AGENDA
YAKIMA CITY COUNCIL
March 19, 2024
City Hall -- Council Chambers - 129 N 2nd Street, Yakima, WA
5:30 p.m. Regular Meeting | 6:00 p.m. Public Hearings --- This meeting will be conducted in person, live streamed at www.yakimawa.gov/council/live-stream/ and telecast live on Y-PAC, Spectrum Cable Channel 194. You may also participate via https://cityofyakima.zoom.us/j/95412132171 or call in by dialing 1-253-215-8782 | Webinar ID: 954 1213 2171 | Passcode: 968560 ----- Individuals who wish to provide public comment remotely are encouraged to submit a Public Comment Request Form online at: www.yakimawa.gov/council/public-comment no later than 3 p.m. on the day of the meeting. If you wish to provide public comment in-person, please fill out a "Request for Appearance" form and hand it to the City Clerk before you address City Council.

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1. Roll Call

2. Pledge of Allegiance

3. Interpreter Services

4. Public Comment

There will be 35 minutes allotted for public comment with two and a half (2 1/2) minutes per speaker in order to allow as much opportunity as possible for audience participation. Written communication and e-mail messages are strongly encouraged.

5. Open Discussion for the Good of the Order

A. Proclamations

i. Welcome Home Vietnam Veterans proclamation

B. Presentations / Recognitions / Introductions

i. Administration of Oath of Office to Municipal Court Judge Troy Clements

ii. Recognition of retiring Judge Kelley Olwell

iii. YVCOG 2023 Year End Review and 2024 Goals

6. Council Reports

7. Consent Agenda

Items listed are considered routine by the City Council and will be enacted by one motion without discussion. A Council member may request to remove an item from the Consent Agenda and, if approved, it will be placed on the regular agenda for discussion and consideration.

A. Approval of minutes from the March 5, 2024 City Council regular meeting and March 12,

2024 study session

B. February 2024 Investment Transaction Report

C. Approve payment of disbursements for the period February 1-29, 2024

D. Resolution authorizing the write-off of certain uncollectable parking citations

E. Resolution authorizing the write-off of certain uncollectable central accounts receivables

F. Resolution authorizing the write-off of certain uncollectable delinquent utility accounts receivable funds

G. Resolution setting date of April 2, 2024 to amend the Six-year Transportation Improvement Program and amend the Capital Facilities Element of the Yakima Urban Area Comprehensive Plan for the period of 2024 - 2029

H. Resolution authorizing a contract with Knobel's Electric Inc for the Russell Lane Improvements Project 2650

I. Resolution authorizing professional services agreement Supplemental 1 with NAC Architecture for MLK Jr. Park Eastside Pool Project 2745

J. Resolution authorizing a temporary water transfer interlocal agreement with the City of Tieton and Yakima-Tieton Irrigation District

K. Resolution authorizing the Parks and Recreation Division Manager to execute personal services agreements with contractors that perform specialized Parks and Recreation services, volleyball officials, musicians, exercise instructors, etc

PUBLIC HEARINGS

8. Closed record public hearing and Resolution to consider the Hearing Examiner's recommendation regarding the preliminary plat of Marylyn Place submitted by WM Real Property Holdings, located in the vicinity of Ahtanum Rd & S 58th Ave

9. Closed record public hearing and Resolution to consider the Hearing Examiner's recommendation regarding the preliminary plat of Champions Park Phase 1 submitted by Prickly Pear Holdings, LLC, located in the vicinity of 4607 & 4701 Ahtanum Rd

DEPARTMENT ITEMS

10. 2023 Update on Capital Improvement Projects Report

11. 2024 Washington State Legislature Session Review

12. Resolution authorizing an interagency agreement with the Washington State Department of Commerce through the Law Enforcement Vehicle Pursuit Technology Grant Program

CITY MANAGER UPDATE

13. Salary Survey Status Update

14. Other Business

15. Adjournment

The next meeting is a City Council study session on March 26, 2024, at 5:00 p.m. in the City Hall Council Chambers

16. Council General Information

A. Council General Information

B. Code Administration Division Report - Monthly Building Permits Issued - February 2024

C. Distribution of the Complete Record for the closed hearing of a rezone request located at

1104 and 1112 S 48th Ave for William F. Almon (RZ#002-23)

D. Distribution of the Complete Record for proposed text amendments to YMC Title 14 Subdivisions (TXT#001-24)

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker.

A Council packet is available for review at the City Clerk's Office and on-line at www.yakimawa.gov. The City provides special accommodations, such as hearing devices, wheelchair space or language interpreters, for City meetings. Anyone needing special assistance please contact the City Clerk's office at (509) 575-6037 at least two business days prior to the meeting. All meetings are live streamed on the City of Yakima website at www.yakimawa.gov and telecast live on Y-PAC, Spectrum Cable Channel 194.

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. A.i.
For Meeting of: March 19, 2024

ITEM TITLE: Welcome Home Vietnam Veterans proclamation

SUBMITTED BY: Dave Zabell, Interim City Manager

SUMMARY EXPLANATION:

Mr. Robb Repp submitted a proclamation request proclaiming March 30, 2024 as Welcome Home Vietnam Veterans Day in the City of Yakima. At the Council meeting on February 6, 2024, the Council approved the request.

Council will be presenting the proclamation to Mr. Robb Repp and Mr. Gil Calec.

ITEM BUDGETED:

STRATEGIC PRIORITY:

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

ATTACHMENTS:

	Description	Upload Date	Type
	Welcome Home Vietnam Veterans proclamation	2/7/2024	Cover Memo

CITY OF YAKIMA
P R O C L A M A T I O N

WHEREAS, *the Vietnam War was fought from 1961 to 1975, and involved North Vietnam and the Vietcong in conflict with United States Armed Forces and South Vietnam; and*

WHEREAS, *on March 30, 1973, the United States Armed Forces completed the withdrawal of combat troops from Vietnam; and*

WHEREAS, *the Vietnam War was an extremely divisive issue among people in the United States, and the members of the United States Armed Forces who served bravely and faithfully were, upon their return home, caught in the middle of public debate about involvement of the United States in the Vietnam War; and*

WHEREAS, *there were 1,123 members of the United States Armed Forces from Washington State killed or missing in action and more than 171,980 Vietnam-era veterans who live in Washington. Our nation stands together for their service; and*

WHEREAS, *the people of Yakima, Washington realize that one of our most fundamental obligations is to show respect and dignity to all who have worn the uniform of the United States, and to honor their sacrifice by serving them as well as they served us; and*

WHEREAS, *Washington passed legislation which was signed by Governor Jay Inslee in 2013 proclaiming March 30 of each year as Welcome Home Vietnam Veterans Day in our State; and*

WHEREAS, *the Yakama Warriors Association Veterans group of Toppenish has held annual ceremonies honoring Welcome Home Vietnam Veterans with keynote speakers, wreath laying, full military honors, 21-gun salute and taps at the Korean-Vietnam memorial within Sarg Hubbard Park.*

NOW THEREFORE, *I, Patricia Byers, Mayor of the City of Yakima and behalf of the Yakima City Council, do hereby proclaim March 30, 2024 as*

"WELCOME HOME VIETNAM VETERANS DAY"

in the City of Yakima and encourage all residents to honor all Vietnam Veterans.

Dated this 19th day of March, 2024

_____

Patricia Byers, Mayor

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. B.i.
For Meeting of: March 19, 2024

ITEM TITLE: Administration of Oath of Office to Municipal Court Judge Troy Clements

SUBMITTED BY: Jodi Stephens, Municipal Court Manager

SUMMARY EXPLANATION:

At the January 16, 2024, City Council meeting, Acting City Manager Oglesby noted under Section 1.60.040 of the Yakima Municipal Code, the City Manager recommends judicial appointments to the City Council who is responsible for ratification of the position of Judge. The City Council then confirmed Mr. Harrison's appointment of Troy Clements as Municipal Court Judge effective April 1, 2024.

ITEM BUDGETED:

STRATEGIC PRIORITY:

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

City Clerk will conduct oath.

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. B.ii.
For Meeting of: March 19, 2024

ITEM TITLE: Recognition of retiring Judge Kelley Olwell

SUBMITTED BY: Dave Zabell, Interim City Manager

SUMMARY EXPLANATION:

After 34 years of public service, 18 with the City of Yakima, Judge Olwell will be retiring at the end of the month.

Judge Olwell received her original oath of office in 1997 and was officially appointed municipal court judge in January 2006.

Judge Olwell was raised in Yakima. She graduated from Carroll High School, Washington State University and University of Puget Sound Law School. Following her graduation from law school, she served as the Assistant City Attorney for the City of SeaTac, a prosecuting attorney for Yakima County, and Municipal Court Judge for the City of Yakima.

Judge Olwell is looking forward to spending more time with her family and traveling with her husband.

ITEM BUDGETED:

STRATEGIC PRIORITY:

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. B.iii.
For Meeting of: March 19, 2024

ITEM TITLE: YVCOG 2023 Year End Review and 2024 Goals

SUBMITTED BY: Dave Zabell, Interim City Manager

SUMMARY EXPLANATION:

The City of Yakima is a member of Yakima Valley Conference of Governments (YVCOG) and pays an annual membership. The City Council recently evaluated its various memberships in an effort to prioritize where they felt their limited funds could best be invested.

YVCOG Executive Director Chris Wickenhagen will provide a 2023 year-end review and discuss 2024 goals for the organization.

ITEM BUDGETED:

STRATEGIC PRIORITY:

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 7.A.
For Meeting of: March 19, 2024

ITEM TITLE: Approval of minutes from the March 5, 2024 City Council regular meeting and March 12, 2024 study session

SUBMITTED BY: Rosalinda Ibarra, City Clerk

SUMMARY EXPLANATION:

See attached.

ITEM BUDGETED:

STRATEGIC PRIORITY:

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

Approve minutes.

ATTACHMENTS:

Description	Upload Date	Type
3-5 draft minutes	3/15/2024	Backup Material
3-12 draft minutes	3/13/2024	Backup Material

MINUTES
YAKIMA CITY COUNCIL
March 5, 2024
City Hall -- Council Chambers - 129 N 2nd Street, Yakima, WA
5:00 p.m. Executive Session | 5:30 p.m. Regular Meeting conducted in person and virtually via Zoom

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EXECUTIVE SESSION

1. Executive Session regarding pending litigation pursuant to RCW 42.30.110(1)(i)

MOTION: Brown moved and Deccio seconded to adjourn to Executive Session for 20 minutes to discuss pending litigation pursuant to RCW 42.30.110(1)(i). The motion carried by unanimous vote.

Present for Executive Session: Mayor Byers, Assistant Mayor Brown, and Councilmembers Berg, Deccio, Glenn, Herrera, and Roy.

Executive Session was held at 5:00 p.m. and adjourned at 5:20 p.m. The regular meeting was called back to order at 5:30 p.m.

1. Roll Call

Present: Mayor Patricia Byers, presiding; Assistant Mayor Matt Brown and Councilmembers Reedy Berg, Janice Deccio, Rick Glenn, Danny Herrera and Leo Roy

Staff: Interim City Manager Dave Zabell, City Attorney Sara Watkins and City Clerk Rosalinda Ibarra

2. Pledge of Allegiance

Mayor Byers led the Pledge of Allegiance.

3. Interpreter Services

Mayor Byers introduced Jorge Villaseñor who announced interpreter services are available in Spanish.

4. Public Comment

Peter Rasmussen, City employee & President of IAFF, thanked Council for purchase of new reporting system for the Yakima Fire Department and stated concerns regarding the elimination of the public education position.

The following participants spoke in support of adjusting the Council boards and commissions structure, streamlining processes, enhancing efficiencies and removal of the Sustainable Yakima Committee and Community Integration Committee: Joel Ackeret, Dave Carson, Matt Clem, Frieda Stephens, Jenny Reed, Scot Stephens, Dana Johnson, and Roy Dove.

DRAFT

The following participants urged Council to reconsider the proposal to restructure the boards and commissions and expressed opposition of repealing the Community Integration Committee and Sustainable Yakima Committee: Coleen L. Anderson, Jennifer Gindt, Sandra Aguilar, Tiffany Pitra, and Frank Purdy.

City employees Brian Jones, IT Services; and Brenda Blakk, Water Division spoke regarding hiring practices and uncompetitive wages.

David Macias, City employee and AFSCME President, encouraged Councilmembers and City Manager to visit the various divisions and department throughout the City.

Charley Mulvey, Yakima resident, advocated for more trees in the community and distributed an article published in the Yakima Herald Republic regarding urban forests.

Natalie McLendon, spoke regarding the Council Rules of Procedures.

The public comment portion ended at 6:10 p.m.

5. Open Discussion for the Good of the Order

A. Proclamations

i. Draft Yakima-Morelia Sister City proclamation

MOTION: Deccio moved and Herrera seconded to approve the proclamation. The motion carried by unanimous vote.

B. Presentations / Recognitions / Introductions

i. Recognition of retiring Community Development Director Joan Davenport

Interim City Manager Dave Zabell recognized Community Development Director Joan Davenport for her upcoming retirement. Ms. Davenport has served the Yakima community for approximately 37 years.

ii. Washington Fruit Community Center (WFCC) Masterplan Presentation

Parks & Recreation Manager Ken Wilkinson presented the Washington Fruit Community Center (WFCC) Master Plan options identified by KDA Architecture. Completion of the plan allows the City to be eligible for state or other grant funding opportunities for potential improvements and future expansion of the facility. The three design options include:

- Minimalistic - immediate repairs/improvements of existing facility
- Intermediate - minor upgrade/remodeling of facility
- Grand - major remodeling/expansion of facility

The cost estimates are dependent on the options provided and range between $2 million and $15 million. The Council did not take any action.

6. Council Reports

A. Review of City Manager job description

DRAFT

Director of Human Resources Connie Mendoza briefed Council on the updates to the City Manager job description.

After Council discussion and amendments, the following was presented:
AMENDED MOTION: Berg moved and Brown seconded to change the minimum requirements description words from "ten years" to "five plus years" and add "or" to "size and complexity". The motion carried by unanimous vote.

MOTION: Glenn moved and Deccio seconded to accept the amended motion. The motion carried by unanimous vote.

MOTION: Glenn moved and Brown seconded to end editing of the application and direct the HR Department to begin search process. The motion carried by unanimous vote.

7. Consent Agenda

Mayor Byers referred to the items placed on the Consent Agenda, questioning whether there were any additions or deletions from Council members present. Item D was removed from the consent agenda. The City Clerk read the Consent Agenda items, including resolutions and ordinances, by title. (Items on the Consent Agenda are handled under one motion without further discussion—see motion directly below.)

MOTION: Deccio moved and Brown seconded to approve the consent agenda as read. The motion carried by a 7-0 roll call vote.

A. Approval of minutes from the February 20, 2024 City Council regular meeting and February 27, 2024 study session

B. Set date of April 2, 2024 for a public hearing to consider a rezone proposal in the vicinity of 1104 & 1112 S. 48th Ave

C. Set date of April 2, 2024 for a closed record public hearing to consider the Planning Commission's Recommendation on text amendments to YMC Title 14 - Subdivision Ordinance

D. Item D was removed from the Consent Agenda

E. Project Completion and Contract Acceptance with Gilbert Patterson Concrete Inc for the S. 27th Ave. & Mead Ave. Sidewalks Project 2618

F. Project Completion and Contract Acceptance with Cortez Fencing LLC for the Naches Avenue Parkway Fencing Project 2764

G. Resolution setting April 12, 2024, as the date for an open record public hearing before the Hearing Examiner to vacate a portion of N. 4th St. between Martin Luther King Jr. Blvd. and E. Lincoln Ave

RESOLUTION NO. R-2024-035, A RESOLUTION fixing time for a public hearing before the Hearing Examiner on April 12, 2024, on a petition (Petition No. 23-04) to vacate right-of-way at N. 4th St. between E. Lincoln Ave. and E. Martin Luther King Jr. Blvd.

H. Resolution authorizing a National Highway System grant award for Nob Hill Blvd

DRAFT

Grind & Overlay Project 2799

RESOLUTION NO. R-2024-036, A RESOLUTION authorizing acceptance and execution of a grant program agreement with the Washington State Department of Transportation for the Nob Hill Blvd Project 2799.

I. Resolution authorizing an agreement with the Yakima National Little League Association for Little League activities at Elks Park Athletic Complex

RESOLUTION NO. R-2024-037, A RESOLUTION authorizing an agreement with Yakima National Little League Association for Little League activities at Elks Park Athletic Complex.

J. Resolution authorizing an Interagency Agreement with Washington State Patrol for fire mobilization

RESOLUTION NO. R-2024-038, A RESOLUTION authorizing an Interagency agreement between the Washington State Patrol and the Yakima Fire Department for fire mobilization.

K. Resolution accepting the renewal request and authorizing an amendment to extend the lease/purchase option agreement with the Y HOTEL, LLC for City property located at 1808 North 1st Street

RESOLUTION NO. R-2024-039, A RESOLUTION accepting the renewal request and authorizing an amendment to extend the Lease/Purchase Option Agreement with the Y HOTEL, LLC for City property located at 1808 North 1st Street.

L. Resolution authorizing an Equitable Sharing Agreement and Certification with the United States Department of Justice

RESOLUTION NO. R-2024-040, A RESOLUTION authorizing an Equitable Sharing Agreement and Certification with the United States Department of Justice.

M. Resolution authorizing the City Manager to execute a contract with GMP Consultants for the recruitment of a new Community Development Director

RESOLUTION NO. R-2024-041, A RESOLUTION authorizing the City Manager to execute a contract with GMP Consultants for the recruitment of a new Community Development Director.

Items Removed from the Consent Agenda

A. Project Completion and Contract Acceptance for the Capitol Theatre Curtain Replacement with Pacific Northwest Theatre Associates Project 2569

Mayor Byers acknowledged the replacement of the curtains at the Capitol Theatre.

MOTION: Brown moved and Deccio seconded to approve the Item D as read. The motion carried by unanimous vote.

DEPARTMENT ITEMS

8. Ordinance repealing Yakima Municipal Code Chapter 1.34: Community Integration Committee

City Attorney Sara Watkins briefed the Council on the proposed ordinance to repeal Chapter 1.34 Community Integration Committee from the Yakima Municipal Code. Assistant City Manager Rosylen Oglesby read the ordinance in its entirety.

DRAFT

The City Clerk read the ordinance by title only. After discussion,
MOTION: Berg moved and Brown seconded to pass the ordinance for item 8. The motion carried by a 5-2 roll call vote; with Deccio and Herrera voting no.

ORDINANCE NO. 2024-004, AN ORDINANCE repealing Yakima Municipal Code Chapter 1.34: Community Integration Committee.

9. Ordinance repealing Yakima Municipal Code Chapter 1.40: Sustainable Yakima Committee

City Attorney Sara Watkins briefed the Council on the proposed ordinance to repeal Chapter 1.40 Sustainable Yakima Committee from the Yakima Municipal Code. Assistant City Manager Rosylen Oglesby read the ordinance in its entirety.

The City Clerk read the ordinance by title only.

MOTION: Berg moved and Brown seconded to pass the ordinance under item 9. The motion carried by a 5-2 roll call vote; with Deccio and Herrera voting no.

ORDINANCE NO. 2024-005, AN ORDINANCE repealing Yakima Municipal Code Chapter 1.40: Sustainable Yakima Committee.

10. Ordinance amending the City of Yakima Municipal Code Chapter 1.42: Planning Commission; Chapter 1.37: Bicycle and Pedestrian Advisory Committee; Chapter 11.62: Historic Preservation; and Chapter 8.77: Public Tree Ordinance, to create a structure where the Historic Preservation Commission, Bicycle and Pedestrian Advisory Committee and Tree Board report to, and are considered sub-committees of the Planning Commission

City Attorney Sara Watkins briefed the Council on the proposed ordinance to make amendments to the YMC Chapter 1.42 Yakima Planning Commission, YMC Chapter 1.37 Bicycle and Pedestrian Advisory Committee, YMC Chapter 11.62 Historic Preservation Commission, and YMC Chapter 8.77 Public Tree Ordinance; and make them sub-committees of the Yakima Planning Commission. Additionally, an alternative option is to make the Public Tree Board a sub-committee of the Parks and Recreation Commission.

The City Clerk read the ordinance by title only. After Council discussion,
MOTION: Roy moved and Berg seconded to pass the ordinance. The motion carried by a 5-2 roll call vote; with Deccio and Herrera voting no.

ORDINANCE NO. 2024-006, AN ORDINANCE amending the City of Yakima Municipal Code Chapter 1.42: Planning Commission; Chapter 1.37: Bicycle and Pedestrian Advisory Committee; Chapter 11.62: Historic Preservation; and Chapter 8.77: Public Tree Ordinance, to create a structure where the Historic Preservation Commission, Bicycle and Pedestrian Advisory Committee and Tree Board report to, and are considered sub-committees of, the Planning Commission.

11. Ordinance amending sections of Yakima Municipal Code Title 10 Fire for adoption of the 2021 Washington State Codes

Code Administration Manager Glenn Denman briefed the Council on the proposed ordinance to amend the Yakima Municipal Code Title 10 Fire to adopt the applicable codes of the 2021 editions of the Washington State codes with some amendments.

The City Clerk read the ordinance by title only. After discussion,
MOTION: Deccio moved and Brown seconded to pass the ordinance. The motion carried by a 7-0 roll call vote.

DRAFT

ORDINANCE NO. 2024-007, AN ORDINANCE amending certain sections of City of Yakima Municipal Code Chapter 10.05 and Chapter 10.10 Fire Code for adoption of the 2021 Washington State Fire Code.

12. Ordinance amending sections of Yakima Municipal Code Title 11 Buildings for adoption of the 2021 Washington State Codes

Code Administration Manager Glenn Denman briefed the Council on the proposed ordinance to amend the Yakima Municipal Code Title 11 Buildings to adopt the applicable codes of the 2021 editions of the Washington State codes with some amendments.

The City Clerk read the ordinance by title only. After discussion,
MOTION: Brown moved and Deccio seconded to pass the ordinance. The motion carried by a 7-0 roll call vote.

ORDINANCE NO. 2024-008, AN ORDINANCE amending certain sections of City of Yakima Municipal Code Chapter 11.04 Building Code, Chapter 11.12 Existing Building Code; Chapter 11.18 Fuel Gas Code, Chapter 11.22 Residential Code, Chapter 11.32 Mechanical Code and Chapter 11.44 Plumbing Code for adoption of the 2021 Washington State Codes.

13. Other Business

Councilmember Herrera commended local athletes for their wins at the recent WIAA State Basketball competition.

14. Adjournment

MOTION: Brown moved and Herrera seconded to adjourn to the next Council study session on March 12, 2024, at 5:00 p.m. in the Council Chambers at City Hall. The motion carried by unanimous vote. The meeting adjourned at 7:45 p.m.

CERTIFICATION
READ AND CERTIFIED ACCURATE BY

_____
COUNCIL MEMBER DATE

_____
COUNCIL MEMBER DATE

ATTEST:

_____ _____
CITY CLERK MAYOR

DRAFT

MINUTES
YAKIMA CITY COUNCIL
STUDY SESSION
March 12, 2024
City Hall -- Council Chambers - 129 N 2nd Street, Yakima, WA
5:00 p.m. Study Session conducted in person and virtually via Zoom

DRAFT

1. Roll Call

Present: Mayor Patricia Byers, presiding; Assistant Mayor Matt Brown and Councilmembers Reedy Berg, Janice Deccio (attending remotely via Zoom), Rick Glenn, and Danny Herrera

Staff: Interim City Manager Dave Zabell, City Attorney Sara Watkins and City Clerk Rosalinda Ibarra

Absent and Excused: Councilmember Leo Roy

2. Public comment (allow 15 minutes)

Natalie McClendon, Yakima resident, spoke about the public comments portion of the previous Council meeting where some City residents were not allowed to speak due to lack of time and some non-City residents were allowed to speak.

Ron Pelson, Selah resident and Yakima business owner, commented that increases to building permit fees and the new energy code regulations are not helping with construction of affordable housing in Yakima.

Daniel Mohrbacher, Yakima resident & business owner, stated that existing AED batteries will expire in June and proposed a community collection of funds to assist with replacing them.

3. Downtown Parking Presentation

Communications & Public Affairs Manager Randy Beehler briefed Council on the history of the development and regulation of the public parking lots. Currently, maintenance of the downtown parking lots are supported by funds authorized through the formation of the Downtown Yakima Business Improvement District (DYBID) and the North Front Street businesses. In 2022, a parking study analysis recommended charging for parking to generate revenue for lot maintenance and improvements. During the COVID pandemic, enforcement of parking regulations were temporarily suspended and resumed in 2023 under the responsibility of the Yakima Police Department. In June 2023, business owners presented an alternative plan to the City Council which was adopted and ultimately implemented in the Fall of 2023. Due to additional concerns from downtown businesses and employees, City Council placed a moratorium on parking enforcement and a public meeting was held in January 2024 to receive input from the downtown community and allow for the development

of another plan.

City Engineer Bill Preston informed Council about the current condition of four downtown parking lots (Millennium Plaza, 2nd Street, Staff Sgt. Pendleton, and 1st Street at Crafted), revised rehabilitation proposals for each lot, and ongoing maintenance of the existing downtown parking lots. The revised maintenance proposal includes crack seal, fog seal (oil coating), sidewalk and curb repair, section repair and striping. The total maintenance proposal cost is approximately $82,340 and the total stormwater drainage improvements amounts to approximately $1,149,200.

Interim City Manager Dave Zabell outlined the major policy issues and provided preliminary options for the public's feedback and Council consideration. Option 1 is the major reconstruction of city-owned parking lots and is more expensive. Option 2 includes incremental repair and improvements to address failed areas, drainage systems, and regular maintenance and is more cost effective than a complete rebuild.

The following recommendations were presented:

- keeping the length of the free parking period at 2 hours;
- enforcement hours to be from 8 a.m. to 5 p.m.;
- retaining the cost of a monthly permit at $50;
- reducing the parking infraction fine to $20 per infraction;
- exploring a QR code option with the technology application; and,
- public education and consistent enforcement of on-street parking.

Council discussed the potential to provide warnings prior to citations being issued and the ability to add multiple users to permit passes. Staff proposed conducting another community meeting on March 21st to gather input and feedback from the community. A final proposal could be provided on March 26th and Council could take action on April 2nd.

4. Review of Property Maintenance Code Enforcement

Code Administration Manager Glenn Denman briefed Council on the Property Maintenance Code (IPMC) regulations and explained general enforcement strategies. He noted that previous codes resulted in confusion for staff and the public due to overlapping and varying requirements with similar case types. Mr. Denman addressed Councilmembers' concerns related to inoperable vehicles, pre-existing/non-conforming uses, anonymity of complaints, residential vs. commercial uses, tire disposal, graffiti, and pest elimination.

The following information and recommendations were proposed by staff:

- modify the definition to include "apparently" or "visibly" inoperable to prevent blight and accumulation of inoperable vehicles;
- pre-existing/non-conforming means that previously approved structures or uses can continue to exist without changes, even if codes change;
- requirement for complainants to provide contact information to prevent frivolous or malicious complaints and promote transparency;
- the IPMC does not distinguish between residential and commercial case types but there is a distinction between "habitability" within dwelling spaces;
- create an ordinance that requires tire dealers to obtain a regulatory license to prevent unauthorized accumulation and dumping of waste tires;
- graffiti is a public safety concern which is now addressed by the Refuse Clean City program; and,

DRAFT

- delete the section regarding pest elimination and instead regulate insanitary or other condition to prevent pest infestations.

Council further discussed extenuating circumstances, landlord/tenant issues, clear procedures specified in the ordinance, removing unlicensed vehicles from the inoperable classification, and expanding complaint and enforcement criteria. Staff will provide a follow up report to Council in the near future.

5. Adjournment

MOTION: Brown moved and Herrera seconded to adjourn to the next Council regular meeting on March 19, 2024, at 5:30 p.m. in the Council Chambers at City Hall. The motion carried by unanimous vote; Roy absent. The meeting adjourned at 7:08 p.m.

CERTIFICATION

READ AND CERTIFIED ACCURATE BY

_____
COUNCIL MEMBER DATE

_____
COUNCIL MEMBER DATE

ATTEST:

_____

CITY CLERK MAYOR

DRAFT

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 7.B.
For Meeting of: March 19, 2024

ITEM TITLE: February 2024 Investment Transaction Report

SUBMITTED BY: Rosylen Oglesby, Interim Director of Finance and Budget

SUMMARY EXPLANATION:

This monthly report is provided consistent with RCW 35.39.032 which requires *"The responsible official or committee shall make a monthly report of all investment transactions to the city legislative authority".* A complete Treasury report is provided to City Council quarterly which provides a complete position listing with further analysis, economic outlook and strategy updates.

ITEM BUDGETED: NA

STRATEGIC PRIORITY: Public Trust and Accountability

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

Review only. Submitted for routine transparency and accountability.

ATTACHMENTS:

Description	Upload Date	Type
Investment summary	3/4/2024	Backup Material

FINANCE

ATE: March 4, 2024

TO: Mayor and City Council

FROM: Kimberly Dominé Financial Services Manager

RE: February 2024 Investment Transactions

The investment transactions for January 2024 were:

Matured:

- $2,000,000 FNMA matured 2/05/24

Called:

- none

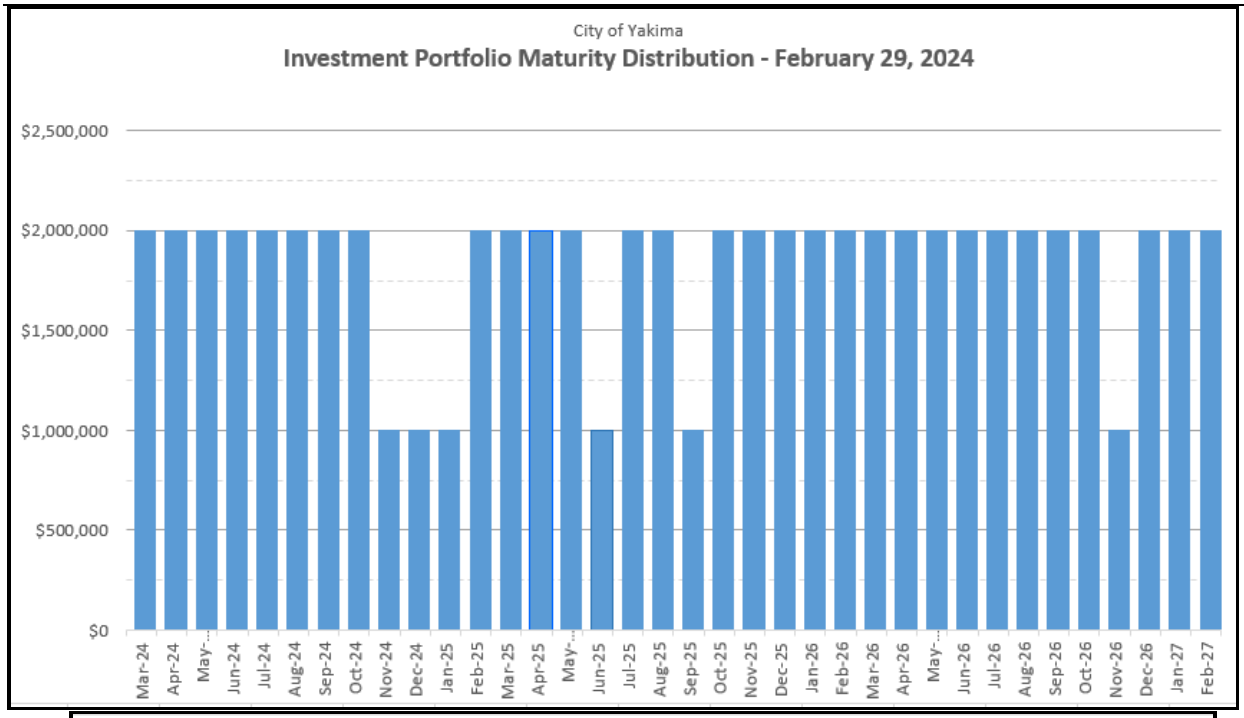
Purchased:

- $2,000,000 FFCB matures 2/12/27

The focus of investments now is to fill maturity gaps in a shortened (3-4-year maturity horizon, instead of 5-year pre-COVID) ladder to minimize reinvestment risk subject to rates at any one point in time and hedging against further decreasing rate exposure.

This monthly memorandum of all investment transactions complies with RCW 35.39.032 ("The responsible official or committee shall make a monthly report of all investment transactions to the city legislative authority").

FINANCE


City of Yakima
Investment Portfolio Maturity Distribution - February 29, 2024
$2,500,000
$2,000,000
$1,500,000
$1,000,000
$500,000
$0
Mar-24
Apr-24
May-...
Jun-24
Jul-24
Aug-24
Sep-24
Oct-24
Nov-24
Dec-24
Jan-25
Feb-25
Mar-25
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May-...
Jun-25
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Dec-25
Jan-26
Feb-26
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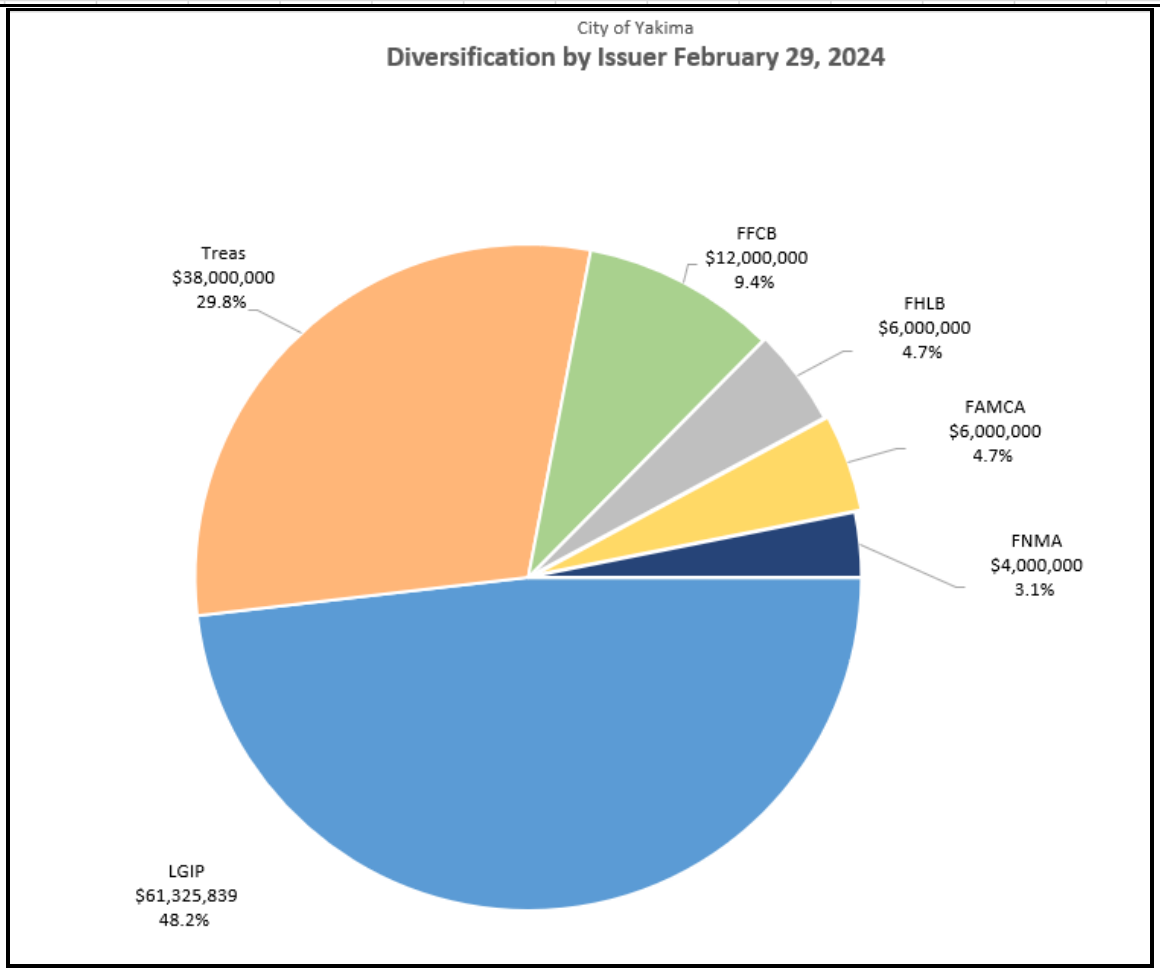
Sep-26
Oct-26
Nov-26
Dec-26
Jan-27
Feb-27


City of Yakima
Diversification by Issuer February 29, 2024
Treas
$38,000,000
29.8%
FFCB
$12,000,000
9.4%
FHLB
$6,000,000
4.7%
FAMCA
$6,000,000
4.7%
FNMA
$4,000,000
3.1%
LGIP
$61,325,839
48.2%

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 7.C.
For Meeting of: March 19, 2024

ITEM TITLE: Approve payment of disbursements for the period February 1-29, 2024

SUBMITTED BY: Rosylen Oglesby, Interim Director of Finance and Budget

SUMMARY EXPLANATION:

RCW 42.24 governs the process for audit and review of payroll and claims payments for the City. RCW 42.24.180 requires the review and approval of all payments at a regularly scheduled public meeting on a monthly basis. The State Budgeting, Accounting and Reporting Systems (BARS) Manual outlines the following format for approval by the City Council.

REPORT OF DISBURSEMENTS:

The following amounts were budgeted, and sufficient funds were available to cover these payments:

Electronic Payments - Key Bank	#799 - 809	$ 3,519,276.52
Electronic Payments - US Bank	#13144 - 13181	$ 8,497,405.17
Electronic Purchasing Card	February 2024	$ 241,728.74
Accounts Payable Checks	#197340 - 197846	$ 3,931,784.61
Payroll Account Checks	#426118 - 426853	$ 230,496.20
Payroll Account Checks - Cayenta	#5848 - 5865	$ 103,356.47

Background and description of this process is attached.

ITEM BUDGETED: Yes

STRATEGIC PRIORITY: Public Trust and Accountability

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

Approve disbursements.

ATTACHMENTS:

	Description	Upload Date	Type
🗋	Disbursement Approval Process	2/27/2024	Backup Material

Disbursement Approval Process

Payment of claims and payroll are submitted monthly for review and approval by City Council. The payments listed in the schedule cover all claims and payroll payments during the month prior to the date of the Council meeting. Support documentation and further details are available from the Finance Division.

Internal Controls. The City's internal controls include certification of the validity of all payments by the appropriate department prior to submission for payment. The Finance Department has processes and controls in place to ensure review and validation of vouchers and authorization of payments by Finance, Accounts Payable, and Payroll staff. Processes are in place to empower Department Directors and the City Manager to have budgetary control over their responsible areas. The Director of Finance and Budget regularly reviews processes to ensure appropriate internal controls are in place and submits annually to an independent audit.

Governing Statutes. RCW 42.24 governs the process for audit and review of payroll and claims payments for the City. RCW 42.24.180 requires the review and approval of all payments at a regularly scheduled public meeting on a monthly basis.

RCW 42.24.080 requires that all claims presented against the City by persons furnishing materials, rendering services, or performing labor must be certified by the appropriate official to ensure that the materials have been furnished, the services rendered, or the labor performed as described, and that the claims are just, due, and unpaid obligations against the City.

RCW 42.24.180 allows expedited processing of the payment of claims when certain conditions have been met. The statute allows the issuance of warrants or checks in payment of claims before the legislative body has acted to approve the claims when:

(1) the appropriate officers have furnished official bonds;
(2) the legislative body has adopted policies that implement effective internal control;
(3) the legislative body has provided for review of the documentation supporting the claims within a month of issuance; and
(4) that if claims are disapproved, they shall be recognized as receivables and diligently pursued.

The City meets all these conditions.

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 7.D.
For Meeting of: March 19, 2024

ITEM TITLE: Resolution authorizing the write-off of certain uncollectable parking citations

SUBMITTED BY: *Rosylen Oglesby, Interim Director of Finance and Budget
Anabel Chavez, Utility Services Manager

SUMMARY EXPLANATION:

Attached is a Resolution authorizing the annual write-off of uncollectable parking accounts.

Following City staff collection efforts and collection notices, accounts were sent to a collection agency; these are what remain unpaid after six years. A total of 3 citations totaling $105 (including penalties), are included for write-off with this resolution. Delinquent accounts for which collection efforts have been terminated are analyzed each year to determine eligibility for write-off. Accounts meeting the criteria listed below are included on the proposed write-off list which is attached:

1. The Statute of Limitations (six (6) years or older) has been met; $105.
2. Bankruptcy (discharge of debt); None.

Following City Council approval by the attached Resolution, these accounts will be removed from the City's accounts receivable records. The current parking citation system employs a program administered by the Washington State Department of Licensing (DOL) whereby the City submits unpaid citation information to the state. If a person has received at least 2 citations within 120 days of renewal of their vehicle registration, they are required to pay their fines to the reporting jurisdiction before they can register their vehicle.

ITEM BUDGETED: NA

STRATEGIC PRIORITY: Public Trust and Accountability

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

Adopt Resolution.

ATTACHMENTS:

Description	Upload Date	Type
Resolution	3/1/2024	Resolution
2023 Parking Write-Offs	3/1/2024	Backup Material

RESOLUTION NO. R-2024-___

A RESOLUTION authorizing the write-off of certain uncollectable parking citations and penalties for the City of Yakima.

WHEREAS, the attached listing of accounts is recommended for write-off by the City of Yakima in connection with delinquent parking citations of the City. These past due parking citations of the general fund of the City have been deemed ready for write-off due to: (1) the age of the account is past the statute of limitations for collecting such accounts, (2) bankruptcy, (3) the death of debtor, and/or (4) the account is otherwise uncollectable. It is recommended that these accounts be written-off (removed from the accounts receivable of the City) by City Council, now, therefore.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

The attached "Parking Citation Write-off List" is hereby approved, and the past due accounts receivable, consisting of 3 citations totaling $105.00 are hereby written off and canceled.

ADOPTED BY THE CITY COUNCIL this 19th day of February.

Patricia Byers, Mayor

ATTEST:

Rosalinda Ibarra, City Clerk

YCCS Parking Write-Offs
(1/18/23 - 1/3/24)

Citation Number	Citation Date	License Number	Citation Amount	Penalty Amount	Unpaid Amount	Status Title
11004194	09/21/11	752ZZP	20.00	15.00	35.00	Statute of Limitations
11177660	10/12/11	938TSY	20.00	15.00	35.00	Statute of Limitations
11003716	07/18/11	155UWP	20.00	15.00	35.00	Statute of Limitations
					105.00	

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 7.E.
For Meeting of: March 19, 2024

ITEM TITLE: Resolution authorizing the write-off of certain uncollectable central accounts receivables

SUBMITTED BY: *Rosylen Oglesby, Interim Director of Finance and Budget
Anabel Chavez, Utility Customer Services Manager

SUMMARY EXPLANATION:

Attached is a resolution authorizing the write-off of certain uncollectable accounts. A total of 234 invoices representing 234 accounts totaling $52,521.26 has been identified for write-off, since the last write-off was done in February of 2023.

Delinquent accounts are recommended for write-off for various reasons, including:

1) The Statue of Limitations (six (6) years or older) has been met;
2) Bankruptcy (discharge of debt);
3) Death of debtor; and
4) Accounts have been sent to a collection agency and returned as uncollectable.

The large majority of the write-offs meet the 6-year statute of limitations which relate to the billings done in 2017. Accounts meeting the above listed criteria are included in the proposed Resolution. With approval of this resolution by Council, the accounts will be removed for the City's accounts receivable records.

ITEM BUDGETED: NA

STRATEGIC PRIORITY: Public Trust and Accountability

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

Adopt Resolution.

ATTACHMENTS:

Description	Upload Date	Type

🗋	Resolution	3/1/2024	Resolution

RESOLUTION NO. R-2024-____

A RESOLUTION Authorizing the write-off of certain uncollectable central accounts receivables for the City of Yakima.

WHEREAS, the attached listing of accounts is recommended for write-off by the City of Yakima in connection with central accounts receivables of the City, and

WHEREAS, the past dues accounts have been deemed eligible for write-off due to: (1) age of the account has reached the 6-year statute of limitations; (2) bankruptcy; (3) deceased; (4) the account is otherwise uncollectable. It is recommended that these accounts be written-off (removed from the accounts receivable of the City) by City Council,

WHEREAS, accounts receivable has a detailed listing of 234 uncollectable delinquent accounts totaling $52,521.26 to be discharged by City Council action; now, therefore.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

The delinquent 234 accounts for accounts miscellaneous receivable billings totaling $52,521.26 are hereby recognized by the City Council as uncollectable and the Director of Finance & Budget or his /her designee is hereby authorized to write off these debts accordingly.

ADOPTED BY THE CITY COUNCIL this __ day of _____, 2024.

_____
Patricia Byers, Mayor

ATTEST:

_____
Rosalinda Ibarra, City Clerk

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 7.F.
For Meeting of: March 19, 2024

ITEM TITLE: Resolution authorizing the write-off of certain uncollectable delinquent utility accounts receivable funds

SUBMITTED BY: *Rosylen Oglesby, Interim Director of Finance and Budget
Anabel Chavez, Utility Services Manager

SUMMARY EXPLANATION:

Attached is a resolution authorizing the write-off of certain uncollectable accounts receivable owed to the City's Water, Irrigation, Wastewater, Solid Waste, and Storm water Divisions. A total of 818 accounts totaling $277,865.44 have been identified for write-off, since the last write-off was done in February of 2023.

Delinquent accounts are recommended for write-off for various reasons, including:
1) The Statue of Limitations (six (6) years or older) has been met;
2) Bankruptcy (discharge of debt);
3) Death of debtor; and
4) Accounts have been sent to a collection agency and returned as uncollectable.

The large majority of the write-offs meet the 6-year statute of limitations which relate to the billings done in 2017. The $277,865.44 represents less than 1% (.78%) of the dollars billed that year. The utility divisions currently reserve 1% of their monthly billing for bad debt. Since this is within the amount reserved, the fund balances will not be decreased by this write-off. The resolution (attached) identifies the dollar amount by each utility division to be discharged.

ITEM BUDGETED: Yes

STRATEGIC PRIORITY: Public Trust and Accountability

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

Adopt Resolution.

ATTACHMENTS:

Description	Upload Date	Type
Resolution	3/4/2024	Resolution

RESOLUTION NO. R-2024-____

A RESOLUTION Authorizing the write-off of certain uncollectable accounts receivable by the utility funds of the City of Yakima.

WHEREAS, the Utility Services Division of the City of Yakima manages the billing process for the City's Water, Irrigation, Wastewater, and Refuse utilities, and;

WHEREAS, in accordance with best business practice, past due accounts are sent to a collection agency for follow up, and the agency reports back uncollectable accounts that are past the Statute of Limitations; discharged in a bankruptcy; discharged by death of the debtor; or otherwise uncollectable; and

WHEREAS, the Utility Services Division has a detailed listing of 818 uncollectable delinquent accounts totaling $277,865.44 to various utility funds of the City to be discharged by City Council action, now, therefore.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

The delinquent accounts in the following amounts as summarized by utility totaling $277,865.44 are hereby recognized by the City Council as uncollectable and the Director of Finance & Budget or his /her designee is hereby authorized to write off these debts accordingly.

Water	Irrigation	Waste Water	Refuse	Fees
$60,472.05	$13,015.80	$138,119.96	$66,057.63	$200

ADOPTED BY THE CITY COUNCIL this __th day of _____, 2024.

_____
Patricia Byers, Mayor

ATTEST:

_____
Rosalinda Ibarra, City Clerk

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 7.G.
For Meeting of: March 19, 2024

ITEM TITLE: Resolution setting date of April 2, 2024 to amend the Six-year Transportation Improvement Program and amend the Capital Facilities Element of the Yakima Urban Area Comprehensive Plan for the period of 2024 - 2029

SUBMITTED BY: Scott Schafer, Public Works Director
* Bill Preston, City Engineer

SUMMARY EXPLANATION:

On June 20, 2023, the City of Yakima adopted R-2023-092 and R-2023-093 as required by state statute to update its Six-year Transportation Improvement Program (TIP) for submittal to the Washington State Department of Transportation. The City is amending the Six-year TIP to include the following funded additional project:

- Nob Hill Grind & Overlay (S 28th Ave to S 40 Ave)

The project was not on last year's TIP update because the City was still seeking funding. Now that the City has secured funding, the project needs to be on the adopted TIP. A Public Hearing will be held to consider including the additional project in adoption of an amended Resolution approving the Six-year TIP and amending the regional Metropolitan Transportation Plan and Comprehensive Plan Capital Facilities Element.

ITEM BUDGETED: Yes

STRATEGIC PRIORITY: Public Trust and Accountability

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

Adopt Resolution.

ATTACHMENTS:

Description	Upload Date	Type
Resolution	3/4/2024	Resolution
Draft TIP	3/4/2024	Backup Material

RESOLUTION NO. R-2024-

A RESOLUTION setting the time and place for a hearing on April 2, 2024, to review and adopt the amended Six-year Transportation Improvement Program and amend the Capital Facilities Element of the Yakima Urban Area Comprehensive Plan for the period of 2024-2029.

WHEREAS, on June 20, 2023, the City of Yakima adopted a six-year program for the construction of streets and arterial streets in the City of Yakima for the ensuing six-year period, all as contemplated and required by the State RCW 35.77.010 and applicable federal law; and

WHEREAS, the City of Yakima desires to amend the six-year program to include an additional project: Nob Hill Blvd 28th Ave to 40th Ave Paving; and

WHEREAS, the City of Yakima desires to amend the Yakima Urban Area Comprehensive Plan Capital Facilities Element to reflect the amended Six-year TIP, as contemplated and required by RCW 36.70A.070(6) to ensure compliance with the Growth Management Act and consistency of the Comprehensive Plan and the Six-year TIP; and,

WHEREAS, a public hearing must be held on said programs before final approval, now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

That said program shall be presented for hearing and determination on Tuesday, April 2, 2024, at the hour of 6:00 p.m., in the City Council Chambers, or as soon thereafter as the same may be heard, and the notice of such hearing be given as approved by law.

ADOPTED BY THE CITY COUNCIL this 19th day of March, 2024.

ATTEST: Patricia Byers, Mayor

Rosalinda Ibarra, City Clerk

Washington State Department of Transportation

DRAFT

Six Year Transportation Improvement Program From 2024 to 2029

Agency: Yakima

County: Yakima

MPO/RTPO: YVCOG Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
03		Nob Hill Blvd 28th Ave to 40th Ave Paving Nob Hill Boulevard 28th Avenue to 40th Avenue This project will rehabilitate the pavement on Nob Hill Blvd by milling and paving, ADA curb ramp replacement, adjust utilities, restripe the road, and other work as needed to rehabilitate the pavement.	WA-15735	03/19/24	04/02/24		R-2024-0XX	05	C G O P S T W	0.670	CE	No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PE	2024	NHPP	157,000		0	0	157,000
S	CN	2025	NHPP	1,414,000		0	0	1,414,000
			Totals	**1,571,000**		**0**	**0**	**1,571,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	157,000	0	0	0	0
CN	0	1,414,000	0	0	0
Totals	**157,000**	**1,414,000**	**0**	**0**	**0**

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 7.H.
For Meeting of: March 19, 2024

ITEM TITLE: Resolution authorizing a contract with Knobel's Electric Inc for the Russell Lane Improvements Project 2650

SUBMITTED BY: Scott Schafer, Director of Public Works
* Bill Preston, PE, City Engineer

SUMMARY EXPLANATION:

The Russell Lane Improvements Project 2650 will provide for improvements of reconstructing the lane, sidewalks, curb and gutter, storm drainage, and the traffic signal.

The City of Yakima (City) used the procedure established by Washington State law for the bidding and awarding of public capital improvement projects with Knobel's Electric Inc being selected to provide construction on the projects in the amount not to exceed $584,112.00. The Contract has been enclosed for City Council review.

The project is funded with a SIED grant & loan.

ITEM BUDGETED: Yes

STRATEGIC PRIORITY: Public Safety

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

Adopt Resolution.

ATTACHMENTS:

Description	Upload Date	Type
Resolution Knobel's Russell Lane	3/5/2024	Resolution
Contract	2/28/2024	Contract

RESOLUTION NO. R-2024-

A RESOLUTION authorizing a Contract with Knobel's Electric, Inc. for the Russell Lane Improvements Project 2650.

WHEREAS, the City of Yakima (City) needs to relocate Russell Lane to align with the existing traffic signal at S 1st Street; and

WHEREAS, the improvements consist of reconstructing the lane, sidewalks, curb and gutter, storm drainage, and traffic signal improvements; and

WHEREAS, the City received funding from the Yakima County Supporting Investments in Economic Diversification (SIED) Board in the amount of $416,000 in grant funding and a $416,000 as a loan for improvements to the intersection of South 1st Street and Russell Lane (R-2023-030); and

WHEREAS, the City Council previously approved a Project Developer Agreement with All American Investment Group to repay the SIED loan (R-2023-075); and

WHEREAS, the City used the procedure established by Washington State law for the bidding and awarding of public capital improvement projects; and

WHEREAS, Knobel's Electric, Inc. was determined to be qualified to perform the needed construction work; and

WHEREAS, the Contract will be null and void if bond, certificate, and required insurance certificate and endorsement are not received within specified timeframe; and

WHEREAS, the Scope of Work and Budget included in this Contract meets the needs and requirements of the City for this project; and

WHEREAS, the City Council of the City of Yakima finds that entering into the Contract with Knobel's Electric Inc for construction of the Russell Lane Improvements Project 2650 is in the best interests of the City and its residents; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

The City Manager is hereby authorized to execute a Contract with Knobel's Electric, Inc., attached hereto and incorporated herein by this reference, not to exceed Five Hundred Eighty-Four Thousand One Hundred and Twelve Dollars ($584,112) to provide construction services for work outlined in the Contract at the intersection of South 1st Street and Russell Lane.

ADOPTED BY THE CITY COUNCIL this 19th day of March, 2024.

_____
Patricia Byers, Mayor

ATTEST:

_____
Rosalinda Ibarra, City Clerk

CONTRACT

THIS AGREEMENT, made and entered into in triplicate, this 19th day of March, 2024, by and between the City of Yakima, hereinafter called the Owner,
and Knobel's Electric, Inc., a Washington Corporation, hereinafter called the Contractor.

WITNESSETH:
That in consideration of the terms and conditions contained herein and attached and made a part of this agreement, the parties hereto covenant and agree as follows:

I. The Contractor shall do all work and furnish all tools, materials, labor and equipment for THE BID AMOUNT OF: $ 584,112.00, for **Russell Lane Improvements, City of Yakima Project No. 2650,** all in accordance with, and as described in the attached specifications and the 2024 Standard Specifications for Road, Bridge, and Municipal Construction which are by this reference incorporated herein and made a part hereof, and shall perform any alterations in or additions to the work provided under this contract and every part thereof.

Work shall start within ten (10) days after the Notice to Proceed and shall be completed in forty (40) working days. The first chargeable working day shall be the 11th working day after the date on which the City issues the Notice to Proceed.

If said work is not completed within the time specified, the Contractor agrees to pay to the Owner the sum specified in the Standard Specifications for each and every day said work remains uncompleted after expiration of the specified time, as liquidated damages.

The Contractors shall provide and bear the expense of all equipment; work and labor of any sort whatsoever that may be required for the transfer of materials and for constructing and completing the work provided for in this contract and every part thereof, except such as are mentioned in the specifications to be furnished by the City of Yakima.

II. The City of Yakima hereby promises and agrees with the Contractor to employ, and does employ the Contractor to provide the materials and to do and cause to be done the above described work and to complete and finish the same according to the attached plans and specifications and the terms and conditions herein contained and hereby contracts to pay for the same according to the attached specifications and the schedule of unit or itemized prices hereto attached, at the time and in the manner and upon the conditions provided for in this contract.

III. INDEMNIFICATION. The Contractor shall release, indemnify, defend, and hold harmless the City, its elected and appointed officials, officers, employees, agents, representatives, insurers, attorneys, and volunteers from all liabilities, losses, damages, and expenses related to all claims, suits, arbitration actions, investigations, and regulatory or other governmental proceedings arising from or in connection with this Agreement or the acts, failures to act, errors or omissions of the Contractor, or any Contractor's agent or subcontractor, in performance of this Agreement, except for claims caused by the City's sole negligence.

a. Industrial Insurance Act Waiver. It is specifically and expressly understood that the Contractor waives any immunity that may be granted to it under the Washington State industrial insurance act, Title 51 RCW, solely for the purposes of this indemnification. Contractor's indemnification shall not be limited in any way by any limitation on the amount of damages, compensation or benefits payable to or by any third party under workers' compensation acts, disability benefit acts or any other benefits acts or programs. Contractor shall require that its subcontractors, and anyone directly or indirectly employed or hired by Contractor, and anyone for whose acts Contractor may be liable in connection with its performance of this Agreement, comply with the terms of this paragraph, waive any immunity granted under Title 51 RCW, and assume all potential liability for actions brought by their respective employees. The Parties acknowledge that they have mutually negotiated this waiver.

b. Should a court of competent jurisdiction determine that this Agreement is subject to RCW

4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the City, the Contractor's liability, including the duty and cost to defend, shall be only to the extent of the Contractor's negligence.

c. Nothing contained in this Section or this Contract shall be construed to create a liability or a right of indemnification in any third party.

d. The terms of this Section shall survive any expiration or termination of this Contract.

IV. The Contractor for himself, and for his heirs, executors, administrators, successors, and assigns, does hereby agree to the full performance of all the covenants herein contained upon the part of the Contractor.

V. It is further provided that no liability shall attach to the City of Yakima by reason of entering into this contract, except as expressly provided herein.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed the day and year first herein above written.

Countersigned: **CITY OF YAKIMA**

this _____ day of _____ 2024.

_____
City Manager Signature

_____
(Printed Name)

Attest:

_____
City Clerk

CONTRACTOR

__Knobel's Electric, Inc._____, a_____Corporation
Construction Company

By: _____
Contractor Signature

_____
(Printed Name)

Its: _____
(President, Owner, etc.)

Address: 801 Tennant Ln
Yakima, WA 98901

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 7.I.
For Meeting of: March 19, 2024

ITEM TITLE: Resolution authorizing professional services agreement Supplemental 1 with NAC Architecture for MLK Jr. Park Eastside Pool Project 2745

SUBMITTED BY: Scott Schafer, Director of Public Works
Bill Preston, City Engineer
*Ken Wilkinson, Parks and Recreation Manager

SUMMARY EXPLANATION:

The City of Yakima (City) approved an Agreement with NAC Architecture (R-2023-010) on the Aquatic Pool Design for the MLK Jr Park Eastside Pool Project 2745.

The City recommends entering into Supplemental Agreement 1 with NAC Architecture for Project Management Services. The Supplemental Agreement is in the amount not to exceed $306,915 and will be paid with REET funding.

ITEM BUDGETED: Yes

STRATEGIC PRIORITY: Neighborhood and Community Building

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

Adopt Resolution.

ATTACHMENTS:

Description	Upload Date	Type
Resolution	3/4/2024	Resolution
Consultant Agreement	3/4/2024	Contract
Exhibit A	3/4/2024	Exhibit
Exhibit B	3/4/2024	Exhibit

RESOLUTION NO. R-2024-

A RESOLUTION authorizing Contract Supplemental Agreement Number 1 to the Professional Services Agreement with NAC Architecture to provide professional construction management for the MLK Jr Park Eastside Pool Project 2745.

WHEREAS, the City of Yakima (City) previously entered into a contract with NAC Architecture (R-2023-010) to provide aquatic pool design for the MLK Jr Park Eastside Pool Project 2745 (Project) under original contract number 2023-007, approved by the City Council and executed on January 4, 2023 by Resolution Number 2023-010; and

WHEREAS, the City needs professional construction management and administration services for the Project; and

WHEREAS, the Scope of Work included in the Supplemental Agreement Number 1 with NAC Architecture meets the needs and requirements of the City of Yakima for this Project; and

WHEREAS, the Project will utilize REET 1 funds for the supplemental agreement; and

WHEREAS, the City Council of the City of Yakima finds that it is in the best interests of the City and its residents to enter into Supplement Agreement Number 1 of the Professional Services Agreement with NAC Architecture for tasks associated with the MLK Jr Park Eastside Pool Project 2745; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

The City Manager is hereby authorized to execute Professional Services Agreement Supplemental 1 with NAC Architecture, not to exceed Three Hundred and Six Thousand Nine Hundred and Fifteen Dollars ($306,915) for the supplement to provide the Professional Services as described.

ADOPTED BY THE CITY COUNCIL this 19th day of March, 2024.

_____
Patricia Byers , Mayor

ATTEST:

_____
Rosalinda Ibarra, City Clerk

Contract Supplemental Agreement

Supplemental Agreement Number: 1	**Organization and Address:** 1203 W Riverside Ave Spokane, WA 99201-1107
Original Contract Number: 2023-007	**Execution Date of Supplement:**
City Engineering Project Number: 2745	**Completion Date of Supplement:** December 31, 2025
Project Title: MLK Jr Community Park Pool Design	**Maximum Amount Payable this Supplement:** $306,915
Maximum Total Amount Payable for the Agreement:	$1,245,348 ($938,433 + $306,915)

Section 1: Supplemental Agreement

The City of Yakima, Washington desires to supplement the contract agreement entered into with **NAC Architecture**, and executed on **Jan 4, 2023** by Resolution No. **2023-010** and identified as Contract **2023-007**. All provisions in the basic contract remain in effect except as expressly modified by this supplement. The changes to the agreement are described as follows:

Section 2: Scope of Services

The Scope of Services is modified to include bidding, construction administration, and closeout per the attached **Exhibit A - Scope of Work Proposal** and **EXHIBIT B - Architect/Engineering Fees- Basic and Supplemental Services**

Section 6: Compensation

Payment for this supplemented work will, as shown on Exhibit A is not to exceed **$306,915**, bringing the total amount of the Agreement to **$1,245,348**

Section 8: Project Schedule and Budget

There is no change to the agreement End Date of December 31, 2025 as a result of this Supplement.

If you concur with this supplement and agree to the changes as stated above, please sign the appropriate spaces below and return to this office for final action.

By: _____

_____
Consultant Signature

By: _____

_____
City Manager

_____
Date

AIA® Document B101® – 2017

Standard Form of Agreement Between Owner and Architect

EXHIBIT A- Scope of Work Proposal

ADDITIONS AND DELETIONS: The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AGREEMENT made as of the 3rd day of January in the year 2023 and revised as of the 1st day of February in the year 2024
(In words, indicate day, month and year.)

BETWEEN the Architect's client identified as the Owner:
(Name, legal status, address and other information)

City of Yakima
129 North 2nd Street
Yakima, WA 98901

and the Architect:
(Name, legal status, address and other information)

NAC
1203 W Riverside Avenue
Spokane, WA 99201

for the following Project:
(Name, location and detailed description)

Martin Luther King Jr. Community Park Pool
S 8th and Beech
Yakima, WA 98901

The Owner and Architect agree as follows.

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ARTICLE 1 INITIAL INFORMATION

§ 1.1 This Agreement is based on the Initial Information set forth in this Section 1.1.
(For each item in this section, insert the information or a statement such as "not applicable" or "unknown at time of execution.")

§ 1.1.1 The Owner's program for the Project:
(Insert the Owner's program, identify documentation that establishes the Owner's program, or state the manner in which the program will be developed.)

New City of Yakima Aquatic Center in MLK Jr. Community Park including a new (approximately 5,500 SF) poolhouse building and (approximately 7,800 SF) new outdoor recreation pool(s) and related support facilities, parking, site utilities, landscape and all site components directly related to the aquatic center. A Feasibility Study conducted by the City in 2019 established approximate areas for the poolhouse building and areas for the pool(s). The study included approximately 7800 SF of pool area for Phase 1 and an additional approximate 900 SF of pool area for Phase 2. Details of the program including area of pools and pool amenities, area and requirements of the poolhouse and site requirements will be determined during the Predesign Phase.

§ 1.1.2 The Project's physical characteristics:
(Identify or describe pertinent information about the Project's physical characteristics, such as size; location; dimensions; geotechnical reports; site boundaries; topographic surveys; traffic and utility studies; availability of public and private utilities and services; legal description of the site, etc.)

The project will be located within MLK Jr. Community Park at S 8th and Beech. The park is approximately 143,800 SF (3.30 Acres) and the center is intended to occupy the north half of the park. The specific location and layout will be determined during the Predesign and Planning Phase.

§ 1.1.3 The Owner's budget for the Cost of the Work, as defined in Section 6.1:

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(Provide total and, if known, a line item breakdown.)

The Cost of the Work (MACC – Maximum Allowable Construction Cost) is $9,250,000.00, not including state sales tax. This MACC includes the pool area of Phase 1 only. The Owner's budget includes an additional $1,200,000.00 allowance, not including sales tax, to increase the MACC or for Bid Alternates above the original MACC. Written authorization by the Owner is required in order to increase the MACC using part or all of this additional allowance.

§ 1.1.4 The Owner's anticipated design and construction milestone dates:

.1 Design phase milestone dates, if any:

Design phases starting approximately on January 9, 2023 and ending approximately on January 19, 2024-
Predesign: 8 weeks
Schematic Design: 5 weeks
Design Development: 11 weeks
Construction Documents: 26 weeks
Bidding: 6 weeks

.2 Construction commencement date:

Construction commencement date will be determined within 45 days of the project bid date scheduled for March 5th, 2024

.3 Substantial Completion date or dates:

Substantial completion date is scheduled for 380 calendar days from the notice to proceed.

.4 Other milestone dates:

Not applicable (NA)

§ 1.1.5 The Owner intends the following procurement and delivery method for the Project:
(Identify method such as competitive bid or negotiated contract, as well as any requirements for accelerated or fast-track design and construction, multiple bid packages, or phased construction.)

Competitive Bidding

§ 1.1.6 The Owner's anticipated Sustainable Objective for the Project:
(Identify and describe the Owner's Sustainable Objective for the Project, if any.)

None

§ 1.1.6.1 If the Owner identifies a Sustainable Objective, the Owner and Architect shall complete and incorporate AIA Document E204™–2017, Sustainable Projects Exhibit, into this Agreement to define the terms, conditions and services related to the Owner's Sustainable Objective. If E204–2017 is incorporated into this agreement, the Owner and Architect shall incorporate the completed E204–2017 into the agreements with the consultants and contractors performing services or Work in any way associated with the Sustainable Objective.

