



# SELAH CITY COUNCIL

## Study Session

March 12, 2024

4:30 – 5:00 p.m.: Yakima County Fire District

5:00 – 5:30 p.m.: Yakima County Conference of Governments



*Your Trusted Partner Since 1966*



## 2023 Members' Report

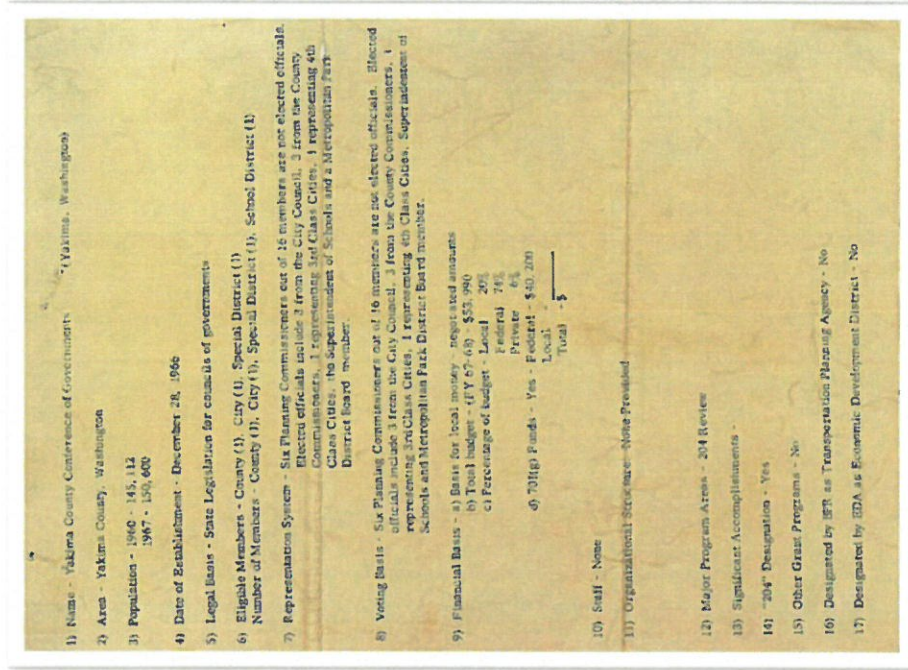
**Your Trusted Partner** since 1966! Yakima County Conference of Governments was born with sixteen members and a budget of \$53,990! Yes... Yakima County Conference of Governments which eventually became Yakima Valley Conference of Governments to recognize the *independence* of the COG representing all municipalities.

Each municipality appoints an elected official to represent their interests on the YVCOG General Membership. The General Membership then votes on an Executive Committee to govern the day-to-day operations at YVCOG.

At the time of conception, COG was established for elected officials to work on issues together and address concerns in a collaborative manner. Offering a local government, formed by them, provided each municipality a means to work across jurisdictional boundaries. This structure allowed them to maintain authority within their own jurisdictional boundaries for projects and programs while sharing in the cost of projects and programs.

Yakima Valley Conference of Governments became the designated Federal Transportation Planning Organization in 1972 and the state Transportation Planning Organization in 1990 for the Yakima Valley. A Transportation Policy Board was established to govern the transportation program, housed within YVCOG. The Transportation Policy Board consists of the YVCOG Executive Committee + WSDOT, a public transit agency, and an economic development agency. We continue to reach out to the Yakima Nation for participation on this Board.

Today, YVCOG is a thriving government with the same purpose it was formed. YVCOG provides a round-table for collaboration, administers programs, and offers services, crossing jurisdictional boundaries, for all municipalities. We continue to offer planning, transportation, GIS, outreach, housing, and public safety programs. Compliance is our number focus as we continue to represent our members with grants and assist them to administer grants on their behalf.





## 2023 Outstanding Service Award

The Yakima Valley Local Crime Lab Operations Board was awarded the 2023 Outstanding Service Award. This board is comprised of police chiefs from the region's police agencies, Board Chair Sheriff Bob Udell, and ex-officio member Prosecutor Joe Brusic. Each board member represents one vote for their city, town, or Yakima County – all with equal voices. Throughout 2023, the board met and worked with YVCOG staff and consultants to create a new public safety agency that allows our region's law enforcement agencies access to cutting edge technology and expert staff.

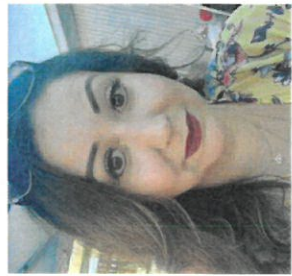
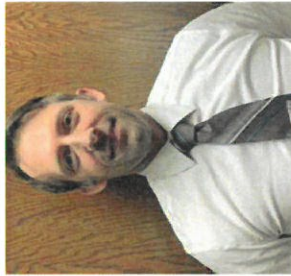
The top three public safety concerns in a 2023 county-wide survey of Yakima Valley residents included Gang Activity, Drug Crimes, and Gun Violence. The Local Crime Lab is working to assist law enforcement in all these important areas. Special equipment and programs to support these needs were purchased by YVCOG using a federal grant. The equipment included NIBIN (National Integrative Ballistic Information Network), a database to assist in tracking crime guns, Cellebrite/Graykey (cell phone analysis tools), Rapid Hit DNA (90-minute DNA processing), and several intelligence subscription programs. Most importantly, YVCOG hired expert staff to assist in compliant processing of evidence, intelligence gathering, and case support for our valley's law enforcement agencies.

The Operations Board began working with lab and intelligence staff as the three lab employees were onboarded throughout mid-2023. They worked to approve proposed workflows and helped to determine best practices for timely processing of their agencies' evidence. They helped guide and support the local crime lab's access to regional resources like the Spillman public safety database. Each month, the Operations Board meets to work through challenges, answer crime lab staff questions about their needs, and provide essential feedback on the services being provided. Feedback is the best way to ensure that the agencies are receiving the best services possible, while making sure that the lab remains affordable for all jurisdictions. They also receive reports on intelligence and regionally significant public safety issues that the lab identifies.

In August 2023, the Yakima Valley Local Crime Lab opened its doors for evidence processing. Within the first quarter of work, the lab had achieved unprecedented statistics for providing gun crime leads to detectives. The Yakima Valley Local Crime Lab has been identified as a prototype program for state and federal agencies.

Several board members also worked alongside the YVCOG team to ensure strong support from the Washington State Patrol, WSP Crime Lab, Washington Association of Sheriffs and Police Chiefs, Governor Inslee's Office, as well as state and federal legislators. The Operations Board also united to form a new Regional SWAT team to improve public safety response for the whole valley in 2023. Their commitment to excellence and willingness to create something new and groundbreaking has left a wonderful legacy for the people of the Yakima Valley.

# Meet Your Staff



## Yakima Valley Local Crime Lab

The Yakima Valley Local Crime Lab opened its doors on August 7, 2023, with a Ribbon Cutting, Lab Tours, Cake, and a lot of excitement! The room was packed with over 200 partners including federal and state law enforcement agencies. We had federal and state legislators, Yakama Tribal participants, and local elected officials. Media buzzed around interviewing lab staff, Sheriff Udell, and Police Chiefs. Celebrating the Local Crime Lab Opening was the beginning of something HUGE in our valley!

Triaging evidence in a timely manner to provide investigative support is assisting officers with open cases. The work we perform is meant to increase law enforcement's ability to work on a case more effectively, utilizing technology and tools available to them.



