



## DEPARTMENT OF COMMUNITY DEVELOPMENT

Bill Preston, Interim Director

### Planning Division

Trevor Martin, AICP, Planning Manager

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

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

## CITY OF YAKIMA NOTICE OF PETITION AND PUBLIC HEARING

**DATE:** July 2, 2024  
**TO:** Applicant and Adjoining Property Owners  
**FROM:** Bill Preston, Interim Community Development Director  
**APPLICANT:** PLSA Engineering & Surveying - Kabrich, Wade  
**FILE NUMBER:** RWV#003-24  
**LOCATION:** N. 68th Ave., between Englewood Ave. & Scenic Dr.  
**ADJACENT PARCEL(S):** 18131743419, 18131743405, 18131743407, 18131743422, 18131743424, 18131744401  
**DATE OF APPLICATION:** April 29, 2024  
**DATE OF COMPLETENESS:** June 4, 2024

**PROJECT DESCRIPTION** Proposal to vacate a portion of N. 68th Ave., between Englewood Ave. & Scenic Dr.

**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: Right-of-Way Vacation
2. Level of development: Approximately 70,000 square feet
3. Infrastructure and public facilities: Existing utilities shall be retained in an easement
4. Characteristics of development: This petition is being processed under YMC Ch. 14.21

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: Right-of-Way Vacation
2. Density of development: N/A
3. Availability and adequacy of infrastructure and public utilities: Existing utilities shall be retained in an easement

**REQUEST FOR WRITTEN COMMENT AND NOTICE OF PUBLIC HEARING** Your views on this proposal are welcome. All written comments received by 5:00 p.m. on **July 17, 2024**, will be considered prior to issuing the recommendation. You can mail your comments to:

**Trevor Martin, AICP, Planning Manager**  
**City of Yakima, Department of Community Development**  
**129 N. 2nd St., Yakima, WA 98901**

This request requires that the Hearing Examiner hold an open record public hearing, which is scheduled for **July 25, 2024, at 9:00 a.m. in the City Hall Council Chambers, City Hall, 129 N. 2nd St, Yakima, WA. All written comments received by 5:00 p.m. on July 17, 2024, will be considered prior to issuing the staff recommendation to the Hearing Examiner, and will be made part of the official record – however, written comments can be received up to the hearing date.**

Any person desiring to express their views on the matter is invited to attend the hearing to provide testimony. Please reference file numbers (RWV#003-24) and applicant's name (Palmatier) in any correspondence you submit. The City Council shall decide whether or not to vacate the right-of-way. The Hearing Examiner will conduct the required public hearing and make a recommendation to the City Council. Any party wishing to



be informed of the time, date, and place of the City Council meeting for the proposed vacation should submit a written request to the City of Yakima Planning Division.

**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 contact Trevor Martin, AICP, Planning Manager, at (509) 575-6042, or email to: [trevor.martin@yakimawa.gov](mailto:trevor.martin@yakimawa.gov).

**Enclosed:** Petition, Vicinity Map, Record of Survey, and Written Narrative



## DEPARTAMENTO DE DESARROLLO COMUNITARIO

Bill Preston, Director Interino

### Division de Planificación

Trevor Martin, AICP, Gerente

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

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

### AVISO DE PETITION 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:** 2 de julio, 2024  
**PARA:** Solicitante y Propietarios Adyacentes  
**DE:** Bill Preston, Director Interino de Desarrollo Comunitario  
**SOLICITANTE:** PLSA Engineering & Surveying - Kabrich, Wade  
**NO. DE ARCHIVO:** RWV#003-24  
**UBICACIÓN:** N. 68th Ave., between Englewood Ave. & Scenic Dr.  
**PARCELAS ADYACENTES:** 18131743419, 18131743405, 18131743407, 18131743422, 18131743424, 18131744401  
**FECHA DE APLICACIÓN:** 29 de abril, 2024  
**FECHA DE APLICACIÓN COMPLETA:** 4 de junio, 2024

**DESCRIPCIÓN DEL PROYECTO:** Propuesta para desalojar una parte de N. 68th Ave., entre Englewood Ave. & Scenic Dr.

**DETERMINACIÓN DE LA CONSISTENCIA:** Conforme al Código Municipal YMC §16.06.020(A), las consideraciones del proyecto se determinan consistentes con las siguientes normas aplicables:

1. El tipo de uso terrenal: Solicitud para desocupar la vía pública
2. Nivel de desarrollo: Aproximadamente 70,000 pies cuadrados
3. Infraestructura e instalaciones públicas: Utilidades existentes serán retenidas en una servidumbre.
4. Características del desarrollo: Esta petición está siendo procesada bajo el código YMC 14.21.

