

SELAH CITY COUNCIL

4:00pm August 11, 2015



Selah City Council
 Regular Meeting
 Tuesday, August 11, 2015
 4:00pm
 City Council Chambers

Mayor:
 Mayor Pro Tem:
 Council Members:

John Gawlik
 Paul Overby
 John Tierney
 Dave Smeback
 Allen Schmid
 Roy Sample
 Jane Williams
 Laura Ritchie

CITY OF SELAH
 115 West Naches Avenue
 Selah, Washington 98942

City Administrator: Don Wayman
 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
 - Joe Henne a. July 2015 Monthly Report for Building Permits and Inspections, Animal Control and Code Enforcement
 - Don Wayman b. Letter from Department of Ecology re: 2014 ‘Wastewater Treatment Plant Outstanding Performance’ award to City of Selah Wastewater Treatment Plant

- 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: July 28, 2015 Council Meeting
- Dale N. * 2. Approval of Claims & Payroll

- J. Public Hearings **None**
- K. New Business
 - Andrew Potter 1. Carpet Installation Throughout City Hall
- L. Old Business
 - Don Wayman 1. Extension of Municipal Code 10.24 Rewrite

M. Resolutions

- Charlie Brown 1. Resolution Authorizing the Mayor to Sign a Professional Service Agreement with the Yakima Valley Sports Commission
- Tom Durant 2. Resolution Approving the Preliminary Plat of "Somerset II" (912.42.15-02) and Adopting Findings and Conditions of Preliminary Plat Approval
- Andrew Potter * 3. Resolution establishing August 25, 2015 as the public hearing date to consider the adoption of the "Selah Transit Development Plan"
- Joe Henne 4. Resolution Authorizing the Mayor to sign a letter to confirm continuing commitment to Project Match for the Valleyview Avenue/South Third Street/Southern Avenue Project's Right of Way and Construction phases.

N. Ordinances

- Dale N. 1. Ordinance Amending the 2015 Budget for the Purchase of 107 W Selah Avenue

O. Reports/Announcements

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

Caprise Groo a. Planning Commission Minutes – July 21, 2015 Meeting

P. Executive Session

- 1. 30 Minute Session – Real Estate RCW 42.30.110(1)(b)

Q. Adjournment

Next Study Session August 25, 2015
Next Regular Meeting August 25, 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**



COUNCIL MEETING INFORMATIONAL ITEM

8/11/2015 G – 2A

Title: July 2015 Monthly Report for Building Permits and Inspections, Animal Control and Code Enforcement.

Thru: Donald Wayman, City Administrator

From: Joe Henne, Public Works Director

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 are the Building Permits and Inspections, Code Enforcement and Animal Control reports for July.

Recommended Motion:

Informational only.

July 2015 Building Permits Report

No.	Issue Date	Name/Project	Address	Type	Master Plan	Fees
6433	7/28/2015	Torkelson Construction	203 Whisper Way	New Building /SFR	X	\$3,873.16
6434	7/28/2015	Torkelson Construction	203 Whisper Way	New Plumbing		\$191.52
6435	7/28/2015	Torkelson Construction	203 Whisper Way	New Mechanical		\$139.17
6437	7/23/2015	Torkelson Construction	205 Whisper Way	New Building /SFR	X	\$3,873.16
6438	7/23/2015	Torkelson Construction	205 Whisper Way	New Plumbing		\$191.52
6439	7/23/2015	Torkelson Construction	205 Whisper Way	New Mechanical		\$139.17
6441	7/23/2015	Torkelson Construction	207 Whisper Way	New Building /SFR	X	\$3,873.16
6442	7/23/2015	Torkelson Construction	207 Whisper Way	New Plumbing		\$191.52
6443	7/23/2015	Torkelson Construction	207 Whisper Way	New Mechanical		\$139.17
6454	7/1/2015	Brandon Denney	905 W. 7th Ave.	Remodel		\$760.62
6455	7/1/2015	Brandon Denney	905 W. 7th Ave.	Mechanical		\$44.92
6456	7/2/2015	Boyd Kupiz	707 Sage Ave.	RE-Roof		\$78.60
6457	7/2/2015	Andrew Beaman	507 N. 9th Street	RE-Roof		\$78.60
6458	7/8/2015	Marcus Fry	1213 Heritage Hills Dr	Pool		\$186.17
6459	7/8/2015	Marcus Fry	1213 Heritage Hills Dr	Mechanical		\$40.17
6460	7/6/2015	Robert Goodrich	809 W. Naches Ave.	U. G. Sprinklers		\$40.18
6461	7/9/2015	Eugene Brownlee	832 S. 4th Street Loop	Re-model (Patio Cover)		\$214.85
6462	7/13/2015	Gary Boudh	10 Enterprise Dr.	Patio/Deck		\$281.80
6463	7/9/2015	Amanda McGuire/The Lash Extension	117 S. 2nd Street	Commerical/Remodel		\$26.75
6464	7/8/2015	Columbia Ridge Homes LLC	1505 W. Naches Ave.	New Building/SFR	X	\$3,893.96
6465	7/8/2015	Columbia Ridge Homes LLC	1505 W. Naches Ave.	New Plumbing		\$191.52
6466	7/8/2015	Columbia Ridge Homes LLC	1505 W. Naches Ave.	New Mechanical		\$139.17
6467	7/8/2015	Columbia Ridge Homes LLC	1505 W. Naches Ave.	U. G. Sprinklers		\$40.18
6468	7/8/2015	Columbia Ridge Homes LLC	1505 W. Naches Ave.	Addition to New SFR/Pergola		\$71.15
6469	7/15/2015	Torkelson Construction	908 Torkelson Drive	Footing/Foundation ONLY		\$0.00
6470	7/13/2015	Merlin Nelson	1104 W. Fremont Ave	Carport		\$203.08
6471	7/15/2015	George Graves	1502 W. Orchard	Re-Roof Residential		\$78.60
6472	7/16/2015	United Builders	105 W. Fremont Ave	Re-Roof Non-Residential		\$152.71
6473	7/24/2015	Cary Ferguson/JESCO Development	116 E. First Street	Commercial/Remodel		\$702.21
6474	7/24/2015	Cary Ferguson/JESCO Development	116 E. First Street	Commercial/Plumbing		\$52.65
6475	7/24/2015	Cary Ferguson/JESCO Development	116 E. First Street	Commercial/Mechanical		\$51.03
6479	7/21/2015	Rod & Mary Johnson	605 W. Naches Ave.	Window Replacement		\$98.07
6480	7/28/2015	Carl & Candi Torkelson	908 Torkelson Drive	New Building/SFR		\$4,665.99
6481	7/28/2015	Carl & Candi Torkelson	908 Torkelson Drive	New Plumbing		\$180.64
6482	7/28/2015	Carl & Candi Torkelson	908 Torkelson Drive	New Mechanical		\$125.20
					TOTAL	\$25,010.37

Total Building Inspections for July 2015: 80

July 2015 Code Enforcement Report

R. Brons, Report			
DATE:	ADDRESS:	SMC	VIOLATION DESCRIPTION
7/8/2015	1600 Block W Naches Ave	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/8/2015	1600 Block W 1st Ave	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/8/2015	1600 Block W. First Ave.	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/8/2015	1600 Block W. First Ave	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/8/2015	1600 Block W. First Ave.	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/8/2015	1600 Block W. First Ave.	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/10/2015	1700 Block W. Naches Ave	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/10/2015	1700 Block W. Naches Ave	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/14/2015	600 Block S. 3rd Street	6.58.050 & 6.58.180	Certain Growth/Landscape Maintenance
7/14/2015	600 Block S. 3rd Street	6.58.050 & 6.58.180	Certain Growth/ Landscape Maintenance
7/14/2015	600 Block S. 3rd Street	6.58.050 & 6.58.180	Certain Growth/Landscape Maintenance
7/14/2015	600 Block S. 3rd Street	6.58.050 & 6.58.180	Certain Growth/Landscape Maintenance
7/16/2015	1600 Block W 1st Ave Vacant Lot	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/16/2015	1600 Block W. First Ave.	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/16/2015	1600 Block W. Yakima Ave.	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/16/2015	1600 Block W. Yakima Ave.	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/28/2015	1700 Block W. Naches Ave.	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/28/2015	700 Block S. 5th Street	6.58.050, 6.58.180 & 6.58.090	Certain Growth/Landscape Maintenance/Dumping Area
7/29/2015	1600 Block W. Naches Ave.	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/29/2015	1600 Block W. Naches Ave.	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/29/2015	1600 Block W. Naches Ave.	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/29/2015	1600 Block Cedar Lane	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/29/2015	1700 Block W. Naches	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard
7/30/2015	1700 Block W. First Ave.	6.58.050, 6.58.180 & 6.58.200	Certain Growth/Landscape Maintenance/Fire Hazard

<u>DATE</u>	<u>LOCATION</u>	<u>PROBLEM/CONCERN</u>	<u>ACTION TAKEN</u>	<u>RESULT</u>
7/3/2015	400 BLK VALLEYVIEW	SWIMMING POOL-WEEDS	CONTACTED OWNER	DRAINED POOL
7/6/2015	500 BLK SUNRISE PL.	PARKING IN FRONT OF MAILBOX	CONTACTED OWNER	MOVED CAR
7/9/2015	1200 BLK	TREE DRIPPING ON VEHICLES	CIVIL ISSUE W/NEIGHBOR	
7/10/2015	500 BLK VIEWCREST	DEAD TREE	WAITING FOR MR. NOE-DECISION	
7/10/2015	100 BLK PARK AVE.	DEBRIS	CORRECTION LETTER SENT	CLEANED UP
7/13/2015	1300 BLK CEDAR	WEEDS	CONTACTED OWNER	PULLED WEEDS
7/15/2015	200 BLK N 10TH	WEEDS	CONTACTED OWNER	STILL WORKING ON
7/15/2015	10 BLK N 11TH	DEBRIS-WEEDS	CONTACTED OWNER	CLEANED UP
7/16/2015	700 BLK N 1ST	WEEDS	CORRECTION LETTER SENT	WEEDS MOWED
7/17/2015	SUNWAY DR	WEEDS	CONTACTED OWNER	WEEDS MOWED/SPRAYED
7/17/2015	800 BLK N 1ST	WEEDS-DEBRIS	CORRECTION LETTER SENT	STILL WORKING ON
7/20/2015	300 BLK VALLEYVIEW	SPRINKLER HITTING CAR	CIVIL ISSUE W/NEIGHBOR	
7/22/2015	800 BLK S 1ST	NO BUILDING PERMIT	STOP WORK ORDER	CONTACTED BUILDING DEPT
7/23/2015	400 BLK S 5TH	WEEDS	ABANDONED HOUSE	SEARCHING FOR OWNER
7/24/2015	700 BLK GOODLANDER DR	WATER RUNNING INTO STREET	CONTACTED OWNER	FIXED BROKEN PIPE
7/29/2015	1700 BLK W YAKIMA	BLOWING DUST	CONTACTED OWNER	LAYING SOD
7/30/2015	200 BLK S 3RD	SWIMMING POOL	CORRECTION LETTER SENT	RE-INSPECT 8/11/15
7/30/2015	400 BLK S 5TH	WEEDS	CORRECTION LETTER SENT	RE-INSPECT 8/11/15
7/31/2015	900 BLK W FREMONT	WEEDS	CORRECTION LETTER SENT	RE-INSPECT 8/12/15
7/31/2015	100 BLK N 5TH	WEEDS-DEBRIS	CORRECTION LETTER SENT	RE-INSPECT 8/12/15
7/31/2015	600 BLK S 3RD	WEEDS	CORRECTION LETTER SENT	RE-INSPECT 8/12/15

Animal Control

<u>DATE</u>	<u>LOCATION</u>	<u>PROBLEM/CONCERN</u>	<u>ACTION TAKEN</u>	<u>RESULT</u>
7/3/2015	WIXSON PARK	CAT STUCK IN TREE	CAT GONE UPON ARIVAL	
7/8/2015	500 BLK S 5TH	PITBULL RUNNING LOOSE	UNABLE TO LOCATE	
7/13/2015	800 BLK W FREMONT AVE.	DEAD CAT	PICKED UP & DISPOSED	
7/13/2015	200 BLK SOUTHERN	SKUNKS	NONE	OFFERED TRAPS
7/14/2015	PLESANT HILL RD.	BARKING DOGS	IN COUNTY	
7/14/2015	300 BLK PLESANT AVE.	SICK KITTEN FOUND	TAKEN TO HUMANE SHELTER	
7/15/2015	WIXSON PARK	FOUND DOG	TAKEN TO HUMANE SHELTER	
7/15/2015	10 BLK N 11TH	ALLEDGED PIT BULL	DOG WAS A BOXXER	NO ISSUE
7/17/2015	500 BLK S 5TH	ANIMAL NEGLECT	DOG HAD WATER AND SHADE	NO ISSUE
7/17/2015	100 BLK S 3RD	DEAD SKUNK	PICKED UP & DISPOSED	
7/20/2015	800 BLK W BARTLETT	LOOSE DOG	TAKEN TO HUMANE SHELTER	
7/21/2015	100 BLK W FREMONT	BARKING DOGS	SPOKE TO OWNER	TAKEN INSIDE
7/21/2015	400 BLK LOOKOUT POINT	DOG BITE	SPOKE TO OWNER	MET ALL REQUIREMENTS
7/23/2015	900 BLK W BARTLETT	LOOSE DOG	UNABLE TO LOCATE	
7/24/2015	WIXSON PARK	LOOSE DOG	TAKEN TO HUMANE SHELTER	
7/24/2015	900 BLK SPEYERS	DEAD CAT	PICKED UP & DISPOSED	
7/27/2015	JIM CLEMENTS WAY	DEAD CAT	PICKED UP & DISPOSED	
7/28/2015	600 BLK N 14TH	FOUND DOGS	LOCATED OWNERS	LIVE IN COUNTY
7/29/2015	400 BLK ANCHOR LP.	DEAD SKUNK	PICKED UP & DISPOSED	
7/30/2015	100 E ORCHARD AVE.	DOG BITE	CAUGHT DOG	TAKEN TO HUMANE SHELTER
7/30/2015	200 BLK PLEASANT	LOOSE DOG	CONTACTED OWNER	SECURED GATE



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



COUNCIL MEETING INFORMATIONAL ITEM

8/11/2015 G – 2B

Title: Letter from Department of Ecology re: 2014 'Wastewater Treatment Plant Outstanding Performance' award to City of Selah Wastewater Treatment Plant

Thru: Donald Wayman, City Administrator

From: Donald wayman, 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:

For the eighth consecutive year, the City of Selah Wastewater Treatment Plant is receiving the 'Wastewater Treatment Plant Outstanding Performance' award from the Department of Ecology.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

July 21, 2015

The Honorable John Gawlik
Mayor of Selah
115 W Naches Ave
Selah, WA 98942

Dear Mayor Gawlik:

Congratulations! The City of Selah Wastewater Treatment Plant is receiving the 2014 "Wastewater Treatment Plant Outstanding Performance" award. Of approximately 300 wastewater treatment plants statewide, yours is one of 127 that achieved full compliance with its National Pollutant Discharge Elimination System (NPDES) permit in 2014.

My staff evaluated wastewater treatment plants in Washington for compliance with the effluent limits, monitoring and reporting requirements, spill prevention planning, pretreatment, and overall operational demands of the NPDES permit.

It takes diligent operators and a strong management team, working effectively together, to achieve this high level of compliance. It is not easy to operate a wastewater treatment plant 24 hours a day, 365 days a year, without violations. The Washington State Department of Ecology (Ecology) appreciates the extraordinary level of effort your plant operators demonstrated throughout 2014. Talented and proficient operators are critical to successful plant operations and protecting the health of Washington's waters. This is the eighth consecutive year the City of Selah Wastewater Treatment Plant received this award. Your excellent record is a credit to the dedicated operators who are responsible for operating this award-winning plant.

Ecology will issue a news release recognizing the 2014 award recipients including the City of Selah Wastewater Treatment Plant.

Please call Donna Smith at 509-575-2612 if you have any questions or comments about your award.

Thank you for the excellent service you provide. Congratulations!

Sincerely,

Heather R. Bartlett
Water Quality Program Manager





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



COUNCIL MEETING ACTION ITEM

8/11/2015

I – 1

Title: Approval of Minutes: July 28, 2015 Council Meeting

Thru: Donald Wayman, 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
July 28, 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 6:30pm.

B. Roll Call

Members Present: Paul Overby; Dave Smeback; Allen Schmid; Roy Sample; Jane Williams;
Laura Ritchie

Members Excused: John Tierney

Staff Present: Don Wayman, City Administrator; Bob Noe, City Attorney; Jim Lange,
Deputy Fire Chief; Rick Hayes, Police Chief; Joe Henne, Public Works
Director; 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

Council Member Sample led the Pledge of Allegiance. Pastor Brad Hill gave the prayer.

D. Agenda Changes **None**

E. Public Appearances/Introductions/ Presentations **None**

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

G. Communications

1. Oral

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

2. Written

a. Selah Downtown Association Quarterly Report

H. Proclamations/Announcements None

I. Consent Agenda

Council Member Overby moved, and Council Member Smeback seconded, to add N – 1 to the Consent Agenda. By voice vote, approval was unanimous.

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: May 26, 2015 Study Session & Council Meeting

* 2. Approval of Claims & Payroll:

Claim Checks Nos. 66143 – 66210 for a total of \$196,157.64

* 3. Ordinance N – 1: Ordinance Authorizing the Acquisition of Personal Property and Execution of a Financing Contract and Related Documentation Relating to the Acquisition of Said Property

Council Member Smeback moved, and Council Member Williams 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 Approving the Preliminary Plat of “Somerset II” (912.42.15-02) and Adopting Findings and Conditions of Preliminary Plat Approval

Community Planner Durant addressed M – 1. He said that, since Council did not set a hearing date at the last meeting for a continuance of the closed record hearing, he’s requesting that they continue the matter to the August 11th meeting to allow him time to send out notifications.

City Administrator Wayman added that, when they reviewed the minutes, there wasn’t an actual continuance date mentioned, and that the City needs to provide a ten day notice to those living within six hundred feet of the subject property. He noted that a vote taken on the matter today could be appealed to Superior Court and kicked back for another notice and vote.

Council Member Schmid moved, and Council Member Overby seconded, to continue the matter to the August 11, 2015 meeting, with instructions to the Community Planner to present a ten day

notice to the public. Roll was called: Council Member Overby – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.

Mayor Gawlik stated that the matter had been set over to the August 11th Council Meeting, and that those who reside within six hundred feet of the proposed plat will be notified.

Community Planner Durant wondered if they should notify those present at last hearing.

City Attorney Noe responded that they should do those within six hundred feet and anyone who signed in at the hearing.

Community Planner Durant asked for confirmation of the time for the closed record hearing .

Mayor Gawlik replied that it will be held on the second Tuesday of August at 4pm.

Council Member Schmid inquired if that was sufficient time for a ten day notice.

Community Planner Durant responded in the affirmative.

Council Member Williams wondered if it would be posted on the website.

Mayor Gawlik remarked that the City has a legal responsibility to send out notices to the people effected, and to publish a notice in the paper.

City Administrator Wayman noted that there is no other requirement in the Code.

2. Resolution Supporting the Selah Park and Recreation Service Area's (SPRSA'S) Bond Measure Proposition Authorizing the SPRSA to Issue General Obligation Bonds to Finance the Costs of Acquiring, Constructing, and Equipping Swimming Pool Facilities

Recreation Manager Brown addressed M – 2. He said that the SPRSA has been working to get Selah a new pool prior to the expiration of the six year Maintenance and Operations (M&O) levy, and they voted on July 20th to put a bond before the voters . He explained that there are two options for the pool, along with an optional cover, and listed the places one could pick up a survey to fill out, including an electronic version on the City's home page. He noted that the survey has approximately one hundred fifty responses to date, with eighty-six for option one, twenty-six for option two, and seventy-seven in favor of the seasonal cover.

Mayor Gawlik invited the SPRSA representative to approach the podium.

Kellianne Ergeson approached the podium and addressed the Council. She said that she is the current chair of the Board, and that she wanted the Council to know how sincere the effort has been to pursue a measure to improve or replace the current pool prior to the expiration of the M&O levy. She noted that the SPRSA was formed to take advantage of the larger tax base, which essentially encompasses the same footprint as the Selah School District. She expressed her thanks to Recreation Manager Brown and

Assistant to the Administrator Potter for their effort in the endeavor. She stated that the process started with a survey some time back, which showed interest in a new pool, particularly a year round one, and based on that feedback they have the two pool options, along with an optional cover, for the public to express their opinions on. She added that they would construct a new pool at the same location as the existing one, and that the additional parking around the Civic Center will also provide more parking for those using the pool facilities.

Mayor Gawlik remarked that he had the opportunity and pleasure of sitting in the audience during several SPRSA meetings, and that he was impressed with the hard work members have put into the project. He commented that the board has listened to the community and the interest groups and is giving them what they have asked for with regard to a new pool.

Ms. Ergeson expressed her appreciation of his compliment regarding her fellow board members. She noted that it is a bond proposal to fund improvements but would require an M&O levy to support the new facility, and that adding the cover would make it a larger levy. She stated that they have some public education to do regarding the difference between a capital improvement bond and an M&O levy.

Council Member Overby wondered when construction would begin if the bond is approved, and how long the current pool would stay in operation.

Recreation Manager Brown responded that construction would start in 2016, and that he would opt to start with building the competition pool.

Council Member Overby assumed that they would have enough money to maintain the additional expense of a year round cover as well.

Recreation Manager Brown replied that the one they are looking at is a telescoping building, and that it wouldn't have to be used initially.

Ms. Ergeson commented that the current M&O levy is not sufficient for a year round pool, but would give them some flexibility, such as doing a nine month operation to accommodate deep winter opportunities for seniors and water aerobics.

Council Member Overby asked for confirmation that they could have the new facility in existence in 2017, but not a larger M&O levy to allow for additional services.

Ms. Ergeson responded in the affirmative, saying that a larger levy would be needed.

Mayor Gawlik inquired if the engineering firm indicated that a new facility might have a reduction in expenses on a monthly basis.

Recreation Manager Brown indicated that the firm is reviewing the final maintenance and have only given them a rough estimate to date.

Mayor Gawlik thought that, if it was operated nine months of the year, they could experience a less expensive monthly expenditure.

Council Member Overby commented that payroll is still an impact.

Ms. Ergeson reiterated that they would need a more expensive M&O levy with a seasonal cover.

Mayor Gawlik felt that they've given the people what they've asked for, and that the voters will need to mark the right box to help pay for it.

Council Member Ritchie wondered if the cover could be purchased separately.

Recreation Manager Brown replied in the affirmative, saying that they can place the footing and purchase the cover itself at a later date.

Council Member Ritchie suggested doing at least one direct mailing to show people what they are looking at, to give them details.

Ms. Ergeson stated that education will be critical, and that, while she would love to see the SPRSA do as much as they can, it does come at price.

Council Member Williams wondered if the SPRSA resolution in the packet was a sample or the actual wording.

Ms. Ergeson responded that it is exceptionally close, although they may add some additional wording to include' and optional seasonal cover.

Council Member Ritchie asked when they would decide regarding the optional cover.

Recreation Manager Brown replied that it's an option on the current survey.

Council Member Ritchie commented that it wouldn't be written as optional on the ballot.

Ms. Ergeson said that, given the schedule and their desire to take a vote and give the Council an opportunity to review it, coupled with a strong desire for community feedback, they met on July 20th to approve the Resolution with additional wording. She noted that there will be a special meeting in August, at which point they may decide to repeal the Resolution and approve a new one that clearly reflects the survey results.

Council Member Williams expressed concern about the Council voting yes on the matter, but that she had discussed it with City Attorney Noe and been assured that it wasn't against any public disclosure requirements or conditions.

City Attorney Noe stated that there has to be an opportunity for any opponents to speak if they oppose it, once Council done with their discussion.

After confirming that Council was finished with discussion Mayor Gawlik opened the meeting for anyone opposed to speak. Seeing no one rise he then closed the meeting.

Council Member Overby moved, and Council Member Schmid seconded, to approve the Resolution Supporting the Selah Park and Recreation Service Area's (SPRSA'S) Bond Measure Proposition Authorizing the SPRSA to Issue General Obligation Bonds to Finance the Costs of Acquiring, Constructing, and Equipping Swimming Pool Facilities. Roll was called: Council Member Overby – yes; Council Member Smeback –yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.

N. Ordinances

- * 1. Ordinance Authorizing the Acquisition of Personal Property and Execution of a Financing Contract and Related Documentation Relating to the Acquisition of Said Property**

O. Reports/Announcements

1. Mayor

Mayor Gawlik had no report.

2. Council Members

Council Member Ritchie had no report.

Council Member Overby had no report.

Council Member Sample had no report.

Council Member Smeback had no report.

Council Member Williams asked if a retreat date had been set.

City Administrator Wayman responded that he was handed that task the day before and will get going on the matter.

Council Member Williams requested that it be done prior to budget time. She asked if sitting Council Members can give input on the proposed Planned Development Ordinance in the forming stage of it.

City Attorney Noe responded that it's a piece of legislation, so they can give input on the matter.

Council Member Schmid had no report.

3. Department

Public Works Director Henne had no report. He said that the Wernex Loop project is done, as is the Goodlander project; the crew is working on shoulders, reading meters, and doing some paving.

Clerk/Treasurer Novobielski said that the July sales tax figures came in, and that he left an updated worksheet in each Council Member's box. He noted that they are currently at sixty-nine percent of the budgeted amount for sales tax, and he's optimistic that the year will finish out in a similar manner.

Mayor Gawlik asked if he was indicating they are on track with anticipated expenditures and revenues.

Clerk/Treasurer Novobielski replied that he is only talking about revenues, which should be at roughly fifty-six percent at present according to the projected budget.

Council Member Williams wondered where the additional funds are coming from.

Clerk/Treasurer Novobielski commented that auto sales, which make up approximately forty plus percent of sales tax, are strong right now, and that food businesses, which are roughly forty percent, are also very strong.

Community Planner Durant said that the Chapter 10.24 Planned Development amendment is moving forward. He commented that they held a Planning Commission meeting last week, and will have another one on August 4th, with a hearing on the 18th.

City Administrator Wayman remarked that the second draft is on the website for review, adding that he has received no comment from the public as result of the meeting.

Recreation Manager Brown said that they are in a slow period right now, getting ready for soccer and the Army Base race.

Mayor Gawlik requested an update on Volunteer Park.

Recreation Manager Brown responded that the grant manager said they should have something at the beginning of the next month.

Deputy Fire Chief Lange said that his department has been busy with annual testing and maintenance, and getting caught up on the monthly life safety inspections. He gave a brief update on the two new brush/rescue units, which are slated to be completed and delivered in December. He commented that they've had a few groups through the station on tours, and no significant incidents since the last meeting.

Mayor Gawlik inquired about mutual aid calls.

Deputy Fire Chief Lange replied that there have been numerous calls for mutual aid; the exact numbers will be in the year end report. He thanked Public Works for the use of their parking lot for annual driver training.

Police Chief Hayes said that next Tuesday, August 4th, is National Night Out at Wixson Park, from six to nine pm. He listed some of the clubs and activities that will be there, adding that this is the first event

Community Relations and Evidence Technician has done by herself. He noted that they are in the process of selecting the 2016 Chief for a Day, which is only done on even years.

Mayor Gawlik commented on the new summer uniform, saying that he noticed the switch a month or so ago.

Police Chief Hayes responded that the department switched to this summer uniform a couple years ago, which is cooler than the jumpsuits and doesn't require dry cleaning.

City Administrator Wayman had no report.

City Attorney Noe had no report.

4. Boards None

Council took a ten minute recess.

P. Executive Session

1. 30 Minute Session – Real Estate RCW 42.30.110(1)(b)

Council went into Executive Session at 7:31pm. At 8:01pm, Council went back on the record. Mayor Gawlik stated that no action was taken during the Executive Session.

Council Member Smeback moved, and Council Member Schmid seconded, to accept the offer from Graf Investments for the City's parcel on Crusher Canyon Road, for the amount of \$100,000.00. Council Member Overby – yes; Council Member Smeback –yes; Council Member Schmid –yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote approval was unanimous.

City Attorney Noe stated that the property would need to be declared surplus.

Council Member Schmid responded that it was already designated as surplus.

Mayor Gawlik commented that this parcel was one of the properties surplused in 2012.

Council Member Smeback added that he remembers seeing the legal notice in the Yakima Herald.

Q. Adjournment

Council Member Williams moved, and Council Member Sample seconded, that the meeting be adjourned. Motion passed with five yes votes and one no vote.

The meeting adjourned at 8:03pm.

John Gawlik, Mayor

Paul Overby, Council Member

EXCUSED
John Tierney, Council Member

Dave Smeback, Council Member

Allen Schmid, Council Member

Roy Sample, Council Member

Jane Williams, Council Member

Laura Ritchie, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer



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



COUNCIL MEETING ACTION ITEM
8/11/2015 1 – 2

Title: Claims & Payroll

Thru: Donald Wayman, City Administrator

From: Monica Lake, Executive Assistant

Action Requested: Informational - No action

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

8/11/2015 K – 1

Title: Carpet Installation Throughout City Hall

Thru: Donald Wayman, City Administrator

From: Andrew Potter, Assistant to the City Administrator

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: \$12,000

Funding Source: General Fund

Staff Recommendation:

Buy and install new carpet throughout city hall.

Background / Findings & Facts:

The carpet in City Hall is exceptionally worn. There is duck tape holding seams together in doorways and down hallways. This is both unprofessional in appearance and a potential safety hazard. Recently the old Judge's platform was removed to accommodate more people and needs to be recarpeted.

Two local companies were asked to provide proposals based on the square footage of the current carpet and the attached proposal from Custom Tile Works came in as the least expensive. The public works department intends to also paint the conference room as this space is currently used for several community meetings.



CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY



Recommended Motion:

Move to approve the the purchase and installation of now carpet throughout City Hall.

Custom Tile Works, Inc
110 W. Naches Ave.
Selah, Wa 98942

509.697.7028 509.697.5001 Fax
 www.customtileworkshome.com

Selah City Hall

Estimate

Date	Estimate #
7/13/2015	4359

Item	Description	Qty	Rep	Project
			BRC	
Amount	Total			
CARPET	REVISED 7/14/15 to add two library rooms: Furnish and install commercial carpet in Selah City Hall. Estimate includes tear out of existing in court room, offices, conference room, hallway/lobby, mail room, break room, copy and file, main office and two library rooms. Estimate also includes install of new CTW provided carpet along with 6" rubber base in all rooms and hallway to be carpeted except where existing wood base exists. ***Estimate is based on customer provided measurements only. Estimate may change with CTW final field measure.	1	10,830.06	10,830.06
SUBJECT T...	** PRICE IS SUBJECT TO CHANGE DUE TO UNFORESEEN CONSTRUCTION DETAILS - ITEMS WILL BE DISCUSSED BEFORE CONTINUING. AN ADDENDUM WILL BE WRITTEN AND MUST BE SIGNED TO CONTINUE. ESTIMATE DOES NOT INCLUDE WASHINGTON STATE SALES TAX - TAX WILL BE ADDED TO FINAL INVOICE IF APPLICABLE		0.00	0.00
			0.00%	0.00

This estimate is only good for 30 days from the date printed. We have a minimum charge of \$200 on any job. Accounts not paid when due will be considered delinquent and assessed a late charge of the greater of \$5.00 or 1.5% per month on the amount delinquent. Should collection efforts become necessary, purchaser shall be liable for all costs of collection to include but not limited to reasonable attorney's fees. Venue for any legal action arising out of this transaction shall lie in Yakima County, WA. A \$35.00 service charge will be applied to all returned checks. Restocking fees and additional freight charges may apply to returned items.
 WA Contractor License# CUSTOTW984QF

Subtotal	\$10,830.06
Sales Tax (8.2%)	\$0.00
Total	\$10,830.06

Signature Accepts Estimate _____

Date Signed _____



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



COUNCIL MEETING ACTION ITEM

8/7/2015 L – 1

Title: Extension of Municipal Code 10.24 Rewrite

Thru: Donald Wayman, City Administrator

From: Donald Wayman, City Administrator

Action Requested: Approval

Board/Commission Recommendation: Approval

Fiscal Impact: N/A

Funding Source: N/A

Staff Recommendation:

Approval of extension

Background / Findings & Facts:

On May 26th Council voted to repeal Chapter 10.24, with a ninety day deadline for a new version to be submitted to the Council. City staff and the Planning Commission wish to extend the deadline for an additional thirty days to allow for sufficient public comment and review by the Planning Commission.

Recommended Motion:

Move to extend the deadline for the Chapter 10.24 rewrite for another thirty days.



**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:

5/26/2015

Ordinance Repealing Chapter 10.24, to the Selah Municipal Code, "Planned Development (PD) Zoning District"; Directing a Work Program; Addressing Vesting; Establishing an Effective Date; and, Providing for Severability

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



COUNCIL MEETING ACTION ITEM

8/11/2015 M – 1

Title: Resolution Authorizing the Mayor to Sign a Professional Service Agreement with the Yakima Valley Sports Commission

Thru: Donald Wayman, City Administrator

From: Charles Brown, Recreation Manager

Action Requested: Approval

Board/Commission Recommendation: Approval

Fiscal Impact: \$0.00

Funding Source: N/A

Staff Recommendation:

I recommend that we partner with the Yakima Sports Commission to advertise our event in exchange for the use of our timing equipment at their event.

Background / Findings & Facts:

The Yakima Sports Commission has a well-developed 3-on-3 basketball tournament. The Army Base Race would be part of all of their promotion items, on radio on print and we would be the sponsor of a court in exchange for the use of our timing system at their Pirate Plunder in October. Their event has over 450 teams from across the state as well as beyond the state lines. This is an inexpensive way for us to get some event promotion and recognition.



CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY



Recommended Motion:

I move to approve the partnership with the Yakima Sports Commission for advertising, in exchange for the use of the Parks and Recreation Timing System.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A
PROFESSIONAL SERVICE AGREEMENT WITH THE YAKIMA
VALLEY SPORTS COMMISSION**

WHEREAS, The City of Selah referred to as the "City" and the Yakima Valley Sports Commission referred to as the "Commission", wish to enter into a contract to formalize their partnership; and

WHEREAS, the City believes it to be beneficial to trade the use of their timing equipment for advertising services; and

WHEREAS, the City shall provide timing equipment and a staff member to the Commission in return for advertising services at the Hot Shots Tournament described in 2015 Partnership Proposal; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, that the Mayor is authorized to sign a Professional Service Agreement with the Yakima Valley Sports Commission.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 11th day of August, 2015.

John Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

Robert Noe, City Attorney

RESOLUTION NO. _____



2015 PARTNERSHIP PROPOSAL

Prepared For:

City of Selah



Proposal A



City of Selah will serve as a **Court Partner** for the following 2015 Signature Event:

Yakima Hot Shots 3-On-3 Basketball Tournament, August 29-30, 2015

A record 463 teams and over 1800 players participated in the 12th Annual Hot Shots 3-On-3 Basketball Tournament in 2014, bringing over 12,000 people to the streets of downtown Yakima.

As a Court Partner, **City of Selah** will receive the following partnership elements:

- Backboard Signage
- Logo Mention on all Court Maps
- Logo Mention on the **City of Selah** Bracket Sheet
- Logo Mention as a Court Partner in the Event Guide
- Two (2) Pirate Plunder Race Entries (can be donated on Partner's behalf)
- One (1) Public Address Announcement per Day
- One (1) Public Address Announcement as a Court Partner per Day

The Yakima Valley Sports Commission will receive a partnership fee from **City of Selah** due as follows:

- The use of their Chip Timing system, a staff member to run the system, and 200 chip timers for the Pirate Plunder Adventure Race October 3rd, 2015.

Agreed:

City of Selah Parks and Recreation
Mayor John Gawlick
115 W. Naches Ave #1
Selah, WA 98942
509.698.7300

Date

Yakima Valley Sports Commission
Nicol Sloon
10 N 8th Street
Yakima, WA 98901
509-573-3083 Phone
509-575-6252 Fax
nicol@yakimasports.org

Date



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



COUNCIL MEETING ACTION ITEM

8/11/2015 M – 2

Title: Resolution Approving the Preliminary Plat of “Somerset II” (912.42.15-02) and Adopting Findings and Conditions of Preliminary Plat Approval

Thru: Donald Wayman, 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 of recommendation to approve preliminary plat with conditions.
Denial of recommendation to require private access street to comply with City Design and Construction Standards.

