

RESOLUTION NO. R-2022-

A RESOLUTION approving the Preliminary Long Plat of Canterfield Estates, a 11-lot subdivision, located at 4802 Spring Creek Rd.

WHEREAS, on August 25, 2022, the City of Yakima Hearing Examiner held an open-record public hearing to consider the application for a Preliminary Long Plat known as "Plat of Canterfield Estates Phase 1 & 2," submitted by PLSA Engineering on behalf of Mayling Chin (PLP#005-22, SEPA#013-22, TCO#007-22, CAO#004-22); and

WHEREAS, on September 13, 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 Concurrency Ordinance, and other applicable land use regulations; and

WHEREAS, at a Closed Record Public Hearing on November 1, 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 1st day of November, 2022.

ATTEST:

Janice Deccio, Mayor

Sonya Claar Tee, City Clerk

Exhibit "A"

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

September 8, 2022

RECEIVED

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

In the Matter of an Application for a)
Preliminary Long Plat with a Critical)
Area Standard Development Permit)
Submitted by:)
Mayling Chin, property owner)
For an 11-Lot Single-Family Residential)
Preliminary Long Plat on 8.5 Acres)
Located in the Vicinity of 4802 Spring)
Creek Road to be known as the Plat)
Of "Canterfield Estates Phase 1 & 2")

PLP#005-22
CAO#004-22
SEPA#013-22
TCO#007-22

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 August 25, 2022.

(2) The Planning Division staff report which recommended approval of this preliminary long plat with a critical area substantial development authorization subject to enumerated conditions was presented by Assistant Planner Albert Miller. The applicant's representative for this application, Thomas Durant of PLSA Engineering & Surveying, presented testimony in favor of the proposed preliminary plat and requested several clarifications or revisions of six of the recommended conditions.

(3) Two written comments from neighbors were received prior to the hearing which are in the record.

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

(4) No other testimony or written comments were submitted at or before the open record public hearing. The record was left open for receipt of an email from Mr. Miller as to the nature of the floodplain and whether there is a floodway on the property. That information was received by email of August 26, 2022, which shall be included as an additional exhibit in this matter. 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 “Canterfield Estates Phase 1 and 2” 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 August 24, 2022; the staff report, exhibits, testimony and other evidence presented at the open record public hearing conducted August 25, 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 and property owner is Mayling Chin, 4802 Spring Creek Road, Yakima, WA 98903. The representative of the applicant and property owner for this proposal is Thomas Durant, Planning Manager of PLSA Engineering and Surveying, 521 North 20th Avenue #3, Yakima, WA 98902.

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22



II. Location. The location of the proposed preliminary plat is at 4802 Spring Creek Road south of 4800 West Washington Avenue. The Yakima County Assessor's Parcel Number of the 8.5-acre site is 181333-41012.

III. Application. This is an application for an 8.5-acre 11-lot Preliminary Long Plat (PLP) with related applications for Critical Areas Ordinance (CAO) Review, State Environmental Policy Act (SEPA) Review and Transportation Concurrency Ordinance (TCO) Review. The preliminary plat would be completed in two phases. The lots in Phase 1 would consist of Lots 1 through 4 and Lots 10 and 11 mostly in the 7,740 to 9,851 square-foot range. Lot 1 contains an existing residence with accessory buildings and is proposed to be larger than one acre. Ten new middle-income residences would be constructed on the other lots. Phase 2 would consist of the Lots 5 through 9 within a 100-year floodplain with all lots larger than one acre with more than 5,000 square feet of buildable area as required by City Code. Small portions of Lots 1 through 4 are also within the floodplain and also have more than 5,000 square feet of buildable area. Lots 2 through 11 will have access from a new cul-de-sac street named Canterfield Drive to Spring Creek Road and then to Washington Avenue. Lot 1 directly accesses Spring Creek Road (*Document Index D-2*). These applications were received on May 26, 2022, and deemed complete for processing on June 21, 2022 (*Document Index C-1 and E-1 to E-4*). These applications are being processed under Chapters 14.20 for Subdivision, 15.27 for Critical Areas, 6.88 for SEPA Review and 12.08 for Transportation Concurrency Ordinance Review set forth in the Yakima Municipal Code (YMC).

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22



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 considered under the highest level of review for all of the consolidated applications. In this case the highest level of review is for the Preliminary Long Plat. That level of review requires the Hearing Examiner to make a recommendation to the Yakima City Council which will make the final decision on the proposed Preliminary Long Plat and the Critical Area Standard Development Permit.

V. Notices. A Notice of Application, Environmental Review and Public Hearing for a Preliminary Long Plat (PLP#005-22), Critical Areas Ordinance Review (CAO#004-22), and State Environmental Policy Act Review (SEPA#013-22) was provided by posting a Land Use Action Sign on the property on June 29, 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 August 3, 2022; and by publishing said Notice in the Yakima Herald-Republic also on August 3, 2022. Two written comments from neighbors were received during the public comment period.

