

RESOLUTION NO. R-2022-

A RESOLUTION approving the Preliminary Long Plat of Anderson Park Phase 4, a 30-lot subdivision, located in the vicinity of Occidental Rd. and S. 58th Ave.

WHEREAS, on May 12, 2022, 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 “Anderson Park Phase 4,” submitted by Cottonwood Partners LLC (PLP#002-22, SEPA#003-22, CAO#001-22); and

WHEREAS, on May 26, 2022, 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 July 5, 2022, 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 5th day of July, 2022.

ATTEST:

Janice Deccio, Mayor

Sonya Claar Tee, City Clerk



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

EXHIBIT A

**NOTIFICATION OF HEARING EXAMINER'S
RECOMMENDATION TO THE YAKIMA CITY COUNCIL**

DATE: May 31, 2022
TO: Applicant, Adjoining Property Owners and Parties of Record
SUBJECT: Notice of the Hearing Examiner's Recommendation
FILE #(S): PLP#002-22, CAO#001-22, SEPA#003-22
APPLICANT: Cottonwood Partners, LLC / Plat of Anderson Park Phase 4"
PROJECT LOCATION: Vicinity of Occidental Road and South 58th Avenue

On May 26, 2022, the City of Yakima Hearing Examiner rendered their recommendation on **PLP#002-22, CAO#001-22, SEPA#003-22**, for a 30-lot single-family residential preliminary long plat on 7.88 acres located in the vicinity of Occidental Road & South 58th Avenue to be known as "Anderson Park Phase 4". The applications were reviewed at an open record public hearing held on May 12, 2022.

Enclosed is a copy of the Hearing Examiner's Recommendation. The Hearing Examiner's Recommendation will be considered by the Yakima City Council in a public hearing to be scheduled. The City Clerk will notify you of the date, time and place of the public hearing.

For further information or assistance, you may contact Senior Planner Eric Crowell at (509) 576-6736 or email to: eric.crowell@yakimawa.gov

Eric M. Crowell

Eric Crowell
Senior Planner

Date of Mailing: **May 31, 2022**

Enclosures: Hearing Examiner's Recommendation

Gary M. Cuillier

ATTORNEY AT LAW

314 N. SECOND STREET
YAKIMA, WASHINGTON 98901

(509) 575-1800
FAX: (509) 452-4601

May 26, 2022

Rosalinda Ibarra
Yakima City Planning Division
129 North 2nd Street
Yakima, WA 98901-2613



Re: Cottonwood Partners, LLC: PLP#002-22, CAO#001-22, SEPA#003-22 For a 30-Lot Single-Family Residential Preliminary Long Plat on 7.88 Acres Located in the Vicinity of Occidental Road and South 58th Avenue to be Known as: "Anderson Park Phase 4"

Dear Rosalinda,

Enclosed is the Hearing Examiner's Recommendation relative to the above-entitled matter and my statement for the time involved.

If you have any questions, please give me a call. Thank you.

Yours very truly,

A handwritten signature in blue ink that reads "Gary Cuillier".

GARY M. CULLIER

GMC: vs
Enclosure
Cc: Karri Espinoza
Pat Spurgin

**CITY OF YAKIMA, WASHINGTON
HEARING EXAMINER'S RECOMMENDATION**

May 26, 2022

**In the Matter of a Preliminary Long Plat)
Application Submitted by:)
Cottonwood Partners, LLC)
For a 30-Lot Single-Family Residential)
Preliminary Long Plat on 7.88 Acres)
Located in the Vicinity of Occidental)
Road and South 58th Avenue to be)
Known as "Anderson Park Phase 4")**

RECEIVED
MAY 26 2022
CITY OF YAKIMA
COMMUNITY DEVELOPMENT
PLP#002-22
CAO#001-22
SEPA#003-22

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 for this application on May 12, 2022.

(2) The Planning Division staff report which recommended approval of this preliminary long plat subject to enumerated conditions was presented by Senior Planner Eric Crowell. The applicant's representative for this application, Michael Heit, P.E., of HLA Engineering and Land Surveying, Inc., presented testimony in favor of the proposed preliminary plat.

(3) Yakima County Public Services Water Resources Manager Troy Havens, P.E., CFM, on behalf of the Yakima County Flood Control Zone District expressed appreciation for the recommended plat notes and LOMR Operation and Maintenance Plan requirements requested by his very detailed March 29, 2022, letter and again expressed concern for three proposed lots for building sites located south of the cross-street named Cottonwood Place that would also serve as part of the floodway channel.

(4) Besides the written comment received from Mr. Havens and from City commenters, comments were received from Transportation Archaeologist Sydney Hanson of the Department of Archaeology & Historic Preservation; Stream Patrolman George D. Marshall of the Ahtanum Irrigation District; and Yakama Nation Archaeologist Jessica Lally of the Yakama Nation Cultural Resources Program.

(5) No other testimony or written comments were submitted at or before the open record public hearing. This Recommendation has been submitted to the Planning Division within 10 business days of the public hearing.

