

# SELAH CITY COUNCIL

6:30pm April 28, 2015

6:00pm Study Session:  
Volunteer Park – Charlie Brown  
City Pool – Andrew Potter



Selah City Council  
 Regular Meeting  
 Tuesday, April 28, 2015  
 6:30pm  
 City Council Chambers

Mayor:  
 Mayor Pro Tem:  
 Council Members:

John Gawlik  
 Brooke Finch  
 Paul Overby  
 John Tierney  
 Dave Smeback  
 Allen Schmid  
 Roy Sample  
 Jane Williams

CITY OF SELAH  
 115 West Naches Avenue  
 Selah, Washington 98942

Interim City Administrator: Joe Henne  
 City Attorney: Bob Noe  
 Clerk/Treasurer: Dale Novobielski

### AGENDA

- A. Call to Order –Mayor Gawlik
- B. Roll Call
- C. Pledge of Allegiance
- D. Agenda Changes **None**
- E. Public Appearances/Introductions/Presentations **None**
- F. Getting To Know Our Businesses **None**
- G. Communications
  - 1. Oral

This is a public meeting. If you wish to address the Council concerning any matter that is not on the agenda, you may do so now. Please come forward to the podium, stating your name for the record. The Mayor reserves the right to place a time limit on each person asking to be heard.

- 2. Written
  - Andrew Potter a. Selah Downtown Association Quarterly Report
- H. Proclamations/Announcements **None**
- I. Consent Agenda

All items listed with an asterisk (\*) are considered routine by the City Council and will be enacted by one motion, without discussion. Should any Council Member request that any item of the Consent Agenda be considered separately, that item will be removed from the Consent Agenda and become a part of the regular Agenda.

- Monica Lake \* 1. Approval of Minutes: April 14, 2015 Study Session & Council Meeting
- Dale N. \* 2. Approval of Claims & Payroll

- J. Public Hearings **None**
- K. New Business
  - Joe Henne \* 1. Amendment to Purchase and Sales Agreement dated February 13, 2015 between Seller, City of Selah, and Purchaser, Graf Investments, Inc. regarding Parcel No. 181302-21004
- L. Old Business **None**

**M. Resolutions**

- Gary Hanna \* 1. Resolution Authorizing the Mayor to Sign a Fire Communication Services Contract with the Cities of Yakima and Union Gap, and Yakima County Fire Protection Districts 1,2,3,4,6,9,12 and 14
- Tom Durant 2. Resolution Approving the Preliminary Plat of “Eagle Ridge Phases 2, 3 & 4” (912.82.13-01) and Adopting Findings and Condition of Preliminary Plat Approval

**N. Ordinances**

- Tom Durant \* 1. Ordinance Creating a New Chapter 20.21, to the Selah Municipal Code entitled “Parade Fees and Charges” and Creating a Schedule of Fees and Charges in the Selah Municipal Code, Title 20

**O. Reports/Announcements**

- 1. Mayor
- 2. Council Members
- 3. Departmental
- 4. Boards

Caprise Groo a. Planning Commission Minutes – December 16, 2014

**P. Executive Session**

**Q. Adjournment**

Next Study Session May 12, 2015  
Next Regular Meeting May 12, 2015

Each item on the Council Agenda is covered by an Agenda Item Sheet (AIS)

A yellow AIS indicates an action item.

A blue AIS indicates an information/non-action item.



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**STUDY SESSION      INFORMATIONAL ITEM**

**4/14/2015      N/A**

**Title:** Volunteer Park Update and Presentation

**Thru:** Joe Henne, Interim City Administrator

**From:** Charles Brown, Recreation Manager

**Action Requested:** Informational - No action

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

N/A

**Background / Findings & Facts:**

Giving an update from the trip to Minnesota and the fundraiser event, where we stand and what is left.

**Recommended Motion:**

N/A



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      INFORMATIONAL ITEM**

**4/22/2013      G – 2A**

**Title:** Selah Downtown Association Quarterly Report

**Thru:** Joe Henne, Interim City Administrator

**From:** Andrew Potter, Assistant to the City Administrator

**Action Requested:** Informational - No action

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

Informational Only

**Background / Findings & Facts:**

Attached is the Treasurer's Report given at the most recent SDA meeting held on 4/13/2015.

**Recommended Motion:**

Informational Only

Selah Downtown Association  
Treasurer Report  
4/13/15

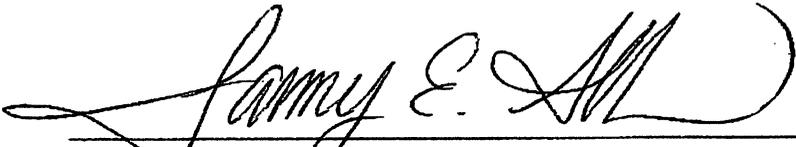
INCOME

Beg. Balance	\$28,628.87
T-shirt sales	\$60.00
Total Income	<u>\$28,688.87</u>

EXPENSES

Barb Petrea (reimbursed expense for egg hunt)	\$99.33
Selah Parks Foundation (fundraiser brick)	\$500.00
Ginger Tyler (reimbursed expense for egg hunt)	\$97.86
Facebook Boost	\$10.00
Total Expenses	<u>\$707.19</u>

**CURRENT BALANCE ON HAND** **\$27,981.68**

  
\_\_\_\_\_  
Tammy E. Allan, Treasurer SDA

4/13/15  
\_\_\_\_\_  
Date



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**

**4/28/2015      I - 1**

**Title:** Approval of Minutes: April 14, 2015 Council Meeting

**Thru:** Joe Henne, Interim City Administrator

**From:** Monica Lake, Executive Assistant

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

Approval of Minutes

**Background / Findings & Facts:**

See Minutes for details.

**Recommended Motion:**

Motion to approve the Consent Agenda as read. (This item is part of the Consent Agenda)

City of Selah  
Council Minutes  
April 14, 2015

Regular Meeting  
Selah Council Chambers  
115 West Naches Avenue  
Selah, WA 98942

A. Call to Order Mayor Gawlik called the meeting to order at 4:00pm.

B. Roll Call

Members Present: Paul Overby; John Tierney; Dave Smeback; Allen Schmid; Roy Sample;  
Jane Williams

Members Excused: Brooke Finch

Staff Present: Joe Henne, Interim City Administrator; Bob Noe, City Attorney; Gary  
Hanna, Fire Chief; Jim Lange, Deputy Fire Chief; Rick Hayes, Police  
Chief; Dale Novobielski, Clerk/Treasurer; Charles Brown, Recreation  
Manager; Tom Durant, Community Planner; Andrew Potter, Assistant to  
the City Administrator; Monica Lake, Executive Assistant

C. Pledge of Allegiance

Mayor Gawlik led the Pledge of Allegiance.

D. Agenda Changes

Add to Agenda:

1. P – 1: 15 Minute Session – Real Estate RCW 42.30.110(1)(b)

E. Public Appearances/Introductions/ Presentations

1. Mayor's Award – Sergeant Bill Rodriguez and Mr. Travis Lamb

Mayor Gawlik said that he wishes to present the Mayor's Award to Sergeant Rodriguez and Mr. Lamb for their actions during an incident several weeks ago. He invited Police Chief Hayes to speak.

Police Chief Hayes described the incident, which involved lifesaving efforts on a female jogger, and presented both men with the Selah Police Department's Lifesaving Award.

Mayor Gawlik noted that Sergeant Rodriguez will also receive the Selah Police Department's Lifesaving Medal. He presented them with the Mayor's Award, a red marble apple engraved with the City's logo on one side and 'Mayor's Award' on the reverse.

F. Getting To Know Our Businesses **None**

G. Communications

1. Oral

Mayor Gawlik opened the meeting.

Wayne Petterson approached the podium and addressed the Council. He challenged the Mayor and the Council Members to each purchase a brick in support of the Volunteer Park project, which will be an inclusive park.

Council Member Smeback commented that he has already purchased a brick.

Mr. Petterson hoped that people in the community will get on board with the project prior to the May 1<sup>st</sup> deadline for fundraising and make this park a reality.

Council Member Williams felt that this is a wonderful thing that the community can pull together on and support, and challenged her fellow Council Members to purchase a brick, which she intends to do following the meeting.

Seeing no one else rise to speak, Mayor Gawlik then closed the meeting.

2. Written

a. March 2015 Monthly Report for Building Permits and Inspections, Animal Control and Code Enforcement

H. Proclamations/Announcements **None**

I. Consent Agenda

Executive Assistant Lake read the Consent Agenda.

All items listed with an asterisk (\*) were considered as part of the Consent Agenda.

\* 1. Approval of Minutes: March 24, 2015 Study Session & Council Meeting

\* 2. Approval of Claims & Payroll:

Payroll Checks Nos. 78444 – 78529 for a total of \$196,848.18  
Claim Checks Nos. 65541 – 65642 for a total of \$206,714.54

- \* 3. Resolution M – 2: Resolution Authorizing the Mayor to sign a Supplemental Agreement Number 1 with Huibregtse, Louman Associates, Inc. for Consultant Services for the Valleyview Ave./Third St./Southern Ave./S. First project
- \* 4. Resolution M – 3: Resolution Authorizing the Mayor to sign the Energy Contract Change Order Proposal (COP No.1) for Contract 2015-006 G (1-1P) between the Department of Enterprise Services and the City of Selah for the Energy Efficiency Project

**Council Member Schmid moved, and Council Member Overby seconded, to approve the Consent Agenda as read. By voice vote, approval of the Consent Agenda was unanimous.**

- J. Public Hearings **None**
- K. New Business **None**
- L. Old Business **None**
- M. Resolutions

- 1. Resolution Authorizing the Mayor to sign Contract Number 15-93209-067 between the Department of Commerce and the City of Selah for the Energy Efficiency Project

Interim City Administrator Henne addressed M – 1. He said the contract is part of the energy project upgrade, and that it outlines how they draw the funds, how they spend them, and where they aren't supposed to spend them.

Council Member Williams noted that there will be a lot of reporting. She wondered who would be doing the reporting.

Interim City Administrator Henne replied that the quarterly reports will be done by Ameresco, then it's up to the City to ensure that they are substantiating that the money is spent on this project and falls within the budget amount.

Council Member Williams asked if someone from Public Works would keep up on it.

Interim City Administrator Henne responded that it will be himself and his assistant.

Council Member Williams asked if the citizens would be paying any more out of pocket for this.

Interim City Administrator Henne replied that they will not.

**Council Member Schmid moved, and Council Member Smeback seconded, to approve the Resolution Authorizing the Mayor to sign Contract Number 15-93209-067 between the Department of Commerce and the City of Selah for the Energy Efficiency Project. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback –yes;**

**Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – yes.  
By voice vote, approval was unanimous.**

- \* 2. Resolution Authorizing the Mayor to sign a Supplemental Agreement Number 1 with Huibregtse, Louman Associates, Inc. for Consultant Services for the Valleyview Ave./Third St./Southern Ave./S. First project
- \* 3. Resolution Authorizing the Mayor to sign the Energy Contract Change Order Proposal (COP No.1) for Contract 2015-006 G (1-1P) between the Department of Enterprise Services and the City of Selah for the Energy Efficiency Project
- 4. Resolution Authorizing the Mayor to award the construction contract for the East Goodlander Transportation Improvement Board (TIB) Project

Interim City Administrator Henne addressed M – 4. He gave a brief synopsis of the original upgrade project for Goodlander Road, saying that he applied for funding from the TIB to be used as a match for Federal dollars which aren't available at this time, but the TIB funds need to be spent by the end of June unless they wish to simply give back the funds. He said that he would like to use the funds for a grind and overlay, picking up from where the County left off to Wenas Road, and that they will also be putting in water and sewer stubs. He noted that the three bids that came in were all over the engineer's estimate; Columbia Asphalt, the low bid, was thirty-one percent above estimate. He indicated his desire to go ahead with project, which would take additional funds from the streets, water, and sewer funds, and recommended approval by Council.

Council Member Schmid felt that thirty-one percent over the estimate was out of line, but agreed with Interim City Administrator Henne that they should move forward with the project. He inquired if there were sufficient funds in the reserves to handle to cost without bankrupting those funds.

Interim City Administrator Henne replied in the affirmative. He remarked that the road is in pretty bad shape, and that if they opt not to approve the bid then he'll still need to spend approximately thirty thousand dollars just to overlay the northwest bound lane. He added that one of the houses along the route will be applying for an Outside Utility Agreement (OUA) in the near future.

Council Member Smeback commented that they need to get the infrastructure in ground rather than wait and not have funds available for the project.

Council Member Tierney was appalled at the amount over the engineer's estimate but stated that he would hate to see the turn back money that could be used to improve the streets. He asked where the money would go if they gave it back to the TIB.

Interim City Administrator Henne responded that the funding came from a one shot grind and overlay preservation program not being offered next year, so they would go back into the standard fund.

Council Member Tierney asked if they could go back out to bid on the project.

Interim City Administrator Henne replied that they don't have time to do so, as they have to do the bidding according to Federal standards due to using Federal dollars for project design.

Council Member Tierney wondered if it was the Feds saying they needed to spend the funds by the end of June.

Interim City Administrator Henne responded that it's the TIB, not the Feds.

Council Member Tierney inquired about getting an extension on the project.

Interim City Administrator Henne replied in the negative, noting that he also has a bid for the Wernex Loop project later this month. He stated that they would need to repay funds expended for the engineering portion if the project if the opt not to proceed.

Council Member Sample asked for clarification of the project along Lancaster.

Interim City Administrator Henne responded that they will be stubbing out both water and sewer.

Council Member Sample commented that there was a big difference between the estimate and the bid, but felt it was wise to do the project and get it done.

Mayor Gawlik noted that the road would have to be cut once the City accepted the OUA.

Council Member Sample asked if anyone else along there had similar problems.

Interim City Administrator Henne responded that one came in last summer about connecting to the sewer system, and another is applying for a water connection. He said that they will stub out water main lines up Lancaster Road, as there are some projects in the area that will require water and sewer access.

Council Member Tierney wondered if they were under a deadline for Wernex Loop.

Interim City Administrator Henne replied that it has to be completed by the end of the year, but they could go back out to rebid if the initial bids are unacceptable.

Council Member Overby commented that the engineer's estimate may not reflect what market will currently bear, and maybe this is the new norm.

Council Member Williams asked when Huibregtse, Louman Associates, Inc. prepared the estimates.

Interim City Administrator Henne responded that they were done January of this year.

Council Member Tierney observed that there is a ninety-three thousand dollar difference between the estimate and the low bid, and wondered where the other half of that amount would come from.

Interim City Administrator Henne stated that the calculations were based on the numbers he had, and that, with the budget being higher than originally estimated the additional expenditure came out at fifty thousand beyond that.

Council Member Williams inquired if the project will go all the way to First Street.

Interim City Administrator Henne responded in the negative, saying that it will stop where the County left off.

Council Member Williams asked if it will include the exit to the high school, and include sidewalks.

Interim City Administrator Henne replied in the affirmative regarding the exit, but told her that sidewalks aren't included, only paving and stubbing utilities.

Council Member Overby commented that, if they do the project now, they'll have utilities that won't have to be done in the future, and that, while he understands the regarding the estimate, he doesn't want to give the funds back to the TIB.

**Council Member Schmid moved, and Council Member Overby seconded, to approve the Resolution Authorizing the Mayor to award the construction contract for the East Goodlander Transportation Improvement Board (TIB) Project. Roll was called: Council Member Overby – yes; Council Member Tierney – no; Council Member Smeback –yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – no. Motion passed with four yes votes and two no votes.**

N. Ordinances **None**

O. Reports/Announcements

1. Mayor

Mayor Gawlik said that he asked for an expenditure comparison regarding expenditures for the City Attorney and Community Planner for 2015, which were placed in Council mailboxes along with their packets. He noted that the Mayor's job is to moderate the meeting, provide a business like atmosphere, and maintain decorum, and asked the Council if they wished to establish hard and fast rules for meetings in the future or simply continue on as they have.

Council Member Williams expressed her concern about the open portion of the meeting only allowing someone to speak about an item not on the agenda, as it doesn't allow them to comment on agenda items if they have a concern.

Mayor Gawlik responded that it can be reworded if Council opts to do so.

Council Member Williams felt that people need a chance to speak and let Council hear their opinions.

Council Member Schmid wondered if the second one had a different wording.

Executive Assistant Lake responded in the negative.

Mayor Gawlik remarked that he's discussed the matter with City Attorney Noe, who indicated that Council doesn't have to give time for audience participation unless it's a public hearing to receive testimony, and that he feels things have gotten a bit too heated recently. He noted that the City has a procedure in place for complaints to be received.

Council Member Schmid suggested changing the wording of the oral comment section to allow people to speak regarding items both on and off the agenda.

Council Member Tierney wondered if the way to address it would be to have two different announcements, one for items on agenda and one for items not on the agenda.

Council Member Overby disagreed, saying that he doesn't feel there should be dialogue between the Council and those in the audience during Council Meetings, as Council has items that are quasi-judicial in matter as well as policy items, and that her personally needs time to digest things and ponder items. He recommended considering a time limit, adding that this is a business meeting and it's unfortunate that sometimes it gets abused.

Council Member Sample felt that Mayor Gawlik has done a pretty good job of determining when people can speak.

Council Member Smeback remarked that the oral portion has become a preaching pad for people's opinions;, all of the department heads are open and easy to get to, and if someone has a problem this isn't the place to bring it to. He opposed the idea of allowing anyone to come to the podium and talk about something that hasn't been vetted and present documents not vetted out, saying that it causes problems in getting to the right answer on issues brought before Council. He felt that the open forum delays meetings and causes more concerns to put out fires and delay projects in front of them.

Council Member Williams suggested limiting comments to one minute, and forwarding questions to the appropriate department head at that time.

Council Member Tierney observed that some of the items brought to them have nothing to do with City business, but are instead things such as inviting Council to attend an event.

Council Member Smeback suggested a sign-up sheet.

Mayor Gawlik expressed his desire to allow the citizens a right to express their concerns and needs. He said that they will continue with the open forum but modify how it will be done.

## 2. Council Members

Council Member Overby asked if there were plans for a retreat once the new City Administrator starts.

Mayor Gawlik responded in the affirmative.

Council Member Sample wondered if the presentations regarding an entrance sign needed a decision made, or if they were strictly informational.

Mayor Gawlik said that they're looking for feedback from the citizens on what kind of sign they want to see, and that he'd hoped for more input from residents than had been received.

Council Member Sample asked if Council will have to decide if they don't receive further input from the community.

Mayor Gawlik replied that he is trying to hold back from having the Council be the entity choosing the design, as he doesn't wish the citizens to feel that they are being dictated to.

Recreation Manager Brown suggested putting a poll on the website, complete with pictures.

Council Member Williams inquired if this should be part of the branding process.

Assistant to the City Administrator Potter commented that the Selah Downtown Association (SDA) is holding back on developing a logo and website, as well as any decision regarding a welcome sign, until the consulting firm has given their report.

Council Member Tierney remarked that he's tired of waiting.

Mayor Gawlik responded that it doesn't feel appropriate to have Council tell them what's going to happen.

Council Member Overby stated that he is prepared to say no for all three designs at this point; he'd need to be convinced that they need to do this. He noted that overwhelming community support would convince him, but felt that they needed to have a congruent image like other communities have.

Council Member Tierney commented that the Selah School District is making an effort to get every school under the Viking mascot and wondered if it would be appropriate to ask if they'd like to have a Viking on the street along with the apple logo.

Council Member Smeback had no report, but said that he thinks the City should wait until the rebranding effort has been vetted out before making any decisions on signage.

Council Member Williams expressed her pleasure with the SDA and their efforts to make this personal to the community. She noted that YVCOG discussed the law and order tax extension that will be on ballot this year at their last meeting, with Sheriff Brian Winter speaking on the matter.

Council Member Schmid commended the Police Department for their activity in that situation that happened, outstanding, adding that it was too bad it wasn't in the paper the next day. He agreed with the direction being taken by different organizations within the community, banding together to work for the betterment of the city.

### 3. Departmental

Clerk/Treasurer Novobielski said that the March financials and the complete 2015 budget are now available on the City website.

Council Member Schmid asked where they stood regarding sales tax.

Clerk/Treasurer Novobielski responded that there's been nothing new since the last report provided.

Recreation Manager Brown said that he and Public Works Utility Supervisor Jones went to Minnesota to check out equipment for the new park, and that he will present information on that at the next Council Meeting. He noted that the Easter event went well, and that the Spring fundraiser netted seven thousand five hundred dollars for Volunteer Park. He comment that he's been touring pols throughout the valley and that the committee hopes to have some designs to the public during Community Days.

Council Member Tierney suggested using the reader boards to entice people to donate funds for the park.

Assistant to the City Administrator Potter said that the SDA has been trying to get a grasp of an image, logo, and font to represent Selah thru tourism. He stated that several entities, including the SDA and the City, will discuss what they wish to obtain from a marketing firm, noting that he has been appointed as a liaison between the groups and the marketing firm.

Mayor Gawlik expressed his pleasure that those groups unanimously agreed upon this firm, saying that everybody was about as charged up as he was in wanting to make this work.

Assistant to the City Administrator Potter remarked that the various groups will need to make a decision regarding expenditures.

Council Member Schmid wondered if awnings in front of buildings, one of the suggested ideas, would conflict with the sign Ordinance.

Interim City Administrator Henne responded that they'd have to look at the building code; the sign Ordinance requires that they clear seven feet over the sidewalks.

Fire Chief Hanna said that the EDITH house at the fire station for the week, and they are doing fire safety training with the second graders in the school district. He remarked that the bid specs for the vehicles they are purchasing this year are all but complete, and that he hopes to advertise for bids within the next week or so. He noted that they have responded to three hundred fifty four calls thus far this year. He recognized both Sergeant Rodriguez and Mr. Lamb for their efforts, saying that it's nice to see that the system works when you have people willing and capable to intervene and do efforts until the Fire Department can get there.

Council Member Sample asked if they were ready for the fire season.

Fire Chief Hanna responded that they are as ready as they can be; the next two weeks they will be doing the annual wild land pressure stuff and getting everyone up to speed.

Police Chief Hayes had no report, but noted that traffic stats have doubled from last year although ticket levels aren't climbing.

Mayor Gawlik inquired about the emphasis.

Police Chief Hayes responded that he hasn't heard anything either positive or negative on it yet, noting that it's National Distracted Driver Month. He added that May is Motorcycle Safety Month.

Council Member Williams asked if a red caution flag could be placed on the speed limit sign on Naches hill.

Police Chief Hayes replied that he could bring in the radar wagon and park it up there for a period of time.

Mayor Gawlik suggested relocating the electronic signs showing speed to different locations.

Police Chief Hayes observed that it's time to take them down and change the batteries, and that they could be relocated at that time.

Interim City Administrator Henne said that the street crew has been out painting line and doing sidewalk repairs. He said that Planning has four development proposals in, ranging from twelve to forty-eight lots, and that the building inspector and code enforcement have been out most of the day each day. He remarked that the City will need to go into a transition plan and change their ADA requirements regarding accessibility, as a lot of the crosswalks aren't compliant.

City Attorney Noe had no report.

Council took a ten minute recess.

4. Boards **None**

P. Executive Session

1. 15 Minute Session – Real Estate RCW 42.30.110(1)(b)

Council went into Executive Session at 5:46pm. At 6:01pm, Council went back on the record. Mayor Gawlik stated that no action was taken during the Executive Session.

Q. Adjournment

**Council Member Smeback moved, and Council Member Overby seconded, that the meeting be adjourned. By voice vote, approval was unanimous.**

The meeting adjourned at 6:02pm.

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John Gawlik, Mayor

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Paul Overby, Council Member

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John Tierney, Council Member

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Dave Smeback, Council Member

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Allen Schmid, Council Member

**EXCUSED**

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Brooke Finch, Mayor Pro Tem

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Roy Sample, Council Member

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Jane Williams, Council Member

ATTEST:

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Dale E. Novobielski, Clerk/Treasurer



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**  
**4/28/2015          I – 2**

**Title:** Claims & Payroll

**Thru:** Joe Henne, Interim City Administrator

**From:** Dale Novobielski, Clerk/Treasurer

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** See Check Registers.

**Funding Source:** Various. See Check Registers.

**Staff Recommendation:**

Approval of Claims & Payroll as listed on Check Registers.

**Background / Findings & Facts:**

See check Registers.

**Recommended Motion:**

Motion to Approve the Consent Agenda as read. (This item is part of the Consent Agenda)



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**

**4/28/2015      K – 1**

**Title:** Amendment to Purchase and Sales Agreement dated February 13, 2015 between Seller, City of Selah, and Purchaser, Graf Investments, Inc. regarding Parcel No. 181302-21004

**Thru:** Joe Henne, Interim City Administrator

**From:** Joe Henne, Interim City Administrator

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** amount received from sale of property

**Funding Source:** sale of property

**Staff Recommendation:**

Approval

**Background / Findings & Facts:**

Council discussed the matter at the precious meeting but no formal action was taken. We need to have formal action taken to proceed with the agreement.

**Recommended Motion:**

Motion to authorize the Mayor to sign the Amendment to Purchase and Sales Agreement dated February 13, 2015 between Seller, City of Selah, and Purchaser, Graf Investments, Inc. regarding Parcel No. 181302-21004

AMENDMENT TO PURCHASE AND SALE AGREEMENT  
Dated February 13, 2015 between Seller, City of Selah, and Purchaser, Graf  
Investments, Inc. regarding Parcel No. 181302-21004

WHEREAS, the parties, Seller, City of Selah, and Purchaser, Graf Investments, Inc. entered into an agreement for the purchase and sale of real property dated February 13, 2015;

WHEREAS, the purchase and sale agreement contained within it provision (v) relating to a Feasibility Contingency and incorporated as part of it a Feasibility Addendum, Form 35F;

WHEREAS, under the feasibility provision and Addendum, Purchaser was required to within 30 days to give notice of disapproval or the feasibility contingency would be deemed waived;

WHEREAS, the Purchaser did not provide the City with a Notice of Disapproval within 30 days of February 13, 2015, but has recently requested that the Feasibility Period be extended to June 15, 2015;

WHEREAS, the City does not oppose accommodating Purchasers' request;

NOW, WHEREFORE, the parties agree as follows:

1. All provisions of the Purchase and Sale Agreement dated February 13, 2015 shall remain in full force and effect notwithstanding Purchaser's failure to timely provide notice of disapproval or to request that the feasibility contingency period under the provisions of Section (v) and the Addendum, Form 35F, to the Purchase and Sale Agreement be extended;
2. The Feasibility Contingency period contemplated under Section (v) and the Addendum, Form 35F, to the Purchase and Sale Agreement is now, by this Amendment hereby extended to June 15, 2015. All remaining portions of Section (v) and Addendum, Form 35F, of the Purchase and Sale Agreement are unaffected by this Amendment and shall remain in full force and effect.

