

## **RESOLUTION NO. R-2024-**

**A RESOLUTION** approving the Preliminary Long Plat of Champions Park Phase 1, a 93-lot subdivision, located in the vicinity of 4607 & 4701 Ahtanum Rd.

**WHEREAS**, on January 11, 2024, the City of Yakima Urban Area Hearing Examiner (“Hearing Examiner”) held an open-record public hearing to consider the application for a Preliminary Long Plat known as “Champions Park Phase 1,” submitted by Prickly Pear Holdings, LLC (PLP#002-23, CL2#038-23, SEPA#011-23); and

**WHEREAS**, on January 25, 2024, 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 March 19, 2024, 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 19<sup>th</sup> day of March, 2024.

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Patricia Byers, Mayor

ATTEST:

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Brandy Bradford, Deputy City Clerk



DEPARTMENT OF COMMUNITY DEVELOPMENT  
Joan Davenport, AICP, Director

**Planning Division**

Joseph Calhoun, Manager

129 North Second Street, 2<sup>nd</sup> Floor, Yakima, WA 98901

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**EXHIBIT A**

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

**DATE:** January 29, 2024  
**TO:** Applicant, Adjoining Property Owners and Parties of Record  
**SUBJECT:** Notice of the Hearing Examiner's Recommendation  
**FILE #(S):** PLP#002-23, SEPA#011-23, & CL2#038-23  
**APPLICANT:** HLA Engineering & Surveying on behalf of Prickly Pear Holdings LLC  
**PROJECT LOCATION:** 4607 & 4701 Ahtanum Rd

On January 25, 2024, the City of Yakima Hearing Examiner rendered their recommendation on **PLP#002-23, SEPA#011-23, & CL2#038-23**, a preliminary long plat to subdivide approximately 21.06 acres into 93 single-family lots, including 46 common wall dwellings (Type 2 Review), and environmental review, in the R-1 and R-2 zoning districts. The application was reviewed at an open record public hearing held on January 11, 2024.

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

For further information or assistance, you may contact Assistant Planner, Connor Kennedy at (509) 575-6162 or email: [connor.kennedy@yakimawa.gov](mailto:connor.kennedy@yakimawa.gov)

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

Eva Rivera  
Planning Technician

Date of Mailing: **January 29, 2024**

Enclosures: Hearing Examiner's Recommendation



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

**January 25, 2024**

|                                                     |   |                    |
|-----------------------------------------------------|---|--------------------|
| <b>In the Matter of a Preliminary Long Plat</b>     | ) |                    |
| <b>Application Submitted by:</b>                    | ) |                    |
|                                                     | ) | <b>PLP#002-23</b>  |
| <b>Prickly Pear Holdings, LLC</b>                   | ) | <b>CL2#038-23</b>  |
|                                                     | ) | <b>SEPA#011-23</b> |
| <b>For a 93-Lot Single-Family Residential</b>       | ) |                    |
| <b>Preliminary Long Plat on 21.06 Acres</b>         | ) |                    |
| <b>To Include Common Wall Dwellings on</b>          | ) |                    |
| <b>46 of the Lots to be Located in the Vicinity</b> | ) |                    |
| <b>Of 4607 &amp; 4701 Ahtanum Road within the</b>   | ) |                    |
| <b>R-1 &amp; R-2 Zoning Districts to be known</b>   | ) |                    |
| <b>As the "Plat of Champions Park Phase 1"</b>      | ) |                    |

**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 January 11, 2024.

(2) The Planning Division staff report presented by Assistant Planner Connor Kennedy recommended approval subject to conditions of this application for a 93-lot single-family residential preliminary long plat with 46 of the lots having attached single-family common wall dwellings located on them. The applicant's representative for this application who testified at the hearing, Colleda Monick of HLA Engineering and Land Surveying, Inc., presented testimony in favor of the approval of the proposed preliminary plat that has lots for 47 detached single-family dwellings and for 46 Class (2) attached single-family common wall dwellings.

Prickly Pear Holdings, LLC  
"Plat of Champions Park Phase 1"  
Vicinity of 4607 & 4701 Ahtanum Rd.  
PLP#002-23/CL2#038-23/SEPA#011-23

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(3) Written comments were submitted prior to the hearing by the City's Development Services Team, the Nob Hill Water Association, the Ahtanum Irrigation District, the Washington State Department of Ecology and the Washington State Department of Transportation Aviation Division.

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

**B. Summary of Recommendation.** The Hearing Examiner recommends that the City Council approve this proposed 93-lot single-family residential Preliminary "Plat of Champions Park Phase 1" with 46 of the lots to have attached single-family common wall dwellings located on them, subject to conditions.

**C. Basis for Recommendation.** Based on a view of the site with no one else present on January 10, 2024; the staff report, exhibits, testimony and other evidence presented at the open record public hearing conducted on January 11, 2024; and a consideration of the applicable subdivision requirements, zoning ordinance requirements, development standards and consistency criteria; the Hearing Examiner makes the following:

## **FINDINGS**

**I. Applicant, Property Owner and Representative.** The applicant/property owner is Prickly Pear Holdings, LLC, 2550 Borton Road, Yakima, WA 98903. The representative of the applicant/property owner for this proposal who testified at the hearing is Colleda Monick of HLA Engineering and Land Surveying, Inc., 2803 River Road, Yakima, WA 98902.

Prickly Pear Holdings, LLC  
"Plat of Champions Park Phase 1"  
Vicinity of 4607 & 4701 Ahtanum Rd.  
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**II. Location.** The location of the proposed preliminary plat is north of Ahtanum Road in the vicinity of 4607 and 4701 Ahtanum Road east of South 52<sup>nd</sup> Avenue. The Yakima County Assessor's Parcel Numbers of the site are 181204-13016 and 181204-13018.