VI. Comprehensive Plan. The site of the proposed Preliminary Plat of “Canterfield Estates Phase 1 & 2” is located within the Low Density Residential designation which provides mainly for single-family detached dwellings with other dwelling types under

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

4

RECEIVED
SEP 08 2022
CITY OF YAKIMA
COMMUNITY DEVELOPMENT

certain circumstances. The permitted density is up to seven dwelling units per acre for infill development. 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(B): 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 2.6.2(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.

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

5

RECEIVED
SEP 08 2022
CITY OF YAKIMA
COMMUNITY DEVELOPMENT

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.

VII. Zoning and Land Use. The 8.5-acre parcel is located within the Single-Family Residential (R-1) zoning district and it is currently vacant except for a single-family residence with accessory buildings located on the proposed Lot 1. Surrounding land uses are mostly large lots of one-half acre to three acres developed with single-family residences. North of the property is mostly vacant including land surrounding the Yakima Air Terminal. The proposed subdivision is similar to surrounding single-family residential uses. YMC §15.03.020(B) states that the purpose, intent and characteristics of the R-1 zoning district where the proposed preliminary plat is located is to:

- (1) Establish new residential neighborhoods for detached single-family dwellings free from other uses except those which are compatible with, and serve the residents of, this district, which may include duplexes and zero lot lines if established during the subdivision process.
- (2) Preserve existing residential neighborhoods for detached single-family dwellings free from other uses to ensure the preservation of the existing residential character, and serve the residents of this district.
- (3) Locate moderate-density residential development, up to seven dwelling units per net residential acre, in areas served by public water and sewer system.
- (4) Detached single-family dwellings are the primary use in this district. The district is characterized by up to sixty percent lot coverage; access to individual lots by local access streets; required front, rear, and side yard setbacks; and one- and two-story structures. The density in this district is generally seven dwelling units per net residential acre or less.
- (5) This zone is intended to afford single-family neighborhoods the highest level of protection from encroachment by potentially incompatible nonresidential land uses or

RECEIVED

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

6

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

impacts. Nonresidential uses within these zones are not allowed; except for public or quasi-public uses, which will be required to undergo extensive public review and will have all necessary performance or design standards assigned to them as necessary to mitigate potential impacts to adjacent residences.

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

VIII. Environmental Review. This application was required to undergo State Environmental Policy Act review because it is required for Subdivision applications within the City (YMC §14.20.030) and because the subdivision is taking place partially within a Critical Area. After reviewing the application, coordinating with DST, and considering public comments, a Determination of Nonsignificance (DNS) was issued on August 3, 2022, which was not appealed (*Document Index F-4*).

IX. Transportation Concurrency Ordinance. The applicant applied for Transportation Concurrency (TCO#007-22) on May 26, 2022, and was approved for concurrency on June 14, 2022. The development will not exceed the PM peak hour capacity of the city arterial system and reserve capacity exists on all impacted streets (*Document Index F-1*).

X. Development Services Team and Public Agency Comments. The following comments were submitted by the Development Services Team which met on June 28, 2022, and by public agencies:

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

RECEIVED

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

(a) Addressing shall be as follows: Lot 1: 4802 Spring Creek Rd.; Lot 2: 1901 Canterfield Dr.; Lot 3: 1903 Canterfield Dr.; Lot 4: 1905 Canterfield Dr.; Lot 5: 1907 Canterfield Dr.; Lot 6: 1913 Canterfield Dr.; Lot 7: 1916 Canterfield Dr.; Lot 8: 1910 Canterfield Dr.; Lot 9: 1904 Canterfield Dr.; Lot 10: 1902 Canterfield Dr.; and Lot 11: 1900 Canterfield Dr.

(b) Pursuant to Chapter 5 of the Washington State Fire Code (WSFC), publicly available fire hydrants will be required along streets spaced at intervals that will provide required fire flow coverage for proposed structures in accordance with WSFC Appendix C

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

(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) YMC 8.67 and 12.05 – New curb, gutter, and 5' sidewalk required along frontage of Spring Creek Rd. and within new development. Residential street section shall conform to standard detail R3. New sidewalks shall be constructed per standard detail R5.

(b) 8.64 – Driveways 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.

(e) 12.06.050 – Cul-de-sac streets shall conform to this section, with a right of way diameter of 80' and an improved diameter of 65'. 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 phased boundary.

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

RECEIVED

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(f) 12.06 – Street and right of way widths shall conform to this section unless otherwise approved. 50' of right of way is required for Spring Creek Rd. and new residential street.

