

RESOLUTION NO. R-2021-

A RESOLUTION approving the Preliminary Long Plat of Apple Tree No. 4 – Phase 2, a 32-lot subdivision with 3 tracts, located at 9300 Apple Tree Pkwy.

WHEREAS, on August 26, 2021, the City of Yakima Urban Area Hearing Examiner (“Hearing Examiner”) held an open-record public hearing to consider the application for a Preliminary Long Plat known as “Apple Tree No. 4 – Phase 2,” consisting of 29 single-family lots, 3 triplex lots, and 3 tracts, submitted by Apple Tree Construction Company LLC (PLP#001-21, CL2#023-21, SEPA#004-21); and

WHEREAS, on September 10, 2021, the Hearing Examiner issued his Written Recommendation for approval of the proposed plat, subject to conditions; and

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

WHEREAS, at a Closed Record Public Hearing on December 7, 2021, after notice duly given according to the requirements of the Yakima Municipal Code, the Yakima City Council adopted the Hearing Examiner’s Recommendation; and

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

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

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

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

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

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

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

ADOPTED BY THE CITY COUNCIL this 7th day of December, 2021.

ATTEST:

Patricia Byers, Mayor

Sonya Claar Tee, City Clerk

Exhibit "A"
Hearing Examiner's Recommendation

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CITY OF YAKIMA, WASHINGTON
HEARING EXAMINER'S RECOMMENDATIONS

September 10, 2021

In the Matter of Preliminary Long Plat)	
And Class (2) Applications Submitted by:)	
)	
Apple Tree Construction)	PLP#001-21
Company, LLC)	CL2#023-21
)	SEPA#004-21
For a Preliminary Plat Consisting of 29)	
Single-Family Lots, 3 Triplex Lots and)	
3 Tracts in the R-1 Zoning District to be)	
Located at 9300 Apple Tree Parkway to)	
Be Known as "Apple Tree No. 4 - Phase 2")	

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

(1) The Hearing Examiner conducted an open record public hearing relative to this Preliminary Long Plat application and this Class (2) triplex application on August 26, 2021.

(2) Associate Planner Eric Crowell's thorough Planning Division staff report recommended approval of these applications for a Preliminary Long Plat so as to allow the creation of 29 single-family lots and 3 triplex lots plus 3 undeveloped tracts, subject to conditions. The applicant's representative for this application, Mike Heit of HLA Engineering and Land Surveying, Inc., presented testimony in favor of the proposed Preliminary Long Plat with three lots for Class (2) triplexes and pointed out that the State Department of Archeology & Historic

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Preservation letter that was received during the comment period recommended rather than required that a professional archaeological survey be conducted.

(3) No written public comments were submitted by members of the public and no one else testified at the hearing. Pursuant to Subsections 15.05.030(E) and 15.11.100(A)(1) of the Yakima Municipal Code, this recommendation relative to the proposed Preliminary Long Plat will also include a recommendation as to the three Class (2) triplex uses proposed for Lots 61, 62 and 63 of the plat. This recommendation has been issued within the requisite ten working days of the open record public hearing.

B. Summary of Recommendations. The Hearing Examiner recommends that the City Council approve this Preliminary Long Plat of “Apple Tree No. 4 - Phase 2” and three Class (2) triplexes for three of the lots, subject to conditions.

C. Basis for Recommendations. Based on a view of the site with no one else present on August 24, 2021; the staff report, exhibits, testimony and other evidence presented at the open record public hearing conducted on August 26, 2021; and a consideration of the applicable subdivision ordinance requirements, zoning ordinance requirements, development standards and consistency criteria; the Hearing Examiner makes and issues the following:

FINDINGS

I. Applicant/Property Owner/Representative. The applicant and property owner is Apple Tree Construction Company, LLC, 2550 Barton Road, Yakima, Washington 98903. The representative of the applicant/property owner for this

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proposal is Michael Heit of HLA Engineering and Land Surveying, Inc., 2803 River Road, Yakima, Washington 98902.

II. Location. The location of the proposed Preliminary Long Plat for the development of 29 lots for single-family residences, three lots for Class (2) triplexes and three undeveloped tracts is 2300 Apple Tree Parkway which is to the west off of South 86th Avenue between Occidental Road and Ahtanum Road. The Yakima County Assessor's Parcel Numbers for the proposed Preliminary Plat are 171201-13405, 181206-23014, -23026, -23401, -23402 and -23404.

III. Applications. These applications are for a 14.03-acre Preliminary Long Plat and for three Class (2) triplex uses in a Single-Family Residential (R-1) zoning district. The proposed Preliminary Long Plat would allow the development of 29 single-family lots, 3 triplex lots and 3 undeveloped tracts. The application for approval of a Preliminary Long Plat was received on February 22, 2021. The application for approval of a Class (2) triplex use on Lots 61, 62 and 63 was received on May 25, 2021. The applications were deemed complete for processing by the Planning Division on May 28, 2021.

