



HEARING EXAMINER MEETING AGENDA

Wednesday,
August 16, 2023
9:00 AM

This meeting will be held live in person at the Sunnyside Law & Justice Center at 401 Homer Street, Sunnyside, WA 98944

Join Zoom meeting:

<https://us02web.zoom.us/j/83155233852?pwd=TXI5M1gzRW96STJXTGN5d0U3U0UvUT09>

Dial in:

253-215-8782

Meeting ID: 831 5523 3852

Passcode: 566544

CALL TO ORDER – ROLL CALL

1. INTRODUCTION

2. PUBLIC HEARING

A. PD # 2023-0027 – Sunnyside Development LLC Master Planned Development

3. ADJOURN

HEARING EXAMINER

SECTION 1

STAFF REPORT



Planning & Community Development
818 East Edison Avenue
Sunnyside, Washington 98944
(509) 837-7999 Office, (509) 836-6383 Fax

**CITY OF SUNNYSIDE
PRELIMINARY SHORT SUBDIVISION AND MASTER PALNNED DEVELOPMNT
RECOMMENDATION**

City of Sunnyside
818 E. Edison Ave. Sunnyside, WA 98944
Phone: (509) 837-7999 Fax: (509) 836-383
PERMIT NUMBER: PD#2023.0027

PERMIT INFORMATION:

Project Name: Sunnyside Development LLC Master Planned Development
(YVH/Outlook Rd. Multifamily Development Proposal)
Zoning Designation: General Commercial B-2
Future Land Use Designation: Commercial
Subject Parcel Number(s): 221026-12008
Property Location: 780 W. Yakima Valley Highway

Property Owner: Sunnyside Mailing 5804 Road 90, Suite A,
Development Address: Pasco, WA 99301
Group LLC.

Recommendation: Recommend **Approval** With Conditions

FACTS

1. Processing
 - A. The application for the Master Planned Development was received on December 28, 2022, along with an SEPA Application for Sunset Meadows.
 - B. The application was deemed complete for processing on February 6, 2023.
 - C. The Planning Commission initially opened the public hearing on the proposed development on March 14, 2023, and continued the meeting to April 11, 2023.
 - D. At the meeting on April 11, 2023, the Planning Commission received additional public comment, and City staff presented the staff report in its entirety. Planning Commission continued the hearing to the next Planning Commission meeting, with no recommendation to council.
 - E. On April 24, 2023, two members of the Planning Commission spoke to City Council about the project, before any official recommendation had been placed before Council. City Staff had concerns with potential ex parte contact, and the Appearance of Fairness Doctrin (RCW 42.36.060), and the application was moved to the Hearing Examiner.
 - F. During the two Planning Commission hearings on March 14th and April 11th, it was discovered one of the Planning Commission members did not disclose a possible financial interest/conflict of interest in the property which was being reviewed before the Planning Commission.

Sunnyside Development Group LLC.

- G. The application was withdrawn and resubmitted on April 25, 2023.
- H. At the time the application was withdrawn there were three conflicts of interest on the Planning Commission, and only six members on the Planning Commission, making the task of the Planning Commission rendering a decision unachievable. This factor extended the City's concern with potential violations of the Appearance of Fairness Doctrine.
- I. To mitigate for any potential conflicts of interest, the application was resubmitted and renoticed for a hearing with the Hearing Examiner.
- J. Per SMC § 2.46.090, the Hearing Examiner shall receive and examine available information, conduct public hearings, prepare a record thereof, and enter findings of fact and conclusions based upon those facts, which conclusions shall represent the final action on the application, unless appealed as hereinafter specified:
 - 1) Planned Unit Developments
- K. The application is being processed under SMC Ch. 17.54 – Master Planned Development Overlay Zone; Ch – 16.08 Planned Unit Developments; Ch. 19.01 Types of Project Permit Applications; and Ch. 18.04 Environmental Policy regulations.
- L. Pursuant to SMC § 2.46.090 Duties, the Hearing Examiner has the authority to make a final recommendation to the Sunnyside City Council for Master Planned Development/Planned Unit Development.
- M. Public Notice:
 - 1) The subject property was initially posted with a land use action sign on February 9, 2023, and the comments below were heard before the Planning Commission on March 14th and April 11th;
 - 2) A Notice of Application and Environmental Review, and Public Hearing was sent to the applicant, SEPA agencies, and adjoining property owners within 300 feet of the subject property on February 6, 2023;
 - 3) During the 20 day public comment period, no written comments were received prior to the March 14 and April 11th Planning Commission meeting;
 - 4) On the March 14, 2023, Planning Commission Hearing, the Planning Commission introduced the project, staff gave a general overview of the project, and the Planning Commission Received Public Comment. The Comments from the March 14th hearing are as follows:
 - a) John Lones – He had comments on wetlands, fill dirt, and how much will the developer need to manipulate the site. Additionally he had concerns with noise and view.
 - b) Suzanne Simpson – She had concerns on the number of people at the development, the number of cars at the development, fencing, higher traffic, graffiti, vandalism, and view.
 - c) Jan Weets – She had comments on a multifamily housing use against her business, which is a metal fabrication shop. She requested a taller fence being allowed to be installed around the perimeter of the site to help mitigate noise and prevent any possible trespassing. She also had comments on traffic, access to Yakima Valley Highway, and kids playing with nearby traffic.
 - d) Doug Flauitte – he had concerns with the number of people the proposed development could bring in. He also mentioned his shop has been hit by gunfire, the number of speeding cars currently on outlook road, garbage

- pickup on the development site, school bus stop for the kids of the new development, and the width of the street.
- e) John Nyboer – he had comments regarding the current number of wrecks and speed of traffic along Outlook Rd.; fencing and sitescreening of the proposed development, and if the development goes in when site screening will be installed; mosquito control on the wetlands; increased property taxes; the response of code enforcement for issues on the site; and additional infrastructure along outlook road to accommodate for increased traffic from the development.
 - f) Baltazar Avalos – he had comment relating to sitescreening and privacy, increased traffic, and current traffic speeds on Outlook Rd. and current traffic controls.
 - g) Kathie Rougk – she made comments about the adjacent development she lived in where family has home on one acre parcels; current traffic and racing on Outlook Rd.; Adding traffic calming measures such as speed bumps; That many of the family in the area were lo0ng term families; and that there is gunfire regularly around them.
 - h) Karina Nyboer – She made comments about the current speed along Outlook Rd.; Length of the phases for development, and having the development gain access to Yakima Valley highway during phase 1 of the development; Concerns with the number of people per apartment; Number of cars per unit and if the current number of spaces will be enough; Concerns with there being enough police officers to monitor this development.
 - i) Yesmir Rougk – She had comments and concerns with people stopping at stop signs on Outlook Rd.; Speeding and traffic controls on Outlook Rd.; and Having Yakima Valley Highway as primary access to the development.
- 5) On June 14, 2023, the City of Sunnyside renoticed the application to be heard in front the Hearing Examiner.
- a) As of July 12, 2023, no additional written comments were received.

FINDINGS AND ANALYSIS:

Based upon information supplied by the applicant, comments from public agencies and a review of the Sunnyside Municipal Code and the Sunnyside Comprehensive Plan, the Administrative Official enters the following:

1. **Project Description:** The applicant is proposing to divide the 14.04 acre parcel into 3 lots.

Lot #	Lot Size	Land Use
1	153745 sqft	Vacant
2	224401 sqft	Vacant
3	261247 sqft	Vacant

2. **Zoning/Land Use:** The proposal lies within the General Commercial (B-2) Zoning District. Properties to the west are within the Urban Residential Agriculture (URA) Zoning District. Properties to the east and south are also in the General Commercial (B-2) Zoning District.

Sunnyside Development Group LLC.

Properties to the north are located within the General Commercial (B-2) zoning district and unincorporated Yakima County. Surrounding properties are either vacant, used for fabrication manufacturing, in agricultural production, or developed for residential uses.

3. **Jurisdiction and Process**: The proposal is being reviewed as a Planned Unit Development in SMC Ch. 16.08, and Master Planned Development, in accordance with SMC Ch. 17.54, which authorizes the Hearing Examiner to review an application to ensure that the proposal meets the standards and criteria for approval, and make a recommendation to the City Council based upon the Examiner's findings.
4. **Environmental Review**: Notice of Application and SEPA Environmental Review was mailed to SEPA agencies, the applicant, and adjoining property owners within 300 feet of the subject property on February 6, 2023. One SEPA agency comment was received during the comment period that ended February 27, 2023. The City use the option DNS process under WAC 197-11-355 to issue this notice of environmental review. No appeals have been received in regards to this application. A Determination of Nonsignificance was issued on April 13, 2023, no appeals were filed. This one comment was received from the Washington State Department of Ecology and reads as follows:

A. WATER QUALITY

Project with Potential to Discharge Off-Site

If your project anticipates disturbing ground with the potential for stormwater discharge off-site, the NPDES Construction Stormwater General Permit is recommended. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a 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 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 is subject to enforcement action.

More information on the stormwater program may be found on Ecology's stormwater 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 with questions about this permit.

B. WATER RESOURCES

Dust Control from a Well

If you plan to use water for dust suppression at your project site, be sure that you have a legal right. In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws

and regulations as a water right permit or certificate obtained directly from Ecology. Temporary permits may be obtainable in a short time-period. The concern of Water Resources is for existing water rights. In some instances water may need to be obtained from a different area and hauled in or from an existing water right holder.

If you have any questions or would like to respond to these Water Resources comments, please contact Christopher Kossik at (509) 379-1826 or email at christopher.kossik@ecy.wa.gov.

1) *Staff Response – The items required from the Department of Ecology shall be enforced at the project permit issuance stage, and will be incorporated as conditions of approval of the Master Planned Development recommendations.*

5. **Critical Areas / Shoreline Review:** As disclosed in the SEPA Checklist provided by the applicant, a portion of the project is depicted on the National Wetland Inventory wetlands mapper, and further investigations as to the presence of any wetlands and / or wetland buffers is warranted..
6. **Narrative:** A copy of the applicant’s narrative has been included in the packet and mailed out to property owners within 300 feet of the proposed project site, and posted on the City’s website.

Purpose and Provisions: Per SMC § 16.08.010.B – ... it is the purpose of this chapter to do the following:

- 1) Encourage development of a variety of housing types;
Staff response – the applicant has proposed to build a multistory apartment complex with recreation facilities, such as basketball court, pool, and clubhouse.
- 2) Encourage the development of a viable economic base that enhances the image of the City;
Staff Response – the City of Sunnyside is aware that there are very little options for market rate apartments available within the City of Sunnyside, the creation of new units will help to ease the burned 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, found in section 9 below, references several goals and policies for the creation new and additional housing within the City.
- 3) Create and/or preserve usable open space for recreation and aesthetic enjoyment of residents and employees;
Staff Response – The proposed development will have a picnic and bbq area, basketball court, pool and other outdoor amenities for e residents of the apartment units.
- 4) Preserve as much as possible the natural characteristics of the land, including topography, native vegetation, and views;
Staff Response – 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 area.
- 5) Avoid construction in hazardous areas;
Staff Response – There are no hazardous area in the vicinity.