Conforme al Código Municipal YMC §16.06.020(B), los reglamentos de desarrollo y las consideraciones del plan comprensivo son coherentes, de la siguiente manera:

1. El tipo del uso terrenal: Solicitud para desocupar la vía pública
2. Densidad del desarrollo: N/A
3. Disponibilidad y adecuación de infraestructura y servicios públicos: Utilidades existentes serán retenidas en una servidumbre.

**SOLICITUD DE COMENTARIOS ESCRITOS Y AVISO DE AUDIENCIA PÚBLICA:** Sus opiniones sobre esta propuesta son bienvenidas. Todos los comentarios recibidos por escrito antes de las 5:00 p.m. el **6 de junio, 2024** serán considerados antes de emitir la recomendación sobre esta solicitud. Por favor de enviar sus comentarios sobre esta propuesta a:

**City of Yakima, Department of Community Development  
129 N. 2nd St., Yakima, WA 98901**

Esta propuesta requiere una audiencia pública con registro abierto con el Examinador de Audiencias. Por lo tanto, una audiencia pública se llevará a cabo el **25 de julio, 2024 comenzando a las 9:00 a.m. en el Ayuntamiento de la Ciudad de Yakima ubicado en el 129 N 2nd Street, Yakima, WA. Todos los comentarios escritos recibidos antes de las 5:00 p.m. el 17 de julio del 2024, serán considerados antes de emitir la recomendación al Examinador de Audiencia, y serán parte del archivo oficial – sin embargo, los comentarios serán recibidos hasta el día de la Audiencia.**

Se le invita a cualquier persona que desee expresar sus opiniones sobre este caso a asistir a la audiencia pública o a presentar comentarios por escrito. Por favor de hacer referencia al número de archivo (RWV#003-24) o al nombre del solicitante (Palmatier) en cualquier correspondencia que envíe. El Concejo Municipal decidirá si desocupar o no la vía pública. El Examinador de Audiencias llevara a cabo la

audiencia pública requerida y hará una recomendación al Concejo Municipal. Cualquier persona que desee ser informada de la hora, fecha y el lugar de la junta pública del Concejo Municipal para la petición propuesta deberá solicitarlo por escrito a la Division de Planificación de la Ciudad de Yakima.

**AVISO DE LA RECOMENDACIÓN:** Después de la audiencia pública, el Examinador de Audiencias 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.

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)

**Adjuntos:** Petición, Mapa, Record of Survey, Narrativa



Supplemental Application For:  
**RIGHT-OF-WAY VACATION**

**PART II - LOCATION**

1. VICINITY - LOCATION OF RIGHT-OF-WAY TO BE VACATED:

North 68th Ave. between Englewood Ave. and Scenic Drive

2. LEGAL DESCRIPTION OF THE RIGHT-OF-WAY TO BE VACATED: (Attach if lengthy)

See Attached Narrative

**PART III - APPLICATION INFORMATION**

1. A WRITTEN NARRATIVE: (Please submit a written response to the following questions)

A. What is the public benefit, reason for, and limitations of the proposed right-of-way vacation?

See Attached Narrative

B. Does the vacation deny sole access to a public street for any property? No

See Attached Narrative

C. Is the proposal consistent with existing plans of the City? (Petitions should be consistent with the Six-year Transportation Improvement Plan, the Urban Area Comprehensive Plan and other official City Plans and policies)

Yes See Attached Narrative

D. Is the vacation appropriate with existing zoning and land use? (Vacation of Right-of-Ways should be appropriate with existing and anticipated development in the area, based upon zoning, current use and long-range plans)

Yes See Attached Narrative

E. Are there any public or franchised utilities in the right-of-way to be vacated and if so, will they be relocated?

Yes, No. See Attached Narrative

F. Please choose one:

☐ I have enclosed an appraisal of the property to be vacated

☒ I am electing to have the City of Yakima Planning Division determine the value of the property to be vacated per YMC 14.21.070.