IV. Jurisdiction. Sections 14.3.080 and 14.20.100 of the Yakima Municipal Code (YMC) provide that the Hearing Examiner shall hold a public hearing and submit a recommendation to the City Council which shall include findings and conclusions to support the recommendation relative to the subdivision criteria listed in YMC §14.20.100(A) and in RCW Chapter 58.17. YMC §15.11.100(A)(1) provides that the Hearing Examiner shall make a recommendation to the City

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Council relative to any uses that are proposed in conjunction with any required approval that constitutes a recommendation to the City Council such as a Preliminary Long Plat.

V. Notices. A Notice of Application, Environmental Review and Public Hearing for approval of a Preliminary Long Plat (PLP#001-21), for three Class (2) triplex uses (CL2#023-21) and for SEPA review (SEPA#004-21) was provided in accordance with YMC Title 14 (Subdivision Ordinance), YMC Title 15 (Yakima Urban Area Zoning Ordinance) and YMC Title 16 (Development Permit Regulations) by posting a Land Use Action Sign on the property on April 8, 2021, and by mailing said Notice to the applicant, SEPA agencies and adjoining property owners within 300 feet of the subject property on May 28, 2021. A Notice of the Public Hearing to be held on August 26, 2021, was provided by the posting of the Land Use Action Sign on the property on April 8, 2021; by the mailing of said Notice to the applicant, SEPA agencies and adjoining property owners within 300 feet of the subject property on August 5, 2021; and by the publishing of said Notice in the Yakima Herald-Republic on August 5, 2021. No comments from neighbors or other members of the general public were received during the 20-day public comment period for these applications.

VI. Zoning and Land Use. The subject property and all surrounding properties are located within the Single-Family Residential (R-1) zoning district. The subject property is currently undeveloped. The land use of properties to the north and south is a golf course and to the east and west is residential. The main purpose of the Yakima Urban Area Zoning Ordinance (UAZO) in Title 15 of the Yakima

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Municipal Code (YMC) is to implement the Yakima Urban Area Comprehensive Plan and promote the general health, safety and welfare of the present and future inhabitants of the Yakima Urban Area. YMC §15.03.020(B) states that the purpose and intent of the R-1 zoning district is to:

(1) Establish new residential neighborhoods for detached single-family dwellings free from other uses except those which are compatible with, and serve the residents of, this district, which may include duplexes and zero lot lines if established during the subdivision process;

(2) Preserve existing residential neighborhoods for detached single-family dwellings free from other uses to ensure the preservation of the existing residential character, and serve the residents of this district; and

(3) Locate moderate-density residential development, up to seven dwelling units per net residential acre, in areas served by public water and sewer system.

(4) Detached single-family dwellings are the primary use in this district. The district is characterized by up to sixty percent lot coverage; access to individual lots by local access streets; required front, rear and side yard setbacks; and one- and two-story structures. The density in the district is generally seven dwelling units per net residential acre or less.

(5) This zone is intended to afford single-family neighborhoods the highest level of protection from encroachment by potentially incompatible nonresidential land uses or impacts. Nonresidential uses within these zones are not allowed; except for public or quasi-public uses, which will be required to undergo extensive public review and will have all necessary performance or design standards assigned to them as necessary to mitigate potential impacts to adjacent residences.

(6) Duplex and multifamily development up to seven dwelling units per net residential acre may be allowed in accordance with Table 4-1.

VII. Environmental Review. These applications were required to undergo State Environmental Policy Act (SEPA) review because they involved subdivision of land into more than nine lots in the R-1 zoning district. A Determination of Nonsignificance (DNS) was issued on August 5, 2021, which was not appealed.

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VIII. Transportation Concurrency Ordinance. The applicant applied for Transportation Concurrency (TCO#003-21) on February 22, 2021. The proposal was approved for Concurrency on August 18, 2021, because it will not exceed the PM peak hour capacity of the City arterial system, and reserve capacity exists on all impacted streets.

IX. Development Services Team relative to Features of the Proposed

Preliminary Plat. Comments of a Development Services Team (DST) Review conducted the week of March 8, 2021, are as follows:

(1) **Code Administration:** Pursuant to the Chapter 5 of the Washington State Fire Code (WSFC), publicly available fire hydrants will be required along streets spaced at intervals that will provide required fire flow coverage for proposed structures in accordance with WSFC Appendix C. These findings are not intended to be an exhaustive review of this proposal. The preliminary addressing for the lots within this Preliminary Long Plat are the following Apple Tree Parkway addresses:

Lot 1	8611 Apple Tree Pkwy.	Lot 12	9101 Apple Tree Pkwy.	Lot 56	9204 Apple Tree Pkwy.
Lot 2	8609 Apple Tree Pkwy.	Lot 13	9103 Apple Tree Pkwy.	Lot 57	9202 Apple Tree Pkwy.
Lot 3	8801 Apple Tree Pkwy.	Lot 14	9201 Apple Tree Pkwy.	Lot 58	9200 Apple Tree Pkwy.
Lot 4	8803 Apple Tree Pkwy.	Lot 15	9203 Apple Tree Pkwy.	Lot 59	9102 Apple Tree Pkwy.
Lot 5	8805 Apple Tree Pkwy.	Lot 16	9205 Apple Tree Pkwy.	Lot 60	9100 Apple Tree Pkwy.
Lot 6	8807 Apple Tree Pkwy.	Lot 32	9513 Apple Tree Pkwy.	Lot 61	9002 Apple Tree Pkwy. #1-3
Lot 7	8809 Apple Tree Pkwy.	Lot 33	9515 Apple Tree Pkwy.	Lot 62	9000 Apple Tree Pkwy. #1-3
Lot 8	8901 Apple Tree Pkwy.	Lot 34	9517 Apple Tree Pkwy.	Lot 63	8900 Apple Tree Pkwy. #1-3
Lot 9	8903 Apple Tree Pkwy.	Lot 35	9519 Apple Tree Pkwy.	Lot 65	8607 Apple Tree Pkwy.
Lot 10	9001 Apple Tree Pkwy.	Lot 39	9514 Apple Tree Pkwy.	Lot 66	8605 Apple Tree Pkwy.
Lot 11	9003 Apple Tree Pkwy.	Lot 55	9300 Apple Tree Pkwy.		

(2) **Engineering:** Engineering comments relative to this proposed Preliminary Long Plat are as follows:

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(a) YMC Chapters 8.67 and 12.05 – Street improvements shall conform to standard detail R3, including private streets, unless otherwise approved by City Engineer. New sidewalks shall be constructed per standard detail R5.

(b) YMC Chapter 8.64 – Driveways to be constructed per this chapter and standard detail R4.

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

(d) YMC Chapter 12.02 – Easements will need to be established per this chapter.

(e) YMC Chapter 12.06 – Private streets shall be constructed with curbs, sidewalks, and street lighting and shall otherwise conform to the standards for public streets. Private streets shall provide cul-de-sac/hammer head turnaround to accommodate emergency and refuse collection vehicles.

(f) YMC §12.06.050 Cul-de-sac streets – Cul-de-sacs shall be constructed within a street right-of-way eighty feet in diameter and have an improved diameter of sixty-five feet. The maximum length of a cul-de-sac street shall be six hundred feet measured along the street centerline from the nearest through street intersection to the center of the cul-de-sac.

(g) YMC §14.05.200 / §14.20.130 – All frontage improvements shall be completed prior to long plat approval. At the discretion of the City Engineer, the owner may bond for required frontage improvements. Bonding shall be executed and recorded prior to or as part of approval of the long plat. Civil engineering plans for public improvements shall be approved prior to bonding for public improvements. All frontage improvements shall be completed prior to Certificate of Occupancy. Civil engineering plans for public improvements shall be approved prior to issuance of building permits.

(3) Surface Water: For the long plat I have no comments. When civil plans are produced for this project a Large Project Stormwater Permit shall be required.

(4) Wastewater: All proposed lots appear to have sewer available except Lots 1, 2, and 65. Sewer will need to be extended per YMC Title 12 requirements and per City of Yakima Wastewater Standard Details.

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(5) Nob Hill Water Association: Nob Hill Water is currently installed in Phase 4 of Apple Tree. However, the main line must be extended to Ahtanum to provide the necessary fire flow for homes in the area. This tie-in will also improve reliability and water quality in this development.

(6) Department of Ecology: The Department of Ecology comments relative to this proposed Preliminary Plat are as follows:

(a) Historical aerial photos indicate a portion of this property was occupied by orchard during the time period when lead arsenate was applied as a pesticide, often resulting in shallow soil contamination from lead and/or arsenic. This project is required to conduct soil sampling prior to development under the Model Toxics Control Act (Chapter 173-340 WAC).

(b) If sampling indicates elevated levels of lead and arsenic, cleanup will be required. The Department of Ecology plans to use Model Remedies for lead and arsenic pesticide contamination in historical orchards of Central Washington. A Focus Sheet on the Model Remedies can be found at <https://apps.ecology.wa.gov/publications/documents/2109007.pdf>.

(c) Compliance with a Model Remedy ensures your project meets the minimum standards of the Model Toxics Control Act, and if implemented as described, your property will be successfully cleaned up to Washington State standards.

(d) Ecology can provide free initial sampling, as well as free technical assistance for your project.

(e) Please contact Jeff Newschwander, Project Manager, at 509-388-5223 or email jeff.newschwander@ecy.wa.gov, for further information or to schedule your initial sampling.

(7) Ahtanum Irrigation District: Ahtanum Irrigation District comments relative to this proposed Preliminary Plat are as follows:

(a) Please note that parcel 171201-13405 is not within our District's boundaries.

(b) Our records indicate the above-listed parcels falling within 181206 have no surface water right as established in the Final Decree (2019), the Conditional Final Order Subbasin No. 23 (Ahtanum) (2019),

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and the Final Schedule of Rights dated May 9, 2019 in State of Washington, Dept. of Ecology v. Acquavella, et al (2019).

(c) However, our Board must sign off on the plat for this subdivision. The surveyor will need to provide us with the original Mylar, as well as one copy, for District signature. As our Board meets once per month, please telephone in advance for meeting dates to avoid delays.

(8) Department of Archaeology and Historic Preservation (DAHP): The DAHP comments relative to this proposed Preliminary Plat are as follows:

(a) A review of our statewide predictive model has identified the project area as having a very high probability for archaeological resources. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we recommend a professional archaeological survey of the project area be conducted prior to ground disturbing activities. We also appreciate receiving any correspondence or comments from concerned tribes or other parties concerning cultural resource issues that you receive.