§ 1.1.7 The Owner identifies the following representative in accordance with Section 5.3:
(List name, address, and other contact information.)

Kenneth Wilkinson
City of Yakima Parks & Recreation

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129 North 2nd Street
Yakima, WA, 98901
(509) 576-6696
Kenneth.Wilkinson@yakimawa.gov

§ 1.1.8 The persons or entities, in addition to the Owner's representative, who are required to review the Architect's submittals to the Owner are as follows:
(List name, address, and other contact information.)

Bradley Schneider
City of Yakima Parks & Recreation
129 North 2nd Street
Yakima, WA, 98901
(509) 576-6696
Bradley.Schneider@yakimawa.gov

§ 1.1.9 The Owner shall retain the following consultants and contractors:
(List name, legal status, address, and other contact information.)

.1 Geotechnical Engineer:

None, geotechnical engineer to be retained by Architect

.2 Civil Engineer:

None, civil engineer to be retained by the Architect

.3 Other, if any:
(List any other consultants and contractors retained by the Owner.)

Special Inspections & Testing during construction, GN Northern

§ 1.1.10 The Architect identifies the following representative in accordance with Section 2.3:
(List name, address, and other contact information.)

Keith Comes, Principal-in-Charge, kcomes@nacarchitecture.com
Brooke Hanley, Project Manager, bhanley@nacarchitecture.com
1203 West Riverside Avenue
Spokane, WA 99201
509-838-8240

§ 1.1.11 The Architect shall retain the consultants identified in Sections 1.1.11.1 and 1.1.11.2:
(List name, legal status, address, and other contact information.)

§ 1.1.11.1 Consultants retained under Basic Services:

.1 Structural Engineer:

Coffman Engineers
10 North Post Street, Suite 500
Spokane, WA 99201

.2 Mechanical Engineer:

L&S Engineering

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216 W Pacific Avenue, Suite 211
Spokane, WA 99201

.3 Electrical Engineer:

NAC Engineering
1203 West Riverside Avenue
Spokane, WA 99201

§ 1.1.11.2 Consultants retained under Supplemental Services:

Parametrix, Civil Engineer and Surveyor
MTLA Landscape, Landscape Architect
Water Technology, Inc., Aquatic Consultant
MACC Estimating Group, Cost Estimator
GN Northern, Geotechnical Engineer

§ 1.1.12 Other Initial Information on which the Agreement is based:

Predesign Phase is included as a Supplemental Service to determine final program requirements, confirm layout of the new aquatic center within MLK Jr Community Park (including development of up to 3 site and aquatic amenity layouts) and to confirm that the Owner's budget is in alignment with project requirements.

§ 1.2 The Owner and Architect may rely on the Initial Information. Both parties, however, recognize that the Initial Information may materially change and, in that event, the Owner and the Architect shall appropriately adjust the Architect's services, schedule for the Architect's services, and the Architect's compensation. The Owner shall adjust the Owner's budget for the Cost of the Work and the Owner's anticipated design and construction milestones, as necessary, to accommodate material changes in the Initial Information.

§ 1.3 The parties shall agree upon protocols governing the transmission and use of Instruments of Service or any other information or documentation in digital form. The parties will use AIA Document E203™–2013, Building Information Modeling and Digital Data Exhibit, to establish the protocols for the development, use, transmission, and exchange of digital data.

§ 1.3.1 Any use of, or reliance on, all or a portion of a building information model without agreement to protocols governing the use of, and reliance on, the information contained in the model and without having those protocols set forth in AIA Document E203™–2013, Building Information Modeling and Digital Data Exhibit, and the requisite AIA Document G202™–2013, Project Building Information Modeling Protocol Form, shall be at the using or relying party's sole risk and without liability to the other party and its contractors or consultants, the authors of, or contributors to, the building information model, and each of their agents and employees.

ARTICLE 2 ARCHITECT'S RESPONSIBILITIES (see also SECTION 7 of the prime Agreement for Professional Services)

§ 2.1 The Architect shall provide professional services as set forth in this Agreement. The Architect represents that it is properly licensed in the jurisdiction where the Project is located to provide the services required by this Agreement, or shall cause such services to be performed by appropriately licensed design professionals.

§ 2.2 The Architect shall perform its services consistent with the professional skill and care ordinarily provided by architects practicing in the same or similar locality under the same or similar circumstances. The Architect shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project.

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§ 2.3 The Architect shall identify a representative authorized to act on behalf of the Architect with respect to the Project.

§ 2.4 Except with the Owner's knowledge and consent, the Architect shall not engage in any activity, or accept any employment, interest or contribution that would reasonably appear to compromise the Architect's professional judgment with respect to this Project.

(Paragraphs deleted)

ARTICLE 3 SCOPE OF ARCHITECT'S BASIC SERVICES

§ 3.1 The Architect's Basic Services consist of those described in this Article 3 and include usual and customary structural, mechanical, and electrical engineering services. Services not set forth in this Article 3 are Supplemental or Additional Services.

§ 3.1.1 The Architect shall manage the Architect's services, research applicable design criteria, attend Project meetings, communicate with members of the Project team, and report progress to the Owner.

§ 3.1.2 The Architect shall coordinate its services with those services provided by the Owner and the Owner's consultants. The Architect shall be entitled to rely on, and shall not be responsible for, the accuracy, completeness, and timeliness of, services and information furnished by the Owner and the Owner's consultants. The Architect shall provide prompt written notice to the Owner if the Architect becomes aware of any error, omission, or inconsistency in such services or information.

§ 3.1.3 As soon as practicable after the date of this Agreement, the Architect shall submit for the Owner's approval a schedule for the performance of the Architect's services. The schedule initially shall include anticipated dates for the commencement of construction and for Substantial Completion of the Work as set forth in the Initial Information. The schedule shall include allowances for periods of time required for the Owner's review, for the performance of the Owner's consultants, and for approval of submissions by authorities having jurisdiction over the Project. Once approved by the Owner, time limits established by the schedule shall not, except for reasonable cause, be exceeded by the Architect or Owner. With the Owner's approval, the Architect shall adjust the schedule, if necessary, as the Project proceeds until the commencement of construction.

§ 3.1.4 The Architect shall not be responsible for an Owner's directive or substitution, or for the Owner's acceptance of non-conforming Work, made or given without the Architect's written approval.

§ 3.1.5 The Architect shall contact governmental authorities required to approve the Construction Documents. The Architect shall respond to applicable design requirements imposed by those authorities.

§ 3.1.6 The Architect shall assist the Owner in connection with the Owner's responsibility for filing documents required for the approval of governmental authorities having jurisdiction over the Project.

§ 3.2 Schematic Design Phase Services

§ 3.2.1 The Architect shall review the program and other information furnished by the Owner, and shall review laws, codes, and regulations applicable to the Architect's services.

§ 3.2.2 The Architect shall prepare a preliminary evaluation of the Owner's program, schedule, budget for the Cost of the Work, Project site, the proposed procurement and delivery method, and other Initial Information, each in terms of the other, to ascertain the requirements of the Project. The Architect shall notify the Owner of (1) any inconsistencies discovered in the information, and (2) other information or consulting services that may be reasonably needed for the Project.

§ 3.2.3 The Architect shall present its preliminary evaluation to the Owner and shall discuss with the Owner alternative approaches to design and construction of the Project. The Architect shall reach an understanding with the Owner regarding the requirements of the Project.

§ 3.2.4 Based on the Project requirements agreed upon with the Owner, the Architect shall prepare and present, for the Owner's approval, a preliminary design illustrating the scale and relationship of the Project components.

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§ 3.2.5 Based on the Owner's approval of the preliminary design, the Architect shall prepare Schematic Design Documents for the Owner's approval. The Schematic Design Documents shall consist of drawings and other documents including a site plan, if appropriate, and preliminary building plans, sections and elevations; and may include some combination of study models, perspective sketches, or digital representations. Preliminary selections of major building systems and construction materials shall be noted on the drawings or described in writing.

§ 3.2.5.1 The Architect shall consider sustainable design alternatives, such as material choices and building orientation, together with other considerations based on program and aesthetics, in developing a design that is consistent with the Owner's program, schedule and budget for the Cost of the Work. The Owner may obtain more advanced sustainable design services as a Supplemental Service under Section 4.1.1.

§ 3.2.5.2 The Architect shall consider the value of alternative materials, building systems and equipment, together with other considerations based on program and aesthetics, in developing a design for the Project that is consistent with the Owner's program, schedule, and budget for the Cost of the Work.

§ 3.2.6 The Architect shall review with the Owner an estimate of the Cost of the Work prepared in accordance with Section 6.3.

§ 3.2.7 The Architect shall submit the Schematic Design Documents to the Owner, and request the Owner's approval.

§ 3.3 Design Development Phase Services

§ 3.3.1 Based on the Owner's approval of the Schematic Design Documents, and on the Owner's authorization of any adjustments in the Project requirements and the budget for the Cost of the Work, the Architect shall prepare Design Development Documents for the Owner's approval. The Design Development Documents shall illustrate and describe the development of the approved Schematic Design Documents and shall consist of drawings and other documents including plans, sections, elevations, typical construction details, and diagrammatic layouts of building systems to fix and describe the size and character of the Project as to architectural, structural, mechanical and electrical systems, and other appropriate elements. The Design Development Documents shall also include outline specifications that identify major materials and systems and establish, in general, their quality levels.

§ 3.3.2 The Architect shall review with the Owner an update of the estimate of the Cost of the Work prepared in accordance with Section 6.3.

§ 3.3.3 The Architect shall submit the Design Development Documents to the Owner, advise the Owner of any adjustments to the estimate of the Cost of the Work, and request the Owner's approval.

§ 3.4 Construction Documents Phase Services

§ 3.4.1 Based on the Owner's approval of the Design Development Documents, and on the Owner's authorization of any adjustments in the Project requirements and the budget for the Cost of the Work, the Architect shall prepare Construction Documents for the Owner's approval. The Construction Documents shall illustrate and describe the further development of the approved Design Development Documents and shall consist of Drawings and Specifications setting forth in detail the quality levels and performance criteria of materials and systems and other requirements for the construction of the Work. The Owner and Architect acknowledge that, in order to perform the Work, the Contractor will provide additional information, including Shop Drawings, Product Data, Samples and other similar submittals, which the Architect shall review in accordance with Section 3.6.4.

§ 3.4.2 The Architect shall incorporate the design requirements of governmental authorities having jurisdiction over the Project into the Construction Documents.

§ 3.4.3 During the development of the Construction Documents, the Architect shall assist the Owner in the development and preparation of (1) procurement information that describes the time, place, and conditions of bidding, including bidding or proposal forms; (2) the form of agreement between the Owner and Contractor; and (3) the Conditions of the Contract for Construction (General, Supplementary and other Conditions). The Architect shall also compile a project manual that includes the Conditions of the Contract for Construction and Specifications, and may include bidding requirements and sample forms.

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§ 3.4.4 The Architect shall review with the Owner an update of the estimate for the Cost of the Work prepared in accordance with Section 6.3.

§ 3.4.5 The Architect shall submit the Construction Documents to the Owner, advise the Owner of any adjustments to the estimate of the Cost of the Work, take any action required under Section 6.5, and request the Owner's approval.

§ 3.5 Procurement Phase Services (requires prior written authorization by the City to proceed)

§ 3.5.1 General

The Architect shall assist the Owner in establishing a list of prospective contractors. Following the Owner's approval of the Construction Documents, the Architect shall assist the Owner in (1) obtaining either competitive bids or negotiated proposals; (2) confirming responsiveness of bids or proposals; (3) determining the successful bid or proposal, if any; and, (4) awarding and preparing contracts for construction.

§ 3.5.2 Competitive Bidding (requires prior written authorization by the City to proceed)

§ 3.5.2.1 Bidding Documents shall consist of bidding requirements and proposed Contract Documents.

§ 3.5.2.2 The Architect shall assist the Owner in bidding the Project by:

- **.1** facilitating the distribution of Bidding Documents to prospective bidders;
- **.2** organizing and conducting a pre-bid conference for prospective bidders;
- **.3** preparing responses to questions from prospective bidders and providing clarifications and interpretations of the Bidding Documents to the prospective bidders in the form of addenda; and,
- **.4** organizing and conducting the opening of the bids, and subsequently documenting and distributing the bidding results, as directed by the Owner.

§ 3.5.2.3 If the Bidding Documents permit substitutions, upon the Owner's written authorization, the Architect shall, as an Additional Service, consider requests for substitutions and prepare and distribute addenda identifying approved substitutions to all prospective bidders.

(Paragraphs deleted)

§ 3.6 Construction Phase Services (requires prior written authorization by the City to proceed)

§ 3.6.1 General

§ 3.6.1.1 The Architect shall provide administration of the Contract between the Owner and the Contractor as set forth below and in AIA Document A201™–2017, General Conditions of the Contract for Construction. If the Owner and Contractor modify AIA Document A201–2017, those modifications shall not affect the Architect's services under this Agreement unless the Owner and the Architect amend this Agreement.

§ 3.6.1.2 The Architect shall advise and consult with the Owner during the Construction Phase Services. The Architect shall have authority to act on behalf of the Owner only to the extent provided in this Agreement. The Architect shall not have control over, charge of, or responsibility for the construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work, nor shall the Architect be responsible for the Contractor's failure to perform the Work in accordance with the requirements of the Contract Documents. The Architect shall be responsible for the Architect's negligent acts or omissions, but shall not have control over or charge of, and shall not be responsible for, acts or omissions of the Contractor or of any other persons or entities performing portions of the Work.

§ 3.6.1.3 Subject to Section 4.2 and except as provided in Section 3.6.6.5, the Architect's responsibility to provide Construction Phase Services commences with the award of the Contract for Construction and terminates on the date the Architect issues the final Certificate for Payment.

§ 3.6.2 Evaluations of the Work

§ 3.6.2.1 The Architect shall visit the site at intervals appropriate to the stage of construction, or as otherwise required in Section 4.2.3, to become generally familiar with the progress and quality of the portion of the Work completed, and to determine, in general, if the Work observed is being performed in a manner indicating that the Work, when fully completed, will be in accordance with the Contract Documents. However, the Architect shall not be required to make

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exhaustive or continuous on-site observations or any inspections to check the quality or quantity of the Work. On the basis of the site visits, the Architect shall keep the Owner reasonably informed about the progress and quality of the portion of the Work completed, and promptly report to the Owner (1) known deviations from the Contract Documents, (2) known deviations from the most recent construction schedule submitted by the Contractor, and (3) defects and deficiencies observed in the Work.

§ 3.6.2.2 The Architect will consult with the Owner concerning whether to reject Work that does not conform to the Contract Documents that comes to the attention of the Architect. Whenever the Architect considers it necessary or advisable, the Architect shall have the authority to require inspection or testing of the Work in accordance with the provisions of the Contract Documents, whether or not the Work is fabricated, installed or completed. However, neither this authority of the Architect nor a decision made in good faith either to exercise or not to exercise such authority shall give rise to a duty or responsibility of the Architect to the Contractor, Subcontractors, suppliers, their agents or employees, or other persons or entities performing portions of the Work.

§ 3.6.2.3 The Architect shall interpret and decide matters concerning performance under, and requirements of, the Contract Documents on written request of either the Owner or Contractor. The Architect's response to such requests shall be made in writing within any time limits agreed upon or otherwise with reasonable promptness.

§ 3.6.2.4 Interpretations and recommendations of the Architect shall be consistent with the intent of, and reasonably inferable from, the Contract Documents and shall be in writing or in the form of drawings. When making such interpretations and recommendations, the Architect shall endeavor to secure faithful performance by both Owner and Contractor, shall not show partiality to either, and shall not be liable for results of interpretations or recommendations rendered in good faith. The Architect and Qwner will review matters relating to aesthetic effect and the Owner will make any final decisions on these matters with the intent expressed in the Contract Documents.

§ 3.6.2.5 Unless the Owner and Contractor designate another person to serve as an Initial Decision Maker, as that term is defined in AIA Document A201–2017, the Architect shall render initial decisions on Claims between the Owner and Contractor as provided in the Contract Documents.

§ 3.6.3 Certificates for Payment to Contractor

§ 3.6.3.1 The Architect shall review and certify the amounts due the Contractor and shall issue certificates in such amounts. The Architect's certification for payment shall constitute a representation to the Owner, based on the Architect's evaluation of the Work as provided in Section 3.6.2 and on the data comprising the Contractor's Application for Payment, that, to the best of the Architect's knowledge, information and belief, the Work has progressed to the point indicated as reviewed against the agreed upon schedule of values, the quality of the Work is in accordance with the Contract Documents, and that the Contractor is entitled to payment in the amount certified. The foregoing representations are subject to (1) an evaluation of the Work for conformance with the Contract Documents upon Substantial Completion, (2) results of subsequent tests and inspections, (3) correction of minor deviations from the Contract Documents prior to completion, and (4) specific qualifications expressed by the Architect.

§ 3.6.3.2 The issuance of a Certificate for Payment shall not be a representation that the Architect has (1) made exhaustive or continuous on-site observations or any inspections to check the quality or quantity of the Work, (2) reviewed construction means, methods, techniques, sequences or procedures, (3) reviewed copies of requisitions received from Subcontractors and suppliers and other data requested by the Owner to substantiate the Contractor's right to payment, or (4) ascertained how or for what purpose the Contractor has used money previously paid on account of the Contract Sum.

§ 3.6.3.3 The Architect shall maintain a record of the Applications and Certificates for Payment.

§ 3.6.4 Submittals

§ 3.6.4.1 The Architect shall review the Contractor's submittal schedule and shall not unreasonably delay or withhold approval of the schedule. The Architect's action in reviewing submittals shall be taken in accordance with the approved submittal schedule or, in the absence of an approved submittal schedule, with reasonable promptness while allowing sufficient time, in the Architect's professional judgment, to permit adequate review.

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§ 3.6.4.2 The Architect shall review and take other appropriate action upon, the Contractor's submittals such as Shop Drawings, Product Data and Samples, but only for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents. Review of such submittals is not for the purpose of determining the accuracy and completeness of other information such as dimensions, quantities, and installation or performance of equipment or systems, which are the Contractor's responsibility. The Architect's review shall not constitute review of or approval of safety precautions or construction means, methods, techniques, sequences or procedures. The Architect's review of a specific item shall not indicate review of or approval of an assembly of which the item is a component.

§ 3.6.4.3 If the Contract Documents specifically require the Contractor to provide professional design services or certifications by a design professional related to systems, materials, or equipment, the Architect shall specify the appropriate performance and design criteria that such services must satisfy. The Architect shall review and take appropriate action on Shop Drawings and other submittals related to the Work designed or certified by the Contractor's design professional, provided the submittals bear such professional's seal and signature when submitted to the Architect. The Architect's review shall be for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents. The Architect shall be entitled to rely upon, and shall not be responsible for, the adequacy and accuracy of the services, certifications, and approvals performed or provided by such design professionals.

§ 3.6.4.4 Subject to Section 4.2, the Architect shall review and respond to requests for information about the Contract Documents. The Architect shall set forth, in the Contract Documents, the requirements for requests for information. Requests for information shall include, at a minimum, a detailed written statement that indicates the specific Drawings or Specifications in need of clarification and the nature of the clarification requested. The Architect's response to such requests shall be made in writing within any time limits agreed upon, or otherwise with reasonable promptness. If appropriate, the Architect shall prepare and issue supplemental Drawings and Specifications in response to the requests for information.

§ 3.6.4.5 The Architect shall maintain a record of submittals and copies of submittals supplied by the Contractor in accordance with the requirements of the Contract Documents.

§ 3.6.5 Changes in the Work

§ 3.6.5.1 The Architect may order minor changes in the Work that are consistent with the intent of the Contract Documents and do not involve an adjustment in the Contract Sum or an extension of the Contract Time, subject to approval by the Owner. Subject to Section 4.2, the Architect shall prepare Change Orders and Construction Change Directives for the Owner's approval and execution in accordance with the Contract Documents.

§ 3.6.5.2 The Architect shall maintain records relative to changes in the Work.

§ 3.6.6 Project Completion

§ 3.6.6.1 The Architect shall:

- **.1** conduct field reviews to determine the date or dates of Substantial Completion and the date of final completion;
- **.2** issue Certificates of Substantial Completion;
- **.3** forward to the Owner, for the Owner's review and records, written warranties and related documents required by the Contract Documents and received from the Contractor; and,
- **.4** issue a final Certificate for Payment based upon a final inspection indicating that, to the best of the Architect's knowledge, information, and belief, the Work complies with the requirements of the Contract Documents.

§ 3.6.6.2 The Architect's field reviews shall be conducted with the Owner to check conformance of the Work with the requirements of the Contract Documents and to verify the accuracy and completeness of the list submitted by the Contractor of Work to be completed or corrected.

§ 3.6.6.3 When Substantial Completion has been achieved, the Architect shall inform the Owner about the balance of the Contract Sum remaining to be paid the Contractor, including the amount to be retained from the Contract Sum, if any, for final completion or correction of the Work.

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§ 3.6.6.4 The Architect shall forward to the Owner the following information received from the Contractor: (1) consent of surety or sureties, if any, to reduction in or partial release of retainage or the making of final payment; (2) affidavits, receipts, releases and waivers of liens, or bonds indemnifying the Owner against liens; and (3) any other documentation required of the Contractor under the Contract Documents.

§ 3.6.6.5 Upon request of the Owner, and prior to the expiration of one year from the date of Substantial Completion, the Architect shall, without additional compensation, conduct a meeting with the Owner to review the facility operations and performance.

ARTICLE 4 SUPPLEMENTAL AND ADDITIONAL SERVICES

§ 4.1 Supplemental Services

§ 4.1.1 The services listed below are not included in Basic Services but may be required for the Project. The Architect shall provide the listed Supplemental Services only if specifically designated in the table below as the Architect's responsibility, and the Owner shall compensate the Architect as provided in Section 11.2. Unless otherwise specifically addressed in this Agreement, if neither the Owner nor the Architect is designated, the parties agree that the listed Supplemental Service is not being provided for the Project.
(Designate the Architect's Supplemental Services and the Owner's Supplemental Services required for the Project by indicating whether the Architect or Owner shall be responsible for providing the identified Supplemental Service. Insert a description of the Supplemental Services in Section 4.1.2 below or attach the description of services as an exhibit to this Agreement.)

Supplemental Services	**Responsibility** *(Architect, Owner, or not provided)*
§ 4.1.1.1 Programming	Architect, included with Predesign, see 4.1.1.31 below
§ 4.1.1.2 Multiple preliminary designs	Not provided
§ 4.1.1.3 Measured drawings	Not provided
§ 4.1.1.4 Existing facilities surveys	Not provided
§ 4.1.1.5 Site survey	Architect
§ 4.1.1.6 Building Information Model management responsibilities	Not provided
§ 4.1.1.7 Development of Building Information Models for post construction use	Not provided
§ 4.1.1.8 Civil engineering	Architect
§ 4.1.1.9 Landscape design	Architect
§ 4.1.1.10 Architectural interior design	Architect (basic services)
§ 4.1.1.11 Value analysis	Not provided
§ 4.1.1.12 Detailed cost estimating beyond that required in Section 6.3	Architect
§ 4.1.1.13 On-site project representation	Not provided
§ 4.1.1.14 Conformed documents for construction	Architect (basic services)
§ 4.1.1.15 As-designed record drawings	Not provided, may be included as an additional service
§ 4.1.1.16 As-constructed record drawings	Not provided, may be included as an additional service
§ 4.1.1.17 Post-occupancy evaluation	Not provided
§ 4.1.1.18 Facility support services	Not provided
§ 4.1.1.19 Tenant-related services	Not provided
§ 4.1.1.20 Architect's coordination of the Owner's consultants	NA, Not provided
§ 4.1.1.21 Telecommunications/data design	Architect (basic services)

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Supplemental Services	Responsibility (Architect, Owner, or not provided)
§ 4.1.1.22 Audio-visual, paging, clock, access control, intrusion detection, video surveillance and specialty pool systems. Telecommunications active equipment not included.	Architect (basic services for system rough-in only)
(Row deleted)	
§ 4.1.1.23 Commissioning	Not provided
§ 4.1.1.24 Sustainable Project Services pursuant to Section 4.1.3	NA, Not provided
§ 4.1.1.25 Fast-track design services	NA, Not provided
§ 4.1.1.26 Multiple bid packages	Not provided
§ 4.1.1.27 Historic preservation	NA, Not provided
§ 4.1.1.28 Furniture, furnishings, and equipment design	Not provided
§ 4.1.1.29 Aquatic design consultant	Architect
(Row deleted)	
§ 4.1.1.30 MACC increase/bid alternates	Architect, only with Owner authorization
(Row deleted)	
§ 4.1.1.31 Predesign	Architect
§ 4.1.1.32 Geotechnical investigation	Architect
§ 4.1.1.33 Certified Payroll	Architect

§ 4.1.2 Description of Supplemental Services

§ 4.1.2.1 A description of each Supplemental Service identified in Section 4.1.1 as the Architect's responsibility is provided below.

(Describe in detail the Architect's Supplemental Services identified in Section 4.1.1 or, if set forth in an exhibit, identify the exhibit. The AIA publishes a number of Standard Form of Architect's Services documents that can be included as an exhibit to describe the Architect's Supplemental Services.)

As described in this Agreement and Exhibit B.

§ 4.1.2.2 A description of each Supplemental Service identified in Section 4.1.1 as the Owner's responsibility is provided below.

(Describe in detail the Owner's Supplemental Services identified in Section 4.1.1 or, if set forth in an exhibit, identify the exhibit.)

As described in this Agreement..

§ 4.1.3 If the Owner identified a Sustainable Objective in Article 1, the Architect shall provide, as a Supplemental Service, the Sustainability Services required in AIA Document E204™–2017, Sustainable Projects Exhibit, attached to this Agreement. The Owner shall compensate the Architect as provided in Section 11.2.

§ 4.2 Architect's Additional Services (see also SECTION 2.2 of the prime Agreement for Professional Services)

The Architect may provide Additional Services after execution of this Agreement without invalidating the Agreement. Except for services required due to the fault of the Architect, any Additional Services provided in accordance with this Section 4.2 shall entitle the Architect to compensation pursuant to Section 11.3 and an appropriate adjustment in the Architect's schedule.

§ 4.2.1 Upon recognizing the need to perform the following Additional Services, the Architect shall notify the Owner with reasonable promptness and explain the facts and circumstances giving rise to the need. The Architect shall not proceed to provide the following Additional Services until the Architect receives the Owner's written authorization:

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.1 Services necessitated by a change in the Initial Information, previous instructions or approvals given by the Owner, or a material change in the Project including size, quality, complexity, the Owner's schedule or budget for Cost of the Work, or procurement or delivery method;
.2 Services necessitated by the enactment or revision of codes, laws, or regulations, including changing or editing previously prepared Instruments of Service;
.3 Changing or editing previously prepared Instruments of Service necessitated by official interpretations of applicable codes, laws or regulations that are either (a) contrary to specific interpretations by the applicable authorities having jurisdiction made prior to the issuance of the building permit, or (b) contrary to requirements of the Instruments of Service when those Instruments of Service were prepared in accordance with the applicable standard of care;
.4 Services necessitated by decisions of the Owner not rendered in a timely manner or any other failure of performance on the part of the Owner or the Owner's consultants or contractors;
.5 Preparing digital models or other design documentation for transmission to the Owner's consultants and contractors, or to other Owner-authorized recipients;
.6 Preparation of design and documentation for alternate bid or proposal requests proposed by the Owner;
.7 Preparation for, and attendance at, a public presentation, meeting or hearing;
.8 Preparation for, and attendance at, a dispute resolution proceeding or legal proceeding, except where the Architect is party thereto;
.9 Evaluation of the qualifications of entities providing bids or proposals;
.10 Consultation concerning replacement of Work resulting from fire or other cause during construction; or,
.11 Assistance to the Initial Decision Maker, if other than the Architect.

§ 4.2.2 To avoid delay in the Construction Phase, the Architect shall offer the following Additional Services, notify the Owner with reasonable promptness, and explain the facts and circumstances giving rise to the need. If, the Additional Services offered are approved by the Owner, the Owner shall give prompt written notice to the Architect of the Owner's determination. The Owner shall compensate the Architect for the services provided per Article 11.

.1 Reviewing a Contractor's submittal out of sequence from the submittal schedule approved by the Architect;
.2 Responding to the Contractor's requests for information that are not prepared in accordance with the Contract Documents or where such information is available to the Contractor from a careful study and comparison of the Contract Documents, field conditions, other Owner-provided information, Contractor-prepared coordination drawings, or prior Project correspondence or documentation;
.3 Preparing Change Orders and Construction Change Directives that require evaluation of Contractor's proposals and supporting data, or the preparation or revision of Instruments of Service;
.4 Evaluating an extensive number of Claims as the Initial Decision Maker; or,
.5 Evaluating substitutions proposed by the Owner or Contractor and making subsequent revisions to Instruments of Service resulting therefrom.

§ 4.2.3 The Architect shall provide Construction Phase Services exceeding the limits set forth below as Additional Services. When the limits below are reached, the Architect shall notify the Owner:

.1 Two (2) reviews of each Shop Drawing, Product Data item, sample and similar submittals of the Contractor.
.2 Refer to Exhibit B for number of visits to the site by the Architect and Consultants.
.3 One (1) field reviews for any portion of the Work to determine whether such portion of the Work is substantially complete in accordance with the requirements of the Contract Documents (one punchlist review).
.4 One (1) field reviews for any portion of the Work to determine final completion (one punchlist backcheck review).

§ 4.2.4 Except for services required under Section 3.6.6.5 and those services that do not exceed the limits set forth in Section 4.2.3, Construction Phase Services provided more than 60 days after (1) the date of Substantial Completion of the Work or (2) the initial date of Substantial Completion identified in the agreement between the Owner and Contractor, whichever is earlier, shall be compensated as Additional Services to the extent the Architect incurs additional cost in providing those Construction Phase Services.

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§ 4.2.5 If the services covered by this Agreement have not been completed within twenty-four (24) months of the date of this Agreement, through no fault of the Architect, extension of the Architect's services beyond that time shall be compensated as Additional Services.

ARTICLE 5 OWNER'S RESPONSIBILITIES (see also SECTION 4 of the prime Agreement for Professional Services)

§ 5.1 Unless otherwise provided for under this Agreement, the Owner shall provide information in a timely manner regarding requirements for and limitations on the Project, including a written program, which shall set forth the Owner's objectives; schedule; constraints and criteria, including space requirements and relationships; flexibility; expandability; special equipment; systems; and site requirements.

§ 5.2 The Owner shall establish the Owner's budget for the Project, including (1) the budget for the Cost of the Work as defined in Section 6.1; (2) the Owner's other costs; and, (3) reasonable contingencies related to all of these costs. The Owner shall update the Owner's budget for the Project as necessary throughout the duration of the Project until final completion. If the Owner significantly increases or decreases the Owner's budget for the Cost of the Work, the Owner shall notify the Architect. The Owner and the Architect shall thereafter agree to a corresponding change in the Project's scope and quality.

§ 5.3 The Owner shall identify a representative authorized to act on the Owner's behalf with respect to the Project. The Owner shall render decisions and approve the Architect's submittals in a timely manner in order to avoid unreasonable delay in the orderly and sequential progress of the Architect's services.

§ 5.4 The Owner shall provide the Supplemental Services designated as the Owner's responsibility in Section 4.1.1.

§ 5.5 The Owner shall coordinate the services of its own consultants with those services provided by the Architect. Upon the Architect's request, the Owner shall furnish copies of the scope of services in the contracts between the Owner and the Owner's consultants. The Owner shall furnish the services of consultants other than those designated as the responsibility of the Architect in this Agreement, or authorize the Architect to furnish them as an Additional Service, when the Architect requests such services and demonstrates that they are reasonably required by the scope of the Project. The Owner shall require that its consultants and contractors maintain insurance, including professional liability insurance, as appropriate to the services or work provided.

§ 5.6 The Owner shall furnish tests, inspections and reports required by law or the Contract Documents, such as structural, mechanical, and chemical tests, tests for air and water pollution, and tests for hazardous materials.

§ 5.7 The Owner shall furnish all legal, insurance and accounting services, including auditing services, that may be reasonably necessary at any time for the Project to meet the Owner's needs and interests.

§ 5.8 The Owner shall provide prompt written notice to the Architect if the Owner becomes aware of any fault or defect in the Project, including errors, omissions or inconsistencies in the Architect's Instruments of Service.

§ 5.9 The Owner shall include the Architect in all communications with the Contractor that relate to or affect the Architect's services or professional responsibilities. The Owner shall promptly notify the Architect of the substance of any direct communications between the Owner and the Contractor otherwise relating to the Project. Communications by and with the Architect's consultants shall be through the Architect.

§ 5.10 Before executing the Contract for Construction, the Owner shall coordinate the Architect's duties and responsibilities set forth in the Contract for Construction with the Architect's services set forth in this Agreement. The Owner shall provide the Architect a copy of the executed agreement between the Owner and Contractor, including the General Conditions of the Contract for Construction.

§ 5.11 The Owner shall provide the Architect access to the Project site prior to commencement of the Work and shall obligate the Contractor to provide the Architect access to the Work wherever it is in preparation or progress.

§ 5.12 Within 15 days after receipt of a written request from the Architect, the Owner shall furnish the requested information as necessary and relevant for the Architect to evaluate, give notice of, or enforce lien rights.

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(Paragraphs deleted)

ARTICLE 6 COST OF THE WORK

§ 6.1 For purposes of this Agreement, the Cost of the Work shall be the total cost to the Owner to construct all elements of the Project designed or specified by the Architect and shall include contractors' general conditions costs, overhead and profit. The Cost of the Work also includes the reasonable value of labor, materials, and equipment, donated to, or otherwise furnished by, the Owner. The Cost of the Work does not include the compensation of the Architect; the costs of the land, rights-of-way, financing, sales tax or contingencies for changes in the Work; or other costs that are the responsibility of the Owner.

§ 6.2 The Owner's budget for the Cost of the Work is provided in Initial Information, and shall be adjusted throughout the Project as required under Sections 5.2, 6.4 and 6.5. The Architect's evaluations of the Owner's budget for the Cost of the Work, and the preliminary estimate of the Cost of the Work and updated estimates of the Cost of the Work, prepared by the Architect, represent the Architect's best judgment as a design professional. It is recognized, however, that neither the Architect nor the Owner has control over the cost of labor, materials, or equipment; the Contractor's methods of determining bid prices; or competitive bidding, market, or negotiating conditions. Accordingly, the Architect cannot and does not warrant or represent that bids or negotiated prices will not vary from the Owner's budget for the Cost of the Work, or from any estimate of the Cost of the Work, or evaluation, prepared or agreed to by the Architect.

§ 6.3 In preparing estimates of the Cost of Work, the Architect shall be permitted to include contingencies for design, bidding, and price escalation; to determine what materials, equipment, component systems, and types of construction are to be included in the Contract Documents; to recommend reasonable adjustments in the program and scope of the Project; and to include design alternates as may be necessary to adjust the estimated Cost of the Work to meet the Owner's budget. The Architect's estimate of the Cost of the Work shall be based on current area, volume or similar conceptual estimating techniques. If the Owner requires a detailed estimate of the Cost of the Work, the Architect shall provide such an estimate, if identified as the Architect's responsibility in Section 4.1.1, as a Supplemental Service.

§ 6.4 If, through no fault of the Architect, the Procurement Phase has not commenced within 90 days after the Architect submits the Construction Documents to the Owner, the Owner's budget for the Cost of the Work shall be adjusted to reflect changes in the general level of prices in the applicable construction market.

§ 6.5 If at any time the Architect's estimate of the Cost of the Work exceeds the Owner's budget for the Cost of the Work, the Architect shall make appropriate recommendations to the Owner to adjust the Project's size, quality, or budget for the Cost of the Work, and the Owner shall cooperate with the Architect in making such adjustments.

§ 6.6 If the Owner's budget for the Cost of the Work (including the $1,200,000 allowance for an increase in the MACC) at the conclusion of the Construction Documents Phase Services is exceeded by the lowest bona fide bid or negotiated proposal, the Owner shall

- **.1** give written approval of an increase in the budget for the Cost of the Work;
- **.2** authorize rebidding or renegotiating of the Project within a reasonable time;
- **.3** terminate in accordance with Section 9.5;
- **.4** in consultation with the Architect, revise the Project program, scope, or quality as required to reduce the Cost of the Work; or,
- **.5** implement any other mutually acceptable alternative.

§ 6.7 If the Owner chooses to proceed under Section 6.6.4, the Architect shall modify the Construction Documents as necessary to comply with the Owner's budget for the Cost of the Work at the conclusion of the Construction Documents Phase Services, or the budget as adjusted under Section 6.6.1. If the Owner requires the Architect to modify the Construction Documents because the lowest bona fide bid or negotiated proposal exceeds the Owner's budget for the Cost of the Work due to market conditions the Architect could not reasonably anticipate, the Owner shall compensate the Architect for the modifications as an Additional Service pursuant to Section 11.3; otherwise the Architect's services for modifying the Construction Documents shall be without additional compensation. In any event, the Architect's modification of the Construction Documents shall be the limit of the Architect's responsibility under this Article 6.

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ARTICLE 7 COPYRIGHTS AND LICENSES (see also SECTION 9 of the prime Agreement for Professional Services)

§ 7.1 The Architect and the Owner warrant that in transmitting Instruments of Service, or any other information, the transmitting party is the copyright owner of such information or has permission from the copyright owner to transmit such information for its use on the Project.

§ 7.2 The Architect and the Architect's consultants shall be deemed the authors of their respective Instruments of Service, including the Drawings and Specifications, and shall retain all common law, statutory and other reserved rights, including copyrights. Submission or distribution of Instruments of Service to meet official regulatory requirements or for similar purposes in connection with the Project is not to be construed as publication in derogation of the reserved rights of the Architect and the Architect's consultants.

§ 7.3 The Architect grants to the Owner a nonexclusive license to use the Architect's Instruments of Service solely and exclusively for purposes of constructing, using, maintaining, altering and adding to the Project, provided that the Owner substantially performs its obligations under this Agreement, including prompt payment of all sums due pursuant to Article 9 and Article 11. The Architect shall obtain similar nonexclusive licenses from the Architect's consultants consistent with this Agreement. The license granted under this section permits the Owner to authorize the Contractor, Subcontractors, Sub-subcontractors, and suppliers, as well as the Owner's consultants and separate contractors, to reproduce applicable portions of the Instruments of Service, subject to any protocols established pursuant to Section 1.3, solely and exclusively for use in performing services or construction for the Project. If the Architect rightfully terminates this Agreement for cause as provided in Section 9.4, the license granted in this Section 7.3 shall terminate.

§ 7.3.1 In the event the Owner uses the Instruments of Service for any purpose following final completion of construction of the Project or following a termination of this Agreement when the Architect is not in default, the Owner releases the Architect and Architect's consultant(s) from all claims and causes of action arising from such uses. The Owner, to the extent permitted by law, further agrees to indemnify and hold harmless the Architect and its consultants from all costs and expenses, including the cost of defense, related to claims and causes of action asserted by any third person or entity to the extent such costs and expenses arise from the Owner's use of the Instruments of Service under this Section 7.3.1. The terms of this Section 7.3.1 shall not apply if the Owner rightfully terminates this Agreement for cause under Section 9.4.

§ 7.4 Except for the licenses granted in this Article 7, no other license or right shall be deemed granted or implied under this Agreement. The Owner shall not assign, delegate, sublicense, pledge or otherwise transfer any license granted herein to another party without the prior written agreement of the Architect. Any unauthorized use of the Instruments of Service shall be at the Owner's sole risk and without liability to the Architect and the Architect's consultants.

§ 7.5 Except as otherwise stated in Section 7.3, the provisions of this Article 7 shall survive the termination of this Agreement.

ARTICLE 8 CLAIMS AND DISPUTES (see also SECTION 19 of the prime Agreement for Professional Services)

§ 8.1 General

§ 8.1.1 The Owner and Architect shall commence all claims and causes of action against the other and arising out of or related to this Agreement, whether in contract, tort, or otherwise, in accordance with the requirements of the binding dispute resolution method selected in this Agreement and within the period specified by applicable law, but in any case not more than 10 years after the date of Substantial Completion of the Work. The Owner and Architect waive all claims and causes of action not commenced in accordance with this Section 8.1.1.

§ 8.1.2 To the extent damages are covered by property insurance, the Owner and Architect waive all rights against each other and against the contractors, consultants, agents, and employees of the other for damages, except such rights as they may have to the proceeds of such insurance as set forth in AIA Document A201–2017, General Conditions of the Contract for Construction. The Owner or the Architect, as appropriate, shall require of the contractors, consultants, agents, and employees of any of them, similar waivers in favor of the other parties enumerated herein.

(Paragraph deleted)

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§ 8.2 Mediation

§ 8.2.1 Any claim, dispute or other matter in question arising out of or related to this Agreement shall be subject to mediation as a condition precedent to binding dispute resolution. If such matter relates to or is the subject of a lien arising out of the Architect's services, the Architect may proceed in accordance with applicable law to comply with the lien notice or filing deadlines prior to resolution of the matter by mediation or by binding dispute resolution.

§ 8.2.2 The Owner and Architect shall endeavor to resolve claims, disputes and other matters in question between them by mediation, which, unless the parties mutually agree otherwise, shall be administered by the American Arbitration Association in accordance with its Construction Industry Mediation Procedures in effect on the date of this Agreement. A request for mediation shall be made in writing, delivered to the other party to this Agreement, and filed with the person or entity administering the mediation. The request may be made concurrently with the filing of a complaint or other appropriate demand for binding dispute resolution but, in such event, mediation shall proceed in advance of binding dispute resolution proceedings, which shall be stayed pending mediation for a period of 60 days from the date of filing, unless stayed for a longer period by agreement of the parties or court order. If an arbitration proceeding is stayed pursuant to this section, the parties may nonetheless proceed to the selection of the arbitrator(s) and agree upon a schedule for later proceedings.

§ 8.2.3 The parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in the place where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

§ 8.2.4 If the parties do not resolve a dispute through mediation pursuant to this Section 8.2, the method of binding dispute resolution shall be the following:
(Check the appropriate box.)

[ ] Arbitration pursuant to Section 8.3 of this Agreement

[X] Litigation in a court of competent jurisdiction

[ ] Other: *(Specify)*

If the Owner and Architect do not select a method of binding dispute resolution, or do not subsequently agree in writing to a binding dispute resolution method other than litigation, the dispute will be resolved in a court of competent jurisdiction.

§ 8.3 The provisions of this Article 8 shall survive the termination of this Agreement.

(Paragraphs deleted)

ARTICLE 9 TERMINATION OR SUSPENSION (see SECTION 17 and 18 of the prime Agreement for Professional Services)

(Paragraphs deleted)

ARTICLE 10 MISCELLANEOUS PROVISIONS

§ 10.1 This Agreement shall be governed by the law of the place where the Project is located, excluding that jurisdiction's choice of law rules.

§ 10.2 Terms in this Agreement shall have the same meaning as those in AIA Document A201–2017, General Conditions of the Contract for Construction.

§ 10.3 The Owner and Architect, respectively, bind themselves, their agents, successors, assigns, and legal representatives to this Agreement. Neither the Owner nor the Architect shall assign this Agreement without the written consent of the other, except that the Owner may assign this Agreement to a lender providing financing for the Project

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if the lender agrees to assume the Owner's rights and obligations under this Agreement, including any payments due to the Architect by the Owner prior to the assignment.

§ 10.4 If the Owner requests the Architect to execute certificates, the proposed language of such certificates shall be submitted to the Architect for review at least 14 days prior to the requested dates of execution. If the Owner requests the Architect to execute consents reasonably required to facilitate assignment to a lender, the Architect shall execute all such consents that are consistent with this Agreement, provided the proposed consent is submitted to the Architect for review at least 14 days prior to execution. The Architect shall not be required to execute certificates or consents that would require knowledge, services, or responsibilities beyond the scope of this Agreement.

§ 10.5 Nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either the Owner or Architect.

§ 10.6 The Architect shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to, hazardous materials or toxic substances in any form at the Project site.

§ 10.7 The Architect shall have the right to include photographic or artistic representations of the design of the Project among the Architect's promotional and professional materials. The Architect shall be given reasonable access to the completed Project to make such representations. However, the Architect's materials shall not include the Owner's confidential or proprietary information if the Owner has previously advised the Architect in writing of the specific information considered by the Owner to be confidential or proprietary. The Owner shall provide professional credit for the Architect in the Owner's promotional materials for the Project. This Section 10.7 shall survive the termination of this Agreement unless the Owner terminates this Agreement for cause pursuant to Section 9.4.

§ 10.8 If the Architect or Owner receives information specifically designated as "confidential" or "business proprietary," the receiving party shall keep such information strictly confidential and shall not disclose it to any other person except as set forth in Section 10.8.1. This Section 10.8 shall survive the termination of this Agreement.

§ 10.8.1 The receiving party may disclose "confidential" or "business proprietary" information after 7 days' notice to the other party, when required by law, arbitrator's order, or court order, including a subpoena or other form of compulsory legal process issued by a court or governmental entity, or to the extent such information is reasonably necessary for the receiving party to defend itself in any dispute. The receiving party may also disclose such information to its employees, consultants, or contractors in order to perform services or work solely and exclusively for the Project, provided those employees, consultants and contractors are subject to the restrictions on the disclosure and use of such information as set forth in this Section 10.8.

§ 10.9 The invalidity of any provision of the Agreement shall not invalidate the Agreement or its remaining provisions. If it is determined that any provision of the Agreement violates any law, or is otherwise invalid or unenforceable, then that provision shall be revised to the extent necessary to make that provision legal and enforceable. In such case the Agreement shall be construed, to the fullest extent permitted by law, to give effect to the parties' intentions and purposes in executing the Agreement.

ARTICLE 11 COMPENSATION

§ 11.1 For the Architect's Basic Services described under Article 3, the Owner shall compensate the Architect as follows:

.1 Stipulated Sum and Hourly Services
(Insert amount)

(Paragraphs deleted)
See Exhibit B, Architect/Engineering Fees – Basic and Supplemental Services, dated January 3, 2023.

§ 11.2 For the Architect's Supplemental Services designated in Section 4.1.1 and for any Sustainability Services required pursuant to Section 4.1.3, the Owner shall compensate the Architect as follows:

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(Insert amount of, or basis for, compensation. If necessary, list specific services to which particular methods of compensation apply.)

See Exhibit B, Architect/Engineering Fees – Basic and Supplemental Services, dated January 3, 2023.

§ 11.3 For Additional Services that may arise during the course of the Project, including those under Section 4.2, the Owner shall compensate the Architect as follows:
(Insert amount of, or basis for, compensation.)

Compensation may be a stipulated sum, on an hourly basis or any fair and reasonable compensation mutually agreeable to the Owner and Architect.

§ 11.4 Compensation for Supplemental and Additional Services of the Architect's consultants when not included in Section 11.2 or 11.3, shall be the amount invoiced to the Architect plus ten percent (10%), or as follows:
(Insert amount of, or basis for computing, Architect's consultants' compensation for Supplemental or Additional Services.)

§ 11.5 When compensation for Basic Services is based on a stipulated sum or a percentage basis, the proportion of compensation for each phase of services shall be as follows:

Schematic Design Phase	eighteen	percent (	18	%)
Design Development Phase	twenty	percent (	20	%)
Construction Documents Phase	thirty-one	percent (	31	%)
Procurement Phase	two	percent (	2	%)
Construction Phase	twenty-seven	percent (	27	%)
Project Closeout Phase	Two		2	%)
Total Basic Compensation	one hundred	percent (	100	%)

§ 11.6 When compensation identified in Section 11.1 is on a percentage basis, progress payments for each phase of Basic Services shall be calculated by multiplying the percentages identified in this Article by the Owner's most recent budget for the Cost of the Work. Compensation paid in previous progress payments shall not be adjusted based on subsequent updates to the Owner's budget for the Cost of the Work.

§ 11.6.1 When compensation is on a percentage basis and any portions of the Project are deleted or otherwise not constructed, compensation for those portions of the Project shall be payable to the extent services are performed on those portions. The Architect shall be entitled to compensation in accordance with this Agreement for all services performed whether or not the Construction Phase is commenced.

§ 11.7 The hourly billing rates for services of the Architect and the Architect's consultants are set forth below. The rates shall be adjusted in accordance with the Architect's and Architect's consultants' normal review practices.
(If applicable, attach an exhibit of hourly billing rates or insert them below.)

Hourly rates for the Architect are indicated on Exhibit C. Hourly rates for the Architect's consultants will be provided upon request.

§ 11.8 Compensation for Reimbursable Expenses (see also SECTION 6.1 of the prime Agreement for Professional Services)
§ 11.8.1 Reimbursable Expenses are in addition to compensation for Basic, Supplemental, and Additional Services and include expenses incurred by the Architect and the Architect's consultants directly related to the Project, as follows:

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.1 Transportation and authorized out-of-town travel and subsistence;
.2 Long distance services, dedicated data and communication services, teleconferences, Project web sites, and extranets;
.3 Permitting and other fees required by authorities having jurisdiction over the Project;
.4 Printing, reproductions, plots, and standard form documents;
.5 Postage, handling, and delivery;
.6 Expense of overtime work requiring higher than regular rates, if authorized in advance by the Owner;
.7 Renderings, physical models, mock-ups, professional photography, and presentation materials requested by the Owner or required for the Project;
.8 If required by the Owner, and with the Owner's prior written approval, the Architect's consultants' expenses of professional liability insurance dedicated exclusively to this Project, or the expense of additional insurance coverage or limits in excess of that normally maintained by the Architect's consultants;
.9 All taxes levied on professional services and on reimbursable expenses;
.10 Site office expenses;
.11 Registration fees and any other fees charged by the Certifying Authority or by other entities as necessary to achieve the Sustainable Objective; and,
.12 Other similar Project-related expenditures.

§ 11.8.2 For Reimbursable Expenses the compensation shall be the expenses incurred by the Architect and the Architect's consultants plus Ten percent (10 %) of the expenses incurred. Refer to Exhibit B for an estimate of Reimbursable Expenses.

§ 11.9 Architect's Insurance. If the types and limits of coverage required in Section 2.5 are in addition to the types and limits the Architect normally maintains, the Owner shall pay the Architect for the additional costs incurred by the Architect for the additional coverages as set forth below:
(Insert the additional coverages the Architect is required to obtain in order to satisfy the requirements set forth in Section 2.5, and for which the Owner shall reimburse the Architect.)

§ 11.10 Payments to the Architect (see SECTION 6 of the prime Agreement for Professional Services)

(Paragraphs deleted)

ARTICLE 12 SPECIAL TERMS AND CONDITIONS

Special terms and conditions that modify this Agreement are as follows:
(Include other terms and conditions applicable to this Agreement.)

None

ARTICLE 13 SCOPE OF THE AGREEMENT

§ 13.1 The prime Agreement between the City of Yakima, WA and NAC Architecture plus this Agreement which is Exhibit A represents the entire and integrated agreement between the Owner and the Architect and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the Owner and Architect.

§ 13.2 This Agreement is comprised of the following documents identified below:
.1 The prime Agreement between the City of Yakima, WA and NAC Architecture,
.2 Exhibit A- AIA Document B101™–2017, Standard Form Agreement Between Owner and Architect
(Paragraphs deleted)

.3 Exhibits:

Exhibit B – Architect/Engineering Fees – Basic and Supplemental Services, dated January 3, 2023
Exhibit C- NAC Architecture Current Compensation Rates
Exhibit D- Federal Clauses

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(Paragraphs deleted)
Refer to the prime Agreement between the City of Yakima, WA and NAC Architecture for signatures.

(Table deleted)

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Additions and Deletions Report for

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PAGE 1

EXHIBIT A- Scope of Work Proposal

AGREEMENT made as of the 3rd day of January in the year 2023 and revised as of the 1st day of February in the year 2024

...

City of Yakima
129 North 2nd Street
Yakima, WA 98901

...

NAC
1203 W Riverside Avenue
Spokane, WA 99201

...

Martin Luther King Jr. Community Park Pool
S 8th and Beech
Yakima, WA 98901

PAGE 2

New City of Yakima Aquatic Center in MLK Jr. Community Park including a new (approximately 5,500 SF) poolhouse building and (approximately 7,800 SF) new outdoor recreation pool(s) and related support facilities, parking, site utilities, landscape and all site components directly related to the aquatic center. A Feasibility Study conducted by the City in 2019 established approximate areas for the poolhouse building and areas for the pool(s). The study included approximately 7800 SF of pool area for Phase 1 and an additional approximate 900 SF of pool area for Phase 2. Details of the program including area of pools and pool amenities, area and requirements of the poolhouse and site requirements will be determined during the Predesign Phase.

...

The project will be located within MLK Jr. Community Park at S 8th and Beech. The park is approximately 143,800 SF (3.30 Acres) and the center is intended to occupy the north half of the park. The specific location and layout will be determined during the Predesign and Planning Phase.

PAGE 3

The Cost of the Work (MACC – Maximum Allowable Construction Cost) is $9,250,000.00, not including state sales tax. This MACC includes the pool area of Phase 1 only. The Owner's budget includes an additional $1,200,000.00

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allowance, not including sales tax, to increase the MACC or for Bid Alternates above the original MACC. Written authorization by the Owner is required in order to increase the MACC using part or all of this additional allowance.

...

Design phases starting approximately on January 9, 2023 and ending approximately on January 19, 2024-
Predesign: 8 weeks
Schematic Design: 5 weeks
Design Development: 11 weeks
Construction Documents: 26 weeks
Bidding: 6 weeks

...

Construction commencement date will be determined within 45 days of the project bid date scheduled for March 5th, 2024

...

Substantial completion date is scheduled for 380 calendar days from the notice to proceed.

...

Not applicable (NA)

...

Competitive Bidding

...

None

...

Kenneth Wilkinson
City of Yakima Parks & Recreation
129 North 2nd Street
Yakima, WA, 98901
(509) 576-6696
Kenneth.Wilkinson@yakimawa.gov
PAGE 4

Bradley Schneider
City of Yakima Parks & Recreation
129 North 2nd Street
Yakima, WA, 98901
(509) 576-6696
Bradley.Schneider@yakimawa.gov

...

None, geotechnical engineer to be retained by Architect

...

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None, civil engineer to be retained by the Architect

...

Special Inspections & Testing during construction, GN Northern

...

Keith Comes, Principal-in-Charge, kcomes@nacarchitecture.com
Brooke Hanley, Project Manager, bhanley@nacarchitecture.com
1203 West Riverside Avenue
Spokane, WA 99201
509-838-8240

...

Coffman Engineers
10 North Post Street, Suite 500
Spokane, WA 99201

...

L&S Engineering
216 W Pacific Avenue, Suite 211
Spokane, WA 99201

PAGE 5

NAC Engineering
1203 West Riverside Avenue
Spokane, WA 99201

...

Parametrix, Civil Engineer and Surveyor
MTLA Landscape, Landscape Architect
Water Technology, Inc., Aquatic Consultant
MACC Estimating Group, Cost Estimator
GN Northern, Geotechnical Engineer

...

Predesign Phase is included as a Supplemental Service to determine final program requirements, confirm layout of the new aquatic center within MLK Jr Community Park (including development of up to 3 site and aquatic amenity layouts) and to confirm that the Owner's budget is in alignment with project requirements.

...

ARTICLE 2 ARCHITECT'S RESPONSIBILITIES (see also SECTION 7 of the prime Agreement for Professional Services)
PAGE 6

§ 2.5 ~~The Architect shall maintain the following insurance until termination of this Agreement. If any of the requirements set forth below are in addition to the types and limits the Architect normally maintains, the Owner shall pay the Architect as set forth in Section 11.9.~~

§ 2.5.1 ~~Commercial General Liability with policy limits of not less than (\$) for each occurrence and (\$) in the aggregate for bodily injury and property damage.~~

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~~**§ 2.5.2** Automobile Liability covering vehicles owned, and non-owned vehicles used, by the Architect with policy limits of not less than ($) per accident for bodily injury, death of any person, and property damage arising out of the ownership, maintenance and use of those motor vehicles, along with any other statutorily required automobile coverage.~~

~~**§ 2.5.3** The Architect may achieve the required limits and coverage for Commercial General Liability and Automobile Liability through a combination of primary and excess or umbrella liability insurance, provided such primary and excess or umbrella liability insurance policies result in the same or greater coverage as the coverages required under Sections 2.5.1 and 2.5.2, and in no event shall any excess or umbrella liability insurance provide narrower coverage than the primary policy. The excess policy shall not require the exhaustion of the underlying limits only through the actual payment by the underlying insurers.~~

~~**§ 2.5.4** Workers' Compensation at statutory limits.~~

~~**§ 2.5.5** Employers' Liability with policy limits not less than ($) each accident, ($) each employee, and ($) policy limit.~~

~~**§ 2.5.6** Professional Liability covering negligent acts, errors and omissions in the performance of professional services with policy limits of not less than ($) per claim and ($) in the aggregate.~~

~~**§ 2.5.7 Additional Insured Obligations.** To the fullest extent permitted by law, the Architect shall cause the primary and excess or umbrella polices for Commercial General Liability and Automobile Liability to include the Owner as an additional insured for claims caused in whole or in part by the Architect's negligent acts or omissions. The additional insured coverage shall be primary and non-contributory to any of the Owner's insurance policies and shall apply to both ongoing and completed operations.~~

~~**§ 2.5.8** The Architect shall provide certificates of insurance to the Owner that evidence compliance with the requirements in this Section 2.5.~~

…

§ 3.1.5 The Architect shall contact governmental authorities required to approve the Construction ~~Documents and entities providing utility services to the Project.~~ Documents. The Architect shall respond to applicable design requirements imposed by those ~~authorities and entities.~~authorities.

PAGE 7

§ 3.2.6 The Architect shall ~~submit to~~ review with the Owner an estimate of the Cost of the Work prepared in accordance with Section 6.3.

…

§ 3.3.2 The Architect shall review with the Owner an update of the estimate of the Cost of the Work prepared in accordance with Section 6.3.

PAGE 8

§ 3.4.4 The Architect shall review with the Owner an update of the estimate for the Cost of the Work prepared in accordance with Section 6.3.

…

§ 3.5 Procurement Phase Services (requires prior written authorization by the City to proceed)

…

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§ 3.5.2 Competitive Bidding (requires prior written authorization by the City to proceed)

…

~~**§ 3.5.3 Negotiated Proposals**~~
~~**§ 3.5.3.1** Proposal Documents shall consist of proposal requirements and proposed Contract Documents.~~

~~**§ 3.5.3.2** The Architect shall assist the Owner in obtaining proposals by:~~

- ~~**.1** facilitating the distribution of Proposal Documents for distribution to prospective contractors and requesting their return upon completion of the negotiation process;~~
- ~~**.2** organizing and participating in selection interviews with prospective contractors;~~
- ~~**.3** preparing responses to questions from prospective contractors and providing clarifications and interpretations of the Proposal Documents to the prospective contractors in the form of addenda; and,~~
- ~~**.4** participating in negotiations with prospective contractors, and subsequently preparing a summary report of the negotiation results, as directed by the Owner.~~

~~**§ 3.5.3.3** If the Proposal Documents permit substitutions, upon the Owner's written authorization, the Architect shall, as an Additional Service, consider requests for substitutions and prepare and distribute addenda identifying approved substitutions to all prospective contractors.~~

§ 3.6 Construction Phase Services (requires prior written authorization by the City to proceed)

…

§ 3.6.2.1 The Architect shall visit the site at intervals appropriate to the stage of construction, or as otherwise required in Section 4.2.3, to become generally familiar with the progress and quality of the portion of the Work completed, and to determine, in general, if the Work observed is being performed in a manner indicating that the Work, when fully completed, will be in accordance with the Contract Documents. However, the Architect shall not be required to make exhaustive or continuous on-site observations or any inspections to check the quality or quantity of the Work. On the basis of the site visits, the Architect shall keep the Owner reasonably informed about the progress and quality of the portion of the Work completed, and promptly report to the Owner (1) known deviations from the Contract Documents, (2) known deviations from the most recent construction schedule submitted by the Contractor, and (3) defects and deficiencies observed in the Work.

§ 3.6.2.2 The Architect ~~has the authority~~ will consult with the Owner concerning whether to reject Work that does not conform to the Contract ~~Documents.~~ Documents that comes to the attention of the Architect. Whenever the Architect considers it necessary or advisable, the Architect shall have the authority to require inspection or testing of the Work in accordance with the provisions of the Contract Documents, whether or not the Work is fabricated, installed or completed. However, neither this authority of the Architect nor a decision made in good faith either to exercise or not to exercise such authority shall give rise to a duty or responsibility of the Architect to the Contractor, Subcontractors, suppliers, their agents or employees, or other persons or entities performing portions of the Work.
PAGE 9

§ 3.6.2.4 Interpretations and ~~decisions~~ recommendations of the Architect shall be consistent with the intent of, and reasonably inferable from, the Contract Documents and shall be in writing or in the form of drawings. When making such interpretations and ~~decisions,~~ recommendations, the Architect shall endeavor to secure faithful performance by both Owner and Contractor, shall not show partiality to either, and shall not be liable for results of interpretations or ~~decisions rendered in good faith. The Architect's decisions on matters relating to aesthetic effect shall be final if consistent~~ recommendations rendered in good faith. The Architect and Qwner will review matters relating to aesthetic effect and the Owner will make any final decisions on these matters with the intent expressed in the Contract Documents.

…

§ 3.6.3.1 The Architect shall review and certify the amounts due the Contractor and shall issue certificates in such amounts. The Architect's certification for payment shall constitute a representation to the Owner, based on the Architect's evaluation of the Work as provided in Section 3.6.2 and on the data comprising the Contractor's

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Application for Payment, that, to the best of the Architect's knowledge, information and belief, the Work has progressed to the point ~~indicated,~~ indicated as reviewed against the agreed upon schedule of values, the quality of the Work is in accordance with the Contract Documents, and that the Contractor is entitled to payment in the amount certified. The foregoing representations are subject to (1) an evaluation of the Work for conformance with the Contract Documents upon Substantial Completion, (2) results of subsequent tests and inspections, (3) correction of minor deviations from the Contract Documents prior to completion, and (4) specific qualifications expressed by the Architect.

§ 3.6.3.2 The issuance of a Certificate for Payment shall not be a representation that the Architect has (1) made exhaustive or continuous on-site observations or any inspections to check the quality or quantity of the Work, (2) reviewed construction means, methods, techniques, sequences or procedures, (3) reviewed copies of requisitions received from Subcontractors and suppliers and other data requested by the Owner to substantiate the Contractor's right to payment, or (4) ascertained how or for what purpose the Contractor has used money previously paid on account of the Contract Sum.

PAGE 10

§ 3.6.4.2 The Architect shall review and ~~approve, or~~ take other appropriate action upon, the Contractor's submittals such as Shop Drawings, Product Data and Samples, but only for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents. Review of such submittals is not for the purpose of determining the accuracy and completeness of other information such as dimensions, quantities, and installation or performance of equipment or systems, which are the Contractor's responsibility. The Architect's review shall not constitute review of or approval of safety precautions or construction means, methods, techniques, sequences or procedures. The Architect's ~~approval~~ review of a specific item shall not indicate review of or approval of an assembly of which the item is a component.

...

§ 3.6.5.1 The Architect may order minor changes in the Work that are consistent with the intent of the Contract Documents and do not involve an adjustment in the Contract Sum or an extension of the Contract ~~Time.~~ Time, subject to approval by the Owner. Subject to Section 4.2, the Architect shall prepare Change Orders and Construction Change Directives for the Owner's approval and execution in accordance with the Contract Documents.

...

.1 conduct ~~inspections~~ field reviews to determine the date or dates of Substantial Completion and the date of final completion;

...

§ 3.6.6.2 The Architect's ~~inspections~~ field reviews shall be conducted with the Owner to check conformance of the Work with the requirements of the Contract Documents and to verify the accuracy and completeness of the list submitted by the Contractor of Work to be completed or corrected.

PAGE 11

§ 4.1.1.1	Programming	Architect, included with Predesign, see 4.1.1.31 below
§ 4.1.1.2	Multiple preliminary designs	Not provided
§ 4.1.1.3	Measured drawings	Not provided
§ 4.1.1.4	Existing facilities surveys	Not provided
§ 4.1.1.5	Site ~~evaluation and planning~~survey	Architect
§ 4.1.1.6	Building Information Model management responsibilities	Not provided
§ 4.1.1.7	Development of Building Information Models for post construction use	Not provided
§ 4.1.1.8	Civil engineering	Architect
§ 4.1.1.9	Landscape design	Architect

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§ 4.1.1.10 Architectural interior design	Architect (basic services)
§ 4.1.1.11 Value analysis	Not provided
§ 4.1.1.12 Detailed cost estimating beyond that required in Section 6.3	Architect
§ 4.1.1.13 On-site project representation	Not provided
§ 4.1.1.14 Conformed documents for construction	Architect (basic services)
§ 4.1.1.15 As-designed record drawings	Not provided, may be included as an additional service
§ 4.1.1.16 As-constructed record drawings	Not provided, may be included as an additional service
§ 4.1.1.17 Post-occupancy evaluation	Not provided
§ 4.1.1.18 Facility support services	Not provided
§ 4.1.1.19 Tenant-related services	Not provided
§ 4.1.1.20 Architect's coordination of the Owner's consultants	NA, Not provided
§ 4.1.1.21 Telecommunications/data design	Architect (basic services)
§ 4.1.1.22 Audio-visual, paging, clock, access control, intrusion detection, video surveillance and specialty pool systems. Telecommunications active equipment not included.	Architect (basic services for system rough-in only)
~~**§ 4.1.1.22** Security evaluation and planning~~	
§ 4.1.1.23 Commissioning	Not provided
§ 4.1.1.24 Sustainable Project Services pursuant to Section 4.1.3	NA, Not provided
§ 4.1.1.25 Fast-track design services	NA, Not provided
§ 4.1.1.26 Multiple bid packages	Not provided
§ 4.1.1.27 Historic preservation	NA, Not provided
§ 4.1.1.28 Furniture, furnishings, and equipment design	Not provided
§ 4.1.1.29 Aquatic design consultant	Architect
~~**§ 4.1.1.29** Other services provided by specialty Consultants~~	
§ 4.1.1.30 MACC increase/bid alternates	Architect, only with Owner authorization
~~**§ 4.1.1.30** Other Supplemental Services~~	
§ 4.1.1.31 Predesign	Architect
§ 4.1.1.32 Geotechnical investigation	Architect
§ 4.1.1.33 Certified Payroll	Architect

PAGE 12

As described in this Agreement and Exhibit B.

