

## RESOLUTION 2023 - 27

**A RESOLUTION ADOPTING THE HEARING EXAMINER'S FINDINGS AND RECOMMENDED CONDITIONS OF APPROVAL FOR A PRELIMINARY SHORT PLAT, MASTER PLANNED DEVELOPMENT OVERLAY ZONE & PLANNED DEVELOPMENT PERMIT APPLICATIONS SUBMITTED BY SUNNYSIDE DEVELOPMENT GROUP, LLC (HEREIN AFTER "DEVELOPER) AND AUTHORIZING THE DEVELOPER TO DRAFT AND SUBMIT A DEVELOPMENT AGREEMENT TO THE CITY COUNCIL.**

**WHEREAS**, on December 28, 2022, the developer submitted an application for a Master Planned Development Overlay and three (3) lot subdivision application to build 384 apartment units at 780 W. Yakima Valley Highway (the "Project"); and

**WHEREAS**, Developer has obtained development rights for one parcel (Parcel# 221026-12008) of approximately 14.78 acres, Sunnyside, Washington; and

**WHEREAS**, the City of Sunnyside ( herein after" City") is a charter city incorporated under the laws of the State of Washington and has the authority to enact laws and enter into agreements to promote the health, safety, and welfare of its citizens and thereby to control the use and development of property within its corporate limits; and

**WHEREAS**, the City has the authority to enter into development agreements with those who own or control property within its jurisdiction pursuant to RCW 36. 70B. 170 through 36. 70B. 210, and SMC § 17. 54. 090; and

**WHEREAS**, on May 28, 2021, the City issued a Notice of Application and Environmental Review for the Project; and

**WHEREAS**, Developer has proposed separate legal parcels by a subdivision of the property, as defined in SMC Chapter 16.04; and

**WHEREAS**, the specific proposed use of the property identified by Developer is that of a multifamily use master planned development; and

**WHEREAS**, Developer intends to take appropriate steps to comply with environmental and land use requirements related to development of the property; and

**WHEREAS**, the City of Yakima Planning Division conducted environmental review of the Project under the State Environmental Policy Act ("SEPA") and issued a Determination of Nonsignificance (" DNS") on the Project on April 13, 2023; and

**WHEREAS**, on August 16, 2023, the Hearing Examiner held an open record public hearing in consideration of the Project; and

**WHEREAS**, on August 30, 2023, the Hearing Examiner issued a land use recommendation proposing that the Project be approved subject to conditions, attached hereto as Exhibit "A" and incorporated herein by this reference; and

**WHEREAS**, on September 25, 2023, after notice duly given according to the requirements of the City of Sunnyside Municipal Code, the City Council held a closed record public hearing and adopted the recommendation of the Hearing Examiner; and

**WHEREAS**, the City has determined the project is a development for which this Master Planned Development Overlay Zone and Planned Development is appropriate, and desires to enter into a Development Agreement. This Agreement will amongst other things, implement the conditions in the Final Decision, eliminate uncertainty over development of the Project, provide for the orderly development of the Project consistent with the City's current Comprehensive Plan and zoning for this Property, mitigate environmental impact, and otherwise achieve the goals and purposes for which the Development Agreement Statute was enacted;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON:**

**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 Sunnyside 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 Sunnyside 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.** Development Agreement. The City Manager of the City of Sunnyside is hereby authorized and directed to execute the attached and incorporated Development Agreement. The Yakima City Council, after a duly noticed public hearing, has determined that execution of this Agreement furthers the public health, safety and general welfare, and that the provisions of this Agreement are consistent with the Comprehensive Plan and applicable development regulations.

**Section 5.** 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.

**PASSED** this 25th day of September, 2023.



---

DEAN BROERSMA, MAYOR

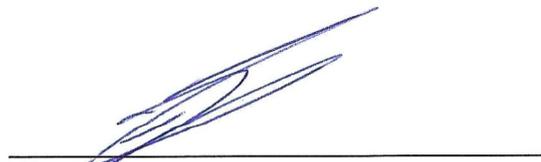
**ATTEST:**



---

JACQUELINE RENTERIA, CITY CLERK

**APPROVED AS TO FORM:**



---

SAXTON RILEY & RILEY, PLLC  
Attorneys for the City of Sunnyside

**City of Sunnyside, Washington  
Hearing Examiner's Recommendations**

**August 30, 2023**

**In the Matter of Preliminary Short )  
Plat, Master Planned Development )  
Overlay Zone & Planned Development )  
Permit Applications Submitted by: )  
)  
Sunnyside Development Group, LLC )  
)  
For Approval of a Preliminary Short )  
Plat, a Master Planned Development )  
Overlay Zone & a Multifamily Planned )  
Development in the General Commercial )  
(B-2) Zoning District to be located at )  
780 West Yakima Valley Highway )**

**PD#2023-0027  
Parcel No. 221026-12008**

**A. Introduction.** Introductory findings relative to the hearing process for these applications are as follows:

(1) The open record public hearing for these applications was conducted on August 16, 2023. These three applications were set for hearing before the Hearing Examiner on the advice of the City Attorney to avoid potential legal issues that arose during the proceedings before the Planning Commission. The initial hearing before the Hearing Examiner on July 19, 2023 had to be re-noticed for a new hearing when it was discovered that it was invalid because the recording equipment failed to create the requisite verbatim record needed for review of that hearing by the City Council and possibly by Superior Court if there were to be an appeal of the City Council's decisions. Notice of the August 16, 2023 hearing was provided by mailing, publication and posting.

The notices provided by mailing and publication stated that since there were technical difficulties with the audio recording of the July 19 hearing, that testimony given at that hearing was not entered in the record and that anyone who wants to have their comments considered must attend the new hearing. It was confirmed at the commencement of the August 16 hearing and periodically during the hearing that the recording equipment was operating properly so as to create a verbatim record of the hearing. A summary of the testimony is set forth below as part of the evidence considered for these recommendations. The complete record of the testimony with a copy of the staff report and exhibits presented at the hearing and with a copy of these Hearing Examiner recommendations will be available for consideration by the City Council at a closed record public hearing where the City Council may take comments relative to evidence in the record and will make the final decisions relative to these three applications.

(2) At the August 16, 2023 open record public hearing, first the City's Community and Economic Development Director Trevor Martin, AICP, presented his staff report which is in the record and which recommended approval of these applications for a Preliminary Short Plat, a Master Planned Development Overlay Zone and a multifamily residential Planned Development subject to conditions.

(3) Then the Applicant's representative, Emily Weimer, an Urban Planner with AHBL Inc. which has an office in Pasco, presented testimony which is summarized below as to the details and benefits of the proposal.

(4) Thereafter, Planning Commission sitting chair Brittan Moore, adjacent resident Suzanne Simpson, adjacent property owner Jan Weets, Planning Commission member Tom Dolan, nearby resident John Nyboer and nearby resident Llesenia Rougk presented testimony in opposition to the proposal or to some aspects of the proposal that is also summarized below.

(5) A written comment from the Department of Ecology and from adjacent resident Baltazar Avalos are the only written comments that were submitted in response to the invitations to do so in both the mailed and the published notices.

(6) This decision has been issued within 10 working days of the open record public hearing pursuant to Subsection 2.46.130(A) of the Sunnyside Municipal Code.

**B. Summary of Recommendations.** The Hearing Examiner recommends approval of these applications for reasons and subject to conditions similar to those set forth in Mr. Martin's staff report except for (i) an additional recommended condition to require a noise-reducing 8-foot-high solid block wall along the east and west sides of the development for the benefit of both the future residents of the development and the adjacent property owners and adjacent residents in order to promote compatibility with surrounding land uses of the proposed residential development to be located within a commercial zoning district and (ii) an additional recommended condition to require the Applicant to procure and submit to the City a Traffic Impact Analysis conducted by an independent traffic engineer acceptable to the City in order to either confirm or supplement the findings of the City's internal Concurrency review as to the likely traffic impacts of the proposed development and any recommended mitigation requirements.

**C. Basis for Recommendations.** Based upon the Hearing Examiner's view of the site and surrounding area with no one else present on August 16, 2023; his consideration of the staff report, exhibits and testimony presented at the open record public hearing on August 16, 2023; and his review of the Sunnyside Comprehensive Plan, Short Plat Ordinance and Zoning Ordinance; the Hearing Examiner makes the following:

## **FINDINGS**

**I. Applicant, Property Owner and Agent.** The Applicant and property owner is

Sunnyside Development Group, LLC:  
Preliminary Short Plat, Master Planned  
Development Overlay Zone and Multi-  
Family Residential Planned Development  
File PD#2023-0027; Parcel #221026-12008

Sunnyside Development Group, LLC, 5804 Road 90, Suite A, Pasco, Washington 99301. The Applicant's agent for this application who testified at the August 16, 2023 open record public hearing is Emily Weimer, AICP, of AHBL Inc., 5804 Road 90, Suite H, Pasco, Washington 99301.

**II. Location.** The Preliminary Short Plat, the Master Planned Development Overlay Zone and the multifamily residential Planned Development would be located at 780 West Yakima Valley Highway on Parcel No. 221026-12008.

**III. Application.** The Applicant's narrative description of the applications in the record, as slightly revised by the testimony at the hearing, sets forth details of the proposal if it is approved. Those details may be summarized as follows:

(1) Project Description: The Sunset Meadows multifamily project is proposed as an infill project seeking approval of a 3-lot Short Plat that would coincide with the 3 phases of the development, approval of a Master Planned Development Overlay Zone designation which would allow approval of the proposed residential Planned Development within a commercially-zoned area and approval of the proposed multifamily residential Planned Development. The size of the development would be approximately 643,908 square feet or approximately 14.78 acres. Ten feet of additional right-of-way consisting of approximately 4,515 square feet would be dedicated to the City of Sunnyside along the parcel's frontage on Outlook Road in order to accommodate sidewalk and other half-street improvements. Up to 384 dwelling units would be constructed in up to 28 buildings with two clubhouse buildings, an outdoor swimming pool and outdoor social gathering areas such as multiple tot-lots, picnic areas, an outdoor basketball court, barbeque areas, quiet gathering spaces and some covered parking areas.

(2) Architecture: The buildings would be designed with an articulation of movement to help create shade areas, spaces for family privacy and areas for protection

from rain and snow. Building design and colors would tie the development together with a common thread.

(3) Accessibility: It is anticipated that there would be as many as 28 accessible ADA parking spaces which is 7 more such parking spaces than are required by code.

(4) Parking: It is also anticipated that there would be 542 parking spaces which would be 1.4 parking spaces per residential unit even though the City's code requires only one space per residential unit. The parking areas would feature a minimum of one shade tree for every 12 contiguous parking spaces.

(5) Site/Building Access: The site access would be by way of a 39-foot-wide "back of curb to back of curb" private road in a 60-foot-wide right-of-way containing sidewalks on both sides which would extend from the Yakima Valley Highway on the south to Outlook Road on the north. An easement has already been obtained and recorded to allow this private road to pass through the adjacent property to the south of this parcel that abuts the Yakima Valley Highway. Landscape strips separating the sidewalks would feature tree plantings anticipated to be 40 feet on center along the entire private road. Sidewalks extending from the private road would create a continuous route for residents and service and delivery persons to walk to and access all areas of the development.

(6) Site/Landscaping: Much of the landscaping would be low maintenance drought resistant plantings in beds of regional sourced fractured basalt stone. Small areas of turf would be installed in order to create play and activity spaces for the residents. Trash areas would be screened from public view by containment areas comprised of 3-sided walls matching the materials of the buildings with wide screened and offset gates that would allow the residents to access the trash bins without having to open a gate.

(7) Security: Security and crime prevention for the proposed development is anticipated to be provided by an "eyes on the street" design, lighting, landscaping, site screening, perimeter fencing, consistent cleaning and maintenance and 24-hour security surveillance.

(8) Municipal Services: Municipal services for the proposed development exist nearby and can be extended to the project site for use.

(9) Project Phasing: Although the order of phasing the development is still under consideration, the 643,908-square-foot (14.78-acre) project would be developed in three

segments or phases within the three lots of the proposed Preliminary Short Plat. The three phases of the development are described as follows:

(a) Parcel 3.52 (3.52 acres – the north parcel) is anticipated to feature 6 apartment buildings with attendant parking, landscaping, a stormwater retainage pond, large picnic barbeque areas and tot-lots.

(b) Parcel 5.15 (5.15 acres – the southwest parcel) is anticipated to feature 8 apartment buildings with attendant parking, landscaping, a stormwater retainage pond, 21 covered parking spaces, large picnic barbeque areas and tot-lots, as well as a clubhouse, an outdoor swimming pool and an outdoor basketball court.

(c) Parcel 5.99 (5.99 acres – the southeast parcel) is anticipated to feature 14 apartment buildings with attendant parking, landscaping, a stormwater retainage pond, 28 covered parking spaces, large picnic barbeque areas and tot-lots, as well as a clubhouse.

**IV. Notice of the Public Hearing.** Notice of the open record public hearing of August 16, 2023 was provided on August 2, 2023, at least 10 days prior to the hearing as required by SMC §17.72.010(E), by mailing notice to all property owners within 300 feet of the boundary lines of the parcel and agencies with jurisdiction and by publishing notice in the Sunnyside Sun. Notice that had been posted on the property on June 14, 2023 remained in place.

**V. Environmental Review.** The State Environmental Policy Act (SEPA) review which was conducted pursuant to the optional process under WAC 197-11-355 resulted in the receipt of one written comment from the Washington State Department of Ecology (DOE) dated February 16, 2023, and thereafter in the issuance of a Determination of Nonsignificance (DNS) by the City's SEPA Responsible Official on April 13, 2023. A

recommended condition to be enforced at the project permit issuance stage is that the Applicant be required to obtain an NPDES Construction General Stormwater Permit and otherwise comply with the DOE written comments which may be summarized as follows:

(1) Water Quality: If ground disturbance with the potential for stormwater discharge off-site is anticipated, the NPDES Construction Stormwater General Permit is recommended. It requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining the permit may take 38-60 days. 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 the erosion control measures must be in place prior to any clearing, grading, or construction. In the event that an unpermitted Stormwater discharge does occur off-site, it is a violation of Chapter 90.48 RCW, Water Pollution Control, and it is subject to enforcement action. More information on the stormwater program may be found on DOE's website at <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact Lloyd Stevens, Jr. at the Dept. of Ecology, (509) 571-3866 or [lloyd.stevensjr@ecy.wa.gov](mailto:lloyd.stevensjr@ecy.wa.gov) with questions about this permit.

(2) Water Quality – Dust Control from a Well: If water is planned for dust suppression at the project site, there must be a legal water 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. For any questions or to respond to these Water

Resources comments, please contact Christopher Kossik at (509) 379-1826 or email at [christopher.kossik@ecy.wa.gov](mailto:christopher.kossik@ecy.wa.gov).

**VI. Hearing Examiner Jurisdiction.** SMC §2.46.090(C)(3) states that the Hearing Examiner shall receive and examine available information, conduct public hearings, prepare a record thereof and enter findings of fact and conclusions based on those facts, together with a recommendation to the City Council, for Planned Unit Developments involving a change of use such as here where the use would be changing from undeveloped pasture land to a multifamily residential use. The Preliminary Short Plat application is a separate application which, if approved, would not have to be developed as a multifamily residential Planned Development. The Master Planned Development Overlay Zone application and the multifamily residential Planned Development application are separate, but are considered together because both seek approval of the proposed multifamily residential Planned Development under different criteria required by both SMC Chapter 17.54 and SMC Chapter 16.08. All three applications have been consolidated into a Master Application so that all three of them can be processed as Type VI permit applications in accordance with the Master Planned Development Overlay Zone provisions of SMC §17.54.040(A). SMC §17.54.040(B) provides that the City may simultaneously review the applicant's proposed Master Planned Development with all required permits and approvals. No one has objected to the Hearing Examiner's exercise of jurisdiction to issue Recommendations to the City Council regarding these three applications.

**VII. Zoning and Land Use.** The parcel here is zoned General Commercial (B-2) and is presently undeveloped pasture land. The properties to the east and the south are also zoned General Commercial (B-2). Some of the properties to the north are zoned General Commercial (B-2) and some are within unincorporated Yakima County. Properties to the west are zoned Urban Residential Agriculture (URA). The adjacent properties are either vacant, used for fabrication manufacturing, in agricultural production or developed for single-family residential uses.

**VIII. Critical Areas / Shoreline Review.** The property is not located in an area subject to Shoreline Review. A recommended condition is that the Applicant obtain and submit to the City an acceptable determination of an expert as to whether there are any wetlands on the property and, if there are, comply with the City's applicable Critical Areas requirements relative thereto.

**IX. Summary of the Testimony Presented at the Hearing.** The main points in the testimony presented at the hearing are summarized as follows by reference to notes taken during the hearing and by listening to the audio recording of the hearing with the intent that it may assist the City Council in its review of the record for this matter:

(1) The City's Community and Economic Development Director Trevor Martin, AICP: Mr. Martin summarized his staff report. Since his staff report is included in the record, it will not be repeated here. In addition to the facts and recommendations in favor of approval of all three applications presented in his staff report, Mr. Martin testified that a Traffic Impact Analysis is not a recommended condition of his staff report because the traffic impacts were determined by a traffic analysis conducted by Yakima Valley

Conference of Governments (YVCOG) which is the City's Regional Transportation Planning Organization. He indicated that YVCOG has modeling software that they use which is very similar to the modeling software used for a TIA Traffic Impact Analysis. Mr. Martin requested that YVCOG provide him data based upon the number of proposed units on this site and generate a model and generate traffic movement predictions which is the same thing that would be done in the TIA process, except that Mr. Martin's request was a little bit more focused specifically on 1<sup>st</sup> and YVH and some of the other directly adjacent intersections. The big difference between a Concurrency review and a Traffic Impact Analysis is that the Traffic Impact Analysis does a lot of the same things that Concurrency does but in the end it might reach out a little bit further, like it may reach out to the Exit ramp or something like that and that it generally, based upon the new movements and the Level of Services that come through the study, it generates a series of recommendations based upon the decrease in Level of Service at adjacent intersections. And what a lot of cities in Washington have done and what the State law has allowed cities to do is to run Concurrency prior to running a full-blown Traffic Analysis. So they can look at local intersections and determine if there is a development that comes in that will drop the Level of Service and drop the reserve capacity on neighboring roads, that they can then elevate the application to go through a Traffic Impact Analysis. That Traffic Analysis will oftentimes have additional recommendations that will talk about maybe some potential pro rata share or some potential offsite improvements such as contributing towards a roundabout at a certain intersection or something like that. Mr. Martin further stated that in this instance we did look at the data and we did notice that beginning at this site that most of the traffic that would be generated on this site would travel south towards Yakima Valley Highway and along Yakima Valley Highway into Sunnyside. Mr. Martin doesn't think the internal traffic study got into the exact detail of the left and right movements out of the site specifically. It more or less looked at the impacts to intersections that are adjacent. It was more or less based upon the additional number of trips, but YVCOG does have information and additional data because it monitors City of Sunnyside intersections. YVCOG looks at Level of Services and has directional flows that are measured pretty periodically. The City has that data. Mr. Martin is not sure if it is specifically integrated as to where other trips are coming from surrounding the site. It is more what is generated on the site itself. The modeling shows mostly additional straight-through traffic on Yakima Valley Highway at 1<sup>st</sup> Street without

turning movements. YVCOG maintains City software intersection models that it regularly sends to the City's Engineering consultants, and the City uses the YVCOG information for regular adjustments to the City's TIP based upon Level of Service numbers, proposed projects in an area and regional coordination with WSDOT. The City relies upon those numbers pretty heavily to adjust the TIP and fund public improvements. Even if a pro rata share of the cost of future offsite traffic improvements were required of the developer due to a decrease in the Level of Service, it would be refunded to the developer with interest if the proposed improvement is not constructed within a certain timeframe. There is no proposed improvement of the intersection of Yakima Valley Highway and 1<sup>st</sup> Street on the City's TIP at this time upon which a requirement to contribute a pro rata share could be based even if the proposal were to decrease that intersection's Level of Service. Here YVCOG software modeling determined that that intersection would remain at Level of Service D. Even if the additional traffic generated by the proposal were to cause that intersection's Level of Service to decrease from D to E, the amount of offsite improvement cost that could be required would be the cost to get it back to Level D, but not beyond what it was previously at.

