ORDINANCE NO. 2173

AN ORDINANCE OF THE CITY OF SELAH, WASHINGTON ADOPTING AMENDEMNTS TO, SELAH MUNICIPAL CODE 10.50 SUBDIVISION

WHEREAS, the Planning Commission of the City of Selah has considered certain amendments to Selah Municipal Code (SMC) 10.50 Subdivision reestablishing the Hearing Examiner as the hearing body for quasi-judicial land use applications, update of the City of Selah's Subdivision Ordinance to implement changes required by state law, addition of land use review processes for Binding Site Plans, Street Vacations, and Plat Alterations and Vacations; and

WHEREAS, Chapter 43.21C RCW, the State Environmental Policy Act (SEPA) exempts procedural changes to a city's municipal code; and,

WHEREAS, the proposed amendments were made available for public review on the City of Selah's website; and,

WHEREAS, public notice of the required public hearing before the Planning Commission was published in the official newspaper a minimum of 10-days prior to the Planning Commission's public hearing on September 7, 2022; and,

WHEREAS, all persons desiring to either provide written testimony or speak for or against the proposed amendments at the public hearing held by the Planning Commission on October 4, 2022, were given a full and complete opportunity to be heard; and,

WHEREAS, the Planning Commission, after having conducted such public hearing, found, determined, and now recommends that the City Council approve such amendments; and

WHEREAS, the City Council of the City of Selah, having considered the record herein and the recommendation from the Planning Commission, hereby finds and determines that approval of such amendments is in the best interests of residents of the City of Selah and will promote the general health, safety and welfare;

NOW THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH:

Section 1. Findings and Conclusions. The City Council bases its findings and conclusions on the entire record of testimony and exhibits, including the recommendation of the Planning Commission and all written and oral testimony before the City Council and further adopts the Planning Commission's findings as its own.

Section 2. Title 10.50 Zoning, is hereby amended as set forth in Exhibit "A":

Section 3. Severability/Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this

ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses or phrases were unconstitutional or invalid.

Section 4. Effective Date. This ordinance shall be in full force and effect 5 days after its passage and publication as required by law.

Done this 25th day of October 2022.

ORDAINED this 25 day of OCTOBER, 2022.

Sherry Raymond
Sherry Raymond, Mayor

ATTEST:

Dale E. Novobielski, Clerk Treasurer

APPROVED AS TO FORM:

Rob Case, City Attorney

ORDINANCE NO. 2173

EXHIBIT "A"

Chapter 10.50
PLATTING AND SUBDIVISION REGULATIONS

Sections:

10.50.000 Title, purpose, scope, approval required, and administrating authority.~~Title, purpose, scope and administrating authority.~~

10.50.010 Definitions.

10.50.012 Subdivision fees.

10.50.012-A Engineering and inspection fees.

10.50.013-A Qualified exemptions.

10.50.013-B Exemptions

10.50.014 Binding Site Plans.

10.50.015 ~~Filing of short subdivisions~~Preliminary application for short subdivision.

10.50.016 ~~Procedure~~Subdivision - Procedure.

10.50.017 Right-of-way Vacation.Design standards and improvements required.

10.50.018 Subdivision – Design Requirements- Conformity to provisions required.~~Building permits restricted.~~

10.50.019 Subdivision – Design Requirements – Comprehensive plan compliance required.~~Resubdivision restricted.~~

10.50.020 Subdivision – Design Requirements – Zoning ordinance compliance required.Filing of preliminary plat.

10.50.021 Subdivision – Design Requirements – Zoning ordinance compliance required.

10.50.022 Subdivision – Design Requirements – Streets Review of submitted material.

10.50.023 Subdivision – Design Requirements – Block and lot design.Hearing date.

10.50.024 Subdivision – Improvement Requirements – Conformity to provisions required Notice of hearing before hearing examiner.

10.50.025 Subdivision – Improvement Requirements – Design and engineering plans required.Hearing examiner meeting – Duties of hearing examiner.

10.50.026 Subdivision – Improvement Requirements – Improvements for unstable soil conditions.Hearing examiner recommendations to council.

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10.50.027 Subdivision - Improvement Requirements - Subdivision monuments.
10.50.028 Subdivision - Improvement Requirements - Curbs and gutters and driveways.
10.50.029 Subdivision - Improvement Requirements - Sidewalk standards.
10.50.030 Subdivision - Improvement Requirements - Utilities - Underground installation.~~City council - Public meeting - Consideration - Public hearing.~~
10.50.031 Improvement Requirements - Street signs.~~Public hearing if recommendation not accepted.~~
10.50.032 Environmental review.~~Council consideration.~~
10.50.033 Maintenance bond~~Effect of approval of preliminary plat.~~
10.50.034 Subdivision and Short Subdivision Enforcement Provisions

10.50.050 ~~Appeals.Preliminary plat map preparation.~~

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10.50.000 Title, purpose, scope, approval required, and administrating authority.

(a) *Title.* This chapter shall be known as the "Selah Subdivision Code."

(b) *Purpose.* The purpose of this chapter is to enact pursuant to the laws of the state of Washington, RCW Chapter 58.17, and also in exercise of the police powers of the city of Selah. The purposes of this subdivision code include protection and preservation of the public health, safety and general welfare in accordance with standards established by RCW Chapter 58.17; to prevent overcrowding land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, utilities, drainage, parks and recreation areas, sites for schools and school grounds and other public requirements; and to provide for proper ingress and egress. This subdivision code is also intended to provide for expeditious review and approval of proposed subdivisions which conform to city zoning standards, plans, development standards, and policies; to adequately provide for the housing and commercial needs of the citizens of the city; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description. All provisions of this subdivision code shall be liberally construed for the

accomplishment of that purpose.~~regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with standards established by the city and state of Washington, to prevent the overcrowding of land, to lessen congestion in the streets and highways, to provide for adequate light and air, to facilitate adequate provisions for water, sewerage, parks and recreation areas, sites for schools and school grounds and other public requirements, to provide for proper ingress and egress, and to provide uniform monumenting of land subdivisions and conveyance by accurate legal description.~~

(c) *Scope.* This chapter shall apply to all land within the municipal boundary of the city of Selah including any lot or block forming part of any subdivision created and recorded prior to the effective date of this chapter. Where this chapter or other standards adopted by reference imposes greater restrictions or higher standards than other laws, ordinances or restrictive covenants, the provisions of this chapter shall prevail.

(d) Approval Required. It is unlawful for any person to divide land so as to constitute a subdivision or short subdivision, or to enter into any contract for the sale or lease of any lot in a preliminary subdivision within the city of Selah, except as provided by RCW Chapter 58.17, and without first complying with the applicable provisions of this title.

(~~d~~e) *Administering Authority.* The authority for the administration of this chapter shall be the city council. Administrative functions, powers and duties arising from this chapter are delegated by this chapter to the city administrator, ~~planning commission~~Hearing Examiner, and planning department. The planning department may prepare and require the use of such forms and documents as are essential to the proper administration of this chapter.

Pursuant to RCW Chapter 58.17, primary authority for subdivision and short subdivision of land in the city of ~~Yakima~~Selah is vested in the city council as the legislative body. Pursuant to RCW 58.17.060, the Selah city council delegates responsibility for final determination of proposed short plats and boundary line adjustments to the City Administrator, or designee. Pursuant to RCW Chapter 58.17 and SMC 1.60.080, the hearing examiner is authorized to make a recommendation to the city council on preliminary plats and modifications to preliminary plats, and to make final decisions on requests for preliminary plat extension under RCW 58.17.140, plat amendment and plat vacation. The city council shall make final decisions on all preliminary plats and modifications to approved preliminary plats. Pursuant to RCW 58.17.100, the Selah city council delegates responsibility for final plat approval to the City Administrator, or designee.

10.50.010 Definitions.

For the purpose of this chapter certain terms, abbreviations, phrases, words and their derivatives shall be construed as specified in Selah Code Title 10 except as specific definitions are set forth by this chapter. When not inconsistent with the context, words used in the present tense include the future; the singular includes the plural and the plural the singular; "shall" and "will" are always mandatory and the word "may" is permissive and indicates the use of discretion.

"Administrator" means the City Administrator or his/her designee.

"Alley" means a public right-of-way used primarily as a secondary means of access to residences and business establishments.

"Binding site plan" means a drawing at a scale of one-inch equals one hundred feet which:

A. Identifies and shows the areas and locations of all streets, utilities, open spaces, and improvements required by law or as conditions of approval.

B. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as established by the city of Selah.

C. Contains provisions acceptable to the city of Selah that will ensure that development and land use of the site will conform to the approved site plan.

D. Meets the requirements of SMC Chapter 10.50.014.

"Block" means a group of lots, tracts, or parcels within well-defined and fixed boundaries.

"City" means the city of Selah, Yakima County, Washington.

"Comprehensive plan" means the general plan of the city of Selah, together with amendments and supplements thereto which have been or may hereafter be adopted by the ~~Yakima~~Selah city council.

"Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon, and the acceptance by the public shall be evidenced by the approval of a short plat by the administrator or by approval of a final plat by the Selah city council.

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"Development agreement" means an agreement between the owner(s) of property and the city of Selah pursuant to RCW 36.70B.170 to 36.70B.210, or as such statutes may be supplemented or amended.

"Divide" means any action or transaction, not otherwise exempt or provided for under the provisions of this title, which alters or affects the shape, size, or legal description of any part of an owner's "land" as defined by this chapter. The sale of a condominium unit or rental or lease of a building, facility or structure that does not alter or affect the legal description of an owner's "land" shall not constitute a division.

"Double frontage lot" means a lot having frontage on two parallel or approximately parallel streets other than alleys.

"Easement" is a dedication by a property owner to specific persons or to the public to enter onto, cross, or otherwise to use land for a specific purpose or purposes.

"Final plat" means the final drawing of an approved subdivision and any associated dedication prepared for filing for record with the Yakima County auditor which conforms to the requirements of this title.

"Land" means a lot or parcel of real property.

"Lot" means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

"Parcel" means a unit of land having defined boundaries and not shown on an officially recorded final plat or short plat.

"Person" means an individual, firm, partnership, corporation, company, association, syndicate or any other legal entity, including a trustee, receiver, assignee, or representative thereof.

"Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

"Prior division" means any of the following:

A. A division initiated by sale, lease, transfer or option contract executed prior to December 9, 1978, which presently remains a binding and enforceable commitment as between the parties thereto, their successors or assigns. If the applicable instrument does not specifically designate separate units of property but does describe separate and defined lots, tracts, parcels, sites or divisions of land which are contiguous, they shall constitute prior divisions of land only if each

conforms with city of Selah zoning ordinance (SMC Title 10) lot size and width requirements in effect at the time of application.

B. A taxation parcel of any size which is surrounded by divisions of land as defined by subsection A of this section.

C. A taxation parcel of any size which was created prior to November 9, 1978, for the purpose of creating divisions of land which were exempt from platting requirements. Taxation parcels which were administratively created by the assessor's office solely for tax purposes shall not be afforded the status of prior divisions for subdivision purposes. Examples of taxation parcels created solely for tax purposes include senior citizen segregations; special district segregations; deed of trust or mortgage segregations administratively affected by one other than the landowner or agent; and segregations for tax exemption purposes.

D. A taxation parcel created in the assessor's office for description purposes because of section lines if it conforms with the city of Selah zoning ordinance (SMC Title 10) lot size and width requirements in effect at the time of application for exemption.

E. A parcel of land that is physically separated by a road, canal or the like when the road, canal, etc., is owned by other than the landowner.

"Right-of-way" means land dedicated to public use and maintained for existing or future public access.

"Short plat" means the map or representation of a short subdivision that conforms to the requirements of this title.