...

As described in this Agreement..

...

§ 4.2 Architect's Additional Services (see also SECTION 2.2 of the prime Agreement for Professional Services)
PAGE 13

§ 4.2.2 To avoid delay in the Construction Phase, the Architect shall ~~provide~~ offer the following Additional Services, notify the Owner with reasonable promptness, and explain the facts and circumstances giving rise to the need. If, ~~upon receipt of the Architect's notice, the Owner determines that all or parts of the services are not required,~~ the Additional Services offered are approved by the Owner, the Owner shall give prompt written notice to the Architect of the

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Owner's determination. The Owner shall compensate the Architect for the services provided ~~prior to the Architect's receipt of the Owner's notice.~~per Article 11.

...

.1 Two (2) reviews of each Shop Drawing, Product Data item, sample and similar submittals of the ~~Contractor~~Contractor.

.2 ~~( )~~ Refer to Exhibit B for number of visits to the site by the Architect ~~during construction~~and Consultants.

.3 ~~( ) inspections~~ One (1) field reviews for any portion of the Work to determine whether such portion of the Work is substantially complete in accordance with the requirements of the Contract Documents (one punchlist review).

.4 ~~( ) inspections~~ One (1) field reviews for any portion of the Work to determine final ~~completion.~~completion (one punchlist backcheck review).

PAGE 14

§ 4.2.5 If the services covered by this Agreement have not been completed within twenty-four (24) months of the date of this Agreement, through no fault of the Architect, extension of the Architect's services beyond that time shall be compensated as Additional Services.

ARTICLE 5 OWNER'S RESPONSIBILITIES (see also SECTION 4 of the prime Agreement for Professional Services)

...

§ 5.4 The Owner shall ~~furnish surveys to describe physical characteristics, legal limitations and utility locations for the site of the Project, and a written legal description of the site. The surveys and legal information shall include, as applicable, grades and lines of streets, alleys, pavements and adjoining property and structures; designated wetlands; adjacent drainage; rights-of-way, restrictions, easements, encroachments, zoning, deed restrictions, boundaries and contours of the site; locations, dimensions, and other necessary data with respect to existing buildings, other improvements and trees; and information concerning available utility services and lines, both public and private, above and below grade, including inverts and depths. All the information on the survey shall be referenced to a Project benchmark.~~provide the Supplemental Services designated as the Owner's responsibility in Section 4.1.1.

§ 5.5 The Owner shall ~~furnish services of geotechnical engineers, which may include test borings, test pits, determinations of soil bearing values, percolation tests, evaluations of hazardous materials, seismic evaluation, ground corrosion tests and resistivity tests, including necessary operations for anticipating subsoil conditions, with written reports and appropriate recommendations.~~coordinate the services of its own consultants with those services provided by the Architect. Upon the Architect's request, the Owner shall furnish copies of the scope of services in the contracts between the Owner and the Owner's consultants. The Owner shall furnish the services of consultants other than those designated as the responsibility of the Architect in this Agreement, or authorize the Architect to furnish them as an Additional Service, when the Architect requests such services and demonstrates that they are reasonably required by the scope of the Project. The Owner shall require that its consultants and contractors maintain insurance, including professional liability insurance, as appropriate to the services or work provided.

§ 5.6 The Owner shall ~~provide the Supplemental Services designated as the Owner's responsibility in Section 4.1.1.~~furnish tests, inspections and reports required by law or the Contract Documents, such as structural, mechanical, and chemical tests, tests for air and water pollution, and tests for hazardous materials.

§ 5.7 ~~If the Owner identified a Sustainable Objective in Article 1, the Owner shall fulfill its responsibilities as required in AIA Document E204™–2017, Sustainable Projects Exhibit, attached to this Agreement.~~The Owner shall furnish all legal, insurance and accounting services, including auditing services, that may be reasonably necessary at any time for the Project to meet the Owner's needs and interests.

§ 5.8 The Owner shall ~~coordinate the services of its own consultants with those services provided by the Architect. Upon the Architect's request, the Owner shall furnish copies of the scope of services in the contracts between the Owner and the Owner's consultants. The Owner shall furnish the services of consultants other than those designated as the responsibility of the Architect in this Agreement, or authorize the Architect to furnish them as an Additional~~

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~~Service, when the Architect requests such services and demonstrates that they are reasonably required by the scope of the Project. The Owner shall require that its consultants and contractors maintain insurance, including professional liability insurance, as appropriate to the services or work provided.~~provide prompt written notice to the Architect if the Owner becomes aware of any fault or defect in the Project, including errors, omissions or inconsistencies in the Architect's Instruments of Service.

§ 5.9 The Owner shall ~~furnish tests, inspections and reports required by law or the Contract Documents, such as structural, mechanical, and chemical tests, tests for air and water pollution, and tests for hazardous materials.~~include the Architect in all communications with the Contractor that relate to or affect the Architect's services or professional responsibilities. The Owner shall promptly notify the Architect of the substance of any direct communications between the Owner and the Contractor otherwise relating to the Project. Communications by and with the Architect's consultants shall be through the Architect.

§ 5.10 ~~The Owner shall furnish all legal, insurance and accounting services, including auditing services, that may be reasonably necessary at any time for the Project to meet the Owner's needs and interests.~~Before executing the Contract for Construction, the Owner shall coordinate the Architect's duties and responsibilities set forth in the Contract for Construction with the Architect's services set forth in this Agreement. The Owner shall provide the Architect a copy of the executed agreement between the Owner and Contractor, including the General Conditions of the Contract for Construction.

§ 5.11 The Owner shall provide ~~prompt written notice to the Architect if the Owner becomes aware of any fault or defect in the Project, including errors, omissions or inconsistencies in the Architect's Instruments of Service.~~the Architect access to the Project site prior to commencement of the Work and shall obligate the Contractor to provide the Architect access to the Work wherever it is in preparation or progress.

§ 5.12 ~~The Owner shall include the Architect in all communications with the Contractor that relate to or affect the Architect's services or professional responsibilities. The Owner shall promptly notify the Architect of the substance of any direct communications between the Owner and the Contractor otherwise relating to the Project. Communications by and with the Architect's consultants shall be through the Architect.~~Within 15 days after receipt of a written request from the Architect, the Owner shall furnish the requested information as necessary and relevant for the Architect to evaluate, give notice of, or enforce lien rights.

~~**§ 5.13** Before executing the Contract for Construction, the Owner shall coordinate the Architect's duties and responsibilities set forth in the Contract for Construction with the Architect's services set forth in this Agreement. The Owner shall provide the Architect a copy of the executed agreement between the Owner and Contractor, including the General Conditions of the Contract for Construction.~~

~~**§ 5.14** The Owner shall provide the Architect access to the Project site prior to commencement of the Work and shall obligate the Contractor to provide the Architect access to the Work wherever it is in preparation or progress.~~

~~**§ 5.15** Within 15 days after receipt of a written request from the Architect, the Owner shall furnish the requested information as necessary and relevant for the Architect to evaluate, give notice of, or enforce lien rights.~~

§ 6.1 For purposes of this Agreement, the Cost of the Work shall be the total cost to the Owner to construct all elements of the Project designed or specified by the Architect and shall include contractors' general conditions costs, overhead and profit. The Cost of the Work also includes the reasonable value of labor, materials, and equipment, donated to, or otherwise furnished by, the Owner. The Cost of the Work does not include the compensation of the Architect; the costs of the land, rights-of-way, financing, sales tax or contingencies for changes in the Work; or other costs that are the responsibility of the Owner.

§ 6.2 The Owner's budget for the Cost of the Work is provided in Initial Information, and shall be adjusted throughout the Project as required under Sections 5.2, 6.4 and 6.5. ~~Evaluations~~ The Architect's evaluations of the Owner's budget for the Cost of the Work, and the preliminary estimate of the Cost of the Work and updated estimates of the Cost of the Work, prepared by the Architect, represent the Architect's best judgment as a design professional. It is recognized, however, that neither the Architect nor the Owner has control over the cost of labor, materials, or equipment; the Contractor's methods of determining bid prices; or competitive bidding, market, or negotiating conditions.

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Accordingly, the Architect cannot and does not warrant or represent that bids or negotiated prices will not vary from the Owner's budget for the Cost of the Work, or from any estimate of the Cost of the Work, or evaluation, prepared or agreed to by the Architect.

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§ 6.6 If the Owner's budget for the Cost of the Work (including the $1,200,000 allowance for an increase in the MACC) at the conclusion of the Construction Documents Phase Services is exceeded by the lowest bona fide bid or negotiated proposal, the Owner shall

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ARTICLE 7 COPYRIGHTS AND LICENSES (see also SECTION 9 of the prime Agreement for Professional Services)

...

§ 7.2 The Architect and the Architect's consultants shall be deemed the authors ~~and owners~~ of their respective Instruments of Service, including the Drawings and Specifications, and shall retain all common law, statutory and other reserved rights, including copyrights. Submission or distribution of Instruments of Service to meet official regulatory requirements or for similar purposes in connection with the Project is not to be construed as publication in derogation of the reserved rights of the Architect and the Architect's consultants.

...

§ 7.3.1 In the event the Owner uses the Instruments of Service ~~without retaining the authors of the Instruments of Service,~~ for any purpose following final completion of construction of the Project or following a termination of this Agreement when the Architect is not in default, the Owner releases the Architect and Architect's consultant(s) from all claims and causes of action arising from such uses. The Owner, to the extent permitted by law, further agrees to indemnify and hold harmless the Architect and its consultants from all costs and expenses, including the cost of defense, related to claims and causes of action asserted by any third person or entity to the extent such costs and expenses arise from the Owner's use of the Instruments of Service under this Section 7.3.1. The terms of this Section 7.3.1 shall not apply if the Owner rightfully terminates this Agreement for cause under Section 9.4.

...

ARTICLE 8 CLAIMS AND DISPUTES (see also SECTION 19 of the prime Agreement for Professional Services)

...

~~**§ 8.1.3** The Architect and Owner waive consequential damages for claims, disputes, or other matters in question, arising out of or relating to this Agreement. This mutual waiver is applicable, without limitation, to all consequential damages due to either party's termination of this Agreement, except as specifically provided in Section 9.7.~~

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[X] Litigation in a court of competent jurisdiction

...

§ 8.3 ~~Arbitration~~The provisions of this Article 8 shall survive the termination of this Agreement.

~~**§ 8.3.1** If the parties have selected arbitration as the method for binding dispute resolution in this Agreement, any claim, dispute or other matter in question arising out of or related to this Agreement subject to, but not resolved by, mediation shall be subject to arbitration, which, unless the parties mutually agree otherwise, shall be administered by the American Arbitration Association in accordance with its Construction Industry Arbitration Rules in effect on the date of this Agreement. A demand for arbitration shall be made in writing, delivered to the other party to this Agreement, and filed with the person or entity administering the arbitration.~~

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~~**§ 8.3.1.1** A demand for arbitration shall be made no earlier than concurrently with the filing of a request for mediation, but in no event shall it be made after the date when the institution of legal or equitable proceedings based on the claim, dispute or other matter in question would be barred by the applicable statute of limitations. For statute of limitations purposes, receipt of a written demand for arbitration by the person or entity administering the arbitration shall constitute the institution of legal or equitable proceedings based on the claim, dispute or other matter in question.~~

~~**§ 8.3.2** The foregoing agreement to arbitrate, and other agreements to arbitrate with an additional person or entity duly consented to by parties to this Agreement, shall be specifically enforceable in accordance with applicable law in any court having jurisdiction thereof.~~

~~**§ 8.3.3** The award rendered by the arbitrator(s) shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.~~

~~**§ 8.3.4 Consolidation or Joinder**~~
~~**§ 8.3.4.1** Either party, at its sole discretion, may consolidate an arbitration conducted under this Agreement with any other arbitration to which it is a party provided that (1) the arbitration agreement governing the other arbitration permits consolidation; (2) the arbitrations to be consolidated substantially involve common questions of law or fact; and (3) the arbitrations employ materially similar procedural rules and methods for selecting arbitrator(s).~~

~~**§ 8.3.4.2** Either party, at its sole discretion, may include by joinder persons or entities substantially involved in a common question of law or fact whose presence is required if complete relief is to be accorded in arbitration, provided that the party sought to be joined consents in writing to such joinder. Consent to arbitration involving an additional person or entity shall not constitute consent to arbitration of any claim, dispute or other matter in question not described in the written consent.~~

~~**§ 8.3.4.3** The Owner and Architect grant to any person or entity made a party to an arbitration conducted under this Section 8.3, whether by joinder or consolidation, the same rights of joinder and consolidation as the Owner and Architect under this Agreement.~~

~~**§ 8.4** The provisions of this Article 8 shall survive the termination of this Agreement.~~

ARTICLE 9 TERMINATION OR SUSPENSION (see SECTION 17 and 18 of the prime Agreement for Professional Services)
~~**§ 9.1** If the Owner fails to make payments to the Architect in accordance with this Agreement, such failure shall be considered substantial nonperformance and cause for termination or, at the Architect's option, cause for suspension of performance of services under this Agreement. If the Architect elects to suspend services, the Architect shall give seven days' written notice to the Owner before suspending services. In the event of a suspension of services, the Architect shall have no liability to the Owner for delay or damage caused the Owner because of such suspension of services. Before resuming services, the Owner shall pay the Architect all sums due prior to suspension and any expenses incurred in the interruption and resumption of the Architect's services. The Architect's fees for the remaining services and the time schedules shall be equitably adjusted.~~

~~**§ 9.2** If the Owner suspends the Project, the Architect shall be compensated for services performed prior to notice of such suspension. When the Project is resumed, the Architect shall be compensated for expenses incurred in the interruption and resumption of the Architect's services. The Architect's fees for the remaining services and the time schedules shall be equitably adjusted.~~

~~**§ 9.3** If the Owner suspends the Project for more than 90 cumulative days for reasons other than the fault of the Architect, the Architect may terminate this Agreement by giving not less than seven days' written notice.~~

~~**§ 9.4** Either party may terminate this Agreement upon not less than seven days' written notice should the other party fail substantially to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination.~~

~~**§ 9.5** The Owner may terminate this Agreement upon not less than seven days' written notice to the Architect for the Owner's convenience and without cause.~~

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~~**§ 9.6** If the Owner terminates this Agreement for its convenience pursuant to Section 9.5, or the Architect terminates this Agreement pursuant to Section 9.3, the Owner shall compensate the Architect for services performed prior to termination, Reimbursable Expenses incurred, and costs attributable to termination, including the costs attributable to the Architect's termination of consultant agreements.~~

~~**§ 9.7** In addition to any amounts paid under Section 9.6, if the Owner terminates this Agreement for its convenience pursuant to Section 9.5, or the Architect terminates this Agreement pursuant to Section 9.3, the Owner shall pay to the Architect the following fees:~~
~~*(Set forth below the amount of any termination or licensing fee, or the method for determining any termination or licensing fee.)*~~

~~**.1** Termination Fee:~~

~~**.2** Licensing Fee if the Owner intends to continue using the Architect's Instruments of Service:~~

~~**§ 9.8** Except as otherwise expressly provided herein, this Agreement shall terminate one year from the date of Substantial Completion.~~

~~**§ 9.9** The Owner's rights to use the Architect's Instruments of Service in the event of a termination of this Agreement are set forth in Article 7 and Section 9.7.~~

§ 10.1 This Agreement shall be governed by the law of the place where the Project is located, excluding that jurisdiction's choice of law rules. ~~If the parties have selected arbitration as the method of binding dispute resolution, the Federal Arbitration Act shall govern Section 8.3.~~

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§ 10.6 ~~Unless otherwise required in this Agreement, the~~ The Architect shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to, hazardous materials or toxic substances in any form at the Project site.

...

.1 Stipulated Sum and Hourly Services

...

~~**.2** Percentage Basis~~
~~*(Insert percentage value)*~~

~~( ) % of the Owner's budget for the Cost of the Work, as calculated in accordance with Section 11.6.~~

~~**.3** Other~~
~~*(Describe the method of compensation)*~~
See Exhibit B, Architect/Engineering Fees – Basic and Supplemental Services, dated January 3, 2023.

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See Exhibit B, Architect/Engineering Fees – Basic and Supplemental Services, dated January 3, 2023.

...

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Compensation may be a stipulated sum, on an hourly basis or any fair and reasonable compensation mutually agreeable to the Owner and Architect.

§ 11.4 Compensation for Supplemental and Additional Services of the Architect's consultants when not included in Section 11.2 or 11.3, shall be the amount invoiced to the Architect plus ten percent (~~%),~~ 10%), or as follows:

...

Schematic Design Phase	eighteen	percent (	18	%)
Design Development Phase	twenty	percent (	20	%)
Construction Documents Phase	thirty-one	percent (	31	%)
Procurement Phase	two	percent (	2	%)
Construction Phase	twenty-seven	percent (	27	%)
Project Closeout Phase	Two		2	%)

...

Hourly rates for the Architect are indicated on Exhibit C. Hourly rates for the Architect's consultants will be provided upon request.

~~**Employee or Category**~~ ~~**Rate ($0.00)**~~

§ 11.8 Compensation for Reimbursable Expenses (see also SECTION 6.1 of the prime Agreement for Professional Services)
PAGE 20

§ 11.8.2 For Reimbursable Expenses the compensation shall be the expenses incurred by the Architect and the Architect's consultants plus Ten percent (10 %) of the expenses incurred. Refer to Exhibit B for an estimate of Reimbursable Expenses.

...

§ 11.10 Payments to the Architect (see SECTION 6 of the prime Agreement for Professional Services)
~~**§ 11.10.1 Initial Payments**~~
~~**§ 11.10.1.1** An initial payment of ($) shall be made upon execution of this Agreement and is the minimum payment under this Agreement. It shall be credited to the Owner's account in the final invoice.~~

~~**§ 11.10.1.2** If a Sustainability Certification is part of the Sustainable Objective, an initial payment to the Architect of ($) shall be made upon execution of this Agreement for registration fees and other fees payable to the Certifying Authority and necessary to achieve the Sustainability Certification. The Architect's payments to the Certifying Authority shall be credited to the Owner's account at the time the expense is incurred.~~

~~**§ 11.10.2 Progress Payments**~~
~~**§ 11.10.2.1** Unless otherwise agreed, payments for services shall be made monthly in proportion to services performed. Payments are due and payable upon presentation of the Architect's invoice. Amounts unpaid ( ) days after the invoice date shall bear interest at the rate entered below, or in the absence thereof at the legal rate prevailing from time to time at the principal place of business of the Architect.~~
~~*(Insert rate of monthly or annual interest agreed upon.)*~~

~~%~~

~~**§ 11.10.2.2** The Owner shall not withhold amounts from the Architect's compensation to impose a penalty or liquidated damages on the Architect, or to offset sums requested by or paid to contractors for the cost of changes in the Work, unless the Architect agrees or has been found liable for the amounts in a binding dispute resolution proceeding.~~

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~~**§ 11.10.2.3** Records of Reimbursable Expenses, expenses pertaining to Supplemental and Additional Services, and services performed on the basis of hourly rates shall be available to the Owner at mutually convenient times.~~

...

None

...

§ 13.1 ~~This Agreement~~ The prime Agreement between the City of Yakima, WA and NAC Architecture plus this Agreement which is Exhibit A represents the entire and integrated agreement between the Owner and the Architect and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the Owner and Architect.

...

.1 The prime Agreement between the City of Yakima, WA and NAC Architecture,
.2 Exhibit A- AIA Document B101™–2017, Standard Form Agreement Between Owner and Architect
~~**.2** AIA Document E203™–2013, Building Information Modeling and Digital Data Exhibit, dated as indicated below:~~
~~*(Insert the date of the E203-2013 incorporated into this agreement.)*~~

...

~~(Check the appropriate box for any exhibits incorporated into this Agreement.)~~

~~[ ] AIA Document E204™–2017, Sustainable Projects Exhibit, dated as indicated below:~~Exhibit B – Architect/Engineering Fees – Basic and Supplemental Services, dated January 3, 2023
~~(Insert the date of the E204-2017 incorporated into this agreement.)~~Exhibit C- NAC Architecture Current Compensation Rates
Exhibit D- Federal Clauses

~~[ ] Other Exhibits incorporated into this Agreement:~~
~~*(Clearly identify any other exhibits incorporated into this Agreement, including any exhibits and scopes of services identified as exhibits in Section 4.1.2.)*~~

_____

~~**.4** Other documents:~~
~~*(List other documents, if any, forming part of the Agreement.)*~~

~~This Agreement entered into as of the day and year first written above.~~Refer to the prime Agreement between the City of Yakima, WA and NAC Architecture for signatures.

~~**OWNER** *(Signature)*~~	~~**ARCHITECT** *(Signature)*~~
~~*(Printed name and title)*~~	~~*(Printed name, title, and license number, if required)*~~

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Certification of Document's Authenticity

AIA® Document D401™ – 2003

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_____

(Signed)

_____

(Title)

_____

(Dated)

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City of Yakima
MLK Jr. Community Park Pool Design
EXHIBIT B- Architect/Engineering Fees- Basic and Supplemental Services
2/1/2024 Revised to authorize services shown in RED

NAC ARCHITECTURE

1	**A/E Fees- Basic Services**				
	Per Washington State A/E Fee Schedule (effective July 2015)				
	MACC (not including sales tax) x Schedule B %	9,250,000	8.12%	751,100	
	(includes architectural, interior design, structural, mechanical, electrical- low voltage audio-visual, paging, clock, access control, intrusion detection, video surveillance and specialty pool systems rough-in only)				
1a	**A/E Fees- Basic Services (SD, DD, CD)**		69%	518,259	
1b	**A/E Fees- Basic Services (Bidding, CA, Closeout)**		31%		232,841
	Subtotal Basic Services Fee- Stipulated Sum			**518,259**	**232,841**
2	**Supplemental Services- Engineers and Specialty Consultants**				
4.1.1.8	Civil Engineering Allowance (SD, DD, CD) (Parametrix)	49,000	1.10	53,900	
	(Bidding, CA, Closeout)	21,000	1.10		23,100
4.1.1.9	Landscape Architect (SD, DD, CD) (MTLA)	9,072	1.10	9,979	
	(Bidding, CA, Closeout)	3,620	1.10		3,982
4.1.1.29	Aquatic Consultant (SD, DD, CD) (Water Technology)	104,304	1.10	114,734	
	(Bidding, CA, Closeout)	12,720	1.10		13,992
	Subtotal Engineers and Specialty Consultants Fee- Stipulated Sum			**178,614**	**41,074**
3	**Supplemental Services- A/E Fees for Budget Increase or Bid Alternates**				
	Optional additional fee allowance included only if the original MACC is increased or if bid alternates are added above the original MACC ($1.2 is budget estimate for adding phase 2 pool).				
	MACC (not including sales tax) x Schedule B % (above)	1,200,000	8.12%	67,234	30,206
	Aquatic Consultant (SD, DD, CD) (Water Technology)	53,464	1.10	58,810	
	(Bidding, CA, Closeout)	6,520	1.10		7,172
4.1.1.30	**Subtotal Budget Increase Fee- Stipulated Sum Allowance (if authorized in writing)**			**126,044**	**37,378**
4	**Supplemental Services- Predesign (confirm program and budget)**				
	Support and attend (1) communty engagement event				
	Support and attend (1) City Council/Park Commission presentation				
	(presentations in other phases are included in Basic Services)				
4.1.1.1	Confirm program for aquatics and poolhouse				
	Develop concepts (3 max) with renderings				
	Construction cost budget for concept options (3 max)				
	Architect	29,450	1.00	29,450	
	Aquatic Consultant	15,392	1.10	16,931	
	Cost Estimating (MACC Estimating Group)	1,500	1.10	1,650	
4.1.1.31	**Subtotal Predesign Estimated Time at Specific Hourly Rates**			**48,031**	

5 Supplemental Services- Miscellaneous

4.1.1.12	Cost Estimating (MACC Estimating Group)	24,000	1.10	26,400	
4.1.1.5	Survey Allowance (Parametrix)- entire park	15,350	1.10	16,885	
	Topo, Boundary, Utilities (north park only $11,600)				
4.1.1.32	Geotechnical Investigation Allowance (GN Northern)	22,000	1.10	24,200	
4.1.1.33	Certified Payroll (Parametrix) - during construction	30,000	1.10		33,000
	Subtotal Misc Supplemental Services Fee- Stipulated Sum			**67,485**	
	Subtotal Supplemental Services (items 2, 4, & 5)			**294,130**	
	Total A/E Fees- Basic Services and Supplemental Services thru CD's (items 1, 2, 4, & 5)			**812,389**	
	Total A/E Fees- Basic Services and Supplemental Services (Bidding, CA, Closeout- items 1 & 2)				**306,915**
	Total A/E Fees- Basic Services and Supplemental Services thru Closeout (items 1, 2, 4, & 5)				**1,119,304**

6 Estimated Direct Non-Salary (Reimbursable) Expenses (not included in A/E fees above)

	NAC estimated reimbursables			
	Mileage (minus first and last 50 miles)	300	0.625	188
	Meals (for Brooke and Keith)	2	20	40
	10% mark-up	228	10%	23
	Expenses per trip			250
	Assume 30 trips (from Predesign thru closeout)	250	30	7,508
	Contingency			192
	Travel time			12,800
				20,500
	Civil Engineer estimated reimbursables			
	6 trips to Yakima (3 trips design, 3 trips construction)	1,500	1.10	1,650
	Landscape Architect estimated reimbursables			
	5 trips to Yakima (2 trips design, 3 trips construction)	965	1.10	1,062
	Water Technology Inc. estimated reimbursables			
	6 trips to Yakima ($6500- $7300)	7,300	1.10	8,030
	Additional trips- $2400 each			
	Estimated reimbursables for structural, mechanical and electrical			
	Number of trips to be determined	10,000	1.10	11,000
	Plans advertising, printing and distribution	1	8,000	8,000
11.8.1	**Total Estimated Reimbursables**			**50,241**
	Total All Potential A/E Fees plus Reimbursables			**50,241**

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 7.J.
For Meeting of: March 19, 2024

ITEM TITLE: Resolution authorizing a temporary water transfer interlocal agreement with the City of Tieton and Yakima-Tieton Irrigation District

SUBMITTED BY: *Scott Schafer, Director of Public Works
Mike Shane, Water/Irrigation Division Manager

SUMMARY EXPLANATION:

Proposed is a Temporary Water Transfer Interlocal Agreement for the City of Yakima to lease 31 shares of Yakima-Tieton Irrigation District water to the City of Tieton for the 2024 irrigation season. The 31 shares of irrigation water is not currently necessary to supply the City of Yakima's irrigation operations for 2024, whereas the City of Tieton has a need for this irrigation water.

Under the proposed agreement, the City of Tieton would pay $125/share to the City of Yakima; plus a billing charge of $80 for a total of $3,955.00 for this year. The arrangement with the City of Tieton was first implemented in 2014.

ITEM BUDGETED: Yes

STRATEGIC PRIORITY: Partnership Development

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

Adopt Resolution.

ATTACHMENTS:

Description	Upload Date	Type
Resolution ILA City of Tieton Water Shares	3/4/2024	Resolution
Lease Agreement	2/22/2024	Contract

RESOLUTION NO. R-2024-

A RESOLUTION authorizing a Temporary Water Transfer Interlocal Agreement with the City of Tieton and Yakima-Tieton Irrigation District to lease 31 shares of Irrigation Water to the City of Tieton for the water year 2024.

WHEREAS, the City of Yakima (City) Water/Irrigation Division has 31 shares of Yakima-Tieton Irrigation District water assigned to the second level reservoir property on City Reservoir Road; and

WHEREAS, the City's Water/Irrigation Division is paying for 31 shares of irrigation water, but that water is currently not necessary to the City's operations; and

WHEREAS, the City of Tieton needs irrigation water and is willing to lease the water and pay more than the normal share cost to use the water; and

WHEREAS, leasing the water to the City of Tieton is mutually beneficial because the City is reimbursed for the cost of the water shares and the City of Tieton has use of the water in accordance with the attached Agreement; and

WHEREAS, the City Council finds that it is in the best interest of the City of Yakima and its residents to authorize the City Manager to execute the Temporary Water Transfer Interlocal Agreement with the City of Tieton and the Yakima Tieton Irrigation District to lease 31 shares of irrigation water to the City of Tieton; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

The City Manager is hereby authorized to execute the attached and incorporated Agreement with the City of Tieton and the Yakima-Tieton Irrigation District for the lease of 31 shares of Yakima-Tieton Irrigation District water to the City of Tieton for the water year 2024.

ADOPTED BY THE CITY COUNCIL this 19th day of March, 2024.

_____
Patricia Byers, Mayor

ATTEST:

_____
Rosalinda Ibarra, City Clerk

TEMPORARY WATER TRANSFER AGREEMENT

THIS TEMPORARY WATER TRANSFER INTERLOCAL AGREEMENT is made and entered into in accordance with the requirements of RCW 39.34, on the _____day of _____, 2024, by and between CITY OF YAKIMA, hereinafter referred to as the **Transferor**, whose address is 129 N. 2nd St.; YAKIMA, WA 98901; CITY OF TIETON hereinafter referred to as the **Transferee**, whose address is P.O. BOX 357, TIETON, WA 98947; and YAKIMA-TIETON IRRIGATION DISTRICT, an irrigation district organized under the laws of the State of Washington, hereinafter referred to as the **District**, and whose address is 470 Camp Four Road, Yakima, WA 98908;

W I T N E S S E T H:

1. Transferor, for and in consideration of good and valuable consideration does hereby transfer to Transferee 31.00 shares of water from the facilities of the District, said water now being appurtenant to Yakima County tax parcel number 181316-31402 & 181316-11400 owned by the Transferor, and situated, lying, and being in Yakima County, Washington, and within the boundaries of the District, does hereby transfer said 31.00 shares of water from the above-described property for the year 2024 to Yakima County parcels within the City of Tieton irrigation service area owned by Transferee and all parcels as listed on the attached irrigation turnout summary, situated, lying, and being in Yakima County, Washington, and within the boundaries of the District; it being the intention of Transferee to use said shares of water on the properties last described for the current irrigation season. This agreement shall continue for the current irrigation season and shall terminate and be of no further force or effect upon the expiration of the current irrigation season without any further action of any party. Other than the one-time transfer of water shares as set forth herein, no other real or personal property shall exchange hands as part of this transaction.

2. Transferee does hereby agree to pay the Transferor $125.00 per share for 31.00 shares plus the billing charge of $80.00, for use in the water year of 2024, a total of $3,955.00. Payment is due at the Transferor fifteen (15) days from date of invoice.

3. Transferee does hereby agree that the total resulting shares of water to be used on the property last above described, including said shares of water herein transferred, is 31.00 shares of water. The District, for and in consideration of the conditions provided herein, does hereby approve and acknowledge the above transfer of the aforementioned water.

4. The water user parties' above-described properties and water herein transferred shall be and remain expressly subject to the rules and regulations of the Yakima-Tieton Irrigation District.

5. The water user parties' above-described properties and water herein transferred are expressly subject to assessments, rates, tolls, and charges of the District for any lawful purpose, including but not limited to the care, maintenance, upkeep, operation, management, repair, reconstruction, betterment, and improvement of facilities of the District, for the payment of any indebtedness due the United States and the State of Washington, and for the payment of bonds and interest thereon.

6. All assessments, rates, tolls, and charges of the District payable for the current and all prior years associated with the properties involved shall be paid in full prior to the District's approval and acknowledgement of this transfer. The parties shall be responsible for any payments or reimbursements between the parties, and the District shall have no responsibility for the handling or transmittal of such funds.

7. The water user parties' above-described properties and water herein transferred are expressly subject to all the terms and conditions of original water deeds and contracts creating and initiating the water rights transferred herein.

8. The parties acknowledge and agree to the following:

a. Water rights in the Yakima River Drainage Basin, including but not limited to the right of diversion and use of and the extent and priority of the right to the use of any surface water of the Yakima River Drainage Basin, are have been determined and adjudicated in the case of *State of Washington v. Acquavell*a, Yakima County Cause No. 77-2-01484-5 and the final decree signed in May 2019.

b. Judge Walter Stauffacher issued an order on August 13, 1992, which provided as follows:

> 1. IT IS HEREBY FURTHER ORDERED that changes in the place of use of water within the boundaries of an irrigation district may be approved by the board of directors of the irrigation district and do not require the approval of the Department of Ecology.

9. Transferor and Transferee hereby release and agree to indemnify, hold harmless and defend the Yakima-Tieton Irrigation District, and its directors, officers, agents, and employees, on account of any and all damages or claims, including but not limited to attorneys' fees and expenses, by whomsoever made and of any nature whatsoever, arising out of or in any manner connected to this Temporary Water Transfer Agreement or arising out of or in any manner connected to the water herein transferred being found or determined to be void or voidable. Transferor's and Transferee's duties under this paragraph to indemnify the Yakima-Tieton Irrigation District shall not apply to liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Yakima-Tieton Irrigation District or its directors, officers, agents, and employees. The Yakima-Tieton Irrigation District hereby releases and agrees to indemnify, hold harmless and defend Transferor and Transferee

and their elected officials, appointed officials, agents, and employees, on account of all damages or claims, including attorneys' fees and expenses, for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Yakima-Tieton Irrigation District or its directors, officers, agents, and employees. In the event of damages arising out of bodily injury to persons or damage to property caused by or resulting from the concurrent negligence of (1) the Yakima-Tieton Irrigation District or its directors, officers, agents, or employees, and/or (2) Transferor or its elected officials or appointed officials, employees, or agents, and/or (3) Transferee or its elected officials or appointed officials, employees, and agents, Transferor's, Transferee's and/or the Yakima-Tieton Irrigation District's duty to indemnify under this paragraph shall apply only to the extent of each such party's negligence.

10. Transferee shall pay in advance to the District all the District costs associated with this transfer, including but not limited to all costs for administration, orifice plates, parts, mileage, labor, and all other costs associated with the transfer.

11. The water user parties hereby certify and warrant under penalty of perjury of the laws of the state of Washington that they are the owners of their respective properties as described herein. Transferor furthermore certifies and warrants under penalty of perjury of the laws of the state of Washington that Transferor is not in default under any mortgage lien covering Transferor's property, that there are no liens on Transferor's property, other than mortgage liens, and that the contract seller of such property, if any, has consented to this temporary transfer by the signature below. In the event of any sale or transfer of Transferor's property described above, Transferor shall take full responsibility for notifying any purchaser or other transferee of this temporary transfer.

12. In accordance with RCW 39.34.040, prior to this agreement becoming effective it shall be listed by subject on the City of Yakima web site.

Transferee: CITY OF TIETON

_____
Transferee Signature

*Title:*_____

*Date:*_____

YAKIMA TIETON IRRIGATION DISTRICT

By:_____

*Date:*_____

Travis Okelberry, Secretary-Manager

Transferor: CITY OF YAKIMA

By: _____

Date: _____

Dave Zabell, Interim City Manager

Attest:

_____

Date:_____

Roslinda Ibarra, City Clerk

City Contract No. ___2024-_____

Resolution No. ___R-2024-_____

YTID / City of Tieton Irrigation Turnout Summary

Turnout	System	Acct#	Water User	Shares	Transfer	NetShares	IrrigationFlow
115	1	1502	City of Tieton	20.94	-8.29	12.65	61.99
0133A	1	1502	City of Tieton	34.97	38.12	73.09	358.14
0163C	1	4195	City of Tieton	3	4.28	7.28	35.67
2011	2	3764	City of Tieton	10.17		10.17	49.83
2014	2	4591	City of Tieton	27.52		27.52	134.85
1806B	1	4194	City Of Tieton (Hatto	25.51	-3.11	22.4	109.76
			City of Yakima Share Transfer		**31**		

Comment:
Transferred to 0133A

Comment:
Transferred from 0115 City of Tieton 8.29
Transferred from 7700 City of YKM 11
Transferred from 7890 City of YKM 3.43
Transferred from 7890 City of YKM 15.4

Comment:
Transfer from 1806B City of Tieton 3.11
Transfer from 7890 City of YKM 1.17

Turnouts and Parcels Served

Turnout 0115	**Turnout 0133A**			**Turnout 0163C**	**Turnout 2014**
161413-11008	161413-11407	171418-23023	171418-23451	171418-42404	171418-21001
161413-11407	161413-14017	171418-23025	171418-23452	171418-42405	171418-21015
161413-11408	171418-13007	171418-23027	171418-23453	171418-42406	171418-21426
161413-11412	171418-13009	171418-23028	171418-23454	171418-42407	171418-21427
161413-11415	171418-13406	171418-23029	171418-23462	171418-42408	171418-21428
161413-11416	171418-13414	171418-23030	171418-23463	171418-42414	171418-21429
161413-11417	171418-13415	171418-23031	171418-23464	171418-42415	171418-21430
161413-11418	171418-13416	171418-23033	171418-23470	171418-43406	171418-21431
161413-11419	171418-21007	171418-23034	171418-23471	171418-43407	171418-21432
161413-11420	171418-21423	171418-23035	171418-23472	171418-43408	171418-21433
161413-11422	171418-21425	171418-23036	171418-23473	171418-43409	171418-21434
161413-11423	171418-22400	171418-23038	171418-23474	171418-43410	171418-21435
161413-11424	171418-22403	171418-23039	171418-23475	171418-43411	171418-21436
161413-11425	171418-22407	171418-23040	171418-23476	171418-43412	171418-21437
161413-11426	171418-22408	171418-23041	171418-23477	171418-43413	171418-21438
161413-11429	171418-22409	171418-23042	171418-23478	171418-43415	171418-21439
161413-11430	171418-22410	171418-23046	171418-23479	171418-43416	171418-21440
161413-11431	171418-22411	171418-23051	171418-23480	171418-43417	171418-21441
161413-11432	171418-22412	171418-23053	171418-24009		171418-21442
161413-11437	171418-22413	171418-23055	171418-24400	**Turnout 2011**	171418-21447
161413-11438	171418-22417	171418-23056	171418-24404		171418-21448
161413-11447	171418-22418	171418-23057	171418-24405	171418-21411	171418-21453
161413-11448	171418-22419	171418-23060	171418-24412	171418-21412	171418-21454
161413-11449	171418-22421	171418-23061	171418-24415	171418-21414	171418-21459
161413-11450	171418-22422	171418-23062	171418-24416	171418-21415	171418-21460
161413-11453	171418-22423	171418-23064	171418-24417	171418-21416	171418-21461
161413-12407	171418-22424	171418-23065	171418-24418	171418-21417	171418-21462
161413-12408	171418-22426	171418-23068	171418-24423	171418-21418	171418-21463
161413-12409	171418-22434	171418-23070	171418-24429	171418-21419	171418-21464
161413-12410	171418-22435	171418-23400	171418-24433	171418-21420	171418-21465
161413-12411	171418-22438	171418-23401	171418-24440	171418-21421	171418-21466
161413-12419	171418-22439	171418-23402	171418-24441	171418-22481	
161413-12420	171418-22440	171418-23403	171418-24447	171418-22482	**Turnout 1806B**
161413-12424	171418-22441	171418-23404	171418-24448	171418-22483	
161413-12426	171418-22442	171418-23405	171418-24449	171418-22484	171420-21004
161413-14009	171418-22444	171418-23406	171418-24450	171418-22485	
161413-14010	171418-22450	171418-23407	171418-24451	171418-22486	
161413-14014	171418-22451	171418-23408	171418-24453	171418-22487	
161413-14017	171418-22455	171418-23409	171418-24454	171418-22488	
171418-22007	171418-22456	171418-23410	171418-24455	171418-22489	
171418-22465	171418-22458	171418-23411	171418-24456	171418-22493	
171418-22472	171418-22460	171418-23412	171418-24458	171418-22499	
	171418-22464	171418-23413	171418-24459	171418-22500	
	171418-22471	171418-23415	171418-24462	171418-22501	
	171418-22476	171418-23416	171418-24465	171418-22502	
	171418-22477	171418-23417	171418-24473	171418-22506	
	171418-22479	171418-23421	171418-24474	171418-22507	
	171418-22503	171418-23422	171418-24475	171418-22512	
	171418-22504	171418-23424	171418-24477	171418-22515	
	171418-23001	171418-23428	171418-24482	171418-22516	
	171418-23002	171418-23430	171418-24484	171418-22522	
	171418-23003	171418-23431	171418-24486	171418-22535	
	171418-23004	171418-23432	171418-24490	171418-22536	
	171418-23005	171418-23434	171418-24492	171418-22541	
	171418-23008	171418-23435	171418-24498		
	171418-23009	171418-23436	171418-24507		
	171418-23010	171418-23438	171418-24513		
	171418-23013	171418-23440	171418-24515		
	171418-23015	171418-23442			
	171418-23020	171418-23444			
	171418-23021	171418-23448			

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 7.K.
For Meeting of: March 19, 2024

ITEM TITLE: Resolution authorizing the Parks and Recreation Division Manager to execute personal services agreements with contractors that perform specialized Parks and Recreation services, volleyball officials, musicians, exercise instructors, etc

SUBMITTED BY: Scott Schafer, Director of Public Works
* Ken Wilkinson, Parks and Recreation Manager

SUMMARY EXPLANATION:

The City of Yakima's Parks and Recreation Division requires specialized services from instructors, officials, and musicians for various Parks and Recreation Division activities and programs. With each service, a Personal Services Agreement is required. Many of the Agreements are time-sensitive and is why it is necessary for the Parks and Recreation Division Manager to be authorized to execute such Agreements. The Parks and Recreation Division Manager may also execute any renewable Personal Services Agreements for the following four years (2028). The total combined value of all the Agreements for the year is approximately $45,000. Program fee revenues help offset this budgeted expenditure. Attached for City Council's review is a Master Personal Services Agreement necessary for obtaining such services.

ITEM BUDGETED: Yes

STRATEGIC PRIORITY: Neighborhood and Community Building

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

Adopt Resolution.

ATTACHMENTS:

	Description	Upload Date	Type
	Resolution	3/5/2024	Resolution
	Blank Agreement	2/15/2024	Backup Material

RESOLUTION NO. R-2024-

A RESOLUTION authorizing the Parks and Recreation Division Manager to execute Personal Services Agreements during 2024 and depending upon funding, authorizing the Parks and Recreation Manager to execute any renewable agreements for the following four years (2028), upon approval as to form by the City Attorney.

WHEREAS, the City of Yakima Parks Division requires specialized personal services for various recreational and other programs during 2024; and

WHEREAS, the City Council has approved funding of approximately $45,000 for such programs for 2024; and

WHEREAS, the City of Yakima Parks Division desires to use Personal Services Agreements in substantial accord with the terms and conditions of the attached for "Personal Services Agreement" to hire individuals to provide such services; and

WHEREAS, the City Council deems it to be in the best interest of the City of Yakima to authorize the Parks and Recreations Division Manager to execute agreements that are substantially in accord with the attached "Personal Services Agreement" in order to obtain specialized services during 2024, now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

The City Council authorizes the Parks and Recreation Division Manager to execute Personal Services Agreements that are substantially in accord with the terms and conditions of the attached "Personal Services Agreement" in order to obtain specialized services during 2024, and depending on funding, authorizes the Parks and Recreation Manager to execute any subsequent amendments or reoccurring agreements substantially in the form of the agreement approved pursuant to this resolution, for the following four years (2028) upon approval as to form by the City Attorney.

ADOPTED BY THE CITY COUNCIL this 19th day of March, 2024.

_____
Patricia Byers, Mayor

ATTEST:

_____
Rosalinda Ibarra, City Clerk

FOR OFFICIAL USE ONLY

Service Contract No. _____

City Resolution No._____

(Please Print)

Provider _____

Vendor No._____ Work Phone No. _____

Expenditure Code: _____

PERSONAL SERVICES AGREEMENT

THIS PERSONAL SERVICES AGREEMENT (hereinafter “Agreement”) is made and entered into by and between the City of Yakima, a Washington municipal corporation (hereinafter the "City"), and _____, (hereinafter "Contractor").

WHEREAS, the City requires specialized personal services to facilitate the scheduled ___ _____ program of the City Parks and Recreation Division.

WHEREAS, Contractor has the experience and expertise necessary to perform the specialized services the City requires.

WHEREAS, the specialized services are outside the usual course of business of the City of Yakima.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements set forth herein, it is agreed by and between the City and Contractor as follows:

1. <u>Scope of Services</u>. Contractor shall provide services, staff, specialized equipment, and otherwise do all things necessary for or incidental to the performance of work in conjunction with the _____ program of the City Parks and Recreation Division and in accordance with attached and incorporated Attachment "A."

2. <u>Period of Performance</u>. The period of performance under this Agreement shall be one year, commencing at 12:01 a.m. on January 1, 2024 and continuing until 11:59 p.m. on December 31, 2024, unless earlier terminated by either party in accordance with Section 17 or Section 18 of this Contract. The City reserves the right to extend this Agreement for four (4) additional one (1) year periods by City providing Contractor a written notice of City’s intent to renew, said notice to be given sixty (60) days prior to the Agreement’s annual expiration date. Upon receipt of a renewal notice from the City, Contractor shall indicate its intent to accept the renewal or to terminate the Agreement in writing and signed by Contractor no later than thirty (30) days prior to the annual expiration date. The Parks and Recreation Division Manager has the authority and is authorized to extend this Agreement for up to four (4) one-year extensions. Any such extension does not require further City Council approval.

3. Consideration. As consideration for the services performed pursuant to this Agreement, the City agrees to compensate Contractor in accordance with attached and incorporated Attachment "B." The Contractor shall provide the City with an itemized invoice/billing no later than thirty (30) calendar days after the services are provided. The City shall make payment to the Contractor within thirty (30) calendar days following receipt of each invoice/billing; provided, however, that the Contractor waives any and all claims for compensation for services where the Contractor has failed to provide the City with an itemized invoice/billing for said services within sixty (60) calendar days of providing said services. Also, all payments are expressly conditioned upon the Contractor providing training or _____ services hereunder that are satisfactory to the City. Contractor shall also complete and submit to the City IRS Form 1099 included herein as Attachment "C".

4. Independent Contractor Status of Contractor. Contractor and the City understand and expressly agree that Contractor is an independent contractor in the performance of each and every part of this Agreement and **not** an agent or representative of the City. Contractor, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement free from supervision by the City over the methods and details of performance except as described in Attachment "A". Contractor shall not represent that it is, or hold itself out as, an agent or representative of the City. In no event shall Contractor be authorized to enter into any agreement or undertaking for, or on behalf of, City.

Additionally, and as an independent contractor, Contractor and its employees shall make no claim of City employment nor shall claim against the City any related employment benefits, social security, and/or retirement benefits, provided, however that Contractor may be eligible for industrial insurance from the City. Nothing contained herein shall be interpreted as creating a relationship of servant, employee, partnership or agency between Contractor or any officer, employee or agent of Contractor and the City.

5. Taxes and Assessments. Contractor shall be solely responsible for compensating its employees and for paying all related taxes, deductions, and assessments, including but not limited to, federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed a tax or assessment as a result of this Agreement, Contractor shall pay the same before it becomes due.

6. Nondiscrimination Provision. During the performance of this Agreement, Contractor shall not discriminate in violation of any applicable federal, state and/or local law or regulation on the basis of race, color, sex, religion, national origin, creed, marital status, political affiliation, or the presence of any sensory, mental or physical handicap. This provision shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, selection for training, and the provision of services under this Agreement.

In the event of the Contractor's noncompliance with the non-discrimination clause of this Agreement, or with any such rules, regulations, laws or orders, this Agreement may be cancelled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for any future City contracts.

7. The Americans With Disabilities Act. Contractor agrees to comply with the Americans With Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. (ADA), and its implementing regulations, and Washington State's anti-discrimination law as contained in RCW Chapter 49.60 and its implementing regulations. The ADA provides comprehensive civil rights to individuals with disabilities in the area

of employment, public accommodations, state and local government services, and telecommunications.

8. Compliance With Law. Contractor agrees to perform those services under and pursuant to this Agreement in full compliance with any and all applicable laws, rules, and regulations adopted or promulgated by any governmental agency or regulatory body, whether federal, state, local, or otherwise. This includes, but is not limited to, the requirement to obtain a City of Yakima business license if Contractor is charging participants for the activities contracted for under this Agreement, or if a business or regulatory license is otherwise required by federal, state, or local law. Proof of such licenses must be provided at the time of execution of this Agreement.

9. Insurance.

a. It is understood the City does not maintain liability insurance for Contractor and/or its employees.
b. If Contractor carries a Commercial Liability Insurance policy, Automobile Insurance policy, Umbrella insurance policy and/or other insurance policy that covers Contractor's activities performed under this Agreement, Contractor shall provide the City with the certificates of insurance and additional insured endorsements as proof of insurance. The certificates of insurance and endorsements shall name the City, its elected and appointed officials, employees, agents, attorneys and volunteers as additional insureds. The certificate shall clearly state who the provider is, the coverage amount, the policy number, and when the policy and provisions provided are in effect.
c. Contractor's insurance coverage shall be primary insurance with respect to those who are additional insureds under this Agreement. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be in excess of the Contractor's insurance, and neither the City nor its insurance providers shall contribute to any settlements, defense costs, or other payments made by Contractor's insurance.

10. Indemnification and Hold Harmless. Contractor shall take all necessary precautions in performing the services and work under this Agreement to prevent injury to persons or property. The Contractor shall release, defend, indemnify, and hold harmless the City, its elected officials, agents, officers, employees, agents, representatives, insurers, attorneys and volunteers from all liabilities, claims, causes of action, damages, losses, and expenses of any kind or nature whatsoever, including but not limited to, attorney's fees and court costs, arising out of, relating to, or related to all claims, suits, arbitration actions, investigations, and regulatory or other governmental proceedings arising from or in connection with this Agreement or the acts, failures to act, errors or omissions of the Contractor, or any of Contractor's agents or subcontractors, in performance of this Agreement.

11. Assignment. This Agreement, or any interest herein, or claim hereunder, shall not be assigned or transferred in whole or in part by Contractor to any other person or entity without the prior written consent of the City, at the City's sole discretion. In the event that such prior written consent to an assignment is granted, then the assignee shall assume all duties, obligations, and liabilities of Contractor stated herein.

12. Non-Waiver. The waiver by Contractor or the City of the breach of any provision of this Agreement by the other party shall not operate or be construed as a waiver of any subsequent breach by either party or prevent either party thereafter enforcing any such provision.

13. Damages. If for any reason the Contractor fails to provide the services required under this Agreement, or is found to be in violation of any term or condition of this Agreement, the Contractor

shall be liable for any and all damages to the City, which may include, but is not limited to, any additional expenses incurred by the City in securing such services elsewhere or from another contractor.

14. <u>No Conflict of Interest</u>. Contractor represents that he/she does not have any interest and shall not hereafter acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of this Agreement. Further, the Contractor specifically represents that he/she is not an officer or an employee of the City, nor does he/she reside with or contribute monetary amounts to any City employee or officer.

15. <u>Severability</u>.

a. If a court of competent jurisdiction holds any part, term or provision of this Agreement to be illegal, or invalid in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

b. If any provision of this Agreement is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

16. <u>Integration and Supersession</u>. This Agreement sets forth all of the terms, conditions, and agreements of the parties relative to the subject matter hereof and supersedes any and all such former agreements which are hereby declared terminated and of no further force and effect upon the execution and delivery hereof. There are no terms, conditions, or agreements with respect thereto, except as herein provided and no amendment or modification of this Agreement shall be effective unless reduced to writing and executed by the parties.

17. <u>Termination</u>. Either party may terminate this Agreement, with or without cause, by giving the other party fifteen (15) days written notice of termination.

a. Termination with cause. In the event the Contractor breaches this Agreement, the City may terminate this Agreement at its sole discretion in such event that it provides the Contractor with written notice of Contractor's breach and the Contractor fails to cure its breach during the notice period. In the event the City breaches this Agreement, the Contractor may terminate the Agreement at its sole discretion in such event that it provides the City with written notice of the City's breach and the City fails to cure its breach of the Agreement within the notice period.
b. Termination without cause. In the event either party wishes to terminate this Agreement without cause or for convenience, it may do so after providing the required notice. In the event of termination without cause or for convenience, the Contractor shall be entitled to receive compensation for any fees owed under this Agreement, and may continue to provide services that were already scheduled at the time of notice, through the notice period up to the date of termination, and be compensated for those services by the City.

18. <u>Termination/Reduction of Services Due to Withdrawal, Reduction or Limitation of Funding</u>. In the event that City funding from any source is withdrawn, reduced and/or limited in any way after the effective date of and prior to completion of this Agreement, the City may unilaterally reduce the scope of services, work and compensation of this Agreement, or summarily terminate this Agreement notwithstanding any other termination provisions of this Agreement. Termination under this section shall be effective upon hand delivery or delivery by facsimile of a written notice of

termination to Contractor, or three (3) calendar days after mailing (by first class mail) of a written notice of termination to Contractor, whichever is sooner.

19. Survival. Any provision of this Agreement which imposes an obligation after termination or expiration of this Agreement shall survive the term or expiration of this agreement and shall be binding on the parties to this Agreement.

20. Notices. Unless stated otherwise herein, all notices and demands shall be in writing and either hand delivered or sent to the parties at their addresses as follows:

TO CITY:	Ken Wilkinson, Parks & Recreation Manager City of Yakima Public Works Parks & Recreation Division 2301 Fruitvale Blvd. Yakima, WA 98902 (509) 575-6020
TO CONTRACTOR:	Name _____ Vendor No. _____

or to such other addresses as the parties may hereafter designate in writing. It is the contractor's obligation to maintain accurate address/contact information with the City. Notices and/or demands shall be sent by first class mail, postage prepaid or hand delivered. Such notices shall be deemed effective three (3) calendar days after mailing or when hand delivered at the addresses specified above.

21. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

22. Venue. The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Yakima County, Washington.

23. Records and Records Retention.

a. The records relating to the services provided under this Agreement shall, at all times, be subject to inspection by and with the approval of the City, but the making of (or failure of or delay in making) such inspection or approval shall not relieve the Contractor of responsibility for performance of this Agreement in accordance hereto, notwithstanding the City's knowledge of defective or non-complying performance, its substantiality or the ease of its discovery. Contractor shall provide the City sufficient, safe, and proper facilities, and/or send copies of the requested documents to the City. Contractor's records relating to this Agreement will be provided to the City upon the City's request.

b. Contractor shall promptly furnish the City with such information and records which are related to this Agreement as may be requested by the City. Until the expiration of six (6) years after final payment of the compensation payable under this Agreement, the termination date of this Agreement, or for a longer period if required by law or by the Washington Secretary of State's records retention schedule, Contractor shall retain and provide the City access to (and the City shall have the right to examine, audit and copy) all of Contractor's books, documents, papers and records which are related to this

Agreement. If any litigation, claims or audit findings involving the records is started before the expiration of the six-year period, the records shall be retained until all litigation, claims or audit findings involving the records is resolved.

c. All records relating to Contractor's work under this Agreement must be made available to the City, and the records relating to this Agreement are City of Yakima records. They must be produced to third parties, if required, pursuant to the Washington State Public Records Act, Chapter 42.56 RCW, or by law.

d. The terms of this section shall survive any expiration or termination of this Agreement.

24. <u>Pay Transparency Non-Discrimination Provision.</u> The Contractor will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation proceedings, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the Contractor's legal duty to furnish information.

CITY OF YAKIMA	**CONTRACTOR**
By:_____	By:_____
Ken Wilkinson Parks & Recreation Division Manager	Print Name: _____
DATE:_____	DATE: _____
	Service Contract No. _____

<u>CERTIFIED STATEMENT</u>

I, _____, certify under penalty of perjury under the laws of the State of Washington that I am the Contractor, or am authorized to sign this contract on behalf of the Contractor.

DATED this _____ day of _____, 2021, at _____, Washington.

_____
Signature

City Resolution No. _____

City Contract No. _____

ATTACHMENT "A"

AREAS OF RESPONSIBILITIES:

1. The City of Yakima Parks and Recreation Division shall:

A. Provide information packets to the Contractor a minimum of ten (10) working days prior to the activity, program or trip.

B. Provide a tentative participant roster to the Contractor a minimum of one (1) working day prior to the activity, program or trip. A final roster will be available prior to the first class or session.

C. Give a minimum of forty-eight (48) hours notice of schedule changes for which the Contractor has been scheduled. This notice does not apply to School District facility cancellations or Acts of God.

D. Allow a program or activity to be rescheduled at a mutually agreed upon time and location as assigned by the Recreation Supervisor/Coordinator/Leader to meet the fulfillments of this contract.

E. Pay the Contractor for services provided within thirty (30) days after receiving the invoice/bill.

2. The Contractor shall:

A. Complete and sign the U.S. Internal Revenue Service Form 1099 (MIS) Attachment "C", which is attached and incorporated into this Agreement.

B. Scope of Services: Adhere to the agreed upon instruction and/or services as described in Attachment "B" which is attached and incorporated into this Agreement.

ATTACHMENT "B"

Contract No. _____

CONSIDERATION:

As consideration for the services performed pursuant to this Agreement, the City agrees to compensate the Contractor as follows:

Program Title:_____ **Activity Number:**_____
Amount:_____ **Per**:_____

Program Title:_____ **Activity Number:**_____
Amount:_____ **Per:**_____

Program Title:_____ **Activity Number:**_____
Amount:_____ **Per:**_____

Program Title:_____ **Activity Number:**_____
Amount:_____ **Per:**_____

Program Title:_____ **Activity Number:**_____
Amount:_____ **Per:**_____

Program Title:_____ **Activity Number:**_____
Amount:_____ **Per:**_____

Program Title:_____ **Activity Number:**_____
Amount:_____ **Per**:_____

The total sum of this agreement shall not exceed $10,000.00

Do Not Scan this Form

ATTACHMENT "C"

Contract No. _____

IRS FORM 1099 (MIS)

The U.S. Internal Revenue Code requires the City of Yakima to file "IRS FORM 1099" for certain payments which total an aggregate of $600 or more during the calendar year.

When a correct taxpayer identification number, such as a Social Security Tax I.D. number, has not been furnished, the City of Yakima must withhold from payments a tax equal to 31%.

To assist the City of Yakima in meeting the Internal Revenue Service reporting requirements and for you to avoid the 31% withholding requirement, please complete the items below, sign and date.

Name _____
(PLEASE PRINT)

Address _____

City _____ State _____ Zip _____

Home Phone No. _____ Work Phone No. _____

Social Security Number _____

Tax I.D. Number _____

Check One:
- Individual ☐
- Corporation ☐
- Partnership ☐
- Professional Service Corp. ☐
- Sole Proprietorship ☐

Authorized Signature

_____ Date _____

If you believe payments to you by the City of Yakima are exempt from the Internal Revenue Service reporting requirements, please supply us with an explanation of the exemption with reference to the appropriate Internal Revenue Code Regulations providing for such exemption.

NOTE: Even if you subsequently give us your Tax Identification Number, the City of Yakima cannot pay the withheld amount to you. Once the 31% portion has been withheld, you must file a tax return to receive credit for the withheld amount.

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 8.
For Meeting of: March 19, 2024

ITEM TITLE: Closed record public hearing and Resolution to consider the Hearing Examiner's recommendation regarding the preliminary plat of Marylyn Place submitted by WM Real Property Holdings, located in the vicinity of Ahtanum Rd & S 58th Ave

SUBMITTED BY: *Eric Crowell, Senior Planner

SUMMARY EXPLANATION:

This is a preliminary long plat submitted by WM Real Property Holdings LLC to subdivide approximately 22.19 acres located in the vicinity of Ahtanum Rd & S 58th Ave into 83 single-family residential lots. This site is located in the Two-Family Residential (R-2) zoning district. The Hearing Examiner held an open-record public hearing on January 11, 2024 and submitted a recommendation for approval on January 25, 2024.

The complete record was distributed to City Council in the agenda packet on March 5, 2024, and can be found online at: https://www.yakimawa.gov/council/agendas-and-minutes/

To participate in this public hearing please refer to the Public Comment Guidelines at: https://www.yakimawa.gov/council/public-comment/

ITEM BUDGETED: NA

STRATEGIC PRIORITY: Neighborhood and Community Building

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

Adopt Resolution.

ATTACHMENTS:

Description	Upload Date	Type
Resolution	2/8/2024	Resolution

RESOLUTION NO. R-2024-

A RESOLUTION approving the Preliminary Long Plat of Marylyn Place, an 83-lot subdivision, located in the vicinity of Ahtanum Rd. & S. 58th Ave.

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 "Marylyn Place," submitted by WM Real Property Holdings, LLC (PLP#001-23, SEPA#009-23, CAO#021-23); 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 19th day of March, 2024.

ATTEST:

Patricia Byers**,** Mayor

Rosalinda Ibarra, City Clerk

DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

EXHIBIT A

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

DATE:	January 29, 2024
TO:	Applicant, Adjoining Property Owners and Parties of Record
SUBJECT:	Notice of the Hearing Examiner's Recommendation
FILE #(S):	PLP#001-23, SEPA#009-23, & CAO#021-23
APPLICANT:	HLA Engineering & Surveying on behalf of WM Real Property Holdings LLC
PROJECT LOCATION:	Vicinity of Ahtanum Rd. & S. 58th Ave.

On January 25, 2024, the City of Yakima Hearing Examiner rendered their recommendation on **PLP#001-23, SEPA#009-23, & CAO#021-23,** a preliminary long plat to subdivide approximately 22.1 acres into 83 single-family residential lots, located in the R-2 zoning district and partially within the floodplain. 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 Senior Planner, Eric Crowell at (509) 575-6736 or email: eric.crowell@yakimawa.gov

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

In the Matter of a Preliminary Long Plat Application Submitted by:	)	
	)	**PLP#001-23**
WM Real Property Holdings, LLC	)	**CAO#021-23**
	)	**SEPA#009-23**
For an 83-Lot Single-Family Residential Preliminary Long Plat on 22.19 Acres in The Vicinity of South 58th Avenue and Ahtanum Road in the R-2 Zone to be Known as the "Plat of Marylyn Place"	)	

A. <u>Introduction.</u> 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 which recommended approval of this preliminary long plat subject to enumerated conditions was presented by Senior Planner Eric Crowell. The applicant's representatives for this application, Colleda Monick and Michael Heit, P.E., of HLA Engineering and Land Surveying, Inc., presented testimony in favor of approval of the proposed preliminary plat.

(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 Yakima County Flood Control Zone District, the Washington State Department of Ecology and the Washington State Department of Archaeological & Historic Preservation,

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PLANNING DIV.

(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 approval of this proposed Preliminary "Plat of Marylyn Place" 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 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, development standards, critical areas ordinance provisions and consistency criteria; the Hearing Examiner makes the following:

FINDINGS

I. Applicant, Property Owner and Representative. The applicant/property owner is WM Real Property Holdings, LLC, 2550 Borton Road, Yakima, WA 98903. The representatives of the applicant/property owner for this proposal who testified at the hearing are Colleda Monick and Michael Heit, P.E., of HLA Engineering and Land Surveying, Inc., 2803 River Road, Yakima, WA 98902.

II. Location. The location of the proposed preliminary plat is north of Ahtanum Road in the vicinity of South 58th Avenue and Ahtanum Road south of the Plat of Anderson

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Park Phase 4. The Yakima County Assessor's Parcel Numbers of the site are 181204-23005 and 181205-14402.

III. Applications. The application for a 22.19-acre 83-lot Preliminary Long Plat (PLP) was received on September 21, 2023, and deemed complete for processing on November 16, 2023. The Preliminary Long Plat application and related applications for Critical Areas Ordinance (CAO) Review and State Environmental Policy Act (SEPA) Review are being processed under Yakima Municipal Code (YMC) Chapter 14.20 for Subdivisions, Chapter 15.27 for Critical Areas and Chapter 6.88 for SEPA Review.

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 Areas Standard Development Permit 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 requested Critical Areas Standard Development Permit 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#001-23), Critical Areas Ordinance Review (CAO#021-23) and State Environmental Policy Act

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Review (SEPA#009-23) was provided by posting a Land Use Action Sign on the property on October 11, 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. <u>Comprehensive Plan.</u> The site of the proposed Preliminary "Plat of Marylyn Place" is located within the Mixed Residential Comprehensive Plan designation which provides for areas with a mixture of housing types and densities. The following goals and policies apply to this proposal:

> Goal 2.3: Preserve and enhance the quality, character, and function of Yakima's residential neighborhoods.
>
> Policy 2.3.1: Provide for a wide variety of housing types within the city to meet the full range of housing needs for Yakima's evolving population.
>
> Policy 2.3.2: Preserve and enhance established residential neighborhoods. Specifically: (A) Ensure that new development is compatible in scale, density, and aesthetic quality to an established neighborhood.

VII. <u>Zoning and Land Use.</u> The 22.19-acre site is located within the Two-Family Residential (R-2) zoning district and is currently vacant. The main purpose of the Yakima Urban Area Zoning Ordinance (UAZO) in Title 15 of the Yakima Municipal Code (YMC) is to implement the Yakima Urban Area Comprehensive Plan and promote the general health, safety and welfare of the present and future inhabitants of the Yakima Urban Area. YMC §15.03.020(C) states that the purpose and intent of the R-2 zoning district is to:

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

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

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

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

Direction	*Zoning*	*Land Use*
North	R-2 and R-3	Residential
South	R-1 (County), R-2	Residential
East	R-2 (County)	Agriculture, Residential
West	R-1 (County), R-2	Residential

VIII. <u>Environmental Review.</u> This application was required to undergo SEPA State Environmental Policy Act review because it proposes to subdivide a parcel of land into more than 30 single-family lots in the R-2 zoning district and because of the requirement that the application undergo a Critical Areas Review. Notice was mailed on November 16, 2023, and the public comment period ended on November 30, 2023. No comments from neighbors or the general public were received, but the 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.

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IX. <u>Transportation Concurrency Ordinance.</u> The applicant applied for Transportation Concurrency (TCO#007-23) on September 21, 2023, and this proposal was approved for Concurrency on January 5, 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. <u>Development Services Team.</u> The following comments were submitted by the Development Services Team which met on October 10, 2023, and by public agencies:

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

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

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

(c) 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	2315 S. 58th Ave. / 5705 W. Larch Ave.	Lot 29	5702 W. Oak Ave.	Lot 57	5807 Woolsey Rd.
Lot 2	5703 W. Larch Ave.	Lot 30	5704 W. Oak Ave.	Lot 58	5809 Woolsey Rd.