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

(c) Thank you for the opportunity to comment on this project and we look forward to receiving the survey report. Please ensure that the DAHP Project Number (a.k.a. Project Tracking Code) is shared with any hired cultural resource consultants and is attached to any communications or submitted reports.

X. Applicable City Subdivision Ordinance Provisions and Applicable State Subdivision Statutory Provisions. City of Yakima subdivision ordinance provisions and State statutory subdivision provisions which are applicable to the proposed Preliminary Long Plat include the following:

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(1) YMC §15.05.030(A): Creation of new lots – Subdivision requirements: Table of Subdivision Requirements: Pursuant to YMC §15.05.030(A), Table 5-2 establishes basic development criteria for lot size and width that must be met when reviewing an application for a new subdivision. For detached single-family dwelling construction in the R-1 zoning district, the required minimum lot size is 6,000 square feet.

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

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

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

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

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

(7) YMC §12.03.070: Side sewer service: Each building containing sanitary facilities shall be served by a separate private side sewer line from a public main.

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Branched side sewers serving multiple buildings and properties shall not be permitted. Single side sewers serving multi-unit buildings are permitted.

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

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

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

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

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

(13) YMC §12.06.010: Street types, functional classification: The Yakima Urban Area Comprehensive Plan, and/or the West Valley Neighborhood Plan,

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designates the functional classification of the principal arterial, minor arterial and collector streets and establishes their functional classification. All other streets are classified as local residential access.

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

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

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

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

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the improvements based upon the approved civil engineering design of the required improvements.

(18) RCW 58.17.110(1), YMC §14.20.100(A) and YMC §14.20.120(A): The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine (a) if appropriate provisions are made for the public health, safety and general welfare and for open spaces, drainage ways, streets and other public ways, transit stops, potable water supplies, irrigation and other water supplies, sanitary waste disposal, parks and recreation, playgrounds, schools and schoolgrounds, sidewalks, and other planning features that assure safe walking conditions for students who walk to and from school; and (b) whether said plat will serve the public use and interest.

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

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

(a) Consistency with the Intent of the R-1 Single-Family Residential Zoning District: YMC §15.03.020(B) indicates that the intent of the R-1 zoning district is in part to establish new neighborhoods for detached single-family dwellings free from incompatible uses. The proposed preliminary plat is designed primarily for 29 single-family residences and secondarily for three Class (2) triplex uses which will be considered in the sections of this recommendation applicable to the consideration of Class (2) uses.

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(b) Consistency with Design, Improvement and Development Provisions Applicable to the Single-family Residential (R-1) Zoning District: YMC Chapter 15.05 establishes certain basic development requirements. These are the minimum criteria that must be met to assure land use compatibility and promote the public health, safety and welfare. The proposed development meets the requirements applicable in the R-1 zoning district as follows:

(i) *Minimum Lot Size:* The 29 single-family residential lots ranging in size from approximately 9,144 square feet to approximately 14,782 square feet will meet the minimum 6,000-square-foot lot size requirement for single-family residences. Lots 61, 62 and 63 range in size from 18,669 square feet to 23,363 square feet which will also comply with the minimum lot size that is required for multifamily dwellings prescribed by YMC Table 5-2 and YMC §15.05.030(A).

(ii) *Minimum Lot Width:* The lots will all meet or exceed the minimum lot width of 50 feet prescribed for the R-1 zoning district by YMC Table 5-2 and YMC §15.05.030(A).

(iii) *Maximum Lot Coverage:* The maximum lot coverage is the percentage of net land area of a site that can be covered with structures and other impervious surfaces. In the R-1 zoning district, the maximum lot coverage prescribed by YMC Table 5-1 in YMC Chapter 15.05 is 60%. All lots within the proposed preliminary plat have sufficient lot area to comply with this 60% maximum lot coverage development standard.

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

Location	From Centerline of Right-of-Way	From the Property Line
Front, Apple Tree Pkwy.	45 feet	20 feet
Front, access easement	N/A	10 feet

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Rear	N/A	15 feet
Side (internal)	N/A	5 feet
Side, Apple Tree Pkwy.	40 feet	5 feet
Side, South 86 th Ave.	40 feet	5 feet

If Tract A will be accessed from South 86th Avenue and have that access considered the front yard, then the front yard setback will be 50 feet from the centerline of the right-of-way and 20 feet from the property line; otherwise that tract shall fully utilize the above table as appropriate.

(v) *Maximum Building Height:* YMC Table 5-1 in YMC Chapter 15.05 provides that the maximum building height in the R-1 zoning district is 35 feet.

(vi) *Access:* All lots will have 20 feet of frontage upon a public street in accordance with YMC §15.05.020(H).

(vii) *Sidewalk:* Curb, gutter and sidewalk is already constructed along Apple Tree Parkway. If the cul-de-sac or any other portion of Apple Tree Parkway is not currently improved, then in that event curb, gutter and sidewalk shall be installed along those portions.