**III. Applications.** The application for a 21.06-acre 93-lot Preliminary Long Plat (PLP) was received on October 9, 2023, and deemed complete for processing on November 7, 2023. The Preliminary Long Plat application and related applications for Type (2) Review to allow Class (2) attached single-family common wall dwellings to be located on 46 of the lots and for State Environmental Policy Act (SEPA) Review are being processed under Yakima Municipal Code (YMC) Chapter 14.20 for Subdivision Review, Chapter 15.14 for Type (2) Review and Chapter 6.88 for SEPA Review.

**IV. Jurisdiction.** YMC §14.3.080 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. Some of the proposed 46 attached single-family common wall dwellings are located in the portion of the proposed preliminary plat which is zoned Two-Family Residential (R-2) where they are Class (1) permitted uses. But some of them are also located in the portion of the proposed preliminary plat which is zoned Single-Family Residential (R-1) where they are designated as Class (2) generally permitted uses subject to Type (2) Administrative Review. These uses are described as "Attached Single-Family Dwelling, Common Wall" in Table 4-1 of YMC §15.04.030. YMC §15.05.020

defines such uses as two single-family dwellings that are attached, but with each dwelling unit located entirely on its own lot. YMC §15.02.020 defines the word “attached” in the case of single-family dwellings as two dwellings connected by a common vertical wall. YMC §1.43.100, YMC 16.03.010(B-D) and YMC 15.04.020(E) provide that applications such as applications for Type (2) Review of Class (2) uses may be consolidated with related applications to be considered under the highest level of review of the applications. In this case the highest level of review requires a recommendation to the Yakima City Council regarding both the proposed preliminary plat and the proposed Class (2) attached single-family common wall dwellings so that the City Council can make the final decision relative to both of the applications.

**V. Notices.** A Notice of Public Hearing for a Preliminary Long Plat (PLP#002-23), Type (2) Review of Class (2) common wall dwellings (CL2#038-23) and State Environmental Policy Act Review (SEPA#011-23) was provided by posting a Land Use Action Sign on the property on November 10, 2023; by mailing said Notice to the applicant, SEPA agencies and adjoining property owners within 300 feet of the subject parcel on December 13, 2023; and by publishing said Notice in the Yakima Herald-Republic also on December 13, 2023. No comments from neighbors or other members of the general public were received prior to or during the hearing.

**VI. Comprehensive Plan.** The site of the proposed Preliminary “Plat of Champions Park Phase 1” is located both within the Low Density Residential designation and the Mixed Residential designation of the Comprehensive Plan. Those designations

respectively provide areas for low density residential uses and areas for a mixture of housing types and densities. The following goals and policies apply to this proposal:

Goal 2.2: Provide a mix of land use designations consistent with the community's vision.

Policy 2.2.1: Low density residential – this designation provides for low density residential development. Single-family detached dwellings are the predominant dwelling type. Other dwelling types may be allowed under certain circumstances, such as accessory dwellings and cottage housing. The permitted density is up to seven net dwelling units per acre for infill development. On larger sites (over two acres), more flexibility in lot sizes and layout are envisioned, provided overall density standards are met. Permitted maximum densities on large sites is up to seven gross dwelling units per acre. Density bonuses allowing up to six gross dwelling units may be allowed subject to conformance with traditional neighborhood design concepts.

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

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

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

**VII. Zoning and Land Use.** The 21.06-acre site is located within the Single-Family Residential (R-1) zoning district and the Two-Family Residential (R-2) zoning district. It is currently vacant. The main purpose of the Yakima Urban Area Zoning Ordinance (UAZO) in Title 15 of the Yakima Municipal Code (YMC) is to implement the Yakima Urban Area Comprehensive Plan and promote the general health, safety and welfare of the present and future inhabitants of the Yakima Urban Area. YMC §15.03.020(B)

provides that the purpose and intent of the Single-Family Residential (R-1) zoning district 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; and

(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.

(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 the 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 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 YMC Chapter 15.04, Table 4-1.

Relative to the Two-Family Residential (R-2) zoning district, YMC §15.03.020(C) states that the purpose and intent of the R-2 zoning district is to:

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

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

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

(4) The zoning and the land uses of the surrounding properties are as follows:

| <i>Direction</i> | <i>Zoning</i>     | <i>Land Use</i>          |
|------------------|-------------------|--------------------------|
| North            | R-2               | Undeveloped              |
| South            | R-2 (County), R-1 | Residential              |
| East             | R-1, R-1 (County) | Undeveloped, Residential |
| West             | R-1 (County)      | Residential              |

**VIII. Environmental Review.** This application was required to undergo SEPA State Environmental Policy Act review because it proposes to subdivide the property into more than 30 single-family lots. Notice was mailed on November 17, 2023, and the public comment period ended on December 1, 2023. No comments from neighbors or the general public were received, but comments from several public agencies will be set forth in this Recommendation. A SEPA Determination of Nonsignificance (DNS) was issued for this proposal by the City's SEPA Responsible Official on December 13, 2023, which was not appealed.

**IX. Transportation Concurrency Ordinance.** The applicant applied for Transportation Concurrency (TCO#008-23) on October 9, 2023, and this proposal was approved for Concurrency on January 4, 2024, after Engineering coordinated with Yakima County regarding traffic data for County arterial streets. The development will

not exceed the PM peak hour capacity of the City arterial system, and reserve capacity exists on all impacted arterial streets.

**X. Written Comments.** The following written comments were submitted by the City of Yakima Development Services Team which met on November 14, 2023, and also by the Nob Hill Water Association, the Ahtanum Irrigation District, the Washington State Department of Ecology and the Washington State Department of Transportation Aviation Division.