**PART IV - REQUIRED ATTACHMENTS**

1. PETITION TO VACATE STREET OR ALLEY REQUIRED (attached) Attached

2. TITLE REPORT FOR ALL ADJACENT PROPERTIES Attached

3. SURVEY OF THE AREA TO BE VACATED Right of way Vacation Map is Attached

4. APPRAISAL OF THE PROPERTY (an appraisal is required unless the applicant elects to have the City determine the value of the property to be vacated in accordance with YMC 14.21.070) Not needed per previous discussion with planning

5. ENGINEERING PLAN (may be required to indicate how the curb, gutter and other physical features will be treated after the vacation is enacted.) Not needed per previous discussion with planning

6. TRAFFIC ANALYSIS (A traffic analysis prepared by a Certified Engineer, which describes the impact to the City transportation network of the closure of the right-of-way, may be required depending on the right-of-way being vacated. As a result of that analysis, a Traffic Study may also be required) Not needed per previous discussion with planning

### **Part III Project Narrative – Palmatier Right-of-Way Vacation**

Proposed is vacation of the right-of-way of North 68<sup>th</sup> Avenue between Englewood Avenue and Scenic Drive. The right-of-way is 40 to 50 feet wide and improved with a hard-surfaced privately maintained road that provides access to 12 parcels of land and sole access to 8 parcels. An easement will be recorded to maintain legal access to all of the parcels involved and allow for continued maintenance of the private road by the parties that use it. The easement will also provide for the extension of utilities and maintenance of existing utilities within the private road.

The petition for right-of-way vacation was signed by six owners of property with 75 percent of the linear frontage on the right-of-way exceeding the minimum two-thirds (66.7%) of the frontage as required by Municipal Code.

#### **A. What is the public benefit, reason for and limitations of the proposed right-of-way vacation?**

This public right-of-way is improved with a private road that is not owned or maintained by the City and not constructed to minimum City public road standards. Since it provides a continuous connection between Scenic Drive and Englewood Avenue, both City streets, it attracts traffic to use it as an alternate route and short cut between the two public streets. As the area grows and traffic at nearby public intersections increase, there is a potential for this additional traffic to increase as well.

The public benefit results from placing the substandard road under more direct control of the property owners who have legal access to it further allowing them to take any actions necessary to limit traffic from other than the property owners, residents and their guests. The City would have no obligation to improve the road or liability for its use. Maintenance of the roadway will more clearly be the responsibility of the landowners.

The only potential limitation is a reduction in connectivity. However, the right-of-way is not in an alignment or spacing necessary to maintain connectivity and not appropriate for such use as it has not been accepted or maintained by the City and not constructed to minimum public road standards. Finally, connectivity that is appropriate to this location within the transportation network can be provided by future development of these and neighboring properties in a way that provides better safety, traffic circulation and less neighborhood disruption.

#### **B. Does the vacation deny sole access to a public street for any property?**

Eight existing parcels of land have sole access to the public street network using the existing private road, of which four parcels actually front on the right-of-way. The properties that do

not front on the road all have legal access to it via easements as documented in the title report and on recorded short plats. None of these easements will be affected by the proposed vacation. A new easement will be executed and recorded for the vacated right-of-way to allow continued access to public streets from all of the parcels that front on or have access to the right-of-way.

**C. Is the proposal consistent with the existing plan of the City?**

No inconsistencies with comprehensive planning documents adopted by the City were identified especially since the City has no plans to improve or maintain this road. It is not on the Six Year Transportation Improvement Program from 2024 to 2029. The vacation is consistent with Policy 2.3.2C of the City Comprehensive Plan (intended to preserve and enhance established residential neighborhoods) to prioritize the upkeep and improvement of streets, sidewalks, landscaping, parks, utilities, and community facilities in established neighborhoods, because it would make it easier for the property owners served by the street to provide such upkeep and improvement in a manner that better protects the neighborhood and with more clear authority to do so. The vacation is consistent with Policy 6.5.9 from the 2040 Transportation System Plan to ensure that the city transportation networks have good connectivity to provide safe alternate routes and more direct travel because as a private street not being maintained by the City, it is not a good or safe alternative to nearby routes constructed to minimum City standards and maintained by the City.

**D. Is the vacation appropriate with existing zoning and land use: existing and anticipated development in the area, based upon zoning, current use and long range plans?**

The proposed vacation is appropriate to the existing Suburban Residential zoning and Low Density Residential current use designation because it does not prevent future residential development at the densities contemplated by both designations. Future development of vacant property in the vicinity could still occur, possibly utilizing portions of the road by incorporating it into new right-of-way dedications. Regardless, future development can provide for better designed connectivity that is less disruptive to the neighborhood.