Background / Findings & Facts:

Hearing Examiner conducted an open record public hearing June 10, 2015 and prepared findings of fact and conclusions with two recommendations on June 26, 2015: The first recommendation for Approval of the Preliminary Plat with 25 conditions. The second recommendation that the private access street comply with roadway section design standards as determined by the Public Works Director in accordance with the City of Selah Design and Construction Standards dated March 2012.



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



Recommended Motion:

I move the Council approve Preliminary Plat No. 912.42.15-02 designated as Somerset II, adopt the Hearing Examiner's first recommendation with 25 specific conditions of plat approval, but not adopt the Hearing Examiner's second recommendation.



**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:
6/10/2015	Hearing Examiner Open Record Public Hearing
7/14/2015	Council voted to set the matter aside until the minutes from the Planning Commission became available, and a complete packet was provided for them to study.
7/28/2015	Council voted to continue the matter to the August 11, 2015 meeting

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RESOLUTION NO. _____

RESOLUTION APPROVING THE PRELIMINARY PLAT OF "SOMERSET II" (912.42.15-02) AND ADOPTING FINDINGS AND CONDITIONS OF PRELIMINARY PLAT APPROVAL

WHEREAS, on July 14, 2015 and August 11, 2015 the City of Selah City Council considered Preliminary Plat No. 912.42.15-02 known as "SOMERSET II" located on Herlou Drive and Lyle Loop Road. Yakima County Taxation Parcel Numbers: (181426-44005 & 44021); and,

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

WHEREAS, the Preliminary Plat application included an application for variance (Exception under SMC 10.50.070) to allow access to four lots (six dwelling units) by private road; and,

WHEREAS, The Hearing Examiner recommended approval of the application for Preliminary Plat and two two-family lots, consisting of two separate recommendations: The first recommendation to approve the preliminary plat subject to 25 conditions and the second recommendation being that the private access street comply with roadway section design standards as determined by the Public Works Director in accordance with the City of Selah Design and Construction Standards dated March 2012. The second recommendation would supplement Conditions 10 and 11 of the first recommendation; and,

WHEREAS, the City of Selah Council has considered the Hearing Examiner's findings of fact and conclusions and the City staff report dated June 3, 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 June 26, 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. 912.42.15-021 designated as "Somerset II" be approved, that the Hearing Examiner's Findings and Conclusions and the Hearing Examiner's Recommendation be adopted with the twenty five (25) specific conditions contained in said Findings and Conclusions and a copy of which is attached hereto, but that the Hearing Examiner's Second Recommendation not be adopted.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON
this 11th day of August 2015.

John Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

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. 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. All the design and improvement notations indicated on Exhibit 7 in the record ("Variance Proposal, Somerset II, March 17, 2015), except as modified by the other conditions imposed by the City Council in this preliminary plat review proceeding, are included as conditions of preliminary plat approval.
3. Lots 19 and 20 are authorized to be designated as two-family residential lots on the final plat and may be developed into two-family residential structures up to 28 feet in height 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.
 - c. Building materials shall be consistent in appearance with that of surrounding single-family homes. To further ensure harmonious development of the designated lots with the *development of single family lots in the subdivision, restrictive covenants that describe the required building specifications for the two-family dwellings shall be recorded prior to recording the final plat for the phase in which they are in.*
 - d. Building specifications from the restrictive covenants for the proposed two-family dwellings 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.
 - e. This decision does not preclude the development of detached single-family residences on any of these lots.
4. Final lot dimensions and lot area must substantially conform to the preliminary plat.
5. 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.
6. 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 specifications 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.

7. Reports, plans and specifications previously submitted shall count toward meeting the requirements of Conditions #5 and #6 if accepted by the Public Works Director to the extent of the improvements for which they are determined to be sufficient.
8. 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. Lots 17 through 20 shall be served by an 8 inch sewer line extended in a utility easement across Lots 11 and 12 and then continued to the other lots in the access and utility easement as shown on the Preliminary Plat. There shall be a moratorium on street cuts for a period of five (5) years from the date of each phase recording.
9. Lyle Loop Road: Street improvements must be constructed to City standards as approved by the Public Works Director including 50 foot wide right-of-way, 32 foot wide asphalt pavement, concrete rolled (or better) curb and gutter, five (5) foot wide sidewalk on one street side and street illumination. The sidewalk shall be installed on the same side of the street as it is on the existing completed portion of Lyle Loop Road. Utility improvements shall be extended beyond street pavement edge to facilitate future extension where appropriate. Street grade shall not exceed 10%.
10. The private street roadway shall be constructed as a hard-surfaced street to specifications approved by the Public Works Director prior to recording the final plat. The street shall have a minimum surface width of 20 feet, subject to increased requirements imposed by the City Council in this proceeding.
11. The private street shall be designated "no-parking" as shown by the site plan submitted with the preliminary plat application and shall be posted with signs prior to final plat approval.
12. Covenants or a road maintenance agreement among the owners of Lots 17, 18, 19 and 20, providing for the perpetual maintenance of the private roadway and that establish a road maintenance fund shall be recorded with the Yakima County Auditor and a recorded copy submitted to the Selah Planning Department prior to recording the final plat. If driveway access to Lots 13 and 14 is made available from the private street, such covenants or agreement shall include owners of Lots 13 and 14.
13. Driveway access to Lots 13 and 14 shall be limited to Lyle Loop Road and the part of the private access easement passing in a north-south direction between them.
14. Street illumination shall be installed by the developer at locations and to the specifications of the Public Works Director (typically at 300 foot intervals or as otherwise determined by the Director of Public Works in order to maximize illumination). Street lights shall be installed on metal poles.
15. Fire hydrants shall be provided and installed by the developer at locations approved by the City of Selah Fire Chief and to the specifications of Selah Municipal Code, Chapter 11.30.

16. Storm Water drainage facilities to accommodate runoff generated in the plat must comply with a drainage facilities plan prepared by a Licensed Professional Engineer and approved by the Public Works Director. Plans submitted previously will count toward meeting this requirement if approved by the Public Works Director. Additional documentation may be required for portions of the site not covered by any such previously submitted plans.
17. Areas reserved for sight distance vision triangles shall be shown and noted on the final plat. (Selah Code, Chapter 10.50).
18. 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.
19. All required street signs, posts and appurtenances must be supplied by the developer and will be installed by the City.
20. An NPDES Construction Stormwater General Permit shall be obtained unless determined by the Department of Ecology that it is not required.
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.”
22. The applicant shall recommend a street name to assign to the private access street and shall submit the name to the Planning Department for approval prior to recording the final plat. The approved street name shall be shown on the face of the final plat.
23. A surety bond, or such other secure financial method, in the amount of 15% of the cost of the public improvements (as each final phase is submitted) (i.e., roads, sidewalks, street lights, drainage facilities, sewage 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.
24. Prior to final plat recording, all required plat improvements (utilities, streets, drainage facilities, etc.) must be installed and accepted by the City or a surety bond pledged to the City to ensure installation of the plat improvements within two years of final plat recording.
25. Improvements required for the subdivision must be completed and the final plat must be submitted within the maximum 5-year time period required by RCW 58.17.140. A one-time, one-year extension may be authorized in accordance with SMC 10.50.033(c) but the request must be made before the 5-year time period ends.

CITY OF SELAH HEARING EXAMINER

STAFF REPORT

June 3, 2015

FILE NO.: PRELIMINARY PLAT 912.42.15-02 "Somerset II"
SUBDIVISION VARIANCE 915.42.15-01
SEPA ENVIRONMENTAL REVIEW 971.42.15-04

PROPOSAL: Preliminary Plat of "Somerset II" subdividing the 4.7 acre subject property into 20 lots served by a full range of public utilities consisting of 18 single family residential lots and 2 lots designated for two-family dwellings. Four of the lots, including the designated two-family residential lots are to obtain access from a private road requiring a subdivision variance.

Proposed lots sizes range from 8,000 to 12,298 square feet. Average proposed lot size is 8,578 square feet. The two lots proposed for two-family dwellings are 9,614 and 9,653 square feet. Proposed density is 4.7 dwellings per gross acre.

A portion of the subject property was approved for a 17 lot preliminary plat by Yakima County, but not recorded. Previous to the plat approval, part of the property was a tract in Somerset I, a subdivision that other than this tract has been built out. Part of the property was acquired through a street vacation for Herlou Drive.

PROPONENT & PROPERTY OWNER: Zuker-Sample, LLC

LOCATION: Site fronts on Herlou Drive to the west and Lyle Loop Road to the east. It is about 100 feet north of the intersection of Lyle Loop and Herlou Drive and about 200 feet south of the intersection of Herlou Drive and Weems Way (Tax Parcel Numbers: 181426-44005 and 44021).

The site is bordered on the south by Somerset I, a 24 lot subdivision recorded in 2002 and built out with detached single family homes on lots that are mostly 8,000 to 10,000 square feet in size but also includes a few somewhat larger lots up to 28,624 square feet (0.66 acre).

APPLICATION AUTHORITY AND JURISDICTION: Selah Municipal Code, Chapter 10.50 (subdivision) and Chapter 10.12 (R-1 Zoning District).

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 hearing examiner must consider the lot locations and carefully consider adjacent properties to ensure harmonious compatibility. Other required standards for two-family lots include a minimum lot size of 9,000 square feet or the minimum lot size based on slope as specified in SMC 10.12.030. Also, SMC 10.50.041(e)(6)(C) from the subdivision code requires the minimum lot size to be increased by an additional ten percent on corner lots.

Once the lots are designated, the future duplexes may be authorized as Class 1 Uses, subject to the same requirement for harmonious compatibility.

The subdivision variance or exception is being considered under SMC 10.50.070 which authorizes the hearing examiner to recommend to the City Council an exception from the requirements of Chapter 10.50 when in the examiner's opinion, undue hardship may be created as a result of strict compliance with its provisions or any standards adopted by reference. The following findings are necessary to recommend an exception:

1. There are special physical circumstances or conditions affecting the property such that the strict application of the provisions of the (subdivision) chapter would deprive the applicant of the reasonable use or development of the land.
2. That the exception is necessary to insure such property the rights and privileges enjoyed by other properties in the vicinity.
3. That the public interest is preserved.

The Design standards and specifications for subdivisions include a standard that no private streets are allowed in any subdivision, and every lot and block shall be served from a publicly dedicated street. The standard makes an exception that authorizes private streets where there will be no adverse effect on future traffic circulation of neighboring parcels (SMC 10.50.041(d)(4)).

In addition to this requirement, SMC 10.50.041(e)(3) states that each lot must front upon a public street with a width not less than those set forth in the street standards. SMC 10.50.041(e)(3) provides that lots having frontage on two streets should be avoided whenever possible.

standard of hardship or denial is applied to development

PUBLIC FACILITIES AND UTILITY SERVICES: A full range of public facilities and utility services including water, sewage, storm drainage and fire protection serves the property.

ACCESS: Herlou Drive, Yakima County local access street borders the site on the west; Lyle Loop Road, a local access street borders the site on the east and would be extended across the property to Herlou Drive providing internal access to the proposed subdivision.

ENVIRONMENTAL REVIEW: A Determination of Nonsignificance (DNS) (971.42.15-04) was issued on May 7, 2015 using the Optional Method of WAC 197-11-355 following the 14 day comment period for the Notice of Application issued on April 15. As a result of concerns raised about the notice, the Notice of Application was reissued on May 20, 2015 and an additional comment period provided for comments on the environmental review to June 5, 2015. This staff report will be supplemented as necessary to incorporate any comments received and any changes made to the SEPA decision as a result.

Three comment letters were received as of the date of this report including a letter from the Department of Ecology and two citizen letters. One of the letters seemed to be in regard to another project or to development now occurring in general, but since it made specific comments to "the property on Herlou between Weems Way and Goodlander" it was included and considered in this review.

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Issues raised by the citizen letters include:

Concerns about providing rental housing in development.

Planned development that does not fit with neighboring homes.

Traffic on Weems Way.

LAND USE AND ZONING:

Table 1: Existing Land Use, Plan Designation and Zoning

Area	Land Use	Plan Designation	Zoning
Site	Vacant; part is subject to County approved preliminary plat with utilities in place	Low Density Residential	One Family Residential (R-1)
North	Detached single-family homes on 0.4 acre lots	Low Density Residential	One Family Residential (Yakima County – R-1)
South	Detached single-family homes on 8,375 to 10,176 square foot (0.2 to 0.25 acre) lots	Low Density Residential	One Family Residential (R-1)
East	Detached single-family homes on 15,795 to 28,624 square foot (0.36 to 0.66 acre) lots. One large lot (2.81 acre) with a single-family home and raising horses	Low Density Residential	One-Family Residential (R-1)
West	Detached single-family homes on 1/3 to ½ acre lots	Low Density Residential	One-Family Residential (Yakima County – R-1)

UTILITIES: Public sewer lines, water lines and drainage improvements have been installed in Lyle Loop Road in accordance with the County decision approving the previous preliminary plat; engineering plans for these improvements have been approved by the Selah Public Works Department. These utilities will need to be extended to the lots fronting on the proposed private street.

WATER: An 8 inch domestic water line has been extended in the proposed alignment of Lyle Loop Road from where it currently ends on the east side of the site to Herlou Drive on the west. A water line will need to be extended to the lots on the private street, presumably using the access/utility easement that is to provide access to the lots in that phase.

SEWER: An 8 inch line has been installed through Phases 1 and 2 in the proposed alignment of Lyle Loop Road from the existing end of that street to the east and terminating just before reaching Herlou Drive on the west. The preliminary plat shows a 16 foot wide sewer easement through Lots 11 and 12 that would extend the line on Lyle Loop Road to the access/utility easement for the private street allowing sewer extension to Lots 17 through 20.

FIRE HYDRANTS: Existing hydrants are located at the intersection of Lyle Loop Road and Herlou Drive in the existing Somerset I subdivision and about 520 feet to the east on the north side of Lyle Loop Road. Although hydrant locations for the proposal are not indicated on the preliminary plat, a hydrant has been installed on the site in the alignment of Lyle Loop Road where it would front on proposed Lots 3 and 11 about 450 feet (travel distance on the street) from the interior hydrant in Somerset I and about 460 feet from Herlou Drive. An additional hydrant will be required on the proposed private access easement at the north end of Lot 13.

also under private Rd. H. Somerset I

easement needed?

See 11.3 SMC

How wide??

TRANSPORTATION:

Herlou Drive – (Yakima County, designated Local Access) -- Asphalt pavement with concrete barrier curb and gutter, 5 foot wide sidewalk on the east side and illumination in a 60 foot wide right-of-way.

Lyle Loop Road (Local Access) – 32 foot wide asphalt pavement with concrete rolled curb and gutter, 5 foot wide sidewalk on the north and west sides of the street and illumination in 50-foot wide right-of-way.

Planned improvements – Lyle Loop Road will be constructed to the same development standards as the existing part of the street (described above).

A private access street will be extended north from Lyle Loop Road in a 20 foot wide fire and private access and utility easement north to Lots 18 and 19, and then east and west for a total length of 90 feet and a width of 26 feet forming a hammerhead type turnaround to accommodate emergency vehicles. The easement then continues with a 20 foot width for about 48 feet to the west to serve Lot 17 and for 180 feet to the east to serve Lot 20.

According to the application materials, the access easement for the private street will be for the exclusive use of six lots: Lots 13 and 14 and 17 through 20. It would not be available to three of the lots in the subdivision over which it crosses or abuts or the adjacent property to the east. Lots 13 and 14 would have access to both the private street and Lyle Loop Road.

TWO-FAMILY RESIDENTIAL LOTS:

Location – The lots proposed for two family residential designation are Lots 19 and 20 located on the proposed private road in the northeast part of the subdivision. They border existing residential lots to the north, but a difference in elevation and their adjoining on the rear property lines with separate access provides for some physical separation between the existing and proposed lots. They are also located behind the proposed new lots on Lyle Loop Road rather than facing them. The applicant argues that the proposed location is better for duplexes than a location that fronts on the exterior street (i.e., Herlou Drive) since they would not face existing homes across the street from the site.

Adjacent Land Uses – The proposed duplex lots adjoin three residential lots to the north. One of the lots also borders a 2.8 acre parcel to the east which is partially undeveloped with a single family home located about 170 feet away that gains its access from Selah Loop Road to the east. The developed lots to the north are all 0.44 acre (19,000+ square feet) developed with one to two story (i.e., finished or partially finished daylight basements) single family homes of wood frame construction with brick or painted trim. They have 1,100 to 1,500 square foot footprints. All three of these homes are set back 90 to 100 feet from the rear lot line shared with the proposed duplex lots. There are fences, a retaining wall and a detached garage in the rear yards that appear to provide some site screening of the proposed designated lots.

The large parcel to the east has an older two story home with about 1,300 square feet on two stories, and a partially finished basement.

Based on the lot size, the net residential density of the three lots to the north is 2.3 dwelling units per acre. Including the large parcel to the east would lower the density further, but it is assumed that it could be developed to the allowable five dwelling units per acre (about six units per net acre), or slightly less due to the minimum lot size.

Zoning Ordinance Consistency & Compatibility Analysis – The two proposed lots are over 9,000 square feet in size, not corner lots, and not located on slopes that would trigger the larger minimum lot sizes from the zoning ordinance. The 20 lot subdivision allows for the designation of two two-family residential lots under the requirements of SMC 10.12.040.

The lots are 100 feet in width, consistent with the widths of the residential lots to the north, and enough width to allow for single story units. Lot depths are a slightly shallower 96.5 feet. The building envelopes as shown on a site plan included with the application is 4,360 square feet. This is based on a 15 foot rear setback, which does not meet the minimum standard for the R-1 zone (20 feet). The 30 foot front setback shown on the site exceeds the standard but may be necessary for off-street parking. The 35% lot coverage standard reduces the potential building footprint to 3,365 to 3,379 square feet (1,682 to 1,690 square feet per one-story unit – including garages). The lots should be large enough to accommodate the proposed use and meet required setback and lot coverage standards. Net density is about 6 dwelling units per acre or 6.6 dwelling units per acre if the lot area is reduced by the access easement used for the private road in making the calculation.

SUBDIVISION VARIANCE:

Under the block design standards of SMC 10.50.041(d), a private access street may only be authorized where there are no adverse effect on future traffic circulation of neighboring parcels. This wording appears to indicate that a variance or exception is not required if the required finding can be made. In addition there is a standard in SMC 10.50.041(e), the lot design standards, which provides that each lot must front upon a public street with a width not less than [that] set forth in the street standards. The only stated exception to this standard is that it can be waived or reduced when the subdivision is combined with a Planned Development. While on its face, this requirement seems to prohibit lots that front on public streets, when it is considered in the context of the other standards and the organization of the code, it appears that its intent may have been to regulate lot width along street frontages. This is supported by:

1. It contradicts SMC 10.50.041(d)(4) which allows private access streets if no adverse effect on traffic circulation can be found; and
2. It falls under the lot design standards, rather than the block design standards of SMC 10.50.041(d) suggesting that it was intended to be evaluated for specific lots rather than the street itself.

There is also a subdivision standard (for lot design – SMC 10.50.041(e)) that lots having frontage on two streets should be avoided whenever possible (emphasis added). This language is not mandatory, so it does not appear to require a subdivision exception. It appears that an exception or variance may not be required for any of these standards. However, since SMC 10.50.041(e)(3) can be interpreted to not otherwise allow lots that don't front public streets, the exception is directed primarily to it.

The application indicates that a lot design that eliminates the private road would either require the lots to have depth (distance from the front lot line to the rear lot line) in excess of 2.5 times their width or lots that are 15,000 to 20,000 square feet, more or less. The depth to width ratio of more than 2.5 times violates another standard of the Selah code: SMC 10.50.041(e)(6), but would be the same or similar to the lots approved previously for this property by Yakima County (which does not have this standard in its code). According to the application, the rear of long narrow lots would remain largely undeveloped and full of weeds.

Other design alternatives may be available, including the larger lot sizes cited in the applications, but does not allow for lots that are consistent with the other lots in the proposed plat and on the south side of Lyle Loop Road. If the 2.5 to 1 lot to width ratio were allowed, or if it were be modified instead of the standards being proposed by this application, it would, as argued by the applicant result in lots that are less usable and desirable because of their lengths. It may also be possible to extend a cul-de-sac into this part of the site, but due to its shape and size, it would be difficult to comply with what may be the actual intent of SMC 10.50.041(e)(3) because it would tend to result in the use of "flagpole lots" in designing this space.

While it could be argued that because of the characteristics of this site, larger lots are going to be necessary north of Lyle Loop, this does not seem to consistent with the zoning, comprehensive plan designation and adopted standards when considered that the code provides for an exception to the most applicable standard (i.e., SMC 10.50.041(d)(4)). Under the terms of the Exception Requirements (SMC 10.50.070 (a)) it also could be considered an undue hardship.

The following findings and conclusions address the other criteria of the Exception Requirements:

- a. The special physical circumstances and conditions affecting the property are the slopes to the north and west and the fully developed lots that border the site in those directions. They prevent the extension of public streets to the north that could then be continued for other development. Along with the dimensions of the property, they also result in there not being enough room to establish another two tiers of lots with an intervening street as would be necessary to develop this area in the manner required by all Code requirements if additional public streets were to be provided.
- b. The exceptions ensure that the subject property enjoys the same rights and privileges that other undeveloped properties in the vicinity have to develop to minimum lot size and allowable density. That SMC 10.50.041(d)(4) and SMC 10.50.041(e)(4) include exceptions or language that indicate that they are not mandatory requirements should be considered important findings in making this conclusion.
- c. The public interest is preserved. Lot design, density and use is otherwise consistent with zoning standards and the comprehensive plan and with if appropriately conditioned, compatible with surrounding development.

Compliance with the three applicable subdivision standards are as follows:

- a. The private access street does not adversely affect future traffic circulation of neighboring parcels. Properties to the north and west are fully developed and already have access to public streets. Direct access to Lyle Loop Road is available to the partially undeveloped property to the east.
- b. It is not possible with this design to avoid having lots with frontage on two streets (i.e., Lyle Loop Road and the private street).
- c. If the intent of SMC 10.50.041(e)(3) is to require lots that front on public streets to have frontages that meet applicable standards, the standard is met. All of the proposed lot frontages on public streets meet minimum lot width standards from the zoning code. Lot 17 will have 40 feet of frontage on the proposed private access easement, which is enough to provide for ingress and egress to that lot. It is also not a public street. The other three interior lots have frontage on the easement that is more than or equal to minimum lot width requirements.

RECOMMENDATION: APPROVAL of the preliminary plat and subdivision variance (exception) based on the findings and conclusions in this report subject to the following conditions:

1. All design and/or improvement notations indicated on the preliminary plat are included herein as conditions of preliminary plat approval. (Including, but not limited to, dedicated right-of-way width, easement widths and locations, lot size and configuration).
2. A preliminary engineering report and/or plan, prepared by a Licensed Professional Engineer, demonstrating the feasibility of construction of all public improvements required by Selah Municipal Code, Chapter 10.50 must be submitted to the Public Works Director for approval.
3. All final plans and specifications for improvements must be prepared by a Licensed Professional Engineer and reviewed and approved by the Public Works Director prior to construction. → Specifications for improvements shown on the preliminary plat are minimum specifications that may be superseded by conditions contained herein or by specific conditions as approved by the Public Works Director. Upon completion of construction and prior to final plat approval, final 'as-built' construction plans and a written certification by a Licensed Professional Engineer that said improvements were completed in accordance with the approved construction plans must be submitted to the Public Works Director for approval.
4. Reports, plans and specifications previously submitted shall count toward meeting the requirements of Conditions #2 and #3 if accepted by the Public Works Director to the extent of the improvements for which they are determined to be sufficient.
5. Lyle Loop Road: Street improvements must be constructed to City standards as approved by the Public Works Director including 50 foot wide right-of-way, 32 foot wide asphalt pavement, concrete rolled (or better) curb and gutter, five (5) foot wide sidewalk on one street side and street illumination. The sidewalk shall be installed on the same side of the street as it is on the existing completed portion of Lyle Loop Road. Utility improvements shall be extended beyond street pavement edge to facilitate future extension where appropriate. Street grade shall not exceed 10%.
6. The private interior street shall be constructed as a hard-surfaced street to specifications approved by the Public Works Director prior to recording the final plat. The street shall have a minimum surface width of 20 feet.
7. Covenants or a road maintenance agreement, providing for the perpetual maintenance of the private roadway and that establish a road maintenance fund shall be recorded with the Yakima County Auditor and a recorded copy submitted to the Selah Planning Department prior to recording the final plat.

No! moved
Duplex
Lots.

W. Division
3
entirely for
Newport
no
Creeks?

8. The private street shall be designated "no-parking" as shown by the site plan submitted with the preliminary plat application and shall be posted with signs prior to final plat approval.
9. Driveway access to Lots 13 and 14 shall be limited to Lyle Loop Road and the part of the private access easement passing in a north-south direction between them.
10. Street illumination shall be installed by the developer at locations and to the specifications of the Public Works Director (typically at 300 foot intervals or as otherwise determined by the Director of Public Works in order to maximize illumination). Street lights shall be installed on metal poles.
11. All lots must be served with a full range of public and private services and utilities including public water and sewer, power, natural gas and telephone. All utilities except for the standard telephone box, transmission box and similar structures shall be underground and installed prior to the surfacing of streets. All utilities placed beneath streets, curbs or sidewalks shall be extended beyond these features to avoid them being disrupted by future extensions.
12. There shall be a moratorium on public street cuts for a period of five (5) years from the date of plat recording.
13. Fire hydrants shall be provided and installed by the developer at locations approved by the City of Selah Fire Chief and to the specifications of Selah Municipal Code, Chapter 11.30.
14. Final lot dimensions and lot area must substantially conform to the preliminary plat unless otherwise amended during the public hearing process.
15. Storm Water drainage facilities to accommodate runoff generated in the plat must comply with a drainage facilities plan prepared by a Licensed Professional Engineer and approved by the Public Works Director. Plans submitted previously will count toward meeting this requirement if approved by the Public Works Director. Additional documentation may be required for portions of the site not covered by any such previously submitted plans.
16. A NPDES Construction Stormwater General Permit shall be obtained unless determined by the Department of Ecology that it is not required.
17. Prior to final plat recording, all required plat improvements (utilities, streets, drainage facilities, etc.) must be installed and accepted by the City or a surety bond pledged to the City to ensure installation of the plat improvements within two years of final plat recording.
18. Lots 19 and 20 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. *or each dwelling unit??*
 - c. Building materials shall be consistent in appearance with that of surrounding single-family homes. To further ensure harmonious development of the designated lots with the development of single family lots in the subdivision, restrictive covenants that describe the required building specifications for the two-family dwellings shall be recorded prior to recording the final plat for the phase in which they are in.
 - d. Building specifications from the restrictive covenants for the proposed two-family dwellings 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.
 - e. This decision does not preclude the development of detached single-family residences on any of these lots.
18. All required street signs, posts and appurtenances must be supplied by the developer and will be installed by the City.

19. The following note shall be placed on any final plat map:

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

"No driveway approach from any lot that fronts on Lyle Loop Road to [name given to the private access easement] shall be allowed, except that Lots 13 and 14 may have approaches to the part of the street that passes in a north-south direction between said lots"

20. Lots 17 through 20 shall be served by an 8 inch sewer line extended in the utility easement across Lots 11 and 12 and then continued to the other lots in the access and utility easement as shown on the Preliminary Plat. *drive over these*

21. Prior to final plat recording, a surety bond, or such other secure financial method acceptable to the City, in the amount of 15% of the cost of the public improvements as determined by the Public Works Director (streets, sidewalks, street lights, drainage facilities, sewage collection and water distribution facilities, etc.) must be remitted to the City and will be held for a period of two years from the date of final plat recording to guarantee against defects in materials and workmanship.

22. The applicant shall recommend a street name to assign to the private access street and shall submit the name to the Planning Department for approval prior to recording the final plat. The

approved street name shall be shown on the face of the final plat and in the plat note required by Condition 20.

23. Improvements required for the subdivision must be completed and the final plat must be submitted within the maximum 5-year time period required by RCW 58.17.140. A one-time, one-year extension may be authorized in accordance with SMC 10.50.033(c) but the request must be made before the 5-year time period ends.

CITY OF SELAH HEARING EXAMINER

STAFF REPORT

May 13, 2015

FILE NO.: PRELIMINARY PLAT 912.42.15-02 "Somerset II"
SUBDIVISION VARIANCE 915.42.15-01
SEPA ENVIRONMENTAL REVIEW 971.42.15-04

PROPOSAL: Preliminary Plat of "Somerset II" subdividing the 4.7 acre subject property into 20 lots served by a full range of public utilities consisting of 18 single family residential lots and 2 lots designated for two-family dwellings. Four of the lots, including the designated two-family residential lots are to obtain access from a private road requiring a subdivision variance.

Proposed lots sizes range from 8,000 to 12,298 square feet. Average proposed lot size is 8,578 square feet. The two lots proposed for two-family dwellings are 9,614 and 9,653 square feet. Proposed density is 4.7 dwellings per gross acre.

A portion of the subject property was approved for a 17 lot preliminary plat by Yakima County, but not recorded. Previous to the plat approval, part of the property was a tract in Somerset I, a subdivision that other than this tract has been built out. Part of the property was acquired through a street vacation for Herlou Drive.

PROPONENT & PROPERTY OWNER: Zuker-Sample, LLC

LOCATION: Site fronts on Herlou Drive to the west and Lyle Loop Road to the east. It is about 100 feet north of the intersection of Lyle Loop and Herlou Drive and about 200 feet south of the intersection of Herlou Drive and Weems Way (Tax Parcel Numbers: 181426-44005 and 44021).

The site is bordered on the south by Somerset I, a 24 lot subdivision recorded in 2002 and built out with detached single family homes on lots that are mostly 8,000 to 10,000 square feet in size but also includes a few somewhat larger lots up to 28,624 square feet (0.66 acre).

APPLICATION AUTHORITY AND JURISDICTION: Selah Municipal Code, Chapter 10.50 (subdivision) and Chapter 10.12 (R-1 Zoning District).

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 hearing examiner must consider the lot locations and carefully consider adjacent properties to ensure harmonious compatibility. Other required standards for two-family lots include a minimum lot size of 9,000 square feet or the minimum lot size based on slope as specified in SMC 10.12.030. Also, SMC 10.50.041(e)(6)(C) from the subdivision code requires the minimum lot size to be increased by an additional ten percent on corner lots.

Once the lots are designated, the future duplexes may be authorized as Class 1 Uses, subject to the same requirement for harmonious compatibility.

The subdivision variance or exception is being considered under SMC 10.50.070 which authorizes the hearing examiner to recommend to the City Council an exception from the requirements of Chapter 10.50 when in the examiner's opinion, undue hardship may be created as a result of strict compliance with its provisions or any standards adopted by reference. The following findings are necessary to recommend an exception:

1. There are special physical circumstances or conditions affecting the property such that the strict application of the provisions of the (subdivision) chapter would deprive the applicant of the reasonable use or development of the land.
2. That the exception is necessary to insure such property the rights and privileges enjoyed by other properties in the vicinity.
3. That the public interest is preserved.

The Design standards and specifications for subdivisions include a standard that no private streets are allowed in any subdivision, and every lot and block shall be served from a publicly dedicated street. The standard makes an exception that authorizes private streets where there will be no adverse effect on future traffic circulation of neighboring parcels (SMC 10.50.041(d)(4)).

In addition to this requirement, SMC 10.50.041(e)(3) states that each lot must front upon a public street with a width not less than those set forth in the street standards. SMC 10.50.041(e)(3) provides that lots having frontage on two streets should be avoided whenever possible.

PUBLIC FACILITIES AND UTILITY SERVICES: A full range of public facilities and utility services including water, sewage, storm drainage and fire protection serves the property.

ACCESS: Herlou Drive, Yakima County local access street borders the site on the west; Lyle Loop Road, a local access street borders the site on the east and would be extended across the property to Herlou Drive providing internal access to the proposed subdivision.

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Based on the lot size, the net residential density of the three lots to the north is 2.3 dwelling units per acre. Including the large parcel to the east would lower the density further, but it is assumed that it could be developed to the allowable five dwelling units per acre (about six units per net acre), or slightly less due to the minimum lot size.

Zoning Ordinance Consistency & Compatibility Analysis – The two proposed lots are over 9,000 square feet in size, not corner lots, and not located on slopes that would trigger the larger minimum lot sizes from the zoning ordinance. The 20 lot subdivision allows for the designation of two two-family residential lots under the requirements of SMC 10.12.040.

The lots are 100 feet in width, consistent with the widths of the residential lots to the north, and enough width to allow for single story units. Lot depths are a slightly shallower 96.5 feet. The building envelopes as shown on a site plan included with the application is 4,360 square feet. This is based on a 15 foot rear setback, which does not meet the minimum standard for the R-1 zone (20 feet). The 30 foot front setback shown on the site exceeds the standard but may be necessary for off-street parking. The 35% lot coverage standard reduces the potential building footprint to 3,365 to 3,379 square feet (1,682 to 1,690 square feet per one-story unit – including garages). The lots should be large enough to accommodate the proposed use and meet required setback and lot coverage standards. Net density is about 6 dwelling units per acre or 6.6 dwelling units per acre if the lot area is reduced by the access easement used for the private road in making the calculation.

SUBDIVISION VARIANCE:

Under the block design standards of SMC 10.50.041(d), a private access street may only be authorized where there are no adverse effect on future traffic circulation of neighboring parcels. This wording

appears to indicate that a variance or exception is not required if the required finding can be made. In addition there is a standard in SMC 10.50.041(e), the lot design standards, which provides that each lot must front upon a public street with a width not less than [that] set forth in the street standards. The only stated exception to this standard is that it can be waived or reduced when the subdivision is combined with a Planned Development. While on its face, this requirement seems to prohibit lots that front on public streets, when it is considered in the context of the other standards and the organization of the code, it appears that its intent may have been to regulate lot width along street frontages. This is supported by:

1. It contradicts SMC 10.50.041(d)(4) which allows private access streets if no adverse effect on traffic circulation can be found; and
2. It falls under the lot design standards, rather than the block design standards of SMC 10.50.041(d) suggesting that it was intended to be evaluated for specific lots rather than the street itself.

There is also a subdivision standard (for lot design – SMC 10.50.041(e)) that lots having frontage on two streets should be avoided whenever possible (emphasis added). This language is not mandatory, so it does not appear to require a subdivision exception. It appears that an exception or variance may not be required for any of these standards. However, since SMC 10.50.041(e)(3) can be interpreted to not otherwise allow lots that don't front public streets, the exception is directed primarily to it.

The application indicates that a lot design that eliminates the private road would either require the lots to have depth (distance from the front lot line to the rear lot line) in excess of 2.5 times their width or lots that are 15,000 to 20,000 square feet, more or less. The depth to width ratio of more than 2.5 times violates another standard of the Selah code: SMC 10.50.041(e)(6), but would be the same or similar to the lots approved previously for this property by Yakima County (which does not have this standard in its code). According to the application, the rear of long narrow lots would remain largely undeveloped and full of weeds.

Other design alternatives may be available, including the larger lot sizes cited in the applications, but does not allow for lots that are consistent with the other lots in the proposed plat and on the south side of Lyle Loop Road. If the 2.5 to 1 lot to width ratio were allowed, or if it were modified instead of the standards being proposed by this application, it would, as argued by the applicant result in lots that are less usable and desirable because of their lengths. It may also be possible to extend a cul-de-sac into this part of the site, but due to its shape and size, it would be difficult to comply with what may be the actual intent of SMC 10.50.041(e)(3) because it would tend to result in the use of "flagpole lots" in designing this space.

While it could be argued that because of the characteristics of this site, larger lots are going to be necessary north of Lyle Loop, this does not seem to consistent with the zoning, comprehensive plan designation and adopted standards when considered that the code provides for an exception to the

most applicable standard (i.e., SMC 10.50.041(d)(4)). Under the terms of the Exception Requirements (SMC 10.50.070 (a)) it also could be considered an undue hardship.