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

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

(b) Required items such as, but not limited to, fire department apparatus access roads, turnarounds, hammerheads, sanitary sewer systems, fire hydrants or other fire/life/safety site improvements shall be installed and approved prior to final plat approval.

(c) Bonding (if applicable) in lieu of required improvements is subject to approval of the City Engineer.

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

(e) All addresses shall be clearly shown on the face of the Final Plat (RCW 58.17.280). Additionally, a note shall be shown on the face of the Final Plat stating: "The addresses shown on this plat are accurate as of the date of recording, but may be subject to change. The City of Yakima Code Administration Division is responsible for the confirmation or reassignment of addresses at the time of building permit issuance." The following addresses shall be utilized for the created lots:

|        |                                  |        |                                    |        |                                                    |          |                                    |
|--------|----------------------------------|--------|------------------------------------|--------|----------------------------------------------------|----------|------------------------------------|
| Lot 1  | 2533 S 47th Ave                  | Lot 29 | 4701 W Larch Ave / 2400 S 47th Ave | Lot 57 | 4700 W Oak Ave / 2500 S 47th Ave                   | Lot 84   | 2407 S 47th Ave                    |
| Lot 2  | 2531 S 47th Ave                  | Lot 30 | 4703 W Larch Ave                   | Lot 58 | 4701 W Oak Ave / 2406 S 47th Ave / 4700 Woolsey Rd | Lot 85   | 2405 S 47th Ave                    |
| Lot 3  | 2529 S 47th Ave                  | Lot 31 | 4705 W Larch Ave                   | Lot 59 | 4703 W Oak Ave / 4702 Woolsey Rd                   | Lot 1-86 | 4608 W Larch Ave / 2403 S 47th Ave |
| Lot 4  | 2527 S 47th Ave                  | Lot 32 | 4707 W Larch Ave                   | Lot 60 | 4705 W Oak Ave / 4704 Woolsey Rd                   | Lot 1-87 | 4606 W Larch Ave                   |
| Lot 5  | 2525 S 47th Ave                  | Lot 33 | 4709 W Larch Ave                   | Lot 61 | 4707 W Oak Ave / 4706 Woolsey Rd                   | Lot 1-88 | 4604 W Larch Ave                   |
| Lot 6  | 2523 S 47th Ave                  | Lot 34 | 4801 W Larch Ave                   | Lot 62 | 4709 W Oak Ave / 4708 Woolsey Rd                   | Lot 1-89 | 4602 W Larch Ave                   |
| Lot 7  | 2521 S 47th Ave                  | Lot 35 | 4803 W Larch Ave                   | Lot 63 | 4801 W Oak Ave / 4800 Woolsey Rd                   | Lot 1-90 | 4601 W Oak Ave                     |
| Lot 8  | 2519 S 47th Ave                  | Lot 36 | 4805 W Larch Ave                   | Lot 64 | 4803 W Oak Ave / 4802 Woolsey Rd                   | Lot 1-91 | 4603 W Oak Ave                     |
| Lot 9  | 2517 S 47th Ave                  | Lot 37 | 4807 W Larch Ave                   | Lot 65 | 4805 W Oak Ave / 4804 Woolsey Rd                   | Lot 1-92 | 4605 W Oak Ave                     |
| Lot 10 | 2515 S 47th Ave                  | Lot 38 | 4809 W Larch Ave                   | Lot 66 | 4807 W Oak Ave / 4806 Woolsey Rd                   | Lot 1-93 | 4607 W Oak Ave / 2409 S 47th Ave   |
| Lot 11 | 2513 S 47th Ave                  | Lot 39 | 4811 W Larch Ave / 4901 Woolsey Rd | Lot 67 | 4809 W Oak Ave / 4808 Woolsey Rd                   |          |                                    |
| Lot 12 | 2511 S 47th Ave                  | Lot 40 | 4824 W Oak Ave / 4900 Woolsey Rd   | Lot 68 | 4811 W Oak Ave / 4810 Woolsey Rd                   |          |                                    |
| Lot 13 | 2509 S 47th Ave                  | Lot 41 | 4822 W Oak Ave                     | Lot 69 | 4813 W Oak Ave / 4812 Woolsey Rd                   |          |                                    |
| Lot 14 | 2507 S 47th Ave                  | Lot 42 | 4820 W Oak Ave                     | Lot 70 | 4804 W Larch Ave / 4803 Woolsey Rd                 |          |                                    |
| Lot 15 | 2505 S 47th Ave                  | Lot 43 | 4818 W Oak Ave                     | Lot 71 | 4802 W Larch Ave                                   |          |                                    |
| Lot 16 | 2503 S 47th Ave                  | Lot 44 | 4816 W Oak Ave                     | Lot 72 | 4800 W Larch Ave                                   |          |                                    |
| Lot 17 | 2501 S 47th Ave / 4612 W Oak Ave | Lot 45 | 4814 W Oak Ave                     | Lot 73 | 4801 Woolsey Rd                                    |          |                                    |
| Lot 18 | 4610 W Oak Ave                   | Lot 46 | 4812 W Oak Ave                     | Lot 74 | 4709 Woolsey Rd                                    |          |                                    |
| Lot 19 | 4608 W Oak Ave                   | Lot 47 | 4810 W Oak Ave                     | Lot 75 | 4708 W Larch Ave                                   |          |                                    |
| Lot 20 | 4606 W Oak Ave                   | Lot 48 | 4808 W Oak Ave                     | Lot 76 | 4706 W Larch Ave                                   |          |                                    |

Prickly Pear Holdings, LLC  
 "Plat of Champions Park Phase 1"  
 Vicinity of 4607 & 4701 Ahtanum Rd.  
 PLP#002-23/CL2#038-23/SEPA#011-23

