

SELAH CITY COUNCIL

4:00pm June 9, 2015

2:40pm Study Session - Interviews

2:45pm - Laura Ritchie

3:15pm - Christina Morehead



Selah City Council
 Regular Meeting
 Tuesday, June 9, 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

CITY OF SELAH
 115 West Naches Avenue
 Selah, Washington 98942

City Administrator:
 City Attorney:
 Clerk/Treasurer:

Don Wayman
 Bob Noe
 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. May 2015 Monthly Report for Building Permits and Inspections, Animal Control and Code Enforcement

- 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: May 26, 2015 Study Session & Council Meeting
- Dale N. * 2. Approval of Claims & Payroll

J. Public Hearings

- Joe Henne 1. Public Hearing to consider the Resolution adopting the Six Year Transportation Improvement Program (TIP) for the years 2016 to 2021

- K. New Business **None**
- L. Old Business **None**

M. Resolutions

- Joe Henne 1. Resolution adopting the Six Year Transportation Improvement Program for Secondary and Collector Arterial Streets within the City of Selah for the years 2016 to 2021
- Tom Durant 2. Resolution Approving the Preliminary Plat of “The Draw at Speyers” (912.62.15-01) and Adopting Findings and Conditions of Preliminary Plat Approval

N. Ordinances

- Tom Durant 1. Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.62.15-01 Rezone to Planned Development (PD)

O. Reports/Announcements

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

P. Executive Session

- 1. 15 Minutes Session - Public Employee Performance Review RCW 40.30.110(g)
- 2. 10 Minute Session – Real Estate RCW 42.30.110(1)(c)

Q. Adjournment

Next Study Session June 23, 2015
Next Regular Meeting June 23, 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

6/9/2015 G – 2A

Title: May 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, Animal Control and Code Enforcement.

Recommended Motion:

Informational only.

May 2015 Building Permit Report

No.	Issue Date	Name/Project	Address	Type	Master Plan	Fees
6391	5/4/2015	BBS Selah LLC	502 S. First Street #C	Marque Sign (Subway)		\$100.74
6396	5/13/2015	Harvest Community Church	302 S. First Street	Phase II (ADA Ramp/Remodel Garage)		\$592.48
6397	5/5/2015	Dennis Fischer	206 N. 5th Street	U. G. Sprinklers		\$40.18
6398	5/7/2015	Seth Newkirk	513 Viewcrest Place	Re-Roof		\$78.60
6399	5/15/2015	Verizon Wireless	1303 W. Goodlander	Antenna Upgrade		\$325.70
6403	5/13/2015	Craig & Patricia Anderson	1215 Heritage Hills Drive	U. G. Sprinklers		\$40.18
6404	5/22/2015	Fred & Susan Gardner	1209 W. Pear Ave	Furnace/Air Replacement		\$57.99
6405	5/15/2015	Helen Schenk	512 N. 2nd Street	Re-Roof		\$78.60
6406	5/22/2015	Howards Medical	109 E. 3rd Ave.	Sign		\$100.74
6407	5/22/2015	Craig & Patricia Anderson	1215 Heritage Hills Drive	Pool/Spa		\$186.17
6408	5/21/2015	BBS Selah LLC (Happy Feet Nail & Spa)	502 S. First Street #B	Sign		\$100.74
6409	5/22/2015	Craig & Patricia Anderson	1215 Heritage Hills Drive	Mechanical		\$64.09
6410	5/28/2015	Rodney Rath	908 W. Cherry Ave.	Re-Roof		\$78.60
6411	5/29/2015	The Extension Salon	117 S. 2nd Street	Plumbing Commercial		\$63.53
	5/13/2015	Selah Gym Kids Cheer Booster	365 N. Wenas (Les Schwab)	Car wash		\$10.00
					TOTAL:	\$1,918.34

Total Building Inspections for May 2015: 75

May 2015 Animal Control Report

<u>DATE</u>	<u>LOCATION</u>	<u>PROBLEM/CONCERN</u>	<u>ACTION TAKEN</u>	<u>RESULT</u>
4-May	1600 BLK CEDAR LANE	BARKING DOG	NOT BARKING-10 MIN OBSERVATION	
4-May	100 BLK E ORCHARD AVE.	BARKING DOG	COMPLAINANT CALLED POLICE	CONTACTED OWNER
4-May	200 BLK E HOME AVE.	4 DOGS FOUND IN CRATE	TAKEN TO HUMANE SOCIETY	
5-May	200 BLK N 3RD STREET	LOOSE DOG	CAUGHT AND RETURNED TO PROPERTY	LEFT DOOR HANGER
6-May	100 W FREMONT AVE.	BARKING DOG	NOT BARKING- 5 MIN OBSERVATION	
6-May	200 BLK W FREMONT	DOG WHINNING	NOTHING HEARD	
8-May	1300 N 13TH STREET	BARKING DOG	NOT BARKING-10 MIN OBSERVATION	
11-May	200 BLK PLEASANT AVE	LOST DOG	LOOKED FOR DOG	UNABLE TO LOCATE
14-May	500 BLK SUNRISE PL	BARKING DOG	CONTACTED OWNER	TOOK DOG INDOORS
18-May	400 BLK SOUTHERN	FOUND DOG	FOUND OWNER	RETURNED DOG
22-May	1000 BLK GOODLANDER	DON'T LIKE NEIGHBORS DOG	NOT VIOLATING ANY S.M.C	
23-May	SELAH POLICE DEPT.	2 DOGS FOUND-STATE PATROL	SCANNED DOGS-CONTACTED OWNER	RETURNED DOGS TO OWNER
28-May	600 BLK W FREMONT	BARKING DOGS	NOT BARKING- 5 MIN OBSERVATION	
29-May	MCDONALDS	DOG LEFT IN TRUCK	GONE UPON ARRIVAL	

May 2015 Code Enforcement Report

<u>DATE</u>	<u>LOCATION</u>	<u>PROBLEM/CONCERN</u>	<u>ACTION TAKEN</u>	<u>RESULT</u>
1-May	800 BLK W HOME	SINK HOLE- NEIGHBOR COMPLAINT	CHECKED PROPERTY	NO SINK HOLE
1-May	100 BLK MARINDA	WATER LEAKING ONTO STREET	CONTACTED OWNER	FIXED BROKEN SPRINKLER
1-May	RIVER PROPERTY	HOMELESS CAMPING ON	TRESSPASSED-ADVISED TO MOVE	2- LEFT PROPERTY
5-May	11TH & PEAR	STORING VEHICLE ON STREET	FOREWARD TO POLICE	MOVED VEHICLE
5-May	300 BLK N WENAS	BLOWING DUST	CONTACTED CONTRACTOR	WATER TRUCK
5-May	600 BLK W FREMONT	DANDIELIONS IN NEIGHBORS YARD	NONE	
6-May	100 BLK LYLE LOOP	PARKING PROBLEM	VEHICLES PARKED LEGALLY	NO ISSUES
7-May	800 BLK W FREMONT	NEIGHBORS TREES DYING	NONE	
11-May	MONSON FRUIT	MOSQUITOS/DUST	CONTACTED MONSON	ADDED MATERIAL TO POND
15-May	400 BLK SELAH AVE.	CONED OFF RIGHT OF WAY	CONTACTED RESIDENT	CONES MOVED
15-May	200 BLK SELAH AVE.	CONED OFF RIGHT OF WAY	CONTACTED RESIDENT	CONES MOVED
15-May	300 BLK SELAH AVE.	CONED OFF RIGHT OF WAY	CONTACTED RESIDENT	CONES MOVED
18-May	700 BLK SAGE	PARKING PROBLEM	CONTACTED OWNER	MOVED VEHICLE
18-May	3RD & FREMONT	LILAC BUSH BLOCKING VIEW	CHECKED VIEW	NOT IN VIOLATION
21-May	600 S 3RD	DEBRIS IN YARD/DRIVEWAY	CONTACTED OWNER	CLEANING UP
22-May	800 BLK N PEAR	PARKING PROBLEM	FOREWARD TO POLICE	CONTACTED OWNER
27-Feb	1000 W FREMONT	SHRUB BLOCKING VIEW/TRAFFIC	CONTACTED OWNER	SHRUB TRIMMED
27-May	400 BLK N PEAR	BOAT PARKED ON ROADWAY	FOREWARD TO POLICE	
28-May	300 BLK E BARTLETT	R.V PARKED ON ROADWAY	SPOKE TO OWNER	MOVED R.V



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



COUNCIL MEETING ACTION ITEM

6/9/2015 I – 1

Title: Approval of Minutes: May 26, 2015 Study Session & 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)

Study Session Minutes
Selah City Council
May 26, 2015
5:30pm

Mayor Gawlik opened the Study Session.

Hearing Examiner Patrick Spurgin addressed the Council. He introduced himself by saying that he is a lawyer, practicing since 1997, and that he specializes in municipal law and has had a contract with the City as Hearing Examiner since 2002. He said that he provides similar services to several communities in the Yakima Valley including Sunnyside, Zillah, Yakima, and the Yakama Nation. He remarked that his primary responsibility is to provide due process by listening to staff, applicants, and citizens and to encourage fairness through a quasi-judicial process, and that each municipality should craft their ordinances to benefit their community.

He continued by explaining the history and purpose behind the Planned Development Code. He said it provided a policy to address unique situations. He suggested that although it wasn't required it was an important piece of the overall zoning codes. He said that one generally wants predictability in zoning codes but the Planned Development was created to allow for more flexibility.

He acknowledged that the City of Selah may be repealing 10.24 with the intention of rewriting it to address the needs of the community. The Council asked several questions about improving the Planned Development (PD) Code, which he addressed. He said that specific standards can be helpful, and that definitions should be very clear, but when one places too many standards on Zoning Ordinances they limit the applicants' freedom. He said that a city needs to have clear policies and good judgment.

He next discussed policy changes in general and encouraged that broad, sweeping, policy changes should include public input but that minor technical changes may not. He suggested that although one cannot always satisfy everyone, quality public input is a driving force for community satisfaction. He opined that the process benefits greatly from public participation and encouraged the City to use it.

The Council thanked him for his input and asked if he could review a PD rewrite before it was approved. He agreed that he could review the proposed Ordinance, but that Hearing Examiners should not be very hands on throughout the policy process. He suggested that both Association of Washington Cities and the Municipal Services Research Center would be good resources to use throughout the policy making process.

The Study Session ended at 6:17pm.

City of Selah
Council Minutes
May 26, 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: John Tierney; Dave Smeback; Allen Schmid; Roy Sample; Jane Williams

Members Excused: Paul Overby

Staff Present: Don Wayman, City Administrator; Bob Noe, City Attorney; Gary Hanna, Fire Chief; 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

C. Pledge of Allegiance

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

D. Agenda Changes

Mayor Gawlik added a 15 minute executive session under P-1 to discuss real estate matters.

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

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

G. Communications

1. Oral

Mayor Gawlik opened the meeting.

Carl Torkelson approached the podium and addressed the Council. He inquired about agenda item N – 1, explaining that he has two projects underway which were approved as planned developments. He asked

if there were any assurances to guarantee that his two projects would be vested. He felt that the repeal should be handled through a work order and not a withdrawal of Ordinance 10.24.

City Attorney Noe noted that there was clause in the repeal for vested projects. He explained that they were intending to repeal so that there would be a window with no applications.

Mr. Torkelson stated that he and Council Member Sample were essentially the only developers to use planned developments and that he was concerned about the legal process to rewrite the municipal code.

City Administrator Wayman acknowledged that there was a clause for ongoing projects to be vested under the previous municipal code and that the repeal would not disturb any of Mr. Torkelson's ongoing projects.

Mr. Torkelson further inquired whether his properties would be vested.

City Attorney Noe acknowledged that they would be.

City Administrator Wayman assured him that they were.

Diane Underwood approached the podium and addressed the Council. She expressed concern that many of the newer developments were not handicap accessible and that the height of some of the buildings allowed people to look into a person's window. She also expressed concern about some of the homes on 10th Avenue and felt that she would not want to raise a child there that these developments did not match the rest of the city. She expressed disappointment in the City Council.

Wayne Worby approached the podium and addressed the Council. He inquired whether the members in the audience would be allowed to address agenda item N – 1, seeing as Mr. Torkelson spoke to an item that was on the agenda.

Mayor Gawlik stated that he would allow the Council to decide.

Council Member Schmid stated that this was not a public hearing but a legislative process and that the best time for the citizens to make their comments would be during public meetings in relation to the rewrite of the planned development. He also said that Council was repealing the Ordinance in order to give the public an opportunity to comment.

Council Member Williams observed that Mr. Torkelson was allowed to speak on the subject, and felt that other citizens should be allowed to make public comment.

Council Member Smeback felt that, although many people were there to speak at the Council Meeting, they should do it during the ninety day review period. He said that their comments should be made during other public meetings.

Council Member Tierney echoed Council Member Smeback's remarks, saying that this is not a public hearing, but a decision to repeal so that the Planning Commission and other citizens can take action

during the review process. He noted that he was not opposed to them being allowed to speak during the Council Meeting.

Council Member Sample said he had no problems with citizens speaking but that what they said during this meeting may be forgotten if it is not shared at public meetings during the review process.

Mayor Gawlik stated that they would allow public comment during agenda item N-1.

Shirley Johnson-Hoy approached the podium and addressed the council. Ms. Johnson-Hoy opined that whoever was writing the new code should receive more input from the community and that developers should exclude themselves from the process.

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

- 2. Written **None**
- H. Proclamations/Announcements **None**
- I. Consent Agenda

Assistant to the City Administrator Potter read the Consent Agenda.

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

- * 1. Approval of Minutes: Approval of Minutes: May 12, 2015 Study Session & Council Meeting
- * 2. Approval of Claims & Payroll:
 - Payroll Checks Nos. 78568 – 78604 for a total of \$174,433.78
 - Claim Checks Nos. 65811 – 65890 for a total of \$185,221.21
- * 3. Resolution M – 2: Resolution establishing June 9, 2015 as the Date to Conduct a Public Hearing to consider the Six Year Transportation Improvement Program for the Years 2016 to 2021.
- * 4. Resolution M – 3: Resolution Authorizing the Mayor to accept the Drinking Water State Revolving Fund Program (DWSRF) Loan Number DM12-952-093 Project Completion Amendment as Certified and Complete.

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

- J. Public Hearings **None**
- K. New Business **None**

L. Old Business None

M. Resolutions

1. Resolution Authorizing the Mayor to approve Task Order 2015-3 between the City of Selah and Huibregtse, Louman Associates, Inc. for Water Telemetry System Upgrades

Public Works Director Henne addressed M – 1. He explained that the City currently has a manual telemetry system for its three deep water wells, two artesian wells, and backup wells. He said that Public Works would like to set up an automatic system that would help to manage the city’s water rights and usage. He referred to the contract in the packets, referencing sections A – G to describe the services Huibregtse, Louman Associates, Inc. (HLA) would render. He explained that the wells can only be manually turned on or off at present, and reminded Council that this contract had been planned into the budget.

Mayor Gawlik inquired whether this update will help with water conservation if the City is effected by the drought.

Public Works Director Henne replied that it would have some effect, although there wasn’t much of a drought problem for the City’s wells. He noted that the telemetry system will give them more fine-tuned control and will enhance pumping performance.

Council Member Tierney questioned whether, because of the declared drought, if there were any State funds that could be pursued.

Public Works Director Henne responded that there weren’t any he was aware of. He emphasized that this project wasn’t actually related to water conservation, but dealt with water rights compliance. He said that in day to day operations they may exceed their water rights and this system would help fix that.

Council Member Williams asked whether an employee was currently required to visit each site.

Public Works Director Henne replied that there’s a screen that shows the level of the reservoir and tracks all the information for that well, as well as a security device for each well. He added that the telemetry system would simply allow them more control.

Council Member Williams wondered whether each well was restricted to a specific area.

Council Works Director Henne indicated that they are restricted and have to have certification to operate their wells.

Council Member Schmid moved, and Council Member Smeback seconded, to approve the Resolution Authorizing the Mayor to approve Task Order 2015-3 between the City of Selah and Huibregtse, Louman Associates, Inc. for Water Telemetry System Upgrades. Roll was called: Council Member Tierney – yes; Council Member Smeback –yes; Council Member Schmid – yes;

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

- * 2. Resolution establishing June 9, 2015 as the Date to Conduct a Public Hearing to consider the Six Year Transportation Improvement Program for the Years 2016 to 2021
- * 3. Resolution Authorizing the Mayor to accept the Drinking Water State Revolving Fund Program (DWSRF) Loan Number DM12-952-093 Project Completion Amendment as Certified and Complete

N. Ordinances

1. 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

Mayor Gawlik indicated that they would allow public comment on the matter, noting that he retained that privilege of limiting peoples’ comment period. He asks anyone who wishes to speak to not repeat what may have already been shared.

City Administrator Wayman addressed N – 1. He shared that he has discussed the topic of Planned Developments with community developers, the City Council, and staff, and he feels that there is a consensus to repeal Municipal Code 10.24. He said that this is a challenging Ordinance to deal with, that it needs to be clearly defined, and that by going through the re-writing process the community can give their input of planned developments while formulating a policy that will still allow for diversity in housing.

City Planner Durant explained that N – 1 would repeal Municipal Code 10.24 and put a work program into place to revise said code. He reiterated that the ambiguity of the code has caused challenges in the past, for both citizens and developers. He said once the notice is published it will commence a five day window in which applications can be submitted following the previous Code. He went on to say that projects submitted within that window will be vested under the previous Code, along with all other applications that have previously been submitted, and that at the end of the five day period the City will start a rewrite process, which will include opportunities for public prior to being submitted to the Planning Commission. He noted that the Planning Commission has ninety days to bring a proposal before the City Council.

Council Member Smeback asked how he has time to work on this project.

City Planner Durant replied that most of the backlog that existed has been taken care of, and by continuing his current level of work he will be able to assist with this revision.

Council Member Smeback inquired whether the Planning Commission had been made aware of this process.

City Administrator Wayman stated that he and Mayor Gawlik intended to hire a company to write the first draft, based on the City's recommendations. He further explained that City Planner Durant will still be helping with the project but it will not take excessive amounts of his time.

Mayor Gawlik remarked that the time frame could be extended if they were unable to complete the revision within ninety days.

City Attorney Noe advised that, although the ninety day period could be extended, the City should work to file it in proper fashion. He admitted that numerous public meetings could potentially delay progress.

Council Member Smeback felt that this would be a great opportunity to educate the public about the process of policy creation and to see how the City's Ordinances compare to those from other jurisdictions.

City Administrator Wayman encouraged open communication with the public throughout the entire process.

Mayor Gawlik stated that, before a vote will be taken, the audience would be allowed to speak.

Council Member Williams inquired when the Ordinance will be published.

Clerk/Treasurer Novobielski replied that it may be published as early as Thursday.

Katy Fountaine approached the podium and addressed the Council. She requested that Council speak into the microphones so that everyone in the audience could hear. She said she was grateful the City was willing to look over, rewrite, and adjust the code to keep Selah growing, and that she hopes objectively minded people who are not developers will be invited to participate.

Wayne Worby approached the podium and addressed the Council. He commended the City for choosing to amend the Municipal Code, acknowledging that, as the Code is being revised, there are many aspects that will need to be addressed. He stated that the City will need to solicit public input to insure that citizens are satisfied with the completed project, and that the Planning Commission has a very challenging job to understand the Ordinance and draft the language of the revision. He suggested having a committee of citizens draft the language and then move it through the Planning Commission to council. He said that this is a huge undertaking in ninety days and that there will need to be several public meetings, preferably in the evenings, so that citizens can attend. He suggested that several people on the Planning Commission, including Mr. Torkelson, not be included in the revision process.

James Hannah approached the podium and addressed the Council. He commended the Council for taking on a difficult task, even though he didn't think the final product could ultimately appease all parties, and expressed how vital it would be to the success of the revision for everyone to be able to give their input and maintain the appearance of fairness. He suggested that any other course should be seriously avoided.

Diane Underwood approached the podium and addressed the Council. She inquired if all the people who were going to be involved have already been selected and if they have a sincere interest in this position. She formally submitted her name to be part of the process.

Council Member Tierney inquired of City Attorney Noe whether the law would allow a citizen group to draft some of the changes or if the Planning Commission must do all the work.

City Attorney Noe responded that the Planning Commission was required to make the proposal to Council, but they may use as much community input as they would like.

Mayor Gawlik commented that the Planning Commission would not be the only group working on this project; staff and possibly an outside advisory group would also be involved. He reassured the public that the process would be kept open, fair, and transparent.

Council Member Schmid said that the City Administrator will be hiring a group to write the first draft; City staff and public will be involved in the review process. He also reassured the public that the City is just starting the process and that there will be time for public comment.

City Administrator Wayman said that he will put together a plan of action and milestones, and publish it on the website so that all parties would be apprised of the process.

Council Member Sample clarified that the rewrite of Chapter 10.24 is because of inconsistencies in its language, but any property that is already built or vested would not change. He also said that the City would not be changing all of any of the zoning Ordinances or any other portion of the Municipal Code related to development, just the planned development portion.

Mr. Worby said that publishing a timeline would ensure that citizens could be part of the process. He inquired if there was a specific vision about when the public would be invited to be involved.

City Planner Durant responded that there was room for public input in an advisory manner, and that the City will be presenting this to the public. He suggested that there could be a small group of citizens to act as an advisory committee, stating that the City will need public input before going to the Planning Commission.

Council Member Tierney moved, and Council Member Schmid seconded, to approve the 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. Roll was called: Council Member Tierney – yes; Council Member Smeback –yes; Council Member Schmid – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote approval was unanimous.

O. Reports/Announcements

1. Mayor

Mayor Gawlik thanked to the staff Citywide for their work with Community Days and with the rain cleanup. He reminded the public about the Sunrise Selah Meet & Greet, and that applications for the vacant council position were open until Friday, May 29th.

2. Council Members

Council Member Sample had no report.

Council Member Tierney complemented the staff on a job well done with Community Days.

Council Member Smeback expressed a job well done to public works for Community Days and the street cleanup.

Council Member Williams had no report.

Council Member Schmid reminded those in attendance about the AA Washington State Softball Tournament that would be held this weekend in Selah.

3. Departmental

Public Works Director Henne said that the town was cleaned up for Community Days, then it had to be re-cleaned after the rainstorms. He passed out information he had compiled regarding the drought conditions in the State this year, saying that the drought was mostly affecting farmers and fish in the streams. He referred to the handout for information regarding the condition of the City's wells, noting that the information from drawdowns show that they haven't been noticeably affected to date. He added that Public Works has put some information on the website regarding water conservation.

Council Member Tierney asked if the City has junior or senior water rights.

Public Works Director Henne responded that those types of water rights do not apply to the City, but that they have specific water rights they cannot exceed.

Council Member Tierney wondered what would happen if they had to cut the water usage by thirty percent.

Public Works Director Henne replied that it would have a significant impact on the water budget, and they may have to limit water use or watering systems.

Council Member Sample inquired if the City has encouraged dry landscaping

Public Works Director Henne said that when people come into Public Works that they are encouraged to do so.

Clerk/Treasurer Novobielski provided an update on sales tax revenues to date, noting that this year's number are higher than last year. He stated that we have collected fifty of the budget estimate in five months and that they may have underestimated the yearly revenues by approximately \$50,000.

Community Planner Durant stated that the County is asking about the City's projected population growth and their satisfaction with the urban growth area in relation to the County Comprehensive Plan update.

Council Member Sample inquired if the update was a Planning Commission responsibility.

Community Planner Durant responded that it was, but that City staff and the Council should be considering it as well, as the urban growth boundary and population densities are all part of what is required by the Growth Management Act.

Council Member Williams reminded her fellow Council Members that the Yakima Valley Conference of Governments (YVCOG) is doing the initial Comprehensive Plan update.

Recreation Manager Brown passed out a packet of material regarding the progress of the pool. He said the handout contained three options that the design committee had assembled. He commented that the Selah Park & Recreation Service Area Board (SPRSA) approved a pool audit, which would give pricing for these three options, and that the public would be allowed a time to comment before a bond is placed on the ballot in November.

Council Member Schmid inquired if the indoor pool designated as part of option two was the same size as the Yakima Athletic Club pool.

Recreation Manager Brown responded in the affirmative.

Mayor Gawlik asked if there would be time to present this to the public.

Recreation Manager Brown replied that there will be many opportunities for the public to provide feedback.

Mayor Gawlik emphasized that they need to have as much input as possible.

Council Member Tierney asked if the indoor/outdoor pool will be open the whole year for the public and the school.

Recreation Manager Brown responded in the affirmative.

Mayor Gawlik remarked that placing a dome over one of the pools would increase the price.

Council Member Williams noted that, at the last SPRSA meeting, they had talked about holding some public meetings.

Recreation Manager Brown said that they will collect as much information as they can.

Council Member Williams welcomed the public to attend any of the SPRSA meetings.

Recreation Manager Brown added that those meetings are held the 3rd Monday of every month at the Civic Center. He outlined the events that would take place for the AA softball tournament this weekend.

Fire Chief Hanna said that the weekend was very busy, and that they are seeing back to back calls more frequently. He noted that the dry landscaping around the Fire Station is complete, which will conserve water, but they need to use some water for practice nights. He stated that, after attending the Washington State Fire Chief's Conference, they are implementing some things that were learned and trying to address the dangers of cancer with fire employees and how to mitigate their risks.

Police Chief Hayes said that things went well at Community Days, and that the call volume was lower than normal for Memorial Day weekend.

City Administrator Wayman had no report.

City Attorney Noe had no report.

4. Boards

a. Lodging Tax Advisory Committee – February 23, 2015

Council took a ten minute recess.

P. Executive Session

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

Council went into Executive Session at 8:20pm. At 8:35pm, Council went back on the record. Mayor Gawlik stated that they would be extending the Executive Session for an additional 25 minutes.

Council went back into Executive Session at 8:36pm. At 8:51pm, Council went back on the record. Mayor Gawlik stated that no action was taken during the Executive Session.

Q. Adjournment

Council Member Smeback moved, and Council Member Sample seconded, that the meeting be adjourned. Motion passed with three yes votes and two not votes.

The meeting adjourned at 8:52pm.

John Gawlik, Mayor

EXCUSED
Paul Overby, Council Member

John Tierney, Council Member

Dave Smeback, Council Member

Allen Schmid, Council Member

Roy Sample, Council Member

Jane Williams, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer



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



COUNCIL MEETING ACTION ITEM

6/9/2015 I – 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

6/9/2015 J – 1

Title: Public Hearing to consider the Resolution adopting the Six Year Transportation Improvement Program (TIP) for the years 2016 to 2021

Thru: Donald Wayman, City Administrator

From: Joe Henne, Public Works Director

Action Requested: Public Hearing / Public Meeting

Board/Commission Recommendation: Not applicable

Fiscal Impact: N/A

Funding Source: N/A

Staff Recommendation:

To hold a public hearing on the proposed resolution adopting the Six Year Transportation Improvement Program (TIP) for years 2016 to 2021.

Background / Findings & Facts:

N/A

Recommended Motion:

Hold a public hearing.



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



COUNCIL MEETING ACTION ITEM

6/9/2015 M – 1

Title: Resolution adopting the Six Year Transportation Improvement Program for Secondary and Collector Arterial Streets within the City of Selah for the years 2016 to 2021

Thru: Donald Wayman, City Administrator

From: Joe Henne, Public Works Director

Action Requested: Approval

Board/Commission Recommendation: Not applicable

Fiscal Impact: Varied based on tax revenues

Funding Source: ½ Cent Gas Tax

Staff Recommendation:

Staff is requesting the City Council to approve a Resolution adopting the 2016 to 2021 Six Year Transportation Improvement Program (TIP).

Background / Findings & Facts:

N/A

Recommended Motion:

Approve a Resolution adopting the 2016 to 2021 Six Year Transportation Improvement Program.



**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:
6/11/2013	Set a Public Hearing for the Six Year Transportation Program.
7/9/2013	Public Hearing to Consider the Resolution Adopting the Six Year Transportation Improvement Program for the Years 2014 to 2019.
5/13/2014	Set a Public Hearing for the Six Year Transportation Program.
5/27/2014	Public Hearing to Consider the Resolution Adopting the Six Year Transportation Improvement Program for the Years 2015 to 2020.
5/26/2015	Set a Public Hearing for the Six Year Transportation Program.

[Click here to enter a date.](#) [Click here to enter text.](#)

RESOLUTION NO. _____

**A RESOLUTION ADOPTING THE SIX YEAR TRANSPORTATION
IMPROVEMENT PROGRAM FOR SECONDARY AND COLLECTOR
ARTERIAL STREETS WITHIN THE CITY OF SELAH FOR THE
YEARS 2016 to 2021**

WHEREAS, the Session Laws of 1949, State of Washington, require that cities of the State to establish a comprehensive street program for the improvement to secondary and collector arterial streets; and

WHEREAS, the City of Selah desires to make use of the one-half (1/2) cent gas tax funds for the improvements of certain streets; and

WHEREAS, pursuant to the requirements of RCW 35.77.110 and RCW 36.81.121, the City of Selah has prepared a transportation improvement program for the ensuing six years; and

WHEREAS, a notice of Public Hearing for June 9, 2015 has been published in accordance with the laws of the State of Washington;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, that the transportation street program entitled the "Six Year Transportation Improvement Program, 2016 to 2021 attached hereto and incorporated herein by reference be adopted.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 9th day of June, 2015.

Joe Gawlik, Mayor

ATTEST:

Dale Novobielski, Clerk/ Treasurer

APPROVED AS TO FORM:

Robert F. Noe, City Attorney

RESOLUTION NO. _____

STATE TRANSPORTATION IMPROVEMENT PROGRAM 2016 TO 2021

- 1) EAST GOODLANDER ROAD (NORTH FIRST STREET TO NORTH WENAS ROAD)
Reconstruct and widen existing two lanes, and add turn lane. Construct sidewalks, curb and gutter, storm drainage, street lights, and update traffic signals.
- 2) VALLEYVIEW AVENUE/SOUTH THIRD STREET/SOUTHERN AVENUE/SOUTH FIRST STREET
Reconstruct and widen existing two lanes. . Acquire right-of-way as needed, construct sidewalks, curb and gutter, storm drainage, street lights & signalization.
- 3) PARK AVENUE (SOUTH FIRST STREET TO SOUTH THIRD STREET)
Reconstruct and widen existing two lanes, sidewalk on both sides, curb and gutter, storm drainage and street lighting.
- 4) NORTH FIRST STREET GRIND & OVERLAY (FREMONT AVENUE TO GOODLANDER ROAD)
Plane and overlay asphalt, and replace ADA ramps. Relocate signal pole.
- 5) SELAH PEDESTRIAN/BICYCLE PATH STUDY
Pedestrian/bicycle path study. Use Wixson Park as a park and ride.
- 6) SOUTHERN AVENUE (SOUTH FIFTH STREET TO SOUTH THIRD STREET)
Reconstruct and widen existing two lanes. Construct sidewalks, curb and gutter, storm drainage, street lights and signalization.
- 7) WEST GOODLANDER ROAD (NORTH FIRST STREET TO GOODLANDER DRIVE)
Reconstruct and widen existing two lanes. Construct sidewalks, curb and gutter, and storm drainage.
- 8) SOUTH THIRD STREET (WEST NACHES AVENUE TO VALLEYVIEW AVENUE)
Reconstruct road and add curb and gutter, drainage, sidewalks and grading. Acquire right-of-way.
- 9) EAST NACHES AVENUE (WENAS ROAD TO RAILROAD AVENUE)
Drainage, replace curb and gutter, sidewalks on both sides, grading, paving, and street lighting.
- 10) NORTH FOURTH STREET (WEST FREMONT AVENUE TO WEST NACHES AVENUE)
Construct curb and gutter, sidewalk, retaining wall, grading and paving.
- 11) VALLEYVIEW AVENUE & SOUTH FIFTH STREET (SOUTH THIRD STREET TO SOUTH FIFTH STREET TO SOUTHERN AVENUE)
Clearing, grubbing, sidewalk, curb and gutter, storm drainage, and street lighting, grading and paving.
- 12) SOUTH WENAS (AVENUE) ROAD (EAST FIFTH AVENUE TO EAST ELEVENTH AVENUE TO SOUTH FIRST STREET)
Grading and paving three lanes, sidewalk on one side, curb and gutter, storm drainage and street lighting
- 13) EAST GOODLANDER/LANCASTER ROAD TRAFFIC SIGNAL (SPOT IMPROVEMENT TO)
Install new four-leg traffic signal with camera detection.
- 14) THIRD STREET/WEST FREMONT AVENUE SCHOOL ZONE BEACONS (SPOT IMPROVEMENT TO)
Furnish and install two new school zone beacons.

