

## **RESOLUTION NO. R-2021-**

**A RESOLUTION** approving the Preliminary Long Plat of Pottenger's Place –, an 18-lot subdivision, located at 9711 Tieton Dr.

**WHEREAS**, On May 19th, 2020, an application for a Preliminary Long Plat was submitted by Ray Novobielski, and on September 28, 2020, a revised plat was submitted for the an 18 lot subdivision known as Pottenger's Place (PLP#002-20); and

**WHEREAS**, SEPA Environmental Review was completed with a Determination of Nonsignificance issued October 5, 2020, which was not appealed (City File SEPA#013-20); and a notice of retained DNS issued on October 29, 2020; and

**WHEREAS**, on December 9, 2020, the Yakima Planning Commission held an open record public hearing to consider the proposed Preliminary Plat, hear testimony from the public, and provide a recommendation to the Yakima City Council; and

**WHEREAS**, on December 23, 2020, the Yakima Planning Commission issued its written recommendation for approval of the proposed Preliminary Plat subject to several conditions; and,

**WHEREAS**, the proposed Preliminary Plat conforms with the City of Yakima Zoning Ordinance, Subdivision Ordinance, and other applicable land use regulations; and

**WHEREAS**, at the Closed Record Public Hearing on February 2, 2021, after notice duly given according to the requirements of the Yakima Municipal Code, the Yakima City Council adopted the Yakima Planning Commission's Recommendation; and,

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

**WHEREAS**, the Yakima City Council finds that it is in the best interest of the City of Yakima to approve the Preliminary Plat of Pottenger's Place, now, therefore,

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

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

**Section 2. Incorporation of the Planning Commission's Recommendation and Conditions of Approval.** The Planning Commission's Recommendation is hereby adopted and ratified by the Yakima City Council as its conditional decision and approval of the Application herein. A copy of the Recommendation is attached hereto as Exhibit "A" and fully incorporated herein by this reference.

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

**Section 4. Approval.** The Yakima City Council, after reviewing all the evidence, the Yakima Planning Commission's Recommendation and conditions of approval, and adopting the findings as outlined herein, hereby approves the Preliminary Long Plat of Pottenger's Place.

**Section 5. Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this resolution is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this resolution.

**ADOPTED BY THE CITY COUNCIL** this 2nd day of February, 2021.

ATTEST:

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Patricia Byers, Mayor

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Sonya Claar Tee, City Clerk

## EXHIBIT 'A'



### DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

#### Planning Division

Joseph Calhoun, Manager

129 North Second Street, 2<sup>nd</sup> Floor, Yakima, WA 98901

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### YAKIMA PLANNING COMMISSION

#### RECOMMENDATION TO THE YAKIMA CITY COUNCIL FOR PRELIMINARY LONG PLAT PLP#002-20 & SEPA#013-20 & CAO#007-20 & TCO#004-20 December 23, 2020

**WHEREAS**, On May 19th, 2020, an application for a Preliminary Long Plat was submitted by Ray Novobielski, and on September 28, 2020, a revised plat was submitted for the subdivision of four parcels, totaling approximately 4.88 acres into 18 residential lots: 10 single family common wall lots, and 8 multi-family triplex lots, in the Two-Family (R-2) and Multi-Family (R-3) zoning district, parcel numbers 171324-44415, -44416, -44417, -44418; and

**WHEREAS**, the applications were considered complete for processing on July 13, 2020 and the revised application on October 5, 2020, public notice was provided, in accordance with the provisions of YMC Ch. 16.10, on October 5, 2020; and

**WHEREAS**, SEPA Environmental Review was completed with a Determination of Nonsignificance issued October 5, 2020, which was not appealed (City File SEPA#013-20); and a notice of retained DNS issued on October 29, 2020; and

**WHEREAS**, the proposed Application conforms with the City of Yakima Zoning Ordinance, Subdivision Ordinance, and other applicable land use regulations; and