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|        |                                       |        |                |        |                                       |  |
|--------|---------------------------------------|--------|----------------|--------|---------------------------------------|--|
| Lot 21 | 4604 W Oak Ave                        | Lot 49 | 4806 W Oak Ave | Lot 77 | 4707 Woolsey Rd                       |  |
| Lot 22 | 4602 W Oak Ave                        | Lot 50 | 4804 W Oak Ave | Lot 78 | 4705 Woolsey Rd                       |  |
| Lot 23 | 4600 W Oak Ave /<br>4600 Woolsey Rd   | Lot 51 | 4802 W Oak Ave | Lot 79 | 4704 W Larch Ave                      |  |
| Lot 24 | 4601 W Larch Ave<br>/ 4601 Woolsey Rd | Lot 52 | 4800 W Oak Ave | Lot 80 | 4702 W Larch Ave                      |  |
| Lot 25 | 4603 W Larch Ave                      | Lot 53 | 4708 W Oak Ave | Lot 81 | 4703 Woolsey Rd                       |  |
| Lot 26 | 4605 W Larch Ave                      | Lot 54 | 4706 W Oak Ave | Lot 82 | 4701 Woolsey Rd /<br>2404 S 47th Ave  |  |
| Lot 27 | 4609 W Larch Ave                      | Lot 55 | 4704 W Oak Ave | Lot 83 | 4700 W Larch Ave<br>/ 2402 S 47th Ave |  |
| Lot 28 | 4611 W Larch Ave<br>/ 2401 S 47th Ave | Lot 56 | 4702 W Oak Ave |        |                                       |  |

**(2) Engineering:** This project proposes that 21.06 acres be developed into 93 new single-family lots, including 46 common wall dwellings at 4607 & 4701 Lower Ahtanum Rd., also known as “Plat of Champions Park Phase 1.” The property currently is two vacant parcels. The proposed development will cause increased pedestrian and vehicle traffic without adequate safety precautions for pedestrians. The proposed development has the potential for more frequent trips in and out of the property. Current frontage infrastructure is not adequate enough to handle the new proposed 93 single-family lots, including 46 common wall dwellings. In order to alleviate the resulting impacts from the change in use proposal, the City is requiring the following improvements:

(a) YMC 8.60 and 12.05 – New curb, gutter, ADA ramps and 5-foot sidewalk, including associated storm drainage, shall be installed. Street improvements shall conform to standard detail R3. New sidewalks shall be constructed per standard detail R5.

(b) YMC 8.64 and 15.06.065 – Residential driveway approaches are required which meet the requirements of this chapter and standard detail R4. Driveway width shall be a maximum of 20 feet.

(c) YMC 12.06.020 – Right-of-way – Applicant shall determine adequate dedication of right-of-way for all new/proposed roads.

(d) YMC 15.05.040 – Clear vision triangles shall be maintained per this chapter.

(e) YMC 12.06.080 – Street lighting – Street lights shall be installed per this chapter.

(f) YMC 12.02 – Easements shall be established and maintained per this chapter.

(g) YMC 8.72 – An excavation and street break permit shall be obtained for all work within the public right-of-way.

An ENG permit is required for all civil work to be performed on site. Professional engineered civil plans with PE stamp shall be submitted for review and approval. All improvements shall be completed prior to Certificate of Occupancy. Traffic generated from development is proposed to enter/exit the Arterial Street System on the County roads of Ahtanum Road and Washington Avenue.

**(3) Surface Water:** Surface water commented that this large project will require a SWPPP Permit for construction activities. Prior to any grading, a stormwater pollution prevention plan shall be submitted for approval to the Surface Water Engineer, and all temporary erosion and sediment control measures shall be in place and be inspected by the City. For the long plat itself I have no comments.

**(4) Wastewater:** Sewer will need to be extended on site per City of Yakima Title 12 requirements and Engineering standard details.

**(5) Nob Hill Water Association:** Nob Hill Water Association has the capacity to serve a long plat in this area. Engineered drawings will need to be submitted to Nob Hill Water in order for the new water infrastructure to be designed and installed by Nob Hill Water.

**(6) Ahtanum Irrigation District:** The above parcels have no surface water rights 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). No irrigation water will be provided by our District to these parcels. 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.

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**(7) Department of Ecology (DOE):** DOE water resources comments regarding the proposed Preliminary Plat of Champions Park Phase 1 were as follows:

(a) Dust Control from a Well: 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 used 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 the 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](mailto:christopher.kossik@ecy.wa.gov).

(b) Dam Safety Office: Under RCW 90.03.350, a Dam Safety construction permit is required for those dams or ponds that can impound a volume of 10 acre-feet or more of water or other liquids above ground level. The Prickly Pear Holdings LLC "Plat of Champions Park Phase 1" development references the construction of stormwater facilities, if this includes a stormwater pond(s) that can meet or exceed the above referenced criteria, you will need to apply for a dam construction permit. To determine if a Dam Safety construction permit is required for your project, the applicant must submit a set of construction plans to: WA Department of Ecology, Dam Safety Office, P.O. Box 47600, Olympia, WA 98504-7600. The construction permit application can be found by entering the following link into your search engine: <https://apps.ecology.wa.gov/publications/summarypages/ecy07038.html>. For additional information, please contact Charlotte Lattimore by e-mail at [clat461@ecy.wa.gov](mailto:clat461@ecy.wa.gov) or by telephone at 360-407-6066.

**(8) WSDOT Aviation Division:** The documentation for this proposal was reviewed on November 27, 2023, and December 20, 2023. This development is within Land Use Compatibility Zone 6 for the Yakima Air Terminal in which this type of project is permitted. Due to the proximity to the Yakima Air Terminal Airport, it is

recommended that a real estate disclosure about the airport be required for all sales of homes within this site to notify individuals that they are in close proximity to the airport (1.2 miles) and may be exposed to aircraft noise and overflights of the property.

