

RESOLUTION NO. R-2021-

A RESOLUTION approving the Preliminary Long Plat of Aspen Estates – Phase 2, a 22-lot subdivision located in the vicinity of S. 64th Ave. and W. Washington Ave.

WHEREAS, on August 19, 2021, the City of Yakima Planning Commission held an open-record public hearing to consider the application for a Preliminary Long Plat known as “Aspen Estates – Phase 2,” consisting of 22 single-family lots, submitted by HLA Engineering, on behalf of Aspen Tree LLC (PLP#003-21 & SEPA#023-21); and

WHEREAS, on September 8, 2021, the Planning Commission issued a 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 Concurrency Ordinance, and other applicable land use regulations; and

WHEREAS, at a Closed Record Public Hearing on December 14, 2021, after notice duly given according to the requirements of the Yakima Municipal Code, the Yakima City Council adopted the Planning Commission's Recommendation; and

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

WHEREAS, the Yakima City Council finds that it is in the best interest of the City of Yakima to 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 Planning Commission's Recommendation. The Planning Commission's Recommendation is hereby adopted and ratified by the Yakima City Council as its decision and approval of the Application herein. A copy of the Recommendation is attached hereto as Exhibit “A” and fully incorporated herein by this reference.

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

Section 4. 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 14th day of December, 2021.

ATTEST:

Patricia Byers, Mayor

Sonya Claar Tee, City Clerk

Exhibit "A"
Planning Commission's Recommendation



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

YAKIMA PLANNING COMMISSION

RECOMMENDATION TO THE YAKIMA CITY COUNCIL
FOR
PRELIMINARY LONG PLAT
PLP#003-21 & SEPA#023-21

September 8, 2021

WHEREAS, on September 8, 2021, an application for a Preliminary Long Plat was submitted by Aspen Tree LLC. for the subdivision of one parcel, totaling approximately 4.82 acres into 22 single-family residential lots, in the Single-Family (R-1) zoning district, parcel number 181333-32406; and

WHEREAS, the application was considered complete for processing on July 23, 2021, and public notice was provided in accordance with the provisions of YMC Ch. 16.10 on July 30, 2021; and

WHEREAS, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on August 19, 2021, which was not appealed (City File SEPA#023-21); and

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

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

WHEREAS, on September 8, 2021, the Yakima Planning Commission held an open record public hearing, to consider the application for a 22 lot single-family subdivision known as Aspen Estates – Phase 2, submitted by HLA Engineering and Surveying. (PLP#003-21), to hear testimony from the public and provide a recommendation to the Yakima City Council; and

WHEREAS, the staff report presented by Senior Planner, Trevor Martin, recommended approval of the proposed 22-lot preliminary plat, subject to conditions; and

WHEREAS, based on testimony received at the September 8, 2021 public hearing, the Yakima Planning Commission has recommended approval of the plat, subject to conditions.

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

APPLICATION # PLP#003-21, SEPA#023-21
APPLICANT: Aspen Tree LLC.
APPLICANT ADDRESS: 2550 Borton Rd., Yakima, WA 98903
PROJECT LOCATION: Vicinity of W. Washington Ave. and S. 64th Ave.
PARCEL(S): 181333-32406

I. FINDINGS OF FACT

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

The proposed preliminary plat is consistent with the intent and character of the Single Family Residential (R-1) zoning district set forth in Subsection 15.03.020(BC). The single family residential district is intended 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) reserve 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.

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.

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.

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

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

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

Policy 2.3.1.B. Standard single family. Continue to allow for detached single family dwellings in residential districts.

Policy 2.3.3 Create walkable residential neighborhoods with safe streets and good connections to schools, parks, transit, and commercial services.

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

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

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

Goal 5.2. Preserve and improve existing residential neighborhoods.

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

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

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

3. Subsection 14.20.100(3) – Consistency with the provisions of this title, Title 14 entitled “Subdivision Ordinance”:

All lots in this preliminary plat will have access upon a public street; will be provided with all necessary public utilities; will exceed the minimum lot size for the R-1 zoning district of 6,000 square feet for single-family residences, and will meet or exceed the minimum lot width of 50 feet as measured at the rear of the required front-yard setback.

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

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

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

The proposed lots are larger than the minimum lot size required in the R-1 zoning district. Lot coverage of 60% 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.

6. Subsection 14.20.100(4)(c) – Appropriate provisions for drainage ways:

Drainage system facilities will be provided in accordance with state and local regulations including the City of Yakima Municipal Code and the Eastern Washington Storm Water Manual.