**WHEREAS**, under the provisions of YMC Ch. 14.20 the Yakima Planning Commission (YPC) is responsible for the review of a preliminary long plat application and for recommending the approval, modification or denial of each request; and

**WHEREAS**, on December 9, 2020, the Yakima Planning Commission held an open record public hearing, to consider the application for an 18 lot subdivision known as Pottenger's Place, submitted by Ray Novobielski. (PLP #002-20), to hear testimony from the public and provide a recommendation to the Yakima City Council; and

**WHEREAS**, the staff report presented by Community Development Specialist, Colleda Monick, recommended approval of the proposed 18-lot preliminary plat, subject to conditions; and

**WHEREAS**, based on testimony received at the December 9<sup>th</sup>, 2020 public hearing, the Yakima Planning Commission has recommended approval of the plat, subject to conditions.

**Now therefore, the Yakima City Planning Commission presents the following findings of fact, conclusions, and recommendation to the Yakima City Council:**



**APPLICATION #** PLP#002-20, SEPA#013-20  
**APPLICANT:** Ray Novobielski  
**APPLICANT ADDRESS:** 200 Abbess Lane, Yakima, WA 98908  
**PROJECT LOCATION:** Vicinity of N 97th Ave & Tieton Dr.  
**PARCEL(S):** 171324-44415, -44416, -44417, -44418

**I. FINDINGS OF FACT**

**1. Subsection 14.20.100(1) -- Consistency with the provisions of the City's Urban Area Zoning Ordinance:**

The proposed preliminary plat would be consistent with the intent and character of the Two Family Residential (R-2) and Multi-Family (R-3) zoning district set forth in Subsection 15.03.020(C & D). The intent of the Two-Family Residential (R-2) zoning district is to:

1. Establish and preserve residential neighborhoods for detached single-family dwellings, duplexes and other uses compatible with the intent of this district; and
2. Locate residential development with densities up to twelve dwelling units per net residential acre in areas receiving a full range of public services including public water and sewer service, and police and fire protection.

The district is characterized by up to sixty percent lot coverage, access via local access streets and collectors, one- and two-story buildings, some clustering of units, and required front, rear and side yard setbacks. Typical uses in this district are single-family dwellings and duplexes. The density in this district generally ranges from seven to twelve dwelling units per net residential acre. However, development up to eighteen dwelling units per net residential acre may be allowed in accordance with YMC Chapter 15.04, Table 4-1.

The intent of the Multi-Family Residential (R-3) zoning district is to:

1. Establish and preserve high-density residential districts by excluding activities not compatible with residential uses;
2. Locate high-density residential development more than twelve dwelling units per net residential acre in areas receiving the full range of urban services;
3. Locate high-density residential development near neighborhood shopping facilities; and
4. Locate high-density residential development so that traffic generated by the development does not pass through lower-density residential areas.

The district contains a variety of attached or clustered multifamily dwellings.

**2. Subsection 14.20.100(2) -- Consistency with the provisions of the Comprehensive Plan:**

The Goals and Policies that apply to this designation and proposed land use are as follows:

Goal 2.3. Residential uses. Preserve and enhance the quality, character and function of Yakima's residential neighborhoods.

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.

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.

Policy 2.3.3.A Construct sidewalks along all new residential streets.

Policy 2.3.3.C Promote small block sizes to ensure good connectivity and reduced walking distances between residences and schools, parks, and services. Specifically:

- Low density residential: Blocks between 400- 800 feet long are appropriate.
- Mixed residential: Blocks between 300-660 feet long are appropriate.
- Provide for through public through block connections for large residential blocks.
- Commercial and mixed-use designations: Configure development to provide pedestrian connections at 300 to 660 feet intervals. Configure development to provide vehicular connections at 600 to 1,320 feet intervals. Allow flexibility for private internal streets to meet connectivity objectives.

Goal 5.2. Preserve and improve existing residential neighborhoods.

Policy 5.2.1. Invest in and improve quality of life in existing neighborhoods.