**XI. Applicable Subdivision Ordinance and Statutory Provisions.** Applicable subdivision ordinance and statutory provisions are as follows:

(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-2 zoning district, the required minimum lot size is 6,000 square feet.

(2) 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.

(3) 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.

(4) YMC §15.05.055(1): New development improvement standards: Fire apparatus access roads for one-, two- or multiple-family residential developments shall be subject to the provisions of Sections D106 and D107, respectively, of Appendix D of the applicable International Fire Code. Additionally, such residential developments shall be subject to the requirements of Section D105 of Appendix D of the applicable International Fire Code pertaining to aerial fire apparatus roads, as applicable. All other applicable provisions of the International Fire Code, as now existing or as hereafter amended and adopted by the City, are required. Minimum requirements for the primary and secondary access will be at least twenty feet wide, unobstructed, paved lanes.

(5) 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.

(6) 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.

(7) 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.

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

(9) YMC §12.03.070: Side sewer service: Each building containing sanitary facilities shall be served by a separate private side sewer line from a public main. Branched side sewers serving multiple buildings and properties shall not be permitted. Single side sewers serving multi-unit buildings are permitted.

(10) YMC §12.03.090: Gravity flow required: Sewer lines shall be designed for gravity flow operation. Lift stations and force mains (pressurized lines) shall be limited to those locations and circumstances where they are consistent with the comprehensive sewer plan and are the preferable short-term solution to service the development site and other properties in the vicinity.

(11) 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.

(12) YMC §12.04.020: Water line extension required: Water lines shall be extended to the point where the adjoining property owner's responsibility for further

extension begins. This typically requires extension across the street or easement frontage of the developing property. In some cases it will require dedication of an easement and a line extension across the property or extension along two or more sides of the developing property. Extensions will be consistent with and implement the City's adopted water comprehensive plan.

(13) 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].

(14) 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.

(15) YMC §12.06.010: Street types, functional classification: The Yakima Urban Area Comprehensive Plan, and/or the West Valley Neighborhood Plan, designates the functional classification of the principal arterial, minor arterial and collector streets and establishes their functional classification. All other streets are classified as local residential access.

(16) YMC §12.06.030: Design standards, adjustment of standards: Final design of street improvements is subject to approval by the City Engineer. The City Engineer, at his discretion, is authorized to adjust these standards as necessary to facilitate the construction of new streets and improvement of existing streets. Projects which repair small portions of or maintain existing streets shall not be considered "improvements" for the purposes of this section.

(17) YMC §12.06.070: Provision of street curbing: Barrier curbs shall be installed along all public streets. Rolled mountable curbs may be permitted along residential access streets. Curb design shall be consistent with the standards of the City Engineer.

(18) YMC §12.06.080: Street lighting: A street light shall be installed at each street intersection and at midblock if the block exceeds five hundred feet in length. Street lights shall meet the design and placement standards of the City Engineer. Lighting

improvements shall become the property of the City of Yakima upon installation and will thereafter be maintained by the City.

(19) YMC §14.05.200(A-B): Allowance of bond in lieu of actual construction of improvements prior to approval of short plat or final plat: The subdivision or short subdivision applicant may, as an alternative to actual construction of any required improvements, provide a surety bond or other secure method providing for and securing to the City the actual construction of required improvements within a specified period of time and expressed in a bond or other appropriate instrument establishing such security. Any bond or other method of securing actual construction of required improvements shall specify the improvements covered and the schedule for completion. In cases of subdivision, the bond or other method of securing actual construction of required improvements shall be subject to approval by the City Engineer and City Attorney prior to approval of the final plat by the City Council. In cases of short subdivisions, the bond or other method of securing actual construction of required improvements shall be subject to approval by the City Engineer and City Attorney prior to approval of the final short plat by the Administrator. In no case shall the amount of the bond or other method of securing actual construction of required improvements be less than one hundred ten percent of the estimated actual cost of the improvements based upon the approved civil engineering design of the required improvements.

(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.

**XII. Applicable Type (2) Review Ordinance Provisions.** Applicable Ordinance provisions relative to Type (2) Review of Class (2) uses are as follows:

(1) Class (2) Land Use Defined: Pursuant to YMC §15.04.020(B), "Class (2) uses are generally permitted in the district. However, the compatibility between a Class

(2) use and the surrounding environment cannot be determined in advance, and occasionally a Class (2) use may be incompatible at a particular location. Therefore, a Type (2) review by the administrative official is required in order to promote compatibility with the intent and character of the district and the policies and development criteria of the Yakima Urban Area Comprehensive Plan. The procedures in YMC Ch. 15.14 shall be used to review and evaluate Class (1) uses that require a Type (2) review process.”

(2) Type (2) Review: Pursuant to YMC §15.14.020, Type (2) Review is required for any proposed use shown on Table 4-1 as a Class (2) use, for Class (1) uses requiring Type (2) review in YMC 15.13.020; and for other specific reviews established by this title.

**XIII. Preliminary Plat Findings.** YMC §14.20.100(A) provides that the Hearing Examiner shall consider a proposed preliminary plat during an open record public hearing 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 and R-2 Zoning Districts.** A determination of consistency with the City’s Urban Area Zoning Ordinance intent, design, improvement and development provisions applicable to the R-1 and R-2 zoning districts 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) and Two-Family Residential (R-2) Zoning Districts: YMC §15.03.020(B) and YMC §15.03.020(C) indicate that the intent of both the R-1 and R-2 zoning districts is in part to establish and preserve residential neighborhoods for detached single-family dwellings, duplexes and other uses that are compatible with the district.