The following findings and conclusions address the other criteria of the Exception Requirements:

- a. The special physical circumstances and conditions affecting the property are the slopes to the north and west and the fully developed lots that border the site in those directions. They prevent the extension of public streets to the north that could then be continued for other development. Along with the dimensions of the property, they also result in there not being enough room to establish another two tiers of lots with an intervening street as would be necessary to develop this area in the manner required by all Code requirements if additional public streets were to be provided.
- b. The exceptions ensure that the subject property enjoys the same rights and privileges that other undeveloped properties in the vicinity have to develop to minimum lot size and allowable density. That SMC 10.50.041(d)(4) and SMC 10.50.041(e)(4) include exceptions or language that indicate that they are not mandatory requirements should be considered important findings in making this conclusion.
- c. The public interest is preserved. Lot design, density and use is otherwise consistent with zoning standards and the comprehensive plan and with if appropriately conditioned, compatible with surrounding development.

Compliance with the three applicable subdivision standards are as follows:

- a. The private access street does not adversely affect future traffic circulation of neighboring parcels. Properties to the north and west are fully developed and already have access to public streets. Direct access to Lyle Loop Road is available to the partially undeveloped property to the east.
- b. It is not possible with this design to avoid having lots with frontage on two streets (i.e., Lyle Loop Road and the private street).
- c. If the intent of SMC 10.50.041(e)(3) is to require lots that front on public streets to have frontages that meet applicable standards, the standard is met. All of the proposed lot frontages on public streets meet minimum lot width standards from the zoning code. Lot 17 will have 40 feet of frontage on the proposed private access easement, which is enough to provide for ingress and egress to that lot. It is also not a public street. The other three interior lots have frontage on the easement that is more than or equal to minimum lot width requirements.

RECOMMENDATION: APPROVAL of the preliminary plat and subdivision variance (exception) based on the findings and conclusions in this report subject to the following conditions:

1. All design and/or improvement notations indicated on the preliminary plat are included herein as conditions of preliminary plat approval. (Including, but not limited to, dedicated right-of-way width, easement widths and locations, lot size and configuration).
2. A preliminary engineering report and/or plan, prepared by a Licensed Professional Engineer, demonstrating the feasibility of construction of all public improvements required by Selah Municipal Code, Chapter 10.50 must be submitted to the Public Works Director for approval.
3. All final plans and specifications for improvements must be prepared by a Licensed Professional Engineer and reviewed and approved by the Public Works Director prior to construction. Specifications for improvements shown on the preliminary plat are minimum specifications that may be superseded by conditions contained herein or by specific conditions as approved by the Public Works Director. Upon completion of construction and prior to final plat approval, final 'as-built' construction plans and a written certification by a Licensed Professional Engineer that said improvements were completed in accordance with the approved construction plans must be submitted to the Public Works Director for approval.
4. Reports, plans and specifications previously submitted shall count toward meeting the requirements of Conditions #2 and #3 if accepted by the Public Works Director to the extent of the improvements for which they are determined to be sufficient.
5. Lyle Loop Road: Street improvements must be constructed to City standards as approved by the Public Works Director including 50 foot wide right-of-way, 32 foot wide asphalt pavement, concrete rolled (or better) curb and gutter, five (5) foot wide sidewalk on one street side and street illumination. The sidewalk shall be installed on the same side of the street as it is on the existing completed portion of Lyle Loop Road. Utility improvements shall be extended beyond street pavement edge to facilitate future extension where appropriate. Street grade shall not exceed 10%.
6. The private interior street shall be constructed as a hard-surfaced street to specifications approved by the Public Works Director prior to recording the final plat. The street shall have a minimum surface width of 20 feet.
7. Covenants or a road maintenance agreement, providing for the perpetual maintenance of the private roadway and that establish a road maintenance fund shall be recorded with the Yakima County Auditor and a recorded copy submitted to the Selah Planning Department prior to recording the final plat.
8. The private street shall be designated "no-parking" as shown by the site plan submitted with the preliminary plat application and shall be posted with signs prior to final plat approval.

9. Driveway access to Lots 13 and 14 shall be limited to Lyle Loop Road and the part of the private access easement passing in a north-south direction between them.
10. Street illumination shall be installed by the developer at locations and to the specifications of the Public Works Director (typically at 300 foot intervals or as otherwise determined by the Director of Public Works in order to maximize illumination). Street lights shall be installed on metal poles.
11. All lots must be served with a full range of public and private services and utilities including public water and sewer, power, natural gas and telephone. All utilities except for the standard telephone box, transmission box and similar structures shall be underground and installed prior to the surfacing of streets. All utilities placed beneath streets, curbs or sidewalks shall be extended beyond these features to avoid them being disrupted by future extensions.
12. There shall be a moratorium on public street cuts for a period of five (5) years from the date of plat recording.
13. Fire hydrants shall be provided and installed by the developer at locations approved by the City of Selah Fire Chief and to the specifications of Selah Municipal Code, Chapter 11.30.
14. Final lot dimensions and lot area must substantially conform to the preliminary plat unless otherwise amended during the public hearing process.
15. Storm Water drainage facilities to accommodate runoff generated in the plat must comply with a drainage facilities plan prepared by a Licensed Professional Engineer and approved by the Public Works Director. Plans submitted previously will count toward meeting this requirement if approved by the Public Works Director. Additional documentation may be required for portions of the site not covered by any such previously submitted plans.
16. A NPDES Construction Stormwater General Permit shall be obtained unless determined by the Department of Ecology that it is not required.
17. Prior to final plat recording, all required plat improvements (utilities, streets, drainage facilities, etc.) must be installed and accepted by the City or a surety bond pledged to the City to ensure installation of the plat improvements within two years of final plat recording.
18. Lots 19 and 20 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.
 - c. Building materials shall be consistent in appearance with that of surrounding single-family homes. 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. The completion date may be extended in the manner allowed for Class 2 and 3 applications by SMC 10.06.060(c).
 - d. 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.
 - e. This decision does not preclude the development of detached single-family residences on any of these lots.
19. All required street signs, posts and appurtenances must be supplied by the developer and will be installed by the City.
20. The following note shall be placed on any final plat map:
- “The owners shown hereon, their grantees and assignees in interest, hereby covenant and agree to retain all surface water generated within the plat on-site.”**
- “No driveway approach from any lot that fronts on Lyle Loop Road to [name given to the private access easement] shall be allowed, except that Lots 13 and 14 may have approaches to the part of the street that passes in a north-south direction between said lots”**
21. Lots 17 through 20 shall be served by an 8 inch sewer line extended in the utility easement across Lots 11 and 12 and then continued to the other lots in the access and utility easement as shown on the Preliminary Plat.
22. Prior to final plat recording, a surety bond, or such other secure financial method acceptable to the City, in the amount of 15% of the cost of the public improvements as determined by the Public Works Director (streets, sidewalks, street lights, drainage facilities, sewage collection and water distribution facilities, etc.) must be remitted to the City and will be held for a period of two years from the date of final plat recording to guarantee against defects in materials and workmanship.
23. The applicant shall recommend a street name to assign to the private access street and shall submit the name to the Planning Department for approval prior to recording the final plat. The approved street name shall be shown on the face of the final plat and in the plat note required by Condition 20.

24. Improvements required for the subdivision must be completed and the final plat must be submitted within the maximum 5-year time period required by RCW 58.17.140. A one-time, one-year extension may be authorized in accordance with SMC 10.50.033(c) but the request must be made before the 5-year time period ends.

Somerset II
912.42.15-02 Somerset II Preliminary Plat
915.42.15-01 Subdivision Variance
971.42.15-04 Environmental Review

EXHIBIT LIST

LIST OF DOCUMENTS PERTAINING TO SOMERSET II

<u>EXHIBIT NO</u>	<u>DESCRIPTION OF ITEM</u>
1	Staff Report
2	Cover Letter-Applicant March 17, 2015
3	Preliminary Plat Application March 17, 2015
4	Variance Application March 17, 2015
5	Narrative –Variance March 17, 2015
6	Preliminary Plat.
7	Site Plan for Variance March 17, 2015
8	Environmental Check List March 17, 2015
9	Determination of Nonsignificance May 7 2015
10	Comment Letter Department of Ecology April 24, 2015
11	Comment Letter Michelle Bannister April 20, 2015
12	Comment Letter Mr. & Mrs. Willie Morris April 16, 2015
13	Notice of Application
14	Installation Certificate May 5, 2015
15	Subject Property Map

16. Affidavit of Publication and Legal Advertisement
5/22/15
17. Affidavit of mailing and mailing list 5/22/15
18. Comment Letter Diane Underwood 6/4/15
19. Comment Letter Abdul Maroof 6/4/15
20. Comment Letter Mr. & Mrs. Caldwell 6/8/15
21. Comment Letter Mrs. (Hovde) Furstenau
22. Comment Letter from Norm Hillstrom 6/8/15
23. Comment Letter from Delmas & Willie Morris 6/8/15
24. Comment Letter from Ted M. Hendricksen rec'd: 6/9/15
25. Comment Letter from Julie A. Field 6/9/15
26. Comment Letter from Sandra G. Field 6/9/15
27. Comment Letter from Mark R. Weller 6/9/15
28. Comment Letter rec'd 6/10/15
29. Comment Letter rec'd 6/10/15
30. Comment Letter, Lancaster rec'd 6/10/15
31. Comment Letter from Brandi Wedeman rec'd 6/10/15
32. Comment Letter from Sarah Lancaster rec'd 6/10/15
33. Comment Letter from Colton Beck rec'd 6/10/15
34. Comment Letter rec'd 6/10/15
35. Comment Letter rec'd 6/10/15 Emma Friedrich
36. Comment Letter from Roy Friedrich rec'd 6/10/15
37. Comment Letter from Ethan Berg rec'd 6/10/15
38. Comment Letter dated 6/4/2015, rec'd 6/10/15
39. Comment Letter dated 6/3/2015 rec'd 6/10/15
40. Comment Letter Jason Gilhe rec'd 6/10/15

ZUKER-SAMPLE LLC
1304 Heritage Hills Pl, Selah WA 98942
509-910-1303

March 17, 2014

Mr. Tom Durant
Public Works Department
City of Selah
113 W. Naches Ave.
Selah, WA 98942

Dear Mr. Durant:

Attached is the Preliminary Plat and Environmental Checklist for the Subdivision of Somerset II (Tax Parcel 181426-4405&44021) located on Herlou Drive and the extension of Lyle Loop Road in the City of Selah.

The parcel contains 4.71 Ac and are subdivided into 18 single family lots, and 2 – two family residential lots. The Ordinance amending the Selah Municipal Code, Chapter 10.28 040(1) allowing the property to be subdivided in this manner became effective on January 20, 2015.

The average lot size is 8570 SF and has a density of 4.67 units/Ac or 4.25 Lots/Ac.

All lots are at least 8000 SF with Lots 9 and 16 containing an extra 10% area at the intersection of Herlou Drive and Lyle Loop Road. Lot 17 is 12,298 SF to accommodate a suitable building site on that lot.

Lots 17, 18, 19, 20 and partially lots 13 and 14 are served by a private access road easement. This easement will serve fire access requirements and utilities. The fire access turn around will be 26' wide and the balance of the easement will be 20' wide. The access easement, as shown, will be paved and will be for the exclusive use of the aforementioned lots and shall be maintained by the owners of these lots. There will be "No Parking" on the fire access easement (cross-hatched on the Preliminary Plat).

The subdivision will be completed in three phases. Lots 1, 2, 3, 4, 5, 11, 12, and 13 will be in Phase 1. Lots 6, 7, 8, 9, 10, 14, 15 and 16 will be in Phase 2. Lots 17, 18, 19, and 20 will be in Phase 3.

.../2

Exhibit 2

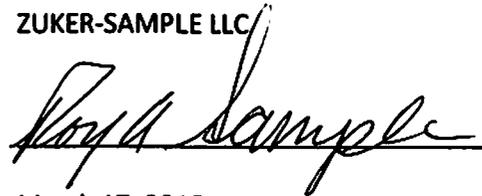
The locations of the two family residential lots were chosen for the following reasons:

- 1) These lots (19 and 20) are at the lowest point topographically on the property, thus marking them the least visible.
- 2) This location places these lots furthest from Somerset I, the closest single family lot subdivision in the City of Selah.
- 3) When lots 11, 12 and 13 Phase I are developed and built upon, the structures on lots 19 and 20 will be virtually invisible from Lyle Loop Road.
- 4) Placing these 2 – two family residential lots along Herlou Drive will have them facing the single-family homes across Herlou Drive. Entering on Herlou Drive, these two family units would immediately become visible.
- 5) This location will have the back of the two family residential lots facing the backs of the lots on Weems Way. The houses on Weems Way are approximately 30' to 35' higher in elevation than these 2 – two family residential lots.

Water and sewer design along Lyle Loop Road were approved by Mr. Joe Henne, Public Works Director, on 3/29/10. A portion of these utilities have been installed and approved by the Public Works Department.

Street and drainage design for Lyle Loop Road were approved by Mr. Joe Henne, Public Works Director, on 5/25/12. Portions of the road grading and drainage have been completed.

ZUKER-SAMPLE LLC



March 17, 2015

Att: Preliminary Plat
Environmental Checklist



**CITY OF SELAH
PRELIMINARY PLAT
APPLICATION FORM**



FILE NO: _____
DATE FEE PAID: 2/17/15

SEPA: _____
RECVD BY: T.P.D.

INSTRUCTIONS --- PLEASE READ PRIOR TO COMPLETING APPLICATION

- Application and preliminary plat must be accompanied by:
- Filing fee of \$400 plus \$40 per lot.
- Completed environmental checklist plus \$275 fee.
- Title report (must be current and reflect the undersigned signatures)
- One 11 x 17 reduced copy of the preliminary plat
- Complete and full legal description of the property
- Answer all questions completely. If you have questions about this form or the application process, call the Selah Planning Department at (509) 698-736
- Remember to bring all necessary attachments and the required filing fee when the application is submitted.
- The City will not accept an application for processing unless it is complete and the filing fees paid. Filing fees are non-refundable

NAME OF SUBDIVISION: SOMMERSET II

NUMBER OF LOTS: 20 AVERAGE LOT SIZE IN S.F.: 8578 SF

TYPE OF BUILDINGS TO BE CONSTRUCTED: 18 SINGLE FAMILY AND 2-2 FAMILY RESIDENCE

PROPERTY OWNERS AUTHORIZATION:
I hereby authorize the submittal of the preliminary plat SOMERSET II to the City of Selah for approval.

I understand that conditions of approval, such as dedication of right-of-way and easements, restrictions on the type of buildings that may be constructed, and access restrictions from public streets, may be imposed as a part of preliminary plat approval and that failure to meet these conditions may result in denial of the final plat.

Signature of Property Owner(s): Royal Sample DATE: MARCH 13, 2015

ADDRESS: P.O. BOX 747 (1304 HERITAGE HILL PL) SELAH, WA 98942

TELEPHONE: WORK: 509-910-1303 HOME: 509-698-2232

Signature of Contract Purchaser(s)/Developer(s): _____

ADDRESS: _____

TELEPHONE: WORK: _____ HOME: _____

ZONING CLASSIFICATION: R-1

COMPREHENSIVE PLAN DESIGNATION: LOW DENSITY RESIDENTIAL

YAKIMA COUNTY ASSESSOR'S TAX PARCEL NO.: SEE PRELIMINARY PLAT

(SEE ATTACHED) 181426-44005, 44021



CITY OF SELAH

Planning Department
113 South Second Street
Selah, Washington 98942

Phone 509-698-7365
Fax 509-698-7372

VARIANCE PROCEDURES

A variance is a means by which citizens are granted modification from the strict application of specific provisions of the Zoning Code due to a hardship beyond the control of the applicant. Variances do not permit property to be used in a manner other than provided in the Zoning Code. This process is intended to review situations where uniform zoning application would unduly burden one property more than the other properties in the area.

EXAMPLE OF VARIANCE

When a portion of a lot is too steep to construct anything on, and the only way to build would be to use a portion of a required yard or setback.

VARIANCE CRITERIA

The City Council shall have authority to grant a variance where practical difficulties, unnecessary hardship, or results inconsistent with the general purpose of the Zoning Code might result from the strict application of certain provisions.

Every variance is evaluated by criteria listed in the Zoning Code. Variances may be authorized when literal and strict interpretation would cause undue or necessary hardship.

A hardship is not a problem that you created yourself. For instance, if you build your house in such a manner that you cannot expand the living room without encroaching on a required side yard, you have created that situation.

Hardship speaks to whether you would be deprived of property rights common to other properties in the general vicinity and zoning district

PROCEDURES IN THE VARIANCE PROCESS

Step 1: Contact the City Planner or City Supervisor to discuss your variance request. Although the staff cannot speculate on the success of your application, they may be helpful in providing you with past history.

Step 2: Prepare an application for variance.

- 1) The City Planner has the forms and will assist with any additional information needed.
- 2) Deliver to the City Planner where you will be asked to pay a filing fee to defray processing and hearing costs.

Step 3: Your application will be processed by the City as follows:

- a. A public hearing will be held
- b. You will be notified of the exact time and place of the hearing.
- c. Newspaper notice published prior to the hearing along with notice to adjacent property owners within 600 feet.

The Planning Commission will hold the hearing, review exhibits, receive testimony and recommend to the Council approval, approval with conditions or denial.

The Commission recommendation will be considered by the Council at a public meeting. The Council may adopt, remand or reject the Commission recommendation.



CITY OF SELAH

VARIANCE APPLICATION

APPLICATION REQUIREMENTS

Date Submitted/Received By

Non-Refundable Application Fee
 Site Plan drawn to scale

3/17/15
TR-12-5

* ALL APPLICATION REQUIREMENTS MUST BE COMPLETED BEFORE THE APPLICATION IS ACCEPTED BY THE CITY:

1. NAME OF APPLICANT: ZUCKER-SAMPLE LLC

ADDRESS OF APPLICANT: P.O. BOX 747
SELAH, WA, 98942

Roy A. Sample
Signature

TELEPHONE: WORK 509-910-1303 HOME 509-698-2232

2. NAME OF LEGAL PROPERTY OWNER: SAME
(If different from applicant)
ADDRESS:

Signature

TELEPHONE: WORK _____ HOME _____

3. GENERAL LOCATION OF PROPERTY INCLUDING STREET ADDRESS: HERLOU DRIVE
AND LYLE LOOP ROAD EXTENSION.
CONTAINS 4.71 ACRES

4. LEGAL DESCRIPTION OF PROPERTY: SEE PRELIMINARY PLAT

5. ZONE CLASSIFICATION: R-1 TAX PARCEL NO. SEE PRELIMINARY PLAT

6. SUMMARY OF PROPOSED VARIANCE: SEE ATTACHED

7. SPECIFIC REASONS JUSTIFYING THE VARIANCE SEE ATTACHED

ADD ADDITIONAL SHEETS IF NECESSARY

FOR OFFICE USE ONLY

VARIANCE _____

Scheduled Before: Planning Commission _____

City Council _____

Public Hearing: Planning Commission _____

City Council _____

Publication Date:

SITE PLAN REQUIREMENTS

FOR VARIANCE APPLICATIONS

1. All existing or proposed structures on the property and their setbacks from all property lines.
2. The location and width of all adjacent right-of-ways or alleys.
3. The location of all required off-street parking spaces and/or off-street loading berths.
4. All easements and their widths on the property.
5. Be Drawn to a scale
6. The map size shall be 8 1/2" x 11" or 8 1/2" x 14"
7. North Arrow with graphic scale.

VARIANCE PROPOSAL – SOMERSET II

This proposal is to access Lots 17, 18, 19, 20 and partially lots 13 and 14 with a private access road, to include fire access and utility installation.

The City of Selah has a minimum lot size of 8000 SF in the R-1 Zone as long as there is less than a 10% slope to the property. This requirement has been met. Easement areas are not deducted from the size or area of the lots.

but not private roads!

Per Selah's subdivision design standards (d) (4) "provided, that private access streets may be authorized where there will be no adverse effect on future traffic circulation of neighboring parcels". The proposed private road meets that criteria.

Because of the land configuration the area north of Lyle Loop Road cannot be extended to the north property line and meet the 2.5 times ratio of lot width to lot length without creating \pm 15,000 to 20,000 SF lots. The rear of these long, narrow lots would remain largely undeveloped and full of weeds.

Nice size semi rural lots, matching properties to N.

The proposed access would serve no more than 7 residential units and would not extend outside the boundaries of the proposed Subdivision Plat.

ZUKER-SAMPLE LLC

Roya Sample

March 17, 2015

Exhibit 5

CURVE #	POINTS	DELTA	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH	CURVE #	DELTA	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	200.00	235.30	86.32	117.46	87.51	222.00	C8	222.00	179.81	70.84	179.81	70.84
C2	75.00	244.37	32.34	18.43	5.74	175.00	C9	175.00	170.02	4.17	170.02	4.17
C3	200.00	202.21	71.45	26.11	7.93	175.00	C10	175.00	174.41	54.18	174.41	54.18
C4	300.00	202.21	71.45	26.08	7.93	175.00	C11	175.00	172.45	13.17	172.45	13.17
C5	75.00	88.71	117.18	74.37	105.83	452.00	C12	452.00	181.50	80.81	181.50	80.81
C6	30.00	88.71	78.12	48.58	70.41	222.00	C13	222.00	218.27	8.58	218.27	8.58
C7	222.00	237.46	8.87	4.84	0.87	175.00	C15	175.00	207.05	82.47	207.05	82.47

THE PRIVATE ACCESS AND UTILITY EASEMENTS ARE JUST FOR THE BENEFIT AND USE BY LOTS

OWNER/DEVELOPER
 RORY SAMPLE FOR:
 ZUKER-SAMPLE, L.L.C.
 P.O. BOX 247
 1120 WEST LINCOLN AVENUE
 SEALY, WASHINGTON 98942

SURVEYOR/ENGINEER
 RICHARD L. WEIR, PLS
 PLSA ENGINEERING & SURVEYING
 1720 WEST LINCOLN AVENUE
 YAKIMA, WASHINGTON 98902

ENGINEERING-SURVEYING-PLANNING
 1720 WEST LINCOLN AVENUE
 YAKIMA, WASHINGTON 98902
 (509) 575-6990

PRELIMINARY PLAT
 DATE: 3/3/2015
 JOB NO. 09155

ZUKER-SAMPLE, L.L.C.
 PREPARED FOR

OF PARCEL NOS. 181428 - 44005 & 44021
 5 1/2, SE 1/4, SEC. 26, T-14 N, R-18 E, WM

1 of 1

PRELIMINARY PLAT
 OF
SOMERSET II
 IN THE S 1/2 OF THE SE 1/4 OF SECTION 26, TOWNSHIP 14 NORTH, RANGE 18 EAST, W.M.
 CITY OF SELAH, YAKIMA COUNTY, WASHINGTON

LEGAL DESCRIPTIONS

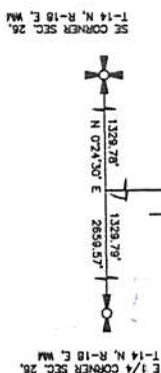
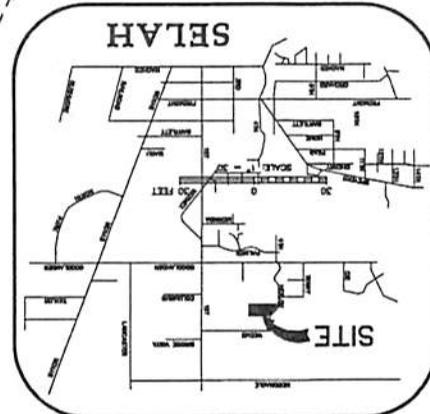
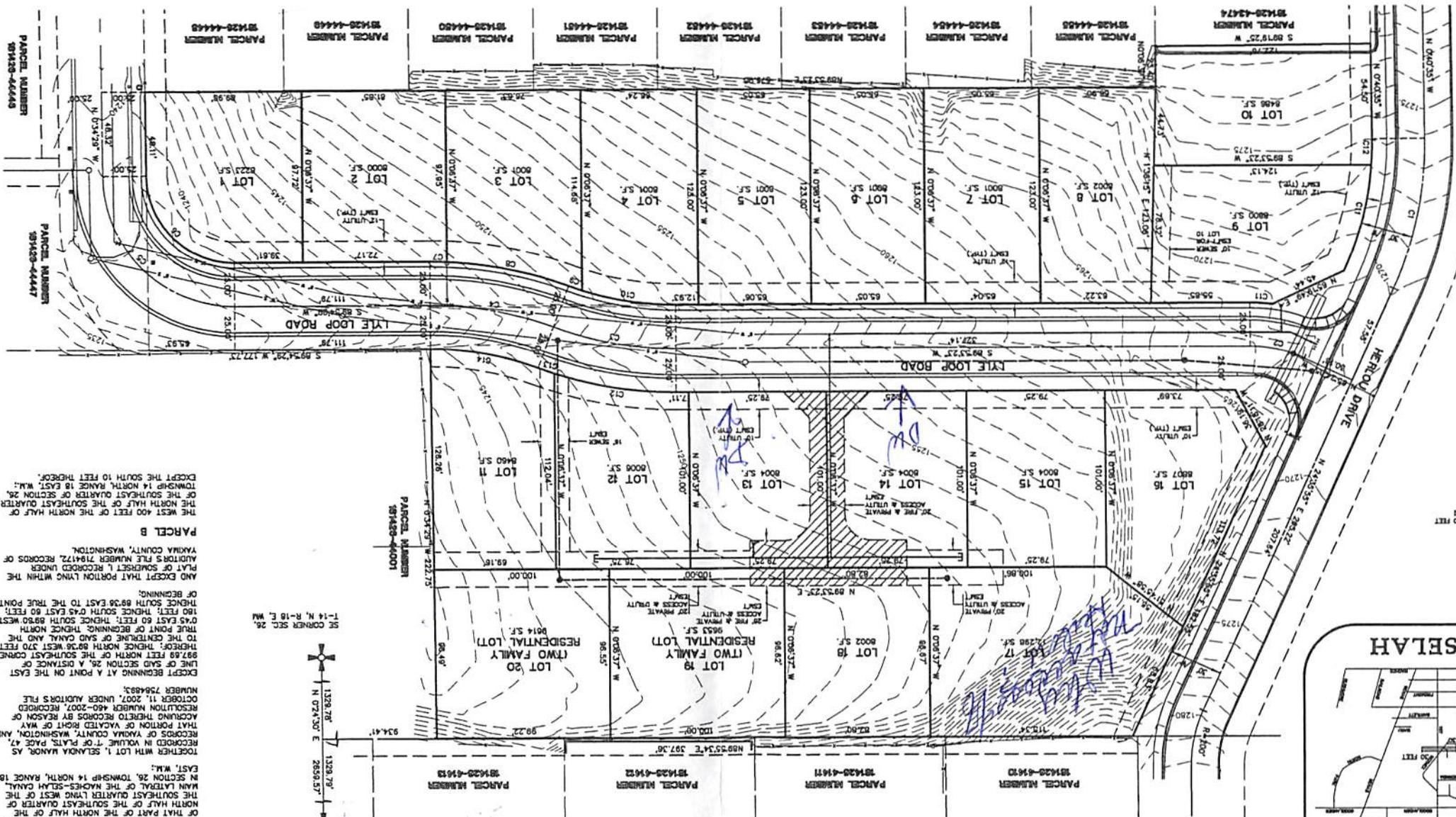
PARCEL A
 THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF THAT PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTH HALF OF THE SOUTHWEST QUARTER LING WEST OF THE SOUTHWEST QUARTER LING WEST OF THE MAIN LATERAL OF THE CANAL IN SECTION 26, TOWNSHIP 14 NORTH, RANGE 18 EAST, W.M. AS TOGETHER WITH LOT 1, SELAH, WASH. COUNTY, AS RECORDED IN VOLUME 1, PLATS, PAGE 47, RECORDS OF YAKIMA COUNTY, WASHINGTON, AND THAT PORTION OF VACATED RIGHT OF WAY ACCRUING THERE TO RECORDS BY REASON OF RESOLUTION NUMBER 480-2007, RECORDED OCTOBER 11, 2007, UNDER AUDITOR'S FILE NUMBER 7984893.

EXCEPT BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 26, A DISTANCE OF 897.69 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE NORTH 89.36 WEST 370 FEET TO THE CENTERLINE OF SAID CANAL; AND THE TRUE POINT OF BEGINNING; THENCE NORTH 0.45 EAST 60 FEET; THENCE SOUTH 0.45 EAST 60 FEET; THENCE SOUTH 89.36 EAST TO THE TRUE POINT OF BEGINNING.

AND EXCEPT THAT PORTION LYING WITHIN THE PLAT OF SOMERSET I, RECORDED UNDER AUDITOR'S FILE NUMBER 7194172, RECORDS OF YAKIMA COUNTY, WASHINGTON.

PARCEL B
 THE WEST 400 FEET OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 14 NORTH, RANGE 18 EAST, W.M., EXCEPT THE SOUTH 10 FEET THEREOF.

Exhibit b



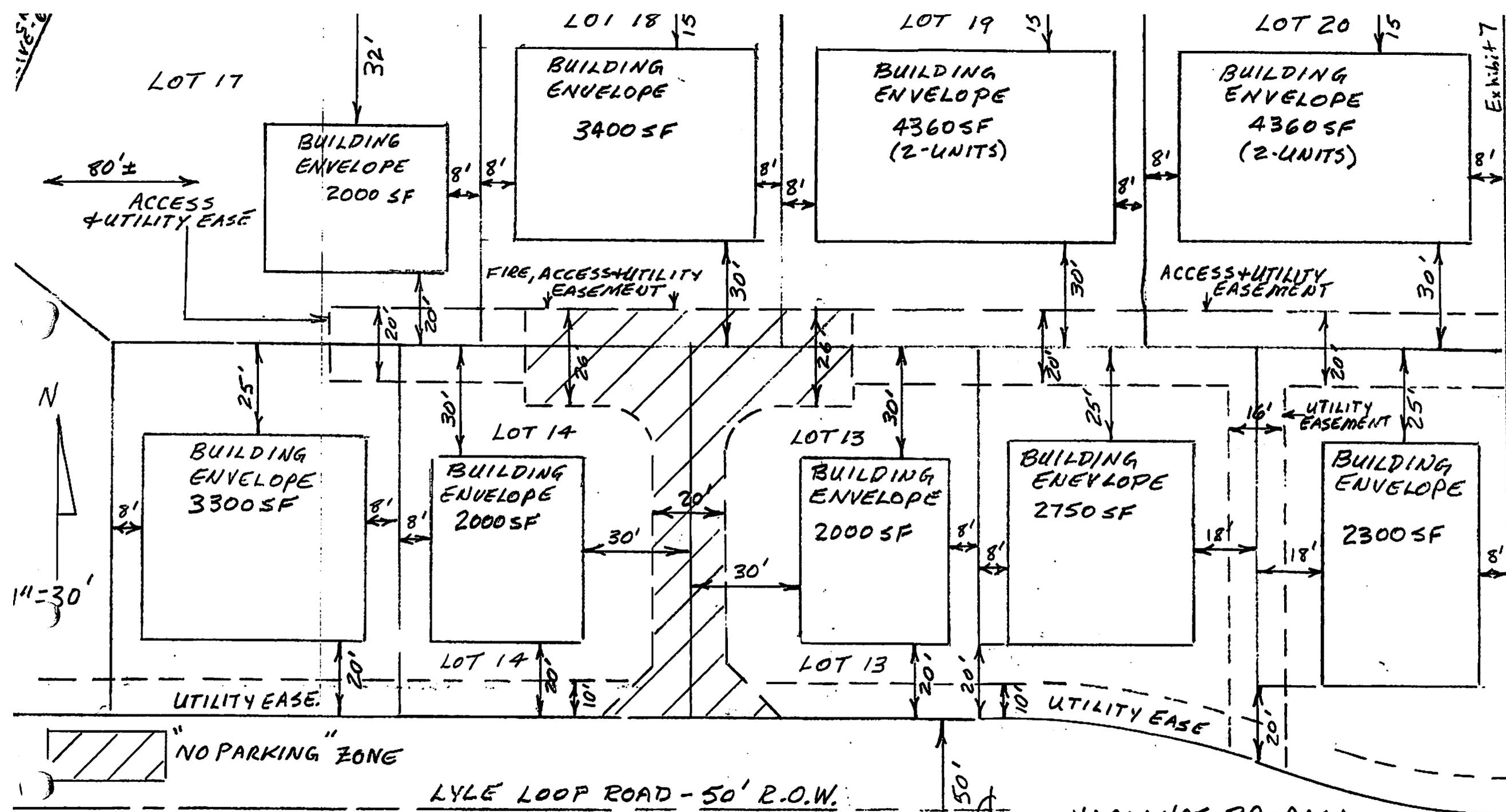


Exhibit 7

VARIANCE PROPOSAL
 SOMERSET II
 MARCH 17, 2015

EACH UNIT TO HAVE 2 PARKING SPACES AND 2 CAR GARAGE
 PRIVATE ACCESS ROAD FOR THE EXCLUSIVE USE OF LOT 13, 14, 17, 18, 19 & 20
 MAINTENANCE WILL BE BY THE OWNERS OF THESE LOTS



CITY OF SELAH

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



FILE NUMBER: 971.92.15.04
DATE FEE PAID 3/17/15
RECEIVED BY JK
FEE: \$275

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: SOMERSET II
2. Name of applicant: ZUCKER-SAMPLE LLC
3. Address and phone number of applicant and contact person: ROYA SAMPLE 509-910-1303
1304 HERITAGE HILLS PI.
SELAH, WA 98942
4. Date checklist submitted: 3/20/15
5. Agency requiring checklist: CITY OF SELAH
6. Proposed timing or schedule (including phasing, if applicable): PHASE 1-2015
PHASE 2 - 2016, PHASE 3 - 2017

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. **NONE KNOWN**
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. **LOW DENSITY (R-1) SUBDIVISION PRELIMINARY & FINAL PLAT**
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. **SUBDIVIDE 4.71 ACRES INTO 18 SINGLE FAMILY (8000SFT) LOTS AND 2-2 FAMILY LOTS (9000SFT+)**
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. **EAST OF HERLOU DR AND EXTENSION OF EXISTING LYLE**
13. Taxation parcel numbers(s): **18126-44005 - 44021 LOOP ROAD, CITY OF SELAH**

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, hilly, steep slopes, mountainous, other _____.
- b. What is the steepest slope on the site (approximate percent slope)? **25% (SMALL PORTION)**
- 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. **WIND BLOWN LOESS**
- 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. **QUANTITIES UNKNOWN - ROAD GRADING, LOT LEVELING**
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **MINOR**
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **40.0%**
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **SILT FENCES, WATERING, GRADE COMPACTION, AND STORM DRAINS**

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. **CONSTRUCTION EQUIPMENT, AUTOMOBILES (QUANTITY UNKNOWN)**
- 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:

OPEN SITE, NONE KNOWN

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. NONE
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. NO
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. NO
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. NO

b. Ground:

- 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. STORM DRAINS - NONE TO OTHER WATERS
- 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:

AS STATED ABOVE

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 **CHEAT GRASS, WEEDS**

b. What kind of and amount of vegetation will be removed or altered?

70% - 80%

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:

LAWNS, LANDSCAPING, TREES, BUSHES

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:

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. **ELECTRICITY AND NATURAL GAS FOR LIGHTING, HEATING AND COOLING**

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. **NONE - TYPICAL RESIDENTIAL AREA - ~~IN~~ CITY OF SELAH**

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.

NONE

2) Proposed measures to reduce or control environmental health hazards, if any:

DUST AND EROSION CONTROL, LANDSCAPING, SILT FENCES

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, construction, operation, other)?

NONE

- 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 AND MINOR TRAFFIC**
- 3) Proposed measures to reduce or control noise impacts, if any: **8 AM - 8 PM**
NONE

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?
OPEN AND SINGLE FAMILY RESIDENCES
- b. Has the site been used for agriculture? If so, describe.
UNKNOWN
- c. Describe any structures on the site.
NONE
- d. Will any structures be demolished? If so, what?
NO
- e. What is the current zoning classification of the site?
R-1
- f. What is the current comprehensive plan designation of the site?
LOW DENSITY RESIDENTIAL
- g. If applicable, what is the current shoreline master program designation of the site?
UNKNOWN
- 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?
65
- j. Approximately how many people would the completed project displace?
NONE
- k. Proposed measures to avoid or reduce displacement impacts, if any:
NONE
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
NONE

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
22 - MIDDLE INCOME
- 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?
28' - BRICK, STUCCO, MASONITE, WOOD
- b. What views in the immediate vicinity would be altered or obstructed?
NO
- 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?
STREET LIGHTS - AT NIGHT
- 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?