### 2023 statistics

# of firearms/test fires:	96
# of cartridge cases:	465
# of NIBIN entries:	173
# of NIBIN leads:	107
NIBIN Lead rate:	62%
Cell phone analysis:	18
Investigative assistance:	16

**What is “# of firearms/test fires”?** If a firearm is in law enforcement custody, trained staff shoots the firearm, in a controlled setting. The test fires provide a cartridge case to enter into the NIBIN instrument at the Lab. Agencies may submit test fires from a firearm or the firearm.



**What is “# of cartridge cases”?** Evidence cartridge cases submitted from shooting scenes are screened into groups. A representative from the group is entered into the NIBIN.

**What is “# of NIBIN entries”?** NIBIN is the National Integrated Ballistic Information Network controlled by Alcohol, Tobacco & Firearms (ATF). Trained staff insert the evidence or test fired cartridge case into the lab's NIBIN instrument. The NIBIN instrument takes high-resolution images exposing the markings stamped (like a fingerprint) on the cartridge case. These images are uploaded into the national database to cross reference similar images to reveal investigative leads.

**What is a NIBIN lead?** Leads are unconfirmed associations between two or more cartridge case entries. Leads assist law enforcement to work together to investigate other gun crimes that could be associated with the same gun used in the investigation they are working on. NIBIN offers ballistic evidence giving law enforcement information they can then follow up during their investigation. This forensic evidence allows law enforcement to quickly piece evidence together when working on a crime involving a gun.

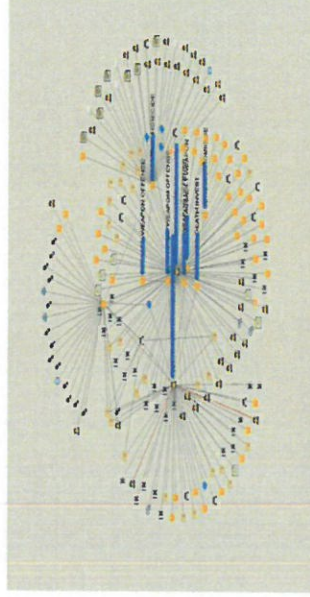
**What does the “NIBIN Lead rate” mean?** The lead rate determines the number of unconfirmed associations divided by the number of NIBIN entries. This indicates the possibility of multiple crimes connected in the Yakima Valley. The national average for NIBIN lead rates is 28%. Yakima Valley is 62% which could mean the same gun is used during different gun related crimes.

**What is “cell phone analysis”?** Cell phone analysis assists law enforcement with extracting data from a phone, which is then given to law enforcement to assist them with gathering additional evidence.

**What does “investigative assistance” mean?** Investigative assistance is the leg work provided to gather information, data, and forensic evidence for law enforcement with cases they are working on. Law enforcement can review information provided to them to determine if they would like to follow up on this information.

\*\*In 2023, YVCOG Crime Lab Staff test fired a gun and entered the casing into NIBIN. The gun was seized during a DUI and there were no indications that the gun had been used in a crime, at that time.

This test fire entry into NIBIN provided leads with possible associations to **35 other crime events** (shown in the bottom picture) in the Yakima Valley. Shown in the map below, you see how one gun can associate multiple events for law enforcement in different jurisdictions. **Law enforcement would not possibly know about an association to another gun crime without NIBIN.** Crime travels up and down our valley. By working together, law enforcement has information quickly, while the case is still ‘hot’. This is valuable when interviewing witnesses.

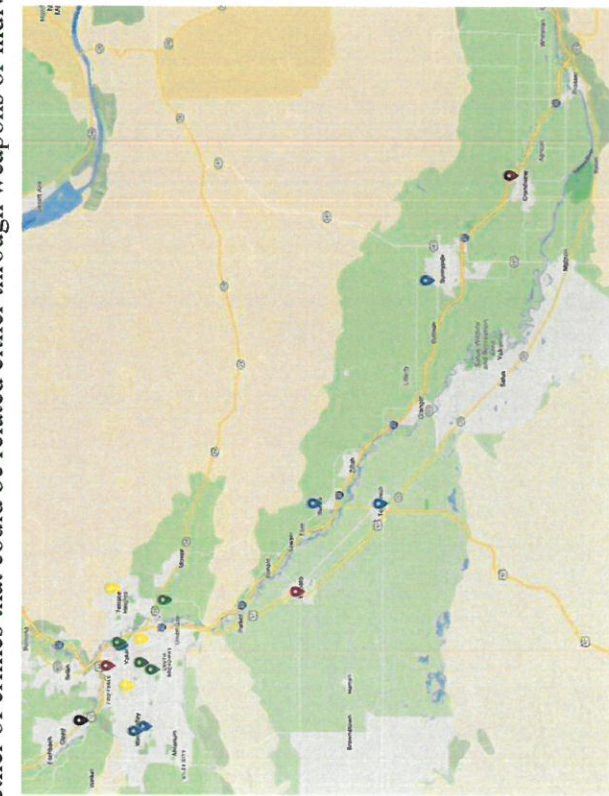


#### Associations to DUI Seized Gun

- 14 Drive by shootings
- 9 Assaults
- 3 Homicides
- 2 Weapon Offenses
- 2 Shots Fired
- 2 Robberies
- 1 Weapon Violation
- 1 Found Property
- 1 Reckless Discharge

Once this evidence is presented to the Prosecuting Attorney's Office, they can make decisions to prosecute or not based on a full span of evidence they have not had previously. Prosecutors can now link possible crimes committed by the same gun.

Crime Lab Staff can provide forensic evidence, analyze cell phones, offer investigative lead opportunities, and network neighboring officers putting the pieces together of crimes that could be related either through weapons or individuals.



The Local Crime Lab is continuing to partner with multiple law enforcement agencies as they work through analyzing evidence. Our goal remains the same as when this program was presented to the members, 'To provide timely, impartial, and quality forensic laboratory services and investigative intelligence to the Yakima Valley criminal justice community'. We do this work through interagency partnerships and collective participation. We continue to work diligently to provide access to expeditious, impartial, forensic, and investigative services for all our participating members to elevate the quality of life to those living and visiting the Yakima Valley.



## Strategic Facilitation

YVCOG assisted Grandview by facilitating their Board Retreat again in 2023. The retreat was able to review the process the Board had made since setting their goals in 2022. By reviewing their 2022 priorities for 2023 that had been accomplished, the Board was able to push forward with their new 2024 priorities.

Grandview decided to include their department heads on day one of their retreat. Each department was allowed 20 minutes to share a high overview of their 2024 budget priorities they would be bringing to Council. Adding this step to their Board Retreat allowed Council to ask questions and hear from the department heads before beginning their budget process.

2023 Grandview City Council Retreat



YVCOG structures facilitations to fit the needs of each municipality. Depending on the desired outcomes for the meeting, YVCOG brings in different exercises for the group to participate in. By the end of the meeting, the group will have actionable steps to accomplish their priorities or goals determined by the group participating.



YVCOG facilitates and guides discussions by asking specific questions and then recording what is said. Some recording is done with pictures and some with words. Those who participate in the meeting walk away with more retention and understanding from the discussion during the meeting because of how they participated.

