

**WEST VALLEY SCHOOL DISTRICT / APPLE VALLEY
ELEMENTARY
APP#008-21
(MOD#021-21, APP#001-21)**

EXHIBIT LIST

**CHAPTER F
Public Comments**

DOC INDEX #	DOCUMENT	DATE
F-1	Comment Letter from Julia Ericson	08/05/2021
F-2	Comment Letter from Michelle Mueller	08/05/2021
F-3	Comment Letter from Stuart McCurdy	08/04/2021
F-4	Comment Letter from Kevin & Melanie Cox	08/04/2021
F-5	Comment Letter from John Manfredi	08/04/2021
F-6	Comment Letter from Thela McCurdy	08/03/2021
F-7	Comment Letter from Lorena Mora	08/03/2021

RECEIVED

Nunez, Analilia

AUG 03 2021

From: Lorena Mora <lorymora33@gmail.com>
Sent: Tuesday, August 03, 2021 5:32 PM
To: Ask Planning
Subject: Appeal# 001-21 (Apple Valley Elementary Construction Project)
Attachments: Appeal# 001-21 Apple Valley School Construction Project.pdf

CITY OF YAKIMA
PLANNING DIV.

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon,

Attached find our written comments/concerns with pictures regarding the Apple Valley Elementary School construction project - appeal# 001-21, hearing scheduled for 8/12/2021 at 9:00am. Our intent with the pictures is to show you how close (8ft) the walking pathway is to our home and why we fear for our family's safety. Additionally, we've added a few pictures showing our concerns with the irrigation system, how they spray our vehicles, house and are causing landslide into our property.

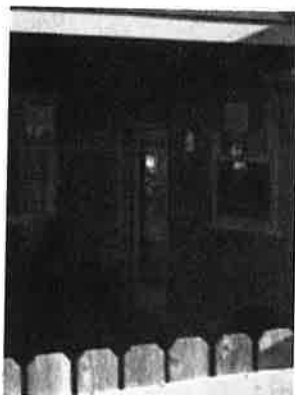
DOC.
INDEX

F-7

RECEIVED

AUG 03 2021

CITY OF YAKIMA
PLANNING DIV.



Have a great day!

Respectfully,
Erasmio & Lorena Carranza

DOC.
INDEX
F-7

RECEIVED

AUG 03 2021

CITY OF YAKIMA
PLANNING DIV.

August 3, 2021

Appeal# 001-21, WWS

To: The City of Yakima Hearing Examiner,

The Carranza family, which resides at 109 S. 88th Ave. has written this letter to express our concerns regarding the new construction of Apple Valley Elementary School. The school's property line is 8ft away from ours.

Our main concern is the raised terrain. We worry that surface water, including runoff from rain and snow will continue to cause erosion and future flooding into our property. Although the land has been evaluated by an expert, we disagree that with time erosion will not occur as we've already witnessed it on our property (south side). We worry that the snow on the walking pathway will not get cleaned during winter causing the snow to melt into our property leading to erosion/landslide as it already is a concern with the school's irrigation system. We ask that they consider a retaining wall to prevent further erosion and landslide into our property. The school's sprinklers have been an ongoing issue for the last 4 years which is why prior to the new construction, the grounds supervisor decided to put up the black screen shade, to help prevent the sprinklers from spraying water on the siding of our house/vehicles as the water will eventually cause future damage. Although the screen does not eliminate the problem, it has helped some. Overtime, we have noticed some landslides into our property as a result of snowmelt, rainfall and irrigation water, and now with the walking pathway being extremely close to our fence/property line (8ft) will only contribute to the existing problems.

In addition, we no longer have privacy and fear for our family's safety. The raised terrain and now the walking pathway being so close to our house (8ft from our side entry door) has raised safety concerns and instilled fear in our family. We no longer feel safe in our own home. During the construction planning, we are sure that the most important factor taken into consideration was to build a school that provided a safe environment for the students. With this in mind, we ask that you please also take the surrounding neighbor's children and their safety into consideration. The children who live in the surrounding neighborhood are just as important as those who will be attending Apple Valley Elementary School. The raised terrain and walking pathway so close to our house allows for intruders to scope our homes, placing our family's at high risk for crimes.

DOC.
INDEX

F-7

RECEIVED

AUG 03 2021

CITY OF YAKIMA
PLANNING DIV.

Our family invites you to walk the pathway along the South side of the school near our home and/or to stop by our home to better help you understand our concerns. Standing on top of the raised terrain allows everyone to see into our backyard and inside our home (directly into the bedroom and kitchen). We would like to request that the terrain be lowered in addition to either moving the walking pathway further away from the fence or that the school build a tall enough private fence that will not only block people's views into our property, but block the school's sprinklers.

The walking pathway has already become an issue as it traps all the garbage and weeds in-between the fence and edge of the walking pathway. The garbage/weeds will remain there until I call and complain about it. Our neighbors and family work very hard to try and keep our properties nice and clean and it becomes very frustrating when the school doesn't put their part in maintaining the school grounds.

We would also like to request that the baseball field be moved and/or taken out completely as our house is located the closest to the school's fence and do not feel safe with the flying baseballs. Flying baseballs were already a previous issue prior to the construction of the new school and now the raised terrain has only contributed to this problem. If the baseball field will not be moved and/or taken out, we ask that you enforce the school to build a private, tall enough fence that will block flying baseballs from coming into our property. Again our house is located so close to the school fence, that we worry we will have ongoing broken windows and/or family members getting hit by a flying baseball when out in our own backyard. We are also worried that we will have a lot of broken window(s) while away on our vacation trips and no one being home to address the issue right away targeting intruders who may be walking the pathway and notice not only the broken window(s), but that no one is home.

Finally, we ask that the school put up a "Do Not Block Driveway" sign up at the end of our driveway entrance as the pickup line forms along the side of the road and across our driveway. It is a daily issue that we and the city of Yakima have been dealing with as parents block our driveway on a daily basis making it very difficult for us to drive in/out of our driveway. There are three homes on this shared driveway and we are concerned that if an emergency were to occur, the emergency units would not have access to our homes as it is nearly impossible to access our driveway during school hours and/or afterschool activities.

We would like to thank you for taking the time to review our concerns and ask that you please not ignore them. On the contrary, you take them into consideration and work with us to help maintain our community together and happily.

DOC.
INDEX

F-1

Respectfully,

Erasmo & Lorena Carranza

(509)952-9347

RECEIVED

AUG 03

CITY OF SPOKANE
PLANNING DIV.

DOC.
INDEX

F-7

RECEIVED

AUG 03 2021

CITY OF YAKIMA
PLANNING DIV



DOC.
INDEX
F-7

RECEIVED

AUG 03 2021

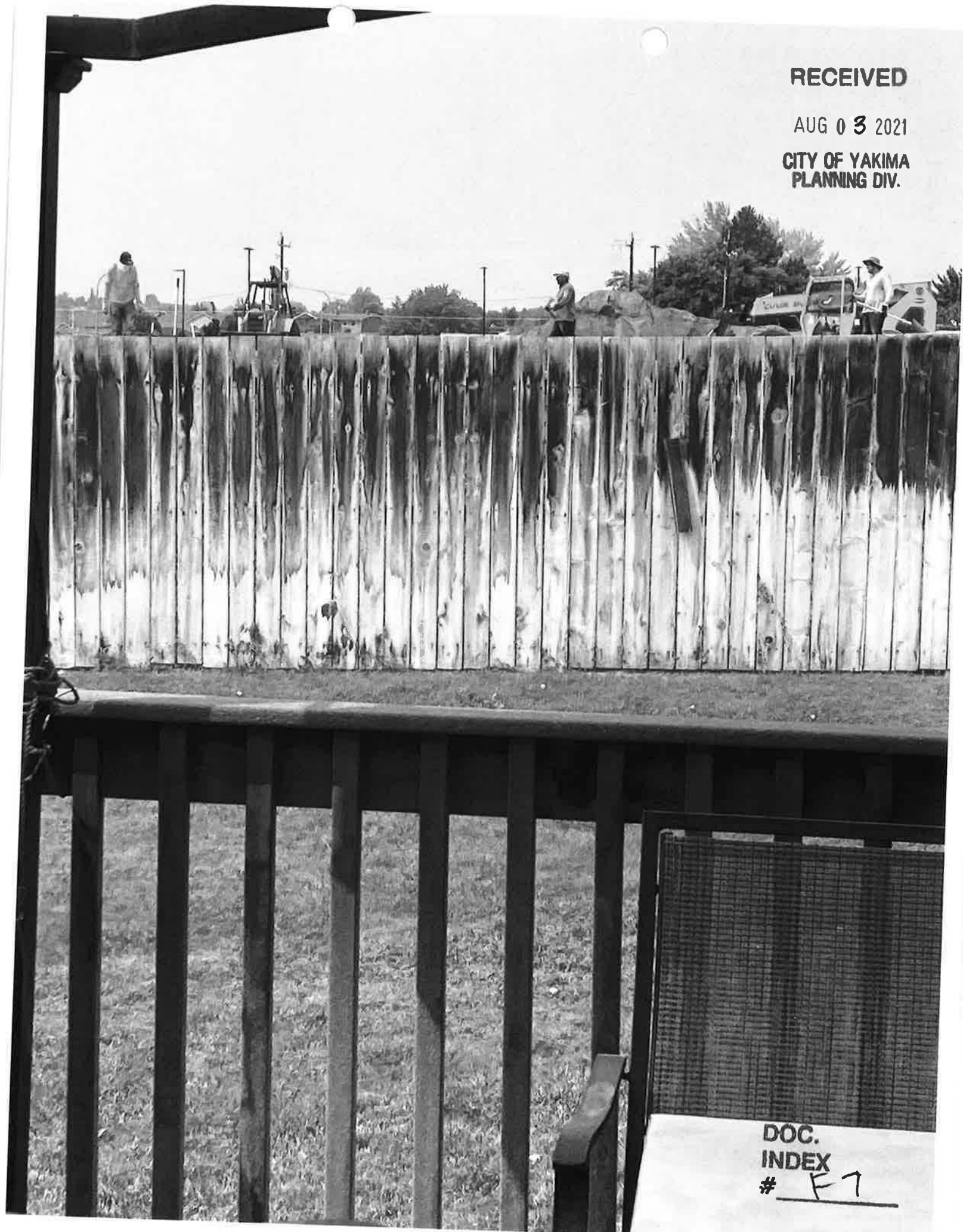
CITY OF YAKIMA
PLANNING DIV.



RECEIVED

AUG 03 2021

CITY OF YAKIMA
PLANNING DIV.



Nunez, Analilia

RECEIVED

From: sem10250@charter.net
Sent: Tuesday, August 03, 2021 5:15 PM
To: Ask Planning
Subject: Appeal response #001-21, WVSD
Attachments: Thela's response to appeal.docx; elevated terrain.jpg; elevated terrain 2.jpg; elevated terrain 3.jpg; elevation 4.jpg

Follow Up Flag: Follow up
Flag Status: Completed

AUG 03 2021

**CITY OF YAKIMA
PLANNING DIV.**

Pictures (0,1,2)were taken this morning, 08/03/21. There are many other pictures available from the field looking into our property. I have included one.

**DOC.
INDEX
F-4**

RECEIVED

AUG 03 2021

CITY OF YAKIMA
PLANNING DIV.

Thela McCurdy

8 N 86th Ave

Yakima WA, 98908

509-494-2433

Sem10250@charter.net

Reference appeal # 001-21, WVSD

To the Yakima City Planning Commission and Hearing Examiner,

The following information is in direct response to the appeal of the building permit for Apple Valley School from the West Valley School District (WVSD). During the process of building the new school some changes were made to the initial permit without notification to the adjoining property owners or approval by the building code/permit department.

I would prefer to be physically present during the hearing but am on a scheduled vacation during the week of the hearing. Please contact me before August 7th or after August 14th at the above contact information for further questions or comments.

It is my understanding some of these changes have been approved, but one outstanding change has been denied and is being appealed. The elevation of the terrain is in direct opposition to the initial building permit. It was concerning during the building process to lose privacy in our yard and home, but it was our understanding based on the documents shown to the public the elevation of the property would return to the original level as stated in documents and permits. As it became apparent finish work was being completed at a much higher ground level a protest was lodged with WVSD and the City of Yakima. This resulted in an informal meeting with WVSD, their contractors, school board members, assistant superintendents, the Bond Oversight Committee, neighbors, and Joan Davenport (City of Yakima). During this meeting many questions were asked by the neighbors with a unanimous request for WVSD to honor their initial permit to retain and maintain the original playfield.

I find it interesting WVSD did not maintain a field they had fixed in 2012 to protect children from a previously contaminated play area. There was plenty of room on the property for work on the school while maintaining this area. Was this a ploy to coverup their intent to raise the elevation without going through a change in the original permit process? Were they just planning to sneak it through using their presence in the community and state the proportional harm is in their favor not to follow the plan? Who decides the amount of harm to the adjoining property owners? Are you able to put a dollar value on what is lost with the terrain elevation? Harm to the neighbor's privacy is apparent if you stand on the field and view into my home (see attached photos). Any time of the day and night I will not be able to go about my personal life and activities without someone potentially looking at me and my family.

During the process of the construction the contractors and by default WVSD did not follow through on keeping the exposed dirt covered. Do they think they can just do what they want without regard to the neighbors? An additional example of forge ahead on their own.

DOC.
INDEX

F-6

RECEIVED

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV

Continued: Thela McCurdy comments:

Providing site screening will not provide the same level of privacy as returning the terrain to the permitted level and will impact airflow to our property. Additionally, who is responsible for damage from items going over fences from the elevated terrain?

I invite anyone involved in the decision process to look at this from our yard and house.

I have always supported schools and school districts to provide the best for children in our community in levies and bonds. When a school district only has their personal interest and cover up of errors it makes it exceedingly difficult to support in the future.

I thought my comments were complete until activity on the field on 08/03.

As of this morning, 08/03 contractors were working on the field outside our property to ready it for application of turf. This seems like padding the expense to increase their proportional harm to return the grade to the original plan. Why continue to be irresponsible with taxpayer's money and arrogant about the direct opposition to the approved building plan?

Thank you for considering these comments and assessing the impact of a nonpermitted change to a plan.

Thela McCurdy

8 N 86th Ave

Yakima WA

DOC.
INDEX

F-6

Nunez, Analilia

AUG 04 2021

From: john manfredi <jcmanfredi@outlook.com>
Sent: Wednesday, August 04, 2021 12:59 PM
To: Ask Planning
Cc: Davenport, Joan; sem10250@charter.net; JULIA E; Lorena Mora; pviking1975@gmail.com; undefined
Subject: APP#001-21, WVSD, Written Testimony for Hearing August 12, 2021
Attachments: apple valley school app#001-21 appeal response.pdf; attachment1_emails fence.pdf; attachment2_plotted crosssections at playground.pdf; attachment3_schoolyard earthwork photos.pdf; attachment4_schoolyard profiles.pdf; attachment5_views across schoolyard, from back yard.pdf; attachment6_email review and public hearing consistency with modification request.pdf

CITY OF YAKIMA
PLANNING DIV

Dear planning staff person,
Please verify that our attachments have been received and given to the Hearing Examiner.
We would appreciate verification before the due date, which Joan Davenport told us is Friday August 6, 2021.
Thank you,
John and Candace Manfredi

Sent from Mail for Windows 10

DOC.
INDEX

F-5

To: The Honorable Gary Cuillier, Hearing Examiner
From: John and Candace Manfredi
Subject: Our Testimony regarding City File # APP#001-21; also regarding MOD#021-21

RECEIVED
AUG 04 2021
CITY OF YAKIMA
PLANNING DIV

Thank you for the opportunity to provide our written testimony.

We object to the District's grade raise appeal, APP#001-21, and portions of the cities MOD#021-21.

We and our neighbors have been damaged because the District's grade raise work was done with intentional disregard for the Dec 30, 2019 review and public hearing document, and Hearing Examiner's Decision, Feb 28, 2020. We believe that the District's APP#001-21, should be denied because it is based in part on misleading and conflicting information the District intentionally provided in their 2019 review and public hearing documents, and in their 2020 permit application. During the work the District repeatedly lied to neighbors about grade raises, and failed to inform the City of important constructive changes, which have had adverse impacts on neighbors. We also believe the City made mistakes and poor decisions that enabled the District's wrong doing. The District and City have both made a sham of the review and public hearing process and permit process, and greatly impacted neighbors. These things need to be rectified.

Arguments and Responses to specific items in APP#001-21

Item 6.a. The District alleges an "error of law" regarding the 50% criteria.

Response: We believe the 50% criteria is arbitrary and does not apply to raises in grade. The City permits group approved grade raises from 1' to 4' when they approved the building permit. That was a bad decision; on July 27, 2021, the City actually told neighbors their permit approval was done without considering the public review documents. Public review documents did not indicate any grade raises at the playgrounds. Approving grade raises greater than the permit will condone a bad decision and compound adverse impact to neighbors, see Item 6.b. below.

Item 6.b. The District alleges the as built grading is an increase of "only 32% across the entire site".

Response: They may be correct in their calculations, having the benefit of before and after surveys and CAD software. However, it is not the average % increase in grading that causes adverse impacts to the neighbors. It is the combination of height of raise and close distance that give people a view angle and proximity to see into neighbors back yards. Similarly the grade height and close distance obstruct neighbor's views across the school yard. For example grade raises up to 1.5' at the 40' from a 6' property line do not cause much adverse impacts to neighbors. However, the District has raised the grades from 3 to 4 feet, and more, at 20' to 40' from the property line; that combination of high view angle and proximity cause undeniable adverse impacts to neighbors. Each increment of grade raise more than approved in the City permit cause greater adverse impacts. We ask that grade raises more that permit values not be allowed.

Item 6.c. The District states "the Administrative Official's finding that the as-built grading would cause an adverse effect is not supported by substantial evidence."

Response: We believe adverse impacts including nuisance, and loss of privacy, security, view, and reduced property value are undeniable and substantial; if District staff lived in our homes, they would agree. We understand nuisance, loss of privacy, loss of security and view impact our daily lives, and those impacts are adverse effects. While the neighbors are not appraisers, we are longstanding property owners; we do have a sense of property values and how the adverse impacts affect market appeal and listing prices of our homes. We chose our homes, have lived here for years to decades, and prefer that the impacts be remedied by lowering the grade. However we also realize that adverse impact on property value could be mitigated by damage payment. In our case, the County assessed value of our property is \$332,100. A more modest neighbor's house recently sold for \$390,000. We believe our property resale value will be reduced more than 5% primarily due to lost view, and to a lesser degree by nuisance, reduced privacy and security. We believe the impact on our property value is

DOC.
INDEX
F-5

less than some neighbors and more than other neighbors. We also feel daily nuisance, lost privacy, security and view should be compensated. Neighbors will suffer these impacts for whatever time they continue to own and live in their homes. The District board and staff have shown no interest in considering adverse impacts or decreased property values due to grade raises. In fact they declined several neighbors June 14, 2021, invitations to visit our properties, to see and understand their impacts on us. We discuss damage estimates more in 6.e. Response, below.

Item 6.c. The District cites "the City's surface water engineer's analysis that the site does not create any erosion or drainage impacts, and the School District's agreement to mitigate aesthetic and visual impacts by installing view-obscuring material on fencing on the east and south sides of the school."

Response to drainage impacts: District designs intended playground drainage to be intercepted by swales and conveyed into drywells. This was done to protect neighbors from schoolyard runoff. Along the South property boundary the District's design drawings show a 9" deep swale; it is actually built about 12 to 18" deep, but yet fine graded. When completed the South boundary swale will protect neighbors from school drainage. Along the East boundary the design drawings show a 6" deep swale. There would be no drainage impacts if a swale had been properly constructed there. However, the City surface water engineer did not notice the East swale was not constructed at all. Instead, he said a gravel berm will block surface water from running into private properties. That gravel berm is left-over, walkway path, base material; it is pervious and so small that it can easily be kicked through by a person in tennis shoes; it will not prevent drainage, and will not last any length of time. The contractor did not excavate the east swale into the subsoil grade, before placing the orange barrier fabric and 12" topsoil layer. East neighbors have no swale protection from drainage. We should note that 6" and 9" swales, as designed, are probably not deep enough to provide long term drainage; over time they will fill with thatch and become dysfunctional.

Response to view obscuring material impacts: View obscuring material does not mitigate for the raised grades. It will not block the public from looking down into the neighbor's back yards from the top of the raised grade; see 6.b. Response, above. A 9' to 10' tall property line fence, with view obscuring material, would be required to block the view from the top of the raised grade. We would be opposed to such a tall fence.

Item 6.e. The District cites "imposition of a requirement to regrade the site is contrary to the nexus and proportionality test".

Response: The District's appeal complains about no proportionality test, but offers no cost analyses' toward that end. We believe the Hearing Examiner should consider cost analyses' for remedial work and adverse impacts before making a decision on this appeal. The District is best able to estimate costs for lowering the grade, to permit levels. We do not trust the District to estimate costs for adverse impacts on neighbors, because the District denies that adverse impacts even exist. Reduced property values should be appraised by three or more local residential property appraisers, with credentials acceptable to neighbors. We suggest the City bear the costs for appraisals, because the City enabled impacts when they approved permit drawings without considering the review and public hearing documents. Neighbors should also be allowed to request damages for impacts to daily life, including nuisance, lost privacy, security and view. Neighbors will suffer these impacts for whatever time they continue to own and live in their homes. We also ask the Hearing Examiner to adjust proportionality in the neighbors favor, because the District raised the grade intentionally and repeatedly, with complete disregard for the review and public hearing document, the approved permit drawing, the City and the neighbors.

Additional Testimony, on the grade raise, is below.

Additional Testimony, on the 5' path and site screening, is below.

Our Preferred Solution is below, following Additional Testimony.

RECEIVED

AUG 04 2021

CITY OF YAKIMA
PLANNING DIV

DOC.

INDEX

F-5

Additional Testimony

AUG 6 4

CITY OF YAKIMA
PLANNING DIV.

We are one of fifteen neighbors whose residences border Apple Valley Elementary School South and East playgrounds. We border the south side at 8615 Woodwinds Way. You should know that we campaigned and voted "for" Apple Valley School replacement bond three times. We object to three parts of District work that do not comply with the December 30, 2019, review and public hearing document for this project, nor with the Hearing Examiner's Decision of February 28, 2020. The non-compliant work has had adverse impacts on the neighbors. The District has refused to acknowledge any adverse impacts, and has refused neighbors requests to correct the work. Instead the District requested three modifications, under MOD#021-21; they include a grade raise, a 5' paved path, and site screening modifications. MOD#021-21 disapproved the grade raise. On July 27, 2021, the City informed us that we can object to the grade raises during the APP#001-21 public hearing process. Our Additional Testimony presents our objections to the grade raise. MOD#021-21 approved the 5' path and site screening modifications. On July 27, 2021, the City informed us that MOD#021-21 blocks our objection to the path and screening modifications. We think the City's process, analysis and decisions in MOD#021-21, for the 5' pathway and site screening are invalid. Therefore we respectfully ask you to also consider our Additional Testimony on the 5' pathway and site screening.

We know our testimony comes late a bureaucratic process that is very confusing to us. The District and City have made wrong decisions that adversely impact us, faster than we can keep up with. We ask that you give careful consideration to our Additional Testimony, and that of other neighbors. The District should have to correct or mitigate all impacts they have caused to neighbors; and, the City should be accountable for mistakes and poor decisions they've made.

Additional Testimony is presented in three parts.

1. Installation of a 5' walking path along the South and East Playgrounds.
 2. Installation of site screening at some locations.
 3. Raised grade for the South and East Playgrounds.
-
1. 5' paved path - The City MOD#021-21 approved construction of the path, as a minor change. We do not agree that the 5' paved path is a minor change. The Administrator exceeded her authority by approving the path as a minor change. The path creates significant adverse impacts to neighbors along the South and East playground fences, by directing people to walk right next to our property lines. The adverse impacts include nuisance, a reduction of neighbor's privacy and security, and reduced property value. Neighbors along the school South and East fence lines do not believe site screening mitigates the path. Neighbors want the path removed. This path was not included in the Apple Valley School Replacement review and public hearing documents of Dec 2019. If included, it would have been opposed by all the neighbors. The path was conceived and added to the school replacement project by the District, as an afterthought and without consulting any of the neighbors. The work was performed by District's contractors as part of their general construction contract. Upon its construction, neighbors immediately objected to the path. The District invited the neighbors to a meeting June 14, 2021 to hear their objections to the path and other issues. The City also attended the meeting. All neighbors attending the meeting objected to the path, and continue to object. Ignoring neighbor's objections, the District requested the path be approved as a modification. The City conducted an Administrative review in which they also ignored neighbor's objections, ignored adverse impacts, and approved the path. We ask the Hearing Examiner to stay the Administrator's decision, and require a public review of the 5' pathway.
 2. Installation of site screening at some locations - The City MOD#021-21 approved fence modifications and site screening as minor changes. We do not agree that site screening is a minor change. The Administrator exceeded her authority by approving site screening as a minor change. Site screening causes us significant adverse impacts. It is in direct conflict with the review and public hearing documents of 2019, and violates a special condition of the Hearing Examiner's Decision, dated Feb 28, 2020. The review and public hearing document states: "The proposed project would not obstruct any existing views in the site vicinity", and proposes to leave existing fencing in place, unscreened. During the Dec 2019 public review for this project, we provided written comments to Joan Davenport on 01/14/2020. Our comments specifically supported the Districts then request that the existing fence remain in place, unscreened. We know that our comments were clearly understood, because the Hearing

DOC.

INDEX

F-5

Examiner's Decision, Feb 28, 2020, acknowledged our comments in four places. For example, he wrote: "to preserve the visibility of areas of the school site that is currently provided by the existing chain link fencing". His decision said view obscuring material should not be added to the existing fence. We also believe fence modifications and site screening cannot be categorized as minor changes, because minor changes should have "no adverse impacts or undesirable effects of the project". View obscuring material will eliminate our view across the schoolyard (see Attachment 5) and reduce our property value. In fact in 2005 we bought our lot, and paid \$12,000 to extend it south to the school property line, just so we could have a view out across the schoolyard. We explained these things to the District and City at the June 14, 2021 meeting (item 1. above), to emphasize the importance of view and to object to the grade raise which now blocks our view. Ignoring the Hearing Examiner's Decision, and ignoring our statements at the June 14, 2021 meeting, the District requested site screening be approved as a modification to mitigate impacts of their 5' paved path and raised playground grade, which themselves both violate the 2019 review and public hearing document. The City conducted an Administrative review, ignoring the special condition of the Hearing Examiners 2020 Decision to preserve visibility of areas of the school site, also ignoring our statements at the June 14, 2021 meeting, and approved the site screening as a minor change. July 27, 2021, the City informed us that MOD#021-21 blocks our further objection to the site screening. None of the neighbors accept site screening as mitigation for the path and grade raises. Some neighbors may accept site screening their section of fence, as partial mitigation for the path; we do not object to those neighbors. However, we, and some other neighbors, still want to preserve what view we have left. We still want our view protected per the 2019 public review, hearing, and Hearing Examiner's Decision. If the path stays, and if in the future, public nuisance and loss of privacy from the path become greater issues for us, we may then agree to privacy slats. Following MOD#021-21 we made a reasonable request to the District, that they not install slats in our portion of fence at this time; the District has not replied to our request, or other inquiries we've made since June.

There may also be a building code issue with the fence modifications and site screening. We believe that making the existing fence taller and adding view obscuring material will not comply with the local building code, i.e. industrial standards of the Chain Link Fence Manufacturer's Institute (CLFMI). Reading CLFMI standards we do not believe the existing steel posts and footings, which are intended for a 5' fence with open fabric, will meet standards for wind load on a 6.5' fence with screening. We have emailed the District and City of our technical concerns, including problems with the existing fence posts and footings, measurements, etc (see Attachment 1); neither the District no City have replied. We ask the Hearing Examiner to stay the Administrator's decision and require a public review of site screening.

3. Raised grade for the South and East playgrounds - (see Attachment 2) The District raised the grade of the South and East playgrounds 3 to 4 feet above original playground grades, and then requested the City approve those raises. In MOD#021-21, the City denied the District's request for raised grades, and directed them to regrade the site consistent with building permit plan drawing B200126 which has 1 to 4 foot raises. However, a statement on MOD#021-21, page 5, also allows grades 50% higher than on B200126. The neighbors disagree with both the District and the City regarding the raised grades. The original playground grades had existed for the entire school and neighborhood history. In 2012 a \$1,100,000, DOE project replaced topsoil on the playgrounds; much of that project cost was to do work in a way that maintained the original playground grades. At a June 14, 2021 meeting, neighbors of the South and East playgrounds told the District that the raised grades have caused adverse impacts. The adverse impacts include reduced privacy and security, reduced views, and reduced property value. The public can now easily look down, from raised grades, into neighbor's back yards. This is an extreme violation of neighbor's privacy and security that will adversely impact the neighbor's daily lives and their property values. Vandals can hide and hang out behind the raised berms, along the neighbors properties, jeopardizing neighbors security; we know vandalism is an issue because many times in the past 15 years we could see across the schoolyard and reported off-hour vandals to the police. Our view across the school yard, of kids playing, is now blocked by the raised grade (see Attachment 5); our view will be blocked even if site screening (2. above) is not installed. This is the same view which we paid \$12,000 for, when we built our home in 2005. We sought to protect our view during the 2019 review and public hearing process, and the Hearing Examiner's 2020 Decision directed that views be protected. At the June 14, 2021, meeting, the neighbors unanimously asked the District to lower the South and East playgrounds back to their original levels. In preparing our objection to the raised grades, we have

DOC.