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Lot 3	2316 S. 57th Ave. / 5701 W. Larch Ave.	Lot 31	5706 W. Oak Ave.	Lot 59	5811 Woolsey Rd.
Lot 4	2315 S. 57th Ave. / 5609 W. Larch Ave.	Lot 32	5708 W. Oak Ave.	Lot 60	5813 Woolsey Rd.
Lot 5	5607 W. Larch Ave.	Lot 33	5710 W. Oak Ave.	Lot 61	2403 S. 60th Ave. / 5815 Woolsey Rd.
Lot 6	5605 W. Larch Ave.	Lot 34	2501 S. 58th Ave./ 5712 W. Oak Ave.	Lot 62	2401 S. 60th Ave. / 5814 W. Larch Ave.
Lot 7	5606 W. Larch Ave.	Lot 35	2503 S. 58th Ave.	Lot 63	5812 W. Larch Ave.
Lot 8	5608 W. Larch Ave.	Lot 36	2406 S. 58th Ave. / 5801 W. Oak Ave.	Lot 64	5810 W. Larch Ave.
Lot 9	2401 S. 57th Ave. / 5610 W. Larch Ave.	Lot 37	5803 W. Oak Ave.	Lot 65	5808 W. Larch Ave.
Lot 10	2403 S. 57th Ave. / 5609 Woolsey Rd.	Lot 38	5805 W. Oak Ave.	Lot 66	5806 W. Larch Ave.
Lot 11	5607 Woolsey Rd.	Lot 39	5807 W. Oak Ave.	Lot 67	5804 W. Larch Ave.
Lot 12	5605 Woolsey Rd.	Lot 40	5809 W. Oak Ave.	Lot 68	5802 W. Larch Ave.
Lot 13	5604 Woolsey Rd.	Lot 41	5811 W. Oak Ave.	Lot 69	2400 S. 58th Ave. / 5800 W. Larch Ave.
Lot 14	5608 Woolsey Rd.	Lot 42	2407 S. 60th Ave. / 5813 W. Oak Ave.	Lot 70	2401 S. 58th Ave. / 5704 W. Larch Ave.
Lot 15	5610 Woolsey Rd.	Lot 43	2405 S. 60th Ave. / 5812 Woolsey Rd.	Lot 71	5702 W. Larch Ave.
Lot 16	5700 Woolsey Rd.	Lot 44	5810 Woolsey Rd.	Lot 72	2400 S. 57th Ave. / 5700 W. Larch Ave.
Lot 17	5702 Woolsey Rd.	Lot 45	5808 Woolsey Rd.	Lot 73	2316 S. 58th Ave. / 5801 W. Larch Ave.
Lot 18	5704 Woolsey Rd.	Lot 46	5806 Woolsey Rd.	Lot 74	5803 W. Larch Ave.
Lot 19	5706 Woolsey Rd.	Lot 47	5804 Woolsey Rd.	Lot 75	5805 W. Larch Ave.
Lot 20	2405 S. 58th Ave. / 5708 Woolsey Rd.	Lot 48	5802 Woolsey Rd.	Lot 76	5807 W. Larch Ave.
Lot 21	2407 S. 58th Ave. / 5709 W. Oak Ave.	Lot 49	2404 S. 58th Ave. / 5800 Woolsey Rd.	Lot 77	5809 W. Larch Ave.
Lot 22	5707 W. Oak Ave.	Lot 50	2402 S. 57th Ave. / 5701 Woolsey Rd.	Lot 78	2400 S. 60th Ave. / 5811 W. Larch Ave.
Lot 23	5705 W. Oak Ave.	Lot 51	5703 Woolsey Rd.	Lot 79	2406 S. 60th Ave.
Lot 24	5703 W. Oak Ave.	Lot 52	5705 Woolsey Rd.	Lot 80	2408 S. 60th Ave.

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Lot 25	5701 W. Oak Ave.	Lot 53	2403 S. 58th Ave. / 5707 Woolsey Rd.	Lot 81	2410 S. 60th Ave.
Lot 26	5609 W. Oak Ave.	Lot 54	2402 S. 58th Ave. / 5801 Woolsey Rd.	Lot 82	2412 S. 60th Ave.
Lot 27	5610 W. Oak Ave.	Lot 55	5803 Woolsey Rd.	Lot 83	2414 S. 60th Ave.
Lot 28	5700 W. Oak Ave.	Lot 56	5805 Woolsey Rd.		

(2) Engineering: This project proposes that 22.1 acres be developed into 83 new single-family lots at Lower Ahtanum/58th, also known as "Plat of Marylyn Place." 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 83 single-family lots. 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 triangle 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.

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

(h) Acknowledge that the parcels to the north are prohibiting the floodway and currently are undergoing mitigation measures to correct.

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 enters and exits on a County road, Ahtanum. I understand the County was notified. Will notify the County to get arterial traffic data to complete the TCO.

(3) Surface Water: Surface water comments relative to this proposed preliminary plat are as follows:

(a) This very large development will easily pass the one-acre threshold for ground disturbance. Before any ground clearing activities take place, the applicant shall get a Large Project Stormwater Permit. The requirements of a Large Project Stormwater Permit are: (i) Drainage plan(s) and calculations; (ii) Stormwater maintenance agreement and plan; (iii) Proof that the maintenance agreement was recorded in the Yakima County Auditor's Office; (iv) Construction Stormwater Pollution Prevention Plan (SWPPP) which shall be reviewed and approved by the Surface Water Engineer prior to any grading or construction and a Temporary Erosion and Sediment Control (TESC) plan shall be submitted for approval; (v) In lieu of turning in a Construction Stormwater Pollution Prevention Plan, the applicant can satisfy this requirement by obtaining a Construction Stormwater General Permit through the Washington State Department of Ecology and by providing a copy of the signed General Permit to the Surface Water Engineer. (Go to: https://ecology.wa.gov/regulations-permits/permits-certifications/stormwater-general-permits/construction-stormwater-permit for more information on how to apply for the General Permit); (vi) A narrative explaining how Core Elements 1-8 are being satisfied; and (vii) an operation and maintenance plan for the perpetual maintenance of the facilities is now required.

(b) Grading and/or building permits shall not be issued without the project site first passing an erosion control inspection. The erosion control measures shown on the TESC plan must be in place prior to any grading.

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(c) Complete stormwater design plans, specifications and runoff/storage calculations supporting the stormwater design are required pursuant to the Eastern Washington Stormwater Manual and City of Yakima standards. These plans and control measures must be completed by a licensed Professional Engineer and then be reviewed and approved by the City of Yakima Surface Water Engineer prior to construction.

(d) UIC Registration – Stormwater: In accordance with the August 2019 edition of the Department of Ecology's Stormwater Management Manual for Eastern Washington (SMMEW), Underground Injection Control (UIC) wells constructed on or after February 3, 2006 are considered new and must be registered with the Department of Ecology (DOE) 60 days prior to construction. To register your UIC wells, you must go through the Secure Access Washington website. Go to https://secureaccess.wa.gov/ecy/wqwebportal/ to create an account and register your wells. UIC wells that receive polluted runoff shall retain the larger of the 100-year 3-hour and 100-year 24-hour storms and shall be designed for treatment using Table 5.23 of the SMMEW.

(e) More information on the Industrial Stormwater General Permit Notice of Intent can be found at https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance/WQWebPortal-guidance.

(4) Wastewater: Sewer is to be extended to site per YMC Title 12 requirements and City of Yakima Engineering Standard Details. Proposed sewer plans will be reviewed per ENG permit requirements.

(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: Our Board must sign off on the plat for this subdivision. The surveyor will need to provide us with the original Mylar, *as well as one copy* [emphasis that of the agency], for District signature. As our Board meets once per month, please telephone in advance for meeting dates to avoid delays.

(7) Yakima County Flood Control Zone District: The Yakima County Flood Control Zone District comments are as follows:

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(a) The Yakima County Flood Control Zone District (FCZD) attended a meeting with the City of Yakima Planning Division on October 10, 2023. At this meeting, the FCZD raised flood risk related concerns regarding the subject line applications (Marylyn Place). Please find the below comments related to Marylyn Place.

(b) 44 CFR 60.3(d)(3) states that communities must prohibit encroachments and other development in the floodway, unless certified by an engineer via no-rise certification per YCC 16C.05.36.020. The FCZD recommends a mechanism to inspect and ensure that no unpermitted encroachments or development occurs in the floodway on the north side of the parcel to comply with YCC and FEMA regulations. Encroachments and other development would include structures such as homes, sheds, fences, etc. We also recommend targeted outreach to the existing landowner(s) as well as potential developers and/or buyers next to the floodway of those development restrictions.

(c) This development proposal is subject to the September 2021 LOMR which was approved by both the City of Yakima and Yakima County. We encourage the City and County to continue to cooperatively maintain those LOMR requirements.

(d) In the Marylyn Place site plans, there are two roadways leading north that cross generally perpendicular to the floodway. During the 100-year flood event and potentially smaller events, the floodway may become activated causing water over the roadway, which at times would be impassable. FCZD recommends the placement of permanent signage indicating that the roadway may be under water during flooding events.

(8) Washington State Department of Ecology: 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

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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.

(9) Washington State Department of Archaeology & Historic Preservation: The Department of Archaeology & Historic Preservation comments for its Project Tracking Code 2023-11-07771 are as follows:

(a) Our statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we recommend a professional archaeological survey of the project area be conducted and a report be produced prior to ground disturbing activities. This report should meet DAHP's Standards for Cultural Resource Reporting.

(b) We also recommend that any historic buildings or structures (45 years in age or older) located within the project area are evaluated for eligibility for listing in the National Register of Historic Places on Historic Property Inventory (HPI) forms. We highly encourage the SEPA lead agency to ensure that these evaluations are written by a cultural resource professional meeting the SOI Professional Qualification Standards in Architectural History.

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

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

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

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

(2) YMC §15.05.030(A): Creation of new lots – Subdivision requirements: Table of Subdivision Requirements: The YMC §15.05.030(A) Table establishes basic development criteria for lot size and width that must be met when reviewing an application for a new subdivision. For detached single-family dwelling construction in the R-2 zoning district, the required minimum lot size is 6,000 square feet.

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

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

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

(6) YMC §12.02.010: Establishment of easements: Public utility easements shall be established for the location of new and proposed public utility lines serving new land divisions and land development. Public utility easements shall also be established across the front of new lots and redeveloped lots to provide future utility access as determined necessary by the City Engineer. Public utility easements shall be dedicated (granted) at the time that subdivision and/or land use approval is granted.

(7) YMC §12.02.020: Easement location and width: Eight-foot-wide utility easements shall be dedicated along the front of each lot in subdivisions and short subdivisions. Easements for new and/or future utility lines shall be a minimum of eight feet in width, or twice the buried depth of the utility, whichever is greater.

(8) YMC §12.03.010: Sewer service required: Pursuant to YMC §12.03.010, all new lots and development shall be served by a sanitary sewer line located adjacent to the lot or development site.

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

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

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

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(12) YMC §12.04.010: Water service required: All new lots and development shall be served by a public water supply line maintained by the City of Yakima, Nob Hill Water Company [Association], or other water purveyor, and located adjacent to the lot or development site. The water line shall be capable of providing sufficient flow and pressure to satisfy the fire flow and domestic service requirements of the proposed lots and development as approved by the City Engineer in cooperation with the Code Administration Manager and Water Irrigation Division Manager.

(13) YMC §12.04.020: Water line extension required: Water lines shall be extended to the point where the adjoining property owner's responsibility for further extension begins. This typically requires extension across the street or easement frontage of the developing property. In some cases it will require dedication of an easement and a line extension across the property or extension along two or more sides of the developing property. Extensions will be consistent with and implement the City's adopted water comprehensive plan.

(14) YMC §12.04.040: Minimum size and material standards: New water lines in the City of Yakima water system shall be constructed of Class 52 ductile iron and shall be a minimum of eight inches in diameter. Improvements and additions to the Nob Hill Water Company [Association] system shall conform to the requirements of Nob Hill Water Company [Association].

(15) YMC §12.05.010: Sidewalk installation required: Sidewalks shall be installed along both sides of all new, improved and reconstructed streets. Projects which repair small portions of or maintain existing street shall not be considered "improvement" for the purpose of this section and shall not trigger the requirements of this section. Sidewalks shall also be installed across the frontage of all newly developed or redeveloped lots where feasible.

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

(17) YMC §12.06.030: Design standards, adjustment of standards: Final design of street improvements is subject to approval by the City Engineer. The City Engineer, at his discretion, is authorized to adjust these standards as necessary to facilitate the construction of new streets and improvement of existing streets. Projects which repair

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small portions of or maintain existing streets shall not be considered "improvements" for the purposes of this section.

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

(19) YMC §12.06.080: Street lighting: A street light shall be installed at each street intersection and at midblock if the block exceeds five hundred feet in length. Street lights shall meet the design and placement standards of the City Engineer. Lighting improvements shall become the property of the City of Yakima upon installation and will thereafter be maintained by the City.

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

(21) RCW 58.17.110(1), YMC §14.20.100(A) and YMC §14.20.120(A): The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine (a) if appropriate provisions are made for, but not limited to, the public health, safety and general welfare and for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, sidewalks, and other planning features that assure

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safe walking conditions for students who walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

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

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

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

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

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

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

(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.

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

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

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

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

(a) Be consistent with the need to minimize flood damage;

(b) Have roadways, public utilities, and other facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(c) Have adequate drainage provided to reduce exposure to flood damage;

(d) Include base flood elevation data; and

(e) In the cases where base flood elevation is not available and the subdivision is greater than five acres or fifty lots, a step-back water analysis shall be required to generate the base flood elevation data.

XIII. Preliminary Plat Findings. YMC §14.20.100(A) provides that the Hearing Examiner shall consider a proposed preliminary plat during an open record public hearing in order to inquire into and determine whether the following standards and criteria are satisfied:

(1) Subsection 14.20.100(A)(1) – Consistency with the City's Urban Area Zoning Ordinance Intent, Design, Improvement and Development Provisions Applicable to the R-2 Zoning District. A determination of consistency with the City's

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Urban Area Zoning Ordinance intent, design, improvement and development provisions applicable to the R-2 zoning district involves a consideration of the following provisions of Title 15 and Title 12 of the Yakima Municipal Code (YMC):

(a) Consistency with the Intent of the Two-Family Residential (R-2) Zoning District: YMC §15.03.020(C) indicates that the intent of the R-2 zoning district is in part to establish and preserve residential neighborhoods for detached single-family dwellings, duplexes and other uses that are compatible with the intent of the district.

(b) Consistency with Design, Improvement and Development Provisions Applicable to the Two-Family Residential (R-2) Zoning District: YMC Chapter 15.05 establishes certain basic development requirements. These are the minimum criteria that must be met to assure land use compatibility and promote the public health, safety and welfare. The proposed development meets the requirements applicable in the R-2 zoning district as follows:

(i) *Minimum Lot Size:* The lots ranging in size from 6,318 square feet to 47,895 square feet will meet the minimum 6,000-square-foot lot size requirement for single-family residences that will be located in the R-2 zoning district.

(ii) *Building Envelopes:* The preliminary plat indicates that building envelopes on the lots partially within the floodplain will range from approximately 6,745 to 12,660 square feet in size, which is consistent with the minimum 5,000-square-foot standard in YMC §15.27.321(B)(2)(c) of the CAO for residential uses.

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

(iv) *Maximum Lot Coverage:* The maximum lot coverage is the percentage of net land area of a site that can be covered with structures and other impervious surfaces. In the R-2 zoning district, the maximum lot coverage is 60%. All lots within the proposed preliminary plat have sufficient lot area to comply with this development standard.

(v) *Structure Setbacks:* In the residential zoning districts, structure setbacks are intended to provide light, air and emergency access. All lots in

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the proposed preliminary plat have sufficient area to meet the setback requirements specified for the R-2 zoning district by YMC Table 5-1 in YMC Chapter 15.05 which are as follows:

Location	From Centerline Of Right-of-Way	From Property Line
Front	45 feet	20 feet
Rear	N/A	15 feet
Side (internal)	N/A	5 feet
Side (street)	40 feet	10 feet

(vi) *Maximum Building Height:* The maximum building height in the R-2 zoning district is 35 feet (YMC Chapter 15.05, Table 5-1). The property is entirely within Zone 6 of the Airport Safety Overlay (ASO) which also limits the building height to 35 feet. The applicant's 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.

(vii) *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).

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

(ix) *Density:* The proposed preliminary plat which divides 15.62 net residential acres not including streets into 83 residential lots will have a density of 5.31 dwelling units per net residential acre with streets excluded (680,381 square feet ÷ 43,560 square feet = 15.62 acres; 83 dwelling units ÷ 15.62 acres = 5.31 dwelling units per net residential acre). This density complies with YMC §15.05.030(B) and YMC Table 4-1 of YMC Chapter 15.04 which allow up to 7 dwelling units per net residential acre in the R-2 zoning district as Class (1) permitted uses.

(x) *Street Right-of-Way/Dedication of Right-of-Way:* The internal local access streets connecting to the existing Occidental Road by way of South 57th Avenue and South 58th Avenue on the north and connecting to

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Ahtanum Road on the south all require the dedication of 50-foot-wide rights-of-way for the streets within the subdivision which shall be improved with curb, gutter and a five-foot-wide sidewalk on both sides of the streets.

(xi) *Frontage Improvements:* Curb, gutter 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 on the westernmost section of the loop since the street exceeds 500 feet in total length. Street lighting shall meet the design and placement standards of the City Engineer. Lighting improvements shall become the property of the City of Yakima upon installation and will thereafter be maintained by the City. Pursuant to YCC Chapter 8.72, an excavation and street break permit shall be obtained for all work within the public right-of-way. Roads less than five years old can be cut, but will cost 150 percent of the restoration fee with no PCI discount.

(xii) *Wastewater:* Sewer and a lift station have been extended across Occidental Road to the subject site. 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.

(xiii) *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.

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

(xv) *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

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Comprehensive Plan designates the property within the proposed preliminary plat as suitable for Mixed Residential development which provides for a mixture of housing types and densities. As noted above, the proposed preliminary plat is consistent with the following Goal and Policies of the City's Comprehensive Plan:

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

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

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

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

(4) Subsection 14.20.100(A)(4) – Appropriate provisions for enumerated features. As proposed and with the recommended conditions, this 83-lot Preliminary "Plat of Marylyn Place" 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 will complement the existing adjacent single-family development to the north. It will promote the public health, safety and general welfare insofar as there is a need in this community for additional housing and insofar as this proposed preliminary plat 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 size required in the R-2 zoning district for single-family dwellings. The lot coverage limitation of not more than 60% in the R-2 zoning district will provide adequate

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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 north by way of South 57th Avenue and South 58th Avenue which extend southerly from Occidental Road and also will have access from the south off of Ahtanum Road by way of South 58th Avenue. Those streets and the additional interior streets to be named South 60th Avenue, West Larch Avenue, West Oak Avenue and Woolsey Road will provide access to all of the lots.

(e) *Water supplies:* Public water is required to be used for domestic and fire flow purposes. Nob Hill Water Association water is available to the site from Nob Hill Water Association by way of South 58th Avenue.

(f) *Sanitary waste disposal:* Public sewer is required to service all lots within the subject development. A City of Yakima sewer main capable of serving the development which has been extended along Occidental Road runs southerly to the northern boundary of the proposed preliminary plat.

(g) *Parks and playgrounds:* Open space, parks, recreation and playgrounds are located about 2.5 miles away from this subdivision at West Valley 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 1.9 miles from this proposed subdivision, while Wide Hollow Elementary School is located about 2.4 miles from this proposed subdivision and West Valley High School is located approximately 2.9 miles from this proposed subdivision. No comments were submitted by the West Valley School District.

(i) *Sidewalks:* Sidewalks are required and shall be provided along this development's internal streets (South 57th Avenue, South 58th Avenue. South 60th Avenue, West Larch Avenue, West Oak Avenue and Woolsey Road).

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

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(k) *Serves the public use and interest:* This proposed 83-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. 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. <u>Critical Areas Ordinance Findings.</u> Critical Areas Ordinance Findings are as follows:

(1) This application was subject to Environmental Review which resulted in the issuance of a Determination of Nonsignificance (DNS) on December 13, 2023.

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

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

(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 envelopes of at least 5,000 square feet outside the floodplain that crosses a northerly and westerly portion of Lot 78 and a northerly portion of lots 73 to 77 and of Lot 79. The floodplain does not cross any of the interior streets within the proposed preliminary plat.

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(b) Danger to life or property that would likely occur as a result of the project: The floodplain of Spring Creek – Tributary 1 is located on a portion of Lots 73 to 79, but adequate building envelopes are provided on those lots.

(c) Compatibility of the project to critical area features: Each lot encumbered by the floodplain will have a building envelope located outside of the floodplain. Since those lots are larger than the average size of the lots in the subdivision, floodwaters will be able to flow across them in a manner that will avoid the building envelopes where the homes will be located.

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

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

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

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

(i) Grant the development authorization;

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

(iii) Deny the development authorization.

(5) Since the consideration of the Critical Areas Standard Development Permit has been consolidated for review with the Preliminary Long Plat application, the Hearing Examiner recommends that the City Council grant the Critical Areas Standard Development Permit development authorization in conjunction with approval of the Preliminary "Plat of Marylyn Place."

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XV. <u>Consistency Analysis Conducted Pursuant to Subsection 16.06.020(B) of the Yakima Municipal Code.</u> The consistency analysis for this proposed Preliminary "Plat of Marylyn Place" is as follows:

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

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

(3) The availability and adequacy of infrastructure and public facilities is not an issue because the additional infrastructure that will be provided at the applicant's expense will 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 Marylyn Place" with the requisite Standard Critical Areas Standard Development Permit will be consistent with the development standards of applicable City ordinances.

<u>CONCLUSIONS</u>

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 "Plat of Marylyn Place" with a Critical Areas Standard Development Permit pursuant to YMC §1.43.080, YMC §14.20.100 and YMC Chapter 15.27.

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

(5) This proposed Preliminary "Plat of Marylyn Place" with the requested Critical Area Standard Development Permit is in compliance with all of the consistency requirements of Subsection 16.06.020(B) of the Yakima Municipal Code.

RECOMMENDATION

The Hearing Examiner recommends to the Yakima City Council that the proposed 83-lot Preliminary "Plat of Marylyn Place" dated September 20. 2023, and the requested Critical Areas Standard Development Permit which are described in the application, staff report, this Recommendation and the other related documents assigned the file numbers PLP#001-23, CAO#021-23 and SEPA#009-23 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;

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(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;

(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;

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

(L) 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;

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

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

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

(P) This plat shall be subject to the following notes, which must be placed on the face of the plat:

(1) The addresses shown on this plat are accurate as of the date of recording, but may be subject to change. The City of Yakima 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.

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

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

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

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

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(S) 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;

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

(U) Prior to the issuance of any permits, it is recommended that a professional archaeological survey of the project area be conducted, with copies of the survey provided to DAHP and the Planning Division.

DATED this 25th day of January, 2024.

Gary M. Cuillier

Gary M. Cuillier, Hearing Examiner

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BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 9.
For Meeting of: March 19, 2024

ITEM TITLE: Closed record public hearing and Resolution to consider the Hearing Examiner's recommendation regarding the preliminary plat of Champions Park Phase 1 submitted by Prickly Pear Holdings, LLC, located in the vicinity of 4607 & 4701 Ahtanum Rd

SUBMITTED BY: Eric Crowell, Senior Planner
*Connor Kennedy, Assistant Planner

SUMMARY EXPLANATION:

This is a preliminary long plat submitted by Prickly Pear Holdings, LLC to subdivide approximately 21.06 acres located in the vicinity of 4607 & 4701 Ahtanum Rd into 93 single-family lots, including 46 common wall dwellings. This site is located in the Single-Family Residential (R-1) and Two-Family Residential (R-2) zoning districts. The Hearing Examiner held an open-record public hearing on January 11, 2024 and submitted a recommendation for approval on January 25, 2024.

The complete record was distributed to City Council in the agenda packet on March 5, 2024, and can be found online at: https://www.yakimawa.gov/council/agendas-and-minutes/

To participate in this public hearing please refer to the Public Comment Guidelines at: https://www.yakimawa.gov/council/public-comment/

ITEM BUDGETED: NA

STRATEGIC PRIORITY: Neighborhood and Community Building

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

Conduct public hearing and adopt Resolution.

ATTACHMENTS:

	Description	Upload Date	Type
	Resolution	3/8/2024	Resolution

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 19th day of March, 2024.

Patricia Byers, Mayor

ATTEST:

Brandy Bradford, Deputy City Clerk

DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

EXHIBIT A

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

DATE:	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

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

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

A. <u>Introduction.</u> 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.

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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.

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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 52nd 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 §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. 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

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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

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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. <u>Zoning and Land Use.</u> 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)

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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.

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(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:

Direction	*Zoning*	*Land Use*
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. <u>Environmental Review.</u> 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 Nonsignficance (DNS) was issued for this proposal by the City's SEPA Responsible Official on December 13, 2023, which was not appealed.

IX. <u>Transportation Concurrency Ordinance.</u> 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

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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:

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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 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		

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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 / 4600 Woolsey Rd	Lot 51	4802 W Oak Ave	Lot 79	4704 W Larch Ave	
Lot 24	4601 W Larch Ave / 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 / 2404 S 47th Ave	
Lot 27	4609 W Larch Ave	Lot 55	4704 W Oak Ave	Lot 83	4700 W Larch Ave / 2402 S 47th Ave	
Lot 28	4611 W Larch Ave / 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.

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(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.

(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 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

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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.

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(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

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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

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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

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(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

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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 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)

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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 square feet ÷ 43,560 square feet = 13.34 acres; 93 dwelling units ÷ 13.34 acres = 6.97 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 52nd 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

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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

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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

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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 47th Avenue and from the west off of South 52nd Avenue by way of Woolsey Road. New public interior streets (South 47th 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 47th 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.

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(l) *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. <u>Type (2) Review Findings for the Proposed Class (2) Attached Single-Family Common Wall Dwellings.</u> 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

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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.

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XV. <u>Consistency Analysis Conducted Pursuant to Subsection 16.06.020(B) of the Yakima Municipal Code.</u> 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.

<u>CONCLUSIONS</u>

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

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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

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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 25th day of January, 2024.

Gary M. Cuillier, Hearing Examiner

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PLANNING DIV.

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 10.
For Meeting of: March 19, 2024

ITEM TITLE: 2023 Update on Capital Improvement Projects Report

SUBMITTED BY: Scott Schafer, Director of Public Works
* Bill Preston, City Engineer

SUMMARY EXPLANATION:

Attached is the City of Yakima Engineering Division's 3rd and 4th Quarter 2023 Capital Improvement Projects presentation. The presentation highlights 3rd and 4th quarter 2023 projects, challenges still facing Engineering projects, and a quick look ahead at future projects.

ITEM BUDGETED: NA

STRATEGIC PRIORITY: Public Trust and Accountability

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

No action required.

ATTACHMENTS:

Description	Upload Date	Type
Presentation	3/7/2024	Presentation

CAPITAL IMPROVEMENT PROJECTS

3rd and 4th Quarter, 2023

Public Works Director: Scott Schafer
City Engineer: Bill Preston

Completed

Robertson Elementary

ESF Solutions~ $530,000
SRTS - $510,000

Completed

N 1st Street Procurement

Knobel Electric~ $782,000
NHFP - $186,700, TBD - $595,300

Completed

Nob Hill 15th – 28th Grind & Overlay and Pacific Ave Sidewalk

American Rock Products~ $1,885,000

TIB - $1,335,000, REET - $300,000, Complete Streets - $250,000

Completed

27th Avenue & Mead Sidewalk

Gilbert Patterson Concrete ~ $39,000
Transportation Benefit District (TBD)

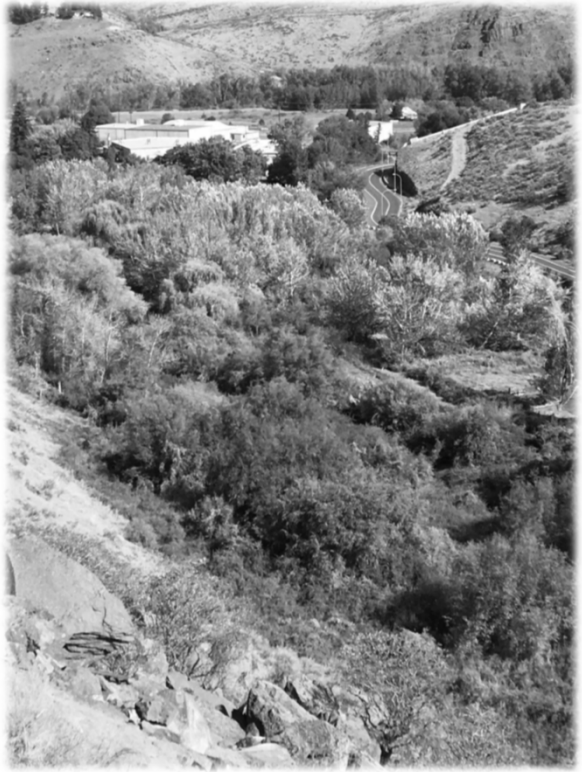
Completed

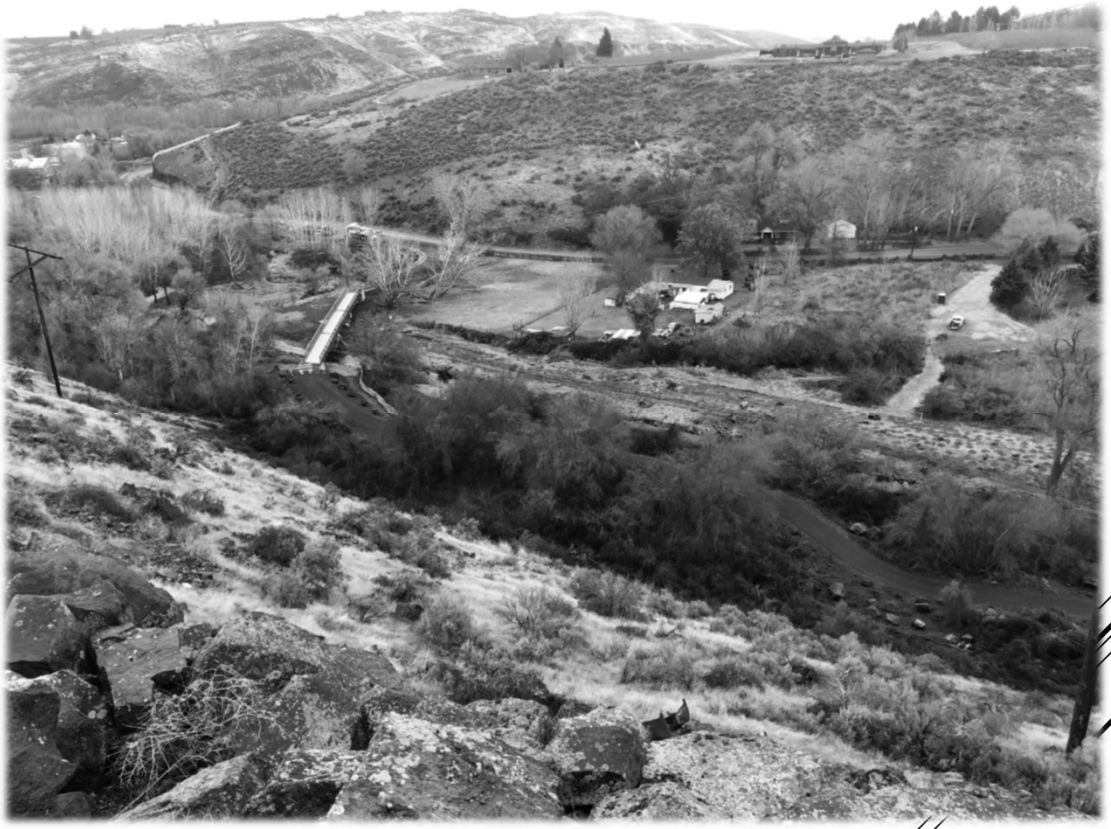
3rd Street Sidewalk

Knobel Electric ~ $58,000
REET

Under Construction

Cowiche Canyon Trail





Belsaas & Smith Construction, Inc. ~ $2,700,000

Connecting Washington - $2,750,000

Under Construction

N 1st ST Reconstruction – Phase 3

Apollo, Inc. ~ $10,250,000

NHFP,NHPP,STBG – $9,400,000

TIB - $1,500,000; TBD - Remaining

Looking ahead

2024

Construction

- **34th Ave & Fruitvale Blvd Roundabout** – Construction $2.4M;
- HSIP, TIB, State, local
- **Division Ave / 3rd Ave Signal** – Construction $550k; SIED, TBD
- **Russell Lane Realignment** – $675k; SIED, Developer
- **Systemic Pedestrian Safety** – $317k; HSIP
- **Systemic Pedestrian Data** – $260k; HSIP
- **Northside Alley Paver Phase 2** – CMAQ $500k
- **N 1st Reconstruction Phase 3**
- **Cowiche Canyon Trail**
- **Nob Hill Blvd Grind & Overlay 4th – 15th** – Construction $1,510,000; TIB, REET

Design

- **I-82 Sewer line** – ARPA, DOE
- **40th Ave & Fruitvale Blvd Roundabout** – Bike/Ped funds
- **6th Avenue Reconstruction** – TBD
- **Nob Hill Grind & Overlay 29th – 40th** – NHS

Looking ahead

2025

Construction

- **Nob Hill / Fair Ave Intersection**– Construction $2,200,000; STBG, local
- **Bravo Co Blvd – Phase 1** – Construction $5M; Bonds?, City Utility, LIFT
- **Bravo Co Blvd – Utilities** – Construction $4M; ARPA, City Utility, DOE
- **72nd & Washington Ave Roundabout** – Construction $1.5M; State Legislature, local
- **N 1st Reconstruction Phase 3 continued**
- **34th Ave & Fruitvale Blvd Roundabout** – Construction $2M; Federal Safety, City Arterial Streets funding
- **Nob Hill Blvd Grind & Overlay 29th – 40th** – Construction $1,571,000; NHS

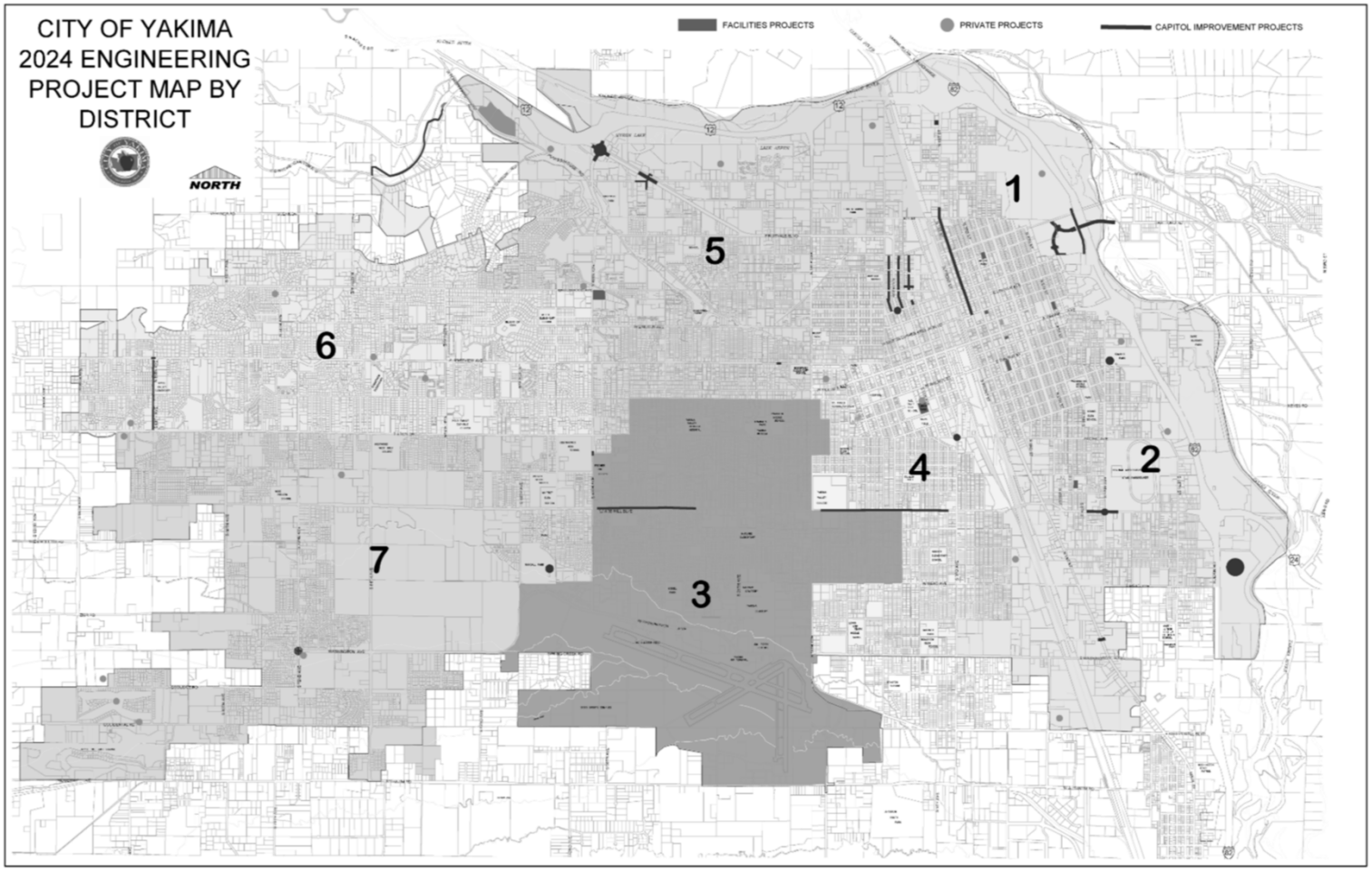
Design

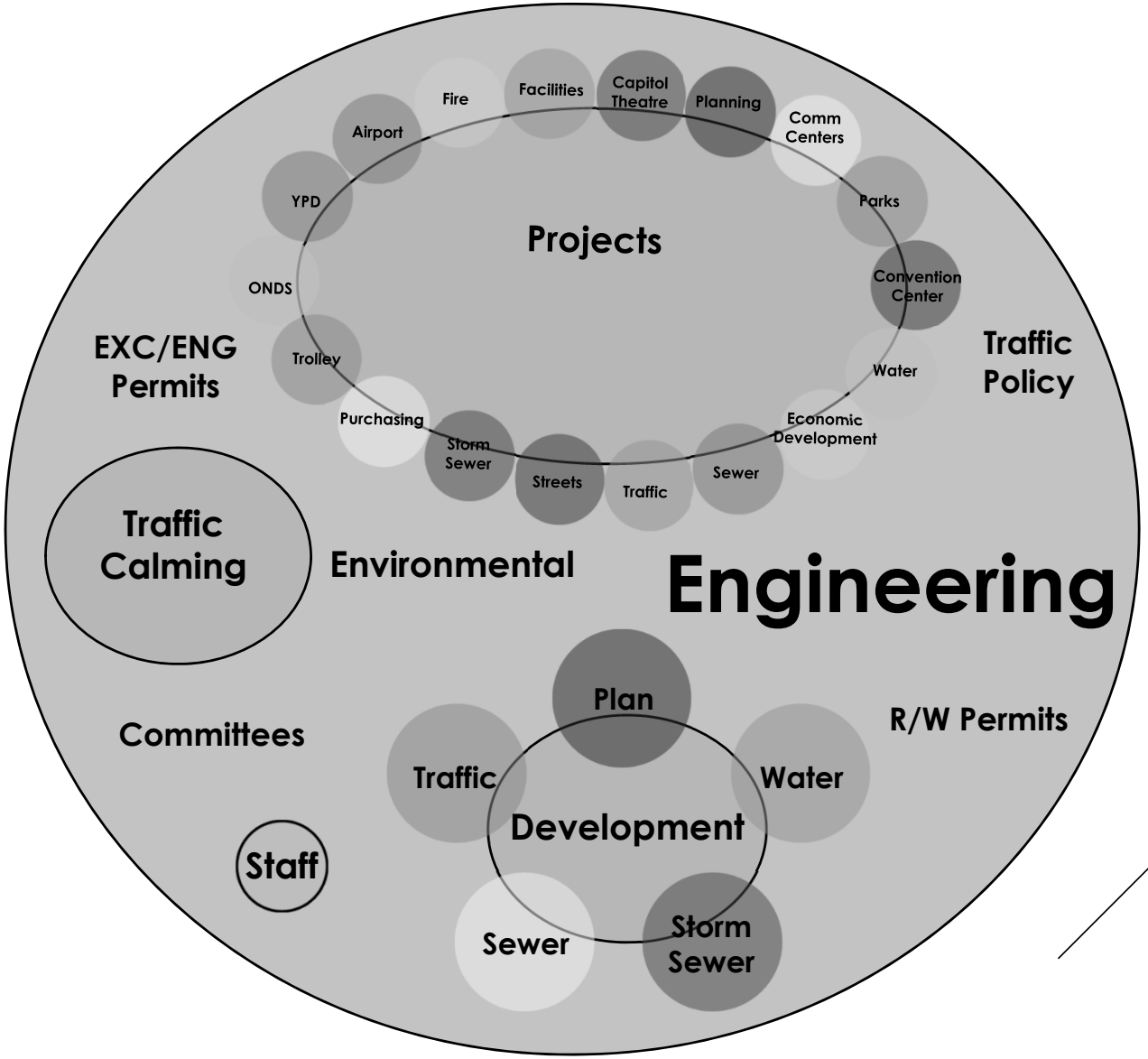
- **I-82 Sewer line** – ARPA, DOE
- **40th Ave & Fruitvale Blvd Roundabout** – Bike/Ped funds
- **6th Avenue Reconstruction** – TBD

Staff

- City Engineer: Bill Preston
- Senior Engineer: Randy Tabert
- Traffic Engineer: Robert Washabaugh
- Development Engineer: Kirsten McPherson
- Contracts Specialist: Brenda Fehlhafer
- Street Inspector: Dan Riddle
- Construction Inspector: Tim Daniels
- Traffic Technician: Alexander Tikhomirov
- Design Engineer: Eliminated

Capital Projects




Projects
Fire
Facilities
Capitol Theatre
Planning
Comm Centers
Parks
Convention Center
Water
Economic Development
Sewer
Traffic
Streets
Storm Sewer
Purchasing
Trolley
ONDS
YPD
Airport
EXC/ENG Permits
Traffic Policy
Traffic Calming
Environmental
Engineering
Committees
R/W Permits
Staff
Plan
Traffic
Water
Development
Sewer
Storm Sewer

NHPP

ATIIP

Complete Streets

CRP

HSIP

STBG

HIP

Bridge

ARPA

DOE Grants

SFAP

CWA

TCP

TIGER

City Enterprise Funds

RCP

TAP

City Safety

INFRA

Funding

Bonds

SRTS/BP

City Gas Tax

MEGA

BUILD

WSTC

TBD

RAISE

LIFT

SS4A

NHFP

SIED

SRF

TIB

Legislative Appropriation

FTA

NHS

Public Works Loans

CMAQ

ZAP

Section 130

Project	Grant	Match	Source
Fair Ave & E Nob Hill	$ 1,460,158	$ 227,886	STP
Tiger Oil Cleanup - N 1st Street	$ 1,363,342	$ 151,482	DOE
Division & 3rd Ave. Signalization	$ 312,500	$ 312,500	SIED
Nob Hill Blvd. - 4th to 15th Ave.	$ 1,219,320	$ 304,830	TIB
Tiger Oil Cleanup - W Nob Hill	$ 1,667,222	$ 185,247	TIB
Cowiche Canyon Trail	$ 2,750,000		CWA
72nd & Washington Improvements	$ 1,000,000		19-21 Trans Budget
Russell Lane Intersection Realignment	$ 832,000		SIED
Systemic Ped & Bike Data Imp	$ 260,000		STP
Systemic Ped Safety Imp	$ 317,000		DOE

Project	Grant	Match	Source
Northside Alley Paving	$ 500,000		CMAQ
I-82 Sewer Mainline Extension	$ 3,000,000		DOE
40th & Fruitvale Roundabout	$ 1,630,904		Bike/Ped
Nob Hill Blvd. - 28th to 40th Ave.	$ 1,571,000		NHS
N 1st Str. Revitalization - Phase 3	$ 5,000,000		NHFP/NHPP
	$ 4,857,474		STBG
	$ 1,500,000		TIB
34th & Fruitvale Blvd & River Road Roundabouts	$ 1,000,000		2022 Trans Budget
	$ 1,012,898		HSIP
	$ 228,000		NHFP
	$ 2,087,102		TIB
	$ 33,568,920	**$ 1,181,945**	

Transportation Grants

$33,500,000 Grants

16 active projects w/21 active grants

$1,200,000 match

Local funds

https://i.kym-cdn.com/entries/icons/facebook/000/038/245/Paved_Road_Unpaved_Road_meme_banner.jpg

Rough Project Costs

Project	Low	High	
Grind & Overlay	$270/LF	$290/LF	$300,000/lane mile
Alley paving	$100/LF	$120/LF	$580,000/lane mile
Sidewalks	$140/LF	$275/LF	$60,000/block, 1 side
Signals		$750k each	
Reconstruction		$3100/LF	$3,275,000/lane mile

Grants, earmarks, bonds
Match: REET, Roadway, TBD

Nothing left for ad hoc projects

Questions?

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 11.
For Meeting of: March 19, 2024

ITEM TITLE: 2024 Washington State Legislature Session Review

SUBMITTED BY: Randy Beehler, Communications & Public Affairs Director

SUMMARY EXPLANATION:

The 2024 session of the Washington State Legislature concluded on March 7th. At the Council's March 19th regular meeting, the City's Olympia lobbyists, Luke Esser and Nick Federici, will provide a review of issues raised during the session that are particularly relevant to the City of Yakima.

ITEM BUDGETED: NA

STRATEGIC PRIORITY: NA

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 12.
For Meeting of: March 19, 2024

ITEM TITLE: Resolution authorizing an interagency agreement with the Washington State Department of Commerce through the Law Enforcement Vehicle Pursuit Technology Grant Program

SUBMITTED BY: Matthew Murray, Chief of Police
*Tory Adams, Police Lieutenant

SUMMARY EXPLANATION:

The Washington State Department of Commerce is awarding the City of Yakima $150,000 to acquire equipment through the Law Enforcement Vehicle Pursuit Technology grant. The equipment purchased will assist the Yakima Police Department in deterring crime and apprehend those who commit crimes with a focus on vehicle pursuits.

ITEM BUDGETED: Yes

STRATEGIC PRIORITY: Public Safety

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

Adopt resolution.

ATTACHMENTS:

Description	Upload Date	Type
resolution	2/28/2024	Resolution
contract	3/15/2024	Contract
proposal	3/4/2024	Backup Material
budget	3/4/2024	Backup Material

RESOLUTION NO. R-2024-

A RESOLUTION authorizing the Interim City Manager of the City of Yakima to execute an interagency agreement with the Washington State Department of Commerce through the Law Enforcement Vehicle Pursuit Technology Grant Program.

WHEREAS, the Washington State Department of Commerce through the Law Enforcement Vehicle Pursuit Technology Grant is providing an opportunity for law enforcement agencies to acquire equipment; and

WHEREAS, the City of Yakima Police Department has been awarded $150,000 to acquire the equipment,

WHEREAS, any acquisition will save the City of Yakima the cost of purchasing needed equipment elsewhere,

WHEREAS, the City of Yakima Police Department has experienced an increase in vehicle pursuit in the last three years.

AND WHEREAS, the equipment purchased will assist the City of Yakima and the Yakima Police Department in their mission to deter crime and apprehend those who commit crimes with a focus on vehicle pursuits.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

The Interim City Manager of the City of Yakima is hereby authorized and directed to sign the attached and incorporated Interagency Agreement between the City of Yakima and the Washington State Department of Commerce.

ADOPTED BY THE CITY COUNCIL this 19th day of March, 2024 .

_____
Patricia Byers, Mayor

ATTEST:

_____
Rosalina Ibarra, City Clerk

DocuSign Envelope ID: 7D0758E0-54A9-4358-BD40-B0777472C451

Washington State Department of Commerce

DocuSign Contract Review and Routing Form

Office of Firearm Safety and Violence Prevention – Community Safety Unit

Type of Action: New Contract/Grant ☐ Amendment ☐ IAG ☒

Federal ☐ State ☒

Contractor/Grantee Name: **Yakima Police Department**

Contract/Grant Number: S24-34444-016

Term: 1/24/2024 **to** 6/30/2024

Review by:	Name:	Initial/Date:
Contract Manager	Kaitlin Jones	DS KJ 2/28/2024 | 4:16 PM PST
Portfolio Manager	Abigail Snyder	DS AS 2/29/2024 | 5:38 AM PST
Executive Director	Kate Kelly	DS KKelly 2/29/2024 | 7:52 AM PST

Interagency Agreement with

City of Yakima

through

Law Enforcement Vehicle Pursuit Technology Grant Program

Contract Number:
S24-34444-016

For

As a result of RFP S24-34444-001 Yakima Police Department will purchase equipment and technology that will assist local law enforcement in vehicle pursuit mitigation

Dated: Wednesday, January 24, 2024

Washington State Department of Commerce

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Face Sheet

Contract Number: S24-34444-016

Washington State Department of Commerce
Community Services Division
Community Safety Unit
Law Enforcement Vehicle Pursuit Technology Grant Program

1. Contractor City of Yakima 129 N 2nd Street Yakima, WA 98901	**2. Contractor Doing Business As (as applicable)** Yakima Police Department
3. Contractor Representative Tory Adams Project Contact 509-576-6342 Tory.adams@yakimawa.gov	**4. COMMERCE Representative** Kaitlin Jones Program Manager 509-638-6454 Kaitlin.jones@commerce.wa.gov 1011 Plum Street SE P.O. Box 42525 Olympia, WA 98504-2525

5. Contract Amount	6. Funding Source	7. Start Date	8. End Date
$150,000	**Federal:** ☐ **State:** ☒ **Other:** ☐ **N/A:** ☐	January 24, 2024	June 30, 2024

9. Federal Funds (as applicable)	Federal Agency:	ALN
N/A	N/A	N/A

10. Tax ID #	11. SWV #	12. UBI #	13. UEI #
91-6001293	SWV0007122-04	397-005-272	FJNNX1XFJ9K3

14. Contract Purpose
As a result of RFP S24-34444-001 Yakima Police Department will purchase equipment and technology that will assist local law enforcement in vehicle pursuit mitigation.

COMMERCE, defined as the Department of Commerce, and the Contractor, as defined above, acknowledge and accept the terms of this Contract and Attachments and have executed this Contract on the date below and warrant they are authorized to bind their respective agencies. The rights and obligations of both parties to this Contract are governed by this Contract and the following documents incorporated by reference: Contractor Terms and Conditions including Attachment "A" – Scope of Work, Attachment "B" – Budget, Attachment "C" – Reporting.

FOR CONTRACTOR	FOR COMMERCE
Dave Zabell, Interim City Manager	Cindy Guertin-Anderson, Assistant Director
Signature	Date
Date	**APPROVED AS TO FORM ONLY** **BY ASSISTANT ATTORNEY GENERAL** **APPROVAL ON FILE**

Washington State Department of Commerce

Special Terms and Conditions

1. AUTHORITY

COMMERCE and Contractor enter into this Contract pursuant to the authority granted by Chapter 39.34 RCW.

2. CONTRACT MANAGEMENT

The Representative for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Contract.

The Representative for COMMERCE and their contact information are identified on the Face Sheet of this Contract.

The Representative for the Contractor and their contact information are identified on the Face Sheet of this Contract.

3. COMPENSATION

COMMERCE shall pay an amount not to exceed $150,000, for the performance of all things necessary for or incidental to the performance of work under this Contract as set forth in the Scope of Work.

EXPENSES
Contractor shall receive reimbursement for travel and other expenses as identified below or as authorized in advance by COMMERCE as reimbursable. The maximum amount to be paid to the Contractor for authorized expenses shall not exceed $150,000, which amount is included in the Contract total above.

Such expenses may include airfare (economy or coach class only), other transportation expenses, and lodging and subsistence necessary during periods of required travel. Contractor shall receive compensation for travel expenses at current state travel reimbursement rates.

4. BILLING PROCEDURES AND PAYMENT

COMMERCE will pay Contractor upon acceptance of reports submitted **and** receipt of properly completed invoices, which shall be submitted to the Representative for COMMERCE via the Commerce Contract Management System. Reports must be submitted prior to submitting invoices.

The invoices shall describe and document, to COMMERCE's satisfaction, a description of the work performed, the progress of the project, and fees. The invoice shall include the Contract Number S24-34444-016. If expenses are invoiced, provide a detailed breakdown of each type. A receipt must accompany any single expenses in the amount of $50.00 or more in order to receive reimbursement. It should be noted the receipts must be dated within the fiscal year (ending June 30, 2024). All purchases and receipts must be dated within the fiscal year (ending June 30, 2024).

Payment shall be considered timely if made by COMMERCE within thirty (30) calendar days after receipt of properly completed invoices. Payment shall be sent to the address designated by the Contractor.

COMMERCE may, in its sole discretion, terminate the Contract or withhold payments claimed by the Contractor for services rendered if the Contractor fails to satisfactorily comply with any term or condition of this Contract.

No payments in advance or in anticipation of services or supplies to be provided under this Agreement shall be made by COMMERCE.

Invoices and End of Fiscal Year

Invoices are due on the 20th of the month following the provision of services.

Final invoices for a state fiscal year may be due sooner than the 20th and Commerce will provide notification of the end of fiscal year due date.
The Contractor must invoice for all expenses from the beginning of the contract through June 30, regardless of the contract start and end date.

Duplication of Billed Costs

The Contractor shall not bill COMMERCE for services performed under this Agreement, and COMMERCE shall not pay the Contractor, if the Contractor is entitled to payment or has been or will be paid by any other source, including grants, for that service.

Disallowed Costs

The Contractor is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its subcontractors.

COMMERCE may, in its sole discretion, withhold ten percent (10%) from each payment until acceptance by COMMERCE of the final report (or completion of the project, etc.).

5. SUBCONTRACTOR DATA COLLECTION

Contractor will submit reports, in a form and format to be provided by Commerce and at intervals as agreed by the parties, regarding work under this Contract performed by subcontractors and the portion of Contract funds expended for work performed by subcontractors, including but not necessarily limited to minority-owned, woman-owned, and veteran-owned business subcontractors. "Subcontractors" shall mean subcontractors of any tier.

6. INSURANCE

Each party certifies that it is self-insured under the State's or local government self-insurance liability program, and shall be responsible for losses for which it is found liable.

7. FRAUD AND OTHER LOSS REPORTING

Contractor shall report in writing all known or suspected fraud or other loss of any funds or other property furnished under this Contract immediately or as soon as practicable to the Commerce Representative identified on the Face Sheet.

8. ORDER OF PRECEDENCE

In the event of an inconsistency in this Contract, the inconsistency shall be resolved by giving precedence in the following order:

- Applicable federal and state of Washington statutes and regulations
- Special Terms and Conditions
- General Terms and Conditions
- Attachment A – Scope of Work
- Attachment B – Budget
- Attachment C – Reporting

Washington State Department of Commerce

General Terms and Conditions

1. DEFINITIONS

As used throughout this Contract, the following terms shall have the meaning set forth below:

A. "Authorized Representative" shall mean the Director and/or the designee authorized in writing to act on the Director's behalf.

B. "COMMERCE" shall mean the Washington Department of Commerce.

C. "Contract" or "Agreement" or "Grant" means the entire written agreement between COMMERCE and the Contractor, including any Attachments, documents, or materials incorporated by reference. E-mail or Facsimile transmission of a signed copy of this contract shall be the same as delivery of an original.

D. "Contractor" or "Grantee" shall mean the entity identified on the face sheet performing service(s) under this Contract, and shall include all employees and agents of the Contractor.

E. "Personal Information" shall mean information identifiable to any person, including, but not limited to, information that relates to a person's name, health, finances, education, business, use or receipt of governmental services or other activities, addresses, telephone numbers, social security numbers, driver license numbers, other identifying numbers, and any financial identifiers, and "Protected Health Information" under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

F. "State" shall mean the state of Washington.

G. "Subcontractor" shall mean one not in the employment of the Contractor, who is performing all or part of those services under this Contract under a separate contract with the Contractor. The terms "subcontractor" and "subcontractors" mean subcontractor(s) in any tier.

2. ALL WRITINGS CONTAINED HEREIN

This Contract contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind any of the parties hereto.

3. AMENDMENTS

This Contract may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

4. ASSIGNMENT

Neither this Contract, work thereunder, nor any claim arising under this Contract, shall be transferred or assigned by the Contractor without prior written consent of COMMERCE.

5. CONFIDENTIALITY AND SAFEGUARDING OF INFORMATION

A. "Confidential Information" as used in this section includes:

i. All material provided to the Contractor by COMMERCE that is designated as "confidential" by COMMERCE;

ii. All material produced by the Contractor that is designated as "confidential" by COMMERCE; and

iii. All Personal Information in the possession of the Contractor that may not be disclosed under state or federal law.

B. The Contractor shall comply with all state and federal laws related to the use, sharing, transfer, sale, or disclosure of Confidential Information. The Contractor shall use Confidential Information solely for the purposes of this Contract and shall not use, share, transfer, sell or disclose any Confidential Information to any third party except with the prior written consent of COMMERCE or as may be required by law. The Contractor shall take all necessary steps to assure that Confidential Information is safeguarded to prevent unauthorized use, sharing, transfer, sale or disclosure of Confidential Information or violation of any state or federal laws related thereto. Upon request, the Contractor shall provide COMMERCE with its policies and procedures on confidentiality. COMMERCE may require changes to such policies and procedures as they apply to this Contract whenever COMMERCE reasonably determines that changes are necessary to prevent unauthorized disclosures. The Contractor shall make the changes within the time period specified by COMMERCE. Upon request, the Contractor shall immediately return to COMMERCE any Confidential Information that COMMERCE reasonably determines has not been adequately protected by the Contractor against unauthorized disclosure.

C. Unauthorized Use or Disclosure. The Contractor shall notify COMMERCE within five (5) working days of any unauthorized use or disclosure of any confidential information, and shall take necessary steps to mitigate the harmful effects of such use or disclosure.

6. COPYRIGHT

Unless otherwise provided, all Materials produced under this Contract shall be considered "works for hire" as defined by the U.S. Copyright Act and shall be owned by COMMERCE. COMMERCE shall be considered the author of such Materials. In the event the Materials are not considered "works for hire" under the U.S. Copyright laws, the Contractor hereby irrevocably assigns all right, title, and interest in all Materials, including all intellectual property rights, moral rights, and rights of publicity to COMMERCE effective from the moment of creation of such Materials.

"Materials" means all items in any format and includes, but is not limited to, data, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. "Ownership" includes the right to copyright, patent, register and the ability to transfer these rights.

For Materials that are delivered under the Contract, but that incorporate pre-existing materials not produced under the Contract, the Contractor hereby grants to COMMERCE a nonexclusive, royalty-free, irrevocable license (with rights to sublicense to others) in such Materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display. The Contractor warrants and represents that the Contractor has all rights and permissions, including intellectual property rights, moral rights and rights of publicity, necessary to grant such a license to COMMERCE.

The Contractor shall exert all reasonable effort to advise COMMERCE, at the time of delivery of Materials furnished under this Contract, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this Contract. The Contractor shall provide COMMERCE with prompt written notice of each notice or claim of infringement received by the Contractor with respect to any Materials delivered under this Contract. COMMERCE shall have the right to modify or remove any restrictive markings placed upon the Materials by the Contractor.

7. DISPUTES

In the event that a dispute arises under this Agreement, it shall be determined by a Dispute Board in the following manner: Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, Agreement terms and applicable statutes and rules and make a determination of the dispute. The Dispute Board shall thereafter decide the dispute with the majority

prevailing. The determination of the Dispute Board shall be final and binding on the parties hereto. As an alternative to this process, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control.

8. GOVERNING LAW AND VENUE

This Contract shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

9. INDEMNIFICATION

Each party shall be solely responsible for the acts of its employees, officers, and agents.

10. LICENSING, ACCREDITATION AND REGISTRATION

The Contractor shall comply with all applicable local, state, and federal licensing, accreditation and registration requirements or standards necessary for the performance of this Contract.

11. RECAPTURE

In the event that the Contractor fails to perform this Contract in accordance with state laws, federal laws, and/or the provisions of this Contract, COMMERCE reserves the right to recapture funds in an amount to compensate COMMERCE for the noncompliance in addition to any other remedies available at law or in equity.

Repayment by the Contractor of funds under this recapture provision shall occur within the time period specified by COMMERCE. In the alternative, COMMERCE may recapture such funds from payments due under this Contract.

12. RECORDS MAINTENANCE

The Contractor shall maintain books, records, documents, data and other evidence relating to this contract and performance of the services described herein, including but not limited to accounting procedures and practices that sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this contract.

The Contractor shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the contract, shall be subject at all reasonable times to inspection, review or audit by COMMERCE, personnel duly authorized by COMMERCE, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

13. SAVINGS

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Contract and prior to normal completion, COMMERCE may suspend or terminate the Contract under the "Termination for Convenience" clause, without the ten calendar day notice requirement. In lieu of termination, the Contract may be amended to reflect the new funding limitations and conditions.

14. SEVERABILITY

The provisions of this contract are intended to be severable. If any term or provision is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the contract.

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15. SUBCONTRACTING

The Contractor may only subcontract work contemplated under this Contract if it obtains the prior written approval of COMMERCE.

If COMMERCE approves subcontracting, the Contractor shall maintain written procedures related to subcontracting, as well as copies of all subcontracts and records related to subcontracts. For cause, COMMERCE in writing may: (a) require the Contractor to amend its subcontracting procedures as they relate to this Contract; (b) prohibit the Contractor from subcontracting with a particular person or entity; or (c) require the Contractor to rescind or amend a subcontract.

Every subcontract shall bind the Subcontractor to follow all applicable terms of this Contract. The Contractor is responsible to COMMERCE if the Subcontractor fails to comply with any applicable term or condition of this Contract. The Contractor shall appropriately monitor the activities of the Subcontractor to assure fiscal conditions of this Contract. In no event shall the existence of a subcontract operate to release or reduce the liability of the Contractor to COMMERCE for any breach in the performance of the Contractor's duties.

Every subcontract shall include a term that COMMERCE and the State of Washington are not liable for claims or damages arising from a Subcontractor's performance of the subcontract.

16. SURVIVAL

The terms, conditions, and warranties contained in this Contract that by their sense and context are intended to survive the completion of the performance, cancellation or termination of this Contract shall so survive.

17. TERMINATION FOR CAUSE

In the event COMMERCE determines the Contractor has failed to comply with the conditions of this contract in a timely manner, COMMERCE has the right to suspend or terminate this contract. Before suspending or terminating the contract, COMMERCE shall notify the Contractor in writing of the need to take corrective action. If corrective action is not taken within 30 calendar days, the contract may be terminated or suspended.

In the event of termination or suspension, the Contractor shall be liable for damages as authorized by law including, but not limited to, any cost difference between the original contract and the replacement or cover contract and all administrative costs directly related to the replacement contract, e.g., cost of the competitive bidding, mailing, advertising and staff time.

COMMERCE reserves the right to suspend all or part of the contract, withhold further payments, or prohibit the Contractor from incurring additional obligations of funds during investigation of the alleged compliance breach and pending corrective action by the Contractor or a decision by COMMERCE to terminate the contract. A termination shall be deemed a "Termination for Convenience" if it is determined that the Contractor: (1) was not in default; or (2) failure to perform was outside of his or her control, fault or negligence.

The rights and remedies of COMMERCE provided in this contract are not exclusive and are, in addition to any other rights and remedies, provided by law.

18. TERMINATION FOR CONVENIENCE

Except as otherwise provided in this Contract, COMMERCE may, by ten (10) business days' written notice, beginning on the second day after the mailing, terminate this Contract, in whole or in part. If this Contract is so terminated, COMMERCE shall be liable only for payment required under the terms of this Contract for services rendered or goods delivered prior to the effective date of termination.

19. TERMINATION PROCEDURES

Upon termination of this contract, COMMERCE, in addition to any other rights provided in this contract, may require the Contractor to deliver to COMMERCE any property specifically produced or acquired for the performance of such part of this contract as has been terminated. The provisions of the "Treatment of Assets" clause shall apply in such property transfer.

COMMERCE shall pay to the Contractor the agreed upon price, if separately stated, for completed work and services accepted by COMMERCE, and the amount agreed upon by the Contractor and COMMERCE for (i) completed work and services for which no separate price is stated, (ii) partially completed work and services, (iii) other property or services that are accepted by COMMERCE, and (iv) the protection and preservation of property, unless the termination is for default, in which case the Authorized Representative shall determine the extent of the liability of COMMERCE. Failure to agree with such determination shall be a dispute within the meaning of the "Disputes" clause of this contract. COMMERCE may withhold from any amounts due the Contractor such sum as the Authorized Representative determines to be necessary to protect COMMERCE against potential loss or liability.

The rights and remedies of COMMERCE provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

After receipt of a notice of termination, and except as otherwise directed by the Authorized Representative, the Contractor shall:

A. Stop work under the contract on the date, and to the extent specified, in the notice;

B. Place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the contract that is not terminated;

C. Assign to COMMERCE, in the manner, at the times, and to the extent directed by the Authorized Representative, all of the rights, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case COMMERCE has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

D. Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Authorized Representative to the extent the Authorized Representative may require, which approval or ratification shall be final for all the purposes of this clause;

E. Transfer title to COMMERCE and deliver in the manner, at the times, and to the extent directed by the Authorized Representative any property which, if the contract had been completed, would have been required to be furnished to COMMERCE;

F. Complete performance of such part of the work as shall not have been terminated by the Authorized Representative; and

G. Take such action as may be necessary, or as the Authorized Representative may direct, for the protection and preservation of the property related to this contract, which is in the possession of the Contractor and in which COMMERCE has or may acquire an interest.

