

RESOLUTION NO. R-2022-

A RESOLUTION approving the Preliminary Long Plat of Apple Tree Phase 1C, a four-lot subdivision with one tract (a further subdivision of PSP#004-21, which created nine lots), located in the vicinity of S. 96th Ave. and Occidental Rd.

WHEREAS, on July 13, 2022, the City of Yakima Planning Commission (“Planning Commission”) held an open-record public hearing to consider the application for a Preliminary Long Plat known as “Apple Tree Phase 1C,” consisting of four single-family lots and one tract, submitted by Kinloch Borton Enterprises, LLC (PLP#004-22, SEPA#009-22); and

WHEREAS, on July 27, 2022, the Planning Division issued its 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 September 6, 2022, 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 and Conditions of Approval. The Planning Commission’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 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 6th day of September, 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

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EXHIBIT A

**NOTIFICATION OF THE YAKIMA PLANNING COMMISSION'S
RECOMMENDATION TO THE YAKIMA CITY COUNCIL**

DATE: July 29, 2022
TO: Applicant, Adjoining Property Owners & Parties of Record
SUBJECT: Notice of the Yakima Planning Commission's Recommendation
to
the Yakima City Council
FILE #(S): PLP#004-22, SEPA#009-22
APPLICANT: Kinloch Borton Enterprises, LLC
**PROJECT
LOCATION:** Vicinity of Occidental Road & S. 96th Ave

On July 27, 2022 the City of Yakima Planning Commission rendered their written recommendation on **PLP#004-22 and SEPA#009-22**. A proposed preliminary long plat to subdivide approximately 32.93 acres into 4 single-family lots and one tract in the R-1 zoning district.

A copy of the Planning Commission's Findings and Recommendation is enclosed.

The Planning Commission'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.

A handwritten signature in blue ink, appearing to read "Eva Rivera".

Eva Rivera
Planning Technician

Date of Mailing: **July 29, 2022**

Enclosures: Planning Commission's Recommendation





DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

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YAKIMA PLANNING COMMISSION

RECOMMENDATION TO THE YAKIMA CITY COUNCIL FOR PRELIMINARY LONG PLAT PLP#004-22 & SEPA#009-22

July 27, 2022

WHEREAS, on April 18, 2022, applications for a Preliminary Long Plat were submitted by Kinloch Borton Enterprises LLC, for the subdivision of one parcel totaling approximately 32.93 acres into four single-family residential lots and one tract (a further subdivision of PSP#004-21, which created nine lots), in the Single-Family Residential (R-1) zoning district, parcel number 171336-44411; and

WHEREAS, the applications were considered complete for processing on May 18, 2022, and public notice was provided, in accordance with the provisions of YMC Ch. 16.10, on May 20, 2022; and

WHEREAS, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on June 22, 2022, which was not appealed (City File SEPA#009-22); 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 July 13, 2022, the Yakima Planning Commission held an open record public hearing, to consider the application for a four-lot single-family subdivision known as Apple Tree Phase 1C (PLP #004-22), to hear testimony from the public and provide a recommendation to the Yakima City Council; and

WHEREAS, the staff report presented by Senior Planner Eric Crowell recommended approval of the proposed four-lot preliminary plat, subject to conditions; and

WHEREAS, based on testimony received at the July 13, 2022 public hearing, the Yakima Planning Commission has recommended approval of the plat, subject to conditions.

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

APPLICATION #: PLP#004-22, SEPA#009-22
APPLICANT: Kinloch Borton Enterprises LLC
APPLICANT ADDRESS: 2550 Borton Rd., Yakima, WA 98903
PROJECT LOCATION: Vicinity of Occidental Rd. & S. 96th Ave.
PARCEL(S): 171336-44411

I. FINDINGS OF FACT:

- A. The applicant requests to subdivide the subject parcel into four single-family lots and one tract, a further subdivision of PSP#004-21, which created nine lots.
- B. The subject parcel is approximately 32.93 acres in size and is surrounded by agricultural and residential uses and zoning.
- C. No testimony was received at the public hearing except for that of the applicant.
- D. The City of Yakima Planning Division provided a detailed staff report to the Planning Commission for review during its July 13, 2022 public hearing, with the recommendation of APPROVAL of the proposed subdivision.
- E. **Subsection 14.20.100 (A)(1)—Consistency with the provisions of the City’s Urban Area Zoning Ordinance:** The proposed preliminary plat would be consistent with the intent and character of the Single-Family Residential (R-1) zoning district set forth in YMC § 15.03.020 (B). 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. Preserve existing residential neighborhoods for detached single-family dwellings free from other uses to ensure the preservation of the existing residential character, and serve the residents of this district; and
 - 3. Locate moderate-density residential development, up to seven dwelling units per net residential acre, in areas served by public water and sewer system.

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.

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

F. Subsection 14.20.100 (A)(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 2.6. Community design. Promote compatible high quality development that enhances the character and identity of Yakima.
 - Policy 2.62 (A). Recognize that the character of public rights-of-way play a role in determining community character. Wherever feasible, promote complete streets and incorporate streetscape improvements, such as way-finding signs, lighting, public art, enhanced landscaping and street furniture, to enhance community character.
- 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.
 - Policy 5.4.7. Promote complete streets and trails to interconnect Yakima's neighborhoods and promote walkability.