(2) The Applicant's representative and Urban Planner Emily Weimer, AICP, in the Pasco office of AHBL, Inc.: This is a residential infill development proposed along the Yakima Valley Highway. We are proposing to provide up to 384 new housing opportunities. We are here today to try to ameliorate some of the concerns that the public may have. I do a lot of work with jurisdictions around Benton and Franklin County. I am often in Mr. Martin's seat, so I am very familiar with the public concerns on projects like this . We are proposing phasing. There are wetlands mapped on the property that we are working with. Adequate facilities and services are available to serve the property. The buildings will be designed to be architecturally attractive and will vary in articulation. The buildings and the lights will be designed to avoid light and glare on neighboring property and will also be designed to avoid impact to solar opportunities on adjacent property. Our proposed development agreement addresses mitigation for a lot of the real or perceived impacts and that will be reviewed by City Council. We have to secure access so Yakima Valley Highway will be the main access point. We are not asking for any exceptions to the development standards. This is an important project because Sunnyside is expected to grow. Washington State requires that jurisdictions plan for this growth. Our proposal proposes to add a variety of housing units and types and

that will hopefully assist Sunnyside in meeting the housing demanded by that population projection. This proposal is in compliance and is supported by various City codes and plans. It meets the purpose and intent of the City's Master Planned Development Overlay Zone per Sunnyside Municipal Code 17.54.010. This project carries out the objectives and spirit of the City's Comprehensive Plan. I would like to point out Housing Element Goals 1 and 3 and the Land Use Element Goals 1, 3 and 4. Additionally this project is supported by the Yakima County-wide planning policies and lastly is supported by the State's Growth Management Act, the GMA, which Goals include encouragement of affordable housing for all economic sectors and providing a variety of residential densities and housing types. We have provided a lot of access to the project which will emphasize safety. The final site plan will be designed with safety in mind and crime deterrence. And "eyes on the street" will hopefully ameliorate some of those crime concerns. We have enhanced the setbacks and reduced the height impact. We are providing enhancements by creating a quality product which includes landscaping, clubhouses, equipment above and beyond what is normally required. Alternatively, other more intensive uses such a hotel, an outdoor theatre, car washes or even a club are normally allowed on the property per the zoning outright. That means they could come in for a permit for zero-foot setbacks, up to 45 feet without the public process. You can see this is a huge improvement from what would normally happen outright. I would like to point out that our builder is a local builder. He is not a westside builder. It is not being built by people who don't understand the local community. He understands small towns such as yours. We are providing housing options for kids leaving home for the first time, for people who move to this area before they find and buy a house or for that young couple that does not want the responsibility of a lawn. I am one of those. We are hoping this will streamline the housing market. We are finding that there is an extremely low vacancy rate. This tends to inflate the prices of other housing and tends to do harm to the quality of housing. This project will help ease some of that burden. Lastly we recognize that the parking minimums may not satisfy the needs of the project. Our proposal includes approximately 30% more parking than what would be required. We calculated approximately 1.4 stalls per unit for up to 28 residential buildings. The main access onto Yakima Valley Highway will allow the traffic to use the higher capacity road from the very beginning of the development. Sidewalk and other half-street improvements will be made to Outlook Road. For perimeter fencing our objective is safety to be

able to see what is going on in and around the development. Block walls are not required by the code and we are not proposing one at this time and we do not think it is warranted. We are still not to the design phase and that is something we decide later on when we get to the final site design. We are currently considering wrought iron fencing to make it look nice and also serve its purpose. If we are proposing a commercial use or some more intensive use, then we may consider a block wall. But since these are residential units we are not considering blocking views. We would still pursue the short plat, regardless of what happens we would still pursue that short plat, and the MPD is required because it presently is a commercial zoning district. So if the MPD Overlay is not approved, then we could maybe pursue a commercial project. There are different options, but for the project we need the MPD Overlay District in order to pursue residential which we believe is more desirable than commercial. Future property owners could combine the lots back together or go through the long plat process. The short plat and the Overly Zone if approved are separate and would remain even if the residential Planned Development is not approved. These are three separate applications. The 60-foot-wide access easement through from this parcel through the adjacent parcel to the Yakima Valley Highway has already been obtained and recorded in the County Auditor's office. The dedication of 10 feet of additional right-of-way along the Outlook Road frontage of the parcel is proposed as part of the Short Plat so that there is room for construction of a sidewalk and half-street improvements along the Outlook Road frontage. The 24-hour security surveillance referenced in the application will be specified in the development agreement and will be at least cameras. There will be sidewalks along both sides of the private road passing through the development even though they are not required.

(3) Planning Commission Sitting Chair Brittan Moore: I reside here in Sunnyside, address P.O. Box 1107 98944. Although I am not against this project, we need reliable housing here so people can come and work in our City. I think this project in general is a great idea. I would back up a little bit and go to the contract on page 12 between the landowner and the builder. At the top of page 12 where it says D and then you go down to Staff Findings, and the last two sentences: "The owner of the parcel to the south has agreed to allow the development an access easement through the site. This easement shall be paved and constructed per City standards." So this is the easement I am guessing that is owned by a sitting Commissioner, correct? This all happened after that [Planning Commission] meeting, so I just want to point it out that this is very generous for someone

to just give someone some land considering he has always stated that he didn't have any involvement with this owner and didn't have any knowledge of what they were doing with the project. So I just want to say for the record that I find it very generous, a very kind thing, since he said he did not have any financial gain. It was recorded with the County. The second thing I want to point out is the traffic survey that was done by the City on page 9, Staff Response, there are no current plans for traffic improvements, the City conducted an internal Concurrency analysis and examined the amount of new traffic that would be created. Trevor, absolutely no disrespect to you whatsoever, but I find this traffic study to be borderline ridiculous. You can sit at the corner of Scoon and Outlook Road and you are waiting 10 to 15 minutes to get in line for the stop sign. There is no way to know what human nature, what people are going to decide, they are going to try to take the quickest route into town. We don't know that they are going to take the Yakima Valley Highway. If they are going to go west toward Yakima, chances are they are going to take Yakima Valley Highway and exit the City that way. There is no way of knowing. Traffic is so backed up. We have got some kind of business just past Highway Fruit on Yakima Valley Highway that a semi-truck every afternoon has to back in to unload, and backs up traffic a good 10 minutes just trying to back into that area to unload the truck. We have got some traffic issues. I would recommend that a more detailed study be done. I think people will pull out any way they can. I think the cars can be backed up at the Police Station entrance at that road there with that much traffic. You are talking about two cars probably per unit morning and night trying to get to work. Traffic is an issue now. I can't argue with a study, if the study is a study and that is what they say. The only other thing I have to say like I said I think the project is a great idea. We need the living space for people here in Sunnyside. I'll go back to what I recommended personally at the last meeting, was to cut this project down from three stories to two stories. We have people that have land and property and homes that would like to keep some sort of privacy. Three stories gives people the opportunity to look even further into what people have next door and an opportunity for theft. I am recommending that there be no pool. Our current City pool right now is just about bankrupt. And so we have got all of these kids that would be in the apartments that could use the pool, also the safety issues. I am recommending that there be 24-hour manned security, not just cameras, and a 10-foot brick wall, I'll say 8 feet. You have got kids playing, you have got animals running out onto the street that could leave the complex, sports balls, people that are driving,

gawking, looking into the complex to see what might be going on. I just think it's a safety issue. We have a low-income housing unit just across from the Police Station that has got an 8-foot brick wall. A lot of the homes around here have a 6-foot fence, a wooden fence around them. Why I said there should not be a pool is because the City pool is empty quite a bit of the time and if we have that many kids in the apartment complex it is a great place for them to go to swim. I think that having a swimming pool in a complex of this size is going to create some issues. Everyone is going to want to be swimming at one time, teenagers. It is a City problem if cops have to be called every hour. Sunnyside has got a lot of issues. I would rather see more parking than a swimming pool. People are going to be fighting over parking spaces, at Thanksgiving, Christmas, birthday parties, Fourth of July. If you are living there and you are a family that has two cars, that's not so fun. I don't have 1½ cars, I have 2. And I think an 8-foot brick wall where necessary, maybe on the sides is not important but at least on the Outlook Road side. Thank you.

(4) Adjacent resident Suzanne Simpson: I am Suzanne Simpson and I am at 1030 Yakima Valley Highway. My property is right next to that section there on the west side with the modular home right next to the highway. I agree with making it 2 stories instead of 3 stories. I still consider 384 units, and you are going to have at least two people per unit, and two adults are going to have two cars. You don't have enough parking space. And there is no parking on Outlook Road or the Highway for them to park extra. And chances are if they have got a teenager, there are going to be three cars per unit. So I am suggesting cutting down the number of units, I am not sure how if 3 stories. The fencing, that whole property line on the west side of the complex, if you have an open wrought iron fencing, toys will get through, kids will go through to get their toys and pass through there, small animals will get through, and there is pasture like I say, and there is no privacy for us from them. I mean we aren't right on top of them, but things will get through that wrought iron fence unless you want kids to climb the fence to get through. And on this traffic map it shows per thousand. The traffic on Outlook from between Scoon Road up to a certain point is about 7 times the traffic from that point to Maple Grove. You are going to add another 542 cars going daily in that area. And on the Highway it is only double that amount from 1<sup>st</sup> and Highway to about halfway through and then from halfway through to Maple Grove it is only 360, it is only twice as much. If you are looking from Scoon Road to about halfway and halfway to Maple Grove, from

Scoon to about halfway, it is about 217, so the first half is about 7 times the traffic than the last half. And you are going to be adding cars to that first half of the road. You have got more traffic on that first half than on the second half between Scoon and Maple Grove, and you are going to add more cars there. Common sense is a rare commodity. I don't think the cars will go where the least traffic is. So that is all that I have got to say. Thank you.

(5) Adjacent business owner Jan Weets: First I would like to thank everyone for the opportunity to address my concerns. I am Jan Weets and I am the property to the east, which we recently just constructed a machine shop there and have trucks coming in and out and a lot of activity lately. So my concerns are maybe a little personal from the aspect of how it is going to affect my property. First of all I am in strong agreeance that we need an 8-foot brick wall against that area because it needs to be a sound buffer. We make noise at six o'clock in the morning and I don't want to have to have any noise restrictions because it's a machine shop, or commercial. Again, I am concerned about the setbacks of the property buildings closest to my property there. Are they going to be how far from the property line? [no building setback requirement in that commercial zone]. The buildings could be right against the line, that's a problem when you change it to housing. They can be right up against it. So there really does need to be a wall then. The other concern I really have is I am taking a look at this diagram here of the parcel and how it's been planned, I only am only seeing two storm ponds and where is all of the stormwater going to go for all of these parking lots and off the roofs of the buildings? They are not going to automatically go to these two storm ponds. When we developed our property, we put a storm drain all of the way down our 11 acres clear from Yakima Valley Highway way down to the Outlook Road. So they are going to have to do something different than that as far as stormwater as far as I can see here. The other thing I see is that there is on here little drawings where there are parking lots and then they have a little notch that sticks out to adjacent properties and I can't read what that is. Can you tell me what these are? [Trash dumpsters in enclosures]. Alright. And I guess my other concern is we just opened a machine shop and we plan to have a retail outlet there in the future plus additional buildings, I mean we have 11 acres and there is only a couple of acres actually utilized at this point. What kind of restrictions am I going to be facing with this housing next to us? [the property is zoned C-2 General Commercial where the existing machine shop or fabrication shop can continue plus retail dealing directly with

the consumer is allowed]. And I guess I am concerned about handling the noise complaints along with I am sure everybody else has a concern about the traffic impacts at that point, at this point actually. But when you do have a detailed traffic study, an internal traffic study, can we get a copy of that [If that is a condition to do a Traffic Impact Analysis, yes that will be made publicly available]. So I guess the wrought iron fencing will not do because of kids and our manufacturing right next to it, so like they said if a ball goes over the fence they are going to try to get it. They could crawl under the fence, whatever, but I think it would be safer if there was a block wall. Stormwater is a concern too because I know that that land there is very swampy and I am sure they are going to have to add some filters in the area, but that is going to be their problem. Ok, thank you.

(6) Planning Commission Member Tom Dolan: Hello again, my name is Tom Dolan. I am a Planning Commission member, or Commissioner, 1010 Columbia Avenue, Sunnyside, Washington 98944. So starting with page 1 of this agenda I guess it is, actually where it says "FACTS" I think that whole thing can just be thrown in the garbage because I don't think staff had enough information. What information they did have was ten recommendations of the Planning Commission that never made it to Council in time for us to come to the Council meeting and be accused of unfairness to this whole project. You had said at the beginning of this meeting that if we had something that was on the record at the last meeting it is no longer pertinent and I'll have to repeat it, so I just did. I just want to repeat some of the things I had mentioned at the last meeting. The pertinence of this was that of those ten recommendations, we talked about the block wall. The block wall was intended, and you just reported that it was on the north side of this project, I think the intention was to have it on the east side and the west side. And the two people who just came up and testified to that, we discussed it in length and thought that that would be a good way to go to prevent all of the dangers listed and the concerns stated, that the block wall would be good for the manufacturing plant next door, which I know a lot about manufacturing. I taught welding in high school for 20-plus years. I think there would be a concern of wrought iron there because you have people outside working. At times there is grinding and throwing sparks around. Safety was a big concern of bringing up the block wall at the very first time and those were submitted right after the April 11 meeting. And then on the other side you have livestock and I know from personal experience that that is always a problem because people like to mess with the cows and the horses and the goats, especially little kids, and so I think the

wrought iron on that side would be a problem also. To me the project looks good except the traffic issues and those two items. The east and west sides should be a lot more private and a lot more of a barrier is what we went over in our meeting for several times. We kept asking for an appearance by the builder. That never happened, so I made a motion to table it until we could have that. That motion is still on the table. I think that being a parent of four I think the parents are going to make sure the kids know Outlook Road is a bad road to go out on. I think that's not a problem. Like you were saying previous testimony not being something that would be in your recommendation, I don't think the two roads, I know children are taught not to play in the road. Yakima Valley Highway I think is 35 miles per hour down that side. I think wrought iron would be beneficial on the two ends, north and the south, because then you can see how much traffic is going by and parents can tell their kids don't go out there, that's bad. I think that is going to be something that's not an issue as much as the manufacturing going on next door. And if you have an apartment right up against that Weets property, that's going to be a huge problem. The west side of the property and the east side I believe the block wall when we first started discussing it was to be those two more than anything because at the time we didn't know anything about the project. We hadn't gotten any paperwork or anything except for a small amount of information on it. As far as the traffic, I think I was the one that brought up the initial traffic study in the first place because that is a standard procedure. I didn't know that now we are using computer models to figure out what people do and where they go. They used to have a hose across the road and every time a car goes across it counts them, back in the day. And I understand going to a computer model, but where is it getting its information? So, you know, a physical camera, they've got cameras for speeders, why don't they put a camera out there and do a traffic study that way? Anyway, that's my input was the reason we were asking for a block wall, or we had moved to put in something like that because of manufacturing and because of livestock on the sides. But other than that, the project is going to be one that, my concern was the access road onto Yakima Valley Highway, I couldn't see where there was a, if they're giving access to that, was there going to be a pullout lane? Because I know that trying to get onto Yakima Valley Highway from any road in town, it's a wait. You have to wait until both lanes are clear. I usually wait until one is and I get in the turn lane and then I merge into traffic that way. But it is a wait no matter what time of day it is unless it's before 6. So I think the traffic issue should be

looked at onto YVH and the turn lane to widen the road up there onto Outlook. The turn lane is coming out of where, it is coming out of the widened section of the road, because you have to get out of traffic to turn. That's going to be the issue. You need 1500 feet of roadway to get off of there and turn, but I don't remember what we did for that. They need to have a turn lane there because of the speed of the traffic and the amount of traffic. I think you need to be able to get off of the main travel way, you know off of that lane of travel, to be able to turn safely, because you are going to be turning in there trying to keep from getting rearended with a kid running across the road, things like that, that is what I picture. For safety's sake, you know you have your right lane and your left lane and you need to be able to get out of traffic and then make your turn, because I have experienced the speed of traffic on both YVH and Outlook Road many many times. So those are just recommendations that we had thrown in and they got lost in the shuffle somewhere. So I was trying to get them repeated. A turn lane on YVH would be mandatory too I would think, 35 down there. And trying to get out of there, people don't, of course it's pretty much everywhere, people want you to get out of the way because they're in a hurry. Thank you for your time, appreciate it, good seeing you again.

(7) Nearby resident John Nyboer: Good morning. I have a letter here from one of my neighbors who couldn't attend and there's obviously at this point multiple neighbors who couldn't attend because of the time this meeting is taking place. So do you want me to present this to you? [Yes]. I am John Nyboer, 3731 Outlook Road, Sunnyside on the north side of the project, directly north on Outlook Road. Suzy, Joe and Bea are west of the proposed project. Baltazar is east of it. Janice and her son's business is east of the project. My property is in the County, R-1 Residential is the zone, it is agricultural use. [Letter presented by John Nyboer read into the record as Exhibit A-1 by Trevor Martin as follows: "My name is Baltazar Avalos. I live at 3740 Outlook Road in Sunnyside, Washington. My property is located on the northeast corner of the property where this apartment complex is going to be built if approved. I strongly oppose this project for many reasons. One of these reasons is crime itself. These low income apartments will bring vandalism and maybe drugs to our neighborhood. Crime will definitely grow with all of these people coming in. Traffic is also a concern. The corner of Scoon and Outlook roads are bad enough during rush hours in the morning and afternoon. Cars are literally racing on Outlook three of [or] four times every day. Weekends are even worse. I believe we should address these issues and find a solution before even considering this project."]

You know I am not exactly sure where to start on this. There are so many notes and I think the biggest problem is the neighbors, we are all lay people, we do not understand all of these policies and procedures. But if we want to get down to the policies and procedures, in the past when Rougk Lane was developed, we received something in the mail indicating that there was something going to be proposed and we had a right to have comment with written testimony or a letter to the planning official. When Janice Weets built the manufacturing plant across the street from us, we received the same type of thing. For this project, we never received anything. The only thing we received was a public notice that there was going to be a public hearing and that's when we started attending these meetings. There was only one person responding in that 20-day time-frame and that was the Department of Ecology, which I find it odd that anybody involved in this whole procedure wouldn't have thought why is the only person responding the Department of Ecology when we showed up at the public hearings and there was up to 20 of us in the room each time. And we have gone through three, this is now our fifth one, and the meetings were then at 5:30 in the afternoon where most people could attend these meetings and 6:30 for the City Council. These meetings at 9:00 a.m., most of the neighbors are gainfully employed where they cannot make it to these 9:00 a.m. meetings, which I find that very inconvenient for us if we are going to talk about something that is going to be proposed to happen in our neighborhood and we don't have the right, we have the right to show up, but not everybody can get the time off. The other thing is it just seems to me unfortunate that we spent 3½ hours in a hearing examiner meeting with you guys on July 19<sup>th</sup> and all of that information now is just basically hearsay, if I am not using the right term, but stricken from the record. Now this is our fifth meeting and there is only a handful of us here. So that's convenient for one party and very inconvenient for all of the neighbors that are concerned about this proposed project. This project seems to have had improper procedures from the beginning. And again, none of us received the proposal in the mail that this is going to be done and you have 20 days to respond. We did receive the notice that there was a public hearing and I believe the first one at the end of March and in April and etcetera, etcetera, etcetera. So we received those but we didn't receive the first one. There are so many inconsistencies. At one time the main access was Outlook Road and now it's Yakima Valley Highway. 394 units, 384 units. We have asked for a traffic study. We asked to meet with builders during our public hearings. They didn't show. Now they're here. Good, we are appreciative that they are here. I am

losing my train of thought on this because it just seems to go on and on in a direction that's not consistent with anything that's a prepared business development. You've got the independent traffic study that we have asked for didn't get done. The internal traffic study, now it's computer generated, but you know the original information that we received was that it was going to be multifamily residential apartments and that it was going to be mid-level income to low-income. The next meeting we went to it was low low income. We don't understand why it went from mid-level to low level. It said multifamily, and if you look through all this information it says up to 384 residents. Well I am not sure how that's possible. Isn't that more of a single-family dwelling as opposed to a multifamily dwelling? Multifamily would mean that there's at least what, 4 people per unit? And those 4 people per unit there's only 1.3 and then it's changed to 1.4 parking spots. There is probably not any family in America that has one car per household unless they are living in a city like New York. So how is that going to work where there is 1.4 parking spots per unit, up to 384 because it's multifamily? Even if you go to 384 residents times two, that's close to 800 cars that are coming and going a minimum of twice a day. I can tell you right now at my house where my wife and two kids are driving, they are up to 10-15 times a day that they are coming and going. Baltazar across the street, he's got a multifamily dwelling, he's got at least 10 times a day that they are coming and going whether it's him, his wife or his kid. Suzy, she is single, a resident there, she is probably only going maybe three to four times a day to town. Her brother Joe, he's got to go at least three times a day. Doug and Julie, Rougk Lane, I think what is there, 10 units there? So there's 10 mobile homes there times four people. You do the math on this, we've got 1,000 people minimum going twice a day, minimum going twice a day, or a 1,000 trips, sorry, not 1,000 people, but 1,000 trips. To the east of the Mobile Plaza, so you've got this proposed unit, Baltazar, and then Weets' property, what used to be the ... house and then Mobile Plaza. They are going to build another business there, so you've got that business going on, then you've got Catholic Charities proposed across the street from me. We are going to have 3,000 people roughly coming and going in the next 2-3 years. I don't think we have a good enough traffic study to determine whether or not these roads can accommodate that type of traffic. Again, I guess ultimately the number one thing we would like to know is what is the primary access, is it 780 West Yakima Valley Highway or is it going to be Outlook Road because during this whole meeting this time around as opposed to all of the other ones, we keep hearing

Outlook Road and now we are hearing Outlook Road and Yakima Valley Highway. What is it? Which one is it for sure? The fences, if you look at any nice development, and AHO would be one, which is on the east side of Sunnyside off of the Sunnyside Mabton Highway, they have 8-foot-tall fences. They have solid fences, they don't have wrought iron. From Rougk Lane to the west of me, all we have is our barbwire fence. And the neighbors, I've got toys in my pasture, I've got garbage in my pasture, I have grass clippings in my pasture. I think Suzy and Joe and Bea are going to be dealing with the same thing. A wrought iron fence is not going to keep the kids from crawling through to try to get their balls. They are not going to keep the garbage out. They are not going to keep the grass clippings from being tossed over the fence. A pool, I don't know, you know I think Brittan has got a good point. We'd sure like to see the economy thrive and have the City pool get more people attending the pool there. But if there was a pool, then wouldn't that pool need a lifeguard during the course of the business hours that the pool is open? And I am referring to this proposed development. And again I apologize. We are not as prepared as somebody that does this everyday for a living. I can find this information when I am sitting at my dining room table, but I sure cannot seem to find it now. Well I just feel stressed out. Again, the last one was 3½ hours and we have been in this one knock on the door 3 hours. Yeah, right here it says approximately how many people will reside or work in the completed project. The project could support 384 residents. I guess I need clarification. If there are 384 residents, why are we calling it a multifamily dwelling? [answer] 384 units, does that mean that 384 units are only going to house one person per unit or does that mean up to 4 people or 6 people or however many people they can get in that unit? [answer] Is there clarification in this master plan then that details that? [answer] So some of this information here is inconsistent where the traffic study may not even be appropriate and again 1.4 parking spots may not be appropriate. You would think that that should be addressed. I mean the Mobile Plaza right to the east of them you see 3-4 cars crammed into each parking spot there. So this won't be any different. I guess we are all concerned about how they are going to accommodate all of these people. Every day there is a reason for a party or every day there is a reason for somebody to stop by and visit. So you have 1.4 and maybe mom and dad actually do live in one of these units that they have built and then all of a sudden grandma wants to stop by or the cousins want to stop by. Where are they parking at? And you've got multiple tot-lots and clubhouses and all of this. Anyway, we just feel

like there's not enough preparation and just a lot of inconsistency. And again, you know, we don't want to be conspiracy theorists, but the fact is that we went through a 3½ -hour meeting and there was more testimony than there is today and that just conveniently is now lost. [answer to effect it was not conveniently lost but was lost due to an audio recording problem that resulted in an invalid hearing due to the lack of the requisite verbatim record of the testimony that had to be corrected by a new hearing] Like I said, that's how we feel. It is real puzzling to us that all of that disappeared and either Trevor or you or someone said that that information from the meeting on the 19<sup>th</sup> was now to be considered hearsay. It is real inconvenient for us as neighbors. This thing has drawn on and it's been done we feel improperly. [followed by discussion back and forth on the record about the lack of receipt of a Notice of Application advising of the proposed project and of the right to submit written comments prior to the March Planning Commission meeting, comments regarding the procedure involved, etc.].