"Short subdivision" means the division or redivision of land into nine or fewer lots for the purpose of sale, lease, or transfer of ownership in the present or future except as provided in SMC 10.50.013-A and 10.50.013-B.

"Subdivision" means the division or redivision of land into ten or more lots for the purpose of sale, lease, or transfer of ownership in the present or future except as expressly exempted by this title.

"Subdivision applicant" means any person, as defined in this chapter, who undertakes to create a subdivision or short subdivision pursuant to the requirements of this title.

"Survey monument" means a physical object marking a survey corner installed by a registered land surveyor of the state of Washington as a result of a land survey and in accordance with the standards established by RCW 58.17.240.

~~(a) "Alley" as defined in Selah Municipal Code, Title 10, Appendix A, Section A.~~

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(b) "Block" as defined in Selah Municipal Code, Title 10, Appendix A, Section B.

(c) "Comprehensive plan" means those coordinated plans including zoning ordinance in preparation or adopted by the city of Selah for the guidance of growth and the improvement of the city and which indicates the general locations recommended for the various functional classes of public works, places and structures (streets, parks, transportation facilities, public buildings, etc.).

(d) "Cul-de-sac" means a residential access street closed at one end by a circular drive of sufficient radius for turning automobiles around.

(e) "Dedication" means the voluntary donation of land by its owner for public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

(f) "Easement" means a grant by a property owner to a public agency or private party to use land for a specific purpose or purposes.

(g) "Official plans" means those official maps or map or any portion adopted by ordinance as provided in R.C.W. 35A.63 as amended.

(h) "Plat" means a map or representative of subdivision showing the division of a tract or parcel of land into lots, blocks, streets, alleys or other divisions and dedications.

(1) "Preliminary plat" means a drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks and restrictive covenants to be applied to the subdivision along with the other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of a subdivision.

(2) "Final plat" means the final drawing of the subdivision and dedication prepared by a registered land surveyor or engineer for filing for record with the county auditor and containing all elements and requirements set forth in this chapter. After the county auditor has recorded the final plat, it shall thereafter be known as an authorized plat, subdivision or dedication.

(i) "Public right-of-way" means any defined area dedicated to public use for vehicular and/or pedestrian use.

(j) "Roadway" means the portion or portions of a street or way that is available for vehicular traffic or the portion or portions lying between curbs where curbs are laid.

(k) "Street" means a public right-of-way which is intended to provide or which provides a roadway for vehicular circulation and gives access to abutting properties and which may also include provisions for public utilities, pedestrian walkways and drainage.

(1) "Arterial streets" means a roadway designed to collect and distribute traffic from different areas or neighborhoods within a community.

(2) "Residential streets" means a roadway whose primary function is to provide access to residential property within a neighborhood.

(3) "Street width" means the shortest distance between the lines which delineate the right-of-way of a street.

(l) "Utilities" means water and sewer pipelines, drainage facilities, natural gas lines, overhead and underground electric lines, telephone lines, cable television lines and all necessary appurtenances commonly associated with these facilities.

(m) "Subdivision" means the division of a lot, tract or parcel of land into five or more lots or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, lease or building development, including all changes in street or lot lines and shall include all resubdivisions of land.

(1) "Short subdivision" means the division of a lot, tract or parcel of land into four or less lots or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, lease or building development, including all changes in street or lot lines and shall include all resubdivisions of land.

(n) "Subdivision-undeveloped" means a subdivision or short subdivision where no building permit has been applied for or any lot, tract or parcel therein before the effective date of the ordinance codified in this chapter.

(o) "Subdivider" means any person, firm or corporation who proposes to make or has made a subdivision. (Ord. 1635 § 2, 2004; Ord. 524, 1974.)

10.50.012 Subdivision fees.

The fee schedule for applications, permits, certificates, appeals and procedures contained in Selah Municipal Code, Title 10, Chapters 10.50.000 through 10.50.130 is contained in Selah Municipal Code, Title 20, Chapter 20.06. (Ord. 1418 § 27, 1998.)

10.50.012-A Engineering and inspection fees.

An applicant requesting a preliminary or final long plat approval or short plat approval which has been reviewed by the city's consulting engineer, when requested by the city's public works director, shall be responsible for the engineering review and inspection fees incurred by the city.

(1) Preliminary long plat and short plat engineering review fees shall be paid to the city prior to preliminary plat approval by the city.

(2) Final long plat and short plat review and inspection fees shall be paid to the city prior to recording the final long plat or short plat.

(3) Yakima County auditor recording fees and required official prints of the recorded document shall be paid by the individual requesting the recording of the final long plat or short plat. (Ord. 1446 § 1, 1999.)

10.50.013-A Qualified exemptions.

A. The administrator may exempt the following actions from the requirements of this title as not constituting divisions of land for the purpose of sale or lease:

1. A division provided by law not for the purpose of sale or lease including, in the absence of the administrator finding circumstances to the contrary, the following:

a. Financial segregations which do not involve a division of land through transfer of fee simple title. This exemption is limited to mortgages or deeds of trust executed solely for the purpose of securing financial obligations that are executed and maintained in all respects in compliance with the governing laws.

b. A division by court order limited to the following and not including voluntary transfers of land in lieu of compliance with the applicable judicial procedures governing them: mortgage or deed of trust foreclosures, and property distributions between spouses pursuant to separation or dissolution proceedings.

2. A prior division of land as defined in SMC 10.50.010.

B. Applications for qualified exemptions shall be submitted to the ~~planning division~~Planning Department on forms provided by the administrator and shall be accompanied by a nonrefundable application fee according to the current fee schedule as adopted by city council. The administrator may require submittal of pertinent instruments, court orders, affidavits and the like sufficient to determine whether any specific action may be exempt.

C. Exemption may be allowed by the administrator for only those actions which do not contravene the spirit and intent of this title and applicable state statutes.

~~The city administrator may exempt the following actions from the requirements of this chapter as not constituting a division of a lot, tract or parcel of land for the purpose, whether immediate or future, of transfer of ownership, lease or building development, including all changes in street or lot lines and including all resubdivisions of land. This exemption is only available for those actions which do not contravene the spirit of this chapter, or of state law. Applications for exemptions shall be submitted to the city administrator accompanied by an application fee as established in Selah Municipal Code, Title 20, Chapter 20.06. In determining whether specific actions may be exempt, the city administrator may require submittal of pertinent instruments, court orders, affidavits and the like:~~

~~(a) A division of land by simultaneous merger of a fraction part of land into land contiguous on more than a single point, so long as no lot, tract or parcel is rendered nonconforming or more nonconforming with applicable zoning ordinance provisions.~~

~~(1) "By simultaneous merger," for purposes of this section, means a specific declaration of merger with the new description of the lands contained within the correction deed or instrument of sale, lease or transfer. The deed or instrument shall be filed for record by the applicant in the Yakima County auditor's office with a copy to the administrator. No such merged fractional part may thereafter be sold, leased, transferred or developed through building permit or other development permit as a division separate or distinct from the land in which it is merged.~~

~~(2) The exception shall become null and void if the filing of the deed or instrument and transmittal of the copy to the administrator is not accomplished within ninety days from the grant of the exemption;~~

~~(b) A division provided for by law not for the purpose of sale or lease including, in the absence of the administrator finding circumstances to the contrary, the following:~~

~~(1) Financial segregations which do not involve a division of land through transfer of simple title. This exemption is limited to mortgages or deeds of trust executed solely for the purpose of securing financial obligations that are conducted in all respects in compliance with the laws governing same;~~

~~(2) A division by court order limited to the following and not including voluntary transfers of land in lieu of compliance with the applicable judicial procedures governing them: mortgage or deed of trust foreclosures, and property distributions between spouses pursuant to separation of dissolution proceedings. (Ord. 1879 § 1, 2012; Ord. 1418 § 28, 1998; Ord. 770 § 1, 1981.)~~

10.50.013-B Exemptions.

The provisions of this title shall not apply to divisions and activities described in RCW 58.17.040; provided, that in order to determine whether a proposed boundary line adjustment meets the requirements for an exempt action, approval must be received from the administrator:

A. Cemeteries and other burial plots while used for that purpose.

B. Division of land into parcels in which the smallest parcel created by the division is forty acres in area or more, or that which is defined in the instrument of division as one-quarter of a quarter section of land; provided, that for the purpose of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline.

C. Division made by testamentary provisions, or the laws of descent.

D. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the property in accordance with the

provisions of Title 10 of the ~~Yakima~~Selah Municipal Code and a binding site plan for the use of the property has been filed for record with the Yakima County auditor.

E. A division not for the purpose of sale or lease in the present or future. For purposes of this exemption, the following divisions shall be presumed, when considered by themselves in the absence of surrounding circumstances to the contrary, not to be for such purpose:

1. Administrative segregations in the Yakima County assessor's office made solely for the purpose of levy, assessment, collection, payment or exemption of real property taxes pursuant to applicable state statutes.

2. Annexations accomplished pursuant to and in accordance with all pertinent statutory and local rules and regulations governing them.

3. Acquisitions of fractional parts of land being of insufficient area or dimension to meet minimum zoning requirements for width or area, by public bodies for the purpose of future use as public highways or public utility ways.

4. The sale or lease of a condominium unit subject to the provisions of Washington State Horizontal Property Regimes Act (RCW Chapter 64.32).

F. Boundary Line Adjustments. Applications for boundary line adjustments shall be submitted to the ~~planning division~~Planning Department on forms provided by the administrator and shall be accompanied by a nonrefundable application fee according to the current fee schedule as adopted by city council.

1. Requirements for a Complete Application. An applicant for a boundary line adjustment shall submit the following:

a. A scale drawing depicting the existing property configuration, including all lot line dimensions.

b. A scale drawing depicting the proposed property configuration, including all lot line dimensions, and any existing structures or on-site improvements.

c. A legal description of the existing property configuration and proposed property configuration, prepared by a licensed professional engineer or professional land surveyor.

2. Criteria for Approval. The administrator shall approve an application for a boundary line adjustment if:

a. No additional lot, tract, parcel, site or division will be created by the proposed adjustment;

b. No lot is created or modified which contains insufficient area or dimensions to meet the minimum requirements of the zone in which the affected lots are situated;

c. No lot is created or modified which does not have adequate drainage, water supply and sanitary sewage disposal, and access for vehicles, utilities and fire protection, and no existing easement in favor of the public is rendered impractical to serve its purpose;

d. The boundary line adjustment is consistent with the applicable provisions of SMC Title 10; and

e. The boundary line adjustment does not create a lot or lots of split zoning unless:

i. The underlying future land use designation of the subject parcels is the same; or

ii. The area is proposed to be legislatively rezoned in the future to the same zoning district.

G. Division of land into lots or tracts classified for industrial or commercial use, or for placement of a mobile home or division for condominiums pursuant to SMC 10.50.014 when the city has approved a binding site plan. When the binding site plan authorizes a sale or other transfer of ownership of a lot, parcel, or tract, the binding site plan shall be filed for record in the Yakima County auditor's office.

H. A division for the purpose of leasing land for facilities providing personal wireless services. "Personal wireless services" means any federally licensed personal wireless service. Applicable facilities include those which are unstaffed and used for the transmission, reception, or both of wireless communication services including, but not limited to: antenna arrays, transmission cables, equipment shelters, and support structures providing personal wireless services while used for that purpose.

I. A division of land into lots of three acres or less that is recorded in accordance with RCW Chapter 58.09 and is used or to be used for the purpose of establishing a site for construction or operation of consumer-owned or investor-owned unstaffed electric utility facilities. Such facilities include those that will be used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity, including, but not limited to, electric power substations.

10.50.014 Binding Site Plans.

10.50.014A Binding Site Plans – Purpose.