## Transportation Planning

## YVCOG Project (Federal) Obligations for 2023 **\$10,151,112**

### 20-YEAR REGIONAL TRANSPORTATION PLAN KICKED OFF!

YVCOG began the development of the 2024-2045 Metropolitan & Regional Long Range Transportation Plan. This document will address our region's jurisdictions and transportation agencies' *current and future planning* opportunities over the next 20 years in a myriad of transportation areas including:

- Road/Bridge Maintenance, Preservation, Construction and Expansion
- Airport Facilities and Services
- "Potential" return of Passenger Rail Services lost in 1981.
- Trails, Pathways and Bicycle Facilities
- Environmental and Wildlife Mitigation and Protection
- Local/Regional/National/International Freight Movement
- Public Transportation (Regional and Intercity Transit Services / Micro-Transit / Active Transportation
- Electric/Hydrogen Vehicles and Fueling infrastructure / Automation Technologies.

YVCOG performed Public Outreach events in September and October asking the public how they think the government should be using their tax money over the next 20 years for transportation. One outreach activity resulted in 792 participants with a "Taxpayer Investment" Game. Each participant was given \$10.00 in monopoly money to 'invest' in 10 different transportation areas. Considering the different transportation needs, the public was asked to put their monopoly money where they felt we should be investing taxpayer money. They could spread out their money and put a little in each area, or they could put all their money in one area.

7 PROJECTS OBLIGATED **\$10,151,112** IN YVCOG-Administered Federal/transportation Funds

- \$ 50,000: Air Quality
- \$ 38,000: Pathways, sidewalk improvements
- \$ 600,000: Regional Planning (traffic modeling counts, various studies)
- \$ 5,205,638: Roadway reconstruction, preservation, and planning
- **\$ 4,657,474: Roadway construction from Statewide Redistributed Funds** (our of region)
- Anticipate over \$475 million in YVCOG-administered obligations in 2024

### The results are:

1. Road and Bridge Maintenance
2. Passenger Rail
3. Public Transit
4. Road and Bridge New Construction
5. Bike and Pedestrian Pathways
6. Air Travel
7. Environmental
8. Freight
9. Electric Vehicle Infrastructure
10. Drone Technology



YVCOG continued outreach by attending different community events throughout the Yakima Valley. Talking with community members and offering a quick and easy survey provided an additional 258 (239 English/19 Spanish) perspectives. The survey was also available through a QR code on posters and business cards we put up around the communities. Our goal was to give every person an opportunity to have their voice heard. The survey could be taken on paper or online, depending on a person's comfort level.

YVCOG then took the information we learned through outreach to be our Valley's priorities for the next 20 years!

**March 2024 Adoption of the 20-Year Transportation Plan helps ensure our valley's eligibility to receive federal and state funding for different transportation projects over the next four years.**

**TRAFFIC COUNTS:**

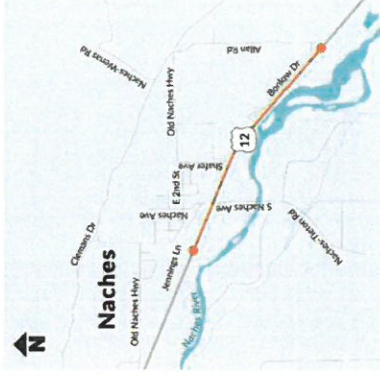
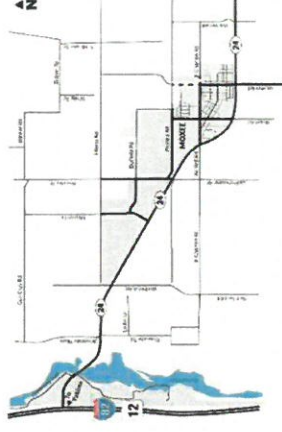
YVCOG again partnered with a consulting firm to provide regional traffic counts for our members. This year, the Regional Traffic Count Program performed 206 tube counts, turning movements, and pathway video counts for all 14 municipalities.

Member jurisdictions use this data to determine traffic volumes on street systems, project effects of land use changes, and measure mobility impacts. They then use this data to help determine different future project needs for roads, sidewalks, trails, and transit corridors.

**The Traffic Count Program will be extended through 2025 to assist members with their needs.**

**Other Highlights**

- Partnered with WSDOT and member jurisdictions to develop regional corridor studies including:
  - **SR24 East Valley Active Transportation Solutions (Completed)**
  - **SR12/Naches Active Transportation Connections (to be completed in spring 2024)**
  - **Scheduled to begin the I-82/SR 97 Freight Express Route Study in 2024**
  - **Scheduled to begin the Yakima Valley Regional Safety Action Plan in 2024 (pending federal award)**
- Completed the 2023 YVCOG Public Participation Plan Update **(and TRANSLATED INTO SPANISH !!!)**
- Awarded funds towards the Yakima Valley Regional Transit Feasibility Study (Phase II)
- YVCOG Transportation Program staff continued to provide transportation planning and coordination assistance on a variety of transportation areas including:
  - WSDOT's Commute Trip Reduction (CTR) Statewide Implementors and Technical Advisory Committees
  - WSDOT's Statewide "Investment Strategies Workgroup"
  - Federal Rail Administration's "Long Distance Passenger Rail Service" Multi-State Workgroup
  - Yakima Nation's Transportation Safety and Heritage Connectivity Trail Project Committees
  - Yakima Region Transit and Para-Transit Agencies, Citizen Advisory Committees



**CONGRATULATIONS!**

- **Mabton Main Street Reconstruction award \$2,199,306**
- **Grandview Old Inland Empire Hwy award \$3,006,332**
- **Naches Trail Improvements award \$38,000**
- **Yakima N. 1st Street Reconstruction award \$4,857,474**

## Land Use Planning

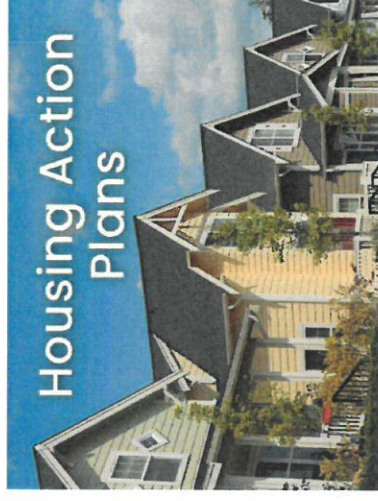
*Planning for anticipated population growth under the Washington State Growth Management Act (GMA).*

One of our major accomplishments for our members was the completion of six Housing Action Plans. Working with Grandview, Tieton, Toppenish, Union Gap, Wapato, and Zillah's City Councils, each city developed and adopted a Housing Action Plan for their community. The goal of the Housing Action Plan is to identify actions the Council can implement to create more housing and more diversity in housing options in their individual communities.

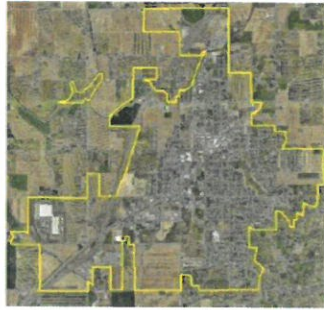
Each community is different and has different perspectives for housing in their communities.

Depending on the direction the Council would like to take determined their plan. The next step is to work with our cities on updating their codes and regulations to reflect the changes they would like to see to help create more housing.