(8) Nearby resident Llesenia Rougk: Hello, my name is Llesenia Rougk. I live on 151 Rougk Lane which is where John Nyboer was referring to the 10 units that are on that private lane. I guess most of it would be that I am just going to reference back to all the points that some of the other residents have brought up. And the main one would be I am still a little confused about, I understand the main access would be off of Yakima Valley Highway, but it seems like there will still be some access off of Outlook Road? And again I guess my concern on that is the fact that on Outlook Road we already have a lot of issues with speeding, a lot of traffic through there and in putting in this whole new development of apartments and stuff, it's only going to increase that even more. In the past I did suggest I think a possible 4-way stop sign over by Maple Grove intersection and Outlook Road to maybe help a little bit with that because we do have a lot of people speeding through there once they leave from Scoon Road all the way through there to that Maple Grove intersection. There's been a lot of accidents over the years. One of the residents there on Rougk Lane, he's the person that lives there on the entrance, he got hit by a vehicle not too long ago, less than a year ago. That was a bad accident there because the vehicle was speeding through there and, I don't remember the whole details, but I know he had got into an accident there. We have had other people that have been drinking and driving hit a fire hydrant along there close to Baltazar's and it's just my concern about the speeding through there, how that traffic will be controlled now that we're putting in this new development with all of these apartments and even more cars

there. I know the development brought up about common sense, using that. But that doesn't necessarily mean they will access the Yakima Valley Highway. I think if they know that through Outlook Road they can get through there faster, they will be going through that way instead of Yakima Valley Highway. I feel that Yakima Highway is a very busy road to begin with already now with developments and even more. I would almost just like to ask that there is no access into Outlook Road out of that development because they would have issues with traffic and this is where I think we still need to address that or have the City address it or do some traffic reports still more than that. I agree with Brittan Moore on the 2 story recommendation instead of 3 story. I also agree that the 8-foot fence on the west and east side should be put up to protect either businesses or residences that live there with livestock and all that. I know Doug and Julie would want it for their privacy. They are on the west side of that property. I guess they could do the iron wrought fence on the north and south side if they feel like that is necessary. The other thing about the fact of the development coming in there is the security issue. I know they mentioned 24-hour camera security possibly. I guess whoever would manage those cameras would probably be like the manager on the property, or I don't know who would even be watching those 24-hour cameras on there. The pool elimination I agreed with. We already have issues with the Sunnyside pool not having an attendance of residents there. Adding this pool to the development, it is probably going to draw people from the outside to visit people they know in the development to use the pool that's free because they wouldn't have to pay for it. And it's going to draw all of those extra visitors in there along there. And I have a question that if there is going to be a pool, is there going to be a lifeguard for the safety for the kids who will be using that there or who will be running that. Another thing is with that development being there it brings up more kids that will be going to school, so I'm curious where the bus pickup will be coming from, is it from the Outlook Road or from the Yakima Valley Highway? Is there going to be a little area where the bus will pull in there to pick up the kids? Again like I said there is lots of speeding through Outlook Road to Maple Grove and with the traffic coming out of the development onto Outlook Road, I think at some point someone had suggested about rumble strips through there to slow down traffic, but if there is not a stop on that intersection 4 way it's not going to really help. And then if they are thinking of adding these playgrounds or tot-lots along the Outlook Road with an iron wrought fence along there maybe with sidewalk and curb, I mean that's kind of dangerous because

I think I come back to the traffic issue on that section, it's very high and dangerous. We have signs there saying it's 35 miles per hour, but cars do not go 35 miles per hour. They are speeding 50, 60 as fast as they can get through there. We have the younger people that go through there in their little Hondas, their little vehicles, that just floor it down and you hear them all the way from one end to the other, and it's just a thing because they know they can get away with it because no police are monitoring that area. I feel it's just all of it comes to safety and the traffic issue and that. And I'm not against development for housing. I know we need it in Sunnyside. It's something that's needed. I know housing is expensive for many of the residents to be able to buy, so maybe to get an apartment or multifamily housing is another solution for them. But I just think that we do need to address all of these other concerns that are important before we decide on bringing a project that big in that area without making sure that we review every single point that should be important of fencing and screening and crime and just reviewing that very carefully before a final decision is made on that. Thank you, I appreciate it. [followed by discussion back and forth on the record about county jurisdiction for 4-way stops, rumble strips, traffic enforcement, addresses for notices, etc.].

(9) Clarification/rebuttal testimony of the Applicant's representative and Urban Planner Emily Weimer, AICP: Hello again. Do you need my name again? Ok. It is 12:15. I appreciate the comments from the property owners. I acknowledge the comments they have. This is a complex project that has drug on a lot longer than we had hoped, but that is just the process. I would like to clear up a few of the misconceptions hopefully. We are not proposing low income housing. That's just not what our proposal is. We are a market rate houser. We are providing a variety of housing types. Some of them are only for one bedroom, So one person may reside in an apartment. They are not all going to be a large population in each apartment. We believe that the parking we have proposed is sufficient to cover the housing that we are providing. We heard a lot of testimony about the traffic concerns. Yes, traffic is a concern. Existing conditions, however, should not and cannot be legally considered for mitigation. So existing conditions may exist but that's not an impact of our proposal. We have proposed mitigation to address the proportional impacts of our proposal. Hopefully this proposal will cut down on car racing because we add more trips, natural traffic calming. There will be less opportunity to race on that road. We understand the concerns about the City pool. However, we don't believe that it is within the City's police power to regulate that.

As for fencing, we are not proposing 8-foot walls. We do not believe that should be required. We are not a jail. We are housing and part of the community. So we are proposing a type of fence that is appropriate for housing. We did hear from two members of the Planning Commission. We thank them for their service to the community but put on the record that they do not represent the Planning Commission. Even though they stated that they are on the Planning Commission, they do not represent the Planning Commission as a body. A lot of the testimony is about opinions, different opinions about how they want to see their neighborhood. I would be comfortable with wrought iron fencing. The park by my house has wrought iron fencing. I go there all the time and it is very safe. I don't see a concern in that respect and I don't see that beyond what we are proposing should be required. We are proposing a rock wall to enclose the trash. There are lots of things that we are doing to cut down on nuisances as well as abiding by City regulations that City Council has adopted to protect everyone such as your noise ordinance. We believe that City ordinances along with our proposed mitigation are sufficient to protect the community from nuisances. I believe that is all I have. That's it, thank you.

**X. Short Plat Review Criteria.** The consideration of short subdivisions or short plats is a two-step process. A short plat is defined by SMC §16.04.010(J) as the map or representation of a short subdivision. A short subdivision is defined by SMC §16.04.010(K) as the division of land into nine or less lots for the purpose of sale or lease in the present or future. First a Preliminary Short Plat is either approved or denied. If it is approved, a Final Short Plat is later approved and recorded after required improvements are completed or bonded if it is in substantial compliance with the approved Preliminary Short Plat and otherwise complies with the short plat requirements in SMC Chapters 16.04 and 16.36. SMC §16.04.090 provides that short plat decisions are generally made by the administrator who is defined by SMC §16.04.010(A) as the City Manager or the designee of the City Manager. However, since this Preliminary

Short Plat application is being processed with a Master Planned Development Overlay Zone application which is subject to Title VI review, SMC §17.54.040(B) provides that this and all other applications may be simultaneously reviewed to also be decided by the City Council following a Recommendation of the Hearing Examiner. This proposed Preliminary Short Plat would comply with the following criteria for Preliminary Short Plat approval prescribed by SMC §16.04.090 in the following ways:

(1) SMC §16.04.090(A) – The proposed short subdivision conforms to the comprehensive plan and zoning requirements. The proposed Preliminary Short Plat conforms to the comprehensive plan because the three lots are of sufficient size and configuration to comply with zoning ordinance requirements and would be improved in the manner required by the applicable development standards. If the proposed 3-lot Short Plat is ultimately used to define the three areas for the three phases of a proposed multifamily residential Planned Development, that use of the Short Plat would increase the housing supply and housing options within the City in accordance with the following Comprehensive Plan provisions:

#### HOUSING GOALS, POLICIES, AND OBJECTIVES

(a) Goal 1: Provide safe and sanitary housing for all persons within the community.

(b) Policy 1.1: Support the development of a housing stock that meets the varied needs of the present community while attracting higher income residents.

(c) Objective 1: Encourage the construction of new units to increase the local housing supply. New construction should provide for a moderate, to very low income and elderly market demand as well as upscale residences. It should also provide for an appropriate mix of housing types and intensities (single-family, multifamily).

(d) Policy 1.2: Support the implementation of public housing programs, in partnership with private developers that supplement the efforts of local developers in meeting the housing needs of the community.

(e) Objective 1: Pursue programs to expand the housing options of very low, low and moderate income groups and the elderly.

(f) Goal 2: Residential areas that are safe, sanitary and attractive places to live will be established and maintained in Sunnyside.

(g) Objective 1: The initial cost of providing municipal services to serve new residential developments will be borne by the developer.

(h) Goal 3: Encourage a mixture of housing types and densities throughout the sub-area that are compatible with public service availability.

(i) Objective 2: Density of development shall be based on: the existing land use pattern, the availability of public services, municipal service plans and the provision of services by the developer.

#### LAND USE GOALS, POLICIES, AND OBJECTIVES

(a) Goal 1: To create a balanced community by controlling and directing growth in a manner that enhances, rather than detracts from, community quality and values.

(b) Policy 1.3: Encourage urban infill where possible to avoid sprawl and the inefficient leapfrog pattern of development.

(c) Policy 1.4: Accommodate future population growth primarily through infilling and utilization of undeveloped lots. Conversion of agricultural land to residential, commercial, or industrial use will be encouraged to occur.

(d) Goal 4: To pursue well-managed, orderly expansion of the urban area in a manner that is within the sustainable limits of the land.

(e) Policy 4.2: Provide residential areas that offer a variety of housing densities, types, sizes, costs and locations to meet future demand.

(f) Policy 4.3: Ensure that new residential development makes efficient use of the existing transportation network and provides adequate access to all lots.

Regardless of what use is ultimately permitted by the City in the 3-lot Short Plat, the lots would comply with the requirements of the zoning district where they are located. Since there are no minimum lot size, minimum lot width, maximum land coverage, minimum floor area or minimum yard area requirements applicable to the General Commercial (B-2) zoning district and since the maximum building height in the B-2 zoning district is 45 feet, the proposed development and any other permitted development on the lots will conform to the zoning requirements of the B-2 zoning district and will also comply with the subdivision improvement requirements detailed below in Section XI of these Recommendations.

(2) SMC §16.04.090(B) – The parcels in the proposed short subdivisions are provided access from an existing or proposed (in the plat) dedicated public right-of-way of sufficient width, in conformance with the City comprehensive street plan. The three lots in the proposed Preliminary Short Plat are provided access from Yakima Valley Highway on the south and from Outlook Road on the north which are both City streets. The internal access will be provided by way of a private roadway between those streets within a 60-foot-wide private roadway easement which will have sidewalks on both sides and which will be of sufficient width to conform to the City’s comprehensive street plan.

(3) SMC §16.04.090(C) – The proposed short subdivision meets the requirements of this chapter. The proposed short subdivision will have to meet all of the requirements of SMC Chapter 16.04 entitled “Short Plats.”

(4) SMC §16.04.090(D) – The public use and interest will be served by permitting the proposed division of land. The proposed Preliminary Short Plat will serve the public use and interest by creating separate lots of 3.52 acres, 5.15 acres and 5.99 acres in size to facilitate future development. Approval of the proposed Preliminary Short Plat would allow lots for different types of future development or which could even be divided into smaller lots or merged into larger lots to facilitate whatever development is proposed for the lots. Presently the proposed three-lot Short Plat is proposed to be utilized for the development of the three phases of the proposed multifamily residential Planned Development. If that is approved, the Short Plat would serve the public use and interest by creating three lots defining the three phases of that development which would provide additional housing within the City in accordance with the Goals, Policies and Objectives of the City’s Comprehensive Plan. If that type of development of the three lots is not approved or pursued, the Short Plat could instead be utilized to facilitate three phases of a commercial Planned Development, or could be further divided by long platting within 5 years or by further short platting after that to accommodate other uses, or could be otherwise revised to merge or reconfigure the lots to accommodate other uses or development proposals that may be permitted or approved by the City in the future.

**XI. Subdivision Improvement Requirements.** Required subdivision improvements include the following:

(1) SMC §16.36.020 – Design and engineering plans required. The subdivider shall submit design and engineering plans to the City for all improvements required pursuant to the provisions of this chapter SMC 16.36. No construction of improvements shall begin until the City has approved the plans. Here a recommended condition is that design and engineering plans for the proposed private road be reviewed and approved by the City prior to the commencement of the construction of improvements.

(2) SMC §16.36.030 – Conformance with design and engineering plans – Inspection of improvements. A subdivider shall construct all required improvements in conformance with the approved design and engineering plans and all improvements shall be inspected under the supervision of a registered engineer for conformance with the City’s standard specifications. Here the construction of required improvements must meet City standards as approved in the design and engineering plans.

(3) SMC §16.36.040 – Submission of “as-built” drawings. The subdivider shall submit to the City reproducible “as-built” drawings detailing actual construction of alleys, streets, and underground utilities which are being dedicated to the City prior to final acceptance of the improvements and release of the construction bond. “As-built” drawings shall conform with the Sunnyside standards and specifications requirements. Here all as-built drawings of improvements in Yakima Valley Highway and Outlook Road and improvements which are being dedicated to the City shall be submitted to the City prior to final acceptance of the improvements and release of the construction bond.

(4) SMC §16.36.050 – Street improvements. Existing or proposed streets in or adjacent to a proposed subdivision shall be improved at the expense of the subdivider by the construction of curb, gutters and pavement surface in conformance with the City standard specifications. Street widths, exclusive of curb and gutter, shall be in conformance with the Local Agency Guidelines published by the Washington State Department of Transportation as such guidelines now exist or are hereafter amended or modified, or as otherwise recommended and approved by the Director of Public Works or the Planning Commission and City Council, as applicable. Here recommended conditions are that the private road serving the lots must be built to City standards. This includes the construction of appropriate street widths, curb, gutter, and sidewalk. The parcel’s frontage on Outlook Road shall be constructed in accordance with the City’s construction standards, and a paved commercial driveway approach shall be installed

along Outlook Road and along Yakima Valley Highway. The owner of the parcel to the south of the parcel proposed for development has granted an access easement through that parcel to the proposed development site. This easement shall be paved and constructed in accordance with City standards.

(5) SMC §16.36.060(A) – Sewer and water utilities. A sanitary sewer system shall be installed with a separate connection to the City sewer system for each lot and shall be constructed and installed in conformance with the City standards and specifications, and in accordance with the City comprehensive water and sewer plans. Here Sunnyside sewer and water service is located in Yakima Valley Highway and in Outlook Road. The Applicant shall connect to these services prior to any Certificate of Occupancy being issued for the proposed buildings.

(6) SMC §16.36.060(B) – Water and fire system utilities. A complete domestic water distribution and fire protection system shall be installed and connected to the City water system. The water distribution system shall conform to the City standards, specifications and comprehensive water plan, and be approved by the Department of Social and Health Services. Here a recommended condition is that a domestic water distribution and fire protection system that meets City standards shall be installed to serve the needs of the subdivision prior to recording the final Short Plat.

(7) SMC §16.36.060(C) – Drainage system utilities. Each subdivision shall provide a drainage system for the collection, control, and/or disposal of surface water runoff. Here a recommended condition is that a drainage system shall be designed and installed according to City standards prior to finalization of the Short Plat.

(8) SMC §16.36.060(D) – Underground utilities. All new utilities shall be installed underground, except for the following:

- (a) Electric, pad-mounted transformers;
- (b) Electric transmission systems of a voltage of 15 KV or more;
- (c) Service meters at structures;
- (d) TV cable amplifiers, distribution taps;
- (e) Telephone pedestals and cross-connection terminals;
- (f) Temporary services necessary for construction.

A recommended condition that all new utilities be placed underground, with the exception of the items listed in SMC §16.36.060(D).

(9) SMC §16.36.060(E) – Franchised utilities. All franchised utilities, including City utilities, shall have access to and use of all utility easements except special purpose easements such as those for high-voltage electrical lines. The utility easements for this subdivision allow for all franchised utilities.

(10) SMC §16.36.060(F) – Irrigation utilities easements. Easements for unusual facilities, such as high-voltage electric lines; irrigation canals, lines and facilities; and high-capacity gas transmission lines shall be approved by the Director of Public Works. In subdivisions located in whole or in part within an irrigation district organized pursuant to Chapter 87.03 RCW, and where the lands of that subdivision have been classified as irrigatable, easements for water rights-of-way and irrigation facilities to each parcel of land in said subdivision may be required by the irrigation district and by the City, prior to approval of the plat, with such easements and facilities being shown on the plat of the subdivision. Since this subdivision is located within an irrigation district, 10-foot-wide irrigation easements are proposed along the private road.

(11) SMC §16.36.060(G) – Structures on utility easements. No buildings or structures, except fences, shall be permitted to be constructed on any utility easements or over any utility facilities. Masonry fences will be considered as structures, rather than fences. This standard is reviewed at time of application for building permits.

(12) SMC §16.36.070 – Street lights. The subdivider shall install at his expense street lights in accordance with the standard specifications of the City. Here the installation of street lights is not required for this subdivision.

(13) SMC §16.36.080 – Sidewalks. Sidewalks shall be constructed of concrete in conformance with the City standards and specifications. Even though sidewalks are not required along the internal private road, they are nevertheless planned to be constructed along both sides of the private road within the proposed Planned Development.

(14) SMC §16.36.090 Improvements for flood, inundation or swamp conditions. Land which the City Council or City Planning Commission has found to be unsuitable for development due to flood, inundation, insufficient drainage, swamp conditions, or any other condition likely to be harmful to the health, safety and welfare of future residents

shall be provided with protective improvements approved by the Director of Public Works and which are accepted by the administrator. The proposed subdivision is not in an area identified as having flooding, inundation, insufficient drainage or swamp conditions.

## **XII. Minimum Requirements for Designating a Master Planned Development**

**Overlay Zone.** The minimum requirements for a Master Planned Development Overlay Zone which are set forth as follows in SMC §17.54.030 and SMC §17.54.060 would be satisfied for this proposal in the following ways:

(1) SMC §17.54.030: Only property which is designated by the City Council as a unique community asset may be included within a Master Planned Development Overlay Zone. That overlay zone maintains its underlying zoning district designation, but may be developed as a Planned Development. SMC §17.54.020 defines a "unique community asset" as a parcel or contiguous parcels under common ownership or control located within the City limits which the City Council finds either to have unique attributes or characteristics, to contain or be adjacent to environmentally sensitive areas and/or to be located near or adjacent to public facilities. It is recommended that the City Council designate this parcel as a unique community asset because it has an area in the northwest portion that may contain a wetland area and because it is located near public facilities that can provide the parcel with City water and sewer services.

(2) SMC §17.54.060(A) – Proposals for a master planned development overlay zone designation shall include the range, mix and intensity of the proposed uses. The proposed project would consist of up to 384 residential units within 14.78 acres which amounts to approximately 26 units per acre, or one unit per about 1,677 square feet of the site. Additionally the site would contain 542 parking spaces, with 28 of them being designated as accessible spaces. There are plans for two clubhouses, a swimming pool, tot-lots, picnic and cooking spaces, and a basketball court. Approximately 90% of the total site would be covered with impervious surfaces, which is 10% less than the 100% maximum lot coverage that is allowed in the B-2 zoning district.