Six Year Transportation Improvement Program From 2016 to 2021

Agency: Selah

County: Yakima

MPO/RTPO: YVCOG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	1	/ 4710(001) EAST GOODLANDER ROAD East Goodlander Road North First Street to North Wenas Road Reconstruct and widen existing two lanes to add a turn lane. Phase 2 of this project to be funded when STP(U) funds become available. Construct sidewalks, curb and gutter, storm drainage, street lights, and update traffic signals.	WA-00185					03	C G P S T	0.400	CE	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	CN	2018	STP(US)	1,146,817		0	178,983	1,325,800
Totals				1,146,817		0	178,983	1,325,800

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
CN	0	0	1,325,800	0	0
Totals	0	0	1,325,800	0	0

Six Year Transportation Improvement Program From 2016 to 2021

Agency: Selah

County: Yakima

MPO/RTPO: YVCOG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	2	VALLEYVIEW AVENUE/SOUTH THIRD ST/SOUTHERN AVE/SOUTH FIRST ST Valleyview Avenue South First Street to South Third Street to Southern Ave to South First St Reconstruct and widen existing two lanes. Acquire r/w as needed, construct sidewalks, curb and gutter, storm drainage, street lights and signalization	WA-05635					03	C G P T	0.650	EA	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	RW	2020	STP(US)	87,350		0	13,650	101,000
P	CN	2021	STP(US)	1,711,400		0	267,100	1,978,500
Totals				1,798,750		0	280,750	2,079,500

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
RW	0	0	0	0	101,000
CN	0	0	0	0	1,978,500
Totals	0	0	0	0	2,079,500

Six Year Transportation Improvement Program From 2016 to 2021

Agency: Selah

County: Yakima

MPO/RTPO: YVCOG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	R/W Required
17	3	PARK AVENUE Park Avenue South First Street to South Third Street Reconstruct and widen existing two lanes, sidewalk on both sides, curb and gutter, storm drainage and street lighting.	WA-00186					03	C G P T	0.120	EA	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2018		0	OTHER	41,200	10,300	51,500
P	CN	2019		0	OTHER	274,320	68,580	342,900
Totals				0		315,520	78,880	394,400

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	51,500	0	0
CN	0	0	0	342,900	0
Totals	0	0	51,500	342,900	0

Six Year Transportation Improvement Program From 2016 to 2021

Agency: Selah

County: Yakima

MPO/RTPO: YVCOG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	4	NORTH FIRST STREET GRIND AND OVERLAY North First Street Fremont Avenue to Goodlander Road Plane and overlay asphalt, and replace ADA ramps. Relocate traffic signal pole.	WA-00189					05		0.630	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2017		0	OTHER	59,970	15,000	74,970
P	CN	2017		0	OTHER	592,720	148,180	740,900
Totals				0		652,690	163,180	815,870

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	74,970	0	0	0
CN	0	740,900	0	0	0
Totals	0	815,870	0	0	0

Six Year Transportation Improvement Program From 2016 to 2021

Agency: Selah

County: Yakima

MPO/RTPO: YVCOG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00	5	SELAH PEDESTRIAN/BICYCLE PATH STUDY to Pedestrian/bicycle path study. Use Wixson Park as park and ride.	WA-00203					38			EA	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2017	STP(E)	45,800		0	7,200	53,000
Totals				45,800		0	7,200	53,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	53,000	0	0	0
Totals	0	53,000	0	0	0

Six Year Transportation Improvement Program From 2016 to 2021

Agency: Selah

County: Yakima

MPO/RTPO: YVCOG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	6	SOUTHERN AVENUE Southern Avenue South Fifth Street to South Third Street Reconstruct and widen existing two lanes. Construct sidewalks, curb and gutter, storm drainage, street lights and signalization.	WA-00193					03	C G P T	0.150	EA	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2019		0	OTHER	40,240	10,060	50,300
P	RW	2019		0	OTHER	85,780	21,440	107,220
P	CN	2019		0	OTHER	308,330	77,070	385,400
Totals				0		434,350	108,570	542,920

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	50,300	0
RW	0	0	0	107,220	0
CN	0	0	0	385,400	0
Totals	0	0	0	542,920	0

Six Year Transportation Improvement Program From 2016 to 2021

Agency: Selah

County: Yakima

MPO/RTPO: YVCOG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	7	WEST GOODLANDER ROAD West Goodlander Road North First Street to Goodlander Drive Reconstruct and widen existing two lanes. Construct sidewalks, curb and gutter, storm drainage.	WA-00195					03	C P S T W	0.710	EA	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2021		0		0	239,000	239,000
P	CN	2021		0		0	2,895,000	2,895,000
Totals				0		0	3,134,000	3,134,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	239,000
CN	0	0	0	0	2,895,000
Totals	0	0	0	0	3,134,000

Six Year Transportation Improvement Program From 2016 to 2021

Agency: Selah

County: Yakima

MPO/RTPO: YVCOG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. \$TIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	8	SOUTH THIRD STREET South Third Street Naches Avenue to Valleyview Avenue Reconstruct road add curb and gutter, drainage, sidewalks and grading. Acquire right of way.	WA-00196					03	C G P T	0.380	EA	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2021	STP(US)	133,210		0	20,790	154,000
P	RW	2021	STP(US)	123,444		0	19,266	142,710
P	CN	2021	STP(US)	1,236,950		0	193,050	1,430,000
Totals				1,493,604		0	233,106	1,726,710

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	154,000
RW	0	0	0	0	142,710
CN	0	0	0	0	1,430,000
Totals	0	0	0	0	1,726,710

Six Year Transportation Improvement Program From 2016 to 2021

Agency: Selah

County: Yakima

MPO/RTPO: YVCOG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	9	EAST NACHES AVENUE East Naches Avenue Wenas Road - East to Railroad Avenue Drainage, replace curb and gutter, sidewalk on both sides, grading, paving and street lighting.	WA-00197					04	CGPT	0.300	EA	No

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2021		0	OTHER	89,000	22,000	111,000
P	CN	2021		0	OTHER	1,028,000	250,000	1,278,000
Totals				0		1,117,000	272,000	1,389,000

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	111,000
CN	0	0	0	0	1,278,000
Totals	0	0	0	0	1,389,000

Six Year Transportation Improvement Program From 2016 to 2021

Agency: Selah

County: Yakima

MPO/RTPO: YVCOG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	10	NORTH FOURTH STREET North Fourth Street Fremont Avenue to West Naches Avenue Construct curb and gutter, sidewalk, retaining wall, grading and paving.	WA-00198					04	C G P T	0.130	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2021		0		0	38,000	38,000
P	CN	2021		0		0	457,000	457,000
Totals				0		0	495,000	495,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	38,000
CN	0	0	0	0	457,000
Totals	0	0	0	0	495,000

Six Year Transportation Improvement Program From 2016 to 2021

Agency: Selah

County: Yakima

MPO/RTPO: YVCOG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	11	<p>VALLEY VIEW AVENUE & SOUTH FIFTH STREET</p> <p>Valley View Avenue & S Fifth Street</p> <p>Beginning at S Third Avenue & Valley View Avenue to S Fifth Street & South to Southern Avenue</p> <p>Clearing, grubbing, sidewalk, curb and gutter, storm drainage, street lighting, grading and paving.</p>	WA-00199					04	C G P T	0.520	EA	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2021		0		0	178,000	178,000
P	CN	2021		0		0	2,106,000	2,106,000
Totals				0		0	2,284,000	2,284,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	178,000
CN	0	0	0	0	2,106,000
Totals	0	0	0	0	2,284,000

Six Year Transportation Improvement Program From 2016 to 2021

Agency: Selah

County: Yakima

MPO/RTPO: YVCOG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00	12	SOUTH WENAS AVENUE South Wenas Avenue East Fifth Avenue to East 11th Avenue to S First Street Grading and paving three lanes, sidewalk on one side, curb and gutter, storm drainage, street lighting.	WA-00200					01	C G P T	0.450	EA	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2021		0		0	177,000	177,000
P	RW	2021		0		0	1,038,000	1,038,000
P	CN	2021		0		0	2,153,000	2,153,000
Totals				0		0	3,368,000	3,368,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	177,000
RW	0	0	0	0	1,038,000
CN	0	0	0	0	2,153,000
Totals	0	0	0	0	3,368,000

Six Year Transportation Improvement Program From 2016 to 2021

Agency: Selah

County: Yakima

MPO/RTPO: YVCOG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	13	East Goodlander/Lancaster Road Traffic Signal spot improvement to Install new four-leg traffic signal with camera detection.	WA-06535					21	C G P S T W		CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2017		0		0	39,000	39,000
P	CN	2017		0		0	286,000	286,000
Totals				0		0	325,000	325,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	39,000	0	0	0
CN	0	286,000	0	0	0
Totals	0	325,000	0	0	0

Six Year Transportation Improvement Program From 2016 to 2021

Agency: Selah

County: Yakima

MPO/RTPO: YVCOG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	14	Third Street/W. Fremont School Zone Beacons spot improvement to Furnish and install two new school zone beacons.	WA-06536					21	C G P S T W		CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2017		0		0	20,000	20,000
Totals				0		0	20,000	20,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	20,000	0	0	0
Totals	0	20,000	0	0	0

	Federal Funds	State Funds	Local Funds	Total Funds
Grand Totals for Selah	4,484,971	2,519,560	10,948,669	17,953,200



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



COUNCIL MEETING ACTION ITEM

6/9/2015 M – 2

Title: Resolution Approving the Preliminary Plat of “The Draw at Speyers” (912.62.15-01) 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

Background / Findings & Facts:

Hearing Examiner conducted open record public hearing April 20, 2015 and prepared findings of fact and conclusions recommending Approval of the Preliminary Plat of the Draw at Speyers on May 4, 2015.

Recommended Motion:

I move the Council approve Preliminary Plat No. 912.62.15-01 designated as The Draw at Speyers with 28 specific conditions as recommended by the Hearing Examiner.



CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY



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

Date:

Action Taken:

4/20/2015

Hearing Examiner Open Record Public Hearing

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RESOLUTION NO. _____

RESOLUTION APPROVING THE PRELIMINARY PLAT OF "THE DRAW AT SPEYERS" (912.62.15-01) AND ADOPTING FINDINGS AND CONDITIONS OF PRELIMINARY PLAT APPROVAL

WHEREAS, on June 9, 2015 the City of Selah City Council considered Preliminary Plat No. 912.62.15-01 known as "THE DRAW AT SPEYERS" located in the vicinity of Speyers Road and North 14th Street. Yakima County Taxation Parcel Number: (181435-22009); and,

WHEREAS, the Preliminary Plat was combined with an application for rezone of the subject property from One Family Residential (R-1) to Planned Development (PD) and is dependent on approval of that application; and,

WHEREAS, The Hearing Examiner recommended approval of the combined application for Preliminary Plat and rezone; and,

WHEREAS, the City of Selah Council has adopted the Hearing Examiner's recommendation for approval of the Planned Development rezone; and,

WHEREAS, the City of Selah Council has considered the Hearing Examiner's findings of fact and conclusions and the City staff report dated April 15, 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 May 4, 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. 912.62.15-01 designated as "The Draw at Speyers" be approved , that the Hearing Examiner's Findings and Conclusions be adopted with the twenty eight (28) specific conditions contained in said Findings and Conclusions and a copy of which is attached hereto.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 9th day of June, 2015.

John Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

Robert Noe, City Attorney

CONDITIONS OF PRELIMINARY PLAT APPROVAL

1. 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.
2. The Planned Development shall substantially conform to the project design as described in the project narrative, in the application materials and on the face of the currently proposed preliminary plat, except as modified in these conditions. Setbacks, building height and lot coverage shall conform to the building configurations, plans and elevations included in the final plan and program and shown on the currently proposed preliminary plat. Standards not otherwise provided for in these documents shall be to the standards required in the R-1 district by the zoning ordinance.
3. The interior private street approach to the Draw on Speyers shall be as indicated on the preliminary plat except as follows: In the event that a complete application is received by the City of Selah for the development of the property immediately to the east of the subject parent parcel, and that application (1) provides for the development of an new access street that aligns with the centerline of North 14th Street and (2) may serve as a suitable access to the Draw on Speyers, then a modification of the preliminary plat of the Draw on Speyers to relocate access to allow interior access from the new access street shall constitute a Minor Modification for purposes of SMC 10.24.110.
4. A professionally-prepared geologic hazards assessment shall be submitted on behalf of the Applicant to the Planning Department for its review to determine if the site is in an erosion or landslide hazard area and to identify measures to mitigate the impacts from site and residential development in such geologic hazard areas and slopes that are greater than 15%. Implementation of identified mitigation measure are a condition of approval of the Planned Development.
5. Prior to any site disturbance, a grading plan or plans, prepared by a licensed professional engineer, shall be submitted to and approved by the Public Works Director. This requirement also applies to the development of individual lots of the subdivision, although homesite permitting or development is not a condition of recording the final plat. The City shall incorporate geologic hazards assessment recommendations/mitigation into the review of all grading permits required by this condition.

6. All final plans and specifications for public improvements must be prepared by a Licensed Professional Engineer and reviewed and approved by the Public Works Director prior to construction. Upon completion of construction and prior to final plan 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.
7. Storm water drainage facilities for the project site must comply with a drainage facilities plan prepared by a licensed professional engineer and approved by the Public Works Director. The plan must demonstrate that the project as proposed can provide for the retention of runoff from developed parts of the project on-site, and accommodate all pass-through drainage, including irrigation water released from the Naches-Selah Irrigation District system.
8. Either the covenants for road maintenance or other road maintenance agreement that provides for the perpetual maintenance of the private roadway and establishes a road maintenance fund shall be recorded with the Yakima County Auditor; a recorded copy shall be submitted to the Selah Community Planner prior to recording the final plat.
9. Documentation setting forth the ownership and perpetual maintenance of the common open space and providing for protection of the density limitations and other amenity values on Lot 13 shall be provided prior to recording the final plat. Documentation may include covenants supplementing the CCRs included with the final Development Plan and Program to address Lot 13, or deed restrictions, and they shall be recorded prior to recording the final plat.
10. The private interior street shall be constructed as a hard-surfaced street to the following specifications:
 - a. 20 foot wide (minimum) asphalt surfacing
 - b. Not to exceed 10 percent slope
 - c. Intersecting street segments as shown on the preliminary plat not to exceed 160 feet in length and no less than 60 feet in length as measured from the center point of the intersection.
11. The existing public sewer line shall be extended to the project site from where it currently ends on Speyers Road. Public sewer service shall be provided to all lots in the proposed interior access easement with either a public line or a private line maintained by the homeowners association connected at a manhole to the public sewer line at Speyers Road. Alternative layouts or designs may be considered and approved by the Public Works Director.
12. Subdivision design shall include the provision of public water lines at least as far as the fire hydrant required interior to the plat. Regardless of whether the public line is extended throughout the plat, individual water lines shall be limited to one line per dwelling unit. The water line or lines shall be installed in the access and utility easement with a minimum of 10 feet of separation from a sanitary sewer line, unless approved otherwise by the Public Works Director.

13. The recorded CCRs shall provide that the designated turnaround/parking area shown on the preliminary plat shall be used only for turnaround and additional off-street parking purposes or other consistent uses. The designated area shall be hard-surfaced, and the covenants shall provide a fund adequate for perpetual maintenance of the hard surface. Modifications to surfacing requirements for the turnaround/parking tract may be treated as a Minor Modification per SMC 10.24.110.
14. A NPDES construction stormwater general permit shall be obtained from the Washington State Department of Ecology unless it is determined by that agency that such permit coverage is not required.
15. A dust control plan shall be prepared and implemented during construction as required by the Yakima Regional Clean Air Agency.
16. Street illumination shall be installed by the developer at locations and to the specifications of the Public Works Director in order to maximize street illumination. Street lights shall be installed on metal poles unless otherwise approved by the Public Works Director.
17. 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.
18. There shall be a moratorium on public street cuts for a period of five (5) years from the date of plat recording.
19. 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. A public water line shall be installed to serve the hydrant or hydrants and improved to the following standards:
 - a. Capable of providing a minimum of 1,000 gallons per minute of fire flow.
 - b. Four foot clearance in on either side of the installed line in which no other underground utilities may be located.
 - c. Must be constructed of ductile iron and designed by a licensed professional engineer as required elsewhere by the conditions of this recommendation.
20. Final lot dimensions and lot area must substantially conform to the preliminary plat.
21. Covenants or agreement providing for the perpetual maintenance of any private sewer line shall be recorded with the Yakima County Auditor and a recorded copy submitted to the Planning Department prior to recording the final plat. It may be combined with the required covenants or road maintenance agreement.

22. 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.
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. All required street signs, posts and appurtenances must be supplied by the developer and will be installed by the City.
25. 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.”
26. 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.
27. Improvements required for the subdivision must be completed and the final plat must be submitted within the maximum 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.
28. Any changes to the plan or program shall be subject to review in accordance with Chapter 10.24 SMC.



**CITY OF SELAH
PRELIMINARY PLAT
APPLICATION FORM**



FILE NO: 912.62.15-01
DATE FEE PAID: 1-27-2015

SEPA: 971.62.15-01
REC'D BY: [Signature]

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:

THE DRAW ON SPEYERS

NUMBER OF LOTS: 13

AVERAGE LOT SIZE IN S.F.: 8497 SQ FT

TYPE OF BUILDINGS TO BE CONSTRUCTED:

3 BED/2 BATH SINGLE FAMILY HOMES

PROPERTY OWNERS AUTHORIZATION:

I hereby authorize the submittal of the preliminary plat THE DRAW ON SPEYERS 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):

[Signature]

1/5/15
DATE

ADDRESS: 171 BAKER RD SELAH

TELEPHONE: WORK: _____

HOME: 509-930-7938

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

[Signature]

ADDRESS: 171 BAKER RD SELAH

TELEPHONE: WORK: _____

HOME: 509-930-7938

ZONING CLASSIFICATION: R-1

COMPREHENSIVE PLAN DESIGNATION: R-1

YAKIMA COUNTY ASSESSOR'S TAX PARCEL NO.: 101435-22009



THE DRAW ON SPEYERS PLANNED DEVELOPMENT



CITY OF SELAH

APPLICATION FOR ZONING CODE AMENDMENT APPLICATION REQUIREMENTS

Date Submitted/Received By

- Non-Refundable Application Fee 1-27-2015 
- Site Plan drawn to scale _____
- Vicinity Site Map with North Arrow _____
- Completed Environmental Checklist and Checklist fee. _____

1.* TYPE OF ZONING CODE AMENDMENT REQUIRED

REZONE OTHER _____

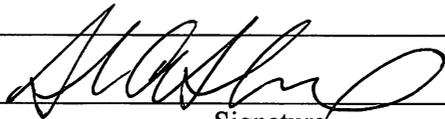
A. If requested rezone, what is the original zoning and requested zoning (i.e. R-1 to R-2).

ONE FAMILY RESIDENTIAL (R-1) - PLANNED DEVELOPMENT (PD)
Comprehensive Plan Designation LOW DENSITY RESIDENTIAL

B. If amendment to zoning code, what is the proposed amendment (please attach proposed amendment to application).

2. NAME OF APPLICANT: SHANE SNODGRASS

ADDRESS OF APPLICANT: 171 BAKER ROAD, SELAH


Signature

TELEPHONE: WORK _____ HOME 509-930-7938

3. NAME OF LEGAL PROPERTY OWNER: SAME

(If different from applicant)
ADDRESS: _____

Signature

TELEPHONE: WORK _____ HOME _____

4. Yakima County Assessor's office Parcel No. for Property(s) 181435-22009

LEGAL DESCRIPTION OF PROPERTY:

SEE ATTACHED

5. SUMMARY OF PROPOSED rezone or zoning code amendment

: REZONE 2.54 ACRES TO PD TO ACCOMMODATE 12 NEW
SINGLE FAMILY RESIDENCES ACCESSIBLE BY A PRIVATE
ROAD NETWORK.



CITY OF SELAH

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



FILE NUMBER: 971.62.15-01
DATE FEE PAID 1-27-2015
RECEIVED BY [Signature]
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: THE DRAW ON SPEYERS
2. Name of applicant: SHANE AND RENEE SNODGRASS
3. Address and phone number of applicant and contact person: 171 BAKER RD SELAH, WA
509-930-7938
4. Date checklist submitted: 01/08/2015
5. Agency requiring checklist: CITY OF SELAH
6. Proposed timing or schedule (including phasing, if applicable): ASAP

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **13 LOT PLANNED DEVELOPMENT**
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. **NONE**
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. **SEE # 7**
10. List any government approvals or permits that will be needed for your proposal, if known. **BUILDING / GRADING**
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. **13 LOT PLANNED DEVELOPMENT FROM A 2.54 ACRE R-1 LOT**
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. **1403 SPEYERS RD**
13. Taxation parcel numbers(s): **181435 - 22009**

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 **MOST OF THE LOTS ON FLAT - 4 LOTS ON HILLY**
- b. What is the steepest slope on the site (approximate percent slope)? **50% SLOPE**
- 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. **CLAY / SANDY LOAM TOPSOIL**
- 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. **GRADING FOR ACCESS ROAD AND FOUNDATIONS - FILL FROM SITE.**
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **NO**
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **30%**
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **SILT FENCES / BERMS**

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

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

3. Water

a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. **NO**
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. **NO**
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. **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 WATER RETAINED ON SITE
- 2) Could waste materials enter ground or surface waters? If so, generally describe.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

**GRADING - ON SITE ENGINEERED STORMWATER
CONTAINMENT.**

4. Plants

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

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

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

- b. What kind of and amount of vegetation will be removed or altered? **CHEATGRASS**
- 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:
ROCK BACK AND SIDE YARD - GRASS FRONT YARD AND COMMON AREA

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: **QUAIL**
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.
- 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. **ENERGY EFFICIENT BUILDING - INSULATION WINDOWS - HIGH EFFICIENCY FURNACE.**

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.
 - 1) Describe special emergency services that might be required. **NONE**
 - 2) Proposed measures to reduce or control environmental health hazards, if any: **NONE**
- b. Noise
 - 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, construction, operation, other)? **TRAFFIC**

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. *CONSTRUCTION NOISE 7AM TO 5PM*
- 3) Proposed measures to reduce or control noise impacts, if any: *NONE*

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? *R-1*
- b. Has the site been used for agriculture? If so, describe. *NO*
- c. Describe any structures on the site. *STORAGE SHED*
- d. Will any structures be demolished? If so, what? *YES - STORAGE SHED*
- e. What is the current zoning classification of the site? *R-1*
- f. What is the current comprehensive plan designation of the site? *R-1*
- g. If applicable, what is the current shoreline master program designation of the site? *N/A*
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so specify. *NO*
- i. Approximately how many people would reside or work in the completed project? *40-50*
- j. Approximately how many people would the completed project displace? *Ø*
- k. Proposed measures to avoid or reduce displacement impacts, if any: *N/A*
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
SINGLE FAMILY 3 BED 2 BATH HOMES OF APPROXIMATE SIZE AND QUALITY OF SURROUNDING HOMES

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
12 MIDDLE INCOME HOMES
- 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? *26 FT - WOOD SIDING*
- b. What views in the immediate vicinity would be altered or obstructed? *NONE*
- c. Proposed measures to reduce or control aesthetic impacts, if any: *CRAFTSMAN STYLE DETAILS LANDSCAPED FRONT YARDS*

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? *NONE*
- 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? **NONE**
- b. Would the proposed project displace any existing recreational uses? If so, describe. **NO**
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: **NONE**

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on the site? If so, generally describe. **NO**
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. **NONE**
- c. Proposed measures to reduce or control impacts, if any: **NONE**

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. **SPEYERS RD**
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
NO - 1000 FT
- c. How many parking spaces would the completed project have? How many would the project eliminate?
52 **NONE**
- 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). **NO**
- 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. **PEAK TRIPS AT START AND END OF WORKDAY.**
- g. Proposed measures to reduce or control transportation impacts, if any:
NONE

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. **YES - FIRE / POLICE**
- 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.
CITY SEWER TO BE EXTENDED

- 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.

EXTEND CITY WATER AND SEWER, GAS, PHONE, ELECT, CABLE

C. SIGNATURES

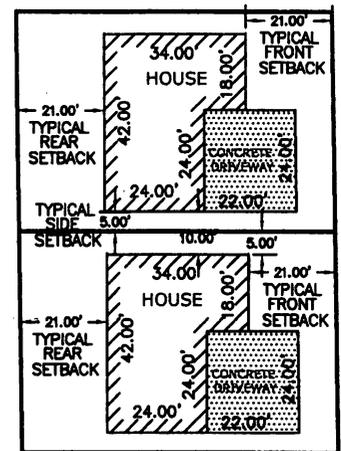
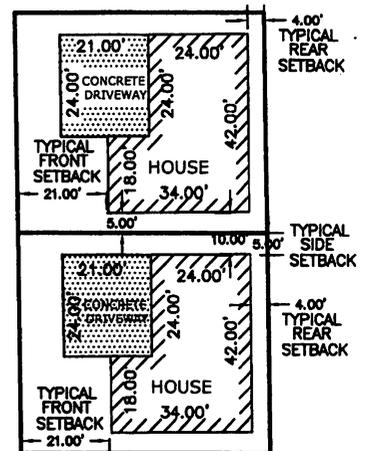
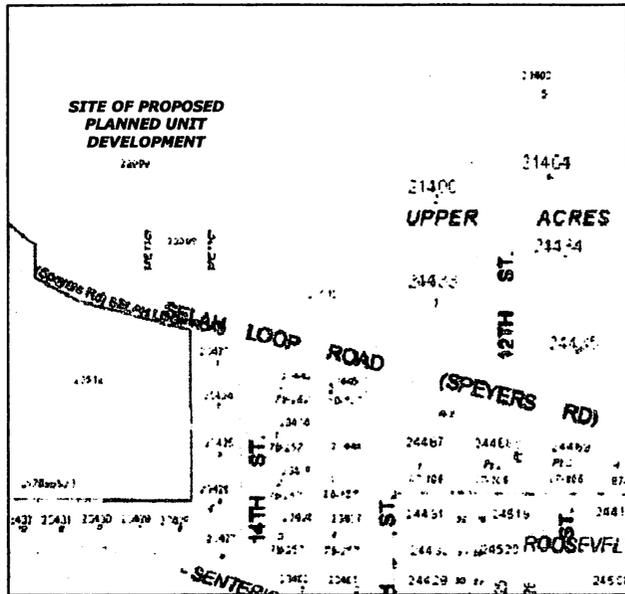
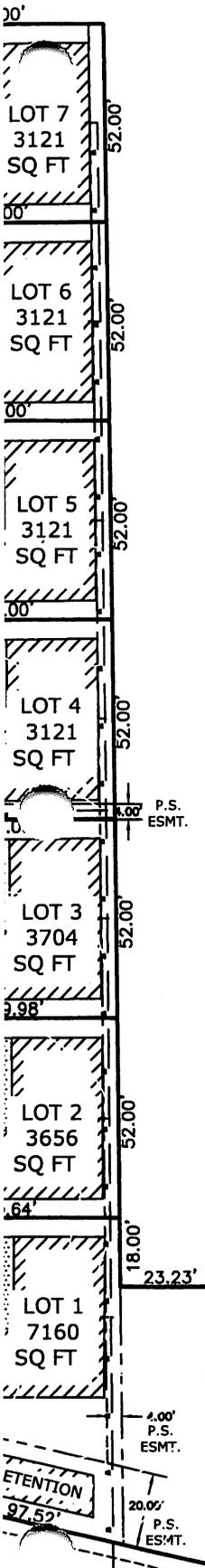
The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.



Signature of Proponent or Person Completing Form

Date: 1/5/15

PRELIMINARY PLANNED UNIT DEVELOPMENT OF "THE DRAW on SPEYERS"



Legal Description - Parcel 181435-22009 - 2.54 acres
 The West 400 feet of the South 330 feet of the SE ¼ of the NW ¼ of the NW ¼ of Section 35, T.14N., R. 18E., W.M.
 TOGETHER WITH
 Beginning at the NE corner of the SW ¼ of the NW ¼ of Section 35, T. 14N., R.18E., W.M.;
 thence South along the East line thereof 139 feet to the North line of the County Road right-of-way;
 thence Northwesterly along said North line of County Road to the North line of said subdivision;
 thence East along the North line of said subdivision 600 feet, more or less, to the point of beginning;
 EXCEPT the East 240 feet as measured along the North line of said subdivision.
 EXCEPT Beginning at the NE corner of the SW ¼ of the NW ¼ of Section 35, T. 14N., R18E., W.M.;
 thence along the North line of said subdivision N89°56'38"W, 334.13 feet to the true point of beginning;
 thence N00°00'00"E 90.22 feet; thence N45°00'00"W 28.03 feet; thence N90°00'00"W, 83.96 feet;
 thence S00°00'00"E, 50.03 feet; thence N90°00'00"W, 52.00 feet; thence N00°00'00"E 15.00 feet
 thence N90°00'00"W, 174.28 feet; thence S00°00'00"E, 13.85 feet to the North line of Selah Loop Road;
 thence Southeasterly along said North line 350.79 feet more or less, to a line bearing S00°00'00"E from
 the true point of beginning; thence N00°00'00"E, 51.37 feet to the true point of beginning.



SHANE SNODGRASS - OWNER / DEVELOPER
 171 BAKER RD. SELAH, WA 98942 509-930-7938

PRELIMINARY PLANNED UNIT DEVELOPMENT
 OF PARCEL 181435-22009

LOCATION: PT. NW ¼ SEC. 35, T.14N., R. 18E., W.M.

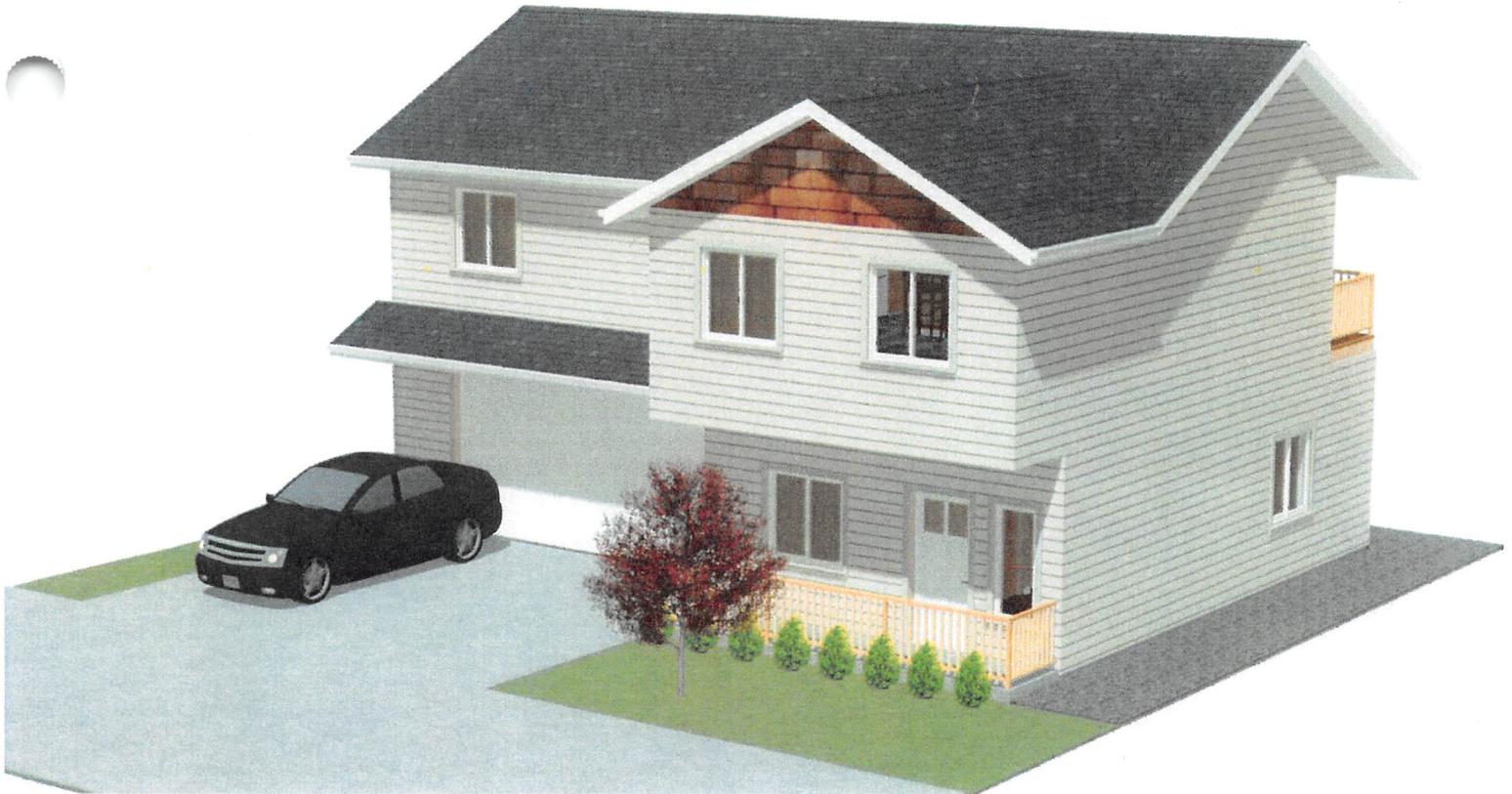
*THE DRAW
ON
SPEYERS*

***Development
Plan
and Program***

Development Plan and Program

- (1) An accurate map drawn to scale of not less than one inch to one hundred feet depicting the following:
- (A) The boundaries of the site – *See Plat Map*
 - (B) Names and dimensions of all streets bounding or touching the boundaries of the site – *See Plat Map*
 - (C) Horizontal and vertical dimensions of all buildings and structures proposed to be located on the site which shall include drawings, architectural renderings or photographs of proposed buildings which will become part of the public record.