3. All remaining provisions of the Purchase and Sale Agreement, not subject to this Amendment, shall remain in full force and effect.

AGREED THIS \_\_\_\_ day of April, 2015.

SELLER – CITY OF SELAH

PURCHASER – GRAF INVESTEMENTS, INC.

\_\_\_\_\_  
Mayor John Gawlik

\_\_\_\_\_  
Richard L. Graf, President



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**

**4/28/2015      M – 1**

**Title:** Resolution Authorizing the Mayor to Sign a Fire Communication Services Contract with the Cities of Yakima and Union Gap, and Yakima County Fire Protection Districts 1,2,3,4,6,9,12 and 14.

**Thru:** Joe Henne, Interim City Administrator

**From:** Gary Hanna, Fire Chief

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** \$64,000

**Funding Source:** Fire Control Fund 103

**Staff Recommendation:**

Acceptance and approval.

**Background / Findings & Facts:**

SunComm 9-1-1 is the communication center for all fire dispatching in upper Yakima County and police dispatching for the cities of Yakima and Union Gap. Funds collected from these cities and fire districts support the operation and maintenance costs of the SunComm 9-1-1 Communication Center. The 5% amounts to an increase of approximately \$3,000 to Fund 103 Fire Control in each year of the two year contract.



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**Recommended Motion:**

Move to Approve the Resolution Authorizing the Mayor to Sign a Fire Communication Services Contract with the Cities of Yakima and Union Gap, and Yakima County Fire Protection Districts 1,2,3,4,6,9,12 and 14.

**Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)**

Date:	Action Taken:
10/9/2012	Resolution Authorizing the Mayor to Sign a Fire Communication Services Contract with the Cities of Yakima and Union Gap, and Yakima County Fire Protection Districts 1,2,3,4,6,9,12 and 14
9/22/2009	Resolution Authorizing the Mayor To Sign a Fire Communications Services Contract Between the City of Selah and the City of Yakima (Including Union Gap and Fire Districts) for Dispatch Services for the Years 2010 through 2012 to include funding the first year at 2% increase over 2009 with the understanding that this issue will come back to the Council with rates for 2011 and 2012

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RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A FIRE COMMUNICATIONS SERVICES CONTRACT WITH THE CITIES OF YAKIMA AND UNION GAP AND YAKIMA COUNTY FIRE PROTECTION DISTRICTS 1,2,3,4,6,9,12 AND 14

WHEREAS, the City of Selah wishes to enter into a Fire Service Contract with the City of Yakima, Union Gap; and Yakima County Fire Protection Districts 1,2,3,4,6,9,12 and 14; and

WHEREAS, the term of the contract is for two (2) calendar years commencing on January 1, 2015 and terminating at midnight on December 31, 2016;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH WASHINGTON, that the Mayor of the City of Selah be authorized to sign a fire Communications Service Contract with said parties. A copy of the agreement is attached and incorporated as shown

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH WASHINGTON, this 28<sup>th</sup> day of April, 2015.

\_\_\_\_\_  
John Gawlik, Mayor

ATTEST:

\_\_\_\_\_  
Dale E. Novobielski, Clerk Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Bob Noe, City Attorney

RESOLUTION NO. \_\_\_\_\_

## FIRE COMMUNICATIONS SERVICES CONTRACT

THIS FIRE COMMUNICATIONS SERVICES CONTRACT, (hereafter the "Contract") is made and entered into by and between the City of Yakima (hereinafter "Yakima") and the City of Selah ( Fire District No. 2) (hereinafter the "City"), and Yakima County Fire Protection Districts No.'s 1, 3, 4, 6, 9, 12, and 14 (hereinafter collectively referred to as the "Districts").

### WITNESSETH

WHEREAS, Yakima has heretofore provided dispatching services to the Cities and the Districts for the handling and processing of fire, alarm, and emergency calls.

WHEREAS, Yakima, the City, and the Districts desire to enter into a new contract for the continuation of such services.

NOW, THEREFORE, pursuant to RCW 39.34 and the mutual covenants, promises, and agreements set forth herein, it is agreed by and between Yakima, the City, and the Districts as follows:

1. **SunComm 9-1-1 Communications Center.** Yakima shall continue to operate a central facility to be known as SunComm 9-1-1 Communications Center and shall use the same facility for the purpose of receiving fire and emergency service calls from the respective areas served by all of the parties hereto, and shall dispatch fire apparatus of the appropriate party in answer to any such fire or emergency calls and for the purpose of receiving and transmitting mutual aid calls among the various parties hereto and for other related business.
2. **Authority of Dispatch Center.** It is agreed that the duty of operating the SunComm 9-1-1 Communications Center and the complete management thereof is vested in Yakima and that Yakima shall have the full, complete, and exclusive authority to

operate and manage such SunComm 9-1-1 Communications Center, including, but not limited to, the authority to hire and fire employees for such office.

3. **Expense of Maintenance and Operation.** The expense of continued maintenance and operation of the SunComm 9-1-1 Communications Center, including the expense of building maintenance, operation, maintenance, and purchase of 911 customer premise equipment (CPE), telephone lines terminating at the SunComm 9-1-1 Communications Center, and including the maintenance of public safety communications equipment located within the SunComm 9-1-1 Communications Center belonging to the Districts and/or Cities shall be borne by Yakima.
4. **Term of Contract.** This Contract is for a term of two (2) calendar years commencing January 1, 2015 and terminating at midnight on December 31, 2016.

**In the event that the method of response to alarm calls is significantly altered, such as tiered emergency medical response, all parties agree that this agreement shall be opened to reconsider the Cost of Service formula under the new conditions of dispatching alarm calls.**

5. **Cost of Service.** Yakima shall maintain a record of all the Districts' and City' alarm calls and each District and the City shall be charged by Yakima for each call as stated herein. The base cost per alarm call for the contract period shall be the cost per alarm in calendar year 2013 of Forty-eight dollars and seventy four cents (\$48.74). The cost per alarm call for each subsequent year of the contract shall be increased effective January 1 of each year for the contract term to an amount equal to the previous calendar year cost per alarm plus the previous year's cost per call multiplied by the percentage given below:

**Contract Year 2015 – increase 5% - \$48.74**

**Contract Year 2016 – increase 5% - \$51.18**

To accommodate each district and the City's budget cycle Yakima shall provide, in writing, by August of each year governed by this contract, the cost for dispatch services for the next budget year. The numbers will be based on the 2013 and 2014 alarm calls handled by Yakima for each District and the City of Selah, multiplied by the cost per run rate applicable for the respective year.

6. **Payment for Alarm Calls.** Each District and the City of Selah shall be billed in January of each year for dispatch services during that calendar year. Each District and the City shall pay for each year's billing for alarm services within ninety (90) days after billing by Yakima. Payment shall be made to Yakima City Treasurer, 129 North 2<sup>nd</sup> Street, Yakima, Washington.
7. **Definition of Alarm Calls.** A call to be charged for under the terms of this Contract is defined as follows:
  - A. **An alarm call is defined as:** a call requiring the dispatch of equipment from any of the Districts or the Cities. Any number of vehicles from the responsible Districts or Cities may answer any such alarm call. All communications dealing with such alarm call shall be deemed as (1) alarm call.
  - B. **Mutual Aid.** In the event an individual District or Selah requests mutual aid, it shall pay for each additional alarm call it requests.
8. **Early Termination of Contract.** Any party hereto may terminate this Contract, with or without cause, by providing sixty (60) days written notice of termination to each of the parties to this Contract. The Contract shall remain in full force and effect with regard to all remaining parties who have not exercised early contract termination pursuant to this clause.

9. **Liability of Yakima.** Yakima shall not be liable to the Districts or the City, their elected officials, officers, employees, and agents for failure to provide, or delays in providing, services herein, if due to any cause beyond the City of Yakima's control, such as, but not limited to, power outage, fire, water, energy shortages, failure of its communications or computer hardware or operating system, natural disaster, or inability to provide or continue to provide the agreed upon services due to a court ruling or other legal action adverse to the City of Yakima or this Contract.
10. **INDEMNIFICATION/PROMISE NOT TO SUE.**
- A. The Districts and City agree to hold harmless, indemnify, protect, and defend Yakima, its elected officials, officers, employees, and agents from and against any and all claims, demands, losses, liens, liabilities, penalties, fines, lawsuits, and other proceedings and all judgments, awards, costs and expenses (including attorneys' fees and disbursements) that result from or arise out of the sole negligence or intentionally wrongful acts or omissions of the Districts and/or the City, their elected officials, officers, employees, and agents in connection with or incidental to the performance or non-performance of this Contract.
- B. In the event that the officials, officers, agents, and/or employees of Yakima and the Districts and/or the City are negligent, each party shall be liable for its contributory share of negligence for any resulting suits, actions, claims, liability, damages, judgments, costs and expenses (including reasonable attorney's fees).
- C. Nothing contained in this Section or this Contract shall be construed to create a liability or right of indemnification in any third party.
11. **Nondiscrimination Provision.** During the performance of this Contract, Yakima shall not discriminate on the basis of race, age,

color, sex, religion, national origin, creed marital status, political affiliation, or the presence of any sensory, mental or physical handicap. This provision shall include but not be limited to the following: Employment, upgrading, demotion, transfer, recruitment, advertising, layoff, or termination, rates of pay or other forms of compensation, and selection for training.

12. **No Insurance.** It is understood Yakima does not maintain liability insurance for the Districts and Cities and/or their employees.
13. **Assignment.** This Contract, or any interest herein, or claim hereunder, shall not be assigned or transferred in whole or in part to any other person or entity without the prior written consent of Yakima. In the event that such prior written consent to an assignment is granted, then the assignee shall assume all duties, obligations, and liabilities of the Districts and the City as stated herein.

14. **SEVERABILITY**

1. If a court of competent jurisdiction holds any part, term or provision of this Agreement to be illegal, or invalid in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

2. If any provision of this Agreement is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

15. **Integration.** This written document constitutes the entire agreement between Yakima and the Districts and the City. There are no other oral or written agreements between the parties as to the subjects covered herein. No changes or additions to this Contract shall be

valid or binding upon either party unless such change or addition be in writing and executed by all parties.

**16. REPRESENTATIONS & WARRANTIES**

1. The Districts and the City acknowledge that they have not been induced to enter into this Contract by any representation or statements, oral or written, not expressly contained herein or expressly incorporated by reference.
  2. The City of Yakima makes no representations, warranties, or guaranties express or implied, other than the express representations, warranties, and guaranties contained in this Contract.
17. **Governing Law.** This contract shall be governed by and construed in accordance with the laws of the State of Washington.
18. **Venue.** The venue for any action to enforce or interpret this Contract shall lie in the Superior Court of Yakima County, Washington.
19. **Signature.** It is agreed that this Contract may be signed by each District separately in counterparts and the signatures of all Districts and Cities need not be placed on a single document. The person executing this Contract on behalf of each District and the City represents and warrants that he or she has been fully authorized by the governing body of the District or City to execute this Contract on its behalf and to legally bind the Districts and the City to all the terms, performances and provisions of this Contract.

A copy of this Agreement shall be recorded with the Yakima County Auditor or placed on the City of Yakima web site in accord with RCW 39.34.040.

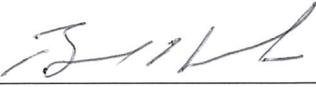
**IN WITNESS WHEREOF, the parties have set their hands and seals.**

CITY OF YAKIMA

SELAH FIRE DEPARTMENT

NO. 21

By:   
City Manager

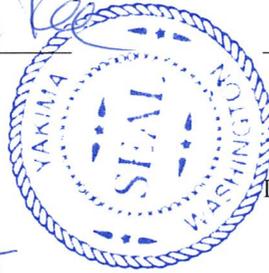
By:   
Chair, Fire Commissioners

ATTEST:

ATTEST:

  
City Clerk

  
Secretary/Treasurer



DATED:

DATED:

4-9-2015

12-11-14

CITY CONTRACT NO: 2015-075  
RESOLUTION NO: R-2015-043

**Addendum Signature Page**

**IN WITNESS WHEREOF, the parties have set their hands and seals.**

**CITY OF SELAH**

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

ATTEST:

\_\_\_\_\_  
City Clerk

DATED:

\_\_\_\_\_



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**

**4/28/2015      M – 2**

**Title:** Resolution Approving the Preliminary Plat of “Eagle Ridge Phases 2, 3 & 4” (912.82.13-01) and Adopting Findings and Condition of Preliminary Plat Approval

**Thru:** Joe Henne, Interim City Administrator

**From:** Thomas R Durant, Community Planner

**Action Requested:** Approval

**Board/Commission Recommendation:** Approval

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

Approval

**Background / Findings & Facts:**

Hearing Examiner conducted open record public hearing March 25, 2015 and prepared Findings of Fact and Conclusions recommending Approval of the Preliminary Plat of Eagle Ridge Phases 2, 3 and 4 on April 8, 2015.

**Recommended Motion:**

I move the Council approve Preliminary Plat No. 912.82.13-01 designated as Eagle Ridge Phases 2, 3 and 4 with 22 specific conditions as recommended by the Hearing Examiner.



**CITY OF SELAH**  
**CITY COUNCIL**  
**AGENDA ITEM SUMMARY**



**Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)**

Date:	Action Taken:
2/26/2014	Hearing Examiner Open Record Public Hearing
3/25/2014	Hearing Examiner Open Record Public Hearing

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# RESOLUTION NO. \_\_\_\_\_

## RESOLUTION APPROVING THE PRELIMINARY PLAT OF "EAGLE RIDGE PHASES 2, 3 & 4" (912.82.13-01) AND ADOPTING FINDINGS AND CONDITIONS OF PRELIMINARY PLAT APPROVAL

WHEREAS, on April 28, 2015 the City of Selah City Council considered Preliminary Plat No. 912.82.13-01 known as "EAGLE RIDGE PHASES 2, 3 & 4" located in the vicinity of Southern Avenue and South 7<sup>th</sup> Street. Yakima County Taxation Parcel Numbers: (181302-42471, 42474 and 42475); and,

WHEREAS, the Preliminary Plat application included the request to designate three of the proposed lots as two family residential lots in accordance with SMC 10.12.040; and,

WHEREAS, The Hearing Examiner recommended approval of the Preliminary Plat and designation of the three two family residential lots; and,

WHEREAS, the City of Selah Council has considered the Hearing Examiner's findings of fact and conclusions and the City staff report dated March 20, 2015 and the Council is satisfied that the matter has been sufficiently considered; and,

WHEREAS, the City Council adopts the Findings and Conclusions of the Hearing Examiner's Recommendation dated April 8, 2015.

WHEREAS, the City Council considered the elements of public use and interest to be served by such platting, and

WHEREAS, the City Council considered the elements of public health, safety, and general welfare pertaining to the preliminary plat;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that Preliminary Plat No. 912.82.13-01 designated as "Eagle Ridge Phases 2, 3 & 4" be approved, that the Hearing Examiner's Findings and Conclusions be adopted with the twenty two (22) specific conditions contained in said Findings and Conclusions and a copy of which is attached hereto.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 28<sup>th</sup> day of April, 2015.

\_\_\_\_\_  
John Gawlik, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Dale E. Novobielski, Clerk/Treasurer  
912.82.13-01 PLAT OF "EAGLE RIDGE PHASES 2, 3 & 4"  
RESOLUTION OF PRELIMINARY PLAT APPROVAL

\_\_\_\_\_  
Robert Noe, City Attorney

## CONDITIONS OF PRELIMINARY PLAT APPROVAL

1. All design and/or improvement notations indicated on the preliminary plat are included as conditions of preliminary plat approval (i.e., private easement widths and locations, lot size and lot configuration, etc.). This condition is not intended to limit the Public Works Department in the exercise of its authorities under other provisions of the Selah Municipal Code.
2. Lots 2-4, 3-1 and 3-2 are authorized to be designated as two-family residential lots on the final plat and may be developed into two-family residential structures following final plat approval, subject to the following additional special requirements:
  - a. The two family residential designation of these lots applies only to these lots and may not be transferred to other lots in the subdivision.
  - b. Off-street parking shall be provided on the lots to provide 4 spaces per each duplex. No credit against this requirement shall be allowed for garages and tandem parking. Driveways shall be constructed of concrete not asphalt.
  - c. Building exteriors shall be consistent in appearance with that of surrounding single-family homes including the use of architectural features such as brick or stone masonry veneer and covered porches (not all of these feature need to be present to be considered consistent).
  - d. To further ensure harmonious development of the designated lots with the development of single-family lots in the subdivision, the two-family lots shall be developed within one year of the recording of the final plat for the phase in which they are located. This completion date may be extended in the manner allowed by SMC Title 10.
  - e. A site plans and drawings, photos or elevations of each of the buildings proposed for development of the designated two-family residential lots shall be submitted to the Planning Department to review for consistency with these conditions prior to recording the final plat for the phase in which they are in.
  - f. This decision does not preclude the development of detached single-family residences on any of these lots.
3. Final lot dimensions and lot area must substantially conform to the preliminary plat.
4. A preliminary engineering report and/or plan, prepared by a Licensed Professional Engineer, demonstrating the feasibility of constructing all public improvements required by Selah Municipal Code, Chapter 10.50, must be submitted to and approved by the Public Works Department for each separately designated phase of development prior to commencement of construction.
5. Construction plans and specifications must be reviewed and approved by the Public Works Department prior to commencement of construction of each separately designated phase of development. Specifications for improvements shown on the preliminary plat are minimum specification which may be superseded by the conditions contained herein or by specific conditions as approved by the Public

Works Department. Upon completion of construction and prior to final plat approval (of each development phase for which final plat approval is sought) reproducible final "as-built" construction plans and a written certification by a Licensed Professional Engineer that said improvements were completed in accordance with the City of Selah Design and Construction Standards dated March 2012 must be submitted to the Public Works Department for approval. All required compaction and inspection reports shall also be submitted to the Public Works Department.

6. All lots must be served with a full range of public services/private utilities. All public services/private utilities must be underground and installed prior to the surfacing of streets. There shall be a moratorium on street cuts for a period of five (5) years from the date of each phase recording.
7. Street improvements must be constructed to city standards. Mountable curbs are permissible except at radius returns at intersections, which require barrier curbs of suitable design. Barrier curbs are required on Southern Avenue.
8. During the construction of portions of the plat designated as Phase 3, the existing 12 inch water distribution line located in Southern Avenue shall be extended to the west property line of Phase 3.
9. Fire hydrants which meet the specifications of Selah Code, Chapter 11.30 must be provided and installed by the developer at locations identified by the Selah Fire Chief.
10. Storm water drainage facilities to accommodate runoff generated within the plat, and historical drainage which crosses the property, must be installed in compliance with a drainage facilities plan prepared by a Licensed Professional Engineer and approved by the Public Works Department. As part of the drainage study the Department of Ecology shall be contacted to determine if a "storm water permit" is required.
11. Wooden street lights poles must be installed by the developer to the specifications of the Public Works Director.
12. Curb, gutters, a five (5) foot wide sidewalk, and the improvement of Southern Avenue to a "super half street" (24' wide) is required along the North boundary of Lots 3-1 and 3-2 as part of Phase 3 construction.
13. Areas reserved for sight distance vision triangles shall be shown and noted on the final plat. (Selah Code, Chapter 10.50).
14. Dust control measures shall be implemented as required by the Yakima Regional Clean Air Authority rules and regulations. The Developer shall advise the Public Works Department of the name and phone number of the contact person to report alleged dust control violations.
15. Prior to the recording of Phase 2 (and subsequent Phases 3 and 4) all required plat improvements (i.e., utilities, streets, drainage facilities, etc.) shall be installed and accepted by the City or a surety bond

pledged to ensure installation within two years of final plat approval for the respective phases shall be issued to the City.

16. All required street signs, posts and appurtenances, including end-of-road barricades at the end of each dead-end street (Phase 2: Lacey Avenue; Phase 3: South Seventh Street, and Terrace Drive; Phase 4: Lacey Avenue) shall be supplied by the developer and installed by the City.
17. Minimum ten (10) foot wide utility easements shall be located adjacent to all dedicated public street right-of-ways and such additional easements as may be required to facilitate utility placement shall be designated on the final plat as directed by the Public Works Director.
18. Irrigation easements and distribution facilities shall be provided as specified by the Naches-Selah Irrigation District unless specifically waived by the District in writing.
19. The 18" concrete mortar joint Naches-Selah Irrigation District line located beneath Southern Avenue shall be replaced during Phase 3 construction with 18" PVC piping approved by the Naches-Selah Irrigation District.
20. The Dedication and Waiver of Claims language on the final plat shall reference a waiver of direct access.
21. The following notes shall be placed on the final plat map(s):

"The owner(s) shown hereon, their grantees and assignees in interest hereby covenant and agree to retain all surface water generated within the plat on-site."

"The owner(s) shown hereon, their grantees and assignees in interest hereby covenant and agree to perpetually maintain the natural drainage swale adjacent to their property. The drainage swale shall not be altered, relocated, nor shall natural drainage be impeded."
22. A surety bond, or such other secure financial method, in the amount of 15% of the cost of the public improvements (as each final plat phase is submitted) (i.e., roads, sidewalks, street lights, drainage facilities, sewer collection and water distribution facilities, etc.) shall be remitted to the City and held for a period of two years to guarantee against defects of workmanship and materials.

**CITY OF SELAH HEARING EXAMINER**

**STAFF REPORT**

March 20, 2015

**FILE NO.:** PRELIMINARY PLAT 912.82.13-01 "Eagle Ridge, Phases 2, 3 and 4"  
ENVIRONMENTAL REVIEW 971.82.13-04

**BACKGROUND:** The applicant has requested hearing examiner reconsideration of the March 13, 2014 decision for the preliminary subdivision approval of "Eagle Ridge Phases 2, 3 and 4" a 37 lot subdivision on 16.5 acres. As originally proposed, 34 lots are to be designated for single family residences, while 3 lots are to be designated for duplexes. The hearing examiner's decision denied the duplex lot designation because while the Zoning Ordinance allowed the designation of duplex lots in the R-1 zone, it did not actually list them as a permitted use. This discrepancy was resolved by the City Council adoption of Ordinance 1958 on January 13, 2015. The request for reconsideration is being made on the basis that the Examiner now has the authority to permit those lot designations.

**STAFF REPORT INCORPORATED BY REFERENCE:** The February 20, 2014 staff report for the preliminary plat is attached and incorporated into this report by reference, because the proposal is virtually unchanged, although modified recommended conditions of approval are attached to this report. The remainder of this report focuses on the request for duplex lots.

**APPLICATION AUTHORITY:** SMC 10.50 (subdivision). Since the code does not have a procedure for the reconsideration or revision of an approved but unrecorded plat, the entire preliminary plat application is being reconsidered as if it were a new application.

SMC 10.12.040 allows ten percent of the lots in a proposed land division of ten or more lots to be designated for future two-family dwellings (or duplexes). As it is now written, following the recent amendment, the Ordinance requires the hearing examiner to consider the lot locations and to carefully consider adjacent properties to ensure harmonious compatibility. Other required standards include a minimum lot size of 9,000 square feet or the minimum lot size based on slope specified in SMC 10.12.030. Once the lots are designated, the future duplexes may be authorized as Class 1 Uses, subject to the same requirement for harmonious compatibility.

**ENVIRONMENTAL REVIEW:** A Determination of Nonsignificance was issued for the preliminary plat on February 10, 2014, was finalized on February 25, 2014 and was not appealed. This determination is being used to satisfy the SEPA requirements for this reconsideration under WAC 197-11-600(3) which requires any agency acting on the same proposal to use an environmental document unchanged unless the agency is dissatisfied with a DNS, there are substantial changes to the proposal or there is new information indicating probable significant adverse impacts,

**LOCATION:** The lots proposed for duplex designation are Lots 2-4, 3-1, and 3-2. Lots 3-1 and 3-2 front on Southern Avenue at the north end of the subdivision. Lot 2-4 is on the west side of the subdivision adjacent to a large undeveloped parcel and will front on Lacey Avenue within the proposed subdivision.

**LAND USES ADJACENT TO THE PROPOSED TWO-FAMILY LOTS:** Proposed Lot 2-4 is relatively isolated located interior to the site from existing residences about 250 feet from the nearest built homes in Phase 1 and the same distance to a single-family home on a one acre lot uphill to the west. Proposed Lots 3-1 and 3-2 abut existing single family homes on platted lots to the east and south. They are across from a 4.6 acre parcel also outside the City Limits and zoned R-1 by Yakima County with one single-family residence about 200 to the west but otherwise undeveloped. The land west of these lots and south of Southern Avenue is also undeveloped land outside of the City Limits.

Nearby developed lots are one to two story wood frame structures designed to fit the slope. Some of them are two stories with a basement/garage. Most have accents such as painted trim, brick or stone masonry veneer and concrete driveways. Some have covered porches.

Lot widths are generally 70 to 80 feet, the homes are built to meet required setbacks and have driveways that are wide enough to accommodate two off-street parking spaces as required by City code. The homes themselves range from 1,800 to 2,900 square feet in area.

The developed lots that abut proposed Lots 3-1 and 3-2 range in size from 9,552 to 10,849 square feet. There is also an abutting home currently owned by the applicant that will be located on an 11,971 square foot lot in the proposed plat. These lots, including the as-of-yet undeveloped lot average 10,593 square feet representing a net residential density of 4.1 dwelling units per acre.