(3) SMC §17.54.060(B) – Proposals for a master planned development overlay zone designation shall include a conceptual site layout defining areas not suitable for development with inclusion of setbacks, buffers, open space, and landscaping requirements. A site plan has been included in the application. The Applicant has indicated that open space and recreational opportunities will be provided through a picnic area, basketball court, swimming pool, tot-lots and clubhouses.

(4) SMC §17.54.060(C) – Proposals for a master planned development overlay zone designation shall include vehicular and pedestrian access and development standards. The Applicant has proposed to install 542 parking spaces in the development, 28 of which will be accessible. There will be internal walkways and sidewalks leading to and from the proposed buildings. Per the building code, accessible spaces are required to be closest to the buildings. The site would be required to have two access points, one onto Yakima Valley Highway on the south and one onto Outlook Road on the north. Both access driveways and drive aisles have to be constructed to City standards.

(5) SMC §17.54.060(D) – Proposals for a master planned development overlay zone designation shall include proposed parking standards. The proposed number of parking spaces amounts to approximately 1.4 spaces per unit. SMC §17.64.040 entitled Minimum Parking Standards requires that multiple dwellings have one parking space for each dwelling unit. The applicant has proposed 158 more parking spaces than the City requires.

(6) SMC §17.54.060(E) – Proposals for a master planned development overlay zone designation shall include provisions for water and sewer services. City water and sewer services are available to the site and will be extended through the site as part of the proposed project. All of the proposed buildings will be connected to City water and sewer services.

(7) SMC §17.54.060(F) – Proposals for a master planned development overlay zone designation shall include conceptual storm water management plans. All stormwater shall be retained on site. The Applicant has proposed to install two retention ponds to accommodate stormwater runoff.

(8) SMC §17.54.060(G) – Proposals for a master planned development overlay zone designation shall include design guidelines including height limitations and lot

coverage standards. The Applicant has indicated the proposed buildings will be three stories in height which will be approximately 30 feet high. The maximum height for buildings in the B-2 zoning district is 45 feet. The proposed development would be about 15 feet less than the maximum height allowed in the zoning district. The lot coverage would be about 90% in a zoning district that allows 100% lot coverage.

(9) SMC §17.54.060(H) – Proposals for a master planned development overlay zone designation shall include other measures as may be proposed to ensure that the project is consistent with the provisions of the comprehensive plan, compatible with surrounding land uses, does not adversely affect environmentally sensitive areas, and to mitigate potential adverse project impacts. The Applicant has proposed to build a series of multifamily residential buildings on the site which would be consistent with provisions of the City’s Comprehensive Plan. According to the City’s Comprehensive Plan and data from the Yakima Valley Conference of Governments, the City of Sunnyside is projected to have a population of over 19,000 people in the next 10 years. One of the main ways to accommodate the projected growth is to provide a variety of housing that is available to everyone who would like to make Sunnyside their home. Buffers will be required to protect any wetland areas that are determined to be on the site. The City’s SEPA Responsible Official issued a SEPA Determination of Nonsignificance based upon a determination that the project will not likely result in any probable significant adverse environmental impacts. However, as to measures to ensure that the project is compatible with surrounding land uses, adjacent property owners and adjacent residents, nearby residents and two Planning Commission members testified at the hearing that an 8-foot-high solid block wall should be required to promote the compatibility of the proposed residential development that would be located within a commercial zoning district. Based on the testimony that is summarized above, the Hearing Examiner recommends that such a wall instead of the proposed wrought iron fence be required along the east and west sides of the development for the following reasons:

(a) Such a wall similar to the wall along the residential development east of this site would promote compatibility of the residential development with the commercial, agricultural and single-family uses surrounding it and vice versa by reducing the noise to the residents that begins at 6:00 a.m. at the adjacent metal fabrication shop and the noise that will also emanate from other future commercial

uses to be developed on the adjacent property in the future which also has the same General Commercial (B-2) zoning as the site has;

(b) Such a wall would be safer and more effective than a wrought iron fence in preventing trespassing by children from the development onto adjacent commercial, agricultural and single-family residential property in order to retrieve their toys or interact with the livestock on adjacent property;

(c) Such a wall would be an additional feature like the building design and building color that would help tie the development together in furtherance of one of the stated objectives of the development;

(d) Such a wall would provide more privacy for the residents of the complex as well as the residents of adjacent properties than would a wrought iron fence; and

(e) If the chosen method of providing security for the development is 24-hour surveillance, that security could as easily be provided if there were a block wall instead of a wrought iron fence on the east and west sides of the development.

Relative to other internal features of the proposed development addressed in the testimony such as whether a swimming pool should be included, whether experience will show that more of the open space will need to be devoted to parking spaces, whether the apartments should be two stories rather than three stories and whether additional drainage will have to be provided in order to retain all stormwater on the site, these proposed internal design features would typically be left to the discretion of the developer where, as here, they are proposed to meet or exceed the City's code requirements in all respects without the need for any variances or adjustments to the applicable City standards.

### **XIII. Development Standards Applicable to Planned Developments within a**

#### **Master Planned Development Overlay Zone.** Development standards applicable to

Planned Developments within a Master Planned Development Overlay Zone set forth in SMC §17.54.070(B) would be satisfied for this proposal in the following ways:

(1) SMC §17.54.070(B)(1) – Traffic Impacts. Unless otherwise authorized by the City, the Applicant shall prepare and submit for City review and approval, at no cost to the City, a traffic study that identifies and proposes mitigation for the traffic impacts of the proposed development. Mitigation may include, but is not limited to, ongoing monitoring as may be required by the City.

Here there are currently no plans for traffic improvements in the surrounding area. The City of Sunnyside conducted an internal Concurrency analysis and examined the amount of new traffic that would be created from the development and the impact it would have. WAC 365-196-840 (a)-(c) provides that the purpose of Concurrency is to assure that those public facilities and services necessary to support development are adequate to serve that development at the time it is available for occupancy and use, without decreasing service levels below locally established minimum standards. Concurrency describes the situation in which adequate facilities are available when the impacts of development occur, or within a specified time thereafter. Concurrency ensures consistency in land use approval and the development of adequate public facilities as plans are implemented, and it prevents development that is inconsistent with the public facilities necessary to support the development. With respect to facilities other than transportation facilities, counties and cities may fashion their own regulatory responses and are not limited to imposing moratoria on development during periods when concurrency is not maintained.

The staff report indicates that the Concurrency review was based on an assumption that the Level of Service (LOS) at 1<sup>st</sup> and Yakima Valley Highway would be the only intersection of concern. It found that even though the proposed development would add traffic to that intersection, the intersection would remain at an LOS D, which is not a failure and which is not a large enough increase in traffic to require any off-site traffic improvements. The 10<sup>th</sup> Generation of the ITE Generation Manual indicates that permitted commercial uses in the B-2 zone such as hotels, offices, retail stores, restaurants, car lots and auto repair services could generate more trips than the proposed residential development depending upon the density of the commercial development.

However, the staff report also states that the alternative to a staff Concurrency review would be to require the Applicant to have a Traffic Impact Analysis conducted, submit the results of the traffic study to the City, and comply with the recommendations. The Hearing Examiner is aware that a Traffic Impact Analysis (TIA) was recently

required of a different type of proposed development known as the Lincoln Avenue Plaza and that SMC §17.54.070(B)(1) requires a TIA be prepared and submitted for approval for Planned Developments unless an exception is made by the City.

Here the Hearing Examiner is recommending that the City Council utilize the alternative course of action noted in the staff report in order to obtain the opinions of a traffic engineer in addition to the data, assumptions and computer modeling that the YVCOG Concurrency review is based on. Mr. Martin testified that a Traffic Impact Analysis may consider more than just the impact of the development on the intersection of Yakima Valley Highway and 1<sup>st</sup> Street. For example, in view of the testimony presented at the hearing, a TIA may consider the intersection of Scoon Road and Outlook Road which the testimony indicated currently has a 10 to 15 minute wait at the stop sign at times. A TIA may determine how the likely number of additional morning and afternoon peak hour trips will likely affect the existing traffic conditions in various locations besides the intersection that has been studied. It may determine the main access to and from the development and the likely direction of travel out of the main access and the secondary access. It may determine what, if any, steps should be taken to encourage traffic to use what is determined to be the preferred access. It may among other things also determine if the added traffic from the development warrants additional frontage improvements for the safety of those entering or leaving the development such as were described in testimony at the hearing.

If a TIA is required, the selection of an independent traffic engineer to conduct the TIA and the scope of the TIA should be subject to the City's approval. Even if the Traffic Impact Analysis confirms that the Concurrency review correctly determined that no requirements to mitigate traffic impacts of the proposed development are recommended, even then those who testified at the hearing as to the importance of requiring a TIA based upon their personal experiences will know that this additional step was in fact taken in order to either confirm or supplement the findings of the internal Concurrency review.

(2) SMC §17.54.070(B)(2) – Sewer and Water Services. The Applicant shall provide documentation to verify sufficient provisions have been made to provide water and sewer service to the development, provided said services neither reduce the level of service below the City's approved minimum level of service standards nor adversely affect the City's capacity to provide water or sewer service to existing and future customers. This shall include, but is not limited to, documentation that adequate capacity

exists in the regional sewage treatment facility and that all required approvals and authorizations have been obtained. Here there are adequate sewer and water services in the surrounding area. The Applicant will be require to loop any water lines as part of the subdivision and development process. Looping lines helps improve water pressure and quality to the development and the surrounding homes using City services. Utility plans can be found within the Applicant's submitted documents.

(3) SMC §17.54.070(B)(3) – Storm Water Management. All development activities in an MPD Overlay Zone shall meet or exceed the design standards for an urban area contained in the Department of Ecology Storm Water Design Manual for Eastern Washington as determined by the City of Sunnyside. The Applicant shall be responsible for all costs reasonably incurred by the City in making this determination. Stormwater shall be maintained on site and shall conform to the Eastern Washington Stormwater Manual standards. The Applicant has indicated that this site can meet these requirements. The submitted site plan illustrates the location of the stormwater retention ponds and the other pervious surfaces.

(4) SMC §17.54.070(B)(4) – Environmentally Sensitive Areas. The Applicant shall, at no cost to the City, identify all environmentally sensitive areas on the site, and all environmentally sensitive areas adjacent to the site that are likely to be impacted by the proposed development. The Applicant shall, at no cost to the City, make adequate provisions to avoid or mitigate potential adverse impacts. Here the Applicant has submitted a SEPA Environmental Review, which has been reviewed by State agencies. If there are any sensitive areas on the site, the City will work with the Applicant to address the areas and mitigate any potential impacts. Currently no areas have been identified, but the national wetland mapper indicates that a small portion of the northwest corner of the parcel contains a wetland area. A recommended condition is that prior to any development permit being issued, the Applicant shall submit to the City adequate documentation demonstrating the wetland status of the site so that it can be determined if any wetland buffers will be required.

#### **XIV. Requisite Purposes and Design Requirements of Planned Developments.**

The stated purposes and design requirements for Planned Developments set forth in SMC

§16.08.010(B) are satisfied for this proposal in the following ways:

(1) SMC §16.08.010(B)(1) – Encourage development of a variety of housing types. The Applicant has proposed to build a multi-story apartment complex with recreation facilities such as two clubhouses, a basketball court, a swimming pool and tot-lots.

(2) SMC §16.08.010(B)(2) – Encourage the development of a viable economic base that enhances the image of the City. The City of Sunnyside recognizes the fact that there are very few options for market rate apartments available within the City. The creation of new units will help to ease the difficulty that existing and future members of the community will have when attempting to find a place to live within City limits. Additionally, the 2022 Comprehensive Plan contains several goals and policies favoring the creation new and additional housing within the City.

(3) SMC §16.08.010(B)(3) – Create and/or preserve usable open space for recreation and aesthetic enjoyment of residents and employees. The proposed development will have a picnic and barbeque area, basketball court, swimming pool, tot-lots and other outdoor amenities for residents of the apartment units.

(4) SMC §16.08.010(B)(4) – Preserve as much as possible the natural characteristics of the land, including topography, native vegetation, and views. The area around the proposed site is relatively flat. The site development is required to meet City parking and access requirements, which will create the need for parking lots and impervious areas.

(5) SMC §16.08.010(B)(5) – Avoid construction in hazardous areas. There are no hazardous areas in the vicinity.

(6) SMC §16.08.010(B)(6) – Preserve and/or create wildlife habitat. A SEPA review of the site was conducted. There were no comments from SEPA agencies regarding existing wildlife. Currently the area is used for keeping horses.

(7) SMC §16.08.010(B)(7) – Encourage creativity in design. The Applicant has proposed a design that accommodates the need for different types of market rate housing units in the City. A recent housing forecast provided by the Yakima Valley Conference of Governments (YVCOG) predicts that the City of Sunnyside will approach an official

population of 20,000 people between years 2034 and 2040. The City will therefore need to continue to encourage new and creative ways to provide a variety of housing.

(8) SMC §16.08.010(B)(8) – Provide the maximum efficiency in the layout of streets, utility networks, and other public improvements. The proposed internal streets will be wide enough to accommodate traffic and fire apparatus. The layout of street and other improvements will efficiently serve their respective purposes. The site has access to and from both Yakima Valley Highway and Outlook Road. The Applicant will be required to build half-street improvements complete with curb, gutter, and sidewalk according to City of Sunnyside construction standards along the parcel’s Outlook Road frontage. A commercial access driveway will be required to be installed to accommodate two-way traffic for the vehicles which will enter or leave the development, including any emergency, service and utility vehicles. The access easement to the south shall also meet the same development standards as the access to Outlook Road. The access easement onto Yakima Valley Highway shall be paved and a commercial access driveway shall also be installed there.

(9) SMC §16.08.010(B)(9) – Provide a guide for developers and City officials who review and approve residential, commercial, and industrial developments meeting the standards and purposes of this chapter. This application is also being processed under SMC Chapter 17.54 which provides that a Development Agreement between the Applicant and City may be required in order to ensure that all of the City’s requirements are met during and after the development of the site. The Applicant has provided a draft Development Agreement which will be reviewed by staff to ensure that conditions of approval will be implemented.

(10) SMC §16.08.010(B)(10) – Encourage the development of uses that will be compatible with adjacent existing and proposed uses and that will be beneficial to the community. The existing site is vacant and the proposed development will consist of multifamily housing. There is some residential housing, a fabrication facility and a tractor sales facility to the east. Approximately 1,000 feet to the east of the site is an apartment complex and mobile home court. The Hearing Examiner is recommending that an 8-foot-high solid block wall instead of the proposed wrought iron fence be required on the east and west sides of the proposed development so that it will be more compatible with adjacent existing and future uses. The proposed development would be beneficial to the

community because it would provide additional housing options to accommodate the predicted growth in the City's population in coming years.

(11) SMC §16.08.010(B)(11) – Allow development of parcels of property in phases over a period of time, as specified in the plan. The development of the site may be phased through the Development Agreement or simply a request within the body of the application. A 3-lot Preliminary Short Plat application has been submitted to facilitate three phases of development. The City has been accommodating to phased development in the past and will accommodate this phased development.

(12) SMC §16.08.010(B)(12) – Encourage flexibility that will permit a more creative approach to the development of land and will result in a more efficient, aesthetic, and desirable use of open space. The Applicant has indicated that it will work with the City requests and development conditions, and will implement them by means of a Development Agreement that will ensure a quality design and safe facility for the future.

(13) SMC §16.08.010(B)(13) – Encourage and permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, parking areas, and to best utilize the potential of sites characterized by special features of geography, topography, size or shape of proposed uses of land. As previously mentioned, the site is relatively flat and currently vacant. The development will provide open space and recreational opportunities for residents.

**XV. Consistency of the Proposed Use with Development Regulations and the Comprehensive Plan.** Compliance with the consistency criteria required by SMC §19.04.010(B) is determined by a consideration of the following four factors found in applicable plans and regulations:

(1) SMC §19.04.010(B)(1) – The type of land uses permitted at the site. The proposed multifamily residential Planned Development within a three-lot Short Plat is permitted in the General Commercial (B-2) zoning district if the criteria for approval of a Short Plat, a Master Planned Development Overlay Zone and a multifamily residential Planned Development are satisfied which, as conditioned, is the case here.

(2) SMC §19.04.010(B)(2) – The density of residential development or the level of development such as units per acre or other measures of density. The proposed multifamily residential Planned Development would comply with the lot coverage standard in the B-2 zoning district.

(3) SMC §19.04.010(B)(3) – The availability and adequacy of infrastructure and public facilities. The proposed multifamily residential Planned Development would utilize Yakima Valley Highway and Outlook Road for access. Water and sewer and other needed infrastructure and public facilities would be available and adequate for the proposed use.

(4) SMC §19.04.010(B)(4) – The character of the development, such as development standards. The proposed multifamily residential Planned Development is consistent with applicable development standards since no variances or adjustments to any of those standards are requested.

## CONCLUSIONS

Based upon the foregoing findings, the Hearing Examiner reaches the following conclusions:

(1) The Hearing Examiner has jurisdiction to recommend that the Sunnyside City Council approve a three-lot Preliminary Short Plat, a Master Planned Development Overlay Zone and a multifamily residential Planned Development pursuant to SMC §2.46.090(C)(3) and SMC §17.54.040(A) and (B).

(2) The requirements for public notice of the August 16, 2023 hearing have been satisfied.

(3) A SEPA Determination of Nonsignificance was issued on April 13, 2023.

(4) The Applicant has provided a preliminary site plan illustrating the proposed layout and configuration of site development to include ingress / egress, a conceptual

internal circulation configuration, building placement, recreation and the ability of the site to accommodate parking requirements and retain stormwater onsite.

(5) The proposed Preliminary Short Plat, as conditioned, serves the public use and interest and complies with the criteria and requirements for subdivision approval as specified by SMC Chapter 16.04 and SMC Chapter 16.36.

(6) Given the proximity of the parcel to public facilities and the potential presence of a wetland area on the parcel, the parcel proposed for this Master Planned Development Overlay Zone meets the definition of a unique community asset as defined by SMC §17.54.020 and should be found and designated to be such by the City Council as is required by SMC §17.54.020 and SMC §17.54.030.

(7) The proposed Master Planned Development Overlay Zone and multifamily residential Planned Development, as conditioned, comply with the criteria and requirements for approval of same as specified by SMC Chapter 17.54 and SMC Chapter 16.08.

(8) The proposed Preliminary Short Plat, the requested Master Planned Development Overlay Zone and the proposed multifamily residential Planned Development, as conditioned, are consistent with the goals and policies of the Comprehensive Plan, with the intent and purpose of the B-2 zoning district, with the Short Plat requirements, with the Master Planned Development Overlay Zone and Planned Development requirements, and with the Zoning Ordinance, Subdivision Ordinance and Title 12 Development provisions.

(9) The proposed Preliminary Short Plat and multifamily residential Planned Development have access by way of Yakima Valley Highway over an easement through the parcel on the south side of the site and by way of Outlook Road on the north side of the site.

(10) There is adequate site distance and spacing from intersections for the proposed ingress / egress points to and from the development, and a Traffic Impact Analysis will determine whether any traffic impact mitigation is required due to the additional traffic that will be generated by the proposed development.

(11) WAC 365-196-845(17) authorizes the City Council and the Applicant to enter into a Development Agreement to ensure that the policies and conditions of the proposed

development are met during and after the development of the site, to address project phasing, to mitigate for a wetland and/or wetland buffers as may exist on or near the property, to mitigate for any traffic impacts of the development by requiring compliance with any recommendations of a Traffic Impact Analysis, and to set forth any agreements that are not specifically addressed by existing City ordinances or other regulations.

## **RECOMMENDATIONS**

The Hearing Examiner recommends that the Sunnyside City Council approve the Short Plat application, the Master Planned Development Overlay Zone application and the multifamily residential Planned Development application for Parcel Number 221026-12008 at 780 West Yakima Valley Highway as described in the record of PD#2023-0027 subject to the following conditions:

### **CONDITIONS (NEXT STEPS):**

*Prior to the finalization of the subject short subdivision the following conditions must be completed within five years of the date of the City Council's decision. Please note that the City Council's decision, including the time limit, findings and conditions, pertains to this Preliminary Short Plat and to this multifamily residential Planned Development, and does not include timelines associated with other permits (for example, building permits). Failure to comply with all conditions will result in the expiration of the decision.*

#### ***A. Subdivision Conditions:***

(1) A Cultural Resources Survey may be conducted on the subject site, but if the Applicant does not wish to have a cultural resources survey conducted on the site, an Inadvertent Discovery Plan (IDP) shall be prepared by the Applicant and a copy of the IDP shall be submitted to the City;

(2) The Applicant shall submit to the City adequate documentation demonstrating the wetland status of the site;

(3) Ten feet of additional road right-of-way shall be dedicated along the Outlook Road frontage to allow for the construction of sidewalk and other half-street improvements;

(4) A drainage system shall be designed and installed according to City standards prior to finalization of the Short Plat;

(5) A domestic water and fire protection system meeting City standards shall be installed to serve the needs of the subdivision prior to recording the final Short Plat;

(6) Construction of all other required Short Plat improvements shall be completed and inspected to ensure that they are in accordance with the approved design and engineering plans prior to final Short Plat approval;

(7) The Short Plat shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record on a medium accepted by the County Auditor's office for recording. It shall be of a size 18 inches by 24 inches and shall be a scale of at least one inch equals 100 feet, unless the Public Works Director requests or authorizes a smaller scale. Any required signatures shall be in permanent black ink on the original document to be filed. The map shall show the following:

- (a) The entire lot or parcel constituting the Applicant's land;
- (b) The taxation parcel number or numbers as assigned to the land proposed to be divided by the County Assessor;
- (c) The names or recording numbers of all contiguous subdivisions or short subdivisions;
- (d) Lot corners and lines marking the division of the land into lots;
- (e) Location, size, purpose and nature of existing roads, streets, rights-of-way and easements adjacent to or across the land; and
- (f) All of the other requirements set forth in SMC §16.04.060.