G. **Subsection 16.06.020 (B)—Consistency Analysis:** 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 the 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: the lot size and contemplated density will 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: The additional infrastructure that will be provided at the applicant's expense will 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: Consideration of specific development standards relating to lot size, access, potable water, sewage disposal and other features of the proposed preliminary plat have been discussed in detail within the staff report. With the recommended conditions, the proposed preliminary plat would be consistent with the development standards of applicable City ordinances.

II. **CONCLUSIONS**

- A. The Yakima Planning Commission 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;

- B. Notice of the public hearing sent on May 20, 2022, was given in accordance with applicable requirements;
- C. The SEPA Determination of Nonsignificance (DNS) for this proposed preliminary plat was issued on June 22, 2022, and became final without any appeal;
- D. The proposed preliminary plat was reviewed and approved for traffic concurrency under the Transportation Capacity Management Ordinance on May 16, 2022;
- E. The proposed preliminary plat 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, and Title 12 Development Standards, including Ch. 12.08 Transportation Capacity Management.
- F. The proposed preliminary plat is in compliance with the consistency requirements of Subsection 16.06.020 (B) of the Yakima Municipal Code.
- G. With the recommended conditions, the proposed preliminary plat as described in the application narrative and preliminary plat received April 18, 2022, 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.

III. RECOMMENDATION

Based on the testimony and evidence presented during the public hearing, it was moved and seconded that the City of Yakima Planning Commission draft findings of fact and forward a recommendation of approval to the Yakima City Council. The motion carried unanimously.

The Planning Commission of the City of Yakima, having received and considered all evidence and testimony presented at the public hearing, and having received and reviewed the record herein, hereby recommends that the City Council of the City of Yakima APPROVE the proposed Preliminary Long Plat for PLP#004-22, and subject to the following conditions:

- A. Prior to approval of the final plat, all required improvements shall be constructed or financially secured according to the standards and requirements of the City Engineer and YMC Title 12;
- B. All lots shall be served with public water from the Nob Hill Water Association. No individual domestic or irrigation wells shall be permitted for any of the lots. Prior to final plat approval, written verification from Nob Hill Water Association must be

submitted to the Planning Division indicating that each lot with the plat has been served with domestic and applicable fees 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 eight-foot-wide public utility easement shall be provided adjacent to all public road rights-of-way;
- E. Easements for new and/or future utilities shall be a minimum of 16 feet in width, provided that the width of easements for buried utilities will be twice the depth of the planned excavation;
- F. All public and private utilities shall be located underground, with the exception of telephone boxes and such similar structures;
- G. All public and private utilities to be located within public road rights-of-way must be constructed prior to the start of road construction;
- H. All interior roads on the preliminary plat shall be constructed with curb, gutter, sidewalks on both sides of the street, and street lighting in accordance with YMC Ch. 12.06, Standard Detail R5, and WSDOT Curb and Sidewalk Plans F-10.12-03;
- I. An excavation and street break permit shall be obtained for all work within the public right-of-way. Roads less than five years old can be cut, but will cost 150 percent of the restoration fee with no PCI discount;
- J. 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;
- K. At the discretion of the City Engineer, the owner may bond for required frontage improvements or enter into a deferral agreement for future participation in the cost of any frontage and/or roadway improvement of Local Improvement District (LID) which is constructed abutting the owner's property. The bond or deferral agreement shall be executed and recorded prior to or as part of approval of the plat;
- L. Fire hydrants shall be placed at the locations specified by the Building Codes, Planning Division, and the Yakima Fire Department. All lots must be provided with adequate fire flow;
- M. All permits required by the Yakima Regional Clean Air Authority shall be obtained;
- N. Soil sampling shall be conducted prior to development under the Model Toxics Control Act in accordance with Department of Ecology standards;
- O. Streetlights shall be installed per the direction of the Engineering Division;

- P. This plat shall be subject to the following notes, which must be placed on the face of the plat:
1. The addresses shown on this plat are accurate as of the date of recording, but may be subject to change. The City of Yakima Building Codes Division is responsible for the confirmation or reassignment of addresses at the time of building permit issuance.
 2. The owners shown hereon, their grantees and assignees in interest hereby covenant and agree to retain all surface water generated within the plat on-site;
- Q. Irrigation approval is required, and shall be shown on the face of the final plat;
- R. A current title report covering the subject property must accompany the final long plat;
- S. Upon preliminary plat approval, the applicant has five years to submit the final plat. Thereafter, 30 days prior to the expiration of said approval the applicant must submit to the City Council a written request asking to extend the approval period for a maximum period of one year;
- T. In accordance with YMC § 14.20.230, the City shall not issue any building permits until a copy of the recorded long plat is submitted; and
- U. All other requirements of the zoning and subdivision ordinance, although not specifically set forth herein, shall be complied with in their entirety.

SIGNED this 27th day of July, 2022.

By: _____


Jacob Liddicoat, Chair
Yakima Planning Commission