The home uphill to the west of Lot 2-7 is an older home with two stories and a basement of about 1,600 square feet. The nearest homes east of this lot are similar in size and style and on similarly sized lots as the homes adjacent to lots 3-1 and 3-2.

**CONSISTENCY & COMPATIBILITY ANALYSIS:** Lots 3-1 and 3-2 are 9,666 and 10,233 square feet respectively, are not corner lots, and have average slopes of just under 10%. Lot 2-4 has a slope of about 12% but the 12,852 square foot lot size meets the higher 10,000 square foot standard for lots with slopes between 10 and 15%. The 34 lot subdivision allows for the designation of three two-family residential lots under the requirements of SMC 10.12.040.

The smallest lot is proposed Lot 3-1. It is 80 feet in width and 120 feet in depth, providing for a 64 foot by 80 foot building envelope based on setback requirements. Lot coverage of 35% would allow for a one-story building with a footprint of 3,383 square feet, or just over 1,690 square feet per unit (including garages), although additional living area could be provided by adding a second story. Lot width and setbacks are sufficient to provide for four off-street parking spaces as required by the Zoning Ordinance without tandem parking.

Lot 3-2 is 85 feet wide at the street frontage, and ranges from 78 feet to 93 farther from the street, with the narrowest width toward the front of the lot where building is most likely to occur. It would allow a building envelope of about 60 by 82 feet, or 4,900 square feet and a larger building footprint than Lot 3-1 of 3,582 square feet based on lot coverage. It has sufficient width and setbacks to accommodate off-street parking.

Proposed Lot 2-4 has 190 feet of street frontage and 109 foot depth at its widest point, getting progressively narrower to the west. There is a building envelope of about 5,600 square feet, although it is triangular in shape due to the shape of the lot, and probably could not be fully utilized, although it should be possible to design a building to maximize it. The allowable building footprint is 4,498 square feet based on lot coverage, which should be large enough to provide for a single-level building based on lot coverage, although the slope and setbacks based on the shape of the lot may necessitate a two-story building with a smaller footprint.

**ANALYSIS:** The lots appear to be large enough to accommodate two-family residences as proposed if they are two-story buildings. However, given the slope of the site and surrounding area and the fact that two-story homes are common in the area, this does not indicate a compatibility problem. Consistency with building size and style could be accommodated by Class 1 Use Review as required by the Zoning Ordinance and requiring construction early in site development to help ensure consistency with the development of the single-family lots in the new subdivision.

**RECOMMENDATION:** Approval of the Preliminary Plat based on the findings of the February 20, 2014 staff report as supplemented by this report.

Approval of the designation of the three duplex lots with conditions to promote compatibility.

1. All design and/or improvement notations indicated on the preliminary plat are included as conditions of preliminary plat approval (i.e., private easement widths and locations, lot size and lot configuration, etc.). This condition is not intended to limit the Public Works Department in the exercise of its authorities under other provisions of the Selah Municipal Code.
2. Lots 2-4, 3-1 and 3-2 are authorized as duplex lots. They shall be so designated on the final plat. The following are additional requirements:
  - a. The designation of these lots are not transferable to other lots in the subdivision.
  - ~~b. Duplexes on these lots shall not exceed two stories, or two stories with a basement garage if built into the hillside to accommodate the slope.~~
  - c. Off-street parking shall be provided on the lots to provide 4 spaces per each duplex. Garages and tandem parking shall not count toward this requirement. Driveways shall be constructed of concrete not asphalt.
  - d. Building exteriors shall be consistent in appearance with that of surrounding single-family homes including the use of architectural features such as brick or stone masonry veneer and covered porches (not all of these feature need to be present to be considered consistent).
  - e. To further ensure consistency with the development of single-family lots in the subdivision, the two-family lots shall be developed within one year of the recording of the final plat for the phase in which they are located. This completion date may be extended in the manner allowed by SMC Title 10.

- f. A site plans and drawings, photos or elevations of the buildings proposed for development of the two-family residential lots shall be submitted to the Planning Department to review for consistency with these conditions prior to recording the final plat for the phase in which they are in.
  - g. This decision does not preclude the development of detached single-family residences on any of these lots.
3. Final lot dimensions and lot area must substantially conform to the preliminary plat.
4. A preliminary engineering report and/or plan, prepared by a Licensed Professional Engineer, demonstrating the feasibility of constructing all public improvements required by Selah Municipal Code, Chapter 10.50, must be submitted to and approved by the Public Works Department for each separately designated phase of development prior to commencement of construction.
5. Construction plans and specifications must be reviewed and approved by the Public Works Department prior to commencement of construction of each separately designated phase of development. Specifications for improvements shown on the preliminary plat are minimum specification which may be superseded by the conditions contained herein or by specific conditions as approved by the Public Works Department. Upon completion of construction and prior to final plat approval (of each development phase for which final plat approval is sought) reproducible final "as-built" construction plans and a written certification by a Licensed Professional Engineer that said improvements were completed in accordance with the City of Selah Design and Construction Standards dated March 2012 must be submitted to the Public Works Department for approval. All required compaction and inspection reports shall also be submitted to the Public Works Department.
6. All lots must be served with a full range of public services/private utilities. All public services/private utilities must be underground and installed prior to the surfacing of streets. There shall be a moratorium on street cuts for a period of five (5) years from the date of each phase recording.
7. Street improvements must be constructed to city standards. Mountable curbs are permissible except at radius returns at intersections, which require barrier curbs of suitable design.
8. During the construction of portions of the plat designated as Phase 3, the existing 12 inch water distribution line located in Southern Avenue shall be extended to the West property line of Phase 3.
9. Fire hydrants which meet the specifications of Selah Code, Chapter 11.30 must be provided and installed by the developer at locations identified by the Selah Fire Chief.

10. Storm water drainage facilities to accommodate runoff generated within the plat, and historical drainage which crosses the property, must be installed in compliance with a drainage facilities plan prepared by a Licensed Professional Engineer and approved by the Public Works Department. As part of the drainage study the Department of Ecology shall be contacted to determine if a "storm water permit" is required.
9. Wooden street lights poles must be installed by the developer to the specifications of the Public Works Director.
11. Curb, gutters, a five (5) foot wide sidewalk, and the improvement of Southern Avenue to a "super half street" (24' wide) is required along the North boundary of Lots 3-1 and 3-2 as part of Phase 3 construction.
12. Areas reserved for sight distance vision triangles shall be shown and noted on the final plat. (Selah Code, Chapter 10.50).
13. Dust control measures shall be implemented as required by the Yakima Regional Clean Air Authority rules and regulations. The Developer shall advise the Public Works Department of the name and phone number of the contact person to report alleged dust control violations.
14. Prior to the recording of Phase 2 (and subsequent Phases 3 and 4) all required plat improvements (i.e., utilities, streets, drainage facilities, etc.) shall be installed and accepted by the City or a surety bond pledged to ensure installation within two years of final plat approval for the respective phases shall be issued to the City.
15. All required street signs, posts and appurtenances, including end-of-road barricades at the end of each dead-end street (Phase 2: Lacey Avenue; Phase 3: So. 7th St., and Terrace Drive; Phase 4: Lacey Avenue) shall be supplied by the developer and installed by the City.
16. Minimum ten (10) foot wide utility easements shall be located adjacent to all dedicated public street right-of-ways and such additional easements as may be required to facilitate utility placement shall be designated on the final plat as directed by the Public Works Director.
17. Irrigation easements and distribution facilities shall be provided as specified by the Naches-Selah Irrigation District unless specifically waived by the District in writing.
18. The 18" concrete mortar joint Naches-Selah Irrigation District line located beneath Southern Avenue shall be replaced during Phase 3 construction with 18" PVC piping approved by the Naches-Selah Irrigation District.

19. The Dedication and Waiver of Claims language on the final plat shall reference a waiver of direct access.

20. The following notes shall be placed on the final plat map(s):

"The owner(s) shown hereon, their grantees and assignees in interest hereby covenant and agree to retain all surface water generated within the plat on-site."

"The owner(s) shown hereon, their grantees and assignees in interest hereby covenant and agree to perpetually maintain the natural drainage swale adjacent to their property. The drainage swale shall not be altered, relocated, nor shall natural drainage be impeded.

21. A surety bond, or such other secure financial method, in the amount of 15% of the cost of the public improvements (as each final plat phase is submitted) (i.e., roads, sidewalks, street lights, drainage facilities, sewer collection and water distribution facilities, etc.) shall be remitted to the City and held for a period of two years to guarantee against defects of workmanship and materials.

**CITY OF SELAH HEARING EXAMINER**  
**STAFF REPORT**  
FEBRUARY 20, 2014

FILE NO.: 912.82.13-01 "Eagle Ridge, Phases 2, 3 and 4" (preliminary plat)  
971.82.13-04 Environmental Checklist

PROPOSAL: Preliminary subdivision approval of "Eagle Ridge Phases 2, 3 and 4" a 16.5 acre, 37 lot subdivision. Thirty-four (34) lots will be designated for single family residences while three (3) lots will be designated for duplexes.

PROPONENT: Torkelson Construction (Carl Torkelson)

LOCATION: On the South side of Southern Avenue. Approximately one half± mile (½) West of South First Street extending to the South end of South Seventh Street. (Parcel Nos. 181302-42471, 42474 and 42475)

APPLICATION AUTHORITY: S.M.C., Title 10 (subdivision).

LAND USE AND ZONING: The site is zoned One-Family Residential (R-1) and is vacant.

SURROUNDING ZONING: Adjacent properties to the South and East are located in the City of Selah and zoned One-Family Residential (R-1). Properties to the North and West, located in unincorporated Yakima County, are zoned Single Family Residential (R-1).

SURROUNDING LAND USE:

- North: Larger lots containing single family residences
- Northeast – A Multiple Family Residential Development—“Southern Estates”
- South - Steep vacant hillside
- East – Eagle Ridge Phase 1, Oakwood Manor, South Terrace Addition and Queensview Subdivisions
- West – A single, single family residence and a large vacant parcel.

CITY OF SELAH URBAN GROWTH AREA COMPREHENSIVE PLAN: The site is designated Low Density Residential authorizing a maximum density of five (5) dwelling units per acre. The proposed density is 2.42 dwelling units/acre. Density in three nearby residential subdivisions (Oakwood Manor, South Terrace Addition and Queensview ) are 3.9 dwellings per acre. The adjacent Eagle Ridge Phase 1 is approximately 3.1 dwellings per acre

“EAGLE RIDGE, PHASES 2, 3 and 4”      File No. 912.82.13-01  
ENVIRONMENTAL REVIEW                      File No. 971.82.13-04  
Staff Report dated 2-20-2014

ENVIRONMENTAL REVIEW: A Determination of Nonsignificance was issued February 10, 2014 and the comment period expired February 24, 2014. All comments received during the environmental period are available for the Examiner's review. All environmental documents are to be considered as an appendix to and a part of this report.

SUBDIVISION STANDARDS: Selah Municipal Code (SMC), Chapter 10.50 (Subdivision Ordinance) establishes design criteria and standards applicable to the division of land. The proposed subdivision, with conditions of approval, meets the requirements of SMC, Chapter 10.50.41 through 10.50.075.

DEVELOPMENT STANDARDS:

Streets - The site abuts Southern Avenue a paved street 22' wide within a 55' wide right-of-way (30' dedicated on South and 25' dedicated on North). Southern Avenue, East of the site, is hard surfaced 24' wide within a 55' wide right-of-way. Adjacent to the proposed Phase 3 Southern Avenue is to be improved to a "super" half street 24 ft. wide with curb, gutter and sidewalk on the South side. The City designates Southern Ave. a Collector street with a projected designation of Minor Arterial. South 7th Street extending into the plat is hard surfaced 32 ft. wide between curbs. Development plan indicate a 50 ft. wide right-of-way width.

Sidewalks and Street Lights - S.M.C. requires a five (5) foot wide sidewalk on one side of residential streets. This proposal includes locating sidewalks on the South side of Southern (Phase 3); North side of Terrace Dr. (Phase 3); South side of Lacey Ave. (Phase 2); East side of So. 7th St. (Phase 3); the South side of Torkelson Avenue); and the West side of So. 8<sup>th</sup> Street. The City will require combination of barrier and mountable curbs within the subdivision. Southern Ave. would have barrier curbs while all other streets would be mountable curbs excepting at intersection radius returns. Street lighting is required at a maximum 300 ft. interval with the Public Works Director retaining the flexibility to locate street lights in a manner which will maximize lighting at intersections.

Storm Drainage - Drainage facilities will be constructed on-site in accordance with plans approved by the Public Works Director.

Utilities: Typical public utilities are available in the immediate vicinity and will be extended throughout the proposed subdivision coincident with phasing.

WATER (Existing Locations):

Terrace Dr.---8" distribution line  
Lacey Ave.----8" distribution line  
Southern Ave.-12" distribution line

WATER (proposed extensions):

Extend 8" water lines, in development Phases, throughout the proposed plat.  
Extend 12" water line in Southern Avenue with development of Phase 3.

SEWER (Existing Locations):

Southern Ave.---8" collection line  
Terrace Dr.---8" collection line  
Lacey Ave.----8" collection line  
Southern Ave.---8" collection line

SEWER ( proposed extensions):

Extend 8" sewer lines, in development Phases, throughout the proposed plat.  
Extend 8" sewer line in Southern Avenue with development of Phase 3.

HYDRANTS (Existing):

Hydrants connected to existing water distribution lines located on Southern, 7<sup>th</sup> Street and Lacey Avenue.

HYDRANTS (proposed):

Addition hydrant locations is an engineering design function. Typical locations will be at intersections and other locations determined by the Fire Department.

TRANSPORTATION: (existing conditions)

TERRACE DRIVE (outside [east of] proposed plat) Local access street,  
Bituminous pavement with curb and gutter. Right-of-way width 50 ft. No sidewalk.

LACEY AVENUE (outside [east of] proposed plat) Local access street.  
Bituminous pavement with curb and gutter. Right-of-way width 50 feet. No sidewalk.

“EAGLE RIDGE, PHASES 2, 3 and 4” File No. 912.82.13-01  
ENVIRONMENTAL REVIEW File No. 971.82.13-04  
Staff Report dated 2-20-2014

SOUTHERN AVENUE (East of Proposed Plat) Collector street.. Bituminous pavement with curb and gutter on south side. Right-of-way width 55 feet. No sidewalk.

TRANSPORTATION: (proposed improvements)

Existing Phase #1 and proposed Phase #2, #3 and #4. Designated Local Access Streets--33 ft. back to back of curb, asphalt pavement, five (5) foot wide sidewalk on one side with street lights. Fifty feet right-of-way width..

SOUTHERN AVENUE—Existing Phase 1 and proposed Phase # 3 Collector street. Asphalt "Super half street" 24 feet wide with curb and gutter on south side. Right-of-way width 55 feet. Five foot wide sidewalk on south street side with street lights.

OTHER FINDINGS:

- (1) "Eagle Ridge" Phases 2, 3 and 4 (37 lots) will contribute approximately 370 vehicle trips per day to existing traffic on Southern Avenue continuing to South First St. Contributed vehicle trip figure are calculated at 10 vehicle trip ends per dwelling.

Traffic Daily Traffic (ADT) Counts on Southern Avenue at West of So. 1<sup>st</sup> Street

1988	1992	2002	2014
921	986	1210	1540

Traffic Daily Traffic (ADT) Counts on Southern Avenue 100' West of 5<sup>th</sup> Street

1988	1997	2002	2014
NA	154	234	428

The existing carrying capacity of Southern Avenue (from So. 1<sup>st</sup> to 7<sup>th</sup> Street) is approximately 6,000 vehicle trips per day.

- (2) The property lies within the Naches-Selah Irrigation District. R.C.W. 58.17.310 requires each lot be provided with an irrigation right-of-way and irrigation water distribution facilities unless the distribution requirements are waived by the irrigation district.

- (3) Terrace Drive and Lacey Avenue, located east of the proposal, were patched and

chip sealed in 1998 as part of the City's three year street renovation program

- (4) Eagle Ridge Phase # 1 was recorded in July 1993. Sothern Estates (PD) was platted and recorded in 2005.
- (5) The City of Selah maintains 6" and 8" water mains throughout the subdivisions to the East. Within Eagle Ridge Phase #1 and proposed Phases #2, #3 and #4 water mains will be eight (8") diameter.
- (6) An 18" concrete mortar joint Naches-Selah Irrigation District line is located beneath Southern Avenue adjacent to the proposal.
- (7) Access to the adjacent parcel West of the proposed plat can be provided by the future extension of Terrace Drive and Lacey Avenue in addition to Southern Avenue.
- (8) Projected student generation from the complete build-out of the proposed thirty-seven (37) lot subdivision is 15.5 students.

**RECOMMENDATION:** Staff recommends **APPROVAL** of "Eagle Ridge", Phases 2, 3 and 4 subject to the following conditions:

1. A preliminary engineering report and/or plan, prepared by a Licensed Professional Engineer, demonstrating the feasibility of constructing all public improvements required by Selah Municipal Code, Chapter 10.50, must be submitted to and approved by the Public Works Department for each separate development phase prior to commencement of construction.
2. Construction plans and specifications must be reviewed and approved by the Public Works Department prior to commencement of construction of each development phase. Specifications for improvements shown on the preliminary plat are minimum specification which may be superseded by the conditions contained herein or by specific conditions as approved by the Public Works Department. Upon completion of construction and prior to final plat approval (of each development phase) reproducible final "as-built" construction plans and a written certification by a Licensed Professional Engineer that said improvements were completed in accordance with the City of Selah Design and Construction Standards dated March 2012 must be submitted to the Public Works Department for approval. All required compaction and inspection reports shall also be submitted to the Public Works Department.

"EAGLE RIDGE, PHASES 2, 3 and 4"  
ENVIRONMENTAL REVIEW  
Staff Report dated 2-20-2014

File No. 912.82.13-01  
File No. 971.82.13-04

3. All lots must be served with a full range of public services/private utilities. All public services/private utilities must be underground and installed prior to the surfacing of streets. There shall be a moratorium on street cuts for a period of five (5) years from the date of each phase recording.
4. Street improvements must be constructed to city standards. Mountable curbs are permissible except at radius returns at intersections.
5. During the construction of Phase # 3 the existing 12 inch water distribution line located in Southern Avenue shall be extended to the West property line of Phase 3.
6. Fire hydrants which meet the specifications of Selah Code, Chapter 11.30 must be provided and installed by the developer at locations identified by the Selah Fire Chief.
7. Final lot dimensions and lot area shall substantially conform with the preliminary plat, unless otherwise amended during the public hearing process.
8. Storm water drainage facilities to accommodate runoff generated within the plat, and historical drainage which crosses the property, must be installed in compliance with a drainage facilities plan prepared by a Licensed Professional Engineer and approved by the Public Works Department. As part of the drainage study the Department of Ecology shall be contacted to determine if a "storm water permit" is required.
9. Wooden street lights poles must be installed by the developer to the specifications of the Public Works Director.
10. Curb, gutters, a five (5) foot wide sidewalk, and the improvement of Southern Avenue to a "super half street" (24' wide) is required along the North boundary of Phase 3.
11. Areas reserved for sight distance vision triangles shall be shown and noted on the final plat. (Selah Code, Chapter 10.50).
12. Dust control to be regulated by the Yakima Regional Clean Air Authority rules and regulations. The Public Works Department is to be advised of the name and phone number of the contact person to report alleged dust control violations.
13. Prior to the recording of Phase 2 (and subsequent Phases 3 and 4) all required plat improvements (i.e., utilities, streets, drainage facilities, etc.) shall be installed and accepted by the City or a surety bond pledged to ensure installation within two years of

subdivision acceptance shall be issued to the City.

14. All required street signs, posts and appurtenances, including end-of-road barricades at the end of each dead-end street (Phase 2: Lacey Avenue; Phase 3: So. 7th St., and Terrace Drive; Phase 4: Lacey Avenue) shall be supplied by the developer and installed by the City.

15. Minimum ten (10) foot wide utility easements shall be located adjacent to all dedicated public street right-of-ways and such additional easements as may be required to facilitate utility placement shall be designated on the final plat as directed by the Public Works Director.

16. Irrigation easements and distribution facilities shall be provided as specified by the Naches-Selah Irrigation District (N-SID) unless specifically waived by the District in writing.

(17) The 18" concrete mortar joint Naches-Selah Irrigation District line located beneath Southern Avenue shall be replaced during Phase 3 construction with 18" PVC piping approved by N-SID.

18. The Dedication and Waiver of Claims language on the final plat shall reference a waiver of direct access.

19. The following notes shall be placed on the final plat map(s):

**"The owner(s) shown hereon, their grantees and assignees in interest hereby covenant and agree to retain all surface water generated within the plat on-site."**

**"The owner(s) shown hereon, their grantees and assignees in interest hereby covenant and agree to perpetually maintain the natural drainage swale adjacent to their property. The drainage swale shall not be altered, relocated, nor shall natural drainage be impeded."**

20. A surety bond, or such other secure financial method, in the amount of 15% of the cost of the public improvements (as each final plat phase is submitted) (i.e., roads, sidewalks, street lights, drainage facilities, sewer collection and water distribution facilities, etc.) shall be remitted to the City and held for a period of two years to guarantee against defects of workmanship and materials.

21. At the developers option South 7th Street right-of-way width may be reduced to fifty (50) feet.

# List of Exhibits

## Eagle Ridge Phases 2, 3 & 4

1. Staff Report-March 20, 2015
2. Previous Staff Report
3. Environmental Review-Comment from 2014
4. Hearing Examiner Recommendation March 13, 2014
5. Determination of Nonsignificance Feb 10, 2014 & Final Determination of Nonsignificance Feb 25, 2014
6. Environmental Checklist
7. Request for Reconsideration Feb, 17, 2015
8. Preliminary Plat
9. Notice of Application March 4, 2015
10. Subject Property Map
11. Adjoining Property Owners Mailing List
12. Letter from Kathleen Fountaine received March 24, 2015
13. Letter from Bruce Williams received March 24, 2015
14.
15.
16.



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

February 19, 2014

David Kelly  
City of Selah  
115 W. Naches Avenue  
Selah, WA 98942

Re: ER 971.83.13-04

Dear Mr. Kelly:

Thank you for the opportunity to comment on the determination of nonsignificance for the Eagle Ridge subdivision of approximately 16.5 acres into 37 lots in 3 phases, proposed by Torkelson Construction. We have reviewed the documents and have the following comments.

### TOXICS CLEAN-UP

Based upon the historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. Ecology recommends that the soils be sampled and analyzed for lead and arsenic, and for organochlorine pesticides. If these contaminants are found at concentrations above the Model Toxics Control Act cleanup levels Ecology recommends that potential buyers be notified of their occurrence.

If you have any questions or would like to respond to these Toxics Clean-up comments, please contact **Valerie Bound** at (509) 454-7886.

### WATER QUALITY

#### Project with Potential to Discharge Off-Site

The NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.

Mr. Kelly  
February 19, 2014  
Page 2

The permit requires that Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading or construction.

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 **Ray Latham** at the Department of Ecology, (509) 575-2807, with questions about this permit.

Sincerely,



Gwen Clear  
Environmental Review Coordinator  
Central Regional Office  
(509) 575-2012

February 24, 2014

Page 1 of 2

Selah Planning Department  
222 South Rushmore Road  
Selah, WA 98942

RE: File No: 912.82.13.01 Eagle Ridge Phases 2,3,and 4  
971.82.13.04 SEPA Environmental Review

For the record: there is two (2) different File numbers referenced for Eagle Ridge Phases 2,3 and 4 in the NOTICE OF OPEN RECORD PUBLIC HEARING AND THE OPPORTUNITY TO TESTIFY AND SUBMIT COMMENT dated February 7, 2014.

City of Selah records show a preliminary plat of Eagle Ridge Phases dating back to approximately 1993 & 1994,: Preliminary Plat File No. 971.67.94-2; Environmental File No. 971.82.94-2, to include the approximate areas now proposed as Phase 3; lot 3-6 and lot 3-7 and Phase 4 lot 4-13 and lot 4-14. There is no reference to that in the February 7, 2014 notice.

Environmental concerns are as follows:

1. Grading and excavation on portions of the project proposal have already engaged.

Such work has included the importation of fill material as well as the cutting of hillsides.

The grading and excavation work involve more that 500 cubic yards and require both grading permit and environmental review. SMC 11.40.110(e). Environmental Checklist requires a description of the purpose, type and approximate quantities of any filling or grading proposals. Also, to be included is information related to erosion, impervious surface coverage and proposed measures to reduce or control erosion and other similar impacts. This information must be included/contained in the environmental submissions.

2. A traffic study prepared by H.W. Lochner, Inc. dated July 5, 2007 identifies adverse impacts at South First Street and Southern Avenue. The sole identified mitigation to reduce impacts to a level of Non-significance is the construction and installation of a traffic signal.

With the additional trips per day with the proposed added 34 single family households and proposed 3 multi-family units will only add to the already established adverse impacts at South First Street and Southern Avenue.

~~EXHIBIT 2~~

Ex 3, p. 3

There is lack of complete environmental review for the project. under SEPA.

Proposed Subdivision objections are as follows:

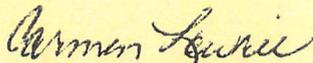
1. The 2005 City of Selah Urban Growth Area Comprehensive plan, future land use map designation for the property, which is subject of the proposed subdivision, is low density, one family residential (R-1).

By allowing the subdivision to include 3 duplex lots in a designated Low density residential is inconsistent with the Selah Comprehensive Plan SMC 10.24.060. It would not conform to the Selah Urban Growth Comprehensive Plan.

As a matter of law, this cannot be considered "substantial compliance" with the Comprehensive Plan. In addition, would be in violation of concurrency requirements of the Growth Management Act (GMA).

In light of the incomplete records, I reserve the right to supplement these issues based upon review of the record.