***Upon timely review for conformance with SMC Chapter 16.04, the City department directors shall sign the Short Plat. The subdivider shall then file the Short Plat with the Yakima County Auditor together with all required covenants and other appropriate***

*instruments. The subdivider shall provide the City a copy of the recorded Short Plat together with all recorded instruments. The subdivider shall pay all filing and copy fees.*

***B. Master Planned Development Conditions (Including Phasing):***

(1) The Applicant shall enter into a Development Agreement with the City of Sunnyside to address and describe project phasing (including construction timing or financial security for improvements), mitigation (if any) for wetlands and / or buffers, any requirements based upon recommendations of a Traffic Impact Analysis (TIA) and any details of the development that require agreement of the parties to be enforceable.

(2) Prior to finalizing the Development Agreement, the Applicant shall have a Traffic Impact Analysis (TIA) prepared by an independent traffic engineer acceptable to the City, shall submit the TIA to the City, and shall include any recommendations of the TIA in the Development Agreement as conditions of the development.

(3) The Applicant shall submit and gain approval of civil engineered plans which provide for design of all Title 12 development standards, including but not limited to curb, gutter, sidewalk, street lighting, stormwater, and street design, for up to three distinct phases;

(4) The private road serving the lots shall meet the requirements of the International Fire Code.;

(5) Design and engineering plans for the proposed private road shall be reviewed and approved by the City prior to grading and construction activities;

(6) Driveways onto Yakima Valley Highway and onto Outlook Road shall be constructed per City of Sunnyside Construction Standards ST-10;

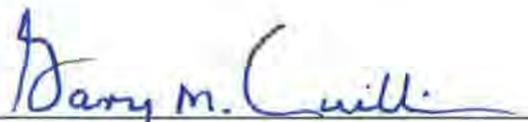
(7) An 8-foot-high solid block wall shall be constructed for each phase of the development where it abuts adjacent property on the east and/or west sides of the phase being developed prior to issuance of Certificates of Occupancy for any of the buildings within that phase of development;

(8) Utility easements shall be provided adjacent to all public rights-of-way;

(9) All new lots and buildings shall be served with City of Sunnyside water;

- (10) All new lots shall be served with City of Sunnyside sewer services;
- (11) All public and private utilities to be located within public road rights-of-way shall be installed prior to the preparation for road paving;
- (12) All new utilities shall be placed underground, with the exception of the items listed in SMC §16.36.060(D);
- (13) All permits required by the Yakima Regional Clean Air Agency shall be obtained and a copy shall be provided to the City prior to commencement of site preparation. The developer shall designate a responsible party to serve as contact during working hours for suspected air quality violations;
- (14) An NPDES Permit and a Stormwater Pollution Prevention Plan shall be prepared and submitted to the City;
- (15) All as-built drawings of improvements in Yakima Valley Highway and Outlook Road and all as-built drawings of improvements which are being dedicated to the City shall be submitted to the City prior to final acceptance of the improvements and release of the construction bond.
- (16) All other requirements of SMC Title 17 entitled “Zoning” and SMC Title 16 entitled “Subdivisions” of the City of Sunnyside Municipal Code, although not specifically set forth herein, shall be complied with in their entirety.

**DATED** this 30<sup>th</sup> day of August, 2023.

  
**Gary M. Cuillier, Hearing Examiner**



**LAND USE APPLICATION**

**CITY OF SUNNYSIDE, OFFICE OF COMMUNITY DEVELOPMENT**

**818 E. EDISON AVE., SUNNYSIDE, WA 98944**

**PHONE: (509) 837-7999 EMAIL: tmartin@sunnyside-wa.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 City 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:	Sunnyside Development Group, LLC					
	Mailing Address:	5804 Road 90 Suite A					
	City:	Pasco	St:	WA	Zip:	99301	Phone: ( 509 ) 3915757
	E-Mail:	trini@elitecnd.com, david@elitecnd.com, jbecker@ahbl.com					
2. Applicant's Interest in Property:	Check One:	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Agent	<input type="checkbox"/> Purchaser	<input type="checkbox"/> 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): 221026-12008							
5. Legal Description of Property. (if lengthy, please attach it on a separate document) A portion of NE ¼ of NW ¼ and a portion of NW ¼ of NE ¼ of S 26, T 10 N, R 22 E of Willamette Meridian, Yakima Co., WA							
6. Property Address: 780 W Yakima Valley Hwy Sunnyside, WA 98944							
7. Property's Existing Zoning: <input type="checkbox"/> URA <input type="checkbox"/> R-1 <input type="checkbox"/> R-1M <input type="checkbox"/> MH <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> BN <input type="checkbox"/> PB <input type="checkbox"/> B1 <input checked="" type="checkbox"/> B2 <input type="checkbox"/> B3 <input type="checkbox"/> M-1 <input type="checkbox"/> M-2 <input type="checkbox"/> AOZ <input type="checkbox"/> PF							
8. Type Of Application: (Check All That Apply)							
<input checked="" type="checkbox"/> Planned Development	<input checked="" type="checkbox"/> Development Agreement	<input type="checkbox"/> Environmental Checklist	<input type="checkbox"/> Comprehensive Plan Map or Text Amendment				
<input checked="" type="checkbox"/> Site Plan Review	<input type="checkbox"/> Easement Release	<input checked="" type="checkbox"/> (SEPA Review)					
<input type="checkbox"/> Critical Areas Review	<input type="checkbox"/> Interpretation by Hearing Examiner	<input type="checkbox"/> Long Plat Alteration	<input type="checkbox"/> Final Long Plat				
<input type="checkbox"/> Final Short Plat	<input checked="" type="checkbox"/> Overlay District	<input type="checkbox"/> Preliminary Long Plat	<input type="checkbox"/> Preliminary Short Plat				
<input type="checkbox"/> Non-Conforming Use/Structure	<input type="checkbox"/> Right-of-Way Vacation	<input type="checkbox"/> Shoreline	<input type="checkbox"/> Short Plat Amendment				
<input type="checkbox"/> Rezone	<input type="checkbox"/> Transportation Concurrency	<input type="checkbox"/> Variance					
<input type="checkbox"/> Short Plat Exemption							<input type="checkbox"/> Other: _____

**PART II – SUPPLEMENTAL APPLICATION & PART III – REQUIRED ATTACHMENTS**

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.

	12.28.2022
Property Owner's Signature	Date
	12.28.2022
Applicant's Signature	Date

**FILE/APPLICATION(S)#**

<b>DATE FEE PAID:</b>	<b>RECEIVED BY:</b>	<b>AMOUNT PAID:</b>	<b>RECEIPT NO:</b>



Supplemental Application For:  
**MASTER PLANNED DEVELOPMENT**  
SUNNYSIDE MUNICIPAL CODE CHAPTER 17.54

**PART IV – NARRATIVE (The following information should be addressed in the land use application)**

1. What land uses are proposed?  
Multi-Family Residential, parking, landscaping and associated support facilities (Clubhouses, parking canopies etc.)
2. Will the land be subdivided? If so, what type of subdivision? (Long Plat, Short Plat, Binding Site Plan, etc)  
The land will be sub-divided. The means will be via Short Plat.
3. How does the proposed Planned Development allow flexibility in development standards and permitted uses while ensuring compatibility with neighboring uses?  
Setbacks, building heights and parking calculations will tend towards close comparative standards as existing regional structures. The flexibility featured in the MPDO process will largely be targeted towards additional density and conditional use approval.
4. Describe how the proposed Planned Development facilitates the efficient use of the land.  
The Planned Development process will allow for higher density and a cozier building placement, facilitating more open spaces and better distribution of parking.
5. Describe how the proposed Planned Development increases economic feasibility. (i.e. fostering efficient arrangement of land use, buildings, transportation systems, open space, and utilities)  
Via the utilization of the Planned Development process, the layout of building blocks, along with better application of construction phasing, the project will be better able to respond to market realities while promoting a finished product for the initial residents.
6. How does the proposed Planned Development preserve or enhance natural amenities, features, shorelines and critical areas in the development of the site?  
A geotechnical study has been performed. A portion of the project is depicted on the National Wetland Inventory mapper, and site investigations via a biologist are ongoing. Any identified wetland will be defined and preserved via buffer, setback or other means. Wetland areas shall become a visual canvas, displaying the many types flora and fauna in our area.



Supplemental Application For:
MASTER PLANNED DEVELOPMENT
SUNNYSIDE MUNICIPAL CODE CHAPTER 17.54

PART II - APPLICATION INFORMATION

1. PROPERTY OWNERS (attach if long): List all parties and financial institutions having an interest in the property.

2. SURVEYOR AND/OR CONTACT PERSON WITH THEIR CONTACT INFORMATION:

AHBL INC. 5804 Road 90 - Suite H Pasco, WA. 99301
Tyler Duncan 509 316-7138 - tduncan@ahbl.com

3. NAME OF PLANNED DEVELOPMENT: Sunset Meadows

4. SITE FEATURES:

A. General Description: [checked] Flat [checked] Gentle Slopes [ ] Steepened Slopes

B. Describe any indication of hazards associated with unstable soils in the area, i.e. slides or slipping:

None known

C. Is the property in a 100-Year Floodplain or other critical area as mapped by any local, state, or national maps or as defined by the Washington State Growth Management Act or the Sunnyside Municipal Code? Yes.

5. UTILITY AND SERVICES: (Check all that are available)

[checked] Electricity [checked] Telephone [ ] Natural Gas [checked] Sewer [checked] Cable TV [checked] Water [ ] Irrigation

6. OTHER INFORMATION:

A. Distance to Closest Fire Hydrant:

B. Distance to Nearest School (and name of school):

C. Distance to Nearest Park (and name of park):

D. Method of Handling Stormwater Drainage:

E. Type of Planned Development: [checked] Residential [ ] Commercial [ ] Industrial [ ] Mixed Use

PART III - REQUIRED ATTACHMENTS

1. PRELIMINARY PLAT/SITE PLAN REQUIRED (please use the attached City of Sunnyside Plat/Site Plan Checklist)

2. TITLE REPORT (disclosing all lien holders and owners of record):

3. TRAFFIC IMPACT ANALYSIS

4. ENVIRONMENTAL CHECKLIST

5. NARRATIVE (attached)

6. DRAFT DEVELOPMENT AGREEMENT: (which shall include: Narrative Description of Project and Objectives; Summary of Development Standards; Site Plan Elements; Development Phasing, including times of performance to preserve vesting; Public Meeting Summaries; Performance Standards and Conditions addressing the items above; Criteria for Determining Major vs. Minor Modifications and amendments; and, Signatures by each owner of property within the Master Development Plan area acknowledging that all owners will agree to be bound by conditions of approval, including use, design and layout, and development standards contained within the approved Plan and Development Agreement.)

I hereby authorize the submittal of the planned development application to the City of Sunnyside for review. I understand that conditions of approval such as dedication of right-of-way, easements, restrictions on the type of buildings that may be constructed, and access restrictions from public roads may be imposed as a part of approval and that failure to meet these conditions may result in denial of the development.

[Handwritten signature]

Property Owner Signature (required)

12.28.22
Date

7. Identify environmental impacts and appropriate mitigation measures.

As mention in Item 6 above, a geotechnical study has been performed. A portion of the project is depicted on the National Wetland Inventory mapper, and site investigations via a biologist are ongoing. Any identified wetland will be defined and preserved via buffer, setback or other means.

8. How does the proposed Planned Development encourage environmentally sustainable development?

Implementation of the currently adopted version of the Washington State Energy Code (WSEC) - specifically Chapter 4 (Energy Efficiency Packages) will help to reduce carbon and save on the consumption of energy by promoting energy efficient means of construction, heating and cooling and well as reducing water usage.

9. What services and facilities are available to serve the subject property? Are those services adequate?

All major services are provided to the proposed development site including Sunnyside Water, Sunnyside Sanitary Sewer, Cascade Natural Gas, Data and Telephone. It is anticipated that the services identified will be adequate for the proposed development. It will be confirmed during preliminary design of the project.

10. Will the proposed development promote economic development, job creation, diversification, or affordable housing?

The proposed development will promote economic development by provided needed housing for existing and new arriving citizens alike, job creation during construction and after by providing maintenance, security and management during operation, diversification of housing options by offering a variety of unit type (including Type A and Type B ADA compliant units, and affordable housing (depending upon availability of HUD funding).

11. How does the proposed development create vibrant mixed-use neighborhoods, with a balance of housing, employment, commercial, and recreational opportunities?

Due to the fact that the proposed development has identified a currently commercially zoned property upon which to building the project, it will naturally be in a position to allow for a horizontal mixed-use offering with adjoining or nearby commercially developed parcels. Recreational opportunities will be provided on site with the development of Tot-Lots, Basketball courts, BBQ areas, Open Spaces and other outdoor gathering spaces. This is in addition to two, on-site, Clubhouses and an outdoor Swimming Pool.

12. How is the proposed development consistent with goals, policies, and objectives of the Yakima Urban Area Comprehensive Plan?

The proposed development is consistent with goals policies and objectives of the Yakima Urban Area Comprehensive Plan in the following ways:

Land Use: Providing a greater mix of housing, enhancing the design character of the city, mitigating land use incompatibilities, planning for underutilized commercial land.

Housing: By developing (Horizontal mixed-use with adjacent and nearby commercial developments) infill projects in commercial zones, facilitate clustering condominiums / Apartments and other potential options to increase the supply and diversity of housing that meets a variety of housing options.

13. How does the proposed Planned Development utilize unique and innovative facilities that encourage the efficient and economical use of the land?

By creating flexible, separation and placement options and taking advantage of existing topography in order to minimize necessary site-work. This along with building block orientation facilitating potential views and solar protection with architectural features to provide shading.

14. Does the proposed Planned Development promote a sound system for traffic and pedestrian circulation? Describe.

No sound system is currently being considered.

15. How does the proposed Planned Development promote open space and use of natural and/or developed amenities?

By careful building placement utilizing flexible building, road and property line setbacks to help create outdoor social spaces that are accessible to all residents.

16. Will the proposed Planned Development provide an architecturally attractive, durable, and energy efficient development?

Building architecture will carefully and simply provide a unique character capable of creating a sense of place by utilizing common elements throughout the proposed developed so that a common thread of identity is established. Energy efficiency will be developed and maintained through a careful application of the Washington State Energy Code (WSEC) and through the utilization of unique and forward thinking building systems and materials.

17. Please provide a summary of all previous known land use decisions affecting the applicant's property and all outstanding conditions of approval with respect to such prior land use decisions.

No previous development applications or uses are known or understood to have been considered on the proposed parcel.

18. Any other development standards proposed to be modified from the underlying zoning districts requirements.

The only development standards that are currently under consideration for potential modification include, building setbacks (building, road and property line), building heights. Building articulation and strategic and careful use of unique materials will not manifestly alter the underlying zoning district requirements, but rather enhance them.

19. What are the aesthetic considerations related to building bulk, architectural compatibility, light and glare, urban design, solar access and shadow impacts.

Building blocks that provide material and detail "common threads" as well as vary in articulation and cadence - both back and forth as well as up and down will be considered. These elements will help to create a development that appears to have been constructed over time - as opposed to over one construction phase. This proposed building articulation will serve to create a unique sense of place and identity, but also promote architectural compatibility as well as address the issues of light and glare, solar access and shadow impacts.

20. Please provide an inventory of any on-site cultural, historic, and/or archaeological resources.

No on-site cultural, historic and/or archaeological resources are know to exist on the proposed development property.

**Note:** if you have any questions about this process, please contact us City of Sunnyside, 818 E. Edison Ave., Sunnyside, WA or 509-837-7999

# Sunset Meadows Multi-Family Development

## Master Plan Development Overlay

### Project Narrative

January 10, 2023 - Prepared by Terence L. Thornhill, Architect

#### Project Description:

The Sunset Meadows Multi-Family project is a proposed infill project seeking a Master Plan Development Overlay (MPDO) designation in order to be developed and constructed within a commercially zoned area along Yakima Valley Highway in Sunnyside, Washington. The project will feature a three-phase development comprising 643,908 sf (14.78 acres). Additionally, a 10'-0" right-of-way has been dedicated to the City of Sunnyside abutting the length of Outlook Road bounding the property comprising 4,515 sf.

While detail planning is ongoing, the project development is anticipated to consist of as many as 394 units spread out over 25 separate and individual building blocks. These building blocks will be augmented and supported by 2 separate and individual Clubhouse Buildings, an Outdoor Pool along with outdoor social gathering areas such as multiple Tot-Lots, Picnic areas, an Outdoor Basketball Court, Barbeque areas, quiet gathering spaces and some areas of covered parking.

#### Architecture

The architecture of the buildings shall be designed to create a unique sense of place by way of an integral utilization of materials and common detailing throughout the development. This "common-thread" is a way of helping to create a community by interlocking the buildings with each other in a simple but comprehensive manner. Buildings shall be designed with an articulation of movement, up and down as well as back and forth. This articulation will manifest itself as helping to create shade areas, spaces for family privacy as well as areas for protection from rain and snow. Building coloring is not anticipated to be consistent and uniform, but rather feature a combination of like colors that, when juxtaposed to one another help to tie the development together as if the disparate colors were another "common-thread".

#### Accessibility

Americans with Disabilities Act (ADA) accessible parking will be provided per Washington Administrative Act (WAC) 51-50 International Building Code requirements for Barrier Free Accessibility. It is anticipated that there will be as many as 28 spaces – which is in excess of the code minimums by 7 parking spaces.

#### Parking

Vehicular parking for the project is anticipated to be 542 spaces in number, thus creating 1.4 minimum spaces per residential unit. The parking areas will feature shade trees spaced at 1 shade tree per 12 contiguous parking spaces minimum, thereby providing natural shading in the hottest of summer days.

#### Site / Building Access

Site access will be primarily provided by an Avenue that enters the Development from the Yakima Valley Highway, bisecting the property not owned by the developer (to the South), and for which an easement has already been secured and recorded. This Avenue will start North from the Yakima Valley Highway and meander to the West so that it exits the property at the midpoint of the property onto Outlook Road. This Avenue is anticipated to be within a 60'-0" Right-Of-Way and will feature a 39'-0 wide, "back of curb to

# Sunset Meadows Multi-Family Development Master Plan Development Overlay Project Narrative

January 10, 2023 - Prepared by Terence L. Thornhill, Architect

back of curb" avenue. The remaining area will support a Parkway/Landscape safety buffer and will feature Landscape Strips with separated concrete sidewalks, interrupted only by access-ways to individual building blocks. The Landscape Strips shall feature tree plantings anticipated to be 40'-0" on center along the entire Avenue.

Concrete sidewalks shall be installed extending from the linear Avenue separated sidewalks to the Building Blocks, creating a continuous route for residents, service and delivery persons to walk to and access all areas of the development.

## Site / Landscaping

Much of the landscaping will be low maintenance drought resistant plantings placed in beds of regional sourced fractured basalt stone. Small areas of turf shall be installed in order to create play and activity spaces for the residents. Trash areas shall be screened from public view by the development of containment areas comprised of 3 sided walls matching the materials of the buildings with wide screened and offset gates accessible to the residents. The offset gates will allow the residents access to the trash bins without need to open a gate.

## Security

Security and crime prevention for the proposed development is anticipated to be provided by an "eyes on the street" concept through the promotion of the placement of lighting and landscaping to dissuade the ability for wrong doers to promote their bad intentions. This, along with consistent cleaning and maintenance as well as 24-hour security surveillance will proactivity help to create and promote a safer and more secure development. Site screening shall be provided for overall security and privacy and to provide a sense of community by ample trees and other vegetation along with perimeter fencing and other landscaping provisions.

## Municipal Services

Municipal services for the proposed development are already in existence nearby and are readily available to be extended to the project site for use.

## Project Phasing:

Project phasing is proposed to take place in three (3) segments totaling 643,908 sf (14.78 acres), the order of which is still under consideration.

Parcel 3.52 (3.52 acres) (North Parcel) is anticipated to feature six (6) Apartment blocks and attendant parking and landscaping. A stormwater retainage pond is proposed for this Parcel. Additionally, large picnic barbeque areas as well as several Tot Lots will reside within Parcel 3.52.

Parcel 5.15 (5.15 acres) (Southwest Parcel) is anticipated to feature eight (8) Apartment blocks and attendant parking and landscaping. A stormwater retainage pond is proposed for this Parcel as well as

# Sunset Meadows Multi-Family Development Master Plan Development Overlay Project Narrative

January 10, 2023 - Prepared by Terence L. Thornhill, Architect

21 covered parking spaces. Additionally, large picnic barbeque areas, a Clubhouse, Outdoor Pool along with an outdoor Basketball court as well as several Tot Lots will reside within Parcel 5.15.

