



DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

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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

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

Eva Rivera
Planning Technician

Date of Mailing: **February 21, 2024**
Enclosures: Planning Commission's Recommendation



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**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.

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

~~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