Lots 1 -12 34'x42' – 2 Story – 3 bedroom 2 bath - 25 feet tall



THE DRAW ON SPEYERS – PLANNED UNIT DEVELOPMENT



- (D) Proposed location and dimension of "common or community open space,"
– *See Plat Map*
- (E) Proposed public dedications
– *See Plat Map*
- (F) Location of off-street parking facilities, showing points of ingress to and egress from the site – *See Plat Map*
- (G) Location and direction bearing of all major physiographic features such as railroads, drainage canals and shorelines – *N/A*

Naches Selah Irrigation Easement to be vacated.
- (H) Existing topographic contours at intervals of not more than five feet
– *See Plat Map*
- (I) Proposed contours at intervals of not more than one foot
– *See Plat Map*

THE DRAW ON SPEYERS – PLANNED UNIT DEVELOPMENT

- (J) Proposed drainage facilities – *See Plat Map*
- (K) Proposed landscaping,
 - Side Yard and Back Yard – Crushed Rock*
 - Front Yard – Grass, Shrubs and Trees*
 - Common Area – Grass, Shrubs and Trees*
- (L) Building types and intensities,
 - (12) Single Family - 3 Bedroom, 2 Bath - Two Story - 1577 Square Foot - Craftsman Style Homes*
- (M) Pedestrian and vehicular circulation pattern
 - *See Plat Map*
- (N) Proposed subdivision map, in the event the proposed planned development application is combined with a proposal to divide land into lots, identifying proposed lot configuration and size in square feet); – *See Plat Map*
- (2) **A written program for development setting out detailed information concerning the following subjects as they may be involved in or provided for by the planned development project:**
 - (A) Proposed ownership pattern
 - High Quality – Middle Income – Low Maintenance - Single family homes that will be sold individually and will have access to a common recreational area.*
 - (B) Operation and maintenance proposal -
 - See attached Conditions, Covenants and Restrictions*
 - (C) Waste disposal facilities,
 - Individual garbage service on site*
 - (D) Lighting,
 - Two Garage lights and two Porch lights*
 - (E) Water supply,

THE DRAW ON SPEYERS – PLANNED UNIT DEVELOPMENT

City of Selah

(F) Public transportation,

Yakima Transit stop within 1000 feet.

(G) Community facilities

The Common Area will serve as a community park with picnic tables.

(H) General timetable of development.

Development and Construction timeline of 2 to 3 years for completion.

*THE DRAW
ON
SPEYERS*

***Final
Development
Plan
and Program***

Rezone Application

Final Development

Plan and Program

- (1) Plan Elements.
 - (A) Existing maps drawn to scale of not less than one inch to one hundred feet and proposed final contour map; – *See Plat Map*
 - (B) Location, with the names of all existing and proposed streets, public ways, railroad and utility rights-of-way, parks or other open spaces and all land uses within two hundred feet of the boundary of the development;
– *See Plat Map*
 - (C) Existing sewers, water mains and other underground facilities within and adjacent to the development and their certified capacities;
– *See Plat Map*
 - (D) Proposed sewer or other waste disposal facilities, water mains and other underground utilities;
– *See Plat Map*
 - (E) Subdivision map, in the event a proposed planned development application is combined with a proposal to divide land into lots, identifying proposed lot configuration and size in square feet);
– *See Plat Map*
 - (F) Proposed land use map identifying the location and purpose of each structure;
– *See Plat Map*
 - (G) Location and size in square feet of community facilities;

THE DRAW ON SPEYERS – PLANNED UNIT DEVELOPMENT

– See Plat Map

(H) Location and size in square feet of open space;

– See Plat Map

(I) Traffic flow plan – See Plat Map

(J) Location and dimension of walks, trails or easements;

– See Plat Map

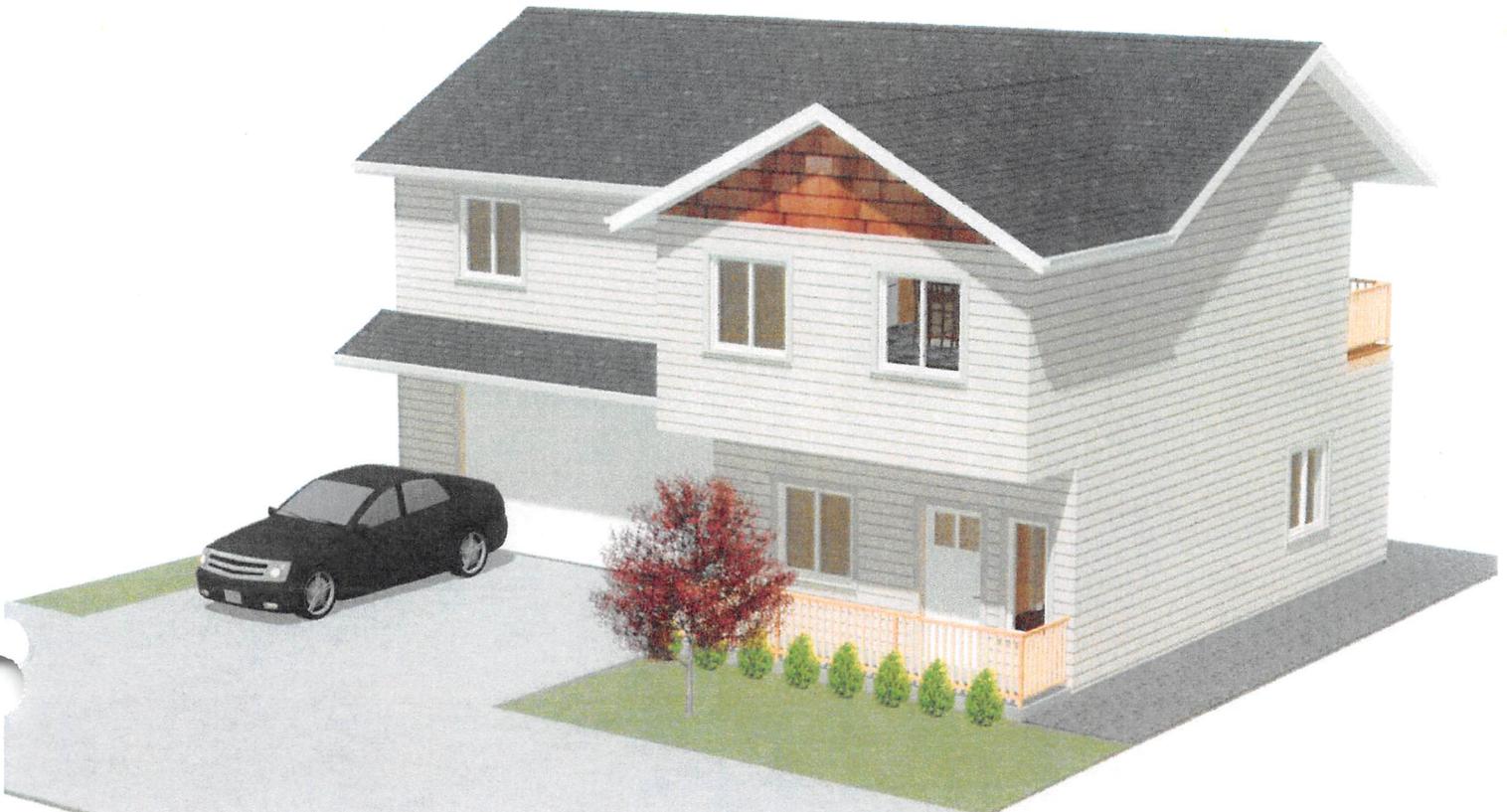
(K) Location of off-street parking areas, arrangement, number and dimensions of auto garages and parking spaces, width of aisles, bays and angles of parking;

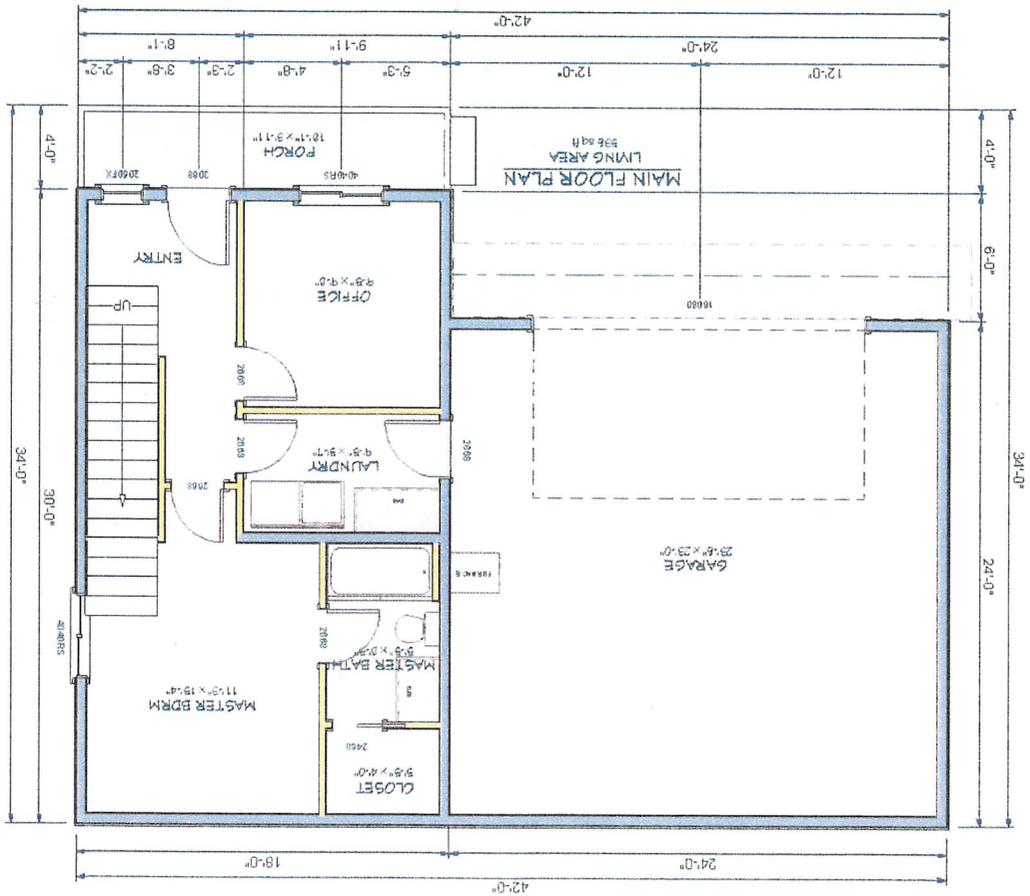
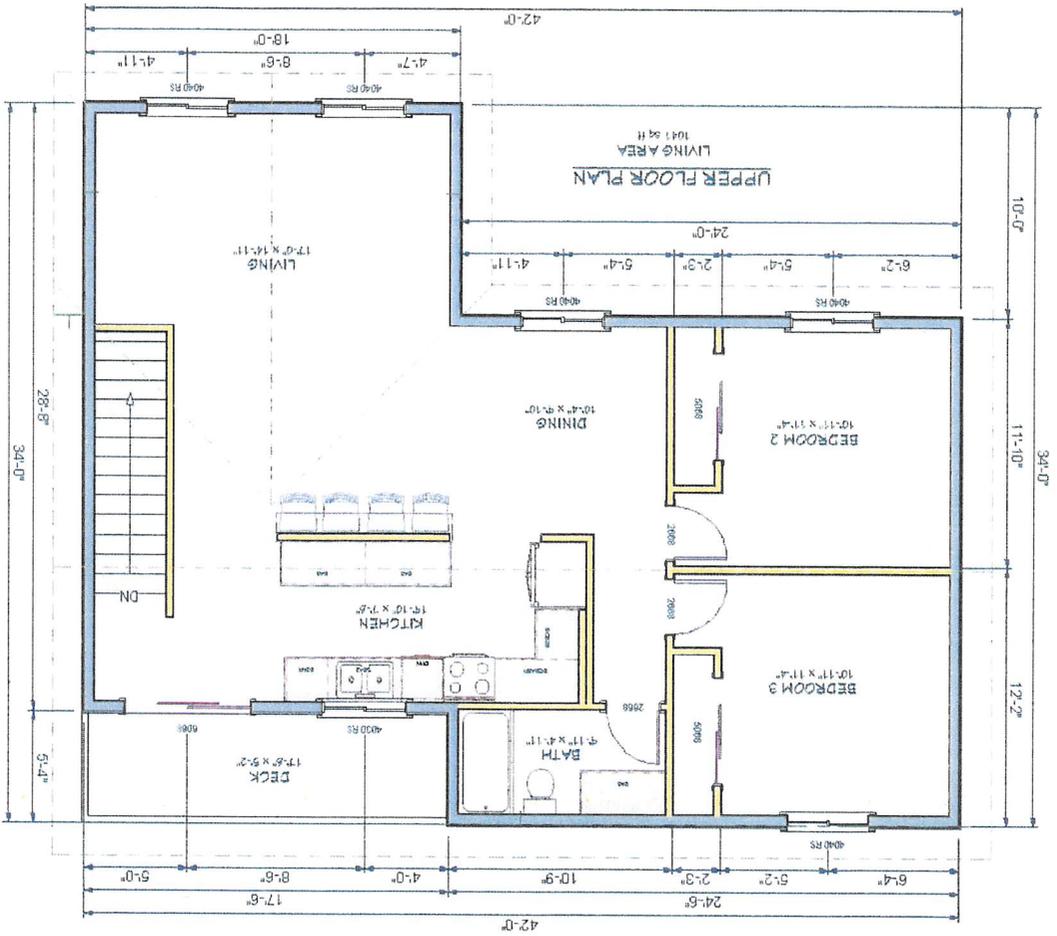
– See Plat Map

(L) Location, arrangement, number and dimensions of truck loading and unloading spaces and docks; – See Plat Map

(M) Preliminary plans, elevations of typical buildings and structures, including general height, bulk, number of dwelling units and the exterior appearance of the buildings or structures;

Lots 1 -12 34'x42' – 2 Story – 3 bedroom 2 bath - 25 feet tall





THE DRAW ON SPEYERS - PLANNED UNIT DEVELOPMENT

THE DRAW ON SPEYERS – PLANNED UNIT DEVELOPMENT



(N) Approximate location, height and materials of all walls, fences and screens;

There will be no walls, fences or screens for lots 1-7 or 12.

Lots 8-11 will use stackable stone for the retaining walls as required.

(O) Indication of stages of development.

Lots 1-7 will be developed first with Lots 8-12 following.

THE DRAW ON SPEYERS – PLANNED UNIT DEVELOPMENT

(2) Program Elements.

(A) Statement of goals and objectives

The proposed development is currently a 2.54 acre lot zoned R-1 - Low Density Residential. Based on this designation by the City of Selah future land use map this provides for a maximum density of 5 dwelling units per acre or 13 dwelling units (2.54 x 5 = 12.7 rounded up to 13). The site lends itself to a planned development based on the unique physical characteristics of the site. Approximately half of the site is relatively flat while the remaining portion is hillside. Clustering the development on the portion of the site that is relatively flat will allow development without being cost prohibitive. Developing this property as a planned development will create a neighborhood of high quality, low maintenance 3 bedroom - 2 bath- 1557 Sq. Ft homes. These homes will attract both young families and older couples that are looking for a home in the city without the issues associated with maintaining a large lot. This development will be appealing to anyone looking for a high quality home on a virtually maintenance free site. The proposed Conditions, Covenants and Restrictions will ensure that this neighborhood will be well maintained and allow the opportunity for neighbors to enjoy a common community recreation space. This development will increase the tax base and attract quality homeowners.

The goal of the City of Selah Urban Growth Area Comprehensive Plan is to:

LUGM 3: Encourage economic growth while maintaining quality development and controlling the cost of public improvements in Selah's UGA.

The "Draw on Speyer's" will provide high quality middle income housing that will require minimal public improvements.

LUGM 3.2: Direct development to areas where infrastructure (water, sewer and streets) is either present, can be easily extended, or is planned to be extended.

Water and Sewer connections are located directly across the street from the site and can be easily extended.

LUGM 3.3: Conserve land, energy and financial resources by minimizing urban sprawl.

Developing this site as a planned development allows this property to be utilized in the most efficient manner when considering the sites unique topography.

HSG1: Maintain and upgrade the character of existing residential neighborhoods.

THE DRAW ON SPEYERS – PLANNED UNIT DEVELOPMENT

The "Draw on Speyer's will be a high quality development of Craftsman style homes that will add value to the existing neighborhood with homes that are approximately the same size and of the same or higher quality than neighboring homes as dictated by the Conditions, Covenants and Restrictions.

HSG1.2: Encourage new single-family development throughout existing single-family neighborhoods as redevelopment and infill construction at appropriate densities.

The "Draw on Speyer's" meets the infill construction requirement by utilizing a hard to develop site in an existing residential area.

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

HSG 2.1: Encourage the combined net density of all residential development to remain at present levels.

The "Draw on Speyer's has been designed to existing City of Selah R-1 Low Density Residential standard of 5 dwelling units per acre.

HSG 2.2: Ensure codes and ordinances promote and allow for a compatible mix of housing types in residential areas.

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

HSG 4.1: Encourage developers to use private covenants and deed restrictions which specify architectural, maintenance and landscaping standards within their development.

The "Draw on Speyer's planned development has been designed to meet the need for affordable high quality low maintenance homes in the City of Selah. This development has been designed to existing City of Selah R-1 Low Density Residential standard of 5 dwelling units per acre. The purpose of a planned development is to encourage flexibility in design and development that are architecturally and environmentally innovative, that will encourage a more creative approach in the development of the land and which will result in a more efficient, aesthetic and desirable utilization of the land than is possible through strict application of standard zoning and subdivision controls (SMC10.24.010(1)). The use of private streets and smaller lot size as proposed results in a more efficient and arguably desirable utilization of the land. It also allows more efficient utilization of the site through the limited use of private streets and a lot

THE DRAW ON SPEYERS – PLANNED UNIT DEVELOPMENT

size that allows the development of the property to the maximum density provided for by the comprehensive plan.

(B) Tables showing total number of acres, area by use, percent designated for dwellings, open space, off-street parking spaces, streets, and open spaces;

LOT NUMBER	% OF BUILDING TO LOT	PARKING SPACES PER LOT	LOT SIZE SQ FT	BUILDING ENVELOPE SQ FT	INDIVIDUAL YARD SPACE SQ FT	DRIVEWAY SPACE SQ FT	ACCESS ROAD SQ FT
1	15.6%	4	7160	1118	4097	504	1441
2	30.6%	4	3656	1118	986	504	1048
3	30.2%	4	3704	1118	955	504	1127
4	35.8%	4	3121	1118	941	504	558
5	35.8%	4	3121	1118	941	504	558
6	35.8%	4	3121	1118	941	504	558
7	35.8%	4	3121	1118	941	504	558
8	28.3%	4	3956	1118	1824	528	486
9	30.2%	4	3700	1118	1565	528	489
10	25.0%	4	4480	1118	1787	528	1047
11	27.5%	4	4068	1118	1897	528	525
12	35.8%	4	3121	1118	982	504	517
13	0.0%	0	57615	0	57615	0	0
OVERFLOW PARKING		4	2604	0	0	0	1871
COMMON GREEN SPACE		0	3908	0	2380	0	1528
TOTALS		52	110456	13416	77852	6144	12311
PRIVATE ROAD AREA			12311	11.1% of parcel			
DRIVEWAY AREA			6144	5.6% of parcel			
GREEN BELT AREA			77852	70.5% of parcel			
AVERAGE LOT SIZE				8497 SQUARE FEET			

THE DRAW ON SPEYERS – PLANNED UNIT DEVELOPMENT

- (C) Tables indicating overall densities and density by dwelling types and any proposal for the limitation of density;

There will be 13 lots in the development. 12 lots will be built on with one lot remaining vacant. Lots 1-12 will have three to four people per home.

- (D) Restrictive covenants, other than those relating to retention and maintenance of common open space;

See attached Conditions, Covenants and Restrictions

- (E) Development timetable.

Development and Construction timeline of 2 to 3 years for completion.

AFTER RECORDING RETURN TO:

SHANE AND RENEE SNODGRASS
171 BAKER RD
SELAH, WA 98942

**DECLARATION OF COVENANT, CONDITIONS AND RESTRICTIONS
OF
THE DRAW ON SPEYER'S**

THIS DECLARATION MADE THIS _____ day of, 2015 by SHANE A. SNODGRASS and RENEE A. SNODGRASS, hereinafter referred to as "Declarant" is made with reference to the following facts:

A. Declarant is the owner of a certain property located in the City of Selah ("City"), County of Yakima, State of Washington, more particularly described as all that land within the boundaries of the subdivision shown on the plat recorded in Yakima County, Washington, recorded under Yakima County Auditor's File No. _____

B. THE DRAW on SPEYER'S shall be referred to as the "project" as defined in Section 1.21.

C. Each lot of THE DRAW on SPEYER'S shall have appurtenant to it a membership in THE DRAW ON SPEYER'S Homeowners Association, which shall own the common area.

D. Declarant intends by this document to impose upon the property mutually beneficial restrictions under a general plan of improvement for the benefit of all owners of lots.

Now, therefore, Declarant hereby declares that all of the property described above shall be held, sold, leased, mortgaged, encumbered, rented, used, occupied, improved and conveyed subject to the following declarations, limitations, easements, restrictions, covenants and conditions, which are imposed as equitable servitude pursuant to a general plan for the development of the property for the purpose of enhancing and protecting the value and desirability of the project and every part thereof, and which shall run with the real property and be binding on Declarant and its successors and assigns, and on all parties having or acquiring any right, title or interest in or to the described property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE 1 - DEFINITIONS

1.1 "Articles" shall mean and refer to the Articles of Incorporation of the Association, as amended from time to time.

Exhibit 5

1.2 Assessment shall mean that portion of the cost of maintaining, improving, repairing, operating and managing the property which is to be paid by each lot owner as determined by the Association.

1.3 "Association" shall mean and refer to THE DRAW ON SPEYER'S Homeowners Association.

1.4 "Board" or "Board of Directors" shall mean and refer to the governing body of the Association.

1.5 "Common Area" shall mean and refer to the portions of the property and all improvements thereon owned by the Association for the common use and enjoyment of the owners, specifically including the common easements. The "common area" shall consist of: (i) the Road Easements comprised of the entry to the project from Speyer's Road for ingress and egress to and from each of the lots in the project; (ii) the Maintenance and Yard Easement for the purpose of maintenance of the roofs and siding of the dwellings in the project as well as all yards in the project; and (iii) all improvements owned by the Association.

1.6 "Common Expenses" means and includes the actual and estimated expenses of operating the common area and any reasonable reserve for such purposes as found and determined by the Board and all such designated common expenses by or pursuant to this Declaration. Common expenses shall include the expense of periodic maintenance and testing of all built-in fire detection and protection devices.

1.7 "Declarant" shall mean and refer to SHANE A. SNODGRASS and RENEE A. SNODGRASS their successors and assigns.

1.8 "Declaration" shall mean and refer to this Declaration of Covenants, Conditions and Restrictions, as amended or supplemented from time to time.

1.9 "Eligible holder mortgages" shall mean mortgages held by "eligible mortgage holders".

1.10 "Eligible mortgage holder" shall mean a first lender who has requested notice of certain matters from the Association in accordance with Section 8.5C.

1.11 "Eligible insurer or guarantor" shall mean an insurer or governmental guarantor of a first mortgage who has requested notice of certain matters from the Association in accordance with Section 8.5C.

1.12 "First lender" shall mean any bank, savings and loan association, insurance company, or other financial institution holding a recorded first mortgage on any lot.

1.13 "Lot" shall mean and refer to any plot of land, together with any improvements thereon, shown upon any recorded subdivision map of the property with the exception of the common area and the private road or utility easements shown on the Map.

1.14 "Map" shall mean and refer to that Map entitled THE DRAW ON SPEYER'S filed for record on _____, 2015, recorded in Yakima County, Washington, under Yakima County Auditor's File No. _____.

1.15 "Member" shall mean and refer to a person entitled to membership in the Association as provided herein.

1.16 "Mortgage" shall include a deed of trust as well as a mortgage.

1.17 "Mortgagee" shall include a beneficiary or holder of a deed of trust as well as a mortgagee.

1.18 "Mortgagor" shall include the grantor of a deed of trust as well as a mortgagor.

1.19 "Owner" or "owners" shall mean and refer to the record holder, whether one (1) or more persons or entities, of a fee simple title to any lot which is a part of the project but excluding

those persons or entities having an interest merely as security for the performance of an obligation. If a lot is sold under a contract of sale and the contract is recorded, the purchaser, rather than fee owner, will be considered the "owner" from and after the date the Association receives a written notice of the recorded contract.

1.20 "Person" means a natural person, corporation, partnership, a trustee, or other legal entity.

1.21 "Project" shall mean and refer to the entire real property described above including all improvements and structures erected or to be erected thereon.

1.22 "Project documents" shall mean and refer to this Declaration, together with the other basic documents used to create and govern the project, including the Map, Articles, and Bylaws, but excluding unrecorded rules and regulations adopted by the Board or the Association.

1.23 "Property" shall mean and refer to the real property described above and all improvements erected or to be erected thereon, and such additions thereto as may hereafter be brought within the jurisdiction of the Association, and all property, real, personal or mixed, intended for use in connection with the project.

1.24 "Restricted and common area" shall mean and refer to those portions of the common area easements, if any, set aside for exclusive use of a lot owner or owners, pursuant to Section 2.7, and shall constitute "exclusive use common area".

1.25 "Singular and plural" The singular and plural number and the masculine, feminine and neuter gender shall each include the other where the context requires.

ARTICLE II –

DESCRIPTION OF PROJECT, DIVISION OF PROPERTY, AND CREATION OF PROPERTY RIGHTS

2.1 Description of Project: The project is a 13 single family unit subdivision planned development, which consists of the property and all improvements thereon. Lots 1-13 are single family residential lots.

2.2 Easements: Dedication of Common Area: Each of the lots shown on the Map shall have appurtenant to it as the dominant tenement an easement over the common area(s) and the servient tenement now or hereafter owned by the Association, for ingress and egress, and for use, occupancy and enjoyment, and where applicable, for the construction, maintenance and operation of utilities. All of the easements are subject to the following provisions:

A. The right of the Association to discipline members, and to suspend the voting rights of A member for any period during which any assessment against his lot remains unpaid, and for any infraction of the rules contained in the Declarations, Bylaws, Articles or written rules and regulations in accordance with the provisions of Sections 4.10, 5.2F and 8.1 hereof;

B. The right of the Association to dedicate, transfer or mortgage all or any part of the common area to any public agency, authority and/or utility for such purposes and subject to such conditions as may be agreed to by the members, provided, that in the case of the borrowing of money and the mortgaging of its property as security therefore, the rights of such mortgagee shall be subordinate to the rights of the members of the Association. No such dedication, transfer or mortgage shall be effective unless an instrument signed or approved by three-fourths (3/4) of each class of members agreeing to such dedication, transfer or mortgage has been recorded .

C. The right of the Association to grant easements under, in, upon, across, over, above or through any portion of the common area for purposes, including, by way of example and not by way of limitation, access, utilities, and parking, which are beneficial to the development of the properties in accordance with the general plan established by this declaration;

D. To avoid the necessity of a separate television antenna for each lot, a cable television system has been installed and may or shall be hooked up to each dwelling on each lot. Said system shall be maintained by the cable television franchisee. Each individual lot owner shall be responsible for the payment of all fees for cable television service to that particular lot to the extent required to effectuate the foregoing plan, there shall be an easement in favor of each lot for the purpose of connecting the same with the central cable television line. Each lot shall be subject to an easement in favor of all other lots and in favor of the entity holding the CATV franchise, to provide for the passage through the lot and any structure thereon of television connections from any other lot to the cable system and shall be subject to a further easement for the placement and maintenance of such connections;

E. Easements for work necessary to complete development and construction of the project, including all parcels annexed or to be annexed.

The foregoing easements are granted and reserved subject to the condition that their use and enjoyment shall not unreasonably interfere with the use, occupancy or enjoyment of all or any part of the lot servant to them or to which they appurtenant.

2.3 Easements to Accompany Conveyance Lot: Easements that benefit or burden any lot shall be appurtenant to that lot and shall automatically accompany the conveyance of the lot, even though the description in the instrument of conveyance may refer only to the fee title to the lot.

2.4 Delegation of Use: Any owner may delegate, in accordance with the Bylaws, his right of enjoyment to the common area and facilities to the members of his family, his tenants, or contract purchasers, who reside on the property

2.5 Conveyance of Common Area to Association: On or before conveyance of title to the first lot, Declaration shall deed the common area easements to the Association to be held for the benefit of the members of the Association.

2.6 Owners' Rights and Easements for Utilities: The rights and duties of the owners of lots within the project with respect to sanitary sewer, drainage, water, electric, gas, television, receiving, telephone equipment, cables and lines, exhaust flues, and heating and air conditioning facilities (hereinafter referred to, collectively, as "utility facilities") shall be as follows:

A. Whenever utility facilities are installed within the project, which utility facilities or any portion thereof lie in or upon a lot or lots owned by other than the owner of a lot served by said utility facilities, the owners of any lots served by said utility facilities shall have the right or reasonable access for themselves or for utility companies or the City of Selah to repair, to replace and generally maintain said utility facilities as and when the same may be necessary, due to failure or inability of the Board to take timely action to make such repairs or perform such maintenance.

B. Whenever utility facilities are installed within the project which utility facilities serve more than one (1) lot, the owner of each lot served by the utility facilities shall be entitled to the full use and enjoyment of such portions of the utility facilities as service to his lot.

C. In the event of a dispute between owners with respect to the repair or rebuilding of the utility facilities, or with respect to the sharing of the cost thereof, then, upon written request of one (1) of such owners addressed to the Association, the matter shall be submitted to arbitration within sixty (60) days pursuant to the rules of the American Arbitration Association, and the decision of the Arbitrator(s) shall be final and conclusive on the parties.

2.7 Restricted Common Areas: The following described portions of the common area, referred to as "restricted common areas", as the servient tenements, are subject to exclusive easements in favor of the lot to which they are attached or assigned by lot number on the map as the dominant tenement and shall be appurtenant to these lots: (1) The parking areas between the garages and the access road, are reserved for the residence to which it is adjacent; (2) Each entry, patio, and area surrounding the front yard is reserved for the residence to which it is adjacent: and (3) A mail box is reserved for each residence.

Conveyance and resale of any residence includes the exclusive right to the use of the limited common areas and facilities appurtenant to the residence, even though the deed or other instrument of conveyance may fail to say so, subject to the terms of the Road Easement and Maintenance and Yard Easements.

A. Common Areas: Parcel A of THE DRAW ON SPEYER'S

2.8 Encroachment Easements: Each lot is hereby declared to have an easement over adjoining lots and common area for the purpose of accommodation. Any encroachment due to foundations, exterior walls, windows, roof overhangs, fences or walls which are built in accordance with the original design, plans and specifications of declarant, or due to minor engineering errors, minor errors in original construction, settlement or shifting of the building, or similar causes. There shall be valid easements for the maintenance of said encroachments as long as they shall exist, and the rights and obligations of owners shall not be altered in any way by said encroachment, settlement or shifting; provided, however, that in no event shall a valid easement for encroachment be created in favor of an owner or owners if said encroachment occurred due to the intentional conduct of said owner or owners. In the event a structure is partially or totally destroyed, and then repaired or rebuilt, the owners of each adjoining lot agree that minor encroachments over adjoining lots and common area shall be permitted and that there shall be valid easements for the maintenance of said encroachments so long as they shall exist.

2.9 Easements:

A. Easements: In all cases where a structural wall of a residence that was built as part of the original construction is located on the boundary line between adjacent lots, the owner of the residence shall have a nonexclusive easement over the adjacent lot for access to and maintenance of the wall, the reconstruction of the wall in the event of the partial or total destruction of the same, drainage associated with the wall or the residence of which the wall is apart, and an easement to accommodate the foundation and/or roof or eaves encroachment as per the original design, plans and specifications which were the basis for the original construction of the residence or residences on the other lots. The owner of a lot having a structural wall situated on the boundary line between his lot and the adjoining lot shall not

attach anything to the outside of the wall which shall protrude across the boundary line into the adjoining lot, and the owner of the adjoining lot upon which such a wall is situated shall not attach anything to the outside of the wall without (in each case) the consent and permission of the owner of the adjoining lot upon which the residence of which the wall is a part is situated.

B. Arbitration: In the event of a dispute arising concerning the provisions of this section, the matter shall be submitted to arbitration under the rules of the American Arbitration Association.

2.10 Party Walls:

A. General Rules of Law to Apply: Each wall that is built as part of the original construction of a residence, is located on the boundary line with an adjacent lot and either is used in common with the residence on the adjacent lot or abuts against a similar wall on the adjacent lot between two (2) lots shall constitute a party wall, and, to the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.

B. Sharing of Repair and Maintenance: The cost of reasonable repair and maintenance of a party wall shall be shared by the owners who make use of the wall in proportion to such use

C. Destruction by Fire or Other Casualty: If a party wall is destroyed or damaged by fire or other casualty, any owner who has used the wall may restore it, and if the other owners thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use; provided, however, that the owner or owners whose negligent act or omission proximately caused the damage or destruction, shall bear the full cost of restoration that is not covered by insurance.

D. Weatherproofing: Notwithstanding any other provisions of this Article, an owner who by his negligent or willful act caused the party wall to be exposed to the elements shall bear the whole cost furnishing the necessary protection against such elements.

E. Right to Contribution Runs with Land: The right of any owner to contribution from any other owner under this article shall be appurtenant to the land and shall pass to such owner's successors in title.

F. Arbitration: In the event of any dispute arising concerning a party wall, or under the provisions of this article, the matter shall be submitted to arbitration under the rules of the American Arbitration Association.

2.11 Maintenance Easement: An easement over each lot as the servient tenement is reserved by Declarant and is hereby granted to the association, for the purpose of entering on the property to perform such maintenance, if any, as the association elects or is required to do in accordance with the provisions of Section 5.1 A of this declaration

2.12 Yard Maintenance Easement: An easement over the yard of each lot as the servient tenement is reserved by Declarant, and is hereby granted to the Association, for the purpose of entering the yard to maintain the landscaping thereon It shall be the responsibility of the Association to maintain the landscaping of the yards throughout the project in accordance with the rules and reputations adopted by the Association.