Parcel 5.99 (5.99 acres) (Southeast Parcel) is anticipated to feature fourteen (14) Apartment blocks and attendant parking and landscaping. A stormwater retainage pond is proposed for this Parcel as well as 28 covered parking spaces. Additionally, large picnic barbeque areas, a Clubhouse as well as several Tot Lots will reside within Parcel 5.99.

# SEPA ENVIRONMENTAL CHECKLIST

## ***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 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.

## ***Instructions for Lead Agencies:***

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

## ***Use of checklist for nonproject proposals:***

For nonproject 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*** [\[HELP\]](#)

1. Name of proposed project, if applicable: [Sunset Meadows](#)
2. Name of applicant: [Sunnyside Development Group, LLC](#)

3. Address and phone number of applicant and contact person:  
Mr. Trini Garibay  
5804 Road 90, Suite A  
Pasco, WA 99301  
509-545-3975
4. Date checklist prepared: December 15, 2022
5. Agency requesting checklist: City of Sunnyside, Planning Department
6. Proposed timing or schedule (including phasing, if applicable): 3 Phases:  
Phase 1 construction 2023, Phase 2 construction 2024, Phase 3 construction 2025
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. A geotechnical study has been performed. A portion of the project is depicted on the National Wetland Inventory mapper, and site investigations via a biologist are ongoing.
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. No.
10. List any government approvals or permits that will be needed for your proposal, if known.  
Grading permit, building permit, Right-of-Way permit.
11. Give brief, 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.) We propose to develop 14.78 acres of pasture into 384 multifamily dwelling units over 28 apartment buildings, to be constructed in 3 phases.
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. Proposal is located on the northern margin of the City of Sunnyside. Please see attached boundary and topographic survey for legal description and vicinity map. Also attached is proposal site plan.

## **B. Environmental Elements** [\[HELP\]](#)

1. **Earth** [\[help\]](#)

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other.

b. What is the steepest slope on the site (approximate percent slope)? No greater than 3%.

c. 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. A geotechnical study and report have been prepared for the infrastructure design and building loads. Generally, soils are various types of sand (Zillah sandy loam and Outlook fine sandy loam) and need not be removed from the proposal.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. No.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. Construction and installation of utilities, roadway and building pads will necessitate excavation, filling and grading. Grading will ultimately affect entire proposal. Civil design has not yet occurred, so unable to approximate fill quantities at this time.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. Yes, erosion could occur due to construction activities. Erosion would be from wind or rain on unprotected soils. Any proposed contractor would be required to maintain a water truck onsite at all times during construction.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? Approximately 70% of the proposal will be impervious.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: Adhering to Best Management Practices (BMP) during construction to include a dust control plan, silt fencing downslope of of disturbed areas, storm water baffles or wattles, and stabilization of soils when proposal is complete.

## 2. Air [\[help\]](#)

a. 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. Dust and vehicle emissions from construction equipment during construction, and emissions from residences vehicles post-construction.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. No.

c. Proposed measures to reduce or control emissions or other impacts to air, if any: Dust control measures during construction, such as regular watering with a water truck and potentially sprinklers.

### 3. Water [\[help\]](#)

#### a. Surface Water: [\[help\]](#)

- 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. [There are local agricultural ditches and drains within and around the project, to include a Sunnyside Valley Irrigation District drain bisecting the site north to south. No known streams or other surface water bodies.](#)
- 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. [N/A.](#)
- 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. [N/A.](#)
- 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.](#)

#### b. Ground Water: [\[help\]](#)

- 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. [The project will utilize City of Sunnyside domestic water. Some domestic water will be used to irrigate green spaces, and will therefor discharge to groundwater. Quantity unknown at this time.](#)
- 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. The project will utilize City of Sunnyside Sanitary Sewer.](#)

#### c. Water runoff (including stormwater):

- 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. [Stormwater will be collected in stormwater ponds, and will exfiltrate back into the ground.](#)

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.** The stormwater system and collection points will emulate current hydrology patterns in the area. The Sunnyside Valley Irrigation District drain pipe will be rerouted, but will ingress and egress at or near current ingress-egress locations.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: **The stormwater system will be designed to meet or exceed the Dept. of Ecology Eastern Washington Stormwater Manual.**

#### 4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

Orchards, vineyards or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation **thistle**

b. What kind and amount of vegetation will be removed or altered? **The project will be cleared and grubbed for grading and construction activities.**

c. List threatened and endangered species known to be on or near the site. **None.**

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **The project includes landscape buffers, street trees and landscaping to be vegetated with native Eastern Washington plantings, and other drought tolerant plantings suitable for project hardiness zone 7a.**

e. List all noxious weeds and invasive species known to be on or near the site. **Thistle.**

#### 5. **Animals** [\[help\]](#)

a. List any birds and 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 \_\_\_\_\_  
Hawks, songbirds, skunks, raccoons.

- b. List any threatened and endangered species known to be on or near the site. *None.*
- c. Is the site part of a migration route? If so, explain. *Yes. The Pacific Flyway for migrating birds.*
- d. Proposed measures to preserve or enhance wildlife, if any: *Landscaping and trees within landscape buffers, street trees and open space shall enhance local bird habitat.*
- e. List any invasive animal species known to be on or near the site. *None.*

## **6. Energy and Natural Resources** [\[help\]](#)

- a. 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. *The project shall utilize electricity for heating and all other residences energy needs. Solar may be added to buildings or carports to offset some electricity costs.*
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. *No.*
- c. 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: *This proposal will follow Energy Code for new construction. Certain Build Green elements may be included as part of construction, if not cost prohibitive.*

## **7. Environmental Health** [\[help\]](#)

- a. 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.
  - 1) Describe any known or possible contamination at the site from present or past uses. *None known.*
  - 2) 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.*
  - 3) 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. *Construction equipment will use either gasoline or diesel fuel and oil during the construction process. Post-construction, groundskeepers and maintenance staff could potentially use herbicides or pesticides, but should follow manufacturer's application specifications to minimize overspray.*

- 4) Describe special emergency services that might be required. Project will require ambulance, fire fighting and police, typical of any urban residential development.
- 5) Proposed measures to reduce or control environmental health hazards, if any: Landscaping and street trees to partially offset project carbon footprint.

**b. Noise**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? Street and traffic noise emanating from adjacent Outlook Road and nearby Yakima Valley Highway.
- 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. Short-term noise would be construction related activities to include equipment, vibratory roller(s), truck traffic and other. Long-term would be traffic noise generated by residents, lawn mowing, weed trimming, and potentially car stereo's and car alarms.
- 3) Proposed measures to reduce or control noise impacts, if any: Governing laws for residences would include "quiet hours" reminders, and signage that would ask "respect your neighbors". Street trees and landscaping would mitigate some traffic noise.

**8. Land and Shoreline Use** [\[help\]](#)

- a. 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. The project is currently short pasture grass, sometimes grazing cattle. Surrounding properties are also in pasture with cross fencing.
- b. 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.
  - 1) 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. Prevailing upwind neighbors are predominately pasture lands and grazing livestock.
- c. Describe any structures on the site. None.
- d. Will any structures be demolished? If so, what? No.
- e. What is the current zoning classification of the site? B-2. General Commercial.

- f. What is the current comprehensive plan designation of the site? [Commercial](#).
- g. If applicable, what is the current shoreline master program designation of the site? [N/A](#).
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [No](#).
- i. Approximately how many people would reside or work in the completed project? [The project could support 384 residents](#).
- j. Approximately how many people would the completed project displace? [None](#).
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [Adhere to approved plans and construction standards](#).
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: [N/A](#)

## 9. **Housing** [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [Project will provide 384 dwelling units. Market rates will dictate rents and tenant demographics](#).
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [None](#).
- c. Proposed measures to reduce or control housing impacts, if any: [None. Project itself will improve housing](#).

## 10. **Aesthetics** [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [The tallest structure shall be no taller than 3 stories, or 30 feet. Principal exterior building materials will vary, but will be predominately wood, steel or Hardi-plank siding](#).
- b. What views in the immediate vicinity would be altered or obstructed? [None](#).
- c. Proposed measures to reduce or control aesthetic impacts, if any: [Exterior building colors shall be neutral or earth tone](#).

### **11. Light and Glare** [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [Street and parking lot lighting will be on during non-daylight hours. Units will have porch lighting, also on during non-daylight hours.](#)
- b. Could light or glare from the finished project be a safety hazard or interfere with views? [No.](#)
- c. What existing off-site sources of light or glare may affect your proposal? [None.](#)
- d. Proposed measures to reduce or control light and glare impacts, if any: [A lighting study will be performed in conjunction with civil design to determine light pole spacing.](#)

### **12. Recreation** [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity? [The nearest park is Kiwanis Youth Park. There are several schools and parks in the vicinity.](#)
- b. Would the proposed project displace any existing recreational uses? If so, describe. [No.](#)
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [This project proposes to include several gathering spaces with BBQ's and picnic tables, clubhouse and associated recreational activities which may include sport courts.](#)

### **13. Historic and cultural preservation** [\[help\]](#)

- a. 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 ? If so, specifically describe. [No.](#)
- b. 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. No professional archaeological studies have been performed.](#)
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [None.](#)
- d. 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. [During construction, if any potential resource is discovered, Washington State Department of Archaeology and Historic Preservation \(DAHP\) shall be immediately notified.](#)

#### 14. **Transportation** [\[help\]](#)

- a. 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. See topographic survey attached to this application. Outlook Road and Yakima Valley Highway shall be the access points to the project. (see attached site plan). Access to these roads shall be via standard City of Sunnyside intersection, per City of Sunnyside standard local road section.
- b. 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? No.
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? The proposal would add 542 parking spaces, most standard or compact, and ADA compliant stalls per current City code.
- d. 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). This proposal would include public offsite curb, gutter, sidewalk half-street improvement along project frontage on south side of Outlook Road to the north.
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. No.
- f. 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 nonpassenger vehicles). What data or transportation models were used to make these estimates?

Land Use Code 221 – Multi-family Housing (Mid-Rise)

Weekday: 5.44 trips/dwelling unit 50% (1,044 trips) entering, 50% exiting (1,044 trips)

AM Peak Hour of Generator: 0.32 trips/dwelling unit, 27% (33 trips) entering, 73% (89 trips) exiting

PM Peak Hour of Generator: 0.41 trips/dwelling unit, 60% (94 trips) entering, 40% (62 trips) exiting

10th Edition Trip Generation Manual.

- g. 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.
- h. Proposed measures to reduce or control transportation impacts, if any: Project will have a dedicated school bus or ride share waiting and loading area either adjacent the clubhouse or along south side of Outlook Road.

#### 15. **Public Services** [\[help\]](#)

- a. 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. Yes. A multi-family project will necessitate Public Services to include fire, police, health care and schooling.

- b. Proposed measures to reduce or control direct impacts on public services, if any. The project will increase City of Sunnyside tax base, which will ultimately fund city services.

**16. Utilities** [\[help\]](#)

- a. Circle utilities currently available at the site:  
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,  
other \_\_\_\_\_
  
- 6) 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. (1,044 units)

**C. Signature** [\[HELP\]](#)

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.

Signature: \_\_\_\_\_  
Name of signee J. TRINIDAD GABIBAY  
Position and Agency/Organization \_\_\_\_\_  
Date Submitted: February 6, 2023

## **D. Supplemental sheet for nonproject actions** [\[HELP\]](#)

**(IT IS NOT NECESSARY to use this sheet for project actions)**

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 likely to 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?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

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?

Proposed measures to protect such resources or to avoid or reduce impacts are:

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?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

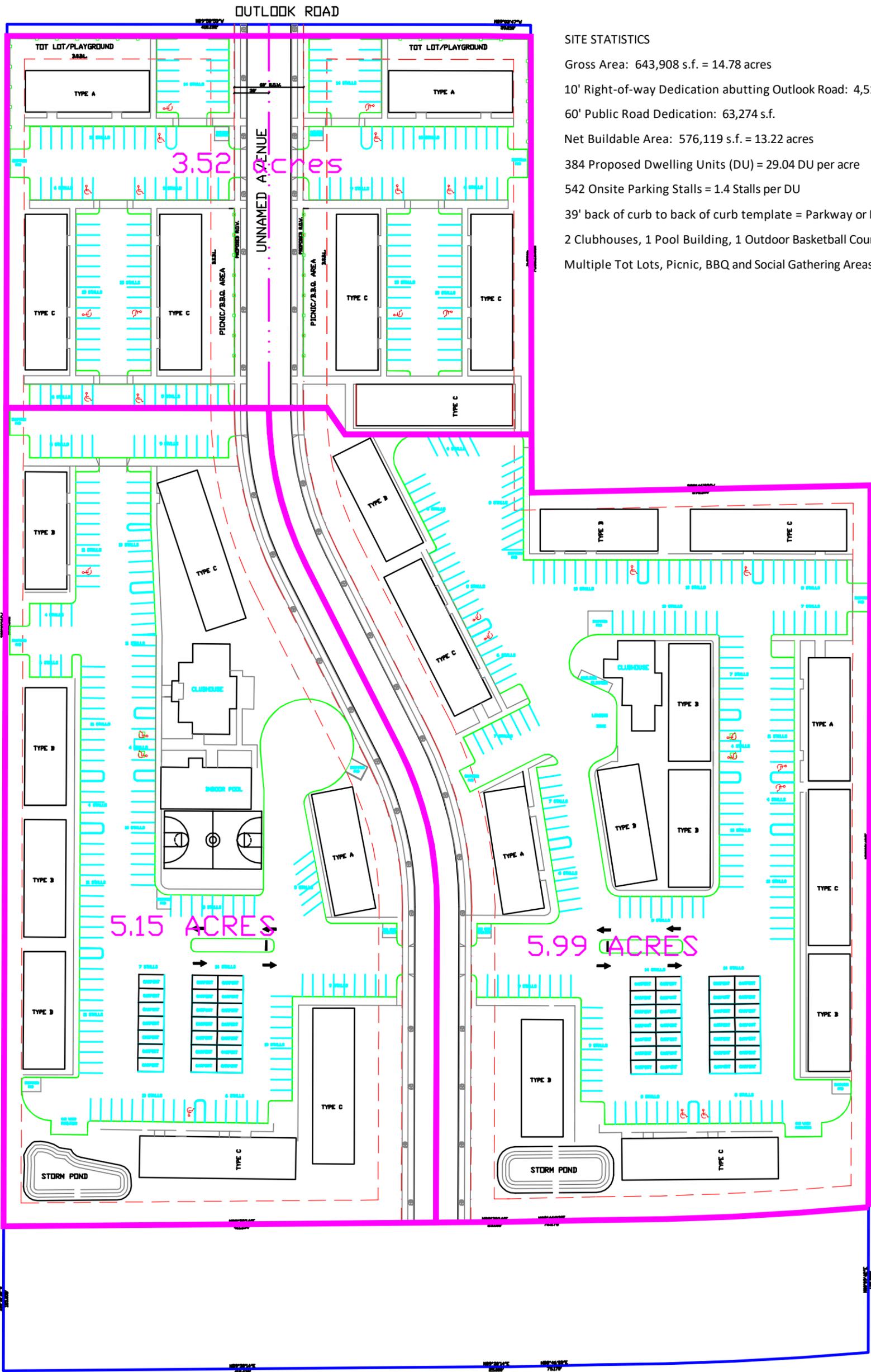
# SITE PLAN CHECKLIST

The application shall include a concept site plan which includes the elements in this checklist. Please complete this checklist and include it with your site plan

**Check all boxes as: (✓ or X) Included or ( - ) Not Applicable**

<input checked="" type="checkbox"/>	Project boundaries
<input checked="" type="checkbox"/>	Primary uses and ancillary uses
<input checked="" type="checkbox"/>	Existing and proposed structures
<input checked="" type="checkbox"/>	Gross floor area of development
<input checked="" type="checkbox"/>	Maximum building heights
<input checked="" type="checkbox"/>	Minimum building setbacks
<input checked="" type="checkbox"/>	Maximum lot coverage
<input checked="" type="checkbox"/>	Any other development standards proposed to be modified from the underlying zoning district requirements
<input checked="" type="checkbox"/>	The proposed circulation system of arterial and collector streets including, if known, the approximate general location of local streets, private streets, off-street parking, service and loading areas, and major points of access to public rights-of-way, with notations of proposed public or private ownership as appropriate
<input type="checkbox"/>	The proposed location of new and/or expanded public and private utility infrastructure
<input checked="" type="checkbox"/>	Sitescreening, landscaping and street trees
<input type="checkbox"/>	A master planned development incorporating commercial or industrial facilities must provide a buffer or site design along the perimeter of the master planned development, which shall reasonably transition the master planned development to any adjacent properties zoned or used for residential purposes. If automobile parking, driveways, or machinery operation are to be provided within one hundred feet of a master planned development boundary, sitescreening shall be provided in accordance with the SMC
<input checked="" type="checkbox"/>	Aesthetic considerations related to building bulk, architectural compatibility, light and glare, urban design, solar access and shadow impacts
<input type="checkbox"/>	Site features as appropriate to mitigate traffic, environmental, geotechnical, and other impacts as identified in technical studies required by this chapter
<input type="checkbox"/>	Shoreline and critical areas where applicable

**Note:** The reviewing official may require additional information to clarify the proposal, assess its impacts, or determine compliance with the SMC and other laws and regulations.



**SITE STATISTICS**

Gross Area: 643,908 s.f. = 14.78 acres

10' Right-of-way Dedication abutting Outlook Road: 4,515 s.f.

60' Public Road Dedication: 63,274 s.f.

Net Buildable Area: 576,119 s.f. = 13.22 acres

384 Proposed Dwelling Units (DU) = 29.04 DU per acre

542 Onsite Parking Stalls = 1.4 Stalls per DU

39' back of curb to back of curb template = Parkway or Landscape/Safety Buffer

2 Clubhouses, 1 Pool Building, 1 Outdoor Basketball Court

Multiple Tot Lots, Picnic, BBQ and Social Gathering Areas

# 780 YAKIMA VALLEY

## A PORTION OF THE N 1/2 OF THE N 1/2 OF SEC. 26, TWN. 10 N., RGE. 22 E., W.M., CITY OF SUNNYSIDE, YAKIMA COUNTY, WASHINGTON.



5804 Road 90, Suite H Pasco, WA 99301  
509.380.5883 TEL 253.383.2572 FAX www.ahbl.com WEB

Project Title:

### 780 YAKIMA VALLEY

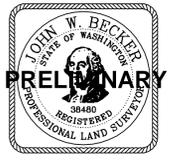
Client:  
**SUNNYSIDE DEVELOPMENT GROUP, LLC**

5804 RD 90, SUITE A  
PASCO, WA 99301  
MR. TRINI GARIBAY  
TRINI@ELITECD.COM

Job No. 2220714.50

Issue Set & Date:

NOVEMBER 2022



NOTICE:  
ALTERATION OF THIS DOCUMENT SHALL INVALIDATE THE PROFESSIONAL SEAL AND SIGNATURE HEREON. THIS DOCUMENT DOES NOT DEROGATE FROM RECORD OR OTHER RIGHTS IN THE ORIGINAL SURVEY. THIS DOCUMENT IS FOR THE PROJECT DESCRIBED IN THE TITLE BLOCK AND IS NOT TO BE USED FOR OTHER PURPOSES OR ADDITION TO THAT PROJECT OR FOR ANY OTHER PROJECT.

### LEGAL DESCRIPTION

THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 22, E.W.M., LYING NORTHERLY OF A LINE DRAWN PARALLEL WITH AND 175.00 FEET NORTHERLY, WHEN MEASURED AT RIGHT ANGLES AND/OR RADICALLY, OF THE LE LINE SURVEY OF STATE HIGHWAY ROUTE 12, GRANGER TO SUNNYSIDE.  
EXCEPT THE WEST 248.4 FEET OF SAID EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4.  
EXCEPT COUNTY ROAD ON THE NORTH.  
ALSO EXCEPT THAT PORTION OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 22, E.W.M., DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE NORTH 90° 00' EAST ALONG THE NORTH LINE OF SAID SUBDIVISION 39.21 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 90° 00' EAST 294.07 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 26; THENCE SOUTH 00° 46' 08" EAST ALONG THE EAST LINE OF SAID WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 26, 392.75 FEET; THENCE SOUTH 87° 50' 13" WEST A DISTANCE OF 292.16 FEET; THENCE NORTH 01° 02' 51" WEST A DISTANCE OF 403.80 FEET TO THE TRUE POINT OF BEGINNING.  
SITUATED IN YAKIMA COUNTY, STATE OF WASHINGTON.

### VERTICAL DATUM

NAVD 1988 VERTICAL DATUM ON ORTHOMETRICALLY CORRECTED GPS OBSERVATIONS USING WSRN AND GEOID 2012A.

### BASIS OF BEARING

NAD 1983/11 WASHINGTON STATE PLANE, SOUTH PROJECTION, BASED ON GPS OBSERVATIONS USING WSRN AND GEOID 2012A. UNITS OF MEASUREMENT ARE US SURVEY FEET.