INDEX

F-S

identified at least six times that the District and City used several legal processes wrong, to accomplish playground grade raises. These wrong uses are described below:

- a. The 2019 review and public hearing process was used wrong because the public review document did not show or describe any grade raises for the South and East playgrounds. At the June 14, 2021, meeting with the District and City, several neighbors stated that raised grades for the South and East playgrounds were not expected because they were not described in the review and public hearing document of Dec 2019. That document stated nine times the South and East playgrounds would "be retained" and "remain". The document also states: "The proposed project would not obstruct any existing views in the site vicinity". The neighbors understood the multiple statements to mean little or no work would be done at those playgrounds. Neighbors had no understanding what-so-ever that there would be grade raises. The Hearing Examiner's Decision presumably agreed with the neighbors reading, as he wrote about neighbor's views across the school yard, and stipulated that existing fencing remain to preserve views across the schoolyard. Contrary to the review and public hearing document, grades were raised 3 to 4 feet at the South and East playgrounds. That grade raise work was very disruptive to the neighborhood, more disruptive than any other site work for the school replacement. Grade raise work involved more than one year of disruptive work very close to neighbor's property, including noise and dust from large earthmoving equipment and large unsightly dirt stockpiles and mounds. Raised grades will have a permanent adverse impact on neighbors. Because of the extent of disruptive work very near the neighbors, and because of the permanent impact of grade raises at the South and East playground, grade raises should have been carefully and clearly described in the 2019 review and public hearing document. Playground grade raises were not described at all. It wasn't until July 1, 2021, that the neighbors learned that while the 2019/2020 review and public hearing process was ongoing, the District had also prepared and submitted building permit drawing B200126 showing topography with 1 to 4 foot grade raises for the South and East playgrounds. The City then approved that permit drawing, even though grade raises there were not mentioned in the 2019 review and public hearing document nor in the Hearing Examiner's Decision. (For ready reference, building permit dates are: submitted 02/11/20, approved 04/07/20, and issued 04/18/20.) We believe a wrong use of the review and public hearing process began when the District wrote the 2019 review and public hearing document with no mention of grade raises for the South and East playgrounds. We believe they did this intentionally, to not raise concern from the neighbors. Considering permit drawing preparation time, we believe that the District expected grade raises at the South and East playgrounds at the time the project planning/review documents were prepared. Instead of clearly stating in the review and public hearing document that there would be playground grade raises, their document included a statement: "Approximately 15,000 cubic yards of grading and excavation would occur during construction. The site is anticipated to be a net balance and no significant amounts of imported or exported soils are anticipated." It's not reasonable to believe that neighbors would understand the District's excavation and grading statement to mean grade raises at the South and East playgrounds. It is much easier to believe that the District knew there would be grade raises on the South and East playgrounds, and intentionally did not say so, to not raise concern from the neighbors. Not stating grade raises at the South and East playgrounds was a wrong use of the review and public hearing process, because it deceived neighbors.
- b. The building permit legal process was used wrong because City permits staff should not have approved building permit drawing B200126 which showed 1 to 4 foot grade raises for the South and East playgrounds. Grade raises were not described in the 2019 review and public hearing document, and grade raises would block views that the Hearing Examiner directed be preserved. We first thought that the City permit staff approved grade raises on the permit drawing by mistake. However, in a meeting July 27, 2021, City staff actually told us there was no mistake. They said that they review and approve permit drawings without considering the review and public hearing documents, because permit review, and public review processes are two separate processes. We feel treating these as separate processes, with no coordination fails the City's duty and fails to protect public's review. City departments should coordinate with each other. There can be no right-hand / left-hand justification or excuse. Whether by intent or by mistake, approving the building permit, significantly different than the review and public hearing document, was wrong. We believe

CITY OF YAKIMA
PLANNING DIV.

that the review and public hearing process should be legally superior to the permit process. City permit staff cannot fail to consider, nor override a review and public hearing document or Hearing Examiner's Decision. If they could do either, what would be the purpose of a review and public hearing in the first place? Nor can the District and City reasonably argue, more than one year after approving permit drawings, that implicit earthwork statements in the review and public hearing document support the grade raises shown on the permit drawing. Such an argument is far outside reasonable interpretation of the review and public hearing document that the public had; remember that the public did not have knowledge or access to the permit drawing. Lastly, the City cannot apply a 50% rule, meant to apply to floor area, to authorize grade raises up to 50% more than they had wrongly approved on the permit drawing.

- c. The District's construction process was used wrong because it included constructive, step-by-step grade raises at the South and East playgrounds as their plan to balance earthwork, and fix their earthwork quantity busts. This process took over a year, during which the District never explained the grade raises to the City. During that year the District misled neighbors about grade raises, several times, as the following construction chronology shows. The chronology months are as best we can remember. We didn't keep a log, but our memory of the sequence of construction earthwork is clear. We have attached a few construction photos that show the playground earthwork (see Attachment 3). Unfortunately the photos don't come close to showing the mess and illogic of the earthwork.

May 2020, (first grade raise) We and another neighbor on the south side of the playground, became concerned that the contractor seemed to be raising the grade on the South playground. Neighbors that reviewed the review and public hearing documents had not expected any grade raises on the South and East playgrounds. Two of us neighbors happen to be retired engineers, so the contractor agreed to meet and show us their site drawings with contour lines. May 15, 2020, three of us met with Ron Huylar and his earthwork foreman. As retired engineers we expected them to roll out, and show us, large scale paper drawings on the hood of their truck. Instead, they tried to show us their construction drawings with grade lines, on their small tablet screen. Sunshine and Covid distancing made it impossible for us to see. They did not offer to show us large paper drawings such as contractors almost always have onsite, nor did they offer jpeg, nor pdf files of their drawings. Instead they clearly told us the construction drawings showed a maximum grade raise of 4' near the southwest corner of the South playground; that raise would slope uniformly north to meet the building grade. Going east, it would slope uniformly to a grade raise of 0' at the east side of the East playground. The finished grade raise near our home would be about 1.5'. We decided we could live with a 1.5' grade raise near our home; it would not reduce our view significantly. We call this the first grade raise because the review and public hearing documents did not say there would be any grade raises on the South and East playgrounds.

June 2020, (second grade raise) We continued to watch a ridiculous earthwork show in progress on the entire South and East playgrounds. Topsoil and subsoil were being excavated, hauled, stockpiled, reworked, handled, rehandled; there were large scrapers, dozers, track hoes, skid loaders, front end loaders, rollers, highway and mining trucks, a water truck. It was an absolute circus. When we inquired about a huge mound and stockpile developing and dirt being moved and pushed around on the South playground, consultant Rob Gross emailed back. He explained that all the material above grade lines would be pushed to the SE corner of the playground where there was room for it. We knew that was impossible but politely accepted his explanation. About the same time as Mr. Gross' impossible explanation, Mr. Huylar told us they were surprised by the high quantity of excavation already dug, about 11,000cy at that time. He also said they would truck off the excess mounded and stockpiled material. We had been communicating with Mr. Huylar on several matters. He seemed an honest, competent person and respectful toward us neighbors. We trusted him regarding off haul. In June we thought the grade was being raised more than their indicated 1.5' near our home; we attributed the increase to the disorganized construction mess with so much large equipment handling and rehandling the dirt. Finally Mr. Huylar told us, by phone, that they reached their "finished top-of-subsoil grade" for the South playground. We looked at the playground area near our home, saw their survey grade stakes, and watched them fine grade to staked marks. We estimated near our home,

DOC.

INDEX

F-5

RECEIVED
AUG 04 2021

CITY OF YAKIMA
PLANNING DIV.

with topsoil added, the finished grade would be 2.5' above the original playground surface. This was more than the 1.5' finished grade raise that Mr. Huylar and the dirt foreman told us in May. However, they also began hauling some of their huge stockpile away, for offsite disposal. Mr. Huylar explained that the earthwork contractor had finally been able to arrange some haul trucks for a time, and any excess they didn't haul off at that time, they would finish hauling away in the fall. So we decided to live with the 2.5' grade raise. Although it reduced our view, we could still stand up and see across the playground, see kids playing etc. Also, we didn't want to be the only neighbor objecting to the work, and Covid made it impossible to gather neighbors to discuss the earthwork. It is worth mentioning that we walk the neighborhoods around the school almost every day. Often we talk with neighbors on our walks. A very frequent topic of conversation was why was there so much unproductive earthwork. Why the huge stockpiles; why weren't they digging and hauling the extra dirt away like the topsoil contractor did in 2012? Some thought the contractor must be profiting greatly, getting paid for every time they piled, spread, handled and rehandled the dirt.

July and August 2020, (third grade raise) The contractor's South and East playground dirt fiasco was continuing. Then one week their scraper laid another 8" to 12" of subsoil over top of their previous "finished top-of-subsoil grade" south of our home. The added 8" to 12" of subsoil, plus topsoil, would cut off our view across the playground. However, we again decided that since they would haul off the rest of the stockpile, and since none of the other neighbors were complaining, we would just live with this third grade raise. We should also say that during this whole time we were at the contractor's mercy regarding dust control. In one particular phone call about dust, the earthwork foreman screamed profanities at me, over the phone, like a madman in a fit of rage. I took that as clue to the contractor's mentality and attitude. It made us appreciate Mr. Huylar, who had a very respectful personality and was doing his best to keep the worksite watered. Despite watering all the neighbors still got a lot of dust, almost daily. We did not want to lose Mr. Huylar's cooperation and watering, by arguing about grade. The whole earthwork show was intimidating, and dust was a constant conversation between neighbors. However, to our knowledge only we, and two other neighbors, ever complained to the contractor about the grade raise or dust. In the fall, the South and East playgrounds raised more by constant spreading dirt around and regrading, and new excavation was still being added to various stockpiles. We were disappointed that the stockpiles were not hauled away in the fall.

May and June 2021, (fourth grade raise) The contractor began working the East playground. The east neighbors could then see playground areas and work that had been previously hidden from their view by a large topsoil stockpile. The eastside neighbors could also see the playground grade near their homes being raised about 3'. That completely surprised and alarmed them. With the addition of topsoil, we also became more displeased with the playground grade raise near our home and our loss of view. Including topsoil we estimated the grade raise near our home was more than 4 feet. The east neighbors complained to the City. With other neighbors complaining, the large grade increases on the South and East playgrounds apparently become too obvious for the City to ignore. The City issued a stop work order for the South and East playgrounds. How the City's onsite inspection staff did not notice the step-by-step grade raises and intervene much earlier is not known. We decided to join our east neighbors in objecting to the grade raises. During this time east neighbors obtained more information from the City, including permit drawing B200126; prior to that only the District and City had the drawing. In retrospect, it became clear that the District had planned grade raises at the South and East playgrounds from 2019, that there were many design errors and quantity overruns, that the District schemed for two construction seasons to raise the grade, that there was one controversial change order to haul some of the excess dirt off the worksite. The District agreed to pay that change order cost. One bond committee member objected to the change order cost; he wanted to hold the contractor responsible for errors and costs associated with excess dirt. The committee decided to pay the contractor. In June neighbors were again surprised and alarmed when the District quickly built a 5' paved path. They had decided about the path thru an internal District process, saying nothing to neighbors. Never during the year of construction did the District, their consultant or contractor, explain the earthwork overruns, several grade raises, or the paved path to the City or to any neighbors. The playground

DOC.

INDEX

F-5

RECEIVED

AUG 04 2021

CITY OF YAKIMA
PLANNING DIV.

grade raises and path greatly impacted neighbors, but all the business about both had all been kept internal. Neighbors finally realized that from the beginning the District had disregarded the review and public hearing process, played the neighbors and perhaps the City as fools. The District simply did whatever they wanted with playground construction.

June 14, 2021 meeting. Because the neighbors were complaining about grade raises and the 5' path as violations of the review and public hearing documents, the City recommended a meeting be held. They wanted the District and neighbors to discuss South and East playground grade raise and path, and come to some sort of resolution. One City staff member attended the meeting as an observer. At the meeting, neighbors strongly objected to the grade raises and the 5' path, and said they caused adverse impacts. Neighbors said that because the grade raises and path violated the review and public hearing documents they should be removed. The neighbors also said the District had lied to them, which made the grade raises and path worse. The District said they wanted: to be a good neighbor, to hear our complaints, to know what we wanted them to do, to personally look at our view and privacy concerns from our back yards, and to find a solution satisfactory to us. In a communication before the meeting Dr. Finch mentioned mitigation. But during that same time the District was preparing a request for modification, which asked the City to approve their playground grade raises and path, as-built. In June, it turns out that the District was listening to, and denying, the neighbors at the same time. Neighbors feel the District lied repeatedly: in their review and public hearing document, thru the construction work, and in the June 14, 2021 meeting. Neighbors feel the District should not be allowed to get away with this. Adverse impacts to neighbors must be corrected.

- d. The Cities MOD#021-21 process was used wrong for several reasons. In preparing MOD#021-21, the City should have recognized the grade raise was not in the 2020 review and public hearing documents, and that omission was fundamentally important. Neighbors were encouraged by a City email that the 2020 review and public hearing was being considered in the mod process (see Attachment 6). However, in their MOD decision, the City ignored the review and public hearing documents and gave priority to the 2020 permit. The City also ignored the number and magnitude of constructive grade raises the District made during construction; the City ignored that the District did not give any notice of the grade raises to the City; the City ignored that the District lied to and disregarded the neighbors during the construction process; and the City ignored that neighbors had significant adverse impacts. Most importantly the mod process was used wrong because the City did not recognize that the grade raise was important enough to warrant a public hearing. Because the problems listed above, the City should have referred the District's request for modification to a formal public hearing process. Instead the City Administrator determined she had authority to decide on grade raises by modification process. She issued MOD#021-21, disapproving the grade raises, but also indicating that grade raises could overrun building permit drawings up to 50%.

We and other school neighbors have been damaged and disregarded by the District during this whole school replacement project. Good neighbors and lifetime school advocates have become victims and enemies of the District. This is unfortunate and didn't have to be. The District has misused the review and public hearing process and the building permit process, they presented false and conflicting information in those processes, they pushed ahead with large constructive changes during construction without giving notice to the City until the end of work, they repeatedly lied to the neighbors, they caused substantial adverse impacts and damages to the neighbors while denying that they caused any. Every day the neighbors see and live with these impacts; our property values are reduced. The District has said that views, privacy, nuisance, impacts are not within the scope of codes and regulations. We believe that a school district should do more than meet codes and regulations. We entrust the District with our money that we vote to pay, and we entrust the District to educate our children. The District should return these trusts, with truth, respect, fairness and ethics. We also believe that the District has enough discretion to weigh truth, respect, fairness and ethics into their decisions along with law, codes and regulations. Perhaps their legal counsel is advising them otherwise. The District has said their construction plan, raising the South and East playground grades, was the best and cheapest plan. Anyone looking at the South and East playgrounds can easily see the steep (10%) sloped perimeter areas caused by grade raises have wasted over 1 acre of playground. Losing 1 acre of playground was not best for the kids. South and East grassed

DOC.
INDEX
F-5

playgrounds could have been ramped down one foot along the north and west sides, and then gently sloped south and east, to make the entire playground area usable (see Attachment 4). As to cost, the contractor's earthwork has been a frequent topic of ridicule by neighbors, for blocks around the school. Neighbors who watched the contractor's year-long earthwork fiasco, believe it was wastefully expensive. Perhaps not wasteful from a contractor earnings point of view, but wasteful of taxpayer money. It would have been cheaper to load excess dirt directly from excavation and haul it to offsite disposal, rather than to excavate, pile and rehandle it many times for months. We are terribly disappointed in the course the District has taken throughout this project and the way they have treated us neighbors. It has become very clear to us that the District is a bully with a staff of expensive consultants, contractors, lawyers and a \$35,000,000 budget. They consider us enemies and are playing in win/lose game to defeat us. We are so tired of fighting them. We also believe the City has violated the review and public hearing process, permit process and modification process. If the District and City violations are left to stand, it makes a sham of the whole review and public hearing process; it leaves neighbors as victims of a project that we voted for and will pay for by tax levies for the next 20 years.

Our Preferred Solution to raised grades at the South and East playground is to lower the raised grades down to levels in the permit. We do not agree that these levels were properly authorized, but we believe we can live with them, and without compensation. If the raised grades are left as is, we want to be compensated for daily nuisance, lost privacy, security and view, and also compensated for reduced property value.

Our Preferred Solution to the 5' path and site screening is that the path be removed and the existing fence be left as is, per Hearing Officer's Decision, Feb 28, 2020. If the path is kept, we want to be compensated for daily nuisance, lost privacy and security and also compensated for reduced property value. If the site screening is installed we also want to be compensated for daily lost view and reduced property value.

This whole mess is now in your hands. We hope that you, as Hearing Examiner, have enough interest in our plight and enough judicial discretion to make the District and City correct work they did wrong, or partially correct wrong work and mitigate remaining impacts to the neighbors. A right decision can do these things and set good precedence for future projects. A wrong decision will ratify all the things the District and City did wrong, damage neighbors who did nothing wrong, and set bad precedence.

Sincerely,

RECEIVED

AUG 04 2021

**CITY OF YAKIMA
PLANNING DIV**

John and Candace Manfredi
8615 Woodwinds Way
Yakima, WA 98908

- Attachment 1 - emails, fence
- Attachment 2 - plotted cross sections at playgrounds
- Attachment 3 - schoolyard earthwork photos
- Attachment 4 - schoolyard profiles
- Attachment 5 - views across schoolyard
- Attachment 6 - email, review and public hearing consistency with modification

**DOC.
INDEX
F-5**

Fence Damage by Burial

From: john manfredi

Sent: Friday, September 18, 2020 8:51 AM

To: Ron Huylar

Subject: Correcting earthwork along the Apple Valley Elementary School perimeter fenceline

May I ask you to consider some corrective work along the Apple Valley elementary School perimeter chain link fence.

The corrective work would fix work that was done wrong in 2012, by the contractor who removed/replaced contaminated topsoil and grass under a \$1.1 million contract with DOE. During that job the contractor buried the bottom of the original chain link fabric fence under 4" to 6" of new topsoil. Burying the fence bottom was wrong, and quite, simply sloppy work. DOE or your field staff should have made the contractor fix that work in 2012, but did not. 2020 photos are taken along the South fence, are examples of how the chain link fabric remains buried, and also deflected horizontally.

The original chain link fence was correctly installed, decades ago, with the bottom of the chain link fabric just above the grass surface. The work in 2012 should have finished the grass to be just below the fence fabric, but did not. Now is a good opportunity to fix this problem, by removing the excess topsoil placed in 2012. The new ground surface, new sprinkler system and new grass could then be finished to the correct levels. Perhaps your present earthwork contractor would do this work without extra cost to the district, as they did the work wrong in 2012.

There will not be a better opportunity to fix the work that was done wrong in 2012. I appreciate your consideration.

Sincerely, John Manfredi

Photos along Apple Valley School south perimeter fence. Photos taken 09/17/20



RECEIVED

AUG 04 2021

CITY OF YANBIA
PLANNING DIV
DOC.

INDEX

F-S

Building Code Issue for Fence Raise and Slats

From: [john manfredi](#)

Sent: Wednesday, July 28, 2021 12:48 PM

To: [Codes](#); [Peter Finch](#); [Harrison, Bob](#)

Subject: FW: Apple Valley School Fence Modifications

Gentlemen,

We wrote you on July 9, 2021 to object to fencing modifications along our property.

No one has replied to that email. We will resend it following this email, for your easy reference.

We would still appreciate a reply, to let us know if you will leave the privacy slats out of the reach of fence behind our property.

If you are still considering the fence modifications there are three of things you should also consider.

Note, that we added Mr Glenn Denman ([Codes](#)) to this email because he will probably want the fence built to commercial standards.

First,

Below is an email sent last year, to Mr Ron Huylar, your contractor's onsite man. The email asks that they fix a problem left in 2012. Mr Huylar spoke to me right after the email saying he would try to get the problem fixed. He was pretty confident he could do that as their earthwork contractor was the same one that did the work wrong in 2012. I spoke to My Huylar again last month, and he again said he was still working on it. Not long after that they paved your 5' walking path, making the fence corrective work very unlikely. So your existing chain link fabric and posts remain buried as explained in the Sept 15, 2020 email, below. Realize that fencing standards say fabric and exposed steel posts to both be above ground level. Presumably to prevent soil moisture corrosion.

Second,

You have proposed to increase the height of the existing fence to 6'. Since you are proposing the fence/slats for privacy I would presume you intend that 6' tall is measured from the top of your asphalt pathway. I presume that you, and city codes, also want the fence to meet building code, presumably Chain Link Fabric Manufacturer's Institute standards. So, this is important: the existing fence posts and fabric are currently buried 4" to 6", and the paved walkway top is about 4" above the buried surface. To make the fence top 6' above the top of the pathway your fencepost height will be 6.75' to 7' above the fence post footings. CLFMI would consider that to be a 7' fence for purpose of steel post and footing designs.

Third,

Your existing fence posts are 1.9" OD steel, at 10' spacings. This is appropriate for a 5' fence posts without privacy slats; the concrete footings are probably similarly designed. However, existing steel posts and footings probably cannot meet current fence design standards with an increased height of 7' tall with privacy slats. I believe they will not meet wind load criteria. May I also point out that the fence is not on flat ground. The ground, south of the South fence centerline, slopes down at about a 2:1 slope, or steeper. So your fencepost concrete footing design should take the downslope into account.

Sincerely, John and Candace Manfredi

RECEIVED

AUG 04 2021

CITY OF YAKIMA
PLANNING DIV.

DOC.
INDEX

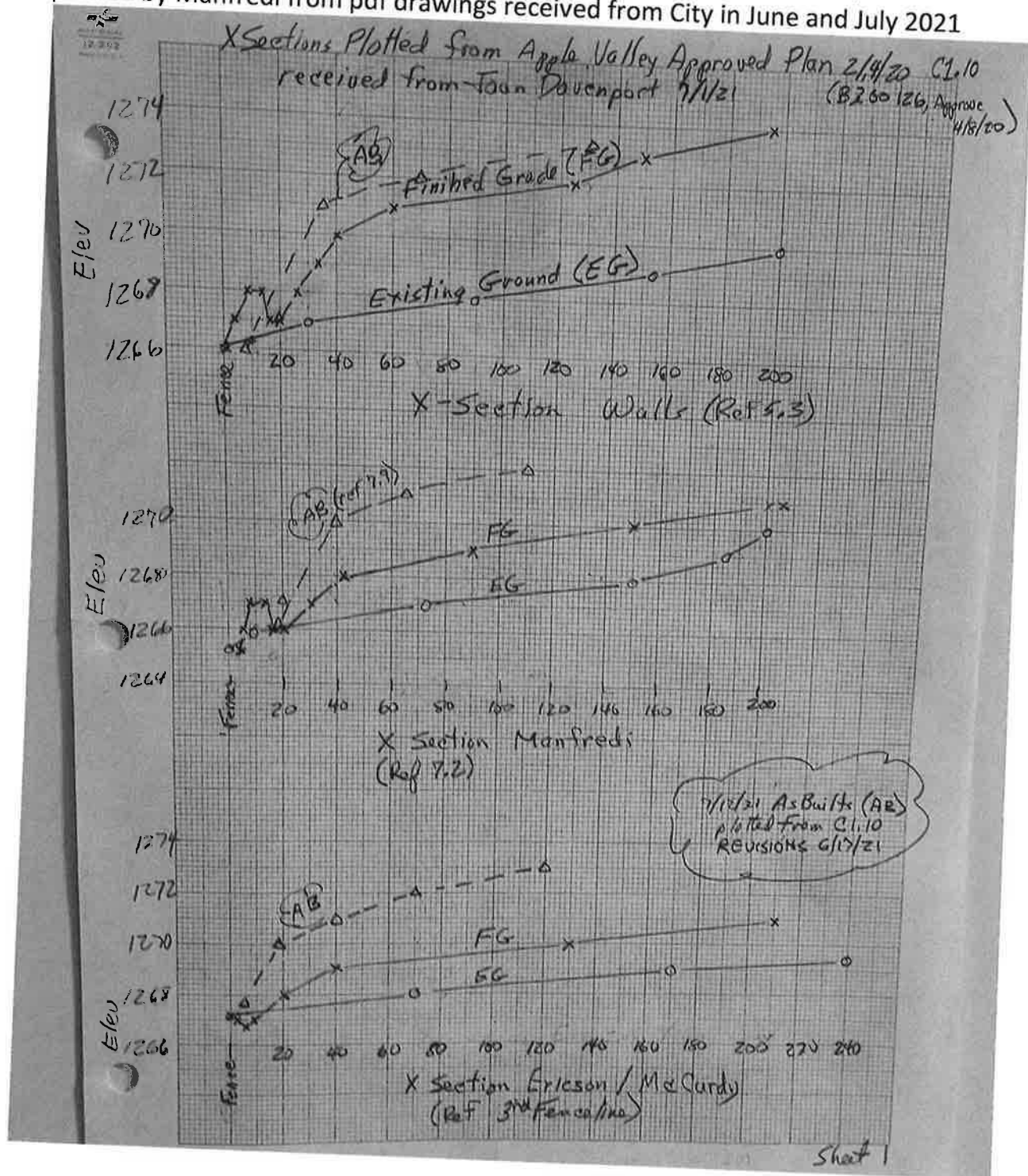
F-5

Attachment 2 Plotted Cross sections of Grade at Playground Surfaces,
 plotted by Manfredi from pdf drawings received from City in June and July 2021

RECEIVED

AUG 04 2021

CITY OF YAKIMA
 PLANNING DIV



EG is the existing (original) ground, surveyed pre-construction
 FG is theoretical finished grade, from approved B200126 permit drawing C1.10, 02/04/2020
 AB is as-built grade, surveyed 06/17/2021. Dissaproved by MOD#021-21
 Fence is existing chainlink fence along the school yard boundary
 X Section locations are near the named property owners lots

DOC.
 INDEX
 # F-5

AUG 04 2021

CITY OF YAKIMA
PLANNING DIV

Attachment 3 Schoolyard Earthwork Photos

Mounded and stockpiled dirt South and East playgrounds. Raised grades, swales, 5' path, fence



June 2020 stockpiles



August / Sept 2020 mounds/stockpiles



June / July 2020 mounds/stockpiles.



Redlines show base of mound



July 2021 E side playground, grade raised 3+'
5' path, 6" swale not cut into subgrade



S side playground, grade raised 4+'
5' path, 9" swale cut 12" – 18" deep
(top of fence concrete footings are 10" below
top pavement, so a 6' fence will require 7' tall
fence post height)

DOC.
INDEX
F-5

Attachment 4 Schoolyard profiles: 4' raised grade vs gently sloped grade

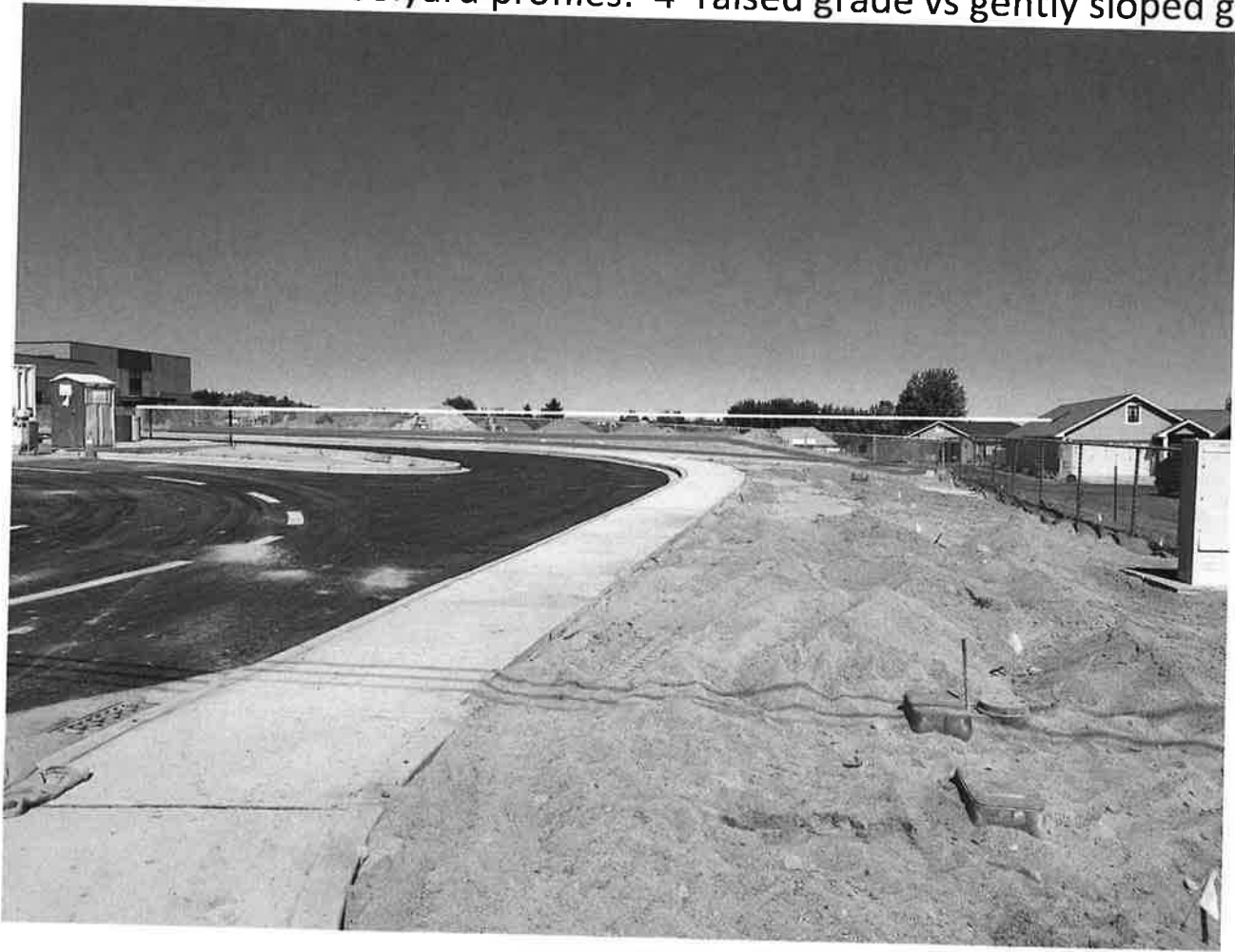


Photo taken 06/17/2021, looking east from 88th Avenue.

RECEIVED

AUG 04 2021

CITY OF YAKIMA
PLANNING DIV

White line is horizontal reference line.

Green line is profile of schoolyard with raised grade. Grade at top inflection point is raised more than 4' above original ground level. Slope right (South) from inflection point is \leftrightarrow 10%, making 1 acre of playground too steep / unsuitable, for kids use.

Red line is playground profile that could have been built, with gentle slope from building, south to property fence. The red line profile could also have been easily lowered about 1' at the north end to provide a gentler slope going south.

**DOC.
INDEX**

F-5

RECEIVED

AUG 04 2021

CITY OF YAKIMA
PLANNING DIV.

Attachment 5 Views Across Schoolyard, from backyard

Photos - Views from patio toward Apple Valley School.



2007, view across schoolyard and beyond.