- 6) Preserve and/or create wildlife habitat;
Staff Responses – A SEPA was conducted on the subject site, there were no comments from SEPA agencies regarding existing wildlife. Currently the area is used for keeping horses.
- 7) Encourage creativity in design;
Staff Response – The applicant has proposed a design that accommodates the need for housing units in the City, addressing the need for different, market rate units, a recent housing forecast provided by the Yakima Valley Conference of Governments (YVCOG) illustrate the City of Sunnyside approaching an official population of 20,000 people between years 2034 and 2040, which is within the next 20 years. The City is going to need to continue to come up with new and creative ways to allow a variety of housing.
- 8) Provide the maximum efficiency in the layout of streets, utility networks, and other public improvements;
Staff response – The proposed internal streets will be wide enough to accommodate for traffic and fore apparatus. Secondary access for the site will be required, and has been provide with a proposed easement on the parcel to the south of the site. The site has primary access from Outlook Rd. The applicant will be required to build the portion of their road in accordance with the City of Sunnyside Construction Standards. This means a half street improvement will be required, complete with curb, gutter, and sidewalk. A commercial access driveway will be required to be installed, accommodating for two-way traffic, and any emergency, service, or utility vehicle that may need to use the property. 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 driveways shall be installed.
- 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;
Staff Response – This application is also being processed under SMC Ch. 17.54, which may require the applicant and City to enter into a development agreement, ensuring all of the City’s needs are met through and after the development of the site. The applicant has provided a draft development agreement, which will be reviewed by staff and all conditions of approval will be implemented with the agreement.
- 10) Encourage the development of uses that will be compatible with adjacent existing and proposed uses and that will be beneficial to the community;
Staff Response – The existing site is vacant and the proposed development will consist of multifamily housing. There is some residential housing to the east, a fabrication facility and tractor sales facility to the east. Approximately 1000 feet to the east of the site is an apartment complex and mobile home court. There is exiting multifamily within the vicinity of the site.
- 11) Allow development of parcels of property in phases over a period of time, as specified in the plan;
Staff Response - The development of the site may be phased through the development agreement or simply a request within the body of the application. The

City has been accommodating to phased development, and will continue to be accommodating the proposed development.

- 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;

Staff Response - The applicant has indicated they will work with the City requests and development conditions, and implement them into a development agreement, ensuring a quality design and safe facility for the future.

- 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.

Staff Response – As mentioned before, the site is relatively flat and currently vacant. The applicant will have open space and recreational opportunities for residents.

7. **Minimum Requirement for a Master Planned Development:** Per SMC § 17.54.060, Proposals for master planned development shall include the following:

- A. The range, mix, and intensity of the proposed uses;

Staff Response – The proposed project will consist of approximately 394 units over 14.02 acres, which 28 units per acre, or one unit per approximately 1,550 square foot of the site. Additionally the site will contain 542 parking spaces, with 28 of them as designated accessible spaces.

There are plans for two separate club houses, a pool, tot-lots, picnic and cooking spaces, a basketball court. About 90% of the total site will be cover, which is 10% less than the maximum allowed in the B-2 zoning district.

- B. A conceptual site layout defining areas not suitable for development with inclusion of setbacks, buffers, open space, and landscaping requirements;

Staff Response – A site plan has been included in the application. The applicant has indicated they will be providing for open space and recreational opportunities through a picnic area, basketball court, pool, and clubhouse.

- C. Vehicular and pedestrian access and development standards;

Staff Response – The applicant has proposed to install 542 parking space 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 will be required to have two access points, one onto Outlook Rd., and one on to Yakima Valley Highway. Both access driveways and drive aisles shall be constructed to City Standards.

- D. Proposed parking standards;

Staff Reponses – The proposed parking standard is approximately 1.3 spaces per unit. Per SMC § 17.64.040 – Minimum Parking Standards, Multiple dwellings require one parking space for each dwelling unit. The applicant has proposed 148 more space more than would be required for the development.

- E. Provisions for water and sewer services;
Staff Reponse - Water and sewer services are available to the site, and will be extended through the site as part for the proposed project. All of the proposed building will be connected to City sewer and water services.

- F. Conceptual storm water management plans;
Staff Response – All stormwater shall be retained on site. The applicant has proposed to install two retention ponds to accommodate for stormwater runoff.

- G. Design guidelines including height limitations and lot coverage standards; and
Staff Response – The applicant has indicated the proposed building will be three stories in height, which will be approximately 30 feet high. The maximum height for building in the B-2 zoning district is 45 feet. The proposed development would be 15 shorter than the maximum height allowed in the zoning district.

- H. Other measures as may be proposed to ensure that the project is consistent with the provisions of the comprehensive plan, compatible surrounding land uses, does not adversely affect environmentally sensitive areas, and to mitigate potential adverse project impacts.
Staff Response – The applicant has proposed to build a series of multifamily buildings on the site. There are multifamily buildings located less than 1000 feet to the east of the site. Per the City’s Comprehensive Plan and Data from the Yakima Valley Conference of Governments, the City of Sunnyside is projected to have a population over 19,000 people in the next 10 years. One of the key factors to accommodating the projected growth is to provide a variety of housing available to all people who would like to make Sunnyside their home. Additionally, since there are multifamily uses within the area, additional multifamily should be consistent with uses already present.

8. **City of Sunnyside Comprehensive Plan Goals, Policies, and Objectives:** The proposed application complies and promotes the following goals, policies, and objectives of the Sunnyside Comprehensive Plan:

- HOUSING GOALS, POLICIES, AND OBJECTIVES
- Goal 1 - Provide safe and sanitary housing for all persons within the community.
 - Policy 1.1 Support the development of a housing stock that meets the varied needs of the present community while attracting higher income residents.
 - 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).
 - 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.
 - Objective 1 Pursue programs to expand the housing options of very low, low and moderate income groups and the elderly.
- Goal 2 - Residential areas that are safe, sanitary and attractive places to live will be established and maintained in Sunnyside.

- Objective 1 The initial cost of providing municipal services to serve new residential developments will be borne by the developer.
- Goal 3 - Encourage a mixture of housing types and densities throughout the sub- area that are compatible with public service availability.
 - 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
- 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.
 - Policy 1.3 Encourage urban infill where possible to avoid sprawl and the inefficient leapfrog pattern of development.
 - 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.
- Goal 4 - To pursue well-managed, orderly expansion of the urban area in a manner that is within the sustainable limits of the land.
 - Policy 4.2 Provide residential areas that offer a variety of housing densities, types, sizes, costs and locations to meet future demand.
 - Policy 4.3 Ensure that new residential development makes efficient use of the existing transportation network and provides adequate access to all lots.

9. **Master Planned Development Standards (SMC § 17.54.070):**

A. Except, as may be specifically provided in the Development Agreement, the Master Planned Development Agreement shall comply with the following items:

- 1) Traffic Impacts. 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;

Staff response – 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 on the surrounding intersection. Per WAC 365196-840 a-c “ 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 Level of Service (LOS) at 1st and YVH would be the only intersection of concern, and the proposed development would add trips, but would the intersection would remain at an LOS D, which is not a failure, and not a large enough jump to require any off site traffic improvements.

Per the 10th Generation of the ITE Generation Manual, the low-rise apartment will generate .56 trips per unit. The Site is currently zoned B-2, Hotels, Offices, retail stores, restaurants, car lots, and auto repair services are all permitted uses on the site. Standard hotels generate .6 trips per unit, single-family homes generate 1 trip per unit, an office would generate 1.15 trips per 1000 sqft of gross floor area, a shopping area would generate approximately between 2 and 4 trips per 1000 sqft of gross floor area. The proposed low-rise apartment has a lower trip generation expectancy that many of the commercial uses and a single family home subdivision of the same size.

The alternative to a staff concurrency review, would be to require the applicant to conduct a traffic study, submit the results of the traffic study to the City, and require the applicant to install the recommendations outlines in the results of the traffic study.

- 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;
Staff response – 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 applicants submitted documents.
- 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; and
Staff response - Stormwater shall be maintained on site and shall conform to the Eastern Washington Stormwater Manual standards. The applicant has indicated their site can meet these requirements. The submitted site plan illustrates the location of the stormwater retention ponds and pervious surfaces.
- 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.
Staff response - The applicant has submitted a SEPA Environmental Review, which has been reviewed by state agencies. If there any sensitive areas on the site, the City will work with the applicant to address the areas and mitigate for any potential

impacts. Currently no areas have been identified. Currently the national wetland mapper has indicated a small portion of the northwest corner of the lot has wetland. Prior to any development permit being issued, the applicant shall submit to the City adequate documentation demonstrating the wetland status of the site.

10. **General Commercial (B-2) Development Standards:** The following standards apply within the General Commercial (B-2) Zoning District:
- A. Minimum lot area: None
 - B. Minimum Lot Width: None
 - C. Maximum Building Height: 45 feet
 - D. Maximum land coverage: no limitation
 - E. Minimum floor area: none.
 - F. There is no required yard area.

Staff Findings: The proposed development meets the development standards for the B-2 zoning district. The applicant is not asking for any exceptions to the development standards.

11. **Improvement Requirements:** The following improvement standards apply to this proposal:
- A. 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. No construction of improvements shall begin until the City has approved the plans.

Staff Findings: This decision requires that design and engineering plans for the proposed private road be reviewed and approved by the city prior to grading and construction activities.
 - B. 16.36.030 Conformance with design and engineering plans – Inspection of improvements.
 - a. A subdivider shall construct all required improvements in conformance with the approved design and engineering plans.
 - b. All improvements shall be inspected under the supervision of a registered engineer for conformance with the City standard specifications.

Staff Findings: This decision conditions that the construction of required improvements meet city standards as approved in the design and engineering plans.

- C. 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 construction bond. “As-built” drawings shall conform with the Sunnyside standards and specifications requirements.

Staff Findings: All as-builts in Yakima Valley Highway and Outlook Rd. shall be submitted to the City prior to the issuance of a development permit.

D. 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.

Staff Findings: This decision conditions the private road serving the lots to be built to city standards. This include the construction appropriate street widths, curb, gutter, and sidewalk. The applicants portion of the street on Outlook Rd. shall be constructed per the City's Constructions standards, and a paved commercial driveway approach shall be installed along Outlook Rd. and Yakima Valley Highway. 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.

E. 16.36.060 Utilities

- a. 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 the City comprehensive water and sewer plans.

Staff Findings: Sunnyside sewer and water ser is located in Yakima Valley Highway and Outlook Road. The applicant shall connect to these services prior to any Certificate of Occupancy being issued for the proposed buildings.

- b. 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 and specifications, the City comprehensive water plan, and be approved by the Department of Social and Health Services.

Staff Findings: This decision conditions that a domestic water and fire protection system be installed to serve the needs of the subdivision prior to recording the final plat. The systems shall meet city standards.

- c. Each subdivision shall provide a drainage system for the collection, control, and/or disposal of surface water runoff.

Staff Findings: This decision conditions that a drainage system be designed and installed according to city standards.

- d. All new utilities shall be installed underground, except for the following:
 - i. Electric, pad-mounted transformers;
 - ii. Electric transmission systems of a voltage of 15 KV or more;
 - iii. Service meters at structures;
 - iv. TV cable amplifiers, distribution taps;
 - v. Telephone pedestals and cross-connection terminals;

vi. Temporary services necessary for construction.

Staff Findings: This decision conditions that all new utilities be placed underground, with the exception of the items listed in SMC 16.36.060(D).

e. 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.

Staff Findings: The utility easements for this subdivision allow for all franchised utilities.

f. 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.

Staff Findings: This subdivision is located within an irrigation district and is proposing 10-foot irrigation easements along the private road.

g. 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.

Staff Findings: This standard is reviewed at time of application for building permits.

F. 16.36.070 Street lights.

The subdivider shall install at his expense street lights in accordance with the standard specifications of the City.

Staff Findings: Street light installation is not required for this subdivision.

G. 16.36.080 Sidewalks.

Sidewalks shall be constructed of concrete in conformance with the City standards and specifications.

Staff Findings: Sidewalk installation is not required for the proposed internal private road. But is required for the applicant frontage along Outlook Rd.

H. 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.

Staff Findings: The proposed subdivision is not in an area identified as having flooding, inundation, insufficient drainage, or swamp conditions.