20. TREATMENT OF ASSETS

Title to all property furnished by COMMERCE shall remain in COMMERCE. Title to all property furnished by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in COMMERCE upon delivery of such property by the Contractor. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass to and vest in COMMERCE upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by COMMERCE in whole or in part, whichever first occurs.

A. Any property of COMMERCE furnished to the Contractor shall, unless otherwise provided herein or approved by COMMERCE, be used only for the performance of this contract.

B. The Contractor shall be responsible for any loss or damage to property of COMMERCE that results from the negligence of the Contractor or which results from the failure on the part of the Contractor to maintain and administer that property in accordance with sound management

practices.

C. If any COMMERCE property is lost, destroyed or damaged, the Contractor shall immediately notify COMMERCE and shall take all reasonable steps to protect the property from further damage.

D. The Contractor shall surrender to COMMERCE all property of COMMERCE prior to settlement upon completion, termination or cancellation of this contract.

E. All reference to the Contractor under this clause shall also include Contractor's employees, agents or Subcontractors.

21. WAIVER

Waiver of any default or breach shall not be deemed to be a waiver of any subsequent default or breach. Any waiver shall not be construed to be a modification of the terms of this Contract unless stated to be such in writing and signed by Authorized Representative of COMMERCE.

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Attachment A: Scope of Work

This funding will be provided solely to the Yakima Police Department for the purpose of purchasing the following modern vehicle pursuit management technology:

- 60 Stop Sticks and vehicle mounting
- 3 UAS (drones) DJI Matrice 30T Combo Kit and accessories:
    - 6 Extra Batteries for DJI Matrice
    - 3 Attachments and Vehicle Up-fitting
- 20 ALPR Falcon License Plate readers and installation

The technology will be used in accordance with data-sharing, management policies, and training requirements for those who have access to the vehicle pursuit technology and data.

This technology will assist local law enforcement patrol activities including, but not limited to, vehicle pursuit mitigation.

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Attachment B: Budget

The Budget for the award period of January 24, 2024 through June 30, 2024 is $150,000.

The contractor may shift up to 10% of the total award between budget categories or functions without further approval provided that the shift will not cause a major change to the Scope of Work or shift costs between fiscal years. Please see table below.

Program Budget
January 24, 2024 - June 30, 2024

Agency Name:	**Yakima Police Department**				
Program Name:	**Law Enforcement Technology Grant Program**				
Contract Number:	S24-34444-016				
	Amount by Fund Source				
Item	**COMMERCE Funding**	**Other Fund Source**	**Other Fund Source**	**Other Fund Source**	**Total Project**
PERSONNEL SERVICES					
Salaries (Full- & Part-Time)	$ -	$ -	$ -	$ -	$ -
Personnel Benefits	$ -	$ -	$ -	$ -	$ -
SUBTOTAL - PERSONNEL SERVICES	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
GOODS & SERVICES					
Office Supplies	$ -	$ -	$ -	$ -	$ -
Operating Supplies[2]	$ -	$ -	$ -	$ -	$ -
Equipment[3]	$ 150,000.00		$ -	$ -	$ 150,000.00
Consultant and Subcontracted services[4]	$ -	$ -	$ -	$ -	$ -
Automobile Expense	$ -	$ -	$ -	$ -	$ -
Printing & Duplicating	$ -	$ -	$ -	$ -	$ -
Insurance	$ -	$ -	$ -	$ -	$ -
Rentals - Buildings	$ -	$ -	$ -	$ -	$ -
Rentals - Equipment	$ -	$ -	$ -	$ -	$ -
SUBTOTAL - GOODS & SERVICES	**$ 150,000.00**	**$ -**	**$ -**	**$ -**	**$ 150,000.00**
Travel	$ -	$ -	$ -	$ -	$ -
Training		$ -	$ -	$ -	$ -
Other Misc. Expenses[5]			$ -	$ -	$ -
Indirect & Administration Costs[6]	$ -	$ -	$ -	$ -	$ -
TOTAL EXPENDITURES	**$ 150,000.00**	**$ -**	**$ -**	**$ -**	**$ 150,000.00**

[1] Identify specific funding sources included under the "Other" column(s) above:	
	$ -
	$ -
	$ -
Total	**$ -**

[2] Operating Supplies - Itemize below:	
None	$
	$
	$
	$
Total	**$ -**

[3] Equipment - Itemize below:	
60 Stop Sticks and Vehicle Mounting	$ 36,388.80
3 UAS DJI Matrice 30T Combo Kit	$ 35,739.00
UAS Drone Accessories and Installation	$ 10,071.90
ALPR (20 Falcon LPR and Installation)	$ 67,800.30
Total	**$ 150,000.00**

[4] Consultant and Subcontracted Services - Itemize below:	
	$
	$
	$
Total	**$ -**

[5] Other Miscellaneous Expenses - Itemize below:	
	$
Total	**$ -**

[6] Indirect Administration Costs - Itemize below:	
	$
	$
	$
	$
Total	**$ -**

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Attachment C: Reporting

Reports will be required on a quarterly basis. Commerce quarterly reporting is based upon the calendar year: there are two quarters within this contract: January 2024 – March 2024, and April 2024 – June 2024. The first report is due on April 20th 2024. The report must be completed prior to submitting that quarter's invoice within Secure Access Washington. The second and final report is due on July 20th, 2024.

Reports shall include:

- Status of the purchase, receipt, installation, and implementation/utilization of the equipment/technology.
- The number of all cases in which the equipment/technology was utilized.
- The outcome of all cases in which the equipment/technology was utilized.
- The number of vehicle pursuits that occurred.
- The number of vehicle pursuits in which the equipment/technology was utilized.
- The outcome of vehicle pursuits in which the equipment/technology was utilized.
- Any other statistics the agency may have that that directly relates to the equipment/technology and its outcomes.

DocuSign

Certificate Of Completion

Envelope Id: 7D0758E054A94358BD40B0777472C451
Status: Sent
Subject: Please DocuSign: Commerce Contract#S24-34444-016_CSU
Division:
Community Services and Housing
Program: CSU
ContractNumber: S24-34444-016
DocumentType: Contract
Source Envelope:
Document Pages: 15
Signatures: 0
Certificate Pages: 5
Initials: 3
AutoNav: Enabled
EnvelopeId Stamping: Enabled
Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Envelope Originator:
Brandi Darden
1011 Plum Street SE
MS 42525
Olympia, WA 98504-2525
brandi.darden@commerce.wa.gov
IP Address: 147.55.149.150

Record Tracking

Status: Original
2/28/2024 4:12:42 PM
Security Appliance Status: Connected
Storage Appliance Status: Connected

Holder: Brandi Darden
brandi.darden@commerce.wa.gov
Pool: StateLocal
Pool: Washington State Department of Commerce

Location: DocuSign

Location: DocuSign

Signer Events	Signature	Timestamp
Kaitlin Jones Kaitlin.jones@commerce.wa.gov Security Level: Email, Account Authentication (None)	DS Signature Adoption: Pre-selected Style Using IP Address: 198.239.10.212	Sent: 2/28/2024 4:15:54 PM Viewed: 2/28/2024 4:16:24 PM Signed: 2/28/2024 4:16:29 PM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		
Abigail Snyder abigail.snyder@commerce.wa.gov Security Level: Email, Account Authentication (None), Login with SSO	DS Signature Adoption: Pre-selected Style Using IP Address: 198.239.106.205	Sent: 2/28/2024 4:16:30 PM Viewed: 2/29/2024 5:37:45 AM Signed: 2/29/2024 5:38:39 AM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		
Kate Kelly kate.kelly@commerce.wa.gov Security Level: Email, Account Authentication (None)	DS Signature Adoption: Uploaded Signature Image Using IP Address: 198.239.10.153	Sent: 2/29/2024 5:38:40 AM Viewed: 2/29/2024 7:52:03 AM Signed: 2/29/2024 7:52:24 AM
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Signer Events	Signature	Timestamp
Dave Zabell dave.zabell@yakimawa.gov City Manager Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Accepted: 2/9/2024 4:52:57 PM ID: 3d1b377b-ec43-4993-a9df-85fa4e3e3cd9		Sent: 2/29/2024 10:24:53 AM
Cindy Guertin-Anderson cindy.guertin-anderson@commerce.wa.gov Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Not Offered via DocuSign		

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Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp
Tory Adams Tory.adams@yakimawa.gov Lieutenant City of Yakima Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Accepted: 2/29/2024 10:24:53 AM ID: 8db3b644-b53f-4cf5-b95f-bb9909823115	VIEWED Using IP Address: 205.172.45.253	Sent: 2/29/2024 7:52:26 AM Viewed: 2/29/2024 10:24:53 AM

Carbon Copy Events	Status	Timestamp
Tory Adams Tory.adams@yakimawa.gov Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Accepted: 2/29/2024 10:24:53 AM ID: 8db3b644-b53f-4cf5-b95f-bb9909823115		

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	2/28/2024 4:15:54 PM

Payment Events	Status	Timestamps

Electronic Record and Signature Disclosure

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To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to docusign@commerce.wa.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

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ii. send us an email to docusign@commerce.wa.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

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- Until or unless you notify Washington State Department of Commerce as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Washington State Department of Commerce during the course of your relationship with Washington State Department of Commerce.

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Washington State Dept. of Commerce
Office of Firearm Safety and Violence Prevention - Community Safety Unit
Law Enforcement Pursuit Technology Grant Program
Deadline: 10/29/2023

City of Yakima

Violent Crime Reduction Through Technology

Jump to: Pre-Application Application Questions Documents

USD$ 150,000.00 Requested

Submitted: 10/27/2023 3:43:21 PM (Pacific)

Project Contact
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Additional Contacts
none entered

City of Yakima

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UEI	FJNNX1XFJ9K3
SAM Expires	

Pre-Application *top*

Minimum Qualification

1. Is your organization a Law Enforcement Agency within the state of Washington, as defined in RCW 10.116.010 (1)?
Link to RCW: https://app.leg.wa.gov/RCW/default.aspx?cite=10.116.010

- [x] Yes
- [ ] No

Agency Information

2. List all agencies included in this proposal.
A single agency may apply, however, agencies are encouraged to apply together.
City of Yakima Police Department

3. Please choose the agency size category below according to the number of peace officers as defined in RCW 10.116.010(2) from the agency/agencies included in this proposal.
Link to RCW: https://app.leg.wa.gov/RCW/default.aspx?cite=10.116.010 If applying with more than one agency, include the combined number of peace officers within the agencies.

- [ ] 1 to 50 Peace Officers
- [ ] 50 to 100 Peace Officers
- [x] 100 to 150 Peace Officers
- [ ] 150 to 200 Peace Officers
- [ ] 200+ Peace Officers

Documents Requested *	Required?	Attached Documents *
Letter of Submittal (Section 3.1) download template	[x]	Letter of Submittal

Application Questions *top*

Technical Proposal

1. Include a complete description of the Proposer's proposed approach and methodology for the project. This section should convey Proposer's full understanding of the proposed project.
Project Approach/Methodology of Technical Proposal (3.3 A)
The City of Yakima is uniquely positioned in central Washington. The geographical location of Yakima is important as it serves as the only urban area between the west side of the cascade and larger cities to the east, such as Spokane. This, along with over 19% of the population living below the poverty line , makes Yakima an attractive location for criminal activity.

The Yakima Police Department, the largest police agency within 150 miles, has continued to adapt to criminal patterns and, in recent years, began employing innovative techniques to deal with community problems. Here are a few examples:

• 2003 - First department in the area to equip cars with dashcams.
• 2005 - First department in the area to equip officers with less lethal conductive energy devices.
• 2012 - Implementation of a bait car program to reduce the number of stolen vehicles.
• 2014 - Equipped select police cars with automatic license plate reader cameras.
• 2018 - the first department in the region to implement cell phone forensic methods.
• 2019 - First department in the area to deploy unmanned aerial systems to track/ locate fleeing suspects.
• 2020 - Introduced the domestic violence intimate partner program to measure the extent of domestic violence through data and adopt policies to reduce those numbers.
• 2021 - Expanded the crime analyst position to an actual unit consisting of multiple analysts providing crime intelligence and data.
• 2021 - Implementation of stationary automatic license plate reader (ALPR) cameras.
• 2021 - Integration of all dashcam-equipped vehicles with the LPR program.

None of the above-listed advancements would have been possible without public funding opportunities and they have made the department more efficient. At the same time, our actual and budgeted staffing numbers have decreased since 2005. The City and the Department have a recognized track record of responsibly utilizing public funds.
Even with advancements in technology, the community continues to endure crime. In 2015, Yakima was ranked 19th in the nation for stolen cars per capita (470.20 per 100,000 population). In 2019, the last available report, Yakima was ranked 9th in the nation with 528.16 per 100,000 population.

While property crime is on the rise, we are lucky to see violent crime trending downward, but we are starting to see slight increases after coming out of the pandemic. We implemented stationary license plate readers in areas of the community where we saw the most crime. The effect of these cameras was seen almost immediately. The police department has solved multiple crimes that would have otherwise gone unsolved. Here is an example of some of the cases that have been solved using technology:
• Murder
• Burglary
• Kidnapping
• Robbery
• Assault with firearms
• Drive-by shooting
• Stolen Vehicle
• Fraud
• Shoplifting

The City of Yakima and the Yakima Police Department embrace technology in an effort to make our community safer.

Project Approach/Methodology

2. Demonstrate a need for pursuit technology equipment and that such is necessary for the operation of the law enforcement agency and protection of public safety.
Project Approach/Methodology of Technical Proposal (3.3 A.1)
I. Since 2020, the Yakima Police Department has averaged nine eluding incidents per month. This number is actually higher when you consider that when Washington State passed HB 1054 in 2021, officers were required to stop efforts to pursue vehicles that would not stop. Merely accelerating away from officers does not satisfy the reckless driving requirement of the eluding statute, so an eluding incident would not be counted in those instances. The Yakima Police Department has seen a

101% increase in vehicle pursuits from 2021 to 2022. In 2023, we have seen an increase of 7.9% through August.

Vehicle pursuits are dangerous. The failure to pursue also has grievous impacts. A balance of when to pursue and how to mitigate the dangers of pursuits is delicate. We believe that technology is providing the ability for the police to enforce serious crimes more safely.

II. The Yakima Police Department has had the opportunity to test different variations of equipment that assist in stopping and/or apprehending suspects who have fled over the last two decades. The Department believes that a three-pronged approach for stopping, identifying and arresting eluding suspects is the best way to combat this particular criminal behavior.

• Pursuit intervention devices – The Yakima Police Department uses a product called “Stop Stick’. Stop Sticks have been around for over three decades. The product is mounted in patrol vehicles and the officer will deploy the device ahead of a fleeing vehicle. In some cases, the sticks can be deployed while the suspect vehicle is stationary to prevent a possible pursuit from beginning. Once the vehicle tires roll over the device, its small but sharp hollow tubes puncture the tires allowing for slow deflation, which causes the suspect vehicle to deaccelerate to safer speeds, at which point continued fleeing becomes futile since the suspect can no longer create distance from pursuing police cruisers.

• Automatic License Plate Reader Technology – ALPRs can be mounted or be mobile. They work by taking a picture of license plates in their path. The plates are checked against state and federal databases to determine if the vehicle is stolen or has been involved in some other crime. The City of Yakima currently has 31 cameras covering approximately 8 of the 21 square miles that make up the city limits. The existing cameras only cover the eastern part of the city and we have seen a dramatic increase in the number of cases that are solved since their implementation.

• Unmanned Aerial Systems – Or, more commonly, drone technology. Unarmed drones in the field make it possible for officer-pilots to launch the device once a pursuit starts. This allows pursuing officers to back-off from the suspect vehicle, allowing for the suspect to slow down and find a place where they can abandon the vehicle and walk away. Drones allow officers to follow the vehicle without being detected and communicate where the suspect has fled.

III. The Yakima Police Department already employs the technology we are seeking to purchase. Most of the department personnel have been trained on the requested equipment. The only exception would be for training new UAS officer-pilot. The department policy requires that officer-pilots obtain a FAA Part 107 license. The Department’s training budget will absorb the cost of the training and licensing.

IV. The Department will have four phases to implement the program:

1. Budget Authority – Assuming that awarded funds are only eligible for reimbursement, the Department must request an increase in budget authority from the city council after being notified of the award. Budget amendments are approved each quarter, and based on award/contract dates contained in the notice of proposal, the budget amendment would be approved at the council budget meeting held in Q1 of 2024.

2. Ordering - Once the council has approved the expenditures, the Department will enlist the assistance of the city’s purchasing department. Due to the city already having contracts with the vendors providing equipment we are using I believe the projects will qualify for sole-source acquisition. In the best case, we could have orders placed within Q1 of 2024. If a bidding process becomes necessary, it will add approximately four weeks to the project to prepare the bid, award the bid, and make the order, which will put the order/acquisition into Q2 of 2024

3. Acquisition / Training – It is difficult to put a timeline on acquisition. Over the past few years we have seen severe delays due to disrupted supply lines. Those seem to be easing, but we still are seeing some delays. I expect to receive all products one to two months after ordering, but no later than June 1, 2024.

a. Stop Sticks - We train personnel on Stop Sticks regularly. Once received our fleet maintenance staff will mount these items in the vehicle and be deployed in the field.

b. ALPRS – Department personnel will not require additional training. The vendor will need to deploy technicians to the area to seek necessary permits and install the devices. This generally takes 1-2 months.

c. UAS – Delivery is expected within 1-2 weeks of ordering. An internal selection process for interested personnel wanting to become officer-pilots will be completed upon learning of the award. Testing for certification can begin before the delivery of the devices. Once the devices are delivered, they are expected to be in the field almost immediately. Training consists of online

instruction, which takes approximately two weeks followed by a certification test administered by FAA satellite sites. Our current officer-pilots train on practical skills once per month.

4. Measuring – The Department already uses its record management system to track a variety of criminal activity and police response. Additionally, the Department is already tracking the Deployment of the technology we seek to implement. The police crime and intelligence analysts will provide monthly reports on deployments of technology and crime trends. The data that will be collected are as follows:

Eluding Incidents Stolen Vehicles Recovered Stolen Vehicles
UAS Deployments Stop Stick Deployments
ALPR Case Assists Eludes Ending in Collision

V.

3. Describe the type and quantity of equipment/technology to be acquired under this RFP and to be made available for deployment within each agency or agencies covered by the Proposal, and to whom and where the equipment/technology will be distributed an

Project Approach/Methodology of Technical Proposal (3.3 A.2)

Stop Sticks - Only a quarter of the Department's current fleet is equipped with Stop Sticks. We propose to purchase 60 more stop sticks so that each vehicle is equipped. This allows every officer, detective and command officer to participate in bringing dangerous pursuits to a conclusion.

ALPRs - We believe that additional cameras in the central and western parts of the city will have the same dramatic effect in solving crime. As our Chief said when referring to ALPRs, "This is the single greatest change since DNA – what this system does is a game-changer." The Department will seek to add approximately 20 more cameras to the western part of the city where we are starting to see upticks in crime.

While the Department currently has a UAS program, it only consists of two devices (one for training and one for deployments) that must to be shared among three pilot-officers. This requires storing the device in an accessible area for the other officer-pilots. This causes delays in deployment. The goal is that all officer-pilots would be equipped with a platform while in the field and be "flight ready" when needed. On average, vehicle pursuits last less than 10 minutes. Our request is to add 3 platforms to our fleet and train one additional patrol officer-pilot for a total of 4 field-ready units. Additionally, monitors mounted in the rear of designated patrol vehicles make piloting the UAVs easier and safer.

4. Identify who, from whom, when and by what medium of instruction peace officers with access to this equipment/technology acquired under this RFP will receive training on use of such equipment/technology prior to its use.

Project Approach/Methodology of Technical Proposal (3.3 A.3)

All police officers are trained on our existing technology, to include Stop Sticks and ALPRS. The exception of UAS. Officers selected as pilot must receive FAA Part 107 Training and pass the FAA license certification prior to becoming pilots. In addition, all pilots are paired with "spotters" who assist the pilot in looking for possible dangers. All spotters, must take a test to understand basic drone/aircraft operation. As mentioned in section 2, the Department's training budget will absorb the costs of training and certification.

5. Include a specific plan for the implementation, use and effectiveness reporting of acquired equipment/technology.

Project Approach/Methodology of Technical Proposal (3.3 A.4)

IV. The Department will have four phases to implement the program:

1. Budget Authority – Assuming that awarded funds are only eligible for reimbursement, the Department must request an increase in budget authority from the city council after being notified of the award. Budget amendments are approved each quarter, and based on award/contract dates contained in the notice of proposal, the budget amendment would be approved at the council budget meeting held in Q1 of 2024.

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b. ALPRS – Department personnel will not require additional training. The vendor will need to deploy technicians to the area to seek necessary permits and install the devices. This generally takes 1-2 months.

c. UAS – Delivery is expected within 1-2 weeks of ordering. An internal selection process for interested personnel wanting to become officer-pilots will be completed upon learning of the award. Testing for certification can begin before the delivery of the devices. Once the devices are delivered, they are expected to be in the field almost immediately. Training consists of online instruction, which takes approximately two weeks followed by a certification test administered by FAA satellite sites. Our current officer-pilots train on practical skills once per month.

4. Measuring/Reporting – The Department already uses its record management system to track a variety of criminal activity and police response. Additionally, the Department is already tracking the Deployment of the technology we seek to implement. The police crime and intelligence analysts will provide monthly reports on deployments of technology and crime trends. The data that will be collected are as follows:

Eluding Incidents Stolen Vehicles Recovered Stolen Vehicles
UAS Deployments Stop Stick Deployments
ALPR Case Assists Eludes Ending in Collision

6. Include a plan to establish or enhance data-sharing and management policies including policies related to sharing data between law enforcement agencies and other third parties. Established and enhanced policies shall be updated to include new technologies and ensure all personnel who operate the vehicle pursuit technology, or access the vehicle pursuit technology data, are trained to use that technology and are able to comply with the data-sharing and management policies prior to the operational use of the vehicle pursuit technology.
Project Approach/Methodology of Technical Proposal (3.3 A.5)
Policy Establishment –
a. Yakima Police Department Policy 353.6 establishes that any equipment shared with other agencies be documented. Further, copies of that documentation will be kept with the watch commander to ensure the use of the equipment and/or supplies are in compliance with any applicable sharing agreements. The policy does not differentiate between new and antiquate technologies. The department has a number of memorandums of understanding with surrounding agencies to provide assistance when requested.
b. The Department has established polices on all technology being requested in this proposal to include that personnel have been trained on the technology. The department also regularly trains its personnel on public disclosure guidelines and the sharing of data.

Work Plan

7. Include all project requirements and the proposed tasks, services, activities, etc. necessary to accomplish the scope of the project defined in this RFP. This section of the technical proposal must contain sufficient detail to convey to members of the evaluation team the Proposer's knowledge of the subjects and skills necessary to successfully complete the project. This section of the technical proposal must include a description of the proposed procurement and distribution of equipment, as well as the training to be given on the equipment acquired. Identify any work to be completed by subcontractors but do not select subcontractors until all relevant requirements have been reviewed, including the Code of Federal Regulations if applicable.
Work Plan of Technical Proposal (3.3 B)
1. Upon learning of award, the contract must be approved by City Legal.
2. Once approved it will be placed on the City Council Agenda for approval at the next meeting.
3. A Department notice will be sent looking for officers interested in becoming officer pilots to submit a memo.
4. After a closing date, the Department will hold oral interviews for officers interested in becoming pilots. A skills test may be required. A selection will be made.
5. In 2024, the Department will ask to have its budget increased to purchase the equipment in this notice.
6. Formal bids will be collected and summitted to the Purchasing Department.
7. Purchasing prepares the purchase order and submits it back to the Police Department to move forward with the purchase.
8. The Department will coordinate with the ALPR manufacturer on the location of cameras and when the technicians will be in town.
9. The department receives all required ordered equipment.
10. All invoices are forwarded to the Finance Department as backup for reimbursement.
11. The equipment is inventoried and deployed to the field.
12. The crime analyst unit began monitoring use monthly preparing reports.
13. One final report will be created at the end of the performance period and submitted to Commerce.

Project Schedule

8. Include a project schedule indicating when the elements of the work will be completed. Project schedule must ensure that any deliverables requested are met.
Project Schedule of Technical Proposal (3.3 C)
December 2023 Awardee Notification
December 12 or January 2, City Council Approves Commerce Contract
December 2023 Department opens pilot position
January 2024 Pilot is selected, begins training/certification.
February 2024 City Council approves increase to budget.
February 2024 Purchase process begins (could be delayed if bidding is required)
April 2024 the Department takes delivery of items. Most items delivered to the field immediately. ALPRS may need more time for delivery and final installation
April 2024 Measuring of deployed equipment can begin.
July 2024 Final report to Commerce

Outcomes and Performance Measurment

9. Describe the impacts and outcomes the Proposer will achieve, including how these impacts and outcomes will be monitored, measured and reported to COMMERCE.
Outcomes and Performance Measurement of Technical Proposal (3.3 D)
Measuring – The Department already uses its record management system to track a variety of criminal activity and police response. Additionally, the Department is already tracking the Deployment of the technology we seek to implement. The police crime and intelligence analysts will provide monthly reports on deployments of technology and crime trends. The data that will be collected are as follows:

Eluding Incidents Stolen Vehicles Recovered Stolen Vehicles
UAS Deployments Stop Stick Deployments
ALPR Case Assists Eludes Ending in Collision

Risks

10. Identify potential risks that are considered significant to the success of the project in sufficient detail to convey to members of the evaluation team the Proposer's ability correctly assess and manage risk. Include how the Proposer will effectively monitor and manage these risks, including timely reporting of risks to COMMERCE.
Risks of Technical Proposal (3.3 E)
The Yakima Police Department has been successfully deploying the requested technology in some cases for over ten years (Stop Sticks). Undoubtedly, the technology has assisted the Department in solving violent crime. With all technology, there are inherent risks that come with its possible deployment. The City of Yakima Police Department takes this seriously, which is why the Department adheres to a shift schedule that provides training each month. The Department takes into consideration the requirement for training each time new policies or equipment is deployed.

With that said, we do not see any risks with training, but rather with the failure of the equipment. See the following risks we believe are possible with the equipment being requested.
• Stop Sticks – The Department has used Stop Sticks for almost two decades. There are many success stories, but there have been some failures and there are risks.
o At low speeds, the sticks may not puncture tires and not prevent a pursuit from continuing.
o Personnel must be out in front of the fleeing vehicle and throw the sticks in its path. This is done before the suspect vehicle reaches the area, however, this places the officer at risk if the suspect loses control or swerves. The Department mitigates this with training to retreat to a place of cover after deployment.
o Suspects may see the sticks and swerve to avoid them, causing them to lose control at high speeds and increasing the potential for a collision.
o Deflated tires will slow the vehicle considerably and make it more difficult to control. Continued driving will cause the tire to fall off the rim, causing sparks on the roadway, which could result in fires.
• UAS – The Department has successfully used a UAS for searching for approximately four years. Here are the potential risks.
o Pilot error could cause the UAS to collide with property. The department policy mitigates this by requiring a spotter to assist the officer-pilot during deployments.
o Technology failures can cause a UAS to fall from the sky or "fly away" if the connection to the controller is lost (referred to as "link loss"). The department only purchases equipment that will "fly home" if it experiences link loss.

o Most UAS use a nickel-cadmium battery. While improbable, these batteries can catch fire. Our officer-pilots inspect the batteries regularly and replace any batteries that begin to “swell”.
o UAS operates using four props. If one prop was to fail or become disabled, it would make the device more difficult to control. Our officer-pilots train for this type of malfunction.
• ALPR – The Department has been using ALPR’s since 2022. There has been little risk.
o A potential risk is that the ALPR system misreads a plate and provides a hit on criminal activity. Department policy requires the plate to be confirmed with dispatch prior to police action.
o With all technology, abuse of access is a possibility. The Department takes this seriously and keeps an audit of all searches to ensure the technology is used for legitimate criminal justice purposes.

Deliverables

11. Fully describe deliverables to be submitted under the proposed contract. Deliverables must support the purpose of this RFP described in Section 1.1 and met the requirements set forth in Section 1.2.
Deliverables of Technical Proposal (3.3 F)
The Department, at the conclusion of the performance period will create a report with the following data points to be addressed and then compared to the data after implementation for a similar time period.

Vehicle Pursuits/Eluding
UAS Deployments
ALPR Stolen Vehicle Hits
Stolen Vehicle Incidents
Recovered Stolen Incidents
Pursuits Ending In Collision
Pursuit Intervention Attempts
Pursuit Intervention Success
Pursuit Intervention Failures
Arrest/Eluding Ratio

Related Information

12. If the Proposer or any known subcontractor contracted with the state of Washington during the past 24 months, indicate the name of the agency, the contract number and project description and/or other information available to identify the contract.
If not applicable please put N/A. Related Information (3.3 G.1)
N/A

13. If the Proposer’s staff or subcontractor’s staff was an employee of the state of Washington during the past 24 months, or is currently a Washington State employee, identify the individual by name, the agency previously or currently employed by, job title or position held and separation date.
If not applicable please put N/A. Related Information (3.3 G.2)
N/A

14. If the Proposer has had a contract terminated for default in the last five years, describe such incident. Termination for default is defined as notice to stop performance due to the Proposer’s non-performance or poor performance and the issue of performance was either (a) not litigated due to inaction on the part of the Proposer, or (b) litigated and such litigation determined that the Proposer was in default.
If not applicable please put N/A. Related Information (3.3 G.3)
N/A

15. Submit full details of the terms for default including the other party's name, address, and phone number. Present the Proposer’s position on the matter. COMMERCE will evaluate the facts and may, at its sole discretion, reject the proposal on the grounds of the past experience. If no such termination for default has been experienced by the Proposer in the past five years, so indicate.
If not applicable please put N/A. Related Information (3.3 G.4)
N/A

Documents *top*

Documents Requested *	Required?	Attached Documents *
Cost Proposal (Section 3.4) download template	☑	Budget

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City Of Yakima

LAW ENFORCEMENT TECHNOLOGY GRANT PROGRAM

Item	Make / Model	Quantity	Item Costs	Subtotal	Tax	Total
Stop Sticks	Stop Stick	60	$ 500.00	$ 30,000.00	$ 2,490.00	$ 32,490.00
	Vehicle Mounting	60	$ 60.00	$ 3,600.00	$ 298.80	$ 3,898.80
UAS	DJI Matrice 30T Combo Kit	3	$ 11,000.00	$ 33,000.00	$ 2,739.00	$ 35,739.00
	Extra Batteries	6	$ 350.00	$ 2,100.00	$ 174.30	$ 2,274.30
	Attachments	3	$ 2,000.00	$ 6,000.00	$ 498.00	$ 6,498.00
	Vehicle Upfitting	3	$ 400.00	$ 1,200.00	$ 99.60	$ 1,299.60
ALPR	Falcon LPR	20	$ 3,000.00	$ 60,000.00	$ 4,980.00	$ 64,980.00
	ALPR Installation	20	$ 300.00	$ 6,000.00	$ 498.00	$ 6,498.00

TOTAL	$ 153,677.70
Award Amount	$ 150,000.00
	$ (3,677.70)

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 13.
For Meeting of: March 19, 2024

ITEM TITLE: Salary Survey Status Update

SUBMITTED BY: Dave Zabell, Interim City Manager
Connie Mendoza, Director of Human Resources

SUMMARY EXPLANATION:

In an effort to further the City's ability to hire and retain qualified and experienced personnel, and to assess internal pay equity concerns, the City Council authorized, and City staff subsequently issued a request for qualifications and proposals (RFQP) 12127QP to conduct a classification and salary survey via an external consulting service.

Trüpp HR was awarded the project which kicked-off in April of 2022 with the goal of completing the salary survey by early 2023. While these were the initial projections agreed to by Trüpp, the project proved to be more comprehensive and labor intensive than they originally anticipated, which caused delays in the project's completion.

At this time the City has received a final report which outlines the work performed by Trüpp as well as their recommendations as to salary. This process is only one piece of the total compensation puzzle.

In evaluating the consultant's recommendations and information, it is critical to recognize multiple factors were not evaluated as part of the salary study which include other important employee compensation factors, such as pension and retirement benefits, medical, health and wellness benefits, incentive or premium pays, shift differentials, training or certification reimbursements, union costs and benefits, or any other employee benefits. These factors together comprise an employee's total compensation/benefit package.

The work of factoring these considerations is underway and will be a part of discussions with the various employee units. Of note, the survey did not evaluate commissioned Fire and Police positions as these units enjoy binding interest arbitration rights.

ITEM BUDGETED:

STRATEGIC PRIORITY:

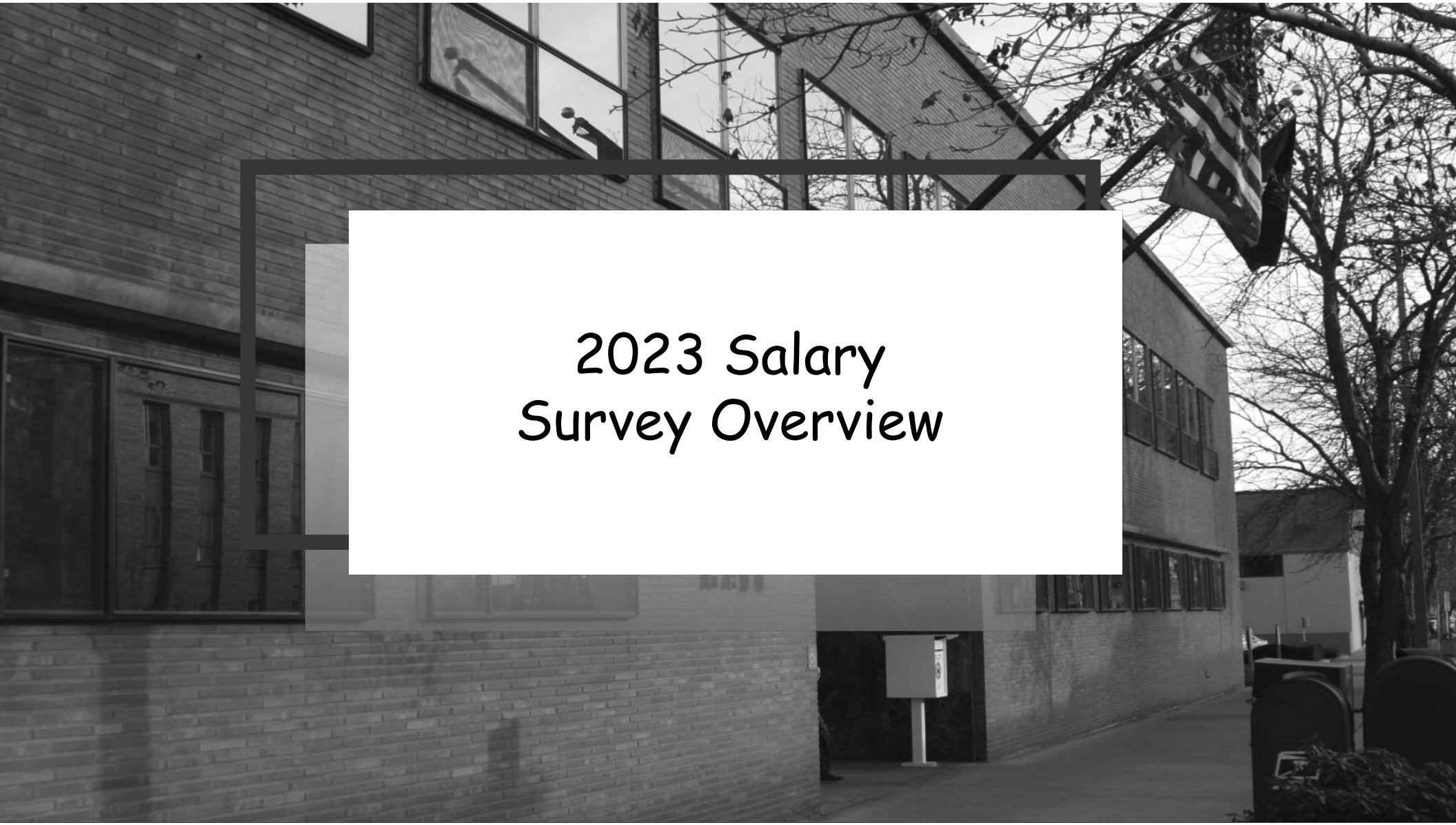
APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

No Council action necessary. This presentation is simply to inform the City Council of the results of the study and next steps in the process.

ATTACHMENTS:

	Description	Upload Date	Type
🗋	Salary Survey Overview Powerpoint	3/15/2024	Cover Memo



2023 Salary Survey Overview

- In an effort to assist with the City's ability to hire and retain qualified and experienced personnel, and to assess internal pay equity concerns, staff was directed to conduct a classification and salary survey via an external consulting service.

- In 2021, the City of Yakima issued a Request for Qualifications and Proposals (RFQP) 12127QP.

- Trüpp HR was awarded the project. The project kick-off meeting took place April 5, 2022 with the goal of completing the salary survey by early 2023.

- Due to the breath of services provided by a full-service city, the project proved to be more comprehensive and labor intensive than the contractor had anticipated, which caused significant delays in the project's completion.

- The salary survey is just <u>ONE</u> piece of the total compensation puzzle.

SURVEY SCOPE

1. Review of the City of Yakima's job classifications and align classifications based on:
    - substantially similar authority
    - scope of responsibility
    - knowledge, skills and abilities
    - experience, education, certification
    - salary alignment/equity

2. Conduct a market study to evaluate the City's pay allocations in relation to the competitive market.

JOB ANALYSIS

City classifications were evaluated utilizing two different compensation methodologies.

1. Municipality Comparisons
   - City of Yakima job classifications evaluated and “matched” with other “like” job descriptions.
   - Wage allocations were adjusted for geography by applying cost of labor metrics from the 2023 Economic Research Institute (ERI) Geographic Assessor.

2. Two (2) market survey sources were utilized to collect data for selected benchmark jobs and other classifications for which municipal matches had not been obtained
   - CompAnalyst
   - ERI

FINDINGS

- 370 City of Yakima classifications were identified.

- Job placement recommendations were made based on market position, equity groupings and job family progression.
  - Commissioned police & fire classifications were excluded from placement recommendations.

- Report findings identified:
  - 173 classifications (47%) = Within market
    Of these:
    - 27 classifications > market
  - 197 classifications (53%) = Outside of market
    Of these:
    - 33 classifications ≤ 5%
    - 38 classifications = 5.1%-10%
    - 126 classifications = 10.1% +

CHALLENGES

- It is important to remember that wage data provided is raw data and limited.
- This report is just ONE piece of total compensation analysis.
- Only published, on-line data was used from comparable agencies.
- Limited availability of job classification matches w/comparable municipal agencies.
- Cost of Labor values vs. City's base wage structure.
- Candidate pool considerations:
  - Professional positions – regional competition
  - Trade positions – local competition

ADDITIONAL CONSIDERATIONS

Factors not evaluated:

1. Other important employee compensation, such as:
    - pension and retirement benefits
    - medical, health and wellness benefits
    - health plan premiums and/or contributions
    - incentive or premium pays
    - shift differentials
    - training or certification reimbursements
    - all other employee benefits

    These factors together comprise an employee's total compensation package.

2. Research and findings also did not take into consideration or review the salary structure of the other municipalities or private industries, including step structure or increase intervals.

3. City's budget restrictions or funding sources were not considered.

NEXT STEPS

- Determine priorities:
  - Pay and compensation equity
  - Retention risk for individuals critical to success
  - Skill shortages in critical roles
  - Recruitment challenges for various classifications
- Identify any additional revenue sources.
- Negotiate changes/implementation with collective bargaining groups.

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 16.A.
For Meeting of: March 19, 2024

ITEM TITLE: Council General Information

SUBMITTED BY: Rosalinda Ibarra, City Clerk

SUMMARY EXPLANATION:

1. Preliminary Council Agenda

ITEM BUDGETED:

STRATEGIC PRIORITY:

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

ATTACHMENTS:

Description	Upload Date	Type
3-26 draft agenda	3/15/2024	Backup Material
4-2 draft agenda	3/15/2024	Backup Material

AGENDA
YAKIMA CITY COUNCIL
STUDY SESSION
March 26, 2024
City Hall -- Council Chambers - 129 N 2nd Street, Yakima, WA
5:00 p.m. Study Session --- This meeting will be conducted in person, live streamed at www.yakimawa.gov/council/live-stream/ and telecast live on Y-PAC, Spectrum Cable Channel 194. You may also participate via Zoom: https://cityofyakima.zoom.us/j/91447106119 or call in by dialing 1-253-215-8782 | Webinar ID: 914 4710 6119 | Passcode: 394009 ----- Individuals who wish to provide public comment remotely are encouraged to submit a Public Comment Request Form online at: www.yakimawa.gov/council/public-comment no later than 3:00 p.m. on the day of the meeting. If you wish to provide public comment in-person, please fill out a "Request for Appearance" form and hand it to the City Clerk before you address City Council.

---

1. Roll Call
2. Public comment (allow 15 minutes)
3. Finance Budget
4. Update on ARPA Allocation Plan
5. Downtown Parking Recommendations
6. Adjournment

The next meeting is a City Council regular meeting on April 2, 2024, at 5:30 p.m. in the City Hall Council Chambers

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker.

A Council packet is available for review at the City Clerk's Office and on-line at www.yakimawa.gov. The City provides special accommodations, such as hearing devices, wheelchair space or language interpreters, for City meetings. Anyone needing special assistance please contact the City Clerk's office at (509) 575-6037 at least two business days prior to the meeting. All meetings are live streamed on the City of Yakima website at www.yakimawa.gov and telecast live on Y-PAC, Spectrum Cable Channel 194.

DRAFT

AGENDA
YAKIMA CITY COUNCIL
April 2, 2024
City Hall -- Council Chambers - 129 N 2nd Street, Yakima, WA
5:30 p.m. Regular Meeting | 6:00 p.m. Public Hearings --- This meeting will be conducted in person, live streamed at www.yakimawa.gov/council/live-stream/ and telecast live on Y-PAC, Spectrum Cable Channel 194. You may also participate via Zoom: https://cityofyakima.zoom.us/j/????????? or call in by dialing 1-253-215-8782 | Webinar ID: ??????? | Passcode: ??????? --- Individuals who wish to provide public comment remotely are encouraged to submit a Public Comment Request Form online at: www.yakimawa.gov/council/public-comment no later than 3:00 p.m. on the day of the meeting. If you wish to provide public comment in-person, please fill out a "Request for Appearance" form and hand it to the City Clerk before you address City Council.

DRAFT

1. Roll Call

2. Pledge of Allegiance

3. Interpreter Services

4. Public Comment

There will be 35 minutes allotted for public comment with two and a half (2 1/2) minutes per speaker in order to allow as much opportunity as possible for audience participation. Written communication and e-mail messages are strongly encouraged.

5. Open Discussion for the Good of the Order

A. Proclamations

i. Yakima - Morelia Sister City proclamation

B. Presentations / Recognitions / Introductions

i. YCDA 2023 Year End Review and 2024 Outlook

6. Council Reports

7. Consent Agenda

Items listed are considered routine by the City Council and will be enacted by one motion without discussion. A Council member may request to remove an item from the Consent Agenda and, if approved, it will be placed on the regular agenda for discussion and consideration.

A. Approval of minutes from the March 19, 2024 City Council regular meeting and March 26, 2024 study session

B. 2023 4th Quarter Financial Report

C. Resolution authorizing acceptance of a Department of Transportation Pedestrian & Bicycle Safety Program grant award for Fred Meyer Active Transportation Pathway Project 2780

PUBLIC HEARINGS

8. Public hearing to consider: A) Resolution adopting the amended Six-Year Transportation Improvement Program for the period of 2024 through 2029, and to amend the Transportation Systems Plan 2040; and B) Resolution amending the Yakima Urban Area Comprehensive Plan Capital Facilities Element
9. Closed record public hearing and Ordinance to consider the Planning Commission's recommendation regarding a rezone request located in the vicinity of 1104 & 1112 S. 48th Ave
10. Public hearing and Ordinance to consider the Yakima Planning Commission's recommendation regarding 2024 proposed text amendments to YMC Titles 14 Subdivisions

DEPARTMENT ITEMS

11. Resolution authorizing a contract with Justice Housing Yakima for system development charges and utility infrastructure improvements through CHIP grant
12. Ordinance amending the 2023-2024 Biennial Budget for the City of Yakima and making appropriations from Unappropriated Fund Balances within various Funds for expenditure during 2023-2024 for various purposes (First Reading)
13. Ordinance to amend Chapter 7.50.040 of the Yakima Municipal Code, Utility Accounting

14. Other Business

15. Adjournment

The next meeting is a City Council study session on April 9, 2024, at 5:00 p.m. in the City Hall Council Chambers

16. Council General Information

A. Council General Information

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker.

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DRAFT

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 16.B.
For Meeting of: March 19, 2024

ITEM TITLE: Code Administration Division Report - Monthly Building Permits Issued - February 2024

SUBMITTED BY: Glenn Denman, Code Administration Manager

SUMMARY EXPLANATION:

Attached is the summary of building permits issued in February 2024.

ITEM BUDGETED: NA

STRATEGIC PRIORITY: Neighborhood and Community Building

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

ATTACHMENTS:

Description	Upload Date	Type
February 2024_Summary	3/5/2024	Backup Material

Permit Detail - February 1-29, 2024						
	Current Month			Year to Date		
Permit Type	# Permits	Dwelling Units	Valuation Amount	# Permits	Dwelling Units	Valuation Amount
Single Family	4	4	$1,599,679.54	4	4	$1,599,679.54
Duplex	1	1	$169,305.12	1	1	$169,305.12
Multi-Family	2	18	$981,693.84	2	18	$981,693.84
Residential Alteration	39		$579,286.30	69		$893,698.94
Grading						
New Commercial	6		$1,728,117.74	8		$1,963,084.14
Commercial Alteration	6		$142,000.00	18		$4,472,708.00
Garage-Residential				1		$3,050.00
Moves						
Demolitions	1			2		
Pools						
Footing/Foundation						
Mobile Home				1	1	
Retaining Wall				1		$6,000.00
TOTALS	**59**	**23**	**$5,200,082.54**	**107**	**24**	**$10,089,219.58**

Permit Detail - February 1 - 28, 2023						
	Current Month			Year to Date		
Permit Type	# Permits	Dwelling Units	Valuation Amount	# Permits	Dwelling Units	Valuation Amount
Single Family	7	7	$1,417,755.39	16	16	$3,450,798.69
Duplex	3	5	$555,628.95	3	5	$555,628.95
Multi-Family				2	8	$957,685.28
Residential Alteration	40		$545,154.45	88		$1,393,989.42
Grading						
New Commercial	6		$1,266,175.77	10		$1,361,073.37
Commercial Alteration	17		$1,573,570.58	29		$3,922,720.58
Garage-Residential	1		$36,342.00	1		$36,342.00
Moves						
Demolitions	7			12		
Pools				1		$100,000.00
Footing/Foundation						
Mobile Home	4	4		4	4	
Retaining Wall						
TOTALS	**85**	**16**	**$5,394,627.14**	**166**	**33**	**$11,778,238.29**

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 16.C.
For Meeting of: March 19, 2024

ITEM TITLE: Distribution of the Complete Record for the closed hearing of a rezone request located at 1104 and 1112 S 48th Ave for William F. Almon (RZ#002-23)

SUBMITTED BY: Eric Crowell, Senior Planner

SUMMARY EXPLANATION:

The complete record for the closed hearing of the rezone request for William F. Almon is being distributed to City Council members in this agenda packet. Please bring these materials to the public hearing which will take place on April 2, 2024.

ITEM BUDGETED: NA

STRATEGIC PRIORITY: Neighborhood and Community Building

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

ATTACHMENTS:

Description	Upload Date	Type
CC Packet_RZ#002-23	3/8/2024	Backup Material

WILLIAM ALMON
RZ#002-23, SEPA#010-23

Yakima City Council
Closed Record Public Hearing
April 2, 2024

EXHIBIT LIST

Applicant:	William F. Almon
File Numbers:	RZ#002-23, SEPA#010-23
Site Address:	1104 & 1112 S. 48th Ave.
Staff Contact:	Eric Crowell, Senior Planner

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CHAPTER AA Yakima Planning Commission's Recommendation

CHAPTER A Staff Report

CHAPTER B Maps

CHAPTER C Site Plan

CHAPTER D DST Review & Agency Comments

CHAPTER E Applications

CHAPTER F Public Notices

CHAPTER G Public/Agency Comments

WILLIAM ALMON
RZ#002-23, SEPA#010-23

EXHIBIT LIST

CHAPTER AA
Yakima Planning Commission's Recommendation

DOC INDEX #	DOCUMENT	DATE
AA-1	Yakima Planning Commission's Recommendation	02/27/2024

DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

YAKIMA PLANNING COMMISSION

RECOMMENDATION TO THE YAKIMA CITY COUNCIL
FOR
REZONE
RZ#002-23 & SEPA#010-23

February 5, 2024

WHEREAS, The City of Yakima adopted the Yakima Comprehensive Plan 2040 on June 6, 2017; and

WHEREAS, The City of Yakima last amended its Title 15 Zoning Ordinance on July 23, 2023; and

WHEREAS, Under the provisions of YMC Ch. 15.23 a change in circumstances or conditions may warrant a change in the zoning map consistent with the goals, policies, and intent of the Yakima Comprehensive Plan 2040; and

WHEREAS, Under the provisions of YMC Ch. 1.42 the Yakima Planning Commission (YPC) is responsible for the review of these applications and for recommending the approval, modification or denial of each request; and

WHEREAS, On October 5, 2023 an application for a Rezone was submitted by William F. Almon, to Rezone from Professional Business (B-1) to Local Business (B-2), parcel 181328-41405 & 181328-41427 (City File RZ#002-23); and

WHEREAS, The applications were considered complete for processing on November 17, 2023 and public notice was provided, in accordance with the provisions of YMC Ch. 15.23, on November 21, 2023; and

WHEREAS, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on December 27, 2023, which was not appealed (City File SEPA#010-23); and

WHEREAS, The Yakima Planning Commission held an open record public hearing on January 24, 2024 to hear testimony from the public, consider the Rezone, and provide a recommendation to the Yakima City Council;

DOC.
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AA-1

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

APPLICATION #:	RZ#002-23, SEPA#010-23
APPLICANT:	William F. Almon
APPLICANT ADDRESS:	132 Indian Cabin Rd., Stevenson, WA 98648
PROJECT LOCATION:	1104 & 1112 S. 48th Ave.
PARCEL(S):	181328-41405 & -41427

FINDINGS OF FACT:

1. The applicant requests to Rezone from Professional Business (B-1) to Local Business (B-2).
2. The subject parcels are approximately 6.06 acres in size and are surrounded by residential and commercial uses and zoning.
3. The City of Yakima Planning Division provided a detailed staff report to the Planning Commission for review during their January 24, 2024 public hearing, with the recommendation of APPROVAL of the proposed rezone.
4. The proposed Rezone from Professional Business (B-1) to Local Business (B-2) is consistent with the applicable approval criteria in YMC § 15.23.030, as follows:
   a. Bill Almon Jr., representing the applicant, testified in favor of the proposed rezone.
   b. The property is suitable for uses within the B-2 zoning district and will facilitate future commercial development.
   c. The B-2 zoning district is an implementing zone of the Community Mixed-Use Future Land Use Designation.
   d. The property is currently capable of being served by all necessary public utilities, or have utilities extended, and can be accessed by public streets.
   e. The proposed Rezone is considered compatible with the surrounding neighborhood and no mitigation is proposed at this time.
   f. The public need for this Rezone is to provide for additional developable commercial land.
5. During YPC deliberation, it was decided to adopt the recommendation as presented by the Planning Division.

CONCLUSIONS

1. The Rezone is minor in nature;
2. No adverse impacts have been identified;
3. No written comments were received from the public;
4. This proposal underwent Environmental Review;
5. The proposed Rezone from Professional Business (B-1) to Local Business (B-2) is consistent with the Yakima Urban Area Zoning Ordinance and Yakima Comprehensive Plan 2040;
6. Parcels 181328-41405 & -41427 are recommended to change from Professional Business (B-1) to Local Business (B-2).

MOTION

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

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AA-1

RECOMMENDATION

The Planning Commission of the City of Yakima, having received and considered all evidence and testimony presented at the public hearing, and having received and reviewed the record herein, hereby recommends that the City Council of the City of Yakima APPROVE the proposed Rezone from Professional Business (B-1) to Local Business (B-2) for file RZ#002-23.

RECOMMENDED this 5th day of February, 2024.

By: _____

Jacob Liddicoat, Chair
Yakima Planning Commission

DOC.
INDEX
AA-1

WILLIAM ALMON
RZ#002-23, SEPA#010-23

EXHIBIT LIST

CHAPTER A
Staff Report

DOC INDEX #	DOCUMENT	DATE
A-1	Staff Report	01/24/2024

DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

CITY OF YAKIMA
FINDINGS of FACT, CONCLUSIONS, & RECOMMENDATION
for
REQUEST FOR REZONE
File Numbers: RZ#002-23 & SEPA#010-23

APPLICANT:	William F. Almon
APPLICANT ADDRESS:	132 Indian Cabin Rd., Stevenson, WA 98648
PROJECT LOCATION:	1104 & 1112 S. 48th Ave.
TAX PARCEL NUMBER:	181328-41405 & -41427
DATE OF REQUEST:	October 5, 2023
DATE OF RECOMMENDATION:	January 24, 2024
STAFF CONTACT:	Eric Crowell, Senior Planner

I. DESCRIPTION OF REQUEST:

On October 5, 2023, the City of Yakima Planning Division received an application from William F. Almon for a proposal to rezone two parcels totaling 6.06 acres from Professional Business (B-1) to Local Business (B-2).

II. SUMMARY OF DECISION:

The Administrative Official recommends **approval** of the Rezone, subject to conditions.

III. FACTS:

A. Processing

1. The applications for a Rezone and Environmental Review were received on October 5, 2023.

2. The applications were deemed complete for processing on November 17, 2023.

3. The applications are being processed under YMC Ch. 15.23 (Amendments and Rezones) and YMC Ch. 6.88 (Environmental Review).

4. Pursuant to YMC Ch. 1.42 and YMC § 15.23.030, the Planning Commission has the authority to hold a public hearing and provide a recommendation to the City Council on a Rezone request.

5. **Public Notice:** In accordance with YMC § 15.11.080 and YMC § 16.05.010, notice was provided for this application as follows:

   a. The subject property was posted with a land use action sign on November 15, 2023.

DOC. INDEX # A-1

Yakima All-America City 2015 1994

b. A Notice of Application and Environmental Review was sent to the applicant, SEPA agencies, and adjoining property owners within 300 feet of the subject property on November 21, 2023.

c. A Notice of Public Hearing and Determination of Nonsignificance (DNS) was sent to the applicant, SEPA agencies, and adjoining property owners within 300 feet of the subject property on December 27, 2023.

d. A legal notice was provided in the *Yakima Herald-Republic* on December 27, 2023.

B. Environmental Review. This application was required to undergo State Environmental Policy Act (SEPA) review because it was not reviewed as part of the previous comprehensive plan update. Notice was mailed on November 21, 2023, and the public comment period ended on December 5, 2023. Two comments were received from SEPA agencies which are outlined in Section IV (C).

C. Current Zoning and Land Use.

1. The subject property is approximately 6.06 acres in size and is zoned Professional Business (B-1). The parcels are currently vacant.

2. The surrounding properties contain uses and zoning as follows:

Direction	Zoning	Land Use
North	B-1, B-2, R-1	Commercial, Residential
South	B-1	Vacant Land
East	B-1, R-1	Commercial, Residential
West	B-1, R-3	Commercial, Residential

3. Existing Infrastructure
   a. The property is accessed by W. Nob Hill Blvd., which is a Principal Arterial, and S. 48th Ave., which is a Collector Arterial.

   b. The property is served by City of Yakima sewer and Nob Hill Water Association water.

D. Statement of Cause – Rezone:
Pursuant to YMC Ch. 15.23, the applicant provided the following paraphrased statements explaining their reasons for the proposed Rezone:

1. How is the subject property suitable for uses permitted under the proposed zoning?
Minor rezone from B-1 to B-2 meant only to open the property up to more potential uses.

What is the status of the existing land use?
Vacant land with no project in hand.

DOC. INDEX A-1

2. **How is the rezone request in compliance with and/or how does the request deviate from the Yakima Urban Area Comprehensive Plan?**
   Minor rezone that does not deviate from the Yakima Urban Area Comprehensive Plan and does not require a Comp Plan Amendment.

3. **Are there adequate public facilities, such as traffic capacity, sewer services, potable water, stormwater drainage, schools, fire and police services, and other public services and infrastructure existing on and around the subject property?**
   Yes.

   Are the existing public facilities capable of supporting the most intensive use of the new (requested) zone? If not, what mitigating measures are going to be implemented to address any short falls in public services that may exist?
   Yes.

4. **How is the proposed zone change compatible with the existing neighboring uses?**
   Proposed rezone is complimentary and consistent with neighboring uses and zoning, noting properties to the north are B-2. Applicant is comfortable with B-2 or GC, whichever the Planning Commission prefers.

   What mitigating measures are planned to address incompatibility, such as sitescreening, buffering building design, open space, traffic flow alteration, etc.?
   Not applicable.

5. **What is the public need for the proposed change?**
   None, rather the proposed change is meant to potentially open the property up to more commercial uses.

IV. FINDINGS

A. **Rezone Approval Criteria:** In accordance with the provisions of YMC § 15.23.030 (D) (1-7), recommendations to approve or deny proposed rezones shall include the following consideration:

1. **The testimony at the public hearing:**
   A Notice of Application was mailed to SEPA agencies and all property owners within 300 feet of the subject properties on November 21, 2023, wherein the public was invited to submit written comments on the SEPA application. Notice of the public hearing was sent on December 27, 2023, wherein the public was invited to submit written and/or oral comments at the public hearing on this proposed rezone. No public comments were received prior to the drafting of this recommendation.

   Any testimony at the hearing can be considered by the Planning Commission.

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2. **The suitability of the property in question for uses permitted under the proposed zoning:**
   The subject property is suitable for uses permitted in the B-2 zoning district.

3. **The recommendation from interested agencies and departments:**
   No agencies or departments have registered any opposition to this rezone.

4. **The extent to which the proposed amendments are in compliance with and/or deviate from the goals and policies as adopted in the Yakima Urban Area Comprehensive Plan and the intent of this title:**
   The proposed B-2 zoning district is an implementing zone of the Comprehensive Plan 2040 designation of Community Mixed-Use and is compatible with the following goals and policies:

   - Goal 2.1: Establish a development pattern consistent with the community's vision.
     - Policy 2.1.1: Designate the general distribution, location, and extent of the uses of land for housing commerce, recreation, open spaces, public utilities, and facilities and other uses.
     - Policy 2.1.4: Manage and maintain the City's Official Zoning Map to ensure continued consistency with the Future Land Use Map.
   - Goal 2.5: Enhance the character, function, and economic vitality of Yakima's arterial corridors and mixed-use centers.
     - Policy 2.5.1: Allow for a mixture of compatible land uses along corridors and within mixed-use designated areas. This includes the integration of multi-family residential and office uses with retail service and commercial uses. Provide zoning and design standards to maintain compatibility between different uses and zones.
     - Policy 2.5.3: Utilize strict access management standards to enhance safety and maintain the arterial traffic functions of the corridor.

5. **The adequacy of public facilities, such as roads, sewer, water and other required public services:**
   This property is able to be served by all public utilities necessary to support future development.

6. **The compatibility of the proposed zone change and associated uses with neighboring land uses:**
   The proposed rezone is compatible with existing neighboring land uses. The property is currently vacant.

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7. **The public need for the proposed change:**
   The public need for this proposed change is to enable additional land uses on a property already zoned for commercial uses.

B. Development Services Team (DST) Review

On November 21, 2023, a DST meeting was held to discuss the possible impacts of this rezone, and the following comments were received:

1. Nob Hill Water Association
   a. Nob Hill Water is available to serve, but a water service will need to be purchased once there is a proposed structure for this lot.

C. Public Comments

No comments from the public were received. Two agency comments were received:

1. Department of Ecology
   a. Historical aerial photos indicate your property was occupied by orchard when the pesticide lead arsenate was used, often resulting in shallow soil contamination from lead and/or arsenic. Ecology requires soil sampling if vacant, commercial, industrial, or agricultural properties change land use as there may be an increased risk of exposure to contaminated soil.

      Ecology can provide soil sampling at no cost. If sampling shows elevated levels of lead and/or arsenic, cleanup will be required prior to occupancy. There are simple steps that can be taken to reduce risk of exposure and Ecology can provide free technical assistance.

      Additionally, Ecology uses Model Remedies to guide cleanup for lead and arsenic pesticide contamination in historical orchards of Central Washington. The Model Remedy document is available at https://apps.ecology.wa.gov/publications/SummaryPages/2109006.html

      Compliance with a Model Remedy ensures your project meets the minimum standards of the Model Toxics Control Act, and if implemented as described, your property will be successfully cleaned up to Washington State standards.

      Additional information, including precautions you can take to reduce exposure, is available at: https://ecology.wa.gov/dirtalert

      Please contact Hector Casique, Project Manager, at 509-208-1288 or email hector.casique@ecy.wa.gov, for further information or to schedule your initial sampling.

2. Washington State Department of Transportation
   a. WSDOT Aviation Division reviewed these documents on 11/27/23. Due to the proximity to the Yakima Air Terminal Airport, the FAA requests notification of construction (see https://oeaaa.faa.gov/oeaaa/external/portal.jsp). It is also

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recommended that a real estate disclosure of the proximity of the airport be required in all lease or sale agreements.

Staff Response: This is a non-project rezone to rezone a lot from B-1 to B-2. Land use review will be required for any future development proposed to take place on this property, which may or may not require additional agency review.

V. CONCLUSIONS

A. The Planning Commission has jurisdiction to issue a recommendation on this application to the City Council.

B. The proposed Rezone is consistent with the goals and policies of the Yakima Comprehensive Plan 2040.

C. SEPA review resulted in the issuance of a DNS on December 27, 2023. The appeal period for this determination ended on January 10, 2024. No appeal was filed.

D. No adverse impacts have been identified from granting this approval that cannot be mitigated at the time of future development.

E. Public notice for this hearing was provided in accordance with zoning ordinance requirements.

VI. RECOMMENDATION

The Community Development Department recommends approval of this non-project Rezone request from Professional Business (B-1) to Local Business (B-2).

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WILLIAM ALMON
RZ#002-23, SEPA#010-23

EXHIBIT LIST

CHAPTER B
Maps

DOC INDEX #	DOCUMENT	DATE
B-1	Vicinity Map	10/11/2023
B-2	Maps: Zoning, Future Land Use, and Aerial	10/11/2023

Project Name: WILLIAM ALMON

Site Address: 1104 & 1112 S 48TH AVE

File Number(s): RZ#002-23, SEPA#010-23

CITY OF YAKIMA Planning

ZONING MAP

N

Yakima Urban Area Zoning

- SR Suburban Residential
- R-1 Single Family
- R-2 Two Family
- R-3 Multi-Family
- B-1 Professional Business
- B-2 Local Business
- HB Historical Business
- SCC Small Conveneice Center
- LCC Large Convenience Center
- CBD Central Business District
- GC General Commercial
- M-1 Light Industrial
- M-2 Heavy Industrial
- RD Regional Development
- AS Airport Support

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Date Created: 10/11/2023

Project Name: WILLIAM ALMON

Site Address: 1104 & 1112 S 48TH AVE

File Number(s): RZ#002-23, SEPA#010-23

CITY OF YAKIMA Planning

FUTURE LAND USE MAP

N

Yakima Future Land Use Designations

- Low Density Residential
- Mixed Residential
- Central Business Core Commercial
- Commercial Mixed Use
- Regional Commercial
- Community Mixed Use
- Industrial

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Date Created: 10/11/2023

Project Name: WILLIAM ALMON

Site Address: 1104 & 1112 S 48TH AVE

File Number(s): RZ#002-23, SEPA#010-23

CITY OF YAKIMA Planning

AERIAL MAP

N

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Date Created: 10/11/2023

Project Name: WILLIAM ALMON

Site Address: 1104 & 1112 S 48TH AVE

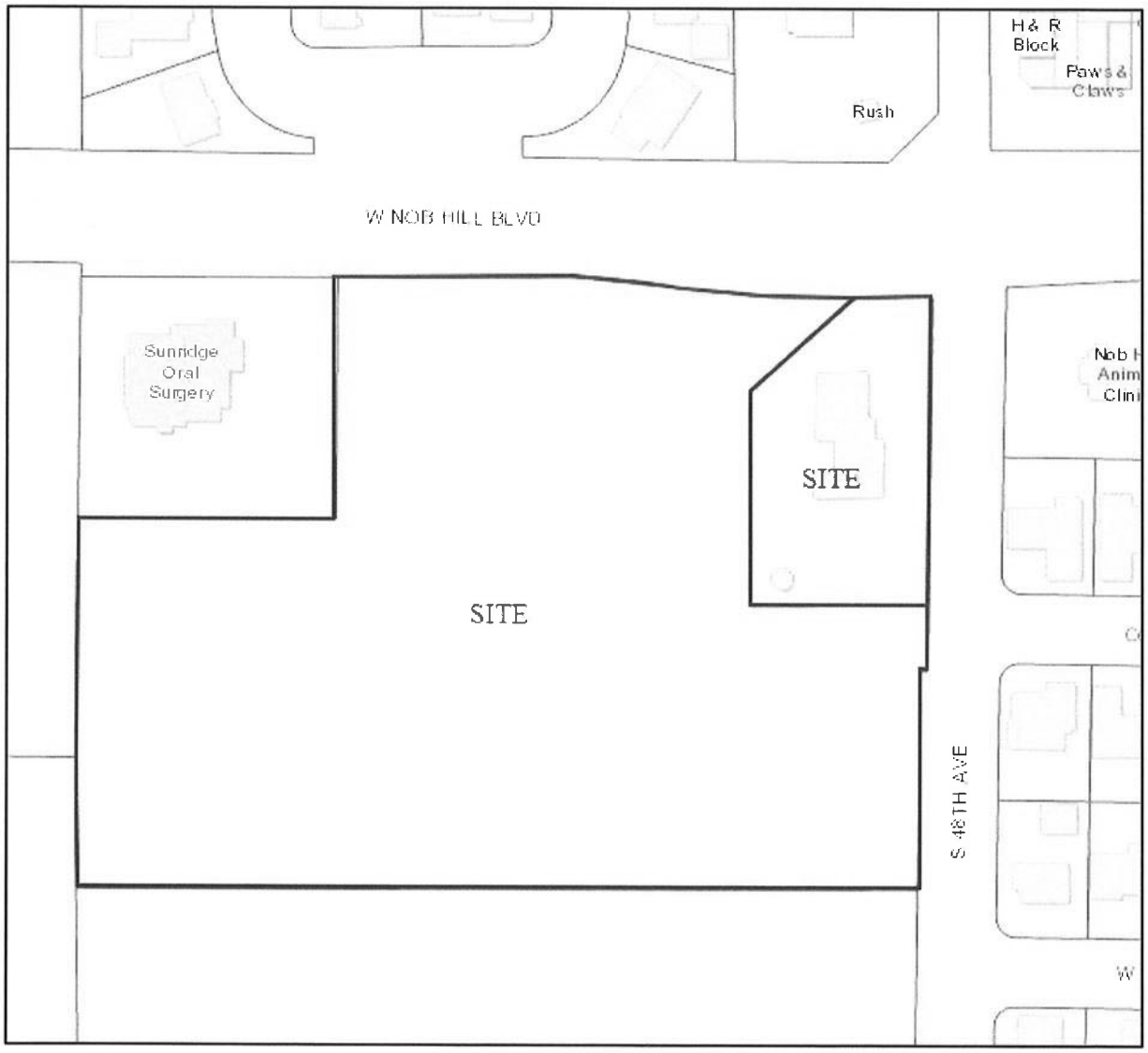
File Number(s): RZ#002-23, SEPA#010-23

Proposal: Proposed rezone and environmental review to rezone two lots from B-1 to B-2.