SCHOOL GROUNDS, BALL FIELDS, SWIMMING POOL, TENNIS COURTS

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.

NO

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.

ACCESS IS VIA HERLOU DRIVE AND THE EXTENSION OF LYLE LOOP ROAD

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

CITY OF SELAH - 1 MILE

c. How many parking spaces would the completed project have? How many would the project eliminate?

2 PARKING SPACES (MIN.) PER UNIT / PLUS GARAGES - 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).

CONSTRUCTION OF THE REMAINING PORTION OF LYLE LOOP AND PRIVATE ROAD TO THE NORTH

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.

60 TRIPS / DAY PEAK AT 7:00 AM AND 5:30 PM

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.

INCREASE FOR ALL THE ABOVE DUE TO POPULATION INCREASE

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. *INSTALLATION OF PUBLIC AND PRIVATE ROADS, CITY OF SELAH - PUBLIC WATER, SEWER, AND TRASH REMOVAL - PACIFIC POWER ELECTRICAL AND CASCADE NATURAL GAS,*

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.

Roy Sample
Signature of Proponent or Person Completing Form

Date: ~~3/18/15~~
3/17/15

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?

SOMEWHAT BECAUSE OF ADDED RESIDENTIAL UNITS ON THE PROPERTY AND CONSTRUCTION OF NEW HOMES

Proposed measures to avoid or reduce such increases are:

NONE

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

REMOVAL OF WEEDS AND UNDESIRABLE VEGETATION TO BE REPLACED BY LAWNS, TREES, BUSHES AND FLOWERS. (LANDSCAPING)

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

AS STATED ABOVE

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

NONE KNOWN

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

NONE

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

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

NONE

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?

AVERAGE RESIDENTIAL USE

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.

IT WILL NOT CONFLICT

Determination of Nonsignificance

1. **Description of Proposal:** "Somerset IP" Subdivide 4.71 acres into 20 lots, 18 lots for detached single family residences and two lots designated for two-family dwellings. Four lots, including two designated two-family residential lots are to be accessed from a private road, requiring a subdivision variance. Average proposed lot size is 8,578 square feet. The project is to be served by municipal sewer and water.
2. **Proponent:** Zucker-Sample, LLC
PO Box 247
Selah, WA 98942
3. **Location of Proposal including street address, if any:** Between Herlou Drive and Lyle Loop Road 200 feet south of the intersection of Herlou Drive and Weems Way and 100 feet north of the intersection of Herlou Drive and Lyle Loop Road in the City of Selah. (Yakima County Parcel Number: 181426-44005 & 44021).
4. **Lead Agency:** City of Selah
5. The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued using the optional DNS process in WAC 197-11-355; there is no further comment period on the DNS.
6. **Appeals:** You may appeal this determination to the Selah City Council by filing a written appeal with the required \$300.00 filing fee at the Selah Public Works Department, 222 S. Rushmore Road no later than 5:00 p.m. on May 14, 2015. You should be prepared to make specific factual objections. Contact the Planning Department at 698-7365 to read or ask about the procedures for SEPA appeals.
7. **Responsible Official:** Donald Wayman
8. **Position / Title:** City Administrator
9. **Address:** 222 S. Rushmore Road, Selah, Washington 98942
10. **Date:** May 7, 2015
11. **Signature** 



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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



April 24, 2015

Thomas Durant
Selah Planning Department
222 South Rushmore Road
Selah, WA 98942

Re: Somerset II

Mr. Durant:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the subdivision of 4.71 acres into 20 lots, proposed by Zucker-Sample, LLC. 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 or email at valerie.bound@ecy.wa.gov.

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.

Where is last page w/ Sig. etc?



Exh. b. + 10

Mr. Durant
April 24, 2015
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
crosepacoordinator@ecy.wa.gov

4137

April 20, 2015

Selah Planning Department
222 S Rushmore Rd
Selah WA 98942

Re: File No 912.42.15-02, 915.42.15-01, 971.45.15-04—"Somerset II" Zucker Sample, LLC

Dear Selah Planning Department,

This is my first attempt at submitting a response to your notice regarding the above request.

I would like to first explain who I am. My name is Michelle Bannister and I currently reside at 31 Lyle Loop, Selah WA. I have been a home owner at this address since 2002.

Although this is not the first attempt to change the original plan for the above mentioned property this is by far the better option proposed by Mr. Roy Sample and Mr. Zucker.

My opposition to this proposal would be the need to put "Rentals" within the development. I do not understand the thought process behind the proposal and it just makes no sense. As a homeowner I have a few concerns as to whom would be the landlord(s) and who would ensure that my neighborhood would not be negatively affected by this type of housing.

It is my understanding that our "Rental" homes/apartments/duplexes" is over half the entire population within the "City Limits" of Selah and that frankly is mind blowing! Please explain who benefits from all the "Rental" properties that continue to be built within our city?

I feel that it is the responsibility of the "Developer" and the City of Selah Planning Commission to build a "Quality" development that will contribute in a complementary way. I am not against growth in this city but I truly believe that the process and those who are "in charge" of the process have lost their ability to do the right thing.

Sincerely,



Michelle Bannister

April 16th 2015

To: Tom Durand - Selah City Planner
Cc: Pat Spurgeon - Selah Hearing Examiner

My husband & I have lived in Selah for over 40 years, our children went thru the school system & we are NOT happy with the way Selah is being rezoned & developed.

The development across the road from the High School is insane. In addition to being cheap looking, do they even meet fire code for 2 way in & out? The extra traffic on Goodlander would be horrible during school terms. The architecture of these "townhouses" is in no way consistent with the surrounding residences.

The property being developed on Herbon (between Weems Way & Goodlander) is yet another planned development that does not fit with the neighboring homes.

The traffic on Weems Way has already increased so much that it's dangerous, particularly for the families with children.

We moved to Selah for a reason -

(2)

quality of life. High density development erodes that quality.

Do what you were elected to do - fight to protect our city. Say no thanks to developers only interested in making a buck at your constituents expense. Have some guts and do the right thing.

Mr & Mrs. Willie Morris
100 Weems Way
Selah - Wa - 98942



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 & ENVIRONMENTAL REVIEW OPPORTUNITY TO PROVIDE COMMENTS NOTICE OF HEARING EXAMINER OPEN RECORD PUBLIC HEARING

File No. 912.42.15-02, 915.42.15-01, 971.42.15-04 – “Somerset II” Zucker-Sample, LLC Notice of Application, and Environmental Review,

Application: On March 17, 2015 the City of Selah Planning Department received applications for a preliminary plat and subdivision variance and an environmental checklist from Zucker-Sample, LLC, PO Box 247 Selah, WA 98942 to subdivide 4.71 acres into 20 lots with six dwelling units that have access from a private road. The application was determined complete for processing on April 7, 2015. The decision on this application will be made within one-hundred twenty days of the determination of complete application. *actually*

Project Description Subdivide 4.71 acres into 20 lots, 18 lots for detached single family residences and two lots designated for two-family dwellings. Four lots, including two designated two-family residential lots are to be accessed from a private road, requiring a subdivision variance. Average proposed lot size is 8,578 square feet. The project is to be served by municipal sewer and water.

Location: Between Herlou Drive and Lyle Loop Road 200 feet south of the intersection of Herlou Drive and Weems Way and 100 feet north of the intersection of Herlou Drive and Lyle Loop Road in the City of Selah. (Yakima County Assessor Parcel Number: 181426-44005 & 44021).

Approvals, Actions and Required Studies: Preliminary Plat, Subdivision Variance (Exception – SMC 10.50.070).

Environmental Review: The City of Selah is the lead agency for this proposal under the State Environmental Policy Act (SEPA). The City has reviewed the proposal for probable adverse environmental impacts and expects to issue a Determination of Nonsignificance (DNS) for the proposal. The optional DNS process in WAC 197-11-355 is being used. This may be your only opportunity to comment on the environmental impacts of the proposed project. After all comments have been received and considered, a threshold determination will be made without an additional comment period. *by 4/15??
5/7 signed
by Don.*

Request for Written Comments on the Proposal Written comments concerning the proposed preliminary plat, subdivision variance and environmental checklist will be accepted during the public comment period that expires at 5:00.p.m, on April 29, 2015. Please mail your comments to Selah Planning Department, 222 So. Rushmore Road, Selah, WA 98942. Reference a file number stated in this notice or “Somerset II” in your correspondence.



Open Record Public Hearing An open record public hearing on the proposed preliminary plat and subdivision variance will be held before the City of Selah Hearing Examiner. The Examiner will conduct the hearing on **WEDNESDAY, MAY 20, 2015 COMMENCING AT 10:00 A.M.** in the Council Chambers, City of Selah City Hall, 115 W. Naches Ave. Selah, WA

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

Application information including the SEPA environmental checklist 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

Dated this 15th day of April 2015.

/s/

Thomas R. Durant, Community Planner



File Number: 912.42.15-02 Somerset II

INSTALLATION CERTIFICATION

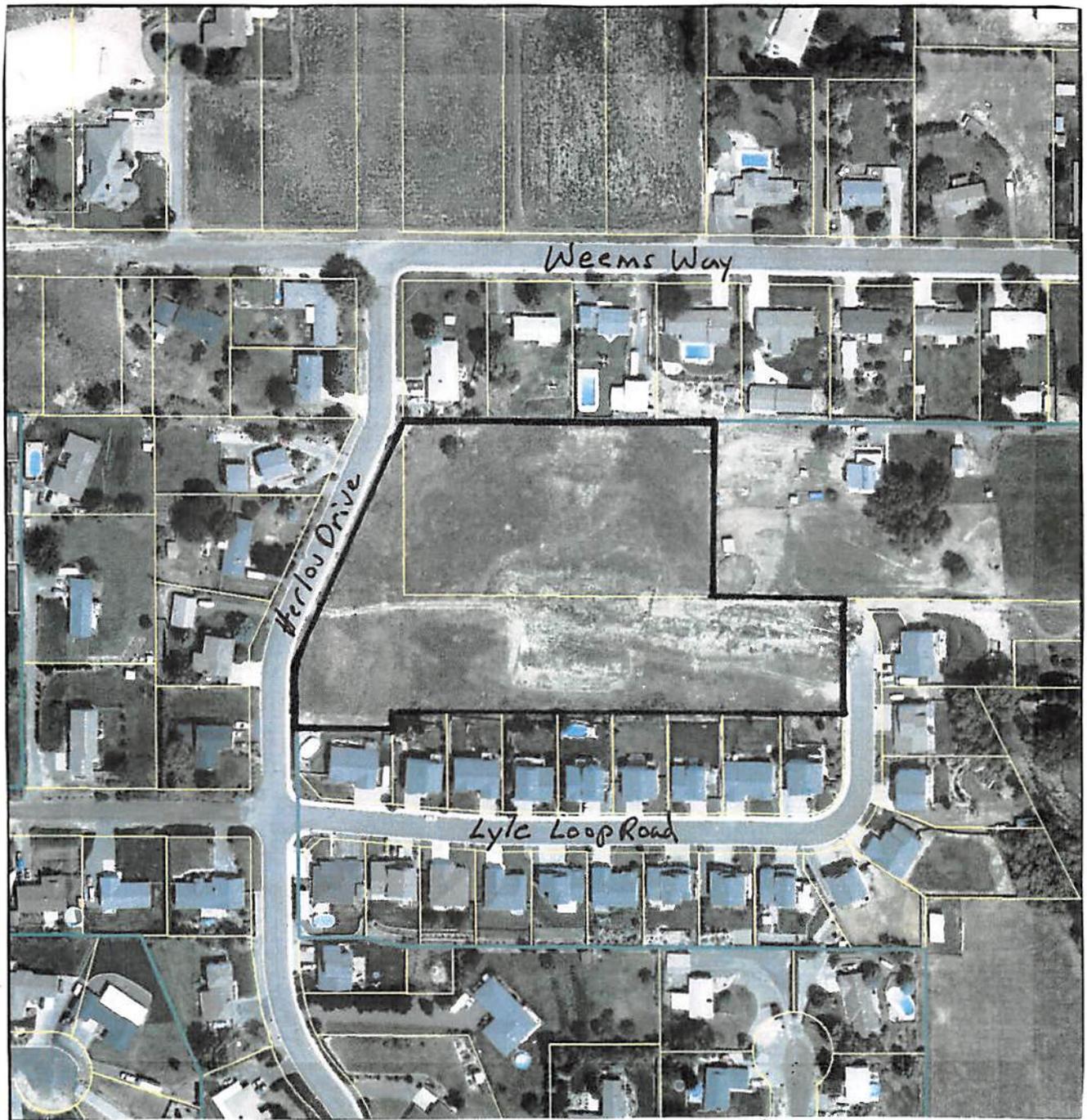
I understand that Selah Municipal Code (SMC) 21.07.035 requires me to post the property at least 20 days before the public hearing or meeting for which the notice is required.

I certify that on April 29, 2015 the Notice of Public Hearing on sign(s) provided by the Selah Planning Department were posted on the property located at Herlou Road/Lyle Loop Road, Selah, Washington at the midpoint on the street frontage from which the site is addressed or as otherwise directed by City staff.



Signature

5/5/15
Date



SUBJECT PROPERTY

SCALE: 1" = 200'

APPLICATION: SOMERSET II

APPLICANT: ZUCKER – SAMPLE, LLC

REISSUED
**NOTICE OF DEVELOPMENT APPLICATION &
ENVIRONMENTAL REVIEW
OPPORTUNITY TO PROVIDE COMMENTS
NOTICE OF HEARING EXAMINER OPEN RECORD PUBLIC
HEARING**

File No. 912.42.15-02, 915.42.15-01, 971.42.15-04 - "Somerset II"
Zucker-Sample, LLC Notice of Application, and Environmental
Review.

Application: On March 17, 2015 the City of Selah Planning Department received applications for a preliminary plat and subdivision variance and an environmental checklist from Zucker-Sample, LLC, PO Box 247 Selah, WA 98942 to subdivide 4.71 acres into 20 lots with six dwelling units that have access from a private road. The application was determined complete for processing on April 7, 2015. The decision on this application will be made within one-hundred twenty days of the determination of complete application.

Project Description Subdivide 4.71 acres into 20 lots, 18 lots for detached single family residences and two lots designated for two-family dwellings. Four lots, including two designated two-family residential lots are to be accessed from a private road, requiring a subdivision variance. Average proposed lot size is 8,578 square feet. The project is to be served by municipal sewer and water.

Location: Between Herlou Drive and Lyle Loop Road 200 feet south of the intersection of Herlou Drive and Weems Way and 100 feet north of the intersection of Herlou Drive and Lyle Loop Road in the City of Selah. (Yakima County Assessor Parcel Number: 181426-44005 & 44021).

Approvals, Actions and Required Studies: Preliminary Plat, Subdivision Variance (Exception - SMC 10.50.070).

Environmental Review: The City of Selah is the lead agency for this proposal under the State Environmental Policy Act (SEPA). The City has reviewed the proposal for probable adverse environmental impacts and issued a Determination of Nonsignificance (DNS) for the proposal on May 7, 2015. The SEPA Responsible Official will accept written comments for an additional 14 days that ends on June 5, 2015 and will reconsider the determination after the comment period ends.

Request for Written Comments on the Proposal Written comments concerning the proposed preliminary plat and subdivision variance will be accepted up to the day of the hearing and on the environmental checklist during the public comment period that expires at 5:00.p.m. on June 5, 2015. Please mail your comments to Selah Planning Department, 222 So. Rushmore Road, Selah, WA 98942. Reference a file number stated in this notice or "Somerset II" in your correspondence.

Open Record Public Hearing An open record public hearing on the proposed preliminary plat and subdivision variance will be held before the City of Selah Hearing Examiner. The Examiner will conduct the hearing on **WEDNESDAY, JUNE 10, 2015 COMMENCING AT 10:00 A.M.** in the Council Chambers, City of Selah City Hall, 115 W. Naches Ave. Selah, WA

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

Application information including the SEPA environmental checklist 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

Dated this 20th day of May, 2015.

/s/ Thomas R. Durant, Community Planner

(546933) May 22, 2015

Courtesy of Yakima Herald-Republic

**CITY OF SELAH
AFFIDAVIT OF MAILING**

**STATE OF WASHINGTON
COUNTY OF YAKIMA**

I, Caprise Groo, being first duly sworn on oath dispose and says:

I am an employee of the City of Selah, 222 South Rushmore Road, Selah, Washington; that I did on the 22 day of May, 2015 caused to be mailed, 141 envelopes, containing a true and correct copy of a Notice of Application & Environmental Review (File No 912.42.15-02, 915.42.15-01, 971.42.15-04). Said envelopes mailed from Selah, WA. with the correct first class postage and addressed to the owners of property listed by the Yakima County Treasurer as being the legal owners of real property located within 600 feet of the proposal.

A listing of the legal owners of real property to whom notice has been mailed is contained in file 912.42.15-02, 915.42.15-01, 971.42.15-04

Caprise Groo
Caprise Groo

**STATE OF WASHINGTON
COUNTY OF YAKIMA**

On this day personally appeared before me Caprise Groo to me known to be the individual referenced herein and who caused to be mailed the Notice of Application & Environmental Review (File No 912.42.15-02, 915.42.15-01, 971.42.15-04

Given under my hand and official seal this 21st day of May, 2015.

Cynthia L. Graziano
Cynthia L. Graziano

Notary Public in and for the State of Washington, residing at Yakima, WA. My term expires 07/14/18.



17 Exhibit

To be ~~Mailed~~
May 20, 2015

181426-43426
Kurt M. Sweeza
Herlou Drive
Selah, WA. 98942

181426-43427
Norman J. and Susan Hillstrom
200 Herlou Drive
Selah, WA 98942

181426-43428
Bryant and Whitney Kyger
220 Herlou Drive
Selah, WA. 98942

181426-43429
Paul V. and Debbie Napolitano
240 Herlou Drive
Selah, WA. 98942

181426-43434
Hughes Family Trust
71 Hexon Road
Selah, WA. 98942

181426-43435
Cart T. and Christie Herbst
208 Palmer Drive
Selah, WA. 98942

181426-43436
Brian W.C. & Susan P. Pierce Richards
61 Lyle Avenue
Selah, WA. 98942

181426-43408
Elva M. Gomez
10 Herlou Drive
Selah, WA. 98942

181426-43409
403 West Goodlander Road
Selah, WA. 98942

181426-43415
Angela Finley
30 Herlou Drive
Selah, WA. 98942

181426-43416
Jon C. and Kelsey E. Hagen
70 Herlou Drive
Selah, WA. 98942

181426-43417
Johnny Minyard
110 Herlou Drive
Selah, WA. 98942

181426-43418
Robert D. and Denise L. Anderson
120 Herlou Drive
Selah, WA. 98942

181426-43420
Crystal Lewis
60 Lyle Avenue
Selah, WA. 98942

181426-43424
Mary Sue Partlow
40 Lyle Avenue
Selah, WA. 98942

181426-43425
Skip S. and Karen Schoff
10 Lyle Avenue
Selah, WA. 98942

181426-43438
John Ard
41 Terry Lane
Selah, WA. 98942

181426-43405
Hendrickson Family Living Trust
61 Herlou Drive
Selah, WA. 98942

181426-43406
David P. and Kelly Rambo
217 West Goodlander
Selah, WA. 98942

181426-43407
David & Deanna Dillon
11 Herlou Drive
Selah, WA. 98942

181426-43430
Steven J. and Kacey J. Royce
91 Herlou Drive
Selah, WA. 98942

181426-43471
David and Paiege Flink
P O BOX 911
Selah, WA. 98942

181426-44003/6; 44418/20/1/2/3; 44426;
44432 ; 44433; 44456
Glenn S. and Dena Faulkner
284 Lancaster Road
Selah, WA. 98942

181426-44007
Paul and Danette Franklin
215 West Goodlander Road
Selah, WA. 98942

181426-44400
Richard J. and Linda A Rossignol, Willsey
91 Lorry Lane
Selah, WA. 98942

181426-44401
Kenneth W. Jr. and Charlotte M. Pope
81 Lorry Lane
Selah, WA. 98942

181426-44402
Kenneth J. and Bessie E. Blehm
61 Lorry Lane
Selah, WA. 98942

181426-44403
Thomas R. and Nancy K. Moore
41 Lorry Lane
Selah, WA. 98942

181426-44404
Walter R. and Margaret Turner
31 Lorry Lane
Selah, WA. 98942

181426-44405
Reeves Family Trust
11 Lorry Lane
Selah, WA. 98942

181426-44406
Kappenman Living Trust
207 West Goodlander Road
Selah, WA. 98942

181426-44409
Kathy J. Kester
60 Lorry Lane
Selah, WA. 98942

181426-44413
Michael D. and Linda Ritch
51 Herlou Place
Selah, WA. 98942

181426-44416
Gary and Sherril Jones
POB 784
Selah, WA. 98942

181426-43473
Kar King Ho and Pak Lee
30 Lyle Loop Road
Selah, WA. 98942

181426-44002
Kenneth R. Peckman
1160 Selah Loop Road
Selah, WA. 98942

181426-44437
Douglas and Kristen R. Armstrong
50 Lyle Loop
Selah, WA. 98942

181426-44440
Howard and Corinne Stively
80 Lyle Loop
Selah, WA. 98942

181426-44443
Mark R. Weller
110 Lyle Loop
Selah, WA. 98942

181426-44446
Joshua and Stacey Busey
115 Lyle Loop
Selah, WA. 98942

181426-44407
Wade H. and Stephanie K. Erickson
30 Lorry Lane
Selah, WA. 98942

181426-44410
80 Lorry Lane
Selah, WA. 98942

181426-44414
Richard E. and Jodeanna Rae Weller
50 Herlou Place
Selah, WA. 98942

181426-44428
Michell Green
111 Herlou Drive
Selah, WA. 98942

181426-43474
Christy Hornbuckle
21 Lyle Loop Road
Selah, WA. 98942

181426-44005
Zuker-Sample Development LLC
P O Box 247
Selah, WA. 98942

181426-44438
Antje C. Ehlert
60 Lyle Loop
Selah, WA. 98942

181426-44441
Rockie and Shari Muoth
90 Lyle Loop
Selah, WA. 98942

181426-44444
Michael L. and Jill Christianson
P O BOX 473
Selah, WA. 98942

181426-44447
Christopher M. and Jennifer Dykstra
117 Lyle Loop
Selah, WA. 98942

181426-44408
Timothy A. and Leslie J. Knowles
40 Lorry Lane
Selah, WA. 98942

181426-44411
Donald K. and Erin L. Thomas
90 Lorry Lane
Selah, WA. 98942

181426-44415
Raymond G. and Carole Jundt
211 West Goodlander Road
Selah, WA. 98942

181426-43472
Kendall Nass
20 Lyle Loop Road
Selah, WA. 98942

181426-44001
Jeff A. & Cotton Ely
1162 Selah Loop Road
Selah, WA. 98942

181426-44436
Justin M.W. and Anne C.M. Ross
40 Lyle Loop
Selah, WA. 98942

181426-44439
Zeb A. and Jeanette Lilja
70 Lyle Loop
Selah, WA. 98942

181426-44442
John and Marjorie Rudick
100 Lyle Loop
Selah, WA. 98942

181426-44445
Paul Patnode
113 Lyle Loop
Selah, WA. 98942

181426-44448
David and Junghee Spicer
101 Lyle Loop
Selah, WA. 98942

181426-44449
Paula and Michael W. Collett
91 Lyle Loop
Selah, WA. 98942

181426-44450
John K. Harris
81 Lyle Loop
Selah, WA. 98942

181426-44451
71 Lyle Loop
Selah, WA. 98942

181426-44452
Richard W. and Tammy Lou Kosoff
61 Lyle Loop
Selah, WA. 98942

181426-44453
Troy L. and Micala S. Tornow
51 Lyle Loop
Selah, WA. 98942

181426-44454
Kyle and M. Margarita C. Sager
41 Lyle Loop
Selah, WA. 98942

181426-44455
Kevin L. and Michelle S. Bannister
P O BOX 1114
Selah, WA. 98942

181426-44457
Diep Thi Miller
POB 2264
Yakima, WA. 98901

181426-44011
Kyle M. & Mary E. Lyons
1040 Selah Loop Road
Selah, WA. 98942

181426-44014
Carl L. & Candi R. Torkelson
POB 292, Selah
WA. 98942

181426-44015
Sean Broetje
117 West Goodlander Road
Selah, WA. 98942

181426-44018
Joan Currier
POB 1305
Selah, WA. 98942

181426-44019
Richard J. and Linda A. Rossignol Willsey
91 Lorry Lane
Selah, WA. 98942

181426-44020
Wendy A Fizzell
P O BOX 699
Selah, WA. 98942

181426-44022
Board of Yakima County Commissioners
128 N. 2ND Street
Yakima, WA. 98901

181426-44429
Gary J. Carmack and James P. Carmack
9306 Meadowbrook Road
Yakima, WA. 9890-3,

181426-44430
Tyson D. Masias
105 West Goodlander Road
Selah, WA. 98942

181426-44431
Timothy A. McDonald
109 West Goodlander Road
Selah, WA. 98942

181426-43412
Elvira Flores
81 Terry Ln
Selah, WA 98942

181426-43413
Lane & Sharon Nicklin
20 Terry Pl.
Selah, WA 98942

181426-43414
40 Terry Pl
Selah, WA 98942

181426-43419
Randy & Heather Sides
41 Terry Pl.
Selah, WA 98942

181426-43421
William & Tawnya Eller
11 Terry Pl
Selah, WA 98942

181426-43422
Rosendo & Fidelia Carrillo
80 Lyle Ave.
Selah, WA 98942

181426-43423
Crystal Lewis
60 Lyle Ave
Selah, WA 98942

181426-43481
Charles & Marlene Allan
1000 Terry Ln
Selah, WA 98942

181426-43482
1006 Terry Ln.
Selah, WA 98942

181426-43483
Mrs. Steven
111 Lyle Loop
Selah, WA 98942

181426-43484
Andrew Potter
205 B Valleyview
Selah, WA 98942

181426-43485
Aaron Thompson
111 Herlou Dr.
Selah, WA 98942

181426-43498
Cody & Stacey Conley
918 Terry Ln.
Selah, WA 98942

181426-43502
Roberto & Elvia Munoz
1109 Terry Ln
Selah, WA 98942

181426-43505
Kristin Davie
1100 Terry Ln
Selah, WA 98942

181426-43508
Christy & Ellery Banks
1106 Terry Ln
Selah, WA 98942

181426-42400/1
Arthur Berger
311 Weems Way
Selah, WA 98942

181426-42406/7
Artisha Busey
1312 City Reservoir Road
Yakima, WA 98908

181426-42411
William & Desiree Lohman
300 Herlou Dr.
Selah, WA 98942

181426-41008/9
Stanley & Sharma Taylor
50 Weems Way
Selah, WA 98942

181426-41404
David Stover
121 Weems Way
Selah, WA 98942

181426-41411
Herbert & Mary Horn
220 Weems Way
Selah, WA 98942

181426-43437
Phillip & Marilyn Wharton
171 Terry Ln.
Selah, WA 98942

181426-43503
Herbert & Janet Lyon
1107 Terry Ln
Selah, WA 98942

181426-43506
Jose & Kaleolani Busseau
1102 Terry Ln.
Selah, WA 98942

181426-43509
Jeannie Carroll
1108 Terry Ln.
Selah, WA 98942

181426-42402/3
Darin Berger
313 Weems Way
Selah, WA 98942

181426-42408/9
Don & Paulette Mallula
310 Weems Way
Selah, WA 98942

181426-41006
Ronald Caldwell
130 Weems Way
Selah, WA 98942

181426-41402
Earl & Cathy Stai
61 Weems Rd.
Selah, WA 98942

181426-41407/8/9
Bradley Busey
310 Weems Way
Selah, WA 98942

181426-41412
Wayne Worby
200 Weems Way
Selah, WA 98942

181426-43501
Cassandra Heide
1111 Terry Ln.
Selah, WA 98942

181426-43504
Sheila Ogburn
1105 Terry Ln
Selah, WA 98942

181426-43507
Jessica & Russell Warner
1104 Terry Ln.
Selah, WA 98942

181426-43510
Barbara Binder
1110 Terry Ln.
Selah, WA 98942

181426-42404/5/
Bradley Busey
310 Weems Way
Selah, WA 98942

181426-42410
Terri Herndon
270 Herlou Dr.
Selah, WA 98942

181426-41007
Willie Morris
100 Weems Way
Selah, WA 98942

181426-41403
Russell & Elena Loges
71 Weems Way
Selah, WA 98942

181426-41410
Ronald Sweezea
271 Herlou Dr
Selah, WA 98942

181426-41413
John & Kathy Duncan
180 Weems Way
Selah, WA 98942

181426-41414
Steven & Ellen Zeutenhorst
170 Weems Way
Selah, WA 98942

181426-41415
Eric & Dorothy Johnson
140 Weems Way
Selah, WA 98942

181426-41416
Richard & Jaye Vollmer
171 Weems Way
Selah, WA 98942

181426-41417
Rick & Sarah Fowler
141 Weems Way
Selah, WA 98942

181426-41418
Roger & Laraine Rising Jr
151 Weems Way
Selah, WA 98942

John Soder
511 Viewcrest Place
Selah, WA 98942

Ron Caldwell
130 Weems Way
Selah, WA 98942

Stan Tyler
50 Weems Way
Selah, WA 98942

John & Alana Oaks
51 Weems Way
Selah, WA 98942

Brian Richards
61 Lyle Avenue
Selah, WA 98942

Brad Worby
441 Mullins Road
Selah, WA 98942

Lisa Freeze
1116 Collins Road
Selah, WA 98942

Bryant Kyger
220 Herlou Drive
Selah, WA 98942

David Spicer
101 Lyle Loop
Selah, WA 98942

Archie Gardner
60 Lyle Ave
Selah, WA 98942

Hannah Halverson
121 Herlou Dr
Selah, WA 98942

Brad Smith
1309 W Goodlander Rd
Selah, WA 98942

John Soden
511 Viewcrest Ave
Selah, WA 98942

Kathleen Fontaine 510 Southern Ave Selah, WA 98942			
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June 4, 2015

Selah Planning Department
22 So. Rushmore Road
Selah, WA 98942

Dear Thomas Durant, Community Planner

RE: Somerset II Development

Here are a some points that are in conflict with Selah Municipal Code or are being requested to be granted a variance from the code and I feel these developments are being rushed through without thought or consequences to the community of Selah.

Incomplete issues on the plat map. Lack of location of fire hydrants and Street light location along with consideration of light direction, public and private roads. There is a lack of retaining wall identification and design. Not to mention, a lack of storm water runoff retention system and locations.

On top of that the average and individual lots size are misleading when considering the possibility of the private road removing usable land from the owner usage. Lots 11, 12, 13, 14, 15 and 18 all fall below the 8,000 sq. ft. area when the paved road takes their land away and Lots 11, 12 and 15 have roads on two sides and that is to be avoided. Then Lots 13 and 14 go even further and have roads on three sides and that is to be avoided. The private road surface reduces the requirement of 9,000 square feet requirement below minimum level for a duplex.

Mr. Sample speaks to the siting of the duplexes and recognizes they have an adverse effect on neighborhood single family homes. He is locating them to hide their presence as a devaluation of adjacent properties. Additionally this adds a higher level of traffic on a limited surface without public safety issues of a wider driving surface and sidewalks for pedestrians.

Is it legal to claim property to create a private road from lots 11, 12, 13, 14, 15 and deny them access to land they are paying property taxes on and as legal owner of the land may be subject to liability issues from road users.

Setbacks on the duplexes should not be considered for a variance as there is plenty of room on the lot. If locating the required off-street parking is a problem then the duplexes are sited wrong. The zoning for the development is R-1. The lot coverage for R-1 is 35%, therefore the lots 19 and 20 will fall under the R-1 municipal code of 35% including building footprint, driveway, sidewalks and off-street parking.., the proposed structures are out of compliance.

The "undue hardship" that requires a variance for a private road is driven by maximizing the number of lots, Why doesn't Mr. Sample explore other configurations before declaring "undue hardship" like Cul-de-sac, a variance on the width to length ratio of lots. Dan Bower was given a ratio of 1 to 3.64 on Goodlander when he divided his land in May of 2014. The "undue hardship" was vacated when Mr. Sample quit working on an approved development that didn't require a variance for a private road.

Many of us cannot make these meetings because we work for a living. Why are not meetings held at a time when the majority of the community can come to them to have their say in what is happening to our city.

Sincerely, Diane L. Underwood, 402 North 9th Street, Selah, WA 98942, 509.480.0899 cell



18 Exhibit

son. 11
Mg Spangin

June 4, 2015

Selah Planning Department
222 So. Rushmore Road
Selah, WA 98942

Dear Thomas Durant, Community Planner

RE: Somerset II Development

Below you will find issues that I feel are that are in conflict with Selah Municipal Code or are being requested to be granted a variance from the code and I feel these developments are being rushed through without thought or consequences to the community of Selah but to the best interest of the developer.

Incomplete issues on the plat map. Lack of location of fire hydrants and Street light location and the consideration of light direction, public and private roads. There's a lack of retaining wall identification and design. Plus a lack of storm water runoff retention system and locations.

On top of that the average and individual lots size are misleading when considering the possibility of the private road removing usable land from the owner usage. Lots 11, 12, 13, 14, 15 and 18 all fall below the 8,000 sq. ft. area when the paved road takes their land away and Lots 11, 12 and 15 have roads on two sides and that is to be avoided. Then Lots 13 and 14 go even further and have roads on three sides and that is to be avoided. The private road surface reduces the requirement of 9,000 square feet requirement below minimum level for a duplex.

Mr. Sample speaks to the siting of the duplexes and recognizes they have an adverse effect on neighborhood single family homes. He is locating them to hide their presence as a devaluation of adjacent properties. This adds a higher amount of traffic on a limited surface without public safety issues of a wider driving surface and sidewalks for pedestrians.

Can a person legally lay claim to property to create a private road from the lots 11, 12, 13, 14, 15 and deny them access to land that they are paying property taxes on and as legal owner of the land may be subject to liability issues from road users? This does not seem right or legal in my opinion.

The zoning for the development is R-1. The lot coverage for R-1 is 35%, therefore the lots

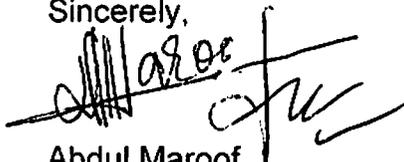
19 Exhibit

19 and 20 will fall under the R-1 municipal code of 35% including building footprint, driveway, sidewalks and off-street parking..., the proposed structures are out of compliance.

The "undue hardship" that requires a variance for a private road is driven by maximizing the number of lots, Why doesn't Mr. Sample explore other configurations before declaring "undue hardship" such as a Cul-de-sac or a variance on the width to length ratio of lots. Dan Bower was given a ratio of 1 to 3.64 on Goodlander when he divided his land in May of 2014. The "undue hardship" was vacated when Mr. Sample quit working on an approved development that didn't require a variance for a private road.

Many of us cannot make these meetings because we work for a living. Why are not meetings held at a time when the majority of the community can come to them to have their say in what is happening to our city.

Sincerely,

A handwritten signature in black ink, appearing to read 'Abdul Maroof', with a large, sweeping flourish extending to the right.

Abdul Maroof

402 No. 9th Street

Selah, WA 98942

June 8, 2015

To the Planning Dept.

Why is the Zuker-Sample LLC development Somerset II being developed with the need for a variance? Why can't it be done like the neighborhood around it?

When it was annexed the neighbors were told it would be like the surrounding area. Is there really a need for duplexes in this area being developed? Selah already has too many rental units as compared to single family residences.

We live on Weems Way adjacent to the Selah city line. It's not very encouraging for us to see what may happen to the available land next to us if annexed. It seems that the developments being done lately are more for the benefit of the contractors than for the citizens of Selah.