### UTILITY NOTES

1. SURFACE UTILITY FACILITIES ARE SHOWN HEREON PER FIELD LOCATED VISIBLE EVIDENCE. THERE MAY BE UTILITIES THAT EXIST ON THIS SITE OTHER THAN THOSE GRAPHICALLY DEPICTED HEREON.
2. UNDERGROUND (BURIED) UTILITIES SHOWN HEREON ARE BASED ON COMBINATIONS OF VISIBLE SURFACE EVIDENCE, UTILITY LOCATOR MARKINGS AND RECORD DATA (SUCH AS AS-BUILT OR UTILITY DESIGN DRAWINGS). ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND, IN SOME CASES, ARE SHOWN AS STRAIGHT LINES BETWEEN FIELD LOCATED SURFACE UTILITY FACILITIES. UNDERGROUND UTILITIES MAY HAVE BENDS, CURVES OR CONNECTIONS WHICH ARE NOT SHOWN.
3. ALTHOUGH LOCATIONS OF UNDERGROUND UTILITIES BASED ON UTILITY LOCATOR MARKINGS AND RECORD DATA (SUCH AS AS-BUILT OR UTILITY DESIGN DRAWINGS) ARE DEEMED RELIABLE, AHBL, INC. ASSUMES NO LIABILITY FOR THE ACCURACY OF SAID DATA.
4. CALL 1-800-424-5555 BEFORE ANY CONSTRUCTION.

### RELIANCE NOTE

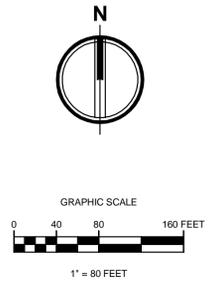
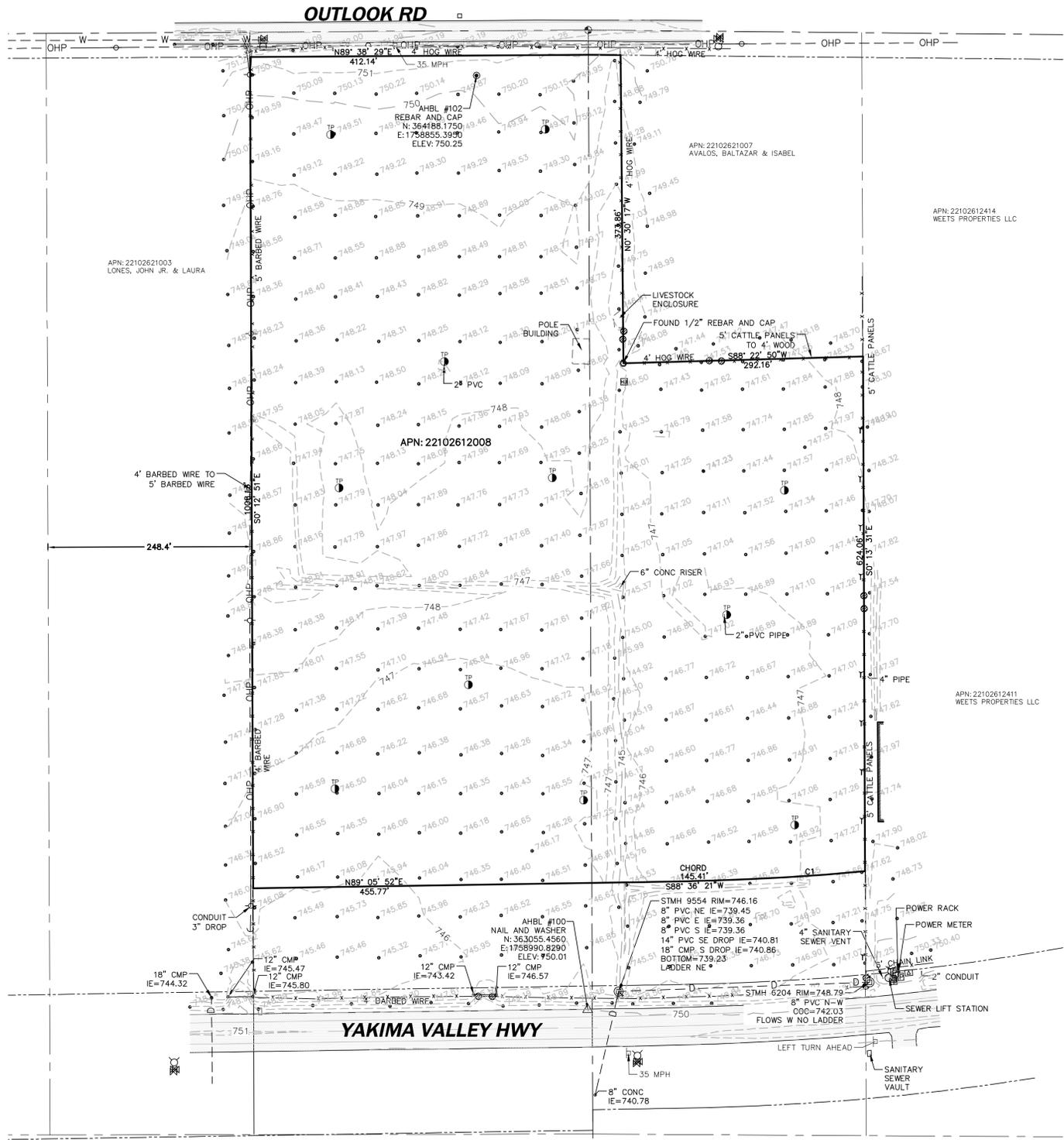
THIS SURVEY WAS PREPARED AT THE REQUEST OF ELITE INVESTMENT GRP, LLC. RIGHTS TO RELY UPON AND, OR USE THIS SURVEY DO NOT EXTEND TO ANY OTHER PARTY EXCEPT THROUGH EXPRESS RECERTIFICATION BY THE PROFESSIONAL LAND SURVEYOR WHOSE STAMP AND SIGNATURE APPEAR HEREON.

### EQUIPMENT USED

3" TOTAL STATION UTILIZING STANDARD FIELD TRAVERSE METHODS FOR CONTROL AND STAKING.

### SURVEYOR'S CERTIFICATE

I, JOHN W. BECKER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF WASHINGTON, HEREBY CERTIFY THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION IN NOVEMBER 2022 IN COMPLIANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT, CHAPTER 58.09 R.C.W. AND 332-130 W.A.C., AT THE REQUEST OF MR. TRINI GARIBAY WITH SUNNYSIDE DEVELOPMENT GROUP, LLC.

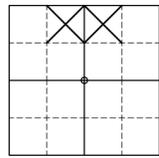


### LEGEND

- FOUND MONUMENT
- SET REBAR AND CAP
- FOUND PROPERTY CORNER
- MONITORING WELL
- BOLLARD
- MAIL BOX
- SIGN AS NOTED
- TEST PIT
- SANITARY SEWER CLEANOUT
- SANITARY SEWER MANHOLE
- STORM CLEANOUT
- STORM CATCH BASIN
- STORM MANHOLE
- YARD DRAIN
- CABLE RISER
- POWER TRANSFORMER
- GUY ANCHOR
- UTILITY POWER POLE
- JUNCTION BOX
- POWER VAULT
- LUMINAIRE
- TELEPHONE RISER
- TELEPHONE VAULT
- IRRIGATION RISER
- FIRE HYDRANT
- HOSE BIB
- IRRIGATION CONTROL VALVE
- WATER METER
- WATER VALVE
- D --- STORM LINE
- S --- SEWER LINE
- OHP --- OVERHEAD UTILITIES
- FENCE --- FENCE
- ASPHALT --- ASPHALT
- CONCRETE --- CONCRETE

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	144.79	2689.79	3705°03'	N86° 03' 21"E	144.77

SECTION INDEX  
S 26, T 10 N, R 22 E, WM  
YAKIMA COUNTY, WA



# SHORT PLAT

A PORTION OF THE NE 1/4 OF THE NW 1/4 AND THE NW 1/4 OF THE NE 1/4 OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 22 EAST, W.M., YAKIMA COUNTY, WASHINGTON.

## LEGAL DESCRIPTION

THE WEST HALF OF THE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 22 EAST, W.M., LYING NORTHERLY OF A LINE DRAWN PARALLEL WITH AND 175.00 FEET NORTHERLY, WHEN MEASURED AT RIGHT ANGLES AND/OR RADIALLY, OF THE LE LINE SURVEY OF STATE HIGHWAY ROUTE 12, GRANGER TO SUNNYSIDE.

EXCEPT THE WEST 248.4 FEET OF SAID EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER.

EXCEPT COUNTY ROAD ON THE NORTH.

ALSO EXCEPT THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 22 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE NORTH 90°00' EAST ALONG THE NORTH LINE OF SAID SUBDIVISION 39.21 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 90°00' EAST 294.07 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26; THENCE SOUTH 00°46'08" EAST ALONG THE EAST LINE OF SAID WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26, 392.75 FEET; THENCE SOUTH 87°50'13" WEST A DISTANCE OF 292.16 FEET; THENCE NORTH 01°02'51" WEST A DISTANCE OF 403.80 FEET TO THE TRUE POINT OF BEGINNING

## DEDICATION AND WAIVER OF CLAIMS

KNOWN ALL MEN BY THESE PRESENT THAT SUNNYSIDE DEVELOPMENT GROUP, LLC, A WASHINGTON CORPORATION, AS OWNER AND ALL OTHER PARTIES HAVING ANY OWNERSHIP INTEREST IN THE LAND HEREON DESCRIBED; HAVE WITH THEIR FREE CONSENT AND IN ACCORDANCE WITH THEIR DESIRES CAUSED THE SAME TO BE SURVEYED AND SHORT PLATTED AS SHOWN HEREON; DO HEREBY DEDICATE THOSE ROADS AND/OR RIGHTS OF WAY AS SHOWN AS PUBLIC DEDICATION HEREON TO THE USE OF THE PUBLIC DO HEREBY WAIVE ON BEHALF OF THEMSELVES AND THEIR SUCCESSORS IN INTEREST ALL CLAIMS FOR DAMAGES AGAINST THE COUNTY OF YAKIMA AND ANY OTHER GOVERNMENTAL AUTHORITY WHICH MAY BE OCCASIONED TO THE ADJACENT LAND BY THE ESTABLISHED CONSTRUCTION, DRAINAGE AND MAINTENANCE OF SAID DEDICATED ROADS AND/OR RIGHTS OF WAY; AND DO HEREBY GRANT AND RESERVE THE EASEMENTS SHOWN HEREON FOR THE USES INDICATED.

SUNNYSIDE DEVELOPMENT GROUP, LLC. \_\_\_\_\_ MANAGING OFFICER

## CORPORATE ACKNOWLEDGEMENT

BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, PERSONALLY APPEARED:

TO ME KNOWS TO BE MANAGING OFFICER FOR SUNNYSIDE DEVELOPMENT GROUP, LLC. THE WASHINGTON CORPORATION DESCRIBED IN AND WHO ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED ON BEHALF OF SAID CORPORATION AND FOR THE USES AND PURPOSES THEREIN MENTIONED. IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

\_\_\_\_\_, RESIDING AT \_\_\_\_\_  
NOTARY FOR THE STATE OF WASHINGTON  
MY COMMISSION EXPIRES \_\_\_\_\_

## AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

AT \_\_\_\_ AM/PM, IN BOOK \_\_\_\_\_ OF SHORT PLAT, AND

UNDER AUDITOR'S FILE NUMBER \_\_\_\_\_ RECORDS  
OF YAKIMA COUNTY, WASHINGTON AT THE REQUEST OF THE ADMINISTRATOR.

\_\_\_\_\_  
YAKIMA COUNTY AUDITOR BY DEPUTY

## SUNNYSIDE VALLEY IRRIGATION DISTRICT APPROVAL

THE PROPERTY DESCRIBED HEREIN IS LOCATED WHOLLY OR IN PART WITHIN THE BOUNDARY OF THE SUNNYSIDE VALLEY IRRIGATION DISTRICT.

I CERTIFY THAT:

\_\_\_\_\_. 1. THIS SHORT PLAT PROVIDES EASEMENTS FOR EXISTING SUNNYSIDE VALLEY IRRIGATION DISTRICT IRRIGATION AND DRAINAGE FACILITIES.

\_\_\_\_\_. 2. AN EASEMENT AGREEMENT HAS BEEN FILED THIS RECORD OF SURVEY.

\_\_\_\_\_. 3. THERE ARE NO EXISTING SUNNYSIDE VALLEY IRRIGATION DISTRICT IRRIGATION AND DRAINAGE FACILITIES WITHIN THIS SHORT PLAT.

\_\_\_\_\_  
SUNNYSIDE VALLEY IRRIGATION DISTRICT DATE

## TREASURER'S CERTIFICATE

I CERTIFY THAT ALL CHARGEABLE REGULAR AND SPECIAL ASSESSMENTS COLLECTIBLE BY THIS OFFICE THAT ARE DUE AND OWING ON THE PROPERTY DESCRIBED HEREON ON DATE OF THIS CERTIFICATE HAVE BEEN PAID.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
YAKIMA COUNTY TREASURER'S OFFICE

## APPROVALS

APPROVED BY THE CITY OF SUNNYSIDE SUBDIVISION ADMINISTRATOR

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
SUBDIVISION ADMINISTRATOR

APPROVED BY THE CITY OF SUNNYSIDE PUBLIC WORKS DIRECTOR

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
PUBLIC WORKS DIRECTOR

## SURVEY FOR

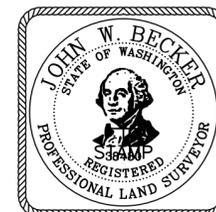
SUNNYSIDE DEVELOPMENT GROUP, LLC  
5804 ROAD 90 SUITE A  
PASCO, WA 99301

## SURVEYOR'S CERTIFICATE

I, JOHN W. BECKER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF WASHINGTON, HEREBY CERTIFY THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION IN NOVEMBER, 2022, IN COMPLIANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT, CHAPTER 58.09 R.C.W. AND 332-130 W.A.C., AT THE REQUEST OF SUNNYSIDE DEVELOPMENT GROUP, LLC.

\_\_\_\_\_  
JOHN W. BECKER, PLS 38480

DATE



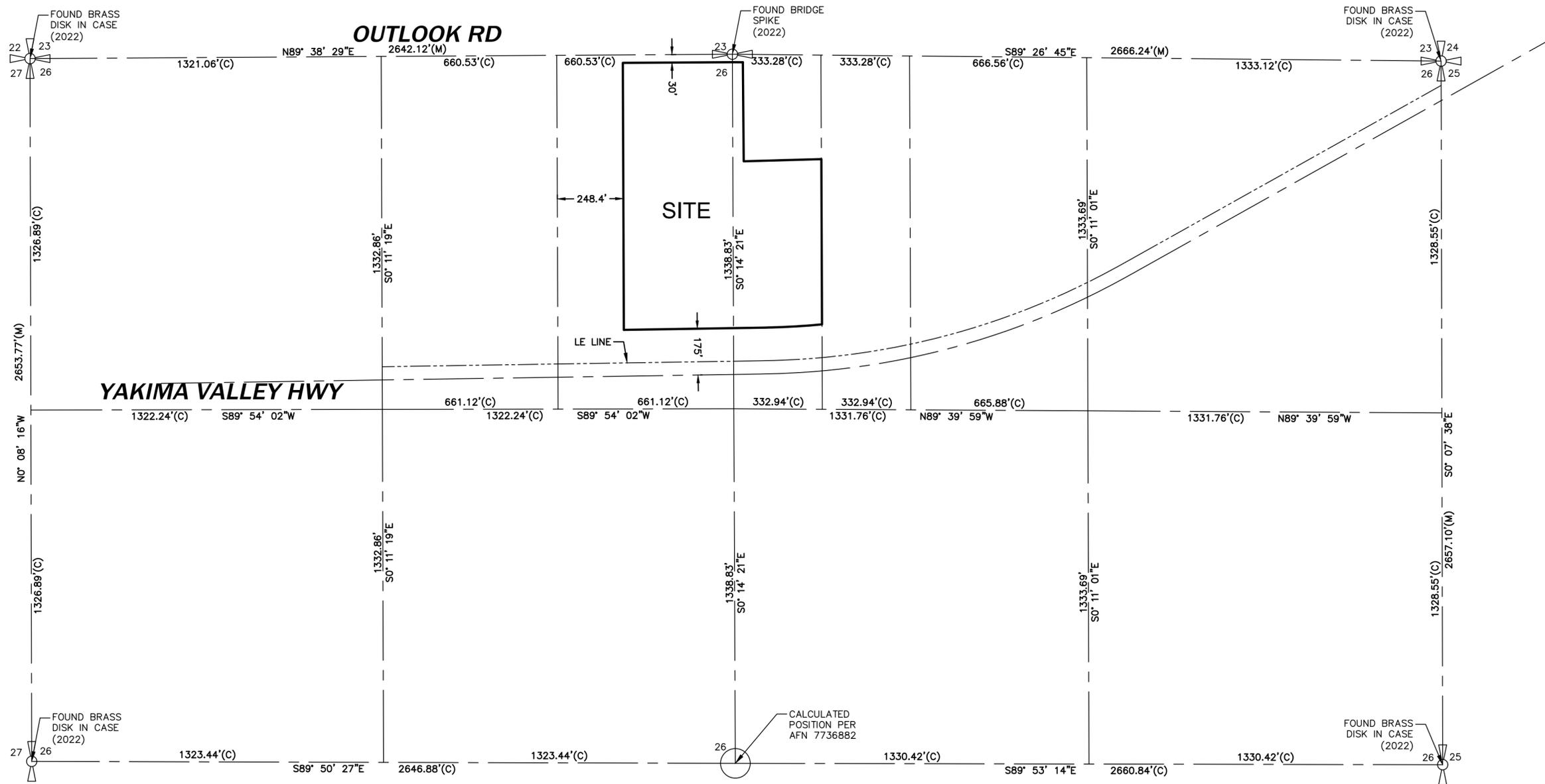
2220714.50

TACOMA • SEATTLE • SPOKANE • TRI-CITIES

5804 Road 90, Suite H Pasco, WA 99301  
509.380.5883 TEL 253.383.2572 FAX www.ahbl.com WEB

# SHORT PLAT

A PORTION OF THE NE 1/4 OF THE NW 1/4 AND THE NW 1/4 OF THE NE 1/4 OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 22 EAST, W.M., YAKIMA COUNTY, WASHINGTON.



### LEGEND

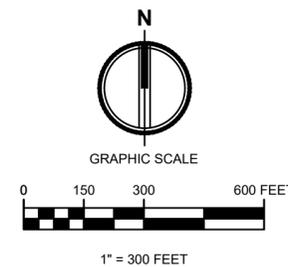
-  SECTION CORNER
-  QUARTER SECTION CORNER
-  CENTER SECTION

### EQUIPMENT USED

3" TOTAL STATION USING STANDARD FIELD TRAVERSE METHODS FOR CONTROL AND STAKING.

### BASIS OF BEARING

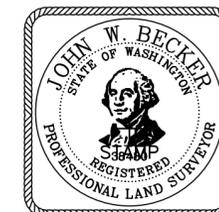
NAD 1983 WASHINGTON STATE PLANE SOUTH PROJECTION, BASED ON GPS OBSERVATIONS USING WSRN AND GEOID 2012A. UNITS OF MEASUREMENT ARE US SURVEY FEET.



### AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 AT \_\_\_\_ AM/PM, IN BOOK \_\_\_\_\_ OF SHORT PLAT, AND  
 UNDER AUDITOR'S FILE NUMBER \_\_\_\_\_ RECORDS  
 OF YAKIMA COUNTY, WASHINGTON AT THE REQUEST OF THE ADMINISTRATOR.

YAKIMA COUNTY AUDITOR BY DEPUTY



2220714.50

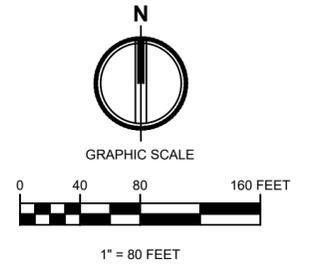
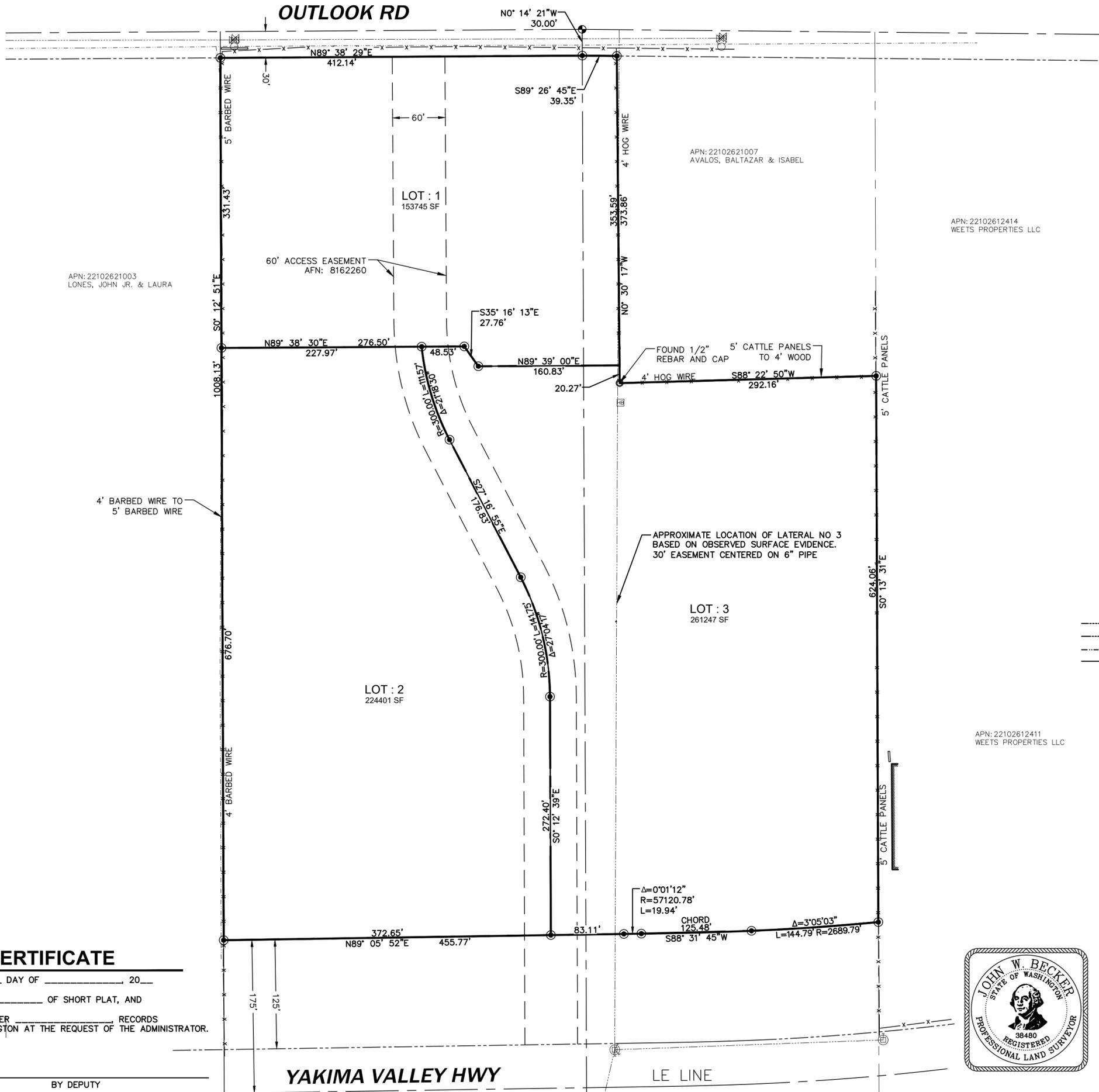


TACOMA • SEATTLE • SPOKANE • TRI-CITIES

5804 Road 90, Suite H Pasco, WA 99301  
 509.380.5883 TEL 253.383.2572 FAX www.ahbl.com WEB

# SHORT PLAT

A PORTION OF THE NE 1/4 OF THE NW 1/4 AND THE NW 1/4 OF THE NE 1/4 OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 22 EAST, W.M., YAKIMA COUNTY, WASHINGTON.