Sincerely,



Carmen Lowrie  
971 Southern Ave.  
Selah, WA 98942

To Selah City Community Planner Dennis Davison and Selah Hearing Examiner:

Subject: File application # 912.82.13-01

Questions I wish to submit regarding this project proposal:

1) Was project reviewed and approved by the Planning Commission? If so when did this occur and why do we not have any notes documenting the discussion? (nothing viewable on City Website)

2) Has there been a traffic study conducted? Traffic along Southern Ave is heavy and access on and off Southern and 1st St is already rated the lowest rating according the City's Traffic plan analysis. Additional homes in this area will only compound the traffic congestion. Proposed project will generate approximately 80 (conservative guess) additional vehicle operators to the area.

3) No pedestrian sidewalks exist other than along 605 Southern Townhouse complex. Southern Ave remains substandard in terms of heavy traffic usage and pedestrian safety. The proponent promised adequate onsite parking for the 605 Southern project, however, it is noted daily multiple vehicles parked in the street, blocking the west lane of traffic. There is even an 18 wheeler truck trailer that periodically parks in this lane.

I wish to urge the Planning Department and Hearing examiner to deny request of proponent to designate the 3 lots to R2 zone. The current zone designation for this area is R1, as determined by the Urban Growth Comprehensive Plan. Single family homes would be in concert with the surrounding neighborhood and would result in a consistent style of development for this area.

Additionally the area in question has quite a bit of dips and valleys and I urge those in charge to carefully examine the proponent's plans for grading, landscape adjustment, storm water run-off, and adequate retention wall construction. All homes east of the project will be subject to inappropriate water run off if this is not planned for correctly. If I am able to request a copy of the SEPA review, please email me a copy to > kfountaine48212@gmail.com.

The zoning for this area should remain R1.

Thank You for your consideration,

Kathleen Fountaine  
510 Southern Ave  
Selah, Wa.

EXHIBIT 3

02-21-14



To:

City of Selah Planning Department

City of Selah council members

City of Selah Hearing Examiner

RE: File #912.82.13-01 Eagle Ridge, phases 2,3, &4

File #971.82.13.13-04

Regarding the above file numbers & project names, consider this my public comment to oppose this project for safety reasons.

The city of Selah is well aware of the status level of Southern avenue having the worse rated street in the entire city for traffic issues. These safety issues were brought to the city's attention from previous projects that the city allowed on Southern avenue; starting in 2005.

When the projects at 605 Southern, & Southern & 5<sup>th</sup> avenue were approved by city officials, the homeowners were assured by the city that traffic issues would be addressed to improve the function of Southern avenue, and to date, in 2014, not one thing has been accomplished to make Southern a better & safer street to travel on.

With the completions of the projects mentioned, along with other single units built by this same contractor up 7<sup>th</sup> & 5<sup>th</sup> avenues, I can personally tell you that traffic, pedestrian & vehicular, has increased tremendously. We now have an increase of children playing in & around these streets, and there have been some close calls for the potential of a tragic accident to happen.

We were also assured that at these projects, there would be no on street parking, and all tenants would park on the project sites. Take a drive sometime and see how many vehicles are parked on Southern avenue half way out in the road, making west bound traffic have to move into the eastbound lane to get where their going. Also, look at how many vehicles are parked on the road, across the street from the project on 5<sup>th</sup> avenue, and if you do go look, don't do it when everyone is at work, come by in the evening or on the weekends when the impact is the greatest. We have made requests to city officials to address this problem, but it continues, and it is making the safety issue a priority.

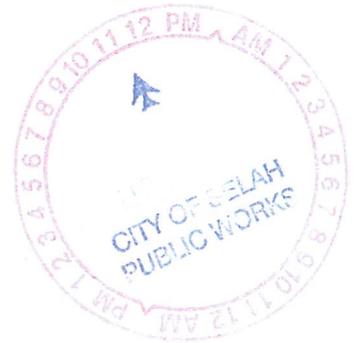
I believe the city is making monetary decisions when these projects come up, thinking only of the tax revenue they will generate, and safety is a back burner issue. Heaven forbid that someone gets seriously hurt because the city fell short of their duty to protect the citizens of the South Selah area, knowing the problem that exists & needs to be addressed before more of a traffic impact is placed on an already

EXHIBIT 4  
Exh 3 p.6

defunct street. If that happens, then those tax revenues being generated will be for naught by those who approve this project.

Give serious consideration when discussing what is being projected here, the increased impact on those that live in & around Southern avenue are already bearing the brunt of past decisions without any actions for road improvement. We can't take anymore!!

Dave Hoffert  
606 Southern, Ave.  
Selah, Wa. 98942  
509-697-6780



February 24, 2014

*Corrected  
final  
copy  
C. Lowrie*

Selah Planning Department  
222 South Rushmore Road  
Selah, WA 98942

RE: File No: 912.82.13.01 Eagle Ridge Phases 2,3,and 4  
971.82.13.04 SEPA Environmental Review

First, as a matter of conflict and findings of an error in the "NOTICE OF OPEN RECORD PUBLIC HEARING AND THE OPPORTUNITY TO TESTIFY AND SUBMIT COMMENT" dated February 7, 2014. The file number for EAGLE RIDGE, PHASES 2,3, and 4 is recorded at 912.82.13-01 on the front page (1<sup>st</sup> page) of the notice and on the back page (2<sup>nd</sup> page) the notice indicates to reference file no. 971.82.13-01.

This creates a conflict in validating the responses and comments within the time period designated.

I request from the City of Selah, Planning Department a new and correct notice to be submitted TO: TORKELSON CONSTRUCTION, INC., ADJOINING PROPERTY OWNERS AND SEPA CONSULTED AGENCIES with a NEW 14 day comment period in order for those responses to be valid and without error when referencing the file numbers in their ONLY OPPORTUNITY TO COMMENT ON THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSAL.

*Carmen Lowrie*

Carmen Lowrie  
971 Southern Ave  
Selah, WA 98942

*EXHIBIT 5  
EXL3 p8*

21 February 2014

City of Selah Planning Department  
Concerning File No.971.82.13-04

I urge rejection of the proposed Eagle Ridge development and the proposed changing of the current R1 designation to R2, which would allow multi-family housing (duplexes) in the proposed development, for these reasons.

Zoning:

The Urban Growth Area Comprehensive Plan for Selah, designates the proposed development area as R1, single family residential. R1 is the appropriate designation for this area, given the immediately adjacent properties (single family) and the rural nature of the area. R2 designations should be reserved for suburban areas, closer to the city and city services, which this type of housing demands. It is neither necessary or desirable to designate any plots in the proposed development as R2 (resulting in the building of 3 duplexes). This R2 designation will ultimately degrade the area surrounding this development and presents an insidious precedent to future multi-family (duplex, apartments) developments located in this and other single-family designated zones. The fact is that the current R1 designation was developed after many hours of discussion and hard work by the city administrators, city council and the city attorney. We should not alter this work and designation (R1) by these people, in order to satisfy the request of one developer.

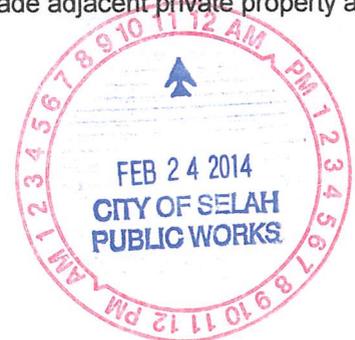
Streets/Traffic/Safety/Runoff

1. Southern Avenue, as well as 3rd and 5th streets are inadequate for current traffic loads and are in poor condition. Upgrades to these streets have not been provided in the 8 years I have lived here. The addition of at least 400 extra vehicle trips per day (Selah traffic study data) would degrade the condition and safety of Southern Ave. as well as 3rd and 5th streets.
2. Southern avenue has only one outlet onto main street and no traffic lights. Currently vehicles exiting north or south onto main street from Southern Ave. face a high risk of collision due to oncoming and exiting traffic from both directions. 400 extra vehicle trips per day would greatly increase the risk of collisions and intersection congestion. In addition, 3rd and 5th street are inadequate to handle current use and cannot be expected to handle spill over from 400 extra vehicle trips per day.
3. The apartments on the northwest corner of 5th and Southern Ave., were built without adequate parking space. Consequently, this has resulted in severe congestion along Southern Ave. and 5th st. from a string of vehicles parked illegally in the traffic lanes. This illegal parking has resulted in several near-miss vehicle collisions and near-miss collisions with children, cyclists and joggers. An increase of 400 vehicle trips per day will significantly increase the risk of vehicle and pedestrian crashes.
4. The proposed development, with its extensive hard surface areas and no effective storm water control (storm sewers) could result in major water runoff during rain storms. This runoff would impact and degrade adjacent private property and streets, causing erosion and degradation of these properties.

Thank you for your consideration of this important matter,

Bruce Williams  
Selah

*Bruce Williams*



*EXHIBIT 6*

*Exh 3 p-9*

February 24, 2014

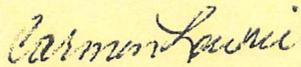
Selah Planning Department  
222 South Rushmore Road  
Selah, WA 98942

RE: File No: 912.82.13.01 Eagle Ridge Phases 2,3,and 4  
971.82.13.04 SEPA Environmental Review

First, as a matter of conflict and findings of an error in the "NOTICE OF OPEN RECORD PUBLIC HEARING AND THE OPPORTUNITY TO TESTIFY AND SUBMIT COMMENT" dated February 7, 2014. The file number for EAGLE RIDGE, PHASES 2,3, and 4 is recorded at 912.82.13-01 on the front page (1<sup>st</sup> page) of the notice and on the back page (2<sup>nd</sup> page) the notice indicates to reference file no. 971.82.13-04.

This creates a conflict in validating the responses and comments within the time period designated.

I request from the City of Selah, Planning Department a new and correct notice to be submitted TO: TORKELSON CONSTRUCTION, INC., ADJOINING PROPERTY OWNERS AND SEPA CONSULTED AGENCIES with a NEW 14 day comment period in order for those responses to be valid and without error when referencing the file numbers in their ONLY OPPORTUNITY TO COMMENT ON THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSAL.



Carmen Lowrie  
971 Southern Ave  
Selah, WA 98942

~~EXHIBIT 7~~

Exh 7, p10

**City of Selah, Washington  
Office of the Hearing Examiner**

<b>In the matter of the Review for the 37 Lot</b>	)	<b>Selah File No. 912.82.13-01</b>
<b>“Preliminary Plat of Eagle Ridge, Phases</b>	)	
<b>2, 3 and 4” in the vicinity of Southern</b>	)	<b>HEARING EXAMINER</b>
<b>Avenue and South 7<sup>th</sup> Street</b>	)	<b>RECOMMENDATION</b>
	)	
<b>Submitted by Torkelson Construction</b>	)	

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**I. INTRODUCTION.**

Torkelson Construction (“Torkelson” or “the Applicant”) seeks to subdivide three parcels of property in proximity to the intersection of Southern Avenue and South 7<sup>th</sup> Street. The property was previously approved for subdivision in 1994, in several phases. Only one phase (Eagle Ridge, Phase 1) was developed under the approval. Other, later development of the property outside of Phase 1 was accomplished through three short subdivisions. An open record hearing on the current preliminary plat proposal was conducted February 26, 2014. The Hearing Examiner viewed the site on the same date. The Community Planner provided a staff report prior to the hearing along with a set of hearing exhibits that included public comment letters, a letter from state of Washington Department of Transportation notifying the City of Selah of the approval of funds for preliminary engineering funds for improvements to streets in southwest Selah, application materials for street improvement construction funds (including Valley View Avenue, South 3<sup>rd</sup> Street and Southern Avenue (east of South 3<sup>rd</sup> Street), and the preliminary plat showing planned phases of subdivision construction. The exhibits were supplemented at and after the hearing with correspondence related to a 1994-era plan for an access road to property to the south of the subject property, and with excerpts from the Transportation Research Board *Highway Capacity Manual Volume 3: Interrupted Flow* (2010) provided by Community Planner Dennis Davison. Three members of the public provided comments at the hearing. Public comments related to adequacy of stormwater management, traffic safety and capacity, pedestrian safety, consistency of the development with the character of the neighborhood (duplexes versus single family structures) and privacy protection, and consistency of information contained in the environmental review documents with reviews conducted for earlier projects in the area.

**II. SUMMARY OF RECOMMENDATION.**

This preliminary plat should be approved, subject to conditions to assure compliance with subdivision design and zoning standards and the protection of the public health, safety and welfare.

Based on the staff report and exhibits, the viewing of the site, comments received at the open record hearing and in writing, and a review of pertinent development regulations and the 2005 *Selah Urban Area Comprehensive Plan* (“2005 *Comprehensive Plan*”) provisions, the Hearing

Examiner makes the following

### **III. FINDINGS.**

#### **1. APPLICANT AND PROPERTY OWNER.**

The preliminary plat application was filed by Torkelson Construction, Inc., P.O. Box 292, Selah, WA, 98942. The property owners of record are Carl Torkelson and Candi Torkelson.

#### **2. LOCATION.**

The properties are located at on the South side of Southern Avenue approximately one half mile west of South First Street and extending to the south end of South Seventh Street.

#### **3. PARCEL NUMBER(S).**

The Yakima County Assessors Tax Parcel Numbers for the subject properties are 181302-42471, 42474 and 42475.

#### **4. APPLICATION.**

The application is for preliminary subdivision approval of "Eagle Ridge Phases 2, 3 and 4" a 16.5 acre, 37-lot subdivision. Thirty-four (34) lots are designated for single family residences and the preliminary plat requests that three lots be designated as "two family residential lots". Two of these lots front on Southern Avenue and the third is located at the proposed southern terminus of Lacey Avenue. Lot sizes for the whole project range from 8,024 sq. ft. to 81,936 sq. ft. The proposed residential density is 2.42 dwelling units/acre. Storm water would be retained on site. The preliminary plat (Hearing Exhibit 10) indicates that development would be completed in three phases, and assigns lot numbers based on the phase to which the lots are assigned. At the hearing, the Applicant sought to retain flexibility in reconfiguring the phase boundaries based on future considerations. The plat information does not seek relief from city development standards. The proposed utility lines and streets are configured to generally allow extension to adjacent undeveloped property, other than for a centrally located short cul-de-sac.

#### **5. CURRENT SITE CONDITION AND ZONING**

The site is zoned One-Family Residential (R-1) and is vacant. The property is sloped downward south to north with slopes (based on topographical lines on the plat map and without regard to proposed lot lines) ranging from 30% more or less in the vicinity of the Phase 4 lots to 9% more or less on the northern portions of the property. The site abuts Southern Avenue, which at that point is a paved street 22 feet wide within a 55-foot wide right-of-way (30 feet dedicated on South and 25 feet dedicated on North). Southern Avenue, east of the site, is hard surfaced 24 feet wide within a 55-foot wide right-of-way. Southern Avenue is currently designated as a Collector street. South Seventh Street is hard surfaced 32 feet wide between curbs. No sidewalks have been installed on the existing local access streets adjacent to the property (Lacey Avenue, and Terrace Drive), nor on Southern Avenue adjacent to the property. City water and sewer lines

have been installed in currently developed streets adjacent to the subject property. Hydrants connected to existing water distribution lines are located on Southern Avenue, South Seventh Street and Lacey Avenue. An 18" concrete mortar-joint Naches-Selah Irrigation District irrigation water line is located beneath Southern Avenue adjacent to the proposal.

#### **6. NEIGHBORING ZONING AND LAND USE.**

Adjacent properties to the South and East are located in the City of Selah and zoned One-Family Residential (R-1). Properties to the North and West, located in unincorporated Yakima County, are zoned Single Family Residential (R-1) on the county zoning map. Land use on neighboring properties is as follows

- North: Larger lots containing single family residences
- Northeast: A Multiple Family Residential Development—"Southern Estates"
- South: Steep vacant hillside
- East: Eagle Ridge Phase 1, Oakwood Manor, South Terrace Addition and Queensview Subdivisions
- West: A single, single family residence and a large vacant parcel.

Density in three nearby residential short subdivisions (Oakwood Manor, South Terrace Addition and Queensview) is 3.9 dwellings per acre. The adjacent Eagle Ridge Phase 1 is approximately 3.1 dwellings per acre.

#### **7. PUBLIC NOTICE**

Based on the Community Planner's affidavit in the project files for this application, the notice of the application and environmental review was mailed to land owners within 600 feet of the project on February 7, 2014. Records also indicate that notice was published on February 9, 2014 in the *Yakima Herald* newspaper. Public comments noted that there was an inaccuracy in the mailed notice regarding the file number for the environmental review documents. The file number was variously given as 971.82.13-01 and 971.82.13-04. Comments also observed that the notice makes no reference to earlier subdivision processing and related environmental review undertaken in 1993 and 1994. The notices were specific as to the proposal, notwithstanding the absence of a discussion regarding the ultimate disposition of all aspects of the 1993 preliminary plat. The inconsistency in file number references may have had the potential for causing some confusion, but given the specificity of the project discussion and the invitation to the public to look at the documents on file prior to the hearing, it is difficult to discern substantial prejudice that would warrant reissuance of notice.

#### **8. ENVIRONMENTAL REVIEW.**

The City of Selah issued a Determination of Nonsignificance (DNS) on February 10, 2014 and the comment period expired February 24, 2014 according to the public notice. The record gives no indication of any intention by the SEPA Responsible Official to modify the DNS or entertain additional comments, although the notice advised the public that comment period might be the only opportunity for public comment on environmental impacts. Several public comments were

offered regarding the environmental impacts of the project and the adequacy of the review process. However, the adequacy of environmental review is outside the scope of the Hearing Examiner's jurisdiction during the general course of preliminary plat review. See Chapter 11.40 SMC regarding SEPA procedures.

**9. 2005 SELAH URBAN AREA COMPREHENSIVE PLAN DESIGNATION.**

The subject property and surrounding areas are designated as Low Density Residential authorizing a maximum density of five (5) dwelling units per acre.

**10. PROJECT ANALYSIS**

*a. Review Criteria.*

A hearing examiner recommendation is to be based on a determination of whether the proposed plat complies with the standards set forth in Chapter 10.50 SMC and those adopted by reference, including but not limited to, appropriate provisions for drainage, roads, alleys and other public ways, water supply, sanitary sewerage disposal, parks, playgrounds, fire protection facilities, minimum lot size and other public and private facilities and improvements and provisions contained in any of the city's adopted comprehensive plans (i.e., land use, sewage, storm drainage, transportation, water, etc.) and the zoning ordinance. SMC 10.50.025. Subdivision design standards are set out in SMC 10.50.041 through SMC 10.50.046.<sup>1</sup> As described in SMC 10.50.000, the purpose of the standards generally are to "to lessen congestion in the streets and highways, to provide for adequate light and air, to facilitate adequate provisions for water, sewerage, parks and recreation areas, sites for schools and school grounds and other public requirements, [and] to provide for proper ingress and egress," all in furtherance of public health, safety, and general welfare. The hearing examiner may, at the examiner's discretion, recommend higher standards than those set forth in the subdivision and zoning provisions of the Title 10 SMC if the examiner determines it is necessary to protect the health, safety, welfare and public interest of the city. SMC 10.50.026.

*b. Application of the Review Criteria*

(1) *Conformance to the 2005 Selah Urban Growth Area Comprehensive Plan:*

The Low Density Residential designation for the subject property on the adopted 2005 Future Land Use Map provides for a density of 5 dwellings per acre. Considered in its entirety, and assuming that three of the lots would be developed as duplexes, the 37 lot plat has a density of

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<sup>1</sup> The hearing examiner may recommend to the city council an exception from the standards when, in the examiner's opinion, undue hardship may be created as a result of strict compliance with the requirements upon specific application for such an exception. Applications for exceptions must include appropriate substantiating facts to show the hardship. SMC 10.50.070. No separate application for any exception demonstrating any hardship was made in this case.

2.4 units per acre, which would comply with the density limitation in the land use Comprehensive Plan.

*Consistency of duplexes with Low Density Residential Future Land Use designation:* Some public comments indicated that duplex development on three of the lots would be inconsistent with the Low Density Residential designation. However, the Low Density Residential designation does not preclude duplexes, but rather leaves the control of the mix of housing types to the zoning ordinance. (2005 Comprehensive Plan p.35)

*Consistency of the proposed development with Comprehensive Plan Transportation Policies:* Public comments noted that the intersection of Southern Avenue and South First Street provides a level of service below that set in the Comprehensive Plan, and the proposed development would exacerbate the level of service shortfall. The level of service is argued to only be effectively improved by signalization of the intersection.

Policy TRAN 6.2 in the 2005 Comprehensive Plan provides that major land use changes only be allowed “when those proposals accompany specific documentation or plans [sic] showing how the transportation system can adequately support existing and proposed development needs.” The scope of the “transportation system” referred to seems at the least to be those street segments (including intersections) necessarily carrying traffic generated by the project. In the present case, the first stop-controlled intersection on the segment of Southern Avenue is eastbound at South Fifth Street. Further east, Southern Avenue intersects with South Third Street. There are accordingly several points of access into the city street grid. The staff report contains a factual report of the “carrying capacity” of Southern Avenue west of South First Street, indicating that the street can carry 6,000 vehicle trips per day. This is based on calculations in the *Highway Capacity Manual*. The report further notes that 2014 traffic counts on Southern Avenue west of South First Street show 1,540 vehicle trips per day. On this basis it does not appear that additional trip generation from the project would overtax the “transportation system” capacity in the area.

The staff report does not address level of service issues at the South First Street/Southern Avenue intersection. The 2005 Comprehensive Plan Transportation Element recognizes that the Southern Avenue/South First Street intersection will continue to fall below established level of service standards until such time as the intersection is signalized. This shortfall is true irrespective of the additional traffic predicted for the proposed subdivision. In addition, the 2005 Comprehensive Plan makes the improvement of the intersection a top priority. There is no information in the record to indicate that intersections in the road segments necessarily bearing project-generated traffic will fall below LOS C, which is that standard adopted for the those road segments in the 2005 Comprehensive Plan. Hearing Exhibits 8 and 9 were provided by the Community Planner in response to comments regarding the City’s commitment to improving the intersection, and indicate that engineering has been funded for work intended ultimately to improve traffic on street segments that include South Third Street, Valley View and Southern Avenue. These improvements to other elements of the transportation grid as are reflected in the hearing exhibits might be expected to ease the pressure, though to a degree not quantified in the hearing record. If no other options for accessing the street grid were available other than the South First Street/Southern Avenue intersection, the Applicant might be hard-pressed to show that the transportation system can adequately support the additional traffic. It does appear

clearly possible that traffic from new development that might elect to use the intersection at peak traffic hours would contribute to the level of service deficiency. However, given the alternative access points, the recognition of the need to address the level of service at the intersection, the calculated carrying capacity of affected road segments, and evidence of efforts moving forward to improve the system in the vicinity, the potential for contribution does not lead to a conclusion that the transportation system overall cannot adequately handle the vehicle trips generated from the proposal as addressed in the *2005 Comprehensive Plan*.

*Concurrency Issues:* Comments also raised questions of compliance with Growth Management Act “concurrency” requirements. The Act requires prohibition of a development if it causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. RCW 36.70A.070(6)(b). As noted, the failure of the South First Street/Southern Avenue intersection to meet the established level of service is predicted to continue whether or not the proposal is developed, based on information in the traffic impact study. The project will potentially contribute additional traffic to this condition but will not cause it to fall below the applicable LOS, particularly since the LOS is already not being met and there alternative means of accessing the transportation grid.

(2) Adequacy of compliance with design standards:

The application does not seek relief from the design standards in SMC 10.50.041 through SMC 10.50.046. The plat generally shows compliance with those standards. The development includes extensions of existing water and sewer lines. The street design provides for future extension of streets to serve properties to the west of the plat boundary. Sidewalks and curbing shown on the typical roadway section on the plat conform to standards, except that barrier curbs at intersections are not clearly indicated on the plat. In addition, Phase 3 includes paving of a 24 foot width of Southern Avenue (its current paved width) and installation of a sidewalk on the south side of the street. This would extent the 24-foot wide portion of Southern Avenue to the east of the project. Any approval of the plat should appropriately be conditional upon compliance with design shown in the plat, as supplemented with information designed to assure compliance with the design standards. It is noted that city standards would only require a 50-foot wide right of way for Southern Avenue, despite the current 55 foot right of way. The Community Planner recommended a condition allowing the Applicant to opt down to a 50 foot right of way. However, the street standards are minimum standards, and an applicant is not bound to do no more than the standards require. It is consequently not clear what purpose is to be served by conditioning the approval on a potential reduction in the design of the Southern Avenue improvements.

(3) Adequacy of compliance with the zoning ordinance:

The preliminary plat indicates a desire to designate three of the lots as “two family residential” lots. Public comments objected to the establishment of the two family lots as shown. The lots would be situated on Southern Avenue and at the south end of Lacey Avenue as extended. “Uses

allowed within a zoning district are specifically those listed as Class 1 permitted, Class 2 administrative or Class 3 conditional uses within Chapter 10.28, Table A,," pursuant to SMC 10.08.010(6). Table 10.28A-5 shows duplexes to be permissible in the R-2 and R-3 districts, but not in the R-1 or any other zoning district. However, SMC 10.12.040 allows 10% of the lots in a subdivision of 10 lots or more to be designated for a "future two family dwelling," so long as the lots meet specified minimum lot size requirements. SMC 10.12.040 does not indicate what type of review would be applicable to the actual duplex development on the designated lots. This creates an ambiguity regarding compliance with the zoning ordinance, which is a required consideration on subdivision review. At hearing, however, the Applicant indicated that the designation of the lots was not essential for the project. For the sake of administrative economy, since the designation was controversial and ultimately not essential to the Applicant, it will be appropriate to remove the designation reference from the preliminary plat.

Lot size in the R-1 is based on the slope and utility infrastructure present on the property. SMC 10.12.030. The plat does not indicate the slope of each lot, and the ordinance does not prescribe or identify a methodology for determining slope for minimum lot size purposes. However, the plat was prepared by a professional land surveyor, and appears generally to meet slope requirements that would provide for a minimum ½ acre lot size. In absence of substantial evidence to the contrary, the lot sizes appear to comply with SMC 10.12.030.

(4) Provisions for schools:

There is predicted increase in the student population of 15.5 students as a result of the proposed subdivision. No school district comments or comments from any other party indicate that the school system will not be able to adequately absorb the predicted increase.