B. Summary of Recommendation. The Hearing Examiner recommends approval of this proposed Preliminary Plat of “Anderson Park Phase 4” with the requested Critical Area Standard Development Permit, subject to conditions.

C. Basis for Recommendation. Based on a view of the site with no one else present on May 10, 2022; the staff report, exhibits, testimony and other evidence presented at the open record public hearing conducted on May 12, 2022; and a consideration of the applicable subdivision requirements, development standards, critical areas ordinance provisions and consistency criteria; the Hearing Examiner makes the following:

FINDINGS

I. Applicant, Property Owner and Representative. The applicant/property owner is Cottonwood Partners, LLC, P.O. Box 8335, Yakima, WA 98908. The representative of the applicant/property owner for this proposal is Michael Heit of HLA Engineering and Land Surveying, Inc., 2803 River Road, Yakima, WA 98902.

RECEIVED

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

II. Location. The location of the proposed preliminary plat is on Occidental Road east of South 64th Avenue along new north/south streets south of Occidental Road that would be named South 58th Avenue and South 57th Avenue and the east/west cross-street on the south end between them named Cottonwood Place. The site was recently annexed into the City on March 22, 2022. The west side of the parcel is adjacent to the existing Anderson Park single-family residential development. The Yakima County Assessor's Parcel Number of the site is 181204-22002.

III. Applications. Applications for a 7.88-acre 30-lot Preliminary Long Plat (PLP) with Critical Areas Ordinance (CAO) Review, State Environmental Policy Act (SEPA) Review and Transportation Concurrency Ordinance (TCO) Review were received on February 7, 2022 (*Document Index C-1 and E-1 to E-4*). On March 25, 2022, the applications were deemed complete for processing by the Planning Division. These applications are being processed under Chapters 14.20 for Subdivision, 15.27 for Critical Areas and 6.88 for SEPA Review set forth in the Yakima Municipal Code (YMC).

IV. Jurisdiction. YMC §1.43.080 and §14.20.100 provide that the Hearing Examiner shall hold a public hearing and submit a recommendation to the City Council regarding preliminary long plats which shall include findings and conclusions based on the record relative to the subdivision criteria listed in YMC §14.20.100(A) and in RCW Chapter 58.17. YMC §1.43.100, YMC 16.03.010(B-D) and YMC 15.04.020(E) provide that applications such as for a Critical Area Standard Development Permit may be consolidated with related applications to be considered under the highest level of review

RECEIVED

MAY 26 2022
CITY OF YAKIMA
COMMUNITY DEVELOPMENT

of the applications, which in this case is the type of review that requires a recommendation to the Yakima City Council which makes the final decision.

V. Notices. A Notice of Application, Environmental Review and Public Hearing for a Preliminary Long Plat (PLP#002-22), Critical Areas Ordinance Review (CAO#001-22) and State Environmental Policy Act Review (SEPA#003-22) was provided by posting a Land Use Action Sign on the property on March 10, 2022; by mailing said Notice to the applicant, SEPA agencies and adjoining property owners within 300 feet of the subject parcel requesting comments on the proposed application on March 25, 2022; and by publishing said Notice in the Yakima Herald-Republic also on March 25, 2022. No comments from neighbors or other members of the general public were received during the public comment period for this application.

VI. Comprehensive Plan. The site of the proposed Preliminary Plat of “Anderson Park Phase 4” is located within the Mixed Residential Comprehensive Plan designation which provides for areas with a mixture of housing types and densities. The following goals and policies apply to this proposal:

Goal 2.3: Preserve and enhance the quality, character, and function of Yakima’s residential neighborhoods.

Policy 2.3.1: Provide for a wide variety of housing types within the city to meet the full range of housing needs for Yakima’s evolving population.

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

RECEIVED

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

VII. Zoning and Land Use. The 7.88-acre parcel is located within the Two-Family Residential (R-2) zoning district and it is currently vacant. The main purpose of the Yakima Urban Area Zoning Ordinance (UAZO) in Title 15 of the Yakima 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(C) states that the purpose and intent of the R-2 zoning district is to:

(1) Establish and preserve residential neighborhoods for detached single-family dwellings, duplexes and other uses compatible with the intent of this district; and

(2) Locate residential development with densities up to twelve dwelling units per net residential acre in areas receiving a full range of public services including public water and sewer service, and police and fire protection.

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

(4) The zoning and the land uses of the surrounding properties may be described as follows:

<i>Direction</i>	<i>Zoning</i>	<i>Land Use</i>
North	R-1 & SR (County)	Residential
South	R-2	Vacant
East	R-1 (County)	Agriculture
West	R-3	Residential

VIII. Environmental Review. This application was required to undergo SEPA State Environmental Policy Act review because it proposes to subdivide a parcel of land into



more than 20 lots in the R-2 zoning district and because of the requirement that the application undergo a Critical Areas Review. Notice was mailed on March 25, 2022, and the public comment period ended on April 14, 2022. No comments from neighbors or the general public were received. Due to extensive comments received from the Yakima County Flood Control Zone District (FCZD), the SEPA Responsible Official issued a Mitigated Determination of Nonsignificance (MDNS) addressing those comments on April 22, 2022, by means of recommended Mitigation Measures which was not appealed by FCZD or any other party.