Had open view across schoolyard, kids playing, thru chain link fence.



2021, view across schoolyard blocked by raised grades.

View across schoolyard is mostly blocked by 4' bank of dirt, raised grade.

Raising upper 5' fence to 6.5' with slats, will block view even more.

DOC.
INDEX
F-5

Attachment 6 Email Review and Public Hearing consistency with modification request

From: Davenport, Joan <Joan.Davenport@yakimawa.gov>

Sent: Tuesday, June 22, 2021 8:20 AM

To: 'JULIA E' <jewels169@msn.com>; Crowell, Eric <Eric.Crowell@YAKIMAWA.GOV>; Harrison, Bob <Bob.Harrison@yakimawa.gov>; Calhoun, Joseph <Joseph.Calhoun@YAKIMAWA.GOV>; Angela Von Essen <vonessena@WVSD208.ORG>; undefined <jaegerd@wvsd208.org>; Peter Finch <finchp@WVSD208.ORG>

Cc: Jon Walls <pviking1975@gmail.com>; prisc00@hotmail.com <prisc00@hotmail.com>; sem10250@charter.net <sem10250@charter.net>; Lorena Mora <lorymora33@gmail.com>; John and Candance Manfredi <jcmanfredi@outlook.com>; undefined <codeman8611@msn.com>

Subject: RE: Apple Valley Landscape

Good morning, Julia!

The City of Yakima received the final modification information for the Apple Valley School project yesterday (Monday, June 21, 2021). We are now reviewing the information presented by the School District for consistency with the public hearing on February 20, 2020 and the subsequent decision issued by the Hearing Examiner. We anticipate the decision on the modification to be issued shortly.

Thank you for your patience.

Joan Davenport, AICP
Director of Community Development
City of Yakima
129 North 2nd St
Yakima, WA 98901
Joan.davenport@yakimawa.gov
(509)576-6417

RECEIVED

AUG 04 2021

CITY OF YAKIMA
PLANNING DIV.

DOC.
INDEX
F-S

RECEIVED

AUG 04 2021

CITY OF YAKIMA
PLANNING DIV.

Nunez, Analilia

From: Kevin ... <kasdc@hotmail.com>
Sent: Wednesday, August 04, 2021 10:59 PM
To: Ask Planning
Subject: Re: APP#001-21 WVSD: Apple Valley Elementary Landscaping issues

Follow Up Flag: Follow up
Flag Status: Completed

Kevin and Melanie Cox

12 N 86th Ave

Yakima WA, 98908

509-961-3755

kasdc@hotmail.com

Reference appeal # 001-21, WVSD

To the Yakima City Planning Commission and Hearing Examiner,

I am very concerned that there has been a complete disregard for the initial building permit for the grounds of Apple Valley Elementary as they border our property. The code says that there shall not be a building constructed in this area at the height that was requested for this school building. Yet, the citizens in this neighborhood agreed to a higher-than-code elementary school building for the needs of the children in this area. We were assured, through a rigorous process, that the concerns we had would be listened to and that agreements that were made would be adhered to. We compromised on the height of the school, but the landscaping portion of this process has not adhered to the original building permitting process. It now seems that builders/landscapers have no intention to discontinue their work as they continue (as of 8/3/21) to proceed even though a work halt order to their process has been issued. They are continuing to push forward with their plans in bad faith. We ask that the good faith that the members of this community have engaged in be respected and that the original design of the playing fields be utilized. The following supports this perspective.

The builders have complained of a proportional harm to them. Yet they continue to act in bad faith by proceeding during the time they should stop the work and wait for this process to play out. Proportional harm to them is entirely one sided. 1. The proportional harm to my family of having damage to my property cannot be estimated with greatly elevated baseball and soccer fields with errant flying balls mere yards from the side of my house and its windows. I purposely did not buy a home on a golf course because this is a high risk. 2. The proportional harm to me for future home sales cannot be estimated by having this risk to my home be present. 3. The proportional harm to my family having an elevated dark night-time mound just on the other side of my fence places my daughters and wife at great risk from bad community actors as it does to every citizen in our position. Will the city assume the liability if something should happen to them? I think that that should be a consideration. 4. The proportional harm to my pets and our yard from having a walking path that is paved where animals and inappropriate owners will leave their feces that will be washed into our yard is unknown. All of that will be concentrated on a hard surface-the walking path- and will find its way into our yards. 5. Could I claim proportional harm against the city if I built onto my home without a permit or in violation of a permit granted to me by the city? Could I speak to proportional harm and the city would let the building stand, or would I be asked to correct my obvious error, tearing down the built portion and redoing what should have

DOC.

INDEX

F-4

been done correctly the first time? We all know the answer. 6. What is the proportional harm to me in purchasing a home that has a view of Mt. Adams and that view being destroyed by a high screen towering over the top of my property fence? I STRONGLY OBJECT TO THAT. I did not agree to that concept when the school was being designed. And I will never be agreeable to that! This also speaks to the value of our home for sale price. Having a tall screen over our fence obscuring our beautiful view will diminish our property values.

What is the proportional harm to others not including my family? There are some catastrophic problems that are not being considered for only the financial well-being of entities who are not adept at following the rules. 1. The proportional harm to children obscured from view of school staff behind the baseball mound. 2. The proportional harm to women jogging their dogs while behind the baseball mound of dirt. 3. Lost equipment into the yards of the neighborhood at a cost to the school district. 4. The proportional harm to the children or other community members falling down the hill onto the asphalt or into the fencing in the dark. Who would assume the liability if this should happen: the school district, the planning commission or hearing examiner? You will have approved the poor design.

I am hopeful you will apply the same standards to this situation as I know you would apply to any private citizen with the use of a building permit. I am hopeful you will consider that entities should do the right thing the first time and if they choose not to, that they need to make amends to build trust and exhibit good faith efforts in their partnership with the community.

We are available via email, text or phone calls but will not be able to attend the meeting in person due to a prior meeting commitment scheduled at the same time. We are available at all other times for a discussion, however.

Sincerely,

Kevin and Melanie Cox

RECEIVED

AUG 04 2021

**CITY OF YAKIMA
PLANNING DIV.**

RECEIVED

Nunez, Analilia

AUG 04 2021

From: sem10250@charter.net
Sent: Wednesday, August 04, 2021 10:52 AM
To: Ask Planning
Subject: Stuart's response.docx
Attachments: Stuart's response.docx

CITY OF YAKIMA
PLANNING DIV.

This is in reference to: Appeal #001-21, WVSD

Stuart McCurdy

DOC.
INDEX

F-3

Stuart McCurdy
8 N. 86th Ave.
Yakima, Wa 98908
Sem10250@charter.net

RECEIVED

AUG 04 2021

CITY OF YAKIMA
PLANNING DIV.

To the Yakima City Planning Commission and Hearing Examiner,

This is in reference to: Appeal #001-21, WVSD

I am a neighbor on the east side of the Apple Valley School project. My property is directly adjacent to the school property. I would like to comment about my concerns in three main areas, and the potential for damage or harm from the manner in which the project has been handled.

Nuisance:

In the past our property has received various items from the schoolyard. Recently we have found a significant amount of material from the construction itself, such as plastic, wrapping, etc., as well as blown soil from the various uncovered piles around the yard. I realize that with the end of the construction phase that should end. However, even before this project we often had balls, frisbees, mitts, toys, and occasionally clothing come into our yard over our 6' fence. With the raised field I anticipate more material coming into my yard. The potential for foul balls, miskicked soccer balls, even the occasional golf ball will be greater now that the field is planned to reduce the height of my fence to approximately 2'.

Safety and security:

Building on the nuisance factor, if the golf or baseballs fly into our yard more frequently there is the increased potential for both property damage and personal injury. Furthermore, the raised field means less privacy for both the neighbors and the school. It is now possible for anyone to stand on the field and look directly into our yards and homes. It is also possible for someone to stand in our yard and watch the students. While I do not believe the walking path is a problem by itself, I do find issues with its location due to the raised field. With the path located at the level of the previous field it means that people can not be seen on the path. That will allow a potential for various activities without any way to oversee them by the school administration or other authorities. Also, the path is asphalt, and located at the bottom of a slope down from the field. As children play I anticipate that falls will happen, and injuries when they hit the asphalt would be more severe due to the hard surface.

Planning and modification:

It seems to me that the West Valley School District and its Bond Oversight Committee started with one plan, and then have mostly abandoned it in favor of expediency. The original plans called for minor modification to the field. As time went by several additional feet of soil and height were added to the project. There does not seem to be any real plan or any kind of notice to the community for these modifications. In conversations with the city planners I have found that they were not advised of some of the modifications until after they had been completed. It seems as though the school district used the philosophy that it is better to ask forgiveness than to ask for permission. I do not believe that is how the system is supposed to work.

DOC.
INDEX

F-3

Harms:

I see harms in each of these areas. In nuisance I see the potential for property damage and personal injury. In safety and security I see potential for injury, and privacy concerns. In planning I see damage to the relationship between the school district and community. I also see a lack of real planning for this project, and how it will affect the school, students, public who will use the field, and the neighborhood. One additional harm I see is that the school district has proposed site

RECEIVED

AUG 04 2021

**CITY OF YAKIMA
PLANNING DIV.**

Stuart McCurdy
8 N. 86th Ave.
Yakima, Wa 98908
Sem10250@charter.net

screening by raising their fence and using slats to block the view of the school. While that may seem like a real solution, it will harm all of us by depriving us of the territorial view that was part of the reason for choosing to live here. None of us complained when the district plans called for a two story building because we realized that it was necessary. However, we do object to the idea of site screening.

As I was preparing to finish this and send it to you, I see that the construction company is continuing to complete the raised field. They are placing sod right now. If the appeal is denied, this seems like an additional waste of taxpayers' money. Clearly they believe that the appeal will be upheld, and they can continue ignoring the plans that were vetted by the city and the public. Please remind them that there are rules, and that school districts are supposed to be public servants with the responsibility and accountability to the public that provides their financial support.

Thank you for your time,

Stuart McCurdy

**DOC.
INDEX**

F-3

Nunez, Analilia

From: Michelle Mueller <mmueller6282@gmail.com>
Sent: Thursday, August 05, 2021 8:42 AM
To: Ask Planning
Subject: In support of WVSD's elevation plan

RECEIVED

AUG 05 2021

**CITY OF YAKIMA
PLANNING DIV.**

Follow Up Flag: Follow up
Flag Status: Completed

To Whom it May Concern;

I am writing this email in support of the West Valley School District's latest proposed grading plan. As a taxpayer, I am strongly against the lowering of the elevation of the fields. Moving this dirt will be very costly and a waste of money. Additionally lowering the elevation disturbs and exposes old orchard soil which could be contaminated, costing more time and money. This new school is a huge benefit to the community, it offers more playing space, as well as a wonderful new walking path, both of which add value to the community. Apple Valley Elementary has been in that location, along with its noise and foul balls, for decades (well before many of the houses were built). Residents purchased those houses with the knowledge they backed up to an elementary school. Noise and foul balls come with the territory of living there. Please approve the District's proposed plans to leave the site elevation as is so we stop wasting precious time and money.

Thank you for your time,

Michelle Mueller

**DOC.
INDEX
F-2**

Nunez, Analilia

RECEIVED

From: JULIA E <jewels169@msn.com>
Sent: Thursday, August 05, 2021 3:16 AM
To: Ask Planning
Subject: APP#001-21 of MOD #021-21
Attachments: APP#001-21 Appeal to MOD#02121 testimony.pdf; #1 attachment BOC-Minutes-10-14-20.pdf; #2 attachment BOC-Minutes-11-12-20.pdf; #3 attachment BOC-Meeting-12-15-20.pdf; #4 attachment Photos of AV school.pdf; #5 attachment Financial Report May 2021.pdf; #6 attachment beaten down terrain path.pdf

Follow Up Flag: Follow up
Flag Status: Completed

AUG 05 2021

**CITY OF YAKIMA
PLANNING DIV.**

Please find attached a total of 7 documents - my written testimony concerning appeal APP#001-21 of MOD #021-21 by WVSD concerning the AV school construction project and 6 additional attachments to go along with my testimony.

Please verify you have received these and that all attachments can be opened and viewed, as soon as possible as I will soon be unavailable until mid-week next week.

Thank you,
Julia Ericson

**DOC.
INDEX
F1**

8/4/2021

To: Gary Cullier, Urban Area Hearing Examiner, Yakima, WA.
From: Julia Ericson, Apple Valley Elementary Neighbor
Subject: Appeal APP#001-21 to MOD#021-21

RECEIVED

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV.

I submit this testimony concerning the Construction Project at 7 N 88th Ave, Parcel numbers(s) 181319-42006, -42020, & -42021. There is a lot of relevant history and important information to impart and I respectfully ask that you read and consider my entire testimony.

I am a homeowner whose property abuts the Apple Valley (AV) School property, therefore a property tax-paying citizen who is a stakeholder in this project. I am shocked and dismayed by the West Valley School District's (WVSD) utter disregard for it's closest Apple Valley School neighbors and The City's lack of apparent oversight when it comes to a Classification 3 property nestled in a Single-Family Residential District.

I feel bamboozled by the WVSD as they started out with so much transparency which led to a false sense of trust. In the beginning, we were shown 3 plans and were allowed to vote on which one we liked best. Superintendent Dr. Brophy was very responsive to emails concerning too much blowing dust stating "We are trying to be the best neighbors you could have.. Mike" and "thank you for your note... I have appreciated Ron Huylar's leadership in working to best serve our neighbors... Mike Brophy" Then we received documents in the mail from the City's Planning Division to include the "Notice of Application, Environmental Review, & Public Hearing" in which we were able to review and submit comment if we so desired and the "Notification of Hearing Examiner's Decision (3/2/2020)." At this point we all moved on with our lives and trusted WVSD to do what was presented to us. I never heard another word about the project and didn't even realize there were significant changes going on (on the East side we have our own 6 foot fences) until I heard and then saw they were laying an asphalt walking path right along the east side property line which continued on along the south side as well. (5/17/2021).

All information I have learned has happened over the past 2 ½ months.

I am left wondering how involving "adjoining Property Owners" in the process benefits us, if building permits do not require public review and changes can be made that affect us without our knowledge. WVSD submitted a building permit request three weeks prior to the Hearing Examiner's Decision and The City issued the permit five weeks after that.

Timeline:

10/23/2019	Application for SEPA - environmental review and public hearing submitted
12/30/2019	Information mailed to neighbors - CL3#010.19, ADJ#027-19, VAR#004-19, SEPA#038-19, CAO#027-19
2/11/2020	B200126 - permit request submitted to the city (including re-grading of the south and east fields not disclosed to Hearing Examiner or property owners)
3/3/2020	Hearing examiner's decision (to include granted variance of sight-screening

DOC.
INDEX

F-1

RECEIVED

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV.

4/8/2020

requirement based on "grass will remain" and "flat" land.
Date building permit #B200126 was issued

Another important time line is when the Construction Project Manager reported to the WVSD Bond Oversight Committee an excess in soil and another regrading plan of the terrain was conceived and a walking path was discussed. The walking path is relevant information in this context because the formulation of raising the terrain even higher required the walking path be placed just inches from the south and east fences. Had all the excess soil been removed from the property, the walking path could have been laid at a respectable distance, like they did at the other simultaneously built school - Summitview Elementary.

West Valley Bond Oversight Committee meeting notes. (please find full meeting notes in attachments #1, #2, #3 respectively)

Information pertaining to Soil Removal:

Bond Oversight Committee Meeting via Zoom

<https://wvsd208.zoom.us/j/93774996244?pwd=Ri9NeEd4dXR0aVROalpoWGFiZTVMQT09>

Wednesday, October 14, 2020

- Apple Valley CO 1/Contingency \$85,000 Soil Removal (CCD 01 Soil Export) Since the **Project Manager identified it as an architecture error**, it was the Committee's consensus to discuss the error with Design West so that it can be remedied. The Committee would like to know what happened? Why? Who is responsible for the error? What action should be taken? The Project Manager also classified the change order as a District contingency. For the record, Hasan Tahat stated that the Design team should be responsible for this (soil removal) cost. It is not to be from contingency. The contingency is unforeseen. It was a mistake in the design by under-estimating the soil volume. It is not the contractor's responsibility.

Bond Oversight Committee Meeting Summitview Elementary Construction Site
Thursday, October 12, 2020 (**should say November 12**)

- Apple Valley CO 1/Contingency \$85,000 Soil Removal (CCD 01 Soil Export) The Committee discussed the basis for the soil removal at Apple Valley. Mr. Tahat believes it is a design team error, and they should have caught it before the Project went out to bid. Mr. Gross argued that the architect's contract allows for errors, and since the GCCM bid was rushed, it is acceptable that it was not considered. **The soil removal cost is reasonable, and the fields will be better than initially designed.** Mr. Tahat requested that Design West prove a letter stating it was their error. Mr. Gross will follow up with the architect.

DOC.
INDEX
F1

RECEIVED

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV.

Bond Oversight Committee Meeting Via Zoom

Thursday, December 15, 2020

Rob Gross reported the following: • The Apple Valley soil remediation will be \$74,000 instead of \$82,000, which is lower than initially anticipated.

In the documents we received, cover letter dated 12/30/2019, the applicant stated multiple times that the south and east grass areas would remain or be retained. They stated in the Environmental Checklist, EARTH - page 5 "The majority of the Apple Valley Elementary School Project site is generally flat with a slight slope near the north edge of the site." and "The steepest slope on the site is approximately 15 percent and located to the north of the existing buildings." On page 6 they state "The site is anticipated to be a net balance and no significant amounts of imported or exported soils are anticipated."

Given this information one could surmise the contractor did not disclose the actual amount of excess dirt and instead formulated a plan to raise the terrain to avoid having to remove it from the property and/or (not as likely) when they started grading the field they discovered there was even more dirt than they had anticipated and reported to the Bond Committee so they just kept piling it up, not wanting to return to them after they had argued over the responsibility of costs. The soil in question is considered contaminated with lead and arsenic, per the Department of Ecology.

My response to the Appeal (APP#0001-21) to the Modification Decision (MOD#021-21):

6. I agree the Administrative Official exceeded her authority in issuing the Decision, but not for the same reason as stated by the appellant. I believe this review warrants a Hearing Examiner review, not an Administrative Review.

1. YMC 15.17.020 says "*Minor changes to existing or approved Class (1), (2) or (3) uses or development may qualify for abbreviated review under the provisions in this chapter, if they meet the criteria listed below:*" What is considered a "minor" change? It seems to me, going from "grass will remain" in the SEPA document to disrupting all the contaminated soil and using it to raise the land high enough that I can see people from the waist up and adding a pedestrian way right at the south and east fence lines is a major change.
2. The Criteria to qualify - YMC 15.17.020 (G) says "*The modification does not include hazardous materials.*" In MOD #021-21, IV (Findings) D, 7 - The administrative Official (J. Davenport) responds: "*The proposed modification does not introduce additional soil containing hazardous material.*" Include and "introduce" have very different meanings.

Also, the approval of the grade raises in Permit B200126 and the walking path approval, at its current location, goes against the "intent and purpose" for the sight screening standard and is not "consistent with the purpose of the zoning ordinance." As-built elevations should have been compared to the Hearing Examiner's Decision based on SEPA documents and not on a subsequent building permit.

DOC.
INDEX
F1

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV

On 6/22/2021, Joan Davenport States: *"The City of Yakima received the final modification information for the Apple Valley School project yesterday (Monday, June 21, 2021). We are now reviewing the information presented by the School District for consistency with the public hearing on February 20, 2020 and the subsequent decision issued by the Hearing Examiner. We anticipate the decision on the modification to be issued shortly."*

6.a. In MOD #021-21 there is a 50% increase in elevation rule applied. It is my understanding "any expansion of use area or structure will not exceed fifty percent of the gross floor area" is a rule applied to buildings. I thought GFA was based on width and length. Height would not be a determining measurement. No one at The City has been able to provide context to this and answer why it is reasonable to apply this rule to these land raises.

6.c. Although the Administrative official did not identify the negative impacts to neighbors in the decision, both WVSD and City Personnel are very aware of the impacts and concerns. I conveyed neighbor concerns to The City on 5/28/2021 and 6/9/2021. On 6/14/2021 neighbors conveyed these concerns to WVSD representatives, Construction and Design team and one City employee - Joan Davenport, at our "neighborhood meeting." Also, at the end of this meeting I handed Angela Von Essen, Assistant Superintendent, a hard-copy list. Later that evening I emailed the list to neighbors, Joan and WVSD to include Acting Superintendent Peter Finch, Assistant Superintendent Angela Von Essen and one School Board Member, who was present for a portion of the meeting. On 7/9/2021 I again emailed the list of concerns to neighbors, various city personnel and Peter Finch.

Here is the list as it was conveyed on the dates mentioned:

No neighbor is opposed to landscape changes that benefit the children of Apple Valley Elementary but also feel changes should not cause the taxpaying neighbor's hardships.

Neighbor concerns that adjoin/about property include:

The newly added community walk-way will **increase evening and weekend visitors** exponentially - increased visitors puts us at **risk for increased crime**, especially because of the elevated terrain.

The **raised baseball field** will *increase* fly balls resulting in possible injuries to people and pets and broken windows.

It allows people to see into our yards and right in our windows. Seeing into our yards and windows is a privacy issue, but also a safety issue. East side neighbors can see people from the groin up looking out our back windows. (This was never an issue prior to new construction, we could hear people and dogs but never see them, nor they see us).

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV.

Security cameras on school property do not stop would be criminals (theft, rape) from scoping out who lives in the homes and **targeting vulnerable individuals** - single people, single moms, the elderly, children.

Law enforcement no longer have a clear site line to our properties from 88th Ave to the west and Barge Ave to the north.

The teens that come here **after dark are now provided cover behind terrain**, close to our homes, to do who knows what.

One neighbor questioned the safety of the children with the potential to get out of site or fall from sloped terrain onto the path.

Who would be liable for all these issues?

possible reduction in property value or difficulty in resale. With the addition of the community walking-path so close to our properties AND the elevated landscape, we fear potential buyers will find our homes undesirable.

6.c. WVSD states *"The City's record shows that grading would not have adverse effects based on the environmental review."* The environmental review is based on FLAT land with no plans of changing existing grass areas.

6.c. WVSD states *"School District's agreement to mitigate aesthetic and visual impacts by installing view-obscuring material on fencing on the east and South sides of the school."* East side neighbors already have 6 foot wood fencing so this does NOT mitigate aesthetic and visual impacts, nor noise, privacy, safety and security concerns.

6.e. WVSD states *"The City may only impose requirements that are proportionate to the impacts of the proposed action."* Please refer to list of concerns as well as attached photographs (attachment #4). If I can see and take pictures of them, then they can do the same.

6.e. WVSD states *"Even if there were adverse impacts from the as-built elevation, the imposition of a requirement to regrade the site is contrary to the nexus and proportionality test."* They have a lot of nerve to state they are the ones to suffer an imposition. Had they been honest and transparent in the first place the costs would have been less then, than what they are assumed to be now. If current elevations are to remain, or even permit approved elevations, neighbors on the east side will be burdened in a way we have not been before. There is no reason why the grounds couldn't have been, and still could be, sloped at the asphalt playgrounds. Unlike the two houses at the top of the street, on the east side, who knew for a year and a half that a new parking lot was going behind them, we've had no time to plan. Those neighbors were able to talk with construction employees and attend

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV.

school board meetings to address their concerns. We were not given that consideration. Besides them having the time and the ability to decide how they wanted to revise their own property in preparation, The Yakima Municipal Code (YMC) requires there be a planting buffer with trees and shrubs by parking lots. We have not been given this same consideration. We have a pedestrian way right at the fence line which adds about 5-6 inches in height and elevated terrain of 3-4 inches which leaves the burden of privacy, safety, security, and loss of property value on us. Please see attachment #5 - May2021 financial report, the most current report made available to the public, which shows the AV school project is 2.8M under budget.

Ever since I became aware of all that was happening and started asking questions and expressing concerns, the WVSD and their hired hands have been playing games trying to justify what they have done. On 5/18/2021 when I questioned what they were doing, Rob Gross, Sr Project manager referred to original documents...*"Both sites went through a Land Use Application and Public Comment period, and received a few comments during the Plans Examiner Hearing and ultimately moved the projects to Plan review with City of Yakima (whom is the jurisdiction who approved the Plans and issued the official permit.) to my knowledge site improvements is a requirement dictated by the City, that addresses the frontage of the property, i.e.. adding sidewalks, landscaping and Civil Improvements associated with retaining water runoff."* and even now, with the appeal they state *"The City's record shows that grading would not have adverse effects based on the environmental review."* These parties are well aware that the building permit (which neighbors had not been aware of until 6/30/2021) and the work they have done is not consistent with the Land Use Application, Environmental Review and Hearing Examiner's Decision yet they keep referring to it to justify their actions.

Sight-Screening

YMC 15.07.010 Purpose

The purpose of the chapter is to: establish site screening standards to provide a visual buffer between uses of different intensity, streets and structures; reduce erosion and stormwater runoff; protect property values; and eliminate potential land use conflicts by mitigating adverse impacts from dust, odor, litter, noise, glare, lights, signs, water runoff, buildings or parking areas.

YMC 15.07.050 Table of required sitescreening standards.

In the Hearing Examiner's Decision, dated March 2, 2020, Pg 8: "Sitescreening:

YMC table 7-1 requires site-screening Standard C along the north, south and east property lines"

YMC 15.07.040 Sitescreenig standards

STANDARD C - A six-foot-high, view obscuring fence, made of wood, masonry block, concrete, or slatted chain link material. A three-foot-wide planting strip landscaped with a combination of trees, shrubs and groundcover along the outside of the fence is also required when the fence is adjacent to a street, alley or pedestrian way.

DOC.
INDEX

F-1

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV.

The Administrative Adjustment/Variance, of the "Zoning Ordinance Standard of providing a 6ft Site Obscuring Fencing" that was submitted on October 23, 2019, included in our packet for review on December 30, 2019 and approved on March 2, 2020 in the Hearing Examiner's Decision was based on the proposal that the existing grass areas would remain the same. Any comments or lack thereof, from neighbors, was based on this Project Proposal. When I have questioned the raised terrain and the walking path several city personnel have cited this variance. East side neighbors already have 6-foot fencing. For every inch the ground is raised it lowers the height of our fencing respectively. Currently, outside my home, it is estimated the ground is raised 3 ½ feet, which respectively reduces the height of my 6 foot fence to be 2 ½ feet.

Clearly the land elevation is not in keeping with the intent and purpose of the standard, specifically visual impacts (not just what we see now, but who can see us), protecting property values, and noise.

Walking path

The addition of the walking path is relevant to the raised elevation as now people are directed to walk right up against our properties and the raised terrain leaves them no room to move off the path and farther away as they used to respectfully do. Rob Gross (construction) and Angela Von Essen (WVSD) have both called what used to be there, a "walking path" making it sound like there has always been a path right by our fences. This is not true. What was there was beaten down terrain over the years. By the way, the beaten down terrain is why I thought they were removing the grass, just to plant fresh grass and make it look nice. Had I had any idea of what was to come I would have said something at that time. Please see Attachment #6 for a photo that shows how wide the beaten down terrain was.

Currently several property owners whose property adjoins/abuts the school have dogs, as do I. Also, people will be walking their dogs on this path. The combination of the walking path and raised terrain is going to create so much more dog barking noise, not to mention the stress it will have on our pets. The second part of the STANDARD C sight screening states "A three-foot-wide planting strip landscaped with a combination of trees, shrubs and groundcover along the outside of the fence is also required when the fence is adjacent to a street, alley or pedestrian way." I do understand that it says "along the outside of the fence" but given the owner decided to lay a pedestrian way on their property, adjacent to the fence, and a 3 foot buffer on the "outside" of the fence would not be feasible, because it is surrounded by individual homes in R-1 zone, it would stand to reason that a buffer should be placed on the inside of the fence to mitigate adverse impacts. Streets, alleys, pedestrian ways and parking lots are given more consideration than we are. Again, the purpose of the standard is to "provide a visual buffer between uses of different intensity" and "protect property values" and "eliminate potential land use conflicts by mitigating adverse impacts."

Property Resale Value

While a walking path nearby would increase the likely-hood of resale and possibly increase a homes value, I do not believe this to be the case for us, when it is located right next to our fence. Also, the raised terrain which violates privacy and creates safety concerns is sure to be a turn off for prospective buyers. If I were touring my home and saw full heads bobbing across the fence and

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV.

people from the waist up, standing on a 3-4 foot elevation, just a few feet from the fence I would no longer be interested.

School bond levies, to replace Apple Valley and Summitview Elementary failed multiple times. It is my understanding the community has not trusted the district since the High School was built over poor decisions they made with the community's tax dollars (hearsay). With the 0.8% passing of this levy, after it failed multiple times, there is a reputation to salvage and they do not want to have to answer to every other taxpayer for the mishandling of this situation so they are sacrificing the few of us for the many.

Originally I thought 'had they only involved us neighbors we could have come to a design that would have been acceptable to all' but once more and more information was discovered it became obvious not only did they not want our input, they did not want us to know until a time they thought would be "too late." The situation we find ourselves in seems to be about money and adult egos, not about the children.

What WVSD has done and expects us to live with feels like some kind of cruel joke. We were already enduring the construction and the constant dust as well as losing our sunset due to the two-story building and getting used to lights on the second floor during the night. Then to end the project with significant changes that undoubtedly create an adverse impact to us has been so disheartening. I do believe that WVSD was done wrong by the construction company - they trusted them to recommend, advise and carry out a project that would be beneficial to all. However, once WVSD was made aware of the errors and heard the concerns of neighbors, they chose to push forward as is. The changes they proposed in their modification application are insufficient. If they wanted to create a "park-like" school grounds that would increase visitors during evenings and weekends, they should have created it in such a way that would not leave us uncomfortable in our own homes - it is the right and decent thing to do. The members of my household have expressed anxiety and fear about the lack of privacy and safety. Our home should be a place of refuge, a place of comfort and as it stands now that is being taken away from us.

No neighbor is against improvements that benefit the children of Apple Valley Elementary. I am not opposed to baseball and soccer fields, but am opposed to them being raised in elevation. I am not opposed to a community walking path, but am opposed to it being 6 inches from my property. The neighbors of AV school are nice people and like living in this community, which is why many neighbors have made a home here for a long time. Several of us have children, grand children or nieces/nephews that attend Apple Valley Elementary and are very excited for them to learn and play at their new school.