2.13 Provision for Municipal Services: Domestic water supply services to each lot, in the common area, will be provided by the City of Selah or the Selah-Naches Irrigation District. The

City of Selah also provides sanitary sewer service. To assure the City of Selah, at their option in the event a service or maintenance contract is entered into between the Association and the City of Selah, access to maintain and repair its services and facilities for the provisions of police and fire protection, the Association shall keep all utilities, including but not limited to, storm drains, sewers, access ways, roadways, lighting and appurtenances thereto on the subdivided property, in a state of good condition and repair, consistent with the standard of quality of said roadways and appurtenances upon original installation, All such repairs shall be made at the expense of the Association.

2.14 Drainage Easements: An easement over and under each lot is reserved by Declarant, and is hereby granted to the Association for the maintenance of an in-tract storm drainage system. Reciprocal appurtenant easements between each lot and the common area and between adjoining lots are hereby created for the flow of surface water.

2.15 Other Easements: The common area and each lot are subject to all easements, dedications, and rights of way granted or reserved in, on, over and under the property as shown on the Map.

2.16 Rights of Entry and Use: The lots and common area (including restricted common area) shall be subject to the following rights of entry and use:

A. The right of the Association agents to enter any lot to cure any violation of this Declaration or the Bylaws, provided that the owner has received notice and a hearing as required by the Bylaws (except in the case of an emergency) and the owner has failed to cure the violation or take steps necessary to cure the violation within thirty (30) days after the finding of a violation by the Association;

B. The access rights of the Association to maintain repair or replace improvements or property located in the common area as described in Section 5.2E;

C. The easements described in this Article 11.

D. The right of the Association's agents to enter any lot to perform maintenance as described in Section 8.6.

E. The rights of the Declarant during the construction period as described in Section 8.9.

2.17 Partition of Common Area: There shall be no subdivision or partition of the common area, nor shall any owner seek any partition or subdivision thereof. Notwithstanding any provisions to the contrary contained in this Declaration and in order to pronto for a means of terminating the project if this should be necessary or desirable, on occurrence of any of the conditions allowing an owner of a lot to maintain an action for partition, three-quarters (3/4) of the owners of lots shall have the right to petition the Superior Court having jurisdiction to alter or vacate the recorded Subdivision. Nothing herein shall be construed to prohibit partition of a joint tenancy or co-tenancy in any lot.

ARTICLE III

ASSOCIATION, ADMINISTRATION, MEMBERSHIP AND VOTING RIGHTS

3.1 Association to Own and Manage Common Areas: The Association shall own and manage the common area easements in accordance with the provisions of this Declaration, the Articles and the Bylaws of the Association.

3.2 Membership: The owner of a lot shall automatically, upon becoming the owner of same, be a member of the Association, and shall remain a member thereof until such time as his ownership ceases for any reason. Membership shall be appurtenant to and may not be separate from ownership of a lot. Membership shall be held in accordance with the Articles and Bylaws of the Association.

3.3 Transfer of Membership: Membership in the Association shall not be transferred, encumbered, pledged or alienated in any way, except upon the sale or encumbrance of the lot to which it is appurtenant, and then only to the purchaser, in the case of a sale, or mortgagee, in the case of an encumbrance of such lot. On any transfer of title to an owner's lot, including a transfer on the death of an owner, membership passes automatically with title to the transferee.

3.4 Membership, Classes and Voting Rights: The Association shall have two (2) classes of voting membership:

Class A: Class A members shall be all owners with the exception of the Declarant (as defined in Section 1.7) and shall be entitled to one (1) vote for each lot owned. When more than one (1) person holds an interest in any lot, all such persons shall be members. The vote for such lot shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to any lot.

Class B: The Class B member or members shall be the Declarant and shall be entitled to vote as follows: Voting shall be the same as for Class A memberships, except that the Class B member may triple its votes for each lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of the following event, When the total votes outstanding in the Class A membership equal the total votes (tripled as stated above) outstanding in the Class B membership.

ARTICEL IV MAINTENANCE AND ASSESSMENTS

4.1 Creation of the Lien and Personal Obligation of Assessments: The Declarant, for each lot owned within the project, hereby covenants, and each owner of any lot by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, is covenant and agrees: (1) to pay to the Association annual assessments or charges and special assessments for purposes permitted herein, such assessments to be established and collected as hereinafter provided; and (2) to allow the Association to enforce an assessment lien established hereunder by non-judicial proceeding under a power of sale or by any other means authorized by law. The annual and special assessments, together with fees, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made, the lien to become effective upon recordation of notice of delinquent assessment. Each such assessment, together with interest, late charges, collection costs, and reasonable attorney's fees, shall also be the personal joint and several obligation of the person who was the owner of such property at the time when the assessment fell due. No owner of a lot may exempt himself from liability for his contribution toward the common expenses by waiver of the use or enjoyment of any of the common areas or by the abandonment of his lot.

4.2 Annual Assessment:

A. The Board has authority to impose annual assessments, provided that it may not impose a regular assessment that is more than ten percent (10%) greater than the regular assessment for the Association's preceding fiscal year or impose special assessments which in the aggregate exceed five percent (5%) of the budgeted gross expenses of the Association for that fiscal year without the approval of owners casting a majority of the votes at a meeting or election of the Association, provided, that the foregoing provisions do not limit assessment increases for the following purposes: (1) The maintenance or repair of the common areas or other areas which the Association is obligated to maintain or repair, including, but not limited to, the payment of insurance premiums, the payment of utility bills, the cost incurred in maintaining structures or improvements which includes snow removal from private road and common area landscaping maintenance and funding reserves; and (2) addressing emergency situations

B. The Board may not, without the vote or written consent of a majority of the voting power of the Association residing in members other than the Declarant, impose a regular annual assessment which is more than twenty percent (20%) greater than the regular annual assessment for the immediately preceding fiscal year.

C. Without membership approval, the Board of Directors may fix the annual assessment at an amount not in excess of the maximum. However, the annual assessment may not be decreased, whether by the Board or by the members, by more than ten percent (10%) without the approval of a majority of the voting power of the Association residing in members other than the Declarant. Failure by the Board to set assessments shall not be deemed a waiver of the assessments but rather the prior year's assessment shall continue.

D. Subject to the limitations on the maximum and minimum amount of assessments herein provided, if, at any time during the course of any year, the Board shall deem the amount of the annual assessment to be inadequate or excessive, the Board shall have the power, at a regular or special meeting, to raise the assessment for the balance of the assessment year, effective on the first day of the month next following the date of the revision, provided that the Board may not by such action increase the assessments by more than five percent (5%) in the aggregate (including increases in special assessments) of the budgeted gross expenses of the Association for that fiscal year without the consent of a majority of the voting power of the Association residing in members other than the Declarant, and any approval that may be required under Section 4.3.

4.3 Special Assessments for Capital Improvements or Extraordinary Expenses; Reserves for Replacement: The Board of Directors may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the common area, including fixtures and personal property related thereto, or for extraordinary expenses incurred by the Association, provided that in the event special assessments exceed in the aggregate five percent (5%) of the budgeted gross expenses of the Association for that fiscal year, the vote or written consent of a majority of the voting power of the Association residing in members other than the Declarant shall be required to approve such assessments and the Association shall obtain any approval that may be required under Section 4.3. Special assessments shall be levied on the same basis as regular assessments. As part of the regular

annual assessments for maintenance authorized above, the Board of Directors shall annually fix the amount to be contributed pro rata by each member to reserve funds for the purpose of defraying, in whole or in part, the cost or estimated cost of any reconstruction, repair or replacement of improvements, including fixtures and personal property related thereto. Such determination shall be made after consideration of the need for additional funds and of the Association's capital position. The Board shall maintain a separate account for those reserve funds. The Board shall fix the method of payment of such assessments and shall be empowered to permit either lump sum or monthly payments. Separate records shall be maintained for all funds deposited to the said account, which shall be designated as a "Reserve Account". Amounts received by the Association as contributions, assessments or dues from the owners shall be held in one (1) or more accounts. Deposits shall be made, and funds accounted for, so that reserves for capital improvements and for replacement may be separate from funds for operating expenses or repair and maintenance funds if the Board considers it necessary. Capital improvement and replacement funds shall be used solely for capital improvements and replacements of the common area within the project.

4.4 Notice and Quorum for Any Action Authorized Under Sections 4.3 and 4.4: Any action authorized under Sections 4.3 and 4.4, which requires a vote of the membership, shall be taken at a meeting called for that purpose, written notice of which shall be sent to all members not less than ten (10) nor more than ninety (90) days in advance of the meeting, specifying the place, day and hour of the meeting and, in the case of a special meeting, the nature of the business to be undertaken.

4.5 Division of Assessments: All assessments, both annual and special, shall be charged to and divided among the lot owners equally; Assessments may be collected on a monthly basis.

4.6 Date of Commencement of Annual Assessment; Due Dates: The regular assessments provided for herein shall commence as to all lots covered by this Declaration on the first day of the month following the closing of the first sale on the conveyance of the first lot to the purchaser thereof. The first annual assessment shall be adjusted according to the number of months remaining in the calendar year. Subject to the provisions of Section 4.3 hereof, the Board of Directors shall use its best efforts to fix the amount of the annual assessment against each lot and send written notice thereof to every owner at least forty-five (45) days in advance of each annual assessment period, provided that failure to comply with the foregoing shall not affect the validity of any assessment levied by the Board. The due date shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge, furnish a certificate Signed by an officer of the Association selling forth whether the assessments on a specified lot have been paid. Such a certificate shall be conclusive evidence of such payment.

4.7 Effect of Nonpayment of Assessments: Any assessment not paid within fifteen (15) days after the due date shall be delinquent, shall bear interest at the rate of twelve percent (12%) per annum commencing thirty (30) days after the due date until paid , and shall incur a late payment penalty in an amount to be set by the Board from time to time, not to exceed the maximum permitted by applicable law or in the amount of Twenty-Five Dollars (\$25.00) or ten percent (10%) of the delinquent assessment, whichever is greater,

4.8 Transfer of Lot by Sale or Foreclosure: Sale or transfer of any lot shall not affect the assessment lien. However, the sale of any lot pursuant to mortgage foreclosure of a first

mortgage shall extinguish the lien of such assessments (including attorney's fees, late charges, or interest levied in connection therewith) as to payments which became due prior to such sale or transfer (except for assessment liens recorded prior to the mortgage). No sale or transfer shall relieve such lot from liability for any assessments thereafter becoming due or from the lien thereof.

Where the mortgagee of a first mortgage of record or other purchaser of a lot obtains title to the same as a result of foreclosure of any such first mortgage, such acquirer of title, his successor and assigns, shall not be liable for the share of the common expenses or assessment by the Association chargeable to such lot which became due prior to the acquisition of title to such lot by such acquirer (except for assessment liens recorded prior to the mortgage). (No amendment of the preceding sentence may be made without the consent of owners of lots to which at least three-quarters (3/4) of the votes in the Association are allocated, and the consent of the eligible mortgage holders holding first mortgages). Such unpaid share of common expenses or assessments shall be deemed to be common expenses collectible from owners of all of the lots including such acquirer, his successors or assigns.

In a voluntary conveyance of a lot, the grantee and the grantor shall be jointly and severally liable to the Association for all unpaid assessments against the lot for the grantor's share of the common expenses up to the time of the grant or conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefore.

However, any such grantee shall be entitled to a statement from the Association, dated as of the record date of conveyance, setting forth the amount of the unpaid assessments against the grantor due the Association, and such grantee shall not be liable for, nor shall the lot conveyed be subject to a lien for, any unpaid assessments made by the Association against the grantor in excess of the amount set forth in the statement; provided, however, the grantee shall be liable for any such assessment becoming due after the date of any such statement.

4.9 Priorities; Enforcement; Remedies: If an assessment is delinquent, the Association may record a notice of delinquent assessment and establish a lien against the lot of the delinquent owner prior and superior to all other liens except (1) all taxes, superior thereto; and (2) the lien or charge or any first mortgage of record (meaning any recorded mortgage or deeds of trust with first priority over other mortgages or deeds of trust) made in good faith and for value. The notice of delinquent assessment shall state the amount of the assessment, collection costs, attorney's fees, late charges and interest, a description of the separate interest against which the assessment and other sums are levied, the name of the record owner, and the name and address of the trustee authorized by the Association to enforce the lien by sale. The notice shall be signed by any officer of the Association or by any management agent retained by the Association.

An assessment lien may be enforced in any manner permitted by law, including sale, by the court, sale by the trustee designated in the notice of delinquent assessment, or sale by a trustee substituted pursuant to law. Any sale shall be conducted in accordance with the provisions of any successor statutes thereto, applicable to the exercise of powers of sale in mortgages and deeds of trust, or in any other manner permitted by law. Nothing herein shall preclude the Association from bringing an action directly against the owner for breaching the personal obligation to pay assessments.

Fines and penalties for violation of restrictions are not "assessments" and are not enforceable by assessment lien.

The Association, acting on behalf of the owners, shall have the power to bid for the lot at foreclosure sale, and to acquire and hold, lease, mortgage and convey the same. Where the purchase of a foreclosure lot will result in a five percent (5%) or greater increase in assessments, the purchase shall require the vote or written consent of a majority of the total voting power of the Association, including a majority of members other than Declarant. During the period a lot is owned by the Association, following foreclosure: (1) No right to vote shall be exercised on behalf of the lot; (2) no assessment shall be assessed or levied on the lot; and (3) each other lot shall be charged, in addition to its usual assessment, its share of the assessment that would have been charged to such lot had it not been acquired by the Association as a result of foreclosure. After acquiring title to the lot at foreclosure sale following notice and publication, the Association may execute, acknowledge and record a deed conveying title to the lot which deed shall be binding upon the owners, successors, and all other parties. Suit to recover a money judgment for unpaid common expenses, rent and attorney's fees shall be maintainable without foreclosing or waiving the lien securing the same. The Board may temporarily suspend the voting rights of a member who is in default in payment of any assessment, after notice and hearing, as provided in the Bylaws.

4.10 Unallocated Taxes: In the event that any taxes are assessed against the common area, or the personal property of the Association, rather than being assessed to the lots, said taxes shall be included in the assessments made under the provisions of Section 4.1 and, if necessary, a special assessment may be levied against the lots in an amount equal to said taxes, to be paid in two (2) installments, thirty (30) days prior to the due date of each tax installment.

4.11 Exempt Property: Those lots having no structural improvements for human occupancy shall be exempt from the payment of that portion of any assessment which is for the purpose of defraying expenses and reserves directly attributable to the existence and use of the structural improvement. The exemption may include (a) Roof replacement; (b) exterior maintenance; (c) walkway lighting; and (d) insurance on uncompleted residences. Any such exemptions from the payment of assessments shall be in effect only until a notice of completion of the payment of assessments shall be in effect until a notice of completion of the structural improvement has been recorded or until one hundred twenty (120) days after the issuance of a building permit for the structural improvement, whichever occurs first.

ARTICLE V DUTIES AND POWERS OF THE ASSOCIATION

5.1 Duties: In addition to the duties enumerated in the Articles and Bylaws or elsewhere provided for in this Declaration, and without limiting the generality thereof, the Association shall perform the following duties:

A. Maintenance: The Association shall maintain and repair the following:

(1) The common area, all improvements and landscaping thereon, and all property owned by the Association, including without limitation, private streets, irrigation systems, lighting fixtures, and utility, sewer or drainage systems not maintained by a public entity, utility company, or improvement district. Association shall

also be responsible for snow removal on the private road located within the planned development.

(2) The exterior surfaces of the residences, including roofs, siding, trim, railings and skylights, but excluding windows; provided, however, each lot owner shall be responsible for maintaining the windows and other parts of his or her home in a manner that does not damage the roofs, siding and party walls. Maintenance shall include without limitation, painting, staining or caulking as often as the Board deems appropriate. Each lot owner shall be responsible for structural repairs to his or her residence, including without limitation, the foundation(s) and walls .

(3) The landscaping for each lot except for private patio areas. Maintenance shall include regular fertilization, irrigation and other garden management practices necessary to promote a healthy, weed free environment for optimum plant growth. If the Association incurs any maintenance or repair costs because of the willful or negligent act or omission of any owner or the owner's agents, occupants, or invitees, and such cost was not covered by insurance maintained by the Association, the Association shall charge the responsible owner who immediately shall pay the charges to the Association together with interest thereon at the rate of twelve percent (12%) per annum (but not in excess of the maximum interest rate authorized by law) from the date the cost was incurred by the Association until the date the charge is paid by the owner. If the owner disputes the charge, the owner shall be entitled to a notice and a hearing as provided in the Bylaws before the charge may be collected. The Association may, but shall not be obligated to, adopt rules and regulations under which the individual lot owners may maintain garden areas on a portion of their individual lots.

B. Insurance: The Association shall obtain and maintain the following insurance:

(1) A casualty policy insuring all improvements and fixtures owned by the Association, unless the Board in its sole discretion determines that such insurance is not necessary;

(2) A comprehensive public liability policy insuring the Association, its agents, the Declarant, and the owners or occupants of the lots and their respective family members, guests, invitees and agents against any liability incident to the ownership or use of the common area easements cirony other Association owned or maintained real or personal property.

(3) Workers' compensation insurance to the extent required by law;

(4) Fidelity bonds or insurance covering officers, directors, and employees that have access to any Association funds, unless a majority of the members vote to suspend this requirement;

(5) Flood insurance on common area improvements if the project is located in an area designated by an appropriate governmental agency as a special flood hazard area;

(6) Officers and directors liability insurance; and

(7) Such other insurance as the Board in its discretion considers necessary or advisable.

The amount, term and coverage of any policy required hereunder (including the type of endorsements, the amount of the deductible, the named insured, the loss payees, standard

mortgage clauses, and notices of changes or cancellations) shall satisfy the minimum requirements imposed for this type of project by the Federal National Mortgage Association ("FNMA") and the Federal Home Loan Mortgage Corporation ("FHLMC") or any successor thereto. If FNMA or FHLMC requirements conflict, the more stringent requirement shall be met. If FNMA or FHLMC do not impose requirements on any policy required hereunder, the term, amount and coverage of such policy shall be no less than that which is customary for similar policies on similar projects in the area.

Each owner appoints the Association or any insurance trustee designated by the Association to act on behalf of the owners in connection with all insurance matters arising from ~ any insurance policy maintained by the Association, including without limitation, representing ~ the owners in any proceeding, negotiation, settlement or agreement.

Any insurance maintained by the Association shall contain a "waiver of subrogation" as to the Association and its officers, directors and members, the owners and occupants of the lots (including Declarant) and mortgagees, "and, if obtainable, a cross-liability to each other insured. The Association shall periodically (and not less than once every three (3) years) review all insurance policies maintained by the Association to determine the adequacy of the coverage and to adjust the policies accordingly.

Each buyer of a lot shall pay the portion of the premium(s) attributable to the buyer's lot (prorated to the date of close of escrow) for the policy or policies purchased by Declarant for the Association.

Each owner shall obtain and maintain, at the owner's sole expense, fire and casualty coverage as may be required by any mortgagee of the owner's lot and in no event less than the amount and type of fire and casualty insurance required to be obtained and maintained as determined by the Board. All such individually carried insurance shall contain a waiver of subrogation by the carder as to the other owners, the Association, Deodorant, and the mortgagees of such lot. Each owner shall provide proof of insurance to the Board at least annually.

The Association, and its directors and officers, shall have no liability to any owner or mortgagee if, after a good faith effort, it is unable to obtain the liability insurance required hereunder, because the insurance is no longer available or, if available, can be obtained only at a cost that the Board in its sole discretion determines is unreasonable under the circumstances, or the members fail to approve any assessment increase needed to fund the insurance premiums. In such event, the Board shall immediately notify each member and any mortgagee entitled to notice that the liability insurance will not be obtained or renewed.

C. Discharge of Liens: The Association shall discharge by payment, if necessary, any lien against the common area and charge the cost thereof to the member or members responsible for the existence of the lien after notice and hearing as provided in the Bylaws.

D. Assessments: The Association shall fix, levy, collect and enforce assessments as set forth in Article IV hereof.

E. Payment of Expenses: The Association shall pay all expenses and obligations incurred by the Association in the conduct of its business including, without limitation, all licenses, taxes or governmental charges levied or imposed against the property of the Association.

F. Enforcement: The Association shall enforce this Declaration.

5.2 Powers: In addition to the powers enumerated in the Articles and Bylaws, or elsewhere provided for herein, and without limiting the generality thereof, the Association shall have the following powers:

A. Utility Services The Association shall have the authority (but not the obligation) to obtain, for the benefit of all the owners, all water, gas, electric service, garbage collection and cable television service. While the Association has this authority, the project has been established on the basis that each unit owner will pay for these services on an individual lot-by-lot basis.

B. Easements: The Association shall have authority (by majority vote) to grant easements in addition to those shown on the Map where necessary for utilities, cable television and sewer facilities over the common area to serve the common areas and lots.

C. Manager: The Association may employ a manager or other persons and contract with independent contractors or managing agents to perform all or any part of the duties and responsibilities of the Association, except for the responsibility to levy fines, impose discipline, hold hearings; file suit, record or foreclose liens, or make capital expenditures, provided that any contract with a firm or person appointed as a manager or managing agent shall not exceed a one (1) year term, shall provide for the right of the Association to terminate the same at the first annual meeting of the Association, and to terminate the same without cause or payment of a termination fee on ninety (90) days' written notice, or for cause on thirty (30) days' written notice.

D. Adoption of Roles: The Association or the board may adopt reasonable rules not inconsistent with this Declaration relating to the use of the common area and all facilities thereon, and the conduct, of owners and their tenants and guests with respect to the property and other owners.

E. Access: The Board or its agents may enter any residence, restricted common area, patio area, roof area and/or garage area as necessary in connection with any maintenance or emergency repairs for which the Association is responsible. Such entry shall be made with as little inconvenience to the owners as practicable, and any damage caused thereby shall be repaired by the Association at the expense of the common fund. Except in case of emergency, twenty-four (24) hour advance notice shall be given to the owner or occupant.

F. Assessments, Liens and Fines: The Association shall have the power to levy and collect assessments in accordance with the provisions of Article IV hereof. The Association may impose fines or take disciplinary action against any owner for failure to pay assessments or for violation of any provision of the project documents. Penalties may include but are not limited to fines, temporary suspension of voting rights or other appropriate discipline, provide the member is given notice and hearing as provided in the Bylaws before the imposition of a fine or disciplinary action.

G. Enforcement: The Association shall have the authority to enforce this Declaration.

H. Acquisition and Disposition of Property: The Association shall have the power to acquire (by gift, purchase or otherwise) own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, or otherwise dispose of real or personal property in connection with the affairs of the Association. Any transfer of property shall be by document signed or approved by the three-fourths (3/4) of the total voting of the Association which shall include three-fourths (3/4) of the voting power of each class member.

I. Loans: The Association shall have the power to borrow money, but only with the assent (by vote or written consent) of three-fourths (3/4) of the total voting power of the Association including three-fourths (3/4) of the members other than Declarant to mortgage, pledge, deed in trust or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred.

J. Dedication: The Association shall have the power to dedicate, sell, or transfer all or any part of the common area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication shall be effective unless an instrument has been signed or approved by three-fourths (3/4) of the total voting power of the Association including three-fourths (3/4) of the members other than Declarant agreeing to such dedication, sale or transfer.

K. Contracts: The Association shall have the power to contract for goods and/or services for the common areas, facilities and interests or for the Association, subject to any limitations set forth elsewhere in the project documents.

L. Delegation: The Association, the Board, and the officers of the Association shall have the power to delegate their authority and powers to committees, officers or employees of the Association, or to a manager employed by the Association; provided, that the Board shall not delegate its responsibility:

- (1) To make expenditures for capital additions or improvements chargeable against the reserve funds;
- (2) To conduct hearings concerning compliance by an owner or his tenant, lessee, guest or invitee with this Declaration, Bylaws or rules and regulations promulgated by the Board;
- (3) To make a decision to levy monetary fines, impose special assessments against individual units, temporarily suspend an owner's rights as a member of the Association or otherwise impose discipline;
- (4) To make a decision to levy regular or special assessments; or
- (5) To make a decision to bring suit, record a claim of lien or institute foreclosure proceedings for default in payment or assessments.

M. Water Service: The Association shall have the authority to acquire and pay for water service for the purpose of maintaining the landscaping in the project. Individual lot owners shall be responsible for paying for water service to their individual residences.

5.3 Commencement of Association Duties and Powers: Until incorporation of the Association, all duties and powers of the Association as described herein, including all rights of consent and approval shall be and remain the duties and powers of Declarant. From and after the date of incorporation of the Association, the Association shall assume all duties and powers, and Declarant shall be relieved of any further liability therefore.

ARTICLE VI ARCHITECTURAL AND LANDSCAPING CONTROL

6.1 Approval of Plans: No building, fence, wall, pool, spa, obstruction, outside or exterior wiring, balcony, screen, patio, patio cover, tent, awning, carport, carport cover, trellis,

improvement or structure of any kind shall be commenced, installed, erected, painted or maintained upon the property, nor shall any alteration or improvements of any kind be made thereto, or to the exterior of any residence, until the same has been approved in writing by the Board, or by an Architectural Control Committee appointed by the Board. Plans and specifications showing the nature, kind, shape, color, size; materials and location of such improvements, alterations, etc., shall be submitted to the Board or to the Architectural Control Committee for approval as to the quality of workmanship and design and harmony of external design with existing structures, and as to location in relation to surrounding structures, topography, and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building set back line. No permission or approval shall be required to repaint in accordance with the original color scheme previously approved by the Committee or the Board, or to rebuild in accordance with plans and specifications previously approved by the Committee or by the Board. Nothing contained herein shall be construed to limit the right of an owner to remodel the interior of his residence, or to paint the interior of his residence any color desired.

6.2 Architectural Control Committee Action: The Architectural Control Committee shall consist of three (3) members. Declarant may appoint all of the original members of the Committee. The Declarant reserves to itself the power to appoint a majority of the members to the Committee until eighty-seven and one-half percent (87.5%) of all the lots in the project have been sold or until the expiration of three (3) years from the date of recording of this document, whichever first occurs. Thereafter, the Board shall have the power to appoint all of the members of the Committee. Members appointed to the Committee by the Board shall be from the membership of the Association. Members appointed to the Committee by the Declarant need not be members of the Association. A majority of the Committee may designate a representative to act for it. In the event of the death or resignation of any member of the Committee, the successor shall be appointed by the person, entity or group which appointed such member until Declarant no longer has the right to appoint any members to the Committee, and thereafter the Board shall appoint such a successor. Neither the members of the Committee nor its designated representative shall be entitled to any compensation for services performed pursuant hereto. In the event the Committee fails to approve or disapprove plans and specifications within thirty (30) days after the same have been submitted to it, approval will not be required and the related covenants shall be deemed to have been fully complied with.

6.3 Landscaping: No landscaping of patios or yards or portions of lots visible from the street or from any common area shall be undertaken by any owner until plans and specifications showing the nature, kind, shape, and location of the materials shall have been submitted to and approved in writing by the Architectural Control Committee or the Board.

6.4 Governmental Approval: Before commencement of any alterations or improvements approved by the Architectural Control Committee, the owner shall comply with all appropriate governmental laws and regulations. Approval by the Committee does not satisfy the appropriate approvals that may be required by any governmental entity with appropriate jurisdiction.

ARTICLE VII USE RESTRICTIONS

In addition to all of the covenants contained herein, the use of the property and each lot is subject to the following:

7.1 Use of Lot: No lot shall be occupied and used except for residential purposes by the owners, their tenants, and social guests, except that Declarant, its successors or assigns, may use the property for a model home site or sites, and display and sales office during construction until the last lot is sold by Declarant, or, where Declarant elects to retain one (1) or more lots as an investment, until three (3) years from the date of closing of the first sale in the project. No tent, shack, trailer, basement, garage, outbuilding or structure of a temporary character shall be used on any lot at any time as a residence, either temporarily or permanently.

7.2 Nuisances: No noxious, illegal or seriously offensive activities shall be carried on upon any lot, or any part of the property, nor shall anything be done thereon which may be or may become a serious annoyance or a nuisance to or which may in any way interfere with the quiet enjoyment of each of the owners of his respective lot.

7.3 Vehicle Restrictions: No trailer, camper, recreational vehicle, commercial vehicle, pick-up truck, van (other than standard size pick-up trucks or standard size vans), boat, inoperable automobile or similar equipment shall be permitted to remain upon any area within the property, other than temporarily or unless placed within an enclosed garage. Commercial vehicles shall not include sedans (or standard size vans or pickup trucks) which are used both for business and personal use, provided that any signs or markings of a commercial nature on such vehicles shall be unobtrusive and inoffensive as determined by the Board. No noisy or smoky vehicles shall be operated upon the property. No unlicensed motor vehicles shall be operated upon the property. Twenty-four (24) hours after notice has been personally delivered to the vehicle owner by an agent of the Association or placed on the windshield of a vehicle, or seventy-two (72) hours after notice has been mailed to the address of the registered owner of a vehicle parked, stored, or maintained on the premises in violation of the provisions of this Declaration, the vehicle owner shall be deemed to have consented to the removal of said vehicle from the project, and the Association or its agents or employees shall have the authority to tow away and store any such vehicle, whether said vehicle shall belong to a lot owner or his tenant, member of his family or his guest or invitee. Charges for such towing and storage shall be paid by the lot owner responsible for the presence of such vehicle. No owner or tenant shall park more than two (2) vehicles in the project at any onetime, except on a temporary basis. The Board may adopt such rules and regulations as the Board determines are appropriate for carrying out the intent of this section.

7.4 Parking: There shall be no parking, of any type vehicle, within or on any common area including the private road located within the planned the development of 5th Street Estates.

7.5 Storage in Common Area: Nothing shall be stored in the common area without the prior consent of the board.

7.6 Signs: No signs, except the developments name plaquered shall be displayed to the public view on any lot or on any portion of the property except such signs as are approved by the Board or committee appointed by the Board. "For Sale" or "For Rent" signs shall be allowed, provided they do not exceed five (5) square feet in size.

7.7 Animals: No animals of any kind shall be raised, bred, or kept on any lot or in the common area except usual and ordinary household pets such as dogs or cats, provided they are kept under reasonable control at all times. Notwithstanding the foregoing, no pets may be kept on the property which result in an annoyance or are obnoxious to other owners. No pets shall be allowed in the common area except as may be permitted by rules of the Board. No owner shall allow his or her pet to enter the common area except on a leash. After making a reasonable attempt to notify the owner, the Association or any owner may cause any unleashed dog found within the common areas to be removed by the Association to a pound or animal shelter by calling the appropriate authorities. Owners shall be fully responsible for any damage caused by their pets.

7.8 Garbage and Refuse Disposal: All rubbish, trash and garbage shall be regularly removed from the lots, and shall not be allowed to accumulate thereon. "Trash, garbage and other waste shall not be kept except in sanitary containers. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition and shall be kept in the garage except on the day of garbage pickup.

7.9 Liability of Owners for Damage to Common Areas: The owner of each lot shall be liable to the Association for all damage to the common area improvements (including landscaping) caused by such owner or the owner's agents, occupants, invitees or pets, except for that portion of damage covered by insurance carried by the Association. The responsible owner shall be charged with the cost of repairing such damage (including interest thereon) as described in Section 5.1A.

7.10 Leasing of Lots: No owner shall be permitted to lease his lot for any period Less than thirty (30) days. Any lease agreement shall be required to provide that the term of the lease shall be subject in all respects to the provisions of the Declaration, Articles and Bylaws and to all house rules and regulations adopted by the Board and that any failure of the Lessee to comply with the terms of such documents shall be a default under the law. All leases shall be required to be in writing. Other than the foregoing, there is no restriction in the right of any owner to lease his Lot. All owners leasing or renting their lots shall promptly notify the Secretary of the Association in writing of the names of all tenants and members of tenant's family occupying such lot and of the address and telephone number where such owner can be reached.

ARTICLE VIII GENERAL PROVISIONS

8.1 Enforcement: The Association, or any owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed by the provisions of this Declaration, the Articles and Bylaws and In such action shall be entitled to recover reasonable attorney's fees as are ordered by the court, Failure by the Association or by any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

8.2 Invalidity of Any Provision: Should any prevision or portion hereof be declared invalid or in conflict with any law of the jurisdiction where this project is situated, the validity of all other provisions and portions hereof shall remain unaffected and in full force and effect.

8.3 Term: The covenants and restrictions of this Declaration shall run with and bind the property, and shall inure to the benefit of and shall be enforceable by the Association or the owner of any property subject to this Declaration, their respective legal representatives, heirs, successors and assigns, for a term of thirty (30) years from the date of this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years, unless an instrument in writing, signed by a majority of the then owners of the lots, has been recorded within the year preceding the beginning of each successive period of ten (10) years, agreeing to change said covenants and restrictions in whole or in part or to terminate the same.

8.4 Amendments: Prior to close of escrow of the sale of the first lot, Declarant may amend this Declaration. After the sale of the first lot, this Declaration may be amended only by the affirmative vote (in person or by proxy) or written consent of members representing a majority of the affirmative votes or written consent of members other than the Declarant. However, the percentage of voting power necessary to amend a specific clause shall not be less than the prescribed percentage of affirmative votes required for action to be taken under that clause. Any amendment must be certified in writing, executed and acknowledged by the President and recorded in the Yakima County Auditor's Office. No amendment shall adversely affect the rights of the holder of any mortgage of record prior to the recordation of such amendment.

