

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

**A RESOLUTION** approving the Master Planned Development (PD#001-21) and authorizing and directing the City Manager to execute a Development Agreement with Roberto Arteaga and Araceli Gonzales Tello (herein after “Developer”) to provide for the terms and conditions of development of a preliminary short plat and planned development to be located at 9503, 9509, and 9515 Tieton Dr., in the City of Yakima.

**WHEREAS**, on March 26, 2021, Roberto Arteaga and Araceli Gonzales Tello, submitted an application for a eight (8) lot preliminary short subdivision and planned development located at 9503, 9509, and 9515 Tieton Dr. (the “Project”) for seven residential lots and one commercial lot; and

**WHEREAS**, Developer has obtained development rights for three parcels of approximately 2.03 acres at 9503, 9509, and 9515 Tieton Dr., Yakima, Washington (the “Property”) is legally described in the Development Agreement as Exhibit “A”, attached hereto as Exhibit “A” and incorporated herein by this reference; and

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

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

**WHEREAS**, on May 28, 2021, the City issued a Notice of Application and Environmental Review for the Project; and

**WHEREAS**, Developer has proposed separate legal parcels by a subdivision of the property, as defined in YMC § 14.10.020 and described in YMC Chapter 14.15; and

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

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

**WHEREAS**, the City of Yakima Planning Division conducted environmental review of the Project under the State Environmental Policy Act (“SEPA”) and issued a Determination of Nonsignificance (“DNS”) on the Project on August 6, 2021; and

**WHEREAS**, on September 9, 2021, the Hearing Examiner held an open record public hearing in consideration of the Project; and

**WHEREAS**, on September 23, 2021, the Hearing Examiner issued his land use recommendation proposing that the Project be approved subject to conditions, attached hereto as Exhibit “B” and incorporated herein by this reference; and

**WHEREAS**, on December 7, 2021, after notice duly given according to the requirements of the City of Yakima Municipal Code, the City Council held a closed record public hearing and adopted the recommendation of the Hearing Examiner; and

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

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

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

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

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

ATTEST:

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Patricia Byers, Mayor

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Sonya Claar Tee, City Clerk