YVCOG provided land use planning for many of our communities throughout 2023 to ensure that they remained compliant with the Growth Management Act (GMA), their Comprehensive Plans, and their development regulations. Some of the services we provided included processing conditional use permits, subdivisions, annexations, rezones, and text amendments to Comprehensive Plans and development regulations. Some of the specific projects we worked on are listed below:



YVCOG



In **Grandview**, we processed an application to amend their

Comprehensive Plan in order to change the minimum lot size requirements within residential zoning districts, we updated development standards within a chapter of the zoning ordinance, updated the Future Land Use Map designation and zoning of several parcels, and processed a 145-lot subdivision. We also saw several inquiries into multifamily development and local retail businesses.



**Granger** had a busy year as well, with a large expansion of an animal feed production facility being permitted, several subdivision inquiries, and plans for a new hotel and community event center, as well as a large residential mini-storage facility being proposed on the east side of town.



YVCOG's planning work with **Harrah** in 2023 involved updating their Comprehensive Plan maps to reflect an annexation. During that process, we also worked with Commerce and city staff to ensure that their Critical Areas Ordinance, Subdivision Ordinance, and Zoning Ordinance were compliant with the Growth Management Act.



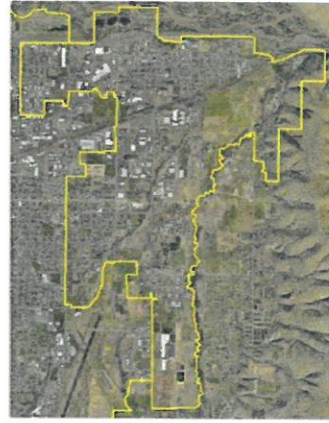
**Mabton** projects this year were primarily related to residential development. We assisted the city navigate the annexation of residential land on the east side of town, as well as the review of a proposed 31-lot subdivision. There have also been several requests for assistance with development on existing lots, including a potential new church and single-family residences.



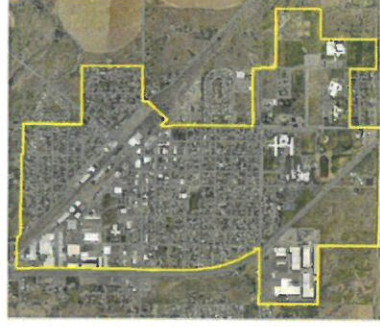
Since we have completed the HAPs for other communities, **Sunnyside** requested that YVCOG assist with creating a Housing Needs Assessment (HNA) for their community. We are also working with Sunnyside to explore the potential value of establishing an Historic Preservation Program.



**Tieton's** requests this year were limited to a critical area review to identify the ordinary high-water mark of a stream on a property in order to determine the permitting needed for a proposal. We also assisted Tieton with providing information when they applied for a Middle Housing Grant.



**Union Gap** saw a lot of business development, including a new car dealership, the expansion of aerospace and recreational vehicle manufacturing facilities, the expansion of a trucking business, the relocation and expansion of an HVAC company, a new shipping and receiving facility for a bakery, People for People's new Meals on Wheels facility, and a new communication tower. In addition, we assisted with updating development regulations within the Airport Safety Overlay as well as an update to the Future Land Use Map and a rezone.



YVCOG assisted **Wapato** with a 21-lot subdivision on the eastern side of town, the permitting of a new daycare facility, and several boundary line adjustments. We're also helping with the update of their Parks and Recreation Comprehensive Plan, which is funded through a grant with the Washington State Recreation and Conservation Office.

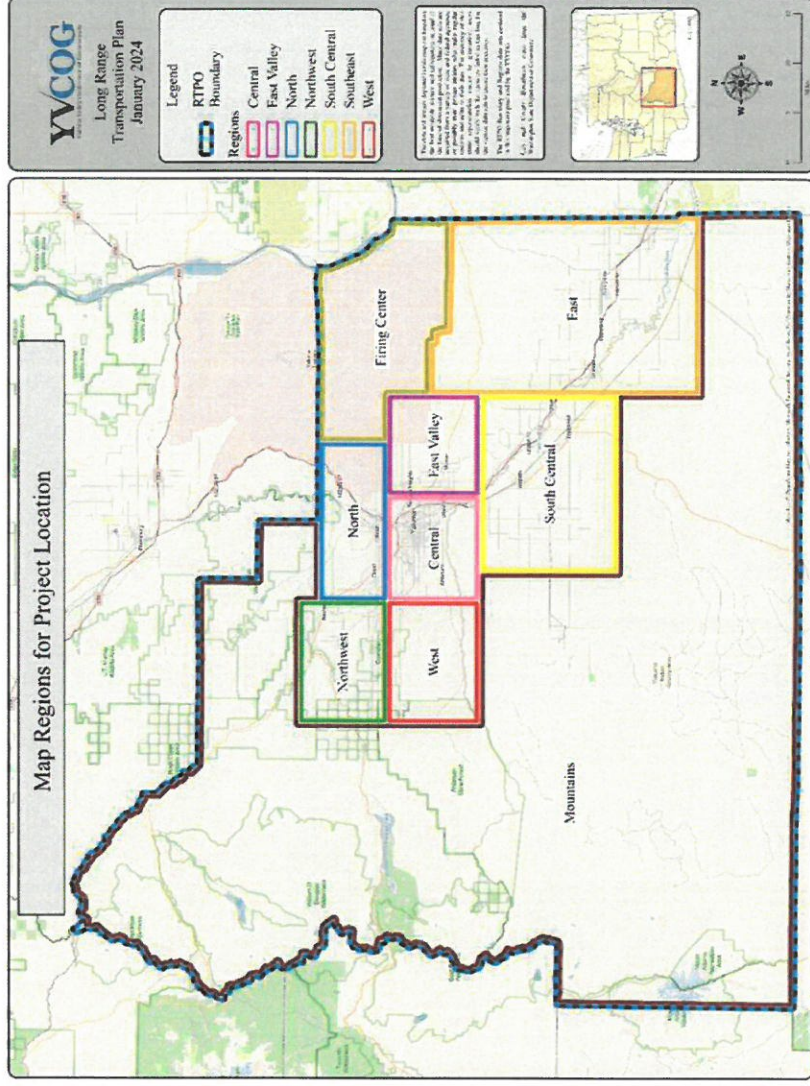
## Geographic Information Systems

YVCOG was busy with updating the 2020 Census Federal Functional Class and Urban Highways maps. When the census is updated, the new data affects all our data used for jurisdictions. This can be a time-consuming project but essential for all your programs.

The census affects all our member jurisdiction in how they will federally classify their urban and rural roadways. This will determine their eligibility for both state and federal transportation funding. We have spent significant time preparing data and updating mapping in a variety of modal, environment, and project planning demographic maps in relation to the Transportation 20-Year Plan, known as the Long-Range Plan.



The map below shows how projects will be identified within our valley.