Goal 5.4. Encourage design, construction, and maintenance of high quality housing.

Policy 5.4.3. Encourage development of well-designed new housing in coordination with population growth employment growth, and transportation goals.

**3. Subsection 14.20.100(3) -- Consistency with the provisions of this title, Title 14 entitled "Subdivision Ordinance":**

All lots in this preliminary plat will have access upon a public street; will be provided with all necessary public utilities; will meet the minimum lot size for the R-2 & R-3 zoning district, 35 feet for single family dwelling, common wall units, and 50 feet for all others as measured at the rear of the required front-yard setback.

**4. Subsection 14.20.100(4)(a) -- Appropriate provisions for public health, safety and general welfare:**

The construction of new common-wall dwellings and triplexes will complement adjacent uses and will promote the public health, safety and general welfare as there is a need in the community for additional housing and the proposed preliminary plat would be required to comply with all applicable City development standards, and all conditions of approval specified by the City of Yakima Planning Commission.

**5. Subsection 14.20.100(4)(b) -- Appropriate provisions for open spaces:**

The proposed lot meet the minimum lot size required in the R-2 and R-3 zoning districts. Lot coverage of 60% or less in the R-2 zoning district will provide adequate light and air for future residents in accordance with the standards in the zoning



ordinance without additional open spaces, and lot coverage of 80% or less in the R-3.

6. **Subsection 14.20.100(4)(c) -- Appropriate provisions for drainage ways:**  
Drainage system facilities will be provided in accordance with state and local regulations including the City of Yakima Municipal Code and the Eastern Washington Storm Water Manual.
7. **Subsection 15.27.321(B) and 15.27.407(F) -- Critical Areas Ordinance, Subdivision Standards:**  
The current proposal meets all development standards for properties that lie within the floodplain.
8. **Subsection 14.20.100(4)(d) -- Appropriate provisions for streets or roads, alleys and other public ways:**  
The subject property has frontage upon Tieton Dr., and proposes new public streets to provide adequate access to all internal lots.
9. **Subsection 14.20.100(4)(e) -- Appropriate provisions for transit stops:**  
Yakima Transit Route 1 passes the proposed subdivision along S 96th Ave.
10. **Subsection 14.20.100(4)(f) -- Appropriate provisions for potable water supplies, irrigation and other water suppliers:**  
Public water is required to be used for domestic and fire flow purposes. An adequate water supply for this development is available from Nob Hill Water Company.
11. **Subsection 14.20.100(4)(g) -- Appropriate provisions for sanitary waste disposal:**  
Public sewer is required to service all lots. A City of Yakima sewer main lies within Summitview Ave., south of the proposed development, and is capable of being extended to handle the demands of this development.
12. **Subsection 14.20.100(4)(h)(i) -- Appropriate provisions for parks and recreation and playgrounds:**  
Open space, parks, recreation, and playgrounds are located within 1.9 miles of this subdivision due to the proximity of West Valley Park. The proposed preliminary plat is not located in a planned parks and recreation area. Provisions for parks and recreation areas are not necessary within the proposed preliminary plat due to the size, number and location of the proposed lots and provisions for playgrounds exist at the schools which children within the proposed preliminary plat would be attending, and could also be individually provided on the lots themselves which are of a size which would allow for playground areas as needed or desired.
13. **Subsection 14.20.100(4)(j) -- Appropriate provisions for schools and school grounds:**  
Cottonwood Elementary School is located approximately within 0.5 miles, West Valley Middle School is located approximately within 2.3 miles, and West Valley High School is located approximately within 1.4 miles of this subdivision.
14. **Subsection 14.20.100(4)(k) -- Appropriate provisions for sidewalks:**  
Sidewalks are required and will be provided along this developments frontage.

