

RESOLUTION NO. R-2020-

A RESOLUTION authorizing and directing the City Manager to execute a Development Agreement with Racquet Lane Townhomes LLC (herein after “Developer”) to provide for the terms and conditions of development of a preliminary plat and planned development to be located at 2600 Racquet Lane, in the City of Yakima.

WHEREAS, the City of Yakima (herein after “City”) is a first class charter city incorporated under the laws of the State of Washington and has the authority to enact laws and enter into agreements to promote the health, safety, and welfare of its citizens and thereby to control the use and development of property within its corporate limits; and

WHEREAS, the City has the authority to enter into development agreements with those who own or control property within its jurisdiction pursuant to RCW 36.70B.170 through 36.70B.210, and YMC § 15.28.050; and

WHEREAS, pursuant to the Growth Management Act, RCW 36.70A, the City adopted its Yakima Urban Area Comprehensive Plan. Subsequently, the City has received and updated this plan and has adopted, and continues to adopt, development regulations to implement the plan, including adoption of Yakima Urban Area Zoning Ordinances, which zoned the property Multifamily Residential; and

WHEREAS, Developer has obtained development rights for a single parcel of approximately 5.32 acres at 2600 Racquet Lane, Yakima, Washington (the “Property”) is legally described in the Development Agreement as Exhibit “A”, attached hereto as Exhibit “A” and incorporated herein by this reference; and

WHEREAS, on April 22, 2020, Racquet Lane Townhomes LLC, submitted an application for a seventy-three (73) lot preliminary residential subdivision and planned development located at 2600 Racquet Lane (the “Project”); and

WHEREAS, on May 11, 2020, the City issued a Notice of Application and Environmental Review for the Project; and

WHEREAS, Developer has created separate legal parcels by a subdivision of the property, as defined in YMC § 14.10.020 and described in YMC Chapter 14.20; and

WHEREAS, the specific proposed use of the property identified by Developer is that of a residential master planned subdivision; and

WHEREAS, Developer intends to take appropriate steps to comply with environmental and land use requirements related to development of the property; and

WHEREAS, the City of Yakima Planning Division conducted environmental review of the Project under the State Environmental Policy Act (“SEPA”) and issued a Determination of Nonsignificance (“DNS”) on the Project on June 30, 2020; and

WHEREAS, on July 23, 2020, the Hearing Examiner held an open record public hearing in consideration of the Project; and

WHEREAS, on August 6, 2020, the Hearing Examiner issued his land use recommendation proposing that the Project be approved subject to conditions, attached hereto as Exhibit "B" and incorporated herein by this reference; and

WHEREAS, on September 15, 2020, after notice duly given according to the requirements of the City of Yakima Municipal Code, the City Council held a closed record public hearing and adopted the recommendation of the Hearing Examiner, and directed the City Legal Department to prepare appropriate legislation to approve the preliminary plat and planned development subject to the obligation of the Developer to enter into a development agreement with the City to implement the conditions set forth in the Final Decisions; and

WHEREAS, the City has determined that the Project is a development for which this Agreement is appropriate, and desires to enter into this Agreement. This Agreement will amongst other things, implement the conditions in the Final Decision, eliminate uncertainty over development of the Project, provide for the orderly development of the Project consistent with the City's current Comprehensive Plan and zoning for this Property, mitigate environmental impact, and otherwise achieve the goals and purposes for which the Development Agreement Statute was enacted; now, therefore,

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

The City Manager of the City of Yakima is hereby authorized and directed to execute the attached and incorporated Development Agreement. The Yakima City Council, after a duly noticed public hearing, has determined that execution of this Agreement furthers the public health, safety and general welfare, and that the provisions of this Agreement are consistent with the Comprehensive Plan and applicable development regulations.

ADOPTED BY THE CITY COUNCIL this 15th day of September, 2020.

ATTEST:

Patricia Byers, Mayor

Sonya Claar Tee, City Clerk

Exhibit "A"

When Recorded Return To:

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

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**CITY OF YAKIMA
PLANNING DIV.**

**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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CITY OF YAKIMA
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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

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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
PLANNING DIV.

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.

Exhibit "B"

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CITY OF YAKIMA
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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)	PD#002-20
)	PLP#001-20
)	SEPA#012-20
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")	

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

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.

Racquet Lane Townhomes, LLC
Planned Development & 73-Lot Plat
"Racquet Lane Luxury Townhomes"
At 2600 Racquet Lane in R-3 Zone
PD#002-20; PLP#001-20; SEPA#012-20

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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

Racquet Lane Townhomes, LLC
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At 2600 Racquet Lane in R-3 Zone
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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:

Racquet Lane Townhomes, LLC
Planned Development & 73-Lot Plat
"Racquet Lane Luxury Townhomes"
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Location	Zoning	Land Use
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

Racquet Lane Townhomes, LLC
Planned Development & 73-Lot Plat
"Racquet Lane Luxury Townhomes"
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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(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.”

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.

(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

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.

(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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