IX. Transportation Concurrency Ordinance. The applicant applied for Transportation Concurrency (TCO#003-22) on February 7, 2022, which was approved on May 5, 2022. The proposal was approved for Concurrency because it will not exceed the PM peak hour capacity of the City arterial system, and reserve capacity exists on all impacted streets.

X. Development Services Team. The following comments were submitted by the Development Services Team which met on February 22, 2022, and by public agencies:

(1) Code Administration: The City of Yakima Code Administration comments were as follows:

(a) 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 pursuant to WSFC Appendix C.

(b) These findings are not intended to be an exhaustive review of this proposal.

(c) Preliminary addressing for this proposal is as follows:

Cottonwood Partners, LLC
Occidental Rd. & S. 58th Ave.
Plat of "Anderson Park Phase 4"
PLP#002-22 and CAO#001-22
TCO#003-22 and SEPA#003-22

RECEIVED
MAY 26 2022
CITY OF YAKIMA
COMMUNITY DEVELOPMENT

RECEIVED
MAY 26 2022
CITY OF YAKIMA
COMMUNITY DEVELOPMENT

Lot 1	2300 S. 58th Ave. / 5800 Occidental Rd.	Lot 16	2312 S. 57th Ave. / 5701 Cottonwood Pl.
Lot 2	2302 S. 58th Ave.	Lot 17	2310 S. 57th Ave.
Lot 3	2304 S. 58th Ave.	Lot 18	2308 S. 57th Ave.
Lot 4	2306 S. 58th Ave.	Lot 19	2306 S. 57th Ave.
Lot 5	2308 S. 58th Ave.	Lot 20	2304 S. 57th Ave.
Lot 6	2310 S. 58th Ave.	Lot 21	2302 S. 57th Ave.
Lot 7	2312 S. 58th Ave.	Lot 22	2300 S. 57th Ave. / 5700 Occidental Rd.
Lot 8	2314 S. 58th Ave.	Lot 23	2301 S. 57th Ave.
Lot 9	2301 S. 58th Ave. / 5702 Occidental Rd.	Lot 24	2303 S. 57th Ave.
Lot 10	2303 S. 58th Ave.	Lot 25	2305 S. 57th Ave.
Lot 11	2305 S. 58th Ave.	Lot 26	2307 S. 57th Ave.
Lot 12	2307 S. 58th Ave.	Lot 27	2309 S. 57th Ave.
Lot 13	2309 S. 58th Ave.	Lot 28	2311 S. 57th Ave.
Lot 14	2311 S. 58th Ave.	Lot 29	2313 S. 57th Ave.
Lot 15	2313 S. 58th Ave. / 5703 Cottonwood Pl.	Lot 30	5700 Cottonwood Pl. / 2314 S. 59th Ave.

(2) Engineering: Engineering comments relative to this proposed preliminary plat were to the effect that TMC Title 12 improvements and other improvements are required including, but not limited to, the following:

(a) 8.67 and 12.05 – New curb, gutter and five-foot sidewalk is required within new development. Street section shall conform to standard detail R3. New sidewalks shall be constructed per standard detail R5. Seven-foot sidewalks are required for Occidental Rd. (Minor Arterial).

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

(c) 8.72 – An excavation and street break permit shall be obtained for all work within the public right of way. Refer to chapter 8 for requirements. Roads less than five years old can be cut, but will cost one hundred fifty percent of restoration fee with no PCI discount.

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

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(e) 12.06.050 – Phased developments or temporary dead-end streets shall provide for adequate temporary turnarounds between project phases or future street extension. The design shall provide for continuation of the full right-of-way width to the property boundary.

(f) 12.06 – Street and right of way widths shall conform to this section unless otherwise approved. Fifty feet of right-of-way is required for the residential new streets. Occidental Rd. is classified as a Minor Arterial, requiring a total of 80 feet of right-of-way.

(g) 12.06.080 Street lighting – A street light shall be installed at each street intersection and at mid-block 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.

(h) 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) Nob Hill Water Association: Developer will need to contact Nob Hill Water for cost estimate for new project. Mainline extension, fire hydrants, and water services will be required to be installed. Signed engineered plans will need to be submitted to start cost estimate for project.

(4) Wastewater: Sewer is to be installed per City of Yakima Municipal Code and Engineering Standards.

(5) Surface Water: For the long plat itself I have no comments. Just be aware that during the development of this parcel a Large Project Stormwater Permit will be required.

(6) The Washington State Department of Ecology (DOE): DOE submitted the following comments:

(a) If the project anticipates disturbing ground with the potential for stormwater discharge off-site, an NPDES Construction Stormwater General Permit is recommended. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit may take 38-60 days.

(b) The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

permitted construction sites. These control measures must be able to prevent soil from being carried into surface water and storm drains by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.

(c) In the event that an unpermitted Stormwater discharge does occur off-site, it is a violation of Chapter 90.48 RCW, Water Pollution Control, and is subject to enforcement action.