**E. Are there any public or franchised utilities in the right-of-way to be vacated and if so, will they be relocated?**

On-line documents show a 6-inch Nob Hill domestic water line in the existing right-of-way and short plats indicate that irrigation lines are in the right-of-way. Power poles and title documents indicate that power, telephone and cable television utilities are in the right-of-way. There is no need to relocate any existing utilities and future utility extensions will be accommodated by the easement or easements to be recorded to accommodate them.

- F. I am electing to have the City of Yakima Planning Division determine the value of the property to be vacated per YMC 14.21.070.**

No compensation is expected to be required under YMC 14.21.070(A)(4) because the City has not purchased, maintained, or made any improvements to the public right-of-way, there is no planned or anticipated public purpose for maintaining the public right-of-way and the public right-of-way has been a dedicated right-of-way in the city for at least five years. This response is based on advice given by City staff.

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APR 29 2024

CITY OF YAKIMA  
PLANNING DIV.



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APR 29 2024

CITY OF YAKIMA  
PLANNING DIV.

PETITION NO. 2409 '24 MAY -2 AM 1:53  
CITY OF YAKIMA, WASHINGTON  
PETITION TO VACATE STREET OR ALLEY

YAKIMA CITY CLERK

To the City Council of the City of Yakima, Washington.

Comes now the undersigned petitioners and, pursuant to RCW Chapter 35.79, now respectfully show:

The undersigned petitioners request that the following described street, alley or portion thereof, located in the City of Yakima, be vacated pursuant to RCW 35.79 (provide legal description below, or attach to petition if lengthy).

Each of the undersigned petitioners is the owner of an interest in real estate abutting on the above-described area. The undersigned petitioners constitute owners of more than two-thirds of said abutting property.

Wherefore, petitioners pray that proceedings be heard hereon for the vacation of said area in the manner prescribed by RCW Ch. 35.79.

<u>Theodore H. Palmatier</u>	<u>708 N 68th Ave, Yakima, WA</u>
Owner	Address Parcel 6 98908
<u>Theodore H. Palmatier</u>	<u>1-25-24</u>
Signature	Date
	<u>50%</u>
	Ownership %

<u>Ali Qasbi Palmatier</u>	<u>708 N. 68th Ave, Yakima, WA</u>
Owner	Address Parcel 6 98908
<u>Ali Qasbi Palmatier</u>	<u>1-25-24</u>
Signature	Date
	<u>50%</u>
	Ownership %

Owner	Address
Signature	Date
	Ownership %

(If there are more property owners than what is room for please attach a separate list of property owners abutting the right-of-way to be vacated as well as their address, percentage of frontage on the right-of-way, and signature with date and the total ownership percentage of the property owners participating in this vacation)

APR 29 2024

CITY OF YAKIMA  
PLANNING DIV.

PETITION NO. 2409  
CITY OF YAKIMA, WASHINGTON  
PETITION TO VACATE STREET OR ALLEY

To the City Council of the City of Yakima, Washington.

Comes now the undersigned petitioners and, pursuant to RCW Chapter 35.79, now respectfully show:

The undersigned petitioners request that the following described street, alley or portion thereof, located in the City of Yakima, be vacated pursuant to RCW 35.79 (provide legal description below, or attach to petition if lengthy).

Each of the undersigned petitioners is the owner of an interest in real estate abutting on the above-described area. The undersigned petitioners constitute owners of more than two-thirds of said abutting property.

Wherefore, petitioners pray that proceedings be heard hereon for the vacation of said area in the manner prescribed by RCW Ch. 35.79.

<u>Matthew &amp; Michelle Seigny</u> Owner		<u>NKA Parcel # 18131744401</u> Address <u>Parcel 3</u>	
<u>[Signature]</u> Signature	<u>1/26/2024</u> Date	<u>100%</u> Ownership %	
_____ Owner		_____ Address	
_____ Signature	_____ Date	_____ Ownership %	
_____ Owner		_____ Address	
_____ Signature	_____ Date	_____ Ownership %	

(If there are more property owners than what is room for please attach a separate list of property owners abutting the right-of-way to be vacated as well as their address, percentage of frontage on the right-of-way, and signature with date and the total ownership percentage of the property owners participating in this vacation)

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APR 29 2024

CITY OF YAKIMA  
PLANNING DIV.

PETITION NO. 24-09  
CITY OF YAKIMA, WASHINGTON  
PETITION TO VACATE STREET OR ALLEY

To the City Council of the City of Yakima, Washington.