Thank You,
Ron Caldwell
Klianne Caldwell
130 Weems Way
Selah, WA 98942
EXhibit 27

June 6, 2015

Selah Planning Dept,
222 S Rushmore Road,
Selah, WA 98942

Attn: Mr. Thomas Durand and Selah Planning Dept.

I am writing this letter to share my strong opposition to another of the proposed re-zoning and construction of the Somerset II addition. As a lifelong Selah resident, attending Selah Schools K-12 and teaching in the Selah School District for thirty years, and Selah taxpayer and homeowner, I feel I have a vested interest in the responsible growth of my community.

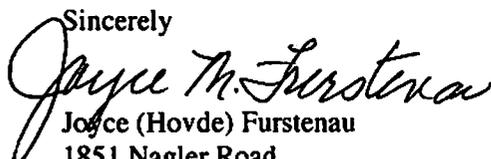
It is my opinion that following issues need to be publicly addressed at your next review meeting on June 10 @ 10:00 AM before sending your recommendation on to the City Counsel.

- Is it legal to claim property to create a private road from lots 11, 12, 13, 14, 15 and deny them access to land they are paying property taxes on and as legal owner of the land may be subject to liability issues from road users?
- The zoning for the development is R-1. The lot coverage for R-1 is 35%, therefore the lots 19 and 20 will fall under the R-1 municipal code of 35% including building footprint, driveway, sidewalks and off-street parking. Aren't the proposed structures proposed out of compliance?
- Are there some incomplete issues on the plat map?
- Where are fire hydrants located?
- What is the street light location and has there been any consideration of light direction?
- Where will retaining walls be located and what will be the design.
- Will there be a storm water runoff retention system? Where?

There are several other issues concerning this development that need to be addressed and answered in the public meeting next Wednesday.

Summarizing, I am opposed to any construction that does not meet the codes already in place for new construction. It would seem to this citizen that the "developers" need to be held accountable for various code violations. Developers should NOT be expecting variances for each and every issue that comes along as a bump in the road. The best interests and character of the Selah community must be paramount over personal gain.

Sincerely


Joyce (Hovde) Furstenau
1851 Nagler Road
Selah, WA 98942

21 Exhibit

6/8/15

Patrick Spurgin
Selah Planning Department
222 S. Rushmore Road
Selah Wa. 98942

Re. conflict with Sommerset 11 development

As a concerned citizen of Selah, as well as a homeowner directly affected by the the development in question, I am appalled that the council is even considering the rezoning requested by the Zuker-Sample LLC devopment.

#1

This is in the middle of an R-1 neighborhood, and all of the adjacent property values will plummet immediately if this is allowed to be rezoned .
At least (6) of the lots will be smaller than the 8,000 mimimum when the private roads are put in. 2 of the lots would actually have streets on 3 sides of their lots! (Not the kind of neighborhood that homeowners will want to purchase, but suitable for rentals, which is the end result if this were to be allowed.

#2

Mr. Sample has admitted that the "adjoined residences" (duplexes) will have an adverse effect on the value of adjacent R-1 lots, so he wants to hide them in the corner???
Why not just build single family homes like Sommerset 1, like you told those buying there that 11 would be????

#3

I don't understand the plea of "undue hardship" posed by Mr. Sample so he can put in a private road. County zoning allowed him to have the correct number and size of R-1 lots, but it appears that greed comes into play and since he is on the City Council, THAT IS A CONFLICT OF INTEREST!
He needs to step down from council if that is the case.

#4

The City council has shown that they are more interested in appeasing their own members more than their concern on growing Selah responsibly with real estate designed to attract homeowners who are invested in the community. The City of selah has about 50% of its residents as renters, who have no stake in the longterm growth of the community.

#5

I'm not sure why the Mayor feels the need to acquiesce to the wishes of these devolpers, but he has certainly shown that he doesn't want that office any longer.

Sincerely,
Norm Hillborn
200 HERIOT DR.

JD Exhibit

June 8 - 2015

To:

Tom Durand - City Planner

Pat Spurgeon - Selah Hearing Examiner

Our family has lived in Selah over 40 years & we are saddened to see the direction the city is headed.

The zoning & development plans are for the real estate developers - only interested in making themselves money and are definitely NOT in the interest of the residents of the community.

The development on Nerlou (AKA Somerset II) is ONE such example. There are so many issues with this plan that it's hard to believe Mr. Sample is still trying to go ahead with the project. He ADMITS the appearance of the duplexes will have a adverse effect on the neighboring single family homes. Additionally the traffic would increase even more - Right now it's dangerous particularly for families with young children. The size of the lots, road measurements, street lighting...

23 Exhibits



June 8, 2015

In 1969 my family and other families started new single family homes located in what had been orchard land. We and the others felt at that time we were locating on lots that were always going to be single family housing located over seeing the entire Selah Valley. Since then other families have built homes in this area.

Now some one wants to build duplexes in the area. Thus turning this housing into a rental location devaluing the single family home area. Which I strongly object to.

My concern is, why the duplexes in a single family housing area??

Ted M. Hendrickson
61 Henlon Drive
Selah, Wash 98942

Exhibit 24

June 9, 2015

To: Selah Planning Department
222 South Rushmore Road
Selah, WA 98942



Re: Zuker-Sample LLC Development, Somerset II

Dear Mr. Spurgeon:

I wish to express my view regarding the referenced planned development;

I personally experienced the FLASH FLOOD on Goodlander and First two weeks ago. The flooding was torrential, clogging drains, washing small hillsides without retention walls. The current was swift enough to carry loose fencing down the road onto the entrance of our driveway. Water quickly accumulated around the drains on the corner of Goodlander and First.

1. Densely populating this area is questionable and appears ill planned. Are there NO neighborhood covenants or municipal codes to protect homeowners from unreasonable developments?
2. Will any of these proposed units be compliant with ADA?
3. Will sidewalks, curbing, street lighting be implemented and congruent to current city codes?
4. Living directly on the corner of Goodlander and First, I am very aware of the number emergency vehicles traveling quickly in this area. Compounding population density within this vicinity seems to be lacking a vision for growth.

I moved from Western WA three years ago with the desire to live in a small community. The ambiance and serenity are entirely depleted due to not only the traffic, but structures that do not adhere to esthetics of a small community. Three story boxes with no front or backyard landscaping are for city dwelling. It must be extremely disappointing to any neighborhood to lose a residential home to one or more of these structures. There is no redeeming quality to free standing duplexes which appear to be neglected after being rented.

I hope this input has been of value to further discussions regarding the Development referenced.

Sincerely,

Julie A. Field

Julie A. Field
106 W Goodlander

Selah, WA 98942

509-379-9990

Exhibit 25

June 9, 2015

To: Selah Planning Department

222 South Rushmore Road

Selah, WA 98942



Re: Zuker-Sample LLC Development, Somerset II

Dear Mr. Spurgeon:

I wish to express my view regarding the referenced planned development,

I personally experienced the FLASH FLOOD on Goodlander and First two weeks ago. The flooding was torrential, clogging drains, washing small hillsides without retention walls. The current was swift enough to carry loose fencing down the road onto the entrance of our driveway. Water quickly accumulated around the drains on the corner of Goodlander and First.

1. Densely populating this area is questionable and appears ill planned. Are there NO neighborhood covenants or municipal codes to protect homeowners from unreasonable developments?
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3. Will sidewalks, curbing, street lighting be implemented and congruent to current city codes?
4. Living directly on the corner of Goodlander and First, I am very aware of the number emergency vehicles traveling quickly in this area. Compounding population density within this vicinity seems to be lacking a vision for growth.

I moved from Western WA three years ago with the desire to live in a small community. The ambience and serenity are entirely depleted due to not only the traffic, but structures that do not adhere to esthetics of a small community. Three story boxes with no front or backyard landscaping are for city dwelling. It must be extremely disappointing to any neighborhood to lose a residential home to one or more of these structures. There is no redeeming quality to free standing duplexes which appear to be neglected after being rented.

I hope this input has been of value to further discussions regarding the Development referenced.

Sincerely,

Sandra G. Field
Sandra G. Field
106 W Goodlander

Selah, WA 98942

509-379-9990

Exhibit 26

Dear Mr. Durand,

I am writing to express my concerns with the application submitted by Sucker-Sample LLC in regards to the Sommerset II development. As his other applications have lacked specific, relevant and necessary elements in order to receive serious consideration this one in my eyes is no different.

Specifically as I understand what I have learned about the Selah Municipal code, this application stands in conflict with a few salient points or are asked to be considered as a variance to the present code. 1. Lack of covenants for a private road. 2. Insufficient number of fire hydrants. 3. Street light location and consideration of light direction on public and private roads respectively. 4. Lack of the identification of a retaining wall and its intended design. 5. Lack of a storm water runoff retention system and where these will actually be located.

I find a few other things very troubling about this proposed application as well. As a homeowner, I wonder about the legality of claiming property to create a private road from lots 11, 12, 13, 14 and 15 and denying them access to land they legally own, pay taxes on and are subject to liability issues from individuals who choose to utilize this road. Moreover, the average and individual lots sizes in my mind are a bit misleading when you consider the possibility of this private road when it removes usable land from the owner's rightful use. Lots 11, 12, 13, 14, 15 and 18 all will fall below the 8,000 square foot area when this paved road is constructed and takes away the property they paid for. As to the "setbacks," on the duplexes they should not be considered in my mind for a variance as there appears to be plenty of room on the lot itself. If locating the required off-street parking becomes a legitimate concern then I believe these duplexes are sited incorrectly.

Finally, the zoning as I understand it is for the development is R-1. The lot coverage for R-1 I've been told is 35%, therefore the lots 19 and 20 would fall under the R-1 municipal code of 35% including the building footprint, driveway, sidewalks and off-street parking which stands to reason they may very well be out of compliance already.

Thanks for your time and consideration of my concerns.

Sincerely,



Mark R. Weller

6/9/15



110 Lyle Loop

Selah, WA 98942

To: Patrick Spurgin,

Re: Somerset II development

The Sample development should be constructed to look like the other houses in the area. The rental duplexes will not match family homes and they will become a maintenance problem.

Also why should houses be built on private roads in the city, in the county if you have three homes it must be a county paved road.

Thank you



June 1, 2015

Tom Durand,

The development, Somerset II by Roy Sample, shouldn't be allowed to have the duplexes in a single family neighborhood. I'm not against development just the mixing of the duplex and the home owner occupied homes.

Thank you,

Andy Lillie



June 8, 2015

Patrick Spurgin

Regarding the Somerset II development, Private roads should not be allowed. Also this is a single family residential area and duplexes should be located in duplex zoned areas.

The meeting for open comments should be at a time when working people can attend and comment.



June 5, 2015

Hearing Examiner, Patrick Spurgin

I have several issues with the Somerset II development. The development should not be approved as presented.

My issues are:

No private roads.

No duplexes in the development.

All roads should have sidewalks

Thank you

Brandi Wedeman

424-9122



June 6, 2015

Tom Durand,

The Somerset development on Herlou Drive should not be passed as submitted.

The neighborhood is single family and there are duplex rentals planned. Also there should be restrictions so that buildings like the new 3 story ones being built by the High School are not allowed in the development.

Sincerely

Sarah Lancaster

961-5252



Patrick Spurgin,
Hearing Examiner:

I am writing of my concerns on the Summerset II development off Herlou Dr. This area West of North First and North of Goodlander is already struggling with traffic issues. This intersection is a nightmare at peak traffic times and with an additional development it will get much worse.

This area is zoned R-1 and consists of single family dwellings, there is no reason to put in an R-2 density into this neighborhood. It does not fit with the dynamics of the area. This development should be built under R-1 codes.

There are no private roads in this area, all the roads in this area are public roads with sidewalks to keep the children safe. This development should not have a private drive, but a road with sidewalks and gutters.

Who will take care of the properties, Renters will not take the responsibility to maintain the up keep like a homeowner would. There should be a maintenance agreement in place to make sure all roads will be kept up and snow removed.

Selah has become a town with more renters than homeowners, who will pay the taxes for Police, Fire Departments, schools, road repair it wont be the approximately 200 units of Renters these contractors want to build. How will the City Manage all this new construction.

Thank You



Colton Beck



JUN 10 2015
CITY OF SELAH, OREGON
PUBLIC WORKS DEPARTMENT

Patrick Spurgin,
Hearing Examiner:

I am writing of my concerns on the Summerset II development off Herlou Dr. This area West of North First and North of Goodlander is already struggling with traffic issues. This intersection is a nightmare at peak traffic times and with an additional development it will get much worse.

This area is zoned R-1 and consists of single family dwellings, there is no reason to put in an R-2 density into this neighborhood. It does not fit with the dynamics of the area. This development should be built under R-1 codes.

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Selah has become a town with more renters than homeowners, who will pay the taxes for Police, Fire Departments, schools, road repair it wont be the approximately 200 units of Renters these contractors want to build. How will the City Manage all this new construction.

Thank You



JUN 10 2015
CITY OF SELAH
PUBLIC WORKS

To whom it may concern:

I am writing against the proposal for Summerset II:

This proposal does not meet the dynamics of this community. The existing properties are all single family home owned properties.

Who is to take care of the maintenance, renters do not take care of their property like home owners do.

This area is zoned R-1, there are no RENTAL DUPLEXES in this area.

There are no private roads in this area.

There needs to be sidewalks to keep children safe.

The traffic in this community are already congested, what measures will be taken to offset the number of units that Sample wants to build.

It would be nice for these meetings to be in the evening, so more of the public that want to attend can come.

Emma Fredrick

JUN 10 2015
CITY OF
PUBLIC WORKS

I am asking you to deny the proposal for Summerset II.

There is no Rental Properties near this proposed development, therefore it does not fit the criteria, of the Single family dwellings that exist in this area.

There is no maintenance agreement as to who will take care of the properties.

This is an R-1 zone – there is no business putting in R-2 density

Selah does not need private roads – they all should have sidewalks for the children to be kept safe

The already congested traffic will increase leading to more problems and accidents

Please deny this proposal

Ray Friedman

JUN 10 2015
City of
Plymouth, Michigan

June 8, 2015

Mr Durand,

I'm concerned about the increased traffic from the Somerset II development. The traffic light on Goodlander is badly needed especially during school hours.

Also the Duplexes and the private road shouldn't be allowed in an R-1 zone.

Sincerely

Ellen Berg


JUN 10 2015
CITY OF
PUBLIC WORKS

June 4, 2015

Hearing Examiner,

The Development planned for Herlou Drive, Somerset II, is allowing a private road that is going to be unsafe because it has no sidewalks for the school children. Additionally the neighborhood is all single family with no duplexes. Duplexes should be designated for an R-2 zoned area.

Where is the open space lot located?

Thank you



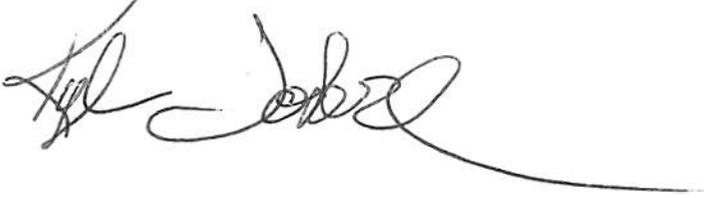
JUN 10 2015
OFF. OF PUBLIC WORKS

June 3, 2015

Mr Patrick Spurgin

I'm against the Duplexes planned for the Somerset II development off Herlou Drive. The rentals will not be taken care of like a home owner would. Please don't allow them to be built.

Thank you

A handwritten signature in black ink, appearing to be "Pat Spurgin", with a long horizontal line extending to the right.A blue ink stamp with a small house icon at the top. The text below the icon reads "JUN 10 2015" and "PUBLIC WORKS".

To whom it may concern:

I am writing to ask the city concil to deny the proposal for Summerset II:

This area is zoned R-1, there are no RENTAL DUPLEXES in this area.

Who is to take care of the maintenance, renters do not take care of their property like home owners do.

There are no private roads in this area.

There needs to be sidewalks to keep children safe.

This proposal does not meet the dynamics of this community. The existing properties are all single family home owned properties.

The traffic in this community are already congested, what measures will be taken to offset the number of units that Sample wants to build.

Please Listen to the Concerns



307-1113

JUN 10 2015
CITY OF NEW YORK
PUBLIC WORKS

Exhibit 40

Somerset II
912.42.15-02 Preliminary Plat
915.42.15-01 Subdivision Variance
971.42.15-04 Environmental Review

EXHIBITS SUBMITTED AT THE JUNE 10, 2015 PUBLIC HEARING

Exhibit

- | | |
|-------------|---|
| HE-1 | Points of Concern, submitted by Wayne Worby |
| HE-2 | Two older Somerset II Plat Maps submitted by Wayne Worby |
| HE-3 | Notice & CD recording from 3/17/2015 Planning Commission hearing |
| HE-4 | Whispering View Plat map |
| HE-5 | Yakima County Assessed valuations of lots in Goodlander Square
Townhouses and Somerset I submitted by Roy Sample |

POINTS OF CONCERN SOMERSET II

10.50.000 - Title, purpose, scope and administrating authority.

- (a) Title. This chapter shall be known as the "Selah Subdivision Code."
- (b) Purpose. The purpose of this chapter is to regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with standards established by the city and state of Washington, to prevent the overcrowding of land, 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, to provide for proper ingress and egress, and to provide uniform monumenting of land subdivisions and conveyance by accurate legal description.
- (c) Scope. This chapter shall apply to all land within the municipal boundary of the city of Selah including any lot or block forming part of any subdivision created and recorded prior to the effective date of this chapter. Where this chapter or other standards adopted by reference imposes greater restrictions or higher standards than other laws, ordinances or restrictive covenants, the provisions of this chapter shall prevail.

INCOMPLETE ISSUES ON THE PLOT PLAN AND APPLICATION

- Where is the open space area that was deemed important in the last application?
- Where are the covenants for all properties affected by the private road?
- Where are locations of fire hydrants?
- Where are the street light location and considerations for light direction, on both public and private roads?
- There is a lack of retaining wall identification and engineering.
- There is no design of storm water runoff retention system and locations.
- Where are the required profile drawings for all streets?

10.50.040 - Preliminary plat map preparation.

- (a) A vicinity map at a scale between one inch representing four hundred feet and one inch representing one thousand feet. The vicinity map shall show all adjacent subdivisions, true north arrow, type of land use, zoning, streets and with the names of owners of record of such parcels and amount they own;
- (b) Name and location of proposed subdivision, name and address of the owner or owners, name of the licensed land surveyor or engineer who prepared the preliminary plat;
- (c) Date of preparation, true north point and graphic scale;
- (d) On both land to be subdivided and adjacent land, locate the following: Existing and platted property lines, streets (should show streets in the proposed subdivision and their relationship with existing or proposed streets in adjacent subdivisions or undivided properties), buildings, watercourses, railroads, sewers, bridges, culverts, storm drains, water mains, all public or private utility or roadway easements, and any existing development or improvements;

- (e) The zoning applicable to the land to be platted, subdivided or dedicated, and of the land adjacent and contiguous to it;
- (f) * Plans of proposed underground utility layouts (sanitary and storm sewers, cable T.V., water, gas, telephone and electrical power), showing connections to the existing or any proposed utility systems;
- (g) Contours shall be shown at vertical intervals of not more than five feet. The contour maps shall be referenced to the U.S. Coast and Geodetic Survey Datum;
- (h) * The names, locations, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations, lot lines, yard requirements and utilities;
- (i) * Number of lots, total square feet in each lot, percent of land in streets, and total area of proposed subdivision in acres;
- (j) * The profiles and grades of each street, together with typical cross sections indicating width of pavement, location and width of sidewalks, and location and size of utility mains;
- (k) * The proposed plat shall have attached to it copies of any proposed or existing restrictive covenants.

*APPLICATION MAP IS MISSING COMPONENTS

LOT ISSUES

Average and individual lots sizes are misleading when considering the reality of the private road removing usable land from the owner usage and control. Lots 11, 12, 13, 14, 15 and 18 all fall below the 8,000 sq. ft. area when the private paved road removes their land from personal use and control. Square footage of lot losses are, minimally, as follows: Lot 11-690, lot 12-760, lot 13-2,280, lot 14-2,280, lot 15-200, lot-17-400, lot 18-820, duplex lot 19-1,000, duplex lot 20-1,000.

Lots 11, 12 and 15 have roads on two sides and that is to be avoided.

Lots 13 and 14 go even further and have roads on three sides and that is to be avoided.

The private road surface reduces the requirement of 9,000 square feet requirement below minimum level for a duplex lot in an R-1 zone.

Mr. Durand stated in the Selah staff report that longer lots will end up as weed patches...What documentation or data is Mr. Durand presenting to make that statement as a fact?

In the event of construction of multiple level residential homes, will a restriction of windows that look into existing yards and private areas be required of the development?

Is it legal to claim property to create a private road from lots 11, 12, 13, 14, 15 and deny them access to their land on which they are paying property taxes and as legal owner of the land they may be subject to liability issues from those using the private street?

DUPLEX ISSUES

The private road surface reduces the requirement of 9,000 square feet requirement below minimum level for a duplex lot in an R-1 zone.

In the Selah City Staff report prepared by Tom Durand, it is not recognized that Mr. Sample spoke and voted, as a city council member, against the siting of duplexes in an R-1 zone. In his Somerset II application, in his application Mr. Sample speaks to the siting of the duplexes and recognizes they have an adverse effect on neighborhood single family homes. He is locating them for two reasons, to hide their presence as a potential devaluation of adjacent properties for reasons of property values and or lifestyles and in retaliation for losing the Planned Development application he sited them behind my house.

The Hearing examiner has the ability to deny not only locations of duplexes due to appropriateness but also their siting in a development.

As a result of the duplex locations, the siting adds a higher level of traffic on a limited surface without public safety requirements of a standard width driving surface and sidewalks for pedestrians. Correct traffic placement of higher density residences is closer to the outlet or arterial roads not in the farthest reaches of a residential area.

Setbacks on the duplexes should not be considered for a variance as the lot meets the 9,000 sq. ft. of surface area requirement on the lot. If more space is needed for meeting requirements, Mr. Sample should increase the size of the lot. If locating the required off-street parking is a problem then the duplexes are sited improperly in an R-1 zone on the private street. Where is the request for a variance to the rear setback? Where is the required data supporting the need for the variance?

The zoning for the development is R-1. The lot coverage for R-1 is 35%, therefore the lots 19 and 20 will fall under the R-1 municipal code of 35% including building footprint, driveway, sidewalks and off-street parking, etc. A proposed structure may be out of compliance. No plans are presented to determine that the lots 19 and 20 are appropriate. These locations should be denied.

DESIGN ISSUES

In the event of construction of multiple level residential homes, will a restriction on windows that look into existing yards and private areas be required on the development of both single family homes and duplexes.

By the calculations derived at by the Selah Planning Department in their staff report, the "net density is about 6 dwelling units per acre or 6.6 dwelling units per acre if the lot area is reduced by the access easement used for the private road in making the calculation." This, again, is in violation of the 5 dwelling units per acre in the R-1 zoning. Quoted from the staff report prepared by Tom Durand.

Does the 16' wide sewer easement on lots 11 and 12 reduce the available lot usability further below the 8'000 sq. ft.? Can the owner build over this easement?

As per the development application will the 24' height design on the duplexes be enforced as a covenant restriction?

Reverse curves on a street re not allowed back to back. Where is the separation on Lyle Loop?

Will there be any consideration for street light, visual barriers and noise barriers from the development into the existing residences. The barriers could be vegetative, masonry or other durable and appropriate material.

10.50.043 - Curbs and gutters.

Curbs and gutters of cement concrete shall be provided in accordance with the standards set forth in Chapter 10.50.

10.50.044 - Sidewalk standards.

Sidewalks of cement concrete shall be installed on both sides of an arterial street. On a residential street, cement concrete sidewalks shall be installed on at least one side of the street. The sidewalk shall be located on the public right-of-way contiguous to the curbs. Sidewalks shall be a minimum of five feet wide on arterial streets and five wide on all other streets and shall be constructed in accordance with the standards set forth in Section 10.50.041(a) of this chapter.

PRIVATE ROAD ISSUES

10.50.010 - Definitions.

- (i) "Public right-of-way" means any defined area dedicated to public use for vehicular and/or pedestrian use.
- (j) "Roadway" means the portion or portions of a street or way that is available for vehicular traffic or the portion or portions lying between curbs where curbs are laid.
- (k) "Street" means a public right-of-way which is intended to provide or which provides a roadway for vehicular circulation and gives access to abutting properties and which may also include provisions for public utilities, pedestrian walkways and drainage.
- (1) "Arterial streets" means a roadway designed to collect and distribute traffic from different areas or neighborhoods within a community.
- (2) "Residential streets" means a roadway whose primary function is to provide access to residential property within a neighborhood.
- (3) "Street width" means the shortest distance between the lines which delineate the right-of-way of a street.

***BECAUSE PRIVATE ROADS ARE NOT ALLOWED IN A SUB DIVISION, THERE IS NO DEFINATION**

10.50.041 - Design standards and specifications.

(a) The most current design documents, including any amendment thereof, are herein adopted by reference and shall be considered the standards and specifications for the city. These standards and specifications, together with the laws of the state of Washington, ordinances and resolutions of the city, shall apply except as amended or superseded by city ordinance or resolution.

1. Standard Plans

for Road, Bridge and Municipal Construction

Washington State Department of Transportation

American Public Works Association, Washington State Chapter

2. Standard Specifications

for Road, Bridge and Municipal Construction

Washington State Department of Transportation

American Public Works Association

3. Construction Manual

Washington State Department of Transportation

4. Manual on Uniform Traffic Control Devices

U.S. Department of Transportation

Federal Highway Administration

***WHERE ARE THE ESTABLISHED STANDARDS FOR A PRIVATE STREETS LOCATED?**

(c) In addition to the design documents adopted by reference, the following provisions shall apply:

(8) Cul-de-sacs are permitted provided they do not exceed six hundred feet measured from the center of the turn-around to the nearest connecting street intersection.

(11) Street jogs with centerline offsets of less than two hundred feet shall not be allowed.

(d) Block design in a subdivision shall conform to the following standards

(4) There shall be no private streets in any subdivision, and every lot and block shall be served from a publicly dedicated street; provided, that private access streets may be authorized where there will be no adverse effect on future traffic circulation of neighboring parcels. There shall be no privately held or owned reserve strips paralleling or terminating street ends or otherwise controlling access to streets.

(e) Lot design in a subdivision shall conform to the following standards, except in the event a subdivision is combined with a planned development zone proposal, in which case the following standards may be modified for good cause shown and where appropriate to provide for the type of development and land use contemplated as a planned development:

(4) Lots having frontage on two streets should be avoided whenever possible.

***"WHENEVER POSSIBLE" IS CLEAR UNAMBIGIOUS LANGUAGE...AND IT ADDS "SHOULD" NOT "MAY", ADDITIONALLY TWO LOTS, 19 AND 20, WILL HAVE STREETS ON THREE SIDES.**

The Staff report suggests that "appears" is good enough to control the granting of a variance of the private road. This in reference to whether or not the future can be foretold as to whether future traffic patterns will be affected. Absent physical limitations or features it may well be impossible to foretell the future traffic patterns. In the approval of Shane Snodgrass' development on Speyers Road, the city was making a case for requiring the developer to move the access road based on the potential of linking it to a future road from Valhalla Heights. The Hearing Examiner rejected the staff recommendation due to a lack ability to accurately predict future opportunities.

Full Definition of UNDUE

1: *not due : not yet payable*

2: *exceeding or violating propriety or fitness : excessive <undue force>*

Full Definition of HARDSHIP

1: *privation, suffering*

2: *something that causes or entails suffering or privation*

Full Definition of PRIVATION

1: *an act or instance of depriving : deprivation*

2: *the state of being deprived; especially : lack of what is needed for existence*

From the Selah Staff report....."undue hardship may be created as a result of strict compliance with its provisions or standards adopted by reference. The following findings are necessary to recommend an exception: "

10.50.070 - Exceptions.

(a) Exception Requirements. The hearing examiner may recommend to the city council an exception from the requirements of this chapter when, in the examiner's opinion, undue hardship may be created as a result of strict compliance with the provisions of this chapter or any standards adopted by reference. In recommending an exception the hearing examiner may prescribe conditions that the examiner deems necessary to or desirable for the public interest. No exception shall be recommended unless the hearing examiner finds:

1. There are special physical circumstances or conditions affecting the property such that the strict application of the provisions of the (subdivision) chapter would deprive the applicant of the reasonable use or development of the land.
2. That the exception is necessary to insure such property the rights and privileges enjoyed by other properties in the vicinity.
3. That the public interest is preserved.

(b) Applications Required. Applications for an exception shall be submitted in writing by the subdivider prior to or during the installation of the required facilities to the hearing examiner. The application shall state fully all substantiating facts and evidence relating to the request. A request for an exception shall be considered separate and apart from the consideration of the plat.

***THERE IS NO APPLICATION FOR THE PRIVATE STREET WITH SUBSTANTIATING FACTS AND EVIDENCE RELATING TO THE REQUEST**

Mr. Sample has presented no evidence of physical circumstances or conditions affecting the property, simply his desire to maximize the monetary profit. The property is not being denied "reasonable use or development" into an R-1 neighborhood by refusing to allow the private road. As for the public interest, Mr. Sample has failed to present any credible data supporting a measurable benefit to the "public interest" which is required for a variance to achieve the private road, the only benefit is to, again, maximize profits for the developer...Which has nothing to do with "the public interest is preserved".

The "undue hardship" clause was vacated when Mr. Sample abandoned work on an approved development that didn't require a variance for a private road on this exact same land. The "property rights and privileges" are still available without the private street. He is a not a victim of "undue hardship" of land use and not subject to

consideration of the “undue hardship” clause. Furthermore, he bought the property as it is and was fully aware of its physical size and was granted a preliminary plat earlier.

The “undue hardship” that requires a variance for the private road is driven by maximizing the monetization through the number of lots, Mr. Sample has demonstrated no effort to develop other configurations than the private street, before declaring “undue hardship”. Absent presentation of other options like Cul-de-sac, a variance on the width to length ratio of lots and making a definitive case why other solutions aren’t “reasonable” he has no basis to declare an “undue hardship”. Dan Bower was allowed a ratio of 1 to 3.629 (75.32’ X 273.31’) on lot width to length at 207 East Goodlander when he divided his land in May 28, 2014.

The private street is a public safety issue, there will be no curbs, gutters or sidewalks and fences may be placed directly adjacent to the 20’ road surface, where is the safe walk area for pedestrians or school children?

The private street will create “flag lots” of all parcels using the street. Effectively the buildable lot area is served by long privately owned access strips or driveways that are being labeled as a “Private Street”.

Will the road surface be required to control water runoff without gutters and how can water from driveways be allowed to run into the private street without gutter controls?

The required road surface standard on Lyle Loop is 32’ wide, why is it acceptable to reduce the trafficked surface on the unguarded private road by 37.5% and call it a safe road... The city of Selah uses established standards for safety within the city limits. SMC 10.50.041 (a) (2) Standard Specifications. Does the city have the authority to waive their responsibility and liability for public safety within the city limits?

Since there will be no parking allowed on the private road, is the City of Selah prepared to enforce the regulation? If not how is this to be enforced?

Is it legal to claim property from a second party land owner to create a private road from their lots 11, 12, 13, 14, 15 and deny the same land owners access to land they are paying property taxes on and as legal owner of the land they may be subject to liability issues from road users?

When the proposed private street is removed from the development almost all issues are resolved. That being the case, how... can the variance be granted?

COMPREHENSIVE GROWTH MANAGEMENT ACT

Objective HSG 1: Maintain and upgrade the character of existing residential neighborhoods.

Policy HSG 1.1: Discourage rezoning which would allow incremental conversion of existing single-family dwellings to duplexes or multi-family dwellings.

Policy HSG 1.2: Encourage new single-family development throughout existing single-family neighborhoods as redevelopment and infill construction at appropriate densities.

Objective HSG 2: Encourage new residential development to approximate existing residential densities and housing mix levels.

Objective HSG 4: Encourage new residential construction to be compatible with existing residential development.

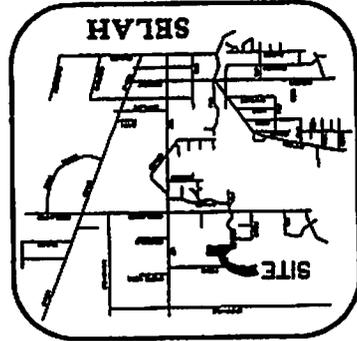
Washington courts have long condemned "spot zoning". *Smith v. Skagit County*, 75 Wn.2d 715, 743, 453 P.2d 832 (1969); *Save A Neighborhood Environment v, City of Seattle*, Wn.2d 280, 286, 676 P.2d (1984); and *Chrobuck v. Snohomish County*, 78 Wn.2d 858, 872, 480 P.2d 489 (1971). In *Anderson v. Seattle*, Wn.2d 198, 390 P.2d 994 (1964), a rezone from multiple residence low density to multiple residence high density was set aside as an illegal spot zone because it primarily aimed at benefiting the private interest of the property owner applicant and not the community as a whole. As such the rezone was arbitrary, capricious, unreasonable and illegal. *Id.* At 200-202.

While Mr. Sample is not asking for a rezone he is demonstrating the belief that a property right is to develop property to the absolute maximum even when variances have to be granted to bend the rules or codes. When a developer tries to max out the density of residences then claim it is a property right to develop it to the max, they are in error. Courts and the Comprehensive Growth Management Act both recognize the density designation is a maximum not a target.

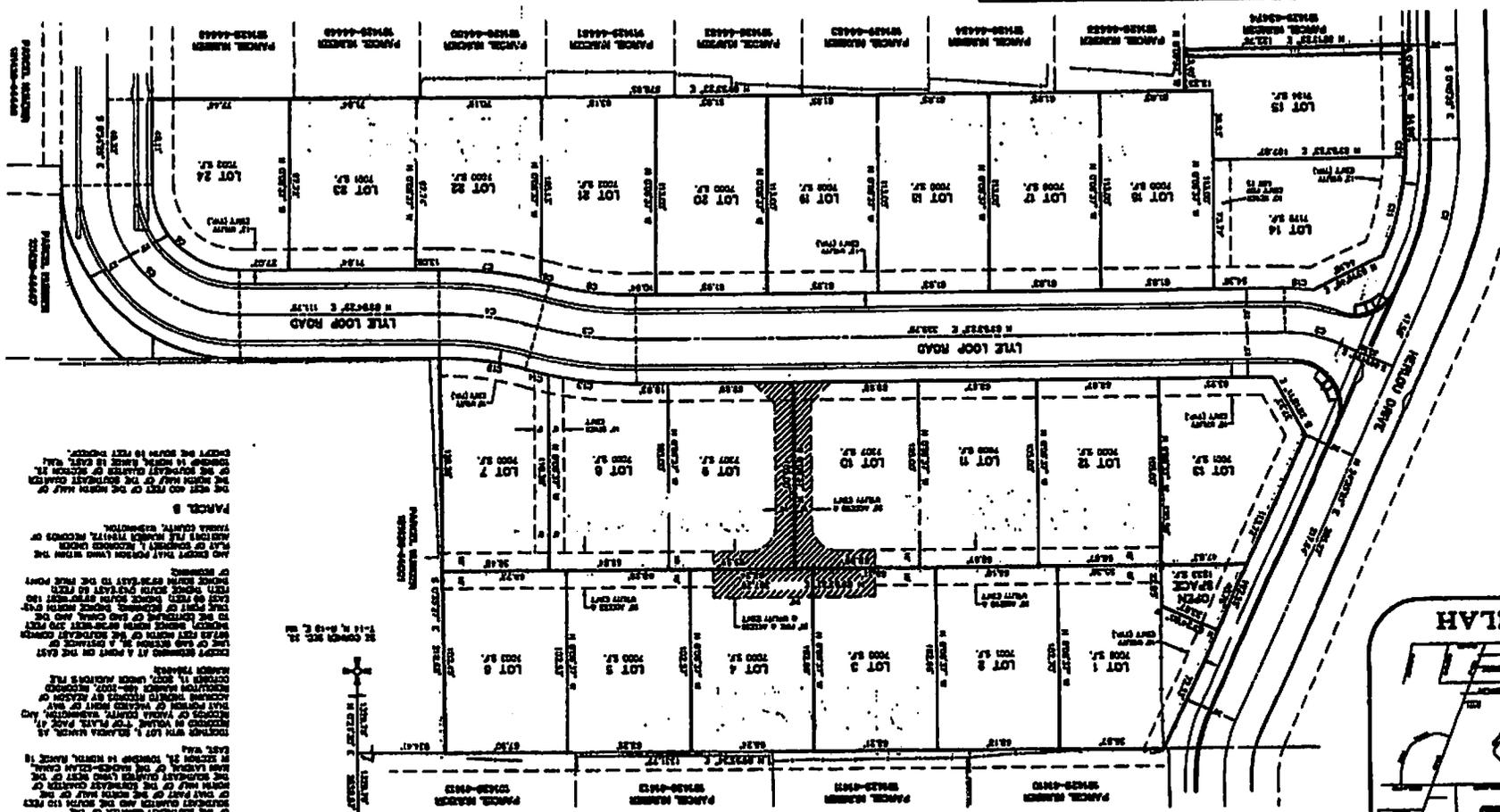
2922

10221

LOT	AREA	PERCENT	AREA	PERCENT	AREA	PERCENT	AREA	PERCENT
1	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
2	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
3	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
4	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
5	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
6	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
7	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
8	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
9	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
10	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
11	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
12	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
13	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
14	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
15	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
16	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
17	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
18	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
19	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
20	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
21	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
22	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
23	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
24	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00



PRELIMINARY PLANNED DEVELOPMENT
SOMERSET II
 OF
 IN THE S 1/2 OF THE SE 1/4 OF SECTION 20, TOWNSHIP 14 NORTH, RANGE 10 EAST, W1A
 CITY OF SELAH, YALSA COUNTY, WASHINGTON



PLSA
 PLANNING PLANNED DEVELOPMENT
 1110 WEST LAMAR AVENUE
 YALSA, WASHINGTON 99178
 PHONE 509-425-1110

OWNER/DEVELOPER
 ZUNER-SAMPLE, L.L.C.
 1110 WEST LAMAR AVENUE
 YALSA, WASHINGTON 99178
 PHONE 509-425-1110

LEGAL DESCRIPTIONS
 PARCEL A
 THE SOUTH HALF OF THE WESTERLY QUARTER OF THE SECTION 20 OF THE TOWNSHIP 14 NORTH, RANGE 10 EAST, W1A, S 1/2 OF THE SE 1/4 OF SECTION 20, TOWNSHIP 14 NORTH, RANGE 10 EAST, W1A, CITY OF SELAH, YALSA COUNTY, WASHINGTON.