CONCLUSIONS:

1. The proposed Master Planned Development is consistent with the goals and policies of the Comprehensive Plan.
2. The applicant may enter into a Development Agreement with the City of Sunnyside, pursuant to WAC 365-196-845 (17), ensuring all policies and conditions of the proposed development are met; the main purpose of the Development Agreement will be to address project phasing and to mitigate for a wetland and/or wetland buffers as may exist on or near the property.
3. This Preliminary Plat complies with the general requirements for subdivision approval as specified by SMC Ch. 16.04, 16.08, and Ch. 16.28.
4. The proposed Preliminary Short Plat has primary access via Outlook Rd, Yakima Valley Highway via an easement through the parcel to the south of the site.
5. Affected streets have sufficient capacity for this proposal and there is adequate site distance and spacing from intersections for the proposed ingress / egress points..
6. This proposed plat serves the public use and interest and provides for the possibility of creating new additional housing within the City of Sunnyside.
7. Given the proximity of the site in relation to public facilities, and potential presence of a wetland, the proposed application on the subject site meets the definition of a unique community asset under SMC § 17.54.020.
8. This preliminary subdivision complies with the goals and objectives of the Comprehensive Plan, the intent and purpose of the B-2 zoning district with the Master Planned Development Overlay, the provisions of the Zoning Ordinance, Subdivision Ordinance, Title 12 Development.
9. 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, retain stormwater onsite.

RECOMMENDATION:

Based upon the above findings, the City of Sunnyside Planning Division hereby **RECOMMENDS APPROVAL WITH CONDITIONS** the requested Master Planned Development, Master Planned Development Overlay, and Short Subdivision Application, subject to the conditions listed below. In accordance with SMC Ch. 16.04, Ch.16.08., SMC § 2.46.099, and Ch. 17.54:

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 this decision. Please note that this decision, including the following conditions, findings, and time limit pertains to this short subdivision and master 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.

Subdivision Conditions:

1. A Cultural Resources Survey may be conducted on the subject site, 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 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:
 1. The entire lot or parcel constituting the applicant's land;
 2. The taxation parcel number or numbers as assigned to the land proposed to be divided by the County Assessor;
 3. The names or recording numbers of all contiguous subdivisions or short subdivisions;
 4. Lot corners and lines marking the division of the land into four or less lots;
 5. Location, size, purpose and nature of existing roads, streets, rights-of-way and easements adjacent;
3. The applicant shall submit to the City adequate documentation demonstrating the wetland status of the site.
4. The applicant shall enter into a development agreement with the City of Sunnyside to address project phasing (including construction timing or financial security for improvements) and mitigation (if any) for wetlands and / or buffers;

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 recorded plat together with all recorded instruments. The subdivider shall pay all filing and copy fees.

Master Planned Development Conditions (Including Phasing):

1. 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;
2. The private road serving the lots shall meet the requirements of the International Fire Code.;
3. Design and engineering plans for the proposed private road shall be reviewed and approved by the city prior to grading and construction activities.
4. Construction of required improvements shall be completed and inspected to ensure they are in accordance with the approved design and engineering plans prior to final plat approval.
5. Driveways on to Outlook Rd. and Yakima Valley Highway shall be constructed per City of Sunnyside Construction Standards ST-10;

6. Utility Easement shall be provided adjacent to all public right-of-ways;
7. All new lots and building shall be served with City of Sunnyside water;
8. All new lots shall be served with City of Sunnyside Sewer Services;
9. All public and private utilities to be located within public road rights-of-way shall be installed prior to the preparation of road paving;
10. 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 plat;
11. A drainage system be designed and installed according to city standards prior to finalization of the plat;
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 Authority shall be obtained and a copy provided to the City of Yakima Code Administration prior to commencement of site preparation. The developer shall designate during working hours a responsible party to serve as contact for suspected air quality violations;
14. NPDES Permit and a Stormwater Pollution Prevention Plan shall be prepared and submitted to the City;
15. All other requirements of the Title 17 zoning and Title 16 subdivision of the City of Sunnyside Municipal Code, although not specifically set forth herein, shall be complied with in their entirety.

HEARING EXAMINER

SECTION 2

APPLICATION



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

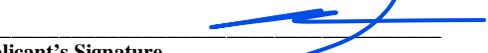
1. Applicant's Information:	Name:	Sunnyside Development Group, LLC					
	Mailing Address:	5804 Road 90 Suite A					
	City:	Pasco	St:	WA	Zip:	99301	Phone: (509) 3915757
	E-Mail:	trini@elitecnd.com, david@elitecnd.com, jbecker@ahbl.com					
2. Applicant's Interest in Property:	Check One:	<input checked="" 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)#

DATE FEE PAID:	RECEIVED BY:	AMOUNT PAID:	RECEIPT NO:



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.

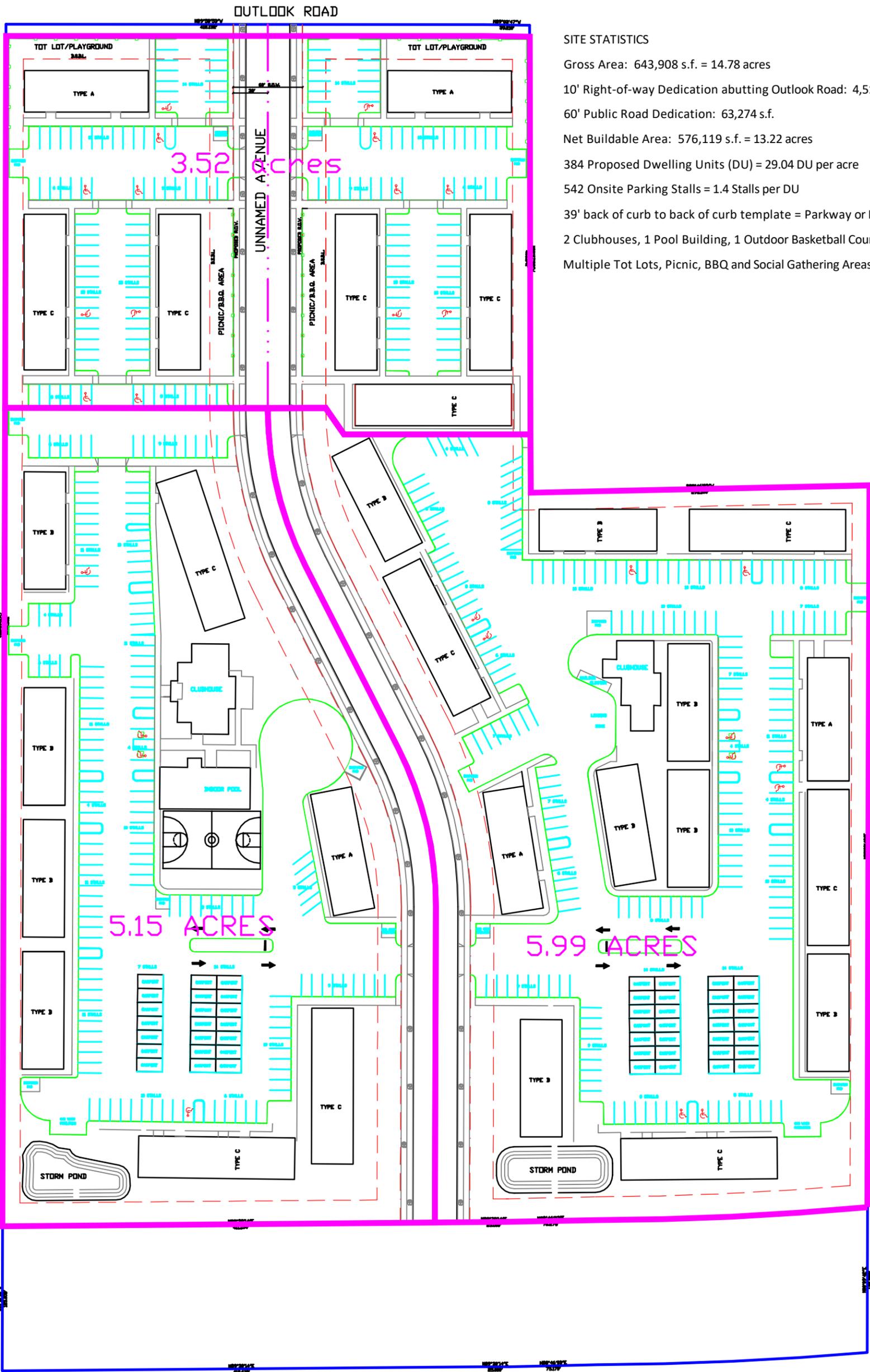
SITE PLAN CHECKLIST

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

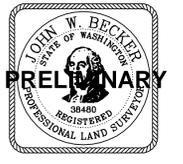
Client:
SUNNYSIDE DEVELOPMENT GROUP, LLC

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 SUPERSEDE ANY OTHER INSTRUMENTS OF RECORD. 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 NORTHWEST 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 NORTHWEST 1/4 OF THE NORTHWEST 1/4.
EXCEPT COUNTY ROAD ON THE NORTH.
ALSO EXCEPT THAT PORTION OF THE NORTHWEST 1/4 OF THE NORTHWEST 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 NORTHWEST 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 NORTHWEST 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

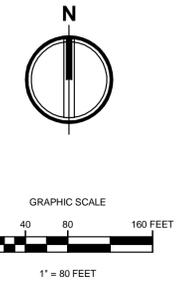
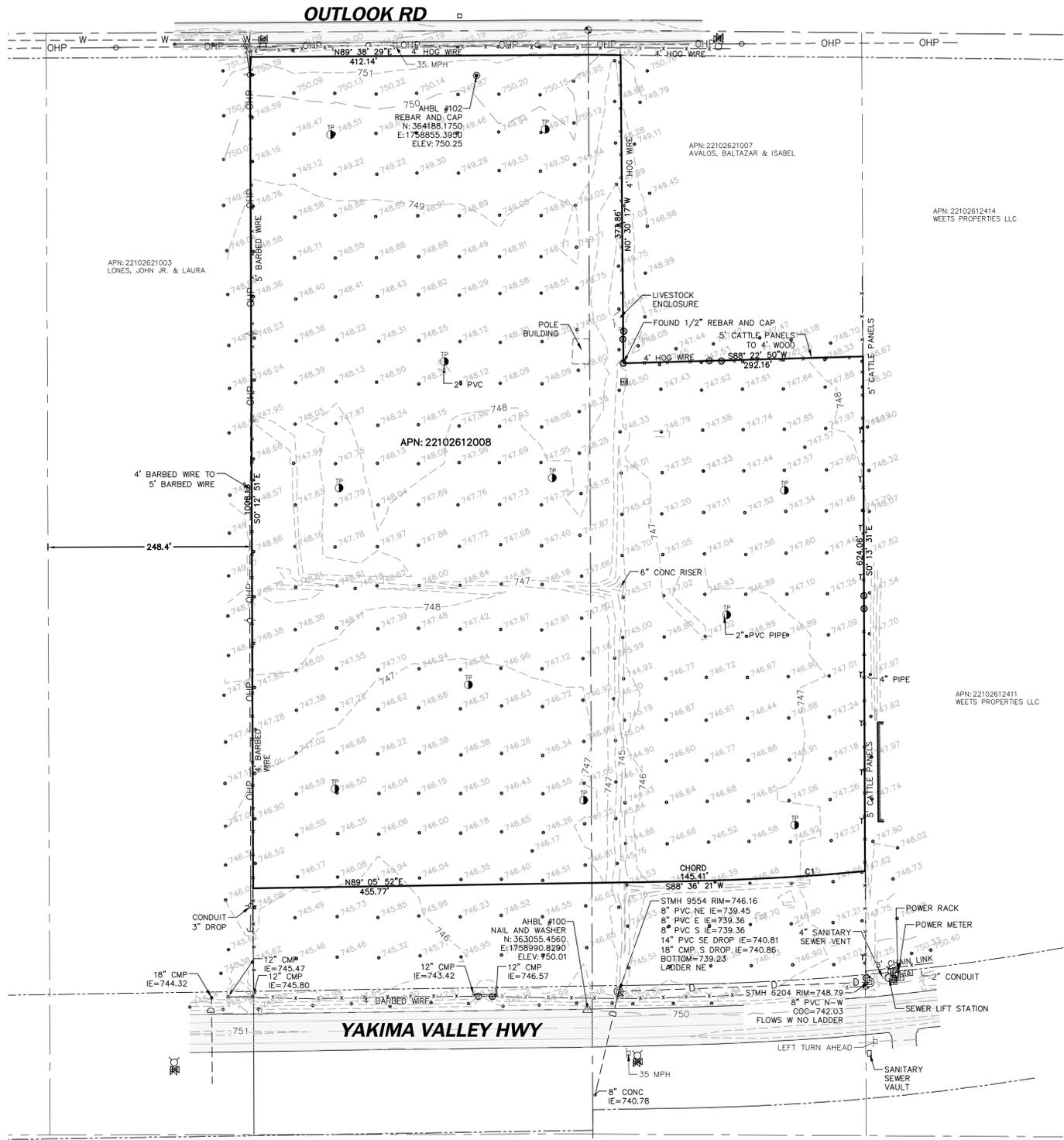
THIS SURVEY WAS PREPARED AT THE REQUEST OF ELITE INVESTMENT GRP, LLC. RIGHTS TO RELY UPON AND, OR USE THIS SURVEY DO NOT EXTEND TO ANY OTHER PARTY EXCEPT THROUGH EXPRESS RECERTIFICATION BY THE PROFESSIONAL LAND SURVEYOR WHOSE STAMP AND SIGNATURE APPEAR HEREON.

