely manner may cause a delay in the application review process.

I hereby testify that the installed sign fully complies with the Land Use Action sign installation standards (see pg. 2), that the sign will be maintained until a decision has been rendered, and that the sign will be returned within **30 days** from the date the final decision is issued.

Thomas R Durant
 Applicant's Signature

5/1/2020
 Date

Thomas R Durant
 Applicant's Name (Please Print)

575-6990
 Applicant's Phone Number

Please fill out and sign the above certification after posting and deliver to the City of Yakima Planning Division via email to ask.planning@yakimawa.gov or in person/by mail to: City of Yakima, Planning Division, 129 North 2nd Street, Yakima, WA 98901.

DOC.
 INDEX
 # G-2



DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

May 11, 2020

FILE NUMBER: PD#002-20, PLP#001-20, SEPA#012-20
APPLICANT: Racquet Lane Townhomes LLC
APPLICANT ADDRESS: 500 Grade St., Kelso, WA 98626
PROJECT LOCATION: 2600 Racquet Ln.
TAX PARCEL NO: 181335-25022
DATE OF REQUEST: April 22, 2020
SUBJECT: Notice of Complete Application

To Whom It May Concern:

The application for your Planned Development, and Preliminary Long Plat for 2600 Racquet Ln. was received on April 22, 2020. An Environmental Review application was received on April 29, 2020. As of May 11, 2020, your application is considered **complete** as required by the City of Yakima's Municipal Code (YMC) and site plan checklist, as referenced in YMC §§ 15.28.030, 14.20.030, and 6.88.090.

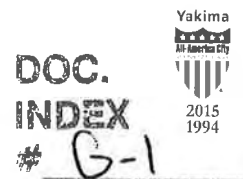
Your application is now considered to be complete. Continued processing of your request will include, but is not limited to, the following actions:

1. A Notice of Application and Environmental Review will be sent to all property owners within a 300-foot radius of your site. This notice will include a request for public comments during a 20-day comment period as is required by the City of Yakima. Notice of Application is scheduled to be issued on May 11, 2020 and the comment period will end on June 1, 2020.
2. Due to the ongoing COVID-19 pandemic and current stay-at-home order, the public hearing for your project with the City of Yakima Hearing Examiner in the City of Yakima Council Chambers will be scheduled at a later date.

If you have any questions regarding this matter please call me at (509) 576-6736.

Sincerely,

Eric Crowell
Associate Planner



**RACQUET LANE LUXURY TOWNHOMES
PD#002-20, PLP#001-20 & SEPA#012-20**

EXHIBIT LIST

**CHAPTER H
Supplemental Information**

DOC INDEX #	DOCUMENT	DATE
H-1	Type 2 Review Decision (CL2#012-17)	02/28/2018
H-2	Letter Granting Extension of Zoning Approval (CL2#012-17)	03/07/2019
H-3	Final Site Plan (CL2#012-17)	07/12/2019

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CITY OF YAKIMA
PLANNING DIV.

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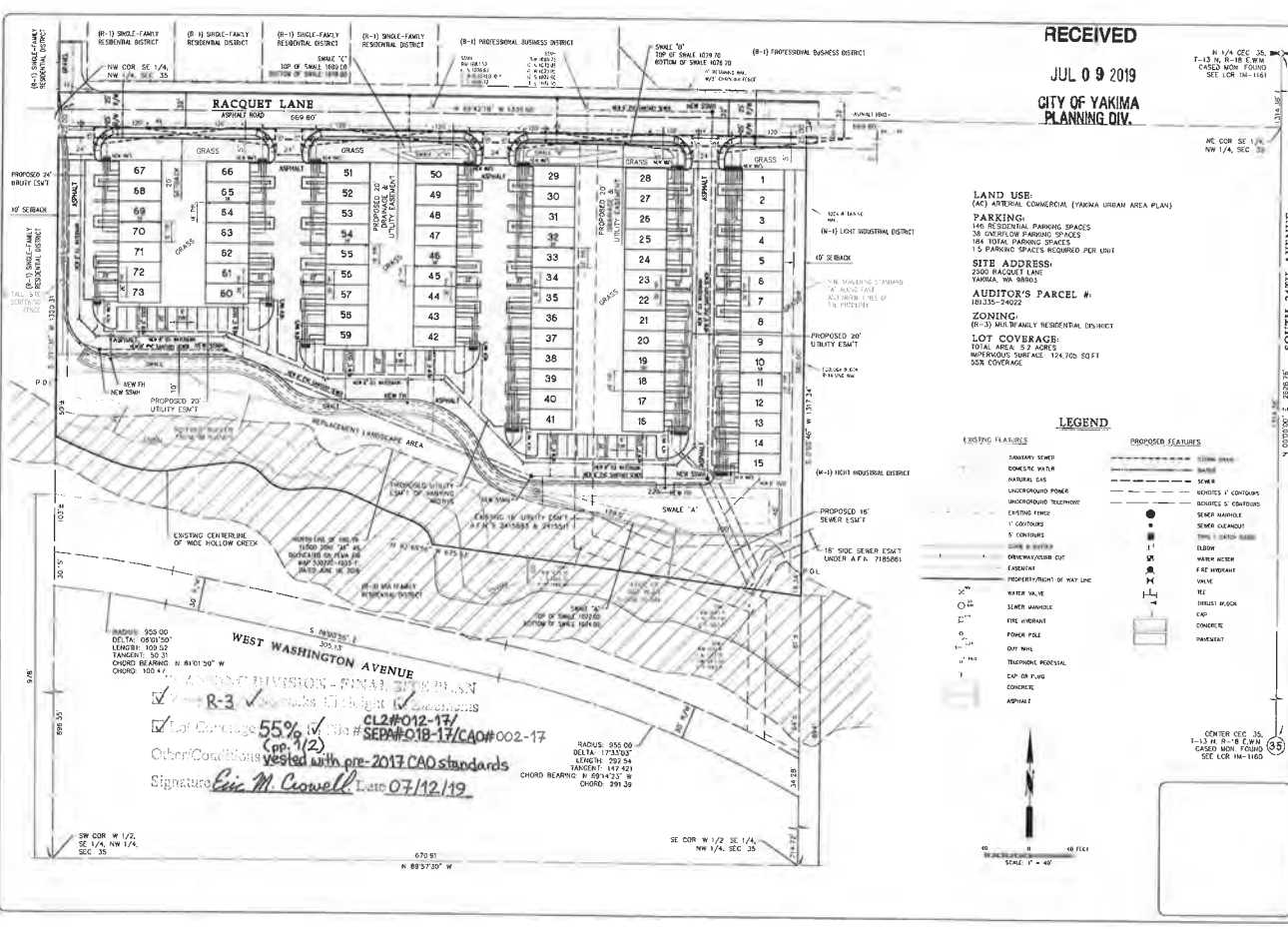
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LAND USE
(M) APARTMENT COMMERCIAL (YAKIMA URBAN AREA PLAN)