(d) More information on the stormwater program may be found on Ecology's stormwater website: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact Lloyd Stevens, Jr. at the Department of Ecology, (509) 571-3866, or email lloyd.stevensjr@ecy.wa.gov, with questions about this permit.

(7) Ahtanum Irrigation District: 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* [emphasis that of the agency], for District signature. As our Board meets once per month, please telephone in advance for meeting dates to avoid delays.

(8) Yakima Air Terminal: If there will be cranes over 150 feet in height, the airport shall be contacted so it can issue a NOTAM for the pilots.

(9) Department of Archaeology and Historic Preservation (DAHP): DAHP submitted the following comments:

(a) Our statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. This is due, in part, to the proximity of the proposed project area to Bachelor Creek, a resource that may have been important to Native Americans and/or settlers in the past. 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 and a report be produced prior to ground disturbing activities. This report should meet DAHP's Standards for Cultural Resource Reporting.

(b) We also recommend that any historic buildings or structures (45 years in age or older) located within the project area are evaluated for eligibility for

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

listing in the National Register of Historic Places on Historic Property Inventory (HPI) forms. We highly encourage the SEPA lead agency to ensure that these evaluations are written by a cultural resource professional meeting the SOI Professional Qualification Standards in Architectural History.

(c) Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving any correspondence or comments from Tribes or other parties concerning cultural resource issues that you receive.

(d) Thank you for the opportunity to comment on this project. Please ensure that the DAHP Project Tracking Number is shared with any hired cultural resource consultants and is attached to any communications or submitted reports. Please also ensure that any reports, site forms, and/or historic property inventory (HPI) forms are uploaded to WISAARD by the consultant(s).

(10) Yakama Nation Cultural Resources Program: We concur with DAHP's recommendations that this is high risk and an archaeological survey should be completed.

(11) Yakima County Flood Control Zone District (FCZD): The extensive FCZD comments were addressed in detail in the SEPA Mitigated Determination of Nonsignificance (MDNS). The MDNS provides that when the City finalizes the LOMR Operation and Maintenance Plan, it will be provided to the applicant and made available for future developers so that in response to FCZD comments it can be provided to future residents to make them aware of the requirement of maintaining flood carrying capacity in the floodway channel which includes periodic inspection, maintenance and reporting responsibilities. The MDNS also requires that the applicant comply with all applicable requirements for development in the floodway/floodplain prior to Final Plat Approval, in accordance with YMC Chapter 15.27, Part Four – Flood Hazard Areas; and that the final plat shall include the following plat notes:

(a) Portions of the Plat of Anderson Park shown hereon may fall within the 1% annual chance (100-year) floodplain and floodway limits shown on current Flood Insurance Rate Maps. Floodplain and floodway information is subject to change as a result of future FEMA Map revisions and/or amendments.

(b) No structure, fences, walls, or other obstructions that impede drainage shall be placed within the limits of the (100-year) floodplain or floodway established by the Federal Emergency Management Agency (FEMA) without the approval of the City of Yakima Community Development Director and in

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

accordance with the City of Yakima Municipal code critical areas ordinance. The property owner shall keep the 100-year floodplain and floodway traversing his/her property free of debris which would impede the function of the floodplain or floodway.

XI. Applicable Subdivision Ordinance and Statutory Provisions. Applicable subdivision regulatory provisions are as follows:

(1) YMC §15.03.020(C): R-2 Zoning District Defined: The purposes of the R-2 zoning district are first to establish and preserve residential neighborhoods for detached single-family dwellings, duplexes and other uses compatible with the intent of this district and also to locate residential development with densities up to twelve dwelling units per net residential acre in areas receiving a full range of public services including public water and sewer service, and police and fire protection. The district is characterized by up to sixty percent lot coverage, access via local access streets and collectors, one- and two-story buildings, some clustering of units, and required front, rear and side yard setbacks. Typical uses in this district are single-family dwellings and duplexes. The density in this district generally ranges from seven to twelve dwelling units per net residential acre. However, development up to eighteen dwelling units per net residential acre may be allowed in accordance with YMC Chapter 15.04, Table 4-1.

(2) YMC §15.05.030(A): Creation of new lots – Subdivision requirements: Table of Subdivision Requirements: The YMC §15.05.030(A) Table 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-2 zoning district, the required minimum lot size is 6,000 square feet.

(3) YMC §15.30.040: Airport Safety Overlay Zones: The subject property is located in Zone 6 of the Airport Safety Overlay, and per YMC §15.30.060, detached single-family dwellings are Class (1) uses.

(4) YMC §15.30.050: Height Limitation: Height Limitation 2 (AOD Zone 6): No building within this zone shall exceed thirty-five feet above the ground. Any building proposed to exceed this height must undergo further review by the airport manager and the FAA. The administrative official may require lights or markers as a warning to aircraft on any buildings, structures, communication towers, uses, or trees, or the topping

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

of any trees to reduce their height, when recommended by the FAA, WSDOT Aviation Division or the airport manager. Lights and markers shall meet FAA specifications. Whenever the height limitations of this section differ from those of any other section of this chapter, or that adopted by another local ordinance or regulation, the more restrictive limitation shall apply.