(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) YMC 14.05.200/14.20.130 – All frontage improvements shall be completed prior to long plat approval. At the discretion of the City Engineer, the owner may bond for required frontage improvements or may be allowed to postpone improvements through a Covenant/Deferral Agreement. If bonding is allowed, it shall be executed and recorded prior to or as part of approval of the long plat. Civil engineering plans, which are stamped and signed by a civil engineer, are required to be submitted for review and approval for all Title 12 required improvements and prior to approval of bonding. If frontage improvements are required at this time, they shall be completed prior to Certificate of Occupancy.

(3) Surface Water: Prior to any grading on this project, all erosion control measures shown on the Temporary Erosion and Sediment Control plan shall be in place and the developer shall pass an erosion control inspection by the City. This project shall get a Large Project Stormwater Permit. Drainage plans and calculations shall be provided to the Surface Water Engineer for review and approval. The applicant shall provide a Stormwater Pollution Prevention Plan to the City for review and approval. Since the total area of this project is over 5 acres, the applicant cannot apply for the erosivity waiver. A Stormwater Maintenance Agreement will not be required as the street is public. For the plat approval, the applicant will not have to provide a completed TESC plan, drainage plans and calculations, SWPPP or anything else related to stormwater. However, prior to any grading, the TESC plan and SWPPP must be approved and erosion control inspection must be passed.

(4) Wastewater: City Sewer will need to be extended into the development per YMC Title 7 and 12 and per City of Yakima Wastewater Standard Details.

(5) Nob Hill Water Association: The owner will need to contact Kirsten Mcpherson at Nob Hill Water with signed engineered plans in order for water design to

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

9

RECEIVED

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

be started for new development. New water mainline, fire hydrants, and water service connections will be required to be installed for new development.

(6) The Washington State Department of Ecology (DOE): Regarding water resources, if you plan to use water for dust suppression at your project site, be sure that you have a legal right. In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day use for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process. Water use under RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology. Temporary permits may be obtainable in a short time-period. The concern of Water Resources is for existing water rights. In some instances water may need to be obtained from a different area and hauled in or from an existing water right holder. If you have any questions or would like to respond to these Water Resources comments, please contact Christopher Kossik at (509) 379-1826 or email at Christopher.kossik@ecy.wa.gov.

(7) Ahtanum Irrigation District: While this parcel is located within our District, the parcel has no surface water right established in the Final Decree (2019), the Conditional Final Order Subbasin No. 23 (Ahtanum) (2019), and the Final Schedule of Rights dated May 9, 2019, in State of Washington, Dept. of Ecology v. Acquavella, et. al. (2019). In summary, no irrigation water will be provided by our District to this development. However, our Board must sign off on the plat for this subdivision. The surveyor will need to provide us with the original Mylar, as well as one copy, for District signature. As our Board meets once per month, please telephone in advance for meeting dates to avoid delays. If any further information is required, you can contact us at (509) 249-0226.

XI. Written Public Comments from Two Neighbors. Written comments from two neighbors submitted during the comment period followed by a response in italics are as follows:

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

10

RECEIVED

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(1) Stephanie Coson (July 13, 2022): I am writing this letter on behalf of myself (Stephanie Coson) and Matthew Swetnam, co-owners of 4904 Spring Creek Rd. Yakima, WA 98903. Reference numbers – PLP#005-22, SEPA#013-22, CAO#004-22 – Applicants name = Mayling Chin/PLSA.

Its unfortunate that we can't control the spaces surrounding our properties...and while we have enjoyed years of privacy...I understand that the land in question belongs to Mayling and is hers to do with as she pleases. I have some concerns and requests that hopefully can be addressed by writing this letter. I'm wondering if it's possible for there to be certain stipulations set in place that a potential buyer must abide by? I would like my current standard of living to remain the same as much as will be possible.

We purchased this house, for the sole reason of the seclusion and privacy it has afforded us. I would not like having a two story house built close to my property line so that it ends up I feel like I am living in a fish bowl.

I have many animals that will become extremely loud and noisy when people approach my property. I fear that any new neighbors will be greatly disturbed by the honks of my geese or the barks of my dogs. I worry it will end up causing potential problems like someone filing a nuisance animal report or complaints to the city that may end up with me having to find new homes for my pets. My request would be that houses must be built a certain distance away from my property line and not be two stories.

Our second concern is one that has to do with the time which construction will be taking place. Long exposure to noise and dust from construction sites can cause stress, anxiety, possible health problems along with sleep disturbances. I am a home health care provider and have the good fortune of caring for my 76 yrs old mother. I have concerns about how an impending construction site will effect her health as well as others in the surrounding area.

My last request/concern is about the Springcreek Wetlands and the wildlife that resides there. I would like to request that the wetlands be delineated and have a safety buffer or certain allowances put into place for the conservation of the many birds and wildlife that make their homes there.

We appreciate the chance to share our concerns and information in order to look at potential options that will keep all parties satisfied.