CITY OF YAKIMA Planning

VICINITY MAP

N



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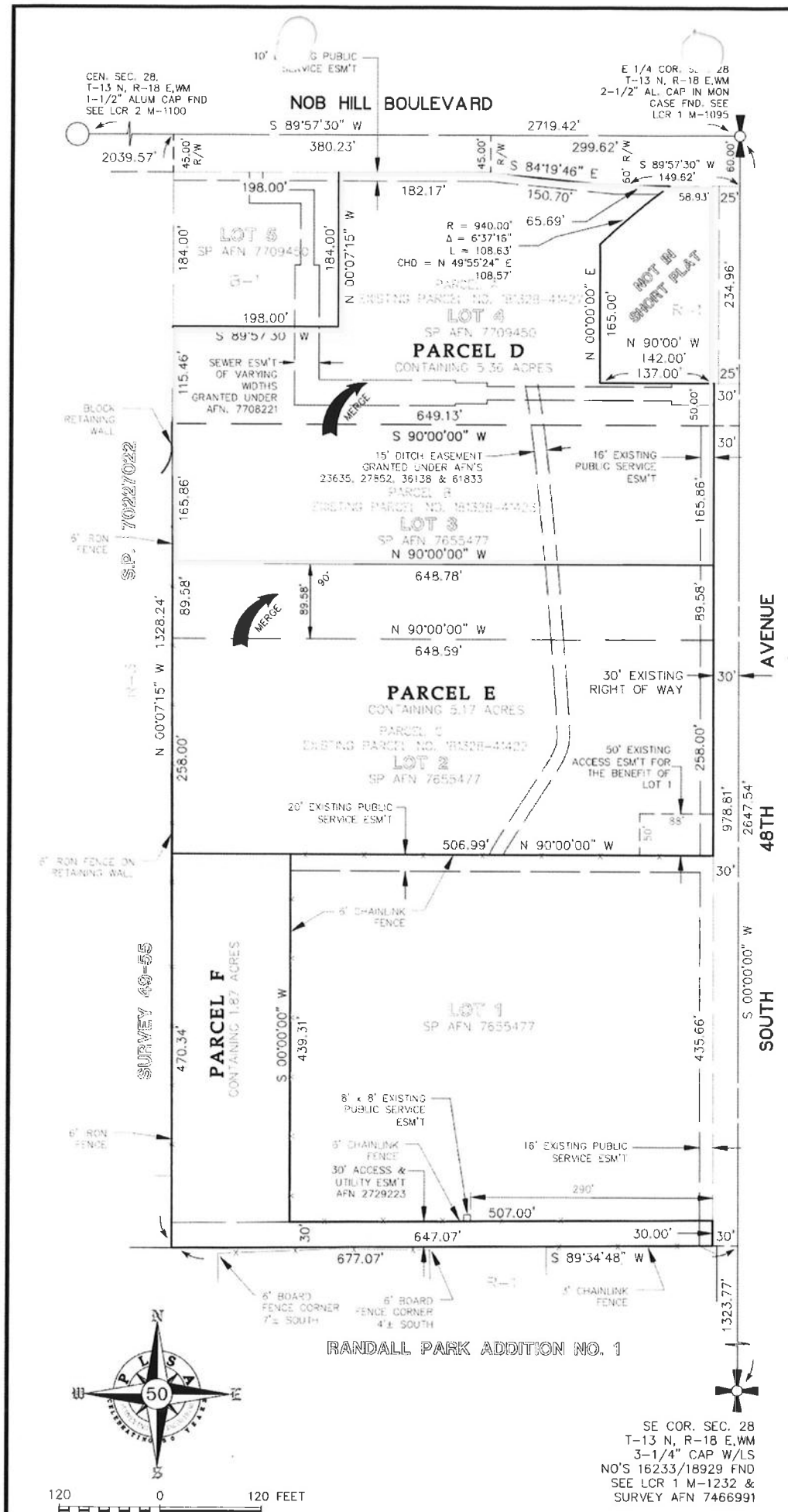
Date Created: 10/11/2023

WILLIAM ALMON
RZ#002-23, SEPA#010-23

EXHIBIT LIST

CHAPTER C
Site Plan

DOC INDEX #	DOCUMENT	DATE
C-1	Site Plan	10/05/2023



PLSA
ENGINEERING–SURVEYING–PLANNING
1120 WEST LINCOLN AVENUE
YAKIMA, WASHINGTON 98902
(509) 575-6990

SITE MAP
PARCEL NO.'S 181328 – 41422, 41423 & 41427
PREPARED FOR
PRESTIGE CARE, INC.
NE 1/4, SE 1/4, SEC. 28, T-13 N, R-18 E,WM

DRAWN BY: JOE
DATE: 9/15/2015
JOB NO. 15192
SHEET NO. 20
1 OF 1

NOTES

OWNER: ALMON FAMILY INVESTMENTS, LLC
ADDRESS: 1200 S. 48TH AVENUE
PARCEL NO.'S: 181328-41422, 41423 & 41427
ZONING: B-1

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WILLIAM ALMON
RZ#002-23, SEPA#010-23

EXHIBIT LIST

CHAPTER D
DST Review

DOC INDEX #	DOCUMENT	DATE
D-1	DST Request for Comments	11/17/2023
D-2	Comments from SmartGov	10/09/2023

CITY OF YAKIMA PLANNING DIVISION

DST COMMENTS SUBMITTED IN SMARTGOV

Project Name: WILLIAM ALMON

File Number: RZ#002-23, SEPA#010-23

DST - NOB HILL WATER	DST COMMENTS	Nob Hill Water is available to serve, but a water service will need to be purchased once there is a proposed structure for this lot.	10/09/2023	DUSTIN.YATES@YAKIMAWA.GOV

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City of Yakima Development Services Team
Request For Comments
November 17, 2023

To:	City of Yakima Development Services Team
From:	Eric Crowell, Senior Planner
Subject:	Request for Comments
Applicant:	William F. Almon
File Numbers:	RZ#002-23, SEPA#010-23
Location:	1104 & 1112 S. 48th Ave.
Parcel Number(s):	181328-31405 & -41427
DST MEETING DATE:	**11/21/2023**

Proposal

Proposal to rezone two parcels from Professional Business (B-1) to Local Business (B-2).

Please review the attached application and site plan and prepare any written comments you might have regarding this proposal. This project will come up for discussion at the weekly DST meeting to be held **November 21, 2023 at 2:00 p.m.** As always, should you have comments, but find you are unable to attend, please submit your comments prior to the meeting. Should you have any questions, or require additional information, please contact me at eric.crowell@yakimawa.gov or (509) 576-6736.

Comments:

Contact Person

Department/Agency

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WILLIAM ALMON
RZ#002-23, SEPA#010-23

EXHIBIT LIST

CHAPTER E
Applications

DOC INDEX #	DOCUMENT	DATE
E-1	Rezone Application	10/05/2023
E-2	SEPA Application	10/05/2023

SEPA#010-23

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CITY OF YAKIMA Planning

ENVIRONMENTAL CHECKLIST

STATE ENVIRONMENTAL POLICY ACT (SEPA)
(AS TAKEN FROM WAC 197-11-960)
YAKIMA MUNICIPAL CODE CHAPTER 6.88

PURPOSE OF CHECKLIST

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

INSTRUCTIONS FOR APPLICANTS

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help you describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

USE OF CHECKLIST FOR NONPROJECT PROPOSALS

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project", "applicant", and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B – Environmental Elements – that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND INFORMATION (To be completed by the applicant.)

1. **Name Of Proposed Project (If Applicable):**
   None

2. **Applicant's Name & Phone:**
   William F Almon and Almon Family Investments, LLC,

3. **Applicant's Address:**
   132 Indian Cabin Rd, Stevenson, WA 98648

4. **Contact Person & Phone:**
   William ("Bill") Almon - (509) 949-1800

5. **Agency Requesting Checklist:** City of Yakima

6. **Proposed Timing Or Schedule (Including Phasing, If Applicable):**
   As soon as is reasonably possible

7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:**
   No

8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:**
   None (not applicable)

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A. BACKGROUND INFORMATION (To be completed by the applicant.)

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain:

They are not

10. List any government approvals or permits that will be needed for your proposal, if known:

None

11. Give a brief, but complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.):

No proposed use or project in hand, rather this is simply a minor rezone application meant to potentially open the property up to more commercial uses.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist:

1104 & 1112 S 48th Ave, consisting of approximately 6.04 acres of commercial land at the SW corner of W Nob Hill Blvd and S 48th Ave currently zoned B-1. Rezone application is for a minor rezone to B-2.

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B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

EARTH

1. **General description of the site (✓ one):**
   ☑ flat ☐ rolling ☐ hilly ☐ steep slopes ☐ mountainous ☐ other:_____

2. **What is the steepest slope on the site (approximate percent slope)?**
   Unknown.

3. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**
   Unknown.

4. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**
   Not to applicant's knowledge.

5. **Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**
   None.

6. **Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**
   No.

7. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**
   None.

8. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**
   Not applicable.

AIR

1. **What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**
   None.

2. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**
   No.

3. **Proposed measures to reduce or control emissions or other impacts to air, if any:**
   Not applicable.

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B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

SURFACE WATER

1. **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

   No.

2. **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

   No.

3. **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

   None.

4. **Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.**

   No.

5. **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

   No.

6. **Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

   No.

GROUND WATER

1. **Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.**

   No.

2. **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals…; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

   None.

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B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

WATER RUNOFF (INCLUDING STORM WATER)

1. **Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**
   Not applicable.

2. **Could waste materials enter ground or surface waters? If so, generally describe.**
   No.

3. **Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**
   No.

4. **Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:**
   Not applicable.

PLANTS

1. **Check (✓) types of vegetation found on the site:**

Deciduous Trees:	Evergreen Trees:	Wet Soil Plants:	Water Plants:	Other:
☐ Alder	☐ Fir	☐ Cattail	☐ Milfoil	☐ Shrubs
☑ Maple	☐ Cedar	☐ Buttercup	☐ Eelgrass	☑ Grass
☐ Aspen	☐ Pine	☐ Bullrush	☐ Water Lily	☐ Pasture
☑ Other Cotton wood	☐ Other	☐ Skunk Cabbage	☐ Other	☐ Crop Or Grain
		☐ Other		☐ Orchards, vineyards, or other permanent crops
				☐ Other types of vegetation

2. **What kind and amount of vegetation will be removed or altered?**
   None.

3. **List threatened or endangered species known to be on or near the site.**
   None.

4. **Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**
   None/not applicable

5. **List all noxious weeds and invasive species known to be on or near the site.**
   None known to applicant.

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B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

ANIMALS

1. **List any birds or other animals which have been observed on or near the site or are known to be on or near the site.**
   Examples include:
   birds: hawk, heron, eagle, songbirds, other:
   mammals: deer, bear, elk, beaver, other:
   fish: bass, salmon, trout, herring, shellfish, other:
   None observed by applicant.

2. **List any threatened or endangered species known to be on or near the site.**
   None known to applicant.

3. **Is the site part of a migration route? If so, explain.**
   Not that applicant is aware of.

4. **Proposed measures to preserve or enhance wildlife, if any:**
   None/not applicable.

5. **List any invasive animal species known to be on or near the site.**
   None known to applicant.

ENERGY AND NATURAL RESOURCES

1. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**
   None/not applicable.

2. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**
   No.

3. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**
   None/not applicable.

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B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

ENVIRONMENTAL HEALTH

1. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.**
   No.

2. **Describe any known or possible contamination at the site from present or past uses.**
   None known to applicant.

3. **Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**
   None known to applicant.

4. **Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**
   None.

5. **Describe special emergency services that might be required.**
   None.

6. **Proposed measures to reduce or control environmental health hazards, if any:**
   Not applicable.

NOISE

1. **What types of noise exist in the area, which may affect your project (for example: traffic, equipment, operation, other)?**
   None.

2. **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**
   None.

3. **Proposed measures to reduce or control noise impacts, if any:**
   Not applicable.

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B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

LAND AND SHORELINE USE

1. **What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

   Site is currently vacant land. Adjacent properties include a dental clinic and apartment complex to the west, former grange hall/event center and single-family residential to the north, an office building and single-family residential to the east and undeveloped commercial land to the south.

2. **Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

   No.

3. **Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:**

   No.

4. **Describe any structures on the site.**

   None.

5. **Will any structures be demolished? If so, what?**

   No.

6. **What is the current zoning classification of the site?**

   B-1

7. **What is the current comprehensive plan designation of the site?**

   Community Mixed Use

8. **If applicable, what is the current shoreline master program designation of the site?**

   Not applicable.

9. **Has any part of the site been classified as a critical area by the city or county? If so, specify.**

   No.

10. **Approximately how many people would reside or work in the completed project?**

    None/not applicable.

11. **Approximately how many people would the completed project displace?**

    None.

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B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

LAND AND SHORELINE USE

12. **Proposed measures to avoid or reduce displacement impacts, if any.**
    Not applicable.

13. **Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**
    The application for rezone from B-1 to B-2 is a minor rezone that would not require a Comp Plan Amendment.

14. **Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:**
    None/not applicable.

HOUSING

1. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**
   None.

2. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**
   None.

3. **Proposed measures to reduce or control housing impacts, if any:**
   None/not applicable.

AESTHETICS

1. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**
   Not applicable.

2. **What views in the immediate vicinity would be altered or obstructed?**
   Not applicable.

3. **Proposed measures to reduce or control aesthetic impacts, if any:**
   Not applicable.

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B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

LIGHT AND GLARE

1. **What type of light or glare will the proposal produce? What time of day would it mainly occur?**
   Not applicable.

2. **Could light or glare from the finished project be a safety hazard or interfere with views?**
   Not applicable.

3. **What existing off-site sources of light or glare may affect your proposal?**
   Not applicable.

4. **Proposed measures to reduce or control light and glare impacts, if any:**
   Not applicable.

RECREATION

1. **What designated and informal recreational opportunities are in the immediate vicinity?**
   Randall Park is approximately 3 blocks to the south.

2. **Would the proposed project displace any existing recreational uses? If so, describe.**
   No.

3. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**
   None/not applicable.

HISTORIC AND CULTURAL PRESERVATION

1. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.**
   No.

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PLANNING DIV.

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

HISTORIC AND CULTURAL PRESERVATION

2. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

   No.

3. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

   None/not applicable.

TRANSPORTATION

1. **Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

   Property has frontage on both W Nob Hill Blvd and S 48th Ave. No changes to access to either arterial are planned.

2. **Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

   Yakima Transit services W Nob Hill Blvd with a stop on the opposite side of the street as the property.

3. **How many parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?**

   None.

4. **Will the proposal require any new or improvements to existing roads, streets, pedestrian bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

   No.

5. **Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

   No.

6. **How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?**

   None.

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PLANNING DIV

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

TRANSPORTATION

7. **Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe:**

   No.

8. **Proposed measures to reduce or control transportation impacts, if any:**

   Not applicable.

PUBLIC SERVICES

1. **Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe:**

   No.

2. **Proposed measures to reduce or control direct impacts on public services, if any.**

   Not applicable.

UTILITIES

1. **Check (✓) utilities currently available at the site:**

   ☑ **electricity** ☑ **natural gas** ☑ **water** ☑ **refuse service** ☑ **telephone**

   ☑ **sanitary sewer** ☐ **septic system** ☐ **other**_____

2. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

   None.

C. SIGNATURE (To be completed by the applicant.)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

DocuSigned by:
William Almon
7941D067ZCFA4E6...

10/4/2023

Property Owner or Agent Signature | **Date Submitted**

DocuSigned by:
William Almon
7941D067ZCFA4E6...

Name of Signee | **Position and Agency/Organization**

PLEASE COMPLETE SECTION "D" ON THE NEXT PAGES
IF THERE IS NO PROJECT RELATED TO THIS ENVIRONMENTAL REVIEW

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PLANNING DIV.

D. SUPPLEMENTAL SECTION FOR NONPROJECT ACTIONS ONLY (to be completed by the applicant)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal, or the types of activities that would likely result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

   It would not/not applicable.

   Proposed measures to avoid or reduce such increases are:

   Not applicable.

2. **How would the proposal be likely to affect plants, animals, fish, or marine life?**

   It would not/not applicable.

   Proposed measures to protect or conserve plants, animals, fish, or marine life are:

   Not applicable.

3. **How would the proposal be likely to deplete energy or natural resources?**

   It would not/not applicable.

   Proposed measures to protect or conserve energy and natural resources are:

   Not applicable.

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

   It would not/not applicable.

   Proposed measures to protect such resources or to avoid or reduce impacts are:

   Not applicable.

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PLANNING DIV

D. SUPPLEMENTAL SECTION FOR NONPROJECT ACTIONS ONLY (to be completed by the applicant)

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

It would not/not applicable.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Not applicable.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

It would not/not applicable.

Proposed measures to reduce or respond to such demand(s) are:

Not applicable.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

It would not/not applicable.

DOC. INDEX # E-2

CITY OF YAKIMA
CODE ADMIN DIVISION
OCT 05 2023
REC'VD PAID
PAID FYI

LAND USE APPLICATION

CITY OF YAKIMA, DEPARTMENT OF COMMUNITY DEVELOPMENT
129 NORTH SECOND STREET, 2ND FLOOR, YAKIMA, WA 98901
PHONE: (509) 575-6183 EMAIL: ask.planning@yakimawa.gov

INSTRUCTIONS – PLEASE READ FIRST **Please type or print your answers clearly.**

Answer all questions completely. If you have any questions about this form or the application process, please ask a Planner. Remember to bring all necessary attachments and the required filing fee when the application is submitted. The Planning Division cannot accept an application unless it is complete and the filing fee paid. Filing fees are not refundable.
This application consists of four parts. PART I - GENERAL INFORMATION AND PART IV – CERTIFICATION are on this page. PART II and III contain additional information specific to your proposal and MUST be attached to this page to complete the application.

PART I – GENERAL INFORMATION

1. Applicant's Information:	Name:	William F Almon & Almon Family Investments					
	Mailing Address:	132 Indian Cabin Rd					
	City:	Stevenson	St: WA	Zip: 98648		Phone:	(509) 949-1800
	E-Mail:	bill.almon@billalmonlaw.com					
2. Applicant's Interest in Property:	Check One:	☑ Owner	☐ Agent	☐ Purchaser	☐ Other _____		
3. Property Owner's Information (If other than Applicant):	Name:						
	Mailing Address:						
	City:		St:	Zip:		Phone:	( )
	E-Mail:						

4. Subject Property's Assessor's Parcel Number(s): 181328-41405 & 181328-41427

5. Legal Description of Property. (if lengthy, please attach it on a separate document)
See attached

6. Property Address: 1104 & 1112 S 48th Ave, Yakima, WA, 98908

7. Property's Existing Zoning:
☐ SR ☐ R-1 ☐ R-2 ☐ R-3 ☑ B-1 ☐ B-2 ☐ HB ☐ SCC ☐ LCC ☐ CBD ☐ GC ☐ AS ☐ RD ☐ M-1 ☐ M-2

8. Type Of Application: (Check All That Apply)
☑ Rezone ☐ Comprehensive Plan Text or Map Amendment ☐ Environmental Checklist (SEPA Review)
☐ Transportation Concurrency ☐ Master Application (select if submitting two or more applications under Title 15) ☐ Other: _____

PART II – SUPPLEMENTAL APPLICATION, PART III – REQUIRED ATTACHMENTS, & PART IV – NARRATIVE

SEE ATTACHED SHEETS

PART V – CERTIFICATION

I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.

DocuSigned by: William Almon — 7941D0672CFA4E6... — 10/4/2023
Property Owner's Signature **Date**

DocuSigned by: William Almon — 7941D0672CFA4E6... — 10/4/2023
Applicant's Signature **Date**

FILE/APPLICATION(S)# RZ#002-23

DATE FEE PAID:	RECEIVED BY:	AMOUNT PAID:	RECEIPT NO:
10/5/23	S. Hunt	3,278.00	CR-23-003364

DOC. INDEX # E-1

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PLANNING DIV.

CITY OF YAKIMA Planning

Supplemental Application For:

REZONES

YAKIMA MUNICIPAL CODE CHAPTER 15.23

PART II - APPLICATION INFORMATION

1. EXISTING ZONING OF SUBJECT PROPERTY:

☐ SR ☐ R-1 ☐ R-2 ☐ R-3 ☑ B-1 ☐ B-2 ☐ HB ☐ SCC ☐ LCC ☐ CBD ☐ GC ☐ AS ☐ RD ☐ M-1 ☐ M-2

2. DESIRED ZONING OF SUBJECT PROPERTY:

☐ SR ☐ R-1 ☐ R-2 ☐ R-3 ☐ B-1 ☑ B-2 ☐ HB ☐ SCC ☐ LCC ☐ CBD ☐ GC ☐ AS ☐ RD ☐ M-1 ☐ M-2

3. ZONING OF ADJOINING PROPERTY (check all that apply):

☐ SR ☑ R-1 ☐ R-2 ☑ R-3 ☑ B-1 ☑ B-2 ☐ HB ☐ SCC ☐ LCC ☐ CBD ☐ GC ☐ AS ☐ RD ☐ M-1 ☐ M-2

4. EXISTING FUTURE LAND USE DESIGNATION:

☐ Low Density Residential ☐ Mixed Residential ☑ Community Mixed-Use ☐ Commercial Mixed-Use

☐ CBD Commercial Core ☐ Regional Commercial ☐ Industrial

5. PROPOSED FUTURE LAND USE DESIGNATION:

Is there a proposed change to the Future Land Use Map? No

If so what is the proposed future land use designation?

☐ Low Density Residential ☐ Mixed Residential ☐ Community Mixed-Use ☐ Commercial Mixed-Use

☐ CBD Commercial Core ☐ Regional Commercial ☐ Industrial

6. PUBLIC FACILITIES AND SERVICES AVAILABLE:

☑ Transportation ☐ Rights-Of-Way ☐ Police And Fire Protection ☐ Parks And Trails ☐ Schools ☑ Water

☑ Sewer ☐ Storm Drainage ☑ Electricity ☑ Natural Gas ☐ Telephone ☐ Cable TV

PART III - REQUIRED ATTACHMENTS

1. WRITTEN NARRATIVE (see attached form)

2. ENVIRONMENTAL CHECKLIST (attached)

3. TRAFFIC CONCURRENCY (may be required)

4 SITE PLAN OR CONCEPTUAL SITE PLAN

A site plan is required if a land use development is proposed. If no land use development is proposed, a non-binding conceptual site plan is required and shall show potential future use of the property per YMC § 15.23.030 (B).

5 AUTHORIZATION:

I hereby authorize the submittal of this Rezone or Text Amendment Application to the City of Yakima for review.

DocuSigned by:
William Almon
7941D0672CFA4E6...

Property Owner Signature (required) 10/4/2023 **Date**

Note: if you have any questions about this process, please contact us City of Yakima, Planning Division, 129 N. 2nd St., Yakima, WA or 509-575-6183

DOC. INDEX # E1

CITY OF YAKIMA Planning

Supplemental Application For:

REZONES

YAKIMA MUNICIPAL CODE CHAPTER 15.23

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PLANNING DIV.

PART IV – NARRATIVE (SUBMIT ANSWERS ON SEPARATE SHEET OF PAPER IF NEEDED)

A. How is the subject property suitable for uses permitted under the proposed zoning?

Minor rezone from B-1 to B-2 meant only to open the property up to more potential uses.

What is the status of existing land use?

Vacant land with no project in hand.

B. How is the rezone request in compliance with and/or how does the request deviate from the Yakima Urban Area Comprehensive Plan?

Minor rezone that does not deviate from the Yakima Urban Area Comprehensive Plan and does not require a Comp Plan Amendment.

C. Are there adequate public facilities, such as traffic capacity, sewer services, potable water, stormwater drainage, schools, fire and police services, and other public services and infrastructure existing on and around the subject property?

Yes.

Are the existing public facilities capable of supporting the most intensive use of the new (requested) zone? If not, what mitigating measures are going to be implemented to address any short falls in public services that may exist?

Yes.

D. How is the proposed zone change compatible with the existing neighboring uses?

Proposed rezone is complimentary and consistent with neighboring uses and zoning, noting properties to the north are B-2. Applicant is comfortable with B-2 or GC, whichever the Planning Commission prefers.

What mitigating measures are planned to address incompatibility, such as sitescreening, buffering building design, open space traffic flow alteration, etc.?

Not applicable.

E. What is the public need for the proposed change?

None, rather the proposed change is meant to potentially open the property up to more commercial uses.

DOC. INDEX # E1

WILLIAM ALMON
RZ#002-23, SEPA#010-23

EXHIBIT LIST

CHAPTER F
Public Notices

DOC INDEX #	DOCUMENT	DATE
F-1	**Land Use Action Installation Certificate**	11/15/2023
F-2	**Notice of Complete Application**	11/17/2023
F-3	**Notice of Application & Environmental Review** **F-3a:** Press Release & Distribution Email **F-3b:** Parties and Agencies Notified **F-3c:** Affidavit of Mailing	11/21/2023
F-4	**Notice of Public Hearing & DNS** **F-4a:** Legal Ad **F-4b:** Press Release and Distribution Email **F-4c:** Parties and Agencies Notified **F-4d:** Affidavit of Mailing	12/27/2023
F-5	**YPC Agenda & Packet Distribution List**	01/17/2024
F-6	**YPC Agenda and Sign-in Sheet**	01/24/2024
F-7	**Notice of Yakima Planning Commission's Recommendation** (See DOC INDEX#AA-1 for YPC Recommendation) **F-7a:** Parties and Agencies Notified **F-7b:** Affidavit of Mailing	02/27/2024
F-8	**Letter of Transmittal to City Clerk: City Council Hearing** (Mailing Labels, Map, Vicinity Map)	03/07/2024

CITY OF YAKIMA, PLANNING DIVISION

LETTER OF TRANSMITTAL

I, Eva Rivera, as an employee of the City of Yakima, Planning Division, have transmitted to: Rosalinda Ibarra, City Clerk, by hand delivery, the following documents:

1. Mailing labels for WILLIAM ALMON including labels for SEPA Reviewing Agencies.
2. E-mail distribution lists for In-House, SEPA Reviewing Agencies, Local Media, and Interested Parties and Parties of Record.
3. Site Plan and Vicinity Map

Signed this **7th** day of **March 2024.**

Eva Rivera
Planning Technician

Received By: Rosalinda Ibarra

Date: 03/07/2024

DOC. INDEX # F-9

18132732515
ACTEM 6 LLC
1053 N PIONEER WAY
YAKIMA, WA 98908

18132732508
ACTEM PROPERTIES LLC
1053 N PIONEER WAY
YAKIMA, WA 98908

18132841427
ALMON FAMILY INVESTMENTS LLC
132 INDIAN CABIN RD
STEVENSON, WA 98648

18132841411
BLOSSOM AID PROPCO LLC
301 COMMERCE ST STE 3300
FORT WORTH, TX 76102

18132841425
CASTLE CREEK APARTMENTS LLC
2550 BORTON RD
YAKIMA, WA 98903

18132841429
CASTLE CREEK APARTMENTS LLC
2550 BORTON RD
YAKIMA, WA 98903

18132841416
COLEMAN KNIGHT ENTERPRISES LLC
5104 W NOB HILL BLVD #69
YAKIMA, WA 98908

18132841428
TEW PROPERTIES LLC
5000 W NOB HILL BLVD
YAKIMA, WA 98908

18132841423
YAKIMA VALLEY VENTURES LLC
7700 NE PARKWAY DR STE 300
VANCOUVER, WA 98662

18132814449
ANNALEE SUTLIFF FLANNERY
1017 S 50TH AVE
YAKIMA, WA 98908

18132814474
ARTURO MENDOZA RIVERA
1018 S 49TH AVE
YAKIMA, WA 98908

18132814475
BOBBY A & MARCY A BROWN
1019 S 49TH AVE
YAKIMA, WA 98908

18132814450
BRANDON J MABRY
1015 S 50TH AVE
YAKIMA, WA 98908

18132732507
BRYAN R & DIANE D FORD
PO BOX 11427
YAKIMA, WA 98909

18132814446
DALE L & RAE F ARMSTRONG
1018 S 50TH AVE
YAKIMA, WA 98908

18132732460
DAN K & CINDY L KERNEY
4711 W PRASCH AVE
YAKIMA, WA 98908

18132732497
DAVID E & SANDRA A HERT
4710 COWDEN PL
YAKIMA, WA 98908

18132732498
ELIZABETH M TULL
4708 COWDEN PL
YAKIMA, WA 98908

Rtd 01/08/24

18132723018
HOWARD D & CINDY L WEST
1019 S 48TH AVE
YAKIMA, WA 98908

18132732468
HURBITA RUIZ
4706 W PRASCH AVE
YAKIMA, WA 98908

18132732473
ISABEL ESQUIVEL
4709 CLINTON WAY
YAKIMA, WA 98908

18132814476
JESSICA & LARRY WAMMOCK
1017 S 49TH AVE
YAKIMA, WA 98908

18132814473
JOHN C MIRANDA
1016 S 49TH AVE
YAKIMA, WA 98908

18132732469
JORIS D & VERONA E SUNDSETH
4708 W PRASCH AVE
YAKIMA, WA 98908

18132732496
JOSE LUIS PATINO JR
4712 COWDEN PL
YAKIMA, WA 98908

18132732463
KELLY J & BARBARA LOUDON
4705 W PRASCH AVE
YAKIMA, WA 98908

18132732506
KENNETH A & CONSUELO GARZA
4709 COWDEN PL
YAKIMA, WA 98908

18132732472
LALO E BARRAGAN
4711 CLINTON WAY
YAKIMA, WA 98908

18132814447
LANCE W BROWN
1020 S 50TH AVE
YAKIMA, WA 98908

DOC. INDEX # F-8

18132732505
LARRY & M ELAINE PICKETT
4707 COWDEN PL
YAKIMA, WA 98908

18132723019
LEONARD J & JUDITH A RUSSELL
620 S 48TH AVE
YAKIMA, WA 98908

18132732504
LORETTA WILDE
4705 COWDEN PL
YAKIMA, WA 98908

18132732474
M SCOTT & JULIE MCGREGOR
4707 CLINTON WAY
YAKIMA, WA 98908

18132814448
MARCO RIOS
1022 S 50TH AVE
YAKIMA, WA 98908

18132732461
NORRIS M & ANGELA STONE
4709 W PRASCH WAY
YAKIMA, WA 98908

18132732471
PATRICK J & KATIE E BAUER
4712 W PRASCH AVE
YAKIMA, WA 98908

18132732462
RAUDEL INIGUEZ
4707 W PRASCH AVE
YAKIMA, WA 98908

18132732470
RICHARD D & JENNIFER JOHNSON
4710 W PRASCH AVE
YAKIMA, WA 98908

18132732499
ROMINA F SEVILLA
4706 COWDEN PL
YAKIMA, WA 98908

12/27/2023

18132814011
~~SHARLYNE R POWELL~~
~~5701 W ARLINGTON ST~~
~~YAKIMA, WA 98908~~

18132814489
~~SUSAN MARIE DE FIELDS~~
~~1009 S 51ST AVE~~
~~YAKIMA, WA 98908~~

18132814490
SUSAN MARIE DE FIELDS
1009 S 51ST AVE
YAKIMA, WA 98908

18132814477
TY SCHRAG
1015 S 49TH AVE
YAKIMA, WA 98908

18132841405
WILLIAM F ALMON
132 INDIAN CABIN RD
STEVENSON, WA 98648

44
Total Parcels - William Almon - RZ#002-23, SEPA#010-23

Ntc of CC Hearing
RZ#002.23, SEPA#010.23
Date of Hearing 04/02/2024

12/27/2023

DOC.
INDEX
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In-House Distribution E-mail List		Revised 02-27-2024
Name	**Division**	**E-mail Address**
Jaime Vera	Air Terminal	Jaime.Vera@yakimawa.gov
Silvia Corona	Clerk's Office	Silvia.Corona@yakimawa.gov
Glenn Denman	Code Administration	Glenn.Denman@yakimawa.gov
John Zabell	Code Administration	John.Zabell@yakimawa.gov
Pedro Contreras	Code Administration	Pedro.Contreras@yakimawa.gov
Suzanne DeBusschere	Code Administration	Suzanne.Debusschere@yakimawa.gov
Patty Reynoso	Code Administration	Patty.Reynoso@yakimawa.gov
Joan Davenport	Community Development	Joan.Davenport@yakimawa.gov
Lisa Maxey	Community Development	Lisa.Maxey@yakimawa.gov
Bill Preston	Engineering	Bill.preston@yakimawa.gov
Kirsten McPherson	Engineering	Kirsten.McPherson@yakimawa.gov
Dan Riddle	Engineering	Dan.Riddle@yakimawa.gov
Aaron Markham	Fire	Aaron.markham@yakimawa.gov
Jeremy Rodriguez	Fire	Jeremy.Rodriguez@yakimawa.gov
Sara Watkins	Legal	Sara.Watkins@yakimawa.gov.
Eric Crowell	Planning	Eric.crowell@yakimawa.gov
Eva Rivera	Planning	Eva.rivera@yakimawa.gov
Matt Murray	Police	Matthew.murray@yakimawa.gov
Scott Schafer	Public Works	Scott.Schafer@yakimawa.gov
Leovardo Cruz	Refuse	Leovardo.Cruz@yakimawa.gov
Randy Layman	Refuse	Randy.Layman@yakimawa.gov
Gregory Story	Transit	Gregory.Story@yakimawa.gov
Anabel Chavez	Utilities	anabel.chavez@yakimawa.gov
Dana Kallevig	Wastewater	Dana.Kallevig@yakimawa.gov
Randy Meloy	Wastewater	Randy.Meloy@yakimawa.gov
Mike Shane	Water/Irrigation	Mike.Shane@yakimawa.gov

Outside Distribution		
Name	**Address**	**Notified?**
(Subdivision notices ONLY) Pacific Power Attn: Estimating Department	500 N Keys Rd, Yakima, WA 98901	☐ Yes ☒ No
(Projects Adjacent to BNSF Right of Way ONLY) Central Washington Railroad	111 University Parkway, Suite 200 Yakima, WA 98901 (509) 453-9166	☐ Yes ☒ No
	Tim Marshall, General Manager, tmarshall@cbrr.com Kim Yeager, Real Estate Manager, kyeager@ihdllc.com	☐ E-mail
(Shoreline notices ONLY) Department of Ecology	crosepa@ecy.wa.gov	☐ E-mail

Additional Parties of Record or Interested Parties Notified		
Name	**Address**	**E-mail**
Jose + Crystal Porcayo	4707 Carol Ave, Yakima WA 98908	
Joy Espinoza, SEPA Coordinator		crosepacoordinator@ecy.wa.gov
WSDOT Aviation		Aviationlanduse@wsdot.wa.gov
Bill Almon	4205 Scenic Dr. Yakima, WA 98908	

Type of Notice: Ntc of CC Hearing

File Number(s): RZ#002-23, SEPA#016-23

Date of ~~Mailing~~ Hearing: 04/02/2024

DOC. INDEX # F-8

Ahtanum Irrigation District
Beth Ann Brulotte
10705-B Gilbert Road
Yakima, WA 98903-9203
bethb@ahtanum.net

Cascade Natural Gas
8113 W Grandridge Blvd
Kennewick, WA 99336

Century Link
8 South 2nd Ave, Rm#304
Yakima, WA 98902

Charter Communications
1005 North 16th Ave
Yakima, WA 98902

City of Union Gap
Dennis Henne
P.O. Box 3008
Union Gap, WA 98903
dennis.henne@uniongapwa.gov

City of Yakima - Airport
Jaime Vera
2400 West Washington Ave
Yakima, WA 98903
jaime.vera@yakimawa.gov

City of Yakima - Engineering Division
Dan Riddle
129 N 2nd Street
Yakima, WA 98901
Dan.Riddle@yakimawa.gov

City of Yakima - Wastewater Division
Dana Kallevig
2220 East Viola Ave
Yakima, WA 98901
dana.kallevig@yakimawa.gov

City of Yakima - Wastewater Division
Marc Cawley
2220 East Viola Ave
Yakima, WA 98901
marc.cawley@yakimawa.gov

Federal Aviation Administration
2200 W. Washington Ave
Yakima, WA 98903

Greater Yakima Chamber of Commerce
10 North 9th Street
Yakima, WA 98901
chamber@yakima.org

Naches Cowiche Canal Association
PO Box 9635
Yakima, WA 98909
NachesCowicheCanal@gmail.com

North Yakima Conservation District
1606 Perry Street, Ste. C
Yakima, WA 98902

Office of Rural and Farm Worker Housing
Marty Miller
1400 Summitview Ave, Ste# 203
Yakima, WA 98902
Martym@orfh.org

Pacific Power
Mike Paulson
500 North Keys Rd
Yakima, WA 98901

United States Postal Service
David James
205 W Washington Ave
Yakima, WA 98903
david.r.james@usps.gov

Yakima Valley Trolleys
PO Box 796
Yakima, WA 98907
info@yakimavalleytrolleys.org

WA State Attorney General's Office
1433 Lakeside Court, Ste# 102
Yakima, WA 98902

WA State Department of Agriculture
Kelly McLain
PO Box 42560
Olympia, WA 98504
kmclain@agr.wa.gov

WA State Department of Archaeology &
Historic Preservation
1063 S Capitol Way, Ste 106
Olympia, WA 98504-8343
Sepa@dahp.wa.gov

WA State Department of Commerce
Review Team
1011 Plum St SE
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Upload Docs to SEPA Register

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Rhonda Luke
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PO Box 43172
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efsec@utc.wa.gov

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Paul Edmondson
313 North 3rd Street
Yakima, WA 98901

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Scott.Downes@dfw.wa.gov

WA State Department of Fish and Wildlife
TeamYakima@dfw.wa.gov

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SEPA.reviewteam@doh.wa.gov

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sepacenter@dnr.wa.gov

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WA State Department Transportation, Aviation Division
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finchp@wvsd208.org

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Olympia, WA 98504

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Toppenish, WA 98948

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Commissioners.web@co.yakima.wa.us

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Union Gap, WA 98903
ryan.ibach@co.yakima.wa.us

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Yakima County Planning Division
Tommy Carroll
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Yakima, WA 98901
Thomas.Carroll@co.yakima.wa.us

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Mark Lanter
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Yakima, WA 98907
mark.lanter@wasteconnections.com

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Sandra Hull
470 Camp 4 Rd
Yakima, WA 98908

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Yakima Greenway Foundation
Kellie Connaughton
111 South 18th Street
Yakima, WA 98901
kellie@yakimagreenway.org

Yakima School District
Stacey Locke
104 North 4th Ave
Yakima, WA 98902
locke.stacey@ysd7.org

Yakima Regional Clean Air Agency
Hasan Tahat
186 Iron Horse Ct # 101
Yakima, WA 98901
hasan@yrcaa.org

Yakima School District
Jay Baucom
104 North 4th Ave
Yakima, WA 98902
baucom.jay@yakimaschools.org

Yakima Valley Museum
Peter Arnold
2105 Tieton Drive
Yakima, WA 98902
peter@yvmuseum.org

Yakima School District
Trevor Greene
104 North 4th Ave
Yakima, WA 98902
greene.trevor@ysd7.org

Yakima Valley Canal Co
Robert Smoot
1640 Garretson Lane
Yakima, WA 98908

SEPA REVIEIWNG AGENCIES
_UPDATED 01/24/2024

Type of Notice: Ntc of CC Hearing

File Number: RZ#002-23, SEPA#010-23

Date of ~~Mailing~~ hearing: 04/02/2024

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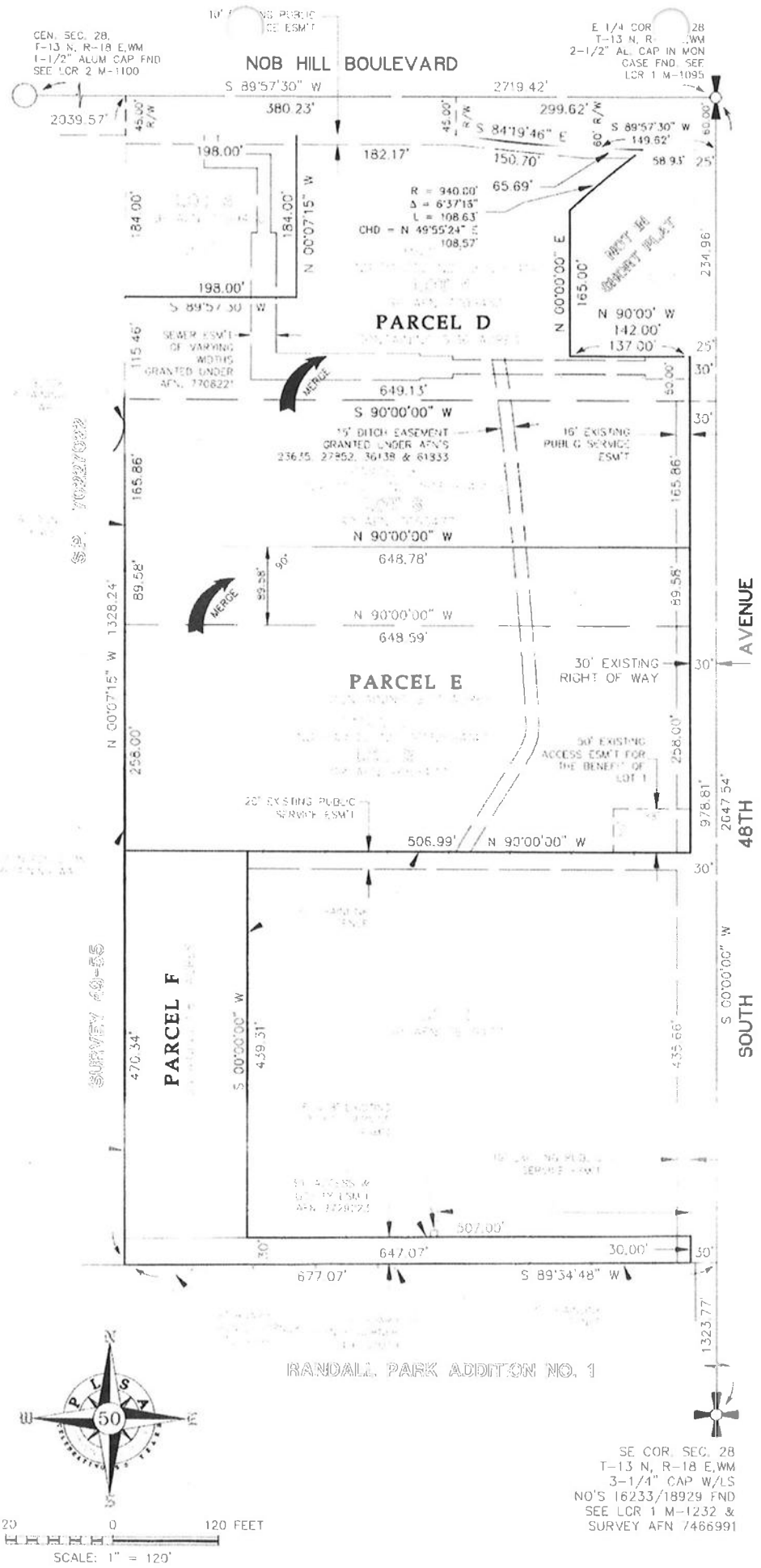

PLSA
ENGINEERING-SURVEYING-PLANNING
1120 WEST LINCOLN AVENUE
YAKIMA, WASHINGTON 98902
(509) 575-6990

SITE MAP
PARCEL NO'S 181328 - 41422, 41423 & 41427
PREPARED FOR
PRESTIGE CARE, INC.
NE 1/4, SE 1/4, SEC 28, T-13 N, R-18 E.WM

DRAWN BY: JOI
DATE: 9/15/20
JOB NO. 15192
SHEET NO. 1 OF 1

50

NOTES

OWNER: ALMON FAMILY INVESTMENTS, LLC
ADDRESS: 1200 S. 48TH AVENUE
PARCEL NO.'S: 181328-41422, 41423 & 41427
ZONING: B-1

RECEIVED
OCT 0 2 2023
CITY OF YAKIMA
PLANNING DIV.

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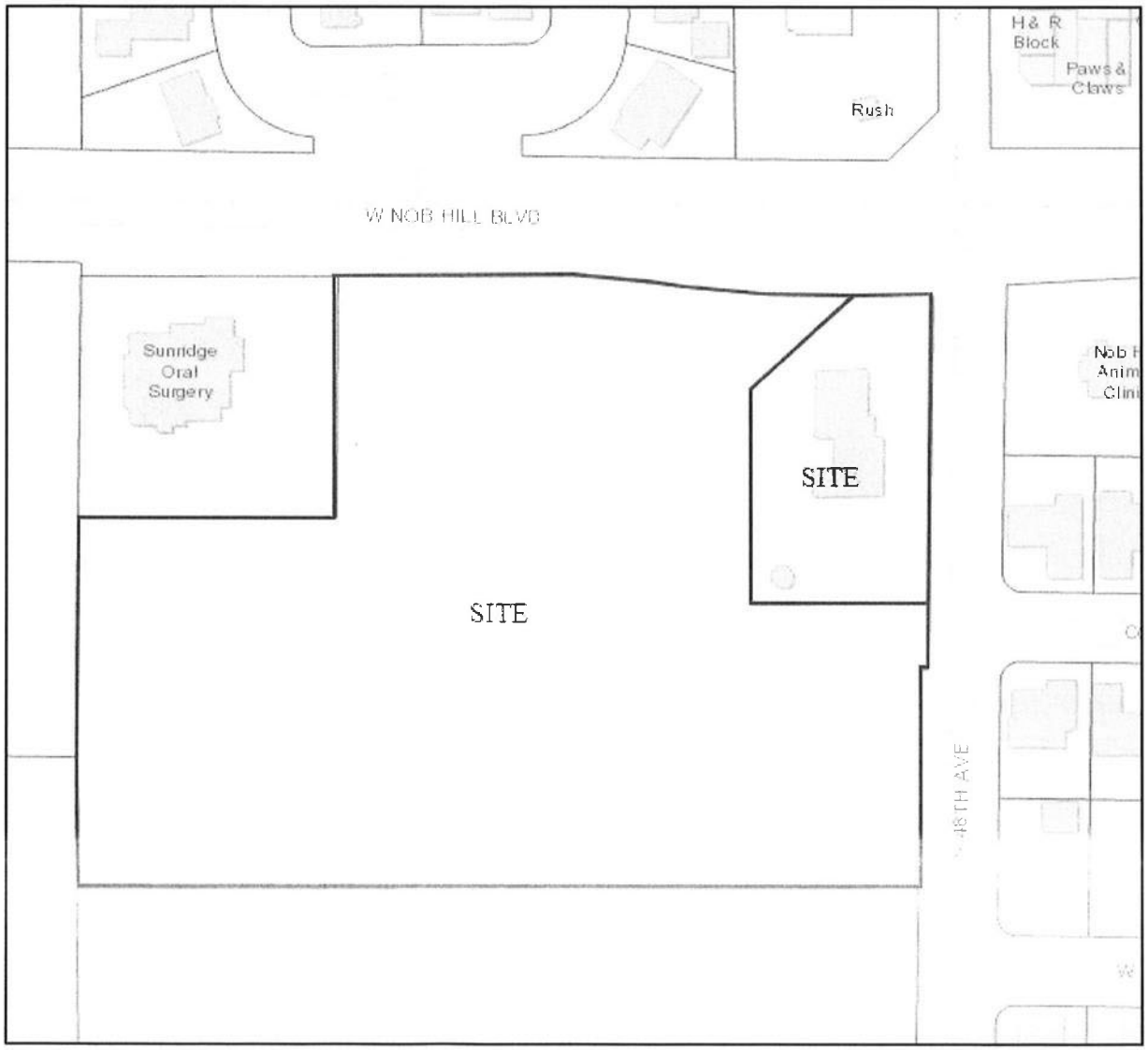
Project Name: WILLIAM ALMON

Site Address: 1104 & 1112 S 48TH AVE

File Number(s): RZ#002-23, SEPA#010-23

Proposal: Proposed rezone and environmental review to rezone two lots from B-1 to B-2.

VICINITY MAP



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Map Disclaimer: Information shown on this map is for planning and illustration purposes only. The City of Yakima assumes no liability for any errors, omissions, or inaccuracies in the information provided or for any action taken, or action not taken by the user in reliance upon any maps or information provided herein.
Date Created: 10/11/2023

Rivera, Eva

From: Rivera, Eva
Sent: Thursday, March 07, 2024 11:24 AM
To: Ibarra, Rosalinda
Subject: Mailing for City Council Hearing - William Almon - RZ#002-23, SEPA#010-23
Attachments: In-House Distribution E-mail List_ updated 03.01.2024; SEPA Reviewing Agencies E-mail Distribution List_Updated 02.28.2024; Local Media List _04.14.2023

Hello Rosalinda – on the 5th day of March City Council set April 2 as the public hearing date for William Almon.

Please provide the City Council public hearing notice to the attached e-mail distribution lists:

- In-house Distribution
- SEPA Reviewing Agencies
- Local Media List

Please also email the notice to the following parties of record/interested parties/project representatives:

Email
crosepacoordinator@ecy.wa.gov
aviationlanduse@wsdot.wa.gov

Mail

Jose & Crystal Porcayo	William Almon
4707 Carol Ave	4205 Scenic Dr.
Yakima, WA 98908	Yakima, WA 98908

Eva Rivera
Planning Technician
Phone: 509-575-6261
eva.rivera@yakimawa.gov

This email is a public record of the City of Yakima and is subject to public disclosure unless exempt under the Washington Public Records Act. This email is subject to the State Retention Schedule.

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AFFIDAVIT OF MAILING

STATE OF WASHINGTON

CITY OF YAKIMA

RE: RZ#002-23, SEPA#010-23
WILLIAM ALMON
1104 & 1112 S 48TH AVE

I, Eva Rivera, as an employee of the City of Yakima Planning Division, have dispatched through the United States Mails, a **Notice of Yakima Planning Commission's Recommendation to City Council;** a true and correct copy of which is enclosed herewith; that said notice was addressed to the applicant, all parties of record, and SEPA reviewing agencies; that said parties are individually listed on the mailing list retained by the Planning Division, and that said notices were mailed by me on the **27th** day of **February 2024.**

That I mailed said notices in the manner herein set forth and that all of the statements made herein are just and true.

Eva Rivera
Planning Technician

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18132732515
ACTEM 6 LLC
1053 N PIONEER WAY
YAKIMA, WA 98908

18132732508
ACTEM PROPERTIES LLC
1053 N PIONEER WAY
YAKIMA, WA 98908

18132841427
ALMON FAMILY INVESTMENTS LLC
132 INDIAN CABIN RD
STEVENSON, WA 98648

18132841411
BLOSSOM AID PROPCO LLC
301 COMMERCE ST STE 3300
FORT WORTH, TX 76102

18132841425
CASTLE CREEK APARTMENTS LLC
2550 BORTON RD
YAKIMA, WA 98903

18132841429
CASTLE CREEK APARTMENTS LLC
2550 BORTON RD
YAKIMA, WA 98903

18132841416
COLEMAN KNIGHT ENTERPRISES LLC
5104 W NOB HILL BLVD #69
YAKIMA, WA 98908

18132841428
TEW PROPERTIES LLC
5000 W NOB HILL BLVD
YAKIMA, WA 98908

18132841423
YAKIMA VALLEY VENTURES LLC
7700 NE PARKWAY DR STE 300
VANCOUVER, WA 98662

18132814449
ANNALEE SUTLIFF FLANNERY
1017 S 50TH AVE
YAKIMA, WA 98908

18132814474
ARTURO MENDOZA RIVERA
1018 S 49TH AVE
YAKIMA, WA 98908

18132814475
BOBBY A & MARCY A BROWN
1019 S 49TH AVE
YAKIMA, WA 98908

18132814450
BRANDON J MABRY
1015 S 50TH AVE
YAKIMA, WA 98908

18132732507
BRYAN R & DIANE D FORD
PO BOX 11427
YAKIMA, WA 98909

18132814446
DALE L & RAE F ARMSTRONG
1018 S 50TH AVE
YAKIMA, WA 98908

18132732460
DAN K & CINDY L KERNEY
4711 W PRASCH AVE
YAKIMA, WA 98908

18132732497
DAVID E & SANDRA A HERT
4710 COWDEN PL
YAKIMA, WA 98908

18132732498
ELIZABETH M TULL
4708 COWDEN PL
YAKIMA, WA 98908

18132723018
HOWARD D & CINDY L WEST
1019 S 48TH AVE
YAKIMA, WA 98908

Ptd 01/08/24

18132732468
HURBITA RUIZ
4706 W PRASCH AVE
YAKIMA, WA 98908

18132732473
ISABEL ESQUIVEL
4709 CLINTON WAY
YAKIMA, WA 98908

18132814476
JESSICA & LARRY WAMMOCK
1017 S 49TH AVE
YAKIMA, WA 98908

18132814473
JOHN C MIRANDA
1016 S 49TH AVE
YAKIMA, WA 98908

18132732469
JORIS D & VERONA E SUNDSETH
4708 W PRASCH AVE
YAKIMA, WA 98908

18132732496
JOSE LUIS PATINO JR
4712 COWDEN PL
YAKIMA, WA 98908

18132732463
KELLY J & BARBARA LOUDON
4705 W PRASCH AVE
YAKIMA, WA 98908

18132732506
KENNETH A & CONSUELO GARZA
4709 COWDEN PL
YAKIMA, WA 98908

18132732472
LALO E BARRAGAN
4711 CLINTON WAY
YAKIMA, WA 98908

18132814447
LANCE W BROWN
1020 S 50TH AVE
YAKIMA, WA 98908

18132732505
LARRY & M ELAINE PICKETT
4707 COWDEN PL
YAKIMA, WA 98908

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18132723019
LEONARD J & JUDITH A RUSSELL
620 S 48TH AVE
YAKIMA, WA 98908

18132732504
LORETTA WILDE
4705 COWDEN PL
YAKIMA, WA 98908

18132732474
M SCOTT & JULIE MCGREGOR
4707 CLINTON WAY
YAKIMA, WA 98908

18132814448
MARCO RIOS
1022 S 50TH AVE
YAKIMA, WA 98908

18132732461
NORRIS M & ANGELA STONE
4709 W PRASCH WAY
YAKIMA, WA 98908

18132732471
PATRICK J & KATIE E BAUER
4712 W PRASCH AVE
YAKIMA, WA 98908

18132732462
RAUDEL INIGUEZ
4707 W PRASCH AVE
YAKIMA, WA 98908

18132732470
RICHARD D & JENNIFER JOHNSON
4710 W PRASCH AVE
YAKIMA, WA 98908

18132732499
ROMINA F SEVILLA
4706 COWDEN PL
YAKIMA, WA 98908

12/26/2023

18132814011
SHARLYNE R POWELL
5701 W ARLINGTON ST
YAKIMA, WA 98908

18132814489
SUSAN MARIE DE FIELDS
1009 S 51ST AVE
YAKIMA, WA 98908

18132814490
SUSAN MARIE DE FIELDS
1009 S 51ST AVE
YAKIMA, WA 98908

18132814477
TY SCHRAG
1015 S 49TH AVE
YAKIMA, WA 98908

18132841405
WILLIAM F ALMON
132 INDIAN CABIN RD
STEVENSON, WA 98648

44
Total Parcels - William Almon - RZ#002-23, SEPA#010-23

Ntc of YPC Rec.
Sent 02/27/2024
RZ#002-23, SEPA#010-23

12/27/2023

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In-House Distribution E-mail List		Revised 02-27-2024
Name	**Division**	**E-mail Address**
Jaime Vera	Air Terminal	Jaime.Vera@yakimawa.gov
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John Zabell	Code Administration	John.Zabell@yakimawa.gov
Pedro Contreras	Code Administration	Pedro.Contreras@yakimawa.gov
Suzanne DeBusschere	Code Administration	Suzanne.Debusschere@yakimawa.gov
Patty Reynoso	Code Administration	Patty.Reynoso@yakimawa.gov
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Lisa Maxey	Community Development	Lisa.Maxey@yakimawa.gov
Bill Preston	Engineering	Bill.preston@yakimawa.gov
Kirsten McPherson	Engineering	Kirsten.McPherson@yakimawa.gov
Dan Riddle	Engineering	Dan.Riddle@yakimawa.gov
Aaron Markham	Fire	Aaron.markham@yakimawa.gov
Jeremy Rodriguez	Fire	Jeremy.Rodriguez@yakimawa.gov
Sara Watkins	Legal	Sara.Watkins@yakimawa.gov.
Eric Crowell	Planning	Eric.crowell@yakimawa.gov
Eva Rivera	Planning	Eva.rivera@yakimawa.gov
Matt Murray	Police	Matthew.murray@yakimawa.gov
Scott Schafer	Public Works	Scott.Schafer@yakimawa.gov
Leovardo Cruz	Refuse	Leovardo.Cruz@yakimawa.gov
Randy Layman	Refuse	Randy.Layman@yakimawa.gov
Gregory Story	Transit	Gregory.Story@yakimawa.gov
Anabel Chavez	Utilities	anabel.chavez@yakimawa.gov
Dana Kallevig	Wastewater	Dana.Kallevig@yakimawa.gov
Randy Meloy	Wastewater	Randy.Meloy@yakimawa.gov
Mike Shane	Water/Irrigation	Mike.Shane@yakimawa.gov

Outside Distribution		
Name	**Address**	**Notified?**
(Subdivision notices ONLY) Pacific Power Attn: Estimating Department	500 N Keys Rd, Yakima, WA 98901	☐ Yes ☒ No
(Projects Adjacent to BNSF Right of Way ONLY) Central Washington Railroad	111 University Parkway, Suite 200 Yakima, WA 98901 (509) 453-9166	☐ Yes ☒ No
	Tim Marshall, General Manager, tmarshall@cbrr.com Kim Yeager, Real Estate Manager, kyeager@ihdllc.com	☐ E-mail
(Shoreline notices ONLY) Department of Ecology	crosepa@ecy.wa.gov	☐ E-mail

Additional Parties of Record or Interested Parties Notified		
Name	**Address**	**E-mail**
Jose + Crystal Porcayo	4707 Carol Ave, Yakima WA 98908	

Type of Notice: NTC of YPC Rec
File Number(s): R2-#002-23, SEPA#010-23
Date of Mailing: 02/27/2024

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Rivera, Eva

From: Rivera, Eva
Sent: Tuesday, February 27, 2024 11:58 AM
To: 'Bill.Almon@BillAlmonLaw.com'; Bradburn, Trace; Calhoun, Joseph; Chavez, Anabel; Contreras, Pedro; Corona, Silvia; Cruz, Leovardo; Davenport, Joan; DeBusschere, Suzanne; Denman, Glenn; Kallevig, Dana; Layman, Randy; Markham, Aaron; Maxey, Lisa; McPherson, Kirsten; Meloy, Randy; Murray, Matthew; Preston, Bill; Reynoso, Patty; Riddle, Dan; Rivera, Eva; Schafer, Scott; Shane, Mike; Story, Gregory; Vera, Jaime; Watkins, Sara; Zabell, John
Subject: NTC OF YPC REC - WILLIAM ALMON - RZ#002-23, SEPA#010-23
Attachments: NTC OF YPC REC_RZ#002-23.pdf

Good morning,

Attached is the YPC Recommendation for the above-entitled project. If you have any questions about this proposal please contact the assigned planner Eric Crowell at eric.crowell@yakimawa.gov.

Eva Rivera
Planning Technician
Phone: 509-575-6261
Email: eva.rivera@yakimawa.gov

This email is a public record of the City of Yakima and is subject to public disclosure unless exempt under the Washington Public Records Act. This email is subject to the State Retention Schedule.

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DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

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

DATE:	February 27, 2024
TO:	Applicant, Adjoining Property Owners & Parties of Record
SUBJECT:	Notice of the Yakima Planning Commission's Recommendation to the Yakima City Council
FILE #(S):	RZ#002-23, SEPA#0010-23
APPLICANT:	William F. Almon
PROJECT LOCATION:	1104 & 1112 S. 48th Ave.

On February 5, 2024, the City of Yakima Planning Commission rendered its written recommendation on **RZ#002-23, and SEPA#010-23.** A proposal to rezone two parcels from Professional Business (B-1) to Local Business (B-2).

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

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

For further information or assistance, you may contact the City of Yakima Planning Division at (509) 575-6183 or email: ask.planning@yakimawa.gov

Eva Rivera
Planning Technician

Date of Mailing: **February 27, 2024**
Enclosures: Planning Commission's Recommendation

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Yakima 2015 1994

City Yakima
Hearing Examiner
City Hall Council Chambers

HEARING DATE: Thursday, January 24, 2024

PUBLIC HEARINGS:

A - WILLIAM ALMON RZ#002-23, SEPA#010-23

Mark X on item of interest (from list above) A	B	NAME	ADDRESS	ZIP CODE	E-MAIL ADDRESS
X		Bill Almon	4205 Scenic Dr	98908	wcalmon@aimuncommercial.com

DOC. INDEX #

DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director
Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning/ypc/

CITY OF YAKIMA PLANNING COMMISSION
Yakima City Hall Council Chambers
129 N 2nd Street, Yakima, WA 98901

January 24, 2024
3:00 p.m. – 5:00 p.m.

YPC MEMBERS:
Chair Jacob Liddicoat, Vice-Chair Lisa Wallace, Charles Hitchcock
Leanne Hughes-Mickel, Mary Place, Colleda Monick, and Frieda Stephens
City Council Liaison:

CITY PLANNING STAFF:
Joan Davenport (Community Development Director), Lisa Maxey (Admin Assistant)
Joseph Calhoun (Planning Manager), Eric Crowell (Senior Planner), Connor Kennedy (Assistant Planner), Eva Rivera (Planning Technician), Irene Linos (Temp. Department-Assistant I)

AGENDA

I. **Call to Order**

II. **Roll Call**

III. **Staff Announcements**

IV. **Approval of Meeting Minutes of January 10, 2024**

V. **Public Hearing – WILLIAM ALMON**

Applicant:	**William F. Almon**
File Numbers:	**RZ#002-23, SEPA#010-23**
Site Address:	**1104 & 1112 S. 48th Ave.**

VI. **Text Amendments – Mixed Use/Downtown Development and Class 1 Uses**

VII. **Public Comment**

VIII. **Other Business**

IX. **Adjourn**

Next Meeting: February 14, 2024

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The meeting will also be recorded and posted on the Y-PAC website.
Visit the Yakima Planning Commission webpage for more information, including agenda packets and minutes.

Yakima All-America City 2015 1994

Yakima Planning Commission - Agenda & Packet Distribution List

WILLIAM ALMON
RZ#002-23, SEPA#010-23

AGENDA PACKET: YPC MEMBERS, STAFF & APPLICANT/REPRESENTATIVE/OWNER

Jacob Liddicoat (YPC Chair)	jake@3dyakima.com
Joseph Calhoun (Planning)	joseph.calhoun@yakimawa.gov
Leanne Hughes-Mickel (YPC)	leanne.mickel@me.com
Lisa Wallace (YPC Vice-Chair)	lisakwallace@hotmail.com
Michael Brown (YPAC)	michael.brown@yakimawa.gov
Mary Place (YPC)	placeml@charter.net
Charles Hitchcock (YPC)	charlesphitchcock@gmail.com
Lisa Maxey (Com Dev)	lisa.maxey@yakimawa.gov
Sara Watkins (Legal)	sara.watkins@yakimawa.gov
Colleda Monick (YPC)	colledamonick@gmail.com
Frieda Stephens (YPC)	sstrlite39@hotmail.com
Eva Rivera (Planning)	eva.rivera@yakimawa.gov
William F. Almon (Applicant)	Bill.almon@billalmonlaw.com

AGENDA ONLY: PARTIES OF RECORD/INTERESTED PARTIES

Name	Address	E-mail Address
Joy Espinoza (SEPA Coordinator)		crosepacoordinator@ecy.wa.gov
WSDOT Aviation Division		aviationlanduse@wsdot.wa.gov

Date Distributed: 01/17/2024

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AFFIDAVIT OF MAILING

STATE OF WASHINGTON

CITY OF YAKIMA

RE: RZ#002-23, SEPA#010-23
WILLIAM ALMON
1104 & 1112 S 48TH AVE

I, Eva Rivera, as an employee of the City of Yakima Planning Division, have dispatched through the United States Mails, a **Notice of Public Hearing & Determination of NonSignificance (DNS),** true and correct copies of which are enclosed herewith; that said notices were addressed to the applicant, SEPA Reviewing Agencies, all parties of record, and all property owners of record within a radius of **300** feet of subject property; that said property owners are individually listed on the mailing list retained by the Planning Division, and that said notices were mailed by me on this **27th** day of **December, 2023.**

That I mailed said notices in the manner herein set forth and that all of the statements made herein are just and true.