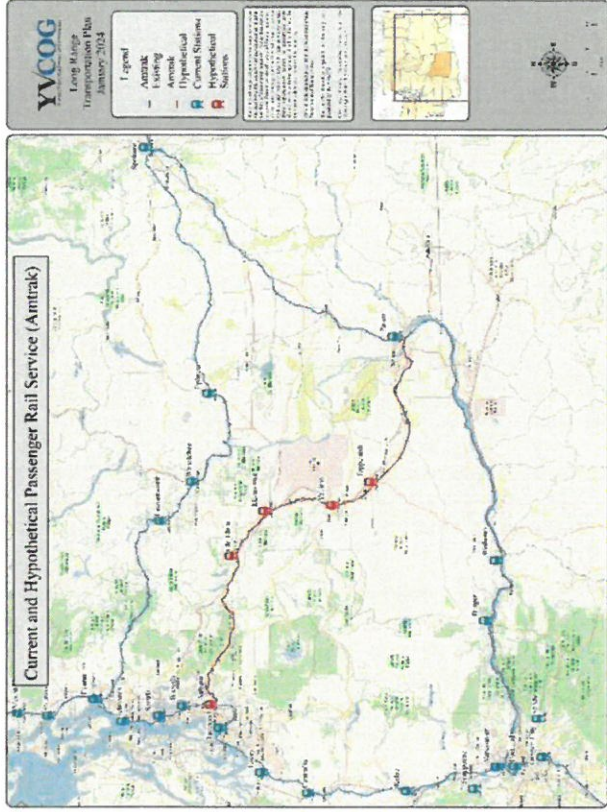
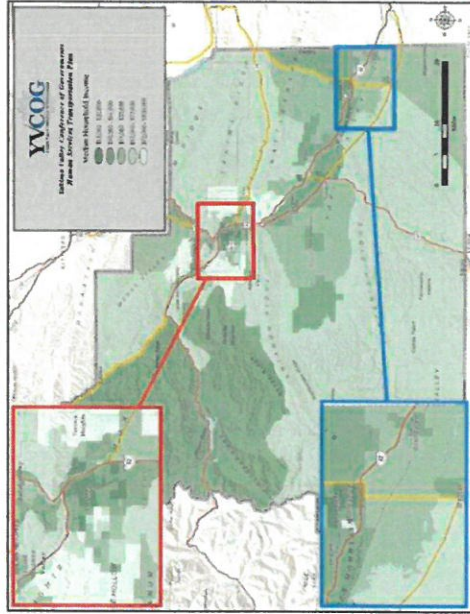
## Passenger Rail

YVCOG was selected to participate in the Northwest State's Region Long-Distance Study Work Group by the Federal Rail Administration and their consultant Jacob's Engineering.

The federal passenger rail route study is the consideration of reintroducing passenger rail services to underserved, formerly served communities, including the Central Washington Region.

The map to the right shows where Amtrak currently operates (blue line), and the route being considered (red line).

Our GIS program is heavily used to gather and analyze data for decision makers for more complex projects in communities. As YVCOG works with



Councils on their new Climate Element and their updated Comprehensive Plan, maps will assist in studying your jurisdictional boundaries to maintain compliance with the Growth Management Act.

Data and maps are developed in support of comprehensive planning map changes and to prepare for the upcoming GMA amendment cycle.

Maps can be a visual to assist in understanding some of the financial needs that may be in your community. Understanding the income levels in your community can allow decision makers to determine specific needs that may be in your community including different types of housing, the use of public transit or foodbank needs.

## Community Law Enforcement Partnership

In 2023 YVCOG successfully developed a Yakima Valley Public Safety Plan for all jurisdictions which was shared with local law enforcement agencies to be presented to their local city council members. YVCOG successfully implemented the Handle with Care in 6 of the 14 jurisdictions throughout the Yakima Valley. In 2024



we will continue our collaboration with law enforcement agencies and schools so that it is implemented throughout all jurisdictions in the Yakima Valley. YVCOG was able to coordinate Hidden In Plain Sight presentations to three cities through collaboration with SAFE Yakima and the Yakima School District. These presentations conveyed information and raised awareness about drug and alcohol abuse as well as gang affiliation. This presentation was also presented to council members at one of our General Membership Meetings



YVCOG pursued another CLEP grant and was awarded in July 2023. With this funding round our goal is to continue collaborating with all local jurisdictions and law enforcement to continue fostering relationships. One of our goals is to continue to partner with ESD 105 to implement Handle with Care throughout the entire valley. In addition, YVCOG is working with specific cities to implement 'Block Watch' programs throughout the valley, by empowering community members to partner with their local law enforcement agencies and become the eyes and ears assisting in crime prevention. YVCOG will also partner with many communities to assist in "Clean-up Days" and "Graffiti Abatement". The goal of this grant is to open communication between law enforcement and our community. Many community members have found this to be a positive change in the Yakima Valley.



Kicking off our 2nd awarded year in August, YVCOG attended Wapato and Mabton's National Night Out events, Menudo Festival in Granger, SAFE Yakima's Pathways to Healthy Living event, SAFE Yakima's Overdose Awareness Day event, Tamale Festival in Wapato, Harvest Festival in Mabton, Grandview WE CAN event, and presented an informational meeting regarding Block Watch to the Granger Lion's Club.

Block Watch Meetings were held at the Grandview and Sunnyside Police Stations with the outcome of two communities establishing a Block Watch group in their neighborhood.

*Neighborhood Watch we lookout for each other....*



## Community Outreach

YVCOG provides “Outreach Services” for all programs and services throughout the Yakima Valley. Throughout 2023 outreach services were provided for many of our programs and services. Outreach was provided throughout the valley for our Transportation, Planning, Housing, and CLEP programs.

For Transportation, outreach was provided for Bike to Work week and the Long-Range Plan survey and activity. We were able to provide information throughout the valley, at the entrances of bike paths, SunDome, and community centers. Community members had the opportunity to share their experience and opinion on the importance of transportation in our valley and what they would like to see happen in the Yakima Valley.



For Housing, outreach was provided to distribute a survey asking for public participation regarding priorities in their community. Toppenish, Wapato, and Mabton were cities that participated in this survey. Community members were open about sharing what they felt was a priority in their community. Mid-Valley TV was used to reach folks along with community events. We also provided these cities with information about the CDBG Emergency Home Rehabilitation program and our Healthy Home Rehabilitation Program. We attended the Veteran’s Stand-Down at the SunDome, Wapato Tamale & Harvest Festival, and Mabton Harvest Festival to share information regarding these programs.



For Planning, outreach was provided during the Housing Action Plan (HAP). A survey was provided to six cities in the valley asking community members to share their thoughts about the “Missing Middle” of housing. People were excited to hear about affordable attainable housing. Communities were given the opportunity to voice their opinion on the types of housing they would like to see in the future for the Yakima Valley.



Through the CLEP grant, outreach was done to inform and educate communities on the importance of Block Watch. It’s also an opportunity to engage our communities with their local law enforcement agencies. This has been a great opportunity to see communication between community members and law enforcement.

Through these events, people are empowered, equipped, educated, and encouraged to take back their community from crime while being part of building a safer community.



*The importance of “Outreach” is to connect with our community, build trusting relationships and give the community a voice regarding their community.*

## Emergency Repair Services

*Community outreach, engagement, and data leads to thriving communities!*

Yakima Valley Conference of Governments was awarded a CDBG grant in partnership with the City Toppenish, for the purpose of providing emergency home repair services to senior citizens and persons with disabilities to prevent them from becoming displaced.

Before YVCOG was able to access the funding for projects, we had to meet specific requirements outlined by the Department of Commerce. YVCOG created policies and procedures, conducted a needs assessment and gap analysis to illustrate the need for such a program throughout the Yakima Valley.

YVCOG engaged with various agencies that provide services throughout Yakima County to understand their programs and requirements, aiming to avoid service duplication. Additionally, we surveyed other communities to assess their community needs and priorities. This approach enabled us to demonstrate the significant need across the entire Yakima Valley, extending beyond the Cities of Toppenish, Wapato, and Mabton. Consequently, we can now offer services county-wide.