Thank you, Sincerely, Stephanie Coson.

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22



The proposed subdivision will adhere to all design standards for the R-1 zoning district and the Airport Safety Overlay district. Per YMC §15.03.020(B), the R-1 district is intended to “preserve existing residential neighborhoods for detached single-family dwellings...” and “ensure the preservation of the existing residential character” of the district. It is also intended “to afford single-family neighborhoods the highest level of protection from encroachment by potentially incompatible nonresidential land uses or impacts.” The design standards required for the R-1 zoning district are set forth to promote public health, safety and welfare, and any development on the proposed subdivision will adhere to these standards. The subdivision will comply with Critical Areas standards set forth in YMC Chapter 15.27. The purpose of these standards can be found in YMC §15.27.130. In addition, the phasing of the development, the rear setback requirements and the large size of Lots 5, 6, 7, 8 and 9 should address to a greater extent than other permissible plat designs the privacy, nuisance, dust and wildlife concerns expressed in this comment.

(2) John Mefford (July 10, 2022): I am writing to comment on the proposed development of Canterfield Estates, Phases 1 and 2. Over the last ten years, I observed much development in the City of Yakima and Yakima County. I appreciate the opportunity to comment to help the City of Yakima balance growth with the needs of all the members of the community.

My comments can be grouped into three major areas: 1) impact to drainage with resulting potential increase in flooding threat, 2) potential uses of pesticides and possible overspray during any phase of the development, and 3) a full and respectful acknowledgement of indigenous cultural resources that may potentially be encountered.

1) The application makes reference to the classification of the 100-year floodplain as a critical area by the City of Yakima. Typically, a development in a 100-year floodplain means there is a 1% chance of flooding. However, if a structure is near a flooding source such as a stream or drainage or if the landscape is altered in certain ways, the risk of flooding may actually be higher than 1%. In this situation, the risk of flooding may be as high as 26% so that over the course of a 30-year mortgage there can be a one in four chance of flooding.

As shown in the preliminary plat diagram, all of Phase 2, which constitutes the majority of development in square footage, lies south of the north boundary line of the FEMA-designated 100-year floodplain, thus fully existing within the floodplain. Will the proposal be consistent with the requirements imposed by the

RECEIVED

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

12

SEP 08 2022
CITY OF YAKIMA
COMMUNITY DEVELOPMENT

City of Yakima and/or Yakima County for development in a floodplain and if so, what impact will that have on surrounding properties?

For instance, the proposal does not call for fill to be brought in. Rather, grading will be performed so that cuts and fills are expected to balance. Even given this situation, will any modifications of the landscape necessary for development in a 100-year floodplain potentially increase the chances of flooding in adjacent areas? I cannot interpret what appears to be contour lines on the preliminary plat diagram since there are not elevations associated with the contour lines. However, based on the general topography, the drainage is essentially eastward consistent with the various drainage features such as Spring Creek, Wide Hollow Creek and unnamed ephemeral tributaries in the vicinity. What I want to know is if any future modification on Phase 2 lots will direct drainage to the south as opposed to the east such that the chance of flooding is increased to those properties adjacent.

2) The application does not mention use of herbicides. Yet, can we discount the potential future use of herbicides such as Diuron to control noxious weeds and invasive species during any time during the development of Canterfield Estates? It is not uncommon for herbicides to be applied to the soil after a development has been cleared of vegetation, especially in cases where the development may take several years to complete. If used, please ensure the proper management and application of herbicides so that conditions such as overspray and drift do not occur that will impact the surrounding residential community or the environment.

3) The answer to question #2 concerning Historic and Cultural Preservation in Section B of the SEPA checklist does not adequately address the intent of the subsection, i.e., whether a proper evaluation was undertaken or even if one was actually performed. The operating assumption often is that if a cultural resource is not readily visible then it doesn't exist. Yet, we may be ignorant about items of cultural interest, especially archaeological ones, that may reside in the subsurface. The existence of or the encroachment of the urban environment does not negate the possibility of encountering indigenous cultural resources. To address that possibility is the function of the Department of Archaeology and Historic Preservation's (DAHP) WISAARD database and its predictive model. One of the key elements in that predictive model is the proximity to water bodies such that the probability of encountering cultural resources increases as one approaches that feature. Note that Spring Creek, a spring-fed waterbody, exists in close proximity to the proposed development.

RECEIVED

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

13

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

Also, my understanding of the WISAARD system is that it was meant to rely on Bayesian statistics such that new information adds to the predictive model used in evaluating an area for the potential to encounter items of cultural interest. Yet, how does one even recognize an item of cultural significance? Typically an Inadvertent Discovery Plan (IDP) aids in helping workers and others identify items of cultural significance and what steps to take if encountered. I did not see any reference to an IDP in question #3. This seems to be an oversight. Although an IDP may not be required by law, it is good practice.