Mistakes need to be corrected and made right. What is done can be undone. I am sorry this would cause hardship to anyone, in order to rectify this situation, but it is they who chose this path. They have also wasted valuable time as it has been 10 weeks since the stop work order. Had they chosen to do what we teach our children - to own up to their mistakes and make it right - the terrain could have already been lowered by now. Correcting the fields will not stop or prolong school opening - I

DOC.
INDEX# F-1

RECEIVED

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV

had been very worried about this but Angela Von Essen assured me of this when we spoke on the phone a couple days after the neighborhood meeting on 6/16/2021.

Respectfully, I ask that you hold WVSD to what they submitted to public review in the original documents. I believe had they submitted this plan for public review there would have been much neighborhood opposition. I believe had they submitted this plan as a modification request for current elevations and a walking path at our property lines, PRIOR to performing the work, The City would have denied both. I believe for east side neighbors and at least one southside neighbor, any raise in elevation AT ALL is an issue and does not keep with the standards to mitigate adverse effects between uses of different intensity.

We trusted the school district to treat us fair. We turned to The City in good faith thinking they would hold them accountable. I am deeply saddened how this process has gone and can not believe we are where we are right now. WVSD and The City of Yakima have attorneys to help them, whereas we are on our own trying to navigate a complicated system that many of us know nothing about. It just does not seem right that we would have to spend our own money hiring legal counsel to litigate a situation that should not be.

Thank you for reading my testimony and considering what is just and equitable.

Sincerely,

Julia Ericson and family
6 N 86th Ave, Yakima, WA 98908

Attachment #1 - BOC-Meeting-10-14-20
Attachment #2 - BOC-Minutes-11-12-20
Attachment #3 - BOC-Minutes-12-15-20
Attachment #4 - Photos of AV school
Attachment #5 - Financial Report May 2021
Attachment #6 - Beaten down terrain path

DOC.
INDEX

F-1

RECEIVED

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV.

Bond Oversight Committee Meeting
Via Zoom
Thursday, December 15, 2020

Call to Order – The meeting was called to order at 5:30 p.m.

Attendance –

Committee members present for the meeting were: Peter Marinace, Natalie Shirzad, and Kory Voldman
Hasan Tahat and Steve Ashbrooks were excused from the meeting.

Board Member Representative - Michael Thorner

District Representative - Angela Von Essen

Project Manager – Rob Gross

Changes to the Agenda – There were no changes to the agenda.

Discussion Items –

a. Project Manager's Monthly Report – November 2020

1. Rob Gross reported the following:
 - He does not anticipate any project delays.
 - Everything has been ordered with no lead time.
 - The rooftops have been installed.
 - The casework at Apple Valley will start in January.
 - The Apple Valley soil remediation will be \$74,000 instead of \$82,000, which is lower than initially anticipated.
2. Kory Voldman commented and asked for clarification on the schedule that August 30, 2020, is shown as the completion date, which is a problem with substantial completion in September. Commissioning should start earlier to be done before completion.
3. Peter Marinace inquired about the need for the Summitview change order 20 for approximately \$13,000 of appliances. Mr. Gross explained the Child Nutrition program's appliances were missed during the design and omitted from the bid.

b. Project Updates

1. District Project Database/Board Report

Peter Marinace report there hasn't been material changes to the report.

2. Contingency Reports

Rob Gross reported that we had used a minimal amount of our CM contingency and change order budgets of \$450,000 and \$1M, respectively.

DOC.
INDEX
F-1

RECEIVED

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV.

c. Meeting Updates

1. Project Team Meetings

Peter Marinace reported that the District's IT Director was displeased with the quote of approximately \$10,000, which was provided by Fatbeam to reconnect the fiber connection to the new schools. He thought it was included in the design/bid packet.

Mr. Marinace also inquired about the sub-contractor schedule's status and the potential need to pay over time. Rob Gross assured the BOC that Chervenell is monitoring the schedule and subs.

d. Outstanding Items

1. District Furnished Items

Angela Von Essen provided an overview of the FF&E plan.

2. Remaining Bond Funds

With the recent Board discussions regarding the use of the remaining bond funds and the Long-Range Facilities Committee recommendations, Michael Thorner stated he does not support using the remaining fund for anything other than returning it to the voters as promised. Angela Von Essen said she opposes the District administration using the excess bond funds, and the funds should be returned to the patrons. Kory Voldman stated he supports returning the bond funds, and the voters should approve additional projects. Peter Marinace commented on the Long-Range Facilities Committee presentation which leads a reader to assume the excess bond funds are available for identified capital needs, which is counter to the bond funds approved purpose for exclusively only for the two new schools. It is the consensus of the BOC that the District return all remaining bond funds to the taxpayers.

New Business –

a. Change Requests and CM Contingency Requests –

The subject was discussed earlier in the meeting.

b. Community Walking Path

Natalie Shirzad commented that the schools' PTOs had expressed an interest in fundraising to add a walking path. She asked if a walking path could be considered. Rob Gross stated he would obtain pricing to assist in the decision-making.

Next Meeting – Thursday, January 14, 2021, at 5:30 p.m. via Zoom

Public Comments – There were none.

DOC.
INDEX
F-1

RECEIVED

AUG 05 2021

**CITY OF YAKIMA
PLANNING DIV**

Adjournment – The meeting adjourned at 6:28 p.m.

**DOC.
INDEX**

F-1

RECEIVED

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV.

Attachment # 6

Please note the width of the beaten down terrain on the school property to size of homeowner's yards. The beaten down terrain is a width of 10-15 feet. Also notice there is green grass next to the fence because people respectfully did not walk too close to property. It was mostly kids during mileage club that beat down the terrain, which is expected and not an issue.



DOC.
INDEX
F-1

Bond Oversight Committee Meeting

via Zoom <https://wvvsd208.zoom.us/j/93774996244?pwd=Ri9NeEd4dXR0aVROalpoWGFiZTVMQT09>

Wednesday, October 14, 2020

5:30 p.m. - 6:30 p.m.

RECEIVED

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV.

Call to Order – The meeting was called to order at 5:30 p.m.

Attendance –

Committee members present for the meeting were: Peter Marinace, Steve Ashbrooks, Kory Voldman, Natalie Shirzad, and Hasan Tahat.

Board Member Representative - Michael Thorner was excused from the meeting.

District Representative - Angela Von Essen

Changes to the Agenda – There were no changes to the agenda.

Discussion Items -

a. Project Manager's Monthly Report - September 2020

The Project Manager did not attend the meeting. There were no critical questions or concerns noted.

b. Project Updates

- District Project Database/Board Report

There were no questions or concerns noted.

c. Meeting Updates

- Project Team Meetings

Mr. Marinace reported that there were no significant items or concerns to report. Before the meeting, the Project Manager forwarded a notice from the Department of Labor & Industries dated October 2, 2020. It will be sent to the Committee for their review.

d. Outstanding Items

- District Furnished Items

Ms. Von Essen explained the process and timeline, including District/Facilities, Technology, and Office Furniture (FF&E).

The plan is to work with District staff and to identify items to be purchased. Items will be purchased from vendors directly, or the District will piggyback on other municipalities. Some items will require the formal bid process. The goal is to solidify needed items during November and bid for most items in December. Ms. Von Essen will keep the BOC informed throughout the process.

Mr. Ashbrooks confirmed the District had considered the timing of items for contractor installation.

- Apple Valley CO 1/Contingency \$85,000 Soil Removal (CCD 01 Soil Export)

Since the Project Manager identified it as an architecture error, it was the Committee's consensus to discuss the error with Design West so that it can be remedied. The Committee would like to know what happened? Why? Who is responsible for the error? What action should be taken? The Project Manager also classified the change order as a District contingency. For the record, Hasan Tahat stated that the

DOC.
INDEX
F-1

Design team should be responsible for this (soil removal) cost. It is not to be from contingency. The contingency is unforeseen. It was a mistake in the design by under-estimating the soil volume. It is not the contractor's responsibility.

- GN Northern CR 07 Pricing

The Committee recommended approval of the pricing. However, they would like to know if the Project Manager is still okay with the amount since he initially disputed it. Is there still a credit? Are the markups reasonable?

- Sod vs. Hydroseed

The Committee discussed options and pricing and agreed to proceed with hydroseeding since the pricing was too high.

New Business – The next meeting was rescheduled for Thursday, November 12, 2020, at the Summitview Elementary construction site.

Public Comments – There were no public comments.

Adjournment – The meeting adjourned at 6:40 p.m.

RECEIVED

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV

DOC.
INDEX

F-1

Attachment #4

Picture taken standing on the west side, south end of the walking path. As you can see from this view, the dirt is even with the roofs and it will look even higher from the parking lot. This is why we expressed our many safety and security concerns to include law enforcement no longer having a clear site line to our properties.



RECEIVED

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV

DOC.
INDEX

F-1

RECEIVED

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV.

Picture taken from East side home.

Raised terrain defeats the purpose of the standard which is to "provide a visual buffer between uses of different intensity" and "protect property values" and "eliminate potential land use conflicts by mitigating adverse impacts."



DOC.
INDEX
F-1

RECEIVED

AUG 05 2021

**CITY OF YAKIMA
PLANNING DIV.**

Pictures taken from east side backyard, over the fence:



**DOC.
INDEX
F-1**

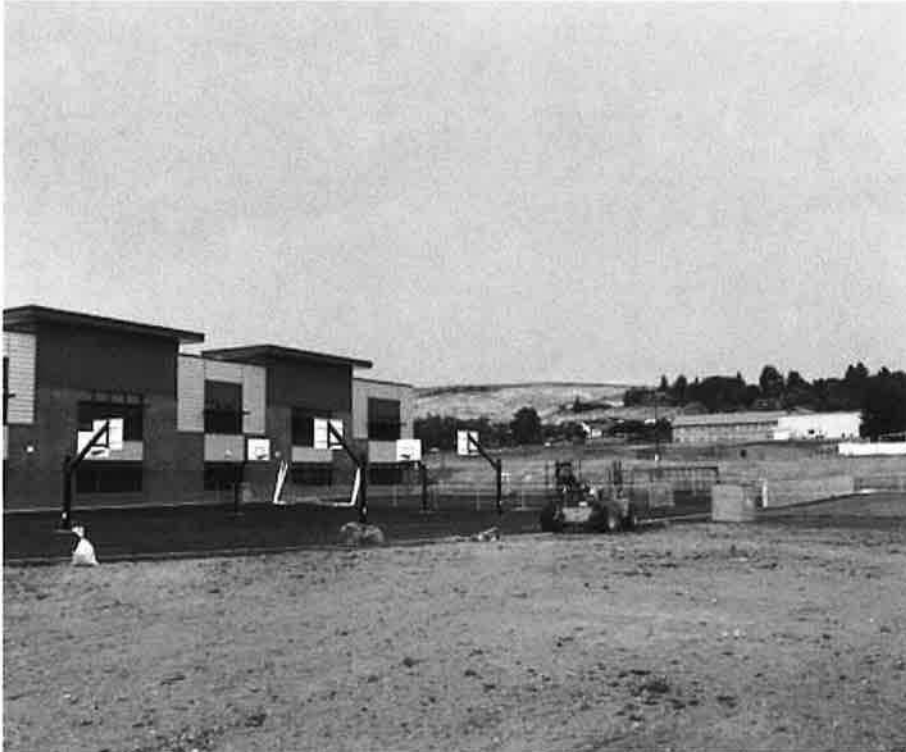
Ground can be sloped at the asphalt playground and excess soil removed from the property.



RECEIVED

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV.



DOC.
INDEX
#

F-1

Bond Oversight Committee Meeting
Summitview Elementary Construction Site
Thursday, October 12, 2020
5:30 p.m. - 6:30 p.m.

RECEIVED

AUG 05 2021

**CITY OF YAKIMA
PLANNING DIV**

Call to Order – The meeting was called to order at 5:30 p.m.

Attendance –

Committee members present for the meeting were: Peter Marinace, Steve Ashbrooks, Kory Voldman, and Hasan Tahat

Natalie Shirzad was excused from the meeting.

Board Member Representative - Michael Thorner

District Representative - Angela Von Essen

Project Manager – Rob Gross

Changes to the Agenda – There were no changes to the agenda.

Discussion Items -

- a. Project Manager's Monthly Report - October 2020

There were no significant questions or concerns.

- b. Project Updates

- District Project Database/Board Report

There were no questions or concerns from the Committee.

- Contingency Reports

Mr. Marinace requested copies of the CCD report from Share Point be included in the Committee meeting documents for review.

Mr. Marinace inquired as to the process for CCD approvals. Mr. Gross explained the pricing is reviewed and approved by Matt Whitish, architect, and himself.

Mr. Voldman inquired about the specific contingencies and the status, specifically the CCDs, that elevated to become a change order.

Mr. Ashbrooks asked about the steel cost at Apple Valley.

- Additional Requests

The building principals requested adding the school mascot to the gym floor costing \$2,440 for each building, and spirit flags installed on the outside light posts costing \$2,561 for each school. After discussing the purpose of the request and how to proceed with future requests, the Committee agreed that the following criteria should be followed:

1. Is the request a need or a want?
2. Is the request of good value, provides longevity, or a "bang for the buck"?
3. Is the request consistent with what we have in other schools?

**DOC.
INDEX
F-1**

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV

The same criteria will be applied to the FF&E purchases.

If the criteria have been met, the requests will be forwarded for pricing. The pricing will be provided to the Committee as a District recommendation for their approval. In most cases, timing will be critical, and emails will be used for obtaining approval instead of waiting for the next Committee meeting.

c. Meeting Updates

- Project Team Meetings

There were no questions from the Committee. Mr. Marinace strongly encouraged the Committee to review the weekly construction reports. He also pointed out that Chervenell has done an outstanding job responding to public concerns.

d. Outstanding Items

- District Furnished Items

Ms. Von Essen explained the process and timeline for purchasing the FF&E.

Mr. Gross recently provided the dates for when the District furnished items are needed so that the District can plan accordingly. He also stated that the pricing is favorable at this time.

Mr. Marinace requested that the Committee receives a list of FF&E items, the budget, and the schedule. He also stated that the District must consider the best pricing, reasonably specified items, and items needed. Any excess budget amounts should be returned to the taxpayers.

- Apple Valley CO 1/Contingency \$85,000 Soil Removal (CCD 01 Soil Export)

The Committee discussed the basis for the soil removal at Apple Valley. Mr. Tahat believes it is a design team error, and they should have caught it before the Project went out to bid. Mr. Gross argued that the architect's contract allows for errors, and since the GCCM bid was rushed, it is acceptable that it was not considered. The soil removal cost is reasonable, and the fields will be better than initially designed. Mr. Tahat requested that Design West provide a letter stating it was their error. Mr. Gross will follow up with the architect.

New Business –

- a) The next meeting will be held on Thursday, December 10, 2020, from 5:30 p.m. to 6:30 p.m. via Zoom. The January meeting will be held at the Apple Valley construction site.
- b) Rob Gross reported the Summitview Elementary schedule shows we are currently one month ahead of schedule. However, since construction started three months earlier than the original schedule, the plumbing contractor expects a bottleneck. The plumbing contractor will need to find more workers or pay his workers overtime to catch up with the work.

Public Comments – There were none.

Adjournment – The meeting adjourned at 6:45 p.m., followed by a tour of the Summitview Elementary building.

DOC.
INDEX

F-1

RECEIVED

AUG 05 2021

CITY OF YAKIMA
PLANNING DIV

Attachment #5

Monthly report - May 2021 - Capital Bond Program

<https://app.eduportal.com/documents/view/798065>

Program Cost Summary

Financial Database Manager

West Valley School District

2019 Capital Bond Program

	Original Budget	Budget Transfer	Current Budget	Original Commitment	Approved Modifications	Current Commitment	Charged to Date	% Budget Charged	Forecast at Completion	Projected Budget Balance
Apple Valley Elementary	\$34,484,119	\$0	\$34,484,119	\$3,026,060	\$25,045,402	\$28,071,462	\$21,442,002	62.18%	\$31,684,119	\$2,800,000
Summitview Elementary	\$34,243,034	\$0	\$34,243,034	\$2,674,179	\$24,118,767	\$26,792,936	\$19,363,543	56.55%	\$30,493,034	\$3,760,000
Total	\$68,727,153	\$0	\$68,727,153	\$5,700,239	\$49,164,159	\$54,864,398	\$40,805,545	59.37%	\$62,177,153	\$6,560,000
Anticipated Add'l State Match	\$1,653,460		\$1,653,460			\$0	\$0	0.00%	\$1,653,460	\$0
Bond Costs	\$500,000		\$500,000			\$0	\$96,950	19.39%	\$500,000	\$0
Bond Interest Earnings	\$1,481,097		\$1,481,097			\$0	\$0	0.00%	\$1,481,097	\$0
Program Reserve	\$1,372,847		\$1,372,847			\$0	\$0	0.00%	\$1,372,847	\$0
Total	\$5,007,404		\$5,007,404			\$0	\$96,950	1.94%	\$5,007,404	\$0
Program Total	\$73,734,557	\$0	\$73,734,557	\$5,700,239	\$49,164,159	\$54,864,398	\$40,902,495	55.47%	\$67,184,557	\$6,560,000

DOC.
INDEX
8-1

**Y SCHOOL DISTRICT / APPLE VALLEY
ELEMENTARY
APP#008-21
(MOD#021-21, APP#001-21)**

EXHIBIT LIST

CHAPTER G

Land Use Application & Decision for MOD#021-21

[illegible]



DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

Planning Division

Joseph Calhoun, Manager

129 North Second Street, 2nd Floor, Yakima, WA 98901

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

CITY OF YAKIMA

**FINDINGS of FACT, CONCLUSIONS, & DECISION
for
REQUEST FOR MODIFICATION
File Number: MOD#021-21**

APPLICANT:	West Valley School District c/o Angela Von Essen
APPLICANT ADDRESS:	8902 Zier Rd., Yakima, WA 98908
PROPERTY OWNER:	West Valley School District #208
PROPERTY OWNER ADDRESS:	8902 Zier Rd., Yakima, WA 98908
PROJECT LOCATION:	7 N. 88th Ave.
TAX PARCEL NUMBER:	181319-42006 &-42022
DATE OF REQUEST:	May 28, 2021
DATE OF DECISION:	June 30, 2021
STAFF CONTACT:	Eric Crowell, Associate Planner

I. DESCRIPTION OF REQUEST:

Modification to the final site plan of CL3#010-19 to add a five-foot-wide walking path around the perimeter of the playfield, revised backstop and goalpost locations, a slight reduction in asphalt for the playground, regrading of the site, and installation of sitescreening in some locations, at the site of a new elementary school in the R-1 zoning district.

II. SUMMARY OF DECISION: The Modification request for the five-foot-wide walking path around the perimeter of the playfield, revised backstop and goalpost locations, reduction in asphalt for the playground, and installation of site screening are approved. The Modification request for re-grading of the site is denied.

III. FACTS:

A. Processing

1. The application for a Modification was received on May 28, 2021.
2. Additional drawings and an updated narrative were received on June 21, 2021.
3. An additional drawing showing added sitescreening was received on June 23, 2021.
4. The application was deemed complete for processing on June 30, 2021.
5. This application is being processed under the provisions of Ch. 15.17 (Modifications to Existing or Approved Uses or Development).

**DOC.
INDEX**

G-4



B. Applicable Law:

1. Yakima Urban Area Zoning Ordinance:

- a. Modification of (Use or Development) Defined: Pursuant to YMC § 15.02.020, "Modification (of use or development)" means any change or alteration in the occupancy, arrangement, placement or construction of any existing use, structure, or associated site improvement, and any change or alteration of land.
- b. Use Defined: Pursuant to YMC § 15.02.020, "Use" means the activity or purpose for which land or structures or a combination of land and structures is designed, arranged, occupied, or maintained together with any associated site improvements. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself, including any grading, leveling, paving or excavation. "Use" also means any existing or proposed configuration of land, structures, and site improvements, and the use thereof.
- c. Submittals: Pursuant to YMC § 15.17.040 (A), applications for modification shall follow the submittal requirements for Type (1) review. In addition, for an approved Class (2) or (3) use or development, the applicant shall submit both the site plan previously approved by the reviewing official and a new site plan showing the location, size, and type of modification proposed by the applicant.
- d. Limits of Expansion Under Modification: Pursuant to YMC § 15.17.020, minor changes to existing or approved Class (1), (2) or (3) uses or development may qualify for abbreviated review under the provisions in this chapter, if they meet the criteria listed below. Overlay districts shall not increase the level of review for the provisions of this chapter. Modifications not meeting the criteria below must apply directly for review as a Class (1), (2) or (3) use or development.
 - i. The modification will not increase residential density that would require an additional level of review;
 - ii. The modification will not increase the amount of parking by more than ten percent or twenty spaces (whichever is least), except that the amount of parking for controlled atmosphere and cold storage warehouses may be increased by up to twenty spaces. This limit shall be calculated cumulatively for all previous modifications since the last normal review;
 - iii. Any expansion of use area or structure will not exceed fifty percent of the gross floor area. The expansion of an existing single-family home may exceed the fifty percent limit when all applicable setback and lot coverage standards are met. This limit shall be calculated cumulatively for all previous modifications since the last normal review;
 - iv. The modification will not increase the height of any structure;
 - v. This limit shall be calculated cumulatively for all previous modifications since the last normal review;

- vi. The modification will not add a drive-thru facility; and
 - vii. The modification does not include hazardous materials.
- e. Review: Pursuant to YMC § 15.17.040 (B), applications for modifications may be administratively and summarily reviewed using the Type (1) review process, in addition to the following criteria:
- i. Any proposed change in the site design or arrangement:
 - Will not change or modify any special condition previously imposed under Class (2) or (3) review;
 - Will not adversely reduce the amount of existing landscaping or the amount or location or required sitescreeening; and
 - In the determination of the Planning Division, it will not create or materially increase any adverse impacts or undesirable effects of the project.
 - ii. All proposed new structures, site improvements, or structural alterations to existing structures or site improvements comply with the development standards of YMC Ch. 15.05 through 15.08, except as approved under the adjustment or variance provisions.
- f. Sitescreening—Purpose: Pursuant to YMC 15.07.010, the purpose of this chapter is to: establish sitescreeening standards to provide a visual buffer between uses of different intensity, streets and structures; reduce erosion and stormwater runoff; protect property values; and eliminate potential land use conflicts by mitigating adverse impacts from dust, odor, litter, noise, glare, lights, signs, water runoff, buildings or parking areas.

IV. FINDINGS: The Administrative Official makes the following findings:

- A. The subject property is classified as Elementary and Middle School, a Class (3) permitted use in the R-1 zoning district (YMC § 15.04, Table 4-1, Permitted Land Uses). The project was originally approved under CL3#010-19.
- B. Regarding soil and terrain, the Environmental Checklist (SEPA#038-19) noted that "approximately 15,000 cubic yards of grading and excavation would occur during project construction. The site is anticipated to be a net balance and no significant amounts of imported or exported soils are anticipated."
- C. Status of Environmental Work – the following summary was provided by the Department of Ecology:
 - 1. It has been estimated that there are approximately 58,000 acres of lead and arsenic impacted soil in Yakima County alone and 187,588 acres impacted state wide. One of the strategies widely used in Washington State and acceptable to both Ecology and Yakima Regional Clean Air Authority (YRCAA) is capping of lead and arsenic containing soils with hardscape (asphalt or concrete) or some combination of fabric, clean soil, and mulches like bark or rock.

2. In 2012 as part of an Ecology funded project and consistent with an Ecology accepted practice, the lead and arsenic containing soil in the grass-surfaced areas at the Apple Valley Elementary site was covered by fabric and about eight inches of clean soil before grass was re-established. Areas of lead and arsenic containing soil located under buildings, parking lots and sidewalks were not disturbed during the 2012 project.
3. The 2019/2020 Apple Valley Elementary project included demolition of existing buildings and regrading of the site to facilitate the new elementary school building construction and associated stormwater management. As the new construction would disturb lead and arsenic containing soils previously capped by the 2012 Ecology lead project, the District's environmental consultant, Fulcrum Environmental Consulting, Inc. (Fulcrum), notified both the Ecology and the YRCAA that work would occur on the Apple Valley Elementary School site and reviewed the intended mitigation plan for regrading and re-capping the site with fabric and clean soil or hardscape consistent with Ecology's 2012 mitigation work.
4. Both worker and community protection measure were developed as a portion of the soil mitigation plan and was incorporated into the project specifications for the contractors to follow during construction. Contractor dust control and stormwater measures during lead and arsenic soil moving tasks has been monitored by Fulcrum and have been within the pre-project identified tolerances.
5. Construction on the Apple Valley Elementary project is nearing completion. Following is a summary of current conditions:
 - a. One stockpile of lead and arsenic soil remains onsite and is being used to finish the elevation of soil located beneath the fabric cap. Some surplus soil from this stockpile maybe removed from the site. The stockpile has been characterized and was below the dangerous waste threshold.
 - b. All lead and arsenic contaminated soil was removed from stormwater infiltration areas.
 - c. Lead and arsenic contaminated soil remaining in building footprint, asphalt parking, or concrete side walk areas have been capped with gravel and either concrete or asphalt.
 - d. Lead and arsenic contaminated soil remaining grass or landscaping areas is currently being covered with an orange geotextile fabric and clean soil.
 - e. Following clean soil placement, either sod will be added to the grass surfaced areas.
- D. This modification is being requested in order to add a five-foot-wide walking path around the perimeter of the playfield, revised backstop and goalpost locations, a slight reduction in asphalt for the playground, modified site grading, and installation of sitescreening in some locations.

- E. Modification to Permitted Development and Uses Regulated. Pursuant to YMC § 15.17.020, the proposal complies with the following criteria in order to be considered a modification:

1. The modification will not increase residential density that would require an additional level of review.

Staff Response: *Not applicable; it is not a residential use.*

2. The modification will not increase the amount of parking by more than ten percent or twenty spaces (whichever is least), except that the amount of parking for controlled atmosphere and cold storage warehouses may be increased by up to twenty spaces. This limit shall be calculated cumulatively for all previous modifications since the last normal review.

Staff Response: *No additional parking is being proposed.*

3. Any expansion of use area or structure will not exceed fifty percent of the gross floor area. The expansion of an existing single-family home may exceed the fifty percent limit when all applicable setback and lot coverage standards are met. This limit shall be calculated cumulatively for all previous modifications since the last normal review.

Staff Response: *The school building and grounds are not being expanded from what was previously approved, as all proposed site modifications are within the Apple Valley school parcels. The number of playfields is being increased from two to three, an increase of 50 percent, meeting the standard for modification.*

The addition of the five-foot paved path around a portion of the perimeter and the reduction in playground asphalt will result in a cumulative decrease of 6 percent for overall impervious lot coverage, meeting the standard for a modification.

Grading is included in the definition of "Use" and is therefore subject to review under the Modification criteria. On-site grading has changed significantly from the grading contours submitted with the Building Permit (B200126). The new contour lines shown on the revised Modification Site Plan and narrative submitted with this application are in excess of a 50% increase in elevation from what was shown with the B200126 submittal in several locations, not meeting the standard for a modification.

4. The modification will not increase the height of any structure.

Staff Response: *The school was approved for a variance (VAR#004-19) to exceed the 35-foot height limitation in the R-1 zoning district, but no other structures are proposed that exceed the approved 44-foot height.*

5. This limit shall be calculated cumulatively for all previous modifications since the last normal review.

Staff Response: Previous modifications (MOD#026-18, MOD#031-18) were for the placement of portable classrooms, which were eliminated with the construction of the new school.

6. The modification will not add a drive-thru facility.

Staff Response: No drive-thru facility is being added.

7. The modification does not include hazardous materials.

Staff Response: The proposed modification does not introduce additional soil containing hazardous materials. See analysis provided above for on-site conditions related to soil remediation and capping under the Department of Ecology Guidelines.

- F. The proposed modification complies with all other development standards of the R-1 zoning district.
- G. The proposal will not change or modify any special condition previously imposed under the previous land use review by the Hearing Examiner in 2020.
- H. The proposal will not significantly reduce the amount of the existing landscaping. It will not reduce the amount or location of the existing required sitescreening. While an Administrative Adjustment (ADJ#027-19) was approved, waiving the requirement that view-obscuring material be added to the existing chain link fence, the applicant has agreed to add view-obscuring material to a portion of the fence along the east and south property lines.
- I. The proposed asphalt path, additional field, relocated backstop, and additional sitescreening will not create or materially increase any adverse impacts of the project.
- J. The proposed increase in site grading elevation does create an adverse impact of the project. The new grade is significantly higher in elevation than what was previously shown on the grading plans submitted with B200126. The City received numerous phone calls and emails from adjacent property owners which prompted the Building Official to issue a stop-work order. The WVSD held a neighborhood meeting on June 14, 2021 to hear the concerns and questions of neighbors. Multiple emails and phone calls were received by various City staff both prior and subsequent to the meeting about site grading and its negative impact on adjacent property owners.
- K. Development Service Team Review:** A Development Service Team (DST) meeting was not held for technical review of the project. The following comment was received from Randy Meloy, Surface Water Engineer:
1. *Per your request I went out to Apple Valley Elementary and walked around the entirety of the path to assess the possibility of drainage impacts. The asphalt path is about five feet wide and is located close to the school's fence along the perimeter of their parcel. The cross slope of the path is generally flat, with some areas gently sloped towards the grass and other areas gently sloped towards the*

fence. It is my opinion that there would be no drainage impact on the surrounding parcels due to this paved path being close to the fence. The only possible scenario where I could see there being any kind of drainage issue would be on the south side if the school overwatered with the sprinklers, and because the main grassy area is elevated, you could get runoff from the sloped grassy areas making its way towards the perimeter. If that happened there is still a ten foot separation between the school's fence and the neighbor's fences. Much of the runoff would infiltrate into the ground in this area. This is assuming there would be some problem with the school irrigation and that is unlikely. Along the east side of the school there is a small gravel berm between the path and the fence which would help to contain any runoff that might get there. Again, I would not anticipate any issues there.

Last night and this morning there was a decent amount of rainfall at the school, and while walking the path I looked for signs of erosion and did not find any. This path is only five feet wide and it is my opinion that it will not cause any drainage problems.