(5) YMC §15.05.055(1): New development improvement standards: Fire apparatus access roads for one-, two- or multi-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.

(6) 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.

(7) 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.

(8) 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.

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

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

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(11) 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.

(12) 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.

(13) 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.

(14) 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].

(15) 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.

(16) YMC §12.06.010: Street types, functional classification: The Yakima Urban Area Comprehensive Plan, and/or the West Valley Neighborhood Plan, designates the functional classification of the principal arterial, minor arterial and collector streets and

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

establishes their functional classification. All other streets are classified as local residential access.

(17) 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.

(18) 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.

(19) 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.

(20) 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 the improvements based upon the approved civil engineering design of the required improvements.

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(21) 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, but not limited to, the public health, safety and general welfare and for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, 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 the public interest will be served by the subdivision and dedication.

XII. Applicable Critical Areas Ordinance Provisions. Applicable Critical Areas Ordinance regulatory provisions are as follows:

(1) Critical Area Development Authorization Required: Pursuant to YMC §15.27.300(A), no new development, construction or use shall occur within a designated critical area without obtaining a development authorization in accordance with the provisions of this chapter, except for those provided for in YMC §15.27.303.

(2) General Critical Areas Protective Measures—Subdivision Standards: Pursuant to YMC §15.27.321(B)(2)(a-d), critical areas shall be actively protected through the following:

(a) Roads and utilities for the subdivision shall avoid critical areas and their buffers, as much as possible.

(b) When geologically hazardous areas (excluding erosion, oversteepened slopes of intermediate risk, stream undercutting, and earthquake hazards), FEMA floodways, channel migration zones (CMZs), streams, wetlands and/or vegetative buffers fall within the boundary of a subdivision:

(i) Said critical areas shall be protected by placing them entirely within a separate critical area tract or by including them entirely within one of the developable parcels. Other options, such as conservation easements and building envelopes, may be deemed appropriate by the administrative official as meeting this provision when special circumstances obstruct the viability of this provision;

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(ii) For those new lots that do contain said critical areas, usable building envelopes (five thousand square feet or more for residential uses) shall be provided on the plat that lies outside said critical areas.

(c) New lots partially within the floodplain shall provide a usable building envelope (five thousand square feet or more for residential uses) outside the floodplain.

(d) Floodplains and critical areas shall be depicted on preliminary subdivision plats and relevant information about them disclosed on the final plat.

(3) Permitted Uses – Floodway Fringe: Pursuant to YMC §15.27.409(A), Detached Single-Family Dwellings is a permitted use within the floodway fringe (floodplain) as long as the proposal complies with the flood hazard protection standards of YMC §15.27.407 and YMC §15.27.408.

(4) Permitted Uses – Floodway: Pursuant to YMC §15.27.411(A), Detached Single-Family Dwellings is a permitted use within the floodway as long as the proposal complies with the flood hazard protection standards of YMC §15.27.407 and YMC §15.27.408. Pursuant to YMC §15.27.411(H), roads and bridges are permitted uses within the floodway as long as they comply with the regulations of YMC §15.27.411(D).

(5) Subdivision Proposals: YMC §15.27.407(F) requires that all subdivision proposals shall:

- (a) Be consistent with the need to minimize flood damage;
- (b) Have roadways, public utilities, and other facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (c) Have adequate drainage provided to reduce exposure to flood damage;
- (d) Include base flood elevation data; and
- (e) In the cases where base flood elevation is not available and the subdivision is greater than five acres or fifty lots, a step-back water analysis shall be required to generate the base flood elevation data.

XIII. Preliminary Plat Findings. YMC §14.20.100(A) provides that the Hearing Examiner shall consider a proposed preliminary plat during an open record public hearing

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

to inquire into and determine whether the following standards and criteria 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-2 Zoning District. A determination of consistency with the City’s Urban Area Zoning Ordinance intent, design, improvement and development provisions applicable to the R-2 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 Two-Family Residential (R-2) Zoning District: YMC §15.03.020(C) indicates that the intent of the R-2 zoning district is in part to establish and preserve residential neighborhoods for detached single-family dwellings, duplexes and other uses that are compatible with the intent of the district.

(b) Consistency with Design, Improvement and Development Provisions Applicable to the Two-Family Residential (R-2) 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-2 zoning district as follows:

(i) *Minimum Lot Size:* The lots ranging in size from 6,841 square feet to 13,342 square feet will meet the minimum 6,000-square-foot lot size requirement for single-family residences in the R-2 zoning district.

(ii) *Building Envelopes:* The preliminary plat indicates that building pads, envelopes or footprints on lots within the floodplain will range from 5,026.31 to 10,021.77 square feet in size, which is consistent with YMC Table 5-1 of YMC Chapter 15.05 for single-family construction.

(iii) *Minimum Lot Width:* The lots will all meet or exceed the minimum lot width of 50 feet prescribed for the R-2 zoning district by Table 5-2 of YMC Chapter 15.05.