I support residential development provided that possible impacts have been fully considered and mitigated, as necessary, to prevent or reduce adverse effects to the existing community and to the natural resources, including our cultural ones.

In closing, thank you for the opportunity to comment on this proposed development, your acknowledgements of the importance of public comment in shaping future growth and in providing transparency in government decision-making.

Sincerely, John Mefford, 5123 Lyons Loop, Yakima, WA

This proposed development will comply with all the standards for development/ construction in critical areas, specifically the mapped 100-year floodplain, by complying with City requirements to avoid increasing flood hazards in floodplains by means set forth in YMC Chapter 15.27. A plat note will require the owners, their grantees and assignees in interest to retain all surface water generated within the plat on-site. A plat note will also require that no structure, fences, walls or other obstructions that impede drainage shall be placed within the floodplain without the approval of the City of Yakima Community Development Director and in accordance with the City of Yakima Municipal Code critical areas ordinance and further that the property owner shall keep the 100-year floodplain traversing his/her property free of debris which would impede the function of the floodplain. Since this property falls entirely within the DAHP Predictive Model at a level 4, High Risk, an Inadvertent Discovery Plan will be required to be approved by the Planning Division prior to any ground disturbance even though DAHP did not comment on this proposal.

XII. Applicable Subdivision Ordinance and Statutory Provisions. Applicable

subdivision regulatory provisions are as follows:

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

14

RECEIVED
SEP 08 2022
CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(1) 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-1 zoning district, the required minimum lot size is 6,000 square feet.

(2) YMC §15.05.030(C)(1): In residential districts, this standard is intended to maintain the residential character of the area and will vary by dwelling type, the suitability of the land for development, and the type of water and sewer system. The following are the minimum lot size requirements in the residential districts, except when the Yakima Health District determines that a larger area is necessary for the safe installation of approved water supply and sewage disposal systems. The required minimum lot size for parcels within the floodplain is one acre.

(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 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 §8.96.010: Complete Streets Purpose: The purpose of the complete streets policy is to ensure all users are planned for in the construction of all city transportation improvement projects as outlined in the comprehensive plan and detailed in the soon to be adopted bike master plan and Americans with Disabilities Act (ADA) transition plan. By enacting the ordinance codified in this chapter the city of Yakima encourages healthy, active living, reduction of traffic congestion and fossil fuel use, inclusion and maintenance of trees and appropriate landscaping, and improvement in the safety and quality of life of residents in the city of Yakima by providing safe, convenient and comfortable routes for walking, bicycling and public transportation. The complete streets policy will improve street connectivity for all modes.

RECEIVED

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

15

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(6) YMC §8.96.020: Definitions:

“Complete street” means a road that is designed to be safe and accessible for drivers, bicyclists, transit vehicles and riders, and pedestrians of all ages and abilities. The complete streets policy focuses not just on individual roads but on changing the decision-making process so that all users are routinely considered during the planning, designing, building and operating of all roadways.

“Street” means any public right-of-way, including arterials, connectors, alleys, ways, lanes and roadways by any other designation, as well as bridges, tunnels, and any other portions of the transportation network, that is open for use by the general traveling public.

“Street project” means the construction, reconstruction, retrofit, maintenance, alteration or repair of any street, and includes the planning, design, approval and implementation processes, except that “street project” does not include minor routine upkeep, such as cleaning, sweeping, mowing, spot repair or interim measures on detour routes. If safety and convenience can be improved within the scope of pavement resurfacing, such as grind and overlay and restriping, such projects should evaluate and make every attempt to implement complete streets as outlined in the soon to be adopted bike master plan and ADA transition plan to provide access and increase safety for all users. Grind and overlay and restriping projects are limited to striping elements as called for in the soon to be adopted bike master plan and ADA transition plan. Signalization changes shall not trigger additional complete streets elements.

“Users” means individuals of all ages and abilities, including children, youth, families, older adults and individuals with disabilities who use streets, including pedestrians, bicyclists, motor vehicle and freight drivers, public transportation riders and drivers.

(7) YMC §15.05.020(H): Site design requirements and standards: Access Required: All new development shall have a minimum of twenty-feet of lot frontage upon a public road or be served by an access easement at least twenty feet in width. The purpose of this standard is to provide for vehicular access to all new development; provided, the construction of single-family residences on existing legally established lots is exempt from the requirements of this section.

(8) 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

RECEIVED

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

16

SEP 08 2022
CITY OF YAKIMA
COMMUNITY DEVELOPMENT

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.

(9) 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.

(10) 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.

(11) 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.

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

(13) 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.

(14) 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.

(15) 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

RECEIVED

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

17

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

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.

(16) 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].

(17) 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.

(18) YMC §12.06.020: Right-of-way and pavement width standards: Right-of-way shall be dedicated and street surfacing provided in accordance with the applicable standards: Residential Access – 50 feet ROW and minimum 32-feet of pavement width.