V. CONCLUSIONS:

- A. The Administrative Official has reviewed the addition of a five-foot-wide walking path around the perimeter of the playfield, revised backstop and goalpost locations, a slight reduction in asphalt for the playground, and installation of sitescreening in some locations against the standards and requirements for a Modification under YMC Ch. 15.17 and has concluded that they are consistent with said standards and requirements.
- B. The proposed site grading is not consistent with the standards and requirements for a Modification under YMC Ch. 15.17.
- C. All other development standards of the R-1 zoning district will be met.
- D. The revised site plans submitted on June 21 and 23, 2021 shall serve as the final site plans for items approved under this Modification.

VI. DECISION:

The Administrative Official hereby determines that the requested Modification application (MOD#021-21) to add a five-foot-wide walking path, increase the number of fields from two to three, revised backstop and goalpost locations, a slight reduction in asphalt for the playground, and installation of additional fencing to an existing Class (3) use is **approved**, and authorizes the issuance of the permit(s) based upon the above findings and conclusions and subject to the Building Official's determination of compliance with all building codes.

The Administrative Official hereby determines that the requested Modification application (MOD#021-21) for site grading is **denied**, and requires the applicant to regrade the site consistent with grading contours as shown in the building plan submittal (B200126).

Entered this **30th day of June, 2021**, pursuant to the authority granted under YMC Ch. 15.17. This decision constitutes the final zoning review and is hereby granted and forwarded to the Building Official.

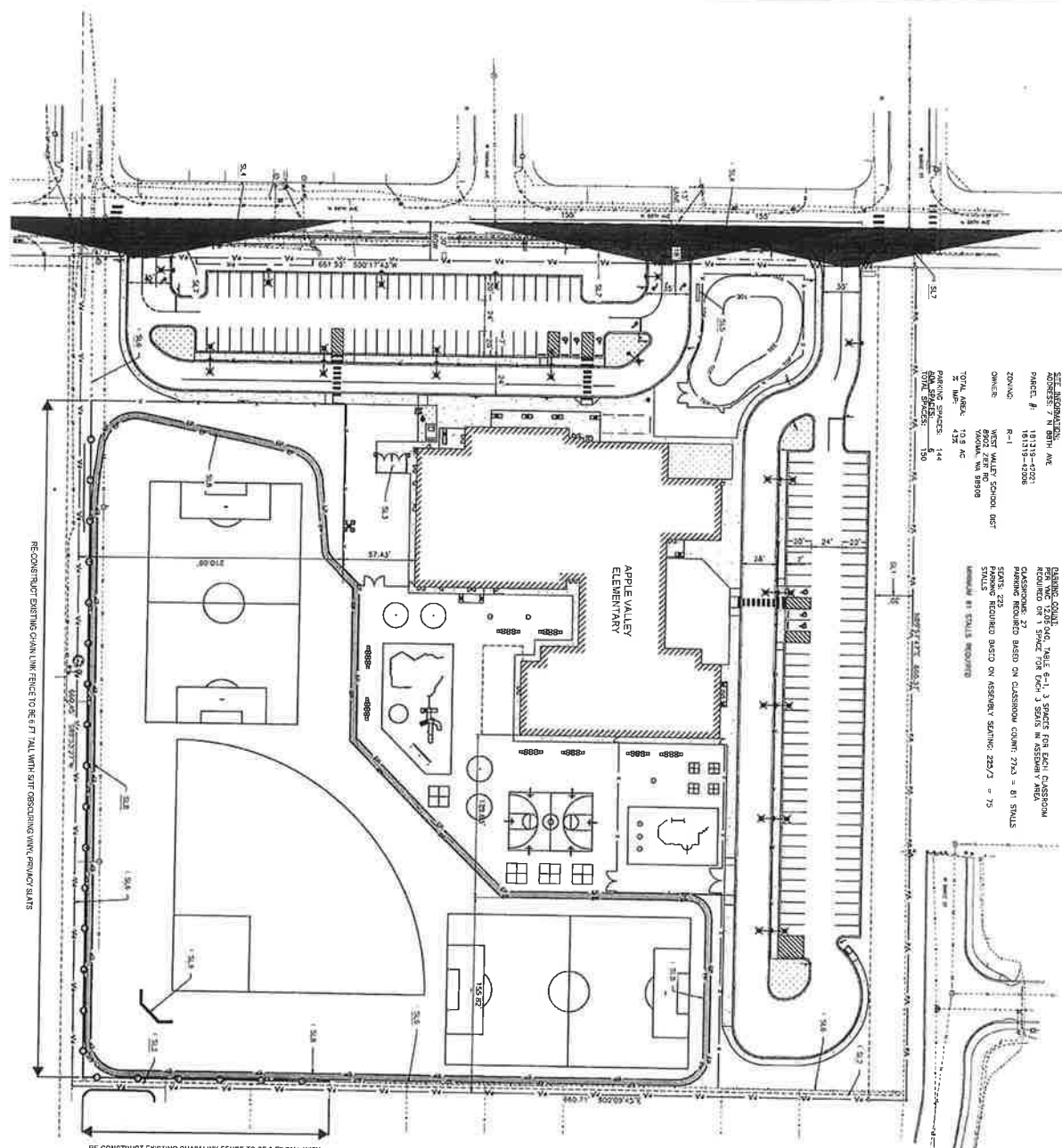
This zoning decision is valid for one year from this date unless appealed under the Yakima Municipal Code. The zoning decision may be extended one time up to one additional year prior to the expiration date, as set forth in YMC § 15.12.060. This zoning decision is not a construction permit and does not in and of itself authorize any use to be established, constructed, made or implemented without a construction permit issued by the Building Official and the conditions pending have been completed. This zoning decision shall expire if: a) a construction permit and/or business license for the approved project is required but not issued within one year from the date of issuance of this final decision; b) the construction permit and/or business license is issued but allowed to expire; or c) the project is modified and a new zoning decision is issued.

The issuance of any permit, subsequent permit inspection, land use decisions, or other related applications by the City of Yakima shall not be construed as an approval for work to be performed in violation of any government (Federal, State or Local) order to cease or limit construction activities during the COVID-19 emergency period outlined in such order.


Joan Davenport, AICP, Community Development Director

APPEAL

Pursuant to YMC 15.17.040 and 15.17.050, uses or developments denied under this chapter may submit applications for review under the normal review provisions for the use. Decisions by the planning division regarding approval or denial of administrative modifications may be appealed as prescribed by the applicable review. All appeals shall be filed within fourteen days following the mailing of the final decision by the Administrative Official or designee. Appeals must be submitted in writing to the City of Yakima, Community Development Department; 129 N. 2nd St., Yakima, WA 98901. If a final decision does not require mailing, the appeal shall be filed within fourteen days following the issuance of the final decision.



SITE INFORMATION
 ADDRESS: 7 N 80TH AVE
 PARCEL # 18131-1-0000
 ZONING: R-1
 OWNER: WEST VALLEY SCHOOL DIST
 8000 28TH RD
 KENNEWICK, WA 98388
 TOTAL AREA: 72.3 AC
 2 IMP: 4.25
 PARKING SPACES: 144
 TOTAL STALLS: 510
 STALLS: 510

PLANNING CODE
 2008 SDC, TABLE 4-1.3 SPACE FOR EACH CLASSROOM
 CLASSROOMS: 27
 REQUIRED GYM: 10000 S.F. 3 SPACES IN REGIONAL PARK
 PARKING REQUIRED BASED ON CLASSROOM COUNT: 27x2 = 81 STALLS
 STALLS: 225
 REQUIRED BASED ON REGIONAL PARKING: 22x2 = 75
 STALLS
 MINIMUM 81 STALLS REQUIRED

RE-CONSTRUCT EXISTING CHAIN LINK FENCE TO BE 6 FT. TALL WITH SPLIT OBSCURING VINYL PRIVACY SLATS

RE-CONSTRUCT EXISTING CHAIN LINK FENCE TO BE 6 FT. TALL WITH
 SITE OBSCURING VINYL PRIVACY SLATS. EXTEND TO 3RD ADJACENT
 PROPERTY LINE FROM THE SOUTH

- KEY NOTES**
- (1) 30'-7" REVERSED FOR ROAD 6/7/8 A/N
 - (2) 4'-0" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (3) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (4) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (5) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (6) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (7) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (8) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (9) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (10) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (11) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (12) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (13) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (14) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (15) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (16) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (17) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (18) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (19) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (20) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (21) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (22) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (23) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (24) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (25) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (26) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (27) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (28) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (29) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (30) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (31) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (32) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (33) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (34) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (35) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (36) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (37) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (38) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (39) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (40) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (41) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (42) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (43) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (44) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (45) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (46) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (47) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (48) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (49) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (50) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (51) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (52) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (53) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (54) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (55) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (56) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (57) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (58) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (59) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (60) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (61) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (62) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (63) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (64) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (65) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (66) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (67) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (68) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (69) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (70) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (71) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (72) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (73) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (74) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (75) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (76) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (77) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (78) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (79) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (80) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (81) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (82) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (83) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (84) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (85) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (86) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (87) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (88) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (89) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (90) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (91) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (92) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (93) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (94) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (95) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (96) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (97) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (98) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (99) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS
 - (100) 1/2" X 1/2" CHAIN LINK FENCE WITH 1/2" X 1/2" SLATS

RECEIVED
 JUN 23 2021
 CITY OF YAKIMA
 PLANNING DIV.

811
 CALL 3 BUSINESS DAYS IN ADVANCE BEFORE
 ANY EXCAVATION OR ERECTION OF
 UTILITIES

DESIGN WEST 1111 1/2 AVENUE SUITE 100 KENNEWICK, WA 98388 PHONE: 360.333.1111 WWW.DESIGNWEST.COM	DATE: 2/4/20 SHEET: 1000	PROTOTYPE ELEMENTARY WEST VALLEY SCHOOL DISTRICT APPLE VALLEY - 7 N 80TH AVE SUBMITVIEW - 8305 W CHESTNUT AVE YAKIMA, WASHINGTON 98904	J-U-B ENGINEERS, INC. 2810 W. Clearwater Ave. Suite 201 Kennewick, WA 98336 Phone: 509.783.2144 www.jub.com	OVERALL SITE PLAN C1.00
	811 CALL 3 BUSINESS DAYS IN ADVANCE BEFORE ANY EXCAVATION OR ERECTION OF UTILITIES			

DOC.
 INDEX
 # 9-3

From: [Wilson, Kristine \(Perkins Coie\)](#)
To: [Davenport, Joan](#); [Calhoun, Joseph](#)
Cc: [Watkins, Sara](#); [Angela Von Essen](#); [Gross, Rob @ Spokane](#); [Matt Whitish](#)
Subject: West Valley School District - Modification Applications 021-21 and 026-21 for Apple Valley Elementary and Summitview Elementary Schools
Date: Monday, June 21, 2021 4:07:27 PM
Attachments: [2021.06.21 Letter re Modification Applications 021-21 and 026-21.pdf](#)
[AV - Modification App Drawings.pdf](#)
[SV - Modification App Drawing.pdf](#)

Dear Ms. Davenport and Mr. Calhoun:

On behalf of our client, West Valley School District, attached please find a letter and drawing information submitted in connection with the above-referenced modification applications.

Please let us know if you have any questions or would like to discuss these matters with us. As mentioned in the letter, the School District would very much like to resolve current issues to ensure that these schools and playfields can be timely opened for the community in the fall.

Best regards,

Kris Wilson

Kristine (Kris) Wilson | Perkins Coie LLP

PARTNER

Pronouns: She/Her/Hers

10885 N.E. Fourth Street Suite 700

Bellevue, WA 98004-5579

D: +1 425 635 1426

M: +1 206 963 4188

E: KRWilson@perkinscoie.com

W: www.perkinscoie.com/krwilson

PERKINS COIE

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

DOC.
INDEX
G-2

June 21, 2021

Kristine R. Wilson
KRWilson@perkinscoie.com
D. +1.425.635.1426
F. +1.425.635.2426

VIA EMAIL

Joan Davenport, AICP
Community Development Director
City of Yakima
129 North 2nd Street - 2nd Floor
Yakima, WA 98901
joan.davenport@yakimawa.gov

Joseph Calhoun
Planning Manager
City of Yakima
129 North 2nd Street - 2nd Floor
Yakima, WA 98901
joseph.calhoun@yakimawa.gov

RECEIVED

JUN 21 2021

**CITY OF YAKIMA
PLANNING DIV.**

Re: Modification Applications #021-21 and #026-21

Dear Ms. Davenport and Mr. Calhoun:

We represent West Valley School District ("School District") in land use matters related to the development of Apple Valley Elementary School at 7 North 88th Avenue in the City of Yakima ("City") and Summitview Elementary School at 6305 W Chestnut Avenue. As you know, the School District is reconstructing both Apple Valley and Summitview Elementary Schools. Per the City's request, modification applications are pending at both sites.

I write to provide details about the minor modifications that have occurred to the development of Apple Valley Elementary and Summitview Elementary since the City approved the site plan and to include copies of the as-built topographic drawings for the Apple Valley Elementary modification file. Updated overall site plans for the schools (previously submitted in support of these applications) are attached in Sheets C1.00 (Apple Valley) and Sheet C-100A (Summitview). The minor modifications to Apple Valley Elementary are as follows: the location of the backstop has moved from the north end of the ballfield to the south, a paved walkway was added near the southern and eastern fence lines, the area of playground asphalt was reduced, and the site's finished grade is slightly different from the approved grading plan. In some areas the finished grading is 1 to 3 feet higher than shown on the approved plans. Per the City's request, the School District's surveyor has done recent field work at Apple Valley Elementary and produced an as-built topographic drawing, which is attached in drawing Sheet C1.10 dated June


Joan Davenport
Joseph Calhoun
City of Yakima
June 21, 2021
Page 2

17, 2021. At Summitview Elementary, a paved walkway was also added and the soccer goals and baseball backstop locations have changed since the site plan review and approval (installed as shown in approved permit drawings in the same location as prior to the renovation work).

None of these minor changes affect the respective project's compliance with code requirements or with the established project permit conditions. For example, in accordance with the 2018 Washington State Building Code, Sections J108.3 and J109.4, the revised grading does not harm adjacent properties by changing drainage patterns or by causing unstable slopes. Review of grading design is limited to those elements within the scope of the applicable codes and regulations. None of the code requirements applicable to these minor changes require review of or mitigation for any view or aesthetic impacts.

While these modifications are being reviewed, the School District respectfully requests that the City not delay work to complete the elementary school buildings and that it expedite its review of these playfield features as well. Separating the building permits for further reviews and for future temporary and permanent occupancy certifications will be important, and the School District would appreciate the City's attention to process solutions that allow this public project to continue at pace during these summer construction months. We look forward to working with the City to help deliver these elementary schools for your community's students and families and School District faculty and staff—who I'm sure are all quite eager to be in these buildings and using these playfields in the fall.

Very truly yours,



Kristine R. Wilson

Attachments

cc: Sara Watkins, Yakima City Attorney
Angela Von Essen, WVSD Assistant Superintendent for Business and Operations
Rob Gross, CBRE Heery, Project Manager
Matt Whitish, AIA, Design West Architects, P.A.

RECEIVED

JUN 21 2021

**CITY OF YAKIMA
PLANNING DIV.**

RECEIVED

		LAND USE APPLICATION CITY OF YAKIMA, DEPARTMENT OF COMMUNITY DEVELOPMENT 129 NORTH SECOND STREET, 2ND FLOOR, YAKIMA, WA 98901 PHONE: (509) 575-6183 EMAIL: ask.planning@yakimawa.gov		MAY 26 2021 CITY OF YAKIMA COMMUNITY DEVELOPMENT	
INSTRUCTIONS - PLEASE READ FIRST Please type or print your answers clearly.					
Answer all questions completely. If you have any questions about this form or the application process, please ask a Planner. Remember to bring all necessary attachments and the required filing fee when the application is submitted. The Planning Division cannot accept an application unless it is complete and the filing fee paid. Filing fees are not refundable. This application consists of four parts. PART I - GENERAL INFORMATION AND PART IV - CERTIFICATION are on this page. PART II and III contain additional information specific to your proposal and MUST be attached to this page to complete the application.					
PART I - GENERAL INFORMATION					
1. Applicant's Information:	Name:	West Valley School District			
	Mailing Address:	8902 Zier Rd			
	City:	Yakima	St:	WA	Zip: 98908 Phone: (509)972-6006
	E-Mail:				
2. Applicant's Interest in Property:	Check One:	<input type="checkbox"/> Owner	<input checked="" type="checkbox"/> Agent	<input type="checkbox"/> Purchaser	<input type="checkbox"/> Other
3. Property Owner's Information (If other than Applicant):	Name:	CBRE Heery - Rob Gross			
	Mailing Address:	1212 N Washington Street, Suite 219			
	City:	Spokane	St:	WA	Zip: 99201 Phone: (509) 496-1712
	E-Mail:	rob.gross@cbre.com			
4. Subject Property's Assessor's Parcel Number(s): 181319-42021 181319-42022, 181319-42006					
5. Legal Description of Property. (if lengthy, please attach it on a separate document)					
6. Property Address: 7 North 88th Ave., Yakima, WA 98908					
7. Property's Existing Zoning: <input type="checkbox"/> SR <input checked="" type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> B-1 <input type="checkbox"/> B-2 <input type="checkbox"/> HB <input type="checkbox"/> SCC <input type="checkbox"/> LCC <input type="checkbox"/> CBD <input type="checkbox"/> GC <input type="checkbox"/> AS <input type="checkbox"/> RD <input type="checkbox"/> M-1 <input type="checkbox"/> M-2					
8. Type Of Application: (Check All That Apply) <input checked="" type="checkbox"/> Modification <input type="checkbox"/> Other: <input type="checkbox"/> Other:					
PART II - SUPPLEMENTAL APPLICATION, PART III - REQUIRED ATTACHMENTS, & PART IV - NARRATIVE					
9. SEE ATTACHED SHEETS					
PART V - CERTIFICATION					
10. I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.					
Property Owner's Signature		Date			
		05.26.21			
Applicant's Signature		Date			
FILE/APPLICATION(S)# MOD#021-21					
DATE FEE PAID:	RECEIVED BY:	AMOUNT PAID:	RECEIPT NO:		



Supplemental Application For:
MODIFICATION
YAKIMA URBAN AREA ZONING ORDINANCE, CHAPTER 15.10

PART II - APPLICATION INFORMATION

1. EXISTING USE: (*Important: Must Be Taken From YMC Ch. 15.04, Table 4-1*)

☐ CLASS (1) ☐ CLASS (2) ☒ CLASS (3) ☐ NOT PERMITTED

2. WILL THE PROPOSED CHANGE:

- | | | |
|---|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Increase residential density? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Increase the amount of required parking by more than 10% or 20 spaces? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Increase/decrease use/structure by more than 50% (includes previous modifications) of the existing use or structure? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Change or modify any special condition previously imposed under Class (1), (2), or (3) Review? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Increase the height of any structure? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Adversely reduce the amount of existing landscaping or the amount or location of required landscaping? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Add a drive-thru or include hazardous materials? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Expand an existing non-conforming use (except provided for in YMC § 15.19.080) or render a structure non-conforming? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Increase the degree of nonconformity of the structure? |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Comply with all other development standards of the district in which it is located? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Create or materially increase any adverse impacts or undesirable effects? |

3. IS THE NEW USE OR CHANGE IN USE PROPOSED

- | | | |
|---|--|---|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | A nonconforming structure occupied by a Class (1) or Class (2) use or a single-family dwelling or duplex? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | A Class (1) or (2) use in that particular district? |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Similar in character and hours to the operation and the use approved or existing? |

4. DESCRIPTION: A description of the location, size, and type of modification (if lengthy, please attach it on a separate document):

Add a 5-ft wide asphalt walking path around the perimeter of the playfield.

RECEIVED

MAY 26 2021

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

PART III - REQUIRED ATTACHMENTS

5. SITE PLAN (Please use the City of Yakima Site Plan Checklist, attached)

6. FOR PREVIOUSLY APPROVED USES AND STRUCTURES: A copy of the Final Site Plan previously approved with proposed modification is required.

Note: if you have any questions about this process, please contact us City of Yakima, Planning Division, 129 N. 2nd St., Yakima, WA or 509-575-6183

RECEIVED

MAY 26 2021

SITE PLAN CHECKLIST & INSTRUCTIONS

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

A Detailed Site Plan Is Required: On August 8, 1996, the City Council passed a resolution (No. R-96-91) adopting a requirement that all site plans submitted in conjunction with any building permit application, land use application, and environmental application shall contain certain information and be approved by the appropriate Division Manager. All information that is applicable to your proposal shall be checked off and clearly displayed on the site plan. It is in the applicant's best interest to provide a carefully drawn and scaled site plan with all required information. The decision on whether or not to grant approval of your development proposal is largely based on the information you provide. **An application cannot be processed until an adequate site plan is submitted.**

Please complete this checklist and include it with your site plan. The site plan must contain all pertinent information. Items not applicable to the proposed project shall be noted.

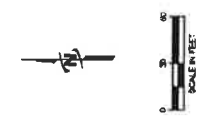
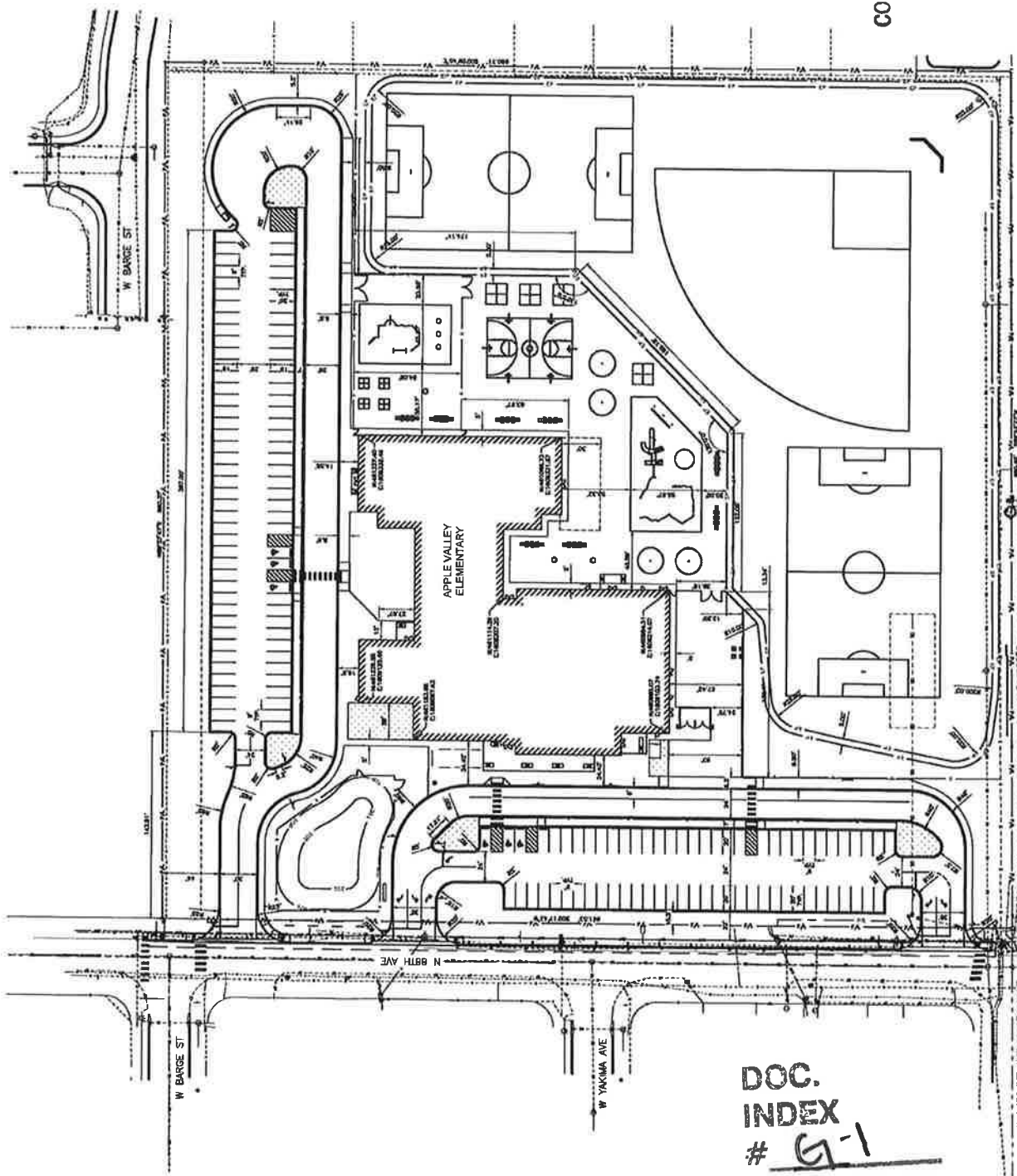
- 1) **Use Ink:** Use blue or black permanent ink. It may be helpful to draft the site plan in pencil then trace over in ink. Ink is necessary for adequate duplication.
- 2) **Use A Straight Edge:** All lines must be straight and done with the aid of a ruler or other straight edge. Use a compass when delineating circular drawings such as cul-de-sacs. Computer drafted site plans are acceptable.
- 3) **Draw To Scale:** Site plans shall be drawn to scale. The site plan template has a suggested map scale of one inch equaling twenty feet (1"=20'). Distances on the map must be as representative of reality as possible. For example, if the distance from a structure to a property line is 20 feet, the distance on the site plan will be 1 inch.
- 4) **Use Site Plan Checklist:** Use the site plan checklist and provide all applicable information on the site plan.
- 5) **Fill In Information On The Site Plan Template:** The template is available online on the Planning Division webpage (<https://www.yakima.gov/services/planning>) in the "application forms and fees" section, and also at the permits counter on the 2nd floor of City Hall. If you choose not to use the city's site plan template, please provide the information listed on the site plan template (background info, lot coverage, parking, etc.) on your site plan.

Note: You may benefit from the aid of a professional in the preparation of a site plan.

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

<input checked="" type="checkbox"/>	The site plan shall be legibly drawn in ink on paper of sufficient size to contain the required information, but not less than 8.5" X 11" for Class (1) projects and 11" X 17" for Class (2) and Class (3) projects.
<input checked="" type="checkbox"/>	All site plans shall be drawn to a standard engineering scale and indicated on the site plan. The scale selected shall best fit the paper. Planning staff recommends 1"=20'.
<input checked="" type="checkbox"/>	Site address, parcel number(s) and zoning designation of subject property.
<input checked="" type="checkbox"/>	Property boundaries and dimensions.
<input checked="" type="checkbox"/>	Names and dimensions of all existing streets bounding the site.
<input checked="" type="checkbox"/>	Dimensions, location and use of proposed and existing structures including loading docks.
<input checked="" type="checkbox"/>	Structure setbacks.
<input checked="" type="checkbox"/>	North Arrow.
<input checked="" type="checkbox"/>	Lot coverage with calculations shown on site plan.
<input checked="" type="checkbox"/>	Location and size of any easements.
<input checked="" type="checkbox"/>	Location and type of existing and proposed landscaping including landscaping within the public right-of-way.
<input type="checkbox"/>	Location and size of existing and proposed side sewer and water service lines.
<input type="checkbox"/>	Adjacent land uses and zoning designations.
<input checked="" type="checkbox"/>	Location and size of all parking spaces shown on the site plan.
<input checked="" type="checkbox"/>	Location and dimensions of proposed or existing driveway approaches.
<input checked="" type="checkbox"/>	Vision clearance triangles at street intersections and where driveways and curb cuts intersect with streets. SEE 15.05.040 - Vision Clearance attached with Sample Site Plan
<input checked="" type="checkbox"/>	Location and size of proposed or existing signs.
<input type="checkbox"/>	Location and size of required site drainage facilities including on-site retention.
<input type="checkbox"/>	Location, type, and description of required sitescreeening.
<input checked="" type="checkbox"/>	Location and size of existing or proposed public sidewalks that are within 200-feet of the subject property.
<input checked="" type="checkbox"/>	Proposed improvements located within the public right-of-way.
<input checked="" type="checkbox"/>	Name, address, phone number, and signature of the owner or person responsible for the property.

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



NOTE: DIMENSIONS AT CURB ARE TO FACE OF CURB UNLESS NOTED OTHERWISE.

SITE INFORMATION: N. 8TH AVE
ADDRESS: YAKIMA, WA 98903
PROJECT #: 191314-42503
ZONING: R-1
OWNER: WEST VALLEY SCHOOL DIST.
18000 20TH RD
YAKIMA, WA 98903
ARCHITECT: JUB
TOTAL AREA: 10 AC
PARKING SPACES: 138
TOTAL STORIES: 1-17

RECEIVED
MAY 26 2021
CITY OF YAKIMA
COMMUNITY DEVELOPMENT



CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG. AVOID OR MINIMIZE THE NUMBER OF UNNECESSARY DIGS.

	JUB ENGINEERS, INC. 2810 W. CHERRY AVE. SUITE 201 KIRKLAND, WA 98335 PHONE 822-7334 FAX 822-7335	WEST VALLEY SCHOOL DISTRICT 8000 N. 8TH AVE SUITE 201 YAKIMA, WA 98903	APPLE VALLEY SCHOOL DISTRICT 8000 N. 8TH AVE SUITE 201 YAKIMA, WA 98903	YAKIMA, WASHINGTON 98903	DATE: 2/4/20 SHEET NAME:

DOC. INDEX # 6-1

SEE SHIT C1 01



- SCALE DETAIL NOTES**
- 1) SCALE DETAIL NOTES ARE SHOWN ALONG WITH SCALE DETAIL NOTES.
 - 2) SHOWN SCALE DETAIL 15'-FT PER SCALE DETAIL.
 - 3) SCALE DETAIL NOTES ARE SHOWN ALONG WITH SCALE DETAIL NOTES.

- KEYED NOTES**
- 1) SCALE DETAIL NOTES ARE SHOWN ALONG WITH SCALE DETAIL NOTES.
 - 2) SHOWN SCALE DETAIL 15'-FT PER SCALE DETAIL.
 - 3) SCALE DETAIL NOTES ARE SHOWN ALONG WITH SCALE DETAIL NOTES.

DOC. INDEX # 1-5

RECEIVED

MAY 26 2021

CITY OF YAKIMA
COMMUNITY DEVELOPMENT



CALL 3 SERVICES SALES IN ADVANCE OF THE
YOU WILL RECEIVE AN ESTIMATE FOR THE
WORKING OF THE PROJECT.