(iv) *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-2 zoning district, the maximum lot coverage is 60%. All lots within the proposed preliminary plat have sufficient lot area to comply with this development standard.

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(v) *Structure Setbacks*: In the residential zoning districts, structure setbacks are intended to provide light, air and emergency access. All lots in the proposed preliminary plat have sufficient area to meet 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 Property Line
Front	45 feet	20 feet
Rear	N/A	15 feet
Side (internal)	N/A	5 feet
Side (street)	40 feet	10 feet

(vi) *Maximum Building Height*: The maximum building height in the R-2 zoning district is 35 feet (YMC Chapter 15.05, Table 5-1). The property is entirely within Zone 6 of the Airport Safety Overlay (ASO) which also limits the building height to 35 feet. The applicant’s State Environmental Policy Act Checklist states that the tallest structure will be less than 35 feet in height so as to comply with both standards.

(vii) *Residential Accessory Structures*: Residential accessory structures are allowed upon all lots of record provided they meet the provisions of YMC §15.05.020(E).

(viii) *Fencing*: Fencing upon and behind property lines is allowed in accordance with YMC §15.05.020(G).

(ix) *Access*: All lots will have 20 feet of frontage upon a public street or be accessed by a 20-foot-wide access easement in accordance with YMC §15.05.020(H).

(x) *Sidewalk*: The proposed preliminary plat shows that curb, gutter and sidewalk will be constructed along all street frontages in accordance with YMC §15.05.020(J).

(xi) *Density*: The proposed preliminary plat which divides 5.45 net residential acres not including streets into 30 lots will have a density of 5.5 dwelling units per net residential acre with streets excluded (237,340 square feet ÷ 43,560 square feet = 5.45 acres; 30 dwelling units ÷ 5.45 acres = 5.5

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

dwelling units per net residential acre). This density complies with YMC §15.05.030(B) and YMC Table 4-1 of YMC Chapter 15.04 which allow up to 7 dwelling units per net residential acre in the R-2 zoning district.

(xii) *Street Right-of-Way/Dedication of Right-of-Way*: The internal local access streets connecting to Occidental Road require the dedication of 50-foot-wide rights-of-way for the streets within the subdivision.

(xiii) *Frontage Improvements*: Curb, gutter and a five-foot-wide sidewalk shall be installed along the lot frontages of internal streets and seven-foot-wide sidewalk shall be installed along Occidental Road in accordance with YMC 12.05.010. The street section shall conform to standard detail R3 and the new sidewalks shall be constructed per standard detail R5, in accordance with YMC Chapters 8.67 and 12.05. At a minimum, one street light shall be installed midblock on the westernmost section of the loop since 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 installation and will thereafter be maintained by the City. Pursuant to YCC 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 will cost 150 percent of the restoration fee with no PCI discount.

(xiv) *Wastewater*: Sewer and a lift station have been extended across Occidental Road to the subject parcel. A minimum sixteen foot easement shall be maintained over all public utility lines in accordance with YMC §12.02.010 and YMC §12.02.020. All lots within the subject 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.

(xv) *Water*: The applicant shall extend potable water to the lots of the plat in accordance with YMC §12.04.010. Water is provided by the Nob Hill Water Association, and the preliminary plat displays water service across all street frontages to serve all lots.

(xvi) *Irrigation*: The subject parcel is located within the Ahtanum Irrigation District and therefore irrigation district approval is required upon the final plat.

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(xvii) *Easements*: Easements are to be established in accordance with YMC §12.02.010 and YCC §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 Mixed Residential development which provides for a mixture of housing types and densities. As noted above, 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.

(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 in YMC Chapter 14.20 of the City’s subdivision ordinance and in 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 30-lot preliminary plat of “Anderson Park Phase 4” 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/or two-family dwellings will complement the existing adjacent single-family development to the west. It 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

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

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-2 zoning district for single-family dwellings. The lot coverage limitation of not more than 60% in the R-2 zoning district will provide adequate light and air for future residents in accordance with the standards in the zoning ordinance without additional open spaces.

(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.

(d) *Streets, alleys, and other public ways*: The subject property has frontage upon the extension of Occidental Road from South 64th Avenue to the east and includes new public streets (South 58th Avenue, South 57th Avenue and Cottonwood Place) to provide adequate access to all internal lots.

(e) *Water supplies*: Public water is required to be used for domestic and fire flow purposes. Nob Hill Water Association water is available to the site from Occidental Road.

(f) *Sanitary waste disposal*: Public sewer is required to service all lots within the subject development. A City of Yakima sewer main capable of serving the development has been extended east to the site along Occidental Road.

(g) *Parks and playgrounds*: Open space, parks, recreation and playgrounds are located at the West Valley Middle Level Campus about 1.9 miles away, Wide Hollow Elementary School about 2.4 miles away and West Valley High School about 2.9 miles away from the subdivision.

(h) *Sites for schools*: As indicated, West Valley Middle Level Campus is located about 1.9 miles from this proposed subdivision, while Wide Hollow Elementary School is located about 2.4 miles from this proposed subdivision and West Valley High School is located approximately 2.9 miles from this proposed subdivision. No comments were submitted by the West Valley School District.