(b) Consistency with Design, Improvement and Development Provisions Applicable to the Single-Family Residential (R-1) and Two-Family Residential (R-2) Zoning Districts: 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 and R-2 zoning districts as follows:

(i) *Minimum Lot Size*: The proposed lots which range in size from 3,718 square feet to 30,746 square feet will meet the minimum lot sizes required by Table 5-1 of YMC Chapter 15.05 for both the detached single-family residential dwellings as well as the attached single-family common wall dwellings.

(ii) *Minimum Lot Width*: All of the lots will meet or exceed the minimum lot width of 50 feet prescribed for detached single-family dwellings and attached single-family common wall dwellings in the R-1 zoning district and the minimum lot width of 35 feet prescribed for attached single-family common wall dwellings in the R-2 zoning district by Table 5-2 of YMC Chapter 15.05.

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

(iv) *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 for the R-1 and R-2 zoning districts which are as follows:

| Location        | From Centerline<br>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            |

(v) *Maximum Building Height*: The maximum building height in the R-1 and R-2 zoning districts is 35 feet (YMC Chapter 15.05, Table 5-1). The property is entirely within Zone 6 of the Airport Safety Overlay (ASO)

which also limits the building height to 35 feet. The applicant's SEPA Environmental Policy Act Checklist states that the tallest structure will be no more than 35 feet in height so as to comply with both standards.

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

(vii) *Sidewalk*: Curb, gutter and sidewalk will be constructed along all interior street frontages of the proposed preliminary plat as required by YMC §15.05.020(J).

(viii) *Density*: The proposed preliminary plat which divides 13.34 net residential acres not including streets into 93 residential lots will have a density of 6.97 dwelling units per net residential acre with streets excluded ( $581,223 \text{ square feet} \div 43,560 \text{ square feet} = 13.34 \text{ acres}$ ;  $93 \text{ dwelling units} \div 13.34 \text{ acres} = 6.97 \text{ dwelling units per net residential acre}$ ). This density complies with YMC §15.05.030(B) and YMC Table 4-1 of YMC Chapter 15.04 which allow up to 7 dwelling units per net residential acre in the R-1 zoning district and which allow up to 12 dwelling units per net residential acre in the R-2 zoning district as Class (1) and Class (2) uses.

(ix) *Street Right-of-Way/Dedication of Right-of-Way*: The internal local access streets connecting to Ahtanum Road on the south and connecting to South 52<sup>nd</sup> Avenue on the west all require the dedication of 50-foot-wide rights-of-way for the connecting streets and all of the streets within the subdivision which shall be improved with curb, gutter and a five-foot-wide sidewalk on both sides of the streets.

(x) *Frontage Improvements*: Curb, gutter, ADA ramps and sidewalk shall be installed along the lot frontages of internal streets in accordance with YMC 12.05.010. The street section shall conform to standard detail R3 and the new sidewalks shall be constructed per standard detail R5, in accordance with YMC Chapters 8.67 and 12.05. At a minimum, one street light shall be installed midblock where the street exceeds 500 feet in total length. Street lighting shall meet the design and placement standards of the City Engineer. Lighting improvements shall become the property of the City of Yakima upon installation and will thereafter be maintained by the City. Pursuant to YCC Chapter 8.72, an excavation and street break permit

shall be obtained for all work within the public right-of-way. Roads less than five years old can be cut, but will cost 150 percent of the restoration fee with no PCI discount.

(xi) *Wastewater*: A minimum sixteen foot easement shall be maintained over all public utility lines in accordance with YMC §12.02.010 and YMC §12.02.020. All lots within the subject plat shall be served by a separate side sewer line from a public main in accordance with YMC §12.03.070. Sewer is to be installed per the Yakima Municipal Code.

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

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

(xiv) *Easements*: Easements are to be established in accordance with YMC §12.02.010 and YCC §12.02.020.

**(2) Subsection 14.20.100(A)(2) – Consistency with the provisions of the Comprehensive Plan.** The Future Land Use Map III-3 of the 2040 Yakima Urban Area Comprehensive Plan designates part of the property within the proposed preliminary plat as suitable for Low Density Residential development and part of the property as suitable for Mixed Residential development which may have a mixture of housing types and densities. As noted above, the proposed preliminary plat is consistent with the following Goals and Policies of the City’s Comprehensive Plan:

(a) Goal 2.2: Provide a mix of land use designations consistent with the community’s vision.

(b) Policy 2.2.1: Low density residential – this designation provides for low density residential development. Single-family detached dwellings are the predominant dwelling type. Other dwelling types may be allowed under certain circumstances, such as accessory dwellings and cottage housing. The permitted density is up to seven net dwelling units per acre for infill development. On larger sites (over two acres), more flexibility in lot sizes and layout are envisioned, provided overall density standards are met. Permitted maximum densities on large

sites is up to seven gross dwelling units per acre. Density bonuses allowing up to six gross dwelling units may be allowed subject to conformance with traditional neighborhood design concepts.

(c) Goal 2.3 which is to preserve and enhance the quality, character and function of Yakima's residential neighborhoods.

(d) Policy 2.3.1 which is to provide for a wide variety of housing types within the City to meet the full range of housing needs for Yakima's evolving population.

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

**(3) Subsection 14.20.100(A)(3) – Consistency with the provisions of this title, Title 14 entitled “Subdivision Ordinance.”** As proposed and with the recommended conditions, this preliminary plat will meet all the design requirements in YMC Chapter 14.20 of the City's subdivision ordinance and in the City's Title 12 development standards. This review and the recommended conditions are intended to ensure consistency with the provisions of the City's subdivision ordinance as well as other applicable City ordinances.