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The purpose of this chapter is to provide a process for the division of land for the purpose of sale, lease, or transfer of commercial or industrial lots as an alternative to the subdivision process.

10.50.014B Binding Site Plans – Authority.

RCW 58.17.035 and 58.17.040(4) provide for a binding site plan process as an alternate method of dividing land for commercial or industrial land.

10.50.014C Binding Site Plans – Applicability.

This chapter shall apply solely for the sale, lease, or transfer of lots zoned business, professional (B-1), business, general (B-2), and industrial (M-1) under the Selah zoning ordinance, Title 10 SMC. Land use development within binding site plans is governed by SMC Title 10.

10.50.014D Binding Site Plans – Application.

Three copies or one digital copy of a preliminary binding site plan shall be submitted to the planning department together with the application fee set forth by the current fee schedule. All site plans must include the following in order to be considered a complete application:

A. The proposed site plan, prepared by a licensed architect, engineer, or registered land surveyor, that is of a scale of at least one-inch equals one hundred feet.

B. All existing and proposed easements and public and/or private roads; all existing structures; elevations shown by contour lines at intervals of five feet or less for ground slopes exceeding three percent; approximate location of all natural features.

C. The location, description, and proposed phasing of all facilities proposed to serve the development:

1. Interior and exterior roadway network;

2. Water and sewerage facilities;

3. Stormwater drainage facilities;

4. Sidewalks and streetlights;

5. Fire protection devices with sufficient water storage and flows;

6. Facilities to address compatibility with adjacent dissimilar land uses;

7. Any lot(s) to be created as a part of the original binding site plan.

D. A current title report covering the entire property included in the site plan.

E. Provisions for long-term maintenance with adequate financing for areas and facilities under common ownership.

10.50.014E Binding Site Plans – Determination of complete application.

Upon receiving an application for a binding site plan, the administrator shall have twenty-eight days to determine if the application is complete. Incomplete applications will be returned so that deficiencies may be corrected. All resubmissions will be evaluated to determine if a complete application has or has not been resubmitted.

10.50.014F Binding Site Plans – Public notice of binding site plan application.

The administrator shall direct that public notice of the proposed binding site plan application be given within ten calendar days of a complete application. This notice shall consist of mailing a notice of application to the owners of all properties within three hundred feet of the exterior boundaries of the proposed binding site plan as such owners are shown on the records of the Yakima County assessor. If the owner of the real property subject to the binding site plan owns another parcel or parcels of real property which lie adjacent to the subject property, notice under this subsection shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided. The notice of application will follow the notice requirements of Selah Municipal Code Title 21 and may be either a postcard format or letter size paper.

10.50.014G Binding Site Plans – Administrative decision.

The administrative official shall review the binding site plan for compliance with the provisions of this chapter and all other land use regulations in effect at the time of submission of a fully completed binding site plan application. If all requirements for approval are met, the administrator shall provide written findings of facts supporting the approval of the preliminary binding site plan and set forth all conditions for final binding site plan approval.

10.50.014H Binding Site Plans – Preliminary approval - Limitations.

The approval of a preliminary binding site plan by the administrator authorizes the applicant to prepare the final site plan and develop the required improvements and facilities in accordance with the conditions of approval. No sale, lease, or transfer of any lot proposed by the site plan shall occur until a final binding site plan is approved and recorded with the Yakima County auditor. The final site plan shall be submitted within five years of the date of preliminary approval.

10.50.014I Binding Site Plans - Final plan approval and recording.

When all conditions of the preliminary binding site plan approval are met, the developer shall submit the final binding site plan together with the fee set forth in the adopted fee schedule to the planning department for processing and recording. The final binding site plan shall include the following:

A. A complete survey of the entire property and the initial lots to be created, if any, including the legal description, north arrow, scale, surveyor's certificate, etc.

B. The acknowledged signatures of all parties having an ownership interest in the property.

C. The signature of the city administrator, and the county treasurer.

D. Auditor's certificate.

E. Written documentation that all requirements for preliminary binding site plan approval are met including the completion of all required infrastructure improvements.

Once all the above requirements are met, the planning department shall file the final binding site plan with the county auditor.

10.50.014J Binding Site Plans - Administrative approval of individual lots.

Once the final binding site plan is recorded, the creation of individual lot(s) other than lots established by the recorded binding site plan may be administratively approved through the qualified exemption process set forth in SMC 10.50.013. Once a completed binding site plan exemption application is submitted together with the fee set forth in the adopted fee schedule, it will be reviewed by the planning department and city Public Works Director, and any other agency with jurisdiction for compliance with this chapter. The application must include the following:

A. The proposed lot(s) created must be surveyed by a registered land surveyor and the legal description for the lot must be prepared by the surveyor in accordance with the Survey Recording Act (Chapter 58.09 RCW). All parties having an ownership interest in the property shall sign the exemption application and the survey.

B. The lot(s) to be created meet the requirements set forth in the recorded final binding site plan.

C. The lot(s) meet the minimum lot size in the zoning district.

When the exemption application is approved, the survey containing the above information must be recorded with the county auditor's office prior to the sale, lease, or transfer of any lot.

10.50.014K Binding Site Plans – Vacation or alteration of a recorded binding site plan.

Whenever any person is interested in the vacation or alteration of a recorded binding site plan, the procedures set forth in SMC 10.50.014D through 10.50.014H contained herein shall be followed, except that this section does not apply to the creation of lots under SMC 10.50.014J, and except that modifications to binding site plans that are determined by the city administrator to be minor may be reviewed and approved administratively.

10.50.014L Binding Site Plans – Appeals.

Any decision of the administrator may be appealed following the procedures set forth in SMC 10.50.050.

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10.50.015 ~~Filing of short subdivisions~~Preliminary application for short subdivision requirements.

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A. An application for a short subdivision may be made by an owner or owners of land, or by an authorized agent, or by a duly authorized representative of any governmental agency if the short subdivision is sought for a governmental purpose and such application shall be filed with the Planning Department.

B. Each application for a short subdivision shall include the following:

1. A written application on a form provided by the Planning Department and signed by the landowner or an authorized agent.

2. A legible and reproducible drawing at a scale of one-inch equals one hundred feet or larger of the entire contiguous tract owned by the applicant, which shall show:

a. Name and address of owner(s) whose property is shown on the map.

b. North arrow.

c. Date of preparation.

d. The name, location and width of all streets and alleys abutting the property.

e. Tract and lot identification, lot lines, and dimensions of each lot.

f. Approximate location of existing improvements, buildings and permanent structures.

g. Size and location of water, sewer, and utility easements proposed to serve the lots to be created and their point of connection with existing services.

h. If requested by the administrator, contour lines at two-foot elevation intervals for slopes less than ten percent. Elevations shall be based on city of Selah datum if available.

i. Contour lines at five-foot intervals shall be required for slopes greater than ten percent. Elevations shall be based on city of Selah datum if available.

3. A nonrefundable application fee according to the current fee schedule as adopted by city council.

~~Any action which will result in a short subdivision of any lot, tract, parcel or plot of land for any reason whatsoever shall be subject to approval of the city administrator. Approval shall be based on standards and conditions herein set forth in this section. (Ord. 1879 § 1, 2012; Ord. 537 § 1, 1974.)~~

10.50.~~016~~015A ~~Procedure~~Criteria for approval.

The administrator shall approve the short subdivision and short plat if, and only after making written findings and conclusions that:

A. The application complies with the general requirements for short subdivision approval as specified by this chapter.

B. The proposed short subdivision appropriately provides for the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys and other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school. The administrator may determine that other considerations are appropriate to evaluate as criteria for approval.

C. The short subdivision and any associated dedication will serve the public interest.

10.50.015B Preliminary application – Time limitation.

Upon receiving a short subdivision application, the administrator shall have twenty-eight days to determine if the application is complete. Only those preliminary applications deemed complete will be processed further. Incomplete preliminary applications will be returned to the applicant together with a notice of deficiency.

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10.50.015C Public notice of short plat application.

Within ten calendar days after the short subdivision application is determined to be complete, notice of the application shall be sent by first class mail to all owners, as shown on the records of the Yakima County assessor, of land located within three hundred feet of either (1) the land proposed to be subdivided, or (2) any land adjacent to the land proposed to be subdivided which is also owned by an owner of the land proposed to be subdivided. The notice of application will follow the notice requirements of Selah Municipal Code Chapter Title 21 and may be either a postcard format or letter size paper.

10.50.015D Administrator's approval/disapproval.

Following the notice of application, the administrator shall approve, disapprove, or return for modification all preliminary short subdivision applications. In reaching the conclusion to approve or disapprove short subdivisions, the administrator shall determine whether the requirements of this title have been satisfied and make a formal written finding of fact as to whether the short subdivision is consistent with the standards of the city of Selah zoning ordinance and comprehensive plan.

10.50.015E Findings and conclusions.

The administrator shall not approve a preliminary short plat and short subdivision unless written findings are made that the criteria for approval from SMC 10.50.016 along with all applicable laws and regulations have been met. A preliminary short plat may be appealed under the provisions of SMC 10.50.050. A final short plat cannot be recorded during the appeal period.

10.50.015F Final short plat – Time Limitation.

Following preliminary short plat approval, the applicant will have five years in which to comply with the conditions of approval and submit the final short plat. This approval may be extended up to one additional year by action of the administrator. Requests for extension must be in writing to the planning department and must be received prior to the expiration date of initial approval.

10.50.015G Land survey requirements.

A. The final short plat of land shall be prepared by or under the supervision of a registered land surveyor of the state of Washington as a result of a land survey.

B. All proposed short plats shall be referenced either from/to two monumented section or quarter section corners, or from/to two other suitable permanent control monuments.

C. Each lot corner established by a land survey shall be marked by a permanent survey monument.

10.50.015H Final short plat contents.

A final short plat shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on Mylar, or equivalent, and shall be eighteen inches by twenty-four inches in size. It shall show:

A. All lots or parcels, which include land, proposed to be divided.

B. The taxation parcel number or numbers assigned by the Yakima County assessor to land proposed to be divided.

C. The house address for each lot shown upon the short plat.

D. The names or recording numbers of any contiguous subdivisions or short subdivisions.

E. Lot corners and lines marking the division of the land into nine or fewer lots.

F. Location, size, purpose and nature of existing roads, streets, rights-of-way, and easements adjacent to, or across, the land proposed to be divided.

G. Location of any roads, rights-of-way, or easements proposed to serve the lots within the proposed short plat with a clear designation of their size, purpose and nature.

H. North arrow and scale.

I. The acknowledged signatures of all fee simple owners and other parties having interest in the lands being subdivided as enumerated in subsections (I)(1)(b) and (2)(b) of this section, as well as the acknowledged signatures of all property owners over which access or utility easements pass unless such easements are previously or simultaneously recorded by separate instrument in the County auditor's office, certifying the following:

1. In the case of a short subdivision not containing a dedication:

a. A full and correct legal description of the land proposed to be divided as it appears on the short plat.

b. A statement of free consent in substantially the following form; provided, that the reference to easements be omitted when not applicable:

Know all persons by these presents that _____ are the fee simple owners of the land hereon described; have with their free consent and in accordance with their desires caused the same to be surveyed and short platted as shown hereon; and do hereby dedicate the easements as shown hereon for the uses indicated hereon.