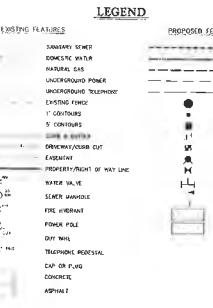
PARKING
140 ESSENTIAL PARKING SPACES
38 OVERFLOW PARKING SPACES
184 TOTAL PARKING SPACES
1.5 PARKING SPACES REQUIRED PER UNIT

SITE ADDRESS:
2500 RACQUET LANE
YAKIMA, WA 98903

AUDITOR'S PARCEL #:
68335-24022

ZONING:
ER-33 MULTIFAMILY RESIDENTIAL DISTRICT

LOT COVERAGE:
TOTAL AREA 4.7 ACRES
IMPERVIOUS SURFACE 124,700 SQ FT
52% COVERAGE



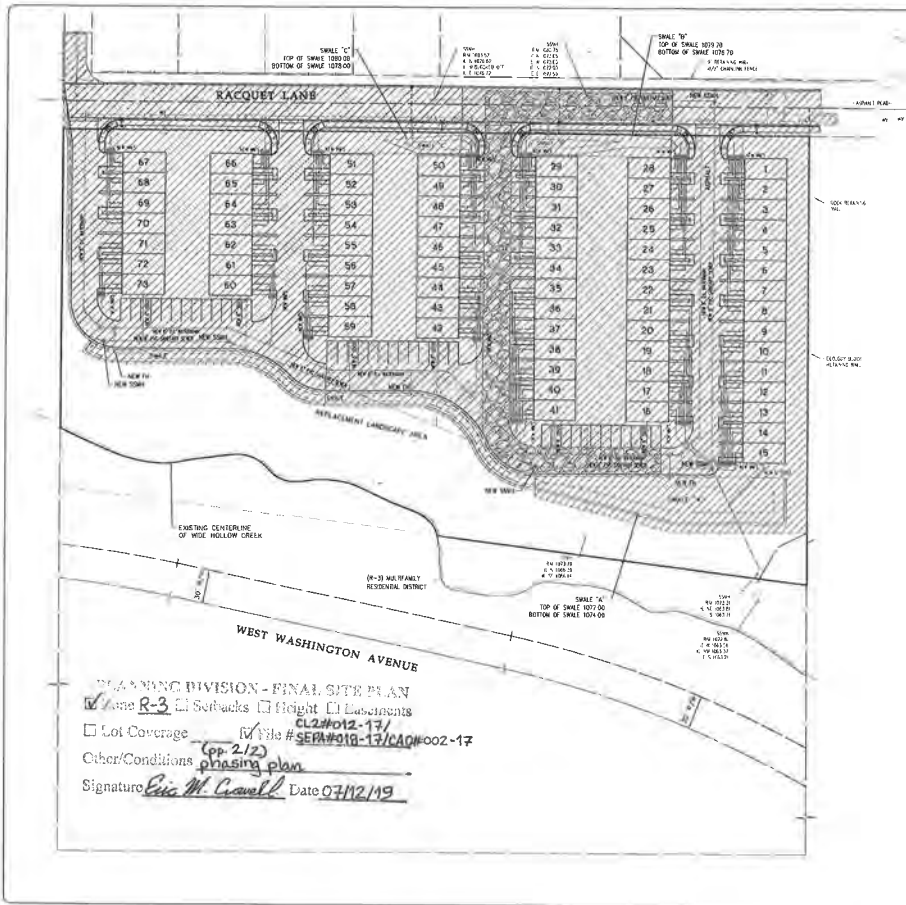
DATE: 07/12/19
DRAWN BY: J. HAMM
CHECKED BY: J. HAMM
DATE: 07/12/19
SCALE: 1" = 40'

PARCEL NO. 181335-24022
RACQUET LANE APARTMENTS
SEPARATE 2 REVIEW SITE PLAN
YAKIMA, WASHINGTON

PLSA
ENGINEERING-SURVIVING-PLANNING
821 N. 30TH AVE. SUITE 3, YAKIMA, WASHINGTON 98917-4499

C12
CITY OF YAKIMA
PROJECT NO. ENG-17-028

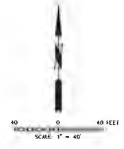
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 CITY OF YAKIMA
 PLANNING DIV.