(5) Increased standards for protection of public health, safety or welfare:

If there is substantial evidence of an impact to public health, safety or welfare from the proposed project, notwithstanding its compliance with the standards in Title 10 SMC, higher standards addressing those impacts may be imposed. Several comments raised issues about pedestrian safety, particularly related to the increasing numbers of children in the area. However, none of the comments suggested that implementation of improvements to the streets, sidewalks and lighting required under the subdivision standards would leave a substantial residual safety risk resulting from this project that warrants imposition of higher standards for the project.

Comments also raised concerns about the proliferation of on-street parking on Southern Avenue related to other developments. The comments characterized this proliferation as a safety issue that would be made worse by the additional traffic generation from the proposed project. Without disputing the problems that may be presented by the other developments, it is again not clear this would provide a basis for higher standards for the proposed subdivision, which is a conventional subdivision already subject to higher standards than governed earlier development in the area.

As noted, an 18" concrete mortar joint Naches-Selah Irrigation District line is located beneath Southern Avenue adjacent to the proposal. This type of pipe is reportedly being replaced with

modern PVC pipe. If improvements to Southern Avenue are made without replacing the pipe, then there would be a conflict between plans for replacement and general city policy regarding avoiding street cuts for five years following new paving. On this basis, it is in the public interest to provide for replacement of the existing pipe within the length of Southern Avenue that is improved in association with Phase 3 of the proposed plat.

c. *Phasing issues*

The preliminary plat depicts three phases of development. The Applicant wishes to not be bound by the specific boundaries shown for each phase. The provisions of Chapter 10.50 SMC do not require phasing, though they do refer to phasing except in the final plat review requirements. The sequencing construction of improvements is not specifically called out as a matter to be prescribed in preliminary plat approval, although it may be deemed to be necessary to the protection of the public health, safety and welfare, such preservation of street surfaces, for example. In the present case, the completion of Phase 4 appears to depend on the prior extension of utilities in Phase 3. The final plat standards do contemplate phased construction and phased review by the city of improvements. On the other hand, phased development is expressly considered in Title 9 SMC, related to utility system development. These considerations do not suggest a basis for a specific recommendation by the hearing examiner for flexibility in the phased development of a preliminary plat in absence of further information, particularly since the plat with all notations was the basis for public notice.

From the foregoing findings, the Hearing Examiner makes the following

**IV. CONCLUSIONS.**

1. The Hearing Examiner has jurisdiction to conduct an open record hearing on the application for a preliminary plat review, and make a recommendation to the Selah City Council. The Hearing Examiner does not have jurisdiction to consider impacts associated with previously authorized development activities or the adequacy of environmental review.
2. Irregularities in file number references in public notice documents did not result in any demonstrated prejudice to the public or any identified individuals.
3. The proposed preliminary plat is consistent with the *2005 Comprehensive Plan* future land use designation and transportation policies.
4. The proposed preliminary plat, if properly conditioned, complies with subdivision and zoning standards, and is consistent with public health, safety and welfare. .

**V. RECOMMENDATION.**

The application for preliminary plat review by Torkelson Construction, Inc. for "Preliminary Plat of Eagle Ridge, Phases 2, 3 and 4" as specified in the application materials (File No. 912.82.13-01) should be APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Except as noted in Condition 2, all design and/or improvement notations indicated on the preliminary plat are included as conditions of preliminary plat approval (i.e., private easement widths and locations, lot size and lot configuration, etc.). This condition is not intended to limit the Public Works Department in the exercise of its authorities under other provisions of the Selah Municipal Code.

2. None of the lots shall be designated as "future two family dwelling" lots as the term is used in SMC 10.12.040, and references to "Two Family Residential Lot Designation" shall be removed from the final plat.

3. Final lot dimensions and lot area must substantially conform to the preliminary plat.

4. A preliminary engineering report and/or plan, prepared by a Licensed Professional Engineer, demonstrating the feasibility of constructing all public improvements required by Selah Municipal Code, Chapter 10.50, must be submitted to and approved by the Public Works Department for each separately designated phase of development prior to commencement of construction.

5. Construction plans and specifications must be reviewed and approved by the Public Works Department prior to commencement of construction of each separately designated phase of development. Specifications for improvements shown on the preliminary plat are minimum specification which may be superseded by the conditions contained herein or by specific conditions as approved by the Public Works Department. Upon completion of construction and prior to final plat approval (of each development phase for which final plat approval is sought), reproducible final "as-built" construction plans and a written certification by a Licensed Professional Engineer that said improvements were completed in accordance with the City of Selah Design and Construction Standards dated March, 2012, must be submitted to the Public Works Department for approval. All required compaction and inspection reports shall also be submitted to the Public Works Department.

6. All lots must be served with a full range of public services/private utilities. All public services/private utilities must be underground and installed prior to the surfacing of streets. There shall be a moratorium on street cuts for a period of five (5) years from the date of each phase recording.

7. Street improvements must be constructed to city standards. Mountable curbs are permissible except at radius returns at intersections, which require barrier curbs of suitable design.

8. During the construction of portions of the plat designated as Phase 3, the existing 12 inch water distribution line located in Southern Avenue shall be extended to the west property line of Phase 3.

9. Fire hydrants which meet the specifications of Selah Code, Chapter 11.30 must be provided and installed by the developer at locations identified by the Selah Fire Chief.

10. Storm water drainage facilities to accommodate runoff generated within the plat, and historical drainage which crosses the property, must be installed in compliance with a drainage facilities plan prepared by a Licensed Professional Engineer and approved by the Public Works Department. As

part of the drainage study the Department of Ecology shall be contacted to determine if a "storm water permit" is required.

11. Wooden street lights poles must be installed by the developer to the specifications of the Public Works Director.

12. Curb, gutters, a five (5) foot wide sidewalk, and the improvement of Southern Avenue to a "super half street" (24' wide) is required along the North boundary of Lots 3-1 and 3-2 as part of Phase 3 construction.

13. Areas reserved for sight distance vision triangles shall be shown and noted on the final plat. (Selah Code, Chapter 10.50).

14. Dust control measures shall be implemented as required by the Yakima Regional Clean Air Authority rules and regulations. The Developer shall advise the Public Works Department of the name and phone number of the contact person to report alleged dust control violations.

15. Prior to the recording of Phase 2 (and subsequent Phases 3 and 4) all required plat improvements (i.e., utilities, streets, drainage facilities, etc.) shall be installed and accepted by the City or a surety bond pledged to ensure installation within two years of final plat approval for the respective phases shall be issued to the City.

16. All required street signs, posts and appurtenances, including end-of-road barricades at the end of each dead-end street (Phase 2: Lacey Avenue; Phase 3: South Seventh Street, and Terrace Drive; Phase 4: Lacey Avenue) shall be supplied by the developer and installed by the City.

17. Minimum ten (10) foot wide utility easements shall be located adjacent to all dedicated public street right-of-ways and such additional easements as may be required to facilitate utility placement shall be designated on the final plat as directed by the Public Works Director.

18. Irrigation easements and distribution facilities shall be provided as specified by the Naches-Selah Irrigation District unless specifically waived by the District in writing.

19. The 18" concrete mortar joint Naches-Selah Irrigation District line located beneath Southern Avenue shall be replaced during Phase 3 construction with 18" PVC piping approved by the Naches-Selah Irrigation District.

20. The Dedication and Waiver of Claims language on the final plat shall reference a waiver of direct access.

21. The following notes shall be placed on the final plat map(s):

"The owner(s) shown hereon, their grantees and assignees in interest hereby covenant and agree to retain all surface water generated within the plat on-site."

"The owner(s) shown hereon, their grantees and assignees in interest hereby covenant and agree to perpetually maintain the natural drainage swale adjacent to their property. The drainage swale shall not be altered, relocated, nor shall natural drainage be impeded."

22. A surety bond, or such other secure financial method, in the amount of 15% of the cost of the public improvements (as each final plat phase is submitted) (i.e., roads, sidewalks, street lights, drainage facilities, sewer collection and water distribution facilities, etc.) shall be remitted to the City and held for a period of two years to guarantee against defects of workmanship and materials.

DATED THIS 13<sup>th</sup> DAY OF MARCH, 2014.



PATRICK D. SPURGIN  
HEARING EXAMINER

## DETERMINATION OF NONSIGNIFICANCE

1. **DESCRIPTION OF PROPOSAL:** Subdivide approximately 16.5 acres into 37 lots in three phases (Phase II - 9 lots; Phase III - 7 lots and Phase IV – 21 lots.) Thirty-four (34) lots will be single family residential lots while three (3) lots will be duplex lots. All lots will be served with public streets and a full range of municipal and private utilities in substantial conformance with the proposed preliminary plat of "EAGLE RIDGE, Phases 2, 3 and 4". The property is designated 'Low Density Residential' on the Future Land Use Map contained within The 2005 City of Selah Urban Growth Area Comprehensive Plan. The property is currently zoned 'One Family Residential (R-1).

2. **PROPONENT:** Torkelson Construction  
% Carl Torkelson  
P.O. Box 292  
Selah, WA. 98942

3. **LOCATION OF PROPOSAL:** Seventh Street and Southern Avenue, Selah, WA. See enclosed preliminary plat map. Yakima County tax parcel: 181302-42471, 42474 and 42475.

4. **LEAD AGENCY:** City of Selah  
File Number: 971.82.13-04

5. The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment and 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, the preliminary plat application and proposed subdivision map and other information on file with the lead agency. This information is available for public inspection during normal business hours at the office of the SEPA Responsible Official.

This DNS is issued under WAC 197-11-340; the lead agency will not act on this proposal for 14 days from the issue date. Comments must be submitted by February 24, 2014 at 5:00 p.m.

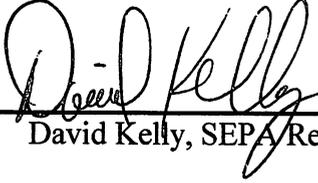
6. **RESPONSIBLE OFFICIAL:** David Kelly

7. **Position/Title:** City Administrator/SEPA Responsible Official

8. **ADDRESS:** 113 W. Naches Ave., Selah, WA. 98942

9. **ISSUE DATE:** February 10, 2014

10. **SIGNATURE:**

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

David Kelly, SEPA Responsible Official

**You may appeal this "Determination of Nonsignificance"** to David Kelly, SEPA Responsible Official at 115 W. Naches Ave., Selah, WA. no later than March 3, 2014 by filing a written notice of appeal accompanied by the appropriate SEPA appeal fee



# CITY OF SELAH

Planning Department

222 South Rushmore Road  
SELAH, WASHINGTON 98942

Phone 509-698-7365

Fax 509-698-7372

## FINAL DETERMINATION OF NONSIGNIFICANCE

1. **DESCRIPTION OF PROPOSAL:** Subdivide approximately 16.5 acres into 37 lots in three phases (Phase II - 9 lots; Phase III - 7 lots and Phase IV - 21 lots.) Thirty-four (34) lots will be single family residential lots while three (3) lots will be duplex lots. All lots will be served with public streets and a full range of municipal and private utilities in substantial conformance with the proposed preliminary plat of "EAGLE RIDGE, Phases 2, 3 and 4". The property is designated 'Low Density Residential' on the Future Land Use Map contained within The 2005 City of Selah Urban Growth Area Comprehensive Plan. The property is currently zoned 'One Family Residential (R-1).

2. **PROPONENT:** Torkelson Construction  
% Carl Torkelson  
P.O. Box 292  
Selah, WA. 98942

3. **LOCATION OF PROPOSAL:** Seventh Street and Southern Avenue, Selah, WA. See enclosed preliminary plat map. Yakima County tax parcel: 181302-42471, 42474 and 42475.

4. **LEAD AGENCY:** City of Selah  
File Number: 971.82.13-04

The SEPA Responsible Official, after a review of all timely responses received on this proposal, has determined that it does not have a probable significant adverse impact on the environment and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c).

**ISSUE DATE:** February 25, 2014

**SIGNATURE:**





# CITY OF SELAH

PLANNING DEPARTMENT  
113 WEST NACHES AVENUE  
SELAH, WA 98942  
PHONE: (509) 698-7365 FAX (509) 698-7372  
ENVIRONMENTAL CHECKLIST



FILE NUMBER: 971.82.13-04  
DATE FEE PAID 11-20-13  
RECEIVED BY WQ /  
FEE: \$225

## INTRODUCTION

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal if it can be done) and to help the agency decide whether an EIS is required.

This environmental checklist asks you to describe some basic information about your proposal. Government agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

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 impacts.

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply". IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project applicant," and "property of site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

## BACKGROUND

1. Name of proposed project, if applicable: Eagle Ridge
2. Name of applicant: Torkelson Const
3. Address and phone number of applicant and contact person: Carl Torkelson 948-0183
4. Date checklist submitted: 11-7-2013
5. Agency requiring checklist: CITY OF SELAH
6. Proposed timing or schedule (including phasing, if applicable):

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. **✓**
9. Do you know whether applications are pending for governmental approvals or 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. **Permits from City of Selah**
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. **Long Plat Application**
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. **Maps Included with check list.**
13. Taxation parcel numbers(s): **181302-42474 / 181302-42475 / 181302-42471**

TO BE COMPLETED BY APPLICANT ONLY

EVALUATION FOR

AGENCY USE

B. Environmental Elements

1. Earth

- a. General description of the site (circle one): Flat, rolling, **willy**, steep slopes, mountainous, other \_\_\_\_\_.
- b. What is the steepest slope on the site (approximate percent slope)? **20%**
- 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 prime farmland. **Top soil/clay.**
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. **NO**
- e. Describe the purpose, type, and approximate quantities of any filing or grading proposed. Indicate source of fill. **NONE**
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **NO**
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **30%**
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **Retaining walls if needed**

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. **Some dust and automobile emissions**
- 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:

3. Water

a. Surface:

- 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. **NO**
- 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. **NO**
- 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. **N/A**
- 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. **NONE**

b. Ground:

- 1) Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. **NO**
- 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**

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (including quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. **Run off will flow to approved city Retention Systems**
- 2) Could waste materials enter ground or surface waters? If so, generally describe. **NO**

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: **Grade Surface of ground to Control runoff (if any)**

4. Plants

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

- deciduous trees: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other

- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

- b. What kind of and amount of vegetation will be removed or altered? **grass, 30%**
- c. List threatened or 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: **N/A**

5. Animals

- a. Circle any birds and animals, which have been observed on or near the site or are known to be on or near the site:

Bird: hawk, heron, eagle, songbirds, other: **Small Birds Robins ect**  
 Mammals: deer, bear, elk, beaver, other:  
 Fish: bass, salmon, trout, herring, shellfish, other:

- b. List any threatened or endangered species known to be on or near the site. **NONE**
- c. Is the site part of a migration route? If so, explain. **NO**
- d. Proposed measures to preserve or enhance wildlife, if any: **NONE**

6. Energy and Natural Resources

- 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. **gas heat, electric**
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. **NO**
- c. What kind of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any. **houses built to Super good cents pkg.**

7. Environmental Health

- 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 the proposal? If so, describe. **NO**
- 1) Describe special emergency services that might be required. **N/A**
- 2) Proposed measures to reduce or control environmental health hazards, if any: **N/A**
- b. Noise
- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, construction, operation, other)? **Normal traffic**

- 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. **Construction noise 7 AM to 5 PM**
- 3) Proposed measures to reduce or control noise impacts, if any: **NONE**

#### 8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? **R-1 residential**
- b. Has the site been used for agriculture? If so, describe. **NO**
- c. Describe any structures on the site. **1 house**
- d. Will any structures be demolished? If so, what? **NO**
- e. What is the current zoning classification of the site? **R-1**
- f. What is the current comprehensive plan designation of the site?
- 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 an "environmentally sensitive" area? If so specify. **NO**
- i. Approximately how many people would reside or work in the completed project? **50 to 100 people**
- j. Approximately how many people would the completed project displace? **NONE**
- k. Proposed measures to avoid or reduce displacement impacts, if any: **N/A**
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:  
**engineered plans + specs**

#### 9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. **30 + middle income housing**
- 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**

#### 10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? **35' max per Selah's code**
- b. What views in the immediate vicinity would be altered or obstructed? **NONE**
- c. Proposed measures to reduce or control aesthetic impacts, if any: **NONE**

#### 11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? **NONE KNOWN**
- 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: NONE

#### 12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity? parks

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: NONE

#### 13. Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on the site? If so, generally describe. NO

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. NONE

c. Proposed measures to reduce or control impacts, if any: NONE

#### 14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. See site plans

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? NO  
1 mile to east

c. How many parking spaces would the completed project have? How many would the project eliminate? 4 per home.  
None eliminated

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private). public Roads per plan

e. Will the project 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? If known, indicate when peak volumes would occur. NOT KNOWN at this time.

g. Proposed measures to reduce or control transportation impacts, if any: NONE

#### 15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. Yes fire, police, schools

e. Proposed measures to reduce or control direct impacts on public services, if any. NONE

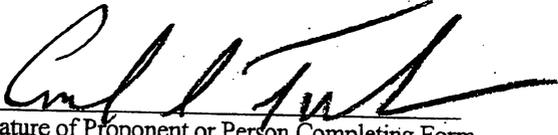
#### 16. Utilities

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

b. 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. *water, sewer, gas, electric...*  
*Cable, telephone. Must install all to proposed site*

C. SIGNATURES

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 of Proponent or Person Completing Form

Date: 11-7-2013

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (do not 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? NO

Proposed measures to protect or conserve plants, animals, fish, or marine life are? N/A

3. How would the proposal be likely to deplete energy or natural resources? NO

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

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, floodplain, or prime farmlands? NONE

Proposed measures to protect such resources or to avoid or reduce impacts are: NONE

- 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? N/A

Proposed measures to avoid or reduce shoreline and land use impacts are: NONE

6. How would the proposal be likely to increase demands on transportation or public services and utilities? Amounts used by new home owners

Proposed measures to reduce or respond to such demand(s) are: NONE

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

NONE



P.O. Box 292  
Selah, Washington 98942  
Phone: (509) 697-3305  
Fax: (509) 697-3504  
torkelson@fairpoint.net

**Carl Torkelson**  
Cell: (509) 945-0133  
**Candi Torkelson**  
Cell: (509) 961-7656

*Why Pay \$1000's More? Buy Builder Direct!*

February 17, 2015

City of Selah  
Planning Commission  
113 West Naches Avenue  
Selah, WA 98942

RE: Parcel #'s 181302-42471, 181302-42474 and 181302-42475

To Whom It May Concern:

I would like my long plat for Eagle Ridge to go back to the Hearing Examiner for re-consideration.

Thank you,

Carl Torkelson

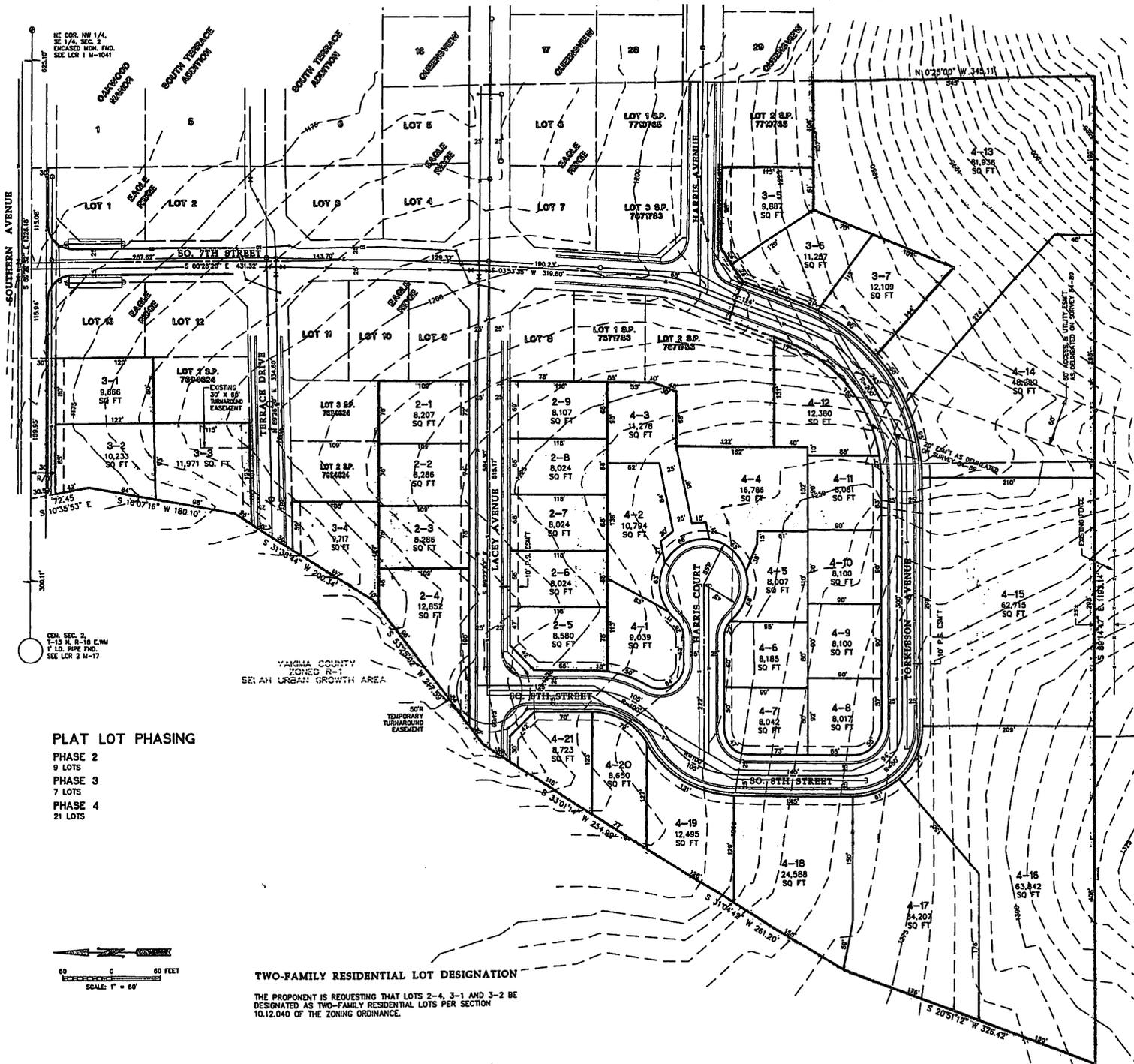
*Why Pay \$1000's More? Buy Builder Direct!*

Builder reserves the right to change floor plan or elevations

Exh 7

PRELIMINARY PLAT OF EAGLE RIDGE, PHASES 2, 3 & 4

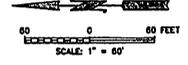
IN THE NW 1/4, SE 1/4 SECTION 2, T-13 N, R-18 E,W.M.



CON. SEC. 2,  
T-13 N, R-18 E,W.M.  
1/4 LB. PIPE P.W.D.  
SEE LCR 2 M-17

YAKIMA COUNTY  
ZONED R-1  
SELAH URBAN GROWTH AREA

**PLAT LOT PHASING**  
 PHASE 2  
 9 LOTS  
 PHASE 3  
 7 LOTS  
 PHASE 4  
 21 LOTS

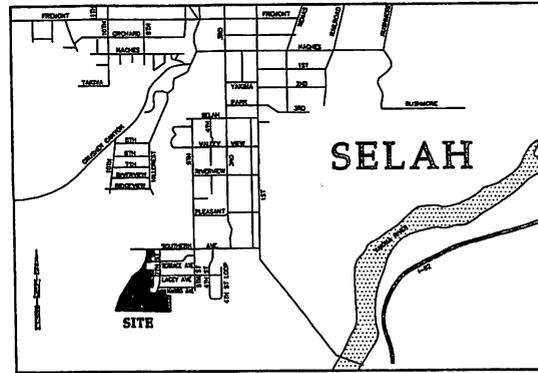


**TWO-FAMILY RESIDENTIAL LOT DESIGNATION**

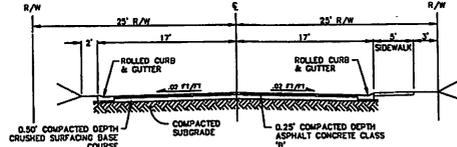
THE PROPONENT IS REQUESTING THAT LOTS 2-4, 3-1 AND 3-2 BE DESIGNATED AS TWO-FAMILY RESIDENTIAL LOTS PER SECTION 10.12.040 OF THE ZONING ORDINANCE.

**LEGAL DESCRIPTION**

LOT 4 OF THAT CERTAIN SHORT PLAT RECORDED UNDER AUDITOR'S FILE NO. 7694624 AND LOTS 3 AND 4 OF THAT CERTAIN SHORT PLAT RECORDED UNDER AUDITOR'S FILE NO. 7710765, RECORDS OF YAKIMA COUNTY, WASHINGTON.



VICINITY MAP  
NO SCALE



TYPICAL ROADWAY SECTION

**NOTES**

- SUBJECT PROPERTY AND ADJACENT PROPERTIES ARE ZONED R-1, ONE FAMILY ZONE.
- TOTAL AREA OF THE PROPOSED PLAT IS 16.46 ACRES WITH 14.2% DEDICATED FOR STREET RIGHT OF WAY.
- POWER, TV CABLES, TELEPHONE CABLES AND GAS MAINS ARE TO BE LOCATED FROM THE BACK OF CURB TO THE BACK OF THE PUBLIC SERVICE EASEMENT. THE INDIVIDUAL UTILITY COMPANY TO DETERMINE EXACT LOCATION.
- ALL STORM WATER GENERATED BY NEW IMPERVIOUS SURFACES WILL BE RETAINED ON SITE.