_____

(Name)

_____

(Name)

2. In the case of a short subdivision containing a dedication:

a. A full and correct legal description of the land to be divided as it appears on the short plat;

b. A statement of free consent and waiver of claims for damages in substantially the following form:

DEDICATION AND WAIVER OF CLAIMS

Know all persons by these presents that _____ are the owners and all other parties having any interest in the land hereon described; have with their free consent and in accordance with their desires caused the same to be surveyed and short platted as shown hereon; do hereby dedicate those roads and/or rights-of-way shown as public dedications hereon to the use of the public; do hereby waive on behalf of themselves and their successors in interest all claims for damages against the City of Selah and any other governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said dedicated roads and/or rights-of-way; and do hereby dedicate the easements as shown hereon for the uses indicated hereon.

_____

(Name)

_____

(Name)

3. If an offer of dedication includes, or is required to include, a waiver of direct access to any street from any property, the appropriate certificate shall additionally recite said waiver.

J. A certificate by a registered land surveyor certifying to the accuracy of the survey and short plat in substantially the following form:

I, _____, Professional Land Surveyor, do hereby certify that the short plat as shown is based upon an actual survey in accordance with the requirements of the Survey Recording Act, that the distances, courses and angles are shown hereon correctly, and that the monuments and lot corners have been set on the ground as shown hereon.

_____

(Surveyor's signature, seal and number)

K. The Yakima County treasurer's office certificate in substantially the following form:

I hereby certify that all chargeable regular and special assessments collectible by this office that are due and owing on the property described hereon on the date of this certification have been paid. Dated this _____ day of _____, 20_____.

Yakima County Treasurer's Office.

By: _____

L. If the short plat lies wholly or in part in an irrigation district, a statement evidencing irrigation water right-of-way in substantially the following form:

> The property described hereon is wholly or in part within the boundaries of the _____ Irrigation District and all lots within the short plat are subject to the terms, conditions, reservations and obligations in the present and future concerning irrigation water rights-of-way and easements as may be imposed by said district in accordance with the law.

M. Administrator's signature block.

N. City Public Works Director's signature block.

10.50.015I Approval of short subdivision - Recording.

Each final short plat approved by the administrator shall be filed for record in the office of the Yakima County auditor and shall not be deemed approved until so filed. The owner(s) of the land proposed to be subdivided shall be responsible for payment of all filing fees. A copy of the recorded plat shall be provided to the city prior to the issuance of any building permits.

10.50.015J Resubdivision restricted.

Pursuant to RCW 58.17.060, land in an approved short subdivision may not be further divided in any manner within a period of five years without the filing of a final plat under the provisions of SMC 10.50.016, except that when the short plat contains fewer than nine parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of nine lots within the original short plat boundaries.

10.50.015K Short plat amendment/alteration.

An approved and recorded short plat may be amended, altered, or vacated in whole or in part by recording an amended short plat in accordance with the following provisions:

A. The amended short plat must comply with procedures and requirements of this chapter for original short plat approval.

B. The title of the amended short plat shall be: "Amended City of Selah Short Plat."

C. The amended short plat shall show all of the land shown on the original short plat; shall show all deleted original lot lines as dashed lines; and shall bear the acknowledged signatures of all current fee simple owners and contract purchasers of the affected lots within the original short plat as shown by a current title certificate.

D. The amended short plat shall not increase the number of lots included in the original short plat unless the original short plat created fewer than the maximum allowable number of lots. Where fewer than nine lots were created, an amended short plat may increase the number of lots up to a final total of nine.

E. Minor errors not involving any change in lot lines may be corrected by the surveyor upon approval of the administrator by recording an affidavit with the Yakima County auditor which specifically references the affected short plat by number and sets forth the correction.

10.50.016 Subdivision - Procedure.

10.50.016A Simultaneous review.

Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat application shall be processed simultaneously with applications for rezones, variances, planned developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

10.50.016B Preapplication procedure.

A subdivision applicant may first prepare and submit a preapplication drawing of the proposed subdivision showing the proposed layout of the lots, streets, and utilities. The administrator shall then schedule an informal meeting with the subdivision applicant and the design services team (DST) to review the proposal. Based upon information acquired during this meeting, the subdivision applicant may then prepare a preliminary plat and submit an application for the proposed subdivision.

10.50.016C Subdivision application - Requirements.

A. A subdivision application may be submitted by an owner or owners of land, or by an authorized agent of an owner or owners, or by a duly authorized representative of any

governmental agency if the subdivision is sought for a governmental purpose, and such application shall be filed with the city planning department.

B. Each subdivision application shall include the following:

1. A written application on a form provided by the planning department and signed by the land owner, owners, or authorized agent.

2. A current preliminary land title commitment.

3. Twenty copies of the proposed preliminary plat of the property, prepared according to the requirements of SMC 10.50.016E.

4. A nonrefundable application fee according to the current fee schedule adopted by city council.

5. A completed environmental checklist pursuant to the provisions of the State Environmental Policy Act (SEPA) and SMC Chapter 11.40 together with a nonrefundable processing fee according to the current fee schedule as adopted by city council.

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10.50.016D Preliminary plat preparation.

The proposed preliminary plat shall be prepared by a land surveyor registered in the state of Washington.

10.50.016E Preliminary plat contents.

The proposed preliminary plat shall be legibly drawn at a scale of one-inch equals one hundred feet or larger and shall be at least eighteen inches by twenty-four inches in size. It shall show:

A. All existing lots or parcels included in the proposed subdivision.

B. The proposed name of the subdivision. This name shall not duplicate any name used on a recorded plat or subdivision in Yakima County, including the municipalities of Yakima County.

C. An accurate and complete legal description of the proposed subdivision.

D. Scale, north arrow, and date.

E. Boundary lines based upon a recent land survey of the land proposed to be subdivided and boundary lines of all proposed lots and streets.

F. Location and size of water and sewer lines, utility easements, and drainage system proposed to serve the lots within the proposed subdivision and their point(s) of connection with existing services.

G. Location, size, purpose, and nature of existing roads, streets, rights-of-way, and easements adjacent to, or across, the land.

H. Location of any streets, rights-of-way, or easements proposed to serve the lots within the proposed subdivision with a clear designation of their size, purpose, and nature.

I. Parcels of land intended or required to be dedicated for streets or other public purposes.

J. Contour lines at two-foot elevation intervals for slopes less than ten percent and five-foot elevation intervals for slopes more than ten percent. Elevations shall be based upon city of Selah datum if available.

10.50.016F Determination of complete application.

Upon receiving a subdivision application, the administrator shall have twenty-eight days to determine if the application is complete. If the application is not complete, the administrator will notify the applicant of such determination and what is necessary to make the application complete. Within fourteen days after an applicant has submitted additional necessary information, the administrator shall determine whether or not the application is complete and notify the applicant accordingly.

10.50.016G Open record public hearing date established.

When the administrator determines that a complete subdivision application has been submitted, the administrator shall set a date for an open record public hearing on the application before the city of Selah planning commission or the hearing examiner. The administrator may establish deadlines for submittal of applications prior to regular monthly planning commission or hearing examiner hearing dates; however, the hearing date shall not be set more than sixty days, nor less than twenty days, from the date that an application is determined to be complete.

10.50.016H Notice of open record public hearing.

A. The city shall give notice of the open record public hearing before the city of Selah planning commission or the hearing examiner as follows:

1. By publication of notice at least once, not less than ten calendar days prior to the hearing, in a newspaper of general circulation within Yakima County and a newspaper of general circulation in the area where the real property to be subdivided is located.

2. At least ten calendar days before the date of the open record public hearing, notice of the hearing shall be sent by first class mail to all owners, as shown on the records of the Yakima County assessor, of land located within three hundred feet of: (1) the land proposed to be subdivided, and (2) any land adjacent to the land proposed to be subdivided which is also owned by an owner of the land proposed to be subdivided.

3. Additional notice of such hearing shall be given to the board of Yakima County commissioners and the Yakima County planning department upon the filing of a preliminary plat of a proposed subdivision adjoining the municipal boundaries of the city of Selah.

4. Additional notice of such hearing shall be given to the Washington State Department of Transportation upon the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway.

B. The notice of application will follow the notice requirements of Selah Municipal Code Title 21 and may either be a postcard format or letter size paper.

10.50.016I Notice to affected agencies and departments.

Upon determining that a subdivision application is complete, the administrator shall, when determined appropriate to do so, notify the following agencies and departments of the date, hour, and location of the public hearing, together with a copy of the preliminary plat:

A. City director of public works;

B. Yakima County clean air authority;

C. Appropriate irrigation district or company;

D. Private water company;

E. City fire department;

F. City police department;

G. Yakima health district;

H. Yakima County department of public works;

I. Affected school district;

J. Local office of the Washington State Department of Ecology;

K. Local office of the United States Soil Conservation Service;

L. The office of any electrical distribution company servicing the area;

M. The office of any telephone company servicing the area;

N. The office of any natural gas company servicing the area;

O. Any other affected utility company or special district.

10.50.016J Review by city of Selah planning commission or hearing examiner – Recommendation required.

A. The city of Selah planning commission or the hearing examiner shall review the proposed subdivision during an open record public hearing to inquire into and determine whether or not the following standards are satisfied:

1. The proposed subdivision must be consistent with the provisions of the zoning ordinance;

2. The proposed subdivision must be consistent with the city of Selah's comprehensive plan;

3. The proposed subdivision must be consistent with the provisions of this title;

4. As required by RCW Chapter 58.17, the proposed subdivision must make appropriate provisions for:

a. Public health, safety, and general welfare;

b. Open spaces;

c. Drainage ways;

d. Streets or roads, alleys, and other public ways;

e. Transit stops;

f. Potable water supplies, irrigation and other water suppliers;

g. Sanitary waste disposal;

h. Parks and recreation;

i. Playgrounds;

j. Schools and school grounds;

k. Sidewalks;

l. Other planning features that assure safe walking conditions for students who walk to and from school;

5. Based upon standards in subsections (A)(1) through (A)(4) of this section, a finding that the public use and interest will be served by the approval of this subdivision.

B. The city of Selah planning commission or the hearing examiner shall submit a recommendation for approval or disapproval, with written findings of fact and conclusions to support the recommendation, to the city council no later than ten working days following the open record public hearing.

10.50.016K Preliminary plat – City council determination at public meeting – Procedure for change of recommendation – Time limitation for approval or disapproval.

A. Upon receipt of the recommendation of the city of Selah planning commission or the hearing examiner on any preliminary plat of a proposed subdivision, the city council shall at its next public meeting set the date for a closed record public hearing to consider the proposed subdivision and recommendation.

B. The city council shall conduct a closed record public hearing on all preliminary plats. Review by the council shall be based upon the record, which shall include all materials properly submitted at any previous stage of the review, the written documents and exhibits and oral comments of the parties and interested persons offered at the open record public hearing, audio/video tapes of the open record public hearing and the recommendation. The city council may also consider written or oral remarks regarding the facts in the record as it was developed before and was considered by the city of Selah planning commission or the hearing examiner. Only for good cause shown, as determined by the city council, may a party submit at the closed record public hearing information which was not part of the record as it was developed before and was considered by the city of Selah planning commission or the hearing examiner. Following the closed record public hearing, the city council may (1) affirm the decision of the

city of Selah planning commission or the hearing examiner, (2) remand the matter back to the city of Selah planning commission or the hearing examiner with appropriate directions, or (3) reverse or modify the city of Selah planning commission's or the hearing examiner's recommendation. The city council shall adopt written findings and conclusions in support of its decision. If the city council affirms the recommendation to approve or disapprove the preliminary plat, it may adopt the findings, conclusions, and recommendation. If the city council rejects the recommendation, it shall adopt appropriate findings and conclusions.

C. A record of all meetings and hearings concerning the proposed subdivision shall be kept and shall be open to public inspection.

D. Each preliminary plat of a proposed subdivision and any associated dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety calendar days from the date that an application has been deemed as complete unless the applicant consents to an extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety-day period shall not include any of the time devoted by the city to any preparation or circulation of such environmental impact statement.