7. **Subsection 14.20.100(4)(d) – Appropriate provisions for streets or roads, alleys and other public ways:**
The subject property has frontage upon W. Washington Ave. and S. 60th Ave, and proposes new public streets to provide adequate access to all internal lots.
8. **Subsection 14.20.100(4)(e) – Appropriate provisions for transit stops:**
Yakima Transit Routes 2 & 5 pass within 1/10 of a mile of the site.
9. **Subsection 14.20.100(4)(f) – Appropriate provisions for potable water supplies, irrigation and other water suppliers:**
Public water is required to be used for domestic and fire flow purposes. An adequate water supply for this development is available from Nob Hill Water Company.
10. **Subsection 14.20.100(4)(g) – Appropriate provisions for sanitary waste disposal:**
Public sewer is required to service all lots. City of Yakima sewer lines are within W Washington Ave and S. 60th Ave, and are capable of being extended to handle the demands of this development.
11. **Subsection 14.20.100(4)(h)(i) – Appropriate provisions for parks and recreation and playgrounds:**
Open space, parks, recreation, and playgrounds are located approximately within 1.8 miles of this subdivision due to the proximity of West Valley Park. The proposed preliminary plat is not located in a planned parks and recreation area. Provisions for parks and recreation areas are not necessary within the proposed preliminary plat due to the size, number and location of the proposed lots and provisions for playgrounds exist at the schools which children within the proposed preliminary plat would be attending, and could also be individually provided on the lots themselves which are of a size which would allow for playground areas as needed or desired.
12. **Subsection 14.20.100(4)(j) – Appropriate provisions for schools and school grounds:**
West Valley Middle and West Valley Jr High Schools are located approximately within 1.4 miles, and West Valley high School is located approximately within 1.8 miles of this subdivision.
13. **Subsection 14.20.100(4)(k) – Appropriate provisions for sidewalks:**
Sidewalks are required and will be provided on the new interior streets and along this developments frontage.
14. **Subsection 14.20.100(4)(l) – Appropriate provisions for other planning features that assure safe walking conditions for students who walk to and from school:**
There are no plan requirements that are different than the conditions within the decision.
15. **Subsection 14.20.100(5) – Public use and interest:**
The evidence indicated that this proposed preliminary plat, as conditioned, would be consistent with neighboring land uses and would help serve the residential needs of this area. With the recommended conditions, it will comply with the City's zoning ordinance, subdivision ordinance and comprehensive plan. It will also make appropriate and adequate provisions for the public health, safety and general welfare, open spaces, drainage ways, streets, transit stops, potable water, sanitary

waste disposal, parks and recreation, playgrounds and sidewalks, and is in a location where additional provisions for schools or for additional planning features for students who walk to and from school have not been recommended or deemed necessary.

II. Consistency Analysis YMC § 16.06.020(B).

The following analysis involves the consistency of the preliminary plat with applicable development regulations, or in the absence of applicable regulations, the adopted Comprehensive Plan as mandated by the State Growth Management Act and the Yakima Municipal Code. During project review, neither the City nor any subsequent reviewing body may re-examine alternatives to, or hear appeals on, the following items identified in these conclusions except for issues of code interpretation:

(1) **The type of land use contemplated by the proposal** (a residential development in an R-1 zoning district) is permitted on this site so long as it complies with the conditions imposed by the Yakima City Council, as well as the regulations of the zoning ordinance, subdivision ordinance, building codes and other applicable regulations.

(2) **The level of development** (lot size, contemplated density) would not exceed the allowable level of development in the Single Family Residential (R-1) zoning district since the proposed lot sizes satisfy the zoning ordinance requirements.

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

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

III. CONCLUSIONS

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

1. The YPC has jurisdiction to recommend to the Yakima City Council the approval of a proposed preliminary plat pursuant to Section 14.20.100 of the subdivision ordinance.
2. Notice of the public hearing sent on July 30, 2021, was given in accordance with applicable requirements.
3. The SEPA Determination of Nonsignificance (DNS) for this proposed preliminary plat was issued on August 19, 2021, and became final without any appeal.
4. The proposed preliminary plat was reviewed and approved for traffic concurrency under the Transportation Capacity Management Ordinance on July 27, 2021.