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.

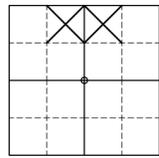


LEGEND

- 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
- F --- FENCE
- ASPHALT
- 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

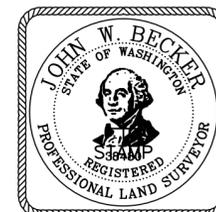
SURVEY FOR

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



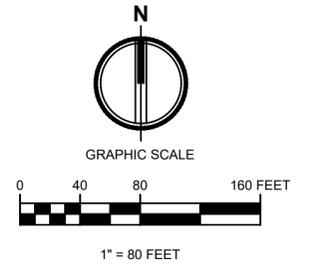
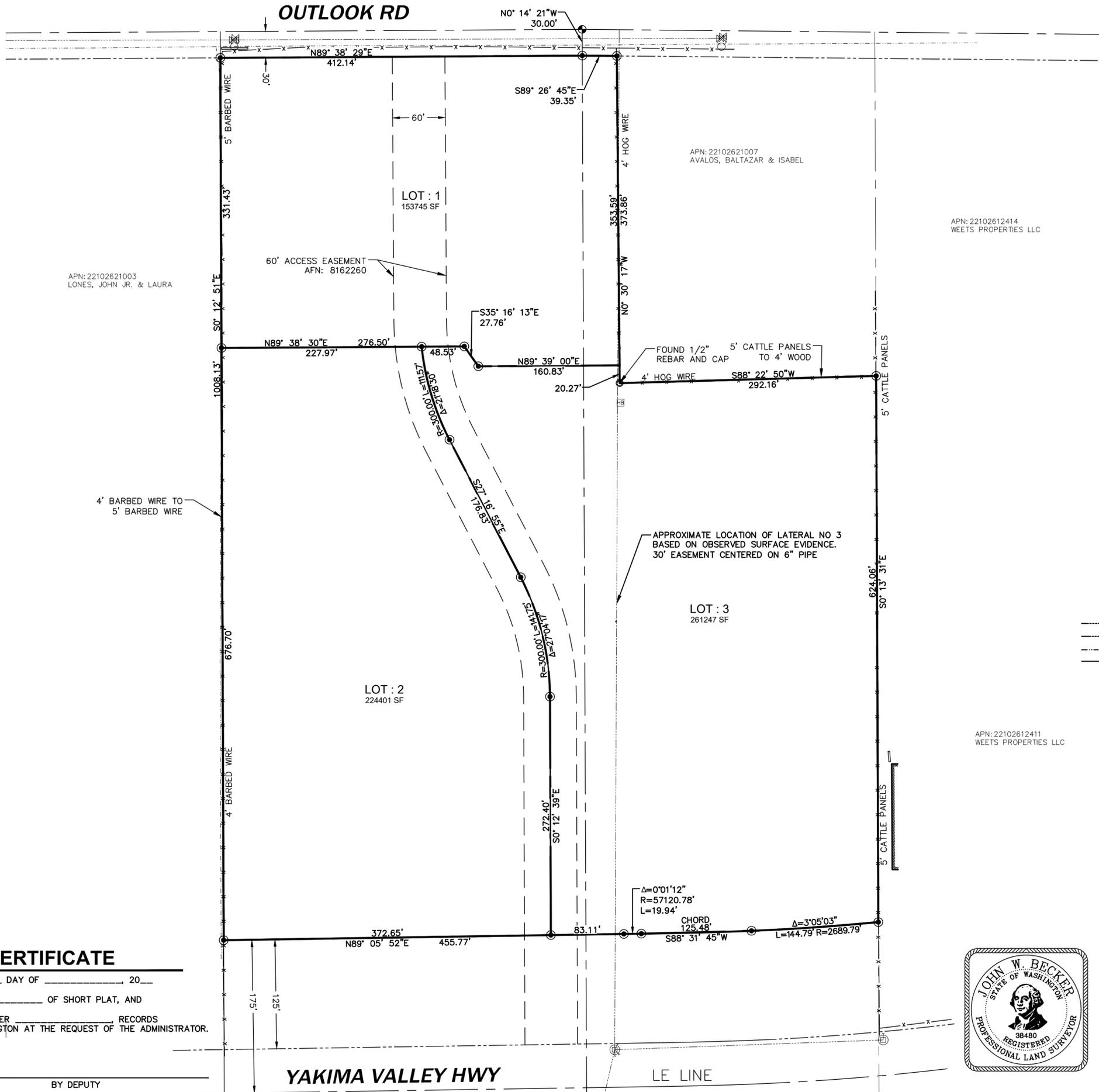
2220714.50

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.



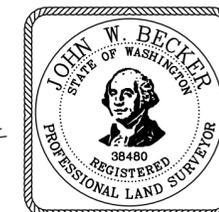
LEGEND

- 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

HEARING EXAMINER
SECTION 3
SEPA DETERMINATION



Planning & Community Development
818 East Edison Avenue
Sunnyside, Washington 98944
(509) 837-7999 Office, (509) 836-6383 Fax

**WASHINGTON STATE ENVIRONMENTAL POLICY ACT
DETERMINATION OF NONSIGNIFICANCE
CITY OF SUNNYSIDE, WASHINGTON
April 13, 2023**

PROJECT DESCRIPTION: The City of Sunnyside received a Planned Development Application from Sunnyside Group LLC to construct a multifamily housing complex, consisting of up to approximately 394 units over three phases in the General Commercial (B-2) zoning district.

LOCATION: 780 Yakima Valley Highway, Sunnyside, WA 98944.

PARCEL NUMBER: 221026-12008

PROPONENT: Sunnyside Development Group LLC.

PROPERTY OWNER: Sunnyside Development Group LLC.

LEAD AGENCY: City of Sunnyside

FILE NUMBER: PD#2022-0027 & SEPA#2023-28

DETERMINATION: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355.
There is no further comment period on the DNS.

Responsible Official: Trevor Martin
Position/Title: SEPA Responsible Official
Phone: (509) 837-7999
Address: 818 E. Edison Ave., Sunnyside, WA 98944

Date: April 13, 2023

Signature _____

A handwritten signature in black ink, appearing to read "Trevor Martin", written over a horizontal line.

You may appeal this determination to: Trevor Martin, AICP, Community & Economic Development Director, at 818 E. Edison Ave. Sunnyside, WA 98944.

No later than: **April 27, 2023**

By method: Complete appeal application form and payment of \$346.50 appeal fee.

You should be prepared to make specific factual objections. Contact the City of Sunnyside Planning Division to read or ask about the procedures for SEPA appeals.

HEARING EXAMINER

SECTION 4

PUBLIC NOTICES



Planning & Community Development
818 East Edison Avenue
Sunnyside, Washington 98944
(509) 837-7999 Office, (509) 836-6383 Fax

NOTICE OF APPLICATION AND PUBLIC HEARING
SMC Ch. 17.54 & 19.01

DATE: August 2, 2023
TO: Applicant, and Adjoining Property Owners
FROM: Trevor Martin, AICP, Community and Economic Development Director
APPLICANT: Sunnyside Development Group LLC.
FILE NUMBER: PD#2022-0027
LOCATION: 780 Yakima Valley Highway, Sunnyside, WA 98944
TAX PARCEL NUMBER(S): 221026-12008
DATE OF APPLICATION: January 18, 2023
DATE OF COMPLETENESS: February 3, 2023

PROJECT DESCRIPTION: The City of Sunnyside received a Master Planned Development Application, Short Plat Application and request for a “Master Planned Development” overlay designation from Sunnyside Group LLC to construct a multifamily housing complex, consisting of up to 394 units over three phases in the General Commercial (B-2) zoning district on parcel 221026-12008. There was a public hearing held on July 19, 2023 to consider the matter, however there were technical difficulties with the audio recording for the hearing. As a result, this application is being renoticed. This means that testimony given at the hearing of July 19 was not entered into the record and anyone who wants to have their comments considered must attend the new hearing.

The City’s responsible official issued a SEPA DNS for the proposal on April 13, 2023. The applicant has also applied for a Development Agreement in accordance with WAC 365-196-845 which may be considered by the City Council separately.

NOTICE OF PUBLIC HEARING: This request requires that the Hearing Examiner hold an open record public hearing, which is now scheduled for **Wednesday, August 16, 2023, at 9:00 am.**, at the Law and Justice Center, 401 Homer St, Sunnyside, WA 98944. A zoom link will be available at - <https://sunnyside.primegov.com/public/portal?fromiframe=true>. Any person desiring to express their views on the matter is invited to attend the hearing to provide testimony, or provide written comments to the City of Sunnyside prior to the hearing. Written comments that were previously provided to the City will be retained for the August hearing. If you are submitting written comment to the City, please reference file number PD#2023-0027 and applicant’s name (Sunnyside Development Group) in any correspondence you submit. You can mail your comments to:

Trevor Martin, AICP, Community and Economic Development Director
City of Sunnyside, Office of Community Development
818 E. Edison Ave., Sunnyside, WA 98944

NOTICE OF RECOMMENDATION: Following the public hearing, the Hearing Examiner will issue a recommendation within ten (10) business days. When available, a copy of the recommendation will be mailed to parties of record and entities who were provided this notice.

The file containing the complete application is available for public review at the City of Sunnyside, City Hall – 818 E. Edison Ave., Sunnyside, WA 98944. If you have questions regarding this proposal, please call (509) 837-7999, or e-mail to tmartin@sunnyside-wa.gov



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

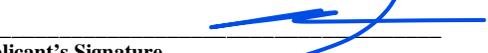
1. Applicant's Information:	Name:	Sunnyside Development Group, LLC					
	Mailing Address:	5804 Road 90 Suite A					
	City:	Pasco	St:	WA	Zip:	99301	Phone: (509) 3915757
	E-Mail:	trini@elitecnd.com, david@elitecnd.com, jbecker@ahbl.com					
2. Applicant's Interest in Property:	Check One:	<input checked="" 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.