*(Partially Burnt Home)*



*(Furnace in need of replacement)*

as established by HUD (US Department of Housing and Urban Development).

We aim to assist individuals and families, not only in preventing displacement but also in ensuring they can live comfortably and safely in their own home. We hope to receive continued funding to continue this program for years to come.

YVCOG began accepting applications for our Senior and or Disabled Emergency Home Rehabilitation Program in October 2023.

**Eligible Repairs:** no heating or air conditioning, no water, plumbing, roofing, no electricity or electrical problems, ADA accessibility, and other repairs for hazardous conditions as determined by the housing manager.

**Program requirements consist of the following:** Applicants must be Age 55 or older, disabled, or parent of disabled person, be the homeowner, reside in the home all year round and meet the income limits



*(Safety Hazard Electrical Panels)*

*Taking care of those who took care of us.....*

*(Safety Hazard Home Entry Door)*

## Healthy Homes

In 2023, our primary objective was to initiate our Healthy Homes Rehabilitation Program, and we successfully met that goal. We began accepting applications in June 2023.

Since the program's launch, we adjusted our service area, extending our reach county wide. The insights gained from our gap analysis and needs assessment, supported by the Community Development Block Grant, highlighted the necessity for a county-wide approach.

**Program requirements consist of the following:** Be the legal homeowner, reside in the home all year and be at or below 60% of the Federal Median Income.

**Eligible Repairs:** Wheelchair ramps, widening of doorways, mold and asbestos remediation, ventilation, water quality, handrails and grab bars, other repairs for hazards that are detrimental to your health will be determined by the program Housing Manager.



*The photos to the left are before and after photos of our first Kresge applicant. This individual was without power and had been couch surfing because power was cut to the home by the power company because of the risk of fire due to the electrical panel. This individual has many health concerns and without assistance of our program would not be able to be in the home resting and healing. We also assisted this individual with their water heater. Our first prevention of displacement.*



*ADA Accessibility, this applicant is unable to get in and out of the home. We are providing the applicant with a ramp and ADA accessibility hardware for the home*



*(Porous Moldy Windows)*

## Attainable Housing Opportunities

Another objective was to further our understanding and knowledge of Community Land Trusts. Our goal is to collaborate with local partners such as Habitat for Humanity to share and acquire knowledge and benefits for affordable, attainable housing through a Land Trust model.

Part of the **Housing Action Plan (HAP)** process included conducting surveys in participating communities asking what the housing wants and needs are for those who already live there. The findings revealed distinct perspectives on housing needs, with the top three preferences being single family dwellings, cottage housing, and duplex/triplex/fourplex housing. Community land trusts address community needs by making homeownership accessible in our high-cost market. By developing Community Land Trusts, your community can provide attainable home ownership through creative means. Homeowners would own the structure of their home but the land the home sits on is part of a trust. This allows people to cut the cost of a home by only paying for the structure. Utilizing a land trust model will allow us to help meet housing needs in Yakima County which is an estimate of 21,100 housing units by 2044. Of those housing units an estimate of 15,000 need to be affordable attainable housing units.

Housing and Planning staff attended training specific to Community Land Trusts models. This training series was over four months and was funded by the Department of Commerce. Staff continue to participate in various training courses to enhance our understanding and establish partnerships with Community Land Trust organizations not only in the state of Washington but nationwide. We look forward to continued partnerships with various organizations.

In addition to these objectives as a requirement, we surveyed two more cities to better understand priorities in their communities. Gathering valuable data and insights helps us identify needs, preferences, and concerns.

Enabling YVCOG to assist communities with informed decision making for effective community planning, resource allocations, and program development. Promoting community engagement, giving residents a voice that directly impacts their lives.



## Future Priorities

### *I am excited to share 2024 priorities with our membership!*

**NEW FACILITY** YVCOG will be working with our federal, state, and local governments to obtain funding for a new facility. The facility is necessary to continue services for the Crime Lab in an efficient manner. Currently, there are 3 full-time YVCOG Staff and 1 full-time ATF Staff crammed into 535 sq. ft. Our contract for this space ends at the end of 2026 when we will be required to vacate our current location. Our objective is to stay centrally located in the valley to assist all members.

**PODCASTS** YVCOG is developing a more effective way to reach out to the public with information and give them an opportunity to engage more in the decisions governments make. We are considering the frequency of podcasts and putting together a list of topics and who to interview. Take advantage of this opportunity to involve your initiatives and to hear the public's responses! We would love to hear from you.

**WEBPAGE** The goal of updating our website is to provide more information and resources for the programs we operate on your behalf. Developing an 'Easy to Use' webpage that gives our members information they may be looking for and to offer online services will bring us into the 21<sup>st</sup> century! We will create online forms for the public to use including applications, surveys, interactive mapping, podcasts, and community data. We will continue to post our records for transparency including agendas, minutes, contracts, financial documents, and any other information requested.

**WORKFORCE DEVELOPMENT** is the opportunity to begin to introduce and train people in government careers. Our objective is to partner with colleges and universities to offer work study internships and paid internships for individuals who would like to gain experience in their field of study. To begin, we will focus on government planning and government accounting.

**TRANSPORTATION** YVCOG is going to have a 'Call for Projects' with approximately \$4,000,000 in federal money allocated to the Yakima Valley. It has been 11 years since our last call for projects and we are excited to begin this process again. Each year, YVCOG receives approximately \$4,600,000 in federal funding for road projects. Members must have their project in the state's online system, provide a 20% non-federal match, and be able to identify their project start date. Once this funding is obligated, the municipality has 10 years to spend out the funding before moving on to the next phase of the project.

**PLANNING** YVCOG Staff will be responsible for the creation of the new required climate element in our members' comprehensive plans for those who have requested our assistance. This is a new element, and our staff will be working closely with Commerce and other agencies to provide you with a new element that makes sense to your community. Beginning in July, YVCOG will begin working on updating the members' Comprehensive Plans for those who have requested our assistance. The work for the climate element and the Comprehensive Plan Update is funded by Commerce.

**COMMUNITY LAW ENFORCEMENT PROGRAM (CLEP) OUTREACH** YVCOG will continue to develop and foster relationships with communities and law enforcement. Our emphasis will be on creating and supporting community block watch groups, by providing communities with the necessary knowledge and tools. We will be collaborating with local agencies and the Department of transportation to educate communities on the importance of human trafficking. We will continue to educate and form partnerships with school districts and law enforcement to implement the Handle with Care program. YVCOG will pursue another CLEP grant to continue engaging communities and law enforcement.

**HEALTH AND HOUSING** Our primary focus will be to continue to support qualifying individuals and families through our Healthy Homes rehabilitation program. We will learn from communities how to enhance our program for continued success. We will also concentrate on securing additional funding to sustain our program. YVCOG will also prioritize affordable attainable housing by fostering existing partnerships and new partnerships to bring more housing options to the Yakima Valley. Continuing to expand our knowledge of Community Land Trusts to be able to assist and partner with agencies like Habitat for Humanity for a successful Community Land Trust project.

**SENIOR HOUSING EMERGENCY REPAIR** Our program is underway, and we are committed to diligently supporting senior and disabled households. By ensuring they can stay in their homes preventing displacement throughout the Yakima Valley. Sharing the impact of our program to the Washington State Department of Commerce will allow our valley to receive more funding to sustain and continue our program. Currently our program is structured for emergency repairs. If funding allows, we would like to provide a nonemergency rehabilitation program in the future.