**SURVEYOR/ENGINEER**  
 JOSEPH W. BAKER, PLS  
 PLSA ENGINEERING & SURVEYING  
 1120 WEST LINCOLN AVENUE  
 YAKIMA, WASHINGTON 98902

**OWNER/DEVELOPER**  
 CARL TORKELSON  
 P.O. BOX 292  
 SELAH, WASHINGTON 98942

		ENGINEERING-SURVEYING-PLANNING 1120 WEST LINCOLN AVENUE YAKIMA, WASHINGTON 98902 (509) 575-6990	
		PRELIMINARY PLAT OF PARCEL NO'S 181302 - 42471, 42474 & 42475 PREPARED FOR TORKELSON CONSTRUCTION	DRAWN BY: JOE DATE: 9/12/2013 JOB NO. 11080 SHEET NO.
NW 1/4, SE 1/4, SEC. 2, T-13 N, R-18 E,W.M.		1 of 1	



# CITY OF SELAH

## Public Works Department

222 South Rushmore Road  
SELAH, WASHINGTON 98942

Phone 509-698-7365

Fax 509-698-7372

### **NOTICE OF DEVELOPMENT APPLICATION OPPORTUNITY TO PROVIDE COMMENTS NOTICE OF HEARING EXAMINER OPEN RECORD PUBLIC HEARING**

File No. 912.82.13-01, 971.82.13-04 – “Eagle Ridge Phases 2, 3 & 4” Torkelson Construction, Inc. Notice of Application, and Environmental Review,

**Application:** The City of Selah Planning Department received a preliminary plat application and an environmental checklist from Torkelson Construction, Inc., PO Box 292, Selah, WA 98942 to subdivide 16½ acres into 37 residential lots (34 single family lots and 3 two family residential lots). On March 13, 2014, the Hearing Examiner for the City of Selah recommended approval of the preliminary plat, but did not recommend approval of the two-family residential lots. On February 17, 2015 the applicant submitted a request for reconsideration of the preliminary plat.

**Project Description** The preliminary plat application remains unchanged by the current proposal. The application proposes the designation of three lots: Lots 2-4, 3-1 and 3-2 as two family residential lots in accordance with SMC 10.12.040. Eagle Ridge, Phases 2, 3 and 4 consists of 16.5 acres to be subdivided into 37 lots in three phases. Phase 2 consists of 9 lots, Phase 3 consists of 7 lots and Phase 4 consists of 21 lots. All lots will be served with public streets and a full range of municipal and private utilities. The property is designated ‘Low Density Residential’ by City of Selah Urban Growth Area Comprehensive Plan and is zoned One Family Residential (R-1).

**Location:** Seventh Street and Southern Avenue in the City of Selah. (Yakima County Assessor Parcel Numbers: 181302-42471, 42474 and 42475).

**Environmental Review:** As the lead agency for the proposal under the State Environmental Policy Act, the City of Selah issued a Final Determination of Nonsignificance on February 25, 2014. That determination is being used unchanged in accordance with WAC 197-11-600(3). There is no additional comment period for the SEPA environmental determination.

**Request for Written Comments on the Proposal** Your views on the proposed preliminary plat are welcome. Written comments will be accepted at any time prior to the closing of the record of the open record public hearing. Please mail your comments to Selah Planning Department, 222 So. Rushmore Road, Selah, WA 98942. Reference a file number stated in this notice or “Eagle Ridge Phases 2, 3 and 4” in your correspondence.

**Open Record Public Hearing** An open record public hearing on the proposed rezone and subdivision will be held before the City of Selah Hearing Examiner. The Examiner will conduct the hearing on **Wednesday, March 25, 2015** at 10:00 a.m. in the Council Chambers, City of Selah City Hall, 115 W. Naches Ave. Selah, WA



Fxh9

At the conclusion of the public hearing the Examiner will prepare a recommendation for preliminary plat approval, approval with conditions, or denial of the preliminary plat which will be transmitted to the Selah City Council for its consideration and final disposition.

Application information and maps detailing the proposal are available during regular business hours at the Planning Department at 222 South Rushmore Road, Selah, Washington 98942. Contact the Planning Department with project, procedural or environmental questions by mail at this address, by phone at 1 (509) 698-7365, by fax at 1 (509) 698-7372 or by e-mail at [tdurant@ci.selah.wa.us](mailto:tdurant@ci.selah.wa.us)

Dated this 4<sup>th</sup> day of March 2015.

/s/

Thomas R. Durant, Community Planner





**SUBJECT PROPERTY**

**SCALE: 1" = 300'**

**APPLICATION: EAGLE RIDGE PHASES 2, 3 & 4**

**APPLICANT: TORKELSON CONSTRUCTION**

181302-13004  
MARIO MARTINEZ  
903 SOUTHERN AVE  
SELAH, WA 98942

181302-13005/11 & 13411/2 & 24424/5  
CARMEN LOWRIE  
971 SOUTHERN AVE  
SELAH, WA 98942

181302-13013  
WARREN & DORIS VAN ALSTINE  
705 HILLCREST PL  
SELAH, WA 98942



181302-13413/7/8/9/20/1/3/4/5/6/7/8/9 \$ 13431/2/3/4/5/6/7  
& 13454 & 42462/3/8/9/7/1/2/4/5/6/7/8  
CARL & CANDI TORKELESON  
P O BOX 292  
SELAH, WA 98942

181302-13422  
DAVID MIKEL & JESSICA PAULSON  
614-A S 5<sup>TH</sup> ST  
SELAH, WA 98942

181302-13438/9/40/1/2/3/4/5  
JOE & DONNA KELLY  
P O BOX 844  
YAKIMA, WA 98907

181302-14490  
BILL ALLEN  
410 PLEASANT AVE  
SELAH, WA 98942

181302-14491  
STEFEN & SUSANNAH FRAME SWEDIN  
4731 46<sup>TH</sup> AVE NE  
SEATTLE, WA 98105

181302-14501  
CARPENTER FAMILY HOLDING  
TRUST  
403 SOUTHERN AVE  
SELAH, WA 98942

181302-14503  
SECONDINO PRADO  
615 S 5<sup>TH</sup> ST  
SELAH, WA 98942

181302-14527  
TROY & JENNIFER SCHWEBACH  
621 S 5<sup>TH</sup> ST  
SELAH, WA 98942

181302-31002  
JOSEPH & JAMIE DONOHOE  
5402 W WASHINGTON AVE  
YAKIMA, WA 98903

181302-31003  
STERN FAMILY PARTNERSHIP & TRUST  
3051 BURNEY PL  
LOS ALAMITOS, CA 90720

181302-32004  
MONSON LLC  
252 N RUSHMORE RD  
SELAH, WA 98942

181302-41007/41400  
GUNNER LIVING TRUST  
701 S 5<sup>TH</sup> ST  
SELAH, WA 98942

181302-41401  
K... JR & BETTY MACOMBER  
703 S 5<sup>TH</sup> ST  
SELAH, WA 98942

181302-41402  
JERRY MCPHERSON  
705 S 5<sup>TH</sup> ST  
SELAH, WA 98942

181302-41403  
NOLA BRANDT  
709 S 5<sup>TH</sup> ST  
SELAH, WA 98942

181302-41404  
DEAN & LYNDA BALL  
411 LACEY AVE  
SELAH, WA 98942

181302-41407  
JEFFREY & CHERYL ENRIGHT  
805 S 5<sup>TH</sup> ST  
SELAH, WA 98942

181302-41408  
ARTHUR & ELNORA WINTERSTEIN  
807 S 5<sup>TH</sup> ST  
SELAH, WA 98942

181302-41409  
FISHER FAMILY HOLDING TRUST  
809 S 5<sup>TH</sup> ST  
SELAH, WA 98942

181302-41414  
JOAN MOORE  
P O BOX 111  
SELAH, WA 98942

181302-41415  
PAUL & JILL MARPLE  
803 S 5<sup>TH</sup> ST  
SELAH, WA 98942

181302-42007 & 42444  
FREDERICK NOEL JR  
502 TERRACE DR  
SELAH, WA 98942

181302-42400  
PATRICK L & ANDREA E HAZEN  
608 SOUTHERN AVE  
SELAH, WA 98942

181302-42401  
DAVID J & KATHRYN HOFFERT  
606 SOUTHERN AVE  
SELAH, WA 98942

181302-42402  
HELLE TURNER  
SOUTHERN AVE  
SELAH, WA 98942

181302-42403  
KATHLEEN M FOUNTAINE  
510 SOUTHERN AVE  
SELAH, WA 98942

181302-42404  
ARTHUR & PHYLLISSTR JOHNSON  
504 SOUTHERN AVE  
SELAH, WA 98942

*Eagle Ridge Phase 2, 3 & 4*

*Ex 6 11*

181302-42405  
WILLIAM & SHANNA HIPP  
500 SOUTHERN AVE  
SELAH, WA 98942

181302-42406  
CHRISTOPHER & KIMBERLY WEEDIN  
710 S 5<sup>TH</sup> ST  
SELAH, WA 98942

181302-42407  
JENNIFER & GARY GREEN  
503 LACEY AVE  
SELAH, WA 98942

181302-42408  
CHRISTOPHER & TASIA BOYNTON  
505 LACEY AVE  
SELAH, WA 98942

181302-42409  
KENNETH L & CAROLYN NEISWENDER  
507 LACEY AVE  
SELAH, WA 98942

181302-42410  
LONNIE R & SHELLY FRIEDRICH  
509 LACEY AVE  
SELAH, WA 98942

181302-42411  
KEVIN N CALVERT  
511 LACEY AVE  
SELAH, WA 98942

181302-42412  
JOHN WEIER  
512 LACEY AVE  
SELAH, WA 98942

181302-42413  
MATTHEW G & ROBIN J PRESTON  
510 LACEY AVE  
SELAH, WA 98942

181302-42414  
RHONDA & JESUS GONZALEZ  
508 LACEY AVE  
SELAH, WA 98942

181302-42415  
SHARON L DUPIUS & LARRY VASQUEZ  
506 LACEY AVE  
SELAH, WA 98942

181302-42416  
THOMAS & KAREN SMITH  
1002-A SPEYERS RD  
SELAH, WA 98942

181302-42417  
DAVID & BARBARA MULLEN  
502 LACEY AVE  
SELAH, WA 98942

181302-42418  
BRITTAINE PERRY  
C/O LANDMARK MANAGEMENT  
312 N 3<sup>RD</sup> ST, SUITE 2  
YAKIMA, WA 98901

181302-42419  
JAMES DORTICH  
503 HARRIS AVE  
SELAH, WA 98942

181302-42420  
JULIO ESPINOZA  
505 HARRIS AVE  
SELAH, WA 98942

181302-42421  
RONOLD V BOWER  
507 HARRIS AVE  
SELAH, WA 98942

181302-42422  
RAUL TORRES  
509 HARRIS AVE  
SELAH, WA 98942

181302-42423  
JEFFREY M & DOROTHY J GLASPIE  
513 HARRIS AVE  
SELAH, WA 98942

181302-42424  
JOSEPH GIFFORD  
512 HARRIS AVE  
SELAH, WA 98942

181302-42425  
RICHARD A & MARIE SMITH  
510 HARRIS AVE  
SELAH, WA 98942

181302-42426  
MATTHEW S GRIM  
P O BOX 792  
SELAH, WA 98942

181302-42427  
CINDY TURNER  
506 HARRIS AVE  
SELAH, WA 98942

181302-42428  
BARBARA THORNE  
504 HARRIS AVE  
SELAH, WA 98942

181302-42429  
FRANK & TAMMY BASS  
808 S 5<sup>TH</sup> ST  
SELAH, WA 98942

181302-42433  
MKKI INC  
C/O JIM KASSNER  
P O BOX 695  
SELAH, WA 98942

181302-42434  
PEGGY STANFIELD  
503 TERRACE DR  
SELAH, WA 98942

181302-42435  
NANDA TRICKEY  
TERRACE DR  
SELAH, WA 98942

181302-42436  
JAMES HAYS  
507 TERRACE DR  
SELAH, WA 98942

181302-42437  
SAMUEL HABIEL  
348 N 101<sup>TH</sup> ST  
SEATTLE, WA 98133

181302-42438  
CECIL ASTON JR  
511 TERRACE DR  
SELAH, WA 98942

181302-42439  
WAYNE A & KAREN C WASICZKO  
512 TERRACE DR  
SELAH, WA 98942

181302-42440  
E VICTORIA FIELDER  
52 HARRISON RD  
SELAH, WA 98942

181302-42441  
MICHAEL W & TAMMY FOLK  
508 TERRACE DR  
SELAH, WA 98942

181302-42442  
BARBARA ANN JACKSON  
1500 W PEAR AVE  
SELAH, WA 98942

181302-42443  
JORGE SANCHEZ  
504 TERRACE DR  
SELAH, WA 98942

181302-42448  
BRUCE R & JANE WILLIAMS  
701 S 7<sup>TH</sup> ST  
SELAH, WA 98942

181302-42449  
LEWIS F & DENISE KELLER JR  
703 S 7<sup>TH</sup> ST  
SELAH, WA 98942

181302-42450  
STEVE & LAURIE CROWE  
709 S 7<sup>TH</sup> ST  
SELAH, WA 98942

181302-42451  
CHRISTOPHER E & JULIE ANN SWEDIN  
711 S 7<sup>TH</sup> ST  
SELAH, WA 98942

181302-42452  
ELIZABETH STEADMAN  
P O BOX 1348  
SELAH, WA 98942

181302-42453  
SECRETARY OF HOUSING & URBAN  
DEVELOPMENT  
34 CIVIC CENTER PLAZA  
ROOM 7015  
SANTA ANA, CA 92701

181302-42454  
MICHAEL H & KAY MCCAY SR  
801 S 7<sup>TH</sup> ST  
SELAH, WA 98942

181302-42455  
VICOTR & CASEY RUTHENBECK  
702 LACEY AVE  
SELAH, WA 98942

181302-42456  
RUSSELL D & SHANNA D SIMPSON  
712 S 7<sup>TH</sup> ST  
SELAH, WA 98942

181302-42457  
SONNY CHAVEZ  
710 S 7<sup>TH</sup> ST  
SELAH, WA 98942

181302-42458  
JASON P & JOHNNIE M CARROLL  
708 S 7<sup>TH</sup> ST  
SELAH, WA 98942

181302-42459  
JEFFERY & STACY POWELL  
704 S 7<sup>TH</sup> ST  
SELAH, WA 98942

181302-42460  
CARMEN GARRISON  
702 S 7<sup>TH</sup> ST  
SELAH, WA 98942

181302-42464  
DAVID & ADDIGAIL BLAKNEY  
803 S 4<sup>TH</sup> ST  
SELAH, WA 98942

181302-42466  
AARON WUITSCHICK  
808 S 7<sup>TH</sup> ST  
SELAH, WA 98942

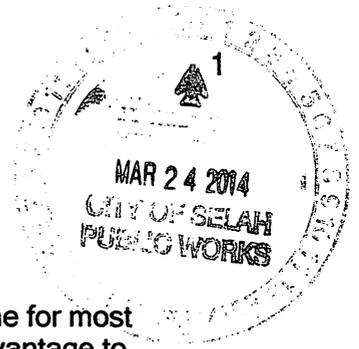
181302-42470  
PATRICK K & GRETA MULLAN  
704 TERRACE DR  
SELAH, WA 98942

181302-42473  
NICHOLAS PEREZ  
608 HARRIS AVE  
SELAH, WA 98942

181302-43001  
JEDEAN CORPRON  
3002 BARGE ST  
YAKIMA, WA 98902

To the Selah City Hearing Examiner , City Planner and Selah City Council

Regarding preliminary plat application for "Eagle Ridge Phases 2,3, & 4 :



This hearing has been scheduled on 3/25/14, 10a, which is an inconvenient time for most working folks. This is unfortunate as it places those most concerned at a disadvantage to participate in public comment and observation of the process for decision making. My employment does not allow the flexibility to arbitrarily be absent without undue burdens within my workplace. Therefore, please accept this letter and consider this as much feedback as you would, as if I were to actually be there in person.

I ask the Hearing Examiner to remain steadfast in denying approval for the 2 family lots 3-1,3-2, & 3-3. This area is zoned Low Density, Single Family, R-1 and should remain as such. The majority of homes in the immediate area are single family and it makes sense to respect and preserve the current nature of the surrounding neighborhood.

Much of my concern pertains to high traffic, already existing on Southern Ave. This street has been classified in the Selah Comp Plan as a "collector" St, however it remains sub-standard, lacking sidewalks, and gutters for most of its length. Additionally, the traffic congestion at 1st and Southern is worse than ever. It has had an "F" rating for several years, the worst rating available in terms of wait time at an intersection. I have personally experienced 7-8 cars lined up waiting to access 1st St. I have had to wait as long as 5 + min before it was my turn at the intersection. Eventually, one must just pull out in front of someone to get out. The obvious risk is that an accident could occur and will no doubt occur at some point.

A review of the Transportation Plan within the Comp Plan outlines the intention of installing a traffic light to correct this problem. It was projected for the years 2005-2010 and yet here we are, nothing has been done. Instead the city has allowed high density construction along Southern and 5th Streets, only compounding the problem. Also there is quite a bit of parking in the street along 605 Southern. This project was not supposed to allow on street parking and yet it occurs almost every day. West bound traffic must move over into the east bound lane in order to go around these vehicles. The proposing developer has been responsible for 2 high density projects affecting the traffic on Southern and 5th & Southern that has exponentially increased the traffic burden and should be required to bear his portion of the cost for this traffic signal should the City or DOT move in that direction. The additional 37 households for this current project will only compound the traffic congestion further.

Has there been a more updated, current traffic study? If so, I could not find it shown in the Comp Plan. In 2001 a traffic count, as listed, showed that the daily traffic count as 26,000 vehicle passes on an average day. That was 14 years ago and I am quite certain, it is much more than that now.

Additionally I have concerns about Lots 4-13, 4-14, 4-15, 4-16, 4-17, all bordering South/West line. This area is quite sloped and steep and seems inappropriate for development. A lot of excavation would need to be done. I have noted in the Comp Plan that developing on slopes exceeding 15% should be avoided, and that the general soils content in this region is "silt loam, a fine grained soil with little plasticity or cohesion which generally does not provide an adequate foundation". Why would the City allow construction to take place on an unstable foundation ?

The Preliminary Plat map also does not clearly show if there are sidewalks and curbs to accommodate streets labeled , "Terrace, Lacey, South 8th, Harris Court or Torkelson Ave". Are there street lights? Where are the fire hydrants?

Thank you in advance for your careful review of this and the many other projects that come before you. The future of our daily lives, lies in the hands of the authorities such as yourself, who direct, guide, restrict as needed, and see that developers conform to standards. The burden for a positive or negative outcome rests in your decisions.

Sincerely  
Kathleen Fontaine  
510 Southern Ave, Selah

*Kathleen Fontaine*

24 March 2015

Concerning 912.82.13-01, 971.82.13-04, Eagle Ridge development, phases 2,3 and 4.

Regarding application proposal to designate 3 lots, Lot 2-4, 3-1 and 3-2, as two family residential lots.

I oppose allowing duplex housing on the lots stated above. According to Section 21.09.030 of the Selah Municipal Code:

'The development is not to negatively affect traffic.' This development and the proposed duplex units will negatively affect traffic by increasing vehicular traffic by 60 trips per day. 'Road improvements must be done concurrently with development or the financial commitment must be in place for completion within 5 years.'

The adjacent neighborhood was promised ( 5 years ago ) improvement of these same roads to mitigate existing traffic. No such road improvement has been planned or carried out within the last 5 years.

Regarding the requirement that evidence of need must be proved, there are many duplexes, apartments, townhouses and other multi-family units in Selah. There is no need for more of these units, especially not in a single family, residential neighborhood. The actual demand is for smaller, single family, affordable homes. There are no change of circumstances showing a need/demand for duplexes in this area.

The proposed duplexes/two family residential lots are not in harmony with surrounding properties. Surrounding properties/neighborhoods are single family residential houses and there are no duplexes or multi family housing surrounding the property. Let's follow the existing comprehensive plan for development in this area and keep it R1, single family houses.

The proposed duplexes will create additional traffic and congestion through the adjacent neighborhoods, which has not been planned for with road improvements, sidewalks, controlled intersections and the like.

Thank you for taking these items into consideration. If you recommend approval of these duplexes, I ask that they meet single family and not multi-family codes. I also request height restrictions of no more than two stories and a design that is in harmony with the existing properties.

Thank you,

*Bruce Williams*  
Bruce Williams

701 7<sup>th</sup> St.

Selah, Wa.

Ex 13

**City of Selah, Washington  
Office of the Hearing Examiner**

**In the matter of the Review for the  
Revised 37 Lot "Preliminary Plat of  
Eagle Ridge, Phases 2, 3 and 4" in the  
vicinity of Southern Avenue and South  
7<sup>th</sup> Street**

**Selah File No. 912.82.13-01**

**HEARING EXAMINER  
RECOMMENDATION**

**Submitted by Torkelson Construction**

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**I. INTRODUCTION.**

Torkelson Construction ("Torkelson" or "the Applicant") seeks to subdivide three parcels of property in proximity to the intersection of Southern Avenue and South 7<sup>th</sup> Street. The property was previously approved for subdivision in several phases in 1994. Only one phase (Eagle Ridge, Phase 1) was developed under the 1994 approval. Other, later development of the property outside of Phase 1 was accomplished through three short subdivisions. In 2013, Torkelson submitted an application for preliminary plat review of Phases 2, 3 and 4 of the Eagle Ridge subdivision. The City of Selah Hearing Examiner issued a recommendation for approval of the preliminary plat after a public hearing in 2014. The recommendation for approval was subject to certain conditions. In particular, the Hearing Examiner's recommendation included a condition providing that "None of the lots shall be designated as "future two family dwelling" lots as the term is used in SMC 10.12.040, and references to "Two Family Residential Lot Designation" shall be removed from the final plat." This condition reflected the public comments about the designation of the two-family dwelling lots and Torkelson's representation at the hearing that the designation of the lots as Two Family Residential Lots was not critical to the project.

Following the hearing, the Selah City Council adopted Ordinance 1958, which changed Table A-5 of Chapter 10.28 SMC (concerning permitted land uses) and Section 10.28.040 SMC (concerning permissibility of duplexes in the R-1 zoning district). Based on the changes to the Selah Municipal Code, Torkelson sought reconsideration of the previously described condition included in the recommendation on the 2013 application for preliminary plat review.

Because no provisions in Title 15 SMC expressly provide for or address reconsideration of a preliminary plat approval, Torkelson applied for a complete preliminary plat review, but with the only change to the plat previously recommended for conditional approval being the designation of 3 proposed lots within the plat for future two family dwellings in accordance with SMC10.28.040. An open record hearing on the changes to the previously reviewed preliminary plat proposal was conducted March 25, 2015. The Hearing Examiner viewed the site on April 7, 2015. Selah's planning consultant, Tom Durant, provided a staff report which incorporated the earlier staff report provided by the Community prior to the 2014 recommendation. The record in the 2014 recommendation also included a set of hearing exhibits that comprised public comment letters, a letter from state of Washington Department of Transportation notifying the City of Selah of the approval of funds

Ex. 1A

for preliminary engineering of improvements to streets in southwest Selah, application materials for street improvement construction funds (including Valley View Avenue, South 3<sup>rd</sup> Street and Southern Avenue (east of South 3<sup>rd</sup> Street), and the 2013 preliminary plat showing planned phases of subdivision construction. The exhibits were supplemented at and after the 2014 hearing with correspondence related to a 1994-era plan for an access road to property to the south of the subject property, and with excerpts from the Transportation Research Board *Highway Capacity Manual Volume 3: Interrupted Flow* (2010) provided by Community Planner Dennis Davison. It does not appear that the 2014 recommendation was ever put on the City Council agenda for final action. The record for the current application includes copies of the 2014 staff report and recommendation, as well as correspondence from members of the public. The principal concerns raised in the comment related to the inconsistency of duplexes with R-1 zoning, and traffic impacts on Southern Avenue.

## II. SUMMARY OF RECOMMENDATION.

This preliminary plat reflecting the designation of Lots 2-4, 3-1 and 3-2 as two family residential lots should be approved, subject to conditions to assure compliance with subdivision design and zoning standards, including requirements to promote the compatibility of the development of the two family residential lots with adjacent properties, as well as the protection of the public health, safety and welfare.

Based on (1) the staff report and exhibits, (2) the previous review of the original preliminary plat application, (3) the viewing of the site, (4) comments received at the open record hearing and in writing, and a review of pertinent development regulations, including revised provisions of the Selah Municipal Code and the *2005 Selah Urban Area Comprehensive Plan* ("2005 *Comprehensive Plan*") provisions, the Hearing Examiner makes the following

## III. FINDINGS.

### 1. APPLICANT AND PROPERTY OWNER.

The preliminary plat application was filed by Torkelson Construction, Inc., P.O. Box 292, Selah, WA, 98942. The property owners of record are Carl Torkelson and Candi Torkelson.

### 2. LOCATION.

The properties are located at on the South side of Southern Avenue approximately one half mile west of South First Street and extending to the south end of South Seventh Street.

### 3. PARCEL NUMBER(S).

The Yakima County Assessors Tax Parcel Numbers for the subject properties are 181302-42471, 42474 and 42475.

#### **4. APPLICATION.**

The application is for preliminary subdivision approval of "Eagle Ridge Phases 2, 3 and 4" a 16.5 acre, 37-lot subdivision. Thirty-four (34) lots are designated for single family residences and the preliminary plat requests that three lots be designated as "two family residential lots". Two of these lots front on Southern Avenue and the third is located at the proposed southern terminus of Lacey Avenue. Lot sizes for the whole project range from 8,024 sq. ft. to 81,936 sq. ft. The proposed residential density is 2.42 dwelling units/acre. Storm water would be retained on site. The revised preliminary plat indicates that development would be completed in three phases, and assigns lot numbers based on the phase to which the lots are assigned. The proposed utility lines and streets are configured to generally allow extension to adjacent undeveloped property, other than for a centrally located short cul-de-sac. The application is identical to the 2013 preliminary plat application, and seeks only to obtain approval of the designation of the two family residential lots in accordance with City Council Ordinance 1958

#### **5. CURRENT SITE CONDITION AND ZONING**

The site is vacant except for one existing home. The property is sloped downward south to north with slopes (based on topographical lines on the plat map and without regard to proposed lot lines) ranging from 30% more or less in the vicinity of the Phase 4 lots to 9% more or less on the northern portions of the property. The site abuts Southern Avenue, which at that point is a paved street 22 feet wide within a 55-foot wide right-of-way (30 feet dedicated on South and 25 feet dedicated on North). Southern Avenue, east of the site, is hard surfaced 24 feet wide within a 55-foot wide right-of-way. Southern Avenue is currently designated as a Collector street. South Seventh Street is hard surfaced 32 feet wide between curbs. No sidewalks have been installed on the existing local access streets adjacent to the property (Lacey Avenue, and Terrace Drive), nor on Southern Avenue adjacent to the property. City water and sewer lines have been installed in currently developed streets adjacent to the subject property. Hydrants connected to existing water distribution lines are located on Southern Avenue, South Seventh Street and Lacey Avenue. An 18" concrete mortar-joint Naches-Selah Irrigation District irrigation water line is located beneath Southern Avenue adjacent to the proposal.