(i) *Sidewalks*: Sidewalks are required and shall be provided along this development's internal streets (South 58th Avenue, South 57th Avenue and Cottonwood Place) and along the Occidental Road frontage. Sidewalks have

RECEIVED

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

already been installed from South 64th Avenue to the site due to the existing residential development to the west and north of this site.

(j) *Public Transit:* Yakima Transit Routes 2 and 5 pass the intersection of South 64th Avenue and West Washington Avenue approximately 0.9 of a mile north of the subdivision.

(k) *Serves the public use and interest:* This proposed 30-lot residential subdivision is consistent with neighboring residential 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 of Yakima Community Development Department.

XIV. Critical Areas Ordinance Findings. Critical Areas Ordinance Findings are as follows:

(1) This application was subject to Environmental Review which resulted in the issuance of a Mitigated Determination of Nonsignificance on April 22, 2022, which was not appealed and therefore became final as to the Mitigation Measures needed to reduce all likely significant adverse environmental impacts noted in the Yakima County Flood Control Zone written comments and testimony to an acceptable level.

(2) Consistent with YMC §15.27.031(C)(2), the Administrative Official reviewed the available information pertaining to the proposal and made a determination that Critical Areas were present, but there is no impact.

(3) Per YMC §15.27.309, it has been determined that a Standard Development Permit is required.

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(4) Consistent with YMC §15.27.311 relative to Authorization Decisions – Basis for Action, the applicant meets the following criteria:

(a) *Impact of the project to critical area features on the property and abutting property:* The impact to critical area features will be minimal as long as the subdivision provides adequate building pads, envelopes or footprints elevated above the floodplain/floodway that crosses proposed Lots 8, 27 and 28 and crosses Cottonwood Place between Lots 15, 16 and 30. Mr. Havens testified on behalf of the Yakima County Flood Control Zone District (FCZD) to the effect that the MDNS Mitigation Measures which were imposed as a result of his comments still left him concerned about the safety of the residents of the three lots south of Cottonwood Place which serves as the floodway channel for floodwaters in a 100-year or greater flood. However, the MDNS was not appealed to give the Hearing Examiner jurisdiction to revise the SEPA Responsible Official's Mitigation Measures imposed to mitigate those FCZD concerns to an acceptable level. Despite that, Mr. Heit indicated that his recollection is that the level of the water flowing in the fairly flat street named Cottonwood Place in a 100-year flood would only be about 10 inches deep and in a 200-year flood would be about 18 inches deep. He added that all five of the lots adjacent to the floodway will have a required building pad, envelope or footprint located above the flood elevation outside the floodway and floodplain that will be shown on the plat. He also indicated that the owners of the adjacent property to the south are interested in developing that property, in which case South 58th Avenue and South 57th Avenue would be extended so as to give alternate access to Ahtanum Road from the lots that would be south of the floodway channel in the event of a flood. Mr. Heit did, however, express concern about the DAHP recommendation that a professional archeological survey be conducted and a report be prepared. His concern is that there would be no benefit from conducting such a survey due to the past agricultural uses of the land and its current disturbed condition, especially since no cultural resources were discovered during the development of the adjacent 94-lot Anderson Park single-family residential subdivision to the west. Instead of making that DAHP recommendation a requirement, the requirement will be that the applicant obtain the Planning Division's approval of an Inadvertent Discovery Plan to address the possibility of discovering cultural resources in the course of grading or developing the site.

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(b) *Danger to life or property that would likely occur as a result of the project:* The floodplain of Spring Creek – Tributary 1 is located on the parcel, and the proposed grading plan will channelize the floodwater flowing into the development to prevent flooding on specific parcels.

(c) *Compatibility of the project to critical area features:* In addition to the floodplain being realigned to generally follow the direction of Cottonwood Loop from the west, each lot encumbered by the floodplain will have a building pad, envelope or footprint located outside of the floodplain. Lots 8, 27 and 28 are far larger than the average lot in the subdivision which will allow floodwaters to flow across them to and from the paved street named Cottonwood Place which will largely confine floodwaters between Lots 15, 16 and 30 so as to avoid reaching the building pads, envelopes or footprints where the homes will be located.

(d) *Conformance with applicable development standards:* All applicable standards of YMC Chapter 15.27 will be met.

(e) *Compliance with the flood hazard mitigation requirements of YMC §15.27.400 through §15.27.436:* The existing FEMA FIRM Panels 53077C1029F and 53077C1037E were revised in 2020 (Case No. 20-10-0066R) which on the site channelized the floodplain through Cottonwood Place which resulted in building pads, envelopes or footprints for the affected lots in the subdivision being located outside of the floodplain.

(f) *Adequacy of the information provided by the applicant or available to the division:* The application that was submitted is adequate for review.

(g) *Alternative Courses of Action:* Based upon the project evaluation, the decision maker shall take one of the following actions.

- (i) Grant the development authorization;
- (ii) Grant the development authorization with conditions as allowed by YMC §15.27.312 in order to mitigate impacts to the critical area feature(s); or
- (iii) Deny the development authorization.