**15. Subsection 14.20.100(5) -- Public use and interest:**

The evidence indicated that this proposed preliminary plat, as conditioned, would be consistent with neighboring land uses and would help serve the residential needs of this area. With the recommended conditions, it will comply with the City's zoning ordinance, subdivision ordinance and comprehensive plan. It will also make appropriate and adequate provisions for the public health, safety and general welfare, open spaces, drainage ways, streets, transit stops, potable water, sanitary waste disposal, parks and recreation, playgrounds and sidewalks, and is in a location where additional provisions for schools or for additional planning features for students who walk to and from school have not been recommended or deemed necessary.

**II. Consistency Analysis YMC § 16.06.020(B).**

The following analysis involves the consistency of the 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 in an R-2/R-3 zoning district) is permitted on this site so long as it complies with the conditions imposed by the Yakima City Council, as well as the regulations of the zoning ordinance, subdivision ordinance, building codes and other applicable regulations.

**(2) The level of development** (lot size, contemplated density) would not exceed the allowable level of development in the Two Family Residential (R-2) and Multi Family Residential (R-3) zoning district since the proposed lot sizes satisfy the zoning ordinance requirements.

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

**(4) The character of the proposal, such as the proposal's consistency with applicable development standards of the City's Urban Area Zoning Ordinance**, primarily involves consideration of specific development standards relating to lot size, access, potable water, sewage disposal and other features of the proposed preliminary plat which have been discussed in detail above. With the recommended conditions, the proposed preliminary plat would be consistent with the development standards of applicable City ordinances.

**III. CONCLUSIONS**

Based on the foregoing Findings, the YPC reaches the following Conclusions:

1. The YPC has jurisdiction to recommend to the Yakima City Council the approval of a proposed preliminary plat pursuant to Section 14.20.100 of the subdivision ordinance.
2. Notice of the public hearing sent on July 13, 2020 and October 5, 2020, and was given in accordance with applicable requirements.

3. The SEPA Determination of Nonsignificance (DNS) for this proposed preliminary plat was issued on October 5, 2020, and became final without any appeal. A notice of retained DNS was issued on October 29, 2020.
4. The proposed preliminary plat was reviewed and approved for traffic concurrency under the Transportation Capacity Management Ordinance on June 10, 2020.
5. This preliminary subdivision complies with the goals and objectives of the 2040 Comprehensive Plan, the intent and purpose of the R-2 and R-3 zoning district, the provisions of the Urban Area Zoning Ordinance, Subdivision Ordinance, Title 12's Development Standards and Chapter 12.08 Traffic Concurrency Ordinance.
6. This preliminary plat is in compliance with the consistency requirements of Subsection 16.06.020(B) of the Yakima Municipal Code.
7. With the recommended conditions, the proposed preliminary plat as described in the application narrative and preliminary plat received May 19, 2020, and revised on October 5, 2020, is in compliance with the City's Urban Area Comprehensive Plan, subdivision ordinance and zoning ordinance; makes appropriate and adequate provisions for the public health, safety and general welfare and for open spaces, drainage ways, streets, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds and sidewalks; and, according to the weight of the evidence presented at the hearing, does not require that specific provisions be made for the other requisite plat considerations such as additional schools, additional school grounds or additional planning features that assure safe walking conditions for students who walk to and from school; and serves the public use and interest.

#### **IV. PUBLIC HEARING TESTIMONY**

##### **December 9, 2020, Yakima Planning Commission Minutes:**

Dina Williams of 420 S 98<sup>th</sup> Ave asked for clarification regarding the intent for Phase 2? Will there be a second hearing for that phase? What is the overall plan to put on Lot 12 considering its large size?

Mike Height from PLSA responded, noting that the plans currently outline the project in its entirety and that there are no further plans to have additional hearings or change the scope of the project at this time.

Chair Liddicoat closed the public testimony portion of the hearing.

It was motioned by Commissioner Rose and seconded by Commissioner Place to direct staff to draft findings of fact and forward a recommendation of approval to the Yakima City Council. The motion carried 6-0; Commissioner McCormick absent.