LEGAL DESCRIPTIONS
 PARCEL B
 THE EAST HALF OF THE NORTH HALF OF THE SECTION 20 OF THE TOWNSHIP 14 NORTH, RANGE 10 EAST, W1A, S 1/2 OF THE SE 1/4 OF SECTION 20, TOWNSHIP 14 NORTH, RANGE 10 EAST, W1A, CITY OF SELAH, YALSA COUNTY, WASHINGTON.



CITY OF SELAH

Public Works Department

222 South Rushmore Road
SELAH, WASHINGTON 98942

Phone 509-698-7365
Fax 509-698-7372

CITY OF SELAH PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Tuesday, March 17, 2015, commencing at 5:30 p.m., or as soon thereafter as practical, in Council Chambers, Selah City Hall, 115 W. Naches, Selah, WA., the Planning Commission will conduct a public hearing to receive testimony and to consider adoption of text amendments to Selah Municipal Code as requested by Wayne Worby. The proposed text amendments are as follows:

Proposed Amendment to Title 10, Chapter 10.12:

Repeal SMC 10.12.040 Designated two-family residential lots.

Proposed Amendment to Title 10, Chapter 10.28. Table A-5:

Amend the Table to remove two-family dwellings as a Class 1 use in the R-1 zone.

Repeal SMC 10.28.040(1)

A copy of the request to amend the Selah Municipal Code is available for public inspection during regular business hours (8:00 a.m. to 5:00 p.m.) at the Selah Planning Department, 222 South Rushmore Road, Selah, WA.

Dated this 4th day of March, 2015.

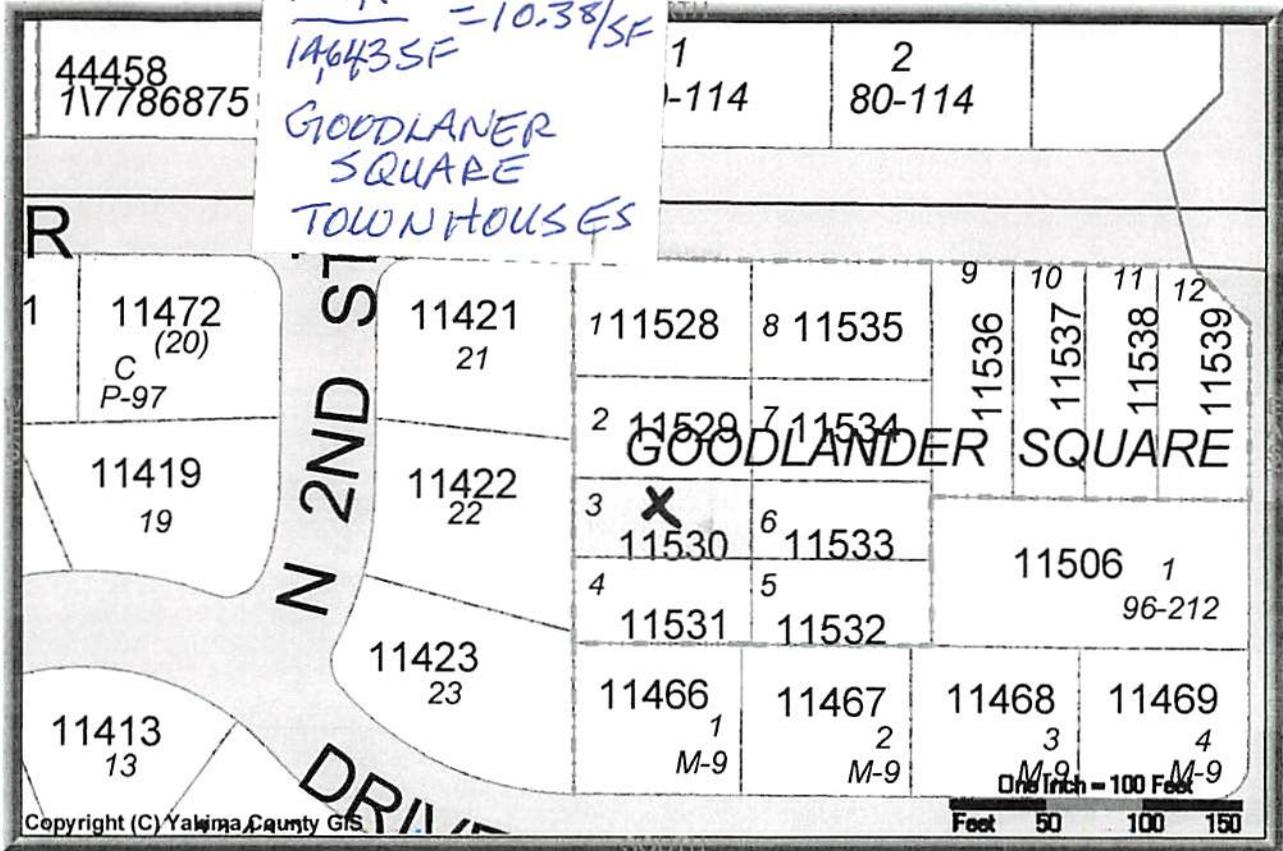
/s/
Thomas R Durant, Community Planner

Exhibit HE-3
include DVD



[Print Map] [Close Map]

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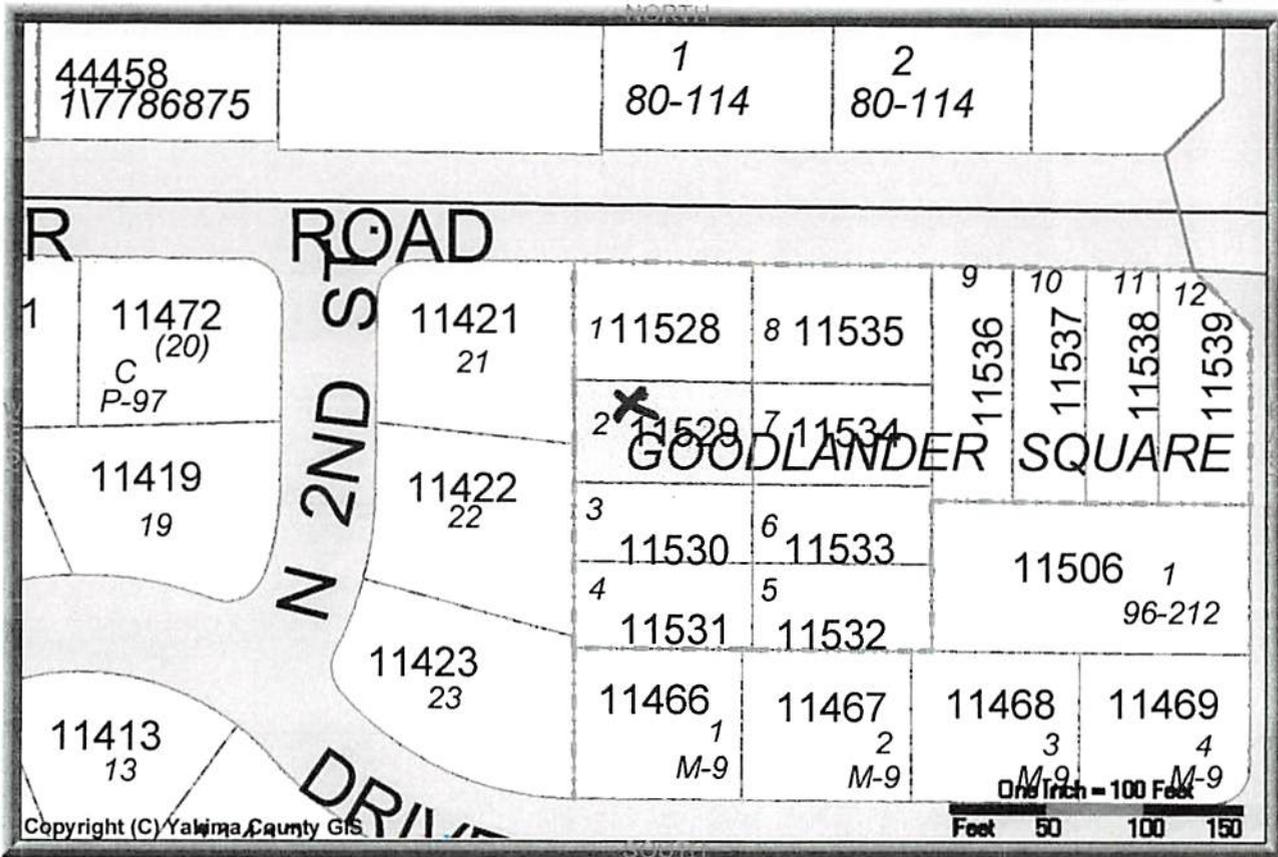


PROPERTY PHOTO	PROPERTY INFORMATION
	Parcel Address: 124 GOODLANDER RD, SELAH, WA 98942
	Parcel Owner(s): LUCIA DETLOFF
	Parcel Number: 18143511530
	Parcel Size: 3841 Square Feet
	Property Use: 11 Single Unit
TAX AND ASSESSMENT INFORMATION	
	Tax Code Area (TCA): 410
	Tax Year: 2015
	Improvement Value: \$90000
	Land Value: \$49300
	Current Use Value: \$0
	Current Use Improvement: \$0
	New Construction: \$0
	Total Assessed Value: \$139300
OVERLAY INFORMATION	
Zoning:	Jurisdiction: Selah
Urban Growth Area: Selah	Future Landuse Designation: City Limits (Yakima County Plan 2015)
FEMA: Not in floodplain (X)	FIRM Panel Number: 53077C0716D
LOCATION INFORMATION	
+ Latitude: 46° 39' 52.893"	+ Longitude: -120° 31' 54.475"
Range: 18 Township: 14 Section: 35	
Narrative Description: Section 35 Township 14 Range 18 Quarter NE GOODLANDER SQUARE LOT 3 PLAT 7242072	
DISCLAIMER	
MAP AND PARCEL DATA ARE BELIEVED TO BE ACCURATE, BUT ACCURACY IS NOT GUARANTEED; THIS IS NOT A LEGAL DOCUMENT AND SHOULD NOT BE SUBSTITUTED FOR A TITLE SEARCH, APPRAISAL, SURVEY, FLOODPLAIN OR ZONING VERIFICATION	

Exhibit HE-5
p 1 of 6

[Print Map] [Close Map]

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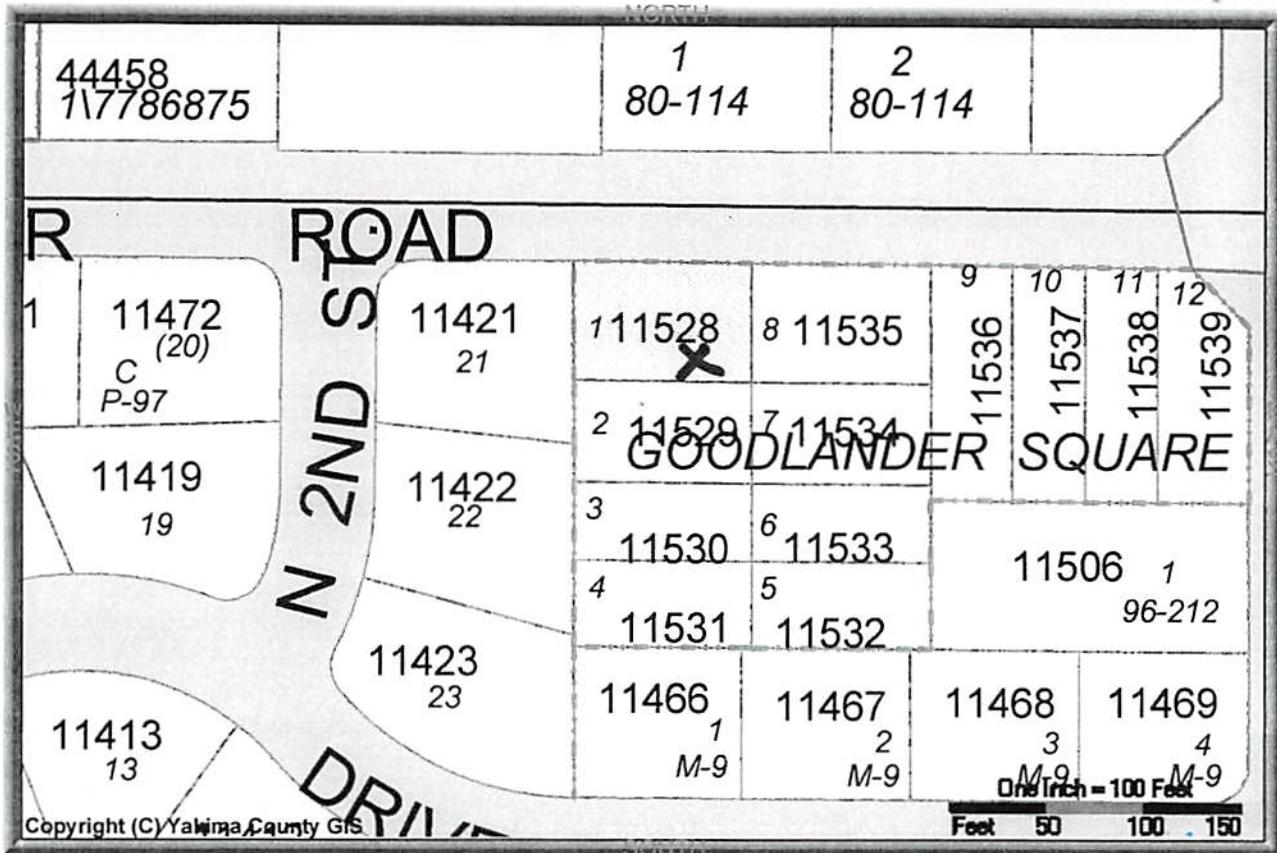


PROPERTY PHOTO	PROPERTY INFORMATION	
	Parcel Address: 122 GOODLANDER RD, SELAH, WA 98942	
	Parcel Owner(s): MATTHEW & MANDI M MOULTRAY	
	Parcel Number: 18143511529	Parcel Size: 4980 Square Feet
	Property Use: 11 Single Unit	
TAX AND ASSESSMENT INFORMATION		
Tax Code Area (TCA): 410		Tax Year: 2015
Improvement Value: \$98300		Land Value: \$50650
Current Use Value: \$0		Current Use Improvement: \$0
New Construction: \$0		Total Assessed Value: \$148950
OVERLAY INFORMATION		
Zoning:	Jurisdiction: Selah	
Urban Growth Area: Selah	Future Landuse Designation: City Limits (Yakima County Plan 2015)	
FEMA: Not in floodplain (X)	FIRM Panel Number: 53077C0716D	
LOCATION INFORMATION		
+ Latitude: 46° 39' 53.357"	+ Longitude: -120° 31' 54.477"	Range: 18 Township: 14 Section: 35
Narrative Description: Section 35 Township 14 Range 18 Quarter NE GOODLANDER SQUARE LOT 2 PLAT 7242072		
DISCLAIMER		
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p 2 of 6

[Print Map] [Close Map]

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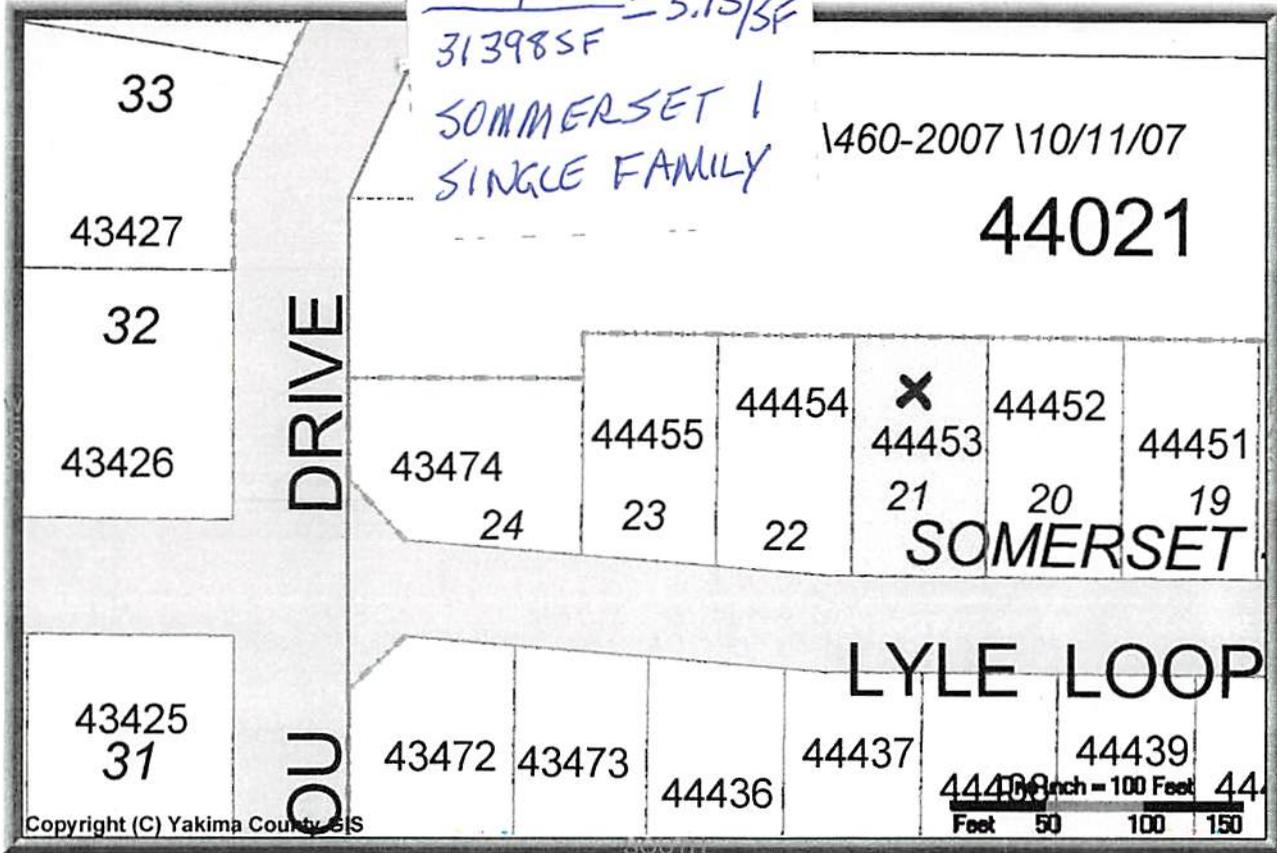


PROPERTY PHOTO	PROPERTY INFORMATION	
	Parcel Address: 120 GOODLANDER RD, SELAH, WA 98942	
	Parcel Owner(s): MATTHEW & MANDI M MOULTRAY	
	Parcel Number: 18143511528	Parcel Size: 5822 Square Feet
	Property Use: 11 Single Unit	
TAX AND ASSESSMENT INFORMATION		
Tax Code Area (TCA): 410		Tax Year: 2015
Improvement Value: \$98300		Land Value: \$52000
Current Use Value: \$0		Current Use Improvement: \$0
New Construction: \$0		Total Assessed Value: \$150300
OVERLAY INFORMATION		
Zoning:	Jurisdiction: Selah	
Urban Growth Area: Selah	Future Landuse Designation: City Limits (Yakima County Plan 2015)	
FEMA: Not in floodplain (X)	FIRM Panel Number: 53077C0716D	
LOCATION INFORMATION		
+ Latitude: 46° 39' 53.926"	+ Longitude: -120° 31' 54.479"	Range: 18 Township: 14 Section: 35
Narrative Description: Section 35 Township 14 Range 18 Quarter NE GOODLANDER SQUARE LOT 1 PLAT 7242072		
DISCLAIMER		
MAP AND PARCEL DATA ARE BELIEVED TO BE ACCURATE, BUT ACCURACY IS NOT GUARANTEED; THIS IS NOT A LEGAL DOCUMENT AND SHOULD NOT BE SUBSTITUTED FOR A TITLE SEARCH, APPRAISAL, SURVEY, FLOODPLAIN OR ZONING VERIFICATION		

p 3 of 6

[Print Map] [Close Map]

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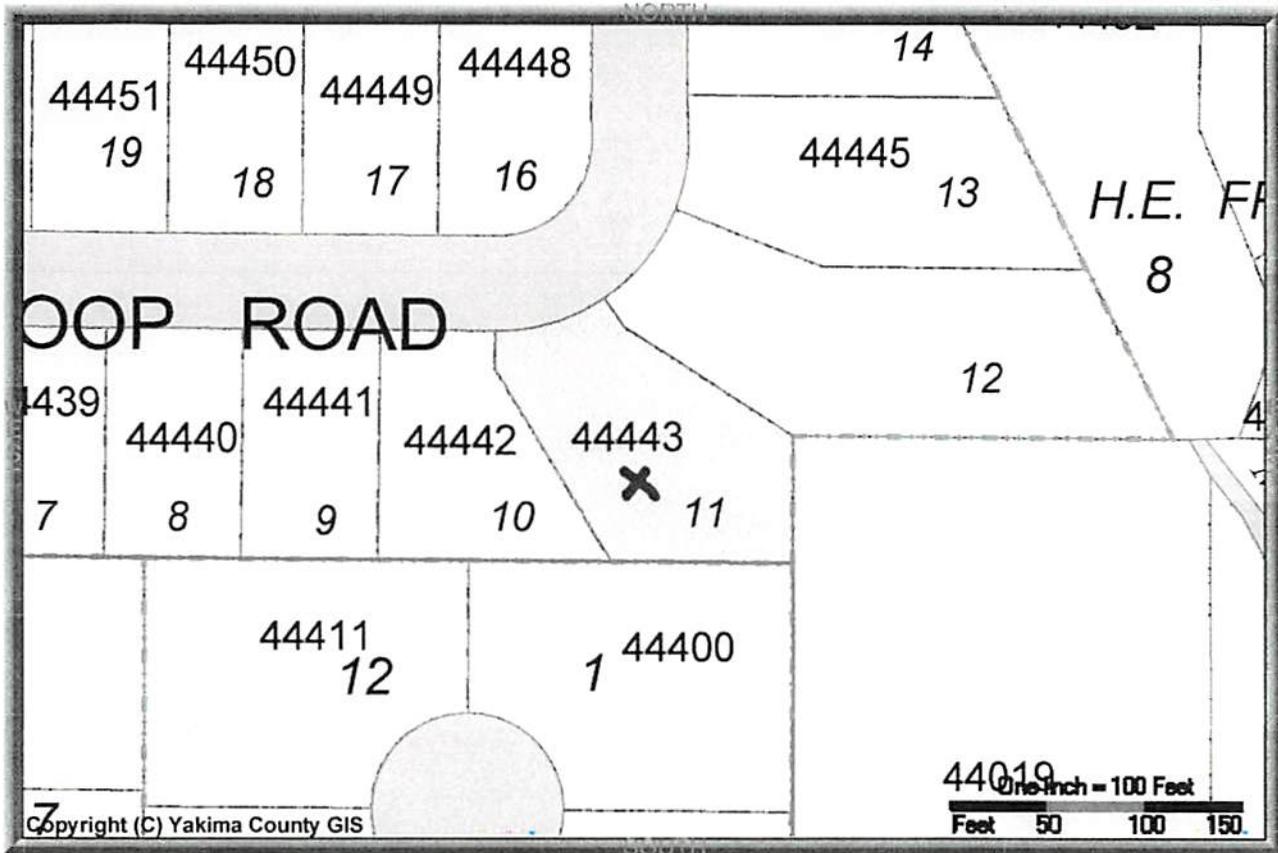


PROPERTY PHOTO	PROPERTY INFORMATION	
	Parcel Address: 51 LYLE LOOP, SELAH, WA 98942	
	Parcel Owner(s): TROY L & MICALA S TORNOW	
	Parcel Number: 18142644453	Parcel Size: 8875 Square Feet
	Property Use: 11 Single Unit	
TAX AND ASSESSMENT INFORMATION		
Tax Code Area (TCA): 403		Tax Year: 2015
Improvement Value: \$203900		Land Value: \$59150
Current Use Value: \$0		Current Use Improvement: \$0
New Construction: \$0		Total Assessed Value: \$263050
OVERLAY INFORMATION		
Zoning:	Jurisdiction: Selah	
Urban Growth Area: Selah	Future Landuse Designation: UGA (Yakima County Plan 2015)	
FEMA: Not in floodplain (X)	FIRM Panel Number: 53077C0716D	
LOCATION INFORMATION		
+ Latitude: 46° 40' 03.454"	+ Longitude: -120° 32' 06.401"	Range: 18 Township: 14 Section: 26
Narrative Description: SOMERSET 1: LOT 21		
DISCLAIMER		
MAP AND PARCEL DATA ARE BELIEVED TO BE ACCURATE, BUT ACCURACY IS NOT GUARANTEED; THIS IS NOT A LEGAL DOCUMENT AND SHOULD NOT BE SUBSTITUTED FOR A TITLE SEARCH, APPRAISAL, SURVEY, FLOODPLAIN OR ZONING VERIFICATION		

Exhibit HE-5
p 4 of 6

[Print Map] [Close Map]

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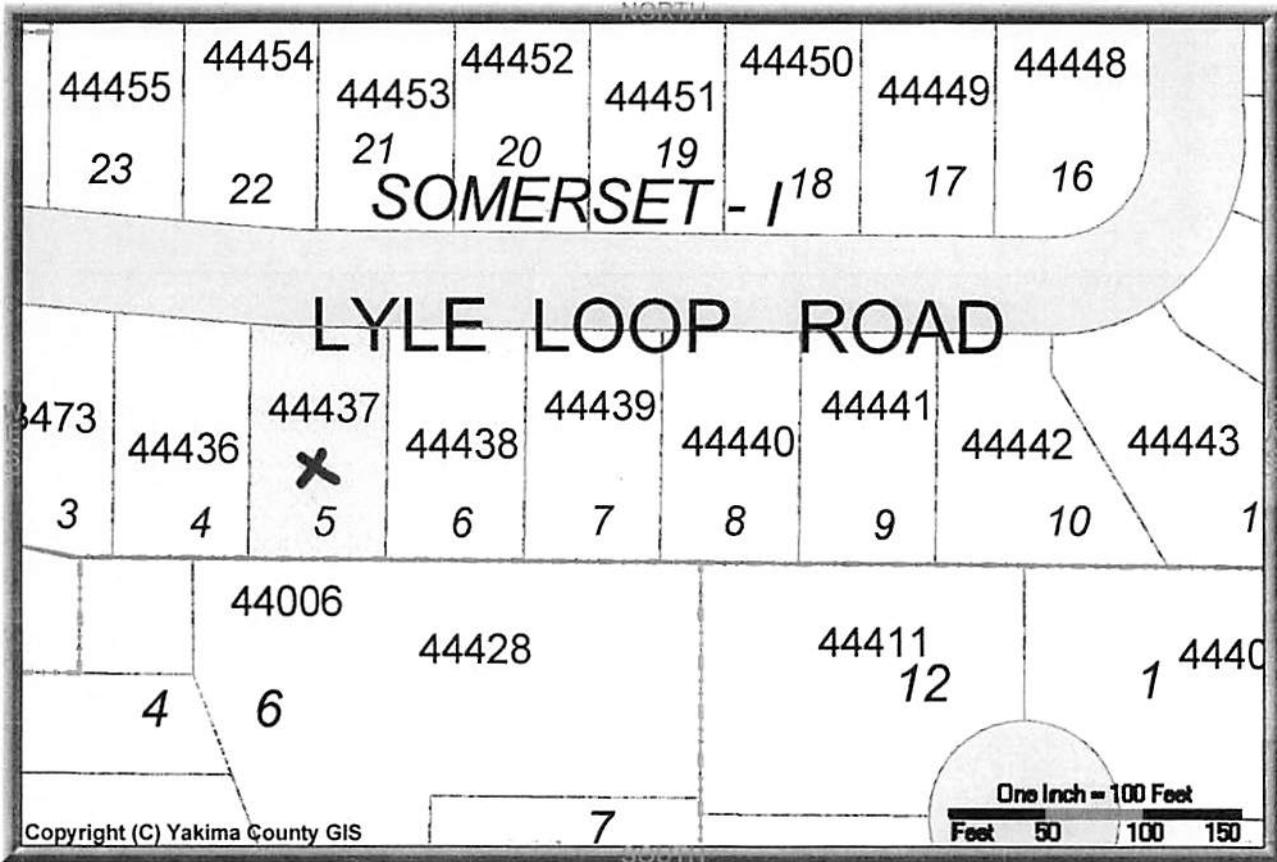


PROPERTY PHOTO	PROPERTY INFORMATION	
	Parcel Address: 110 LYLE LOOP, SELAH, WA 98942	
	Parcel Owner(s): MARK R WELLER	
	Parcel Number: 18142644443	Parcel Size: 13867 Square Feet
	Property Use: 11 Single Unit	
TAX AND ASSESSMENT INFORMATION		
Tax Code Area (TCA): 403		Tax Year: 2015
Improvement Value: \$192400		Land Value: \$62350
CurrentUse Value: \$0		CurrentUse Improvement: \$0
New Construction: \$0		Total Assessed Value: \$254750
OVERLAY INFORMATION		
Zoning:	Jurisdiction: Selah	
Urban Growth Area: Selah	Future Landuse Designation: UGA (Yakima County Plan 2015)	
FEMA: Not in floodplain (X)	FIRM Panel Number: 53077C0716D	
LOCATION INFORMATION		
+ Latitude: 46° 40' 01.728"	+ Longitude: -120° 32' 00.223"	Range: 18 Township: 14 Section: 26
Narrative Description: SOMERSET 1: LOT 11		
DISCLAIMER		
MAP AND PARCEL DATA ARE BELIEVED TO BE ACCURATE, BUT ACCURACY IS NOT GUARANTEED; THIS IS NOT A LEGAL DOCUMENT AND SHOULD NOT BE SUBSTITUTED FOR A TITLE SEARCH, APPRAISAL, SURVEY, FLOODPLAIN OR ZONING VERIFICATION		

p 5 of 6

[Print Map] [Close Map]

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PROPERTY PHOTO	PROPERTY INFORMATION	
	Parcel Address: 50 LYLE LOOP, SELAH, WA 98942	
	Parcel Owner(s): DOUGLAS & KRISTEN R ARMSTRONG	
	Parcel Number: 18142644437	Parcel Size: 8656 Square Feet
	Property Use: 11 Single Unit	
TAX AND ASSESSMENT INFORMATION		
Tax Code Area (TCA): 403		Tax Year: 2015
Improvement Value: \$134100		Land Value: \$59150
Current Use Value: \$0		Current Use Improvement: \$0
New Construction: \$0		Total Assessed Value: \$193250
OVERLAY INFORMATION		
Zoning:	Jurisdiction: Selah	
Urban Growth Area: Selah	Future Landuse Designation: UGA (Yakima County Plan 2015)	
FEMA: Not in floodplain (X)	FIRM Panel Number: 53077C0716D	
LOCATION INFORMATION		
+ Latitude: 46° 40' 01.755"	+ Longitude: -120° 32' 06.910"	Range: 18 Township: 14 Section: 26
Narrative Description: SOMERSET 1: LOT 5		
DISCLAIMER		
MAP AND PARCEL DATA ARE BELIEVED TO BE ACCURATE, BUT ACCURACY IS NOT GUARANTEED; THIS IS NOT A LEGAL DOCUMENT AND SHOULD NOT BE SUBSTITUTED FOR A TITLE SEARCH, APPRAISAL, SURVEY, FLOODPLAIN OR ZONING VERIFICATION		

p 6 of 6

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

In the matter of the Review for the 20-Lot "Preliminary Plat of Somerset II" in the vicinity of Herlou Drive and Lyle Loop Road and an Application for Subdivision Standard Variance)	Selah File Nos. 912.42.15-02; 915.42.15-01
)	
)	HEARING EXAMINER
)	RECOMMENDATIONS
)	
)	
Submitted by Zuker-Sample Development, LLC)	
)	
)	

I. INTRODUCTION.

Zuker-Sample Development, LLC (hereafter "Applicant") has applied to subdivide 2 parcels of property and to serve 4 of the newly created lots by means of a private street using access easements across other lots created in the subdivision process. Two of the lots served by the private street are proposed to be designated as two-family residential lots based on provisions allowing such designations in Chapter 10.12 of the Selah Municipal Code. The name of the proposed subdivision is "Somerset II." The proposal would result in the subdivision of the 2 existing lots into 18 new single family lots and the two designated two-family residential lots. A portion of the subject property was approved for a 17 lot preliminary plat by Yakima County, but not recorded. Previous to the earlier plat approval, part of the property was a tract in Somerset I, a subdivision that, other than the subject 2 parcels, has been built out. The City Public Works Director reportedly has concurred with the proposed public street design.

An open record hearing on the subdivision and variance proposal was conducted June 10, 2015. Community Planner Tom Durant provided a staff report prior to the hearing, which is included in the hearing record. Roy Sample appeared at the hearing on behalf of the Applicant. Several members of the public commented extensively on the application at the hearing. The record for the current application includes, but is not limited to, the application materials, the staff report and recommendation, comment notes and letters from members of the public, materials presented at the hearing by Mr. Sample, and materials presented at the hearing by persons providing comments. The Hearing Examiner takes notice of the public records concerning the adoption of the applicable ordinances.