10.50.016L Preliminary plat – Factors to be considered by city council – Findings – Conditions of approval.

A. The city council shall review the proposed subdivision and the recommendations and findings of the city of Selah planning commission or the hearing examiner. If city council determines the standards of this section are satisfied, then it shall approve the preliminary plat. If city council determines that the standards of this section have not been satisfied, then it shall adopt its own recommendations and disapprove the preliminary plat.

B. The city council shall, in making its determination pursuant to subsection A of this section, consider the physical characteristics of a proposed subdivision site and may disapprove a proposed plat because of flood, inundation, or swamp conditions. The city council may, as the alternative to disapproval, require construction of protective improvements for flood, inundation or swamp conditions as a condition of approval of the preliminary plat of a proposed subdivision. No preliminary plat shall be approved by the city council covering any land situated in a flood control zone as provided in RCW Chapter 86.16 without the prior written approval of the Washington State Department of Ecology.

C. The city council may require dedication of land to any public body as a condition of approval of the preliminary plat of a proposed subdivision. If the proposed subdivision includes a dedication, city council may require a waiver of the right of direct access to any street from any property.

D. The city council shall not require a release from damages to be procured from other property owners as a condition of approval of a proposed subdivision.

10.50.016M Preliminary plat – Factors to be considered by city council – Findings – Conditions of approval.

A. As an alternative to construction of required improvements prior to final plat approval, the subdivision applicant may provide a surety bond or other secure method acceptable to the city council which provides for and secures to the city the actual construction of the improvements.

B. The value of the bond or security shall be one hundred ten percent of the estimated cost of the improvements. The estimated cost shall be based upon the approved civil engineering design of the required improvements.

C. An application for use of a surety bond or other method of security shall be made to the city engineer and shall describe the method of security to be provided and the estimated cost of the required improvements. The application, including the estimated cost of improvements and the general terms of the security agreement, shall be subject to review and approval by the city Public Works Director and the city attorney, who shall notify the subdivision applicant of tentative approval or rejection of the application within fourteen days after its filing.

D. After tentative approval of an application has been given, the subdivision applicant shall submit the bond or other method of security to the city Public Works Director for final review and approval.

10.50.016N Preliminary plat – Creation of local improvement district in lieu of actual improvements prior to approval of final plat.

In lieu of the actual installation or construction of required improvements prior to approval of the final plat, the city council may authorize the creation of a local improvement district pursuant to a request therefor made by the owner, the creation of which district, and the lapse of the time period for protests against the creation thereof, shall be deemed by the city to be sufficient assurance that improvements will be installed.

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10.50.016O Maintenance bond.

A. The subdivision applicant shall file with the city Public Works Director a maintenance bond or propose some other method of security providing for and securing to the city of Selah the successful operation of required improvements for one year and assuring the correction or repair of any defects in workmanship or material appearing within that one-year period.

B. The amount and conditions of the maintenance bond or other method of security shall be subject to approval by the City Public Works Director and city attorney.

10.50.016P Preliminary plat – Expiration of approval Extension - Conditions.

A. Approval of preliminary plats of proposed subdivisions shall expire in accordance with the timelines below from the date of city council approval thereof. The council shall, upon written application of the subdivision applicant at least thirty days prior to such expiration, grant an extension for a maximum period of one year upon a showing that the applicant has attempted in good faith to submit the final plat within the submission timeline. The timeline to submit a final plat is as follows:

1. Seven years if the date of preliminary plat approval is on or before December 31, 2014.

2. Five years if the date of preliminary plat approval is on or after January 1, 2015.

3. Ten years if the project is located within city limits, not subject to the Shoreline Management Act, and the preliminary plat is approved on or before December 31, 2007.

B. The city council shall determine whether to grant an extension of time on the basis of the past diligence and future plans of the subdivision applicant, as well as the original recommendation.

C. Any extension of time granted pursuant to this section shall be conditioned upon the proposed subdivision's compliance with all subdivision requirements in effect on the date that such extension is granted.

10.50.016Q Preliminary plats – Offers and agreements to sell lots.

An offer or agreement to sell, lease, or otherwise transfer a lot following preliminary plat approval that is not expressly conditioned on the recording of the final plat containing the lot violates this title. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded.

10.50.016R Final plat – Submission for approval required – Copies - Fees.

A. A final plat of a proposed subdivision may be submitted for approval by the administrator by filing the proposed final plat with the planning division within five years from the date of

approval of the preliminary plat or within the time provided as an extension granted by the city council.

B. Each final plat submitted for approval shall be accompanied by an original reproducible drawing of the subdivision, four copies thereof, and a current title report.

10.50.016S Final plat - Preparation.

A. Each final plat shall be prepared by a land surveyor registered in the state of Washington and certified by the surveyor to be a true and correct representation of lands actually surveyed by him.

B. The final plat shall be prepared by the surveyor in accordance with the provisions of the Survey Recording Act (RCW Chapter 58.09) as it now exists or is hereafter amended.

C. The land survey of the final plat shall be referenced from two monumented section or quarter section corners or, if the land lies within an existing subdivision, from two controlling monuments within the existing subdivision.

D. Permanent survey monuments shall be placed at all lot corners and street intersections.

10.50.016T Final plat – Conformance with preliminary plat approval.

A proposed final plat must conform to the conditions of preliminary plat approval. The administrator may approve a proposed final plat which, because of unforeseen technical or engineering problems, involves minor deviations from the preliminary plat.

10.50.016U Final plat – Requirements.

Each final plat submitted for approval shall be drawn at a scale of one-inch equals one hundred feet or larger, shall be eighteen inches by twenty-four inches in size, and shall contain the following information on the face of the plat or on additional sheets if approved by the administrator:

A. Date, north arrow and scale.

B. Name of the subdivision.

C. Accurate and complete legal description of the subdivision on the face of the final plat.

D. A complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections.

E. Boundary lines of the subdivision; of the proposed lots therein; of the rights-of-way for any streets, highways, roads, easements or other uses; and of any associated dedications; all to be indicated by accurate dimensions, bearing or deflection angles, and radii, arcs, and central angles of all curves.

F. Notation and description of any protective improvements or dedications required by the city council or otherwise provided.

G. Reference to any recorded subdivision or short subdivision adjoining the subdivision.

H. Name and right-of-way width of each street or other right-of-way.

I. Location, dimensions, and purpose of any easements.

J. Number to identify each lot and block.

K. Addresses for each lot within the plat.

L. Purpose for which sites, other than residential lots, are dedicated or reserved.

M. Certificate by the professional surveyor certifying to the accuracy of the survey and plat in substantially the following form:

> I, _____, a Professional Land Surveyor, do hereby certify that the plat of _____ is based upon an actual survey and subdivision of Section ____, Township ____, Range ____, that the distances, courses, and angles are shown thereon correctly and that monuments and lot corners have been set on the ground as shown on the plat.
>
> _____
>
> (Surveyor's signature and seal)

N. Acknowledged certificate of free consent executed by all parties having any interest in the lands being subdivided as shown by a current title report; and also, in the case of plats containing a dedication of roads, streets, or other areas, the dedication, waiver of claims for damages, and, if required, a waiver of direct access, all pursuant to RCW 58.17.165 and in a form substantially the same as specified by SMC 10.50.016U.

O. If the subdivision lies wholly or in part in an irrigation district, a statement evidencing irrigation water right-of-way in substantially the following form:

The property described hereon is wholly or in part within the boundaries of the _____ Irrigation District and all lots within the short plat are subject to the terms, conditions, reservations and obligations in the present and future concerning irrigation water rights-of-way and easements as may be imposed by said district in accordance with the law.

P. Dedication by the owner of streets, rights-of-way, easements, and any sites for private, semi-private, or public use.

Q. The signature of the city Public Works Director shall certify that the subdivision applicant has either:

1. Completed all improvements in accordance with these regulations and with the action of the city council; or

2. Submitted a bond or other method of security in accordance with the provisions of SMC 10.50.016O sufficient to assure completion of all required improvements.

R. A space for the signature of the administrator certifying that the final plat conforms to the conditions of approval for the preliminary plat.

10.50.016V Final plat – approval.

Upon receipt of a final plat meeting the requirements of SMC 10.50.016U, the administrator shall review the final plat and shall approve the final plat if the administrator determines that the final plat conforms to the conditions of preliminary plat approval and applicable state laws and meets the requirements of SMC Title 10.50 as they existed when the preliminary plat was approved. The administrator shall evidence final plat approval by signing the final plat in accordance with SMC 10.50.016V.

10.50.016X Final plat - Recording.

All final plats approved by the administrator shall be filed for record immediately, or as soon as possible, by the subdivision applicant in the Yakima County auditor's office. The subdivision applicant shall be responsible for all filing fees. Any final plat filed for record containing a dedication shall be accompanied by a current title report. A copy of the recorded plat shall be provided to the city prior to the issuance of any building permits.

10.50.016X Final plat – Alterations, vacations.

A. The alteration or vacation of final plats filed for record in the office of the Yakima County auditor shall comply with the provisions of RCW Chapter 58.17.

B. All petitions for plat alterations or vacations, except as provided for in SMC 10.50.013-A and 10.50.013-B, shall be submitted on forms provided by the planning department and shall be reviewed by the hearing examiner at an open record public hearing.

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10.50.016Y Final plat – Street Vacations.

A. The vacation of any street within a final plat filed for record in the office of the Yakima County auditor shall comply with the provisions of RCW Chapter 35.79 and this title.

B. All petitions for street vacations or resolutions of the city council initiating the same shall be reviewed by the hearing examiner and a recommendation made thereon to the city council prior to council action.

C. The abutting property owners of any street, alley, or other public way proposed to be vacated may be required to compensate the city of Selah for vacated public right-of-way in accordance with the state RCWs.

10.50.016Z Plat vacation – Requirements for complete application.

An applicant for a plat vacation shall submit the following items and information:

A. The reasons for the proposed vacation;

B. Signatures of all parties having an ownership interest in that portion of the subdivision proposed to be vacated;

C. If the subdivision is subject to any covenants which were filed when the subdivision was approved, and whether the proposed vacation would result in the violation or failure of any such covenant, the application shall include an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the proposed vacation of the subdivision or portion thereof;

D. A copy of the approved plat proposed to be vacated, together with all plat amendments recorded since the date of the original approval.

10.50.016AA Plat vacation – Criteria for approval.

A. Approval. The hearing examiner shall render ~~the final decision~~ a recommendation to the city council on proposed plat vacations.

B. Criteria for Approval. The proposed plat vacation may be approved or denied after a written determination is made whether the public use and interest will be served by the proposed vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not already deeded to the city, shall be deeded to the city unless the hearing examiner and city council finds that the public use would not be served by retaining the public interest in such land.

C. Vacation of Streets or Other Public Rights-of-Way. When the vacation application specifically proposes vacation of a city street or other public right-of-way, the city's street vacation procedures shall be utilized. When the application is for the vacation of a plat together with any street or other public right-of-way, the procedure for vacation in this section shall be used, but no street or other public right-of-way may be vacated contrary to the provisions of RCW Chapter 35.79.

D. Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement holder, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.

10.50.016BB Plat alteration – Requirements for complete application.

An applicant for a plat alteration shall submit the following:

A. Signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered;

B. If the subdivision is subject to restrictive covenants filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof;

C. A copy of the approved plat sought to be vacated, together with all plat amendments recorded.

10.50.016CC Plat alteration – Criteria for approval.