LAND USE:
 (AG) ARTERIAL COMMERCIAL (YAKIMA URBAN AREA PLAN)
 PARKING:
 145 RESIDENTIAL PARKING SPACES
 35 OVERFLOW PARKING SPACES
 186 TOTAL PARKING SPACES
 1.5 PARKING SPACES REQUIRED PER UNIT
 SITE ADDRESS:
 2500 RACQUET LANE
 YAKIMA, WA 98903
 AUDITOR'S PARCEL #:
 181335-24022
 ZONING:
 (R)-3 MULTIFAMILY RESIDENTIAL DISTRICT
 LOT COVERAGE:
 TOTAL AREA: 5.9 ACRES
 IMPERVIOUS SURFACE: 124,705 SQ FT
 56% COVERAGE

PROJECT PHASE	
PHASE 1	UNITS 1-20 & REQUIRED APPURTENANCES
PHASE 2	UNITS 21-39 & REQUIRED APPURTENANCES
PHASE 3	UNITS 40-50 & REQUIRED APPURTENANCES



DATE: 07/12/2019
 REVISION: 1
 PARCEL NO. 181335-24022
 RACQUET LANE APARTMENTS
 PHASE PLAN
 YAKIMA, WASHINGTON
 JEFF RAUTH
 300 CHAMBER STREET, SUITE 100, YAKIMA, WA 98901-3149

PLSA
 ENGINEERING-SURVEYING-PLANNING
 624 N. 4TH AVE. SUITE 3 YAKIMA, WASHINGTON 98901-3149

DATE: 08/23/2018
 REVIEWED BY: JAMARCHE
 CHECKED BY: JAMARCHE
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 CITY OF YAKIMA
 PROJECT NO. ENG-17-005

DOC. INDEX # H-3



DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

Planning Division

Joseph Calhoun, Manager

129 North Second Street, 2nd Floor, Yakima, WA 98901

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

CITY OF YAKIMA

FINDINGS of FACT, CONCLUSIONS, & DECISION

for

REQUEST FOR EXTENSION OF ZONING APPROVAL FOR CL2#012-17

File Number: EXT#002-19

APPLICANT: PLSA Engineering & Surveying c/o Tom Durant
APPLICANT ADDRESS: 521 N. 20th Ave., Ste. 3, Yakima, WA 98902
PROPERTY OWNER: Racquet Lane Townhomes LLC c/o Jeff Rauth
PROPERTY OWNER ADDRESS: 500 Grade St., Kelso, WA 98626
PROJECT LOCATION: 2600 Racquet Ln.
TAX PARCEL NUMBER: 181335-24022
DATE OF REQUEST: February 26, 2019
DATE OF DECISION: March 7, 2019
STAFF CONTACT: Eric Crowell, Associate Planner

I. DESCRIPTION OF REQUEST:

Extension of zoning approval for CL2#012-17, a proposal to construct approximately 73 townhouses on a 5.2 acre parcel with 184 parking spaces in the R-3 zoning district.

II. SUMMARY OF DECISION:

Approved.

III. FACTS:

A. Processing:

1. The application for an Extension of Zoning Approval was received on February 26, 2019.
2. The application was deemed complete for processing on March 7, 2019.
3. This application is being processed under the provisions of Ch. 15.12 (Permits).

B. Project History:

1. The Notice of Decision was sent to the applicant and property owners within 300 feet of the subject property on February 28, 2018, and no appeals were received during the 14-day appeal period that ended March 14, 2018.
2. The zoning decision for CL2#012-17 expires on February 28, 2019.



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A-2

C. Reason for Extension:

Pursuant to YMC § 15.12.060, the applicant has requested extension of the zoning decision for CL2#012-17, and has provided in the application (dated February 26, 2019) the reason for extending the zoning approval:

Project development is underway with demolition of buildings on the site having been completed. The extension is necessary because of delays in getting financing and a few of the construction bids.

D. Applicable Law:

1. Zoning Decision—Expiration: Pursuant to YMC § 15.12.060, a zoning review decision in which the appeal period has lapsed without appeal shall automatically expire and terminate when:
 - a. A new or modified zoning decision has been issued for the same parcel or parcels; or
 - b. A development permit based on the zoning decision has not been issued within one year from the date of issuance of the decision; or a time period of not less than one year specified by the administrative official; or
 - c. The development permit issued on said decision terminates or is canceled under the provisions of this title.
2. Extension of Any Approved Development Permit and/or Zoning Decision: Pursuant to YMC § 15.12.060 (C), a valid zoning decision and/or a valid development permit may be extended one time only for up to one additional year by action of the administrative official. Requests for extensions shall be in writing to the division and shall be accompanied by the previously approved final general or detailed site plan showing the location and size of any development or work already completed on the project. The administrative official shall review the application without public notice or hearing and issue the decision within ten days from the receipt of the completed application. The administrative official may:
 - a. Approve the extension;
 - b. Approve the extension with conditions to assure the work will be timely completed; or
 - c. Disapprove the extension.
3. Computation of Time: Pursuant to YMC § 15.20.110, in computing any period of time prescribed or allowed by this title, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

IV. FINDINGS AND CONCLUSIONS:

- A. The applicant applied for a zoning extension on February 26, 2019, prior to the expiration date of February 28, 2019.
- B. The applicant has provided adequate reasoning for the extension, as existing buildings have been demolished but there have been delays in finalizing financing and some of the construction bids.
- C. The extension shall only be for one additional year and cannot be further extended.

V. DECISION:

The Administrative Official hereby determines that the requested Extension of Zoning Approval (EXT#002-19) is **approved**, and authorizes the issuance of the permit(s) based upon the above findings and conclusions and subject to the Building Official's determination of compliance with all building codes.

Entered this **7th day of March, 2019**, pursuant to the authority granted under YMC Ch. 15.12. This decision constitutes the final zoning approval, and is valid for one year from the date of the original decision, and expires on **February 28, 2020**.