 Property Owner's Signature _____ Date 12.28.2022

 Applicant's Signature _____ Date 12.28.2022

FILE/APPLICATION(S)#

DATE FEE PAID:	RECEIVED BY:	AMOUNT PAID:	RECEIPT NO:



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: [x] Flat [x] 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)

[x] Electricity [x] Telephone [] Natural Gas [x] Sewer [x] Cable TV [x] 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: [x] 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.

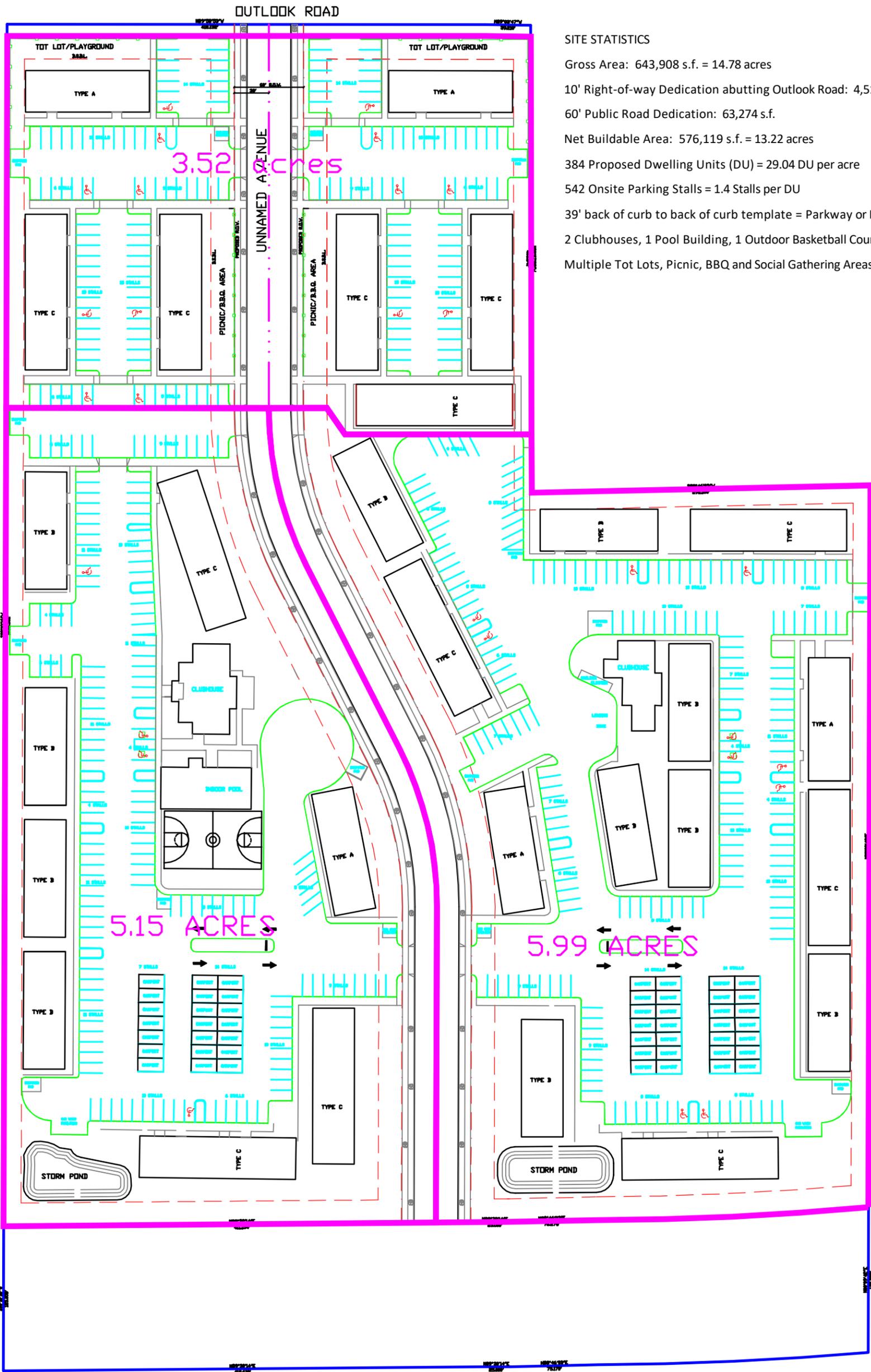
SITE PLAN CHECKLIST

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

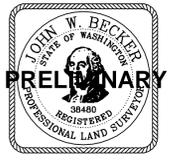
Client:
SUNNYSIDE DEVELOPMENT GROUP, LLC

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 NORTHWEST 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 RADIALLY, 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 NORTHWEST 1/4 OF THE NORTHWEST 1/4.
EXCEPT COUNTY ROAD ON THE NORTH.
ALSO EXCEPT THAT PORTION OF THE NORTHWEST 1/4 OF THE NORTHWEST 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 NORTHWEST 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 NORTHWEST 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

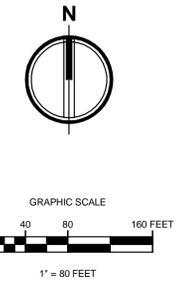
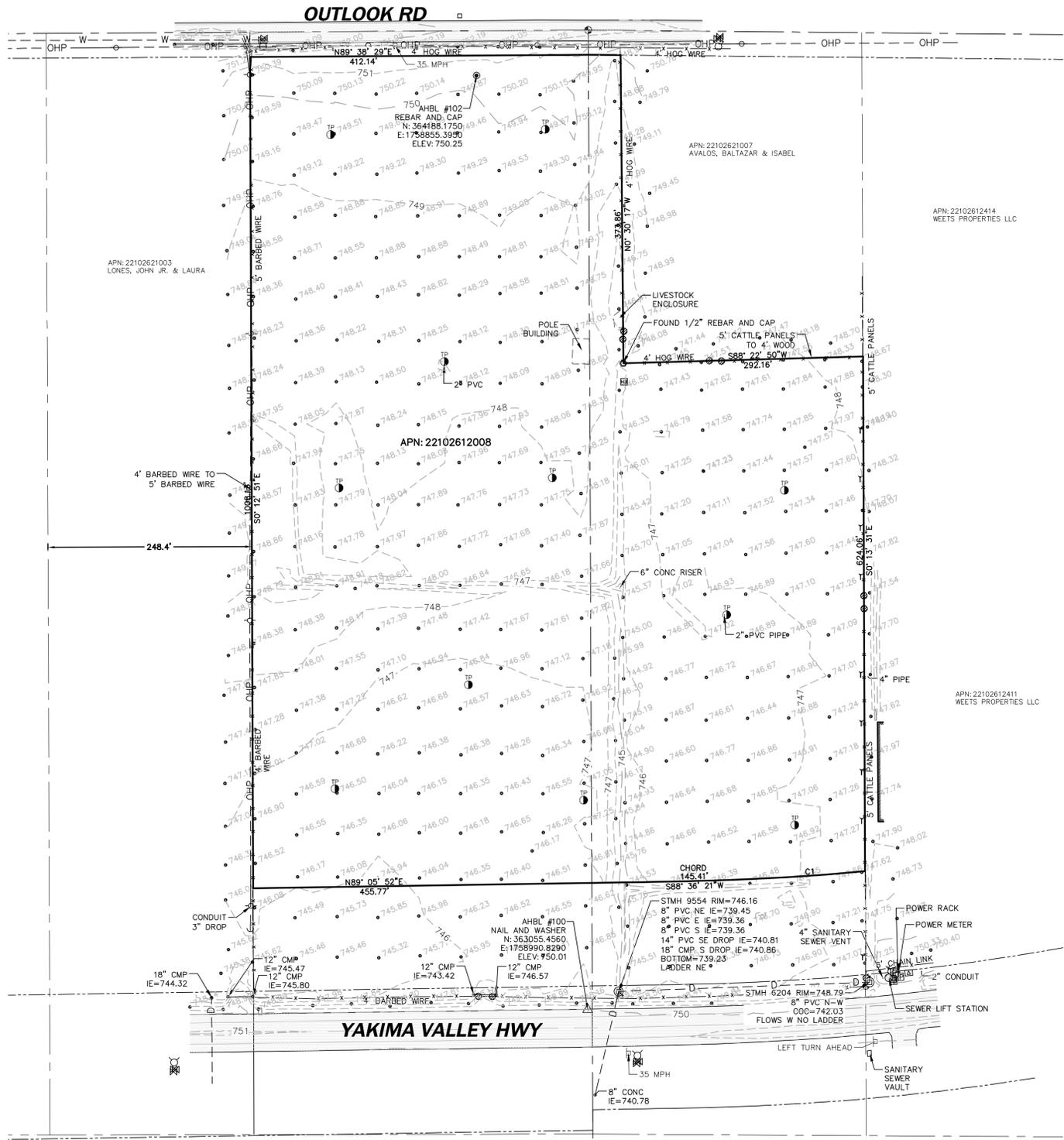
THIS SURVEY WAS PREPARED AT THE REQUEST OF ELITE INVESTMENT GRP, LLC. RIGHTS TO RELY UPON AND, OR USE THIS SURVEY DO NOT EXTEND TO ANY OTHER PARTY EXCEPT THROUGH EXPRESS RECERTIFICATION BY THE PROFESSIONAL LAND SURVEYOR WHOSE STAMP AND SIGNATURE APPEAR HEREON.

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.

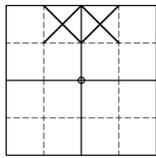


LEGEND

- 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

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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