A. Approval. The hearing examiner shall render a recommendation to the city council on proposed plat alterations.

B. Criteria for Approval. The plat alteration may be approved or denied after a written determination is made whether the public use will be served by the alteration of the subdivision. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts,

or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

C. Revised Plat. After approval of the alteration, the final amended plat will be prepared in accordance with the city council's decision and hearing examiner's recommendation and submitted to the city administrator for signature, after which, it shall be filed with the county auditor to become the lawful plat of record.

10.50.017 Right-of-way Vacation.

10.50.017A Purpose.

This chapter establishes the procedures, notice requirements and fees for the vacation of public rights-of-way within the city in conformance with the authority granted to the city by Chapter 35.79 RCW.

10.50.017B Definitions.

The following definitions apply to this chapter:

A. "Administrative official" means the mayor, or his or her designee (City Administrator).

B. "Applicant" means the person or persons who petition to vacate any public right-of-way, or the person or persons who propose or are the proponents of a city council-initiated vacation procedure.

C. "City" means the city of Selah.

D. "Linear frontage" means the length, in feet, of the property abutting the public right-of-way.

E. "Owner" means any person or entity with an ownership interest in any real property abutting a public right-of-way.

10.50.017C Initiation of vacation.

The owners of an interest in any real property abutting any public right-of-way who may desire to vacate the public right-of-way, or any part thereof, may petition the city council. In the

alternative, the city council may itself initiate a vacation by resolution. The petition or resolution shall be filed with the city clerk.

10.50.017D Petition procedures.

A. The petition shall be in a form prescribed by the administrative official and shall be signed by the owners of more than two-thirds of linear frontage of the property abutting the portion of the public right-of-way sought to be vacated.

B. Every petition shall be accompanied by the following:

1. A title report for all properties adjacent to the proposed vacated right-of-way;

2. A vicinity map showing the general area of the proposed vacation;

3. A legal description of the property to be vacated;

4. A copy of the record of survey, if available, for the subject right-of-way proposed for vacation, and abutting properties, streets and alleys within one hundred feet on all sides of the proposed vacation;

5. Written evidence of any and all utility easements, or reservations, whether public or private, pertaining to the public right-of-way proposed for vacation, and, if the subject right-of-way encompasses any private utilities, a letter from all utility companies within the right-of-way consenting to the vacation shall be required and submitted to the city of Selah; and

6. A written narrative describing the reasons for the proposed vacation, the physical limits of the proposed vacation and the public benefit of the proposed vacation.

C. Every petition for the vacation of any public right-of-way or any part thereof shall be accompanied by a fee in an amount established by the city to defray the administrative costs incurred in processing the petition and publishing, posting and mailing notices.

10.50.017E Vacation procedure.

A. Setting of Hearing. Upon receipt of the petition, the administrative official shall determine whether the petition has been signed by two-thirds of the property owners abutting the right-of-way to be vacated. The two-thirds shall be determined by the linear frontage of property abutting the area of the proposed vacation. If the petition has been signed by the requisite percentage of such owners, the administrative official shall bring the petition before the city council, and the city council shall by resolution fix the time when the petition will be heard by the hearing examiner, which time shall not be more than sixty days nor less than twenty days

after the adoption of the resolution. Where the city council initiates the vacation by resolution, that resolution shall fix the time when the proposed vacation will be heard by the hearing examiner. The hearing examiner will compose a recommendation and forward it to the city council for final decision.

B. Staff Report. The administrative official or their designee shall prepare a report concerning the proposed vacation for the hearing in front of the hearing examiner. The staff report shall evaluate the advisability of the proposed vacation based on comments from all city divisions and departments and/or submitted application materials. The report shall address the criteria to be considered in determining whether to vacate the public right-of-way, and such other information as deemed appropriate by the administrative official. In preparing the report, the administrative official shall solicit comments from the police department and the fire department. The administrative official may solicit comments from other governmental agencies and utility companies having jurisdiction or utilities within the boundaries of the city. The report shall be submitted to the hearing examiner and to the petitioner and his or her representative not less than seven calendar days before the hearing.

C. Notice of Hearing. Upon the passage of the resolution fixing the time for hearing the request for vacation, the city clerk, or the administrative official, acting under direction and supervision of the city clerk, shall give not less than twenty days' notice of the time, place and purpose of the hearing by:

1. Posting a written notice in three public places in the city, one of which shall be City Hall;

2. Publishing written notice once in the city's official newspaper;

3. Posting a minimum twenty-four-inch by thirty-six-inch notice sign in a conspicuous place at each end of the public right-of-way sought to be vacated describing the proposed vacation and the date, time and location of the public hearing; and

4. Mailing written notice to all petitioners at the addresses on the petition and all owners of property abutting the public right-of-way proposed to be vacated, as shown on the records of the Yakima County assessor, not to exceed ninety calendar days prior to the date of the public hearing. The administrative official shall send the same written notice to the representative of the petitioners at the address on the petition and any interested parties listed in the title reports provided by petitioners, if applicable.

a) The written public notice shall include a statement indicating, "The City Council shall decide whether or not to vacate the street or right-of-way. The hearing examiner will conduct the required public hearing and make a recommendation to the City Council. Any party wishing to be informed of the time, date, and place of the City Council meeting for the proposed vacation should submit a written request to

the City of Selah Planning Department, or sign the parties of record form at the public hearing."

D. Protest. If fifty percent of the abutting property owners file written objection to a city council-initiated vacation with the city clerk prior to the time of hearing, the city shall be prohibited from proceeding with the resolution and vacation. The fifty percent ownership shall be measured in linear footage of property abutting the area of the proposed right-of-way vacation.

10.50.017F Hearing examiner review and recommendation.

A. The hearing on the petition or proposal shall be held before the hearing examiner upon the day fixed by resolution or at the time to which a hearing may be adjourned. If the right-of-way vacation is requested by petition, the petitioner or his or her representative shall be present at the hearing. In its consideration of the proposed vacation of the public right-of-way, the hearing examiner shall render a recommendation based on the following criteria:

1. The public benefit, reason for, and limitations of the proposed right-of-way vacation;

2. Whether the vacation would deny sole access to a public street or alley for any property;

3. Whether the proposal is consistent with existing plans of the city, such as the six-year transportation improvement plan, the comprehensive plan or other official city plans and policies;

4. Whether the vacation is appropriate with existing and anticipated zoning and land use; and

5. Whether there are any public or franchised utilities in the right-of-way to be vacated and, if so, whether they will be relocated, or whether an easement will need to be reserved.

B. Following the hearing, the administrative official shall forward the hearing examiner's recommendation to the city council for an open record public hearing at a regularly city council scheduled meeting.

10.50.017G City shall retain easements.

The city shall retain easements and/or the rights to exercise and grant easements in respect to any vacated property for the construction, repair, and maintenance of public or private utilities or services.

10.50.017H Compensation.

A. The applicant shall compensate the city in an amount which does not exceed one-half the appraised value of the area so vacated. If a public right-of-way has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city may require the owners of the property abutting the public right-of-way to compensate the city in an amount that does not exceed the full appraised value of the area vacated.

1. The value of the vacated property shall be determined by an independent appraisal of the vacated property, paid for by the applicant, in the event the value of the vacated property exceeds twenty thousand dollars. The value of the vacated property may be determined by an independent appraisal of the vacated property, paid for by the applicant, if the value of the property does not exceed twenty thousand dollars. All appraisals shall take into consideration the public improvements within the right-of-way to be vacated, according to their original or depreciated value as may be appropriate in the judgment of the appraiser.

2. If the applicant does not choose to have an independent appraisal, and the value of the vacated property does not exceed twenty thousand dollars, the value shall be determined by the planning departments valuation. The planning division's valuation shall be one hundred ten percent of the planning division's valuation of said public right-of-way or any portion thereof based on Yakima County assessor's market land value of the properties directly surrounding the area of the proposed vacated property.

3. No compensation shall be required if a public right-of-way is vacated and the ownership reverts to the state of Washington, city of Selah, Yakima County or any public school district.

4. No compensation may be required if the city has not purchased, maintained, or made any improvements to the public right-of-way, there is no planned or anticipated public purpose existing for maintaining the public right-of-way as determined by the hearing examiner or city departments, and the public right-of-way has been a dedicated right-of-way in the city for at least five years.

B. Every ordinance hereinafter enacted by the city council to vacate any public right-of-way, or any portion thereof, shall provide that such ordinance shall not become effective until the applicant or the owners of the property abutting upon the public right-of-way, or portion thereof, so vacated, have compensated the city in the amount required as part of the vacation.

10.50.017I City council decision.

A. Following consideration of all evidence and testimony at the meeting, the city council may adopt or reject the examiner's recommendation, or remand to the examiner for additional public testimony, in accordance with the following:

1. If the city council determines to grant the vacation, the action shall be made by ordinance with such conditions or limitations as the city council deems necessary and proper to preserve any desired public use or benefit. The ordinance shall contain a provision retaining or requiring conveyance of easements for construction, repair and maintenance of existing and future utilities and services, and any other requirements of this chapter.

2. The city council, in approving a vacation request, shall specify that the vacated portion of the public right-of-way shall belong to the abutting property owners, one-half to each, unless factual circumstances otherwise dictate a different division and distribution of the public right-of-way to be vacated.

3. If the city council denies the vacation, it will adopt a resolution supporting such decision with appropriate findings of fact.

4. If the city council desires additional public testimony and/or evidence, it may remand the matter to the examiner with instructions concerning the particular matters or issues for which it desires additional public testimony and evidence.

10.50.017J Application of zoning district designation.

The zoning district designation of the properties adjoining each side of the public right-of-way to be vacated shall be assigned based on the zoning district of the abutting property to which ownership of the vacated property will revert, and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended districts. The adopting ordinance shall specify this zoning district extension inclusive of the applicable zoning district designations.

10.50.017K Recording of ordinance.

A certified copy of the ordinance vacating a public right-of-way, or part thereof, shall be recorded in the office of the Yakima County auditor by the city at applicant's expense. A copy of the recorded ordinance shall be provided to applicant. All conditions of the ordinance and this chapter shall be fully satisfied prior to recording of the ordinance.

10.50.017L Record of survey required.

Following the city council's passage of the ordinance, and prior to recording, a record of survey prepared by a registered surveyor in the state of Washington, at the expense of the applicant, shall be submitted by the applicant to the administrative official. Such survey shall include an exact metes and bounds legal description and any and all easements for construction, repair and maintenance of existing and future utilities and services. It shall also contain the professional stamp and signature of the registered surveyor, and the proponent indicating acceptance of the vacated property.

10.50.017M Subdivision - Costs of vacation to be paid by applicant and control of property.

All direct and indirect costs of the vacated public right-of-way from public to private ownership including, but not limited to, title company charges, copying fees, and recording fees, are to be paid by the applicant. The city assumes no financial responsibility for any direct or indirect costs for the transfer of the vacated property. Additionally, the city shall retain control of all proposed vacated public rights-of-way until payment is received.

10.50.018 Subdivision – Design Requirements– Conformity to provisions required.

Every subdivision preliminary plat shall conform to the provisions of this chapter and shall thereafter adhere to the requirements of this chapter in the actual physical development of the subdivision.

10.50.019 Subdivision – Design Requirements – Comprehensive plan compliance required.

Every subdivision shall comply with the goals, policies, and standards of the Selah comprehensive plan as it now exists or is hereafter amended.

10.50.020 Subdivision – Design Requirements – Zoning ordinance compliance required.

Every lot within a subdivision shall comply with the lot size and width requirements of the city of Selah zoning ordinance.

10.50.021 Subdivision – Design Requirements - Adopted standards, specifications, and plans.

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

(1) City of Selah Design and Construction Standards and Specifications for Public Works Improvements as adopted in Section 13.01.010;

(2) *Standard Specifications.*

Road, Bridge and Municipal Construction

Washington State Department of Transportation

American Public Works Association, Washington State Chapter;

(3) *Construction Manual.*

Washington State Department of Transportation;

(4) *Manual on Uniform Traffic Control Devices.*

U.S. Department of Transportation; and

Federal Highway Administration.