This zoning decision is not a construction permit and does not in and of itself authorize any use to be established, constructed, made or implemented without a construction permit issued by the Building Official and the conditions pending have been completed. This zoning decision shall expire if: a) a construction permit and/or business license for the approved project is required but not issued within one year from the date of issuance of this final decision; b) the construction permit and/or business license is issued but allowed to expire; or c) the project is modified and a new zoning decision is issued.



Eric Crowell, Associate Planner for
Joan Davenport, AICP, Community Development Director

APPEAL

Pursuant to YMC Section 16.08.018, any person aggrieved by this decision may request a review of this decision by the Hearing Examiner. Such requests must be submitted in writing within fourteen days from the mailing date of this decision, to the City of Yakima, Community Development Department, 129 North Second Street, Yakima, WA 98901, and must be accompanied by the application fee of \$580.00.

Pursuant to RCW 36.70B.130, property owners affected by this decision may request a change of valuation for property tax purposes notwithstanding any program of revaluation.



DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

CITY OF YAKIMA

**FINDINGS OF FACT, CONCLUSIONS, AND DECISION
for
REQUEST FOR TYPE (2) REVIEW, ENVIRONMENTAL REVIEW,
& CRITICAL AREAS REVIEW**

File Numbers: CL2#012-17, SEPA#018-17, & CAO#002-17

Applicant: Racquet Lane Townhomes LLC c/o Jeff Rauth
Applicant Address: 500 Grade St., Kelso, WA 98626
Property Owner: Racquet Lane Townhomes LLC c/o Jeff Rauth
Project Location: 2600 Racquet Ln.
Parcel Number: 181335-24022
Date of Request: May 24, 2017
Date of Complete App: August 14, 2017
Date of Decision: February 28, 2018

I. DESCRIPTION OF REQUEST:

The applicant is requesting Type (2) zoning approval to construct 73 townhouses on a 5.2-acre parcel with 184 parking spaces, located in the Multi-Family Residential (R-3) zoning district.

II. SUMMARY OF DECISION: Approved, subject to conditions.

III. FACTS:

A. Processing

1. The application for a Type (2) Review was received on May 24, 2017.
2. The application was deemed complete for processing on August 14, 2017.
3. This application is being processed under the provisions of Ch. 15.14 (Type (2) Review).
4. **Public Notice:** Pursuant to YMC § 15.11.090—Notice Requirements and YMC § 16.05.01—Public Notice:
 - a. A Notice of Application was sent to the applicant and adjoining property owners within 300 feet of the subject property on August 15, 2017. One comment was received from the public during the 20 day public comment period.



**DOC.
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H-1

B. Current Zoning and Land Use:

1. The subject property is approximately 5.2 acres, and is zoned Multi-Family Residential (R-3).
2. The surrounding properties contain uses and zoning as follows:

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	Single-Family Residential (R-1)	Single-Family Dwellings
	Professional Business (B-1)	Athletic Club, Vacant Land
South	Multi-Family Residential (R-3)	Wide Hollow Creek
East	Light Industrial (M-1)	Offices & Clinics, Vacant Land
West	Single-Family Residential (R-1)	Single-Family Dwelling

C. Written Narrative:

Pursuant to YMC § 15.14.030, the applicant has requested this Type (2) Review in order to permit a townhouse development and has provided in the application (dated May 24, 2017) the following statements explaining the applicant's reasons for the Class (2) Use:

1. Type (2) Review Narrative:

- a. Fully describe the proposed development, including number of dwelling units and parking spaces. If the proposal is for a business, describe hours of operation, days per week and all other relevant information related to the business.

73 town home units on a 5.2 acre parcel with 2 parking spaces per unit = 146 parking spaces and 38 overflow spaces.

- b. How is the proposal compatible to neighboring properties?

Project is multi family town-home community, adjacent to single family homes and medical offices.

- c. What mitigation measures are proposed to promote compatibility?

The roadway is designed to accommodate traffic to/from the site and a vegetated wetland buffer will be created to protect Wide Hollow Creek.

- d. How is your proposal consistent with current zoning of your property?

Current zoning is R-3 Multi family

- e. How is your proposal consistent with uses and zoning of neighboring properties?

Project parcel is zoned R-3 is located next to R-1, M-1, and B-1 zones and borders on Wide Hollow Creek to the south

- f. How is your proposal in the best interest of the community?

Provides multi-family residential units in an area that is currently undeveloped. Will provide increased tax revenue for the City.

D. Yakima Urban Area Comprehensive Plan:

The 2006 Yakima Urban Area Comprehensive Plan Future Land Use Map designates this area as General Commercial.

E. Applicable Law:

1. Yakima Urban Area Zoning Ordinance:

- a. Class (2) Land Use Defined: Pursuant to YMC § 15.04.020 (B), "Class (2) uses are generally permitted in the district. However, the compatibility between a Class (2) use and the surrounding environment cannot be determined in advance, and occasionally a Class (2) use may be incompatible at a particular location. Therefore, a Type (2) review by the administrative official is required in order to promote compatibility with the intent and character of the district and the policies and development criteria of the Yakima Urban Area Comprehensive Plan. The procedures in YMC Ch. 15.14 shall be used to review and evaluate Class (1) uses that require a Type (2) review process."
- b. Type (2) Review: Pursuant to YMC § 15.14.020, Type (2) Review is required for any proposed use shown on Table 4-1 as a Class (2) use, for Class (1) uses requiring Type (2) review in YMC 15.13.020; and for other specific reviews established by this title.
- c. R-3 Zoning District Defined: Pursuant to YMC § 15.03.20 (B), the R-3 zoning district is intended to:
- i. Establish and preserve high-density residential districts by excluding activities not compatible with residential uses;
 - ii. Locate high-density residential development more than 12 dwelling units per net residential acre in areas receiving the full range of urban services;
 - iii. Locate high-density residential development near neighborhood shopping facilities; and
 - iv. Locate high-density residential development so that traffic generated by the development does not pass through lower-density residential areas.
- d. Compatibility Defined: Pursuant to YMC § 15.02.020, "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.