(viii) *Density:* The proposed preliminary plat will have 2.71 dwelling units per net residential acre with streets excluded ($38 \text{ dwelling units} \div 14.03 \text{ acres} = 2.71 \text{ dwelling units per net residential acre}$). This density complies with YMC §15.05.030(B) and YMC Table 4-1 in YMC Chapter 15.04 which allow up to 7 dwelling units per net residential acre in the R-1 zoning district as Class (1) uses (while multifamily developments are Class (2) uses).

(ix) *Street Right-of-Way:* The preliminary plat does not require dedication of any right-of-way.

(x) *Frontage Improvements:* At a minimum, one street light shall be installed midblock on the westernmost section of the loop as the street exceeds 500 feet in total length. Street lighting shall meet the design and placement standards of the City Engineer. Lighting improvements shall become the property of the City of Yakima upon

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installation and will thereafter be maintained by the City. Pursuant to YMC Chapter 8.72, an excavation and street break permit shall be obtained for all work within the public right-of-way. Roads less than five years old can be cut, but that will cost 150 percent of the restoration fee with no PCI discount.

(xi) *Wastewater*: All proposed lots appear to have sewer available except Lots 1, 2 and 65. A minimum 16-foot-wide easement shall be maintained over all public utility lines in accordance with YMC §12.02.010 and §12.02.020. All lots within the plat shall be served by a separate side sewer line from a public main in accordance with YMC §12.03.070. Sewer is to be installed per the Yakima Municipal Code.

(xii) *Water*: The applicant shall extend potable water to the subject plat in accordance with YMC §12.04.010. Water is served by the Nob Hill Water Association, and is currently installed along the entirety of Apple Tree Parkway. However, the main line shall be extended to Ahtanum Road to provide the necessary fire flow for homes in the area. This tie-in will also improve reliability and water quality in this development.

(xiii) *Irrigation*: All but one of the subject parcels are located within the Ahtanum Irrigation District and therefore irrigation district approval is required to be shown upon the final plat.

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

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

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

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

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

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

(4) Subsection 14.20.100(A)(4) – Appropriate provisions for enumerated features. As proposed and with the recommended conditions, this Preliminary Plat of Apple Tree No. 4 – Phase 2 will make appropriate provisions for the following features required by YMC §14.20.100(A)(4) and RCW 58.17.110(1):

(a) *Public health, safety, welfare:* The construction of new single-family dwellings and three triplexes will complement adjacent uses and will promote the public health, safety and general welfare insofar as there is a need in this community for additional housing and insofar as this proposed Preliminary Plat would be required to comply with all applicable City development standards, and all conditions of approval specified by the City Council.

(b) *Open spaces:* The proposed lots are larger than the minimum lot size required in the R-1 zoning district for both the single-family residences and the three triplexes. Lot coverage of 60 percent or less in the R-1 zoning district will provide adequate light and air for future residents in accordance with the standards in the zoning ordinance without additional open spaces.

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

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(d) *Streets, alleys, and other public ways:* The subject property has frontage upon Apple Tree Parkway and upon South 86th Avenue.

(e) *Water supplies:* Public water is required to be used for domestic and fire flow purposes. Water is available to the site from Nob Hill Water Association by way of Apple Tree Parkway and South 86th Avenue.

(f) *Sanitary waste disposal:* Public sewer is required to service all lots within the subject development.

(g) *Parks and playgrounds:* Open space, parks, recreation and playgrounds are located within approximately four miles of this subdivision at West Valley Park.

(h) *Sites for schools:* Wide Hollow Elementary School and West Valley Middle Level Campus are located approximately 3.2 miles from this subdivision, while West Valley High School is located approximately 4.2 miles away. No comments were submitted by the School District.

(i) *Sidewalks:* Sidewalks are required and shall be provided along any portion of Apple Tree Parkway where they are not currently located.

(j) *Public Transit:* Yakima Transit Routes 2 and 5 pass the intersection of South 64th Avenue and West Washington Avenue approximately 2.2 miles north of the subdivision.

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

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

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XII. Applicant's Description of the Features of the Three Proposed

Class (2) Triplex Uses. The applicant's narrative description of the proposed Class (2) triplex uses to be located on Lots 61, 62 and 63 of the proposed Preliminary Plat is set forth in italics following the details required to be addressed in the application for approval of a Class (2) use:

(1) Fully describe the proposed development, including number of dwelling units and parking spaces. If the proposal is for a business, describe hours of operation, days per week and all other relevant information related to the business.

The proposed Apple Tree No.4 - Phase 2 project property is located at 9300 Apple Tree Parkway, Yakima, Washington. The proposed project will consist of three multi-family tri-plex townhouse lots, lots 61-63, of the proposed Apple Tree No.4 - Phase 2 long plat lots. The 3 tri-plex lots vary in size from 18,669 square feet to 23,363 square feet. Apple Tree Parkway is private gated road, and was constructed as part of Phase 1, and will not need to be improved as part of this project. The lots will have frontage onto the private roadway. The three lots will contain the proposed 9 townhouse units. Access to the lots will be from private roads, and access easements extending throughout the proposed Apple Tree No.4 - Phase 2 plat, off S. 86th Avenue. Nob Hill Water will serve the lots with domestic water. City of Yakima sewer will serve the sewerage needs. All storm water is proposed to be retained on-site in underground infiltration trenches. The drainage structures shown represent the actual structures installed in the phase 1 stormwater design. The property is proposed to be landscaped with normal residential multi-family type landscaping. Interior landscaping will consist of trees, shrubs, and low ground cover plantings. Lot coverage has been calculated at approximately 50 percent on the parcel. The height of the new structures will be approximately 30 feet and is likely to be constructed of glass, and wood. The maximum building height in the R-1 zoning district is 35 feet. Pedestrian access to the building will be by the existing concrete sidewalks.