The concerns raised in the public comments related to

- the adequacy of completion of the application materials, including the plat map;
- the inconsistency of duplexes with R-1 zoning;
- the potential adverse effects of duplex development on the neighborhood, including aesthetic impacts from duplex design;
- increase in traffic in the area, with associated pedestrian safety issues;
- adverse effects to the neighborhood from rental properties;
- necessity for fire protection facilities, curbing, sidewalks, and street lighting consistent

- with city standards;
- stormwater runoff management;
 - the relationship of minimum lot-size requirements and the encumbrance of created lots with access easements;
 - the basis for complying with maximum lot coverage requirements in the zoning ordinance;
 - the applicability of variance or exception review criteria for the private street;
 - the amount and nature of evidence to support the elements of a variance request;
 - the role of the developer's past actions in producing and current hardship considered in review of a variance request;
 - the appropriate location of designated two-family residential lots within the subdivision, based on traffic levels on the proposed private street;
 - impacts from multi-level home construction on neighboring views [harmonious compatibility issues];
 - compliance of the proposed configuration of Lyle Loop Road improvements with public street design standards;
 - standards applicable to private street design;
 - potential multiple street frontage for certain lots due to the proposed design of the private street;
 - enforceability of parking restrictions on the proposed private street; and
 - compliance with the *Selah Urban Area Comprehensive Plan*.

II. SUMMARY OF RECOMMENDATION.

This preliminary plat reflecting the designation of Lots 19 and 20 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. In addition, it is recommended that the private roadway proposed as part of the development be required to comply with typical residential access street roadway section design standards as a matter of the public interest, and for the protection of the public health, safety and welfare.

Based on (1) the staff report and exhibits, (2) the 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, the 2005 *Selah Urban Area Comprehensive Plan* ("2005 *Comprehensive Plan*") provisions and the legislative history of the pertinent ordinances, the Hearing Examiner makes the following

III. FINDINGS.

1. APPLICANT AND PROPERTY OWNER.

The preliminary plat and variance application were filed by Zuker-Sample Development, LLC, P.O. Box 247, Selah, WA, 98942, through Roy Sample, its manager. The property owners of record Zuker-Sample Development, LLC.

2. LOCATION.

The properties front on Herlou Drive to the west and Lyle Loop Road to the east.

3. PARCEL NUMBER(S).

The Yakima County Assessor's tax parcel numbers for the properties are 181426-44005 and 181426-44021.

4. APPLICATION.

The application is for preliminary plat approval of "Somerset II" a 4.71-acre, 20-lot subdivision. Eighteen (18) lots are designated for single family residences and the preliminary plat requests that two lots (Lots 19 and 20) be designated as "two family residential lots." The SEPA checklist indicates that the building height for any duplexes on these lots would be 28 feet. The subdivision would access the existing City transportation grid by the completion of Lyle Loop Road from its current terminus to a new intersection with Herlou Drive, completing Lyle Loop Road. The proposed course of the new segment of Lyle Loop Road follows the same course as was previously approved by Yakima County before the subject property was annexed to the City of Selah. At the hearing, the Applicant asserted again that the City had previously approved this alignment. Utility lines have been installed to follow the street alignment in the earlier county preliminary plat approval. A full range of utilities is available to the property.

The proposed lots are organized essentially into three blocks: a southern block fronting on Lyle Loop Road to the north (Lots 1 through 9), a central block fronting on Lyle Loop Road to the south (Lots 11 through 16) and a northern block (Lots 17 through 20). Lot 10 would front on Herlou Drive. As depicted on the preliminary plat, the lots range in size from 8,000 square feet to 12,298 square feet. Average lots size is 8,570 square feet. The proposed two-family designated lots (Lots 19, and 20) are 9,653 square feet and 9,614 square feet respectively. The lots at the new intersection of Lyle Loop Road and Herlou Drive (Lots 9 and 16) are 8,800 and 8,807 square feet, reflecting a 10% increase in minimum lots size for corner lots as required in the City's lot design standards. The preliminary plat shows a 16-foot wide sewer easement through Lots 11 and 12 that would extend the line on Lyle Loop Road to the access/utility easement for the private street allowing sewer extension to Lots 17 through 20.

The northern block of lots would be served by a private street in a paved 20-foot wide access easement burdening Lots 13 and 14 and centered on their mutual boundary, as well as burdening portions of the north 10 feet of Lots 11 through 15, and the south 10 feet of Lots 17 through 20. Where it intersects with Lyle Loop Road, the private street would be configured to provide a "hammerhead" turnaround for emergency vehicles. The turnaround area would be paved to a width of 26 feet within an access easement of the same width burdening Lots 13 and 14. The

what?

application materials indicate that no parking will be allowed in the fire access portion of the access easement. Street lighting and fire hydrants would be included in the private street design, though locations are not specified on the preliminary plat. No provisions for sidewalks on the private street are included in the application materials. According to the application materials, the access easement for the private street will be for the exclusive use of six lots: Lots 13 and 14 and 17 through 20. It would not be available to three of the lots in the subdivision over which it crosses or abuts or the adjacent property to the east. Lots 13 and 14 would have access to both the private street and Lyle Loop Road.

The proposed maximum residential density is 4.67 dwelling units/acre. Storm water would be retained on site. The preliminary plat application materials indicate that development would be completed in three phases as follows: Phase 1 includes Lots 1 through 5 and 11 through 13; Phase 2 includes Lots 6 through 10 and 14 through 16; Phase 3 includes Lots 17 through 20.

5. CURRENT SITE CONDITION AND ZONING

Zoning: The site is zoned R-1 and is vacant. The property is sloped downward generally west to east. The subject property is topographically lower than surrounding properties to the north, west and south. The northwest corner of Lot 17 is steeply sloped.

Transportation: Herlou Drive (within Yakima County, designated Local Access) is in asphalt pavement with concrete barrier curb and gutter, with 5-foot wide sidewalk on the east side and illumination in a 60 foot wide right-of-way. Lyle Loop Road (Local Access within the City) is in 32-foot wide asphalt pavement with concrete rolled curb and gutter, a 5 foot wide sidewalk on the north and west sides of the street and illumination in a 50-foot wide right-of-way.

Utilities: Public sewer lines, water lines and drainage improvements have been installed in Lyle Loop Road in accordance with the County decision approving the previous preliminary plat; engineering plans for these improvements have been approved by the Selah Public Works Department per the staff report.

Water: An 8 inch domestic water line has been extended in the proposed alignment of Lyle Loop Road from where it currently ends on the east side of the site to Herlou Drive on the west.

Sewer: An 8 inch line has been installed through Phases 1 and 2 in the proposed alignment of Lyle Loop Road from the existing end of that street to the east and terminating just before reaching Herlou Drive on the west.

Fire Hydrants: Existing hydrants are located at the intersection of Lyle Loop Road and Herlou Drive in the existing Somerset I subdivision and about 520 feet to the east on the north side of Lyle Loop Road. Although hydrant locations for the proposal are not indicated on the preliminary plat, a hydrant has been installed on the site in the alignment of Lyle Loop Road where it would front on proposed Lots 3 and 11 about 450 feet (travel distance on the street) from the interior hydrant in Somerset I and about 460 feet from Herlou Drive. An additional hydrant will be required on the proposed private access easement at the north end of Lot 13.

6. NEIGHBORING ZONING AND LAND USE.

The following table describes the neighboring zoning and land use:

Area	Land Use	Plan Designation	Zoning
North	Detached single-family homes on 0.4 acre lots	Low Density Residential	One Family Residential (Yakima County – R-1)
South	Detached single-family homes on 8,375 to 10,176 square foot (0.2 to 0.25 acre) lots	Low Density Residential	One Family Residential (R-1)
East	Detached single-family homes on 15,795 to 28,624 square foot (0.36 to 0.66 acre) lots. One large lot (2.81 acre) with a single-family home and raising horses	Low Density Residential	One-Family Residential (R-1)
West	Detached single-family homes on 1/3 to ½ acre lots	Low Density Residential	One-Family Residential (Yakima County – R-1)

The lots proposed to be designated as two-family residential lots adjoin three residential lots to the north. One of the lots also borders a 2.8 acre parcel to the east which is partially undeveloped with a older two story single family home with about 1,300 square feet on two stories, located about 170 feet away that is accessed from Selah Loop Road to the east. The developed lots to the north are all 0.44 acre, more or less, developed with one and two story (i.e., finished or partially finished daylight basements) single family homes of wood frame construction with brick or painted trim. The houses have 1,100 to 1,500 square foot footprints. All three of these homes are set back 90 to 100 feet from the rear lot line shared with the proposed two-family residential lots. There are fences, a retaining wall and a detached garage in the rear yards.

7. PUBLIC NOTICE

Based on the affidavit of mailing in the project files for this application, the notice of the hearing was mailed to property owners within 600 feet of the subject property on May 22, 2015. Notice

was also published in the Yakima Herald-Republic on May 22, 2015. Notice was also posted on the property prior to hearing.

8. ENVIRONMENTAL REVIEW.

A Determination of Nonsignificance (DNS) (971.42.15-04) was issued on May 7, 2015 using the Optional Method of WAC 197-11-355. As a result of concerns raised about the notice, the Notice of Application was reissued on May 20, 2015 and an additional comment period provided for comments on the environmental review to June 5, 2015. No appeal of the DNS was timely filed.

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.*

1. *Preliminary Plat Review:* A hearing examiner recommendation on preliminary plat 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. 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. It is noted for the record that a standard set of conditions designed to assuring compliance with design standards and other applicable standards has been developed by city planning staff and is customarily included in recommendations on preliminary plat reviews. These include conditions requiring submission and city approval of engineered utility and drainage system plans and other public works elements of the projects. Adjustment is made to these standard conditions as necessary for particular projects in recommendations provided to the City Council.

2. *Two Family Residential Lot Designation:* 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.

3. *Application for "Variance."* The Applicant applied separately for a variance from subdivision standards. The variance application was made on the basis of guidance provided by the City, including guidance on site plan requirements. See Exhibit 4 in the record. The Applicant also provided a narrative "Variance Proposal" (Exhibit 5) and a variance site plan (Exhibit 7).

where?

own copy insufficient!

A threshold question is whether the Applicant is seeking an "exception" from subdivision standards or a determination of allowability with respect to the use of a private street access to the northern block of lots.¹ The code addresses "exceptions" to subdivision design standards (generally in SMC 10.50.041 through SMC 10.50.046), and establishes a specific set of criteria for the approval of exceptions from such standards in SMC 10.50.070. However, the subdivision block design standards also allow for the use of a private street in a subdivision without reference to an exception, if the private street meets block design criteria in SMC 10.50.041(d)(4).

The narrative in the application materials specifically cites the private street provisions in SMC 10.50.041(d)(4). It does not cite any other subdivision standards from which it might seek an exception. On the other hand, the staff report analysis considers that the application materials also provide both for lots not fronting on public streets and for lot configurations that can be argued to amount to lots fronting on multiple streets, which might be contrary to the provisions of SMC 10.50.041(e)(3)² and (4)³, respectively. In that case, an exception review in accordance with SMC 10.50.070 would be the proper review procedure. Under that procedure, the hearing examiner may recommend an exception from the standards when undue hardship may be created as a result of strict compliance with the requirements. Applications for exceptions must include appropriate substantiating facts to show the hardship. SMC 10.50.070.

(a). *Permissibility of Private Streets.*

Interpretation of local ordinances is governed by the same rules of construction as state statutes. Ordinances must be reasonably construed with reference to their purpose. *HJS Development, Inc. v. Pierce County* 148 Wn.2d 451, 471-472, 61 P.3d 1141 (Wash. 2003). Ordinances are to be interpreted to give effect to legislative intent, *City of Spokane v. Fischer*, 110 Wn.2d 541, 542, 754 P.2d 1241 (1988), and to not produce an absurd result. *Post v. City of Tacoma*, 167 Wn.2d 300, 310, 217 P.3d 1179 (2009). Ordinances must be interpreted and construed so that all the language used is given effect, with no portion rendered meaningless or superfluous. *Whatcom County v. City of Bellingham*, 128 Wn.2d 537, 546, 909 P.2d 1303 (Wash. 1996). The subdivision design ordinance cannot properly be read to allow lots and blocks to be served by private streets on the one hand (based on the SMC 10.50.041(d)(4) language) and to require

¹ In Chapter 10.30 SMC, the Selah Municipal Code addresses variances in the broad context of Title 10 SMC, and establishes decision criteria to be applied in approving a variance. In absence of a delegation of authority to hear a variance pursuant to SMC 1.60.080, the Hearing Examiner does not have authority to act on a variance. Block and lot standards can also be modified as part of a Planned Development rezone application, but no such application is being considered in this proceeding.

² This subsection provides: "Each lot must front upon a public street with a width not less than those set forth in the street standards."

³ "Lots having frontage on two streets should be avoided whenever possible."

across the board that lots be served by public streets on the other hand (based on the SMC 10.50.041(e)(3) language). The staff report suggests that the latter ordinance provision relates primarily to lot width rather than allowability of the use of private access streets, based on its location in the lot design ordinance. Even if that is the case, it does not clearly resolve the problem of the specificity of the language requiring frontage on a public street. In addition, the standard could be read as requiring an appropriate street width to serve a lot rather than relating to lot width. This ambiguity requires some other means of construing the language.

The history of the ordinance provides some limited clarification. Private streets in new subdivisions were prohibited in 2004.⁴ In 2010, SMC 10.50.041(d)(4) was amended to include a proviso "that private access streets may be authorized where there will be no adverse effect on future traffic circulation of neighboring parcels." The city council discussion in the March 23, 2010 City Council Minutes indicates that the allowance for private streets originated in the context of implementation of the Planned Development ordinance and the potential appropriateness of private streets in gated communities. The discussion emphasized that such developments and associated subdivisions were subject to further city council review. Despite this discussion, the 2010 block design ordinance provided separately for both the modification of the design standards through a planned development, and for the approval of private streets following analysis of impacts to traffic circulation for neighboring properties. This change was accompanied by changes to the ordinance relating to

- parcels being so arranged so as to allow for the opening of future streets and logical further subdivision, unless doing so is impractical for reasons of property size or topography (SMC 10.50.041(b))
- conformance of public street location with the official street plan adopted or in preparation by the city (SMC 10.50.041(c)(1)).

If the city council intended that private streets only be considered as part of Planned Developments, it could have so provided; instead, it provided for allowability of private streets (subject to consideration of traffic circulation impacts to neighboring properties) separately from provisions for modification of the standards for Planned Developments. It did so in the context of other changes in the ordinance to promote public street planning and efficient city street access to new subdivisions. No change was made to SMC 10.50.041(e)(3) at the same time, which supports the staff report suggestion that the thrust of that subsection is not to require all lots to be served by a public street.

Council needs to clarify or set policy here -

Considering these matters all together, it does not appear that the City Council intended that an SMC 10.50.070 exception would be required for a private street. Rather, a private street may be approved if supported by findings that (1) there is "no adverse effect on future traffic circulation of neighboring parcels," (2) the arrangement of lots for opening future streets is impractical and (3) no street plan dictates the extension of a public street rather than the proposed private street.

None of these considerations relate to the roadway requirements for a private street. Subdivisions still must make adequate provisions for access to lots, and none of the application

⁴ SMC 10.50.041(d)(4) as enacted by Ordinance 1635 provided that "every lot and block shall be served from a publicly dedicated street."

materials provided any rationale for a 20-foot roadway width versus a typical residential access street roadway width.

(ii) *Applicability of SMC 10.50.041(e)(4).*

Lots having frontage on two streets should be avoided whenever possible. SMC 10.50.041(e)(4). The Applicant did not apply for any exception to this requirement. The principle question arising in the application of the ordinance is the extent to which it is mandatory under the specific circumstances of the proposal. The staff report indicates that “whenever possible” means that the standard is not mandatory. This characterization does not appear to completely capture the intent expressed in SMC 10.50.041(e), which requires conformance with 6 enumerated standards. One view is that a proposal entailing frontage on two streets would have to demonstrate that another configuration is not possible. This is the thrust of much of the public comment regarding alternative configurations to the private access street serving the proposed northern tier of lots. But the ordinance does not expressly say “unless it is impossible to configure lots in a subdivision without lots fronting on two streets.”

However, this problem depends on the second frontage actually being on a public street. “Street” is a defined term in SMC 10.50.010(k). Streets are publicly owned. “Access easement” means any private easement for the purpose of ingress and egress that is not dedicated to the public and that is owned by the underlying owners of the land over which it crosses. Title 10 SMC Appendix A. A “private street” is in the nature of an access easement. The regulatory implications of frontage on two public streets are not clearly the same as those where access easements are used to provide access to some lots while burdening other lots. It is equally unclear that the City Council intended that private access approaches would trigger the same considerations as public streets in its regulatory scheme. Private streets were not even permitted when SMC 10.50.041(e)(4) was enacted. It is not appropriate to extend the scope of the ordinance by implication under these circumstances. *Development Services of America, Inc. v. City of Seattle*. 138 Wn.2d 107, 117, 979 P.2d 387 (1999)

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 two of the lots would be developed as duplexes, the 20 lot plat has a density of 4.67 units per acre, which would comply with the density limitation in the land use Comprehensive Plan. In other respects, unless a matter is not addressed by the design standards, goals, objectives and policies related to the proposal are governed by the design standards.⁵ The standards are intended to assure satisfaction of state subdivision review standards at RCW 58.17.110. See also SMC 10.50.000(b).

⁵ As indicated on p. 1 of the 2005 Comprehensive Plan, “The Plan is not a dictation of what must be or an answer book for complicated questions.”

(2) Adequacy of compliance with design standards:

As noted in the staff report, there are no issues related to the availability of utilities. The application does not seek relief from the design standards in SMC 10.50.041 through SMC 10.50.046 except as noted below. The plat generally shows compliance with applicable standards or the capacity to meet applicable standards. The development includes extensions of existing water and sewer lines.

The principle issues raised on review with regard to the design standards relate to whether

- the use of a private street affects traffic circulation on neighboring properties;
- the private street and related lot configurations are allowable in light of SMC 10.50.041(e)(4);
- the layout of Lyle Loop Road is consistent with SMC 10.50.041(c)(11); and
- the private street design provides adequately for access and pedestrian safety.

Private Street. Regarding the private street, properties adjacent to the subject property are generally already subdivided and served with city or county public streets. The large property directly to the east has not been divided and served potentially could be divided, but there is nothing in the record to suggest that such division is planned or accounted for in any other public street planning process. Thus there is no substantial evidence that the proposed private street would have any particular adverse effect on circulation or public street planning related to neighboring parcels.

Dual Frontage. Regarding the dual street frontage limitation, the private street does not clearly provide for public street frontage on the northern lot lines of the lots that would abut Lyle Loop Road. There is no indication that the ordinance contemplates that private streets would trigger the applicability of SMC 10.50.041(e)(4). In this regard, it is noteworthy that the purposes generally served by the frontage limitation related to regulation of setbacks, fences and yard size are served by plan included in the record as Exhibit 7. To assure that the public interest is served by such a configuration of lots, it is appropriate that any subdivision approval would be conditional upon conforming at a minimum to the representations in Exhibit 7, as adjusted to reflect 20-foot minimum rear yard setback requirements.

Lyle Loop Road Design. Public comments claim that the proposed layout of Lyle Loop Road violates the design standard requiring that street jogs have centerline offsets of 200 feet. Street jogs are not defined in the ordinance. This arises from a deflection in the centerline of the street as it was originally planned in order to avoid the large parcel immediately to the east of the subject property. City staff review did not raise issues about this design. In absence of any indication of public health safety or welfare issues associated with the proposed design, there is no compelling basis to find a violation of the standard.

(3) Adequacy of compliance with the zoning ordinance:

Two principal zoning ordinance issues are raised by comments on the proposed preliminary plat.⁶ They relate to

- the effect of the use of a private street access system on the determination of lot size and lot coverage; and
- the appropriateness of the designation of Lots 19 and 20 as two family residential lots.

Lot size and coverage. The zoning ordinance does not define lot size. It does, however define "lot area" as "the total horizontal area within the boundary lines of a lot." Public comment noted that the paved private street easement proposed in this case effectively reduces the area of the lot available to the landowner, particularly for the central tier of lots. However, the lot size standard does not provide for adjustments based on the use of private access easements. The presence of the paved easements does affect the nature of use that a landowner could make of the burdened property. This may have some kind of impact on the neighborhood character. This, however, is the consequence of allowing private streets, which the City has done in SMC 10.50.041(d)(4), without regard to such kinds of effects. There is no basis for reading an idea of "full use lot size" into the zoning ordinance and thereby into subdivision review. As depicted in the preliminary plat, the proposed lots meet lot size requirements.

Lot coverage standards specify which aspects of a development are accounted for in the coverage calculation. In the R-1 zoning district, coverage is based on structures and accessory structures. See Table 8-1 in Chapter 10.08 SMC. In applying Chapter 10.02 through 10.48 SMC, "Accessory structure" means a building, part of a building or structure, which is ancillary to the operation or enjoyment of a lawful use, and the use of which is incidental to, that of the primary building, or structure on the same lot. "Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences six feet or less in height. Lot coverage comes into play when a decision is made as to the design of structures. The approval of a subdivision does not entail the approval of the footprint of a specific structure or accessory structure with respect to zoning compliance. Any development will be obliged to comply with applicable lot coverage requirements.

Two Family Residential Lot Designations. The preliminary plat designates Lots 19 and 20 as "two family residential" lots. Public comments objected to the establishment of the two family lots, both as to use and location. Much of the concern is with potential duplex development and rental use of such properties.

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 of duplexes 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

⁶ The application materials (Exhibit 7) indicated that rear lot line structural setbacks would be 15 feet. At hearing, the Applicant clarified that the setback was intended to be 20 feet. This recommendation assumes that the setback will in fact be 20 feet in accordance with SMC 10.08.090 and that Exhibit 7 is corrected accordingly.

family dwellings would be “harmoniously compatible” with adjacent properties. The 20 lot subdivision allows for the designation of two two-family residential lots under the requirements of SMC 10.12.040. Such lots can still be developed with single family structures.

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. The slope of the two lots is less than 10%, so the minimum lot size for a two family dwelling is 9,000 square feet. Both of the designated lots meet the minimum lot size requirement. As discussed above, this is not affected by the use of private access easements.

b. *Harmonious Compatibility with Adjacent Property:* Compatibility is a question of fact. As reviewed under SEPA, proposed structure on the two lots would be 28 feet in height. Although some public comment suggested to the contrary, 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.

Some context for the understanding of what constitutes “harmonious” 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 that the two lots border existing residential lots to the north. The developed lots to the north are all 0.44 acre more or less. The houses are one and two story (i.e., finished or partially finished daylight basements) single family homes of wood frame construction with brick or painted trim. They have 1,100 to 1,500 square foot footprints. All three of these homes are set back 90 to 100 feet from the rear lot line shared with the proposed duplex lots. There are fences, a retaining wall and a detached garage in the rear yards that appear to provide some site screening of the proposed designated lots. The subject lots are at a lower elevation than the neighbors, and their adjoining on the rear property lines provides for some physical separation between the existing uses and the proposed lots.

The subject lots are also located at the rear lot lines the proposed new lots on Lyle Loop Road rather than sharing common access. One of the lots also borders a 2.8 acre parcel to the east which is partially undeveloped with a single family home located about 170 feet away that gains its access from Selah Loop Road to the east. The home is two stories about 1,300 square feet , plus a partially finished basement.

The subject lots are 100 feet in width, consistent with the widths of the developed residential lots to the north, and enough width to allow for single story units. Lot depths are a slightly shallower 96.5 feet. The building envelopes as shown on a site plan included with the application is 4,360 square feet. This is based on a 15 foot rear setback, which does not meet the minimum standard for the R-1 zone (20 feet). The 30 foot front setback shown on the site exceeds the standard but may be necessary for off-street parking. The 35% lot coverage standard reduces the potential building footprint to 3,365 to 3,379 square feet (1,682 to 1,690 square feet

per one-story unit – including garages). Conversely, there is no substantial evidence that the subject lots cannot be developed in a manner compatible with adjacent land uses.

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 public comment suggests that it is not appropriate to “hide away” the prospective duplexes on Lots 19 and 20. Rather, it is argued that the duplex lots should be located in close proximity to Herlou Drive where additional trip generation effects can be better absorbed. However, these points do not substantively address the incompatibility with adjacent properties, if any, of duplexes such as those described in the SEPA documents. To the contrary, the factual recitation in the staff report gives no indication that the proposed uses would substantially affect adjacent properties. Again, generalized concerns about the potential rental use of duplexes do not sustain a denial of a proposed use.

(4) Provisions for schools:

No school district comments or comments from any other party indicate that the school system will not be able to adequately absorb prospective increases in numbers of students in local schools as a result of the project.

*Where is document app'n?
Council needs to ref. this*

(5) Other considerations of public health, safety and welfare and the public interest:

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. Neither the application materials nor the staff report contain information that resolve the questions of adequate pedestrian safety or the standards that may be applicable to private roadway design. The fact that the street is private does not mean that public interest considerations do not apply. As noted above, the City's design standards serve to assure that adequate provision is made for streets and pedestrian traffic as required under RCW 58.17.110 and SMC 10.50.025. A common means of serving residential lots not otherwise integrated into the street system is with a cul-de-sac. While a cul-de-sac is not a required means of street termination in residential areas it is noteworthy that a street section connecting a cul-de-sac turnaround area to a through street is subject to roadway design requirements. These include sidewalks.

No specific private street design standards are included in the subdivision ordinance. As a matter of public record, in some Planned Development residential subdivisions, 20-foot road widths have been approved in the City. However, the current proposal is not part of a planned

development. The proposed road width is on par with that of an alley.⁷ In addition, as a private street, the proposed street would not be subject to typical city parking regulation and other measures to manage congestion, parking and traffic safety. Since no information has been provided by the Applicant to suggest that traffic and pedestrian safety is effectively served by a road and sidewalk design that is different from typical local access roadway design in residential areas, it is appropriate that the private street should also comply with such design requirements.

11. ADDITIONAL PUBLIC COMMENT ISSUES

Most of the public comments received on this proposal have been addressed in the context of the specific standards applied in the preliminary plat review. One commenter raised issues bearing on the adequacy of completion of the application materials, including the plat map. Administrative procedures are addressed in Title 21 SMC. The administrative official determines when a land use application is complete. The determination of completeness is to be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be subsequently undertaken. If the information necessary for a final administrative action (such as a Hearing Examiner recommendation) is not provided, such information can be addressed in the course of the proceeding. A determination of completeness may be incorrect, but generally, this does not invalidate an administrative decision unless a person can claim that they were prejudiced as a result of the procedural failure. Though one public commenter clearly claimed that more information was required for the application materials, no claim of prejudice was made.

Council included if inadequate

Several commenters raised concerns regarding the adequacy of evidence to support any SMC 10.50.070 exception determination. In short, while the private street proposal was raised on forms indicating that the Applicant was seeking a modification of subdivision design standards, such a proposal does not require an exception request.

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 regarding the sufficiency of the plat. The Hearing Examiner also had jurisdiction to make discretionary recommendations concerning additions to the minimum subdivision standards in the public interest.

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

⁷ Per Appendix A to Title 10, "Alley" means a public thoroughfare or way having a width of not more than twenty feet which affords only a secondary means of access to abutting property."

3. The designation of Lots 19 and 20 as future two family residential lots is consistent with SMC 10.12.040.

4. No exception to the subdivision design standards is required for the proposed private street to serve Lots 17, 18, 19 and 20.

5. The proposed preliminary plat, if properly conditioned, complies with applicable subdivision and zoning standards.

6. The proposed private street meets the requirements of SMC 10.50.041(d)(4) and related ordinances. However, since no information has provided by the Applicant to suggest that traffic and pedestrian safety is effectively served by a road and sidewalk design that is different from typical local access roadway design in residential areas, it is appropriate that the private street roadway width should also be recommended to comply with such typical design requirements, and the access easement should be sized to such a width accordingly. In the event that the Applicant can demonstrate satisfaction of exception requirements for a reduction in suitable private roadway width, it can do so in a specific proceeding complying with SMC 10.50.070.

7. Any of the findings set forth in III. FINDINGS, above that are properly characterized as conclusions are deemed to be such.

V. RECOMMENDATIONS.

The Hearing Examiner makes two recommendations:

First, the application for preliminary plat review by Zuker-Sample Development, LLC for "Preliminary Plat of Somerset II" 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. 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. All the design and improvement notations indicated on Exhibit 7 in the record ("Variance Proposal, Somerset II, March 17, 2015), except as modified by the other conditions imposed by the City Council in this preliminary plat review proceeding, are included as conditions of preliminary plat approval

3. Lots 19 and 20 are authorized to be designated as two-family residential lots on the final plat and maybe developed into two-family residential structures up to 28 feet in height following final plat approval, subject to the following additional special requirements:

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- 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.
- c. Building materials shall be consistent in appearance with that of surrounding single-family homes. To further ensure harmonious development of the designated lots with the development of single family lots in the subdivision, restrictive covenants that describe the required building specifications for the two-family dwellings shall be recorded prior to recording the final plat for the phase in which they are in.
- d. Building specifications from the restrictive covenants for the proposed two-family dwellings 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.
- e. This decision does not preclude the development of detached single-family residences on any of these lots.

We need to see these

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

conflicts if greater road.

5. 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.

6. 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.

7. Reports, plans and specifications previously submitted shall count toward meeting the requirements of Conditions #5 and #6 if accepted by the Public Works Director to the extent of the improvements for which they are determined to be sufficient.

8. 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. Lots 17 through 20 shall be served by an 8 inch sewer line extended in the utility easement across Lots 11 and 12 and then continued to the other lots in the access and utility easement as shown on the Preliminary Plat. There shall be a moratorium on street cuts for a period of five (5) years from the date of each phase recording.

9. Lyle Loop Road: Street improvements must be constructed to City standards as approved by the Public Works Director including 50 foot wide right-of-way, 32 foot wide asphalt pavement, concrete rolled (or better) curb and gutter, five (5) foot wide sidewalk on one street side and street illumination. The sidewalk shall be installed on the same side of the street as it is on the existing completed portion of Lyle Loop Road. Utility improvements shall be extended beyond street pavement edge to facilitate future extension where appropriate. Street grade shall not exceed 10%.

9. The private street roadway shall be constructed as a hard-surfaced street to specifications approved by the Public Works Director prior to recording the final plat. The street shall have a minimum surface width of 20 feet, subject to increased requirements imposed by the City Council in this proceeding.

*Clarify?
to current
Res.
Standards*

10. The private street shall be designated "no-parking" as shown by the site plan submitted with the preliminary plat application and shall be posted with signs prior to final plat approval.

11. Covenants or a road maintenance agreement among the owners of Lots 17, 18, 19 and 20, providing for the perpetual maintenance of the private roadway and that establish a road maintenance fund shall be recorded with the Yakima County Auditor and a recorded copy submitted to the Selah Planning Department prior to recording the final plat. If driveway access to Lots 13 and 14 is made available from the private street, such covenants or agreement shall include owners of Lots 13 and 14.

12. Driveway access to Lots 13 and 14 shall be limited to Lyle Loop Road and the part of the private access easement passing in a north-south direction between them.

*Council
Eliminate
S/N side
Easement
Access.*

13. Street illumination shall be installed by the developer at locations and to the specifications of the Public Works Director (typically at 300 foot intervals or as otherwise determined by the Director of Public Works in order to maximize illumination). Street lights shall be installed on metal poles.

14. Fire hydrants shall be provided and installed by the developer at locations approved by the City of Selah Fire Chief and to the specifications of Selah Municipal Code, Chapter 11.30.

15. Storm Water drainage facilities to accommodate runoff generated in the plat must comply with a drainage facilities plan prepared by a Licensed Professional Engineer and approved by the Public Works Director. Plans submitted previously will count toward meeting

this requirement if approved by the Public Works Director. Additional documentation may be required for portions of the site not covered by any such previously submitted plans.

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

17. 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.

18. All required street signs, posts and appurtenances must be supplied by the developer and will be installed by the City.

19. An NPDES Construction Stormwater General Permit shall be obtained unless determined by the Department of Ecology that it is not required.

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."

21. The applicant shall recommend a street name to assign to the private access street and shall submit the name to the Planning Department for approval prior to recording the final plat. The approved street name shall be shown on the face of the final plat.

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.

23. Prior to final plat recording, all required plat improvements (utilities, streets, drainage facilities, etc.) must be installed and accepted by the City or a surety bond pledged to the City to ensure installation of the plat improvements within two years of final plat recording.

24. Improvements required for the subdivision must be completed and the final plat must be submitted within the maximum 5-year time period required by RCW 58.17.140. A one-time, one-year extension may be authorized in accordance with SMC 10.50.033(c) but the request must be made before the 5-year time period ends.

Second, the Hearing Examiner recommends that the private access street comply with roadway section design standards applicable to local access residential streets as determined by the Public Works Director in accordance with City of Selah Design and Construction Standards dated

*needs clarification
copy of these
be distributed to
& remain open to
public*

March, 2012. This recommendation supplements Condition 9 and 10 recommended for the preliminary plat in the first recommendation, above.

DATED THIS 26th DAY OF JUNE, 2015.



PATRICK D. SPURGIN
HEARING EXAMINER



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



COUNCIL MEETING ACTION ITEM

8/11/2015 M – 3

Title: Resolution establishing August 25, 2015 as the public hearing date to consider the adoption of the “Selah Transit Development Plan”

Thru: Donald Wayman, City Administrator

From: Andrew Potter, Assistant to the City Administrator

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: N/A

Funding Source: N/A

Staff Recommendation:

Pass the resolution to set the public hearing.

Background / Findings & Facts:

Although this is a six year plan it must be updated yearly with an annual report from the previous year and a description and projected budget for the following six.

Recommended Motion:

Move to approve the Resolution establishing August 25, 2015 as the public hearing date to consider the adoption of the “Selah Transit Development Plan”.



**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:
1/13/2015	Set a public hearing for the Selah Transit Development Plan
1/27/2015	Public hearing to consider the resolution adopting the Selah Transit Development Plan
1/27/2015	Resolution adopting the Selah Transit Development Plan, including the annual report for 2013 and six-year Plan 2014-2019.

[Click here to enter a date.](#) [Click here to enter text.](#)

[Click here to enter a date.](#) [Click here to enter text.](#)

[Click here to enter a date.](#) [Click here to enter text.](#)

RESOLUTION NO. _____

RESOLUTION ESTABLISHING AUGUST 25th, 2015 AS THE PUBLIC HEARING DATE TO CONSIDER THE ADOPTION OF THE "SELAH TRANSIT DEVELOPMENT PLAN."

WHEREAS, the Washington State Department of Transportation requires the City to publish, annually, its Transit Report and to update its Six-year Transit Development Plan; and,

WHEREAS, the City desires to adopt the Selah Transit Development Plan; and,

WHEREAS, the City wishes to hold a public hearing to invite comments; and,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, as follows:

That August 25th, 2015 at 6:30 p.m., or as soon thereafter as practical, in the Council Chambers, City Hall Bldg., 115 W. Naches Avenue, Selah, WA is established as the date, time and place of a public hearing to hear and decide said "Selah Transit Development Plan" and that notice of said public hearing shall be provided as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, THIS 11th DAY OF AUGUST, 2015.

ATTEST:

John Gawlik, Mayor

Dale Novobielski, Clerk Treasurer

APPROVED AS TO FORM:

Robert F. Noe, City Attorney

RESOLUTION NO. _____

City of Selah
Selah Transit Development Plan



Annual Report for 2014
And
Six-year Plan 2015-2020
Reported Annually

Adopted by the Selah City Council: _____ Resolution _____

Table of Contents

Sec.	Title	Page
	Introduction	3
I.	Organization	3
II.	Transportation Service	4
III.	State & Local Long-Range Priorities For Public Transportation & Capital Improvements	5
IV.	Program Funding	5
V.	Significant Operating Changes Planned For The System, 2015-2020	6
Appendix A:	Operating Financial Data, 2015-2020	7
Appendix B:	Six-Year Transit Improvement Plan - Project List	7
Appendix C:	Public Hearing Notice	8
Appendix D:	Fixed-Route Map	9

Acknowledgements

CITY OF SELAH

Donald Wayman, City Administrator
Andrew Potter, Assistant to City Administrator
Joe Henne, Public Works Director
Dale Novobielski, Treasurer

YAKIMA TRANSIT

Alvie Maxey, Transit Manager
Kevin Futrell, Project Planner
Karen Allen, Program Administrator

INTRODUCTION

The Transit Development Plan 2015-2020 and 2014 Annual Report provides updated information to the Washington State Department of Transportation (WSDOT) on Selah Transit's 2014 transportation components and accomplishments and proposed action strategies for 2015 to 2020.