**(4) Subsection 14.20.100(A)(4) – Appropriate provisions for enumerated features.** As proposed and with the recommended conditions, this 93-lot Preliminary “Plat of Champions Park Phase 1” will make appropriate provisions for the following features required by YMC §14.20.100(A)(4) and RCW 58.17.110:

(a) *Public health, safety, welfare:* The construction of new detached single-family dwellings and new attached single-family common wall 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 will be required to comply with all applicable City development standards, and all conditions of approval that will be specified by the City Council.

(b) *Open spaces:* The proposed lots are larger than the minimum lot sizes required in the R-1 and R-2 zoning districts for detached single-family dwellings and for attached single-family common wall dwellings. The 60% lot coverage limitation in the R-1 and R-2 zoning districts will provide adequate light and air

for future residents in accordance with the standards in the zoning ordinance without additional open spaces.

(c) *Drainage systems:* Drainage system facilities must be provided in accordance with state and local regulations, including the City of Yakima Municipal Code and the Eastern Washington Storm Water Manual.

(d) *Streets, alleys, and other public ways:* The subject property will have access from the south off of Ahtanum Road by way of South 47<sup>th</sup> Avenue and from the west off of South 52<sup>nd</sup> Avenue by way of Woolsey Road. New public interior streets (South 47<sup>th</sup> Avenue, West Larch Avenue, West Oak Avenue, and Woolsey Road) will provide adequate access to all lots.

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

(f) *Sanitary waste disposal:* Public sewer is required to service all lots within the subject development.

(g) *Parks and playgrounds:* Open space, parks, recreation and playgrounds are located about one mile away from this subdivision at SOZO Sports Complex and are also available at Randall Park. The lot coverage limitation also provides open space on the lots for recreation and play areas.

(h) *Sites for schools:* West Valley Middle Level Campus is located about 4.5 miles from this proposed subdivision, while Wide Hollow Elementary School is located about 4.9 miles from this proposed subdivision and West Valley High School is located approximately 5.6 miles from this proposed subdivision. No comments were submitted by the West Valley School District.

(i) *Sidewalks:* Sidewalks are required and shall be provided along this development's internal streets (South 47<sup>th</sup> Avenue, West Larch Avenue, West Oak Avenue and Woolsey Road).

(j) *Public Transit:* A Yakima Transit route exists along West Washington Avenue north of the subdivision.

(k) *Serves the public use and interest:* This proposed 93-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.

(1) *Time Limitation:* Upon preliminary plat approval, the applicant has five years from the date of preliminary plat approval to submit the final plat. If more time is needed, at least 30 days prior to the expiration of preliminary approval, the applicant must submit to the City Council a written request to extend the approval period for a maximum period of one additional year (YMC §14.20.160). Before the final plat can be recorded, all required infrastructure must either be engineered, completed and inspected or be engineered and financially secured, and approval of the final plat must be obtained from the City of Yakima Community Development Department.

**XIV. Type (2) Review Findings for the Proposed Class (2) Attached Single-Family Common Wall Dwellings.**

Since YMC Table 4-1 in YMC §15.04.030 designates attached single-family common wall dwellings as a Class (2) use in the Single-Family Residential (R-1) zoning district where some of those dwellings are proposed to be located, the Hearing Examiner's findings and conclusions relative to those dwellings in the R-1 zoning district are required to include specific reasons and ordinance provisions demonstrating that they satisfy the following Class (2) use requirements set forth in YMC §15.04.020(B), §15.14.040(G), §15.02.020 and similar Type (3) Review criteria that are set forth in YMC §15.15.040(I):

**(1) Compliance and Compatibility with the Policies, Objectives and Development Standards of the Comprehensive Plan.** The Yakima Comprehensive Plan 2040 Land Use Element provides for the distribution of land uses meeting Yakima's needs for housing, employment, recreation, public facilities and other land uses in development patterns that support the City's vision for the future. The proposed attached single-family common wall dwellings would be compliant and compatible with the policies, objectives and development standards of the Comprehensive Plan which include Goals 2.2 and 2.3 and Policies 2.2.1, 2.3.1 and 2.3.2 set forth above in Section VI and in Subsection XIII(2) of this Recommendation.

**(2) Compliance and Compatibility with the Intent and Character of the Single-Family Residential (R-1) Zoning District.** The attached single-family common

wall dwellings that are proposed to be located in the R-1 zoning district would be compliant and compatible with the intent of that zoning district set forth in YMC §15.03.020(B). That stated intent includes an intent to establish new residential neighborhoods free from other uses except those which are compatible with the district and serve the residents of the district. Attached single-family common wall dwellings are designated as Class (2) uses within the R-1 zoned portion of the preliminary plat. Class (2) uses are generally permitted within that zoning district. Attached single-family common wall dwellings would also be compliant and compatible with the character of the proposed preliminary plat because the adjacent portion of the proposed preliminary plat to the north that is located within the R-2 zoning district is also proposed to include attached single-family common wall dwellings. They are Class (1) permitted uses there.

**(3) Compliance with the Provisions and Standards Established in the Zoning Ordinance.** YMC Chapters 15.05 to 15.07 establish basic development requirements as minimum criteria which must be met to assure land use compatibility and promote the public health, safety, and welfare. The lots proposed for attached single-family common wall dwellings will be required to comply with all of the applicable development standards such as, for example, the following:

(a) Lot Size: All of the lots will comply with the minimum lot size requirement of 4,000 square feet for the proposed attached single-family common wall dwellings to be located in the R-1 zoning district where they are a Class (2) use and with the minimum lot size requirement of 3,500 square feet in the adjacent R-2 zoning district to the north where they are a Class (1) permitted use.

(b) Lot Coverage: The proposed attached single-family common wall dwellings will all comply with the 60% maximum lot coverage limitation applicable to both the R-1 and R-2 zoning districts.