- e. Parking: Pursuant to YMC § 15.06.040, Table 6-1, Multi-Family Dwellings (more than 10 units) require 1.5 spaces per dwelling.
 - f. Sitescreening:
 - i. Pursuant to YMC § 15.07.050, Table 7-1, Sitescreening Standard A will be required to be installed along the north, east and west property lines, which in accordance with YMC § 15.07.040 (A) consists of a ten-foot-wide landscaped planting strip with trees at 20-foot to 30-foot centers, which includes shrubs and groundcover.
 - ii. In accordance with YMC § 15.07.040 (B), the developer may substitute a higher sitescreening standard than required if desired.
 - iii. Sitescreening Standard B consists of a three-foot-wide planting strip that will create a living evergreen screen that is at least six feet in height within three years, in accordance with YMC § 15.07.040 (A).
 - iv. Sitescreening Standard C consists of a six-foot-high, 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, in accordance with YMC § 15.07.040 (A).
 - g. Setbacks: Pursuant to YMC Ch. 15.05, Table 5-1, the required structures setbacks include:
 - Front: 45 feet from the centerline of right-of-way, 20 feet from the property line
 - Rear: 15 feet from the property line
 - Sides: 10 feet from the property line
 - h. Frontage Improvements: Driveways, curb, gutter, and sidewalks will be required along Racquet Ln.
 - i. 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. Yakima Urban Area Comprehensive Plan 2006:
- a. Commercial Mixed Use Defined: Pursuant to Yakima Urban Area Comprehensive Plan 2006 pp. III-15 and III-16, the General Commercial designation provides a wide variety of commercial retail and services that are heavily dependent on convenient vehicle access along major travel routes.

General Commercial land uses may include those uses identified in Neighborhood Commercial or Community Commercial, but do not serve only the adjacent neighborhoods. General Commercial uses such as fast food restaurants, auto-oriented services, and other commercial services. The City has designated these areas with the intent that each will be intensively developed within designated boundaries and that undesirable strip commercial development is avoided ("Strip Commercial" development is usually described as commercial properties developed along a street in linear fashion (as opposed to the downtown or malls) where individual driveways, separated parking lots, different building designs and access points, can lead to problems including traffic safety, shopper confusion, higher failure rate among businesses, poor aesthetics, etc.).

- b. Applicable Comprehensive Goals and Policies: A goal indicates what ought to exist in a community of what is desired to be achieved in the future. A policy is a principle, protocol, or proposal for action that implements a related goal. The following goals and policies apply to this proposal:
 - i. Goal 3.1: Provide for a broad distribution of housing in Yakima that meets the affordability and neighborhood design needs of the public.
 - ii. Policy 3.1.1.1: Development shall be at an overall density of 12 dwelling units per acre or more. Recommended zones: Two-Family Residential (R-2) and Multi-Family Residential (R-3), Professional Business District (B-1), and Central Business District (CBD).
 - iii. Policy 3.1.1.2: Permitted housing types include townhouses, condominium, multi-family, and manufactured housing.
 - iv. Policy 3.1.1.3: Provide high-density residential as a transitional use between commercial/office and medium density residential areas.

F. Development Services Team Review: A Development Services Team (DST) Review was conducted on June 6, 2017 for this Class (2) Review, CL2#012-17.

- 1. Code Administration:
 - a. Per Chapter 1 of the 2015 International Building Code (IBC), a licensed designer in responsible charge shall approve all submittals, including deferred submittals related to construction of this project.
 - b. Per Chapter 4 of the IBC Washington State Amendments, infrastructure for vehicle charging stations is required to be installed for Group R-2 occupancies. Such infrastructure shall extend to parking spaces including accessible parking spaces as applicable, and shall be shown on the site plan prior to the issuance of building permits.
 - c. Per Chapter 9 of the IBC, buildings will be required to be fire sprinklered in accordance with the applicable NFPA standard.

- d. Per Chapter 11 of the IBC, accessible parking shall be distributed among buildings evenly, and shall be located such that it is the closest available parking to building entrances. Accessible parking locations shall be approved prior to the issuance of building permits.
 - e. Fire flow for fire hydrant service is determined in accordance with the 2015 International Fire Code (IFC), Appendices B and C.
 - f. Per Appendix D of the IFC, one fire department access is required to serve up to 100 units. Access and routing of access roads shall be approved by the fire code official prior to the issuance of building permits. Per chapter 5 of the IFC, the fire code official may require additional access, if needed. Appendix D aerial fire apparatus roads may also be required depending on roof heights.
 - g. Per Chapter 9 of the IFC, the location of fire department connections (FDC) serving fire sprinkler systems shall be located within 50 feet of a fire hydrant.
 - h. Per Title 10 of the Yakima Municipal Code (YMC), required fire hydrants shall be installed prior to the issuance of building permits. Civil designs for fire hydrant locations and onsite water mains will need to be approved by city engineering, fire, and codes departments/divisions prior to installation.
 - i. Demolition permits must be obtained before demolition of existing structures on the site.
 - j. The address for this development is 2600 Racquet Ln. The numbering of the units can be in numeric order, i.e. 1-73, if the structures are single story. If the structures will be multi-story, then 100 series numbers for the first floor units and 200 series numbers for the second floor units shall be used.
2. Engineering:
- a. Development details needed for curb, gutter, sidewalk, driveway needs, utilities, etc. shall follow the Yakima Municipal Code and will be detailed on the Development Plans submitted for review.
3. Surface Water
- a. As this project involves clearing or grading one acre or more, a SWPPP Permit shall be required from the applicant. The main submittals for a SWPPP Permit are:
 - i. Drainage plan(s) and calculations
 - ii. Temporary Erosion and Sediment Control plan
 - iii. Stormwater maintenance agreement and plan
 - iv. Proof that the maintenance agreement was recorded in the Yakima County Auditor's Office
 - v. Stormwater Pollution Prevention Plan (SWPPP) or Erosivity Waiver (unless exempt). A copy of the SWPPP or Erosivity Waiver Certificate Statement shall be given to the Surface Water Engineer.