Comes now the undersigned petitioners and, pursuant to RCW Chapter 35.79, now respectfully show:

The undersigned petitioners request that the following described street, alley or portion thereof, located in the City of Yakima, be vacated pursuant to RCW 35.79 (*provide legal description below, or attach to petition if lengthy*).

Each of the undersigned petitioners is the owner of an interest in real estate abutting on the above-described area. The undersigned petitioners constitute owners of more than two-thirds of said abutting property.

Wherefore, petitioners pray that proceedings be heard hereon for the vacation of said area in the manner prescribed by RCW Ch. 35.79.

Shailene Sloop	Parcel 2 6909 Englewood Ave.
Owner	Address
Shailene Sloop	Yakima, WA 98908
Signature	Date
	March 25, '24
	Ownership %
	100

Owner	Address
Signature	Date
	Ownership %

Owner	Address
Signature	Date
	Ownership %

(If there are more property owners than what is room for please attach a separate list of property owners abutting the right-of-way to be vacated as well as their address, percentage of frontage on the right-of-way, and signature with date and the total ownership percentage of the property owners participating in this vacation)

RECEIVED

APR 29 2024

CITY OF YAKIMA  
PLANNING DIV.

PETITION NO. 24-09  
CITY OF YAKIMA, WASHINGTON  
PETITION TO VACATE STREET OR ALLEY

To the City Council of the City of Yakima, Washington.

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Each of the undersigned petitioners is the owner of an interest in real estate abutting on the above-described area. The undersigned petitioners constitute owners of more than two-thirds of said abutting property.

Wherefore, petitioners pray that proceedings be heard hereon for the vacation of said area in the manner prescribed by RCW Ch. 35.79.

<u>Margaret A. Grimm</u>	<u>6804 Scenic Drive, Yakima</u>
Owner	Address <u>Parcel 8 98908</u>
<u>Margaret A. Grimm</u>	<u>1/26/2024</u>
Signature	Date
	<u>100%</u>
	Ownership %

Owner	Address	
Signature	Date	Ownership %

Owner	Address	
Signature	Date	Ownership %

(If there are more property owners than what is room for please attach a separate list of property owners abutting the right-of-way to be vacated as well as their address, percentage of frontage on the right-of-way, and signature with date and the total ownership percentage of the property owners participating in this vacation)

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APR 29 2024

CITY OF YAKIMA  
PLANNING DIV.

PETITION NO. 24.09  
CITY OF YAKIMA, WASHINGTON  
PETITION TO VACATE STREET OR ALLEY

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Each of the undersigned petitioners is the owner of an interest in real estate abutting on the above-described area. The undersigned petitioners constitute owners of more than two-thirds of said abutting property.

Wherefore, petitioners pray that proceedings be heard hereon for the vacation of said area in the manner prescribed by RCW Ch. 35.79.

<u>Carol Wagar</u>	<u>710 N. 68<sup>th</sup> Ave Yakima 98908</u>	
Owner	Address <u>Parcel 7</u>	
<u>Carol Wagar</u>	<u>1/25/2024</u>	<u>50%</u>
Signature	Date	Ownership %

<u>Ken Wagar (Ken Wagar)</u>	<u>710 N. 68<sup>th</sup> Ave. Yakima 98908</u>	
Owner	Address <u>Parcel 7</u>	
<u>Ken Wagar</u>	<u>1/25/2024</u>	<u>50%</u>
Signature	Date	Ownership %

Owner	Address	
Signature	Date	Ownership %

(If there are more property owners than what is room for please attach a separate list of property owners abutting the right-of-way to be vacated as well as their address, percentage of frontage on the right-of-way, and signature with date and the total ownership percentage of the property owners participating in this vacation)

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APR 29 2024

CITY OF YAKIMA  
PLANNING DIV.

PETITION NO. 24-09  
CITY OF YAKIMA, WASHINGTON  
PETITION TO VACATE STREET OR ALLEY

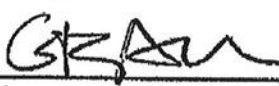
To the City Council of the City of Yakima, Washington.

Comes now the undersigned petitioners and, pursuant to RCW Chapter 35.79, now respectfully show:

The undersigned petitioners request that the following described street, alley or portion thereof, located in the City of Yakima, be vacated pursuant to RCW 35.79 *(provide legal description below, or attach to petition if lengthy)*.

Each of the undersigned petitioners is the owner of an interest in real estate abutting on the above-described area. The undersigned petitioners constitute owners of more than two-thirds of said abutting property.