**LOCAL CRIME LAB** is gearing up to begin using the new Rapid DNA instrument we have received. Supporting our law enforcement with another tool to use when working on a crime is going to bring another level to collaborating in our Valley. The forensic Rapid DNA profile will be available in less than 2 hours for quick information. Fighting crime with science and speed is a game changer.

Thank you for your continued support!





# SELAH CITY COUNCIL

March 12, 2024

5:30 p.m.: Regular Scheduled Meeting

Significant items on the Agenda – such as Consent Agenda Items, Public Hearings, Ordinances and Resolutions – will have an explanatory Agenda Item Sheet (AIS)

**A yellow AIS cover page indicates an action item.**

**A blue AIS cover page indicates an informational/non-action item.**



Selah City Council  
Meeting Date: March 12, 2024  
4:30 p.m.: Study Session  
5:30 p.m.: Regular Meeting

Mayor:	Roger Bell
Mayor Pro Tempore	Kevin Wickenhagen
Councilmembers:	Jared Iverson Elizabeth Marquis Clifford Peterson William Longmire Michael Costello David Monaghan
City Administrator:	Rich Huebner
City Attorney:	Rob Case
Clerk/Treasurer:	Kimberly Grimm

City of Selah  
115 W. Naches Ave.  
Selah, WA 98942

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## AGENDA

- 1) **Call to Order – Mayor Bell**
- 2) **Roll Call**
- 3) **Registering in record of councilmember absence(s) as excused absence(s), per SMC 1.06.070**
- 4) **Pledge of Allegiance**
- 5) **Invocation with Alicia McClintic from Selah Nazarene Church**
- 6) **Announcement of changes, if any, from previously-published Agenda**
- 7) **Getting to know local businesses, agencies and/or people (up to 5 minutes total)**
- 8) **Comments from the public (up to 30 minutes total)**

*The City of Selah is a non-charter code city and we are presently conducting a regular meeting between the Mayor and City Council. A maximum of thirty minutes will be allotted for public comments.*

*Common-sense standards of decorum apply. Comments must be respectful; no profanity or insults are allowed. Comments pertaining to City business and official actions are the most valued, but comments pertaining to City officials' ability to fulfill their job duties due to events, actions, or activities that occurred outside the scope of their duties as a City official may also be offered. Constructive criticism of City officials is allowed including constructive criticism specifically mentioning City officials or employees by name as to official actions, but defamation, personal attacks and impertinent assertions are not allowed.*

*Commenters are limited to one comment per meeting and each comment is subject to a duration limit. City staff may disallow or modify any received written comment that exceeds its duration limit or that is deemed inappropriate, and the Mayor or Presiding Officer may turn off the podium microphone or otherwise silence any in-person comment that exceeds its duration limit or is deemed inappropriate.*

*These standards are subject to revision and will be updated whenever necessary in order to comply with constitutional requirements.*



- A. Pre-arranged oral comments (up to 5 minutes each): None
- B. Reading of received written comments (up to 2 minutes each): None
- C. Oral comments by people in attendance (up to 2 minutes each):

9) **Proclamations/announcements - none**

10) **Consent Agenda**

*Consent Agenda items are listed with an asterisk (\*). Those items are considered routine and will be addressed via a joint motion, without any discussion or debate. However, upon the request of any Councilmember an item will be removed from the Consent Agenda, will be addressed separately, and will be subject to discussion and debate.*

- A. Treesa Morales \* Approval of Minutes from February 27, 2024 Council Meeting
- B. Kimberly Grimm \* Approval of Claims & Payroll
- C. Jennifer Leslie \* Minutes from December 19, 2023 and February 06, 2024 Planning Commission Meeting
- D. Rocky Wallace \* Resolution Declaring the Carlon Park North Tennis Courts Reconstruction Project to be Complete and Accepting the Work and Materials
- E. Daniel Christman \* Resolution Declaring Specified Vehicles to be Surplus and Providing for their Disposition

11) **Public Hearings – None**

12) **General Business**

- A. New Business
  - i. Evaluation and Approval or Disapproval of Conceptual Design of Mural
  - ii. “Appeal” of Decision on a Code Complaint
- B. Old Business – None

13) **Resolutions**

- A. Jeff Peters Resolution Authorizing the Mayor to Sign a Fifteen-Page Interagency Agreement with the Washington State Department of Commerce for the 2023-2025 Climate Planning Grant, and also a Nine-Page Agreement Amendment with The Beckwith Consulting Group Which is Serving as Selah’s Consultant on this Project

- 14) **Ordinances - None**
- 15) **Reports/Announcements**
  - A. Departments
  - B. Councilmembers, personally and on behalf of committees and boards
  - C. City Attorney
  - D. City Administrator
  - E. Mayor or Presiding Officer, personally and on behalf of committees and board
- 16) **Executive Session – 30 minutes**  
RCW 42.30.110(g); RE: Reviewing the performance of a public employee
- 17) **Closed Session - None**
- 18) **Adjournment**

Special Study Session: March 26, 2024  
Next Regular Meeting: March 26, 2024



**Selah City Council**  
Regular Meeting  
**AGENDA ITEM SUMMARY**

Meeting Date: 3/26/2024

Agenda Number: **10-A \***

Action Item

**Title:** Approval of Meeting Minutes from February 27, 2024 Council Meeting

**From:** Treesa Morales, Executive Assistant

**Action Requested:** Approval

**Staff Recommendation:** Approval

**Board/Commission Recommendation:** N/A

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Background/Findings/Facts:** N/A

**Recommended Motion:** I move to approve the Consent Agenda in the form presented (This item is part of the consent agenda).

*Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).*

**Date:**            **Action Taken:** None

**City of Selah  
City Council Meeting Minutes  
February 27, 2024**

**Call to Order:**

Mayor Bell called the meeting to order at 5:30 p.m.

**Roll Call:**

Councilmembers Present: David Monaghan, Clifford Peterson, Elizabeth Marquis, Michael Costello, Kevin Wickenhagen, William Longmire, Jared Iverson

Staff Present: Rich Huebner, City Administrator; Rob Case, City Attorney; James Lange, Fire Chief; Rocky Wallace, Public Works Director; Kimberly Grimm, City Clerk/Treasurer; Jeff Peters, Community Development Supervisor; Zack Schab, Recreation Director, and Treesa Morales, Executive Assistant.

**Pledge of Allegiance was said by all in attendance**

**Invocation:**

Pastor Don Cline from Selah Bible Baptist Church provided prayer

**Agenda Changes:**

Mayor Bell announced that item 12.A.I, Appeal of Ruling, has been postponed and will be heard on the 12<sup>th</sup> of March. Mayor Bell also asked the Council to retain the information provided for the hearing as it will not be printed again for the next meeting.

**Comments from the Public:**

Katrina Henkel from the Selah Downtown Association (SDA) provided an update on the items the SDA is working on.

**Consent Agenda (all items listed with an asterisk (\*) are considered part of the consent agenda and are enacted in one motion).**

Mayor Bell presented the stipulations of the Consent Agenda. Councilmember Marquis requested to remove item 10-C from the consent agenda. Mayor Bell notified the Council that item 10-C will be removed and will now become item 13-B in the regular agenda. Councilmember Peterson moved to approve the Consent Agenda as amended. Councilmember Wickenhagen seconded. Mayor Bell restated the motion and asked council for discussion. Hearing none, Mayor Bell requested a voice vote to approve the motion. By voice vote motion carries.