- b. The applicant is advised to read Chapter 7.83 of the Yakima Municipal Code to obtain all appropriate information concerning the Stormwater Site Plan and Chapter 7.82 for information concerning the Stormwater Pollution Prevention Plan.
 - c. Grading and/or building permits shall not be issued without the project site first passing an erosion control inspection.
 - d. Complete stormwater design plans, specifications and runoff/storage calculations supporting the stormwater design are required pursuant to the Eastern Washington Stormwater Manual and City of Yakima standards. These plans and control measures must be completed by a licensed Professional Engineer and then be reviewed and approved by the City of Yakima Surface Water Engineer prior to construction.
 - e. In accordance with Chapter 2 Section 2.4 of the December 2006 edition of the Department of Ecology's Guidance for UIC Wells that Manage Stormwater Publication Number 05-10-067, Underground Injection Control (UIC) wells constructed on or after February 3, 2006 are considered new and must be registered with the Department of Ecology (DOE) prior to construction.
 - f. A Construction Stormwater General Permit may be required from the Washington State Department of Ecology. The applicant should contact the Department of Ecology to determine if this permit is required. Due to recent changes by the Department of Ecology to the permit, Ecology will no longer accept paper copies of the "Notice of Intent for Construction Activity". Applicants should refer the Ecology construction stormwater web page at <http://www.ecy.wa.gov/programs/wq/stormwater/construction/enoi.html>.
4. Traffic Engineering
- a. A traffic study is required to determine the impact to traffic operation and safety at the intersection of S. 24th Ave. and Racquet Ln.
 - b. A minimum of three streetlights will be required on the Racquet Ln. frontage.
 - c. A cul-de-sac is required at the west end of Racquet Ln. or a public street connection to S. 27th Ave.
 - d. A sidewalk is required on the site frontage for the length of the development.
5. Wastewater
- a. Sewer construction will be in accordance with the Yakima Municipal Code as discussed with the applicant during the pre-application meeting.
6. Water/Irrigation
- a. There's an existing eight-inch public waterline in Racquet Ln. There's an

existing eight-inch waterline stub into the site with a fire hydrant. There are no existing water services to the site. The site is in the Low Level Service Area. Static pressure range is 66 – 91 psi.

- b. There are two existing fire hydrants along the site's frontage off of the existing eight-inch waterline.
 - c. Maximum available flow from the looped eight-inch waterline is 2,800 gallons per minute.
 - d. There is no city irrigation system available to the site.
 - e. If new on-site public fire hydrants are required, a new public waterline will be required to be installed and looped through the site to provide adequate fire flow to the proposed storage units.
 - f. All new public waterline facilities on-site shall be in a minimum 16-foot public easement. All public easements required for the new water facilities shall be the responsibility of the applicant to provide.
 - g. All new water service connections, adjustments, or abandonments to existing water facilities shall be done by the City of Yakima at the owner's expense. Site or apartment buildings may be served by a single meter or individual meters. Installation Charge, Domestic Charge, and Distribution Connection Charge fees are dependent on the size of water service/meter required to serve the site/building. A detailed plumbing fixture count is required to size any new water services/meter. The Base Irrigation Charge is based on the total impervious area of the site if using domestic water for landscape irrigation. Contact Emilio Lopez, Water Distribution Supervisor (575-6196) for installation costs and to coordinate work.
 - h. All new fire hydrants or fire sprinkler service requirements are to be determined by Codes and the Fire Department.
 - i. The site plan needs to accurately show all existing and proposed utilities. For all new public waterlines required, civil plans shall be submitted for review and approval. Detailed plan review comments will be provided once civil plans are submitted for review.
 - j. An approved Double Check Backflow Assembly is required on fire sprinkler services. Contact Emilio Lopez, Water Distribution Supervisor (575-6196) with questions regarding the Cross Connection Control requirements.
7. Department of Ecology
- a. The project as proposed appears to impact wetland and stream buffer habitat. A critical areas report, wetland delineation and rating, and mitigation

plan should be provided to the Department of Ecology for review and comment prior to construction activity and permit issuance.

- b. In order to minimize construction impacts on wetlands, Best Management Practices (BMPs) for sediment and erosion control should be implemented. This should include functional silt fences, and immediate revegetation and mulching.
- c. Placement of fill in wetlands may require an individual or general (nationwide) permit from the U.S. Army Corps of Engineers (Corps). We advise the applicant to contact the Corps to determine if a permit is needed.
- d. The Department of Ecology recommends continued coordination with City, State, and Federal agencies throughout the planning and permitting process.
- e. If you have any questions or would like to respond to these Shorelands/Environmental Assistance comments, please contact Lori White at (509) 575-2616 or email at lori.white@ecy.wa.gov.
- f. The NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is potential for stormwater discharge from a construction site with disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction, and utility placements. Obtaining a permit is a minimum of a 38-day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.
- g. 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.
- h. More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction>. Please submit an application or contact Lloyd Stevens, Jr. at the Department of Ecology, (509) 574-3991, with questions about this permit.

G. Traffic Study:

- 1. A study entitled *Traffic Analysis Report for Racquet Lane Apartments* was submitted by Charbonneau Engineering Inc. on February 1, 2018. The study evaluated intersections along S. 24th Ave. at the intersections of W. Mead Ave., Racquet Ln., and W. Washington Ave. regarding traffic flow and delay. This included 2018 existing traffic, 2021 background traffic, and 2021 total traffic as it

pertains to level of service (LOS) and average delay per vehicle during the PM peak hour.