Proposed Lot 2-4 is located interiorly to the site and separated from existing residences in Phase 1 by about 250 feet and the same distance to a single-family home on a one acre lot uphill to the west. Proposed Lots 3-1 and 3-2 abut existing single family homes on platted lots to the east and south.

#### **6. NEIGHBORING ZONING AND LAND USE.**

Adjacent properties to the South and East are located in the City of Selah and zoned One-Family Residential (R-1). Properties to the North and West, located in unincorporated Yakima County, are zoned Single Family Residential (R-1) on the county zoning map. Land use on neighboring properties is as follows

- North: Larger lots containing single family residences
- Northeast: A Multiple Family Residential Development—"Southern Estates"
- South: Steep vacant hillside

- East: Eagle Ridge Phase 1, Oakwood Manor, South Terrace Addition and Queensview Subdivisions
- West: A single, single family residence and a large vacant parcel.

Density in three nearby residential short subdivisions (Oakwood Manor, South Terrace Addition and Queensview) is 3.9 dwellings per acre. The adjacent Eagle Ridge Phase 1 is approximately 3.1 dwellings per acre.

As noted, proposed Lot 2-4 is located about 250 feet from the nearest built homes in Phase 1 and the same distance to a single-family home on a one acre lot uphill to the west. Proposed Lots 3-1 and 3-2 are across from a 4.6 acre parcel that is outside the City Limits and zoned R-1 by Yakima County. There is one single-family residence about 200 feet to the west of the lots but otherwise undeveloped. The land west of these lots and south of Southern Avenue is also undeveloped land outside of the City Limits.

Nearby developed lots are one to two story wood frame structures designed to fit the prevailing sloped topography. Some of them are two stories of living space with a basement/garage in addition. Most have accents such as painted trim, brick or stone masonry veneer and concrete driveways. Some have covered porches.

Lot widths are generally 70 to 80 feet, the homes are built to meet required setbacks and have driveways that are wide enough to accommodate two off-street parking spaces as required by City code. The homes themselves range from 1,800 to 2,900 square feet in area.

The developed lots that abut proposed Lots 3-1 and 3-2 range in size from 9,552 to 10,849 square feet. There is also an abutting home currently owned by the applicant that will be located on an 11,971 square foot lot in the proposed plat. These lots, including the as-of-yet undeveloped lot average 10,593 square feet representing a net residential density of 4.1 dwelling units per acre.

The home uphill to the west of Lot 2-7 is an older home with two stories and a basement of about 1,600 square feet. The nearest homes east of this lot are similar in size and style and on similarly sized lots as the homes adjacent to lots 3-1 and 3-2.

## **7. PUBLIC NOTICE**

Based on the Community Planner's affidavit in the project files for this application, the notice of the application and environmental review was issued under the terms of the notice ordinance on including mailing to land owners within 600 feet of the project on March 4, 2015.

## **8. ENVIRONMENTAL REVIEW.**

A Determination of Nonsignificance was issued for the preliminary plat on February 10, 2014, was finalized on February 25, 2014 and was not appealed. The City is using that determination to satisfy the SEPA requirements for this updated preliminary plat under WAC 197-11-600(3)

which requires any agency acting on the same proposal to use an environmental document unchanged unless the agency is dissatisfied with a DNS, there are substantial changes to the proposal or there is new information indicating probable significant adverse impacts. See Chapter 11.40 SMC regarding SEPA procedures. There are no assertions of the inadequacy of environmental review for the current lot designation proposal.

9. **2005 SELAH URBAN AREA COMPREHENSIVE PLAN DESIGNATION.**

The subject property and surrounding areas are designated as Low Density Residential authorizing a maximum density of five (5) dwelling units per acre.

10. **PROJECT ANALYSIS**

a. *Review Criteria.*

A hearing examiner recommendation is to be based on a determination of whether the proposed plat complies with the standards set forth in Chapter 10.50 SMC and those adopted by reference, including but not limited to, appropriate provisions for drainage, roads, alleys and other public ways, water supply, sanitary sewage disposal, parks, playgrounds, fire protection facilities, minimum lot size and other public and private facilities and improvements and provisions contained in any of the city's adopted comprehensive plans (i.e., land use, sewage, storm drainage, transportation, water, etc.) and the zoning ordinance. SMC 10.50.025. Subdivision design standards are set out in SMC 10.50.041 through SMC 10.50.046.<sup>1</sup> As described in SMC 10.50.000, the purpose of the standards generally are to "to lessen congestion in the streets and highways, to provide for adequate light and air, to facilitate adequate provisions for water, sewerage, parks and recreation areas, sites for schools and school grounds and other public requirements, [and] to provide for proper ingress and egress," all in furtherance of public health, safety, and general welfare. The hearing examiner may, at the examiner's discretion, recommend higher standards than those set forth in the subdivision and zoning provisions of the Title 10 SMC if the examiner determines it is necessary to protect the health, safety, welfare and public interest of the city. SMC 10.50.026.

SMC 10.12.040 allows ten percent of the lots in a proposed land division of ten or more lots to be designated for future two-family dwellings (or duplexes). The ordinance requires the hearing examiner to consider the lot locations and to carefully consider adjacent properties to ensure harmonious compatibility. Other required standards include a minimum lot size of 9,000 square feet or the minimum lot size based on slope specified in SMC 10.12.030.

b. *Application of the Review Criteria*

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<sup>1</sup> The hearing examiner may recommend to the city council an exception from the standards when, in the examiner's opinion, undue hardship may be created as a result of strict compliance with the requirements upon specific application for such an exception. Applications for exceptions must include appropriate substantiating facts to show the hardship. SMC 10.50.070. No separate application for any exception demonstrating any hardship was made in this case.

(1) Scope of Application Review:

Except with respect to the designation of Lots 2-4, 3-1 and 3-2 as two family residential lots, all of review criteria were applied to the preliminary plat application in the course of issuing the 2014 recommendation. The results of the 2014 application review are repeated below in order to provide complete context for consideration of the preliminary plat application by the City Council. The analysis text generally has not been altered due to the absence of new information provided in the 2015 review that indicates any material change in circumstances, except with respect to the lot designation provisions of Ordinance 1958. There does not appear to be an equitable basis for reconsideration of issues or claims that were or should have been raised in the 2014 proceeding in absence of a remand of the earlier recommendation.

(2) Conformance to the *2005 Selah Urban Growth Area Comprehensive Plan*:

The Low Density Residential designation for the subject property on the adopted 2005 Future Land Use Map provides for a density of 5 dwellings per acre. Considered in its entirety, and assuming that three of the lots would be developed as duplexes, the 37 lot plat has a density of 2.4 units per acre, which would comply with the density limitation in the land use Comprehensive Plan.

*Consistency of duplexes with Low Density Residential Future Land Use designation:* Some public comments on the 2013 application indicated that duplex development on three of the lots would be inconsistent with the Low Density Residential designation. However, the Low Density Residential designation does not preclude duplexes, but rather leaves the control of the mix of housing types to the zoning ordinance. (*2005 Comprehensive Plan* p.35)

*Consistency of the proposed development with Comprehensive Plan Transportation Policies:* Public comments on the 2013 application noted that the intersection of Southern Avenue and South First Street provides a level of service below that set in the Comprehensive Plan, and the proposed development would exacerbate the level of service shortfall. The level of service is argued to only be effectively improved by signalization of the intersection. Public comment at the 2015 hearing also raised concerns about transportation impacts associated with allowing duplex development on the three lots.

Policy TRAN 6.2 in the *2005 Comprehensive Plan* provides that major land use changes only be allowed “when those proposals accompany specific documentation or plans [*sic*] showing how the transportation system can adequately support existing and proposed development needs.” The scope of the “transportation system” referred to seems at the least to be those street segments (including intersections) necessarily carrying traffic generated by the project. In the present case, the first stop-controlled intersection on the segment of Southern Avenue is eastbound at South Fifth Street. Further east, Southern Avenue intersects with South Third Street. There are accordingly several points of access into the city street grid. The 2013 staff report contains a factual report of the “carrying capacity” of Southern Avenue west of South First Street, indicating that the street can carry 6,000 vehicle trips per day. This is based on calculations in the *Highway Capacity Manual*. The report further notes that 2014 traffic counts

on Southern Avenue west of South First Street show 1,540 vehicle trips per day. On this basis, it does not appear that additional trip generation from the project would overtax the “transportation system” capacity in the area. This would include the potential impacts from three more dwelling units made possible by the designation of Lots 2-4, 3-1 and 3-2 as two family residential lots.

Neither the 2013 application staff report nor the current staff report address level of service issues at the South First Street/Southern Avenue intersection. The *2005 Comprehensive Plan* Transportation Element recognizes that the Southern Avenue/South First Street intersection will continue to fall below established level of service standards until such time as the intersection is signalized. This shortfall is true irrespective of the additional traffic predicted for the proposed subdivision. In addition, the *2005 Comprehensive Plan* makes the improvement of the intersection a top priority. There is no information in the record to indicate that intersections in the road segments necessarily bearing project-generated traffic will fall below LOS C, which is that standard adopted for those road segments in the *2005 Comprehensive Plan*. Hearing Exhibits 8 and 9 in the 2014 proceeding were provided by the Community Planner in response to comments regarding the City’s commitment to improving the intersection, and indicate that engineering has been funded for work intended ultimately to improve traffic on street segments that include South Third Street, Valley View and Southern Avenue. These improvements to other elements of the transportation grid as are reflected in the hearing exhibits might be expected to ease the pressure, though to a degree not quantified in the hearing record. If no other options for accessing the street grid were available other than the South First Street/Southern Avenue intersection, the Applicant might be hard-pressed to show that the transportation system can adequately support the additional traffic. It does appear clearly possible that traffic from new development that might elect to use the intersection at peak traffic hours would contribute to the level of service deficiency. However, given the alternative access points, the recognition of the need to address the level of service at the intersection, the calculated carrying capacity of affected road segments, and evidence of efforts moving forward to improve the system in the vicinity, the potential for contribution does not lead to a conclusion that the transportation system overall cannot adequately handle the vehicle trips generated from the proposal as addressed in the *2005 Comprehensive Plan*. This also would include the trips generated from three more dwelling units made possible by the two family residential designations of Lots 2-4, 3-1 and 3-2.

*Concurrency Issues:* Comments in 2014 also raised questions of compliance with Growth Management Act “concurrency” requirements. The Act requires prohibition of a development if it causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. RCW 36.70A.070(6)(b). As noted, the failure of the South First Street/Southern Avenue intersection to meet the established level of service is predicted to continue whether or not the proposal is developed, based on information in the traffic impact study. The project will potentially contribute additional traffic to this condition but will not cause it to fall below the applicable LOS, particularly since the LOS is already not being met and there alternative means of accessing the transportation grid.

(3) Adequacy of compliance with design standards:

The application does not seek relief from the design standards in SMC 10.50.041 through SMC 10.50.046. The plat generally shows compliance with those standards. The development includes extensions of existing water and sewer lines. The street design provides for future extension of streets to serve properties to the west of the plat boundary. Sidewalks and curbing shown on the typical roadway section on the plat conform to standards, except that barrier curbs at intersections are not clearly indicated on the plat. In addition, Phase 3 includes paving of a 24 foot width of Southern Avenue (its current paved width) and installation of a sidewalk on the south side of the street. This would extend the 24-foot wide portion of Southern Avenue to the east of the project. Any approval of the plat should appropriately be conditional upon compliance with design shown in the plat, as supplemented with information designed to assure compliance with the design standards. It is noted that city standards would only require a 50-foot wide right of way for Southern Avenue, despite the current 55 foot right of way. The Community Planner recommended a condition allowing the Applicant to opt down to a 50 foot right of way. However, the street standards are minimum standards, and an applicant is not bound to do "no more" than the standards require. It is consequently not clear what purpose is to be served by conditioning the approval on a potential reduction in the design of the Southern Avenue improvements.

(4) Adequacy of compliance with the zoning ordinance:

The revised preliminary plat designates three of the lots as "two family residential" lots. Public comments objected to the establishment of the two family lots as shown. The lots would be situated on Southern Avenue and at the south end of Lacey Avenue as extended. "Uses allowed within a zoning district are specifically those listed as Class 1 permitted, Class 2 administrative or Class 3 conditional uses within Chapter 10.28, Table A5 pursuant to SMC 10.08.010(6). Table 10.28A-5 shows duplexes to be permissible in the R-1 district. Permissibility in the R-1 is dependent on compliance with SMC 10.12.040. That provision allows 10% of the lots in a subdivision of 10 lots or more to be designated for a "future two family dwelling," so long as the lots meet specified minimum lot size requirements and two family dwellings would be "harmoniously compatible" with adjacent properties. The 37 lot subdivision allows for the designation of three two-family residential lots under the requirements of SMC 10.12.040.

a. *Lot Size:* Lot size in the R-1 is based on the slope and utility infrastructure present on the property. SMC 10.12.030. Lots 3-1 and 3-2 are 9,666 and 10,233 square feet respectively, are not corner lots, and have average slopes of just under 10%. Lot 2-4 has a slope of about 12% but the 12,852 square foot lot size meets the higher 10,000 square foot standard for lots with slopes between 10 and 15%.

The smallest lot is proposed Lot 3-1. It is 80 feet in width and 120 feet in depth, providing for a 64 foot by 80 foot building envelope based on setback requirements. Lot coverage of 35% would allow for a one-story building with a footprint of 3,383 square feet, or just over 1,690 square feet per unit (including garages), although additional living area could be provided by adding a second story. Lot width and setbacks are sufficient to provide for four off-street parking spaces as required by the Zoning Ordinance without tandem parking.

Lot 3-2 is 85 feet wide at the street frontage, and ranges from 78 feet to 93 farther from the street, with the narrowest width toward the front of the lot where building is most likely to occur. It would allow a building envelope of about 60 by 82 feet, or 4,900 square feet and a

larger building footprint than Lot 3-1 of 3,582 square feet based on lot coverage. It has sufficient width and setbacks to accommodate off-street parking.

Proposed Lot 2-4 has 190 feet of street frontage and 109 foot depth at its widest point, getting progressively narrower to the west. There is a building envelope of about 5,600 square feet, although it is triangular in shape due to the shape of the lot, and probably could not be fully utilized, although it should be possible to design a building to maximize it. The allowable building footprint is 4,498 square feet based on lot coverage, which should be large enough to provide for a single-level building based on lot coverage, although the slope and setbacks based on the shape of the lot may necessitate a two-story building with a smaller footprint.

b. *Harmonious Compatibility with Adjacent Property*: Compatibility is a question of fact. Implicitly, the development of 10% of the lots within an R-1 district subdivision into duplexes is not inherently incompatible with adjacent properties, given the allowance for the lot designations in SMC 10.12.040 and Table 28A-5. If a land use application, such as a preliminary plat review application is to be denied in whole or in part, the denial must be supported by findings of fact and the basis for denial set out to avoid arbitrary action. Popular prejudices or potentially inaccurate stereotypes do not provide adequate evidence for denial of an application. *Sunderland Family Treatment Services v. City of Pasco*, 127 Wn.2d 782, 797, 903 P.2d 986 (Wash. 1995). Generalized concerns about property values fall into this category of evidence.

Some perspective on compatibility is provided by the *Comprehensive Plan*. Objective HSG 1 seeks to maintain and upgrade the character of existing residential neighborhoods. Objective HSG 4 encourages new residential construction to be compatible with existing residential development. Policy HSG 4 relates this compatibility to architectural, maintenance and landscaping standards within developments.

The staff report notes the variety of building styles in the vicinity include one, two and three-level homes. To further assure compatibility as the concept is reflected in Comprehensive Plan goals and policies for protection of neighborhood character, it is appropriate to condition approval of the designation on requiring building exteriors to be reasonably consistent in appearance with that of surrounding single-family homes, including the use of architectural features such as brick or stone masonry veneer and covered porches. To further ensure harmonious development of the two family residences with the development of single-family lots in the subdivision, staff recommended that the two-family lots be developed within one year of the recording of the final plat for the phase in which they are located. At hearing, Torkelson raised no objection to these kinds of conditions.

Conversely, there is no substantial evidence that the subject lots cannot be developed in a manner compatible with adjacent land uses.

(5) Provisions for schools:

There is predicted increase in the student population of 15.5 students as a result of the proposed subdivision. No school district comments or comments from any other party indicate that the school system will not be able to adequately absorb the predicted increase.

(6) Increased standards for protection of public health, safety or welfare:

If there is substantial evidence of an impact to public health, safety or welfare from the proposed project, notwithstanding its compliance with the standards in Title 10 SMC, higher standards addressing those impacts may be imposed. Several comments raised issues about pedestrian safety, particularly related to the increasing numbers of children in the area. However, none of the comments suggested that implementation of improvements to the streets, sidewalks and lighting required under the subdivision standards would leave a substantial residual safety risk resulting from this project that warrants imposition of higher standards for the project.

Comments also raised concerns about the proliferation of on-street parking on Southern Avenue related to other developments. The comments characterized this proliferation as a safety issue that would be made worse by the additional traffic generation from the proposed project. Without disputing the problems that may be presented by the other developments, it is again not clear this would provide a basis for higher standards for the proposed subdivision, which is a conventional subdivision already subject to higher standards than governed earlier development in the area.

As noted, an 18" concrete mortar joint Naches-Selah Irrigation District line is located beneath Southern Avenue adjacent to the proposal. This type of pipe is reportedly being replaced with modern PVC pipe. If improvements to Southern Avenue are made without replacing the pipe, then there would be a conflict between plans for replacement and general city policy regarding avoiding street cuts for five years following new paving. On this basis, it is in the public interest to provide for replacement of the existing pipe within the length of Southern Avenue that is improved in association with Phase 3 of the proposed plat.

*c. Phasing issues*

The preliminary plat depicts three phases of development. The Applicant wishes to not be bound by the specific boundaries shown for each phase. The provisions of Chapter 10.50 SMC do not require phasing, though they do refer to phasing in the final plat review requirements. The sequencing construction of improvements is not specifically called out as a matter to be prescribed in preliminary plat approval, although it may be deemed to be necessary to the protection of the public health, safety and welfare, such as preservation of street surfaces, for example. In the present case, the completion of Phase 4 appears to depend on the prior extension of utilities in Phase 3. The final plat standards do not contemplate phased construction and phased review by the city of improvements. On the other hand, phased development is expressly considered in Title 9 SMC, related to utility system development. These considerations do not suggest a basis for a specific recommendation by the hearing examiner for flexibility in the phased development of a preliminary plat in absence of further information, particularly since the plat with all notations was the basis for public notice.

From the foregoing findings, the Hearing Examiner makes the following

**IV. CONCLUSIONS.**

1. The Hearing Examiner has jurisdiction to conduct an open record hearing on the application for a preliminary plat review, and make a recommendation to the Selah City Council. The Hearing Examiner does not have jurisdiction to consider impacts associated with previously authorized development activities or the adequacy of environmental review. Currently, neither the zoning ordinance nor hearing examiner rules provide for reconsideration of a recommendation or amendment of a hearing examiner recommendation other than perhaps on the basis of a remand. Accordingly, though the only change to the previous plat recommendation that is being requested is the allowance of two family residential lot designations, the request is being heard as a preliminary plat review application.

2. The proposed preliminary plat is consistent with the *2005 Comprehensive Plan* future land use designation and transportation policies.

3. The designation of Lots 2-4, 3-1 and 3-2 as future two family residential lots is consistent with SMC 10.12.040.

4. The proposed preliminary plat, if properly conditioned, complies with subdivision and zoning standards, and is consistent with public health, safety and welfare. .

#### V. RECOMMENDATION.

The application for preliminary plat review by Torkelson Construction, Inc. for "Preliminary Plat of Eagle Ridge, Phases 2, 3 and 4" as specified in the application materials (File No. 912.82.13-01 should be APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. All design and/or improvement notations indicated on the preliminary plat are included as conditions of preliminary plat approval (i.e., private easement widths and locations, lot size and lot configuration, etc.). This condition is not intended to limit the Public Works Department in the exercise of its authorities under other provisions of the Selah Municipal Code.

2. Lots 2-4, 3-1 and 3-2 are authorized to be designated as two-family residential lots on the final plat and maybe developed into two-family residential structures following final plat approval, subject to the following additional special requirements:

- a. The two family residential designation of these lots applies only to these lots and may not be transferred to other lots in the subdivision.
- b. Off-street parking shall be provided on the lots to provide 4 spaces per each duplex. No credit against this requirement shall be allowed for garages and tandem parking. Driveways shall be constructed of concrete and not asphalt.
- c. Building exteriors shall be consistent in appearance with that of surrounding single-family homes including the use of architectural features such as brick or stone masonry veneer and covered porches (not all of these feature need to be present to be considered consistent).

- d. To further ensure harmonious development of the designated lots with the development of single-family lots in the subdivision, the two-family lots shall be developed within one year of the recording of the final plat for the phase in which they are located. This completion date may be extended in the manner allowed by SMC Title 10.
  - e. A site plan and drawings, photos or elevations of each of the buildings proposed for development of the designated two-family residential lots shall be submitted to the Planning Department to review for consistency with these conditions prior to recording the final plat for the phase in which they are in.
  - f. This decision does not preclude the development of detached single-family residences on any of these lots.
3. Final lot dimensions and lot area must substantially conform to the preliminary plat.
  4. A preliminary engineering report and/or plan, prepared by a Licensed Professional Engineer, demonstrating the feasibility of constructing all public improvements required by Selah Municipal Code, Chapter 10.50, must be submitted to and approved by the Public Works Department for each separately designated phase of development prior to commencement of construction.
  5. Construction plans and specifications must be reviewed and approved by the Public Works Department prior to commencement of construction of each separately designated phase of development. Specifications for improvements shown on the preliminary plat are minimum specification which may be superseded by the conditions contained herein or by specific conditions as approved by the Public Works Department. Upon completion of construction and prior to final plat approval (of each development phase for which final plat approval is sought), reproducible final "as-built" construction plans and a written certification by a Licensed Professional Engineer that said improvements were completed in accordance with the City of Selah Design and Construction Standards dated March, 2012, must be submitted to the Public Works Department for approval. All required compaction and inspection reports shall also be submitted to the Public Works Department.
  6. All lots must be served with a full range of public services/private utilities. All public services/private utilities must be underground and installed prior to the surfacing of streets. There shall be a moratorium on street cuts for a period of five (5) years from the date of each phase recording.
  7. Street improvements must be constructed to city standards. Mountable curbs are permissible except at radius turns at intersections, which require barrier curbs of suitable design. Barrier curbs are required on Southern Avenue.

8. During the construction of portions of the plat designated as Phase 3, the existing 12 inch water distribution line located in Southern Avenue shall be extended to the west property line of Phase 3.

9. Fire hydrants which meet the specifications of Selah Code, Chapter 11.30 must be provided and installed by the developer at locations identified by the Selah Fire Chief.

10. Storm water drainage facilities to accommodate runoff generated within the plat, and historical drainage which crosses the property, must be installed in compliance with a drainage facilities plan prepared by a Licensed Professional Engineer and approved by the Public Works Department. As part of the drainage study the Department of Ecology shall be contacted to determine if a "storm water permit" is required.

11. Wooden street lights poles must be installed by the developer to the specifications of the Public Works Director.

12. Curb, gutters, a five (5) foot wide sidewalk, and the improvement of Southern Avenue to a "super half street" (24' wide) is required along the North boundary of Lots 3-1 and 3-2 as part of Phase 3 construction.

13. Areas reserved for sight distance vision triangles shall be shown and noted on the final plat. (Selah Code, Chapter 10.50).

14. Dust control measures shall be implemented as required by the Yakima Regional Clean Air Authority rules and regulations. The Developer shall advise the Public Works Department of the name and phone number of the contact person to report alleged dust control violations.

15. Prior to the recording of Phase 2 (and subsequent Phases 3 and 4) all required plat improvements (i.e., utilities, streets, drainage facilities, etc.) shall be installed and accepted by the City or a surety bond pledged to ensure installation within two years of final plat approval for the respective phases shall be issued to the City.

16. All required street signs, posts and appurtenances, including end-of-road barricades at the end of each dead-end street (Phase 2: Lacey Avenue; Phase 3: South Seventh Street, and Terrace Drive; Phase 4: Lacey Avenue) shall be supplied by the developer and installed by the City.

17. Minimum ten (10) foot wide utility easements shall be located adjacent to all dedicated public street right-of-ways and such additional easements as may be required to facilitate utility placement shall be designated on the final plat as directed by the Public Works Director.

18. Irrigation easements and distribution facilities shall be provided as specified by the Naches-Selah Irrigation District unless specifically waived by the District in writing.

19. The 18" concrete mortar joint Naches-Selah Irrigation District line located beneath Southern Avenue shall be replaced during Phase 3 construction with 18" PVC piping approved by the Naches-Selah Irrigation District.

20. The Dedication and Waiver of Claims language on the final plat shall reference a waiver of direct access.

21. The following notes shall be placed on the final plat map(s):

"The owner(s) shown hereon, their grantees and assignees in interest hereby covenant and agree to retain all surface water generated within the plat on-site."

"The owner(s) shown hereon, their grantees and assignees in interest hereby covenant and agree to perpetually maintain the natural drainage swale adjacent to their property. The drainage swale shall not be altered, relocated, nor shall natural drainage be impeded.