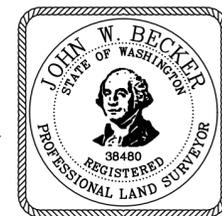
### LEGEND

- FOUND MONUMENT AS NOTED
- SET REBAR AND CAP
- FOUND PROPERTY CORNER
- STORM MANHOLE
- FIRE HYDRANT
- HOSE BIB
- WATER VALVE
- STORM LINE
- WATER LINE
- OVERHEAD UTILITIES
- FENCE

### AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 AT \_\_\_\_ AM/PM, IN BOOK \_\_\_\_\_ OF SHORT PLAT, AND  
 UNDER AUDITOR'S FILE NUMBER \_\_\_\_\_ RECORDS  
 OF YAKIMA COUNTY, WASHINGTON AT THE REQUEST OF THE ADMINISTRATOR.

YAKIMA COUNTY AUDITOR \_\_\_\_\_ BY DEPUTY \_\_\_\_\_



2220714.50

TACOMA • SEATTLE • SPOKANE • TRI-CITIES

5804 Road 90, Suite H Pasco, WA 99301  
 509.380.5883 TEL 253.383.2572 FAX www.ahbl.com WEB

**DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF SUNNYSIDE,  
WASHINGTON AND SUNNYSIDE DEVELOPMENT GROUP, LLC, FOR THE  
“SUNSET MEADOWS” DEVELOPMENT**

THIS DEVELOPMENT AGREEMENT is made and entered into this \_\_\_ day of MONTH, 2023, by and between the City of Sunnyside, Washington, a Washington municipal corporation, hereinafter the “City,” and Sunnyside Development Group, LLC, a limited liability company organized under the laws of the State of Washington, hereinafter the “Developer.”

**RECITALS**

WHEREAS, the Washington State Legislature has authorized the execution of a development agreement between a local government and a person having ownership or control of real property within its jurisdiction (RCW 36.70B.170(1)); and

WHEREAS, a development agreement must set forth the development standards and other provisions that shall apply to, govern and vest the development, use and mitigation of the development of the real property for the duration specified in the agreement (RCW 36.70B.170(1)); and

WHEREAS, for the purposes of this development agreement, “development standards” includes, but is not limited to, all of the standards listed in RCW 36.70B.170(3); and

WHEREAS, a development agreement must be consistent with the applicable development regulations adopted by a local government planning under chapter 36.70A RCW (RCW 36.70B.170(1)); and

WHEREAS, this Development Agreement by and between the City of Sunnyside and the Developer (hereinafter the “Development Agreement”), relates to the development known as “Sunset Meadows” which is a 14.78 acre parcel located at 780 West Yakima Valley Highway, Sunnyside, WA., assigned the Parcel Number 221062-12008, and legally described as a portion of the NE ¼ of the NW ¼ and a portion of the NW ¼ of the NE ¼ of Section 26, Township 10 North, Range 22 East of the Willamette Meridian, Yakima County, Washington, (hereinafter the “Property”); and

WHEREAS, the proposed project, consistent with this agreement, has been fully evaluated for SEPA compliance in accordance with RCW 43.21.C.031(1) and applicable SEPA implementing regulations, WAC 197-11. No further SEPA evaluation or mitigations are necessary; and

WHEREAS, the proposed project complies with the goals and policies of the City's Comprehensive Plan, including but not limited to accommodating future population growth through infill development, developing where City facilities and services are readily available, and diversifying the City's variety of housing densities and types; and

WHEREAS, the City and the Developer acknowledge the importance of diversifying the housing mix; and

WHEREAS, the City and the Developer agree that each has entered into this Development Agreement knowingly and voluntarily and agree to be bound by the terms and conditions of this Development Agreement; and

WHEREAS, the City Council held a public hearing on [DATE] to consider this Agreement, and subsequently voted to authorize the Mayor to sign this Development Agreement with the Developer.

Now, therefore, for mutual benefit and in consideration of the promises, covenants and provisions set for in this agreement, the parties hereto agree as follows:

**Section 1.** *The Project.* The Project is the development and use of the Property, consisting of 14.78 acres in the City of Sunnyside. The Project is a multi-family housing project with a variety of housing types which may include apartments, townhomes, duplexes and fourplexes, with up to 384 units over 29 buildings, not including club house(s), social gathering areas and associated parking.

**Section 2.** *The Subject Property.* The Project site is legally described as a portion of the NE ¼ of the NW ¼ and a portion of the NW ¼ of the NE ¼ of Section 26, Township 10 North, Range 22 East of the Willamette Meridian, Yakima County, Washington.

**Section 3.** *Definitions.* As used in this Development Agreement, the following terms, phrases and words shall have the meanings and be interpreted as set forth in this Section.

- a) "Adopting Ordinance" means the Ordinance which approves this Development Agreement, as required by RCW 36.70B.200.
- b) "Affordable housing" means housing involving regulatory incentives, financial subsidies, or other mechanisms to make provisions for the needs of lower income persons.
- c) "Certificate of occupancy" means either a certificate issued after inspections by the City authorizing a person(s) in possession of

property to dwell or otherwise use a specified building or dwelling unit, or the final inspection if a formal certificate is not issued.

- d) "Council" means the duly elected legislative body governing the City of Sunnyside.
- e) "Landowner" or is the party who has acquired any portion of the Subject Property from the Developer who, unless otherwise released as provided in this Agreement, shall be subject to the applicable provisions of this Agreement. The "Developer" is identified in Section 4 of this Agreement.
- f) "Project" means the anticipated development of the Subject Property, as specified in Section 1 and as provided for in all associated permits/approvals, and all incorporated exhibits.

**Section 4.** *Parties to Development Agreement.* The parties to this Agreement are:

- a) The "City" is the City of Sunnyside, 818 E. Edison Ave., Sunnyside, WA., 98944.
- b) The "Developer" or Owner is a private enterprise which owns the Subject Property in fee, and whose principal office is located at 5804 Road 90 Suite A, Pasco, WA., 99301.
- c) The "Landowner." From time to time, as provided in this Agreement, the Developer may sell or otherwise lawfully dispose of a portion of the Subject Property to a Landowner who, unless otherwise released, shall be subject to the applicable provisions of this Agreement related to such portion of the Subject Property.

**Section 5.** *Project is a Private Undertaking.* It is agreed among the parties that the Project is a private development, and that the City has no interest therein except as authorized in the exercise of its governmental functions.

**Section 6.** *Term of Agreement.* This Agreement shall commence upon the effective date of the Adopting Ordinance approving this Agreement. The provisions of this agreement are binding on the undersigned parties and their respective heirs, successors, and assigns and constitute covenants and benefits appurtenant to and running with the project site. The Agreement shall continue in force unless terminated as set forth in Section 16.

**Section 7.** *Vested Rights of Developer.* During the term of this Agreement, unless sooner terminated in accordance with the terms hereof, in developing the Subject Property consistent with the Project described herein, Developer is assured, and the City agrees, that the development rights, obligations, terms and conditions

specified in this Agreement, are fully vested in the Developer and may not be changed or modified by the City, except as may be expressly permitted by, and in accordance with, the terms and conditions of this Agreement, including the Exhibits hereto, or as expressly consented thereto by the Developer.

**Section 8.** *Permitted Uses and Development Standards.* The permitted uses, the density and intensity of use, development guidelines and standards for development of the Subject Property shall be those set forth in this Agreement, and the permits and approvals identified herein.

**Section 9.** *Development Standards.*

a) Design and Development.

The Developer has not yet finalized the preferred site plan and building plans for the project. Except as otherwise provided in the Agreement, the final design of the project (ex. location of utilities, location of building footprints, and / or aesthetics) will be reviewed and determined during the site plan and building permit review process. The City shall not impose any condition on the project that is inconsistent with any portion of this agreement unless required on account of a serious threat to public health and safety.

b) Density.

The property is zoned General Commercial District. As part of this agreement, the City modifies the zoning code to allow for multifamily development. Nothing shall prevent the applicant from reducing the number of units as defined under Section 1 of this agreement.

c) Crime Reduction.

The Developer shall design and construct the project to combat any real or perceived threats of crime through the following Crime Prevention Through Environmental Design (CPTED) and other measures:

- 1) Eyes on the street. To increase the natural influence of eyes on the street, the Developer shall construct lighting and landscaping to reduce crime opportunities and lower perceived threats. All entrances and the parking areas shall be provided with lighting. All lighting fixtures shall be downward directional and shall be directed away from adjacent properties. Lighting fixtures shall be no higher than 15 feet from grade.

- 2) Cleaning and Maintenance. The shared space, including the recreation and parking areas, shall be maintained, including landscaping and trash collection. Trash shall not be allowed to collect in shared spaces and trash receptacles must be emptied in a timely manner.
- 3) Security. The development will have 24-hour surveillance.
- d) Architectural enhancements.

The Developer shall design and construct the buildings with building articulation and modulation so as to reduce the mass of the structures. Building articulation will be achieved a minimum of every 40 feet, and can be achieved through a change of roofline, use of vertical design, change of materials, four foot or more projections such as a porch, or other methods / features that provide architectural variation and reduce the bulk and mass.

- e) Social gathering space.

The Developer shall design and construct a social gathering space area to which all units shall have access. The area will have at least 5,000 square feet of recreation area. The area shall have a minimum 1,000 square feet of grass / lawn. The area will include a mixture of native and non-native water-wise landscaping. The area will be furnished with elements that enhance the usability and livability of the space for residents and may include outdoor seating and/or picnic tables, playsets, BBQ's, shade elements, landscaping, and outdoor trash can(s).

- f) Private outdoor space.

The developer shall design and construct the project so that each unit shall be provided with usable covered balcony and / or porch space. Each balcony / porch shall be a minimum of 40 square feet and a minimum of six feet in length.

- g) Trash collection area screening.

In addition to the requirements for screening of outdoor trash collection, the project will include a 6' in height sight-obscuring wall or fence to enclose the trash collection area(s) on 3 sides, with the open side oriented away from City streets and adjoining properties. The trash collection area(s) will be maintained and be accessible at all times by the City's trash collection contractor.

- h) Landscaping – Parking areas.

In addition to the landscaping in accordance with SMC 17.65.040 required for interior parking areas with 1 shade tree for every 12 consecutive spaces, the developer will provide and maintain the following specifications. The landscaping shall be enhanced with additional non-required plants with a preference for native and low-water shrubs and flowers. The landscaped beds will be provided with a permanent irrigation system and root barriers. The landscaped areas will be protected behind permanent curbing, no less than 6" in height.

i) Landscaping – Street frontage.

Along the frontage on the proposed road dividing the project, the developer shall plant trees on both sides of the road, evenly spaced between the northern boundary of the property and the southern boundary. The frontage landscape area shall be covered with any mixture of rock, native and/or low water plants, and turf. The landscaped bed will be provided with a permanent irrigation system and root barriers.

j) Signage.

The developer shall construct an architecturally aesthetic monument sign. The sign will be constructed of durable materials and be lighted. The sign area will be landscaped. The sign height shall not exceed six feet.

k) Sidewalks.

The developer will contribute to the safety, accessibility and livability of the site with an enhanced sidewalk width of seven feet, separated from the road section by a safety/landscape strip.

**Section 10.** *Market Rate Housing.* The project is intended to offer housing at fair market rate. There are no requirements for the provision of "affordable housing" for low to moderate income households.

**Section 11.** *Further Discretionary Actions.* Developer acknowledges that the Existing Land Use Regulations contemplate the exercise of further discretionary powers by the City. These powers include, but are not limited to, review of additional permit applications under SEPA. Nothing in this Agreement shall be construed to limit the authority or the obligation of the City to hold legally required public hearings, or to limit the discretion of the City and any of its officers or officials in complying with or applying Existing Land Use Regulations.

**Section 12.** *Existing Land Use Fees and Impact Fees.* Land use fees if adopted by the City by ordinance as of the Effective Date of this Agreement may be increased by the City from time to time, and applicable to permits and approvals for the Subject Property, as long as such fees apply to similar applications and projects in the City. All impact fees if adopted by the City shall be paid as set forth in the approved permit or approval.

**Section 13.** *Default.*

A. Subject to extensions of time by mutual consent in writing, failure or delay by either party or Landowner not released from this Agreement, to perform any term or provision of this Agreement shall constitute a default. In the event of alleged default or breach of any terms or conditions of this Agreement, the party alleging such default or breach shall give the other party or Landowner not less than thirty (30) days' notice in writing, specifying the nature of the alleged default and the manner in which said default may be cured. During this thirty (30) day period, the party or Landowner charged shall not be considered in default for purposes of termination or institution of legal proceedings.

B. After notice and expiration of the thirty (30) day period, if such default has not been cured or is not being diligently cured in the manner set forth in the notice, the other party or Landowner to this Agreement may, at its option, institute legal proceedings pursuant to this Agreement. In addition, the City may decide to file an action to enforce the City's Codes, and to obtain penalties and costs as provided in the City of Sunnyside Municipal Code for violations of this Development Agreement and the Code.

**Section 14.** *Termination.* This Agreement shall expire and/or terminate as provided below:

A. This Agreement shall expire and be of no further force and effect if the development contemplated in this Agreement and all of the permits and/or approvals issued by the City for such development are not substantially underway prior to expiration of such permits and/or approvals. Nothing in this Agreement shall extend the expiration date of any permit or approval issued by the City for any development.

B. This Agreement shall expire and be of no further force and effect if the Developer does not construct the Project as contemplated by the permits and approvals identified in this Agreement and submits applications for development of the Property that are inconsistent with such permits and approvals.

C. This Agreement may be terminated by the City if the Developer fails to submit to the City within seven (7) years, or 84 months, of City Council approval of this Agreement. Prior to such termination, the City shall first provide the Developer with sixty (60) days written notice. Upon termination of this Agreement, the City shall record a notice of such termination in a form satisfactory to the City that the Agreement has been terminated.

D. This Agreement shall terminate when the Subject Property has been fully developed and all of the Developer's obligations in connection therewith are satisfied as determined by the City. Upon termination of this Agreement, the City shall record a notice of such termination in a form satisfactory to the City Attorney that the Agreement has been terminated.

**Section 15.** *Effect upon Termination on Developer Obligations.* Termination of this Agreement as to the Developer of the Subject Property or any portion thereof shall not affect any of the Developer's obligations to comply with the City Comprehensive Plan and the terms and conditions or any applicable zoning code(s) or subdivision map or other land use entitlements approved with respect to the Subject Property, any other conditions of any other development specified in the Agreement to continue after the termination of this Agreement or obligations to pay assessments, liens, fees or taxes.

**Section 16.** *Effects upon Termination on City.* Upon any termination of this Agreement as to the Developer of the Subject Property, or any portion thereof, the entitlements, conditions of development, limitations on fees and all other terms and conditions of this Agreement shall no longer be vested hereby with respect to the property affected by such termination (provided that vesting of such entitlements, conditions or fees may then be established for such property pursuant to then existing planning and zoning laws).

**Section 17.** *Assignment and Assumption.* The Developer shall have the right to sell, assign or transfer this Agreement with all their rights, title and interests therein to any person, firm or corporation at any time during the term of this Agreement. Developer shall provide the City with written notice of any intent to sell, assign, or transfer all or a portion of the Subject Property, at least 30 days in advance of such action.

**Section 18.** *Covenants Running with the Land.* The conditions and covenants set forth in this Agreement shall run with the land and the benefits and burdens shall bind and inure to the benefit of the parties. The Developer, Landowner and every purchaser, assignee or transferee of an interest in the Subject Property, or any portion thereof, shall be obligated and bound by the terms and conditions of this

Agreement, and shall be the beneficiary thereof and a party thereto, but only with respect to the Subject Property, or such portion thereof, sold, assigned or transferred to it. Any such purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of a Developer contained in this Agreement, as such duties and obligations pertain to the portion of the Subject Property sold, assigned or transferred to it.

**Section 19.** *Amendment to Agreement; Effect of Agreement on Future Actions.*

This Agreement may be amended by mutual consent of all of the parties, provided that any such amendment shall follow the process established by law for the adoption of a development agreement (see, RCW 36.70B.200). However, nothing in this Agreement shall prevent the City Council from making any amendment to its Comprehensive Plan, Zoning Code, Official Zoning Map or development regulations affecting the Subject Property during the next five years, as the City Council may deem necessary to the extent required by a serious threat to public health and safety. Nothing in this Development Agreement shall prevent the City Council from making any amendments of any type to the Comprehensive Plan, Zoning Code, Official Zoning Map or development regulations relating to the Subject Property five years from the anniversary date of the Effective Date of this Agreement.

**Section 20.** *Releases.* Developer, and any subsequent Landowner, may free itself from further obligations relating to the sold, assigned, or transferred property, provided that the buyer, assignee or transferee expressly assumes the obligations under this Agreement as provided herein.

**Section 21.** *Notices.* Notices, demands, correspondence to the City and Developer shall be sufficiently given if dispatched by pre-paid first-class mail to the addresses of the parties as designated in Section 4. Notice to the City shall be to the attention of both the City Administrator and the City Attorney. Notices to subsequent Landowners shall be required to be given by the City only for those Landowners who have given the City written notice of their address for such notice. The parties hereto may, from time to time, advise the other of new addresses for such notices, demands or correspondence.

**Section 22.** *Applicable Law and Attorneys' Fees.* This Agreement shall be construed and enforced in accordance with the laws of the State of Washington. If litigation is initiated to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs from the non-prevailing party. Venue for any action shall lie in Yakima County Superior Court or the U.S. District Court for Eastern Washington.

**Section 23. *Specific Performance.*** The parties specifically agree that damages are not an adequate remedy for breach of this Agreement, and that the parties are entitled to compel specific performance of all material terms of this Development Agreement by any party in default hereof.

**Section 24. *Severability.*** If any phrase, provision or section of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any statute of the State of Washington which became effective after the effective date of the ordinance adopting this Development Agreement, and either party in good faith determines that such provision or provisions are material to its entering into this Agreement, that party may elect to terminate this Agreement as to all of its obligations remaining unperformed.

IN WITNESS WHEREOF, the parties hereto have caused this Development Agreement to be executed by their respective officers, thereto duly authorized, as of the dates set forth below:

**DEVELOPER – Sunnyside  
Development Group, LLC**

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF SUNNYSIDE**

\_\_\_\_\_

Dean Broersma, Mayor

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_

Jacqueline Renteria, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_

Saxton Riley & Riley, PLLC, City Attorney

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF YAKIMA )

I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that

\_\_\_\_\_, \_\_\_\_\_ of **Sunnyside Development Group, LLC**, known to me to be the same person whose name is subscribed to the foregoing **Development Agreement**, appeared before me this day in person and acknowledged that, pursuant to his/ her authority, he/she signed the said agreement as his/ her free and voluntary act on behalf of Sunnyside Development Group, LLC for the uses and purposes therein stated.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public  
Residing at: \_\_\_\_\_  
My commission expires  
\_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF YAKIMA )

I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that **Dean Broersma, Sunnyside Mayor**, known to me to be the same person whose name is subscribed to the foregoing **Development Agreement**, appeared before me this day in person and acknowledged that, pursuant to his/ her authority, she signed the said agreement as her free and

voluntary act on behalf of **Sunnyside Development Group, LLC** for the uses and purposes therein stated.

Given under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public

Residing at: \_\_\_\_\_

My commission expires

\_\_\_\_\_