8.5 Rights of First Lenders: No breach of any of the covenants, conditions and restrictions herein contained or the enforcement of any lien provisions herein shall render invalid the lien of any first mortgage on any lot made in good faith and for value, but all of said covenants, conditions and restrictions shall be binding upon and be effective against any owner whose title is derived through foreclosure or trustee's sale, or otherwise. Notwithstanding any provision in this Declaration to the contrary, first lenders shall have the following rights:

A. Copies of Project Documents: The Association shall make available to all owners and first lenders, and to holders, insurers or guarantors of any first mortgage, current copies of the Declaration, Bylaws, Articles or other rules concerning the project and the books, records and financial statements of the Association. "Available" means available for inspection, upon request, during normal business hours or under other reasonable circumstances.

B. Audited Statement: "The holders of fifty-one percent (51 %) or more of first mortgages shall be entitled, upon written request, to have an audited financial statement for the immediately preceding fiscal year prepared at the sole expense of the party requesting the audited financial statement, if one is not otherwise available. Due to the size of the project, it is not anticipated that the financial statements for the projects will be audited. Such statement shall be furnished within a reasonable time following such request.

C. Notice of Action: Upon written request to the Association, identifying the name and address of the eligible mortgage holder or eligible insurer or guarantor, and the lot number or address, such eligible mortgage holder or eligible insurer or guarantor will be entitled to timely written notice of:

- (1) Any condemnation loss or any casualty loss which affects a material portion of the project or any lot on which there is first mortgage held, insured or guaranteed by such eligible mortgage holder or eligible insurer or guarantor, as applicable;
- (2) Any default in performance of obligations under the project documents or delinquency in the payment of assessments or charges owed by an owner of a lot

subject to a first mortgage held, insured or guaranteed by such eligible mortgage holder or eligible insurer or guarantor, which remains uncured for a period of sixty (60) days;

(3) Any lapse, cancellation or material modification of any insurance policy or fidelity bond maintained by the Association;

(4) Any proposed action which would require the consent of a specified percentage of eligible mortgage holders as specified in Section 8.50. The Association shall discharge its obligation to notify eligible holders or eligible insurers or guarantors by sending written notices required herein to such parties at the address given on the current request for notice, in the manner prescribed by Section 8.13.

D. Consent to Action: Except as provided by statute or by other provision of the project documents in case of substantial destruction or condemnation of the project, and further excepting any reallocation of interests in the common area(s) which might occur pursuant to any plan of expansion or phased development contained in the original project documents:

(1) The consent of owners of lots to which at least seventy-five percent (75%) of the votes in the Association are allocated and the approval of eligible mortgage holders holding mortgages on lots which have at least seventy-five percent (75%) of the votes of lots subject to eligible holder mortgages, shall be required to terminate the legal status of the project as a planned unit development project.

(2) The consent of owners of lots to which at least seventy-five percent (75%) of the votes in the association are allocated and the approval of eligible mortgage holders holding mortgages on lots which have at least fifty-one percent (51%) of the votes of the lots subject to eligible holder mortgages, shall be required to add or amend any material provisions of the project documents which establish, provide for, govern, or regulate any of the following : (i) voting; (ii) assessments, assessment liens or subordination of such liens; (iii) reserves for maintenance, repair and replacement of the common area(s) or lots; (iv) insurance or fidelity bond; (v) rights to use of common areas; (vi) responsibility for maintenance and repair of the several portions of the project; (vii) expansion or contraction of the project or the addition, annexation or withdrawal of property to or from the project (except as provided in paragraph 0(1) above; (viii) boundaries of any lot; (ix) the interests in the general or restricted common areas; (x) convertibility of lots into common areas or of common areas into lots; (xi) leasing of lots; (xii) imposition of any right of first refusal or similar restriction on the right of a lot owner to sell, transfer, or otherwise convey his or her lot; (xiii) any provisions which are for the express benefit of mortgage holders, eligible mortgage holders, or eligible insurers or guarantors of first mortgages on lots.

(3) An addition or amendment to such document shall not be considered material if it is for the purpose of correcting technical errors, or for clarification only. An eligible mortgage holder who receives a written request to approve additions or amendments who does not deliver or post to the requesting part a negative response within thirty (30) days shall be deemed to have approved such request.

E. Right of First Refusal: The right of a lot owner to sell, transfer or otherwise convey his or her lot shall not be subject to any right of first refusal or similar restriction.

F. Contracts: Any agreement for professional management of the project, or lease or any other contract providing for services of the developer, sponsor, or builder, may not exceed one (1)

year. Any agreement, contract, or lease, including a management contract entered into prior to passage of control of the Board of Directors of the Association to lot purchasers, must provide for termination by either party for cause on thirty (30) days' written notice, or without cause and without payment of a termination fee or penalty on ninety (90) days' or less written notice.

G. Reserves: Association dues or charges shall include an adequate reserve fund for maintenance, repairs and replacement of those improvements which the Association is obligated to maintain that must be replaced on a periodic basis, and the assessments therefore shall be payable in regular installments rather than by special assessments.

H. Priority of Liens: Any first lender who obtains title to a lot pursuant to the remedies provided in the mortgage or foreclosure of the mortgage will not be liable for such lots unpaid assessments and fees, late charges, fines or interest levied in connection therewith which accrue prior to the acquisition of title to such lot by the mortgagee (except for claims for a pro rata share of such assessments or charges to all project lots including the mortgaged lot, and except for assessment liens recorded prior to the mortgage).

I. Distribution of Insurance or Condemnation Proceeds: No owner, or any other party shall have priority over any rights of first lenders pursuant to their mortgages in the case of a distribution to lot owners of insurance proceeds or condemnation awards for losses to or taking of common area property.

J. Restoration or Repair: Any restoration or repair of the project, after a partial condemnation or damage due to an insurable hazard, shall be performed substantially in accordance with the Declaration and the original plans and specifications, unless other action is approved by eligible mortgage holders holding mortgages on lots which have at least fifty-one percent (51 %) of the votes of lots subject to eligible holder mortgages.

K. Termination: Any election to terminate the legal status of the project after substantial destruction of a substantial taking in condemnation of the project property must require the approval of eligible mortgage holders holding mortgages on lots which have at least fifty-one percent (51 %) of the votes of lots subject to eligible holder mortgages.

L. Reallocation of Interests: No reallocation of interests in the common areas resulting from a partial condemnation or partial destruction of the project may be affected without the prior approval of eligible mortgage holders holding mortgages on all remaining lots whether existing in whole or in part, and which have at least fifty-one percent (51 %) of the votes of such remaining lots subject to eligible holder mortgages.

M. Termination of Professional Management: When professional management has been previously required by any eligible mortgage holder or eligible insurer or guarantor, whether such entity became an eligible mortgage holder or eligible insured or guarantor at that time or later, any decision to establish self management by the Association shall require the prior consent of owners of lots to which at least seventy-five percent (75%) of the votes in the Association are allocated and the approval of eligible mortgage holders holding mortgages on lots which have at least fifty-one percent (51 %) of the votes of lots subject to eligible holder mortgages.

N. Payment of Taxes or Insurance by Lenders: First lenders may, jointly or singly, pay taxes or other charges which are in default and which may have become a charge against the common area property and may pay overdue premiums on hazard insurance policies or secure new hazard insurance coverage on the lapse of a policy, for such common area property and first

lenders making such payment provided that said lender(s) have given notice to the Association prior to the making of such payment(s) and the Association has failed to pay the same.

8.6 Owners' Right and Obligation to Maintain and Repair: Except for those portions of the project which the Association is required to maintain and repair, each lot owner shall, at his sole cost and expense, maintain and repair his lot and all improvements thereon, and all landscaping thereon, keeping the same in good condition.

In the event an owner of any lot shall fail to maintain his lot and the improvements thereon as required herein, the Association's agents may, after notice and hearing as provided in the Bylaws, enter the lot and perform the necessary maintenance. The cost of such maintenance shall immediately be paid the Association by the owner of such lot, together with interest at the rate of twelve percent (12%) per annum (but not to exceed the maximum interest rate authorized by law) from the date the cost was incurred by the Association until the date the cost is paid by the owner.

8.7 Damage or Destruction: If an improvement on any lot other than a common area lot is damaged or destroyed by fire or other casualty, the owner of such lot shall repair or reconstruct the improvement in accordance with the original as-built plans and specifications, modified as may be required by applicable building codes and regulations in force at the time of such repair or reconstruction or as authorized by the Architectural Control Committee. The repair or reconstruction shall commence no later than ninety (90) days after the date of such damage or destruction, and shall be completed no later than one hundred eighty (180) days after such date, subject to delays that are beyond the control of the owner. Notwithstanding the foregoing, the owner shall take such steps as may be reasonably required to secure any hazardous conditions resulting from the damage or destruction.

8.8 Condemnation: If all or any part of a lot (except the common area) is taken by eminent domain, the award shall be disbursed to the owner of the lot subject to the rights of the owner's mortgagees. If the taking renders the lot uninhabitable, the owner shall be divested of any further interest in the project, including membership in the Association, and the interests of the remaining owners shall be adjusted accordingly. If all or any parts of the common area is taken by eminent domain, the proceeds of condemnation shall be used to restore or replace the portion of the common area affected by condemnation, if restoration or replacement is possible, and any remaining funds, after payment of any and all fees and expenses incurred by the Association relating to such condemnation, shall be distributed among the owners in the same proportion as such owners are assessed, subject to the rights of mortgagees. If necessary, the remaining portion of the project shall be resurveyed to reflect such taking. The Association shall participate in the negotiations, and shall propose the method of division of the proceeds of condemnation, where lots are not valued separately by the condemning authority or by the court. The Association shall represent lot owners in any condemnation proceedings or in negotiations, settlements and agreements with the condemning authority for acquisition of the common area(s), or part thereof.

8.9 Limitation of Restrictions on Declarant: Declarant is undertaking the work of construction of the subdivision and incidental improvements upon the property. The Completion of that work and the sale, rental, and other disposal of lots is essential to the establishment and welfare of said property as a residential community. In order that said work may be completed

and said property be established as a fully occupied residential community as rapidly as possible, nothing in this Declaration shall be understood or construed to:

A. Prevent Declarant, its contractors or subcontractors from doing on the property, or any lot, whatever is reasonably necessary or advisable in connection with the completion of said work;

B. Prevent Declarant or its representatives from erecting, constructing and maintaining on the property (except upon lots owned by others), such structures as may be reasonable and necessary for developing said property as a residential community and disposing of the same by sale, lease or otherwise;

C. Prevent Declarant from conducting the property (except upon lots owned by others) its business of completing said work and of establishing a plan of residential ownership and of disposing of said property in lots by sale, Lease or otherwise;

D. Prevent Declarant from maintaining such sign or signs on the property (except upon lots owned by others) as may be necessary for the sale, lease or disposition thereof.

The foregoing rights of Declarant shall terminate upon sale of Declarant's entire interest in the project, or five (5) years after the date of recordation of the deed on the first lot to be sold in the project, whichever occurs first.

So long as Declarant, its successors and assigns, owns one (1) or more of the lots described herein, Declarant, its successors and assigns, shall be subject to the provisions of this Declaration. Declarant shall make reasonable efforts to avoid disturbing the use and enjoyment of lots and the common area by their owners, while completing any work necessary to said lots or common area.

8.10 Termination of Any Responsibility of Declarant: In the event Declarant shall convey all of its rights, title and interest in and to the property to any partnership, individual or individuals, corporation or corporations, then and in such event, Declarant shall be relieved of the performance of any further duty or obligation hereunder and such partnership, individual or individuals, corporation or corporations, shall be obligated to perform all such duties and obligations of the Declarant.

8.11 Owners Compliance: Each owner, tenant or occupant of a lot shall comply with the provisions of this Declaration, and (to the extent they are not in conflict with the Declaration) the Articles and Bylaws, and the decisions and resolutions of the Association or the Board, as lawfully amended from time to time. Failure to comply with any such provisions, decisions, or resolutions, shall be grounds for an action (1) to recover sums due, (2) for damages, (3) for injunctive relief, (4) for costs and attorney's fees, or (5) for any combination of the foregoing. All agreements and determinations lawfully made to the Association in accordance with the voting percentages established in this Declaration or the Articles or Bylaws, shall be deemed to be binding on all lot owners, their successors and assigns.

8.12 Notices: Any notice permitted or required by the Declaration, Articles or Bylaws may be delivered either personally or by mail. If delivery is by mail, shall be deemed to have been delivered seventy-two (72) hours after a copy of the same has been deposited in the United States mail, first class or registered, postage prepaid, addressed to the person to be notified at the current address given by such person to the Secretary of the Board or addressed to the residence of such person if no address has been given to the Secretary.

8.13 Fair Housing: No owner shall, either directly or indirectly, forbid or restrict the conveyance, encumbrance, leasing or mortgaging or occupancy of his lot to any person of a specified race, sex, adulthood, marital status, color, religion, ancestry, physical handicap, or national origin.

8.14 FHA-VA Approval: So long as the Federal Housing Administration ("FHA") or the Veterans Administration (VA") has jurisdiction over any loan secured by a deed of trust on any lot in the project, and as long as there is a Class B membership, the following actions will require the prior approval of the FHA or the VA. Annexation of additional properties or dedication of common area or any amendment to this Declaration.

8.15 Binding Arbitration: In a case of any claim or dispute between the Declarant, its builder, general contractor, or broker, or their agents or employees, on the one hand and any lot owner(s), on the other hand, which claim or dispute relates to the rights and/or duties of the parties under the project documents, or relates to the design or construction of the project or any part thereof (except for disputes relating to alleged common area deficiencies) the procedure shall be as follows: The aggrieved party or parties shall notify the other party or parties of the grievance, in writing. When such notice is received by Declarant, it shall promptly respond with an investigation, inspection, meeting, discussion, or other action reasonably appropriate to the circumstances. Appropriate action shall include, without limitation, prompt communication with the aggrieved party or parties, and a proposed course of action to resolve the problem. All parties involved in the matter shall negotiate in a good faith attempt to amicably resolve the problem. If the parties are unable to resolve the problem within a reasonable period of time (not to exceed ninety (90) days after the first notice of claim or dispute), the matter shall be submitted to binding arbitration pursuant to Washington state law regarding arbitrations; provided that if the dispute or claim involves a sum not in excess of the jurisdictional limit of the Small Claims Court, the lot owner shall have the option of taking the matter to Small Claims Court in lieu of binding arbitration.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has executed this Declaration this _____ day of _____, 2015.

DECLARANTS

STATE OF WASHINGTON)

: ss.

County of Yakima)

I certify that I know or have satisfactory evidence that SHANE A. SNODGRASS and RENEE A. SNODGRASS are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 2015.

Print Name

Notary Public in and for the State of Washington

My appointment expires: _____

Residing at _____

**ADDENDUM TO
DECLARATION OF COVENANT, CONDITIONS AND RESTRICTIONS
OF THE DRAW ON SPEYERS**

THIS ADDENDUM made this _____ day of January, 2015, by SHANE A. SNODGRASS and RENEE A. SNODGRASS, hereinafter referred to as "Declarant," is made as an addendum to that certain Declaration of Covenant, Conditions and Restrictions of The Draw on Speyer's, dated January _____, 2015, and recorded under Yakima County Auditor's File No. _____, hereafter referred to as the "subject CCRs."

The subject CCRs are hereby amended consistent with the following:

The Association shall be, and hereby is, granted an easement in gross over the common areas for the purpose of entering, holding, and maintaining the same in a manner consistent with the establishment and preservation of landscaping throughout the project for the common use and enjoyment of all the Members of the Association in accordance with the rules and regulations adopted by the Association; provided, that said easement in gross is and shall remain subordinate and subject to the terms of paragraph 2.7 of the subject CCRs, entitled "Restricted Common Areas."

The easement created pursuant to this addendum shall be subject to the right of the City of Selah to enforce the same for the retention and maintenance of common open space pursuant to the requirements of Selah Municipal Code sec. 10.24.090, as the same exists on the date hereof.

Terms used herein that are defined in the subject CCRs shall be construed in a manner consistent with the definitions contained in the subject CCRs.

Except as specifically amended herein, the subject CCRs shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has executed this instrument this _____ day of January, 2015.

DECLARANTS

STATE OF WASHINGTON)

: ss.

County of Yakima)

I certify that I know or have satisfactory evidence that SHANE A. SNODGRASS and RENEE A. SNODGRASS are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 2015.

Print Name _____

Notary Public in and for the State of Washington

My appointment expires: _____

Residing at _____

CITY OF SELAH HEARING EXAMINER

STAFF REPORT AMENDED

April 15, 2015

FILE NO.: OFFICIAL ZONING MAP AMENDMENT 914.62.15-01: R-1 to PD (PLANNED DEVELOPMENT)
PRELIMINARY PLAT 912.62.15-01 "The Draw on Speyers"
ENVIRONMENTAL REVIEW 971.62.15-01

PROPOSAL:

1. Amend the official zoning map of the City of Selah to reclassify the subject property from One Family Residential (R-1) to Planned Development (PD).
2. Preliminary Plat of "The Draw on Speyers" subdividing the 2.54 acre subject property into 12 or 13 single family residential lots and two other parcels: Parcel "A", a 3,908 square common area / open space tract and a 2,600 square tract for overflow parking and vehicle turnaround. Also a 1.32 acre vacant lot or tract comprising most of the open space in the planned development. Proposed density is 5 dwelling units per gross acre. Developable lots are proposed for detached single family dwellings.

While the site plan shows 12 residential dwelling units, some of the application materials, including the restrictive covenants indicate that there may be 13 proposed residential lots, including Lot 13, the 1.32 acre parcel shown as "vacant" and on which no residential use is being shown. If this is the case, the number of residences proposed is 13 and the density is slightly more than 5 units per gross acre, although 13 units would be derived by rounding the fraction in calculating the number of allowable dwelling units.

PROPONENT & PROPERTY OWNER: Shane and Renee Snodgrass

LOCATION: North side of Speyers Road just northwest of the intersection with N. 14th Street. The site has 97.52 feet of frontage on Speyers Road (Tax Parcel Number: 181435-22009).

PUBLIC FACILITIES AND UTILITY SERVICES: Public facilities and utility services that serve or are available to the property include City water and domestic sewer and fire protection.

ACCESS: Internal access to the development is proposed by a 20 foot wide private access road in 28 to 36 foot wide access and utility easement. The road fronts on three proposed lots from Speyers Road and then branches in two directions, to the west serving three lots and to the north serving six lots. The longer branch has a reserved turnaround and parking area, but no turnaround design has been provided. The shorter branch has no turnaround.

Speyers Road is a City maintained minor arterial street with 60 feet of right-of-way up to the City Limits about 350 feet west of the site. Beyond that point it is owned and maintained by Yakima County.

E. Schubert

APPLICATION AUTHORITY AND JURISDICTION: Selah Municipal Code, Chapter 10.24 (Planned Development Zoning District), Chapter 10.40 (amendments) and Chapter 10.50 (subdivision); also Selah Urban Growth Area Comprehensive Plan.

LAND USE, ZONING & PHYSICAL CHARACTERISTICS OF THE SITE: The site consists of a hill with steep slopes down to a ravine in which proposed development is to occur. The ravine carries irrigation from the Naches-Selah system for which the applicant has irrigation rights. It is also a natural drainage for a relatively small area (20 acres or less). It is directly below the City reservoir and carries overflow from that facility.

Existing Land Use, Plan Designation and Zoning The site and all of the surrounding areas are zoned One Family Residential (R-1) and plan designated Low Density Residential except as otherwise noted in the following description.

Site: Vacant

North, East and West: A vacant 12.6 acre parcel, part of a larger contiguous undeveloped area under single ownership surrounds the site on three sides. To the east, this parcel is a 25 to 50 foot wide strip extending south to the intersection of 14th Street and Speyers Road. Beyond that strip of land is a single-family home on a 0.76 acre (33,106 square foot) lot and farther to the east a subdivision on 12th Street consisting of lots ranging from 0.79 to 1.5 acre (34,412 to 65,340 square feet). Across Speyers Road to the west is a 2.18 acre undeveloped parcel and farther to the west a cluster of 8 single family homes served by private roads on ¼ to 1 acre lots. This area across Speyers Road is outside of the City Limits and zoned R-1 by Yakima County.

South: Separate 0.68 acre parcel owned by the applicant with a single-family dwelling. Across Speyers Road is a separately owned 6.3 acre mostly vacant parcel with a single family dwelling outside of the City Limits and zoned R-1 by Yakima County. There is a fully developed single family residential area on 14th and Cherry Streets in the City Limits with lots ranging in size from 0.17 to 0.27 acre (7,405 to 11,761 square feet).

ENVIRONMENTAL REVIEW: A Mitigated Determination of Nonsignificance (MDNS) (971.62.15-01) was issued on March 27, 2015. The Optional Method of WAC 197-11-355 was not used so the determination was issued after the comment period ended for the Notice of Application (issued on March 10). One comment letter was submitted before the SEPA determination was issued and two letters received afterwards. A summary of issues raised:

Accommodation of drainage, including pass-through drainage from the drainage basin to the north and the adequacy of storm water retention areas shown on the site plan to accommodate runoff.

Possibility of a (jurisdictional) wetland or stream within the drainageway.

Potential for significant erosion in steeper portions of the site.

Whether sewer and water mains within the development would be maintained by the City in easements or if City mains would end at the property line. The City Engineer recommends individual water and sewer services to each residence.

Application of minimum lot sizes from the Selah development code.

The MDNS identified the following impacts:

Portions of the site that have slopes greater than 15% appear to be in an erosion hazard area based on NRCS soils classification of the site. Part of the site is also located in a natural ravine that drains a relatively small area.

The following mitigation measure is incorporated into the conditions of approval:

1. A geotechnical report shall be prepared for any development on slopes greater than 15% to determine whether the proposed project is to be located in a geologically hazardous area, the potential impact of the project on the geologically hazardous area, and the potential impact of the geologic hazard on the proposed project. Unless the study determines that there is no risk, mitigation measures and appropriate drainage, grading, excavation and erosion control measures shall be implemented to maintain the integrity of the geologically hazardous area.

Additional discussion of environmental concerns raised during the SEPA process are incorporated into this report and included in the conditions of approval.

PLANNED DEVELOPMENT APPLICATION: An approved planned development modifies and supersedes all regulations of the “underlying” zoning district but is considered to be a separate zoning district (SMC 10.24.010). Its purpose is to allow new development that is consistent with the comprehensive plan but that would not be readily permitted in other zoning districts. A change of zoning to Planned Development is based on the following criteria:

1. Substantial conformance to the Comprehensive Plan;
2. The proposal’s harmony with the surrounding area, or its potential future use;
3. The system of ownership and means of development, preserving and maintaining open space;
4. The adequacy of the size of the proposed district to accommodate the contemplated development;
5. Compliance with the subdivision code.

Development as proposed would not be readily permitted in other zoning districts due to the proposed lot sizes that range from 3,121 to 7,160 square feet. SEPA comments made by the City’s consulting engineer raises the issue of lot sizes, but apparently overlooks the fact that they can be reduced in a Planned Development. Item #12 from the April 9, 2015 comment letter makes an incorrect

statement that City Ordinance requires the lot sizes of planned developments to be the same as the underlying R-1 zoning. Rather, lot sizes can be reduced in planned developments but the density must continue to conform to that of the applicable comprehensive plan designation.

Private streets are generally not permitted per SMC 10.50.041(d)(4) of the subdivision code and SMC 10.50.041(e)(3) requires lots to front on a public street. However, a private access street may be authorized for a subdivision where there are no adverse effect on future traffic circulation of neighboring parcels and both of these requirements may modified for good cause shown and where appropriate in planned developments (SMC 10.50.041(d)&(e)).

The following normally required subdivision standards may also be modified as proposed by this application for good cause shown when a subdivision is combined with a planned development and where appropriate to provide for the contemplated type of development and land use:

- a. Blocks wide enough to allow for two tiers of lots, except where fronting on major streets or prevented by topographical conditions or size of property.
- b. Lots having frontage on two streets should be avoided whenever possible.
- c. Minimum lot width of 60 feet and 70 feet for corner lots. Lot width is measured at the rear line of the required front yard.
- d. Minimum lot depth of 85 feet.
- e. Minimum lot size as required by the zoning district.

All of the lots have frontage on the proposed private street which is designed to International Fire Code standards for fire apparatus roads. According to the application, the limited use of a private street helps to provide for a more efficient and desirable utilization of the land.

All of the lots except Lot 1 have less than the minimum required lot width and lot depth. The width of Lot 1 is greater than 70 feet at the rear of the required front yard and its depth as measured from the midpoint of the front lot line to the midpoint of the rear midpoint is greater than 93.87 feet. The reduced lot width and depth of all of the lots correspond to the reduced minimum lot size.

A development plan and program containing specific elements listed at SMC 10.24.030 and .050 is required for planned developments with SMC 10.24.050 more specifically applicable to the application before the Examiner. The plan and program submitted with the application provides these items as stated in the following summary. The application includes both preliminary and final development plan and program. They both refer to the preliminary plat for a number of the required items.

The following outlines the final plan and program since it, rather than the preliminary plan and program is required by SMC 10.24.050 to accompany the rezone application.

Existing maps drawn to a scale of not less than one inch to one hundred feet and proposed final contour map:

The preliminary plat meets the required scale, although contours are existing rather than final.

Location, with the names of all existing and proposed streets, public ways, railroad and utility rights-of-way, parks or other open spaces and all land uses within 200 feet of the boundary of the development.

The preliminary plat and vicinity map shows proposed and existing streets and lots within the required perimeter area. Existing land uses are not labeled, but are readily identifiable.

Existing sewers, water mains and other underground facilities within and adjacent to the development and their certified capacities.

Water and sewer lines are shown on the preliminary plat. As stated in the City Consulting Engineer SEPA comment letter, sewer will need to be extended from Speyers and 13th Street; water extended north across Speyers Road. Capacities are not described in the application.

Proposed sewer or other waste disposal facilities, water mains and other underground utilities.

Proposed sewer and water line alignments are shown on the preliminary plat.

Subdivision map, in the event a proposed planned development application is combined with a proposal to divide land into lots, identifying proposed lot configuration and size in square feet.

Preliminary plat has been provided.

Proposed land use map identifying the location and purpose of each structure.

The preliminary plat shows the location of proposed residences along with drawings of typical building layouts, setbacks, etc.

Location and size in square feet of community facilities.

Location and size in square feet of open space.

The preliminary plat shows the common area open green space and overflow parking and turnaround, with each shown in square feet or by its dimensions. These are apparently the only community facilities. It also identifies the "vacant" Lot 13 showing its size.

Traffic flow plan.

No traffic flow plan is provided, but proposed street length and number of dwelling units does not indicate the need for one.

Location and dimension of walks, trails or easements.

No walks or trails are shown. Access and utility easements are shown.

Location of off-street parking areas, arrangement, number and dimensions of auto garages and parking spaces, width of aisles, bays and angles of parking.

An overflow parking area is shown on the preliminary plat, although parking configuration, spaces, aisles, etc. are not shown. Planned driveways are shown on the lots in the manner and configuration typical of off-street parking for single family dwellings and meeting the minimum parking standards of the development code. Application materials show that two-car garages are to be provided in each unit.

Location, arrangement, number and dimensions of truck loading and unloading spaces and docks.

Not typical or applicable to this proposed land use.

Preliminary plans, elevations of typical buildings and structures, including general height, bulk, number of dwelling units and the exterior appearance of the buildings or structures.

Floor plans, elevations and drawings of each building type are provided with dimensions and showing their exterior appearance and design features. The preliminary plat shows building footprints and layout on the lots.

Approximate location, height and materials of all walls, fences and screens.

According to the application, stone retaining walls will be provided on Lots 8 through 11. Otherwise walls, fences or screens are not proposed.

Indication of stages of development.

The application shows Lots 1 through 7 developed first, followed by Lots 8 through 12.

Statement of goals and objectives, i.e., why it would be in the public interest and be consistent with the comprehensive plan.

A statement of goals and objectives is included in the application and addresses several comprehensive plan goals and policies.

Tables showing total number of acres, distribution of area by use, percent designated for dwellings, commercial or industrial uses and open space, number of off-street parking spaces, streets, parks, playgrounds, schools and open spaces.

A table showing the described items that are applicable to this proposal is included with the application.

Tables indicating overall densities and density by dwelling types and any proposal for the limitation of density.

Although not in the form of a table, the application describes the number of lots/dwelling units and the expected number of people per home. Breakdown by dwelling type is not applicable with only one dwelling type proposed.

Restrictive covenants, other than those relating to retention and maintenance of common open space.

Restrictive covenants are provided. Common areas described in the covenants include road easements and maintenance yard easements that allow for the maintenance of roofs, sidings and yards. Covenants indicate maintenance of landscaping by the homeowners association and provides for an architectural control committee.

Development timetable.

A timeline of 2 to 3 years is described by the final plan and program.

COMPREHENSIVE PLAN: The application bases consistency of the proposal with the comprehensive plan primarily on the unique physical characteristics of the site, namely the steep slopes that comprise the proposed vacant 1.32 acre Lot 13. The layout is intended to cluster the development on the relatively flat part of the site without being cost prohibitive. Other characteristics of the proposal according to the application are providing middle income housing with minimal public improvements, efficient use of land on a hard-to-develop site given its topography, and consistency with the maximum density of the low density residential plan designation.

Analysis of consistency with the Comprehensive Plan considers the Future Land Use Map designation and the goals and policies of the comprehensive plan.

City of Selah Urban Growth Area Comprehensive Plan Designated Low Density Residential by the Future Land Use Map, adopted 2006. This designation provides for a maximum density of five (5) dwelling units per acre. This is gross density as stated in the Plan, meaning that all of the property, including community facilities and dedications are included in the density calculation.

Applicable Goals and Policies

Objective LUGM 3: Encourage economic growth while maintaining quality development and controlling the cost of public improvements in Selah's UGA.

Policy LUGM 3.1: Growth should be encouraged in natural drainage basins.

Policy LUGM 3.2: Direct development to areas where infrastructure (water, sewer and streets) is either present, can be easily extended, or is planned to be extended.

Policy LUGM 3.3: Conserve land, energy and financial resources by minimizing urban sprawl.

Policy LUGM 3.4: Streets, water and sewer extensions should be designed to provide service to the maximum area possible with the least length of extension.

Objective LUGM 4: Assure that land use policies and patterns adequately protect and preserve resource lands, critical areas, water supplies, water bodies and other significant areas.

Policy LUGM 4.3: Integrate flexibility into development regulations that would allow for incentives and bonuses for developers who maintain natural areas and open space as a part of new development.

Policy LUGM 4.5: Ensure that land use practices in geologically hazardous areas do not cause or exacerbate natural processes which may endanger lives, property or resources.

Policy LUGM 4.6: Classify and designate areas on which development should be prohibited, conditioned, or otherwise controlled because of danger from geological hazards.

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

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.

Policy HSG 2.1: Encourage the combined net density of all residential development to remain at present levels. Exceptions to this policy should be permitted where the developer can demonstrate that the quality of the project design, construction and amenities warrants a different housing density.

Policy HSG 2.2: Ensure codes and ordinances promote and allow for a compatible mix of housing types in residential areas.

Objective HSG 3: Minimize the negative impacts of medium and high-density residential projects on adjacent low-density residential areas, but encourage mixed use/density projects.

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

Policy HSG 4.1: Encourage developers to use private covenants and deed restrictions which specify architectural, maintenance and landscaping standards within their development.

Objective ENV 2: Adopt land use policies that reduce or eliminate negative impacts of development on stormwater drainage capacities and systems.

Policy ENV 2.1: Encourage the retention of native vegetation or the creation of vegetative buffers near drainage courses to preserve water quality and to aid in bio-filtration of stormwater.

Policy ENV 2.2: Minimize adverse stormwater impacts generated by the removal of vegetation and alteration of landforms.

Policy ENV 2.3: Require the utilization of on-site detention and/or infiltration facilities as a part of new developments which demonstrate the capacity to accommodate such facilities and/or would significantly burden the City's stormwater infrastructure facilities if not utilized.

Policy ENV 2.4: Insure that new development will not increase peak stormwater runoff.

Policy ENV 2.5: Control stormwater in a manner that has positive or neutral impacts on the quality of surface and groundwater and does not sacrifice one for the other.

Objective TRAN 2: Improve circulation within the City of Selah UGA.

Policy TRAN 2.4: Encourage the connection of streets when considering subdivisions or street improvement proposals unless topographic or environmental constraints would prevent it. Limit the use of cul-de-sacs, dead-end streets, loops, and other designs that form barriers in the community. Recognize that increasing connections can reduce traffic congestion and increase neighborhood unity.

Objective TRAN 4: Improve access to the City of Selah while maintaining and improving the economic viability of First Street.

Policy TRAN 4.1: Improve access to undeveloped areas within the Selah UGA.

1. Coordinate development and transportation planning with Yakima County and other regional agencies.
2. Establish consistent rights-of-way within the Selah UGA.

Policy TRAN 4.3: Limit and provide access to the street network in a manner consistent with the function and purpose of each roadway.

Policy TRAN 4.4: Ensure that roads are designed to allow emergency vehicle passage 24-hours a day. Dead-end street lengths and turnarounds, travel lane widths, maximum road grades, parking location and other road design features should accommodate emergency and service vehicles.

Comprehensive Plan Policy Analysis:

Density: Several of the plan policies deal directly with density and its effect on project compatibility with surrounding land uses. While the future land use designation describes this in terms of gross density, several plan policies refer to net density, defined in Appendix A to SMC Chapters 10.02 to 10.48 as calculated using the land available for development (e.g., less roads). A simple way of determine this is to add up the total acreage of the buildable lots and divide into the number of dwelling units. This results in a net density of 11.3 dwelling units per acre.