OVERALL
SITE PLAN
C1.00

PROTOTYPE ELEMENTARY
WEST VALLEY SCHOOL DISTRICT

APPLE VALLEY - 7 W 88TH AVE
SUMMITVIEW - 6500 W CHESTNUT AVE
YAKIMA, WASHINGTON 98903



JUB ENGINEERS, INC.
2810 W. Clearwater Ave
Suite 201
Kennewick, WA 99336
Phone: 509.733.2144
www.jub.com





G-1

MAY 26 2021



CALL 7 BUSINESS DAYS IN ADVANCE BEFORE YOU CAN CANCEL OR EXCHANGE FOR THE RATED OR UNRATED COMPANY'S SECURITIES UTILITIES

C1.14

APPLE VALLEY - 7 N 80TH AVE
SUMMITVIEW - 8308 W CHESTNUT AVE
YAKIMA, WASHINGTON 98908

J-U-B ENGINEERS, INC.
2810 W. Clearwater Ave.
Suite 201
Kannawick, WA 99336
Phone 509 783 2144
www.jub.com



DESIGN WEST
 建築設計事務所
 〒100-0001 東京都千代田区千代田 1-1-1
 日本橋本町1丁目1番1号
 TEL 03-5561-1111 FAX 03-5561-1112
 E-MAIL design@design-west.co.jp
 代表取締役 佐藤 隆夫
 代表取締役 佐藤 麻子

[illegible]

RECEIVED

MAY 26 2021

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

CALL 1-800-855-5478 IN ADVANCE BEFORE
YOU DEL, GALT, OR EXHAUST FOR THE
MAJORITY OF UNPREDICTABLE MONTHLY
UTILITIES



C1.16

PATHWAY GRADING

2/4/20

**PROTOTYPE ELEMENTARY
WEST VALLEY SCHOOL DISTRICT**

APPLE VALLEY - 7 N 80TH AVE
SUMMITVIEW - 6305 W CHESTNUT AVE
YAKIMA, WASHINGTON 98908

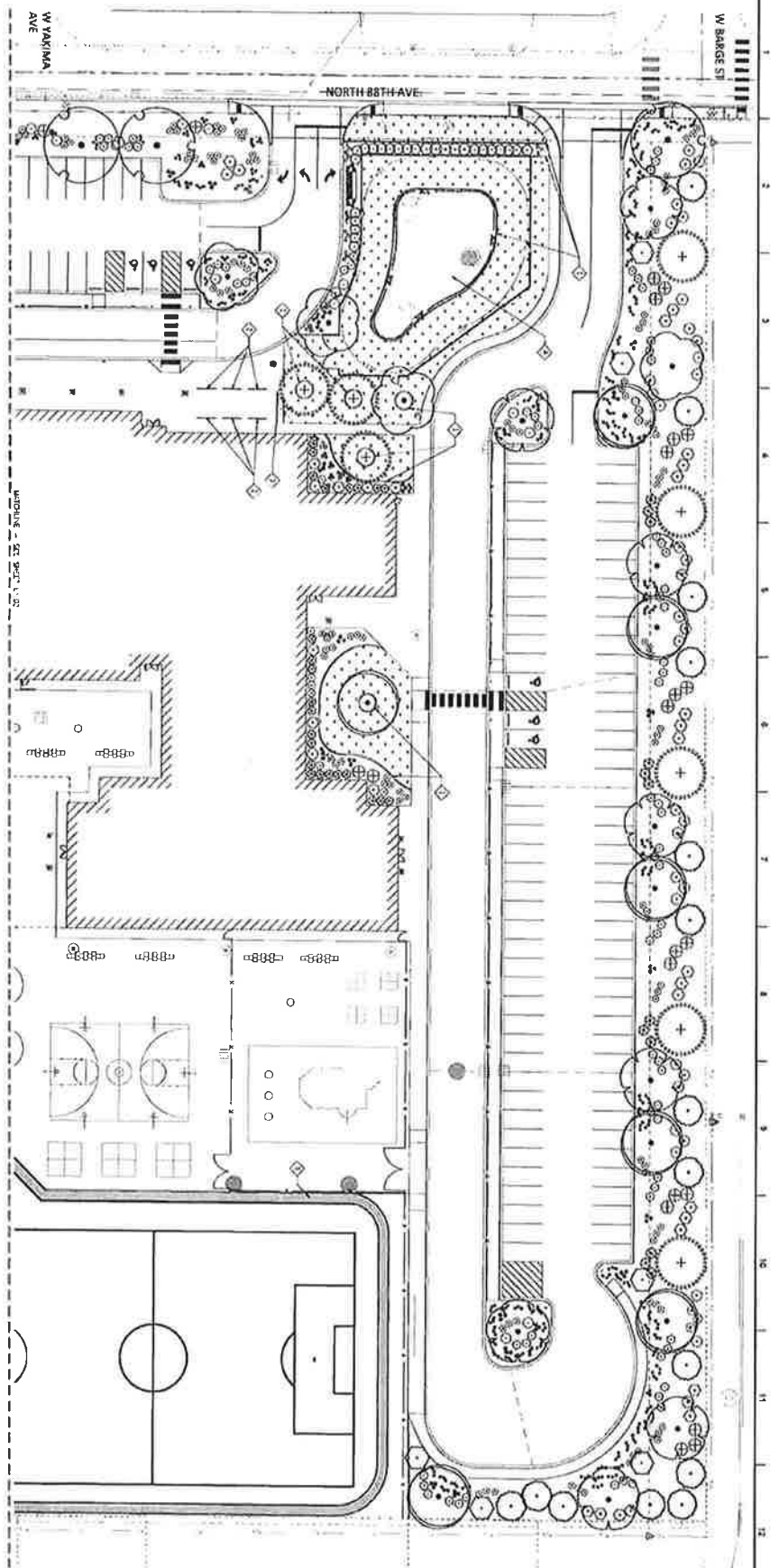


JUB
FLEX ENGINEERING, INC.

J-U-B ENGINEERS, INC.
2810 W. Clearwater Ave.
Suite 201
Kennebick, WA 99336
Phone 509/763-2144



DESIGN WEST
ARCHITECTURE P.A.
1000 WEST 10TH AVENUE, SUITE 1000, DENVER, CO 80202
TEL: 303.733.1111 FAX: 303.733.1112
WWW.DESIGNWESTARCH.COM



PLANT SCHEDULE APPLE VALLEY					
TRSS	CODE	SPECIES / COMMENTS	SIZE	COMMENTS	LOC
	42 712	ACER NEGUNDO PLANTER / PLANTER JAVEL	21" DIA. 6'6"		1
	42 713	QUERCUS LAEVIS BLACK / BLACK OAK	6" DIA. 6'6"		1
	42 719	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 720	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 721	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 722	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 723	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 724	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 725	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 726	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 727	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 728	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 729	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 730	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 731	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 732	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 733	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 734	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 735	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 736	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 737	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 738	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 739	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 740	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 741	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 742	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 743	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 744	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 745	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 746	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 747	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 748	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 749	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 750	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 751	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 752	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 753	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 754	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 755	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 756	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 757	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 758	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 759	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 760	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 761	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 762	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 763	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 764	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 765	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 766	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 767	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 768	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 769	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 770	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 771	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 772	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 773	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 774	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 775	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 776	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 777	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 778	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 779	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 780	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 781	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 782	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 783	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 784	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 785	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 786	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 787	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 788	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 789	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 790	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 791	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 792	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 793	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 794	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 795	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 796	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 797	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 798	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 799	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1
	42 800	QUERCUS ROBURATA / RED OAK	4" DIA. 6'6"		1

[illegible]

GENERAL NOTES

- [illegible]

RECEIVED

MAY 26 2021

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

L1.01

PLANTING PLAN

2/14/20
SWEET NAME

**PROTOTYPE ELEMENTARY
WEST VALLEY SCHOOL DISTRICT**

APPLE VALLEY . 7 N 85TH AVE
SUMMITVIEW - 6305 W CHESTNUT AVE
YANINA, WASHINGTON 98308

MacKay & Spotto
 1000 15th St., Suite 1000, San Francisco, CA 94107
 (415) 774-1100



ORDERED BY	DATE
BY	
REVISIONS	
APPROVED	



DESIGN WEST
ARCHITECTS • P.L.L.C.
• 10000 BROADWAY, SUITE 1000, BOSTON, MASSACHUSETTS 02109 •
• 617-267-1000 • FAX 617-267-1001 •
• WWW.DESIGNWEST.COM

INDEX
G-1



MAY 26 2021
CITY OF YAKIMA
COMMUNITY DEVELOPMENT

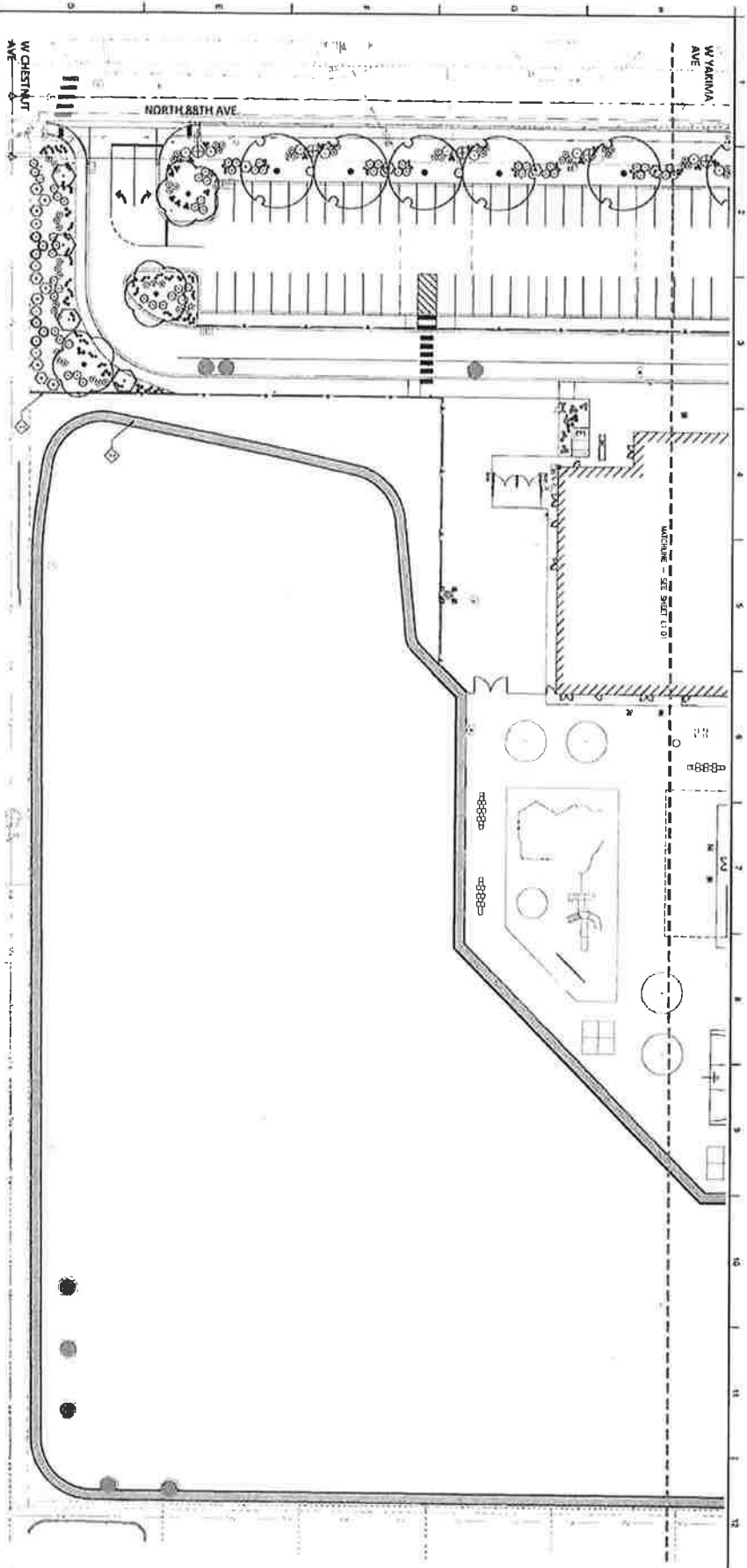
RECEIVED

- 7' DEPTH BARK MULCH PLANTING BEDS TOTAL AREA: 6,256 SF
- TUBE SOD: 11,521 SF
- TUBE W/PROCESSED: 79,444 SF

PLANT SCHEDULE APPLE VALLEY

SYMBOL	CODE	COMMON NAME	SIZE	QUANTITY	NOTES
	APV 01	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 02	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 03	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 04	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 05	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 06	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 07	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 08	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 09	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 10	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	

- KEY NOTES**
- CONCRETE LANDSCAPE CURBING
 - ASPHALT WALKING PATH, SEE CIVIL



SYMBOL	CODE	COMMON NAME	SIZE	QUANTITY	NOTES
	APV 01	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 02	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 03	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 04	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 05	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 06	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 07	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 08	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 09	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	
	APV 10	APPLE VALLEY PLANTING BED	24" DIA. 10" DEEP	1	

DESIGN WEST ARCHITECTS P.A.

MECKAY SPORTS

WEST VALLEY SCHOOL DISTRICT

DATE: 2/14/20

SCALE: 1/8" = 1'-0"

PROJECT: APPLE VALLEY - 7 N 85TH AVE

LOCATION: 7 N 85TH AVE, YAKIMA, WASHINGTON 98906

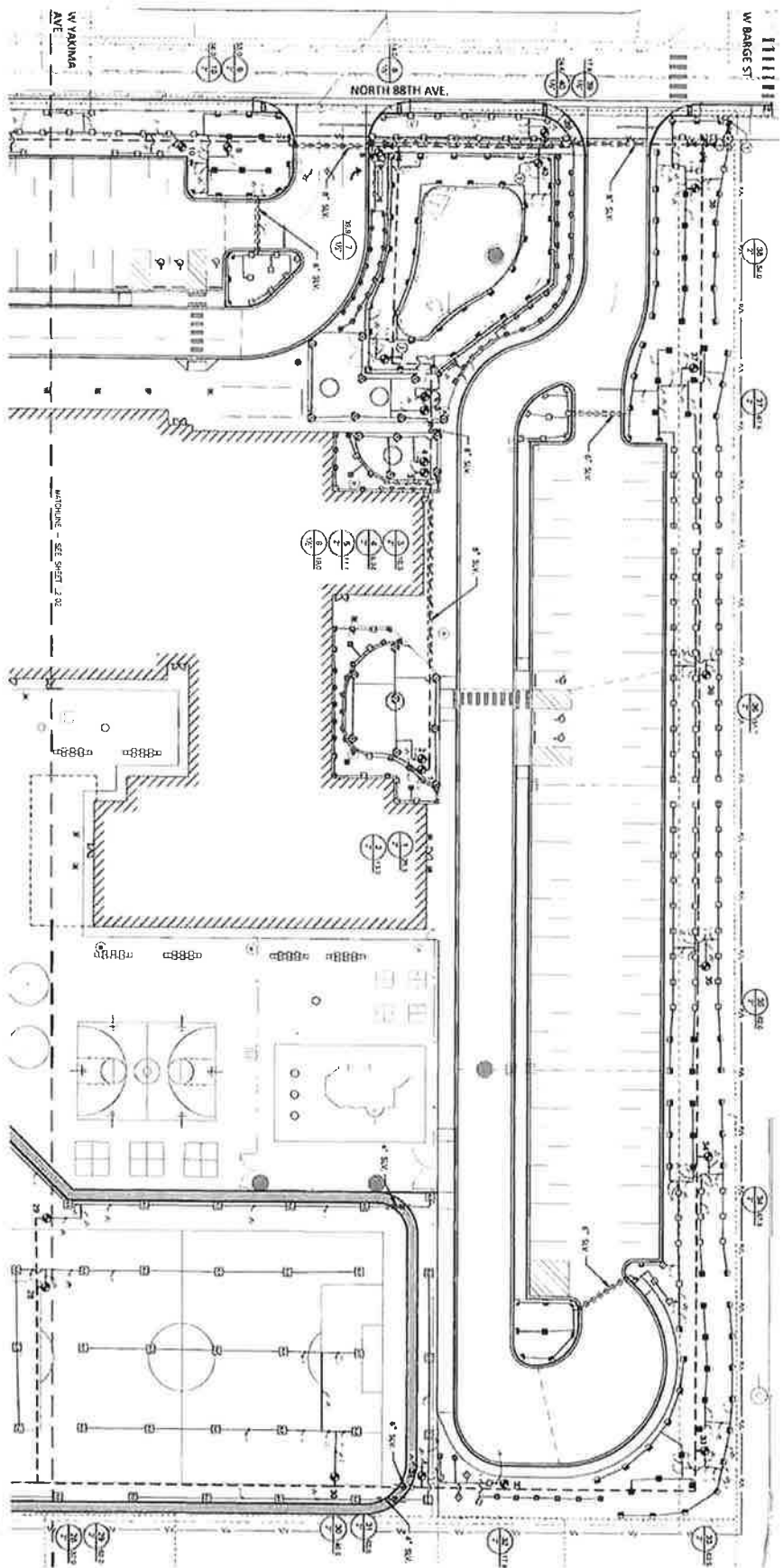
PROJECT: APPLE VALLEY - 7 N 85TH AVE

LOCATION: 7 N 85TH AVE, YAKIMA, WASHINGTON 98906

PROJECT: APPLE VALLEY - 7 N 85TH AVE

LOCATION: 7 N 85TH AVE, YAKIMA, WASHINGTON 98906

DOC. INDEX # 6-1



IRRIGATION SCHEDULE

[illegible]

KEY NOTES

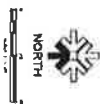
- ① TAP EXISTING POINT OF CONNECTION
- ② VALVE IS SHOWN ON SLOPE OF STORM FACILITY FROM GRAVITIC CLARITY. LOCATED 14.15 IN 20' SPACE OF EXISTING FACILITY IN LADEN ON BOWLING FIELD

GENERAL NOTES

- [illegible]

RECEIVED

MAY 3 2021

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

**PROTOTYPE ELEMENTARY
WEST VALLEY SCHOOL DISTRICT**

APPLE VALLEY - 7 N 84TH AVE
SUNBURYVIEW - 6305 W CHESTNUT AVE
VANINA - WASHINGTON BRIDGE

IRRIGATION PLAN

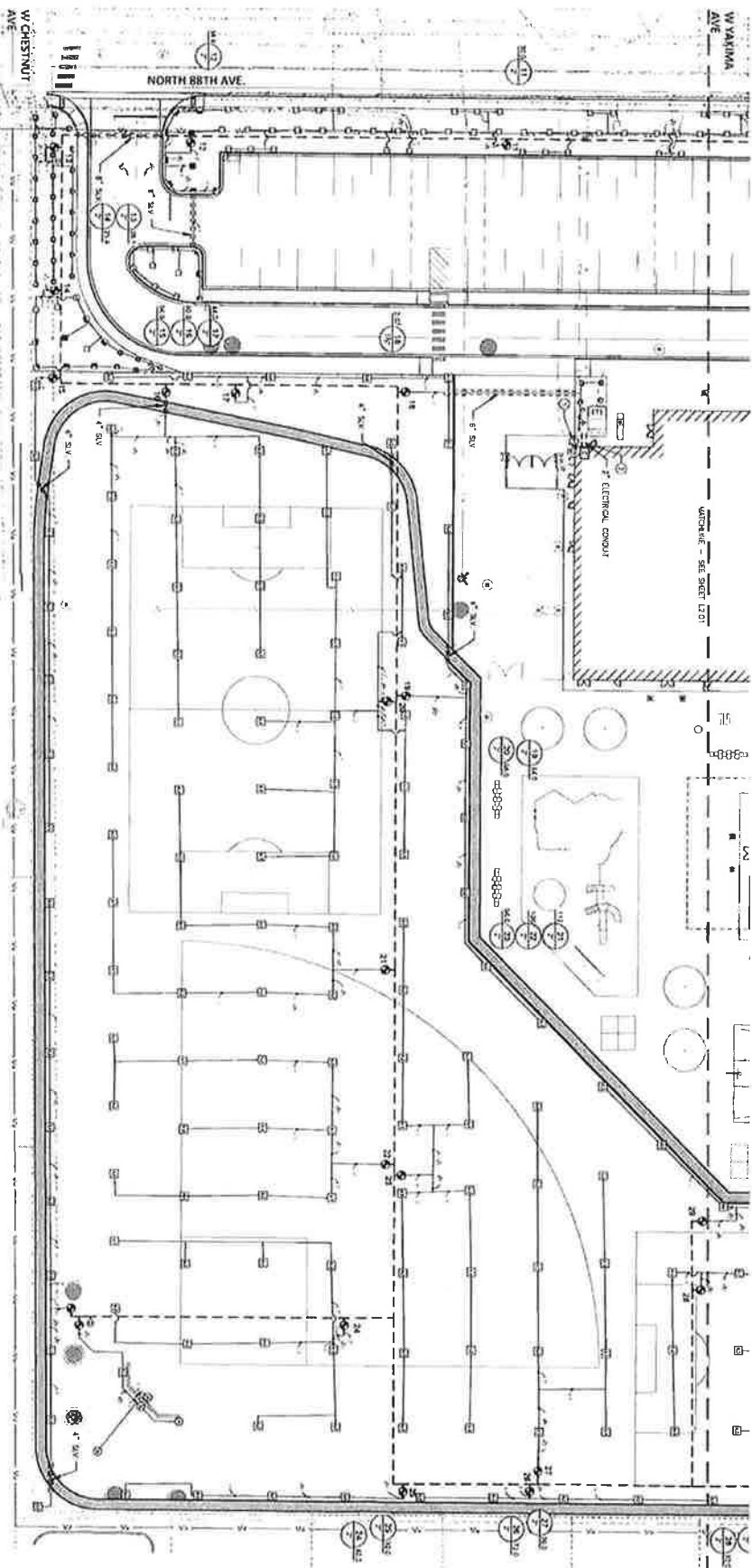
L2.01

Mackay Sports



DESIGN WEST
A COMMITMENT TO EXCELLENCE
INDEX

G-1



IRRIGATION SCHEDULE

STATION	DESCRIPTION	PIPING	VALVES
1	MAIN LINE FROM PUMP TO BUILDING	12" PVC	1" BALL VALVE
2	BUILDING MAIN LINE	12" PVC	1" BALL VALVE
3	MAIN LINE TO PARKING LOT	12" PVC	1" BALL VALVE
4	PARKING LOT MAIN LINE	12" PVC	1" BALL VALVE
5	MAIN LINE TO PLAYGROUND	12" PVC	1" BALL VALVE
6	PLAYGROUND MAIN LINE	12" PVC	1" BALL VALVE
7	MAIN LINE TO FIELD	12" PVC	1" BALL VALVE
8	FIELD MAIN LINE	12" PVC	1" BALL VALVE
9	MAIN LINE TO FIELD	12" PVC	1" BALL VALVE
10	FIELD MAIN LINE	12" PVC	1" BALL VALVE
11	MAIN LINE TO FIELD	12" PVC	1" BALL VALVE
12	FIELD MAIN LINE	12" PVC	1" BALL VALVE
13	MAIN LINE TO FIELD	12" PVC	1" BALL VALVE
14	FIELD MAIN LINE	12" PVC	1" BALL VALVE
15	MAIN LINE TO FIELD	12" PVC	1" BALL VALVE
16	FIELD MAIN LINE	12" PVC	1" BALL VALVE
17	MAIN LINE TO FIELD	12" PVC	1" BALL VALVE
18	FIELD MAIN LINE	12" PVC	1" BALL VALVE
19	MAIN LINE TO FIELD	12" PVC	1" BALL VALVE
20	FIELD MAIN LINE	12" PVC	1" BALL VALVE

RECEIVED
MAY 26 2021
CITY OF YAKIMA
COMMUNITY DEVELOPMENT

KEY NOTES

1. ALL IRRIGATION SYSTEMS SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
3. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
4. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
5. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
6. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
7. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
8. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
9. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
10. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
11. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
12. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
13. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
14. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
15. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
16. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
17. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
18. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
19. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
20. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.

GENERAL NOTES

1. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
3. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
4. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
5. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
6. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
7. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
8. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
9. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
10. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
11. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
12. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
13. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
14. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
15. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
16. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
17. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
18. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
19. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.
20. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ADEQUATE WATER TO ALL PLANTS AND TREES.



PROTOTYPE ELEMENTARY
WEST VALLEY SCHOOL DISTRICT
 APPLE VALLEY - 7 N 88TH AVE
 BURNHAY - 6305 W CHESTNUT AVE
 YAKIMA, WASHINGTON 98908

MacKay Spisto

DESIGN WEST
 ANCHORAGE, ALASKA

INDEX
 # 9-1

DATE
 2/1/20

PROJECT
 IRRIGATION PLAN

SHEET
 L2.02

**Y SCHOOL DISTRICT / APPLE VALLEY
ELEMENTARY
APP#008-21
(MOD#021-21, APP#001-21)**

EXHIBIT LIST

CHAPTER H

Supplemental Information/Comments

[illegible]

RE: APP#001-21, MOD#021-21 Apple Valley Elementary School, Yakima, WA

West Valley School District v City of Yakima

Mr. Gary Cuillier, Urban Area Hearing Examiner

Mr. Eric Crowell, Associate Planner, City of Yakima

Dear Sirs,

My name is Peter Marinace. Thank you for the opportunity to share comments related to the appeal by the West Valley School District (WVSD) in relation to the site elevation at Apple Valley Elementary.

As a way of background and project history context, I serve as the Chairman of the Bond Oversight Committee (BOC). Additionally, as we live in the area, our son attends Apple Valley Elementary.

The BOC was set up early on by the WVSD as an independent oversight committee of the new projects being built, that being Summitview Elementary and Apple Valley Elementary School. The committee is currently comprised of 4 members of the community of the District that bring along practical business and construction expertise to the project than say existing board members. Our mandate is to monitor the projects through conclusion, to help ensure that the taxpayer's interest is top of mind and provide input as to any proposed changes/issues that develop. A key element of our committee is to take stock of any community concerns. Our group is listed as a contact resource on the WVSD website, has attended most weekly Owner, Architect, Contractor progress calls, and has presented monthly updates to the School Board. We have been available and have heard a variety pack of concerns from citizens related to the schools since inception. To be clear, we are independent of the District personnel and have not always seen eye to eye with the District, their Architect or Project Engineer. However, after a review of the material presented in this appeal, we support the WVSD's position, and allow me to outline this reasoning:

First, we have reviewed the Decision by the City, the District's response, and finally, the City Staff's most recent submittal to this hearing. We have reviewed the application of the word 'gross floor area' by the City in connection to YMC 15.17.020, and our view is that the City has taken a very broad interpretation here. A plain reading of this code would appear to imply that it is relating to the square footage of the building, or possibly parking lots. The City then responds by suggesting that then the code itself is too limited if taken as such. Our simple response is that if the City intends to include elevation, they need to abridge the code to include as such.

Additionally, to help verify the historical application of this code by actual practical experience, I surveyed a couple of long time Yakima based civil engineers. This includes over 20 years' experience each, working on such projects within the City of Yakima. I shared with them the same material that is at your review, so they had full context. Neither one of them had ever experienced the City's application of this code in this manner, and additionally, had not had a project in their years of experience with the increased elevation denied in this manner. The one issue they could see could come up is if drainage were an issue. Which in this case the City Engineer has indicated is a non-issue. Ironically, one them noted a recent school project within Yakima with a similar sloping property and movement of material. Specifically, this engineer cited the Eisenhower H.S, which at completion had an approximate 4' rise in elevation to support a level sports field. The City did not have an issue with this.

Secondly, the City cites the adverse or ^{effect} negative impacts', which are really the result of a number of calls from a small group of neighbors. Mainly, the complaints cite the rise in elevation as an issue. Let's take a step back though and understand the reasoning of the architect and contractor with respects to their approach. Big picture, having a general level grade to handle the soccer and ballfield fields is necessary for the children to have a safe and effective field areas. Additionally, the Architect and Contractor astutely proposed moving the dirt material on-site in order to avoid unnecessary expense taking fill offsite. This is in the best interest of the District and taxpayers.

We have walked the site numerous times to help understand this situation. The reality with respects to elevation is that there is no change of elevation at the fence line with the school along the property boundaries. Additionally, inside the fence, the asphalt walkway (approved by the City), while has a modest rise for its width, is also level. Then the slope remains with a gradual rise to the plateau where predominately the ballfield is situated for the south east corner, and southern property line. The increase in elevation from the boundary slowly slopes and gradually plateaus about 40-50' away. This change in elevation does not appear out of character for use by the property owner. Separately, except for one home on the southern side, most of the homes are built about 40' or more from the property line. In the big picture, the School District is making the best use of the property to support use by the children. My overall reading of this matter is that it is more of a perception of impact.

Our Bond Oversight Committee has reviewed this situation and has heard from many other Apple Valley area residents, and along with and other citizens through the District. We remain concerned if the District is forced to reduce the grade down to the current approved elevation, this would be an enormous impact as measured in dollars, time and impact to the children. In reviewing the situation with the Architect, Contractor and Project Manager, the removal of irrigation improvements, working with the DOE, consultants, and removing a large amount of cubic yards of material would potentially have the impact of delaying the opening of these fields to

the children to the tune of 6-9 months or more, and an estimated cost to the taxpayers of \$1,000,000. This is an unnecessary delay, financially irresponsible and will impact the children's use of the fields. It will be also be a huge operational impact for the staff during such a time so close to a project next to school with children present.

Another element that has been raised by a couple of letter writers is that change in elevation is going to cause a drop in their property value. While speculating on property values in any given time frame in the future is always difficult as any appraiser will note. However, let's take this question at a fundamental level. The condition for all nearby adjacent property owners before and now is that they all live next to a school, no change there. Beforehand, we had a 60-year old 'eye sore' of a building and uneven field that were not viewed with the word 'quality' in any stretch. Today we have a brand-new school, new playground and soon to be 2 new soccer fields and ballfield. I think an appraiser would unequivocally state without a doubt a significant improvement has occurred that would not be a detriment to property values of adjacent property owners, but rather a plus. Anyone purchasing a home next to a school takes the plusses and minuses in hand.

Since we are talking about the elevation, one very important historical element is missing from all of my readings to date. When the project came up to be considered for a vote of the citizens, the original concept* was to build the school in the South East corner of the property, so as to allow start up of school while the older property was demolished and would be home to part of the new fields. As it turned out, the School District came up with a creative solution to use the Freshman Campus to house the children. I think we all have no doubt the City would have approved the placement of the school at that location with no issues. If that would have occurred, even at the original elevation, all of the neighbors on the south and east corner would have multiple people looking into their yards, not just at the from the main floor, but also from a second floor vantage point. The reality is that the District has been sensitive and creative in addressing the neighbors' concerns and has changed the design of the school so as not to locate the school building 'right next door' to their homes.