Wherefore, petitioners pray that proceedings be heard hereon for the vacation of said area in the manner prescribed by RCW Ch. 35.79.

Graham Snyder: Kaulin Stavik Gracie Snyder - 614 N 68th Ave., Yakima, WA 98908		
Owner	Address <u>Parcel 1</u>	
	<u>3/5/23</u>	<u>100%</u>
Signature	Date	Ownership%

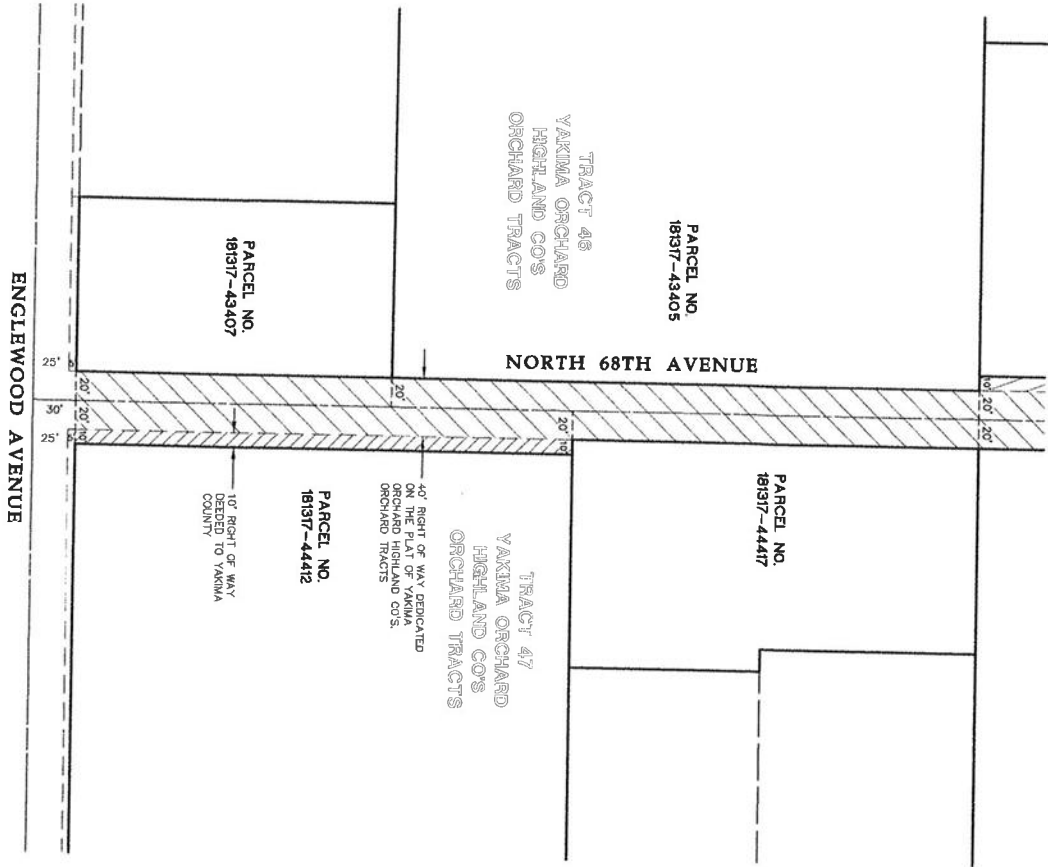
  

Owner	Address	
Signature	Date	Ownership%

Owner	Address	
Signature	Date	Ownership%

*(If there are more property owners than what is room for please attach a separate list of property owners abutting the right-of-way to be vacated as well as their address, percentage of frontage on the right-of-way, and signature with date and the total ownership percentage of the property owners participating in this vacation)*



<b>PLSA</b>		ENGINEERING-SURVEYING-PLANNING 521 NORTH 20th AVENUE, SUITE 3 YAKIMA, WASHINGTON 98902 (509) 575-6990	
DRAWN BY: RICK		<b>RIGHT OF WAY VACATION MAP</b>	
DATE: 12/21/2023		PARCELS: 18137 - 43405, 43407, 43412, 43413, 43414, 44401, 44412 & 44417	
JOB NO. 23246		— PREPARED FOR —	
SHEET NO.		<b>TED PALMATIER</b>	
2 of 2		S 1/2, SE 1/4, SEC. 17, T-13 N, R-18 E, WM	

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APR 2 9 2024  
CITY OF YAKIMA  
PLANNING DEPT.