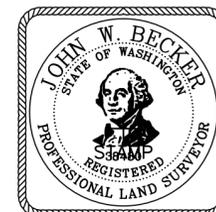
SURVEY FOR

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



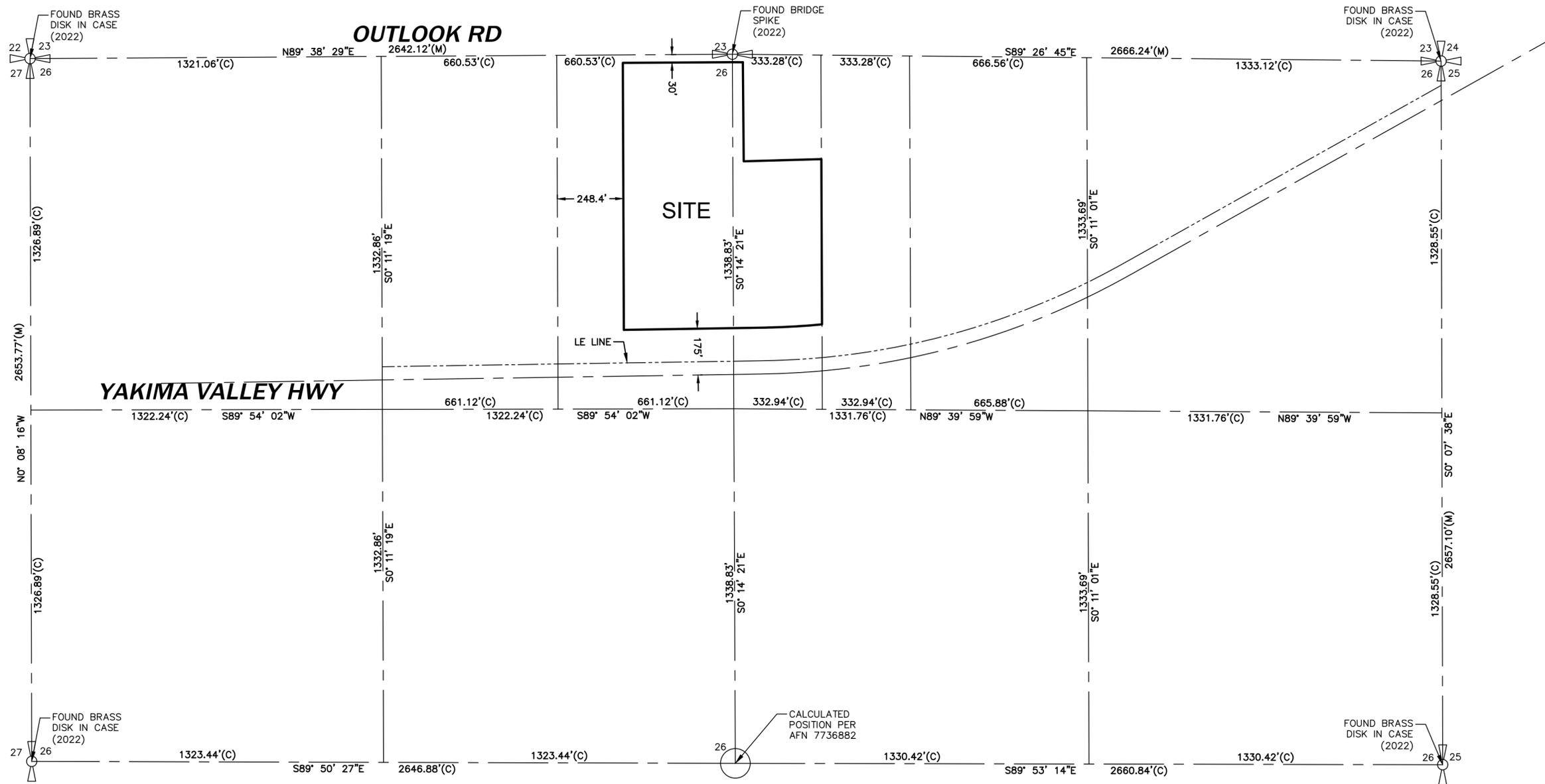
2220714.50

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

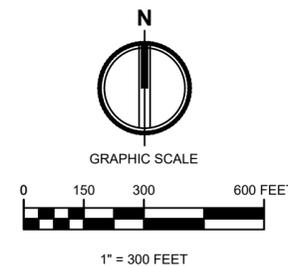
-  SECTION CORNER
-  QUARTER SECTION CORNER
-  CENTER SECTION

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



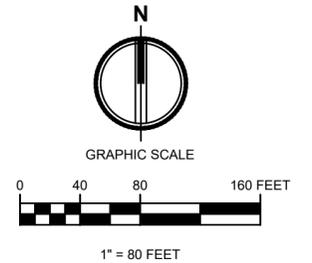
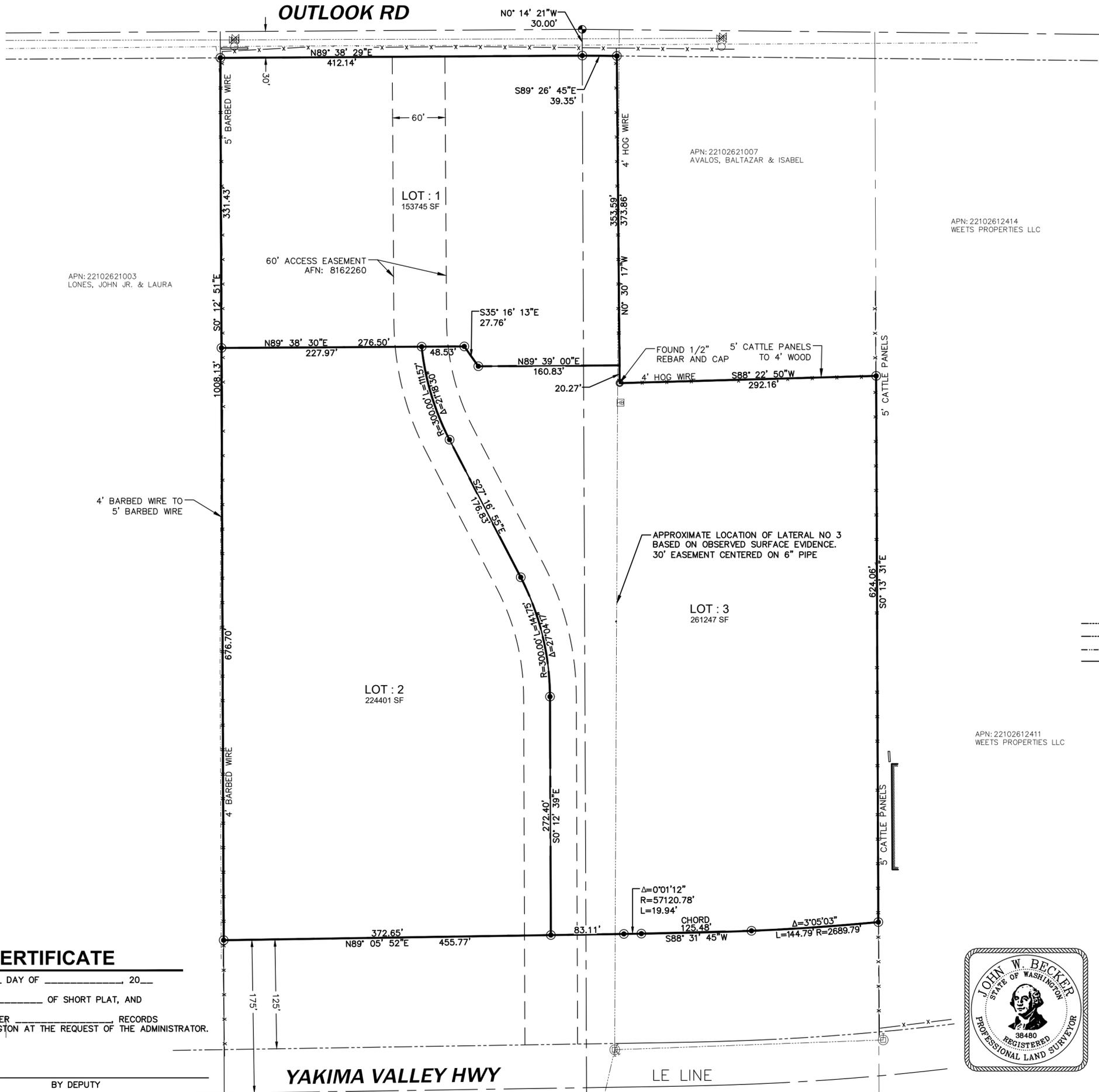
2220714.50



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



Planning & Community Development
818 East Edison Avenue
Sunnyside, Washington 98944
(509) 837-7999 Office, (509) 836-6383 Fax

**WASHINGTON STATE ENVIRONMENTAL POLICY ACT
DETERMINATION OF NONSIGNIFICANCE
CITY OF SUNNYSIDE, WASHINGTON
April 13, 2023**

PROJECT DESCRIPTION: The City of Sunnyside received a Planned Development Application from Sunnyside Group LLC to construct a multifamily housing complex, consisting of up to approximately 394 units over three phases in the General Commercial (B-2) zoning district.

LOCATION: 780 Yakima Valley Highway, Sunnyside, WA 98944.

PARCEL NUMBER: 221026-12008

PROPONENT: Sunnyside Development Group LLC.

PROPERTY OWNER: Sunnyside Development Group LLC.

LEAD AGENCY: City of Sunnyside

FILE NUMBER: PD#2022-0027 & SEPA#2023-28

DETERMINATION: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355.
There is no further comment period on the DNS.

Responsible Official: Trevor Martin
Position/Title: SEPA Responsible Official
Phone: (509) 837-7999
Address: 818 E. Edison Ave., Sunnyside, WA 98944

Date: April 13, 2023

Signature _____

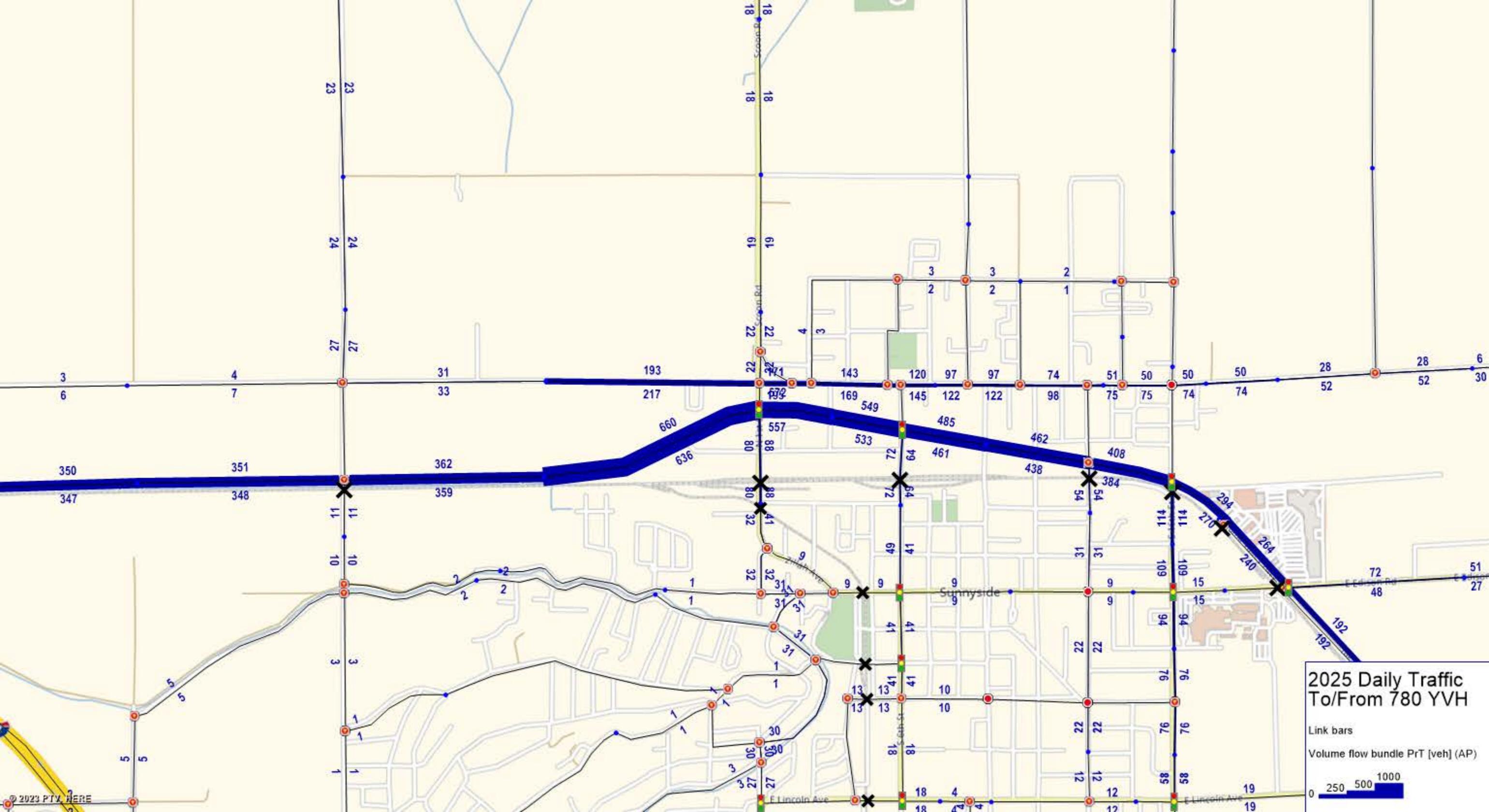
A handwritten signature in black ink, appearing to be "Trevor Martin", written over a horizontal line.

You may appeal this determination to: Trevor Martin, AICP, Community & Economic Development Director, at 818 E. Edison Ave. Sunnyside, WA 98944.

No later than: **April 27, 2023**

By method: Complete appeal application form and payment of \$346.50 appeal fee.

You should be prepared to make specific factual objections. Contact the City of Sunnyside Planning Division to read or ask about the procedures for SEPA appeals.