Eva Rivera
Planning Technician

DOC.
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18132732515
ACTEM 6 LLC
1053 N PIONEER WAY
YAKIMA, WA 98908

18132732508
ACTEM PROPERTIES LLC
1053 N PIONEER WAY
YAKIMA, WA 98908

18132841427
ALMON FAMILY INVESTMENTS LLC
132 INDIAN CABIN RD
STEVENSON, WA 98648

18132841411
BLOSSOM AID PROPCO LLC
301 COMMERCE ST STE 3300
FORT WORTH, TX 76102

18132841425
CASTLE CREEK APARTMENTS LLC
2550 BORTON RD
YAKIMA, WA 98903

18132841429
CASTLE CREEK APARTMENTS LLC
2550 BORTON RD
YAKIMA, WA 98903

18132841416
COLEMAN KNIGHT ENTERPRISES LLC
5104 W NOB HILL BLVD #69
YAKIMA, WA 98908

18132841428
TEW PROPERTIES LLC
5000 W NOB HILL BLVD
YAKIMA, WA 98908

18132841423
YAKIMA VALLEY VENTURES LLC
7700 NE PARKWAY DR STE 300
VANCOUVER, WA 98662

18132814449
ANNALEE SUTLIFF FLANNERY
1017 S 50TH AVE
YAKIMA, WA 98908

18132814474
ARTURO MENDOZA RIVERA
1018 S 49TH AVE
YAKIMA, WA 98908

18132814475
BOBBY A & MARCY A BROWN
1019 S 49TH AVE
YAKIMA, WA 98908

18132814450
BRANDON J MABRY
1015 S 50TH AVE
YAKIMA, WA 98908

18132732507
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PO BOX 11427
YAKIMA, WA 98909

18132814446
DALE L & RAE F ARMSTRONG
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YAKIMA, WA 98908

18132732460
DAN K & CINDY L KERNEY
4711 W PRASCH AVE
YAKIMA, WA 98908

18132732497
DAVID E & SANDRA A HERT
4710 COWDEN PL
YAKIMA, WA 98908

18132732498
ELIZABETH M TULL
4708 COWDEN PL
YAKIMA, WA 98908

18132723018
HOWARD D & CINDY L WEST
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YAKIMA, WA 98908

18132732468
HURBITA RUIZ
4706 W PRASCH AVE
YAKIMA, WA 98908

18132732473
ISABEL ESQUIVEL
4709 CLINTON WAY
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18132814476
JESSICA & LARRY WAMMOCK
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YAKIMA, WA 98908

18132814473
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18132732469
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18132732496
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18132732463
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YAKIMA, WA 98908

18132732506
KENNETH A & CONSUELO GARZA
4709 COWDEN PL
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18132732472
LALO E BARRAGAN
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YAKIMA, WA 98908

18132814447
LANCE W BROWN
1020 S 50TH AVE
YAKIMA, WA 98908

18132732505
LARRY & M ELAINE PICKETT
4707 COWDEN PL
YAKIMA, WA 98908

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18132723019
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YAKIMA, WA 98908

18132732504
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4705 COWDEN PL
YAKIMA, WA 98908

18132732474
M SCOTT & JULIE MCGREGOR
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YAKIMA, WA 98908

18132814448
MARCO RIOS
1022 S 50TH AVE
YAKIMA, WA 98908

18132732461
NORRIS M & ANGELA STONE
4709 W PRASCH WAY
YAKIMA, WA 98908

18132732471
PATRICK J & KATIE E BAUER
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YAKIMA, WA 98908

18132732462
RAUDEL INIGUEZ
4707 W PRASCH AVE
YAKIMA, WA 98908

18132732470
RICHARD D & JENNIFER JOHNSON
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18132732499
ROMINA F SEVILLA
4706 COWDEN PL
YAKIMA, WA 98908

18132814011
SHARLYNE R POWELL
5701 W ARLINGTON ST
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18132814489
SUSAN MARIE DE FIELDS
1009 S 51ST AVE
YAKIMA, WA 98908

18132814490
SUSAN MARIE DE FIELDS
1009 S 51ST AVE
YAKIMA, WA 98908

18132814477
TY SCHRAG
1015 S 49TH AVE
YAKIMA, WA 98908

18132841405
WILLIAM F ALMON
132 INDIAN CABIN RD
STEVENSON, WA 98648

44
Total Parcels - William Almon - RZ#002-23, SEPA#010-23

RZ#002-23, SEPA#010-23
Ntc of Pub. Hearing + DNS
Sent 12/27/2023

12/27/2023

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Ahtanum Irrigation District
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Cascade Natural Gas
8113 W Grandridge Blvd
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Charter Communications
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SEPA REVIEIWNG AGENCIES
_UPDATED 12/07/2022

Type of Notice: Ntcof Pub. Hearing + DNS
File Number: RZ#002-23, SEPA#010-23
Date of Mailing: 12/27/2023

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Rivera, Eva

From: NoReply@ecy.wa.gov
Sent: Wednesday, December 27, 2023 11:55 AM
To: Ask Planning
Subject: Your SEPA Record Has Been Submitted!

The Department of Ecology has received a new SEPA record from Yakima City at Yakima City of with a File Number of: RZ-002-23, SEPA-010-23.
Your record is being reviewed by an administrator.

From: Yakima City
Email: ask.planning@yakimawa.gov
Phone number: (509) 575-6261

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In-House Distribution E-mail List		Revised 11/21/2023
Name	**Division**	**E-mail Address**
Jaime Vera	Air Terminal	Jaime.Vera@yakimawa.gov
Silvia Corona	Clerk's Office	Silvia.Corona@yakimawa.gov
Glenn Denman	Code Administration	Glenn.Denman@yakimawa.gov
John Zabell	Code Administration	John.Zabell@yakimawa.gov
Pedro Contreras	Code Administration	Pedro.Contreras@yakimawa.gov
Suzanne DeBusschere	Code Administration	Suzanne.Debusschere@yakimawa.gov
Tony Doan	Code Administration	Tony.Doan@yakimawa.gov
Patty Reynoso	Code Administration	Patty.Reynoso@yakimawa.gov
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Lisa Maxey	Community Development	Lisa.Maxey@yakimawa.gov
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Kirsten McPherson	Engineering	Kirsten.McPherson@yakimawa.gov
Dan Riddle	Engineering	Dan.Riddle@yakimawa.gov
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Jeremy Rodriguez	Fire	Jeremy.Rodriguez@yakimawa.gov
Sara Watkins	Legal	Sara.Watkins@yakimawa.gov.
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Eva Rivera	Planning	Eva.rivera@yakimawa.gov
Matt Murray	Police	Matthew.murray@yakimawa.gov
Scott Schafer	Public Works	Scott.Schafer@yakimawa.gov
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Randy Layman	Refuse	Randy.Layman@yakimawa.gov
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Randy Meloy	Wastewater	Randy.Meloy@yakimawa.gov
Mike Shane	Water/Irrigation	Mike.Shane@yakimawa.gov

Outside Distribution		
Name	**Address**	**Notified?**
(Subdivision notices ONLY) Pacific Power Attn: Estimating Department	500 N Keys Rd, Yakima, WA 98901	☐ Yes ☒ No
(Projects Adjacent to BNSF Right of Way ONLY) Central Washington Railroad	111 University Parkway, Suite 200 Yakima, WA 98901 (509) 453-9166	☐ Yes ☒ No
	Tim Marshall, General Manager, tmarshall@cbrr.com Kim Yeager, Real Estate Manager, kyeager@ihdllc.com	☐ E-mail
(Shoreline notices ONLY) Department of Ecology	crosepa@ecy.wa.gov	☐ E-mail

Additional Parties of Record or Interested Parties Notified		
Name	**Address**	**E-mail**
Jose + Crystal Pancayo	4707 Carol Ave, Yakima, WA 98908	

Type of Notice: Ntc of Pub. Hearing + DNS
File Number(s): RZ#002-23, SEPA#010-23
Date of Mailing: 12/27/2023

DOC. INDEX # F-4b

Rivera, Eva

From: Rivera, Eva
Sent: Wednesday, December 27, 2023 11:45 AM
To: Bradburn, Trace; Calhoun, Joseph; Chavez, Anabel; Contreras, Pedro; Corona, Silvia; Cruz, Leovardo; Davenport, Joan; DeBusschere, Suzanne; Denman, Glenn; Doan, Tony; Kallevig, Dana; Layman, Randy; Markham, Aaron; Maxey, Lisa; McPherson, Kirsten; Meloy, Randy; Murray, Matthew; Preston, Bill; Reynoso, Patty; Riddle, Dan; Rivera, Eva; Schafer, Scott; Shane, Mike; Story, Gregory; Vera, Jaime; Watkins, Sara; Zabell, John; El Mundo; El Sol de Yakima; Fannin, John; KAPP TV News; KDNA Radio - Francisco Rios; KEPR TV News; KIMA TV News; KIT News; KIT/KATS/DMVW/KFFM - Lance Tormey; KNDO TV News; KNDU TV News; KUNW-TV Univision; KVEW TV News; La Casa Hogar; La Voz; Linos, Irene; Lozano, Bonnie; NWPR - Anna King; RCDR - Maria DJ Rodriguez; Tu Decides - Albert Torres; West Valley School District - Joe Connolly; Yakima Herald - Business; Yakima Herald Republic Newspaper; Yakima School District - Stacey Locke; Yakima School District - Trevor Greene; Yakima Valley Business Times; YPAC - Randy Beehler; Charles Hitchcock ; Colleda Monick; Frieda Stephens (sstrlite3995 @protonmail.com); Leanne Hughes-Mickel; Liddicoat, Jacob; Lisa Wallace; Lund, Soneya; Mary Place; Maxey, Lisa; Watkins, Sara; Ahtanum Irrigation District - Beth Brulotte; Cawley, Marc; Greater Yakima Chamber of Commerce; Henne, Dennis; Jack Wells - Yakima County Water Resources; Linos, Irene; Office Rural Farmworker Housing - Marty Miller; Rivera, Eva; United States Postal Service - David James; WA State Dept Agriculture - Kelly McLain; WA State Dept Archaeology Historic Pres - SEPA; WA State Dept Commerce - Review Team; WA State Dept Ecology - CRO SEPA; WA State Dept Ecology - Former Orchards; WA State Dept Ecology - Lori White; WA State Dept Ecology - SEPA Unit; WA State Dept Energy Facility Site Eval; WA State Dept Fish and Wildlife - Eric Bartrand; WA State Dept Fish and Wildlife - Scott Downes; WA State Dept Fish and Wildlife - SEPA; WA State Dept Fish and Wildlife - Team Yakima; WA State Dept Health - Jamie Gardipe; WA State Dept Health - Kelly Cooper; WA State Dept Health - SEPA ; WA State Dept Natural Resources - SEPA Center; WA State Dept Social Health Svcs - Larry Covey; WA State Dept Transporation- South Central Region; WA State Dept Transportation - Paul Gonseth; WA State Parks and Recreation - SEPA; West Valley School District - Peter Finch; WSDOT Aviation ; Yakama Bureau of Indian Affairs - Rocco Clark; Yakama Nation Environmental Mgmt Program - Elizabeth Sanchey; Yakama-Klickitat Fisheries Project - John Marvin; Yakama-Klickitat Fisheries Project - John Marvin; Yakima County Building Dept - Marivel Garcia; Yakima County Commissioners; Yakima County Health District; Yakima County Health District - Ryan Ibach; Yakima County Planning Division - Jason Earles; Yakima County Planning Division - Thomas Carroll; Yakima County Public Services - Lisa Freund; Yakima County Water Resources Div - Troy Havens; Yakima Greenway Foundation - Kellie Connaughton; Yakima Regional Clean Air Agency - Hasan Tahat; Yakima Valley Museum - Peter Arnold; Yakima Valley Trolleys; Yakima Waste Systems
Cc: Crowell, Eric; 'Bill Almon'
Subject: NTC OF PUB. HEARING & DNS - WILLIAM ALMON - RZ#002-23, SEPA#010-23
Attachments: NTC OF PUB. HEARING_RZ#002-23.pdf; DNS_RZ#002-23_SEPA#010-23.pdf

Good morning,

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I have attached a Notice of Public Hearing & DNS for the project mentioned above. If you have any inquiries about this proposal, please feel free to contact the assigned planner, Eric Crowell, at eric.crowell@yakimawa.gov.

Thank you,

Eva Rivera
Planning Technician
Phone: 509-575-6261
eva.rivera@yakimawa.gov

This email is a public record of the City of Yakima and is subject to public disclosure unless exempt under the Washington Public Records Act. This email is subject to the State Retention Schedule.

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CITY OF YAKIMA
NOTICE OF PUBLIC HEARING

DATE: 12/27/2023; **TO:** SEPA Reviewing Agencies, Applicant, and Adjoining Property Owners; **FROM:** Joan Davenport, AICP, Community Development Director; **SUBJECT:** Rezone and Environmental Review; **FILE NUMBER:** RZ#002-23, SEPA#010-23; **APPLICANT:** William F. Almon (132 Indian Cabin Rd., Stevenson, WA 98648); **PROJECT LOCATION:** 1104 & 1112 S. 48th Ave.; **PARCEL NUMBER:** 181328-31405 & -41427; **PROJECT DESCRIPTION** Proposal to rezone two parcels from Professional Business (B-1) to Local Business (B-2). **NOTICE OF PUBLIC HEARING** This rezone and environmental review will require two public hearings; one open record hearing before the Planning Commission to be followed by a closed record hearing before the Yakima City Council. **A separate notice will be provided for the public hearing before the Yakima City Council.** The public hearing before the Planning Commission has been scheduled for **Wednesday, January 24, 2024**, beginning at **3:00 p.m. in the City Hall Council Chambers**. Any person desiring to express their views on the matter is invited to attend the hearing to provide testimony. **NOTICE OF RECOMMENDATION** Following the public hearing, the Planning Commission will issue its recommendation within ten (10) business days. When available, a copy of the decision will be mailed to parties of record. The file containing the complete application is available for public review at the City of Yakima Planning Division, City Hall – 2nd Floor, 129 N. 2nd St., Yakima, WA. If you have questions regarding this proposal, please call Eric Crowell, Senior Planner, at (509) 576-6736, or email to: eric.crowell@yakimawa.gov.

(69347) December 27, 2023

DOC. INDEX # F-4a

YAKIMA HERALD-REPUBLIC WE TELL YOUR STORIES YAKIMAHERALD.COM El Sol de Yakima

AFFIDAVIT OF PUBLICATION

RECEIVED
JAN 02 2024
CITY OF YAKIMA
PLANNING DIV

Eva Rivera
City Of Yakima Planning
129 N 2nd Street
Yakima WA 98901

STATE OF WASHINGTON, COUNTIES OF YAKIMA

The undersigned, on oath states that he/she is an authorized representative of Yakima Herald-Republic, Inc., publisher of Yakima Herald-Republic and El Sol de Yakima, of general circulation published daily in Yakima County, State of Washington. Yakima Herald-Republic and El Sol de Yakima have been approved as legal newspapers by orders of the Superior Court of Yakima County.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

12/27/2023

Agent JACKIE CHAPMAN Signature Jackie Chapman

Subscribed and sworn to before me on December 27, 2023

Lisa M. Dripps

(Notary Signature) Notary Public in and for the State of Washington, residing at Yakima

LISA M. DRIPPS
NOTARY PUBLIC
STATE OF WASHINGTON
License Number 164990
Commission Expires 04-06-2025

Publication Cost:	$122.10
Order No:	69347
Customer No:	23222
PO #:	

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CITY OF YAKIMA
NOTICE OF PUBLIC HEARING

DATE: 12/27/2023; **TO:** SEPA Reviewing Agencies, Applicant, and Adjoining Property Owners; **FROM:** Joan Davenport, AICP, Community Development Director; **SUBJECT:** Rezone and Environmental Review; **FILE NUMBER:** RZ#002-23, SEPA#010-23; **APPLICANT:** William F. Almon (132 Indian Cabin Rd., Stevenson, WA 98648); **PROJECT LOCATION:** 1104 & 1112 S. 48th Ave.; **PARCEL NUMBER:** 181328-31405 & -41427; **PROJECT DESCRIPTION** Proposal to rezone two parcels from Professional Business (B-1) to Local Business (B-2). **NOTICE OF PUBLIC HEARING** This rezone and environmental review will require two public hearings; one open record hearing before the Planning Commission to be followed by a closed record hearing before the Yakima City Council. **A separate notice will be provided for the public hearing before the Yakima City Council.** The public hearing before the Planning Commission has been scheduled for **Wednesday, January 24, 2024**, beginning at **3:00 p.m. in the City Hall Council Chambers.** Any person desiring to express their views on the matter is invited to attend the hearing to provide testimony. **NOTICE OF RECOMMENDATION** Following the public hearing, the Planning Commission will issue its recommendation within ten (10) business days. When available, a copy of the decision will be mailed to parties of record. The file containing the complete application is available for public review at the City of Yakima Planning Division, City Hall – 2nd Floor, 129 N. 2nd St., Yakima, WA. If you have questions regarding this proposal, please call Eric Crowell, Senior Planner, at (509) 576-6736, or email to: eric.crowell@yakimawa.gov.

(69347) December 27, 2023

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CITY OF YAKIMA
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DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

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Joseph Calhoun, Manager
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NOTICE OF PUBLIC HEARING

DATE: December 27, 2023
TO: SEPA Reviewing Agencies, Applicant, and Adjoining Property Owners
FROM: Joan Davenport, AICP, Community Development Director
SUBJECT: Rezone and Environmental Review
FILE NUMBER: RZ#002-23, SEPA#010-23
APPLICANT: William F. Almon (132 Indian Cabin Rd., Stevenson, WA 98648)
PROJECT LOCATION: 1104 & 1112 S. 48th Ave.
PARCEL NUMBER: 181328-31405 & -41427

PROJECT DESCRIPTION Proposal to rezone two parcels from Professional Business (B-1) to Local Business (B-2).

NOTICE OF PUBLIC HEARING This rezone and environmental review will require two public hearings; one open record hearing before the Planning Commission to be followed by a closed record hearing before the Yakima City Council. **A separate notice will be provided for the public hearing before the Yakima City Council.** The public hearing before the Planning Commission has been scheduled for **Wednesday, January 24, 2024,** beginning at **3:00 p.m. in the City Hall Council Chambers.** Any person desiring to express their views on the matter is invited to attend the hearing to provide testimony.

NOTICE OF RECOMMENDATION Following the public hearing, the Planning Commission will issue its recommendation within ten (10) business days. When available, a copy of the recommendation will be mailed to parties of record and entities who were provided this notice.

The file containing the complete application is available for public review at the City of Yakima Planning Division, City Hall – 2nd Floor, 129 N. 2nd St., Yakima, WA. If you have questions regarding this proposal, please call Eric Crowell, Senior Planner, at (509) 576-6736, or email to: eric.crowell@yakimawa.gov.

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D. ARTMENTO DE DESARROLLO CC UNITARIO
Joan Davenport, AICP, Directora

Division de Planificación
Joseph Calhoun, Gerente
129 Norte Calle 2ª, 2º Piso, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

AVISO DE AUDIENCIA PÚBLICA

FECHA OTORGADA:	27 de diciembre, 2023
PARA:	Agencias de Revisión Ambiental, Solicitante y Propietarios Adyacentes
DE:	Joan Davenport, AICP, Directora de Desarrollo Comunitario
ASUNTO:	Rezonificar y Revisión Ambiental
No. DE ARCHIVO:	RZ#002-23, SEPA#010-23
SOLICITANTE:	William F. Almon (132 Indian Cabin Rd., Stevenson, WA 98648)
UBICACIÓN:	1104 y 1112 S. 48th Ave.
No. DE PARCELA:	181328-31405 y -41427

DESCRIPCIÓN DEL PROYECTO Propuesta de rezonificación de dos parcelas de Negocio Profesional (B-1) a Negocio Local (B-2).

AVISO DE AUDIENCIA PUBLICA: Esta rezonificación y revisión Ambiental requerirá dos audiencias públicas; una audiencia de registro abierto ante la Comisión de Planificación seguido por una de audiencia de registro cerrado ante el Concejo Municipal de Yakima. **Se proporcionará un aviso por separado para la audiencia pública ante el Concejo Municipal de Yakima**. La audiencia pública ante el Comisión de Planificación ha sido programada para el **miércoles 24 de enero 2024, comenzando las 3:00 p.m.** en la Sala del Consejo Municipal en el Ayuntamiento. Cualquier persona que desee expresar su opinión sobre este asunto está invitada a asistir a la audiencia para presentar testimonio.

AVISO DE LA RECOMENDACION: Después de la audiencia pública, el Comisión de Planificación emitirá su recomendación dentro de diez días hábiles. Cuando la recomendación este disponible, una copia será enviada a las personas que mandaron comentarios o que recibieron este aviso inicial.

El archivo que contiene la aplicación completa está disponible para inspección pública en la Oficina de Planificación de la Ciudad de Yakima en el 129 al Norte la Calle 2da, Yakima, WA. Si tiene cualquier pregunta sobre esta propuesta, puede contactar a la Oficina de Planificación al (509) 575-6183 o por correo electrónico al: ask.planning@yakimawa.gov

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Yakima All America City 2015 1994

DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

WASHINGTON STATE ENVIRONMENTAL POLICY ACT
DETERMINATION OF NONSIGNIFICANCE
CITY OF YAKIMA, WASHINGTON
December 27, 2023

PROJECT DESCRIPTION: Proposal to rezone two parcels from Professional Business (B-1) to Local Business (B-2).

LOCATION: 1104 & 1112 S. 48th Ave.
PARCEL NUMBER: 181328-41405 & -41427
PROPONENT: William F. Almon
PROPERTY OWNER: Almon Family Investments LLC
LEAD AGENCY: City of Yakima

FILE NUMBERS: *RZ#002-23, SEPA#010-23*

DETERMINATION: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

Responsible Official: Joan Davenport
Position/Title: SEPA Responsible Official
Phone (509) 575-6183
Address: 129 N. 2nd Street, Yakima, WA 98901

Date: December 27, 2023 **Signature** Joan Davenport

☒ You may appeal this determination to: Joan Davenport, AICP, Director of Community Development, at 129 N. 2nd Street, Yakima, WA 98901.

No later than: **December 27, 2023.**
By method: Complete appeal application form and payment of appeal fee.

You should be prepared to make specific factual objections. Contact the City of Yakima Planning Division to read or ask about the procedures for SEPA appeals.

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Yakima All-America City 2015 1994

AFFIDAVIT OF MAILING

STATE OF WASHINGTON

CITY OF YAKIMA

RE: **RZ#002-23, SEPA#010-23**
WILLIAM ALMON
1104/1112 S 48TH AVE

I, Eva Rivera, as an employee of the Yakima City Planning Division, have dispatched through the United States Mails, a **Notice of Application and Environmental Review;** a true and correct copy of which is enclosed herewith; that said notice was addressed to the applicant, SEPA reviewing agencies, and all property owners of record within a radius of **300** feet of subject property; that said property owners are individually listed on the mailing list retained by the Planning Division; and that said notices were mailed by me on the **21st** day of **November 2023.**

That I mailed said notices in the manner herein set forth and that all of the statements made herein are just and true.

Eva Rivera

Planning Technician

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18132732515
ACTEM 6 LLC
1053 N PIONEER WAY
YAKIMA, WA 98908

18132732508
ACTEM PROPERTIES LLC
1053 N PIONEER WAY
YAKIMA, WA 98908

18132841427
ALMON FAMILY INVESTMENTS LLC
132 INDIAN CABIN RD
STEVENSON, WA 98648

18132841411
BLOSSOM & PROPCO LLC
301 COMMERCE ST STE 3300
FORT WORTH, TX 76102

18132814476
DONALD L MILLER TRUST
2713 W 235 N
HURRICANE, UT 84737

18132841428
TEW PROPERTIES LLC
5000 W NOB HILL BLVD
YAKIMA, WA 98908

18132841423
YAKIMA VALLEY VENTURES LLC
7700 NE PARKWAY DR STE 300
VANCOUVER, WA 98662

18132814474
ARTURO MENDOZA RIVERA
1018 S 49TH AVE
YAKIMA, WA 98908

18132814475
BOBBY A & MARCY A BROWN
1019 S 49TH AVE
YAKIMA, WA 98908

18132732507
BRYAN R & DIANE D FORD
PO BOX 11427
YAKIMA, WA 98909

18132732460
DAN K & CINDY L KERNEY
4711 W PRASCH AVE
YAKIMA, WA 98908

18132732497
DAVID E & SANDRA A HERT
4710 COWDEN PL
YAKIMA, WA 98908

18132732498
ELIZABETH M TULL
4708 COWDEN PL
YAKIMA, WA 98908

18132814449
HERBERT H & ANNALEE SUTLIFF FLANNERY
1017 S 50TH AVE
YAKIMA, WA 98908

18132723018
HOWARD D & CINDY L WEST
1019 S 48TH AVE
YAKIMA, WA 98908

18132732496
JOSE LUIS PATINO JR
4712 COWDEN PL
YAKIMA, WA 98908

18132732506
KENNETH A & CONSUELO GARZA
4709 COWDEN PL
YAKIMA, WA 98908

18132732472
LALO E BARRAGAN
4711 CLINTON WAY
YAKIMA, WA 98908

18132814447
LANCE W BROWN
1020 S 50TH AVE
YAKIMA, WA 98908

18132732505
LARRY & M ELAINE PICKETT
4707 COWDEN PL
YAKIMA, WA 98908

18132814448
MARCO RIOS
1022 S 50TH AVE
YAKIMA, WA 98908

18132732461
NORRIS M & ANGELA STONE
4709 W PRASCH WAY
YAKIMA, WA 98908

18132732471
PATRICK J & KATIE E BAUER
4712 W PRASCH AVE
YAKIMA, WA 98908

18132732462
RAUDEL INIGUEZ
4707 W PRASCH AVE
YAKIMA, WA 98908

18132732470
RICHARD D & JENNIFER JOHNSON
4710 W PRASCH AVE
YAKIMA, WA 98908

18132814011
SHARLYNE R POWELL
5701 W ARLINGTON ST
YAKIMA, WA 98908

18132841405
WILLIAM F ALMON
132 INDIAN CABIN RD
STEVENSON, WA 98648

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Total Parcels - William Almon - RZ#002-23, SEPA#010-23

Ntc of App + Enviro. Rev.
RZ#001-23, SEPA#010-23
Sent 11/21/2023

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Ahtanum Irrigation District
Beth Ann Brulotte
10705-B Gilbert Road
Yakima, WA 98903-9203
bethb@ahtanum.net

Cascade Natural Gas
8113 W Grandridge Blvd
Kennewick, WA 99336

Century Link
8 South 2nd Ave, Rm#304
Yakima, WA 98902

Charter Communications
1005 North 16th Ave
Yakima, WA 98902

City of Union Gap
Dennis Henne
P.O. Box 3008
Union Gap, WA 98903
dennis.henne@uniongapwa.gov

City of Yakima - Airport
Jaime Vera
2400 West Washington Ave
Yakima, WA 98903
jaime.vera@yakimawa.gov

City of Yakima - Engineering Division
Dan Riddle
129 N 2nd Street
Yakima, WA 98901
Dan.Riddle@yakimawa.gov

City of Yakima - Wastewater Division
Dana Kallevig
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Yakima, WA 98901
dana.kallevig@yakimawa.gov

City of Yakima - Wastewater Division
Marc Cawley
2220 East Viola Ave
Yakima, WA 98901
marc.cawley@yakimawa.gov

Federal Aviation Administration
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Yakima, WA 98903

Greater Yakima Chamber of Commerce
10 North 9th Street
Yakima, WA 98901
chamber@yakima.org

Naches Cowiche Canal Association
PO Box 9635
Yakima, WA 98909
NachesCowicheCanal@gmail.com

North Yakima Conservation District
1606 Perry Street, Ste. C
Yakima, WA 98902

Office of Rural and Farm Worker Housing
Marty Miller
1400 Summitview Ave, Ste# 203
Yakima, WA 98902
Martym@orfh.org

Pacific Power
Mike Paulson
500 North Keys Rd
Yakima, WA 98901

United States Postal Service
David James
205 W Washington Ave
Yakima, WA 98903
david.r.james@usps.gov

Yakima Valley Trolleys
PO Box 796
Yakima, WA 98907
info@yakimavalleytrolleys.org

WA State Attorney General's Office
1433 Lakeside Court, Ste# 102
Yakima, WA 98902

WA State Department of Agriculture
Kelly McLain
PO Box 42560
Olympia, WA 98504
kmclain@agr.wa.gov

WA State Department of Archaeology &
Historic Preservation
1063 S Capitol Way, Ste 106
Olympia, WA 98504-8343
Sepa@dahp.wa.gov

WA State Department of Commerce
Review Team
1011 Plum St SE
Olympia, WA 98504-3172
reviewteam@commerce.wa.gov

WA State Department of Ecology
Annie Szvetecz
P.O. Box 47703
Olympia, WA 98504-7703
Upload Docs to SEPA Register

WA State Department of Ecology
Gwen Clear
1250 W Alder St
Union Gap, WA 98903
crosepacoordinator@ecy.wa.gov

WA State Department of Ecology
Lori White
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WA State Department of Ecology
Rhonda Luke
FormerOrchards@ecy.wa.gov

WA State Department of Ecology
sepaunit@ecy.wa.gov

WA State Department of Energy Facility
Site Evaluation Council -EFSEC
PO Box 43172
Olympia, WA 98504-3172
efsec@utc.wa.gov

WA State Department of Fish and Wildlife
Eric Bartrand
1701 South 24th Ave
Yakima, WA 98902
Eric.Bartrand@dfw.wa.gov

WA State Department of Fish and Wildlife
Scott Downes
Scott.Downes@dfw.wa.gov

WA State Department of Fish and Wildlife
TeamYakima@dfw.wa.gov

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WA State Department of Health
Kelly Cooper
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Kelly.cooper@doh.wa.gov

WA State Department of Health, Office of Drinking Water
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Spokane Valley, WA 99216
Jamie.gardipe@doh.wa.gov

WA State Department of Health, Office of Drinking Water
SEPA.reviewteam@doh.wa.gov

WA State Department of Natural Resources, SEPA Center
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Olympia, WA 98504
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2809 Rudkin Road
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WA State Department Transportation South Central Region Planning Office
SCplanning@wsdot.wa.gov

WA State Department Transportation, Aviation Division
AviationLandUse@wsdot.wa.gov

West Valley School District
Dr. Peter Finch
8902 Zier Road
Yakima, WA 98908
finchp@wvsd208.org

WA State Governor's Office of Indian Affairs
PO Box 40909
Olympia, WA 98504

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Jessica Logan
P.O. Box 42650
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Yakama Bureau of Indian Affairs
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Yakama Bureau of Indian Affairs
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Toppenish, WA 98948

Yakama Indian Nation, Yakima Tribal Council
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Toppenish, WA 98948

Yakama Nation Environmental Management Program
Elizabeth Sanchey
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Yakama Indian Nation, Cultural Resources Program
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Toppenish, WA 98948

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Yakima County Commissioners
Commissioners.web@co.yakima.wa.us

Yakama-Klickitat Fisheries Project
John Marvin
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Yakima County Health District
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Union Gap, WA 98903
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Jason Earles
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Yakima County Health District
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1210 Ahtanum Ridge Dr Ste#200
Union Gap, WA 98903
ryan.ibach@co.yakima.wa.us

Yakima County Public Services
Lisa Freund
128 North 2nd Street, 4th Floor
Yakima, WA 98901
lisa.freund@co.yakima.wa.us

Yakima County Water Resources Division
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128 North 2nd Street, 4th Floor
Yakima, WA 98901
Troy.Havens@co.yakima.wa.us

Yakima County Planning Division
Tommy Carroll
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Yakima, WA 98901
Thomas.Carroll@co.yakima.wa.us

Yakima Waste Systems
Mark Lanter
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Yakima, WA 98907
mark.lanter@wasteconnections.com

Yakima-Tieton Irrigation District
Sandra Hull
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Yakima, WA 98908

Yakima Greenway Foundation
Kellie Connaughton
111 South 18th Street
Yakima, WA 98901
kellie@yakimagreenway.org

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Yakima School District
Stacey Locke
104 North 4th Ave
Yakima, WA 98902
locke.stacey@ysd7.org

Yakima Regional Clean Air Agency
Hasan Tahat
186 Iron Horse Ct # 101
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hasan@yrcaa.org

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Jay Baucom
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Yakima, WA 98902
baucom.jay@yakimaschools.org

Yakima Valley Museum
Peter Arnold
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Yakima, WA 98902
peter@yvmuseum.org

Yakima School District
Trevor Greene
104 North 4th Ave
Yakima, WA 98902
greene.trevor@ysd7.org

Yakima Valley Canal Co
Robert Smoot
1640 Garretson Lane
Yakima, WA 98908

Yakima Valley Trolleys
Paul Edmondson
313 North 3rd Street
Yakima, WA 98901

SEPA REVIEIWNG AGENCIES
_UPDATED 12/07/2022

Type of Notice: Ntc of Appt Enviro. Review
File Number: RZ#002.23, SEPA#010.23
Date of Mailing: 11/21/2023

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Rivera, Eva

From: NoReply@ecy.wa.gov
Sent: Tuesday, November 21, 2023 11:25 AM
To: Ask Planning
Subject: Your SEPA Record Has Been Submitted!

The Department of Ecology has received a new SEPA record from Yakima City at Yakima City of with a File Number of: .
Your record is being reviewed by an administrator.

From: Yakima City
Email: ask.planning@yakimawa.gov
Phone number: (509) 575-6261

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In-House Distribution E-mail List		Revised 05/12/2023
Name	**Division**	**E-mail Address**
Jaime Vera	Air Terminal	Jaime.Vera@yakimawa.gov
Silvia Corona	Clerk's Office	Silvia.Corona@yakimawa.gov
Glenn Denman	Code Administration	Glenn.Denman@yakimawa.gov
John Zabell	Code Administration	John.Zabell@yakimawa.gov
Pedro Contreras	Code Administration	Pedro.Contreras@yakimawa.gov
Suzanne DeBusschere	Code Administration	Suzanne.Debusschere@yakimawa.gov
Tony Doan	Code Administration	Tony.Doan@yakimawa.gov
Patty Reynoso	Code Administration	Patty.Reynoso@yakimawa.gov
Joan Davenport	Community Development	Joan.Davenport@yakimawa.gov
Lisa Maxey	Community Development	Lisa.Maxey@yakimawa.gov
Bill Preston	Engineering	Bill.preston@yakimawa.gov
Kirsten McPherson	Engineering	Kirsten.McPherson@yakimawa.gov
Dan Riddle	Engineering	Dan.Riddle@yakimawa.gov
Aaron Markham	Fire	Aaron.markham@yakimawa.gov
Jeremy Rodriguez	Fire	Jeremy.Rodriguez@yakimawa.gov
Sara Watkins	Legal	Sara.Watkins@yakimawa.gov.
Joseph Calhoun	Planning	Joseph.Calhoun@yakimawa.gov
Eva Rivera	Planning	Eva.rivera@yakimawa.gov
Matt Murray	Police	Matthew.murray@yakimawa.gov
Scott Schafer	Public Works	Scott.Schafer@yakimawa.gov
Leovardo Cruz	Refuse	Leovardo.Cruz@yakimawa.gov
Randy Layman	Refuse	Randy.Layman@yakimawa.gov
Gregory Story	Transit	Gregory.Story@yakimawa.gov
James Dean	Utilities	James.Dean@yakimawa.gov
Dana Kallevig	Wastewater	Dana.Kallevig@yakimawa.gov
Randy Meloy	Wastewater	Randy.Meloy@yakimawa.gov
Mike Shane	Water/Irrigation	Mike.Shane@yakimawa.gov

Outside Distribution		
Name	**Address**	**Notified?**
(Subdivision notices ONLY) Pacific Power Attn: Estimating Department	500 N Keys Rd, Yakima, WA 98901	☐ Yes ☒ No
(Projects Adjacent to BNSF Right of Way ONLY) Central Washington Railroad	111 University Parkway, Suite 200 Yakima, WA 98901 (509) 453-9166	☐ Yes ☒ No
	Tim Marshall, General Manager, tmarshall@cbrr.com Kim Yeager, Real Estate Manager, kyeager@ihdllc.com	☐ E-mail
(Shoreline notices ONLY) Department of Ecology	crosepa@ecy.wa.gov	☐ E-mail

Additional Parties of Record or Interested Parties Notified		
Name	**Address**	**E-mail**

Type of Notice: Ntc of Appt Enviro. Review
File Number(s): RZ#001.23, SEPA#010.23
Date of Mailing: 11/21/2023

DOC. INDEX # F-3a

Rivera, Eva

From: Rivera, Eva
Sent: Tuesday, November 21, 2023 10:50 AM
To: 'Bill Almon'; Bradburn, Trace; Calhoun, Joseph; Contreras, Pedro; Corona, Silvia; Cruz, Leovardo; Davenport, Joan; Dean, James; DeBusschere, Suzanne; Denman, Glenn; Doan, Tony; Kallevig, Dana; Layman, Randy; Markham, Aaron; Maxey, Lisa; McPherson, Kirsten; Meloy, Randy; Murray, Matthew; Preston, Bill; Reynoso, Patty; Riddle, Dan; Rivera, Eva; Schafer, Scott; Shane, Mike; Story, Gregory; Vera, Jaime; Watkins, Sara; Zabell, John; Ahtanum Irrigation District - Beth Brulotte; Cawley, Marc; Greater Yakima Chamber of Commerce; Henne, Dennis; Jack Wells - Yakima County Water Resources; Linos, Irene; Office Rural Farmworker Housing - Marty Miller; Rivera, Eva; United States Postal Service - David James; WA State Dept Agriculture - Kelly McLain; WA State Dept Archaeology Historic Pres - SEPA; WA State Dept Commerce - Review Team; WA State Dept Ecology - CRO SEPA; WA State Dept Ecology - Former Orchards; WA State Dept Ecology - Lori White; WA State Dept Ecology - SEPA Unit; WA State Dept Energy Facility Site Eval; WA State Dept Fish and Wildlife - Eric Bartrand; WA State Dept Fish and Wildlife - Scott Downes; WA State Dept Fish and Wildlife - SEPA; WA State Dept Fish and Wildlife - Team Yakima; WA State Dept Health - Jamie Gardipe; WA State Dept Health - Kelly Cooper; WA State Dept Health - SEPA ; WA State Dept Natural Resources - SEPA Center; WA State Dept Social Health Svcs - Larry Covey; WA State Dept Transporation- South Central Region; WA State Dept Transportation - Paul Gonseth; WA State Parks and Recreation - SEPA; West Valley School District - Joe Connolly; West Valley School District - Peter Finch; WSDOT Aviation ; Yakama Bureau of Indian Affairs - Rocco Clark; Yakama Nation Environmental Mgmt Program - Elizabeth Sanchey; Yakama-Klickitat Fisheries Project - John Marvin; Yakama-Klickitat Fisheries Project - John Marvin; Yakima County Building Dept - Marivel Garcia; Yakima County Commissioners; Yakima County Health District; Yakima County Health District - Ryan Ibach; Yakima County Planning Division - Jason Earles; Yakima County Planning Division - Thomas Carroll; Yakima County Public Services - Lisa Freund; Yakima County Water Resources Div - Troy Havens; Yakima Greenway Foundation - Kellie Connaughton; Yakima Regional Clean Air Agency - Hasan Tahat; Yakima School District - Stacey Locke; Yakima School District - Trevor Greene; Yakima Valley Museum - Peter Arnold; Yakima Valley Trolleys; Yakima Waste Systems
Cc: Crowell, Eric
Subject: NTC OF APP & ENVIRO. REVIEW - WILLIAM ALMON - RZ#002-23, SEPA#010-23
Attachments: NTC OF APP & ENVIRO. REV_RZ#002-23.pdf

Good morning,

I have attached a Notice of Application and Environmental Review for the project mentioned above. If you have any inquiries about this proposal, please feel free to contact the assigned planner, Eric Crowell, at eric.crowell@yakimawa.gov.

Thank you,

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DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

DATE:	November 21, 2023
TO:	SEPA Reviewing Agencies, Applicant, and Adjoining Property Owners
FROM:	Joan Davenport, AICP, Community Development Director
APPLICANT:	William F. Almon (132 Indian Cabin Rd., Stevenson, WA 98648)
FILE NUMBER:	RZ#002-23, SEPA#010-23
LOCATION:	1104 & 1112 S. 48th Ave.
TAX PARCEL NUMBER(S):	181328-41405 & -41427
DATE OF APPLICATION:	October 5, 2023
DATE OF COMPLETENESS:	November 17, 2023

PROJECT DESCRIPTION Proposal to rezone two parcels from Professional Business (B-1) to Local Business (B-2).

DETERMINATION OF CONSISTENCY Pursuant to YMC § 16.06.020(A), the project considerations are determined to be consistent with applicable development regulations, as follows:

1. The type of land use: Non-project Rezone and SEPA Environmental Review
2. Level of Development: No development proposed as part of the rezone
3. Infrastructure and public facilities: The subject property is able to be served by public streets, water, sewer, garbage collection, etc.
4. Characteristics of development: The proposal shall adhere to all Title 12 and Title 15 development standards.

Pursuant to YMC § 16.06.020(B), the development regulations and comprehensive plan considerations are found to be consistent, as follows:

1. The type of land use: Non-project Rezone and SEPA Environmental Review
2. Density of Development: No development proposed as part of the rezone
3. Availability and adequacy of infrastructure and public utilities: The subject property is able to be served by public facilities.

NOTICE OF ENVIRONMENTAL REVIEW This is to notify agencies with jurisdiction and environmental expertise and the public that the City of Yakima, Planning Division, has been established as the lead agency, under WAC § 197-11-928 for this project. The City of Yakima has reviewed the proposed project for probable adverse environmental impacts and expects to issue a Determination of Nonsignificance (DNS) per WAC § 197-11-355. The proposal may include mitigation measures under applicable codes and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination may be obtained by request and may be appealed pursuant to YMC § 6.88.170.

Required Permits: The following local, state, and federal permits/approvals may or will be needed for this project: Building Permit, Grading Permit
Required Studies: N/A
Existing Environmental Documents: None
Development Regulations for Project Mitigation and Consistency Include: the State Environmental Policy Act, the Yakima Urban Area Zoning Ordinance, YMC Title 12—Development Standards, and the Yakima Urban Area Comprehensive Plan.

REQUEST FOR WRITTEN COMMENTS: Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts. There is a 14-day comment period for this review. This may be your only opportunity to comment. All written comments received by

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Yakima All-America City 2015 1994

5:00 p.m. on **December 5, 2023,** will be considered prior to issuing the final SEPA determination. Please reference file numbers (RZ#002-23, SEPA#010-23) and applicant's name (Almon) in any correspondence you submit. You can mail your comments to:

Joan Davenport, AICP, Community Development Director
City of Yakima, Department of Community Development
129 N. 2nd St., Yakima, WA 98901

NOTICE OF DECISION A copy of the decision and the SEPA threshold determination will be mailed to parties of record and entities who were provided this notice once it is rendered.

The file containing the complete application is available for public review at the City of Yakima Planning Division, City Hall – 2nd Floor, 129 N. 2nd St., Yakima, WA. If you have any questions on this proposal, please contact Eric Crowell, Senior Planner at (509) 576-6736, or email to: eric.crowell@yakimawa.gov.

Enclosed: Narratives, Project Descriptions, SEPA Checklist, Site Plans, and Vicinity Map

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D ARTMENTO DE DESARROLLO C UNITARIO
Joan Davenport, AICP, Directora

Division de Planificación
Joseph Calhoun, Gerente
129 Norte Calle 2ª, 2º Piso, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

AVISO DE APLICACIÓN Y REVISIÓN AMBIENTAL

El Departamento de Desarrollo Comunitario de la Ciudad de Yakima ha recibido una aplicación por parte de un propietario/solicitante y este es un aviso sobre esa solicitud. Información sobre la ubicación de la propiedad en cuestión y la solicitud es la siguiente:

FECHA OTORGADA:	21 de noviembre, 2023
PARA:	Agencias de Revisión Ambiental, Solicitante y Propietarios Adyacentes
DE:	Joan Davenport, AICP, Directora de Desarrollo Comunitario
SOLICITANTE:	William F. Almon (132 Indian Cabin Rd., Stevenson, WA 98648)
No. DE ARCHIVO:	RZ#002-23, SEPA#010-23
UBICACIÓN:	1104 & 1112 S. 48th Ave.
No. DE PARCELA:	181328-41405 & -41427
FECHA DE APLICACIÓN:	5 de octubre, 2023
FECHA DE APLICACIÓN COMPLETA:	17 de noviembre, 2023

DESCRIPCIÓN DEL PROYECTO: Propuesta de rezonificación de dos parcelas de Negocio Profesional (B-1) a Negocio Local (B-2).

DETERMINACIÓN DE LA CONSISTENCIA: Conforme al Código Municipal YMC §16.06.020(A), las consideraciones del proyecto se determinan consistentes con las siguientes normas de desarrollo aplicables:

1. El tipo de uso terrenal: No proyecto Rezonificación y revisión ambiental SEPA
2. Nivel de desarrollo: No se propone ningún desarrollo como parte de la rezonificación
3. Infraestructura e instalaciones públicas: La propiedad puede ser servida por calles públicas, agua, drenaje, recolección de basura, etc.
4. Características del desarrollo: La propuesta se adherirá a todas las normas de desarrollo del título 12 y del título 15.

Conforme al Código Municipal YMC §16.06.020(B), los reglamentos de desarrollo y las consideraciones del plan comprehensivo son coherentes, de la siguiente manera:

1. El tipo del uso terrenal: No proyecto Rezonificación y revisión ambiental SEPA
2. Densidad del desarrollo: No se propone ningún desarrollo como parte de la rezonificación
3. Disponibilidad y adecuación de infraestructura y servicios públicos: La propiedad puede ser servida por instalaciones públicas.

AVISO DE REVISIÓN AMBIENTAL: Esto es para notificar a las agencias con jurisdicción y experiencia ambiental y al público que la Ciudad de Yakima, Division de Planificación, se establece como la agencia principal, de acuerdo con la Ley Estatal de Política Ambiental de Washington (SEPA) bajo WAC §197-11-928 para la revisión de este proyecto. La Ciudad de Yakima ha revisado el proyecto propuesto para posibles impactos ambientales adversos y espera emitir una Determinación de No-Significancia (DNS) para este proyecto conforme al proceso DNS opcional en WAC § 197-11-355. La propuesta puede incluir medidas de mitigación bajo los códigos aplicables y el proceso de revisión del proyecto puede incorporar o requerir medidas de mitigación independientemente de si se prepara un EIS (Declaración de Impacto Ambiental). Una copia de la determinación de umbral posterior se puede obtener por solicitud y se puede apelar de acuerdo con el Código Municipal de Yakima YMC § 6.88.170.

Permisos Requeridos: Los siguientes permisos/aprobaciones locales, estatales, y federales pueden o serán necesarios para este proyecto: Permiso de Construcción, Permiso de Nivelación
Estudios Requeridos: N/A
Documentos Ambientales Existentes: Ninguno

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Los Reglamentos de Desarrollo para la Mitigación y Consistencia de Proyectos Incluyen: La Ley Estatal de Política Ambiental de Washington, La Ordenanza de Zonificación del Área Urbana de Yakima, Los Estándares de Desarrollo del Título 12, y el Plan Integral del Área Urbana de Yakima.

SOLICITUD DE COMENTARIOS ESCRITOS: Se anima a las agencias, tribus, y el público a revisar y comentar sobre el proyecto y sobre sus probables impactos ambientales. Habrá un periodo de catorce días para hacer sus comentarios. Este podría ser su única oportunidad para comentar. Todos los comentarios recibidos por escrito antes de las 5:00 p.m. el 5 de diciembre, 2023 serán considerados antes de emitir la decisión final sobre esta solicitud. Por favor de hacer referencia al número de archivo (RZ#002-23, SEPA#010-23) o al nombre del solicitante (Almon) en cualquier correspondencia que envié. Envié sus comentarios sobre esta propuesta a:

Joan Davenport, AICP, Community Development Director
City of Yakima, Department of Community Development
129 N. 2nd St., Yakima, WA 98901

AVISO DE LA DECISIÓN FINAL: Cuando la decisión final sea emitida, una copia será enviada a las personas que mandaron comentarios o que recibieron este aviso inicial. La decisión será definitiva a menos que sea apelada.

El archivo que contiene la aplicación completa está disponible para inspección pública en la Oficina de Planificación de la Ciudad de Yakima en el 129 al Norte la Calle 2da, Yakima, WA. Si tiene cualquier pregunta sobre esta propuesta, puede contactar a la Oficina de Planificación al (509) 575-6183 o por correo electrónico al: ask.planning@yakimawa.gov

Adjunto: Narrativa, Plan del Sitio, Mapa

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DEPA MENT OF COMMUNITY DEVELO ENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

November 17, 2023

FILE NUMBER:	RZ#002-23, SEPA#010-23
APPLICANT:	William F. Almon
APPLICANT ADDRESS:	132 Indian Cabin Rd., Stevenson, WA 98648
PROJECT LOCATION:	1104 & 1112 S. 48th Ave.
TAX PARCEL NO:	181328-41405 & -41427
DATE OF REQUEST:	October 5, 2023
SUBJECT:	Notice of Complete Application

Mr. Almon:

The application for your Rezone and Environmental Review for 1104 and 1112 S. 48th Ave. was received on October 5, 2023. As of November 17, 2023, your application is considered **complete** as required by the City of Yakima's Municipal Code (YMC) and site plan checklist, as referenced in YMC §§ 15.23.030 and 6.88.090.

The Development Services Team (DST) will hold a meeting on November 21, 2023 to review your project. Continued processing of your request will include, but is not limited to, the following actions:

1. A Notice of Application and Environmental Review will be sent to all property owners within a 300-foot radius of your site. This notice will include a request for public comments during a comment period as is required by the City of Yakima. Notice of Application is scheduled to be issued on November 21, 2023.

2. The City will issue its threshold determination as required by SEPA. The threshold determination will also include a notice of public hearing which will identify the date, time, and location when this matter will be reviewed by the Yakima Planning Commission.

3. A subsequent hearing will be scheduled for final review and consideration by the Yakima City Council.

For any questions regarding this matter, please contact me at eric.crowell@yakimawa.gov.

Sincerely,

Eric M. Crowell

Eric Crowell
Senior Planner

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RECEIVED
NOV 15 2023
CITY OF YAKIMA
PLANNING DIV.

CITY OF YAKIMA

LAND USE ACTION INSTALLATION CERTIFICATE

File Number:	RZ#002-23, SEPA#010-23
Applicant/Project Name:	Almon Family Investments, LLC / Almon
Site Address:	1104 S 48th Ave, Yakima, WA
Date of Posting:	11/15/23
Land Use Sign ID#(s):	

Location of Installation (Check One):

X Land Use Action Sign is installed per standards described in YMC §15.11.080(C).

_____ Land Use Action Sign is installed in an alternate location on the site.

Note: this alternate location (if not pre-approved by the Planning Manager) may not be acceptable by the Planning Division and is subject to relocation (at the owner's expense) to a more visible site on the property.

The alternative location is:

The required notice of application will be sent to the applicant and property owners within a 300-foot radius after the Planning Division has received this Land Use Action Installation Certification. Failure to post a Land Use Action sign and return this form signed in a timely manner may cause a delay in the application review process.

I hereby testify that the installed sign fully complies with the Land Use Action sign installation standards (see pg. 2), that the sign will be maintained until a decision has been rendered, and that the sign will be returned within **30 days** from the date the final decision is issued.

Applicant's Signature _____ Date 11/15/23

William Almon
Applicant's Name (Please Print)

(509) 961-7575
Applicant's Phone Number

Please fill out and sign the above certification after posting and deliver to the City of Yakima Planning Division via email to ask.planning@yakimawa.gov or in person/by mail to: City of Yakima, Planning Division, 129 North 2nd Street, Yakima, WA 98901.

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PLANNING DIV.

WILLIAM ALMON
RZ#002-23, SEPA#010-23

EXHIBIT LIST

CHAPTER G
Comments

DOC INDEX #	DOCUMENT	DATE
G-1	Comment from WSDOT Aviation Division	11/27/2023
G-2	Comment from Joy Espinoza, Department of Ecology	12/01/2023

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Central Region Office
1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

December 1, 2023

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DEC 01 2023
CITY OF YAKIMA
PLANNING DIV.

Eric Crowell
City of Yakima
129 N. 2nd St.
Yakima, WA 98901

RE: 202305549; RZ-002-23, SEPA-010-23

Dear Eric Crowell:

Thank you again for the opportunity to comment during the Notice of Application process for William Almon's proposal. The Department of Ecology (Ecology) would like to add the following comments.

Toxics Cleanup

Historical aerial photos indicate your property was occupied by orchard when the pesticide lead arsenate was used, often resulting in shallow soil contamination from lead and/or arsenic. Ecology **requires** soil sampling if vacant, commercial, industrial, or agricultural properties change land use as there may be an increased risk of exposure to contaminated soil.

Ecology can provide soil sampling at no cost. If sampling shows elevated levels of lead and/or arsenic, cleanup will be required prior to occupancy. There are simple steps that can be taken to reduce risk of exposure and Ecology can provide free technical assistance.

Additionally, Ecology uses Model Remedies to guide cleanup for lead and arsenic pesticide contamination in historical orchards of Central Washington. The Model Remedy document is available at https://apps.ecology.wa.gov/publications/SummaryPages/2109006.html

Compliance with a Model Remedy ensures your project meets the minimum standards of the Model Toxics Control Act, and if implemented as described, your property will be successfully cleaned up to Washington State standards.

Additional information, including precautions you can take to reduce exposure, is available at: https://ecology.wa.gov/dirtalert

Please contact Hector Casique, Project Manager, at 509-208-1288 or email hector.casique@ecy.wa.gov, for further information or to schedule your initial sampling.

Sincerely,

Joy Espinoza

Joy Espinoza
SEPA Coordinator
Central Regional Office
509-379-3967 / crosepacoordinator@ecy.wa.gov

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Rivera, Eva

From: WSDOT Aviation Land Use Inquiries and Application Submittals <AviationLandUse@WSDOT.WA.GOV>
Sent: Monday, November 27, 2023 12:03 PM
To: Rivera, Eva; Crowell, Eric
Subject: RE: [EXTERNAL] NTC OF APP & ENVIRO. REVIEW - WILLIAM ALMON - RZ#002-23, SEPA#010-23

M. Crowell,

WSDOT Aviation Division reviewed these documents on 11/27/23. Due to the proximity to the Yakima Air Terminal Airport, the FAA requests notification of construction (see https://oeaaa.faa.gov/oeaaa/external/portal.jsp). It is also *recommended* that a real estate disclosure of the proximity of the airport be required in all lease or sale agreements.

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* Structure Type:	BUILDING : Con... ...cial Use Building Please select structure type and complete location point information.
Latitude:	46 Deg 34 M 59 S N
Longitude:	120 Deg 34 M 22 S W
Horizontal Datum:	NAD83
Site Elevation (SE):	1128 (nearest foot)
Structure Height :	19 (nearest foot)
Is structure on airport:	◉ No ○ Yes
	Submit

Results

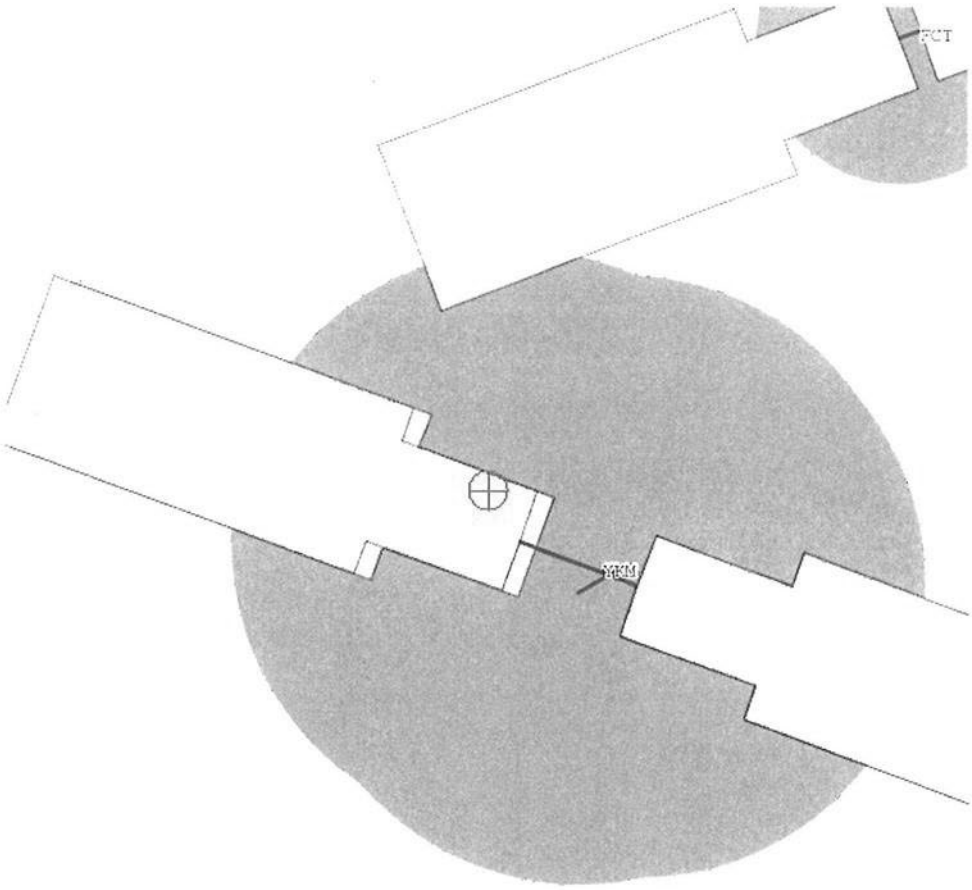
You exceed the following Notice Criteria:

Your proposed structure exceeds an instrument approach area by 49 feet and aeronautical study is needed to determine if it will exceed a standard of subpart C of 14CFR Part 77. The FAA, in accordance with 77.9, requests that you file.

Your proposed structure is in proximity to a navigation facility and may impact the assurance of navigation signal reception. The FAA, in accordance with 77.9, requests that you file.

77.9(b) by 2 ft. The nearest airport is YKM, and the nearest runway is 09U/27U.

The FAA requests that you file



Please let us know if you have any questions.

Cheers,

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BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No. 16.D.
For Meeting of: March 19, 2024

ITEM TITLE: Distribution of the Complete Record for proposed text amendments to YMC Title 14 Subdivisions (TXT#001-24)

SUBMITTED BY: Bill Preston, Interim Community Development Director
*Eric Crowell, Senior Planner

SUMMARY EXPLANATION:

The complete record for the proposed text amendments is being distributed to City Council members in advance of the public hearing scheduled for April 2, 2024. Materials are being distributed in advance to allow adequate time for review.

This packet is available in color online at:
https://www.yakimawa.gov/services/planning/text-amendments/

ITEM BUDGETED: NA

STRATEGIC PRIORITY: Neighborhood and Community Building

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

ATTACHMENTS:

Description	Upload Date	Type
Complete Record_TXT#001-24	3/8/2024	Backup Material

CITY PLANNING – 2024 TEXT AMENDMENTS
TXT#001-24, SEPA#001-24

Yakima City Council
Closed Record Public Hearing
April 2, 2024

EXHIBIT LIST

Applicant:	City of Yakima Engineering Division
File Numbers:	TXT#001-24, SEPA#001-24
Site Address:	Citywide
Staff Contact:	Eric Crowell, Senior Planner

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CHAPTER AA Yakima Planning Commission's Recommendation

CHAPTER A Staff Report

CHAPTER B Applications

CHAPTER F Public Notices

CHAPTER G Supplemental Information

CITY PLANNING – 2024 TEXT AMENDMENTS
TXT#001-24, SEPA#001-24

EXHIBIT LIST

CHAPTER AA
Yakima Planning Commission's Recommendation

DOC INDEX #	DOCUMENT	DATE
AA-1	Yakima Planning Commission's Recommendation	02/21/2024

DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

YAKIMA PLANNING COMMISSION
RECOMMENDATION TO THE YAKIMA CITY COUNCIL
FOR
AMENDMENT TO YAKIMA MUNICIPAL CODE
February 14, 2024

WHEREAS, Pursuant to RCW 36.70A.130(1) the City is required to take legislative action to review and revise its development regulations in accordance with the Growth Management Act; and

WHEREAS, These updates to Yakima Municipal Code (YMC) Title 14 are considered to be a non-project application without a specific use or site plan to be considered; and

WHEREAS, Under the provisions of YMC Ch. 1.42 the Yakima Planning Commission is responsible for the review of amendments to the City's Yakima Zoning Ordinance, Subdivision Ordinance, and other land use matters, and for recommending the approval, modification, or denial of each amendment; and

WHEREAS, The Yakima Planning Commission held a study session to review the proposed amendments on January 10, 2024; and

WHEREAS, All required public notice for these amendments were provided, in accordance with the provisions of YMC Ch. 16.10, on January 24, 2024; and

WHEREAS, SEPA Environmental Review for these updates was considered with the Preliminary Determination of Nonsignificance issued on January 24, 2024 being retained on February 8, 2024; and

WHEREAS, The Yakima Planning Commission held an open record public hearing on February 14, 2024 to hear testimony from the public, consider the amendments, and provide a recommendation to the Yakima City Council;

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

Based upon a review of the information contained in the application, staff report, exhibits, and other evidence presented at an open record public hearing held on **February 14, 2024**, the Planning Commission makes the following:

PURPOSE AND DESCRIPTION OF PROPOSED AMENDMENTS:
The City of Yakima Planning Division is proposing non-project minor amendments to the City of Yakima's Municipal Code Title 14. The first approval in the Preliminary Short Plat/Long Plat process includes a decision with various requirements such as frontage improvements and utility connections. Before the Final Short Plat/Long Plat can be signed off by the City Engineer and Subdivision Administrator, those requirements have to be completed or bonded for.

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There are currently two locations within the Subdivision Ordinance that discuss this process, which are not consistent. The following changes remove ambiguity in the interpretation of multiple code sections by providing consistency and clarification by outlining the process and review criteria in a single section.

Proposed Amendment Sections:

14.05.200 Allowance of bond in lieu of actual construction of improvements prior to approval of short plat or final plat.

A. The subdivision or short subdivision applicant may request, as an alternative to actual construction of any required improvements, ~~provide~~ that they be allowed to 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 authorized and approved pursuant to subsection B herein shall specify the improvements covered and the schedule for completion.

B. In cases of subdivision or short subdivision, the request for 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 administrator ~~and cannot be appealed~~. ~~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 and cannot be appealed~~. The decision to approve or deny the request for the bond or other method of securing actual construction of required improvements by the city engineer and city attorney cannot be appealed. 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~~ fifteen percent of the estimated actual cost of the improvements based upon the approved civil engineering design of the required improvements.

14.20.130 Preliminary plat—Allowance of bond in lieu of actual improvements prior to approval of final plat.

~~A.~~ As an alternative to construction of required improvements prior to final plat approval, the subdivision applicant may request ~~to obtain~~ ~~provide~~ that they be allowed to provide a surety bond or other secure method acceptable to the city ~~council~~ engineer and city attorney pursuant to YMC 14.05.200. ~~The request shall be approved or denied in accordance with YMC 14.05.200. which provides for and secures to the city the actual construction of the improvements.~~

~~B. The value of the bond or security shall be one hundred ten percent of the estimated cost of the improvements. The estimated cost shall be based upon the approved civil engineering design of the required improvements.~~

~~C. An application for use of a surety bond or other method of security shall be made to the city engineer and shall describe the method of security to be provided and the estimated cost of the required improvements. The application, including the estimated cost of improvements and the general terms of the security agreement, shall be subject to review and approval by the city~~

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~~engineer and the city attorney, who shall notify the subdivision applicant of tentative approval or rejection of the application within fourteen days after its filing and cannot be appealed.~~

~~D. After tentative approval of an application has been given by the city engineer and the city attorney as provided in subsection C of this section, the subdivision applicant shall submit the bond or other method of security to the city engineer for final review and approval.~~

FINDINGS OF FACT

1. This project underwent Environmental Review with the Determination of Nonsignificance being retained on February 8, 2024.
2. Public notice was provided in accordance with YMC Ch. 16.10, with a Notice of Public Hearing and Legal Ad Publication in the Yakima Herald newspaper on January 24, 2024.
3. The proposed amendments are consistent with the following Goals and Policies of the 2040 Comprehensive Plan:

Goal 2.1: Establish a development pattern consistent with the community's vision.

Policy 2.1.6: Adopt coordinated development regulations that facilitate Yakima's preferred land use pattern (e.g. allowed density, uses, and site provisions)

- Refine the land use code on an ongoing basis to make it user-friendly by employing simple language, easy to read charts, and illustrative graphics.
- Monitor and refine the land use code as needed to facilitate the preferred land use pattern and development character.
- Integrate an appropriate balance of predictability and flexibility when updating development regulations that allow ease of administration and interpretation and offer optional ways of meeting requirements when possible.

YAKIMA PLANNING COMMISSION'S CONCLUSIONS

1. No adverse impacts have been identified;
2. The proposed updates underwent Environmental Review;
3. The proposed amendments are consistent with the Yakima Urban Area Zoning Ordinance and 2040 Comprehensive Plan.

MOTION

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

RECOMMENDATION TO CITY COUNCIL

The Planning Commission of the City of Yakima, having received and considered all evidence and testimony presented at the public hearing, and having received and reviewed the record herein, hereby recommends that the City Council of the City of Yakima APPROVE the proposed text amendments to the Yakima Municipal Code.

SIGNED this 16th day of February, 2024.