(19) RCW 58.17.280 and YMC Chapter 14.15.090 – Naming and numbering of short subdivisions, subdivisions, streets, lots and blocks: Any city, town or county shall, by ordinance, regulate the procedure whereby short subdivisions, subdivisions, streets, lots and blocks are named and numbered. A lot numbering system and a house address system, however, shall be provided by the municipality for short subdivisions and subdivisions and must be clearly shown on the short plat or final plat at the time of approval.

(20) 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.

RECEIVED

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

18

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

XIII. 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. The southern portion of this parcel is within a designated critical area in the form of a 100-year floodplain which consists of either backflow from Spring Creek to the north of the property or a floodplain of Bachelor Creek to the south of the property. The property is not within a floodway. An application for a Critical Area Standard Development Permit is the requisite authorization that is consolidated with the preliminary plat application for approval by the Yakima City Council.

(2) General Critical Areas Protective Measures—Subdivision Standards: Pursuant to YMC §15.27.321(B)(2)(a-c & g), 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;

(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.

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

19

RECEIVED
SEP 08 2022
CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(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 are permitted uses within the flood 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) 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.

XIV. Specific 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 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-1 Zoning District. A determination of consistency with the City’s Urban Area Zoning Ordinance intent, design, improvement and development provisions applicable to the R-1 zoning district involves a consideration of the following provisions of Title 15 and Title 12 of the Yakima Municipal Code (YMC):

(a) Consistency with the Intent of the Single-Family Residential (R-1) Zoning District: YMC §15.03.020(B) indicates that the intent of the R-1 zoning district is to establish and preserve residential neighborhoods primarily for

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

20

RECEIVED

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

detached single-family dwellings of a density up to seven dwellings per net residential acre. The purpose of this proposed preliminary plat is to provide lots for middle income detached single-family residences of a density of about 1.4 dwelling units per net residential acre for the 11 lots on 8.5 acres. The first phase consisting of 6 dwelling units on 1.78 acres (with street area removed) is about 3.4 dwelling units per net residential acre. The second phase consisting of 5 dwelling units on 5.46 acres (with street area removed) is about 0.92 dwelling units per net residential acre.

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

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

(ii) *Minimum Lot Size:* The lots ranging in size from 7,753 square feet to 1.18 acres will meet the minimum 6,000-square-foot lot size requirement for single-family residences served by public water and sewer service in the R-1 zoning district. All of the lots wholly within the floodplain will meet the minimum lot size of 1 acre within the floodplain. The single-family residences on those lots are only permitted uses if they comply with the flood hazard protection standards of YMC §15.27.407 and YMC §15.27.408.

(iii) *Minimum Lot Width:* The lots will all meet or exceed the minimum lot width of 50 feet prescribed for the R-1 zoning district by Table 5-2 of YMC Chapter 15.05.

(iv) *Density:* The proposed preliminary plat has an overall density of 1.4 dwelling units per net residential acre not including streets. Phase 1 will have 3.34 dwelling units per net residential acre and Phase 2 will have 0.92 dwelling units per net residential acre. This density complies with

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

21

RECEIVED

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

YMC §15.03.020(B) and YMC §15.05.020(B) which both allow up to seven dwelling units per net residential acre not including street area in the R-1 zoning district.

(v) *Maximum Building Height*: The maximum building height in the R-1 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.

(vi) *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

(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 primarily for detached single-family residences with a density of up to 7 dwelling units per net residential acres for infill development. As noted above, the proposed preliminary plat is consistent with Goal 2.3, Policy 2.3.1(B), Policy 2.3.3, Policy 2.3.3(A), Policy 2.3.3(C), Goal 2.6, Policy 2.6.2(A), Goal 5.2, Policy 5.2.1, Goal 5.4, Policy 5.4.3 and Policy 5.4.7.

(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

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

RECEIVED

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

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 11-lot preliminary plat of “Canterfield Estates Phase 1 & 2” will make following appropriate provisions for the features required by YMC §14.20.100(A)(4) and RCW 58.17.110(1):

(a) *Public health, safety, welfare:* The construction of 10 new single-family dwellings will promote the public health, safety and general welfare insofar as there is a need in this community for additional housing and insofar as this proposed preliminary plat would be required to comply with all applicable City development standards, and all conditions of approval specified by the City Council.

(b) *Open spaces:* The proposed lots are larger than the minimum lot size required in the R-1 zoning district for single-family dwellings. The lot coverage limitation of not more than 60 percent in the R-1 zoning district will provide adequate light and air for future residents in accordance with the standards in the zoning ordinance without additional open spaces.