Lot 13 is excluded because it is shown as vacant and because of its size it would skew the calculation in a way that would not be useful in this analysis.

This net density is higher than that of nearest developed areas. The developed area on 14th and Cherry Streets has a net density of 5 dwelling units per acre. The small subdivision on 12th Street and including the lot on Speyers just east of the subject property has a net density of just over one dwelling unit per acre. Net density is somewhat higher in the R-2 zoned areas along the south side of Speyers Road east of 13th Street. The density of surrounding properties that are undeveloped or under-developed for the R-1 zone have the potential to be up to five dwelling units per gross acre, or about six units per net acre. With respect to Policy HSG 2.1, the combined net density of surrounding residential density may be increased by the proposal, but not substantially, based on the number of proposed lots and the substantial amount of undeveloped and underdeveloped property located between the site and existing developed areas.

There is also separation from developed areas by Speyers Road to the south and the possible future alignment of 14th Street to the east. Most of the residences proposed by this application are separated by 200 feet or more from existing homes affording some reduction in potential negative impacts, if any, from project density on those areas in accordance with Objective HSG 3 to minimize the impact of medium to high density projects on adjacent low density residential areas.

The open space proposed by this planned development, including Lot 13 comprises more than 50% of the total lot area. This is clustering to preserve a part of the site that is sensitive and difficult to develop. It is arguably a quality of project design that warrants a higher net density under Policy HSG 2.1. Comparing the density of the proposed project with that of surrounding developed and future developed areas, the proposed density could be considered to approximate existing residential densities in accordance with objective HSG 2, and with the proposed housing type limited to detached single family, the housing mix levels are also consistent.

Compatibility: Other than the density, the main difference is that proposed housing units are two story, while nearby existing homes are single-story, although some have basements. The proposed homes are 1,557 square foot, three bedroom buildings comparable in those respects to the existing homes in the neighborhood to the south, although a little smaller than some of the dwellings on 12th Street. Drawings included in the application do not indicate substantial differences architecturally from that of nearby neighborhoods. This is consistent with Objective HSG 4 to encourage new residential construction to be compatible with existing residential development. It should maintain and possibly upgrade, but at least not degrade the character of the existing residential developments (Objective HSG 1) and is new single family development in an existing single family area (Policy HSG 1.2). The private covenants specifying architectural, maintenance and landscaping standards are consistent with Policy HSG 4.1.

The application also argues that the project is consistent with Objective LUGM 3 because it will provide high quality middle income housing that requires minimal public improvements.

Justification under SMC 10.24.010 for Planned Development: The basis for the more creative development approach and more efficient, aesthetic and desirable utilization being consistent with the goals and policies of the comprehensive plan is primarily the preservation of undeveloped open space consisting of steep slopes and a dominant and highly visible physical feature of the landscape. Over half of the land area of the project is being maintained in open space resulting in a cluster development as encouraged by the comprehensive plan in describing the Low Density Residential designation: "Clustering of dwelling units, within the permitted density range, is encouraged to preserve open space, steep slopes, drainage ways, etc."

The proposal is consistent with Policy LUGM 4.3 that allows for incentives and bonuses for developers who maintain natural areas and open space as a part of new development. It also directs development to areas where infrastructure (water, sewer and streets) is present or can be extended (Policy LUGM 3.2). This project, with the proposed preservation of open space conserves land and minimizes urban sprawl (Policy LUGM 3.3).

Transportation and Utilities: By clustering development into a small part of this difficult to develop parcel, streets, water and sewer extensions will provide service to the maximum area possible with the least length of extension (Policy LUGM 3.4). Development is being directed to areas where the infrastructure (water, sewer and streets) is present or can be extended (Policy LUGM 3.2). Under Policy TRAN 4.4, roads should be designed to accommodate emergency and service vehicles. This includes dead-end street lengths, turnarounds, travel lane widths, maximum road grades, parking location and other road design features. Design to fire apparatus standards as described in this report is intended to meet those requirements.

Policy TRAN 2.4 encourages the connection of streets in subdivisions unless prevented by topographic and environmental constraints. Also cul-de-sacs and other designs that form barriers in the community should be limited. Topography limits connectivity to some extent here. If the strip of land bordering the site on the east were extended to provide access, it should sufficiently serve the undeveloped property to the north, provided that the proposed approach to this development does not preclude the use of that access due to their proximity.

Geologic Hazards and Drainage: SEPA mitigation and other conditions are proposed to ensure consistency with applicable comprehensive plan policies including Policy LUGM 4.5 & 4.6; Objective ENV 2 and Policies ENV 2.1 through 2.5.

Open Space Requirements for common open space are given by SMC 10.24.080, .090 and .100. Where it is provided it must be suitable for the planned development, the authorized open space uses must be appropriate to the scale and character of the planned development considering its size, density number and type of dwelling units, etc. and must be used for amenity or recreational purposes. It must be suitably improved for its intended use, but common open space containing natural features may be left unimproved. Its development must be coordinated with the dwellings

of the planned development. Its permanent retention and maintenance must be assured by restrictive covenants, dedication to the public, by an owner's association or by another method approved by the hearing examiner and city attorney. The City is to be vested with the right to enforce permanent retention and maintenance and may perform necessary maintenance and assess the costs to the property owners.

Two open space areas are shown by this application: the 3,908 square foot green area identified as Parcel 'A' shown within the proposed developed lots and identified as community open space and 57,595 square foot vacant Lot 13. The overflow parking and turnaround area would contribute somewhat to openness, although it could not be considered open space under these provisions. Parcel 'A' is labeled as open green space, not developed in a location that is steep but would likely be leveled out to a more usable space along with the development of Lots 9 and 10 that adjoin it.

Vacant Lot 13 is a feature that defines the character of this planned development and should be considered an open space area containing natural features that may be left unimproved. Its ownership and retention is not clear from the application, although even if kept in private individual ownership it may function as an open space area provided that it were restricted to one residence, if developed at all. It would have less usefulness to the residents if not in community ownership without a right of access.

Compliance with the Subdivision Code The proposed preliminary plat does not conform to the following subdivision standards. They are discussed further here or in other parts of the report:

1. If considered to be a cul-de-sac (defined as a residential access street closed at one end by a circular drive of sufficient radius for automobiles turning around) the proposed street has less than 50 feet of right-of-way and there are no turnarounds with a minimum right-of-way radius of 52½ feet. It does meet the maximum length standard of less than 600 feet (SMC 10.50.041(c)(8)).
2. The proposed off-set (street jog) from the proposed intersection of the private street with Speyers Road is less than 200 feet (SMC 10.50.041(c)(11)). If approval of the proposed street location were to preclude the future extension of 14th Street to serve the adjacent property to the east and the north, the proposal would be inconsistent with the requirement of SMC 10.50.041(d)(4) that a private access street does not adversely affect future traffic circulation of neighboring parcels.
3. Sidewalks are required on at least one side of a residential street with a required width of five feet. They are required to be in public right-of-way contiguous to the curbs and constructed as required by SMC 10.50.041(a) (which adopts various design documents by reference). (SMC 10.50.044).
4. Curbs and gutters of cement concrete are required in accordance with the standards of SMC 10.50 (SMC 10.50.043) (the only other sections of this chapter that refers to curbs and gutters

are the design documents referenced by SMC 10.50.041(a) and a requirement for curbs and gutters in short plats).

SMC 10.50.041 expressly provides for the modification of the standards in subsections (d) and (e), but not subsection (c) which includes all of the standards described above. Presumably, and based on past City practice in approving planned developments, they are included in the dimensional standards that cannot be met under the intent statement of SMC 10.24.010.

PRELIMINARY PLAT APPLICATION:

- Acreage: 2.54 acres
- Number of lots: 12 residential lots, 1 open space parcel, 1 overflow parking and turnaround tract and a 57,595 square foot (1.322 acre) parcel shown undeveloped on the plat and labeled 'vacant'. The number of residences shown on the plat and assuming that the vacant lot remains open space is 12. However, application materials indicate that 13 residences may be planned.
- Average lot size: 8,497 square feet (0.2 acre) according to the application based on all of the lots and tracts and assuming 13 dwelling units. Based on the proposed small lots only, the average lot size is 3,861 square feet.
- Gross density: 5.1 dwelling units per acre based on 13 residences (Conformance to required density is based on multiplying 2.54 acres x 5 du/acre = 12.7, rounded up to 13). Gross density based on the 12 proposed small lots is 4.7 dwelling units per acre.
- Phasing: The application indicates development in stages with Lots 1 through 7 developed first, followed by Lots 8 through 13.

UTILITIES: An 8 inch public water line is located on the south side of Speyers Road where it fronts the site. An 8 inch City sanitary sewer line ends at the intersection with 13th Street approximately 300 feet southeast of the site. Both are to be extended into the site to serve all of the residential lots. The applicant prefers both water and sewer mains within the development to be private lines. However, at least one fire hydrant is required within the subdivision in order to conform to the Fire Code and must be installed on a public water line.

Water: The preliminary plat shows a domestic water line extending north along the east property line in a 4 foot wide utility easement, with an additional line extending west 60 feet to the proposed interior street serving Lots 10, 11 and 12. As stated in the SEPA comment letter from the City's consulting engineer, separate water lines should be provided to each dwelling unit. This would require the extension of separate lines from meters on Speyers Road, as well as the public line necessary for the fire hydrant. Also, the four foot easement along the rear lots lines is not wide enough to accommodate a public water line and installing the line or lines in the 28 to 36 foot easements that include the street is preferable. Individual water lines must be constructed to meet plumbing and building codes as applicable.

The pressure zone for this area allows water service up to an elevation of 1,300 feet, which based on the topography shown on the preliminary plat would allow water service to all of the lots in the proposed plat.

Sewer: The preliminary plat shows the sanitary sewer line extended to serve all of the lots in the 28 to 36 foot wide access and utility easements through the site. The applicant prefers to have a private line, which would then be the responsibility of the lot owners or homeowners association to maintain. It would have to be connected to the public sewer line with a manhole on Speyers Road. Ten feet of separation is required between the sewer line and any water lines within the easement. Construction to building and plumbing codes would be required as applicable.

Fire Hydrants: There is an existing hydrant located directly across the site at the intersection of 14th Street and Speyers Road. Hydrants must be spaced such that all homes are within 250 feet of a hydrant, measured along the streets. Based on this standard there would need to be at least one hydrant interior to the plat. It appears that a location at the intersection of the two private streets in the plat would meet that requirement. It must be served by a city maintained water line meeting the following specifications and requirements:

1. Capable of providing a minimum of 1,000 gallons per minute of fire flow.
2. Four foot clearance in both directions from the line in which no other utilities could be located.
3. Must be constructed of ductile iron and designed by a licensed professional engineer.

TRANSPORTATION: (Existing conditions)

Speyers Road – (designated Minor Arterial) -- Asphalt pavement with roadside ditches where it fronts the site. Starting at the intersection with 13th Street about 200 feet southeast of the edge of the site Speyers is improved with concrete barrier curb and gutter, 5 foot wide sidewalk on the north side of the street and illumination.

14th Street (Local Access) – asphalt pavement with concrete barrier curb and gutter, 5 foot wide sidewalk on the west side of the street and illumination in 50-foot wide right-of-way. The proposed approach to the site is located approximately 88 feet northwest of the intersection of 14th Street and Speyers Road, as measured from centerline to centerline.

Capacity – At the time of the analysis in the 2005 comprehensive plan, street intersections on Speyers Road, with W. Fremont Avenue, N. 3rd Street and Fremont, and N. 1st Street and Fremont operated at levels of service (LOS) of C, D and B respectively. Without improvements recommended in the plan, LOS would have dropped to D at Speyers and Fremont in 2010 and F in 2025. For N. 3rd Street and Fremont, LOS F would have been reached by 2010. The recommended improvements, including converting Speyers and Fremont from a two-way to all-way stop controlled intersection and installation of a westbound right-turn lane have been completed. Also recommended improvements of Speyers Road most of the way from Fremont Avenue to the City Limits. Based on these improvements, all of the identified intersections were expected to operate at LOS B or better in 2010 and 2025, except for Speyers/Fremont, which was expected to drop to LOS C in 2025.

The current levels of service at these intersections have not been determined but based on the comprehensive plan findings and consultation with the public works director, this proposal of 12 to 13 dwelling units is not being considered to significantly impact the capacity of these public streets.

TRANSPORTATION: (Planned improvements):

The 20 foot wide private access street will be extended to the north line of the site, with a second leg extending west about 165.5 feet to serve three lots. The street is to be asphalt paved with no curb, gutter or sidewalks. A turnaround area is designated in a separate tract at the north end of the site. It is shown by the preliminary plat to have an asphalt surfaced area measuring 40 feet by 46 feet and in a tract measuring 50 feet by 52 feet.

The private street has been designed to fire apparatus road standards and has been reviewed by the Fire Chief. Although the area shown on the plat is not large enough to accommodate a turnaround that meets the specifications of Appendix D from the International Fire Code, the two legs of the private street are 150 feet or less (measured from the edge of the intersecting street, not the centerline) and does not require one for that reason; the intersecting street segments are effectively considered to be the turnaround. The street meets the 20 foot width standard, with the intersection radiuses providing additional width needed for the fire hydrant. The road must have a slope of ten percent or less.

If not formally dedicated for turning around, the parking / turnaround area shown on the plat could accommodate five overflow parking spaces and may also provide some benefit as a turnaround area.

The approach for the private interior road is less than 200 feet from the centerline of the intersection of 14th Street and Speyers Road and does not comply with SMC 10.50.041(11) for that reason. Part of the property located in proposed Lot 1 is in close enough alignment with the intersection that it could be used to realign proposed street although it would have to either angle back into the property or use access acquired from the adjoining property to the east. Alternatively, the private street could be extended west from the proposed east-west leg back to Speyers Road if possible to locate an approach more than 200 feet from any nearby intersection, but would require crossing a neighboring parcel.

If this standard were reduced as a part of the planned development, it would likely preclude future access to the adjoining property to the east, which as configured and given its size is probably intended to provide access from Speyers Road for future development to the north. Given that it is in the alignment of an existing City street, it would be preferable to the approach proposed by this application.

CRITICAL AREAS & CRITICAL SLOPES:

This site appears to be partially in a designated geologically hazardous area of known or suspected risk. This is based on parts of the property having the following characteristics specified by SMC 17.07.150(A)(2)(a) for erosion hazard areas:

- a. Slopes of 15% or greater.
- b. Soils identified by the Natural Resource Conservation Service as unstable and having a high potential for erosion.
- c. Areas that are exposed to the erosion effects of wind or water.

Except in the south part of this site along Speyers Road, slopes are 15% or steeper. The Roza clay loam soil classification of the site appears to have been identified by the NRCS as unstable and having a high potential for erosion based on a recent subdivision application for which a geotechnical study was completed and on Yakima County mapping. This should be confirmed. The site is exposed to the erosion effects of water flowing through the ravine.

Staff has no indication that the site has any of the characteristics specified by SMC 17.07.150(A)(2)(b) for landslide hazard areas:

- a. Historically prone to land sliding.
- b. Soils identified by the Natural Resource Conservation Service as unstable and prone to landslide hazard.
- c. Areas that show evidence of or at risk from snow avalanches.
- d. Potentially unstable areas as a result of rapid stream incision or stream bank erosion.

As proposed, most of the development is to occur in the narrow strip of property in the ravine next to the adjoining property to the east. For the first 150 to 200 feet north from Speyers Road, the slopes are generally less than 15%, but become steeper progressing north into the ravine, and especially along the west side where Lots 8 through 11 are shown. The proposed street segment to the west extends into steeper slopes but generally on a side hill. Proposed development avoids most of the steepest slopes that are on proposed vacant Lot 13 and according to the environmental checklist are as much as 50%.

Development of Lots 8 through 11 will require cutting into the slope using a series of retaining walls to stabilize it. This development and any other development in areas with slopes greater than 15% must be analyzed by a geotechnical study as required by the MDNS with recommended implementation and mitigation measures.

Drainage in the ravine in which development is to occur has been raised in SEPA comments and may include the need to accommodate irrigation flows and runoff, including overflows from the City reservoir on W. Goodlander Road. Specific concerns raised include the need to accommodate drainage passing through the site and sufficient stormwater retention.

SEPA comments also question if there are jurisdictional wetlands or stream within the ravine. None of the immediately available sources show designated wetlands or critical areas other than the geological hazard areas described here. Based on the source of surface water being irrigation flow, it is likely that if there are wetlands on the property they are artificial in origin and not under agency jurisdiction.

STAFF ANALYSIS:

1. **Planned Development:** As proposed, the application conforms to the comprehensive plan and is compatible with the surrounding area as described above and based on the following findings:
 - a. Proposed private access streets do not adversely affect future traffic circulation provided that the potential future extension of 14th Street to the north is not jeopardized by a second approach in too close proximity to the intersection.
 - b. As described by the application, the proposed reduced lot size and private road results in a more efficient utilization of land given the unique topography of the site. The reduction in lot size justify the proposed reduction in lot width and depth standards.
 - c. The system of ownership in the planned development is that each lot will be separately owned, however there are community facilities and the restrictive covenants indicate common landscaping maintenance.
 - d. The common open space shown on the amended application appears to be suitable for the planned development given its size, density, number of dwelling units and topography. Retaining Lot 13 as undeveloped open space is appropriate given its characteristics including size and natural features.
 - e. The size of the subject property is large enough to accommodate the residential lots at the proposed size and density along with public and private streets, utilities and proposed open space, both developed and undeveloped.
 - f. The proposal generally complies with the subdivision code, except for certain standards that may be modified by a planned development under SMC 10.50.041(e) for good cause and where appropriate to provide for the contemplated type of development and land use.

2. **Preliminary Plat** With modifications and additional engineering analysis, the preliminary plat complies with subdivision standards (as reduced by the planned development) and makes appropriate provisions for drainage, roads, alleys and other public ways, water supply, sanitary sewerage disposal, parks, playgrounds, fire protection facilities, minimum lot size and other public and private facilities and improvements.

RECOMMENDATION: Staff recommends **APPROVAL** of the planned development rezone and preliminary plat as proposed for the reasons stated in this application subject to the following conditions that include project modifications and other actions necessary to address concerns that have been raised about the subdivision.

1. The preliminary plat shall be redesigned to provide an additional access easement segment that extends east from the proposed access road to the east property line of the site in order to provide for a future approach in the alignment of the 14th Street intersection. This extension shall be in the south part of Lot 1 as shown on the preliminary plat although another location or configuration may be authorized by the Public Works Director. In the event that a proposal for development is made that provides for access to undeveloped in the alignment of 14th Street immediately east of the site, realignment or combination of the approach with that of 14th Street or the new access street may be required. If it occurs prior to final plat approval, the approach shall be realigned. Otherwise the approach proposed by the application will be permitted.
2. A geologic hazards assessment shall be prepared and submitted to the Planning Department for review that determines if the site is in an erosion or landslide hazard area and that provides measures to mitigate the impacts from site and residential development in such geologic hazard areas and slopes that are greater than 15%.
3. Storm water drainage facilities for the project site must comply with a drainage facilities plan prepared by a licensed professional engineer and approved by the Public Works Director. The plan must demonstrate that the project as proposed can provide for the retention of runoff from developed parts of the project on-site, and accommodate all pass-through drainage, including irrigation water.
4. Prior to any site disturbance, a grading plan or plans, prepared by a licensed professional engineer shall be submitted and approved by the Public Works Director. This requirement also applies to the development of individual lots of the subdivision, although it is not intended to require homesite permitting or development as a condition of recording the final plat. The City shall incorporate geologic hazards assessment recommendations/mitigation into the review of all grading permits required by this condition.
5. Planned development shall be in substantial conformance to the project design as described in the project narrative, application materials and on the face of the currently proposed preliminary plat. Setbacks, building height and lot coverage shall conform to the building configurations, plans and elevations included in the final plan and program and shown on the currently proposed preliminary plat. Standards not otherwise provided for in these documents shall be to the standards required in the R-1 district by the zoning ordinance. This condition is not intended to preclude modifications otherwise allowed under SMC 10.24.110.
6. The number of residential lots shall be limited to 12 in order to conform to the maximum density of the Low Density Residential comprehensive plan designation. Development of one single family residence on proposed vacant Lot 13 may be considered through a minor modification as provided for by SMC 10.12 provided that the open space is otherwise preserved

and the total number of dwelling units in the planned development does not exceed the maximum density.

7. 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 or easement widths and locations, lot size and configuration).
8. 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.
9. All final plans and specifications for public 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 plan 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.
10. The private interior street shall be constructed as a hard-surfaced street to the following specifications:
 - a. 20 foot wide (minimum) asphalt surfacing
 - b. Not to exceed 10 percent slope
 - c. Intersecting street segments as shown on the preliminary plat not to exceed 160 feet in length and no less than 60 feet in length as measured from the centerpoint of the intersection.
11. The turnaround/parking area shown on the preliminary plat shall be provided with the recognition that it is primarily intended to provide additional off-street parking. It shall be hard-surfaced.
12. A NPDES construction stormwater general permit shall be obtained from the Department of Ecology unless it is determined by that agency that it is not required.
13. A dust control plan shall be prepared and implemented during construction as required by the Yakima Regional Clean Air Agency.
14. Documentation of the ownership and providing for perpetual maintenance of the common open space and the open space for Lot 13 shall be provided prior to recording the final plat.

Documentation may include covenants, establishment of a homeowner's association or deed restrictions and they shall be recorded prior to recording the final plat.

15. Fire hydrant(s) 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. A public water line shall be installed to serve the hydrant or hydrants and improved to the following standards:
 - a. Capable of providing a minimum of 1,000 gallons per minute of fire flow.
 - b. Four foot clearance in both directions from the line in which no other utilities could be located.
 - c. Must be constructed of ductile iron and designed by a licensed professional engineer in accordance with conditions of this decision.
16. 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. All private water and sewer lines shall be installed, require permits and inspection under the International Building and Fire Codes.
17. The existing public sewer line shall be extended to the project site from where it currently ends on Speyers Road. Public sewer shall be provided to all lots in the proposed interior access easement with either a public line or a private line maintained by the homeowners association connected at a manhole to the public sewer line at Speyers Road. Alternative layouts or designs may be considered and approved by the Public Works Director.
18. Subdivision design shall include the provision of public water lines at least as far as the fire hydrant required interior to the plat. Regardless of whether the public line is extended throughout the plat, individual water lines shall be limited to one line per dwelling unit. The water line or lines shall be installed in the access and utility easement with a minimum of 10 feet of separation from a sanitary sewer line, unless approved otherwise by the Public Works Director.
19. There shall be a moratorium on public street cuts for a period of five (5) years from the date of plat recording.
20. 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 Planning Department prior to recording the final plat.

21. Covenants or agreement providing for the perpetual maintenance of any private sewer line shall be recorded with the Yakima County Auditor and a recorded copy submitted to the Planning Department prior to recording the final plat. It may be combined with the required covenants or road maintenance agreement.
22. Final lot dimensions and lot area must substantially conform to the preliminary plat unless otherwise amended during the public hearing process.
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. All required street signs, posts and appurtenances must be supplied by the developer and will be installed by the City.
25. 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.”
26. 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 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.
27. Improvements required for the subdivision must be completed and the final plat must be submitted within the maximum time period (currently 5 years) 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.

List of Exhibits

The Draw on Speyers

1. Staff Report
2. Application
3. SEPA Checklist
4. Preliminary & Final Development Plan & Program
5. Covenants, Conditions and Restrictions
6. Preliminary Plat
7. Aerial Photograph
8. Mitigated Determination Of Nonsignificance March 27, 2015
9. Comment Letter From LeRoy L. Bauman received March 24, 2015
10. Comment Letter from Department of Ecology April 8, 2015
11. Comment Letter & Attachments: Huibregtse, Louman Associates April 9, 2015
12. Notice Of Application March 10, 2015
13. Subject Property Map
14. Comment Letter & Attachments: Huibregtse, Louman Associates April 16, 2015
15.
16.



CITY OF SELAH

Public Works Department

222 South Rushmore Road
SELAH, WASHINGTON 98942

Phone 509-698-7365

Fax 509-698-7372

DATE: March 26, 2015
TO: Simon Sizer—Yakima-Herald Republic
FROM: Thomas R Durant, Community Planner
SUBJECT: Notice of Application
PUBLICATION DATE: FRIDAY, MARCH 27TH, 2015

Mitigated Determination of Nonsignificance

1. **Description of Proposal:** “*The Draw on Speyers*” Rezone 3.54 acres from One-Family Residential (R-1) to Planned Development (PD) and subdivide the property into 12 lots for single-family homes, two open space tracts and at tract for overflow parking and turnaround. Proposed residential lot sizes range from 3,131 to 7,160 square feet. Access is proposed by a 20 foot wide paved access road in a 36 foot wide easement. The project is to be served by municipal sewer and water.
2. **Proponent:** Shane and Renee Snodgrass
171 Baker Road
Selah, WA 98942
3. **Location of Proposal including street address, if any:** 1403 Speyers Road, north side of Speyers Road northwest of the intersection with 14th Street in the city of Selah. (Yakima County Parcel Number: 181435-22009).
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), provided the measures listed below are taken to mitigate potential adverse impacts. 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.
6. **Identified Environmental Impacts and Mitigation Measures:** Substantive authority to require mitigation is derived from WAC 197-11-660, Selah Municipal Code, Chapter 11.40.410 and by reference, policies and regulations contained in the City of Selah Urban Growth Area Comprehensive Plan and the Selah Zoning, Platting and Subdivision Code (SMC 10).

A. Geologic Hazards:



Exhibit 8

Portions of the site that have slopes greater than 15% appear to be in an erosion hazard area based on NRCS soils classifications on the site. Part of the site is also located in a natural ravine that drains a relatively small area.

Policies and Regulations

- A. Assure that land use policies and patterns adequately protect and preserve resource lands, critical areas, water supplies, water bodies and other significant areas (Urban Area Plan Objective LUGM 4).
- B. Ensure that land use practices in geologically hazardous areas do not cause or exacerbate natural processes which may endanger lives, property or resources (Urban Area Plan Policy LUGM 4.5).
- C. All projects shall be evaluated through a geotechnical report to determine whether the project is proposed to be located in a geologically hazardous area, and if so, what is the project's potential impact on the geologically hazardous area and the potential impact of the geologic hazard on the proposed project (SMC 17.07.150.(C)(1)).

Mitigation Measures

1. A geotechnical report shall be prepared for any development on slopes greater than 15% to determine whether the proposed project is to be located in a geologically hazardous area, the potential impact of the project on the geologically hazardous area, and the potential impact of the geologic hazard on the proposed project. Unless, the study determines that there is no risk, mitigation measures and appropriate drainage, grading, excavation and erosion control measures shall be implemented to maintain the integrity of the geologically hazardous areas.

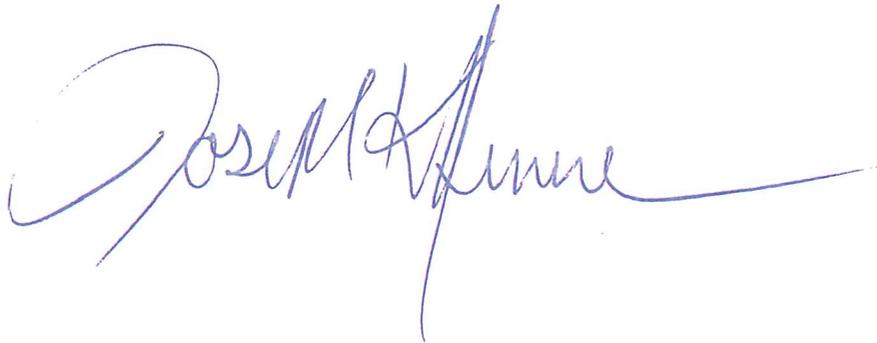
This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on the proposal for 14 days from the date below. Comments must be submitted by 5:00 PM, April 10, 2015.

7. **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 April 17, 2015. You should be prepared to make specific factual objections. Contact the Public Works Department at 698-7365 to read or ask about the procedures for SEPA appeals.
8. **Responsible Official:** Joe Henne
9. **Position / Title:** Interim City Administrator
10. **Address:** 222 S. Rushmore Road, Selah, Washington 98942



11. **Date:** March 27, 2015

12. **Signature**

A handwritten signature in blue ink, appearing to read "Joseph H. Hume". The signature is written in a cursive style with a long horizontal flourish extending to the right.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 8, 2015

Joe Henne, Interim City Administrator
City of Selah
222 S. Rushmore Road
Selah, WA 98942

Re: The Draw on Speyers

Dear Mr. Henne:

Thank you for the opportunity to comment on the mitigated determination of nonsignificance for the rezone to Planned Development and divide 3.54 acres into 12 lots and 3 tracts, proposed by Shane and Renee Snodgrass. We have reviewed the environmental checklist and have the following comments.

SHORELANDS/ENVIRONMENTAL ASSISTANCE

The provided map and legal description of parcel 181435-22009 show that it is 2.54 acres in size. However, the MDNS rezone and planned development action description for SEPA review states a proposal area that is 3.54 acres in size. This discrepancy should to be explained.

A study of GIS mapping, including contour maps also show that there is a linear feature vegetated with trees running north to south that is either a stream or a wetland. This feature is located in the middle of the proposed land use. The planned unit development as drawn should not be approved until the areas of vegetation are evaluated as to whether or not they constitute a wetland or stream area. If this vegetated area is found to be a wetland or a stream, then appropriate buffers should be placed around the feature to ensure protection of wetland or riparian functions.

In addition, if there is water concentrated in a ravine on site that is carrying stormwater generated from up drainage, the stormwater retention area adjacent to the roadway should be sized large enough to handle that run-off as well, so that lot 1 is not inundated during thunderstorm events. Could some of that stormwater be captured in parcel A, which is currently slated to be open green space?



Mr. Henne
April 8, 2015
Page 2

If you have any questions or would like to respond to these Shorelands/Environmental Assistance comments, please contact **Catherine Reed** at (509) 575-2616 or email at catherine.reed@ecy.wa.gov.

WATER QUALITY

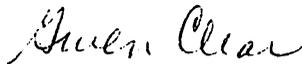
Project with Potential to Discharge Off-Site

The NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required. 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.

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

April 9, 2015

City of Selah
222 S. Rushmore Road
Selah, WA 98942

Attn: Joe Henne, Public Works Director

Re: The Draw on Speyers
Plan Review
HLA Project No. 15006G

Dear Joe:

On April 1, 2015, we received a Mitigated Determination of Nonsignificance (MDNS), SEPA Checklist, and exhibits for "The Draw on Speyers" planned development.

Per your request, we have completed our review of the documents and provide the following comments:

MDNS:

1. MDNS Item No. 6, Mitigation Measures. City ordinance requires an increase in minimum lot size for slopes greater than 10%, see attached.

SEPA Checklist:

2. The SEPA Checklist form was updated about a year ago. Several of the questions on the new form are different. However, we do not believe the revised questions will materially affect the environmental review process for this project.
3. Question 1.f. Significant erosion is likely to occur as a result of clearing and grubbing on the steeper sections of the development.
4. Question 1.g. The percent of the proposed developed site that will be impervious appears to be 80-90%. If the remainder of the entire site is required to be vacant as part of the planned development then perhaps 30% impervious for the entire property is accurate.
5. Question 1.h. The proponent needs to comply with City of Selah and Department of Ecology stormwater pollution prevention control requirements.
6. Question 3.c.1 The project area appears to be in the flow path of a large natural drainage basin. The proponent needs to consider pass-through drainage from the drainage basin north of the project.

7. Question 3.c.2 was left blank.
8. Question 5.c. is technically incorrect but insignificant for most projects. All of Yakima County is part of the Pacific Flyway migration route for many bird species.
9. Question 11.a. Surely the proponent will have street, area, and/or house lighting at night.
10. Question 14.f. requires an estimated number of trips. An acceptable estimate would be 10 trips per day per household or 130 vehicle trips per day for this proposed 13 unit development.
11. Question 16.a. states that City sewer to be extended. The sewer extension would be down Speyers Road close to 13th Street, see attached. City water would need to be tapped and extended north across Speyers Road. The City needs to decide if water and sewer mains within the development would be maintained by the City in easements or if City mains would end at the property line. HLA recommends individual water and sewer services to each residence.

EXHIBIT:

12. City ordinance requires lot sizes for planned developments to be the same as the underlying zoning, R-1 in this case. We defer to City staff regarding minimum lot size requirements for this planned development.

REQUIRED APPROVALS:

13. Selah Planning Commission approval of the re-zone and planned unit development and Selah Council approval of the same.
14. Selah Public Works approval of the plans and specifications for the extension of water and sewer utilities to serve the development.

Please advise if we may answer questions or provide additional information.

Very truly yours,



Terry D. Alapeteri, PE

TDA/kih

Enclosures

10.12.030 - Lot size.

(a) The minimum lot size requirements for any newly created lot (including lot line adjustments) in this district are progressive based on slope and utility provisions:

Slope	Water and Sewage System	Minimum lot size
<10%	Municipal water and sewage system	8,000 sq. ft.
>10% <15%	Municipal water and sewage system	10,000 sq. ft.
>15% <20%	Municipal water and sewage system	½ acre
>20% <25%	Municipal water and sewage system	1 acre
>25%		5 acres

(b) Subdivision designs shall ensure that adequate setbacks, buffering of adjoining uses and sensitivity to physical features are achieved. Lot sizes shall be increased to accommodate specific uses, lot coverage, setbacks, access, landscaping and other requirements as provided in this title.

(Ord. 1634 § 53, 2004.)