(5) Since the consideration of the Critical Area Standard Development Permit has been consolidated for review with the Preliminary Long Plat application, the Hearing Examiner recommends that the City Council grant the Critical Area Standard

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

Development Permit development authorization in conjunction with approval of the Preliminary Long Plat of “Anderson Park Phase 4.”

XV. Consistency Analysis Conducted Pursuant to Subsection 16.06.020(B) of the Yakima Municipal Code. The consistency analysis for this proposed Preliminary

Long Plat of “Anderson Park Phase 4” is as follows:

(1) **The type of land use contemplated by the proposal** (a single-family residential development) 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. The proposed single-family dwellings are Class (1) permitted uses in the R-2 zoning district.

(2) **The level of development** with the maximum lot coverage density of 60% and with lots that are larger than the minimum lot size requirements will not exceed the allowable level of development in the Two-Family Residential (R-2) zoning district.

(3) **The availability and adequacy of infrastructure and public facilities** is not an issue because the additional infrastructure that will be provided at the applicant’s expense would insure that adequate infrastructure and public facilities are available for the proposed preliminary long 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 Long Plat of “Anderson Park Phase 4” with the requisite Standard Critical Area Standard Development Permit will be consistent with the development standards of applicable City ordinances.

CONCLUSIONS

Based on the foregoing Findings, the Hearing Examiner concludes as follows:

RECEIVED

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(1) The Hearing Examiner has jurisdiction to recommend to the Yakima City Council the approval of the proposed Preliminary Long Plat of “Anderson Park Phase 4” with a Critical Area Standard Development Permit pursuant to YMC §1.43.080, YMC §14.20.100 and YMC Chapter 15.27.

(2) A SEPA Mitigated Determination of Nonsignificance (MDNS) was issued for this proposed preliminary plat on April 22, 2022, that became final without any appeal.

(3) Notices for the public hearing were given in accordance with applicable ordinance requirements.

(4) The proposed Preliminary Long Plat of “Anderson Park Phase 4,” with the requested Critical Area Standard Development Permit and subject to all of the conditions detailed below, is in compliance with the applicable provisions of the City’s 2040 Comprehensive Plan, zoning ordinance and subdivision ordinance; makes appropriate 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 schoolgrounds or additional planning features that assure safe walking conditions for students who walk to and from school; and said plat will serve the public use and interest.

(5) This proposed Preliminary Long Plat of “Anderson Park Phase 4” with the requested Critical Area Standard Development Permit is in compliance with all of the consistency requirements of Subsection 16.06.020(B) of the Yakima Municipal Code.

RECOMMENDATION

The Hearing Examiner recommends to the Yakima City Council that the proposed 30-lot preliminary plat of “Anderson Park Phase 4” with the requested Critical Area Standard Development Permit to be developed for single-family residences as described in the project narrative and site plan submitted to the Planning Division on February 7, 2022, and described in related documents which are assigned file numbers PLP#002-22,

RECEIVED

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

CAO#001-22 and SEPA#003-22 be **APPROVED**, subject to compliance with 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 the 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 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;

(D) A minimum 8-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 shown on the preliminary plat shall be constructed with curb, gutter and five-foot-wide 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) The subdivision's Occidental Road frontage shall be constructed with curb, gutter and seven-foot-wide sidewalk on both sides of the street;

RECEIVED

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(J) 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 will cost 150 percent of the restoration fee with no PCI discount;

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

(L) 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 by means 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;

(M) Roadway sections within the floodplain/floodway shall be constructed in accordance with applicable regulations of YMC Chapter 15.27, Part Four;

(N) 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;

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

(P) An NPDES Construction Stormwater General Permit is required if there is a potential for stormwater discharge from the construction site. The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction. The applicant shall contact the Department of Ecology to determine if these permits are required;

(Q) Streetlights shall be installed per the direction of the Engineering Division, and lighting guidelines set forth by the FAA shall be followed;

(R) 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.

MAY 26 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(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.

(3) Portions of the Plat of Anderson Park shown hereon may fall within the 1% annual chance (100-year) floodplain and floodway limits shown on current Flood Insurance Rate Maps. Floodplain and floodway information is subject to change as a result of future FEMA Map revisions and/or amendments.

(4) No structure, fences, walls, or other obstructions that impede drainage shall be placed within the limits of the (100-year) floodplain or floodway established by the Federal Emergency Management Agency (FEMA) without the approval of the City of Yakima Community Development Director and in accordance with the City of Yakima Municipal code critical areas ordinance. The property owner shall keep the 100-year floodplain and floodway traversing his/her property free of debris which would impede the function of the floodplain or floodway.

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

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

(U) 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;

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

(W) This subdivision shall comply with the conditions of the SEPA Mitigated Determination of Nonsignificance (SEPA#003-22); and

(X) The applicant shall prepare and obtain the Planning Division's approval of a Cultural Resources Inadvertent Discovery Plan and comply with the Plan if cultural resources are discovered on the site.

DATED this 26th day of May, 2022.



Gary M. Cullier, Hearing Examiner