Thus, I conclude with supporting the WVSD, on behalf of the BOC, and, as a parent of an attending AV student.

Sincerely, 
Peter Marinace

Bond Oversight Committee Chair, parent of Apple Valley Elementary student

PO Box 9853 Yakima, WA 98909

*Exhibit Submitted: Diagram showing original design of building in SE corner

Nunez, Analilia

From: Crowell, Eric
Sent: Thursday, August 12, 2021 8:09 AM
To: Nunez, Analilia
Subject: FW: West Valley School District Hearing
Attachments: Rodriquez Oscar Memo to City of Yakima Eric Crowell 8-11-21.pdf

From: O R [mailto:olrodriquez@gmail.com]
Sent: Wednesday, August 11, 2021 7:46 PM
To: Crowell, Eric <Eric.Crowell@YAKIMAWA.GOV>
Subject: West Valley School District Hearing

Dear Mr. Crowell,
Please review the attached document regarding the upcoming hearing for Construction of Apple Valley Elementary. I am unable to attend the hearing but would like my thoughts and opinion noted and heard.

Best Regards,

Oscar Rodriquez
101 N. 87th Ave.
Yakima, WA 98908
59.654.8908

City of Yakima

Attn: Eric Crowell, Associate Planner

129 North 2nd Street , Yakima, Washington

RE: APP#001-21, Apple Valley Elementary School

West Valley School District v City of Yakima

Dear Mr. Crowell,

It has come to my attention that the City of Yakima recently declined the West Valley School District's grading plan related to the elevation (higher), because of what appears to be complaints of some of my nearby neighbors. My understanding additionally is that the District is making an appeal, and a ruling on the matter will be held on August 11, by a Hearing Officer. **PLEASE LET IT BE KNOWN that I support the West Valley School District position**, here's why...

To give some context, my property lies adjacent, generally North West of the Apple Valley School and West of the actual playground and the bus return area of the property. I have a solid view of Apple Valley Elementary and its playgrounds and fields. My family has been living at this property since December of 2002 and we enjoyed walking our daughter to and from Apple Valley Elementary every single school day. **I want to state that I view the work the School District has done to date, working with their architects and consultants in a very favorable manner.** The new Apple Valley Elementary is BEAUTIFUL and will add value to our property.

The prior school structure was a 3 generation school (meaning 3 generations have attended the school) and is well over 60 years old. The school was outdated and frankly, a bit of an eye sore. So when the issue of a bond to support the new building came along, we supported it.

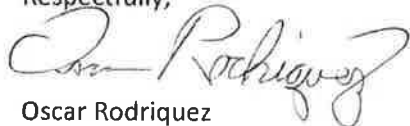
Now that the building is almost done, and we see the new field areas coming to fruition, we are very excited for the new Apple Valley Elementary and what it will bring to all of our children.

Looking at the elevation, as it stands now, **I do not believe the complaints are warranted and in my opinion appear to be unreasonable.** As stated we have been living here since 2002 and if there are any so called 'safety' issues, a new field and walkway is far better than the uneven field our children would walk and play on prior to the bond passing. - Regarding home intrusion safety I can count the number of times the police have been called into our neighborhood on one hand! Neighbors know each other and watch out for each other. Any statement or argument put forward is not sound, logical or rational.

Separately, some have made a baseless claim that the school elevation and walking path will somehow negatively affect our property values. Frankly, the opposite is true. The new building, playground and new fields are a far superior quality than what was here before. Our children will love the new facilities and any further delay in getting this done is a complete waste of time, effort and money.

In conclusion, I implore the Hearing Officer to support West Valley's School District's plan and continue working to complete this beautiful new facility which is Apple Valley Elementary. Its time to celebrate and come together.

Respectfully,



Oscar Rodriguez

101 N. 87th Ave

Yakima, WA 98908

DOC.
INDEX

H-7

THE HONORABLE GARY CUILLIER

BEFORE THE HEARING EXAMINER OF THE CITY OF YAKIMA

In the matter of the Appeals of:

WEST VALLEY SCHOOL DISTRICT
NO. 208, a political subdivision of the
State of Washington,

Appellant,

v.

CITY OF YAKIMA, a political
subdivision of the State of Washington,

Respondent.

No. APP#001-21

APPELLANT'S EXHIBIT LIST

West Valley School District No. 208 (the "School District") submits the following
Exhibit List.

I. EXHIBIT LIST

In preparation for the hearing, the School District provides the following list of
exhibits. The School District reserves the right to add or delete exhibits from this list as
appropriate. The School District further reserves the right to offer rebuttal exhibits as

APPELLANT'S EXHIBIT LIST - 1

DOC.
INDEX
H-6

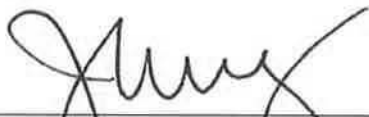
Perkins Coie LLP
1201 Third Avenue
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 authorized by the Hearing Examiner. The School District also reserves the right to object to
2 the admissibility of evidence submitted by other parties in this proceeding.
3

4 The School District hereby designates the following list of exhibits:
5

- 6 1. Site Plan Showing Summary of Grading Revisions from Permit Set to As-
7 Built Conditions
8
- 9 2. Preliminary Concept for Apple Valley Elementary School
10
- 11 3. Resume of Matt Whitish
12
- 13 4. Resume of Peggy Williamson
14
- 15 5. Resume of Imran Magsi
16

17
18
19
20
21 DATED: August 11, 2021
22



Kristine R. Wilson, WSBA No. 33152
Julie A. Wilson-McNerney, WSBA No. 46585
Perkins Coie LLP
1201 Third Avenue
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000
JWilsonMcNerney@perkinscoie.com

*Attorneys for Appellants West Valley School
District No. 208*

23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

APPELLANT'S EXHIBIT LIST – 2

153434210.1

**DOC.
INDEX**

H-6

Perkins Coie LLP
1201 Third Avenue
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

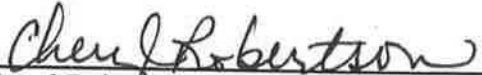
CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on the date indicated below, I caused a true and correct copy of the foregoing **EXHIBIT LIST** to be served on the following persons via the methods indicated below:

City of Yakima
Community Development Department
129 N. 2nd Street, 2nd Floor
Yakima, WA 98901
ask.planning@yakimawa.gov

- ☐ Via U.S. Mail, 1st class, postage prepaid
- ☐ Via Legal Messenger
- ☐ Via Facsimile
- ☐ Via Overnight Mail
- ☒ Via email

DATED this 11th day of August, 2021 at Seattle, Washington.


Cheryl Robertson, Legal Practice
Assistant

APPELLANT'S EXHIBIT LIST – 3

153434210.1

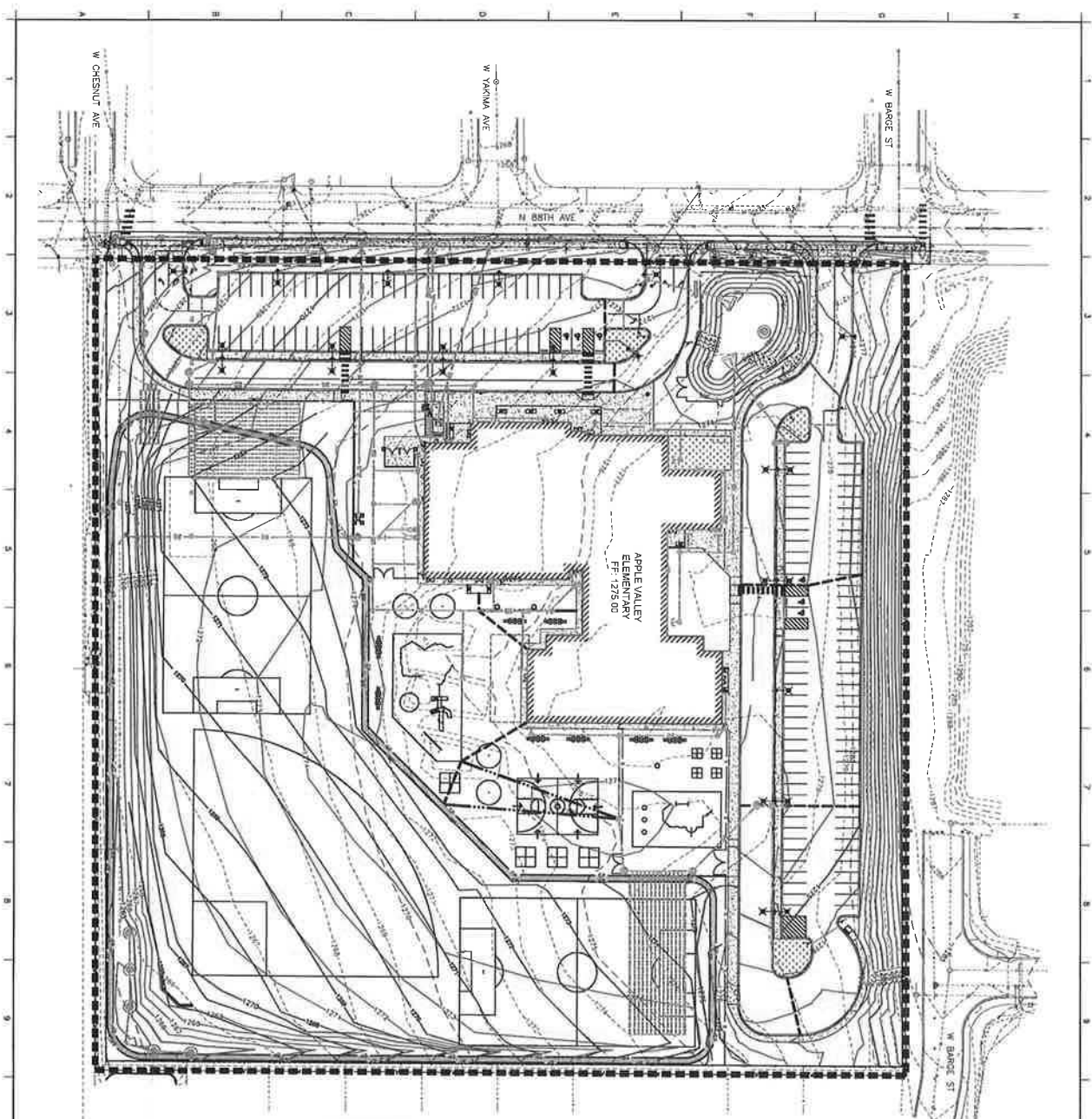
**DOC.
INDEX**

H-6

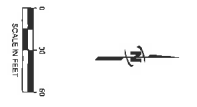
Perkins Coie LLP
1201 Third Avenue
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

EXHIBIT 1

DOC.
INDEX
H-6



APPLE VALLEY
ELEMENTARY
FF: 1275.00



- LEGEND**
- ORIGINAL CONTOUR
 - - - - - FUTURE CONTOUR
 - AS-BUILT CONTOUR
 - PROJECT AREA BOUNDARY

SUMMARY OF GRADING CONDITIONS FROM PRELIM. SET TO AS-BUILT CONDITIONS

PROPOSED AREA	142,000 SF +/-
AREA OF SITE WITH INCREASED GRADES	15,000 SF +/-
% OF SITE WITH INCREASED GRADES	10%
% INCREASE IN GRADE OVER ENTIRE SITE (AVERAGE)	30%

CALL TO PREPARE SETS BY ADVISORY REVIEW
THAT ALL GRADING, OR EXISTING FOR THE
REASON OF THE DESIGNER'S
UTILITIES



**OVERALL
GRADING
PLAN**

C1.10

**PROTOTYPE ELEMENTARY
WEST VALLEY SCHOOL DISTRICT**

APPLE VALLEY - 7 N 88TH AVE
SUNNYSIDE - 6305 W CHESTNUT AVE
YAKIMA, WASHINGTON 98908



JUB ENGINEERS, INC.
2010 W. Clearwater Ave.
Suite 201
Kennewick, WA 99336
Phone: 509.762.8166
www.jub.com



DESIGN WEST
ARCHITECTS
1000 1/2 AVENUE
SUITE 100
YAKIMA, WA 98901
PHONE: 509.425.1111
WWW.DESIGNWEST.COM

DESIGN WEST
ARCHITECTS
1000 1/2 AVENUE
SUITE 100
YAKIMA, WA 98901
PHONE: 509.425.1111
WWW.DESIGNWEST.COM

**DOC.
INDEX
H-6**

EXHIBIT 2

DOC.
INDEX
H-6



APPLE VALLEY ELEMENTARY SCHOOL

WEST VALLEY SCHOOL DISTRICT

CONSTRUCTION SITE



NEW SCHOOL - CONCEPTUAL SITE LAYOUT



PROJECT INFORMATION

- PHASED CONSTRUCTION STARTING 2018
- OCCUPY SCHOOL IN AUGUST 2019
- 550 NUMBER OF STUDENTS
- +/- 10 ACRE SITE
- 1 & 2 STORY BUILDING
- WASHINGTON SUSTAINABLE SCHOOL PROTOCOL FACILITY
- +/- 68,000 S.F.

PRELIMINARY CONCEPT



WEST VALLEY
SCHOOL DISTRICT

DESIGN
WEST

DOC.
INDEX

H-6

EXHIBIT 3

DOC.
INDEX
H-6

Contact

www.linkedin.com/in/matthew-whitish-aia-58061744 (LinkedIn)

Top Skills

Submittals

Construction Management

Value Engineering

Certifications

Registered Architect

Matthew Whitish, AIA

Project Architect at Design West Architects
Kennewick

Experience

Design West Architects, P.A.
Project Architect
May 2014 - Present (7 years 4 months)
Kennewick

Chervenell Construction
Project Engineer / Project Manager
February 2011 - May 2014 (3 years 4 months)

C.L. Enterprises, G.C.
Superintendent
December 2005 - January 2011 (5 years 2 months)

Terence L. Thornhill, Architect
Intern Architect
May 2003 - December 2005 (2 years 8 months)

Education

Washington State University
Bachelor of Architecture, Architecture · (1998 - 2003)

Columbia Basin College
Associate of Arts · (1996 - 1998)

EXHIBIT 4

DOC.
INDEX
H-6



PEGGY WILLIAMSON, CHMM

PRINCIPAL

Peggy Williamson is Fulcrum's firm President and lead scientist/project manager for safety and hazardous material management audits. Peggy has more than 30-years of experience managing environmental and construction projects. She has provided lead technical support for a variety of projects including Phase I Environmental Site Assessments (ESA), National Environmental Policy Act (NEPA) Environmental Assessments, hazardous materials abatement, site inspections, and abatement oversight.

Since joining Fulcrum in 1991, her work has included hundreds of projects in public buildings ranging from localized emergency abatement to extensively planned, multi-phased abatement projects. During these project's, she was responsible for assisting the owner, construction manager, and architect with project planning, feasibility reviews, public bidding, including the use of small works rosters, contractor qualification procedures, mandatory bid walks, and public bid projects.

EMPLOYMENT HISTORY

Started Employment with Fulcrum 1991.

EDUCATION & CERTIFICATIONS

Certificate in Hazardous Materials Management (CHMM) #04189

May 1993 to May 2024

B.S. Animal Science, Washington State University

June 1981

CERTIFICATIONS

Asbestos Hazard Emergency Response Act (AHERA) accredited Building Inspector (Initial Coursework 1991; Refreshers 1993 through 2021; Expires April 7, 2021).

AHERA accredited Management Planner (Initial Coursework 1991; Refreshers 1993 through 2021; Expires April 7, 2022).

AHERA accredited Project Designer (Initial Coursework 1991; Refreshers 1993 through 2021; Expires May 7, 2022).

Washington Certified Lead Risk Assessor/Inspector (Initial Coursework and EPA Certification 2007; Washington State Program 2007; and Certifications 2007 through 2020, Expires June 30, 2023).

Oregon Certified Lead Risk Assessor/Inspector (Initial Coursework and EPA Certification 1996; Oregon State Program 2000; and Certifications 1996 through 2020, Expires October 22, 2023).

International Code Council/ International Fire Code Institute Washington State Site Assessment (Initial Coursework 1995, Certifications 1995 through 2016, Expires August 22, 2017).

International Code Council/ International Fire Code Institute Washington State UST Decommissioning (Initial Coursework 1994, Certifications 1996 through 2016, Expires August 22, 2017).

OSHA U.S. Department of Labor, OSHA Construction Outreach Trainer, April 7, 2009.

Certified Environmental Inspector (CEI), Environmental Assessment Association February 20, 1992.

DOC.
INDEX

H-6



MEMBERSHIPS AND ASSOCIATIONS

American Society of Safety Engineers (www.ASSE.org)
Alliance of Hazardous Materials Professionals (www.AHMP.org)
Indoor Air Quality Association (www.IAQA.org) – firm membership
Institute of Hazardous Materials Managers (www.IHMM.org)
National Environmental, Safety and Health Training Association (www.neshta.org)

CONFERENCES AND SEMINARS

Governor's Industrial Safety and Health Conference, Washington State Department of Labor and Industries, Tacoma, Washington, September 2019.
2019 AEC Thrive, PSMJ Resources, Inc., October 3-4, 2019, New Orleans, Louisiana.
Governor's Industrial Safety and Health Conference, Washington State Department of Labor and Industries, Spokane, Washington, September 2018.
AEC Thrive 2018, PSMJ Resources Inc., San Diego, California, October 23-24, 2018
AHMP 2018 National Conference, Alliance of Hazardous Materials Professionals, Reno, Nevada.
Governor's Industrial Safety and Health Conference, Washington State Department of Labor and Industries, Tacoma, Washington, September 2017.
Governor's Industrial Safety and Health Conference, Washington State Department of Labor and Industries, Spokane, Washington, September 2004.
A&E and Consulting Growth Tour, Deltek, May 2014.
Hot Topics in Safety and Industrial Hygiene, Alliance of Hazardous Materials Professionals, Atlanta, Georgia, September 2010.
Environmental Review Training, Office of Native American Programs and U.S. Department of Housing and Urban Development, August 24-26, 2010.
ACHMM 2004 National Conference, Academy of Certified Hazardous Materials Managers, Las Vegas, Nevada, August 2004.
ACHMM 2003 Pre-Conference Program, Academy of Certified Hazardous Materials Managers, Dallas, Texas.
ACHMM 2002 National Conference, Academy of Certified Hazardous Materials Managers, Louisville, Kentucky, October 2002.
Academy of Certified Hazardous Materials Managers 1995 Conference and Technical Presentations, August 1995.

PRESENTATIONS

Duty of Care, Academy of Certified Hazardous Materials Managers 2003 Conference, Dallas, Texas September 14 – 17, 2003.
Historical Agricultural Soil Contamination, Academy of Certified Hazardous Materials Managers, 1998 Conference.



TECHNICAL WORKSHOPS AND TRAINING

Adult Mental Health First Aid USA, Mental Health First Aid USA, Tacoma, Washington, September 24, 2019.

First Aid and CPR for Adults, FACT, Yakima, Washington, February 28, 2020.

WISER Endangered Species, United States Department of Housing and Urban Development's Office of Environment and Energy, Yakima, Washington, October 22, 2020.

WISER Water Elements, United States Department of Housing and Urban Development's Office of Environment and Energy, Yakima, Washington, August 14, 2020.

Quantitative Fit Test, Fulcrum Environmental Consulting, January 2016.

Environmental Navigator, Archer Institute of Environmental Training, San Diego, California, August 13, 2014.

ConAgra Construction Safety, ConAgra Foods, November 5, 2014.

Quantitative Fit Test, Fulcrum Environmental Consulting, January 2013.

Quantitative Fit Test, Fulcrum Environmental Consulting, January 2011.

ConAgra Construction Safety, ConAgra Foods, November 5, 2011.

Class IV and Asbestos Awareness Training, R.H. Welch, Inc. Environmental/Safety Management Training and Consulting, October 15, 2010.

Environmental Review, Office of Native American Programs, Spokane Washington, August 24-26, 2010/

OSHA 502: Update for Construction Industry Outreach Trainers, Region 10 OSHA Training Institute Education Center, 2009.

NEPA – Writing the Perfect EA/FONSI or EIS, Environmental Outreach and Stewardship Alliance, Seattle, Washington, May 2009.

Excavation Safety for Competent Person Training, United Rentals, March 27, 2008.

Confined Space Training, United Rentals, March 28, 2008.

Hazardous Waste Operations and Emergency Response Refresher, Region 10 OSHA Training Institute Education Center, October 2008.

Defensive Driving Practices, Region 10 OSHA Training Institute Education Center, October 2008.

Electrical Safety (Construction), Region 10 OSHA Training Institute Education Center, March 2005.

Personal Protective Equipment (Construction), Region 10 OSHA Training Institute Education Center, March 2005.

Fall Protection, Region 10 OSHA Training Institute Education Center, March 2005.

OSHA 500: Trainer Course in OSHA Standards for the Construction Industry, Region 10 OSHA Training Institute Education Center, April 2005.

Instant OSHA Bloodborne Pathogens, Region 10 OSHA Training Institute Education Center, July 2005.

Hazardous Waste Operations and Emergency Response 8-Hour Refresher, Region 10 OSHA Training Institute Education Center, December 2004.

Permit-Required Confined Spaces, Region 10 OSHA Training Institute Education Center, July 2003.

Instant OSHA Confined Spaces, Region 10 OSHA Training Institute Education Center, July 2003.

Instant OSHA Electrical Safety, Region 10 OSHA Training Institute Education Center, November 2003.

Instant OSHA Electrical Safety, Region 10 OSHA Training Institute Education Center, November 2003.

Instant OSHA Lock and Tag, Region 10 OSHA Training Institute Education Center, November 2003.

Hazardous Waste Operations and Emergency Response 8-Hour Refresher, Region 10 OSHA Training Institute Education Center, November 2003.



Hazardous Waste Operations and Emergency Response 8-Hour Refresher, Region 10 OSHA Training Institute Education Center, February 2002.

Excavations (Construction), Region 10 OSHA Training Institute Education Center, April 2002.

SPAN International Training Safety Workshops, CSP, July 10-12, 2002.

Designing and Delivering Effective Training, National Environmental Training Association, September 28-29, 2002.

Basic Map 4 Operations: XRF Operator, EDAX, February 2001.

OSHA 10 Hour Construction Outreach Training Program, Safety Training and Risk Reduction, November 13, 2001.

MAP: Basic Radiation Safety, EDAX, September 2000.

Hazardous Materials Refresher Course, The National Environmental Health Association, December 1, 2000.

8 Hour Health and Safety Refresher Training for Hazardous Waste Site Operations, EHS-International, Inc., April 4, 1999.

Hazardous Materials Refresher Course, The National Environmental Health Association, June 10, 1999.

Health and Safety Refresher Training for Hazardous Waste Site Operations, EHS-International, Inc., April 4, 1998.

Confined Space Entry Training, EHS-International, Inc., April 4, 1998.

Quantitative Fit Test, Fulcrum Environmental Consulting, April 1998.

Health and Safety Training for Hazardous Waste Site Activities: 8 Hour Refresher Course, Geraghty and Miller Environmental Services, Inc., September 12, 1997.

Health and Safety Training for Hazardous Waste Site Activities: 8 Hour Refresher Course, Geraghty and Miller Environmental Services, Inc., August 8, 1996.

Lead-based Paint Risk Assessment Training, Western Region Hazardous Substance Research Center, May 1996.

First Responder Operations, Safety/Health/ Environmental IHE Technologies Inc., July 1995.

Hazardous Waste Cleanup Operations Training, July 1995.

Sampling and Evaluating Airborne Asbestos Dust- NIOSH No.582, Region 10 OSHA Training Institute Education Center, June 1994.

Hazardous Waste Operations and Emergency Response, Prezant Associates, Inc., August 1994.

Confined Space Entry Training, EHS-International, Inc., April 4, 1993.

Hazardous Waste Operations and Emergency Response, Prezant Associates, Inc., August 1993.

40-Hour Hazardous Waste Operations and Emergency Response Training, Envirocon, Inc., August 1992.

Environmental Inspections for Real Estate Transactions, Environmental Assessment Association, October 1991.

FIRM MANAGEMENT WORKSHOPS AND TRAINING

2nd Annual AEC HRemote Summit, Employee Engagement, Yakima, Washington, April 08-09, 2021.

HRemote Summit, Employee Engagement, Live Feed, September 23-24, 2020.

Tune Up Employee Handbook, Webinar, 2018 Association of Washington Business (AWB), Yakima, Washington, July and March 14, 2018.

2018 A/E/C HR Summit, April 18-20, 2018, San Diego, California, The Employee Engagement Group.



Performance Evaluations, Disciplinary Action, and Termination, Webinar, 2018 Association of Washington Business (AWB), May 09, 2018.

PSMJ & Deltek Present: The State of the A/E Industry, Webinar, January 18, 2017, PSMJ Resources, Inc.

Uncover the 13 KPIs that Drive High Performance, Webinar, March 16, 2017, PSMJ Resources, Inc.

Design and Build your Workforce, Webinar, March 22, 2017, PSMJ Resources, Inc.

2016 A/E/C HR Summit, March 31-April 1, 2016, Seattle, Washington, PSMJ Resources, Inc. and The Employee Engagement Group.

Financial Management Bootcamp, July 16-17, 2015, PSMJ Resources, Inc.

Part 1: Top-Down Budgeting Made Easy, September 17, 2015, PSMJ Resources, Inc.

Part 2: Top-Down Budgeting Made Easy, September 24, 2015, PSMJ Resources, Inc.

10 Business Critical Year-End Reports for A/E Firms, October 2, 2015, PSMJ Resources, Inc.

5th Annual A/E/C Industry Human Resources Summit, April 3-4, 2014, Las Vegas, Nevada, PSMJ Resources, Inc. and The Employee Engagement Group.

Business Certificate Program, May 22, 2014, Seattle, Washington, Foster School of Business.

How to Benchmark Your Bonus and Benefits Structure, Webinar, March 10, 2014, PSMJ Resources, Inc.

Developing Your PM Plan: "Why Failing to Plan is Planning to Fail", Webinar, October 21, 2014, PSMJ Resources, Inc.

Health, Safety, and Environment Orientation, TransCanada January 24, 2011.

Essential Leadership Skills for A/E Firm Principles and Managers, July 17, 2008, Seattle, Washington, Zweig White.

Health, Safety, and Environment Orientation, TransCanada October 11, 2008.

Best Practices in A/E Firm Project Management, July 22-23, 2008, Seattle, Washington, Zweig White.

Third Party Liability in Worksite Safety and Health, Northwest Center for Occupational Health and Safety, February 28, 2007.

Invitational Leadership Training Course, Academy of Certified Hazardous Materials Managers, May 19-20, 2005.

Management Skills for New Supervisors, SkillPath, Inc., April 1994.

The Manager As Coach, Career Track Inc., June 1994.

Hazardous Materials Chemistry for the Non-Chemist, Professional Environmental Trainers Association, March 29-30, 1993.

The above is intended to be a reasonable summary of the technical certifications, memberships, course material, and presentations and is not intended to be all inclusive.

EXHIBIT 5

DOC.
INDEX
H-6



Consulting Engineers Environmental Scientists Construction Materials Testing

RESUME

Imran Magsi, PE, GE, Sr. Geotechnical Engineer

Mr. Magsi has extensive experience in the consulting geotechnical engineering industry performing routine and complex geotechnical projects, geotechnical soils explorations, foundation engineering design and forensic analysis, oversight of quality assurance and quality control testing and special inspections on construction projects. Mr. Magsi has developed a thorough understanding of management practices for geotechnical engineering profession. On many projects, he is and has been responsible for the liaison between owners, architects and contractors.

Mr. Magsi performs geotechnical soils investigations in various geologic formations including sinkholes, sand dunes, under consolidated soft clays, compressible sand and collapsible soils, volcanic ash, hardpan/bedrock, glacial till and expansive soils. Mr. Magsi conducts and supervises numerous geotechnical investigations in various states including Washington, Oregon, Idaho, and Alaska preparing and reviewing technical reports pertaining to commercial, educational, and industrial foundation design. Mr. Magsi provides geotechnical recommendations relating to bearing capacity, slope stability, consolidation and settlement, earth retention structures, seepage analysis, groundwater and hydrogeological studies, soil density and compaction, pile load testing, soil stabilization, and underpinning to aid in foundation design and construction. In addition he performs slope stability and landslide analysis for potential geologic hazards, seepage analysis, retaining wall design and soil nail walls, design of below-grade structures/swimming pools, dewatering system design, wall drainage design, computerized pavement design for new sections and overlays.

THE DETAILS

No. of Years of Related Experience: 30

Education: M.S., Geotechnical Engineering, University of Illinois at Urbana-Champaign, 1989;
B.S. Civil Engineering, NED University of Engineering & Technology, 1987;
24 Credit Hours towards MBA Degree, University of Texas at El Paso, 1992

Licensure/Certifications:

- Professional Civil Engineer: WA #31968; OR #17677; ID #7828; AK #10730; TX #73013
- **Licensed as Geotechnical Engineer Specialty**, State of Oregon – since 2010
- Cold Regions Engineering Short Course-University of Washington-2003
- ASFE - Fundamentals of Professional Practice 2009
- NRMCA Approved Engineer - Concrete Batch Plant/Truck Certification Program
- Speaker at the APWA Joint Conference Spring 2011, Vancouver WA
- On-Call Geotechnical Engineering Consultant (2013-2017)- Klickitat County Public Works Dept.
- Radiation Safety Training and Use of Nuclear Density Gauge

722 N 16th Avenue, Suite 31
Yakima WA 98902
509/248-9798
509/248-4220 Fax

2618 W Kennewick Ave
Kennewick WA 99336
509/734-9320
509/734-9321 Fax

11115 E. Montgomery Ste C
Spokane Valley WA 99206
509-893-9400
877-258-9211 Fax

PO Box 1922
Hood River OR 97031
541/387-3387

81006 HWY 395
Hermiston OR 97838
541/564-0991

Visit our website at www.gnnorthern.com
Email: gnnorthern@gnnorthern.com

DOC.
INDEX

H-6

FEW KEY PROJECTS EXPERINCE LISTING

Yakima School District – New Eisenhower High School and Davis High School Additions and Renovations

GN Northern provided geotechnical engineering services for the New Eisenhower High School and Davis High School Additions and Renovations. The scope of our geotechnical services included evaluation of the subsurface soil/groundwater conditions by means of exploratory soil borings and exploratory test pits, collection and sampling of earth materials for laboratory analysis in general accordance with ASTM test procedures, site specific seismic analyses and preparation of a Geotechnical report with recommendations for building, site and infrastructure design and development.