10.24.070 - Project densities.

Project densities shall not exceed the underlying land use designations contained on the city of Selah Urban Growth Area Comprehensive Plan Future Land Use Map.

(Ord. 1634 § 84, 2004.)



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. 914.62.15-01, 912.62.15-01, 971.62.15-01 – “The Draw on Speyers” Shane Snodgrass Notice of Application, and Environmental Review,

Application: On January 27, 2015 the City of Selah Planning Department received rezone and preliminary plat applications and an environmental checklist from Shane Snodgrass, 171 Baker Road Selah, WA 98942 to rezone 3.54 acres from One-Family Residential (R-1) to Planned Development (PD) and subdivide the property into 15 lots or tracts. The applications were deemed complete for processing 28 days after submittal on February 24, 2015. The decision on this application will be made within one-hundred twenty days of the determination of complete application.

Project Description Rezone from R-1 to PD; subdivide the property into 12 lots for detached single family homes, two open space tracts and a tract for overflow parking and turnaround. Proposed residential lot sizes range from: 3,131 to 7,160 square feet. Access is proposed by a 20 foot wide paved access road in a 36 foot wide easement. The project is to be served by municipal sewer and water.

Location: 1403 Speyers Road, north side of Speyers Road northwest of the intersection with 14th Street in the City of Selah. (Yakima County Assessor Parcel Number: 181435-22009).

Approvals, Actions and Required Studies: Rezone from R-2 to Planned Development; Preliminary Plat; Development Plan and Program, Critical Areas Authorization.

Environmental Review: The City of Selah is the lead agency for this proposal under the State Environmental Policy Act (SEPA). Written comments are being accepted and will be considered in making a threshold environmental determination, which will be issued after the comment period ends.

Request for Written Comments on the Proposal Your views on the proposed rezone, preliminary plat and environmental checklist are welcome. Written comments concerning the proposed rezone and subdivision will be accepted during the public comment period that expires at 5:00.p.m, on March 24, 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 “The Draw on Speyers” in your correspondence.

Open Record Public Hearing An open record public hearing on the proposed rezone and subdivision will be held before the City of Selah Hearing Examiner. The Examiner will conduct



the hearing on **MONDAY, APRIL 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 rezone and preliminary plat approval, approval with conditions, or denial of the rezone and preliminary plat which will be transmitted to the Selah City Council for its consideration and final disposition.

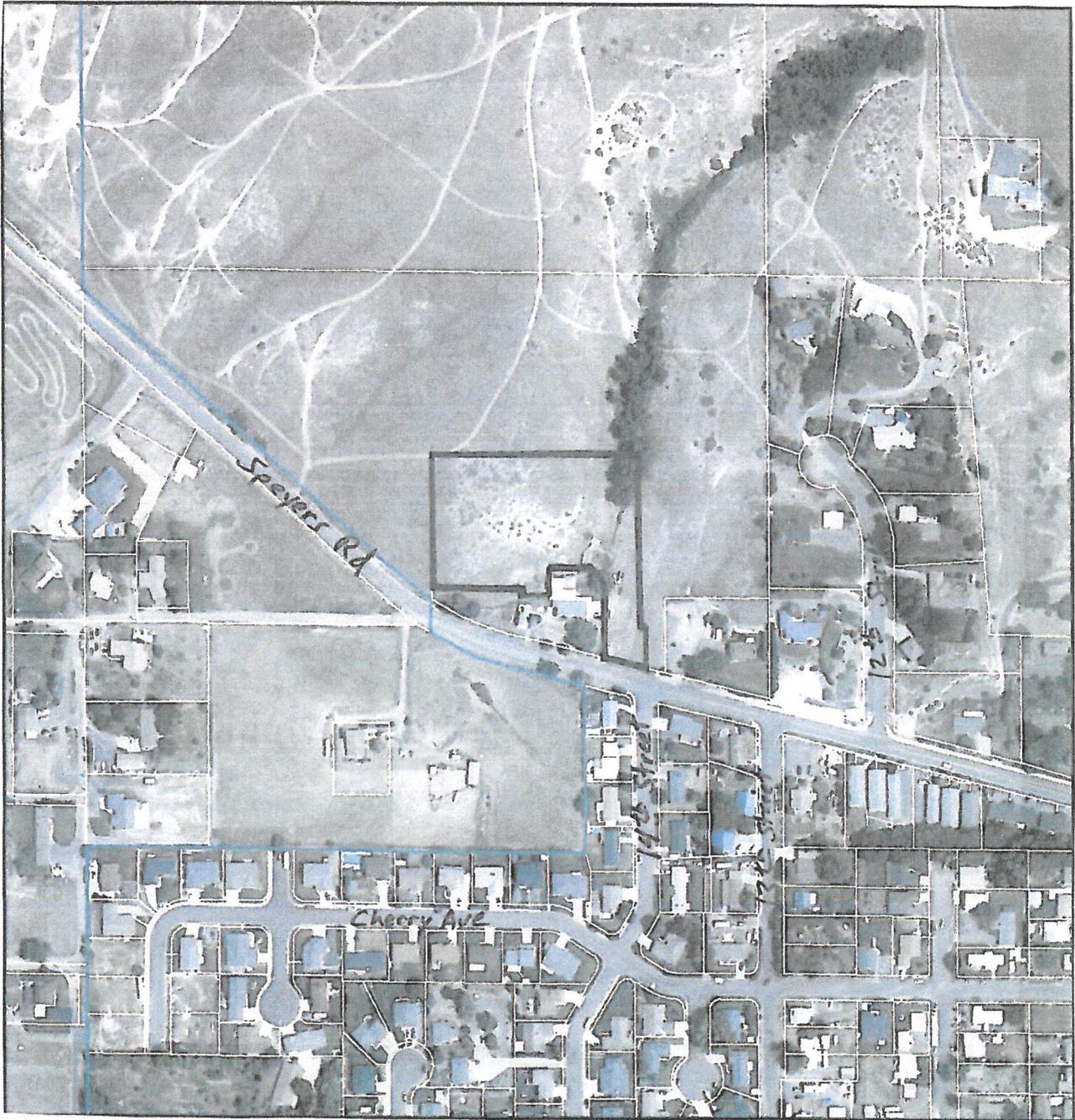
Application information including the SEPA environmental checklist and maps detailing the proposal are available during regular business hours at the Planning Department at 222 South Rushmore Road, Selah, Washington 98942. Contact the Planning Department with project, procedural or environmental questions 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 10th day of March 2015.

/s/

Thomas R. Durant, Community Planner





SUBJECT PROPERTY

SCALE: 1" = 300'

APPLICATION: THE DRAW ON SPEYERS

APPLICANT: SHANE SNODDGRASS

Exhib.# 13

April 16, 2015

City of Selah
222 S. Rushmore Road
Selah, WA 98942

Attn: Joe Henne, Public Works Director

Re: The Draw on Speyers
Plan Review
HLA Project No. 15006G

Dear Joe:

On April 14, 2015, you requested that HLA review the proposed intersection location of the "The Draw on Speyers" planned development.

Per City ordinance the offset intersection is not allowed. A new intersection must be at least 200 feet from the nearest roadway intersection.

We understand there are discussions by another developer to construct an intersection directly north of N. 14th Street on Speyers Road. Such an intersection is much more desirable to the City. It is our recommendation that the two parties each build a half street to construct one future intersection with Speyers Road at N. 14th Street. Attached is a hand drawing showing an option for a combined intersection and another option for a relocated entrance. The relocated entrance option would require lot line adjustments, but could eliminate construction on the steeper portions of the project. We would like to reiterate that the proposed lot sizes do not meet City ordinance requirements.

Once a preliminary plat is submitted, we will provide additional comments.

Please advise if we may answer any questions.

Very truly yours,



Terry D. Alapeteri, PE

TDA/sms

Enclosures

DATE: 01/07/2015 SCALE: 1" = 30'
 LOCATION: PT. NW 1/4 SEC. 35, T.14N., R. 18E., W.M.
 OF PARCEL 181435-22009
PRELIMINARY PLANNED UNIT DEVELOPMENT
 SHANE SNODGRASS - OWNER / DEVELOPER
 171 BAKER RD., SELAH, WA 98942 509-930-7938

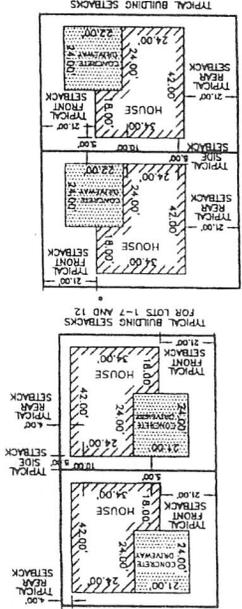
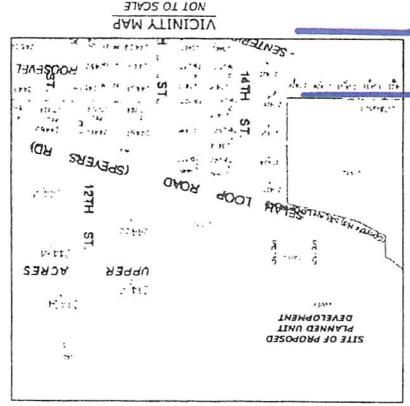
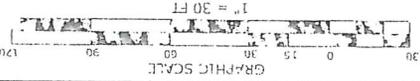
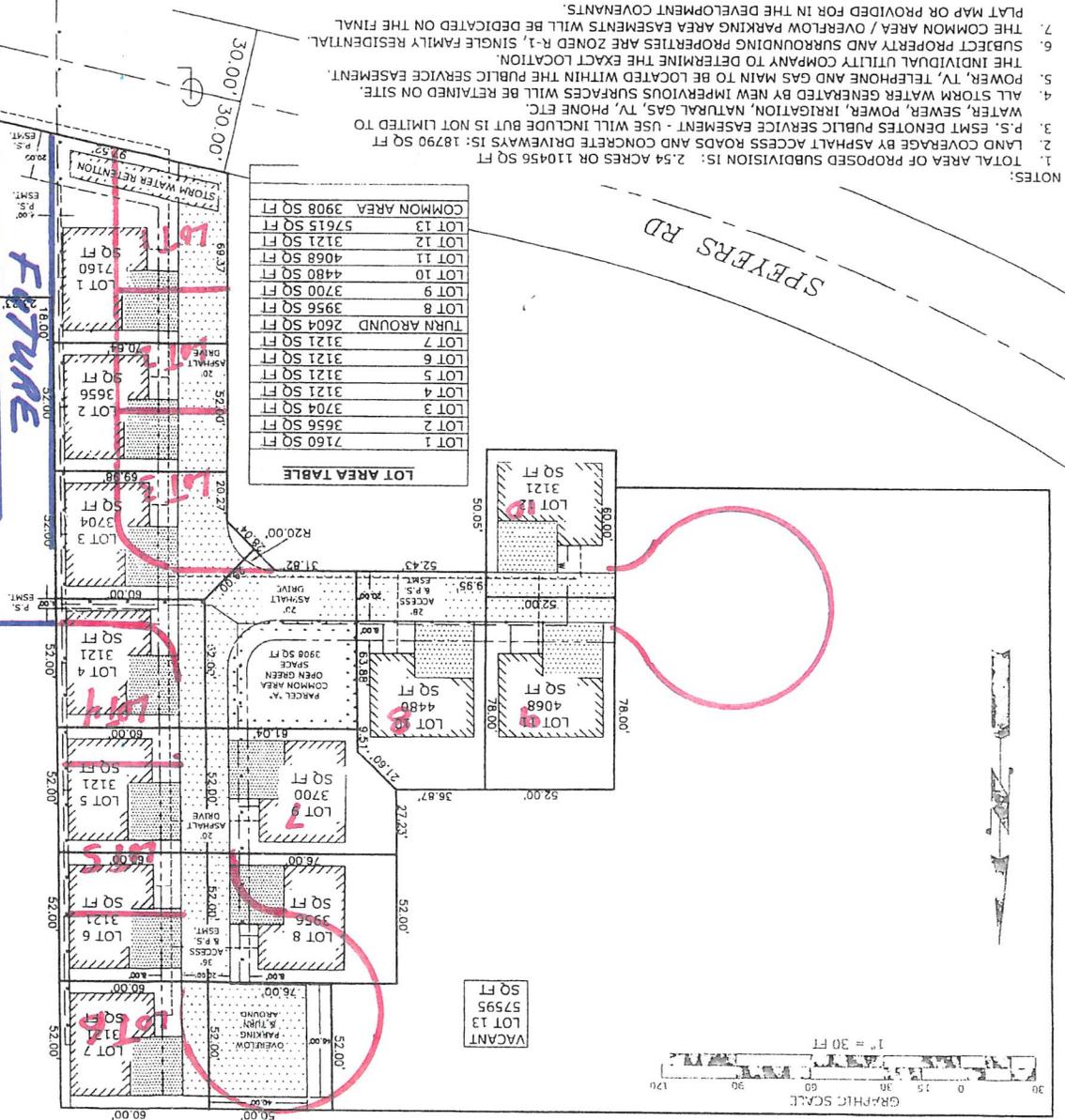
WATER LINE
 SEWER LINE
 CONCRETE
 ASPHALT

Legal Description - Parcel 181435-22009 - 2.54 acres
 The West 400 feet of the South 330 feet of the SE 1/4 of the NW 1/4 of Section 35, T.14N., R. 18E., W.M.
 Beginning at the NE corner of the SW 1/4 of the NW 1/4 of Section 35, T. 14N., R.18E., W.M.
 thence South along the East line thereof 139 feet to the North line of the County Road right-of-way;
 thence East along the North line of County Road to the North line of said subdivision;
 thence Northwesterly along said North line of said subdivision 600 feet, more or less, to the point of beginning;
 EXCEPT the East 240 feet as measured along the North line of said subdivision.
 EXCEPT Beginning at the NE corner of the SW 1/4 of the NW 1/4 of Section 35, T. 14N., R18E., W.M.;
 thence along the North line of said subdivision 18956.38' W. 354.13 feet to the true point of beginning;
 thence S00°00'00"E 90.22 feet; thence N45°00'00"W 28.03 feet; thence N00°00'00"E 15.00 feet;
 thence S00°00'00"E 50.03 feet; thence N90°00'00"W 52.03 feet; thence N00°00'00"E 83.95 feet;
 thence N00°00'00"E 90.22 feet;
 thence East along the North line of said subdivision 18956.38' W. 354.13 feet to the true point of beginning;
 thence Southeast along said North line 350.79 feet more or less, to a line bearing S00°00'00"E from
 the true point of beginning, thence N00°00'00"E, 51.37 feet to the true point of beginning.

- NOTES:
1. TOTAL AREA OF PROPOSED SUBDIVISION IS: 2.54 ACRES OR 110456 SQ FT
 2. LAND COVERAGE BY ASPHALT ACCESS ROADS AND CONCRETE DRIVEWAYS IS: 18790 SQ FT
 3. P.S. ESMT DENOTES PUBLIC SERVICE EASEMENT - USE WILL INCLUDE BUT IS NOT LIMITED TO WATER, SEWER, POWER, IRRIGATION, NATURAL GAS, TV, PHONE ETC.
 4. ALL STORM WATER GENERATED BY NEW IMPERVIOUS SURFACES WILL BE RETAINED ON SITE.
 5. POWER, TV, TELEPHONE AND GAS MAIN TO BE LOCATED WITHIN THE PUBLIC SERVICE EASEMENT.
 6. THE INDIVIDUAL UTILITY COMPANY TO DETERMINE THE EXACT LOCATION.
 7. SUBJECT PROPERTY AND SURROUNDING PROPERTIES ARE ZONED R-1, SINGLE FAMILY RESIDENTIAL.
 8. THE COMMON AREA / OVEFLOW PARKING AREA EASEMENTS WILL BE DEDICATED ON THE FINAL PLAT MAP OR PROVIDED FOR IN THE DEVELOPMENT COVENANTS.

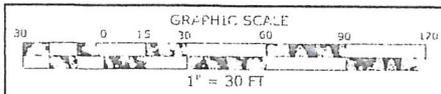
LOT AREA TABLE

LOT 1	7160 SQ FT
LOT 2	3656 SQ FT
LOT 3	3704 SQ FT
LOT 4	3121 SQ FT
LOT 5	3121 SQ FT
LOT 6	3121 SQ FT
LOT 7	3121 SQ FT
TURN AROUND	2604 SQ FT
LOT 8	3956 SQ FT
LOT 9	3700 SQ FT
LOT 10	4480 SQ FT
LOT 11	4068 SQ FT
LOT 12	3121 SQ FT
LOT 13	57615 SQ FT
COMMON AREA	3908 SQ FT

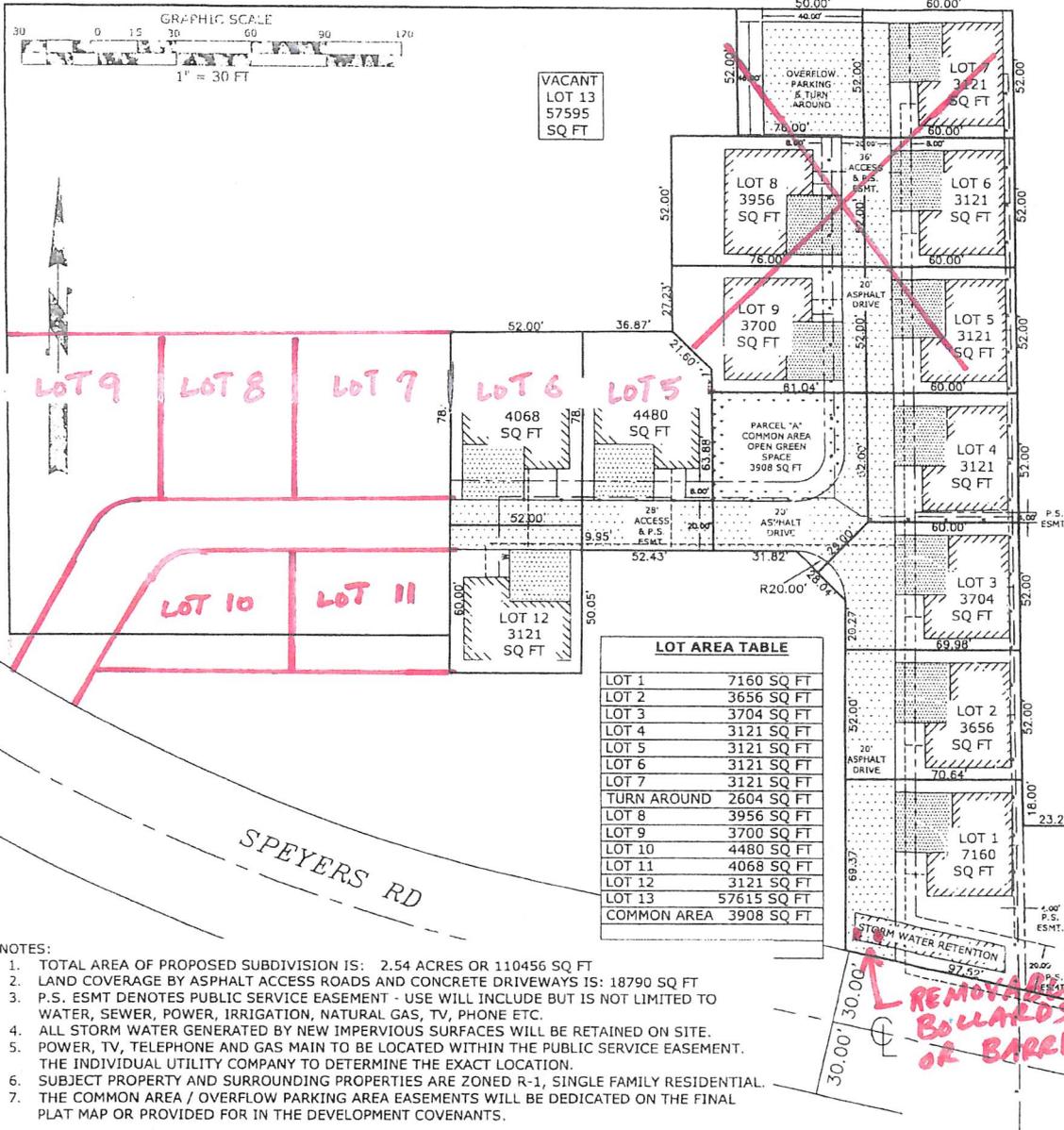


PRELIMINARY PLANNED UNIT DEVELOPMENT
 OF
 "THE DRAW on SPEYERS"

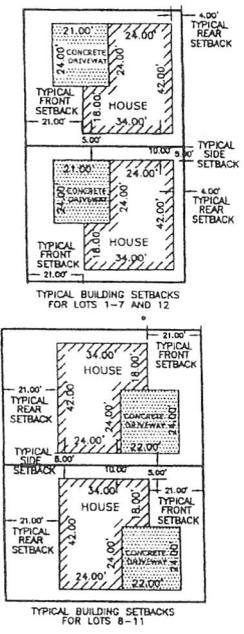
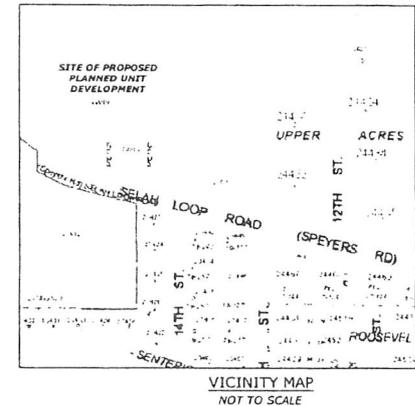
PRELIMINARY PLANNED UNIT DEVELOPMENT
OF
"THE DRAW on SPEYERS"



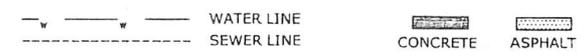
VACANT
LOT 13
57595
SQ FT



LOT AREA TABLE	
LOT 1	7160 SQ FT
LOT 2	3656 SQ FT
LOT 3	3704 SQ FT
LOT 4	3121 SQ FT
LOT 5	3121 SQ FT
LOT 6	3121 SQ FT
LOT 7	3121 SQ FT
TURN AROUND	2604 SQ FT
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LOT 9	3700 SQ FT
LOT 10	4480 SQ FT
LOT 11	4068 SQ FT
LOT 12	3121 SQ FT
LOT 13	57615 SQ FT
COMMON AREA	3908 SQ FT



Legal Description - Parcel 181435-22009 - 2.54 acres
The West 400 feet of the South 330 feet of the SE 1/4 of the NW 1/4 of the NW 1/4 of Section 35, T.14N., R. 18E., W.M.
TOGETHER WITH
Beginning at the NE corner of the SW 1/4 of the NW 1/4 of Section 35, T. 14N., R.18E., W.M.;
thence South along the East line thereof 139 feet to the North line of the County Road right-of-way;
thence Northwesterly along said North line of County Road to the North line of said subdivision;
thence East along the North line of said subdivision 600 feet, more or less, to the point of beginning;
EXCEPT the East 240 feet as measured along the North line of said subdivision.
EXCEPT Beginning at the NE corner of the SW 1/4 of the NW 1/4 of Section 35, T. 14N., R.18E., W.M.;
thence along the North line of said subdivision N89°56'38"W, 334.13 feet to the true point of beginning;
thence N00°00'00"E 90.22 feet; thence N45°00'00"W 28.03 feet; thence N90°00'00"W, 83.96 feet;
thence S00°00'00"E, 50.03 feet; thence N90°00'00"W, 52.00 feet; thence N00°00'00"E 15.00 feet;
thence N90°00'00"W, 174.28 feet; thence S00°00'00"E, 13.85 feet to the North line of Selah Loop Road;
thence Southeasterly along said North line 350.79 feet more or less, to a line bearing S00°00'00"E from
the true point of beginning; thence N00°00'00"E, 51.37 feet to the true point of beginning.



- NOTES:
- TOTAL AREA OF PROPOSED SUBDIVISION IS: 2.54 ACRES OR 110456 SQ FT
 - LAND COVERAGE BY ASPHALT ACCESS ROADS AND CONCRETE DRIVEWAYS IS: 18790 SQ FT
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REMOVABLE BOLLARDS OR BARRICADES

SHANE SNODGRASS - OWNER / DEVELOPER
171 BAKER RD. SELAH, WA 98942 509-930-7938

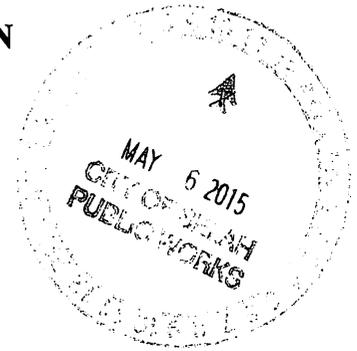
PRELIMINARY PLANNED UNIT DEVELOPMENT
OF PARCEL 181435-22009

LOCATION: PT. NW 1/4 SEC. 35, T.14N., R. 18E., W.M.

DATE: 01/07/2015 SCALE: 1" = 30' SHEET 1 OF 1

LAW OFFICE OF PATRICK D. SPURGIN

411 NORTH 2ND STREET
YAKIMA, WASHINGTON 98901
TELEPHONE: 509.248.4282
FAX: 509.575.5661



May 4, 2015

Mr. Joe Henne, City Administrator (Interim)
City of Selah
115 West Naches Avenue
Selah, WA 98942

RE: Hearing Examiner Recommendation on "Draw of Speyers" PD Rezone and Preliminary
Subdivision (File No. 912.65.15-01; 914.62.15-01)

Dear Mr. Henne:

Enclosed is the referenced recommendation to the City Council. Do not hesitate to call me in
regard to this recommendation.

Sincerely,

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

Patrick D. Spurgin, Hearing Examiner

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

Application for a Rezone and Preliminary Plat)	Selah File Nos. 912.65.15-01;
)	914.62.15-01
)	
By Shane and Renee Snodgrass)	
)	HEARING EXAMINER
To Rezone Property near the intersection of Speyers Road and North 14 Street from One-Family Residential to Planned Development and Approve the 13-Lot Preliminary Plat of "The Draw on Speyers")	RECOMMENDATION
)	
)	
)	

I. INTRODUCTION.

Shane and Renee Snodgrass (hereafter "Snodgrass" or "Applicant") have applied to rezone and subdivide a single parcel of property in accordance with Planned Development provisions of the Selah zoning ordinance. The name of the project proposal and subdivision is "The Draw at Speyers." The proposal would result in the subdivision of the existing lot into 12 small single family lot parcels for identified residential development and one large parcel which the Applicant argues may also be developed with a single family residence. An open record hearing on the planned development and subdivision proposal was conducted April 20, 2015. The Hearing Examiner viewed the site on the same date. City planning consultant Tom Durant (hereafter "Community Planner") provided a staff report prior to the hearing, which is included in the hearing record. Shane Snodgrass appeared as Applicant and presented information concerning the Applicant's objectives for the development proposal. Several members of the public commented on the application at the hearing. The comments concerned

- Adequacy of current utility services in the vicinity;
- Small lot size and density of residential use; and
- History of drainage issues in the vicinity.

II. SUMMARY OF RECOMMENDATION.

Based on application materials, hearing exhibits, public comment and information contained in public records and documents, the Hearing Examiner's findings indicate that the Preliminary Planned Development of "The Draw on Speyers" complies with the 2005 Selah Comprehensive Plan and Chapter 10.24 of the Selah Municipal Code, and should be approved subject to conditions specified below.

Based on the staff report and exhibits, the viewing of the site, statements and comments received at the open record hearing and in writing, and a review of pertinent development regulations and

2005 Selah Urban Growth Area Comprehensive Plan (hereafter referred to as the "Comprehensive Plan"), the Hearing Examiner makes the following

III. FINDINGS.

1. APPLICANT AND PROPERTY OWNER.

The applications for rezone and subdivision were filed by Shane Snodgrass, who together with Renee Snodgrass is the property owner of record.

2. LOCATION.

The subject property is located on the north side of Speyers Road immediately to the northwest of the North 14th Street intersections. The Yakima County Assessor's tax parcel number for the property is 181435-22009.

3. APPLICATIONS.

Pursuant to Chapter 10.24 SMC, the Applicant has filed concurrent applications for rezone and preliminary plat review. Project information is as follows:

a. Lot design: The applications propose to rezone approximately 2.54 acres from One-Family Residential (R-1) to Planned Development (PD) and concurrently subdivide the site into 13 lots and two special use tracts consistent with documents submitted by the Applicant to meet the requirements of SMC 10.24.030 and SMC 10.24.050. Twelve of the lots are designated for construction of single family residences in the Applicant's Development Plan and Program. These lots range from 3,121 square feet to 7,160 square feet in size. The designated "vacant" Lot 13 is 57,615 square feet. Taking into account all of the lots (the vacant lot included) the average lot size is 8,497 square feet.

b. Structural plans: The Development Plan submitted by the applicant indicates the construction on each of Lots 1 through 12 of a 34-foot by 42-foot "Craftsman Style" two story single family residence with specified floor plans for each unit to include 3 bedrooms and 2 baths. The proposed lots and structures would be offered for individual ownership. The limited lot space would present low maintenance requirements, with recreational amenity value offered by a designated common area, designated as Parcel "A".

c. Turnaround: In addition to other vacant and common areas, the plat indicates a 2,600-square foot tract designated for overflow parking and a vehicle turnaround.

d. Access to the site: The proposed approach to the site is located approximately 88 feet northwest of the intersection of N. 13th Street and Speyers Road, as measured from centerline to centerline.

e. Interior Access: Interior access to the development is proposed to be provided by means of a 20-foot wide private access road in a 28- to 36-foot wide utility and access easement. The interior private road would extend north 339 feet more or less from Speyers Road to the designated turnaround parcel, with an interior leg intersecting the access road 170 feet more or less to the north of Speyers Road and extending 164 feet more or less to the west from the center of the intersection. No turnaround is proposed on the western leg.

f. Utility access: The sewer and water lines would be extended from current city mains in the Speyers Road corridor. As proposed, the water line extensions would follow a 4-foot easement on the east boundary of Lots 1 through 7 and extended to serve the other planned residences through an easement between Lots 3 and 4. Sewer lines would follow easements abutting the proposed interior access street. Other utilities would be located within the designated easements. The Applicant prefers both water and sewer mains within the development to be private lines. However, per the staff report, at least one fire hydrant is required within the subdivision in order to conform to the Fire Code and must be installed on a public water line.

g. Stormwater: Runoff from impervious surfaces would be retained on site, pursuant to subdivision code requirements.

h. Irrigation: The property is served with irrigation water by the Naches-Selah Irrigation District; the Applicant proposes to abandon the easement used to deliver irrigation water to the property.

i. Lighting: Lighting would be provided by garage and porch lights on the residences. No street lighting is proposed.

j. Property maintenance: Per the Development Plan and Program, and the Covenant, Conditions and Restrictions (CCRs) submitted by the Applicant, exterior facility and yard maintenance for the dwellings and common areas (other than private patio space associated with each dwelling) would be performed by a homeowners association.

k. Phasing: The application indicates development in stages with Lots 1 through 7 developed first, followed by Lots 8 through 13.

4. CURRENT SITE CONDITION AND ZONING

The site consists of a hill sloping steeply down to a ravine that runs roughly north to south along the easternmost portion. There is a relatively flatter area on either side of the ravine that is proposed for development. The ravine is a natural drainage for about 20 acres to the north above Speyers Road. The ravine also has been used to deliver irrigation water from the Naches-Selah Irrigation District system to the subject property, and has been used for overflow from the City water system reservoir. The property is zoned One-Family Residential (R-1). It is vacant. No topographical information was provided with the application materials.

Transportation system: The property abuts Speyers Road, a designated Minor Arterial. Speyers Road has not been improved to full arterial street standards in the vicinity of the property. At the time of the analysis in the 2005 *Comprehensive Plan* and recommended improvements, street intersections on Speyers Road with West Fremont Avenue, North 3rd Street and Fremont, and North 1st Street and Fremont operated at levels of service (LOS) of C, D and B respectively. Without improvements recommended in the *Comprehensive Plan*, LOS would have dropped to D at Speyers and Fremont in 2010 and F in 2025. For North 3rd Street and Fremont, LOS F would have been reached by 2010. The recommended improvements, including converting Speyers Road and Fremont Avenue from a two-way to all-way stop controlled intersection and installation of a westbound right-turn lane have been completed. The *Comprehensive Plan* also recommended improvements of Speyers Road most of the way from Fremont Avenue to the City Limits. Based on these improvements, all of the identified intersections were expected to operate at LOS B or better in 2010 and 2025, except for Speyers/Fremont, which was expected to drop to LOS C in 2025.

Utilities: An 8 inch public water line is located on the south side of Speyers Road where it fronts the site. An 8 inch City sanitary sewer line ends at the intersection with North 13th Street approximately 300 feet southeast of the site. Both are to be extended into the site to serve all of the residential lots, though the connection to the mains would be in private ownership.

Fire hydrants: There is an existing hydrant located directly across the site at the intersection of North 14th Street and Speyers Road.

5. NEIGHBORING ZONING AND LAND USE.

The subject property is surrounded on 3 sides by a larger topographically hilly undeveloped tract of 12.6 acres. Further to the east is a single family home on 0.76 acres, and beyond that, a subdivision with lots ranging from 0.79 to 1.5 acres. The property immediately to the south is owned by the Applicant and is in residential use. Across Speyers Road to the south is a large lot of mainly vacant land in Yakima County. To the southeast along North 14 Street within Selah City Limits, residential lots have been established, ranging in size from 0.17 acres to 0.27 acres.