10.50.022 Subdivision – Design Requirements – Streets.

(1) When land is subdivided such parcels shall be so arranged so as to allow for the opening of future streets and logical further subdivision, unless doing so is impractical for reasons of property size or topography.

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

(a) The location of all public streets and roads shall conform to the official street plan adopted or in preparation by the city.

(b) There shall be no private streets allowed in any subdivision within the city of Selah, with the exception of a private street permitted through the city's past or present planned development ordinance, Chapter 10.24.

(c) The proposed public street system shall extend existing public streets at the same or greater width, but in no case less than the required minimum set forth in the street standards of the City of Selah Design, Construction Standards, and Specifications Manual for Public Works Improvements as adopted in Section 13.01.010.

(d) Streets intersecting with existing or proposed public highways and major arterials shall be held to a minimum.

(e) Grades on arterial streets shall not exceed twelve percent.

(f) Where a deflection angle of more than ten degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced, subject to review and approval of the city engineer. On streets sixty feet or more in width, the centerline radius of curvature shall not be less than three hundred feet; on other streets not less than one hundred feet.

(g) All public streets shall be platted at full width, and no public boundary streets at less than full width shall be allowed unless required to provide right-of-way for streets and arterials designated by the official plans of the city.

(h) The city may require that street width in commercial or industrial areas be increased to provide for traffic movement and to reduce or eliminate traffic congestion. The city may require a traffic study to be prepared/paid for by the developer.

(i) Cul-de-sacs are permitted provided they do not exceed six hundred feet measured from the center of the turn-around to the nearest connecting street intersection. They shall neither have a street right-of-way width less than fifty feet nor a cul-de-sac right-of-way radius less than fifty-two and one-half feet. Industrial and commercial cul-de-sacs shall have the width and radius determined by the public works director.

(j) All changes in grade shall be connected by vertical curves of a minimum length of one hundred feet unless specified otherwise by the public works director, and shall meet the

requirements of Chapter 7 of the City of Selah Design, Construction Standards, and Specifications Manual for Public Works Improvements as adopted in Section 13.01.010.

(k) A tangent of at least two hundred feet in length shall be provided between reverse curves for major arterials; one hundred fifty feet for neighborhood collector streets; and one hundred feet for residential access streets, and shall meet the requirements of Chapter 7 of the City of Selah Design, Construction Standards, and Specifications Manual for Public Works Improvements as adopted in Section 13.01.010.

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

(m) Each subdivision of fifteen lots or more shall have at least two points of connection with the public street system, except for those subdivisions in which the only dedicated street is a cul-de-sac.

(n) Streets shall intersect at right angles as near as possible. Deviation up to a maximum of fifteen percent may be permitted with justification, and shall meet the requirements of Chapter 7 of the City of Selah Design, Construction Standards, and Specifications Manual for Public Works Improvements as adopted in Section 13.01.010.

(o) City of Selah standard details for streets, water, sewer and storm water as identified in the City of Selah Design, Construction Standards, and Specifications Manual for Public Works Improvements as adopted in Section 13.01.010.

10.50.023 Subdivision – Design Requirements – Block and lot design.

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

(1) Blocks shall be wide enough to allow for two tiers of lots, each of which shall have a minimum depth of eighty-five feet, except where fronting on major streets or prevented by topographical conditions or size of property in which case the administering authority may approve a single tier.

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(2) The length of blocks shall not be less than three hundred feet nor more than one thousand three hundred twenty feet. In blocks over six hundred sixty feet in length, the administering

authority may require one or more public crosswalks of not less than ten feet in width dedicated to the public to extend entirely across the block and at locations deemed necessary. Such crosswalks shall be paved for the entire width and length with a permanent surface and shall be adequately lighted. Fences shall be provided along both sides of crosswalks and shall be located on private property.

(3) Alleys shall be required in any block where at least one tier of lots is used for commercial or industrial purposes.

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(4) Alleys shall have a minimum right-of-way of twenty-four feet in width.

(5) Access/Utility easements 24 feet in width may be permitted in lieu of alleys in residential districts, provided water lines are not in or proposed to be in the utility easement.

(6) Every lot and block shall be served from a publicly dedicated street. There shall be no privately held or owned reserve strips paralleling or terminating street ends or otherwise controlling access to streets.

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

(1) Lots are required in a residential subdivision only when a block is intended to be sold into more than one ownership.

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(2) Insofar as practical, side lot lines should be at right angles to street lines or radial to curved street lines. Side and rear lot lines shall be straight or composed of straight-line elements.

(3) Each lot must front upon a public street or be accessed by an easement with a width not less than ~~those set forth in the street standards~~24 feet in width. ~~Access easements cannot serve more than one lot.~~ Minimum street frontage and/or access easement width shall be at least twenty-four feet. Lots intended for residential use should not access a principal or minor arterial whenever possible.

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

~~(5) Lots shall not front on an arterial if it is possible to avoid it. Lots fronting on a major arterial shall have a minimum depth of one hundred feet.~~

(65) The size and shape of lots shall meet the minimum area and width requirements of the applicable zoning classification.

~~(A) The distance from the front lot line to the rear lot line shall not exceed two and one-half times the distance between the side lot lines.~~

~~(B) There shall be a minimum lot depth of eighty-five feet.~~

~~(C) There shall be a minimum lot width of sixty feet at the rear line of the required front yard. Corner lots shall have a width of seventy feet from the rear line of the required front yard and a ten percent greater area than the minimum required.~~

(76) All lots shall have a minimum lot area as established by zoning district in this title.

10.50.024 Subdivision – Improvement Requirements – Conformity to provisions required.

Every subdivision shall conform to the subdivision improvement requirements of this chapter.

10.50.025 Subdivision – Improvement Requirements – Design and engineering plans required.

The subdivision applicant shall submit design and engineering plans to the city of Selah Public Works Director for all improvements required pursuant to the provisions of this title. No construction of improvements shall begin before the Public Works Director has approved the plans in accordance with the provisions of the city's Design and Construction Standards and Specifications for Public Works Improvements as adopted in SMC Section 13.01.010.

10.50.026 Subdivision – Improvement Requirements – Improvements for unstable soil conditions.

Land which has a slope or slopes of more than twenty percent or has unstable soil conditions shall not be subdivided unless the subdivision applicant first furnishes soils data to the city engineer and designs and installs corrective measures to control slides, erosion, drainage, or other similar problems as required and approved by the City of Selah Public Works Director.

Review under SMC Chapter 11.50 may be required for land classified as geologically hazardous areas.

10.50.027 Subdivision – Improvement Requirements – Subdivision monuments.

Monuments in a subdivision shall conform to the following standards:

(1) Cased monuments, with metal stamped caps, shall be set at all corners of the subdivision, at all points where the street lines intersect the exterior boundaries of the subdivision, at angle points and points of curve in each street and at all street intersections. All surveys shall be second degree accuracy. The use of state plan coordinates is encouraged.

(2) All other lot corners shall be marked with a permanent suitable metal marker not less than three-eighths inch in diameter and twenty-four inches long and driven flush with the finished grade.

(3) Any other monuments considered necessary and appropriate by the city engineer.

10.50.028 Subdivision – Improvement Requirements – Curbs and gutters and driveways.

(a) Curbs and gutters of cement concrete shall be provided in accordance with the standards set forth in Chapter 10.50 and the City of Selah Design, Construction Standards, and Specifications Manual for Public Works Improvements as adopted in Section 13.01.010.

(b) Driveways shall be located on the lowest classification of roadway abutting the development. Driveways accessing onto arterial streets are discouraged and shall be limited. Driveway widths and locations are limited to one per lot as approved by the public works director. "Corner" lot driveways shall be located as far as possible from the street intersection.

(c) Driveways shall be designed to retain all stormwater upon the subject property and shall not be graded or drained so that they drain to the city stormwater or street system.

(d) All driveways shall be surfaced for a minimum distance of twenty-five feet back from the street or curb to a minimum width of twenty feet at the curb and constructed in accordance with the specifications established in SMC 10.34.070 (1).

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10.50.029 Subdivision – Improvement Requirements – Sidewalk standards.

Sidewalks of cement concrete shall be installed on both sides of an arterial street and collector streets. On a residential street, cement concrete sidewalks shall be installed on at least one side of the street. The sidewalk shall be located on the public right-of-way contiguous to the curbs. Sidewalks shall be a minimum of five feet wide on arterial streets and five feet wide on all other streets and shall be constructed in accordance with the standards set forth in Section 10.50.041(a) and Chapter 7 of the City of Selah Design, Construction Standards, and Specifications Manual for Public Works Improvements as adopted in Section 13.01.010.

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10.50.030 Subdivision – Improvement Requirements – Utilities – Underground installation.

The public interest, safety and welfare require that utilities within undeveloped subdivisions shall be placed underground. The requirements shall be:

(a) Underground installation of utility facilities shall not include overhead facilities installed in order to provide emergency service, temporary poles and overhead lines used or to be used in connection with construction projects, service meters located at structures, surface-mounted connection boxes, surface-mounted transformers, pedestal-mounted terminal boxes, transmission lines and supporting structures, "through-feeders" of distribution lines and supporting structures that pass through a subdivision but provide no service to property located therein, wires for fire alarm and traffic signal installations, and structures used for street lighting facilities.

(b) The subdivider shall make all arrangements for the installation of underground utility facilities with the appropriate agency or utility. The cost of constructing new facilities underground or relocating existing aerial facilities underground shall be borne by the serving utilities, the owners of the real property to be served, and/or others requesting such underground services in accordance with the applicable filed tariffs, the accompanying rules and regulations of such utilities as approved by the Washington Utilities and Transportation Commission, and the published policies of the respective municipal and/or other utilities;

provided, however, that such published policies, as distinguished from approved tariffs are not in conflict with presently enacted or hereafter enacted or amended applicable city ordinances.

(c) Easements for the underground installation of utility facilities and, where necessary, for existing overhead transmission and existing through-feeder distribution facilities, shall be provided by the subdivider and shall be set forth in the preliminary plat and final plat to serve the subdivision and each lot therein. The lot easements shall be a minimum of sixteen feet in width and, when possible, centered on side or rear lot lines, or eight feet on the property side of front lot lines.

(d) Where underground utilities are installed within a subdivision, all lot owners shall be served only by those underground facilities.

(e) Street lights shall be at locations and on poles authorized by the city providing illumination approved by the public works director. At a minimum street light shall be installed at all street intersections and at no greater spacing than one hundred seventy-five feet apart and at the ends of cul-de-sacs. In the event that the city or subdivider determines that the poles other than wood poles shall be used for street lighting, the cost of such poles shall be in accordance with the policies and applicable tariff provisions of the utility involved. Additionally, all street lighting must meet the requirements of Chapter 7 of the City of Selah Design, Construction Standards, and Specifications Manual for Public Works Improvements as adopted in Section 13.01.010.

(f) In addition to the foregoing, the utilities in a subdivision shall conform to the following specifications and standards:

(1) All water and sewer lines shall be designed in accordance with the comprehensive water and sewer plans of the city of Selah, and Chapters 4 and 5 of the City of Selah Design, Construction Standards, and Specifications Manual for Public Works Improvements as adopted in Section 13.01.010.

(2) Installation of all water and sewer lines and storm drains shall be in accordance with the standards set forth in Section 10.50.041(a) and Chapters 4, 5 and 6 of the City of Selah Design, Construction Standards, and Specifications Manual for Public Works Improvements as adopted in Section 13.01.010, and under the supervision of the public works director.