Yakama Nation Legends Casino and New Hotel, Toppenish WA

GN Northern provided geotechnical engineering services. The scope of our geotechnical services included evaluation of the subsurface soil/groundwater conditions by means of exploratory soil borings and exploratory test pits, collection and sampling of earth materials for laboratory analysis in general accordance with ASTM test procedures, site specific seismic analyses and preparation of a Geotechnical report with recommendations for building, site and infrastructure design and development.

City of Prosser I-82 Utility Crossings – Phase 1, Prosser, WA

GN Northern provided geotechnical engineering services. The scope of our geotechnical services included a site reconnaissance, mapping of soil profile, geotechnical investigation and sampling completing a series of test borings along the proposed utility corridor to explore and identify subsurface conditions within the project area. A seismic refraction survey was completed to evaluate rippability of bedrock and a detail 3-dimenaional subsurface profile was prepared to aid in subsurface excavations. Preparation of a geotechnical report with recommendations for design and construction of the infrastructure.

City of Pendleton OR- Umatilla River Levee- FEMA Levee Certification (44 CFR 65.10)

GN Northern provided geotechnical engineering services The scope of our geotechnical services included a detailed site reconnaissance, mapping of soil profile, extensive geotechnical investigation and sampling completing a series of test borings along the levee to explore and identify subsurface conditions within the project area. Advanced laboratory testing was completed on soil samples to determine index and engineering properties of the soils for aid in stability analyses. Performed stability, settlement and seepage analyses using finite element and finite difference modeling for earthen levee structures. Results of analyses and findings were presented in a geotechnical report.

Port of The Dalles, Chenoweth Business Park Development, The Dalles OR

GN Northern provided geotechnical engineering services for the proposed 92-acre Chenoweth Business Park project site located on the Columbia River located north of River Road at The Port of The Dalles in Wasco County, Oregon. The 92-acre project site was found to exhibit highly variable surface and subsurface geologic conditions. The scope of our geotechnical services included evaluation of the subsurface soil/groundwater conditions by means of several exploratory soil borings and exploratory test pits, collection and sampling of earth materials for laboratory analysis in general accordance with ASTM test procedures, draw-down pump testing, soil infiltration testing, site specific seismic analyses and preparation of a Geotechnical report with recommendations for site and infrastructure development.

Inside the Legislature

- ★ Find Your Legislator
- ★ Visiting the Legislature
- ★ Agendas, Schedules and Calendars
- ★ Bill Information
- ★ Laws and Agency Rules
- ★ Legislative Committees
- ★ Legislative Agencies
- ★ Legislative Information Center
- ★ E-mail Notifications (Listserv)
- ★ Civic Education
- ★ History of the State Legislature

Outside the Legislature

- ★ Congress - the Other Washington
- ★ TVW
- ★ Washington Courts
- ★ OFM Fiscal Note Website

[RCWs](#) > [Title 46](#) > [Chapter 46.80](#) > [Section 46.80.130](#)

[46.80.121](#) << [46.80.130](#) >> [46.80.140](#)

RCW 46.80.130**All storage at place of business — Screening required — Penalty.**

(1) It is unlawful for a vehicle wrecker to keep a vehicle or any integral part thereof in any place other than the established place of business, designated in the certificate issued by the department, without permission of the department.

(2) All premises containing vehicles or parts thereof shall be enclosed by a wall or fence of such height as to obscure the nature of the business carried on therein. To the extent reasonably necessary or permitted by the topography of the land, the department may establish specifications or standards for the fence or wall. The wall or fence shall be painted or stained a neutral shade that blends in with the surrounding premises, and the wall or fence must be kept in good repair. A living hedge of sufficient density to prevent a view of the confined area may be substituted for such a wall or fence. Any dead or dying portion of the hedge shall be replaced.

(3) Violation of subsection (1) of this section is a gross misdemeanor.

[1995 c 256 § 15; 1971 ex.s. c 7 § 9; 1967 ex.s. c 13 § 4; 1967 c 32 § 103; 1965 c 117 § 1; 1961 c 12 § 46.80.130. Prior: 1947 c 262 § 13; Rem. Supp. 1947 § 8326-52.]



DOC.
INDEX

H-6



Inside the Legislature

- ★ Find Your Legislator
- ★ Visiting the Legislature
- ★ Agendas, Schedules and Calendars
- ★ Bill Information
- ★ Laws and Agency Rules
- ★ Legislative Committees
- ★ Legislative Agencies
- ★ Legislative Information Center
- ★ E-mail Notifications (Listserv)
- ★ Civic Education
- ★ History of the State Legislature

Outside the Legislature

- ★ Congress - the Other Washington
- ★ TVW
- ★ Washington Courts
- ★ OFM Fiscal Note Website

[RCWs](#) > [Title 46](#) > [Chapter 46.80](#) > [Section 46.80.130](#)

[46.80.121](#) << [46.80.130](#) >> [46.80.140](#)

RCW 46.80.130

All storage at place of business — Screening required — Penalty.

(1) It is unlawful for a vehicle wrecker to keep a vehicle or any integral part thereof in any place other than the established place of business, designated in the certificate issued by the department, without permission of the department.

(2) All premises containing vehicles or parts thereof shall be enclosed by a wall or fence of such height as to obscure the nature of the business carried on therein. To the extent reasonably necessary or permitted by the topography of the land, the department may establish specifications or standards for the fence or wall. The wall or fence shall be painted or stained a neutral shade that blends in with the surrounding premises, and the wall or fence must be kept in good repair. A living hedge of sufficient density to prevent a view of the confined area may be substituted for such a wall or fence. Any dead or dying portion of the hedge shall be replaced.

(3) Violation of subsection (1) of this section is a gross misdemeanor.

[1995 c 256 § 15; 1971 ex.s. c 7 § 9; 1967 ex.s. c 13 § 4; 1967 c 32 § 103; 1965 c 117 § 1; 1961 c 12 § 46.80.130. Prior: 1947 c 262 § 13; Rem. Supp. 1947 § 8326-52.]

 **Access
Washington®**
Official State Government Website



DOC.
INDEX
H-6

August 11, 2021

Julie A. Wilson-McNerney
JWilsonMcNerney@perkinscoie.com
D. +1.206.359.6024
F. +1.206.359.7024

VIA EMAIL

Hearing Examiner Gary Cuillier
City of Yakima
129 North 2nd Street
Yakima, WA 98109
ask.planning@yakimawa.gov

Re: West Valley School District, Apple Valley Elementary School
File Nos.: APP#001-21, MOD#021-21

Dear Hearing Examiner Cuillier:

Thank you for your attention to West Valley School District No. 8's (the "School District's") appeal of the City of Yakima's ("City") decision to deny the School District's Modification Application, which requested approval of as-built elevations for the replacement of Apple Valley Elementary School ("the Project") that are a 32% increase over the elevations the City approved as part of the School District's building permit. The Project is to construct a new 60,000-square-foot elementary school building with parking spaces, a playground, and two playfields. On behalf of our client, West Valley School District No. 8 (the "School District"), we submit the following objections related to testimony included in the City's Hearing Examiner Packet sent to the School District on August 10, 2021 in the above-referenced matter.

Scope of Review and Record. In this proceeding, the Hearing Examiner is hearing an appeal of the administrative official's decision in MOD#021-21. The Hearing Examiner has authority to hear testimony during the appeal proceeding. Pursuant to YMC 16.08.18.G, "testimony given during the appeal shall be limited to those points cited in the appeal application." The points cited in the School District's appeal application are summarized as follows:

1. The Administrative Official committed an error of law by finding that the as-built elevations did not meet the criteria for a modification because the elevations were in excess of a 50% increase in elevation from the building permit submittal.
2. The Administrative Official's finding that the as-built grading would be more than a 50% increase in elevation (MOD#021-21 at 5) is not supported by substantial evidence.
3. The Administrative Official's finding that the as-built grading would cause an adverse effect is not supported by substantial evidence.

Hearing Examiner Gary Cuillier

August 11, 2021

Page 2

4. The Administrative Official exceeded her authority in applying a higher standard to the denial of the grading modification than would have been applied to the initial grading permit review.
5. The Administrative Official exceeded her authority in requiring the School District to regrade the site because the requirement is contrary to the nexus and proportionality test.

Objections. The School District objects to testimony offered in the City's Hearing Examiner Packet sent to the School District on August 10, 2021 that is irrelevant to the scope of the issues to be decided by the Hearing Examiner. The School District trusts the ability of the Hearing Examiner to filter relevant testimony and exhibits within the bounds of this limited decision from irrelevant testimony or exhibits.

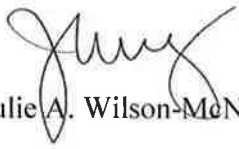
Testimony or exhibits offered that are **not relevant to the issues presented** include:

- Testimony or exhibits **regarding a commenter's preferences for other uses of the District's property or the location of accessory uses on the District's property.** For example, testimony or portions of testimony offered by the following persons should be excluded: Julia Erickson, John and Candace Manfredi, and Erasmo and Lorena Carranza.
- Testimony or exhibits **regarding a commenter's allegations of damage on private property that did not occur as a result of this Project.** For example, testimony or portions of testimony offered by the following persons should be excluded: John and Candace Manfredi.
- Testimony or exhibits **regarding challenges to the City's decision in MOD#021-21 or requests for modification of the City's decision in MOD#021-21 that were not filed in an appeal application with the associated filing fees by the appeal deadline and are not related to the District's appeal statement.** For example, testimony or portions of testimony offered by the following persons should be excluded: Julia Erickson and John and Candace Manfredi.
- Testimony or exhibits **regarding challenges to previously issued permits for this project, including the building permit, and the process used to issue those permits,** as these issues are not part of the School District's appeal. For example, testimony or portions of testimony offered by the following persons should be excluded: Julia Erickson and John and Candace Manfredi.

Hearing Examiner Gary Cuillier
August 11, 2021
Page 3

Conclusion. The findings of fact and conclusions of law to be rendered by the Hearing Examiner must be based on facts relevant to the issues raised in the School District's appeal application. The School District respectfully requests your review of the facts in the record that are relevant to those issues.

Sincerely,



Julie A. Wilson-McNerney

cc: Sara Watkins, City Attorney

1
2
3
4
5 **BEFORE THE HEARING EXAMINER OF THE CITY OF YAKIMA**
6

7 In the matter of the Appeals of:
8

MOD#021-21

9
10 WEST VALLEY SCHOOL

11 DISTRICT

12 NO. 208, a political subdivision of
13 the State of Washington,
14

15 Appellant,
16

17 vs.
18

19 CITY OF YAKIMA, a political
20 subdivision of the State of
21 Washington,
22

23 Respondent.
24

DECLARATION OF JOAN
DAVENPORT IN RESPONSE
TO APPELLANT'S
MEMORANDUM OF POINTS
AND AUTHORITIES IN
SUPPORT OF
ADMINISTRATIVE APPEAL

25 DECLARATION OF JOAN

26 DAVENPORT- 1

CITY OF YAKIMA LEGAL

DOC.
INDEX

H-4

1 I, Joan Davenport, declare as follows:

2 1. I am the Community Development Director for the City of Yakima, the
3 Administrative Official who made this decision under MOD#021-21, am over the age of
4 eighteen and make this Declaration from my personal knowledge.
5

6 2. Prior to the filing of the modification at issue in this matter (MOD#021-21), the
7 City received a complaint regarding the West Valley School District's (WVSD) construction of
8 a walking path at Apple Valley Elementary School. The City investigated that complaint and
9 found that WVSD had constructed the school and parking areas according to the approved plan,
1 but the playground area, fields and pathway were not in conformance with the building permit.
1 The Building Permit, B200126, was approved on April 7, 2020, and was not appealed or
1 challenged. The building permit was based on the plans submitted by WVSD.

2 3. WVSD was contacted by Code Enforcement on May 26, 2021 and a stop work
1 order was placed on the playground and ballfield portions of the project.

3 4. To address the permit violation and difference between the permitted site plan,
1 WVSD filed for a modification under YMC 15.17 on May 28, 2021. This modification
4 application was for the abbreviated modification process allowed under the code. The full
1 modification process requires public hearing and notice review under the same review level as
5 the original development permit—in this case a Type 3 review. The abbreviated modification
1 process is generally used for modifications that are minor in nature.
6

1 5. After WVSD filed the modification application, the City of Yakima had a
7 ZOOM format meeting with representatives of WVSD on June 4, 2021. City staff recommended
1 that WVSD meet with the concerned neighbors to hear their comments. As a result, WVSD
8 sent email notices to neighbors on June 8, 2021 and held a meeting with neighbors on June 14,
9

2
0 DECLARATION OF JOAN

2 DAVENPORT- 2

CITY OF YAKIMA LEGAL

DOC.
INDEX

H-4

1 2021. The meeting was not required for processing the application or determining the
2 application complete for processing.
3

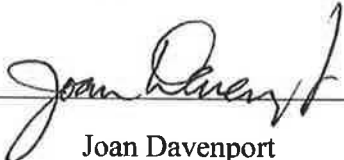
4 6. The initial modification application only addressed the addition of the walking path. An
5 amended application filed June 21, 2021 added the ballfield locations, asphalt changes, and,
6 what is at issue in this appeal—the grading of the property.

7 7. I attended the June 14, 2021 neighborhood meeting held by WVSD. I heard the
8 neighborhood concerns regarding the modifications to the property, including modifications
9 associated with the change in grading of the playfields. I have visited the Apple Valley
1 Elementary School campus.
0

1 8. After the neighborhood meeting, on June 21, 2021 WVSD submitted a modified
1 site plan indicating the new location of the ball fields, site screening fencing and pathway, but
1 did not make any changes to the grading of the playfields. After receiving this amendment, the
2 City determined that the application was complete and processed the decision on June 30, 2021.
1

3 9. This Statement includes an attachment with several emails that provide
1 documentation of events and facts covered in my declaration.
4

1 DATED this 11th day of August, 2021, at Yakima, WA.
5

1 By: 
6
1 Joan Davenport
7

1
1
8
1
9
2
0 DECLARATION OF JOAN

2 DAVENPORT- 3
1

2 CITY OF YAKIMA LEGAL
2

2 DOC.
2 INDEX

2 # H-4

Davenport, Joan

ATTACHMENT TO STATEMENT

From: Angela Von Essen <vonessena@WVSD208.ORG>
Sent: Tuesday, June 08, 2021 10:54 AM
To: JULIA E; Ron Huylar; john manfredi; Jon Walls
Cc: Rob Gross; Peter Finch; Matt Whitish; Kyle Clark; Heidi Sutton; Tim Critchlow; Davenport, Joan; Calhoun, Joseph; Denman, Glenn
Subject: walking path and back stop

Neighbors,

The District administration and the project team would like to meet with you on Monday, June 14th, at 6:00 p.m. at the Apple Valley Elementary site. We would like to hear more from you about the walking path and backstop and discuss possible resolutions to the concerns. Please join us at Apple Valley to learn, discuss, and resolve the issues.

We look forward to working with you.

Angela Von Essen

Assistant Superintendent for Business and Operations

West Valley School District No. 208

vonessena@wvsd208.org

509.972.6006

Davenport, Joan

From: Davenport, Joan
Sent: Tuesday, June 08, 2021 10:32 AM
To: Harrison, Bob; Calhoun, Joseph
Cc: Horton, Kelli; Denman, Glenn; Crowell, Eric
Subject: RE: Apple Valley School

Bob – I will call Julia again. In all Code Enforcement cases, we contact the property owner. They have a chance to understand the complaints/violations, and we give an opportunity for remedy. It is always better if the property owner corrects the problem especially when it is related to new construction, like this new school.

We met with the Interim Superintendent (Dr. Peter Finch) and the Assistant Superintendent in charge of operations. They are going to meet with neighbors and discuss the options to resolve the landscaping concerns. We understand this will happen this week.

The School District will then report to us what they are proposing to do and we can decide if it meets the code and resolves the issue.

I will make sure you are in the loop!

Joan

From: JULIA E [mailto:jewels169@msn.com]
Sent: Tuesday, June 08, 2021 9:41 AM
To: Harrison, Bob <Bob.Harrison@yakimawa.gov>; Calhoun, Joseph <Joseph.Calhoun@YAKIMAWA.GOV>
Cc: Davenport, Joan <Joan.Davenport@yakimawa.gov>; Horton, Kelli <Kelli.Horton@yakimawa.gov>; Denman, Glenn <Glenn.Denman@yakimawa.gov>; Crowell, Eric <Eric.Crowell@YAKIMAWA.GOV>
Subject: Re: Apple Valley School

Hi Joseph or Bob, can someone please address the question I have asked below?

Thanks,
Julia

From: JULIA E <jewels169@msn.com>
Sent: Saturday, June 5, 2021 6:12 PM
To: Crowell, Eric <Eric.Crowell@YAKIMAWA.GOV>
Cc: Davenport, Joan <Joan.Davenport@yakimawa.gov>; Harrison, Bob <Bob.Harrison@yakimawa.gov>; Calhoun, Joseph <Joseph.Calhoun@YAKIMAWA.GOV>; Horton, Kelli <Kelli.Horton@yakimawa.gov>; Denman, Glenn <Glenn.Denman@yakimawa.gov>
Subject: Re: Apple Valley School

Hi Eric,

When Glenn says "determinations" and "subject to review" who exactly is involved in this process? Will there be a process of public comment and then a Hearing Examiner's decision like there was in the original proposal?

Thanks,

Julia

From: Denman, Glenn <Glenn.Denman@yakimawa.gov>

Sent: Friday, June 4, 2021 2:52 PM

To: 'JULIA E' <jewels169@msn.com>

Cc: Davenport, Joan <Joan.Davenport@yakimawa.gov>; Harrison, Bob <Bob.Harrison@yakimawa.gov>; Crowell, Eric <Eric.Crowell@YAKIMAWA.GOV>; Calhoun, Joseph <Joseph.Calhoun@YAKIMAWA.GOV>; Horton, Kelli <Kelli.Horton@yakimawa.gov>

Subject: Apple Valley School

Julia,

We had a meeting this afternoon with representatives of the school. The plan at this point is the school district will be contacting neighbors to schedule a meeting with them to discuss ideas on how to possibly mitigate concerns at the site.

You should be receiving something soon, as they want to have the meeting next week sometime.

We (Planning) are still waiting for additional information needed to process their Modification application anyway, so we will be waiting to hear the results of the meeting before making any determinations, just in case the meeting results in additional changes to the site plan. Any changes will be subject to review.

Thank you, and have a great weekend.



Glenn Denman CBCO/CFCO

Code Administration Manager/Building Official/Fire Marshal

City of Yakima Codes Division

p: 509.575.6268

129 North 2nd Street, Yakima, Washington, 98901

Nunez, Analilia

From: Ryan Mathews <ryan.k.mathews@icloud.com>
Sent: Monday, August 09, 2021 9:01 PM
To: Ask Planning
Subject: APP#001-21 Public Comment
Attachments: APP#001-21 Public Comment - Ryan Mathews.pdf

Please confirm that my public comment will be provided to the Hearing Examiner on the above referenced matter.

Thank you,

Ryan

Ryan K. Mathews
13 North 95th Place
Yakima, WA 98908

Sent from my iPhone

August 9, 2021

City of Yakima
Attn: Eric Crowell, Associate Planner
129 North 2nd Street
Yakima, Washington

**RE: APP#001-21, Apple Valley Elementary School
West Valley School District v City of Yakima**

Mr. Crowell,

I have reviewed the elevations of the Apple Valley Elementary property as constructed and in my opinion, the site elevations are reasonable and consistent with the surrounding area. The current site elevation with remaining soil, sod, and improvements should be approved and the fields completed. I support the appeal by the West Valley School District and believe the City of Yakima's finding is in error.

In my opinion, the City and adjacent property owners have failed to demonstrate any "negative impact" occurring as a result of the change in site elevation. A cursory review finds that properties along North 86th Avenue properties have site elevation differences of 1-foot to more than 3-feet between those residential lots. Grades south of the school property are naturally at lower elevations given the natural slope from Summitview Avenue to Tieton Drive that existed prior to any of the development in the area.

Furthermore, the existing chain link fence along both the south and east property boundaries of the Apple Valley Elementary property has been unchanged and remains along the property boundary. The ground elevation of the pathway is unchanged with the exception of gravel and asphalt used to construct the pathway. The City of Yakima has already approved that constructed pathway. Photographs of the current site conditions, features, and elevations are attached.

The City of Yakima has evaluated site conditions and confirmed that there is not an impact to critical areas, slope stability, or the likely offsite conveyance of stormwater. Perception of impact is not impact. The City of Yakima erred in giving undue weight to the "multiple emails and phone calls" received by staff and these have failed to establish a negative impact.

The new grade for the playfields does not change from the elevation of the pathway until more than 20-feet from the property boundary. A change of 2 or 3-feet higher only occurs at a distance of 50-feet or more from the property boundary. Most houses along the east and south property boundaries are constructed 45-feet or more from the common property boundary. This results in a distance of nearly 100-feet between the most adjacent residence and the ballfield location. The proposed modification does not

affect the elevation along the property boundary beyond a distance that would be the customary distance within a residential development. Photographs of the current site conditions, features, and elevations are attached.

The original redevelopment plans proposed placing the new building tightly along the south and east property boundaries. The proposed building would have been placed in this area to accommodate continued use of the former Apple Valley Elementary school. A proposed building at this location would have been constructed as a 35-foot or more high structure with second story classrooms directly overlooking neighboring residences. The District was able to temporarily relocate students, demolish the existing building, and construct the new school in the same general footprint as the former school. Making this change was completed to avoid unnecessary impact to south and east adjacent residences.

Alternatively, if the Apple Valley Elementary would have been redeveloped for residential use as allowed by the land use zoning, a whole neighborhood of two-story residences could have been constructed including a house at the baseball backstop location. Even at a grade common to the adjacent properties, the height of a second floor window would have been 15-feet or more above ground surface. The elevation of the baseball field is less than a second floor window.

When viewed from the approved pathway and at the baseball backstop there is no significant difference in what can be viewed of neighbors' backyards from these two locations. In effect the land use has ensure that neighbors can enjoy a higher level of back yard privacy then would be enjoyed had the school been placed on the southeast portion of the property or within a typical neighborhood of two story houses.

Lastly, I estimate that the area where an additional 2 to 3-feet of soil elevation has been added is less than 1-acre in size and less than 10% of the total acreage of the Apple Valley Elementary property. This further demonstrates that the change to the Apple Valley Elementary property is not a significant change.

I support the appeal by the West Valley School District and believe the City of Yakima's finding is in error. The Hearing Examiner should find for the West Valley School District.

Sincerely,



Ryan K. Mathews
13 North 95th Place
Yakima, Washington



View looking east along the south property boundary. The chain link fence is unchanged.



View looking west at the baseball field backstop.



View looking south towards the baseball field backstop. Wooden fences are common along the boundary.



View looking north along the east property boundary. The chain link fence is unchanged.

Nunez, Analilia

From: john manfredi <jcmanfredi@outlook.com>
Sent: Friday, August 06, 2021 4:25 PM
To: Ask Planning
Cc: Davenport, Joan; Lorena Mora; sem10250@charter.net; JULIA E; pviking1975@gmail.com; undefined
Subject: FW: AAP#001-21, WVSD, Additional Testimony for Hearing Aug 12, 2021,

Dear planning staff person,
The information below is an addition to our previous testimony, of August 4, 2021, 12.59pm.
Please verify that our attachments have been received and given to the Hearing Examiner.
We would appreciate verification by Monday August 9, 2021.
Thank you,
John and Candace Manfredi

Sent from Mail for Windows 10

From: john manfredi
Sent: Friday, August 6, 2021 8:40 AM
To: Davenport, Joan; Denman, Glenn; Harrison, Bob; Crowell, Eric; Peter Finch; Kelsey Sanford; Ron Huylar
Cc: sem10250@charter.net; JULIA E; Lorena Mora; Watkins, Sara; Calhoun, Joseph; Nunez, Analilia
Subject: RE: Apple Valley earthwork being performed

District and City staff,

This week we have seen the District installing sod over playground areas where we thought the finished grade was higher than allowed by MOD#021-21.
MOD#021-21 DECISION "requires the applicant to regrade the site consistent with grading contours as shown in the building plan submittal (B200126)".
Joan Davenport's email, below, clarifies work consistent with the modification can proceed. Her email is below, hilited for your ready reference.
Placing sod would only be consistent on areas of the playground where grading contours comply with B200126.

We believe the District and City both have responsibility to insure work complies with the City's modification. We ask the District, and City, to advise us whether or not the areas being sodded have grades that comply with MOD#021-21?
We assume you are both paying close attention to this project and will know the answer, so we appreciate your reply today.

This afternoon, we will add this email, and hopefully your reply, to our written testimony for the hearing.

John and Candace Manfredi

Sent from Mail for Windows 10

DOC.
INDEX
H-2

From: Davenport, Joan

Sent: Tuesday, August 3, 2021 10:20 AM

To: 'john manfredi'; Denman, Glenn; Harrison, Bob; Crowell, Eric; Peter Finch; Kelsey Sanford; Ron Huylar

Cc: sem10250@charter.net; JULIA E; Lorena Mora; Watkins, Sara; Calhoun, Joseph; Nunez, Analilia

Subject: RE: Apple Valley earthwork being performed

Dear Interested parties –

The City of Yakima issued the Modification Decision #021-21 on June 30, 2021 and lifted the Stop Work Order in order that the West Valley School District may proceed with Apple Valley Elementary School construction and related site work, consistent with the Modification Decision including the pathway, the revised backstop, goal post locations, and reduction of the playground. The modification denied the modification of the site grading plan in the vicinity of the southeast portion of the property. The West Valley School District filed an appeal on the modification and the City of Yakima Hearing Examiner is scheduled to review the appeal on August 12, 2021.

The City of Yakima did not place an additional Stop Work Order related to site work at the property, after the appeal was filed. The Hearing Examiner will decide the site grading issue as a result of the August 12 public hearing.

With that background, any site work conducted by WVSD must control blowing dust.

We thank you all for your continued patience in this complex process.

Joan Davenport, AICP
Director of Community Development
City of Yakima
129 North 2nd St
Yakima, WA 98901
Joan.davenport@yakimawa.gov
(509)576-6417



From: john manfredi [mailto:jcmanfredi@outlook.com]

Sent: Tuesday, August 03, 2021 8:50 AM

To: Denman, Glenn <Glenn.Denman@yakimawa.gov>; Harrison, Bob <Bob.Harrison@yakimawa.gov>; Crowell, Eric <Eric.Crowell@YAKIMAWA.GOV>; Davenport, Joan <Joan.Davenport@yakimawa.gov>; Peter Finch <finchp@WVSD208.ORG>; Kelsey Sanford <kelsey@yrcaa.org>; Ron Huylar <RHuylar@chervenell.com>

Cc: sem10250@charter.net; JULIA E <jewels169@msn.com>; Lorena Mora <lorymora33@gmail.com>

Subject: Apple Valley earthwork being performed

Dear City and District,

We would like to know when Chervenell got the go ahead to resume earthwork on the East playground. This morning they are placing fill (photo below) in the very area that grade raises were already found to be out of compliance, and are currently being appealed to the Hearing Examiner.

Yesterday Chervenell was were placing fill in the NE corner, and also laying sod.

DOC.
INDEX
H-2

Dear Yakima Regional Clean Air,

All this work is being done without a water truck onsite. I believe this violates their own dust abatement plan.

I think it was this past Friday or Saturday late evening, a lot of dust was blowing due East from their dry stockpile which had been worked Friday. We didn't phone that in. Now wish we had.

Would a City representative please tell us if the stop work order has been lifted.

Would YRCAA please tell us if they no longer need to follow their dust abatement plan.

Thank you,

John and Candace Manfredi



Sent from Mail for Windows 10

Nunez, Analilia

From: Jamie Mathews <jamiekmathews@yahoo.com>
Sent: Friday, August 06, 2021 2:31 PM
To: Ask Planning
Subject: Apple Valley Elementary
Attachments: APP#001-21 Public Comment - Jamie Mathews.pdf

Please see attached pdf file. Thank you.

Sent from my iPhone

August 6, 2021

City of Yakima
Attn: Eric Crowell, Associated Planner
129 North 2nd Street
Yakima, Washington

RE: APP#001-21
West Valley School District, Apple Valley Elementary School

Mr. Crowell,

As a City of Yakima resident, West Valley community member, and parent of an Apple Valley Elementary student I am disappointed and frustrated at the actions of the City of Yakima that have prevented our school from being finished. The few neighbors that have complained about baseballs flying over the fence or the possibility of someone looking into the backyard of a house don't represent the concerns of our community.

My first child started school at Apple Valley Elementary in 2012 and I have had three students attend the school. I have spent many hours on the south playfield during recess, James Jog-a-thon, mileage club, Field Days, and even just as a family for an evening playing catch or kicking a soccer ball. Have baseballs, footballs, and soccer balls been hit, thrown or kicked over the fence? I'm sure they have. But my neighbors have had baseballs, soccer balls, and every nerf football and dart end up in their yards and politely sent them back. If someone doesn't want an errant ball ending up in their yard, they should move. I am fairly certain that Apple Valley Elementary was built there before any of the surrounding homes and those neighbors all chose to live next to a school

I've been at the school recently to see the construction and even walked on the new walking path. Since the property fences haven't been changed it's clear that there is not a bunch more dirt along the property boundaries. Some houses have a wood fence and others a chain link fence. Most have trees, shrubs, and other plants. Only the most recent house build doesn't have any plants. Can I see into those backyards? Sure, but only a little bit. I've stood at the baseball field backstop location and I don't really see any more of those backyards. In my current home, my neighbors can see from their second floor windows into the entirety of my backyard.

If someone doesn't want you to look in their backyard, plant bigger trees or move.

The field as constructed should be finished. What I can see from the baseball field isn't any different than what I can see standing on the new walking path.

Sincerely,

Jamie Mathews
509-480-1092
13 North 95th Place
Yakima, Washington

DOC.
INDEX
H-1



DOC.
INDEX
H-1