2025 Daily Traffic To/From 780 YVH

Link bars

Volume flow bundle PrT [veh] (AP)



NOTICE OF PUBLIC HEARING

PROJECT DESCRIPTION: The City of Sunnyside received a Planned Development Application from Sunnyside Group LLC to construct a multifamily housing complex, consisting of up to approximately 394 units over three phases in the General Commercial (B-2) zoning district.

NOTICE OF PUBLIC HEARING: This request requires that the Hearing Examiner hold an open record public hearing, which is scheduled for **July 19, 2023, at 9:00 am.**, at the Law and Justice Center, 401 Homer St, Sunnyside, WA 98944. Any person desiring to express their views on the matter is invited to attend the hearing to provide testimony, or provide written comments to the City of Sunnyside. If you are submitting written comment to the City, please reference file numbers (PD#2023-0027 & SEPA#2023-0028) and applicant's name (Sunnyside Development Group) in any correspondence you submit. You can mail your comments to:

**Trevor Martin, AICP, Community and Economic Development Director
City of Sunnyside, Office of Community Development
818 E. Edison Ave., Sunnyside, WA 98944**

NOTICE OF DECISION: Following the public hearing, the Hearing Examiner will issue a recommendation within ten (10) business days. When available, a copy of the recommendation will be mailed to parties of record and entities who were provided this notice.

The file containing the complete application is available for public review at the City of Sunnyside, City Hall – 818 E. Edison Ave., Sunnyside, WA 98944. If you have questions regarding this proposal, please call (509) 837-7999, or e-mail to tmartin@sunnyside-wa.gov

HEARING EXAMINER
SECTION 6
AFFADAVIT MAILING



CERTIFICATE OF MAILING

I hereby certify, under penalty of perjury, that on the 2nd day of August , 2023, I mailed a true and correct copy of the Notice of Public Hearing for a Planned Development, to the persons and agencies on the attached Exhibit "A", by United States first-class mail, postage prepaid thereon.

Signed this 2nd day of August , 2023 in Sunnyside, Washington.

A handwritten signature in black ink, appearing to read "Trevor Martin". The signature is written in a cursive style with a large, sweeping initial "T".

Trevor Martin, AICP
Community and Economic
Development Director

JOHN NYBOER
3731 OUTLOOK RD
SUNNYSIDE, WA 98944

JOHN NYBOER
3731 OUTLOOK RD
SUNNYSIDE, WA 98944

BRIAN J & JUDITH TATE
111 ROUGK LANE
SUNNYSIDE, WA 98944

WEETS PROPERTIES LLC
4651 N COUNTY LINE RD
GRANDVIEW, WA 98930

ESTEBAN RUIZ
1308 E NOB HILL BLVD
YAKIMA, WA 98901

BALTAZAR & ISABELA VALOS
3740 OUTLOOK RD
SUNNYSIDE, WA 98944

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

MARISOL MADRIZ
601 YAKIMA VALLEY HWY
SUNNYSIDE, WA 98944

WEETS PROPERTIES LLC
4651 N COUNTY LINE RD
GRANDVIEW, WA 98930

WEETS PROPERTIES LLC
4651 N COUNTY LINE RD
GRANDVIEW, WA 98930

JOHN C JR & LAURA B LONES
1032 W YAKIMA VALLEY HWY
SUNNYSIDE, WA 98944

SUZANNE SIMPSON
1030 W YAKIMA VALLEY HWY
SUNNYSIDE, WA 98944

DOUG & JULIE FLAUITTE
3520 OUTLOOK RD
SUNNYSIDE, WA 98944

JULIE M FLAUITTE
3520 OUTLOOK RD
SUNNYSIDE, WA 98944

Yesmir Rougk
151 Rougk Ln,
Sunnyside, WA 98944,

Kathie Rougk
111 Rougk Ln.
Sunnyside, WA 98944

Tom Dolan
1010 Columbia Ave.
Sunnyside, WA 98944

Brittan Moore
PO Box 1107
Sunnyside, WA 98944

Aaron Weets
700 W. Yakima Valley Hwy
Sunnyside, WA 98944

John Becker
93406 E. Holley Rd.
Kennewick, WA 99308

AHBL
c/o Nicole Stickney
5809 Rd 90, #H
Pasco, WA 99301

HEARING EXAMINER
SECTION 5
AFFADAVIT OF POSTING



CERTIFICATE OF LAND USE NOTICE POSTING

I hereby certify, under penalty of perjury, that on the 14th day of JUNE , 2023,
I posted the subject property Notice of Land Use Action Review for property at
 780 Yakima Valley Highway

Signed this 14th day of June , 2023 in Sunnyside, Washington.

A handwritten signature in black ink, appearing to read "Trevor Martin".

**Trevor Martin, AICP
Community and Economic
Development Director**

HEARING EXAMINER
SECTION 7
SUPPLEMENTAL INFORMATION



Sunnyside Sun 2023, Yakima County Legal Newspaper

Affidavit of Publication

STATE OF WASHINGTON — County of Yakima --ss.

RENOTICE OF PUBLIC HEARING

PROJECT DESCRIPTION:

The City of Sunnyside received a Master Planned Development Application, Short Plat Application and request for a "Master Planned Development" overlay designation from Sunnyside Group LLC to construct a multifamily housing complex, consisting of up to 394 units over three phases in the General Commercial (B-2) zoning district on parcel 221026-12008. There was a public hearing held on July 19, 2023 to consider the matter, however there were technical difficulties with the audio recording for the hearing. As a result, this application is being renoticed. This means that testimony given at the hearing of July 19 was not entered into the record and anyone who wants to have their comments considered must attend the new hearing.

The City's responsible official issued a SEPA DNS for the proposal on April 13, 2023. The applicant has also applied for a Development Agreement in accordance with WAC 365-196-845 which may be considered by the City Council separately.

NOTICE OF PUBLIC HEARING:

This request requires that the Hearing Examiner hold an open record public hearing, which is now scheduled for **Wednesday, August 16, 2023, at 9:00 am.**, at the Law and Justice Center, 401 Homer St, Sunnyside, WA 98944. Any person desiring to express their views on the matter is invited to at-

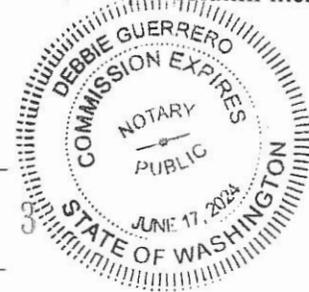
Job Wise, being first duly sworn on oath deposes and says that he is the General Manager of the SUNNYSIDE SUN, a weekly newspaper.

That said newspaper is a legal newspaper, published in the English language continually as a weekly newspaper in the city of Sunnyside, YAKIMA County, Washington, and it is now and during all of said time printed in an office maintained at the aforesaid place of publication of said newspaper, and that the said Sunnyside Sun was on the 4th Day of April, 1969 approved as a legal newspaper by the Superior Court of said Yakima County.

That the annexed is a true copy of a LEGAL PUBLICATION - **City of Sunnyside -- RENOTICE: PD#2023-0027**

published in regular issues (and not in supplemental forms) of said newspaper once each week for a period of 1 consecutive issue(s) commencing 8/2/2023 and ending on 8/2/2023, both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$81.38, amount has been paid in full, at the rate of \$7.75 per column inch per insertion.

Subscribed and sworn to before me 080323



Notary Public in and for the State of Washington

Affidavit of Publication continued:

tend the hearing to provide testimony, or provide written comments to the City of Sunnyside prior to the hearing. Written comments that were previously provided to the City will be retained for the August hearing. If you are submitting written comment to the City, please reference file number PD#2023-0027 and applicant's name (Sunnyside Development Group) in any correspondence you submit. You can mail your comments to:

Trevor Martin, AICP, Community and Economic Development Director

**City of Sunnyside, Office of Community Development
818 E. Edison Ave., Sunnyside, WA 98944**

NOTICE OF RECOMMENDATION: Following the public hearing, the Hearing Examiner will issue a recommendation within ten (10) business days. When available, a copy of the recommendation will be mailed to parties of record and entities who were provided this notice.

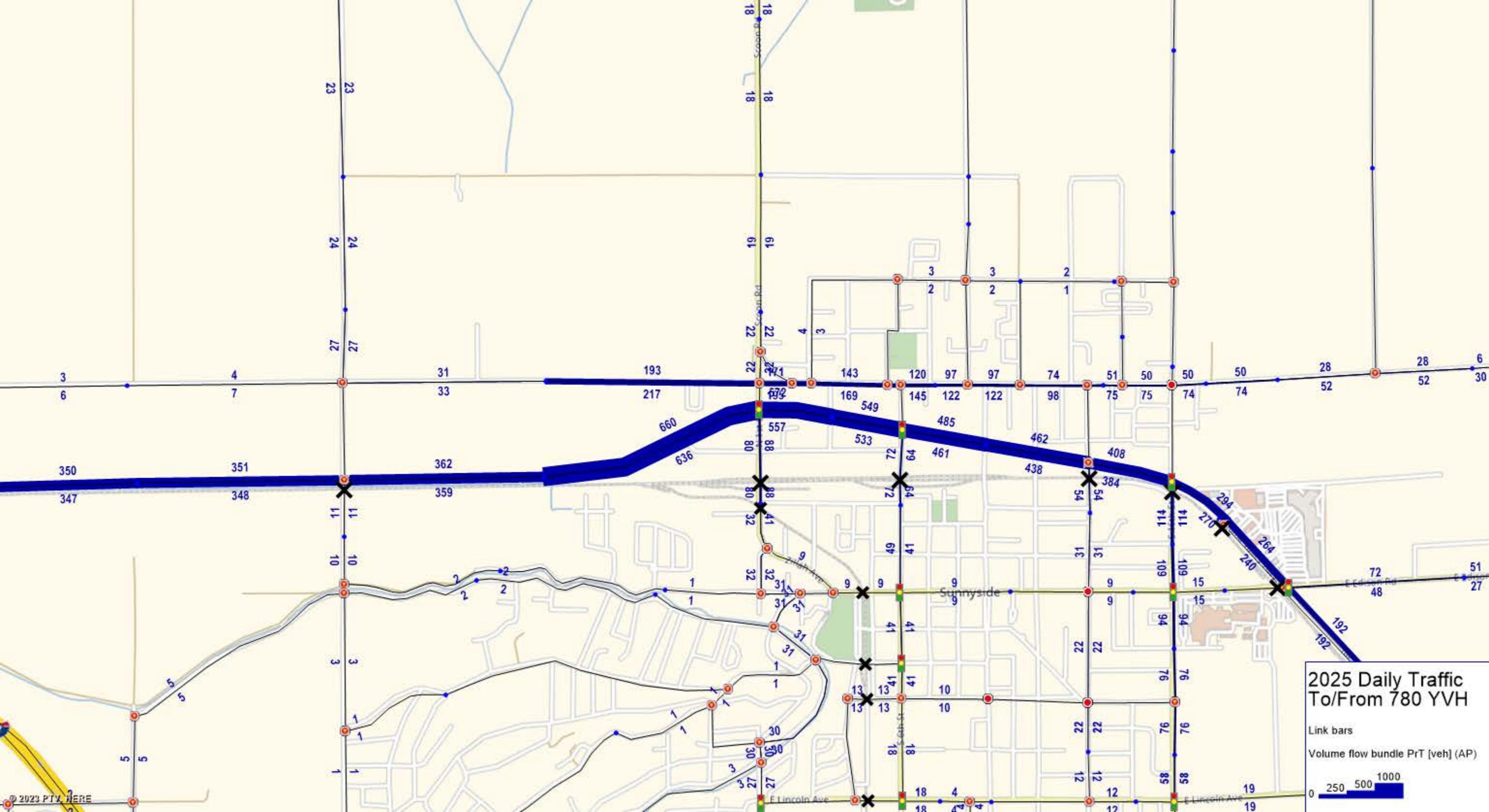
The file containing the complete application is available for public review at the City of Sunnyside, City Hall - 818 E. Edison Ave., Sunnyside, WA 98944. If you have questions regarding this proposal, please call (509) 837-7999, or e-mail to tmartin@sunnyside-wa.gov