(3) After grading is completed and approved, but before any base is applied, all of the underground utilities and all service connections shall be installed, completed and approved throughout the length of the road and across the flat section according to city's standards.

(4) The water distribution system shall also be designed and installed in a manner that is satisfactory to the fire department of the city at the subdivider's expense.

(5) A storm drain system for the subdivision shall be constructed in such a manner as to prevent erosion or the development of safety hazards. All storm water runoff from development shall be retained on site. Storm water runoff calculations and drainage facilities sizing calculations must be prepared by the developer's registered professional engineer and transmitted to the city for review. The development's storm drainage facilities must comply with the city of Selah Storm Water Management Plan, and Chapter 6 of the City of Selah Design, Construction Standards, and Specifications Manual for Public Works Improvements as adopted in Section 13.01.010.

10.50.031 Subdivision – Improvement Requirements – Street signs.

Street sign locations, types and design must meet the requirements of Chapter 7 of the City of Selah Design, Construction Standards, and Specifications Manual for Public Works Improvements as adopted in Section 13.01.010, be approved by the public works director, provided by the developer and installed by the city at the appropriate time. Where the streets in a subdivision are extensions of current streets, the names of the streets in the subdivision shall be the same as those currently existing.

10.50.~~0470~~332 Environmental review.

Every application for a ~~preliminary~~ subdivision ~~plat~~ shall be accompanied by an environmental checklist as provided for in Chapter 11.40 which shall be processed in accordance with Chapter

11.40 prior to consideration of the preliminary plat application by the hearing examiner. (Ord. 1635 § 20, 2004; Ord. 524, 1974.)

10.50.~~034~~ 033 Maintenance bond.

The required public improvements shall not be considered completed until the final plat is accepted by the city council. The public works director shall furnish to the city council a written report and recommendation on public improvements within the subdivision. The city council shall not accept the completion of the improvements until the city has been furnished a surety bond, or other secure financial method, in the amount of fifteen percent of the cost of the improvements to guarantee against defects of workmanship and materials in the public improvement for a period of two years from the date of final plat recording. The bond shall secure against any costs incurred by the city in correcting the defects in workmanship and material, including but not limited to:

(1) Any and all services performed by city employees in field inspection of construction of improvements, at one hundred percent of the direct salary cost, plus thirty-five percent of such costs for overhead and fringe benefits;

(2) Any outside consultants retained by the city to evaluate any inspection or services necessary to correct defects in workmanship and material in the public improvements. (Ord. 1635 § 26, 2004; Ord. 704 § 2, 1978.)

10.50.0324 Subdivision and Short Subdivision Enforcement Provisions.

10.50.0324A Subdivision and Short Subdivision Enforcement Provisions – Administrative officer.

The administrator shall be vested with the administrative duty of interpreting, coordinating responsibilities, and enforcing the provisions of SMC Title 10.50.

10.50.0324B Subdivision and Short Subdivision Enforcement Provisions – Variances.

A. Applications for variances from the literal enforcement of SMC Title 10.50 shall be made in writing and filed by the landowner with the city planning division, which application shall

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specifically state the relief sought and the reasons thereof. The application for variance shall demonstrate all of the following:

1. That special conditions and circumstances exist which are peculiar to the land involved and which are not applicable to other lands in the same area.

2. That literal interpretation of the provisions of this title would deprive the land owner of rights commonly enjoyed by other properties in the same area under the terms of this title.

3. That the special conditions and circumstances do not result from the actions of the applicant.

4. That the special hardship is not self-inflicted.

5. That granting the variance requested will not confer on the applicant any special privilege that is denied by provisions of this title to other lands in the same area.

6. That financial gain is not the ground or grounds for the variance.

7. That the variance will not nullify the intent and purpose of the general plan nor the provisions of this title.

B. An application for a variance shall be considered by the hearing examiner at an open record public hearing, and the hearing examiner shall make its recommendation to the city council.

C. On receipt by the city council of the hearing examiner's recommendation, the city council shall consider the application at a public meeting. The city council may grant such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would work a unique hardship on the applicant. In granting such variance, the city council may require such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements concerning which a variance is granted.

10.50.0324C Subdivision and Short Subdivision Enforcement Provisions – Building permits restricted.

A. No building permit, utility permit or other development permit shall be issued for any lot, tract, or parcel of land divided in violation of this title.

B. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice of the act or acts constituting the violation.

10.50.0324D Subdivision and Short Subdivision Enforcement Provisions – Penalty for violation.

Any person, as defined in SMC 10.50.010, who violates any provision of this title shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than two hundred fifty dollars, or by imprisonment in the city jail facility for not more than ninety days, for each such violation.

10.50.0324E Subdivision and Short Subdivision Enforcement Provisions – Each transfer a separate offense.

Each sale or lease, offer for sale or lease, or transfer of each separate lot, tract, or parcel of land in violation of any provision of this title shall be deemed a separate and distinct offense.

10.50.0324F Subdivision and Short Subdivision Enforcement Provisions – Violation as nuisance.

Any development or use of property or any act relating to a sale or lease, offer for sale or lease, or transfer of any lot, tract or parcel of land contrary to the provisions of this title is a public nuisance, subject to prevention or abatement by injunction or other appropriate legal remedy in the superior court of the state of Washington in and for Yakima County.

10.50.0324G Subdivision and Short Subdivision Enforcement Provisions – Remedies preserved.

Nothing in this chapter shall be construed to supersede, impair or otherwise affect any private or public rights and remedies authorized by RCW Chapter 58.17 as they now exist or are hereafter amended.

10.50.050 Appeals.

10.50.050A Appeals – Appeal of administrative official's decision.

A. Appeal to the Hearing Examiner. Except as otherwise provided, any person or agency directly affected by any decision of the administrator may appeal that decision to the hearing examiner.

B. Appeal. All appeals shall be filed within fourteen days following the mailing of the final decision by the administrator. Appeals shall be filed with the planning department.

C. Appeals Shall Be in Writing. All appeals shall be in writing on forms provided by the planning department and shall be accompanied by the required fees. All appeals shall specifically cite the action being appealed, the error(s) or issue(s) to be considered, and explain why the action is not consistent with the provisions of the city of selah comprehensive plan, and zoning ordinance, this title, or other provisions of law.

D. Notice. The planning department shall set a reasonable time and place for hearing of the appeal and shall notify all parties of record at least ten days prior to the hearing.

E. Transfer of Record. The city planner shall transmit to the hearing examiner true copies of all records pertaining to the proposed decision being appealed, together with any additional written report as determined to be pertinent.

F. Action by the Hearing Examiner. The scope of the open record hearing on the appeal shall be limited to issues raised in the appeal application. The hearing examiner shall render a written decision on the appeal within ten working days from the conclusion of the hearing unless the subdivision applicant and the examiner mutually agree to a longer period. The hearing examiner may affirm or reverse wholly or in part or modify the order, requirement, decision, or determination and to that end shall have all the powers of the officer from whom the appeal is taken. The department shall send copies of the hearing examiner's decision to the appellant and parties of record not later than three working days following the issuance of the final decision.

10.50.050B Appeals – Appeal of hearing examiner's decision.

A. Appeals. The hearing examiner's decision on the appeal shall be final and conclusive unless it is appealed to the city council by a person or agency affected by the decision in the following manner:

1. The appealing party must file a complete written notice of appeal with the office of planning department upon forms provided by the department and accompanied by the appeal fee within fourteen days from the date of mailing of the examiner's final decision.

2. The notice of appeal shall specify the claimed error(s) and issue(s) on appeal and shall specifically state all grounds for such appeal. Issues or grounds of appeal which are not so identified need not be considered.

B. Appeal Procedures.

1. The office of environmental planning shall notify parties of record that an appeal has been filed and that copies of the notice of appeal and any written argument or memorandum of authorities accompanying the notice of appeal may be obtained from the office of environmental planning. The notice to parties of record shall also state that parties of record wishing to respond to the appeal may submit written argument or memoranda to the legislative body within fourteen days from the date the notice is mailed and shall further specify that such written argument or memorandum shall not include the presentation of new evidence and shall be based only on the record before the hearing examiner. A copy of the notice shall be sent to the appellant.

2. The appellant or any party of record may submit a written argument or memorandum of authority within fourteen days of the date of mailing of the notice to parties. Such written argument or memorandum of authorities shall be filed with the office of environmental planning. No written argument or memorandum of authorities may be thereafter submitted except as follows. The appellant or parties of record may request, in writing, and the department may, at its discretion and for cause, grant, without prior notice to other parties of record, a fifteen-day extension of time within which written argument or memoranda must be submitted; provided, that the request for extension is made no later than the last date the memorandum would otherwise be due. The legislative body may grant further extensions for good cause shown on a finding by the legislative body of the existence of circumstances which warrant such extensions. Notice of an extension shall be given to all parties of record. Memoranda, written argument or comments shall not include the presentation of any new evidence and shall be based only on the record before the hearing examiner.

3. When a timely appeal has been filed and the deadline for receipt of written memoranda has passed, the planning department shall within five days deliver to the city council a copy of the examiner's decision, the record developed before the examiner, an audio recording of the hearing before the hearing examiner, and any written argument or memorandum of authority which has been received.

10.50.050C Appeals – City council action on appeal of hearing examiner's decision.

A. General. When the record and the hearing examiner's decision have been transmitted to the city council, the clerk of the city council shall schedule a date for a meeting of the city council at which time the city council shall consider the record upon which the hearing examiner's decision was based and the written and oral arguments of the appellant and other parties of record regarding whether the hearing examiner's decision was supported by substantial evidence. The date of the public meeting should not be later than twenty days following the date the city council receives the record from the office of environmental planning.

B. Public Notice Meeting on Appeals. The clerk of the city council shall, by first class mail, notify all parties of record of the date of the closed record public hearing on the appeal.

C. Site Views. The city council may view the site.

D. Scope of Review. City council review of the facts shall be limited to the record before the hearing examiner. The city council may request additional information or memoranda in order to reach a decision; provided, that all parties of record are given an opportunity to respond to any new material provided.

E. Action on Appeal. At the closed record public hearing the city council may adopt, amend and adopt, reject, reverse, amend and reverse the hearing examiner's findings, conclusions, and decision, or the city council may remand the matter for further consideration or for purpose of taking and considering new factual evidence by the examiner. If the city council renders a decision different from the decision of the hearing examiner, the city council shall adopt amended findings and conclusions accordingly.

10.50.050D Appeals – Effect of appeals.

No subdivision may be recorded while an appeal is pending.

10.50.050E Appeals – Actions not appealable.

A. Generally. Only final actions or decisions of a reviewing or other official may be appealed under this chapter.

B. Procedural Rulings. Interim procedural or other rulings during or as part of a review or decision-making process by a reviewing or other officer under this title are not appealable except as part of the final decision or action.

C. Enforcement Actions. No enforcement action for violation of this title is appealable except as expressly provided in SMC 10.50.032. No decision or action for issuance of a warning citation or criminal citation by the reviewing official or other proper legal authority is appealable under this chapter nor shall any appeal under this chapter be taken of any enforcement action commenced by any part in a court of law.

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10.50.090 Conflict.

All chapters, sections or parts of chapters contained in the Selah Municipal Code which are in conflict herewith are repealed. (Ord. 1635 § 28, 2004; Ord. 524, 1974.)

10.50.100 Validity.

If, in an instance, the hearing examiner fails to act or carry out the examiner's responsibilities according to the regulations contained herein, the city council of the city of Selah shall assume all the duties of the hearing examiner as herein specified relating to the application concerned. (Ord. 1635 § 29, 2004; Ord. 524, 1974.)