2. With 73 dwelling units, the project is estimated to generate 485 average daily trips (ADT), with a total of 37 during the AM peak hour and 45 during the PM peak hour.
3. As the City of Yakima has adopted LOS D as the minimum level of service for stop and signalized controlled intersections, the studied intersections will maintain LOS C or better through 2021. No new traffic signals are warranted.
4. An intersection is considered unsafe if it exceeds 1.0 crashes per million entering vehicles (MEV). With a total of 17 crashes over five years, the crash rate for the studied intersections ranged from 0.18 to 0.22 MEV, therefore no mitigation is necessary.

IV. TYPE (2) FINDINGS:

A. **Urban Area Zoning Ordinance Development Standards Compliance:**

In reviewing the applicant's July 12, 2017, site plan for the project, the City of Yakima Planning Division finds that the submitted site plan is compliant with the following minimum development standards of the City of Yakima's Urban Area Zoning Ordinance Title 15 for the R-3 zoning district: 1) Development Improvement Standards: § 15.05.020: (A) Table of Site Design Standards and Subdivision Requirements, (C) Lot Coverage, (D) Structure Setbacks (legal nonconforming), (F) Maximum Building Height, (G) Fences and Walls, (H) Access Required, but is non-complaint with 2) 15.06 Off-Street Parking and Landscaping.

B. **Site Design and Improvement Standards:**

YMC § 15.05.010 establishes basic development requirements as minimum criteria, which must be met to assure land use compatibility and promote the public health, safety, and welfare. The following is an overview of the proposal's compliance with the aforementioned development standards:

1. Parking:
 - a. The submitted site plan displays 184 parking spaces, complying with the standard of 1.5 parking spaces per dwelling unit for multifamily developments with 10 or more dwelling units. This consists of 146 residential parking spaces and 38 overflow parking spaces.
 - b. Accessible parking shall be distributed among buildings evenly, and shall be located such that it is the closest available parking to building entrances.
2. Landscaping: Pursuant to YMC § 15.06.090 (A), ten percent of the total parking area shall be landscaped.
3. Lot Coverage: Lot coverage is proposed to be 55 percent, complying with the current standard of 80 percent allowed in the R-3 zoning district.

4. Setbacks:

Front: 45 feet from the centerline of the right-of-way
Sides: 10 feet
Rear: 15 feet

5. Sitescreening: Sitescreening Standard A is required to be installed along the north, east, and west property lines. A higher standard may be substituted if so desired.

6. Public Facilities: City of Yakima sewer and water are available. The property is accessed from Racquet Ln., which is a Local Access street. There is inadequate sidewalk along Racquet Ln.

V. **CRITICAL AREAS FINDINGS:**

A. The application was subject to Environmental Review, which resulted in a Determination of Non-Significance on February 28, 2018.

B. Consistent with YMC § 15.27.301 (C) (2), the Administrative Official reviewed the available information pertaining to the proposal and made a determination that a "Critical Area was present, but there is no impact." The proposed townhouse development will not negatively impact Wide Hollow Creek or its associated Critical Areas buffer.

C. Per YMC § 15.27.309, it has been determined that a Standard Development permit is required.

D. **YMC § 15.27.311: Authorization Decisions—Basis for Action**

The applicant meets the following criteria:

1. Impact of the project to critical area features on and abutting property: The impact to critical area features will be minimal. There are no wetlands on the site and the 100-year floodplain is located outside of the project area.
2. Danger to life or property that would likely occur as a result of the project: The floodway and floodplain of Wide Hollow Creek is located on the property, but will be separated from the residential development by landscaped areas, along with swales.
3. Compatibility of the project to critical area features: The project is designed to be clustered in a manner so as to not disturb the critical area features located on the site.
4. Conformance with applicable development standards: All applicable standards of YMC Ch. 15.27 will be met.
5. Compliance with flood hazard mitigation requirements of YMC 15.27.400 through 15.27.436: This application complies with YMC § 15.27.400 through YMC § 15.27.436. The townhouse development will not alter the existing FEMA 100-year water levels to produce a rise or a need for new mapping as it will be constructed outside the floodplain.

6. Adequacy of the information provided by the applicant or available to the division:
The application submitted is adequate for review.
7. Based upon the project evaluation, the administrative official shall take one of the following actions:
 - a. Grant the development authorization
 - b. Grant the development authorization with conditions, as provided in YMC 15.27.312, to mitigate impacts to the critical area feature(s)
 - c. Deny the development authorization

E. Vegetative Buffers: In accordance with Appendix B of the Yakima Urban Area Zoning Ordinance, Wide Hollow Creek is a designated Type 2 Stream Corridor. Pursuant to YMC §15.27.514, Table 27.5-1, this requires a 7-foot buffer from the ordinary high water mark (OHWM). The application for this proposal was submitted before the standard for Type 2 corridors was increased to 100 feet, therefore it may comply under the lesser standard.

F. Comprehensive Plan: The application meets the following goals and policies of the Yakima Urban Area Comprehensive Plan 2006:

1. Goal 10.1: Coordinate environmental policies and programs. Explore opportunities to consolidate environmental regulations and streamline permitting.
2. Policy 10.1.1: Regulatory processes and permitting decisions will aim to balance natural values with urbanized use of the land.