(c) Setbacks: The proposed attached single-family common wall dwellings are required to comply with all applicable structure setbacks.

(d) Public Facilities: City of Yakima sewer and Nob Hill Water Association water are available to serve the attached single-family common wall dwellings.

(e) Frontage Improvements: Frontage improvements are required for the proposed preliminary plat.

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

“Plat of Champions Park Phase 1” is as follows:

(1) **The type of land use contemplated by the proposal** (a single-family residential development) is permitted on this site so long as it complies with the conditions imposed by the Yakima City Council, as well as the regulations of the zoning ordinance, subdivision ordinance, building codes and other applicable regulations. The proposed detached single-family dwellings and the proposed attached single-family common wall dwellings are both Class (1) permitted uses in the portion of the proposed preliminary plat that is zoned R-2, and the proposed attached single-family common wall dwellings are Class (2) generally permitted uses in the portion of the proposed preliminary plat that is zoned R-1.

(2) **The level of development** with the maximum lot coverage density of 60% and with lots that are larger than the minimum lot size requirements will not exceed the allowable level of development in the R-1 and R-2 zoning districts.

(3) **The availability and adequacy of infrastructure and public facilities** is not an issue because the additional infrastructure that will be provided at the applicant’s expense would ensure 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 “Plat of Champions Park Phase 1” with the proposed Class (1) and Class (2) single-family dwellings will be consistent with the development standards of applicable City ordinances.

**CONCLUSIONS**

Based on the foregoing Findings, the Hearing Examiner reaches the following conclusions:

Prickly Pear Holdings, LLC  
“Plat of Champions Park Phase 1”  
Vicinity of 4607 & 4701 Ahtanum Rd.  
PLP#002-23/CL2#038-23/SEPA#011-23

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(1) The Hearing Examiner has jurisdiction to recommend to the Yakima City Council the approval of the proposed Preliminary "Plat of Champions Park Phase 1" with the proposed Class (1) and Class (2) single-family dwellings pursuant to YMC §1.43.080, YMC §14.20.100, YMC Chapter 15.14 and YMC Chapter 15.15.

(2) A SEPA Determination of Nonsignificance (DNS) was issued for this proposed preliminary plat on December 13, 2023, which became final without any appeal.

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

(4) The proposed Preliminary "Plat of Champions Park Phase 1," with the proposed single-family dwellings and subject to all of the conditions detailed below, is in compliance with the applicable provisions of the City's 2040 Comprehensive Plan, zoning ordinance and subdivision ordinance; makes appropriate provisions for the public health, safety and general welfare and for open spaces, drainage ways, streets, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds and sidewalks; and, according to the weight of the evidence presented at the hearing, does not require that specific provisions be made for the other requisite plat considerations such as additional schools, additional schoolgrounds or additional planning features that assure safe walking conditions for students who walk to and from school; and said plat will serve the public use and interest.

(5) The proposed attached single-family common wall dwellings to be located on 46 of the 93 lots satisfy all of the criteria for their approval as Class (2) uses within the portion of the preliminary plat that is zoned Single-Family Residential (R-1).

(6) This proposed Preliminary "Plat of Champions Park Phase 1" with the proposed single-family dwellings is in compliance with all of the consistency requirements of Subsection 16.06.020(B) of the Yakima Municipal Code.

### **RECOMMENDATION**

The Hearing Examiner recommends to the Yakima City Council that the proposed 93-lot Preliminary "Plat of Champions Park Phase 1" dated October 6, 2023, to be developed with 47 detached single-family dwellings and 46 attached single-family common wall dwellings as is described in the application, the staff report, this

Recommendation and the other related documents assigned file numbers PLP#002-23, CL2#038-23 and SEPA#011-23 be **APPROVED**, subject to compliance with the following conditions:

(A) Prior to approval of the final plat, all required improvements shall be constructed or financially secured according to the standards and requirements of the City Engineer and YMC Title 12;

(B) All lots shall be served with public water from the Nob Hill Water Association. No individual domestic or irrigation wells shall be permitted for any of the lots. Prior to final plat approval, written verification from the Nob Hill Water Association must be submitted to the Planning Division indicating that each lot within the plat has been served with domestic water and applicable fees have been paid;

(C) All lots shall be provided with public sewer service according to YMC Title 12 standards. Prior to final plat approval, written verification from the City of Yakima Engineering Department must be provided to the Planning Division indicating that all sewer extensions have been completed and inspected or financially secured;

(D) 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 eight feet in width or twice the buried depth of the utility, whichever is greater;

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

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

(G) All interior roads shown on the preliminary plat shall be constructed with curb, gutter and five-foot-wide sidewalks on both sides of the street, and street lighting in accordance with YMC Chapter 12.06, Standard Detail R5, and WSDOT Curb and Sidewalk Plans F-10.12-03;

(H) 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;

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(I) 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;

(J) At the discretion of the City Engineer, the owner may bond for required frontage improvements or enter into a deferral agreement for future participation in the cost of any frontage and/or roadway improvement by means of a Local Improvement District (LID) which is constructed abutting the owner's property. The bond or deferral agreement shall be executed and recorded prior to or as part of approval of the plat;

(K) Fire hydrants shall be placed at the locations specified by Code Administration and the Washington State Fire Code. All lots must be provided with adequate fire flow;

(L) All permits required by the Department of Ecology shall be obtained;

(M) A Large Project Stormwater Permit shall be obtained;

(N) Streetlights shall be installed per the direction of the Engineering Division;

(O) 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 Code Administration 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.

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

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

(R) Upon preliminary plat approval, the applicant has five years to submit the final plat. If additional time is needed, 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;

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

**DATED** this 25<sup>th</sup> day of January, 2024.

  
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Gary M. Cuillier, Hearing Examiner