



DEPARTMENT OF COMMUNITY DEVELOPMENT  
Joan Davenport, AICP, Director

**Planning Division**

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

**NOTICE OF PUBLIC HEARING**

**DATE:** March 24, 2023  
**TO:** Applicant and Adjoining Property Owners  
**FROM:** Joan Davenport, AICP, Community Development Director  
**APPLICANT:** A DLT Investment Group / PLSA Engineering & Surveying  
**APPLICANT ADDRESS:** 521 N 20<sup>th</sup> Ave, Ste. 3 Yakima, WA 98902  
**FILE NUMBER:** PD#002-22, PSP#011-22, CL2#037-22, SEPA#022-22, CAO#018-22, TCO#010-22  
**LOCATION:** 608 S 90TH AVE  
**TAX PARCEL NUMBER(S):** 181332-21434  
**DATE OF APPLICATION:** November 1, 2022  
**DATE OF COMPLETENESS:** November 21, 2022

**PROJECT DESCRIPTION** Master planned development: construct six 2-story 8-plexes with 72 parking spaces, including a preliminary short plat to subdivide one parcel into 2 lots of approximately 3.74 and 3.09 acres (Development to occur on the 3.09-acre lot).

**NOTICE OF PUBLIC HEARING** Your views on this proposal are welcome. This request requires that the Hearing Examiner hold an open record public hearing, which is scheduled to be held on **April 27, 2023** at 9:00 a.m. in the Council Chambers – 129 N 2<sup>nd</sup> St, Yakima, WA 98901. All interested persons may appear and provide testimony. Written comments may be submitted up to the date of the hearing.

Please reference file numbers (PD#002-22, PSP#011-22, CL2#037-22, SEPA#022-22, CAO#018-22, TCO#010-22) and applicant's name (A DLT Investment Group) 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 RECOMMENDATION** Following the public hearing, the Hearing Examiner will issue his 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 Joseph Calhoun, Planning Manager, at (509) 576-6042, or e-mail to joseph.calhoun@yakimawa.gov.



DEPARTAMENTO DE DESARROLLO COMUNITARIO

Joan Davenport, AICP, Directora

Division de Planificación

Joseph Calhoun, Gerente

129 Norte Calle 2ª, 2º Piso, Yakima, WA 98901

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**AVISO DE AUDIENCIA PÚBLICA**

**FECHA DE AVISO:** 24 de marzo, 2023  
**PARA:** Solicitante, y Propietarios Adyacentes  
**DE:** Joan Davenport, AICP, Directora de Desarrollo Comunitario  
**SOLICITANTE:** A DLT Investment Group / PLSA Engineering & Surveying  
**DIRECCION DE SOLICITANTE:** 521 N 20th Ave, Ste. 3 Yakima, WA 98902  
**No. DE ARCHIVO:** PD#002-22, PSP#011-22, CL2#037-22, SEPA#022-22, CAO#018-22, TCO#010-22  
**UBICACIÓN:** 608 S 90TH AVE  
**No. DE PARCELA:** 181332-21434  
**FECHA DE APLICACIÓN:** 1 de noviembre, 2022  
**FECHA DE APLICACIÓN COMPLETA:** 21 de noviembre, 2022

**DESCRIPCIÓN DEL PROYECTO:** Plan de Desarrollo para construir seis edificios de doble piso con ocho unidades cada uno y 72 espacios de estacionamiento, y una propuesta para subdividir una parcela en dos lotes de aproximadamente 3.74 y la otra con 3.09 acres. (El desarrollo ocurrirá en el lote de 3.09 acres)

**AVISO DE AUDIENCIA PÚBLICA:** Sus opiniones sobre esta propuesta son bienvenidas. Esta solicitud requiere que el Examinador de Audiencia celebre una audiencia pública abierta, que está programada para el **27 de abril de 2023** a las 9:00 a. m. en las Cámaras del Consejo – 129 N 2nd St, Yakima, WA 98901. Todas las personas interesadas pueden comparecer y dar testimonio. Se pueden presentar comentarios por escrito hasta la fecha de la audiencia.

Indique los números de archivo (PD#002-22, PSP#011-22, CL2#037-22, SEPA#022-22, CAO#018-22, TCO#010-22) y el nombre del solicitante (A DLT Investment Group) en cualquier correspondencia que envíe. Puede enviar sus comentarios por correo a:

**Joan Davenport, AICP, Community Development Director  
City of Yakima, Department of Community Development  
129 N. 2nd St.; Yakima, WA 98901**

**AVISO DE RECOMENDACIÓN:** Después de la audiencia pública, el Examinador de Audiencia emitirá su recomendación dentro de los diez (10) días hábiles. Cuando esté disponible, se enviará por correo una copia de la recomendación a las partes registradas y entidades a las que se les proporcionó 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. 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](mailto:ask.planning@yakimawa.gov).