PUBLISH: SUNNYSIDE SUN
August 2, 2023

Intersection Capacity Analysis Summary Page

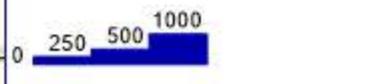
Analysis Time: Fri Apr 21 17:31:52 20
Driving Side: Right
Analysis Period: 1 Hours

Number	Name	Control Type	V/C	Avg Delay	Avg LOS	Max Delay	Max LOS
12442		Signalized	0.49	36.27	D	58.24	E



2025 Daily Traffic To/From 780 YVH

Link bars
Volume flow bundle PrT [veh] (AP)



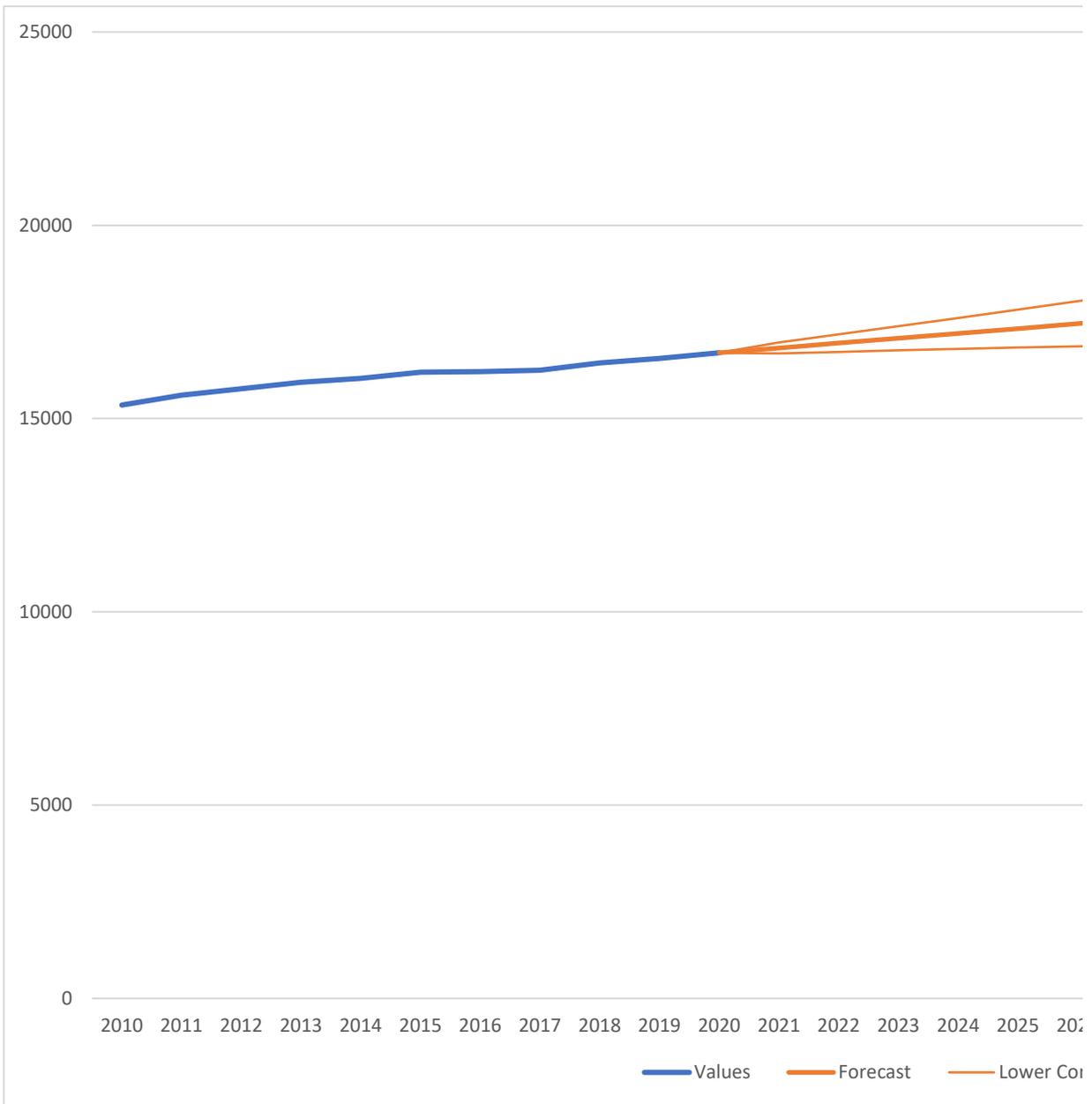
3 6 4 7 31 33 193 217 672 61 22 22 22 143 120 97 97 74 51 50 50 28 28 6 30

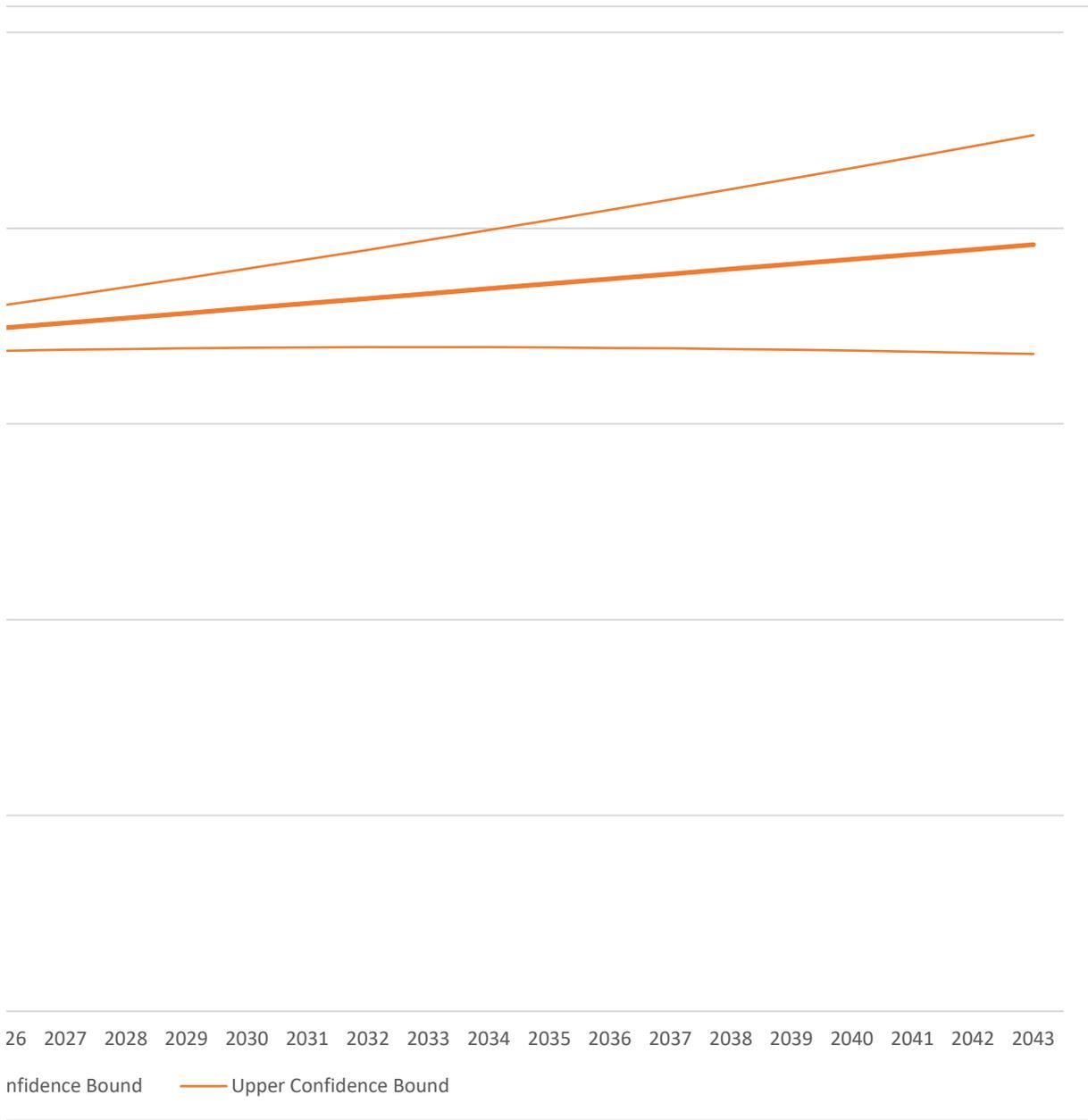
350 347 351 348 362 359 660 636 80 88 533 485 462 438 408 294 264 240 72 48 51 27

11 10 10 2 2 1 1 32 32 31 31 9 9 9 9 9 9 111 109 15 15 94 76 92 92 85 85 19 19

3 3 1 1 30 30 30 30 13 13 13 10 10 22 22 22 22 12 12 12 12 18 18 4 4 18 18 19 19

Timeline	Values	Forecast	Lower Confidence Bound	Upper Confidence Bound
2010	15350			
2011	15602			
2012	15775			
2013	15940			
2014	16038			
2015	16204			
2016	16217			
2017	16248			
2018	16442			
2019	16559			
2020	16703	16703	16703.00	16703.00
2021		16828	16685	16971
2022		16953	16725	17181
2023		17078	16766	17391
2024		17203	16804	17603
2025		17329	16838	17819
2026		17454	16868	18039
2027		17579	16894	18264
2028		17704	16916	18492
2029		17829	16933	18725
2030		17954	16946	18963
2031		18079	16955	19204
2032		18204	16960	19449
2033		18330	16962	19697
2034		18455	16959	19950
2035		18580	16954	20206
2036		18705	16944	20466
2037		18830	16932	20729
2038		18955	16915	20995
2039		19080	16896	21265
2040		19205	16873	21538
2041		19331	16848	21814
2042		19456	16819	22093
2043		19581	16787	22375





HEARING EXAMINER
SECTION 8
PUBLIC COMMENTS



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

February 16, 2023

Trevor Martin
Planning & Community Development
818 East Edison Avenue
Sunnyside, Washington 98944

RE: 202300516, SEPA#2023-0028, PD#2022-0027

Dear Trevor Martin:

Thank you for the opportunity to comment on the Determination of Non Significance for the Outlook Road Multifamily Housing Project. We have reviewed the documents and have the following comments.

WATER QUALITY

Project with Potential to Discharge Off-Site

If your project anticipates disturbing ground with the potential for stormwater discharge off-site, the NPDES Construction Stormwater General Permit is recommended. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a 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 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 is subject to enforcement action.

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact

Jeremiah Rath
February 9, 2023
Page 2 of 2

Lloyd Stevens, Jr. at the Dept. of Ecology, (509) 571-3866 or lloyd.stevensjr@ecy.wa.gov with questions about this permit.

WATER RESOURCES

Dust Control from a Well

If you plan to use water for dust suppression at your project site, be sure that you have a legal right. In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology. Temporary permits may be obtainable in a short time-period. The concern of Water Resources is for existing water rights. In some instances water may need to be obtained from a different area and hauled in or from an existing water right holder.

If you have any questions or would like to respond to these Water Resources comments, please contact Christopher Kossik at (509) 379-1826 or email at christopher.kossik@ecy.wa.gov.

Sincerely,



Lucila Cornejo
SEPA Coordinator
Central Regional Office
(509) 208-4590
crosepacoordinator@ecy.wa.gov