#### **V. RECOMMENDATION TO CITY COUNCIL**

Based on the testimony and evidence presented during the public hearing, it was moved and seconded that the City of Yakima Planning Commission draft findings of fact and forward a recommendation of approval of the Preliminary Long Plat to the Yakima City Council. The motion carried unanimously.



Based upon the findings outlined above, it was moved and seconded that the City of Yakima Planning Commission recommends **APPROVAL** of this proposed 18-lot preliminary plat in accordance with the application and related documents submitted for file numbers PLP#002-20 and SEPA#013-20, and subject to the following conditions:

1. The applicant shall submit and gain approval of civil engineered plans which provide for design of all Title 12 development standards, including but not limited to curb, gutter, sidewalk, street lighting, stormwater, and street design. All public improvements constructed within the floodplain shall be constructed using practices that minimize flood damage.
2. Prior to approval of the final plat, all approved improvements shall be constructed or financially secured according to the standards and requirements of the City Engineer and YMC Title 12.
3. All lots shall be served with public water from the Nob Hill Water Company. No individual domestic or irrigation wells shall be permitted for any of the lots. Prior to final plat approval, written verification from Nob Hill Water must be submitted to the Planning Division indicating that all construction required to provide each lot with domestic water has been completed and the fees paid.
4. All lots shall be provided with public sewer service according to YMC Title 12 standards. Prior to final plat approval, written verification from the City of Yakima Engineering Department must be provided to the Planning Division indicating that all sewer extensions have been completed and inspected or financially secured.
5. All public utilities constructed within the floodplain shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into the floodwaters.
6. A minimum 8-foot wide public utility easement must be provided adjacent to all public road rights-of-way.
7. 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.
8. All public and private utilities shall be located underground, with the exception of telephone boxes and such similar structures.
9. All lots shall have direct access to a public street or be accessed by an easement. Access Easement(s) can only serve one lot.
10. All public and private utilities to be located within public road rights-of-way must be constructed prior to the start of road construction.
11. Two fire department accesses into a site shall be included, based on the number of dwelling units.

12. Fire hydrants will need to be provided with maximum spacing of 500 feet along streets in accordance with Section 507 and Appendix D of the IFC.
13. New 7' sidewalk per standard detail R5 shall be installed along the site's frontage on Tieton Dr., including approved ADA ramp at intersection. New curb, gutter and 5' sidewalk shall be installed along the site's new residential street. Street section shall conform to standard detail R3.
14. Adequate right of way shall be dedicated if necessary to provide for 40' width from centerline of right of way along the Tieton frontage. 50' of right of way is required for the new residential street. Dead-end shall be provided with cul-de-sac/hammer head turnaround to accommodate emergency and refuse collection vehicles. If street is proposed to be extended in the future, an approved temporary turnaround shall be provided.
15. Street lights shall be installed and shall meet the design and placement standards of the city engineer. Lighting improvements shall become the property of the city of Yakima upon installation and will thereafter be maintained by the city.
16. No driveway approach on a local access street may be located closer to the street intersection corner than thirty feet as measured from the property line at the corner.
17. An excavation and street break permit shall be obtained for all work within the public right of way.
18. Irrigation Approval for Yakima Tieton Irrigation shall be shown on the face of the final plat.
19. Ecology recommends that the soils be sampled and analyzed for lead and arsenic, and for organochlorine pesticides. If these contaminants are found at concentrations above the Model Toxics Control Act cleanup levels Ecology recommends that potential buyers be notified of their occurrence.
20. An NPDES Construction Stormwater General Permit from the Department of Ecology is recommended if ground disturbing activities have the potential to discharge stormwater off site.
21. This plat shall be subject to the following notes, which must be placed on the face of the plat:
  - a. 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.
22. During project construction, all contractors shall adhere to the City of Yakima noise regulations regarding hours of construction.
23. *Sightscreening Standard A is required on the west property line under the current proposed development.*

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

25. 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.

SIGNED this 23<sup>rd</sup> day of December, 2020

By: \_\_\_\_\_

  
**Jacob Liddicoat, Chair**  
**Yakima Planning Commission**