(2) How is the proposal compatible to neighboring properties? *The proposed new Apple Tree No.4 - Phase 2 multi-family townhouse lots are compatible to neighboring properties because the properties located to the north of these proposed lots in other phase of Apple Tree are similar existing multi-family townhouse units. The proposed new multifamily lots will complement the*

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design and construction of adjacent existing single-family homes, as well the multi-family townhouse in other locations of Apple Tree resort. The neighboring properties are a mixture of retail, restaurants, single family, and multi-family residential houses. This proposal is similar in nature to other neighboring new single-family and multi-family developments adjacent to the property. The general hours of operation are the same, and the amount of traffic is similar.

(3) What mitigation measures are proposed to promote compatibility? *The proposed new Apple Tree No. 4 - Phase 2 multi-family apartment complex is close to existing multi-family property with similar uses, and it is believed mitigation measures are not necessary to be compatible with the neighborhood. The units will be designed and constructed by same design and construction companies as the adjacent single-family homes, so they can control the appearance to assure uniformity with construction appearance. The proposed facility will be compatible with and provide additional upscale multi-family townhouse facilities. The complex will have similar hours of operation and traffic volumes as the adjacent multi-family complexes and provide additional patrons to the adjacent retail business. Driveway and garage parking will be constructed and landscaped in accordance with City of Yakima Code requirements.*

(4) How is your proposal consistent with current zoning of your property? *This proposal is consistent with the current zoning of the property because it is a tri-plex multifamily townhouse complex on an R-1 zoned property. The proposal meets the development standards of the district, specifically building height, parking standards, lot coverage, and setbacks. The R-1 Zoning District is a single-family residential that allows multi-family development if they do not exceed 7 dwelling units per acre. This proposal meets the development standards, is aesthetically designed to blend with neighboring single-family and multi-family facilities, consistent with the intent of the zoning districts.*

(5) How is your proposal consistent with uses and zoning of neighboring properties? *This proposal is consistent with uses and zoning of neighboring residential and commercial properties because of the mixed-use residential aspect of the neighborhood along the Apple Tree Resort complex. The uses in the adjacent neighborhood consist of the existing single family, and multi-family residential complexes located to the west and north of this proposed development. There is traditional retail and restaurants located to the north and south. The project site is also adjacent to Apple Tree Golf Course, and the West Valley Schools all which provide recreational opportunities important to the townhouse*

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living lifestyle. All these uses occur within the immediate area of the subject property, and consist of a mixture of zoning districts. This is a classic mixed-use neighborhood, and the proposed project is consistent with surrounding uses and zoning. The multi-family townhouse complex use is permitted in the R-1 zoning district.

(6) How is your proposal in the best interest of the community? *This proposal is in the best interest of the community because it provides the community additional upscale multi-family townhouse options. The proposal will create new living options at a convenient location, with good access to recreation and local retail and eating establishments, all in the best interest of the community.*

XIII. Applicable City Ordinance Provisions Relative to the Proposed

Class (2) Triplex Uses. City of Yakima ordinance provisions which are applicable to the three proposed Class (2) triplex uses include the following:

(1) YMC § 15.04.020(B): Class (2) Land Use Defined: Pursuant to YMC §15.04.020(B), Class (2) uses are generally permitted in the district. However, the compatibility between a Class (2) use and the surrounding environment cannot be determined in advance, and occasionally a Class (2) use may be incompatible at a particular location. Therefore, a Type (2) review by the administrative official is required in order to promote compatibility with the intent and character of the district and the policies and development criteria of the Yakima urban area comprehensive plan. The procedures in YMC Chapter 15.14 shall be used to review and evaluate Class (2) uses. In certain circumstances, the administrative official may require that a Class (2) use undergo a Type (3) review, as provided within this title.

(2) YMC §15.14.020: Type (2) Review: Type (2) Review is required for any proposed use shown on Table 4-1 as a Class (2) use, for Class (1) uses requiring Type (2) review in YMC §15.13.020; and for other specific reviews established by this YMC Title 15.

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

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(4) YMC §15.10.020: Development, Multifamily Defined: “Development, multifamily” means a structure or structures, or portion thereof, designed for occupancy by three or more families living independently of each other and containing three or more attached or detached dwelling units on a lot. Any combination of three-plus, duplex and detached single-family dwellings that have a common driveway access on a single lot of record is considered multifamily development.

(5) Parking: YMC §15.06.040, Table 6-1: Spaces Required: Multifamily Development with 10 units or less requires two spaces per unit.