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**WASHINGTON STATE ENVIRONMENTAL POLICY ACT  
MITIGATED DETERMINATION OF NONSIGNIFICANCE  
CITY OF YAKIMA, WASHINGTON  
March 24, 2023**

**PROJECT DESCRIPTION:** Master planned development: construct six 2-story 8-plexes with 72 parking spaces, including a preliminary short plat to subdivide one parcel into 2 lots of approximately 3.74 and 3.09 acres (Development to occur on the 3.09-acre lot).

**LOCATION:** 608 S 90<sup>th</sup> Ave  
**PARCEL NUMBER:** 181332-21434  
**PROPONENT:** A DLT Investment Group / PLSA Engineering & Surveying  
**PROPERTY OWNER:** A DLT Investment Group LLC  
**LEAD AGENCY:** City of Yakima

**FILE NUMBERS:** PD#002-22, PSP#011-22, CL2#037-22, SEPA#022-22

**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.

**I. FINDINGS**

**A. Processing**

1. The application for Environmental Review was received on November, 2022.
2. The application was deemed complete for processing on November 21, 2022.
3. This application is being processed under the provisions of Ch. 6.88 (Environmental Policy).
4. **Public Notice:** Pursuant to YMC §§ 6.88.130—Public Notice and 16.05.010—Notice of Application:
  - a. A Notice of Application was sent to the applicant and adjoining property owners within 300 feet of the subject property on January 4, 2023.
  - b. The 20-day public comment period for this application ended on January 24, 2023, and one comment was received.

**B. Development Services Team Review:** A Development Services Team (DST) Review was held on January 24, 2023 for technical review of the project, and the following summarized comments were received (full comments found within the record):

1. Department of Archaeology & Historic Preservation (DAHP)

(DAHP Project Tracking # 2023-01-00383)

- a. Our statewide predictive model indicates that there is a high probability of encountering cultural resources in the proposed project area...we recommend a professional archaeological survey of the project area to be produced prior to ground disturbing activities. This report should meet DAHP's standards for cultural resources reporting.

2. Department of Ecology

a. Water Quality

If your project anticipates disturbing ground with the potential for stormwater discharge off-site, the NPDES construction stormwater general permit is recommended. The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water and storm drains by stormwater runoff. Permit coverage and erosion control measures must be in place before any clearing, grading or construction.

b. Toxics Cleanup

Historical aerial photos indicate a portion of the properties within the footprint of your proposed changes were occupied by orchard during the period when lead arsenate was applied as a pesticide, often resulting in shallow soil contamination from lead and/or arsenic. Ecology requires soil sampling if vacant, commercial, industrial, or agricultural properties are converted to residential use as there may be an increased risk of soil exposure to soil with elevated concentrations of arsenic and lead.

Please contact Hector Casique, Project Manager, at (509) 208-1288 or email [hector.casique@ecy.wa.gov](mailto:hector.casique@ecy.wa.gov), for further information or to schedule your initial sampling.

*Staff Note: The WA State DOE Dirt Alert Map shows former orchard land north of Shaw Creek. As all proposed residential development associated with this project is located south of the creek, outside of the mapped former orchard land, no testing will be required for this action. Any future residential development north of Shaw Creek will be required to meet DOE requirements for testing and cleanup.*

3. Department of Fish and Wildlife

- a. Much of the critical area associated with the proposal was the subject of a correction action required by the Washington Department of Ecology. Vegetation in the Shaw Creek critical area was successful (re-)established five or more years ago as a means of compliance. Continued survival of- and non-intervention in- the vegetation planning effort should be confirmed. A fence and informative signs separating the development from the critical area is recommended to help avoid errant future management actions by new parties, such as clearing and mowing within 50 feet of the creek.

4. Yakima County Flood Control Zone District

- a. The FCZD is concerned with the development planned for the South 90<sup>th</sup> Ave. and Midvale Rd. area near Shaw Creek. This area is known to have issues with seasonal flooding as depicted in the attachments. The addition of

multiple structures and impervious surface will likely increase the potential for flooding in this area.

5. City of Yakima Stormwater
  - a. As this project involves clearing or grading one acre or more, a Large Project Stormwater Permit shall be required from the applicant.
  - b. 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.
  - c. Much of this project is in the floodplain and floodway. All City regulations regarding building in the floodplain and staying out of the floodway shall be followed.
  - d. Quite a bit of this parcel is in the floodplain and has flooded in the recent past. Given the high probability of future flooding, I would be hesitant to allow development in the floodplain in this area.
  
6. City of Yakima Wastewater
  - a. City sewer is available to serve the site.
  
7. Nob Hill Water
  - a. Developer will need to reach out to Nob Hill Water with finalized engineered plans so we can begin our design.
  - b. A mainline extension will be required.
  