This document is submitted per the requirements of RCW § 35.58.2795. Selah is required to prepare a six-year transit development plan and annual report every year. WSDOT uses this document to prepare an annual report for the Washington State Legislature summarizing the status of public transportation systems statewide. This document is also used to notify the public about projects that have been completed, are in process, or are planned for the future. Following a public hearing, the Selah City Council must approve this document prior to this document going into effect.

History

Selah was officially incorporated on April 3, 1919. Selah has a strong mayor form of government. Selah's base economic activity primarily consists of fruit warehousing/processing facilities, due to the proximity of fruit orchards in the nearby Wenas Valley and access to regional railroad and roadway systems for shipment to markets. Selah is one of the many communities that serve as a "bedroom community" to the city of Yakima to the south.

In 2009, the city of Selah began operating fixed-route bus & paratransit services under a contract with the city of Yakima (Yakima Transit) and continues to purchase those services. Selah's Transit services are funded by a voter-approved 0.3% sales tax (2007). Service initially started out with a north-south route through Selah and a trip along the Speyers-Fremont Loop.

In 2010, bus service was expanded to include a second trip along the Speyers-Fremont Loop during the route and frequency increased to hourly service.

In 2014, service was expanded to the Selah Firing Center Park & Ride providing a long-desired connection for military personnel working at the Firing Center and a Yakima-Ellensburg Commuter connection. Frequency reverted back to hourly service with half-hour service during the AM/PM peak hours and only one trip along the Speyers-Fremont Loop during the route.

On June 29, 2015, the city of Selah began participating in funding the Yakima-Ellensburg Commuter with a stop at the Selah Civic Center.

SECTION I: ORGANIZATION

Organizational Structure

The city of Selah does not have any transit-specific employees dedicated to Selah's Transit operations. Selah's transit-related staff consists of administrative personnel that support the City as a whole, including positions from City Hall and Public Works.

Physical Plant

Selah Transit does not have a facility dedicated to only Transit services. Selah Transit is operated incidental to other activities out of Selah City Hall and the Selah Public Works Facility.

SECTION II: TRANSPORTATION SERVICES

Fixed-Route Service

The City of Selah's fixed-route bus service is operated Mon-Fri from 6am-7pm, Saturday from 7am-6pm, and Sundays 8am-4pm. Transit services are not available on nationally-recognized holidays (New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, & Christmas Day).

Selah is served by Yakima Transit's Route 10, which serves both Selah and Yakima. Ridership for Route 10 in 2014 was 100,099 passengers, a decrease of 7.98% (2013 - 108,088). The decrease was relatively low; Yakima Transit's system-wide decrease was 12.26% during the same period. Ridership varies from year to year and is affected by service changes including modifying routes, expanding/contracting service, changes to transfer policies, & increases in fares. Ridership was down across all passengers types. The majority of the decrease is attributed to the reductions in service, as well as the March 2013 fare increase.

Several changes have been made to the route since the inception of the program, which have included a second trip per hour along the Fremont Speyer's Loop, changes along N. Wenas Road and Jim Clements Way, modifications to frequency (from hourly service to half-hour service to hourly-plus-peak service (AM/PM)). The service currently extends a commuter service-type extension out to the Firing Center Park & Ride Lot serving Zirkle Fruit along the way. Modifications will continue to happen as streets change and passenger transportation needs continue to evolve with the city of Selah's approval.

Yakima Transit retains all fares from the fixed-route service as part of the service agreement with Yakima Transit. As part of the consideration of keeping the fare revenue, Selah participates in Yakima Transit's operating grants.

	One-way fare	Monthly Passes
Adults (age 18 and over).....	\$1.00.....	\$25.00
Youths (age 6 - 17).....	75¢.....	\$18.00
Reduced Fare (Persons 62/over, people with disabilities and Medicare Card holders. Reduced Fare ID card with photo required for reduced fare.).....	50¢.....	\$9.00
Yakima-Ellensburg Commuter.....	\$5.00.....	\$150.00
Pre-School (under 6, accompanied by adult).....	FREE	
Transfers (See Transfer policy, page 4).....	FREE	

Paratransit

Yakima Transit continued to provide paratransit (Dial-A-Ride) services for Selah in 2014 through an agreement with Medstar. Paratransit services are provided only when fixed-route is available, door-to-door, to individuals who cannot access fixed-route bus service. Selah's paratransit services the areas within the city limits of Yakima and Selah and some trips into the city of Union Gap (many for dialysis). Paratransit ridership decreased 12.54% from 3,818 passengers in 2013 to 3,340 passengers in 2014. The



large reduction can be partially attributed to cost avoidance passengers, as well as, care facilities increasing their utilization of other forms of transportation. Paratransit services typically cost \$24-\$30 per passenger trip. Paratransit services are required within Selah's service area under FTA regulations because fixed-route bus service is provided.

SECTION III: STATE & LOCAL LONG-RANGE PUBLIC TRANSPORTATION & CAPITAL IMPROVEMENT PRIORITIES

Local Priorities

This plan establishes local priorities for Selah's Transit Services, which include:

1. Connecting Selah's Transit System with Neighboring Transit Systems

Connections can be made from Prosser to Ellensburg by utilizing the Yakima-Ellensburg Commuter, People For People's Community Connector, & Yakima Transit's fixed-route system. Selah started participating in the Yakima-Ellensburg Commuter on June 29, 2015, by both participating in funding the service as well as providing a parking location for commuters.

2. Providing Efficient and Effective Transit Services throughout Selah

Selah's constantly looking at ways to provide more effective and efficient service to passengers though route modifications and passenger facilities (park & ride locations & passenger shelters).

Capital Improvements

For 2014, just outside of Selah, Yakima Transit obtained grant funding for the expansion of the Firing Center Park & Ride lot along Interstate 82 at the Firing Center Road Exit 26, which serves the region, and more immediately Selah commuters. The project was completed on August 19, 2014, expanding the Park and Ride lot from 44 to 105 parking stalls.

As part of Selah's effort to provide commuting options, they purchased property behind the City's Civic Center that is intended to be developed into a multi-use park & ride lot serving not only fixed-route bus service, but also, the Yakima-Ellensburg Commuter. Additional passenger shelters and sidewalk improvements for ADA passengers have been considered.

SECTION IV: PROGRAM FUNDING & EXPENSES

Operating Revenue

Selah utilizes sales tax revenue & grant funding to maintain transit services. Selah Transit's operating revenue was \$423,840 for 2014. Funding in subsequent years should revert back to something close to 2013 funding levels. The increase in sales tax revenue is the result of an increase in government capital projects.

The city of Selah purchases fixed-route bus and Dial-A-Ride services from the city of Yakima. These services allow Yakima residents to come to Selah to purchase goods and services, as well as work for local employers or access life-necessity services like dental, medical, & social services, and vice versa. Currently, Selah's service consists of a portion of Yakima Transit's Route 10, which travels from the

Yakima Downtown Transit Center along N. 1st Street to and throughout the city of Selah. Selah pays for the time that the bus travels within the city of Selah on an hourly rate.

Selah benefits from Yakima Transit's operating grants as they relate to their service including utilizing a portion of Yakima Transit's annual allocation from the Federal Transit Administration. Service reductions and expansions are at Selah's discretion. Selah's most recent change was to extend services to the Firing Center (7 round trips per weekday) to provide additional support for the Yakima-Ellensburg Commuter and provide service to workers at the Zirkle fruit warehouse and processing facility.

Sales Taxes

The city of Selah has a voter-approved 0.3% sales tax that pays for operating service in Selah, mainly fixed-route and paratransit services contracted for through Yakima Transit. Each 0.1% of sales tax equals approximately \$100K in revenue.

Grant Funds

The city of Selah participates in Yakima Transit grants relating to Selah's service. In 2014, these grants included the Federal 5307 annual apportionment grant and a Federal CMAQ Sunday Service grant (through June 30, 2014).

Washington State Transit Formula Funds

The Washington State Department of Transportation provides allocations to the city of Selah for general operating expenses and paratransit services. For 2013-2015, the amount was \$6,718 for paratransit and \$4,800 for general transit services. The 2015-2017 paratransit allocation is \$7,037.

Operating Expenditures

Selah's operating expenses were \$282,914. There was no increase in rates in 2015. Selah's rates remained flat in 2015 and are anticipated to increase slightly in 2016. Paratransit services remained relatively close to actual costs for 2014 and are based on a cost-per-trip basis as negotiated by the city of Yakima with Medstar the Dial-A-Ride contractor. The rates the paratransit contractor charges typically increase each year due to a built in cost of living increase. Selah's operating expenses are anticipated to slightly increase through 2020.

Capital Funds

Selah's typical capital expenses are for bus shelters and sidewalks. In 2014 \$307,000 of Transit funds was spent on Capital, expenses the majority of which was spent in the acquisition and preparation of parking next to the Civic Center. Other typical expenses include bus shelter improvements, and utility shop facility improvements. Selah plans on continuing to improve accessibility to transit stops and provide shelter from the elements for their passengers. For 2015, Selah planned \$130,000 budgeted for Transit funded capital expenses (Park & Ride \$125,000 and ADA accessible sidewalks \$5,000, and passenger shelters). Capital expenses are anticipated to be minimal (less than \$50,000) through 2020.



SECTION V: SIGNIFICANT CHANGES PLANNED, 2015 – 2020

Selah Transit does not have any significant operating changes or capital improvements planned for the 2015-2020 period.

APPENDIX A – Transit Financials

Selah Transit - 2014 Annual Report & Budget 2015-2020							
	2014	2015	2016	2017	2018	2019	2020
Beginning Balance	\$ 416,354	\$285,073	\$181,943	\$163,953	\$168,093	\$150,263	\$138,433
Operating Revenues							
Sales Tax	\$ 405,070	\$ 285,000	\$ 280,000	\$ 280,000	\$ 280,000	\$ 280,000	\$ 280,000
Federal Operating Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WSDOT Grants	\$ 6,718	\$ 6,000	\$ -	\$ 6,000	\$ -	\$ 6,000	\$ 6,000
WSDOT Formula Funds	\$ 9,613	\$ 4,800	\$ 4,800	\$ 4,900	\$ 4,900	\$ 4,900	\$ 4,900
Other	\$ 2,439	\$ 2,070	\$ 1,210	\$ 1,240	\$ 1,270	\$ 1,270	\$ 1,270
Total Operating Revenue	\$ 423,840	\$ 297,870	\$ 286,010	\$ 292,140	\$ 286,170	\$ 292,170	\$ 292,170
Operating Expenses							
Fixed-Route P&M	\$ 236,908	\$ 245,000	\$ 240,000	\$ 240,000	\$ 240,000	\$ 240,000	\$ 240,000
Yakima-Ellensburg Commuter	\$ -	\$ 6,000	\$ 16,000	\$ 16,000	\$ 16,000	\$ 16,000	\$ 16,000
Paratransit ADA P&M	\$ 46,006	\$ 55,000	\$ 62,000	\$ 62,000	\$ 62,000	\$ 62,000	\$ 62,000
Total Operating Expenses	\$ 282,914	\$ 306,000	\$ 318,000				
Net Cash Available	\$557,280	\$276,943	\$149,953	\$138,093	\$136,263	\$124,433	\$112,603
Capital Revenue							
Sales Tax Revenue	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000
WSDOT Grant - Capital	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Capital Revenue	\$ 40,000						
Capital Expenditures							
Minor Equipment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Facilities	\$ 307,207	\$ 130,000	\$ -	\$ -	\$ -	\$ -	\$ -
Shelters/benches/signs	\$ -	\$ -	\$ 11,000	\$ -	\$ 11,000	\$ 11,000	\$ 11,000
Sidewalks	\$ 5,000	\$ 5,000	\$ 15,000	\$ 10,000	\$ 15,000	\$ 15,000	\$ 15,000
Total Capital Expenses	\$ 312,207	\$ 135,000	\$ 26,000	\$ 10,000	\$ 26,000	\$ 26,000	\$ 26,000
Ending Cash Balance 12/31	\$ 285,073	\$ 181,943	\$ 163,953	\$ 168,093	\$ 150,263	\$ 138,433	\$ 126,603

APPENDIX B: Six-Year Transit Improvement Plan - Project List

There are no major capital or operating projects planned over the next six years that will utilize transit funds or public transportation grant funds.

APPENDIX C: PUBLIC HEARING NOTICE

Wednesday August 12, 2015

Selah Transit is submitting to the Washington State Department of Transportation its Six-Year Transit Development Plan and Annual Report.

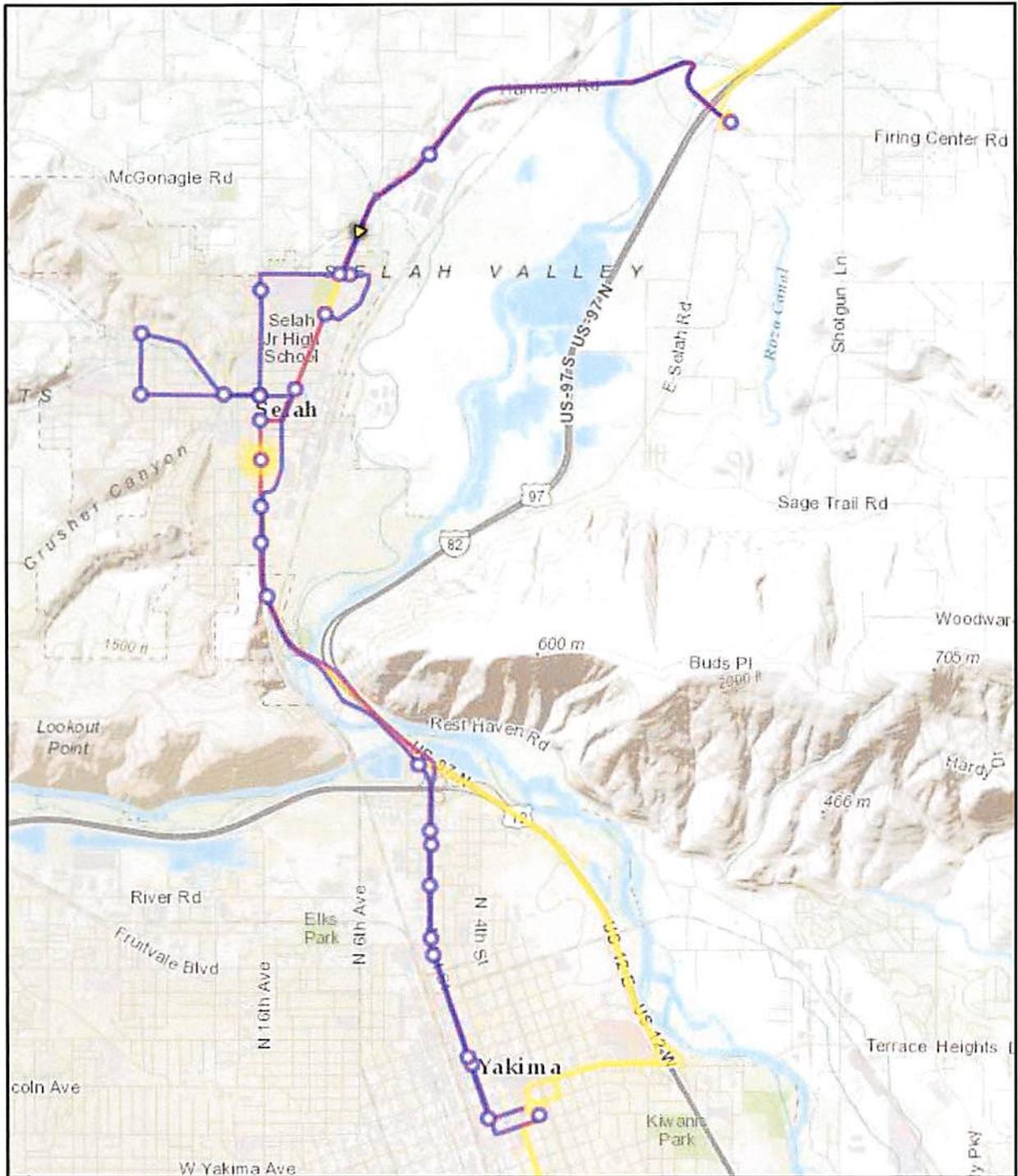
These documents address state and local long and short-range priorities, capital improvements, planned significant operating changes, program funding sources, and the summary of Selah Transit's 2014 operations and proposed changes over the next six years. The proposed program will be the final program, unless amended, satisfies the requirements regarding the final Program Of Projects.

A public hearing on the submittal will be held by the Selah City Council on August 25th, 2015

A draft document is available for public review during normal office hours at the Selah City Hall located at 115 W. Naches Avenue, Selah, WA 98942 or online at www.selahwa.gov

DRAFT

Appendix D: Fixed-Route Map





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



COUNCIL MEETING ACTION ITEM

8/11/2015 M – 4

Title: Resolution Authorizing the Mayor to sign a letter to confirm continuing commitment to Project Match for the Valleyview Avenue/South Third Street/Southern Avenue Project's Right of Way and Construction phases.

Thru: Donald Wayman, City Administrator

From: Joe Henne, Public Works Director

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: \$29,800

Funding Source: Street Fund 415

Staff Recommendation:

Staff is requesting the City Council authorize the mayor to sign a letter confirming the City's continuing commitment to Project Match for the Valleyview Project.

Background / Findings & Facts:

On February 20, 2013, YVCOG's Executive Committee approved the prioritized list of 2013 Surface Transportation Program (STP) Regional projects as recommended by the Technical Advisory Committee (TAC). The Valleyview Avenue/South Third Street/Southern Avenue project was included in that prioritized list requesting \$1,989,450 in STP funding. YVCOG is now asking for the City to confirm their continuing commitment to match the project funds in a letter from the mayor for the Right of Way and Construction phases.



CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY



Recommended Motion:

Approve a Resolution authorizing the mayor to sign a letter indicating continuing commitment for project match for the project Right of Way and Construction phases of the Valleyview Ave./South Third Street/Southern Ave.



**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:

6/9/2015

Resolution Adopting the Six Year Transportation Improvement Program for years 2016-2021.

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RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LETTER
TO CONFIRM CONTINUING COMMITMENT TO PROJECT MATCH
FOR THE VALLEYVIEW AVENUE/SOUTH THIRD
STREET/SOUTHERN AVENUE PROJECT RIGHT OF WAY AND
CONSTRUCTION PHASES**

WHEREAS, on February 20, 2013, the Yakima Valley Conference of Governments MPO/RTPO Executive Committee approved the prioritized list of 2013 Surface Transportation Program (STP) Regional projects as recommended by the Technical Advisory Committee (TAC); and

WHEREAS, the Valleyview Avenue/South Third Street/Southern Avenue project was included in that prioritized list; and

WHEREAS, the City agreed to the match commitment for the Project Engineering Phase (PE) as part of updating the STP needs; and

WHEREAS, the City now wishes to confirm continuing project match commitment for the Right of Way and Construction Phases; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, authorizing the Mayor to sign a letter confirming the City's match commitment for the Valleyview Avenue/South Third Street/Southern Avenue Project Right of Way and Construction Phases.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 11th day of August, 2015.

John Gawlik, Mayor

ATTEST:

Dale Novobielski, Clerk/ Treasurer

APPROVED AS TO FORM:

Robert F. Noe, City Attorney

RESOLUTION NO. _____



YAKIMA VALLEY CONFERENCE OF GOVERNMENTS

311 North 4th Street, Suite 202 • Yakima, Washington 98901
509-574-1550 • FAX 574-1551
website: www.yvcog.org

July 21, 2015



John Gawlik, Mayor
City of Selah
115 West Naches Avenue
Selah, WA 98942

**SUBJECT: STP Regional Funding – Request to Confirm Continuing
Commitment to Project Match**

Dear Mayor Gawlik,

The Yakima Valley MPO/RTPO Technical Advisory Committee's STP sub-committee is asking all project sponsors on the current STP Prioritization List to confirm the jurisdiction's match commitment as part of updating the STP need.

As part of the award acceptance in 2012/2013, each project sponsor was asked to confirm their match commitment to the PE-Only part of their project. This request is to close the loop of current information and confirm the match commitment to the Right of Way and Construction portions of the project if applicable. **Please send a letter to YVCOG by 8/12/2015 explaining the STP need for your PE-Only awarded project and include your match commitment.**

New funding has not been made available, and the funding to complete all projects on the list far out-weighs the allocation YVCOG has received in the past. Not all projects will receive full STP funding for their PE-Only awarded projects. As we work to bring into balance this disproportionate need with available funding and previous priorities, we will be making some hard decisions. The sub-committee is assessing the remaining STP need of all project sponsors.

As was the condition with award of PE-Only funding, monthly project progress reports will be required for all regional STP funded projects as part of the monthly MPO/RTPO Technical Advisory Committee meetings. Please ensure your project lead is providing this vital information to YVCOG on a monthly basis.

Selah's local 6-Year Transportation Improvement Program (TIP), and the State Transportation Improvement Programs (STIP) must be amended to reflect any changes to funding amounts and schedule through cooperation with YVCOG. If you have any

MEMBER JURISDICTIONS

Grandview • Granger • Harrah • Mabton • Moxee • Naches • Selah
Sunnyside • Tieton • Toppenish • Union Gap • Wapato • Yakima • Yakima County • Zillah

questions concerning TIP/STIP amendments, please contact Deb LaCombe, MPO/RTPO Manager at (509) 574-1550 or deborah.lacombe@yvcog.org.

As always, the YVCOG is pleased to assist our members in securing the funding necessary to meet their program goals.

Sincerely,



Lauris C. Mattson
Executive Director

cc: Don Wayman, City Administrator
Joe Henne, Public Works Director, City of Selah
Roger Arms, Local Programs Engineer, WSDOT South Central Region



CITY OF SELAH

115 West Naches Avenue
Selah, Washington 98942

Phone 509-698-7328
Fax 509-698-7338

August 11, 2015

Yakima Valley Conference of Governments
311 North 4th Street, Suite 202
Yakima, WA 98901

Dear Mr. Mattson,

This letter is in response to your request to confirm the City of Selah's continuing commitment for project match for the Right of Way and Construction portions of the Valleyview Avenue/South Third Street/Southern Avenue Project. This project will improve the traffic flow in the mid to south end of Selah. The addition of a sidewalk with ADA compliant ramps will improve pedestrian safety

This project continues to be a top priority for the City and we are committed to the project with matching funds in the amount of \$13,650 for right of way and \$267,100 for construction.

If there is any further that you require, feel free to contact me at 509-698-7332.

Sincerely,

John J. Gawlik, Mayor
City of Selah





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



COUNCIL MEETING ACTION ITEM

8/11/2015 N – 1

Title: Ordinance Amending the 2015 Budget for the Purchase of 107 W Selah Avenue.

Thru: Donald Wayman, City Administrator

From: Dale Novobielski, Clerk/Treasurer

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: \$ 115,000

Funding Source: F119 Transit

Staff Recommendation:

Approve a \$ 115,000 increase in the 2015 Budget for the purchase and demolition of 107 West Selah Avenue.

Background / Findings & Facts:

At the June 9, 2015 Council meeting the Mayor was authorized to sign a Real Estate and Purchase Agreement for 107 West Selah Avenue. The purchased property will be used for additional parking at the Civic Center and will promote Transit Park n Ride usage.

Recommended Motion:

I move to approve the Ordinance amending the 2015 Budget for the purchase and demolition of 107 West Selah Avenue.



**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:

6/15/2015

Mayor was authorized to sign a Real Estate Purchase Agreement for 107 W Selah Avenue.

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ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2015 BUDGET FOR THE PURCHASE AND DEMOLITION OF 117 WEST SELAH AVENUE

WHEREAS, the City desires to amend the 2015 budget for the purchase and demolition of 107 West Selah Avenue;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does ordain as follows: that the Clerk-Treasurer be authorized to amend the 2015 Budget as follows:

119 Tranist

119.000.047.308.80.00.00	New Beginning Unreserved Fund Balance	\$ 285,073
119.000.094.594.47.61.00	Land and Land Improvements	\$ 115,000
119.000.999.508.80.00.00	New Ending Unreserved Fund Balance	150,056

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 11th day of August 2015.

John J. Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:

Robert Noe, City Attorney

ORDINANCE NO. _____



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



COUNCIL MEETING INFORMATIONAL ITEM

8/11/2015 O – 4A

Title: Planning Commission Minutes, July 21, 2015

Thru: Donald Wayman, City Administrator

From: Caprise Groo Department Assistant

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:

N/A

Recommended Motion:

N/A

City of Selah
Planning Commission Minutes
of
July 21, 2015

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

A. Call to Order

The meeting was called to order by Chairman Quinnell at 5:30 p.m.

B. Roll Call

Members Present: Commissioners: Miller, Quinnell, Torkelson, Smith, and Pendleton.
Staff Present: Tom Durant consultant, Caprise Groo, Secretary
Guests: Don Wayman, City Administrator

C. Agenda Changes : None

D. Communications

1. Oral- Chairman Quinnell invited the public to speak of matters that were not on the agenda.

Mr. James Hanna approached the podium. He stated that he was a resident at 181 Lancaster Rd, Selah WA. He stated he understood this was the first reading of 10.24

Chairman Quinnell stated that was on the agenda and they would get to it shortly.

2. Written - None

E. Approval of Minutes

1. March 17, 2015 Minutes

Chairman Quinnell asked for a motion to approve/disapprove the minutes.

Commissioner Torkelson motioned to approve the minutes.

Commissioner Miller seconded the motion.

Chairman Quinnell asked for a voice vote. The minutes were approved with a voice vote of 5-0.

F. Public Hearings

1. Old Business - None
2. New Business - None

G. General Business

H.

1. Old Business – None
2. New Business- Revised SMC 10.24 Planned Development Zoning District
First Draft Study Session

Chairman Quinnell stated that this was the first draft of SMC 10.24 and that it did not involve any current projects. He explained that anyone who wanted to speak would have the opportunity and if you have questions after that, please write them down. (First draft of SMC10.24 attached)

Mr. Wayman stated that written questions would help the process.

Chairman Quinnell opened the floor for public comment.

Mr. James Hanna- 181 Lancaster Rd. He declared that he had read the ordinance and realized a lot of time had gone into it. He stated that it still had vague language that allowed flexibility. He recommended defining major and minor changes, as well as defined height limits.

Commissioner Miller declared that this ordinance would allow for different configurations of housing and that the density was the underlining code.

Mr. Wayman explained that a Planned Development Overlay should not mean rentals. It could be a variety of configurations with high quality neighborhoods.. It would free up open space and allow for different roads. He stated the height would not change

Mr. Durant replied that the height could change.

Mr. Wayman explained that the code permitted 35 feet high and that the impact to the neighbors was considered. He stated that the builder should still be able to be creative in their design.

Commissioner Miller asked if there were parameters.

Mr. Wayman stated that he had considered the quality of life of the neighbors.

Commissioner Miller asked about the 22 foot setback and pedestrian access if the home owner had company. He stated than pedestrians needed to be enabled.

Mr. Durant stated that he had seen 18feet for setbacks.

Discussion ensued.

Mr. Durant discusses the set back to the garage.

Mr. Wayman declared that the set back to the garage had to be twenty-two feet.

Commissioner Miller, Smith and Mr. Wayman discussed ADA accessible in community areas.

Commissioner Miller stated that a certain percentage should be ADA.

Chairman Quinnell asked if anyone else wanted to speak.

Mr. Richard Weller-50 Herlou Place. He stated that a side by side comparison would be better to show changes. He asked what a Planned Development Overlay was.

Commissioner Miller explained that the code doesn't always work for every piece of ground. This PDO allows a builder to bring forth ideas and have a guide to lead the way.

Mr. Well asked if the property would need rezone to do this.

Mr. Durant explained that the underlining zone would still apply. A Planned Development relaxed some of the standards and allowed mixed dwellings.

Mr. Wayman explained that a PDO will allow less interpretation and give builders guidance.

Mr. Weller asked if the new rules made it clearer what can and can't be done. He asked if this was a much more prescriptive process. He asked who would determine what was a minor or major change.

Mr. Wayman stated that he didn't anticipate an issue. If it was a minor it would be like a classed II review. If it was a major change the process would have to start over.

Mr. Durant explained that there were criteria for what was a minor modification and it went to the City Administrator for approval/disapproval. A major modification goes to the Hearing Examiner for a recommendation.

Mr. Weller Stated that the criteria was not clear to him.

Commissioner Miller stated this was a first draft

Mr. Weller stated that the blue ink on the document helped and he just skipped to those sections.

Chairman Quinnell asked if there was anyone else who wanted to speak.

Ms. Diane Underwood - 402 N 9th St, Selah, WA 98942. Stated that she had several concerns, one being 10.24.010b. She stated that it was very vague. She declared that she would make her notes and then turn them into Mr. Durant or Mr. Wayman

Mrs. Shirley Johnson-Hoy asked what kind of protection the public had if they did not like what the developer was doing.

Commissioner Miller stated that there was a hearing process and several steps where the public could state their opinion.

Mrs. Johnson-Hoy stated that it is not in this document.

Commissioner Miller explained that it may not be in this document but it is a multi-step process

Chairman Quinnell thanked Mrs. Johnson-Hoy.

Ms. Underwood - On cherry there was a project and how do we make sure we get notice.

Chairman Quinnell explained that there was a process.

Ms. Underwood stated that she was with in the 600 feet.

Mr. Durant asked about the county treasurer address. He stated he would look to see why she didn't get the notice. He explained the process to Ms. Underwood

The computer was stuck on printing Q's across the page. Restarted the computer.

Ms. Underwood stated that planting strips should be trees and grass no rocks.

Ms. Katy Fountaine explained that she was not sure the public could participate. Will there be an opportunity to make comments on the changes. Will there be a minimum size?

Commissioner Smith asked if Ms. Fountaine would write down her questions for the next meeting.

Ms. Fountain agreed.

Dick Graf approached the podium. He asked if it was correct that the density of zone stayed the same. He stated that the South Selah Acre Tracks have islands that have not been developed in the last thirty years. He suggested higher density with specific requirements for compatibility.

Mr. Durant stated that that sounded like a bigger issue than what was being dealt with at this time. He stated that he thought that would be a Comprehensive Plan issue.

Mr. Wayman declared that he might consider special zoning districts that could be recognized by the council to give the builder leeway to build higher quality homes.

Mr. Graf stated that his company dealt with family residential and the people have gone to multi-family residential. He stated that it would be good for the city to have multi-family homes.

Chairman Quinnell asked if anyone else would like to speak.

Unknown Man asked if a study had been done on the impact of increase population on the schools, housing and such. He stated that he had been drawn here by the quality of life and that he would not like it if the quality of life changed for quantity.

Chairman Quinnell asked if anyone else would like to speak.

Commissioner Miller wanted to know if there were any parameters to affordable housing. He stated he did not know the criteria for affordable housing but thought it could help.

Chairman Quinnell asked what was compatible. He stated that there should be criteria for compatibility. He also addressed the percentage for the LDSF.

Mr. Durant asked how to define and 2-family home verses multi-homes.

Mr. Graf asked if he could address the two family housing. He stated that two family was two family dwelling units, and buildings of four or more families was multi-family.

Discussion: 3 or more multi-family.

Commissioner Miller stated that there must be many examples that could be looked at for reference.

Commissioner Smith stated that she agreed that the demographics were changing and more families were living together. More people were taking care of aging parents and a town house or duplex seem to be needed. The need for affordable quality home and multi-family homes also is needed.

Mr. Bill Teaford stated that if they were talking about seniors or ADA the homes needed to be single level.

Ms. Underwood stated that the new thing was mini houses and she would like to see some of them if possible.

Mr. Wayman declared that he and Mr. Durant needed solid guidance to get a clean document for the public and the commission.

Chairman Quinnell suggested they go page by page. He stated that they needed the definition of compatible.

Commissioner Miller requested the definition of Multi-family dwelling.

Mr. Durant asked what duplexes would be.

Mr. Wayman asked what the commission considered compatibility.

Chairman Quinnell stated that it had to look pleasing

Mr. Wayman asked about roof lines and siding.

Commissioner Miller stated that there were many things to look at such as fascias, architecture and setbacks

Chairman Quinnell stated that it would seem like it needed to be a case by case decision.

Mr. Durant asked what they could do to insure compatibility. He stated that it should be defined first. ,

Discussion: zoning.

Conclusion: Side by side zoning differences cannot dictate what a builder can build. R-2 Build to R-2 density. R-1 builds to r-1 density. (example: An existing set of properties in an R-1 zone is directly next to, or bordered by, an R-2 zone where a new PDO might be built)

Discussion: Building heights and setbacks.

Conclusion: to add another paragraph and be more restrictive.

Discussion of 10.24.040 and the percentages of total number of dwelling units in a PDO allowed as buildings designed for two or more dwelling units. (How many units of the total may be built as 'attached.')

Conclusion: 25% for the percentage and a homeowners association will take care of open space.

Mr. Durant stated that where the percentage is: it should say 2 or multiple family dwellings.

Mr. Wayman started to discuss page 10.24.050 Planned Development Overlay criteria.

Mr. Durant asked to change 'coherence' to 'compatible' to allow the hearing examiner more leeway.

Mr. Wayman proceeded to 10.24.060 Application Procedure. He stated that 'B' was new to the procedures. He stated that Mr. Graf had suggested that a Q & A and a study session with the council.

Discussion ensued

Conclusion: Question Bob Noe on public hearings and study sessions.

Mr. Durant stated that some of the stuff needs to defer to title 21 for notice requirements.

Mr. Durant addressed 10.24.070 and establishing during the pre-application process what documents need to be provided.

Mr. Torkelson stated that the planned development is pretty detailed on what is to be built

Mr. Wayman suggested a check list for 10.24.070.

Mr. Durant stated that the check list be determined at the pre-application meeting.

Discussion: what does a project need?

Conclusion: each is different and not all the paper work is needed for every Planned Development.

Mr. Wayman directed everyone to page 7. He stated that every developer needed a project description and detailed information concerning the items listed below. Then he proceeded to 10.24.080 Hearing Examiner Recommendations.

Mr. Durant stated that the wording should be no later than 10 business and parties of record

Mr. Wayman proceeded to page 8 Development Standards.

Mr. Durant asked for clarification of sidewalks and curbs.

Mr. Wayman stated that all developments would have sidewalks.

Discussion ensued over planting strips, gutters and sidewalks.

Conclusion: do not include planting strips and add to setbacks.

Mr. Wayman proceeded to page 9. He explained that he is currently dealing with the sentence "Planned development densities shall not be used as criteria to judge compatibility with adjacent uses and properties."

Discussion on fences ensued.

Conclusion: not to require fences.

Mr. Wayman asked if everyone was good with the diagrams of open space. He explained about the words he left in bold lettering. He asked if 15 percent was a good number.

Discussion: What is a good number for open space?

Conclusion: 200 square feet per living unit.

Mr. Durant stated that they may need to define open space.

Discussion: what is considered open space?

Conclusion: read and strike out what Commissioners don't want.

Mr. Wayman proceeded to 10.24.120 roads and parking. He stated that one of the biggest issues is parking

Discussion: Not enough Parking at this time.

Conclusion: High standards for planned developments.

Mr. Wayman directed everyone to the pictures of the street designs on pages 16 and 17.

Discussion: how far back should the setback be?

Conclusion: minimum setback 22 feet from home side of sidewalk to garage?

Mr. Miller requested no 20 foot streets.

Discussion: street width.

Conclusion: Various sizes various street sizes.

Mr. Wayman referred to Part C. on Page 15. He stated he did not refer to hammer heads and cul de sacs.

Discussion: Should these be excluded or not.

Conclusion: Think about it and discuss at next meeting

Mr. Wayman asked if there was anything else.

Mr. Durant stated that he had scheduled a public hearing for the 4 of August.

Mr. Wayman stated that at the end of the next meeting he hoped that this could be complete.

Discussion: hearing and public opinion.

Conclusion: need another study session.

Mr. Dick Weller highly recommended clear definitions that are separate from this document.

Mr. Durant stated that the minutes from the last meeting and the findings were attached.

Ms. Underwood suggested graduating the zoning.

H. Reports/Announcements

1. Chairman
2. Commissioners
3. Staff

I. Adjournment

Commissioner Miller motioned to adjourn the meeting, Commissioner Torkelson seconded the motion. Chairman Quinnell adjourned the meeting at 7:47 pm with a voice vote of 5-0.



Chairman