6. ENVIRONMENTAL REVIEW.

A Mitigated Determination of Nonsignificance (MDNS) was issued March 27, 2015 for the Applicant's proposal. The MDNS requires that a geotechnical report be prepared for any development on slopes greater than 15% and mitigation be implemented to maintain integrity of affected geologically hazardous areas. Within the comment period following the issuance of the MDNS, the City received comments from a private party, the Washington Department of Ecology and the City's engineer. The Responsible Official did not elect to modify the MDNS based on the comments, and no other agency with jurisdiction elected to take lead agency status. There has been no appeal of the MDNS.

7. 2005 SELAH URBAN AREA COMPREHENSIVE PLAN DESIGNATION.

The subject property and surrounding areas are designated as Low Density Residential on the Future Land Use Map adopted with the *Comprehensive Plan* in 2005. The designation includes adjacent County land within Selah's Urban Growth Area.

8. HEARING EXAMINER JURISDICTION

The Hearing Examiner has jurisdiction to conduct open record hearings on Planned Development applications based on SMC 10.24.060. The Hearing Examiner is charged with recommending approval or denial of the Planned Development rezone and any associated subdivision.

9. PROJECT ANALYSIS

a. Review Criteria.

The review criteria specifically applicable to a Planned Development zone application are set out in SMC 10.24.060 and are analyzed below. The purpose of the Planned Development zoning provision as expressed in SMC 10.24.010 is to provide project-specific relief from otherwise applicable zoning standards in order to allow creative use of property consistent with the *Comprehensive Plan*.

b. Project Elements Requiring Relief from Zoning Standards

The Applicant seeks relief from minimum lot size, lot coverage, and structural setback requirements in the R-1 zoning district. The Applicant also seeks to modify certain subdivision code standards that may be altered in association with the Planned Development rezone proposal.

c. Application of the Planned Development Review Criteria

(1) Substantial conformance to the City of Selah Urban Growth Area Comprehensive Plan:

The *City of Selah Urban Growth Area Comprehensive Plan* designates the property as Low Density Residential on the adopted 2005 Future Land Use Map. This designation provides for a maximum density of 5 dwelling units per gross acre. Considering the project as a whole, the density from the planned development would be 4.72 dwellings per gross acre. The addition of any dwelling units within the planned development would cause the density of development to be nominally greater than the *Comprehensive Plan* maximum. The intended future use of Low Density Residential lands is a mix of single family, two-family, townhouse and multifamily residences. The mix of residential uses is controlled by the maximum density limitation on future (new) development. Based on the development plan, the housing units in the project would be detached single family dwellings. Consequently, the proposed density does not appear to bear on the mix of uses in this case.

Other potentially relevant *Comprehensive Plan* objectives and policies suggested by the staff report are discussed as follows:

(i) Objective LUGM 3: Encourage economic growth while maintaining quality development and controlling the cost of public improvements in Selah's UGA. Related policies include Policy LUGM 3.2 ("Direct development to areas where infrastructure (water, sewer and streets) is either present, can be easily extended, or is planned to be extended"), Policy LUGM 3.3 ("Conserve land, energy and financial resources by minimizing urban sprawl") and Policy LUGM 3.4 (street and utility extensions should be designed to serve the maximum area with the least length of extension).

The proposed project does not conflict with these considerations. Rezoning in this case does not direct development nor reduce sprawl in any obvious way, but does provide for minimal additional public cost, since the utilities are readily available in the area, and the interior street would be privately maintained.

(ii) Objective LUGM 4: Assure that land use... patterns adequately protect and preserve resource lands, critical areas, water supplies, water bodies and other significant areas. Related Policy LUGM 4.3 encourages flexibility to allow incentives for natural area and open space protection in new development. Policy LUGM 4.5 seeks to ensure that adverse impacts from land use practices in geologically hazardous areas do not put lives, property or resources at risk.

The clustering of development provided by the project would promote preservation of undeveloped open space. The property has not been designated as steep slope on the Future Land Use Map (which addresses slopes greater than 25%), but concerns regarding slope stability and erosion raised during SEPA review resulted in the requirement for a geotechnical review of any development on slopes exceeding 15%. Some concerns are raised in the public comment record regarding whether "jurisdictional wetlands" (i.e. subject to critical areas or state water resources protections) are present on the property, but the wetted areas within the ravine are consistent with its use as a means of delivery of irrigation water to the property. The SEPA Responsible Official did not identify the potential for significant impacts to wetlands resources from the proposed action, and no other governmental authorities challenged that determination. The Applicant indicated an intent to vacate the irrigation easement that allowed delivery of water from Irrigation District facilities to the subject property. Drainage plans designed to assure retention of runoff from impervious surfaces included in the development are an appropriate condition of any approval of the planned development and will serve this *Comprehensive Plan* objective.

(iii) Objective HSG 1: Maintain and upgrade the character of existing residential neighborhoods. Related Policy HSG 1.2 encourages "new single-family development throughout existing single-family neighborhoods as redevelopment and infill construction at appropriate densities

The project would develop vacant property. The nearest residence is owned by the applicant. Other nearby residences are separated from the property by Speyers Road. The balance of the neighborhood comprises multiple acres of vacant property to the north and other very low density development to the south. No other residences on the north side of Speyers Road are within 200 feet of the proposed residential portion of the planned development. Under these circumstances, it is difficult to discern a standard capturing “the character of an existing residential neighborhood.” Public comments raised generalized concerns about the clustering of the proposed dwellings on small lots. However, generalized concerns about the impact of a proposed land use do not provide a basis for denying a proposed use. See *Maranatha Mining, Inc. v. Pierce County*, 59 Wash.App. 795, 805, 801 P.2d 985 (1990). In addition, clustering of lots is a specifically recognized means of meeting the City’s affordable housing goals. (*Comprehensive Plan* p.41).

(iii) Objective HSG 2: Encourage new residential development to approximate existing residential densities and housing mix levels. Policy HSG 2.1 encourages that the combined net density of all residential development remain at present levels. Exceptions to this policy should be permitted where the developer can demonstrate that the quality of the project design, construction and amenities warrants a different housing density.

As discussed above, it is difficult to discern the basis for establishing an “appropriate” density in the vicinity, and this is also true for establishing a “combined net density” of existing residential areas in the vicinity. The staff report describes an array of densities for different developed properties in the geographical vicinity, highlighting the difficulty of applying this *Comprehensive Plan* Objective under these factual circumstances. In any case, the clustering approach proposed by the Applicant, including the associated common and vacant land open spaces, provides a basis for considering the density of the project as a whole rather than on a strict net density basis that considers only the buildable lots. On this basis, the overall project density approximates the highest densities created by other developments in the vicinity (e.g. North 1th Street development).

(iv) Objective HSG 3: Minimize the negative impacts of medium and high-density residential projects on adjacent low-density residential areas, but encourage mixed use/density projects.

As noted, generalized concerns have been expressed concerning the density of the residential portion of the property. However, the subject property is separated from low density residential developments by Speyers Road and substantial stretches of undeveloped property. There is no substantial evidence of negative impacts from the proposed development on low-density residential areas.

(v) Objective HSG 4: Encourage new residential construction to be compatible with existing residential development. Policy HSG 4.1 calls for encouraging developers to use private covenants and deed restrictions which specify architectural, maintenance and landscaping standards within their development.

Architectural, maintenance and landscaping standards are implicitly associated with the compatibility analysis. The development program submitted by the applicant provides information relevant to those considerations for the proposed residences, and no public comment or other information suggests specific incompatibility with existing residential development. The Covenants, Conditions and Restrictions proposed for the development provides for control of architectural and landscaping standards and for related maintenance by the Homeowners Association. One potential issue concerns the setback widths proposed on the back lot lines for Lots 2 through 7. These lots abut land in different ownership, and the reduced backyard setback (normally 20 feet in the R-1 zoning district) would potentially affect the achievement of setback purposes on the adjacent property. However, the adjacent property owner has raised no objections in the record on this basis.

(vi) Objective ENV 2: This objective relates to avoiding negative impacts from storm drainage.

Stormwater will be retained on site, and the adequacy of the retention system is promoted by requiring preparation of system plans by an engineer, and by subjecting the plan to review and approval by the City. The system would have to accommodate flows from the entire 20 acre drainage in a manner that would avoid potential inundation on the southern-most lots, based on comments from the Washington Department of Ecology.

(vii) Objective TRAN 2: Improve circulation within the City of Selah UGA. Policy TRAN 2.4 encourages connections of streets unless topographical or environmental constraints prevent it.

At present, no streets are located adjacent to the property in a manner that would suggest the extension of an interior street to connect with it. The proposed interior street is consistent with the other aspects of the development plan and program. As noted in the staff report, the configuration of the private street provides access to the planned lots in a way that provides for emergency and service vehicle access consistent with the Fire Code. The city's Consulting Engineer indicated in an April 16, 2015 letter (Hearing Exhibit 14) the owners of a neighboring property to the east may be intending to develop access off of Speyers Road directly across from North 14th Street. As the staff report notes, the configuration and alignment of streets within the planned development with other planned streets would be more efficient. However, a requirement for a configuration of the interior street to connect with the street grid to the north or the east for the sake of efficiency would require substantial evidence that such collateral development was more than speculative.

(viii) Objective TRAN 4: This objective and related policies address street planning for integration of the transportation system and regulation of streets access to assure access to developments by emergency and service vehicles.

The turnaround and private street configuration and width appear to meet fire safety and public service requirements as reported by the Planning Consultant.

(2) The proposal's harmony with the surrounding area, or its potential future use.

Aside from density-related matters discussed elsewhere, a primary issue arises from the configuration of the proposed approach to Speyers Road in relation to the potential approach to the property immediately to the east and the alignment of the North 14th Street intersection. One approach may be proposed by third parties to gain access to the property to the east. The adjacent property also abuts Speyers Road further to the west of the Applicant's property, but at a location where the slope of the property appears to be 15% to 20%. The Applicant's proposed approach and associated block design therefore presents the potential need for two approaches to Speyers Road within 75 feet, more or less, of one another, neither of which aligns with the North 14th Street intersection. This result might be viewed as "not harmonious." However, in absence of substantial evidence of actual impairment to the public interest, this consideration does not indicate a recommendation for denial.

In this regard, SMC 10.50.051(b) requires the arrangement of lots 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. However, it is not clear that this language refers to opening of further streets or further subdivision of the parent parcel or other parcels in the vicinity. Based on current density limitations, further subdivision of the subject property is unlikely. However, the same concept might be included in the notion of harmonious development with the surrounding area. There is some indication in the record that persons unnamed may be planning development of adjacent property to the east, and that the lot layout should accordingly be arranged to allow connection with a potential interior street on the adjacent property. However, there is no evidence of any land use permit application having been submitted for such a development. Despite being issued notice, owners of the neighboring property provided no comment for the record to substantiate active plans for development of that property. Furthermore, the subject property is at the foot of a steep slope, and there is no substantial evidence of active planning for future streets to the north.

(3) The system of ownership and means of development, preserving and maintaining open space.

The common open space identified and described in the development plan is addressed in the CCRs included with the application materials. It is principally recreational in purpose, and includes picnic tables. As proposed, it is 3,908 square feet in area. This corresponds to 326 feet, more or less, per residential lot. This area compares favorably to the amount of recreational or green open space required per unit in multifamily developments. See SMC 10.16.050.

Lot 13 presents a different question. It appears that the Applicant wishes to reserve the lot as a future building lot. The lot is not identified for any particular use integral to the planned development. However, its vacant status is necessary both for maintaining dwelling unit density for the project as a whole below the "up to 5 dwelling units per gross acre" and to permit credible characterization of the project as a cluster development (intended to serve affordable housing objectives as described in the Development Plan). It is also possible that the vacant

status of the property is pertinent to the design of stormwater management facilities. These considerations require that appropriate provision be made for preserving and maintaining the open status of the property in any recommendation for approval of the Planned Development.

(4) The adequacy of the size of the proposed district to accommodate the contemplated development.

The Planned Development ordinance does not provide specific guidance as to what would constitute the “adequate” size of property to support a PD approval. The property is not large enough to allow conforming public streets to serve Lots 1, 2 and 3 without further reducing lot size. Private streets are allowable under the subdivision standards when there is no impairment to traffic circulation on public streets. SMC 10.50.041(d)(4). There is no indication of any fire safety or similar concerns held by city fire or public works officials regarding the configuration of the development or means of access. Keeping Lot 13 vacant allows sufficient property to allow the development of the 12 residential lots, so in that sense the overall property is adequate in size for the clustering of the residential lots. On this basis, it appears that the size of the property is adequate.

(5) Compliance with Chapter 10.24 SMC.

The purpose of the Planned Development ordinance is to allow new development that is consistent with the *Comprehensive Plan* but that would not be readily permitted in other zoning districts due to limitations in dimensional standards, permitted uses, or accessory uses. The development as proposed would not be readily permitted in the R-1 zoning district due to the proposed residential lot sizes that range from 3,121 to 7,160 square feet. All of the lots except Lot 1 have less than the minimum required lot width and lot depth in the R-1 zoning district. It should be noted that essentially all of the property appears to be sloped more than 10%, based on topographic mapping on Yakima County’s Land Information Portal, except perhaps in the vicinity of Lots 1 and 2. This results minimum lots sizes of 10,000 square feet according to SMC 10.12.030. Independent of density limitations, it appears that the lot size limit would likely have allowed only 12 lots to be developed on the subject property.

Specified information requirements to be included in the final development plan and program according to SMC 10.24.050 include

- a) Existing maps drawn to scale of not less than one inch to one hundred feet and proposed final contour map;
- b) Location, with the names of all existing and proposed streets, public ways, railroad and utility rights-of-way, parks or other open spaces and all land uses within two hundred feet of the boundary of the development;
- c) Existing sewers, water mains and other underground facilities within and adjacent to the development and their certified capacities;
- d) Proposed sewer or other waste disposal facilities, water mains and other underground utilities;

- e) Subdivision map, in the event a proposed planned development application is combined with a proposal to divide land into lots, identifying proposed lot configuration and size in square feet);
- f) Proposed land use map identifying the location and purpose of each structure;
- g) Location and size in square feet of community facilities;
- h) Location and size in square feet of open space;
- i) Traffic flow plan;
- j) Location and dimension of walks, trails or easements;
- k) Location of off-street parking areas, arrangement, number and dimensions of auto garages and parking spaces, width of aisles, bays and angles of parking;
- l) Location, arrangement, number and dimensions of truck loading and unloading spaces and docks;
- m) Preliminary plans, elevations of typical buildings and structures, including general height, bulk, number of dwelling units and the exterior appearance of the buildings or structures;
- n) Approximate location, height and materials of all walls, fences and screens;
- o) Indication of stages of development.
- p) Statement of goals and objectives, i.e., why it would be in the public interest and be consistent with the *Comprehensive Plan*;
- q) Tables showing total number of acres, distribution of area by use, percent designated for dwellings, commercial or industrial uses and open space, number of off-street parking spaces, streets, parks, playgrounds, schools and open spaces;
- r) Tables indicating overall densities and density by dwelling types and any proposal for the limitation of density;
- s) Restrictive covenants, other than those relating to retention and maintenance of common open space;
- t) Development timetable.

Given discussion provided in the staff report at pp. 5-7, the purpose of the ordinance has generally been served by the submitted materials with regard to most of the relevant plan and programs elements set out above as described in the staff report. However, the submitted materials are lacking information regarding

- a final contour map; and
- open space adequacy and protection (specifically with regard to Lot 13).

d. Subdivision review.

Any subdivision associated with a Planned Development must comply with subdivision code (Chapter 10.50 SMC), based on SMC 10.24.060(5). Subdivision design standards are set out in SMC 10.50.041. Block design (SMC 10.50.04(d)) and lot design (SMC 10.50.041(e)) standards may be relaxed as part of a Planned Development for good cause. The staff report suggests that other aspects of the subdivision code may be relaxed because they essentially constitute zoning regulations. However, the language of SMC 10.24.010 provides for concurrent submission of a subdivision application with a Planned Development rezone application. Taken together with specific provisions for relaxation of block design and lot design standards in the subdivision ordinance, it does not appear that there is any general intent in the ordinance to allow relaxation

of other subdivision design standards as part of a Planned Development review. There are other instances where relief from subdivision design standards may be available irrespective of the Planned Development ordinance. Variances from the subdivision standards are possible, but no application for a variance has been made in this case. In absence of a specific allowance for relief from the subdivision standards, all standards are applicable to the proposed project in this case.

(1) *SMC 10.50.051(b)*. As discussed at p. 8-9, above, on the basis of current evidence, relief from lot layout requirements described in the ordinance is appropriate based on property size and topography.

(2) *SMC 10.50.051(c)(3)*. This standard provides that streets intersecting with existing or proposed public highways and major arterials shall be held to a minimum. Speyers Road in this vicinity is a minor arterial. Nevertheless, if there were substantial evidence that the adjacent property was being developed as noted above, it might be appropriate in the public interest to require the combination of the road approaches to Speyers Road into one point of access. No such substantial evidence is in the record.

(3) *SMC 10.50.051(c)(11)*. This standard provides that street jogs with centerline offsets of less than two hundred feet shall not be allowed. On this basis, the staff report and the Consulting Engineer have stated that the intersection of the proposed access street cannot be closer than 200 feet to the North 14th Street intersection with Speyers Road. However, it is not clear that intersection separation and "street jogs" are to be treated as the same for purposes of the design standards. Intersection separation may be fairly associated with block length, whereas a street jog appears to relate to the offset of centerline alignment built into a continuous street segment. And as provided in *SMC 10.50.04(d)*, block length may be adjusted in association with a Planned Development.

(4) *Block and Lot Design*. As noted, block design (*SMC 10.50.04(d)*) and lot design (*SMC 10.50.041(e)*) standards may be relaxed as part of a Planned Development for good cause. The principle reasons for the proposed adjustments are to avoid construction on the steep slopes of the property and allow efficient development of moderately priced residences in compliance with *Comprehensive Plan* objectives. The alignment of a single tier of lots on the east property line as well as the west leg of the interior street maximizes the use of the portion of the property with the least slope. Given the provision of tracts for common open space, off-street parking and turnarounds, and the absence of any objections from the neighboring property owner, there is adequate cause to allow the adjustments.

(5) *Interior private street*. *SMC 10.50.04(d)* also allows the use of interior private streets "where there will be no adverse effect on future traffic circulation of neighboring parcels." The proposed private street appears functionally equivalent to a cul-de-sac, similar to the cul-de-sac on North 12th Street to the east. While it is possible that some development may be proposed for neighboring parcels, and although the Consulting Engineer developed some alternative street alignments to the one proposed by the Applicant, there is no basis for determining what the traffic circulation for neighboring parcels will look like. In addition, the width of the property providing a possible approach to the adjacent lot would not allow the development of a conforming public street independent of the subject Planned Development. Accordingly, there is no basis for determining any adverse effect on the adjacent parcels. As noted in the staff report, the design of the private street meets Fire Code requirements. In addition, parking is provided for each dwelling, and an additional parking and turnaround tract is proposed. The staff report indicates that the grade of the street should be no more than 10% in the interest of public safety,

and the Applicant does not object to such a condition. Therefore, the private street appears to provide adequate access for the development.

(6) *Sidewalks*. It is not clear that sidewalks are required when a private street is used for a subdivision. No sidewalks are proposed, but traffic on the interior street will be limited to the trips generated by the 12 residences, and there is no evidence that public safety will be implicated by pedestrian traffic in the private street.

(7) *10.50.045(e)*. Street lighting is not indicated on the plan, but in absence of a variance, is required at the appropriate location on the private street.

(8) *Water*: The preliminary plat shows a domestic water line extending north along the east property line in a 4 foot wide utility easement, with an additional line extending west 60 feet to the proposed interior street serving Lots 10, 11 and 12. The City's Consulting Engineer notes that, separate water lines should be provided to each dwelling unit. This would require the extension of separate lines from meters on Speyers Road, as well as the public line necessary for the fire hydrant. Also, the four foot easement along the rear lots lines is not wide enough to accommodate a public water line and installing the line or lines in the 28 to 36 foot easements that include the street is preferable. Individual water lines must be constructed to meet plumbing and building codes as applicable. The pressure zone for this area allows water service up to an elevation of 1,300 feet, which based on the topography shown on the preliminary plat would allow water service to all of the lots in the proposed plat.

(9) *Sewer*: The preliminary plat shows the sanitary sewer line extended to serve all of the lots in the 28 to 36 foot wide access and utility easements through the site. The applicant prefers to have a private line, which would then be the responsibility of the lot owners or homeowners association to maintain. It would have to be connected to the public sewer line with a manhole on Speyers Road. Ten feet of separation is required between the sewer line and any water lines within the easement. Construction to building and plumbing codes would be required as applicable.

(10) *Fire Hydrants*: Hydrants must be spaced such that all homes are within 250 feet of a hydrant, measured along the streets. Based on this standard there would need to be at least one hydrant interior to the plat. It appears that a location at the intersection of the two private streets in the plat would meet that requirement. It must be served by a city maintained water line meeting the following specifications and requirements:

- Capable of providing a minimum of 1,000 gallons per minute of fire flow.
- Four foot clearance in both directions from the line in which no other utilities could be located.
- Must be constructed of ductile iron and designed by a licensed professional engineer.

From the foregoing findings, the Hearing Examiner makes the following

IV. CONCLUSIONS.

1. Any of the foregoing Findings that are more suitably characterized as conclusions are deemed to be such.

2. The proposed clustering of 12 residential lots and preservation of vacant land and open space is consistent with the density limitations of Low Density Residential land designated on the Future Land Use Map in the *Comprehensive Plan*. The development of residences is properly limited to the 12 small lots notwithstanding representations by the Applicant that the “up to 5 dwelling units per gross acre” limitation in the *Comprehensive Plan* can be met by “rounding up” of the calculated to density to whole numbers of dwelling units. Nothing in the *Comprehensive Plan* supports this rounding up methodology. More particularly, SMC 10.24.070 prohibits the exceedence of the *Comprehensive Plan* density limitation.

3. The Planned Development is otherwise consistent with the *Comprehensive Plan* objectives and policies concerning protection of the character of existing neighborhoods, consideration of geological hazards and avoidance of negative stormwater and drainage problems, transportation system integration, and assurance of compatibility with neighboring uses, so long as the project complies with conditions identified in the MDNS and the staff report.

4. So long as appropriate measures are employed to protect open space values, including amenity values associated with the preservation of the vacant status of Lot 13, the Planned Development will meet the requirements of SMC 10.24.080.

5. Relief from strict application of the block and lot design requirements is appropriate in light of the creative use of the buildable space within the context of the steep topography of the property.

6. In absence of concrete plans for the development of neighboring properties that warrant the integration of the access street with neighboring access streets, there is good cause for the use the proposed private street and the location of its approach to Speyers Road. In absence of such concrete plans supported by substantial evidence, the private street makes acceptable and reasonably efficient use of the subject property.

7. The water system must be installed to allow a publicly maintained fire hydrant to serve the property. Otherwise, all subdivision design standards, including utility easements as described in the staff report, are fully applicable to the proposal excepting those related to public right of way design.

From the foregoing Findings and Conclusions, the Hearing Examiner makes the following

V. RECOMMENDATION.

The applications for rezoning of the subject property from R-1 to Planned Development (File No.) for the approval of the association preliminary plat (File No.) should be APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. 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.

2. The Planned Development shall substantially conform to the project design as described in the project narrative, in the application materials and on the face of the currently proposed preliminary plat, except as modified in these conditions. Setbacks, building height and lot coverage shall conform to the building configurations, plans and elevations included in the final plan and program and shown on the currently proposed preliminary plat. Standards not otherwise provided for in these documents shall be to the standards required in the R-1 district by the zoning ordinance.
3. The interior private street approach to the Draw on Speyers shall be as indicated on the preliminary plat except as follows: In the event that a complete application is received by the City of Selah for the development of the property immediately to the east of the subject parent parcel, and that application (1) provides for the development of a new access street that aligns with the centerline of North 14th Street and (2) may serve as a suitable access to the Draw on Speyers, then a modification of the preliminary plat of the Draw on Speyers to relocate access to allow interior access from the new access street shall constitute a Minor Modification for purposes of SMC 10.24.110.
4. A professionally-prepared geologic hazards assessment shall be submitted on behalf of the Applicant to the Planning Department for its review to determine if the site is in an erosion or landslide hazard area and to identify measures to mitigate the impacts from site and residential development in such geologic hazard areas and slopes that are greater than 15%. Implementation of identified mitigation measure are a condition of approval of the Planned Development.
5. Prior to any site disturbance, a grading plan or plans, prepared by a licensed professional engineer, shall be submitted to and approved by the Public Works Director. This requirement also applies to the development of individual lots of the subdivision, although homesite permitting or development is not a condition of recording the final plat. The City shall incorporate geologic hazards assessment recommendations/mitigation into the review of all grading permits required by this condition.
6. All final plans and specifications for public improvements must be prepared by a Licensed Professional Engineer and reviewed and approved by the Public Works Director prior to construction. Upon completion of construction and prior to final plan 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.

7. Storm water drainage facilities for the project site must comply with a drainage facilities plan prepared by a licensed professional engineer and approved by the Public Works Director. The plan must demonstrate that the project as proposed can provide for the retention of runoff from developed parts of the project on-site, and accommodate all pass-through drainage, including irrigation water released from the Naches-Selah Irrigation District system.
8. Either the covenants for road maintenance or other road maintenance agreement that provides for the perpetual maintenance of the private roadway and establishes a road maintenance fund shall be recorded with the Yakima County Auditor; a recorded copy shall be submitted to the Selah Community Planner prior to recording the final plat.
9. Documentation setting forth the ownership and perpetual maintenance of the common open space and providing for protection of density limitations and other amenity values on Lot 13 shall be provided prior to recording the final plat. Documentation may include covenants supplementing the CCRs included with the final Development Plan and Program to address Lot 13, or deed restrictions, and they shall be recorded prior to recording the final plat.
10. The private interior street shall be constructed as a hard-surfaced street to the following specifications:
 - a. 20 foot wide (minimum) asphalt surfacing
 - b. Not to exceed 10 percent slope
 - c. Intersecting street segments as shown on the preliminary plat not to exceed 160 feet in length and no less than 60 feet in length as measured from the center point of the intersection.
11. The existing public sewer line shall be extended to the project site from where it currently ends on Speyers Road. Sewer service shall be provided to all lots in the proposed interior access easement with either a public line or a private line maintained by the homeowners association connected at a manhole to the public sewer line at Speyers Road. Alternative layouts or designs may be considered and approved by the Public Works Director.
12. Subdivision design shall include the provision of public water lines at least as far as the fire hydrant required interior to the plat. Regardless of whether the public line is extended

throughout the plat, individual water lines shall be limited to one line per dwelling unit. The water line or lines shall be installed in the access and utility easement with a minimum of 10 feet of separation from a sanitary sewer line, unless approved otherwise by the Public Works Director.

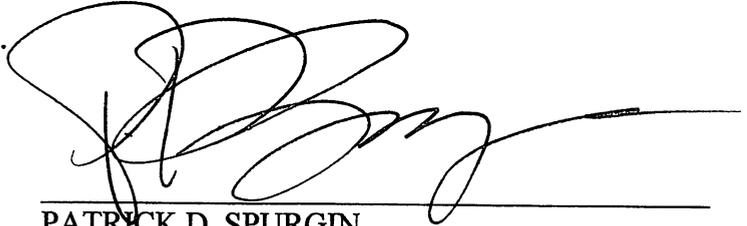
13. The recorded CCRs shall provide that the designated turnaround/parking area shown on the preliminary plat shall be used only for turnaround and additional off-street parking purposes or other consistent uses. The designated area shall be hard-surfaced, and the covenants shall provide a fund adequate for perpetual maintenance of the hard surface. Modifications to surfacing requirements for the turnaround/parking tract may be treated as a Minor Modification per SMC 10.24.110.
14. An NPDES construction stormwater general permit shall be obtained from the Washington State Department of Ecology unless it is determined by that agency that such permit coverage is not required.
15. A dust control plan shall be prepared and implemented during construction as required by the Yakima Regional Clean Air Agency.
16. Street illumination shall be installed by the developer at locations and to the specifications of the Public Works Director in order to maximize illumination. Street lights shall be installed on metal poles unless otherwise approved by the Public Works Director.
17. 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.
18. There shall be a moratorium on public street cuts for a period of five (5) years from the date of plat recording.
19. 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. A public water line shall be installed to serve the hydrant or hydrants and improved to the following standards:
 - a. Capable of providing a minimum of 1,000 gallons per minute of fire flow.

- b. Four foot clearance in on either side of the installed line in which no other underground utilities may be located.
 - c. Must be constructed of ductile iron and designed by a licensed professional engineer as required elsewhere by the conditions of this recommendation
20. Final lot dimensions and lot area must substantially conform to the preliminary plat.
21. Covenants or agreement providing for the perpetual maintenance of any private sewer line shall be recorded with the Yakima County Auditor and a recorded copy submitted to the Planning Department prior to recording the final plat. It may be combined with the required covenants or road maintenance agreement.
22. 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.
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. All required street signs, posts and appurtenances must be supplied by the developer and will be installed by the City.
25. 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.”**
26. 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.
27. Improvements required for the subdivision must be completed and the final plat must be submitted within the maximum 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 initial time period ends.

28. Any changes to the plan or program shall be subject to review in accordance with Chapter 10.24 SMC.

DATED THIS 4th DAY OF MAY, 2015.

A handwritten signature in black ink, appearing to read 'P. Spurgin', written over a horizontal line.

PATRICK D. SPURGIN
HEARING EXAMINER



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



COUNCIL MEETING ACTION ITEM

6/9/2015 N – 1

Title: Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.62.15-01 Rezone to Planned Development

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

Background / Findings & Facts:

Hearing Examiner conducted open record public hearing April 20, 2015. Prepared Findings and Conclusions recommending Approval of The Draw at Speyers Planned Development.

Recommended Motion:

I move the Council adopt the Hearing Examiner's Findings and Conclusions to approve the Draw at Speyers Planned Development



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:

4/20/2015

Hearing Examiner Open Record Public Hearing

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ORDINANCE _____

ORDINANCE AMENDING ORDINANCE NO. 1634 ZONING MAP AMENDMENT NO. 914.62.15-01 REZONE TO PLANNED DEVELOPMENT (PD)

WHEREAS, Chapter 35A.63 of the Revised Code of Washington authorizes the City Council of the City of Selah to adopt and amend official controls including zoning ordinances and zoning maps; and,

WHEREAS, Shane Snodgrass submitted an application to rezone 2.54 acres from One Family Residential (R-1) to Planned Development (PD) together with a proposed development plan and program pursuant to SMC 10.24; and,

WHEREAS, Shane and Renee Snodgrass also submitted a preliminary plat and a State Environmental Policy Act (SEPA) environmental checklist for the same property and related to the proposed Planned Development; and,

WHEREAS, the Hearing Examiner considered the Planned Development together with the application for preliminary plat at an open record public hearing on April 20, 2015; and,

WHEREAS, the Hearing Examiner issued findings and conclusions and a recommendation for approval of the rezone; and,

WHEREAS, the City of Selah Council has considered the Hearing Examiner's findings of fact and conclusions and the City staff report dated April 15, 2015 and the Council is satisfied that the matter has been sufficiently considered; and,

WHEREAS, the City of Selah Council adopts the Findings and Conclusions of the Hearing Examiner's Recommendation dated May 4, 2015; and

WHEREAS, the City Council of the City of Selah finds that the zoning map amendment furthers the purpose, goals and objectives of the 2005 City of Selah Urban Growth Area Comprehensive Plan, the City of Selah Zoning Ordinance and the public health, safety and general welfare.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The recitals set forth above are incorporated herein as the City Council's Findings. Further, the Hearing Examiner's Findings and Conclusions are adopted as the City Council's Findings and Conclusions by reference hereto; now, therefore,

Section 2. Amendment. The following described real property is hereby reclassified from One-Family Residential (R-1) to Planned Development (PD):

The West 400 feet of the South 330 feet of the SE ¼ of the NW ¼ of the NW ¼ of Section 35, Township 14 N., Range 18 E.W.M.

TOGETHER WITH

Beginning at the NE corner of the SW ¼ of the NW ¼ of Section 35, Township 14 N., Range 18 E.W.M.; thence South along the East line thereof 139 feet to the North line of the County Road right-of-way; thence Northwesterly along said North line of County Road to the North line of said subdivision; thence East along the North line of said subdivision 600 feet, more or less, to the point of beginning;

EXCEPT the East 240 feet as measured along the North line of said subdivision.

EXCEPT Beginning at the NE corner of the SW ¼ of the NW ¼ of Section 35, Township 14 N., Range 18 E.W.M.; thence along the North line of said subdivision North 89°56'38" West, 334.13 feet to the true point of beginning; thence North 00°00'00" East 90.22 feet; thence North 45°00'00" West 28.03 feet; thence North 90°00'00" West, 83.96 feet; thence South 00°00'00" East 50.03 feet; thence North 00°00'00" West, 52.00 feet; thence North 00°00'00" East 15.00 feet; thence North 90°00'00" West, 174.28 feet; thence South 00°00'00" East, 13.85 feet to the North line of Selah Loop Road; thence Southeasterly along said North line 350.79 feet more or less, to a line bearing South 00°00'00" East from the true point of beginning; thence North 00°00'00" East, 51.37 feet to the true point of beginning (Assessor Parcel No. 181435-22009).

Section 3. This ordinance, implementing zoning map amendment number 914.62.15-01 shall become effective five (5) days following legal publication of this ordinance or a summary of this ordinance.

Done this 9th day of June 2015

John Gawlik, Mayor

ATTEST:

Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:

Robert Noe, City Attorney