8. City of Yakima Engineering
  - a. The property currently is a vacant lot and has an existing 5' sidewalk on Midvale Rd. only and has no residential driveway approaches onto the property. Right of way at this property on Midvale Rd. is 35', 15' below the City requirement of 50' (25' half width) for Residential roadways. The proposed development will cause increased pedestrian and vehicular traffic and require safe ingress and egress. Current frontage infrastructure is not adequate enough to handle the proposed change in use to a two lot Master Planned Development. Further, the existing vacant lot does not have the required City standard frontage improvements necessary to address the issues associated with development of the property described herein to be constructed entirely on City property. In order to alleviate the resulting impacts from the change in use proposal, the city is requiring the following improvements:
    - i. New curb, gutter and sidewalk, including storm drainage, shall be installed within the new development...any existing curb, gutter and sidewalk along Midvale Rd. that is unfit or unsafe shall also be repaired/replaced.
    - ii. Easements shall be established per YMC 12.02
    - iii. Residential driveway approaches are required.
    - iv. Midvale Rd. is classified as Residential...Applicant shall determine existing right of way width and dedicate adequate right of way to meet the required width.
    - v. Street lights shall be installed per YMC 12.06.080

*Staff Note: The future alignment of Midvale Rd. is under separate ownership (Parcel 181330-24007 owned by What the Hay LLC). The subject property has approximately 147 feet of frontage along Midvale Rd, which already has existing frontage improvements.*

9. Code Administration

- a. Preliminary addressing and permit requirement comments will be addressed in the staff report for PD#002-22, PSP#011-22, CL2#037-22, and CAO#018-22.
- b. Pursuant to Appendix D107 of the International Fire Code, two separate and approved fire apparatus roads shall be provided for vehicular egress from the site prior to development approval. Where buildings are equipped with approved automatic fire sprinkler systems, one point of vehicular access may be permitted.
- c. Structures constructed in floodplains or floodways shall be constructed in accordance with FEMA standards.

**C. Public Comments:** During the public comment period, one comment from the public was received

1. Christopher Kossik and Jennifer McKenna provided comments related to the development being inconsistent with the neighborhood, insufficient parking spaces, and road infrastructure not designed to handle the increased trips.

*Staff Note: These comments will be addressed in greater detail in the staff report for PD#002-22.*

**II. CONCLUSIONS:**

- A. Environmental Review was required as this project proposes a Master Planned Development.
- B. As mitigated, this proposal is not anticipated to have adverse environmental impacts.

**III. REQUIRED MITIGATION MEASURES:**

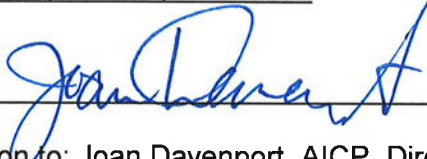
This Mitigated Determination of Nonsignificance (MDNS) is hereby conditioned upon the following mitigation measures, as authorized under WAC 197-11-660 and YMC § 6.88.160, and Yakima Comprehensive Plan 2040, which contains goals, policies, and regulations which provide substantive authority to require mitigation under the State Environmental Policy Act (SEPA):

1. A professional archaeological survey of the project area, meeting DAHP's standards for cultural resources reporting, shall be produced prior to ground disturbing activities.
2. If the project anticipates disturbing ground with the potential for storm water discharge off-site, the NPDES Construction Stormwater General Permit is recommended, which requires a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan).
3. The existing Shaw Creek buffer shall be maintained. No clearing, mowing or other ground-disturbance is permitted within 50-feet of Shaw Creek. A fence may be installed to delineate the buffer area.
4. The applicant shall submit a Large Project Stormwater Permit prior to construction.

5. A complete stormwater drainage report, completed by a licensed professional engineer in Washington State, shall be submitted to the City's Surface Water Engineer.
6. A mainline extension for Nob Hill Water service shall be required.
7. The applicant shall follow all regulations found in YMC Ch 15.27 part 4 for construction in Flood Hazard Areas including, but not limited to, General Standards (15.27.407), Specific Standards (15.27.408), and Floodway Fringe Permitted Uses (15.27.409).
8. A Residential Driveway Approach shall be required.
9. Pursuant to Appendix D107 of the International Fire Code, two separate and approved fire apparatus roads shall be provided for vehicular egress from the site prior to development approval. Where buildings are equipped with approved automatic fire sprinkler systems, one point of vehicular access may be permitted.

This MDNS is issued under WAC 197-11-355. There is no further comment period on the MDNS.

Responsible Official: Joan Davenport  
 Position/Title: SEPA Responsible Official  
 Phone: (509) 575-6183  
 Address: 129 N. 2nd Street, Yakima, WA 98901

Date: March 24, 2023    Signature 

You may appeal this determination to: Joan Davenport, AICP, Director of Community Development, at 129 N. 2nd Street, Yakima, WA 98901.

No later than: **April 7, 2023.**

By method: Complete appeal application form and payment of the required 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.**