(6) Parking: YMC §15.06.090(A): Landscaping: The standard for landscaping of parking and vehicle storage lots with five or more spaces shall be ten percent of the total parking area.

(7) Parking: YMC §15.06.100: Lighting: Lighting shall be provided to illuminate any off-street parking or loading space used at night. When provided, lighting shall be directed to reflect away from adjacent and abutting properties. Parking lots adjacent to residential districts or uses shall be designed with down-shielding and luminaries creating no lighting pollution upon those properties. A photometric lighting plan may be required if the parking lot is located adjacent to or abutting residential properties. Further requirements and restrictions are required when the property is located within the airport safety overlay.

(8) Sitescreening: YMC §15.07.050, Table 7-1: Sitescreening Standard A (or a higher standard) shall be installed along the property lines of the triplexes abutting single-family lots.

(9) Sitescreening: YMC §15.07.040(A): Sitescreening Standard A: Sitescreening Standard A consists of a ten-foot-wide landscaped planting strip with trees at twenty-foot to thirty-foot centers, which includes shrubs and groundcover. The administrative official may also require sitescreening standard A along an arterial when such action is consistent with the purpose of this chapter.

(10) Sitescreening: YMC §15.07.040(A): Sitescreening Standard B: Sitescreening Standard B consists of a three-foot-wide planting strip that will create a living evergreen screen that is at least six feet in height within three years.

(11) Sitescreening: YMC §15.07.040(A): Sitescreening Standard C: Sitescreening Standard C consists of a six-foot-high, view-obscuring fence, made of wood, masonry block, concrete, or slatted chain link material. A three-foot-wide

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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.

XIV. Class (2) Triplex Use Criteria and Findings. Since a Multifamily Development of 0-7 dwelling units per net residential acre is listed as a Class (2) use in the R-1 zoning district by YMC Table 4-1 in YMC §15.04.030, the Hearing Examiner's findings and conclusions relative to the proposed triplex use to be located on Lots 61, 62 and 63 are required to include specific reasons and ordinance provisions demonstrating that the triplex use satisfies the following Class (2) use requirements set forth in YMC §15.04.020(B), §15.14.040(G), §15.02.020 and similar Type (3) Review criteria set forth in YMC §15.15.040(I):

(1) **Compliance and Compatibility with the Policies, Objectives and Development Standards of the Comprehensive Plan.** The proposed triplexes are compliant and compatible with the Low Density Residential designation of the property because they will be located within a plat that will be developed primarily for single-family residences without being incompatible with them. They are compliant and compatible with Goal 2.3 which is to preserve and enhance the quality, character and function of Yakima's residential neighborhoods; Policy 2.3.1 which is to provide for a wide variety of housing types within the City to meet the full range of housing needs for Yakima's evolving population; Policy 2.3.2 which is to preserve and enhance established residential neighborhoods. Specifically: ... (A) Ensure that new development is compatible in scale, density and aesthetic quality to an established neighborhood; Goal 5.1 which is to encourage diverse and affordable housing choices; and Goal 5.2 which is to preserve and improve existing residential neighborhoods.

(2) **Compliance and Compatibility with the Intent and Character of the Single-Family Residential (R-1) Zoning District.** The proposed three triplexes in addition to 29 single-family residences would be compliant and compatible with the intent of the Single-Family Residential (R-1) zoning district described in YMC §15.03.020(B)(1) which allows uses other than single-family

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residences if they are compatible with the district and serve the residents of the district. The proposed three triplexes would also be compliant and compatible with the intent of the Single-Family Residential (R-1) zoning district described in YMC §15.03.020(B)(3) which allows moderate-density residential development up to seven dwelling units per net residential acre in areas served by public water and sewer. The proposed three triplexes would also be compliant and compatible with the intent of the Single-Family Residential (R-1) zoning district described in YMC Table 4-1 in YMC §15.04.030 which allows such multifamily uses as Class (2) uses that are generally permitted in that zone. The proposed three triplexes would finally also be compliant and compatible with the character of this Single-Family Residential (R-1) zoning district because there are mixed residential and commercial uses in this area with multifamily residential complexes located to the west and north of this proposed development.

(3) Compliance with the Provisions and Standards Established in the Zoning Ordinance. The applicable provisions and standards in the zoning ordinance include requirements detailed above in Subsection XI(1)(b) and Section XIII. Development standards applicable to the triplexes which are worthy of again noting include the following:

(a) Number of Parking Spaces Required: YMC Table 6-1 in YMC §15.06.040 requires two parking spaces for each unit which means that six parking spaces are required for each of the three triplexes.

(b) Landscaping of Parking Lots Required: YMC §15.06.090(A) requires that landscaping of parking lots with five or more spaces shall be ten percent of the total parking area. The landscaping area may be included to satisfy the lot coverage limitation of YMC Table 5-1.

(c) Lighting of Parking Lots Required: YMC §15.06.100 provides that lighting shall be provided to illuminate any off-street parking or loading space used at night. When provided, lighting shall be directed to reflect away from adjacent and abutting properties. Parking lots adjacent to residential districts or uses shall be designed with down-shielding and luminaries creating no lighting pollution upon those properties. A photometric lighting plan may be required if the parking lot is located adjacent to or abutting residential properties.