(c) *Drainage systems:* Drainage system facilities must be provided in accordance with state and local regulations including the City of Yakima Municipal Code and the Eastern Washington Storm Water Manual. A plat note will state that the owner and future owners will be required to retain all surface water generated within the plat on-site. An additional plat note will state that no structure, fences, walls or other obstructions that impede drainage shall be placed within the floodplain and that the owner shall keep the floodplain traversing his/her property free of debris which would impede the function of the floodplain.

(d) *Streets, alleys, and other public ways:* The subject property will have frontage upon Spring Creek Road, a Local Residential Street which requires 50 feet of right-of-way and half-street right-of-way of 25 feet. A cul-de-sac will be installed per Title 12 Development Standards at the south end of the internal street that will be named Canterfield Drive.

(e) *Transit stops:* The nearest transit stops are located on West Washington Avenue at the intersections of 40th Avenue and 64th Avenue which are respectively about one mile east and one mile west of the site.

RECEIVED

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

23

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(f) *Water supplies:* Public water is required to be used for domestic and fire flow purposes. An adequate water supply for this subdivision is available from the Nob Hill Water Association.

(g) *Sanitary waste disposal:* Public sewer is available to this site by way of a 12-inch line along Spring Creek Road. The owner will have to extend sewer lines from each of the lots to the main sewer line along Spring Creek Road.

(h) *Parks and playgrounds:* Open space, parks, recreation and playgrounds are located about one-tenth of a mile away at SOZO Sports Complex and about one-half of a mile away at Randall 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. 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.

(i) *Sites for schools:* Whitney Elementary and Wilson Middle School are located approximately within 1 mile to the north, and Eisenhower High School is located approximately within 1.2 miles north of this subdivision.

(j) *Sidewalks:* Sidewalks are required and shall be provided along the frontage of this development and within the new development.

(k) *Serves the public use and interest:* This proposed 11-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.

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

24

RECEIVED
SEP 08 2022
CITY OF YAKIMA
COMMUNITY DEVELOPMENT

XV. Specific Critical Areas Ordinance Findings. Specific findings relative to the Critical Areas Ordinance are as follows:

(1) This application was subject to Environmental Review which resulted in the issuance of a Determination of Nonsignificance (DNS) on August 3, 2022, which was not appealed.

(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 Critical Area Standard Development Permit is required.

(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 that crosses proposed Lots 5, 6, 7, 8 and 9. All requirements of YMC Chapter 15.27 to avoid creating flood hazards for nearby properties must be followed and the owner must obtain the Planning Division's approval of a cultural resources Inadvertent Discovery Plan which will also help address a neighbor's questions and concerns.

(b) Danger to life or property that would likely occur as a result of the project: The floodplain of Spring Creek and/or Bachelor Creek is located on the parcel, and the proposed grading plan will be required to channelize the floodwater flowing into the development so as to avoid creating additional danger to life or property in the area.

(c) Compatibility of the project to critical area features: The lots that lie within the floodplain (Lots 5, 6, 7, 8 and 9) will be required to have building pads or envelopes elevated above the floodplain. Excavation in these parcels will be done in a way that results in net zero slope change, so that the flood channel will be minimally altered, and neighboring parcels will not be affected by the impact of the development. Executing this project will be done responsibly, conforming with all guidelines in YMC Chapter 15.27.

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

25

RECEIVED

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

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

(e) *Compliance with flood hazard mitigation requirements of YMC §15.27.400 through §15.27.436:* Also in order to avoid creating additional flood hazards for other properties from development of this project, the development must adhere to all applicable standards. Construction must occur in a way that is protected against flood damage. Additionally, the alteration of the natural floodplain will be minimized and its natural pathways will be maintained. Penalties for noncompliance will be enforced.

(f) *Adequacy of the information provided by the applicant or available to the Planning 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 and since the proposal will comply with the criteria required for the requested critical area development authorization, the Hearing Examiner recommends that the City Council grant the Critical Area Standard Development Permit development authorization in conjunction with approval of the Preliminary Long Plat of “Canterfield Estates Phase 1 & 2.”

XVI. 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 “Canterfield Estates Phase 1 & 2” 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

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

26

RECEIVED

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

ordinance, subdivision ordinance, building codes and other applicable regulations. The proposed single-family dwellings are Class (1) permitted uses in the R-1 zoning district.

(2) The level of development consisting of maximum lot coverage of 60 percent, lots that are larger than the minimum lot size requirements and development density of 1.4 dwelling units per net residential acre will not exceed the allowable level of development in the Single-Family Residential (R-1) 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 owner'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 "Canterfield Estates Phase 1 & 2" with the requisite 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:

(1) The Hearing Examiner has jurisdiction to recommend to the Yakima City Council the approval of the proposed Preliminary Long Plat of "Canterfield Estates Phase 1 & 2" 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 Determination of Nonsignificance (DNS) was issued for this proposed preliminary plat on August 3, 2022, that became final without any appeal.