5. This preliminary subdivision complies with the goals and objectives of the 2040 Comprehensive Plan, the intent and purpose of the R-1 zoning district, the provisions of the Urban Area Zoning Ordinance, Subdivision Ordinance, Title 12's Development Standards and Chapter 12.08 Traffic Concurrency Ordinance.
6. This preliminary plat is in compliance with the consistency requirements of Subsection 16.06.020(B) of the Yakima Municipal Code.
7. With the recommended conditions found in the staff report, which are found to be appropriate, the proposed preliminary plat as described in the application narrative and preliminary plat received June 25, 2021, is in compliance with the City's Urban Area Comprehensive Plan, subdivision ordinance and zoning ordinance; makes appropriate and adequate provisions for the public health, safety and general welfare and for open spaces, drainage ways, streets, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds and sidewalks; and, according to the weight of the evidence presented at the hearing, does not require that specific provisions be made for the other requisite plat considerations such as additional schools, additional school grounds or additional planning features that assure safe walking conditions for students who walk to and from school; and serves the public use and interest.

IV. PUBLIC HEARING TESTIMONY

The applicant's representative testified in favor of the proposal. There were no other comments from the public during the hearing.

V. PLANNING COMMISSION ACTION

Commissioner Rose moved, Commissioner Place seconded to direct staff to draft findings of fact and forward a recommendation of approval to the Yakima City Council. The motion carried 6-0.

VI. RECOMMENDATION TO CITY COUNCIL

Based upon the findings outlined above, the City of Yakima Planning Commission recommends **APPROVAL** of the proposed 22-lot preliminary plat of Aspen Estates Phase 2 in accordance with the application and related documents submitted for file numbers PLP#003-21 and SEPA#023-21, and subject to the following conditions:

1. The applicant shall submit and gain approval of civil engineered plans which provide for design of all Title 12 development standards, including but not limited to curb, gutter, sidewalk, street lighting, stormwater, and street design.
2. Prior to approval of the final plat, all approved improvements shall be constructed or financially secured according to the standards and requirements of the City Engineer and YMC Title 12.
3. All lots shall be served with public water from the Nob Hill Water Company. No individual domestic or irrigation wells shall be permitted for any of the lots. Prior to final plat approval, written verification from Nob Hill Water must be submitted to the Planning

Division indicating that all construction required to provide each lot with domestic water has been completed and the fees paid.

4. All lots shall be provided with public sewer service according to YMC Title 12 standards. Prior to final plat approval, written verification from the City of Yakima Engineering Department must be provided to the Planning Division indicating that all sewer extensions have been completed and inspected or financially secured.
5. A minimum 8-foot wide public utility easement must be provided adjacent to all public road rights-of-way.
6. 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.
7. All public and private utilities shall be located underground, with the exception of telephone boxes and such similar structures.
8. All public and private utilities to be located within public road rights-of-way must be constructed prior to the start of road construction.
9. Fire hydrants shall be placed at the locations specified by the Building Codes and Planning Division and the Yakima Fire Department. All lots must be provided with adequate fire flow.
10. All permits required by the Yakima Regional Clean Air Authority shall be obtained and a copy provided to the City of Yakima Code Administration prior to commencement of site preparation. The developer shall designate during working hours a responsible party to serve as contact for suspected air quality violations.
11. NPDES Permit and a Stormwater Pollution Prevention Plan shall be prepared and submitted to the City.
12. All addresses shall be as specified in Exhibit "A" of the staff report. All addresses must be clearly shown on the face of the final plat as required by RCW 58.17.280.
13. This plat shall be subject to the following notes, which must be placed on the face of the plat:
 - a. The addresses shown on this plat are accurate as of the date of recording, but may be subject to change. The City of Yakima Building Codes Division is responsible for the confirmation or reassignment of addresses at the time of building permit issuance.
 - b. 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.
14. Irrigation approval, for the Ahtanum Irrigation District, shall be shown on the face of the final plat.

15. A cultural Resources Survey shall be conducted on the subject site, if the applicant does not wish to have a cultural resources survey conducted on the site, an Inadvertent Discovery Plan (IDP) shall be prepared by the applicant, and a copy of the IDP shall be submitted to the City.
16. All other requirements of the zoning and subdivision ordinance, although not specifically set forth herein, shall be complied with in their entirety.
17. Upon preliminary plat approval, the applicant has five years to submit the final plat. Thereafter, 30 days prior to the expiration of said approval the applicant must submit to the City Council a written request asking to extend the approval period for a maximum period of one year.

SIGNED this 22nd day of September, 2021.

By: 

Jacob Liddicoat, Chair
Yakima Planning Commission