By: _____

Jacob Liddicoat, Chair
Yakima Planning Commission

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CITY PLANNING – 2024 TEXT AMEDNMENTS
TXT#001-24, SEPA#001-24

EXHIBIT LIST

CHAPTER A
Staff Report

DOC INDEX #	DOCUMENT	DATE
A-1	Staff Report	02/14/2024

DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

Recommendation Regarding Amendments to the YMC Title 14

TO: City of Yakima Planning Commission
FROM: Joseph Calhoun, Planning Manager
SUBJECT: Subdivision Ordinance Text Amendments – File TXT#001-24
FOR MEETING OF: February 14, 2024

I. PURPOSE AND DESCRIPTION OF PROPOSED AMENDMENTS:

The City of Yakima Planning Division is proposing non-project minor amendments to the City of Yakima's Municipal Code Title 14. The first approval in the Preliminary Short Plat/Long Plat process includes a decision with various requirements such as frontage improvements and utility connections. Before the Final Short Plat/Long Plat can be signed off by the City Engineer and Subdivision Administrator, those requirements have to be completed or bonded for.

There are currently two locations within the Subdivision Ordinance that discuss this process, which are not consistent. The following changes remove ambiguity in the interpretation of multiple code sections by providing consistency and clarification by outlining the process and review criteria in a single section.

Proposed Amendment Sections:

14.05.200 Allowance of bond in lieu of actual construction of improvements prior to approval of short plat or final plat.

A. The subdivision or short subdivision applicant may request, as an alternative to actual construction of any required improvements, ~~provide~~ that they be allowed to 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 authorized and approved pursuant to subsection B herein shall specify the improvements covered and the schedule for completion.

B. In cases of subdivision or short subdivision, the request for 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 administrator and cannot be appealed. ~~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 and cannot be appealed~~. The decision to approve or deny the request for the bond or other method of securing actual construction of required improvements by the city engineer and city attorney cannot be appealed. 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~~ fifteen percent of the

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estimated actual cost of the improvements based upon the approved civil engineering design of the required improvements.

14.20.130 Preliminary plat—Allowance of bond in lieu of actual improvements prior to approval of final plat.

~~A.~~ As an alternative to construction of required improvements prior to final plat approval, the subdivision applicant may request ~~to obtain~~ ~~provide~~ that they be allowed to provide a surety bond or other secure method acceptable to the city ~~council~~ engineer and city attorney pursuant to YMC 14.05.200. ~~The request shall be approved or denied in accordance with YMC 14.05.200. which provides for and secures to the city the actual construction of the improvements.~~

~~B. The value of the bond or security shall be one hundred ten percent of the estimated cost of the improvements. The estimated cost shall be based upon the approved civil engineering design of the required improvements.~~

~~C. An application for use of a surety bond or other method of security shall be made to the city engineer and shall describe the method of security to be provided and the estimated cost of the required improvements. The application, including the estimated cost of improvements and the general terms of the security agreement, shall be subject to review and approval by the city engineer and the city attorney, who shall notify the subdivision applicant of tentative approval or rejection of the application within fourteen days after its filing and cannot be appealed.~~

~~D. After tentative approval of an application has been given by the city engineer and the city attorney as provided in subsection C of this section, the subdivision applicant shall submit the bond or other method of security to the city engineer for final review and approval.~~

~~V.~~II. YAKIMA COMPREHENSIVE PLAN 2040

The proposed text amendments are consistent with the following goals and policies of the Comprehensive Plan 2040

Goal 2.1: Establish a development pattern consistent with the community's vision.

Policy 2.1.6: Adopt coordinated development regulations that facilitate Yakima's preferred land use pattern (e.g. allowed density, uses, and site provisions)

- Refine the land use code on an ongoing basis to make it user-friendly by employing simple language, easy to read charts, and illustrative graphics.
- Monitor and refine the land use code as needed to facilitate the preferred land use pattern and development character.
- Integrate an appropriate balance of predictability and flexibility when updating development regulations that allow ease of administration and interpretation and offer optional ways of meeting requirements when possible.

~~VI.~~III. ENVIRONMENTAL REVIEW (SEPA)

This project was processed for review under the State Environmental Policy Act as a procedural action per WAC 197-11-800(19), and a Preliminary Determination of Nonsignificance was issued on January 24, 2024 (SEPA#001-24). The DNS was retained on February 8, 2024.

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~~VII.~~IV. PUBLIC NOTICE

Notice of Public Hearing	**January 24, 2024**
Legal Ad Publication	**January 24, 2024**

No written comments were submitted prior to the drafting of this report. Any comments submitted prior to the hearing will be addressed in a supplemental report made available at the February 14, 2024 hearing.

~~VIII.~~V. FINDINGS AND CONCLUSIONS

1. No adverse impacts have been identified by the approval of these amendments.

2. The proposed text amendments are consistent with and implement the Yakima Comprehensive Plan 2040, as required by RCW 36.70A.130(1)(d).

~~IX.~~VI. RECOMMENDATION

The Department of Community Development recommends APPROVAL of these text amendments.

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SUGGESTED MOTIONS:

Approval:
Based on the testimony and evidence presented during this afternoon's public hearing, I move that the Planning Commission draft findings of fact and forward a recommendation of **approval** to the Yakima City Council.

Approval with modifications:
Based on the testimony and evidence presented during this afternoon's public hearing, I move that the City of Yakima Planning staff modify the draft language to include the changes noted in the minutes of this afternoon's public hearing, and with these changes move that the Planning Commission draft findings of fact and forward a recommendation of **approval** to the Yakima City Council.

Denial:
Based on the testimony and evidence presented during this afternoon's public hearing, I move that the Planning Commission reject the proposal to include findings of fact documenting the reasons for denial, and order the proposal be forwarded to the Yakima City Council with a recommendation for **denial**.

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CITY PLANNING – 2024 TEXT AMENDMENTS
TXT#001-24, SEPA#001-24

EXHIBIT LIST

CHAPTER B
SEPA Application & Checklist

DOC INDEX #	DOCUMENT	DATE
B-1	SEPA Application & Checklist	01/18/2024

RECEIVED
JAN 18 2024
CITY OF YAKIMA
PLANNING DIV.

CITY OF YAKIMA Planning

LAND USE APPLICATION

CITY OF YAKIMA, DEPARTMENT OF COMMUNITY DEVELOPMENT
129 NORTH SECOND STREET, 2ND FLOOR, YAKIMA, WA 98901
PHONE: (509) 575-6183 FAX: (509) 575-6105

INSTRUCTIONS – PLEASE READ FIRST AND ANSWER ALL QUESTIONS COMPLETELY.

If you have any questions about this form or the application process, please ask to speak with a planner. All necessary attachments and the filing fee are required upon submittal. Filing fees are not refundable. This application consists of several parts. PART I - GENERAL INFORMATION, PART II – SUPPLEMENTAL APPLICATION, and PART III – CERTIFICATION are on this page. PART II, III, and IV contain additional information specific to your proposal and MUST be attached to this page to complete the application.

PART I – GENERAL INFORMATION

1. Applicant's Information:	Name:	City of Yakima Engineering Division						
	Mailing Address:	129 North Second Street						
	City:	Yakima	St:	WA	Zip:	98901	Phone :	(509) 575-6183
	E-Mail:	engineering@yakimawa.gov						
2. Applicant's Interest in Property:	Check One:	☐ Owner	☐ Agent	☐ Purchaser	☒ Other Government_	_Local		
3. Property Owner's Information (If other than Applicant):	Name:							
	Mailing Address:							
	City:		St:		Zip:		Phone :	( )
	E-Mail:							

4. Subject Property's Assessor's Parcel Number(s): N/A – Non Project Action

5. Legal Description of Property. (if lengthy, please attach it on a separate document) N/A – Non Project Action

6. Property Address: N/A – Non Project Action

7. Property's Existing Zoning:

☒ SR ☒ R-1 ☒ R-2 ☒ R-3 ☒ B-1 ☒ B-2 ☒ HB ☒ SCC ☒ LCC ☒ CBD ☒ GC ☒ AS ☒ RD ☒ M-1 ☒ M-2

8. Type Of Application: (Check All That Apply)

☐ Administrative Adjustment	☒ Environmental Checklist (SEPA Review)	☐ Easement Release
☐ Type (1) Review	☐ Right-of-Way Vacation	☐ Rezone
☐ Type (2) Review	☐ Transportation Concurrency	☐ Shoreline
☐ Type (3) Review	☐ Non-Conforming Use/Structure	☐ Critical Areas Review
☐ Preliminary Short Plat	☐ Appeal to HE / City Council	☐ Variance
☐ Final Short Plat	☐ Interpretation by Hearing Examiner	☐ Temporary Use Permit
☐ Short Plat Amendment	☐ Modification	☐ Overlay District
☐ Preliminary Long Plat	☐ Home Occupation	☐ Binding Site Plan
☐ Final Long Plat	☐ Comprehensive Plan Text or Map Amendment	☐ Planned Development
☐ Plat Alteration –Long Plat	☐ Short Plat Exemption:	☒ Other: Text Amendment

PART II – SUPPLEMENTAL APPLICATION – SEPA CHECKLIST

9. Environmental Checklist (see attached forms)

PART III – CERTIFICATION

10. I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.

Property Owner's Signature _____ Date 1/18/24

Applicant's Signature _____ Date _____

FILE/APPLICATION(S)# TXT#001-24 + SEPA#001-24

DATE FEE PAID:	RECEIVED BY:	AMOUNT PAID:	RECEIPT NO:

Revised 07/2015

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PLANNING DIV.

CITY OF YAKIMA Planning

ENVIRONMENTAL CHECKLIST

STATE ENVIRONMENTAL POLICY ACT (SEPA)
(AS TAKEN FROM WAC 197-11-960)
YAKIMA MUNICIPAL CODE CHAPTER 6.88

PURPOSE OF CHECKLIST

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

INSTRUCTIONS FOR APPLICANTS

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help you describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

USE OF CHECKLIST FOR NONPROJECT PROPOSALS

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project", "applicant", and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B – Environmental Elements – that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND INFORMATION (To be completed by the applicant.)

1. **Name Of Proposed Project (If Applicable)**: City of Yakima Subdivision Amendments YMC Title 14
2. **Applicant's Name & Phone**: City of Yakima Engineering Division, (509) 575-6111
3. **Applicant's Address**: 129 North Second Street, Yakima, WA 98901
4. **Contact Person & Phone**: Bill Preston, City Engineer, 509-575-6111
5. **Agency Requesting Checklist:** City of Yakima
6. **Proposed Timing Or Schedule (Including Phasing, If Applicable)**: N/A – Non Project Action
7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain**: None at this time
8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal**: None known. Per WAC 197-11-315(1)(e), as a non-project proposal, section B of the Environmental Checklist will not be filled out.
9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain**: None Pending
10. **List any government approvals or permits that will be needed for your proposal, if known**: SEPA determination, City of Yakima Planning Commission Public Hearing, and City Council Approval.

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11. Give a brief, but complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.): The City of Yakima Planning Division is proposing non-project minor amendments to the following Subdivision Ordinance Sections: YMC 14.05.200 and 14.20.130. The purpose of these amendments is to remove ambiguity in the interpretation of multiple code sections by providing consistency and clarification by outlining the bond-in-lieu process and review criteria in a single section.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist: City Limits

C. SIGNATURE (To be completed by the applicant.)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Bill Preston	1/10/24
Property Owner or Agent Signature	**Date Submitted**
BILL PRESTON	CITY ENGINEER
Name of Signee	**Position and Agency/Organization**

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (To be completed by the applicant.) (IT IS NOT NECESSARY to use this sheet for project actions)	**Space Reserved For Agency Comments**
Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal, or the types of activities that would likely result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.	
1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? The proposed changes will not affect how land uses discharge to water, emissions to the air, storage, or release of toxic or hazardous substances, or the production of noise.	
Proposed measures to avoid or reduce such increases are: None proposed. Any future measures to avoid such increases will be dealt with at the project level.	
2. How would the proposal be likely to affect plants, animals, fish, or marine life? The proposed changes will not affect plants, animals, fish, or marine life, as they are regulatory in nature.	
Proposed measures to protect or conserve plants, animals, fish, or marine life are: None proposed. Any future measures to avoid such increases will be dealt with at the project level.	
3. How would the proposal be likely to deplete energy or natural resources? The proposed changes do not involve regulations dealing with energy or natural resources.	

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D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (To be completed by the applicant.) (IT IS NOT NECESSARY to use this sheet for project actions)	Space Reserved For Agency Comments
Proposed measures to protect or conserve energy and natural resources are: None Proposed. Any future measures to avoid such increases will be dealt with at the project level.	
4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? The proposed changes will not change or affect any environmental sensitive areas or regulations.	
Proposed measures to protect such resources or to avoid or reduce impacts are: None Proposed. Any future measures to avoid such increases will be dealt with at the project level.	
5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? No change to shoreline uses are proposed. Depending on future proposals, the level of review will be dependent on the type of use and zoning district.	
Proposed measures to avoid or reduce shoreline and land use impacts are: None Proposed. Any future measures to avoid such increases will be dealt with at the project level.	
6. How would the proposal be likely to increase demands on transportation or public services and utilities? Increases to traffic as a result of increased residential and/or project density will be examined at the project level.	
Proposed measures to reduce or respond to such demand(s) are: None Proposed. Any future measures to avoid such increases will be dealt with at the project level.	
7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. The proposed changes will not conflict with any local, state, or federal laws, or requirements for the protection of the environment.	

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CITY PLANNING – 2024 TEXT AMENDMENTS
TXT#001-24, SEPA#001-24

EXHIBIT LIST

CHAPTER C
Public Notices

DOC INDEX #	DOCUMENT	DATE
C-1	**Notice of Application, Environmental Review, Public Hearing & Preliminary DNS** C-1a: Legal Ad C-1b: Press Release and Distribution Email C-1c: Parties and Agencies Email C-1d: Affidavit of Mailing	01/24/2024
C-2	**YPC Agenda and Packet Distribution List**	02/07/2024
C-3	**YPC Agenda and Sign-in Sheet**	02/14/2024
C-4	**Notice of DNS Retention** C-4a: Press Release and Distribution Email C-4b: Parties and Agencies Email C-4c: Affidavit of Mailing	02/08/2024
C-5	**Notice of Yakima Planning Commission's Recommendation** (See DOC INDEX#AA-1 for YPC Recommendation) **C-5a:** Parties and Agencies Notified **C-5b:** Affidavit of Mailing	02/21/2024
C-6	**Letter of Transmittal to City Clerk: City Council Hearing** (Mailing Labels)	03/07/2024

CITY OF YAKIMA, PLANNING DIVISION

LETTER OF TRANSMITTAL

I, Eva Rivera, as an employee of the City of Yakima, Planning Division, have transmitted to: Rosalinda Ibarra, City Clerk, by hand delivery, the following documents:

1. Mailing labels for CITY OF YAKIMA SUBDIVISION AMENDMENTS YMC TITLE 14 including labels for SEPA Reviewing Agencies.
2. E-mail distribution lists for In-House, SEPA Reviewing Agencies, Local Media, and Interested Parties and Parties of Record.
3. Site Plan and Vicinity Map

Signed this **7th** day of **March 2024.**

Eva Rivera
Planning Technician

Received By: Rosalinda Ibarra

Date: 03/07/2024

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WA State Department of Archaeology &
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Annie Szvetecz
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Upload Docs to SEPA Register

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Yakima Valley Canal Co
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SEPA REVIEIWNG AGENCIES
_UPDATED 01/24/2024

Type of Notice: Ntc of CC Hearing
File Number: TXT#001-24, SEPA#001-24
Date of ~~Mailing~~ Hearing: 04/02/2024

DOC. INDEX # C-6

In-House Distribution E-mail List		Revised 02-27-2024
Name	**Division**	**E-mail Address**
Jaime Vera	Air Terminal	Jaime.Vera@yakimawa.gov
Silvia Corona	Clerk's Office	Silvia.Corona@yakimawa.gov
Glenn Denman	Code Administration	Glenn.Denman@yakimawa.gov
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Eva Rivera	Planning	Eva.rivera@yakimawa.gov
Matt Murray	Police	Matthew.murray@yakimawa.gov
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Randy Layman	Refuse	Randy.Layman@yakimawa.gov
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Anabel Chavez	Utilities	anabel.chavez@yakimawa.gov
Dana Kallevig	Wastewater	Dana.Kallevig@yakimawa.gov
Randy Meloy	Wastewater	Randy.Meloy@yakimawa.gov
Mike Shane	Water/Irrigation	Mike.Shane@yakimawa.gov

Outside Distribution		
Name	**Address**	**Notified?**
(Subdivision notices ONLY) Pacific Power Attn: Estimating Department	500 N Keys Rd, Yakima, WA 98901	☐ Yes ☒ No
(Projects Adjacent to BNSF Right of Way ONLY) Central Washington Railroad	111 University Parkway, Suite 200 Yakima, WA 98901 (509) 453-9166	☐ Yes ☒ No
	Tim Marshall, General Manager, tmarshall@cbrr.com Kim Yeager, Real Estate Manager, kyeager@ihdllc.com	☐ E-mail
(Shoreline notices ONLY) Department of Ecology	crosepa@ecy.wa.gov	☐ E-mail

Additional Parties of Record or Interested Parties Notified		
Name	**Address**	**E-mail**

Type of Notice: NTC of CC Acceptance

File Number(s): TXT #001-24, SCPA #001-24

Date of ~~Mailing:~~ 04/02/2024 Acceptance

DOC. INDEX C-6

Rivera, Eva

From: Rivera, Eva
Sent: Thursday, March 07, 2024 11:11 AM
To: Ibarra, Rosalinda
Subject: Mailing for City Council Hearing - City of Yakima Subdivision Amendments YMC Title 14 - TXT#001-24, SEPA#001-24
Attachments: In-House Distribution E-mail List_ updated 03.01.2024; SEPA Reviewing Agencies E-mail Distribution List_Updated 02.28.2024; Local Media List _04.14.2023

Hello Rosalinda – on the 5th day of March City Council set April 2 as the public hearing date for City of Yakima Subdivision Amendments YMC Title 14.

Please provide the City Council public hearing notice to the attached e-mail distribution lists:

- In-house Distribution
- SEPA Reviewing Agencies
- Local Media List

Eva Rivera
Planning Technician
Phone: 509-575-6261
eva.rivera@yakimawa.gov

This email is a public record of the City of Yakima and is subject to public disclosure unless exempt under the Washington Public Records Act. This email is subject to the State Retention Schedule.

DOC. INDEX # C-6

AFFIDAVIT OF MAILING

STATE OF WASHINGTON

CITY OF YAKIMA

RE: TXT#001-24, SEPA#001-24
CITY OF YAKIMA SUBDIVISION AMENDMENTS YMC TITLE 14
City-Wide

I, Eva Rivera, as an employee of the City of Yakima Planning Division, have dispatched through the United States Mails, a **Notice of Yakima Planning Commission's Recommendation to City Council;** a true and correct copy of which is enclosed herewith; that said notice was addressed to the applicant, all parties of record, and SEPA reviewing agencies; that said parties are individually listed on the mailing list retained by the Planning Division, and that said notices were mailed by me on the **21st** day of **February 2024.**

That I mailed said notices in the manner herein set forth and that all of the statements made herein are just and true.

Eva Rivera
Planning Technician

DOC.
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Ahtanum Irrigation District
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INDEX
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SEPA REVIEIWNG AGENCIES
_UPDATED 01/24/2024

Type of Notice: NTC of YPC Rec.
File Number: TXT#001-24, SEPA#001-24
Date of Mailing: 02/21/2024

DOC.
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C-5b

In-House Distribution E-mail List		Revised 11/21/2023
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Randy Meloy	Wastewater	Randy.Meloy@yakimawa.gov
Mike Shane	Water/Irrigation	Mike.Shane@yakimawa.gov

Outside Distribution		
Name	**Address**	**Notified?**
(Subdivision notices ONLY) Pacific Power Attn: Estimating Department	500 N Keys Rd, Yakima, WA 98901	☐ Yes ☒ No
(Projects Adjacent to BNSF Right of Way ONLY) Central Washington Railroad	111 University Parkway, Suite 200 Yakima, WA 98901 (509) 453-9166	☐ Yes ☒ No
	Tim Marshall, General Manager, tmarshall@cbrr.com Kim Yeager, Real Estate Manager, kyeager@ihdllc.com	☐ E-mail
(Shoreline notices ONLY) Department of Ecology	crosepa@ecy.wa.gov	☐ E-mail

Additional Parties of Record or Interested Parties Notified		
Name	**Address**	**E-mail**

Type of Notice: NTC of YIC Rec.
File Number(s): TVT#00124, SDA#00124
Date of Mailing: 03/27/2024

DOC. INDEX # C-5b

Linos, Irene

From: Rivera, Eva
Sent: Wednesday, February 21, 2024 11:19 AM
To: Bradburn, Trace; Calhoun, Joseph; Chavez, Anabel; Contreras, Pedro; Corona, Silvia; Cruz, Leovardo; Davenport, Joan; DeBusschere, Suzanne; Denman, Glenn; Kallevig, Dana; Layman, Randy; Markham, Aaron; Maxey, Lisa; McPherson, Kirsten; Meloy, Randy; Murray, Matthew; Preston, Bill; Reynoso, Patty; Riddle, Dan; Rivera, Eva; Schafer, Scott; Shane, Mike; Story, Gregory; Vera, Jaime; Watkins, Sara; Zabell, John; Ahtanum Irrigation District - Beth Brulotte; Cawley, Marc; Greater Yakima Chamber of Commerce; Henne, Dennis; Jack Wells - Yakima County Water Resources; Linos, Irene; Office Rural Farmworker Housing - Marty Miller; United States Postal Service - David James; WA State Dept Agriculture - Kelly McLain; WA State Dept Archaeology Historic Pres - SEPA; WA State Dept Commerce - Review Team; WA State Dept Ecology - CRO SEPA; WA State Dept Ecology - Former Orchards; WA State Dept Ecology - Lori White; WA State Dept Ecology - SEPA Unit; WA State Dept Energy Facility Site Eval; WA State Dept Fish and Wildlife - Scott Downes; WA State Dept Fish and Wildlife - SEPA; WA State Dept Fish and Wildlife - Team Yakima; WA State Dept Health - Jamie Gardipe; WA State Dept Health - Kelly Cooper; WA State Dept Health - SEPA ; WA State Dept Natural Resources - SEPA Center; WA State Dept Social Health Svcs - Larry Covey; WA State Dept Transporation- South Central Region; WA State Dept Transportation - Paul Gonseth; WA STATE DFW - ELIZABETH TORREY; WA State Parks and Recreation - SEPA; West Valley School District - Joe Connolly; West Valley School District - Peter Finch; WSDOT Aviation ; Yakama Bureau of Indian Affairs - Rocco Clark; Yakama Nation Environmental Mgmt Program - Elizabeth Sanchey; Yakama-Klickitat Fisheries Project - John Marvin; Yakama-Klickitat Fisheries Project - John Marvin; Yakima County Building Dept - Marivel Garcia; Yakima County Commissioners; Yakima County Health District; Yakima County Health District - Ryan Ibach; Yakima County Planning Division - Jason Earles; Yakima County Planning Division - Thomas Carroll; Yakima County Public Services - Lisa Freund; Yakima County Water Resources Div - Troy Havens; Yakima Greenway Foundation - Kellie Connaughton; Yakima Regional Clean Air Agency - Hasan Tahat; Yakima School District - Stacey Locke; Yakima School District - Trevor Greene; Yakima Valley Museum; Yakima Valley Trolleys; Yakima Waste Systems
Subject: NTC OF YPC REC. - CITY OF YAKIMA SUBDIVISION AMENDMENTS YMC TITLE 14 - TXT# 001-24, SEPA#001-24
Attachments: NTC OF YPC REC._TXT#001-24.pdf

Good morning,

Attached is a Notice of the Yakima Planning Commission's Recommendation regarding the above-entitled project. If you have any questions about this proposal, please contact Planning Manager Joseph Calhoun at joseph.calhoun@yakimawa.gov.

Thank you!

DOC. INDEX # C-5b

DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

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

DATE:	February 21, 2024
TO:	Applicant, SEPA Reviewing Agencies, and Interested Parties
SUBJECT:	Notice of the Yakima Planning Commission's Recommendation to the Yakima City Council
FILE #(S):	TXT#001-24, SEPA#001-24
APPLICANT:	City of Yakima Engineering Division
PROJECT LOCATION:	City-Wide

On February 15, 2024, the City of Yakima Planning Commission rendered its written recommendation on **TXT#001-24 and SEPA#001-24.** Non-project minor amendments to the following sections of the Subdivision Ordinance: YMC 14.05.200; YMC 14.20.130.

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

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

For further information or assistance, you may contact Planning Manager, Joseph Calhoun at (509) 575-6042 or email: joseph.calhoun@yakimawa.gov

Eva Rivera
Planning Technician

Date of Mailing: **February 21, 2024**
Enclosures: Planning Commission's Recommendation

DOC. INDEX # C-5

Yakima
2015
1994

AFFIDAVIT OF MAILING

STATE OF WASHINGTON

CITY OF YAKIMA

RE: **TXT#001-24, SEPA#001-24**
CITY OF YAKIMA SUBDIVISION AMENDMENTS – YMC TITLE 14
Citywide

I, Lisa Maxey, as an employee of the City of Yakima Planning Division, have dispatched through the United States Mails, a **Notice of Retention of DNS;** a true and correct copy of which is enclosed herewith; that said notice was addressed to SEPA Agencies that said SEPA Agencies are individually listed on the mailing list retained by the Planning Division; and that said notices were mailed by me on this **8th** day of **February 2024.**

That I mailed said notices in the manner herein set forth and that all of the statements made herein are just and true.

Lisa Maxey

Lisa Maxey
Community Development Admin. Assistant

DOC. INDEX #
C-4c

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Upload Docs to SEPA Register

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C-46

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Yakima Valley Trolleys
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SEPA REVIEIWNG AGENCIES
_UPDATED 01/24/2024

Type of Notice: Ntc of Retention of DNS
File Number: TXT #001-24 / SEPA #001-24
Date of Mailing: 2/8/24

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In-House Distribution E-mail List		Revised 11/21/2023
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John Zabell	Code Administration	John.Zabell@yakimawa.gov
Pedro Contreras	Code Administration	Pedro.Contreras@yakimawa.gov
Suzanne DeBusschere	Code Administration	Suzanne.Debusschere@yakimawa.gov
Patty Reynoso	Code Administration	Patty.Reynoso@yakimawa.gov
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Lisa Maxey	Community Development	Lisa.Maxey@yakimawa.gov
Bill Preston	Engineering	Bill.preston@yakimawa.gov
Kirsten McPherson	Engineering	Kirsten.McPherson@yakimawa.gov
Dan Riddle	Engineering	Dan.Riddle@yakimawa.gov
Aaron Markham	Fire	Aaron.markham@yakimawa.gov
Jeremy Rodriguez	Fire	Jeremy.Rodriguez@yakimawa.gov
Sara Watkins	Legal	Sara.Watkins@yakimawa.gov.
Joseph Calhoun	Planning	Joseph.Calhoun@yakimawa.gov
Eva Rivera	Planning	Eva.rivera@yakimawa.gov
Matt Murray	Police	Matthew.murray@yakimawa.gov
Scott Schafer	Public Works	Scott.Schafer@yakimawa.gov
Leovardo Cruz	Refuse	Leovardo.Cruz@yakimawa.gov
Randy Layman	Refuse	Randy.Layman@yakimawa.gov
Gregory Story	Transit	Gregory.Story@yakimawa.gov
Anabel Chavez	Utilities	anabel.chavez@yakimawa.gov
Dana Kallevig	Wastewater	Dana.Kallevig@yakimawa.gov
Randy Meloy	Wastewater	Randy.Meloy@yakimawa.gov
Mike Shane	Water/Irrigation	Mike.Shane@yakimawa.gov

Outside Distribution		
Name	**Address**	**Notified?**
(Subdivision notices ONLY) Pacific Power Attn: Estimating Department	500 N Keys Rd, Yakima, WA 98901	☐ Yes ☑ No
(Projects Adjacent to BNSF Right of Way ONLY) Central Washington Railroad	111 University Parkway, Suite 200 Yakima, WA 98901 (509) 453-9166	☐ Yes ☑ No
	Tim Marshall, General Manager, tmarshall@cbrr.com Kim Yeager, Real Estate Manager, kyeager@ihdllc.com	☐ E-mail
(Shoreline notices ONLY) Department of Ecology	crosepa@ecy.wa.gov	☐ E-mail

Additional Parties of Record or Interested Parties Notified		
Name	**Address**	**E-mail**

Type of Notice: Ntc of Retention of DNS

File Number(s): TXT#001-24 / SEPA #001-24

Date of Mailing: 2/8/24

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Maxey, Lisa

From: Maxey, Lisa
Sent: Thursday, February 8, 2024 12:51 PM
To: Bradburn, Trace; Calhoun, Joseph; Chavez, Anabel; Contreras, Pedro; Corona, Silvia; Cruz, Leovardo; Davenport, Joan; DeBusschere, Suzanne; Denman, Glenn; Kallevig, Dana; Layman, Randy; Markham, Aaron; McPherson, Kirsten; Meloy, Randy; Murray, Matthew; Preston, Bill; Reynoso, Patty; Riddle, Dan; Rivera, Eva; Schafer, Scott; Shane, Mike; Story, Gregory; Vera, Jaime; Watkins, Sara; Zabell, John; 'Ahtanum Irrigation District - Beth Brulotte'; Cawley, Marc; 'Greater Yakima Chamber of Commerce'; Henne, Dennis; 'Jack Wells - Yakima County Water Resources'; Kallevig, Dana; Linos, Irene; 'Office Rural Farmworker Housing - Marty Miller'; Riddle, Dan; Rivera, Eva; 'United States Postal Service - David James'; Vera, Jaime; 'WA State Dept Agriculture - Kelly McLain'; 'WA State Dept Archaeology Historic Pres - SEPA'; 'WA State Dept Commerce - Review Team'; 'WA State Dept Ecology - CRO SEPA'; 'WA State Dept Ecology - Former Orchards'; 'WA State Dept Ecology - Lori White'; 'WA State Dept Ecology - SEPA Unit'; 'WA State Dept Energy Facility Site Eval'; 'WA State Dept Fish and Wildlife - Scott Downes'; 'WA State Dept Fish and Wildlife - SEPA'; 'WA State Dept Fish and Wildlife - Team Yakima'; 'WA State Dept Health - Jamie Gardipe'; 'WA State Dept Health - Kelly Cooper'; 'WA State Dept Health - SEPA '; 'WA State Dept Natural Resources - SEPA Center'; 'WA State Dept Social Health Svcs - Larry Covey'; 'WA State Dept Transporation- South Central Region'; 'WA State Dept Transportation - Paul Gonseth'; 'WA STATE DFW - ELIZABETH TORREY'; 'WA State Parks and Recreation - SEPA'; 'West Valley School District - Joe Connolly'; 'West Valley School District - Peter Finch'; 'WSDOT Aviation '; 'Yakama Bureau of Indian Affairs - Rocco Clark'; 'Yakama Nation Environmental Mgmt Program - Elizabeth Sanchey'; 'Yakama-Klickitat Fisheries Project - John Marvin'; 'Yakama-Klickitat Fisheries Project - John Marvin'; 'Yakima County Building Dept - Marivel Garcia'; 'Yakima County Commissioners'; 'Yakima County Health District'; 'Yakima County Health District - Ryan Ibach'; 'Yakima County Planning Division - Jason Earles'; 'Yakima County Planning Division - Thomas Carroll'; 'Yakima County Public Services - Lisa Freund'; 'Yakima County Water Resources Div - Troy Havens'; 'Yakima Greenway Foundation - Kellie Connaughton'; 'Yakima Regional Clean Air Agency - Hasan Tahat'; 'Yakima School District - Stacey Locke'; 'Yakima School District - Trevor Greene'; 'Yakima Valley Museum - Peter Arnold'; 'Yakima Valley Trolleys'; 'Yakima Waste Systems'
Subject: Notice of Retention of DNS - City of Yakima Subdivision Text Amendments - TXT# 001-24 & SEPA#001-24
Attachments: NOTICE OF RETENTION OF DNS_City Subdivision Text Amendments - TXT#001-24 SEPA#001-24.pdf

Good afternoon,

Attached is a Notice of Retention of Determination of Non-Significance (DNS) for the above-mentioned project. If you have any questions about this proposal, please feel free to contact the assigned planner, Joseph Calhoun, at (509) 575-6042 or joseph.calhoun@yakimawa.gov.

Thank you,

DOC. INDEX #
C-4a

Maxey, Lisa

From: NoReply@ecy.wa.gov
Sent: Thursday, February 8, 2024 1:01 PM
To: Ask Planning
Subject: Your SEPA Record Has Been Submitted!

The Department of Ecology has received a new SEPA record from Yakima City at Yakima City of with a File Number of: TXT#001-24, SEPA#001-24.
Your record is being reviewed by an administrator.

From: Yakima City
Email: ask.planning@yakimawa.gov
Phone number: (509) 575-6261

DOC. INDEX #
C-4a

DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

WASHINGTON STATE ENVIRONMENTAL POLICY ACT
DETERMINATION OF NON-SIGNIFICANCE
NOTICE OF RETENTION
CITY OF YAKIMA, WASHINGTON
February 8, 2024
File Numbers: SEPA#001-24

The City of Yakima Department of Community Development issued a:

[X] Determination of Nonsignificance (DNS),
[ ] Mitigated Determination of Nonsignificance (MDNS),
[ ] Modified DNS/MDNS,

on January 24, 2024, for this proposal under the State Environmental Policy Act (SEPA) and WAC 197-11-340. This retention concerns a State Environmental Policy Act (SEPA) Review of non-project minor amendments to the following sections of the Subdivision Ordinance: YMC 14.05.200; YMC 14.20.130.

[X] Retained
[ ] Modified. Modifications to this threshold determination include the following:
[ ] Withdrawn. This threshold determination has been withdrawn due to the following:
[ ] Delayed. A final threshold determination has been delayed due to the following:

Summary of Comments and Responses (if applicable): No comments received.

Responsible official: Joan Davenport, AICP
Position/Title: Community Development Director/SEPA Responsible Official
Phone: (509) 575-6183
Address: 129 N 2nd Street, Yakima, WA 98901

Date: February 8, 2024 **Signature:** Joan Davenport

You may appeal this determination to Joan Davenport, City of Yakima Community Development Director, at 129 N 2nd St., Yakima, WA 98901, no later than **February 22, 2024**. You must submit a completed appeal application form with the applicable fee. Be prepared to make specific factual objections. Contact the City of Yakima, Planning Division, for information on appeal procedures.

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City of Yakima
Yakima Planning Commission Hearing
City Hall Council Chambers

HEARING DATE: Wednesday, February 14, 2024

DOC. INDEX # 23

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PUBLIC HEARING:

A - CITY OF YAKIMA SUBDIVISION AMENDMENTS
YMC TITLE 14 TXT#001-24, SEPA#001-24

Mark X on item of interest (from list above) A	B	NAME	ADDRESS	ZIP CODE	E-MAIL ADDRESS
		Nathan Poel	210 S 11th AVE	98902	

DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director
Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning/ypc/

CITY OF YAKIMA PLANNING COMMISSION
Yakima City Hall Council Chambers
129 N 2nd Street, Yakima, WA 98901

February 14, 2024
3:00 p.m. – 5:00 p.m.

YPC MEMBERS:
Chair Jacob Liddicoat, Vice-Chair Lisa Wallace, Charles Hitchcock
Leanne Hughes-Mickel, Mary Place, Colleda Monick, and Frieda Stephens
City Council Liaison:

CITY PLANNING STAFF:
Joan Davenport (Community Development Director), Lisa Maxey (Admin Assistant)
Joseph Calhoun (Planning Manager), Eric Crowell (Senior Planner), Connor Kennedy (Assistant Planner), Eva Rivera (Planning Technician), Irene Linos (Temp. Department-Assistant I)

AGENDA

I. **Call to Order**

II. **Roll Call**

III. **Staff Announcements**

IV. **Public Hearing – TXT#001-24**

Applicant: **City of Yakima Engineering**
File Numbers: **TXT#001-24, SEPA#001-24**

V. **ADU Pre-Approved Plans- Revised RFP Discussion**

VI. **Public Comment**

VII. **Other Business**

VIII. **Adjourn**

Next Meeting: February 28, 2024

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The meeting will also be recorded and posted on the Y-PAC website.
Visit the Yakima Planning Commission webpage for more information, including agenda packets and minutes.

Yakima Planning Commission - Agenda & Packet Distribution List

CITY OF YAKIMA SUBDIVISION TEXT AMENDMENTS TXT#001-24, SEPA#001-24

AGENDA PACKET: YPC MEMBERS, STAFF & APPLICANT/REPRESENTATIVE/OWNER

Jacob Liddicoat (YPC Chair)	jake@3dyakima.com
Joseph Calhoun (Planning)	joseph.calhoun@yakimawa.gov
Leanne Hughes-Mickel (YPC)	leanne.mickel@me.com
Lisa Wallace (YPC Vice-Chair)	lisakwallace@hotmail.com
Michael Brown (YPAC)	michael.brown@yakimawa.gov
Mary Place (YPC)	placeml@charter.net
Charles Hitchcock (YPC)	charlesphitchcock@gmail.com
Lisa Maxey (Com Dev)	lisa.maxey@yakimawa.gov
Sara Watkins (Legal)	sara.watkins@yakimawa.gov
Colleda Monick (YPC)	colledamonick@gmail.com
Frieda Stephens (YPC)	sstrlite39@hotmail.com
Eva Rivera (Planning)	eva.rivera@yakimawa.gov
Bill Preston (Applicant)	Bill.preston@yakimawa.gov

AGENDA ONLY: PARTIES OF RECORD/INTERESTED PARTIES

Name	Address	E-mail Address

Date Distributed: 02/08/2024

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AFFIDAVIT OF MAILING

STATE OF WASHINGTON

CITY OF YAKIMA

RE: TXT#001-24, SEPA#001-24
CITY OF YAKIMA PLANNING DIVISION
Citywide

I, Eva Rivera, as an employee of the City of Yakima Planning Division, have dispatched through the United States Mails, a **Notice of Application, Environmental Review, Public Hearing & Preliminary DNS,** a true and correct copy of which is enclosed herewith; that said notice was addressed to the applicant, and SEPA reviewing agencies; that said parties are individually listed on the mailing list retained by the Planning Division, and that said notices were mailed by me on the **24th** day of **January 2024.**

That I mailed said notices in the manner herein set forth and that all of the statements made herein are just and true.

Eva Rivera
Planning Technician

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Ahtanum Irrigation District
Beth Ann Brulotte
10705-B Gilbert Road
Yakima, WA 98903-9203
bethb@ahtanum.net

Cascade Natural Gas
8113 W Grandridge Blvd
Kennewick, WA 99336

Century Link
8 South 2nd Ave, Rm#304
Yakima, WA 98902

Charter Communications
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Yakima, WA 98902

City of Union Gap
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Jaime Vera
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Yakima, WA 98903
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City of Yakima - Wastewater Division
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City of Yakima - Wastewater Division
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Naches Cowiche Canal Association
PO Box 9635
Yakima, WA 98909
NachesCowicheCanal@gmail.com

North Yakima Conservation District
1606 Perry Street, Ste. C
Yakima, WA 98902

Office of Rural and Farm Worker Housing
Marty Miller
1400 Summitview Ave, Ste# 203
Yakima, WA 98902
Martym@orfh.org

Pacific Power
Mike Paulson
500 North Keys Rd
Yakima, WA 98901

United States Postal Service
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Yakima, WA 98903
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Yakima Valley Trolleys
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WA State Attorney General's Office
1433 Lakeside Court, Ste# 102
Yakima, WA 98902

WA State Department of Agriculture
Kelly McLain
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WA State Department of Archaeology &
Historic Preservation
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Olympia, WA 98504-8343
Sepa@dahp.wa.gov

WA State Department of Commerce
Review Team
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Olympia, WA 98504-3172
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WA State Department of Ecology
Annie Szvetecz
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Olympia, WA 98504-7703
Upload Docs to SEPA Register

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WA State Department of Fish and Wildlife
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WA State Department of Fish and Wildlife
TeamYakima@dfw.wa.gov

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C-1c

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WA State Department of Health, Office of Drinking Water
Jamie Gardipe
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Spokane Valley, WA 99216
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WA State Department Transportation South Central Region Planning Office
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WA State Department Transportation, Aviation Division
AviationLandUse@wsdot.wa.gov

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Olympia, WA 98504

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Yakama Bureau of Indian Affairs
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Yakama Indian Nation, Cultural Resources Program
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Yakima County Commissioners
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Yakima County Planning Division
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C-1c

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Yakima Valley Canal Co
Robert Smoot
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Yakima, WA 98908

Yakima Valley Trolleys
Paul Edmondson
313 North 3rd Street
Yakima, WA 98901

SEPA REVIEIWNG AGENCIES
_UPDATED 12/07/2022

Type of Notice: NOC of App, Enviro. Rev., Pub. Hearing, Preliminary DNS.
File Number: TXT#001-24, SEPA#0024
Date of Mailing: 01/24/2024

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C-1C

Rivera, Eva

From: NoReply@ecy.wa.gov
Sent: Wednesday, January 24, 2024 12:17 PM
To: Ask Planning
Subject: Your SEPA Record Has Been Submitted!

The Department of Ecology has received a new SEPA record from Yakima City at Yakima City of with a File Number of: TXT#001-24, SEPA#001-24.
Your record is being reviewed by an administrator.

From: Yakima City
Email: ask.planning@yakimawa.gov
Phone number: (509) 575-6261

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In-House Distribution E-mail List		Revised 11/21/2023
Name	**Division**	**E-mail Address**
Jaime Vera	Air Terminal	Jaime.Vera@yakimawa.gov
Silvia Corona	Clerk's Office	Silvia.Corona@yakimawa.gov
Glenn Denman	Code Administration	Glenn.Denman@yakimawa.gov
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Pedro Contreras	Code Administration	Pedro.Contreras@yakimawa.gov
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Lisa Maxey	Community Development	Lisa.Maxey@yakimawa.gov
Bill Preston	Engineering	Bill.preston@yakimawa.gov
Kirsten McPherson	Engineering	Kirsten.McPherson@yakimawa.gov
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Aaron Markham	Fire	Aaron.markham@yakimawa.gov
Jeremy Rodriguez	Fire	Jeremy.Rodriguez@yakimawa.gov
Sara Watkins	Legal	Sara.Watkins@yakimawa.gov.
Joseph Calhoun	Planning	Joseph.Calhoun@yakimawa.gov
Eva Rivera	Planning	Eva.rivera@yakimawa.gov
Matt Murray	Police	Matthew.murray@yakimawa.gov
Scott Schafer	Public Works	Scott.Schafer@yakimawa.gov
Leovardo Cruz	Refuse	Leovardo.Cruz@yakimawa.gov
Randy Layman	Refuse	Randy.Layman@yakimawa.gov
Gregory Story	Transit	Gregory.Story@yakimawa.gov
Anabel Chavez	Utilities	anabel.chavez@yakimawa.gov
Dana Kallevig	Wastewater	Dana.Kallevig@yakimawa.gov
Randy Meloy	Wastewater	Randy.Meloy@yakimawa.gov
Mike Shane	Water/Irrigation	Mike.Shane@yakimawa.gov

Outside Distribution		
Name	**Address**	**Notified?**
(Subdivision notices ONLY) Pacific Power Attn: Estimating Department	500 N Keys Rd, Yakima, WA 98901	☐ Yes ☒ No
(Projects Adjacent to BNSF Right of Way ONLY) Central Washington Railroad	111 University Parkway, Suite 200 Yakima, WA 98901 (509) 453-9166	☐ Yes ☒ No
	Tim Marshall, General Manager, tmarshall@cbrr.com Kim Yeager, Real Estate Manager, kyeager@ihdllc.com	☐ E-mail
(Shoreline notices ONLY) Department of Ecology	crosepa@ecy.wa.gov	☐ E-mail

Additional Parties of Record or Interested Parties Notified		
Name	**Address**	**E-mail**

Type of Notice: NTC of App, Enviro. Rev., Pb. Hearing, Preliminary DNS
File Number(s): TXT #001-24, SEPA #004-24
Date of Mailing: 9/24/2024

DOC. INDEX # C-1C

Rivera, Eva

From: Rivera, Eva
Sent: Wednesday, January 24, 2024 12:00 PM
To: Bradburn, Trace; Calhoun, Joseph; Chavez, Anabel; Contreras, Pedro; Corona, Silvia; Cruz, Leovardo; Davenport, Joan; DeBusschere, Suzanne; Denman, Glenn; Kallevig, Dana; Layman, Randy; Markham, Aaron; Maxey, Lisa; McPherson, Kirsten; Meloy, Randy; Murray, Matthew; Preston, Bill; Reynoso, Patty; Riddle, Dan; Rivera, Eva; Schafer, Scott; Shane, Mike; Story, Gregory; Vera, Jaime; Watkins, Sara; Zabell, John; Ahtanum Irrigation District - Beth Brulotte; Cawley, Marc; Greater Yakima Chamber of Commerce; Henne, Dennis; Jack Wells - Yakima County Water Resources; Linos, Irene; Office Rural Farmworker Housing - Marty Miller; Rivera, Eva; United States Postal Service - David James; WA State Dept Agriculture - Kelly McLain; WA State Dept Archaeology Historic Pres - SEPA; WA State Dept Commerce - Review Team; WA State Dept Ecology - CRO SEPA; WA State Dept Ecology - Former Orchards; WA State Dept Ecology - Lori White; WA State Dept Ecology - SEPA Unit; WA State Dept Energy Facility Site Eval; WA State Dept Fish and Wildlife - Eric Bartrand; WA State Dept Fish and Wildlife - Scott Downes; WA State Dept Fish and Wildlife - SEPA; WA State Dept Fish and Wildlife - Team Yakima; WA State Dept Health - Jamie Gardipe; WA State Dept Health - Kelly Cooper; WA State Dept Health - SEPA ; WA State Dept Natural Resources - SEPA Center; WA State Dept Social Health Svcs - Larry Covey; WA State Dept Transporation- South Central Region; WA State Dept Transportation - Paul Gonseth; WA State Parks and Recreation - SEPA; West Valley School District - Joe Connolly; West Valley School District - Peter Finch; WSDOT Aviation ; Yakama Bureau of Indian Affairs - Rocco Clark; Yakama Nation Environmental Mgmt Program - Elizabeth Sanchey; Yakama-Klickitat Fisheries Project - John Marvin; Yakama-Klickitat Fisheries Project - John Marvin; Yakima County Building Dept - Marivel Garcia; Yakima County Commissioners; Yakima County Health District; Yakima County Health District - Ryan Ibach; Yakima County Planning Division - Jason Earles; Yakima County Planning Division - Thomas Carroll; Yakima County Public Services - Lisa Freund; Yakima County Water Resources Div - Troy Havens; Yakima Greenway Foundation - Kellie Connaughton; Yakima Regional Clean Air Agency - Hasan Tahat; Yakima School District - Stacey Locke; Yakima School District - Trevor Greene; Yakima Valley Museum - Peter Arnold; Yakima Valley Trolleys; Yakima Waste Systems; Charles Hitchcock ; Colleda Monick; Frieda Stephens (sstrlite3995@protonmail.com); Leanne Hughes-Mickel; Liddicoat, Jacob; Linos, Irene; Lisa Wallace; Mary Place; Maxey, Lisa; Watkins, Sara; El Mundo; El Sol de Yakima; Fannin, John; KAPP TV News; KDNA Radio - Francisco Rios; KEPR TV News; KIMA TV News; KIT News; KIT/KATS/DMVW/KFFM - Lance Tormey; KNDO TV News; KNDU TV News; KUNW-TV Univision; KVEW TV News; La Casa Hogar; La Voz; Lozano, Bonnie; NWPR - Anna King; RCDR - Maria DJ Rodriguez; Tu Decides - Albert Torres; Yakima Herald - Business; Yakima Herald Republic Newspaper; Yakima Valley Business Times; YPAC - Randy Beehler
Subject: NTC OF APP, ENVIRO. REVIEW, PUB. HEARING & PRELIMINARY DNS - CITY OF YAKIMA SUBDIVISION AMENDMENTS YMC TITLE 14 - TXT#001-24, SEPA#001-24
Attachments: NTC OF APP, SEPA, PUB. HEARING, PRELIMINARY DNS_TXT#001-24.pdf

Good morning,

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Attached is a Notice of Application, Environmental Review, Public Hearing, and Preliminary DNS regarding the above-entitled project. If you have any questions about this proposal, please contact Planning Manager Joseph Calhoun at joseph.calhoun@yakimawa.gov.

Thank you!

Eva Rivera
Planning Technician
Phone: 509-575-6261
eva.rivera@yakimawa.gov

This email is a public record of the City of Yakima and is subject to public disclosure unless exempt under the Washington Public Records Act. This email is subject to the State Retention Schedule.

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YAKIMA HERALD-REPUBLIC WE TELL YOUR STORIES YAKIMAHERALD.COM El Sol de Yakima

AFFIDAVIT OF PUBLICATION

Eva Rivera
City Of Yakima Planning
129 N 2nd Street
Yakima WA 98901

STATE OF WASHINGTON, COUNTIES OF YAKIMA

The undersigned, on oath states that he/she is an authorized representative of Yakima Herald-Republic, Inc., publisher of Yakima Herald-Republic and El Sol de Yakima, of general circulation published daily in Yakima County, State of Washington. Yakima Herald-Republic and El Sol de Yakima have been approved as legal newspapers by orders of the Superior Court of Yakima County.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

01/24/2024

Agent JACKIE CHAPMAN Signature Jackie Chapman

Subscribed and sworn to before me on January 25, 2024

Rosa M. Lopez

(Notary Signature) Notary Public in and for the State of Washington, residing at Yakima

Publication Cost:	$225.70
Order No:	71746
Customer No:	23222
PO #:	

DOC. INDEX # C-1a

Publication Cost:	$225.70
Order No:	71746
Customer No:	23222
PO #:	

NOTICE OF APPLICATION, ENVIRONMENTAL REVIEW, AND PUBLIC HEARING

FROM: Joan Davenport, AICP, Community Development Director; **APPLICANT:** City of Yakima Engineering Division (129 N 2nd St, Yakima, WA 98901); **FILE NUMBER:** TXT#001-24 and SEPA#001-24; **LOCATION:** City-Wide; **TAX PARCEL NUMBER(S):** N/A; **DATE OF APPLICATION:** 1/18/24; **PROJECT DESCRIPTION** The City of Yakima Planning Division is proposing non-project minor amendments to the following sections of the Subdivision Ordinance: YMC 14.05.200; YMC 14.20.130.

NOTICE OF ENVIRONMENTAL REVIEW This is to notify all the public and private agencies with jurisdiction and environmental expertise that the City of Yakima Planning Division has been established as the lead agency, pursuant to the Washington State Environmental Policy Act (SEPA) for the above stated project. **The City of Yakima is issuing a Preliminary Determination of Non- Significance (DNS) on this project.** WAC 197-11-340 is being used. The following conditions have been identified that may be used to mitigate the adverse environmental impacts of the proposal: No impacts identified. **Required Permits:** The following local, state and federal permits/approvals are needed for the proposed project: None.

Required Studies: None; **Existing Environmental Documents:** Comprehensive Plan 2040 - Final Supplemental Environmental Impact Statement (1/13/17); **Preliminary determination of the development regulations that will be used for project mitigation and consistency:** Future projects will require compliance with the International Building Code, City of Yakima Urban Area Zoning Ordinance, City of Yakima Comprehensive Plan and City of Yakima Title 12 Development Standards. **REQUEST FOR WRITTEN COMMENTS AND NOTICE OF PUBLIC HEARING** The public is encouraged to review and comment on the proposed application. Written comments may be submitted prior to or at the public hearing. The public hearing before the City of Yakima Planning Commission has been scheduled for Wednesday **2/14/24**, beginning at **3:00 p.m.** in the Council Chambers – 129 N 2nd St, Yakima WA, 98901. Any person desiring to express their views on this matter is invited to attend the public hearing or to submit their written comments to: City of Yakima, Planning Division, 129 N 2nd St., Yakima, WA 98901. **A separate public notice will be provided for the public hearing before the Yakima City Council.** You can mail your comments to: **Joan Davenport, AICP, Community Development Director; City of Yakima, Department of Community Development; 129 N. 2nd St; Yakima, WA 98901; NOTICE OF RECOMMENDATION** Following the public hearing, the Planning Commission will issue its recommendation within ten (10) business days. When available, a copy of the recommendation will be mailed to parties of record and entities who were provided this notice once it is rendered. The file containing the complete application is available for public review at the City of Yakima Planning Division, 2nd floor City Hall, 129 North 2nd Street, Yakima, Washington, and online at https://www.yakimawa.gov/services/planning/text-amendments If you have any question on this proposal, please call Joseph Calhoun, Planning Manager, at (509) 575-6042 or email to: joseph.calhoun@yakimawa.gov.

(71746) January 24, 2024

NOTICE OF APPLICATION, ENVIRONMENTAL REVIEW, AND PUBLIC HEARING

FROM: Joan Davenport, AICP, Community Development Director; **APPLICANT:** City of Yakima Engineering Division (129 N 2nd St, Yakima, WA 98901); **FILE NUMBER:** TXT#001-24 and SEPA#001-24; **LOCATION:** City-Wide; **TAX PARCEL NUMBER(S):** N/A; **DATE OF APPLICATION:** 1/18/24; **PROJECT DESCRIPTION** The City of Yakima Planning Division is proposing non-project minor amendments to the following sections of the Subdivision Ordinance: YMC 14.05.200; YMC 14.20.130.

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Required Studies: None; **Existing Environmental Documents:** Comprehensive Plan 2040 - Final Supplemental Environmental Impact Statement (1/13/17); **Preliminary determination of the development regulations that will be used for project mitigation and consistency:** Future projects will require compliance with the International Building Code, City of Yakima Urban Area Zoning Ordinance, City of Yakima Comprehensive Plan and City of Yakima Title 12 Development Standards. **REQUEST FOR WRITTEN COMMENTS AND NOTICE OF PUBLIC HEARING** The public is encouraged to review and comment on the proposed application. Written comments may be submitted prior to or at the public hearing. The public hearing before the City of Yakima Planning Commission has been scheduled for Wednesday **2/14/24**, beginning at **3:00 p.m.** in the Council Chambers – 129 N 2nd St, Yakima WA, 98901. Any person desiring to express their views on this matter is invited to attend the public hearing or to submit their written comments to: City of Yakima, Planning Division, 129 N 2nd St., Yakima, WA 98901. **A separate public notice will be provided for the public hearing before the Yakima City Council.** You can mail your comments to: **Joan Davenport, AICP, Community Development Director; City of Yakima, Department of Community Development; 129 N. 2nd St; Yakima, WA 98901; NOTICE OF RECOMMENDATION** Following the public hearing, the Planning Commission will issue its recommendation within ten (10) business days. When available, a copy of the recommendation will be mailed to parties of record and entities who were provided this notice once it is rendered. The file containing the complete application is available for public review at the City of Yakima Planning Division, 2nd floor City Hall, 129 North 2nd Street, Yakima, Washington, and online at https://www.yakimawa.gov/services/planning/text-amendments If you have any question on this proposal, please call Joseph Calhoun, Planning Manager, at (509) 575-6042 or email to: joseph.calhoun@yakimawa.gov.

(71746) January 24, 2024

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DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

NOTICE OF APPLICATION, ENVIRONMENTAL REVIEW, AND PUBLIC HEARING

DATE:	January 24, 2024
TO:	SEPA Reviewing Agencies, Applicant, and Adjoining Property Owners
FROM:	Joan Davenport, AICP, Community Development Director
APPLICANT:	City of Yakima Engineering Division (129 N 2nd St, Yakima, WA 98901)
FILE NUMBER:	TXT#001-24 and SEPA#001-24
LOCATION:	City-Wide
TAX PARCEL NUMBER(S):	N/A
DATE OF APPLICATION:	January 18, 2024

PROJECT DESCRIPTION The City of Yakima Planning Division is proposing non-project minor amendments to the following sections of the Subdivision Ordinance: YMC 14.05.200; YMC 14.20.130.

NOTICE OF ENVIRONMENTAL REVIEW This is to notify all the public and private agencies with jurisdiction and environmental expertise that the City of Yakima Planning Division has been established as the lead agency, pursuant to the Washington State Environmental Policy Act (SEPA) for the above stated project. **The City of Yakima is issuing a Preliminary Determination of Non- Significance (DNS) on this project.** WAC 197-11-340 is being used. The following conditions have been identified that may be used to mitigate the adverse environmental impacts of the proposal: No impacts identified.

Required Permits: The following local, state and federal permits/approvals are needed for the proposed project: None.
Required Studies: None
Existing Environmental Documents: Comprehensive Plan 2040 - Final Supplemental Environmental Impact Statement (June 13, 2017)

Preliminary determination of the development regulations that will be used for project mitigation and consistency: Future projects will require compliance with the International Building Code, City of Yakima Urban Area Zoning Ordinance, City of Yakima Comprehensive Plan and City of Yakima Title 12 Development Standards.

REQUEST FOR WRITTEN COMMENTS AND NOTICE OF PUBLIC HEARING The public is encouraged to review and comment on the proposed application. Written comments may be submitted prior to or at the public hearing. The public hearing before the City of Yakima Planning Commission has been scheduled for Wednesday, **February 14, 2024,** beginning at **3:00 p.m.** in the Council Chambers – 129 N 2nd St, Yakima WA, 98901. Any person desiring to express their views on this matter is invited to attend the public hearing or to submit their written comments to: City of Yakima, Planning Division, 129 N 2nd St., Yakima, WA 98901. **A separate public notice will be provided for the public hearing before the Yakima City Council**. You can mail your comments to:

Joan Davenport, AICP, Community Development Director
City of Yakima, Department of Community Development
129 N. 2nd St; Yakima, WA 98901

NOTICE OF RECOMMENDATION Following the public hearing, the Planning Commission will issue its recommendation within ten (10) business days. When available, a copy of the recommendation will be mailed to parties of record and entities who were provided this notice once it is rendered.

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The file containing the complete application is available for public review at the City of Yakima Planning Division, 2nd floor City Hall, 129 North 2nd Street, Yakima, Washington, and online at https://www.yakimawa.gov/services/planning/text-amendments If you have any question on this proposal, please call Joseph Calhoun, Planning Manager, at (509) 575-6042 or email to: joseph.calhoun@yakimawa.gov.

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DEPARTAMENTO DE DESARROLLO COMUNITARIO
Joan Davenport, AICP, Directora

Division de Planificación
Joseph Calhoun, Gerente
129 Norte Calle 2ª, 2º Piso, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

AVISO DE APLICACIÓN, REVISION AMBIENTAL, Y AUDIENCIA PÚBLICA

El Departamento de Desarrollo Comunitario de la Ciudad de Yakima ha recibido una aplicación por parte de un propietario/solicitante y este es un aviso sobre esa solicitud. Información sobre la ubicación de la propiedad en cuestión y la solicitud es la siguiente:

FECHA OTORGADA:	24 de enero, 2024
PARA:	Agencias de Revisión Ambiental, Solicitante y Propietarios Adyacentes
DE:	Joan Davenport, AICP, Directora de Desarrollo Comunitario
SOLICITANTE:	Ciudad de Yakima División de Ingeniería (129 N 2nd St, Yakima, WA 98901)
No. DE ARCHIVO:	TXT#001-24 y SEPA#001-24
UBICACIÓN:	Cubre toda la ciudad.
No. DE PARCELA(S):	N/A
FECHA DE APLICACIÓN:	18 de enero, 2024

DESCRIPCIÓN DEL PROYECTO: La División de Planificación de la Ciudad de Yakima propone enmiendas menores no relacionadas con el proyecto a las siguientes secciones de la Ordenanza de Subdivisión: YMC 14.05.200; YMC 14.20.130.

AVISO DE REVISIÓN AMBIENTAL: Esto es para notificar a las agencias públicas y privadas con jurisdicción y conocimiento ambiental que la Ciudad de Yakima, Division de Planificación, se establece como la agencia principal, de acuerdo con la Ley Estatal de Política Ambiental de Washington (SEPA) para el proyecto mencionado anteriormente. **La Ciudad de Yakima está emitiendo una Determinación Preliminar de No-Significancia (DNS) para este proyecto.** La ley bajo WAC §197-11-340 se está utilizando. Se han identificado las siguientes condiciones que pueden utilizarse para mitigar los impactos ambientales adversos de la propuesta: no se identificaron impactos.

Permisos Requeridos: Los siguientes permisos/aprobaciones locales, estatales, y federales pueden o serán necesarios para este proyecto: ninguno
Estudios Requeridos: ninguno
Documentos Ambientales Existentes: Plan Integral 2040 – Declaración Final de Impacto Ambiental Suplementario (13 de junio, 2017)
Determinación preliminar de las regulaciones de desarrollo que se utilizarán para la mitigación y la consistencia del proyecto: Los proyectos futuros requerirán el cumplimiento del Código Internacional de Construcción, La Ordenanza de Zonificación del Área Urbana de la Ciudad de Yakima, el Plan Integral de la Ciudad de Yakima y los Estándares de Desarrollo del Título 12 de la Ciudad de Yakima.

SOLICITUD DE COMENTARIOS ESCRITOS Y AVISO DE AUDIENCIA PÚBLICA: Se anima al público a revisar la solicitud y comentar sobre la propuesta. Los comentarios escritos pueden presentarse antes de o en la audiencia pública. La audiencia pública frente a la Comisión de Planificación de la Ciudad de Yakima ha sido programada para el miércoles **14 de febrero, 2024** comenzando a las **3:00 p.m.** en el Ayuntamiento de la Ciudad de Yakima ubicado en el 129 N 2nd Street, Yakima, WA. Se le invita a cualquier persona que desee expresar sus opiniones sobre este proyecto a asistir a la audiencia pública o a presentar comentarios por escrito. **Se proporcionara un aviso público por separado para la audiencia pública ante el Concejo Municipal de Yakima.** Por favor de enviar sus comentarios sobre esta propuesta a:

Joan Davenport, AICP, Community Development Director
City of Yakima, Department of Community Development
129 N. 2nd St., Yakima, WA 98901

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Yakima All-America City 2015 1994

AVISO DE LA RECOMENDACIÓN: Después de la audiencia pública, la Comisión de Planificación de Yakima emitirá su recomendación dentro de diez (10) días hábiles. Cuando la recomendación sea emitida, una copia será enviada a las personas que mandaron comentarios o que recibieron este aviso.

El archivo que contiene la aplicación completa está disponible para inspección pública en la Oficina de Planificación de la Ciudad de Yakima en el 129 al Norte la Calle 2da, Yakima, WA y en línea en: https://www.yakimawa.gov/services/planning/text-amendments/

Si tiene cualquier pregunta sobre esta propuesta, puede contactar a la Oficina de Planificación al (509) 575-6183 o por correo electrónico al: ask.planning@yakimawa.gov

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DEP. .TMENT OF COMMUNITY DEVEL. IENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

WASHINGTON STATE ENVIRONMENTAL POLICY ACT
PRELIMINARY DETERMINATION OF NONSIGNIFICANCE
CITY OF YAKIMA, WASHINGTON
January 24, 2024

PROJECT DESCRIPTION: The City of Yakima Planning Division is proposing non-project minor amendments to the following sections of the Subdivision Ordinance: YMC 14.05.200; YMC 14.20.130.

LOCATION:	City Limits
PARCEL NUMBERS:	N/A
PROPONENT:	City of Yakima Planning Division
PROPERTY OWNERS:	N/A
LEAD AGENCY:	City of Yakima

FILE NUMBERS: TXT#001-24 & SEPA#001-24

DETERMINATION: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

☒ This DNS is issued under WAC 197-11-340; the lead agency will not act on this proposal for 14 days from the date of this preliminary threshold determination. **All comments must be submitted by 5:00 pm on February 7, 2024.**

Responsible Official:	Joan Davenport
Position/Title:	SEPA Responsible Official
Phone	(509) 575-6183
Address:	129 N. 2nd Street, Yakima, WA 98901

Date January 24, 2024 **Signature** _____

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CITY PLANNING – 2024 TEXT AMENDMENTS
TXT#001-24, SEPA#001-24

EXHIBIT LIST

CHAPTER D
Supplemental Information

DOC INDEX #	DOCUMENT	DATE
D-1	YPC Minutes – January 10, 2024, Study Session	01/10/2024

City of Yakima Planning Commission (YPC) Meeting Minutes
City Council Chambers
January 10, 2024

Call to Order
Chair Liddicoat called the meeting to order at 3:00 p.m.

Roll Call

YPC Members Present:	Chair Jacob Liddicoat, Lisa Wallace, Mary Place, Colleda Monick, Charles Hitchcock
YPC Members Absent:	Frieda Stephens, Leanne Hughes-Mickel (both excused)
Staff Present:	Joseph Calhoun; Planning Manager; Eva Rivera, Planning Technician

Staff Announcements – Planning Manager Calhoun announced the following:

- The resolution for the opening of the Comp Plan Amendment will be on the agenda for the City Council meeting on January 16.
- The City Council meeting on the 16th will include appointments for boards and commissions, and we will know next meeting who will be our City Council liaison.
- The next YPC meeting on January 24 will be a hearing for the Rezone of two properties on 48th and Nob Hill.

December 13, 2023, Meeting Minutes – It was motioned by Commissioner Wallace and seconded by Commissioner Hitchcock to approve the meeting minutes of December 13, 2023, as presented. The motion carried unanimously.

Election of Chair and Vice Chair – Commissioner Place motioned to retain Chair Liddicoat and Vice-Chair Wallace for the year 2024. The motion was seconded by Commissioner Monick. The motion passed unanimously on a 5-0 vote.

Text Amendment: YMC §§ 14.05.200 and 14.20.130 – During the meeting, Calhoun reviewed the proposed text amendments to the subdivision ordinance made by the engineering department. Since they fall under the subdivision ordinance, they are required to go through the development regulation process, which involves a discussion today and a scheduled hearing next month to propose a recommendation to the City Council. He clarified that before the final plat is signed off, the requirements of the preliminary long/short plat decision must be in place or bonded for. The changes proposed include providing clarity on the bond in lieu process.

2023 Planning Highlights – Calhoun reviewed the planning highlights, including planning commission meetings and hearings, housing statistics, ADUs and short-term rentals, subdivision statistics, and submitted planning applications.

Public Comment – None

Other Business – None

Adjourn – A motion to adjourn to January 24, 2024, was passed with a unanimous vote. The meeting adjourned at approximately 3:21 p.m.

Chair Liddicoat

1/24/24
Date

This meeting was filmed by YPAC. Minutes for this meeting submitted by: Eva Rivera, Planning Technician.

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