22. A surety bond, or such other secure financial method, in the amount of 15% of the cost of the public improvements (as each final plat phase is submitted) (i.e., roads, sidewalks, street lights, drainage facilities, sewer collection and water distribution facilities, etc.) shall be remitted to the City and held for a period of two years to guarantee against defects of workmanship and materials.

DATED THIS 8<sup>th</sup> DAY OF APRIL, 2015.



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PATRICK D. SPURGIN  
HEARING EXAMINER

City of Selah  
**Hearing Examiner Minutes**  
Eagle Ridge Phases 2, 3 & 4 Reconsideration  
March 25, 2015

Selah Council Chambers  
115 W. Naches Ave.  
Selah, Washington 98942

**CALL TO ORDER:**

The March 25, 2015 meeting was convened by the Hearing Examiner, Patrick Spurgin, at 10:00 a.m. Tom Durant represented the Department of Planning.

**Public Hearing:**                      **Preliminary Plat 912.82.13-01 "Eagle Ridge, Phases 2, 3 and 4  
Environmental Review 971.82.13.04**

Mr. Spurgin then turned the floor over to Mr. Durant.

Mr. Durant stated that Eagle Ridge 2, 3 and 4 was a request for reconsideration due to the recent amended code. When summarizing the Staff Report he brought to the attention of all the designated lots and street requirements. He went over condition seven and barrier curbs. He struck 2-b from the conditions Of the Staff Report. (Staff report attached).

Mr. Spurgin clarified condition seven and 2-b where the only changes to the earlier staff report.

Mr. Durant and Mr. Spurgin discussed Right of Way.

Mr. Spurgin stated that he had received as letter yesterday (March 24, 2015) from Kathleen Fontaine.

Mr. Durant went over the exhibits list:            (Attached).

Mr. Spurgin stated that generally letters are part of public comment and that the content of a letter could figure in a decision for that record. The Record could be held open so that the applicant could develop a respond to the comments. He stated that this is one of those times when the record could be held open unless the applicate wants it closed.

Mr. Torkelson the applicant approached the podium. He stated his address as 101 Heritage Hills Dr., Selah WA. He requested to answer questions after all the testimony had been heard.

Mr. Spurgin stated that the hearing was talking about the consequences of a change to the ordinances for duplexes in a subdivision.

Mr. Spurgin opened the hearing for public comment.

Mr. Worby approached the podium and stated his address as 200 Weems Way, Selah WA. He stated that Kathleen Fountain wanted her letter in the record.

Mr. Spurgin stated that the letter was already a part of the public record.

Mr. Worby stated that beside the designation of the lots, traffic on Lacey was a concern in this area because it would be adding additional traffic to residential streets. He asked how the Hearing Examiner decided an issue like that.

Mr. Spurgin asked for any additional public comment.

Mr. Williams approached the podium He stated his address as 701 S 7<sup>th</sup> St. He opposed duplexes in the R-1 zone. He did not believe this was in harmony with the Comprehensive Plan. Also the traffic congestion on this street is an issue. There has been no road improvement done to that road. Mr. Williams handed Mr. Durant a letter which was marked exhibit 13. (Attached)

Mr. Spurgin asked Mr. Williams about the letter.

Mr. William explained that it covered the issues in depth.

Mr. Spurgin closed the public comment.

Mr. Torkelson stated he had read the letter and he would like to close the record.

Mr. Spurgin asked if he would like to comment on the harmony.

Mr. Torkelson stated that one of the main objectives was to open up avenues to other types of housing.

Mr. Durant stated that all parties were trying to address the compatibility issues.

Mr. Spurgin advised that his recommendation would be available in 10 working days.

ADJOURNMENT:

Hearing no further testimony, the Hearing Examiner declared the hearing closed at 10:42 am

**CITY OF SELAH HEARING EXAMINER**

**STAFF REPORT**

March 20, 2015

**FILE NO.:** PRELIMINARY PLAT 912.82.13-01 "Eagle Ridge, Phases 2, 3 and 4"  
ENVIRONMENTAL REVIEW 971.82.13-04

**BACKGROUND:** The applicant has requested hearing examiner reconsideration of the March 13, 2014 decision for the preliminary subdivision approval of "Eagle Ridge Phases 2, 3 and 4" a 37 lot subdivision on 16.5 acres. As originally proposed, 34 lots are to be designated for single family residences, while 3 lots are to be designated for duplexes. The hearing examiner's decision denied the duplex lot designation because while the Zoning Ordinance allowed the designation of duplex lots in the R-1 zone, it did not actually list them as a permitted use. This discrepancy was resolved by the City Council adoption of Ordinance 1958 on January 13, 2015. The request for reconsideration is being made on the basis that the Examiner now has the authority to permit those lot designations.

**STAFF REPORT INCORPORATED BY REFERENCE:** The February 20, 2014 staff report for the preliminary plat is attached and incorporated into this report by reference, because the proposal is virtually unchanged, although modified recommended conditions of approval are attached to this report. The remainder of this report focuses on the request for duplex lots.

**APPLICATION AUTHORITY:** SMC 10.50 (subdivision). Since the code does not have a procedure for the reconsideration or revision of an approved but unrecorded plat, the entire preliminary plat application is being reconsidered as if it were a new application.

SMC 10.12.040 allows ten percent of the lots in a proposed land division of ten or more lots to be designated for future two-family dwellings (or duplexes). As it is now written, following the recent amendment, the Ordinance requires the hearing examiner to consider the lot locations and to carefully consider adjacent properties to ensure harmonious compatibility. Other required standards include a minimum lot size of 9,000 square feet or the minimum lot size based on slope specified in SMC 10.12.030. Once the lots are designated, the future duplexes may be authorized as Class 1 Uses, subject to the same requirement for harmonious compatibility.

**ENVIRONMENTAL REVIEW:** A Determination of Nonsignificance was issued for the preliminary plat on February 10, 2014, was finalized on February 25, 2014 and was not appealed. This determination is being used to satisfy the SEPA requirements for this reconsideration under WAC 197-11-600(3) which requires any agency acting on the same proposal to use an environmental document unchanged unless the agency is dissatisfied with a DNS, there are substantial changes to the proposal or there is new information indicating probable significant adverse impacts,

**LOCATION:** The lots proposed for duplex designation are Lots 2-4, 3-1, and 3-2. Lots 3-1 and 3-2 front on Southern Avenue at the north end of the subdivision. Lot 2-4 is on the west side of the subdivision adjacent to a large undeveloped parcel and will front on Lacey Avenue within the proposed subdivision.

**LAND USES ADJACENT TO THE PROPOSED TWO-FAMILY LOTS:** Proposed Lot 2-4 is relatively isolated located interior to the site from existing residences about 250 feet from the nearest built homes in Phase 1 and the same distance to a single-family home on a one acre lot uphill to the west. Proposed Lots 3-1 and 3-2 abut existing single family homes on platted lots to the east and south. They are across from a 4.6 acre parcel also outside the City Limits and zoned R-1 by Yakima County with one single-family residence about 200 to the west but otherwise undeveloped. The land west of these lots and south of Southern Avenue is also undeveloped land outside of the City Limits.

Nearby developed lots are one to two story wood frame structures designed to fit the slope. Some of them are two stories with a basement/garage. Most have accents such as painted trim, brick or stone masonry veneer and concrete driveways. Some have covered porches.

Lot widths are generally 70 to 80 feet, the homes are built to meet required setbacks and have driveways that are wide enough to accommodate two off-street parking spaces as required by City code. The homes themselves range from 1,800 to 2,900 square feet in area.

The developed lots that abut proposed Lots 3-1 and 3-2 range in size from 9,552 to 10,849 square feet. There is also an abutting home currently owned by the applicant that will be located on an 11,971 square foot lot in the proposed plat. These lots, including the as-of-yet undeveloped lot average 10,593 square feet representing a net residential density of 4.1 dwelling units per acre.

The home uphill to the west of Lot 2-7 is an older home with two stories and a basement of about 1,600 square feet. The nearest homes east of this lot are similar in size and style and on similarly sized lots as the homes adjacent to lots 3-1 and 3-2.

**CONSISTENCY & COMPATIBILITY ANALYSIS:** Lots 3-1 and 3-2 are 9,666 and 10,233 square feet respectively, are not corner lots, and have average slopes of just under 10%. Lot 2-4 has a slope of about 12% but the 12,852 square foot lot size meets the higher 10,000 square foot standard for lots with slopes between 10 and 15%. The 34 lot subdivision allows for the designation of three two-family residential lots under the requirements of SMC 10.12.040.

The smallest lot is proposed Lot 3-1. It is 80 feet in width and 120 feet in depth, providing for a 64 foot by 80 foot building envelope based on setback requirements. Lot coverage of 35% would allow for a one-story building with a footprint of 3,383 square feet, or just over 1,690 square feet per unit (including garages), although additional living area could be provided by adding a second story. Lot width and setbacks are sufficient to provide for four off-street parking spaces as required by the Zoning Ordinance without tandem parking.

Lot 3-2 is 85 feet wide at the street frontage, and ranges from 78 feet to 93 farther from the street, with the narrowest width toward the front of the lot where building is most likely to occur. It would allow a building envelope of about 60 by 82 feet, or 4,900 square feet and a larger building footprint than Lot 3-1 of 3,582 square feet based on lot coverage. It has sufficient width and setbacks to accommodate off-street parking.

Proposed Lot 2-4 has 190 feet of street frontage and 109 foot depth at its widest point, getting progressively narrower to the west. There is a building envelope of about 5,600 square feet, although it is triangular in shape due to the shape of the lot, and probably could not be fully utilized, although it should be possible to design a building to maximize it. The allowable building footprint is 4,498 square feet based on lot coverage, which should be large enough to provide for a single-level building based on lot coverage, although the slope and setbacks based on the shape of the lot may necessitate a two-story building with a smaller footprint.

**ANALYSIS:** The lots appear to be large enough to accommodate two-family residences as proposed if they are two-story buildings. However, given the slope of the site and surrounding area and the fact that two-story homes are common in the area, this does not indicate a compatibility problem. Consistency with building size and style could be accommodated by Class 1 Use Review as required by the Zoning Ordinance and requiring construction early in site development to help ensure consistency with the development of the single-family lots in the new subdivision.

**RECOMMENDATION:** Approval of the Preliminary Plat based on the findings of the February 20, 2014 staff report as supplemented by this report.

Approval of the designation of the three duplex lots with conditions to promote compatibility.

1. All design and/or improvement notations indicated on the preliminary plat are included as conditions of preliminary plat approval (i.e., private easement widths and locations, lot size and lot configuration, etc.). This condition is not intended to limit the Public Works Department in the exercise of its authorities under other provisions of the Selah Municipal Code.
2. Lots 2-4, 3-1 and 3-2 are authorized as duplex lots. They shall be so designated on the final plat. The following are additional requirements:
  - a. The designation of these lots are not transferable to other lots in the subdivision.
  - ~~b. Duplexes on these lots shall not exceed two stories, or two stories with a basement garage if built into the hillside to accommodate the slope.~~
  - c. Off-street parking shall be provided on the lots to provide 4 spaces per each duplex. Garages and tandem parking shall not count toward this requirement. Driveways shall be constructed of concrete not asphalt.
  - d. Building exteriors shall be consistent in appearance with that of surrounding single-family homes including the use of architectural features such as brick or stone masonry veneer and covered porches (not all of these feature need to be present to be considered consistent).
  - e. To further ensure consistency with the development of single-family lots in the subdivision, the two-family lots shall be developed within one year of the recording of the final plat for the phase in which they are located. This completion date may be extended in the manner allowed by SMC Title 10.

- f. A site plans and drawings, photos or elevations of the buildings proposed for development of the two-family residential lots shall be submitted to the Planning Department to review for consistency with these conditions prior to recording the final plat for the phase in which they are in.
    - g. This decision does not preclude the development of detached single-family residences on any of these lots.
3. Final lot dimensions and lot area must substantially conform to the preliminary plat.
4. A preliminary engineering report and/or plan, prepared by a Licensed Professional Engineer, demonstrating the feasibility of constructing all public improvements required by Selah Municipal Code, Chapter 10.50, must be submitted to and approved by the Public Works Department for each separately designated phase of development prior to commencement of construction.
5. Construction plans and specifications must be reviewed and approved by the Public Works Department prior to commencement of construction of each separately designated phase of development. Specifications for improvements shown on the preliminary plat are minimum specification which may be superseded by the conditions contained herein or by specific conditions as approved by the Public Works Department. Upon completion of construction and prior to final plat approval (of each development phase for which final plat approval is sought) reproducible final "as-built" construction plans and a written certification by a Licensed Professional Engineer that said improvements were completed in accordance with the City of Selah Design and Construction Standards dated March 2012 must be submitted to the Public Works Department for approval. All required compaction and inspection reports shall also be submitted to the Public Works Department.
6. All lots must be served with a full range of public services/private utilities. All public services/private utilities must be underground and installed prior to the surfacing of streets. There shall be a moratorium on street cuts for a period of five (5) years from the date of each phase recording.
7. Street improvements must be constructed to city standards. Mountable curbs are permissible except at radius returns at intersections, which require barrier curbs of suitable design.
8. During the construction of portions of the plat designated as Phase 3, the existing 12 inch water distribution line located in Southern Avenue shall be extended to the West property line of Phase 3.
9. Fire hydrants which meet the specifications of Selah Code, Chapter 11.30 must be provided and installed by the developer at locations identified by the Selah Fire Chief.

10. Storm water drainage facilities to accommodate runoff generated within the plat, and historical drainage which crosses the property, must be installed in compliance with a drainage facilities plan prepared by a Licensed Professional Engineer and approved by the Public Works Department. As part of the drainage study the Department of Ecology shall be contacted to determine if a "storm water permit" is required.
9. Wooden street lights poles must be installed by the developer to the specifications of the Public Works Director.
11. Curb, gutters, a five (5) foot wide sidewalk, and the improvement of Southern Avenue to a "super half street" (24' wide) is required along the North boundary of Lots 3-1 and 3-2 as part of Phase 3 construction.
12. Areas reserved for sight distance vision triangles shall be shown and noted on the final plat. (Selah Code, Chapter 10.50).
13. Dust control measures shall be implemented as required by the Yakima Regional Clean Air Authority rules and regulations. The Developer shall advise the Public Works Department of the name and phone number of the contact person to report alleged dust control violations.
14. Prior to the recording of Phase 2 (and subsequent Phases 3 and 4) all required plat improvements (i.e., utilities, streets, drainage facilities, etc.) shall be installed and accepted by the City or a surety bond pledged to ensure installation within two years of final plat approval for the respective phases shall be issued to the City.
15. All required street signs, posts and appurtenances, including end-of-road barricades at the end of each dead-end street (Phase 2: Lacey Avenue; Phase 3: So. 7th St., and Terrace Drive; Phase 4: Lacey Avenue) shall be supplied by the developer and installed by the City.
16. Minimum ten (10) foot wide utility easements shall be located adjacent to all dedicated public street right-of-ways and such additional easements as may be required to facilitate utility placement shall be designated on the final plat as directed by the Public Works Director.
17. Irrigation easements and distribution facilities shall be provided as specified by the Naches-Selah Irrigation District unless specifically waived by the District in writing.
18. The 18" concrete mortar joint Naches-Selah Irrigation District line located beneath Southern Avenue shall be replaced during Phase 3 construction with 18" PVC piping approved by the Naches-Selah Irrigation District.

19. The Dedication and Waiver of Claims language on the final plat shall reference a waiver of direct access.

20. The following notes shall be placed on the final plat map(s):

"The owner(s) shown hereon, their grantees and assignees in interest hereby covenant and agree to retain all surface water generated within the plat on-site."

"The owner(s) shown hereon, their grantees and assignees in interest hereby covenant and agree to perpetually maintain the natural drainage swale adjacent to their property. The drainage swale shall not be altered, relocated, nor shall natural drainage be impeded.

21. A surety bond, or such other secure financial method, in the amount of 15% of the cost of the public improvements (as each final plat phase is submitted) (i.e., roads, sidewalks, street lights, drainage facilities, sewer collection and water distribution facilities, etc.) shall be remitted to the City and held for a period of two years to guarantee against defects of workmanship and materials.

**List of Exhibits**  
**Eagle Ridge Phases 2, 3 & 4**

1. Staff Report-March 20, 2015
2. Previous Staff Report
3. Environmental Review-Comment from 2014
4. Hearing Examiner Recommendation March 13, 2014
5. Determination of Nonsignificance Feb 10, 2014 & Final Determination of Nonsignificance Feb 25, 2014
6. Environmental Checklist
7. Request for Reconsideration Feb, 17, 2015
8. Preliminary Plat
9. Notice of Application March 4, 2015
10. Subject Property Map
11. Adjoining Property Owners Mailing List
12. Letter from Kathleen Fountains received March 24, 2015
13. Letter from Bruce Williams received March 24, 2015
14.
15.
16.

24 March 2015

Concerning 912.82.13-01, 971.82.13-04, Eagle Ridge development, phases 2,3 and 4.

Regarding application proposal to designate 3 lots, Lot 2-4, 3-1 and 3-2, as two family residential lots.

I oppose allowing duplex housing on the lots stated above. According to Section 21.09.030 of the Selah Municipal Code:

'The development is not to negatively affect traffic.' This development and the proposed duplex units will negatively affect traffic by increasing vehicular traffic by 60 trips per day. 'Road improvements must be done concurrently with development or the financial commitment must be in place for completion within 5 years.'

The adjacent neighborhood was promised ( 5 years ago ) improvement of these same roads to mitigate existing traffic. No such road improvement has been planned or carried out within the last 5 years.

Regarding the requirement that evidence of need must be proved, there are many duplexes, apartments, townhouses and other multi-family units in Selah. There is no need for more of these units, especially not in a single family, residential neighborhood. The actual demand is for smaller, single family, affordable homes. There are no change of circumstances showing a need/demand for duplexes in this area.

The proposed duplexes/two family residential lots are not in harmony with surrounding properties. Surrounding properties/neighborhoods are single family residential houses and there are no duplexes or multi family housing surrounding the property. Let's follow the existing comprehensive plan for development in this area and keep it R1, single family houses.

The proposed duplexes will create additional traffic and congestion through the adjacent neighborhoods, which has not been planned for with road improvements, sidewalks, controlled intersections and the like.

Thank you for taking these items into consideration. If you recommend approval of these duplexes, I ask that they meet single family and not multi-family codes. I also request height restrictions of no more than two stories and a design that is in harmony with the existing properties.

Thank you,

*Bruce Williams*  
Bruce Williams

701 7<sup>th</sup> St.

Selah, Wa.

EvL13



**CITY OF SELAH**  
**CITY COUNCIL**  
**AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**

**4/28/2015      N – 1**

**Title:** Ordinance Creating a New Chapter 20.21, to the Selah Municipal Code entitled “Parade Fees and Charges” and Creating a Schedule of Fees and Charges in the Selah Municipal Code, Title 20

**Thru:** Joe Henne, Interim City Administrator

**From:** Thomas R Durant, Community Planner

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

Approval

**Background / Findings & Facts:**

City Council adopted Ordinance 1961 on March 10, 2015 creating a new Chapter 4.28 to the Municipal Code entitled “Parades” adopting regulations for permitting the use of the City streets, alleys or rights-of-way for conducting marches, parades or processions. The new Chapter provides for the payment of a fee. Title 20, Selah Municipal Code was established previously as a unified fee schedule where all City permit fees could be found.



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**Recommended Motion:**

I move the Council adopt the Ordinance creating a new Chapter 20.21 of the Selah Municipal Code entitled “Parade Permit Fees and Charges” and a new Section 20.21.010 to establish a fee of \$25.00 for a Parade Permit.

**Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)**

Date:	Action Taken:
3/10/2015	City Council adoption of Ordinance #1961 establishing Selah Municipal Code Chapter 4.28: “Parades”

- Click here to enter a date. Click here to enter text.
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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CREATING A NEW CHAPTER 20.21, TO THE SELAH MUNICIPAL CODE ENTITLED "PARADE FEES AND CHARGES" AND CREATING A SCHEDULE OF FEES AND CHARGES IN THE SELAH MUNICIPAL CODE, TITLE 20.**

**WHEREAS**, the City Council has adopted regulations for permitting the use of the City's rights-of-way, streets, or alleys for the purposes of conducting marches, parades or processions.

**WHEREAS**, Chapter 4.28.020 provides for and requires the payment of a fee and designates any exemptions to the fee requirement.

**WHEREAS**, the Selah City Council previously established within the Selah Municipal Code Title 20 a unified fee schedule so persons examining the Selah Municipal Code may determine existing fees for applications, certificates, permits, appeals and other actions established and regulated by the Selah Municipal Code; and,

**WHEREAS**, the Council desires to incorporate the parade permit fee within Selah Municipal Code, Title 20;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DOES ORDAIN as follows:

Section 1. New Selah Municipal Code Chapter 20.21 "Parade Permit Fees and Charges" adopted as follows:

Chapter 20.21 – Parade Permit Fees and Charges

Section 20.21.010 Parade Permit Fee

(a) Parade Permit fee: \$ 25.00

Section 2. Effective Date. This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

ORDAINED this 28th day of April, 2015.

\_\_\_\_\_  
John Gawlik, Mayor

ATTEST:

\_\_\_\_\_  
Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert F. Noe, City Attorney

ORDINANCE NO. \_\_\_\_\_



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      INFORMATIONAL ITEM**

**4/28/2015      O – 4A**

**Title:** Planning Commission Minutes- December 16, 2014

**Thru:** Joe Henne, Interim City Administrator

**From:** Caprise Groo, Public Works Department Assistant

**Action Requested:** Informational - No action

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

Information Only

**Background / Findings & Facts:**

Information Only

**Recommended Motion:**

Information only

City of Selah  
**Planning Commission Minutes**  
of  
December 16, 2014

Selah Council Chambers  
115 W. Naches Ave.  
Selah, Washington 98942

A. Call to Order  
The meeting was called to order by Co-Chairman Smith at 5:32p.m.

B. Roll Call:

Members Present: Commissioners: Miller, Torkelson, Smith, and Pendleton.  
Members Absent: Commissioner Quinnell.  
Staff Present: Caprise Groo, Secretary  
Guests: Joe Henne, Public Works Director.

C. Agenda Changes: None.

D. Communications:

1. Oral: None
2. Written: None

E. Approval of minutes

1. November 4, 2014.

Co-Chairman Lisa Smith asked for a motion to approve the November 4, 2014 minutes with corrections.

Commissioner Torkelson motioned to approve the minutes.

Commissioner Miller seconded the motion.

Co-Chairman Smith called for a voice vote and approval of the minutes, with corrections, were passed with a vote of 4-0.

F. Public Hearings

1. Old Business: None
2. New Business: None

G. General Business

1. Old Business: None
2. New Business:
  1. Required: OPEN PUBLIC MEETING ACT training. (Video)

H. Reports/Announcements

1. Chairman
2. Commissioners
3. Staff

Commissioner Miller recommended new business. He suggested that the Planning Commission meet every third Tuesday of the month for learning/training and/or business. He stated that it seemed like there was plenty to learn.

Co-Chairman Smith stated that regular meetings for learning, if there is no business to handle, would be a question for the new City Administrator. He or she would need to define what the Planning Commission's authority was in regards to planning and training. If there is no business to handle then why have a meeting.

Commissioner Torkelson responded that there was the ability to work on the municipal code and expose areas that could be improved. Mr. Torkelson also agreed that the commission would still need direction from the City Administrator on what the commission was allowed to do.

Commissioner Miller referred to the video and asked if the policies were in place for records requests and who made the policies.

Co-Chairman Smith responded that the city council made the policies.

Mr. Henne stated that that law exists and that polices were in place to handle records requests. He explained the procedure to the commissioners. Mr. Henne stated that he did not know why the Planning Commission was required to take this training.

Co-Chairman Smith stated that she had heard of newspapers suing for open records and typically the newspapers won.

Commissioner Torkelson stated that it was common in land development for a citizen to ask to look at the records to make sure things are being done correctly.

Secretary Caprise Groo stated that this training was required to be taken within 6 months of taking a public office. This went in to affect July 1, 2014.

Co-Chairman Smith acknowledged Mr. Wayne Worby.

Wayne Worby: 200 Weems Way, Selah WA 98942. Mr. Worby stated that it wasn't just newspapers that were filing law suits. It was private citizens that were filing the suits and winning cash awards.

Co-Chairman Smith responded that she had heard mainly about the newspapers and prisoner law suits.

Mr. Worby continued discussing open records rules and the responsibility of the Planning Commission. He also talked about the Association of Washington City's.

Co-Chairman Smith asked Joe Henne about the search for a new City Administrator.

Mr. Henne replied that the application period closed on Dec 12<sup>th</sup> 2014. He stated that the Mayor would like to have a person in on board the first to middle of February.

Co-Chairman Smith stated that training was a good point to bring up with the new City Administrator. He or she could review whether the Planning Commission needed more training. She brought up the issue of marijuana and that credit cards are now being accepted for payment.

Commissioner Miller and Co-Chairman Smith discussed the issue.

Commissioner Miller stated the community that wants to do this is very energetic.

Co-Chairman Smith asked Mr. Henne if there were any issue that may come up between now and January.

Commissioner Torkelson stated that there were plan amendment and such coming up.

Mr. Henne replied that there were some revisions to the zoning code coming before to long.

Commissioner Miller asked where these were coming from.

Mr. Henne replied that some were coming from the City Attorney. He also told the Commissioners that he had asked Mr. Davison to stay thru the end of January. He informed the Commission that the contract planner would start in February.

Commissioner Miller wondered why the City was not hiring a full time planner. He asked why the city would do that. Is the Planner not busy?

Mr. Henne stated that the planner was busy.

Commissioner Miller stated that it seem like the City Planner should be a full time position. He asked if it was more efficient to have a part-time Planner.

Mr. Henne stated that the last City Administrator and the City Council had agreed to have a part time Planner. Now that decision is being revised and it will be reviewed monthly and addressed in March 2015.

I. Adjournment

Co Chairman Smith moved to close the meeting. Commissioner Torkelson seconded the motion. The meeting was adjourned at 6:14 pm with a voice vote of 4-0.



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Chairman