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(d) Sitescreening: Sitescreening Standard A (or a higher standard) shall be installed along the property lines of the triplex lots abutting single-family lots.

XV. The Consistency of the Proposed Triplex Uses with Development Regulations and the Comprehensive Plan under the Criteria Required by YMC §16.06.020(B) is determined by consideration of the following factors:

(1) **The types of land uses permitted at the site** include the proposed three triplexes which are allowed as Class (2) uses in the R-1 zoning district if, as here, the criteria for approval of the proposed Preliminary Plat with a triplex on Lot 61, on Lot 62 and on Lot 63 are satisfied.

(2) **The density of residential development** of 2.71 residential dwelling units per net residential acre which would consist of 29 single-family residences and 3 triplexes on approximately 14.03-acres would not exceed the maximum density of 60 percent lot coverage allowed in the R-1 zoning district where 0-7 dwelling units per net residential acre are allowed as a Class (2) use.

(3) **The availability and adequacy of infrastructure and public facilities** is not an issue here since there are adequate public and private utility services available for the plat and for the triplexes and since there is adequate access to the site by way of South 86th Avenue and Apple Tree Parkway.

(4) **The characteristics of the development** will be consistent with the development regulations and Comprehensive Plan considerations as discussed in detail above, and no administrative adjustments or variances of development standards have been requested.

CONCLUSIONS

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

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(1) Pursuant to YMC §14.3.080, §14.20.100 and §15.11.100(A)(1), the Hearing Examiner has jurisdiction to recommend approval by the Yakima City Council of the proposed Preliminary Plat and the three Class (2) triplex uses.

(2) Public notice for the August 26, 2021, open record public hearing was provided in accordance with zoning ordinance requirements.

(3) A SEPA Determination of Nonsignificance (DNS) for this proposed Preliminary Plat and the three Class (2) triplex uses was issued on August 5, 2021, and became final without any appeals.

(4) No testimony or written comments were submitted in opposition to the proposed Preliminary Plat or the triplexes.

(5) This proposed Preliminary Plat with a triplex on three of the lots serves the public use and interest because it provides for new additional housing within the City of Yakima.

(6) This Preliminary Plat with three triplexes complies with the goals and objectives of the Urban Area Comprehensive Plan, the intent and purpose of the R-1 zoning district and the provisions of the Urban Area Zoning Ordinance, the Subdivision Ordinance, the Title 12 Development Standards, and the Traffic Concurrence Ordinance.

(7) The proposed Preliminary Plat complies with RCW 58.17.110 and YMC §14.20.100(A) by making appropriate provisions for the public health, safety, and general welfare, open spaces, drainage ways, streets or roads, alleys and other public ways, transit stops, potable water supplies, irrigation and other water supplies, sanitary waste disposal, parks and recreation, playgrounds, schools and school grounds, sidewalks, and other planning features that assure safe walking conditions for students who walk to and from school and by serving the public use and interest.

(8) This proposed Preliminary Plat with Class (2) triplex uses complies with the YMC §16.06.020(B) criteria for making a Determination of Consistency.

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(9) The proposed Preliminary Plat and the proposed Class (2) triplex uses satisfy all of the requisite criteria for their approval.

RECOMMENDATIONS

Pursuant to YMC §15.05.030(E) and YMC §15.11.100(A)(1) which require that a decision relative to proposed Class (2) triplex uses shall also constitute a recommendation to the City Council because it is consolidated with a Preliminary Long Plat application, the Hearing Examiner recommends to the Yakima City Council that these applications for a proposed Preliminary Long Plat with a triplex to be located on Lot 61, on Lot 62 and on Lot 63 as described in the information and documentation submitted for City File Nos. PLP#001-21, CL2#023-21 and SEPA#004-21 be **APPROVED**, subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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(M) All permits that are required by the Yakima Regional Clean Air Agency shall be obtained;

(N) Soil sampling shall be conducted prior to development under the Model Toxics Control Act in accordance with Department of Ecology standards;

(O) Streetlights shall be installed per the direction of the Engineering Division;

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

1. The addresses shown on this plat are accurate as of the date of recording, but may be subject to change. The City of Yakima Building Codes Division is responsible for the confirmation or reassignment of addresses at the time of building permit issuance.
2. The owners shown hereon, their grantees and assignees in interest hereby covenant and agree to retain all surface water generated within the plat on-site;

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

(R) A current title report covering the subject property must accompany the final long plat;

(S) Upon preliminary plat approval, the applicant has five years to submit the final plat. Thereafter, 30 days prior to the expiration of said approval the applicant must submit to the City Council a written request asking to extend the approval period for a maximum period of one year;

(T) Because the Type (2) Review request is part of the overall Preliminary Long Plat, that approval shall be applicable so long as the plat remains otherwise conforming;

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(U) The applicant shall submit site plans in conformance with all applicable standards of Title 15 to the Planning Division to be approved prior to the issuance of permits for the triplexes;

(V) The applicant is encouraged to conduct a professional archaeological survey of the project area, with copies of any survey to be provided to DAHP and the Planning Division; and

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

DATED this 10th day of September, 2021.



Gary M. Cuillier, Hearing Examiner