(3) The proposed subdivision has been approved for concurrency on June 14, 2022, for the reason that the development will not exceed the PM peak hour capacity of the City arterial system and reserve capacity exists on all impacted streets.

RECEIVED

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

27

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

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

(5) The proposed Preliminary Long Plat of “Canterfield Estates Phase 1 & 2,” 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.

(6) This proposed Preliminary Long Plat of “Canterfield Estates Phase 1 & 2” with the requested Critical Area Standard Development Permit is in compliance with 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 11-lot preliminary plat of “Canterfield Estates Phase 1 & 2” with the requested Critical Area Standard Development Permit to be developed for single-family residences as described in this Recommendation and in related documents which are assigned file numbers PLP#005-22, CAO#004-22, SEPA#013-22 and TCO#007-22 be **APPROVED**, subject to compliance with the following conditions:

(1) The applicant shall submit a cultural resource Inadvertent Discovery Plan prior to excavation and construction. During development of the lots, the owner shall ensure that any application of herbicides avoids overspray or drift onto adjacent properties in a manner that impacts the surrounding residential community or the environment.

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

28

RECEIVED
SEP 08 2022
CITY OF YAKIMA
COMMUNITY DEVELOPMENT

(2) The project shall comply with all applicable guidelines established for critical areas set forth in YMC Chapter 15.27.

(3) There must be a legal water right for any water that will be used for dust suppression.

(4) Fire hydrants will be required along streets spaced at intervals that will provide fire flow coverage for proposed structures in accordance with the Washington State Fire Code Appendix C.

(5) New curb, gutter and sidewalk shall be installed along the frontage of Spring Creek Road and within the new development.

(6) Driveways will be constructed per YMC Chapter 8.64 and standard detail R4.

(7) An excavation and street break permit shall be obtained for all work within the public right-of-way.

(8) Easements shall be established per YMC Chapter 12.02.

(9) The cul-de-sac street shall conform to YMC §12.06.050.

(10) Street and right-of-way widths shall conform to YMC Chapter 12.06.

(11) Street lights shall be installed at each street intersection and at mid-block if the block exceeds five hundred feet in length. Street lights must meet the design and placement standards of the City Engineer.

(12) All frontage improvements shall be completed prior to final long plat approval.

(13) The owner must contact the Nob Hill Water Association to arrange for water service to the plat. New water mainline, fire hydrants, and water service connections may be required. 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 final plat has been serviced with domestic water and applicable fees have been paid.

(14) The Ahtanum Irrigation District's approval must appear on the face of the final plat.

RECEIVED

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

(15) Prior to any grading, a Temporary Erosion and Sediment Control Plan and Stormwater Pollution Prevention Plan must be submitted and approved. An erosion control inspection must also be passed.

(16) City Sewer will need to be extended into the development per YMC Title 7 and Title 12 and per City of Yakima Wastewater Standard Details. 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.

(17) 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.

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

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

(20) Roadway sections within the floodplain shall be constructed in accordance with the applicable regulations of YMC Chapter 15.27, Part Four.

(21) 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.

(c) Portions of Canterfield Estates Phase 1 & 2 shown hereon may fall within the 1% annual chance (100-year) floodplain and limits shown on current Flood Insurance Rate Maps. Floodplain information is subject to change as a result of future FEMA Map revisions and/or amendments.

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22

30

RECEIVED

SEP 08 2022

CITY OF
COMMUNITY DEVELOPMENT

(d) No structure, fences, walls, or other obstructions that impede drainage shall be placed within the limits of the (100-year) floodplain 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 traversing his/her property free of debris which would impede the function of the floodplain.

(22) All addresses for the lots shall be as follows: Lot 1: 4802 Spring Creek Rd.; Lot 2: 1901 Canterfield Dr.; Lot 3: 1903 Canterfield Dr.; Lot 4: 1905 Canterfield Dr.; Lot 5: 1907 Canterfield Dr.; Lot 6: 1913 Canterfield Dr.; Lot 7: 1916 Canterfield Dr.; Lot 8: 1910 Canterfield Dr.; Lot 9: 1904 Canterfield Dr.; Lot 10: 1902 Canterfield Dr.; and Lot 11: 1900 Canterfield Dr. All addresses must be clearly shown on the face of the final plat as required by RCW 58.17.280.

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

(24) Upon preliminary plat approval, the applicant/owner has five years to submit the final plat. A one-year extension of time to submit the final plat may be requested by submitting a written request for such an extension to the Yakima City Council at least 30 days prior to the expiration of the preliminary plat approval.

DATED this 8th day of September, 2022.



Gary M. Cuillier, Hearing Examiner

RECEIVED

SEP 08 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

Mayling Chin, property owner
4802 Spring Creek Road
Canterfield Estates Phase 1 & 2
PLP#005-22, CAO#004-22
SEPA#013-22 and TCO#007-22