VI. CONCLUSIONS:

- A. As Class (2) use, the townhouse development is compliant with the purpose and intent of the R-3 zoning district, and is compatible with surrounding land uses. The use should not conflict with the surrounding uses in the area.
- B. The proposal complies with the goals and policies of the Yakima Urban Area Comprehensive Plan 2006 and Critical Areas Ordinance.
- C. A traffic study was submitted on February 1, 2018, and has indicated that no further improvements to the nearby rights-of-way will be required outside of what City staff has already required.
- D. The proposal is consistent with YMC § 15.217.301. The Administrative Official found that critical areas are present but there is no impact.
- E. The proposal is consistent with the applicable review criteria of YMC § 15.27.311.
- F. A SEPA Determination of Nonsignificance (DNS) was issued on February 28, 2018.

VII. DECISION:

The Administrative Official hereby determines that the requested Type (2), Environmental Checklist, and Critical Areas applications (CL2#012-17, SEPA#018-17, CAO#002-17) comply with applicable zoning and standards, and **approves** the

townhouse development at this location. The building permit and/or business license is based upon the above findings and conclusions and subject to the Building Official's determination of compliance with all building codes, and subject to the following conditions:

- A. Prior to the issuance of a certificate of occupancy:
 - 1. SITESCREENING Standard A (or higher) shall be installed along the north, east, and west property lines;
 - 2. Buildings shall be fire sprinklered in accordance with the applicable NFPA standard;
 - 3. Infrastructure for vehicle charging stations shall be installed, extending to parking spaces including accessible parking spaces as applicable;
 - 4. A minimum of three streetlights shall be installed on the Racquet Ln. frontage;
 - 5. A cul-de-sac at the west end of Racquet Ln. or a public street connection to S. 27th Ave. shall be constructed; and
 - 6. Curb, gutter, and sidewalk shall be installed on the site frontage for the length of the development.

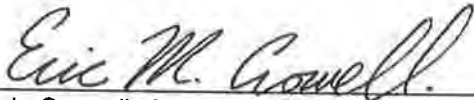
- B. Prior to the issuance of permits:
 - 1. A licensed designer in responsible charge shall approve all submittals;
 - 2. Accessible parking locations shall be approved, with the parking lot including accessible parking distributed among buildings evenly, and located such that it is the closest available parking to building entrances;
 - 3. A plumbing fixture count will be required at the time of building/plumbing permit application to determine the appropriate size water service and meter;
 - 4. One fire department access shall be approved, which may serve up to 100 units. Access and routing of access roads shall be approved by the fire code official, and the fire code official may require additional access if needed. Aerial fire apparatus roads may also be required depending on roof heights;
 - 5. The location of fire department connections (FDC) serving fire sprinkler systems shall be located within 50 feet of a fire hydrant;
 - 6. Required fire hydrants shall be installed. Civil designs for fire hydrant locations and onsite water mains will need to be approved by city engineering, fire, and codes departments/divisions prior to installation;
 - 7. If new on-site public fire hydrants are required, a new public waterline shall be installed and looped through the site to provide adequate fire flow;
 - 8. For all new public waterlines required, civil plans shall be submitted for review;

9. An approved Double Check Backflow Assembly is required on fire sprinkler services;
10. A SWPPP Permit shall be submitted and approved;
11. An erosion control inspection shall be passed;
12. Complete stormwater design plans, specifications and runoff/storage calculations supporting the stormwater design are required pursuant to the Eastern Washington Stormwater Manual and City of Yakima standards. These plans and control measures must be completed by a licensed Professional Engineer and then be reviewed and approved by the City of Yakima Surface Water Engineer;
13. Underground Injection Control (UIC) wells constructed on or after February 3, 2006 are considered new and must be registered with the Department of Ecology;
14. A Construction Stormwater General Permit may be required from the Washington State Department of Ecology. The applicant should contact the Department of Ecology to determine if this permit is required;
15. A critical areas report, wetland delineation and rating, and mitigation plan should be provided to the Department of Ecology for review and comment prior to construction activity and permit issuance;
16. Best Management Practices (BMPs) for sediment and erosion control shall be implemented, including functional silt fences, and immediate revegetation and mulching;
17. The applicant shall contact the U.S. Army Corps of Engineers to determine if an individual or general (nationwide) permit is required for the placement of fill in wetlands;
18. A Stormwater General Permit from the Washington State Department of Ecology shall be required if there is potential for stormwater discharge from a construction site with disturbed ground;
19. A Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites; and
20. A final site plan shall be submitted displaying the following:
 - a. The 75-foot Type 2 Stream Buffer;
 - b. Sitescreening Standard A (or higher) along the north, east, and west property lines;
 - c. Infrastructure for vehicle charging stations; and
 - d. All existing and proposed utilities; and

- C. Demolition permits shall be obtained before demolition of existing structures on the site.

Entered this **28th day of February, 2018**, pursuant to the authority granted under YMC Ch. 15.14. This decision constitutes the final zoning review and is hereby granted and forwarded to the Building Official.

The zoning decision is valid for one year from this date unless appealed under YMC 15.16.040. The zoning decision may be extended one time up to one additional year prior to the expiration date, as set forth in YMC 15.12.060. This zoning decision is not a construction permit and does not in and of itself authorize any use to be established, constructed, made or implemented without a construction permit issued by the Building Official and the conditions pending have been completed. This zoning decision shall expire if: a) a construction permit for the approved project is required but not issued within one year from the date of issuance of this final decision; b) the construction permit is issued but allowed to expire; or c) the project is modified and a new zoning decision is issued.



Eric Crowell, Associate Planner for
Joan Davenport, AICP, Community Development Director

APPEAL

Pursuant to YMC Section 15.16.040, any person aggrieved by this decision may request a review of this decision by the Hearing Examiner. Such requests must be submitted in writing within fourteen days from the mailing date of this decision, to the City of Yakima, Community Development Department, 129 North Second Street, Yakima, WA 98901, and must be accompanied by the application fee of \$580.00.

Pursuant to RCW 36.70B.130, property owners affected by this decision may request a change of valuation for property tax purposes notwithstanding any program of revaluation.