Approved Consent Agenda:

- A. Treesa Morales \* Approval of Minutes from February 27, 2024 Council Meeting

- B. Kimberly Grimm \* Approval of Claims & Payroll  
Payroll Checks No.: 86087 – 86109 for a total of \$271,074.13  
Claim Checks No.: 181089 - 181199 for a total of \$820,784.21
- C. Rocky Wallace \* Resolution Authorizing the Mayor or Public Works Director to sign and submit a TIB Complete Streets Early Opportunity 2024 Funding Application to WSDOT, for a sidewalk gap project on the north side of East Home Avenue which will add sidewalk to connect N 1st Street and Wenas Road
- D. Kimberly Grimm \* Ordinance Amending the 2024 Budget for Well No. 5 Repairs

**Resolutions**

**13-A. Resolution Authorizing Additional Funding, Once Again, for the City’s Emergency Water Well #5 Project**

Introduced by Mayor Bell. Presented by Public Works Director, Rocky Wallace. After discussion,

Councilmember Wickenhagen moved to approve the Resolution as presented. Councilmember Costello seconded. Mayor Bell restated the motion and asked Council for discussion. Hearing no discussion, Mayor Bell requested roll call from Mrs. Morales. Executive Assistant Morales called roll. Councilmember Monaghan – yes; Councilmember Peterson – yes; Councilmember Marquis – yes; Councilmember Costello – yes; Councilmember Wickenhagen – yes; Councilmember Longmire – yes; Councilmember Iverson – yes. Motion carries.

**13-B. Resolution Authorizing City Attorney to Sign and Enter Into, on behalf of City, a Renewed Three-Year Contract with Thompson Reuters.**

Introduced and presented by Mayor Bell and City Administrator Huebner. After discussion,

Councilmember Longmire asked how this is different from the legal services at MRSC? Mr. Huenber provided information of the difference between the two and how the City Attorney uses this as a tool to do research when needed. Mr. Longmire then asked if MRSC has attorneys on staff that would do the same research. Mr. Huebner explained that yes, they do, but not for every question. Mr. Huebner also said that MRSC is not a primary resource to Cities, they are more of a second opinion. Mr. Longmire asked what our process is now when we have a legal question, and if we go to MRSC first? Mr. Huebner explained that no, the City does not go to MRSC first, they are just a resource. Mr. Huebner explained that we go to the City Attorney first, who does the research and provides an opinion, then he will either say, yes, I am confident or not and then we can decide if we need to check with MRSC. Mayor Bell added that MRSC will not provide a legal opinion, they will only give their opinion regarding the law, but will tell you upfront that it

is not legal advice. Mr. Huebner also added that the City does not have attorney-client privilege with MRSC. Mr. Longmire asked if the City relies on what MRSC gives us as Law, because he has asked before and got a response that we do. Mr. Huebner explained that the City does rely on MRSC in the same vain that the City would for our Attorney, but Mr. Case can provide true legal advice, whereas MRSC can only give general legal analysis.

Councilmember Marquis asked about the cost and if there has always been a 5% increase? Mr. Huebner stated he believes so, yes. Councilmember Monaghan asked if there was a cap? Mr. Huebner said there is a fixed rate during this contract, but then it will be up for discussion. Councilmember Wickenhagen reiterated that all software usually has a built-in 4-5% increase.

Councilmember Marquis asked if this was the only resource of this kind? Mr. Huebner said there is another, called LexisNexis, but that in his experience, he prefers the one in this contract.

Councilmember Wickenhagen moved to approve the resolution as presented. Councilmember Costello seconded. Mayor Bell requested roll call from Mrs. Morales. Executive Assistant Morales called roll. Councilmember Monaghan – yes; Councilmember Peterson – yes; Councilmember Marquis – yes; Councilmember Costello – yes; Councilmember Wickenhagen – yes; Councilmember Longmire – yes; Councilmember Iverson – yes. Motion carries.

### **Ordinances**

#### **14-A. Ordinance Amending the 2024 Base Salary and Wage Schedule for Unrepresented (a/k/a Non-Union) Positions**

Introduced by Mayor Bell and Presented by City Administrator, Rich Huebner. After presentation,

Councilmember Costello moved to approve the Ordinance as presented. Councilmember Longmire seconded. Hearing no further discussion, Mayor Bell requested roll call from Mrs. Morales. Executive Assistant Morales called roll. Councilmember Monaghan – yes; Councilmember Peterson – yes; Councilmember Marquis – yes; Councilmember Costello – yes; Councilmember Wickenhagen – yes; Councilmember Longmire – yes; Councilmember Iverson – yes. Motion carries.

### **Staff Updates:**

**The following staff members provided a department update.**

- Community Services Supervisor, Zack Schab
- Community Development Supervisor, Jeff Peters
- Police Chief, Dan Christman
- Fire Chief, James Lange
- Public Works Director, Rocky Wallace
- Clerk/Treasurer, Kimberly Grimm

### **Councilmember Updates:**

#### **The following Councilmembers provided an update.**

- Councilmember Peterson updated Council on his attendance from the Selah Parks and Recreation Service Area (SPRSA) meeting, and notified the Council that SPRSA plans to come to one of the March meetings to provide an update.
- Councilmember Costello informed Council on his attendance at the executive board meeting for EMS, and that they are looking at expanding the facility.
- Councilmember Wickenhagen provided an update on his attendance at the YVCOG meeting and the Crime Lab, and the Housing Plan.
- Councilmember Iverson provided his summary of the recent school board meeting.

Police Chief Christman returned to the podium to give Council an update on a recent shooting incident at Wixson Park. No one was hurt, and the incident is still under investigation.

City Administrator, Rich Huebner, reminded council of the upcoming council workshop meetings facilitated by YVCOG. Mr. Huebner also gave an update on his recent meetings and activities throughout the week.

Mayor Bell gave a summary on the recent trip to Olympia for the AWC Mayor's Exchange event, and stated it was very productive.

### **Executive Session**

Mayor Bell announced that the Council will take a 5-minute break and then go into an executive session for 30 minutes according to RCW 42.30.110(g), to review the performance of a public employee.

6:50 p.m. – Council went into executive session

7:20 p.m. – Council came out of executive session and returned the record. Mayor Bell stated no votes were taken and no decisions were made. Council requested to go back into the executive session. Mayor Bell announced the Council would go back into executive session for 15 minutes for RCW 42.30.110(g), to review the performance of a public employee.

7:20 p.m. – Council went into executive session

7:35 p.m. – Council came out of executive session and returned the record. Mayor Bell stated no votes were taken and no decisions were made. Council requested to go back into the executive session. Mayor Bell announced the Council would go back into executive session for 15 minutes for RCW 42.30.110(g), to review the performance of a public employee.

7:35 p.m. – Council went into executive session

7:50 p.m. – Council came out of executive session and returned the record. Mayor Bell stated no votes were taken and no decisions were made. Council requested to go back into the executive session. Mayor Bell announced the Council would go back into executive session for 15 minutes for RCW 42.30.110(g), to review the performance of a public employee.

7:50 p.m. – Council went into executive session

8:05 p.m. – Council came out of executive session and returned the record. Mayor Bell stated no votes were taken and no decisions were made. Council requested to go back into the executive session. Mayor Bell announced the Council would go back into executive session for 15 minutes for RCW 42.30.110(g), to review the performance of a public employee.

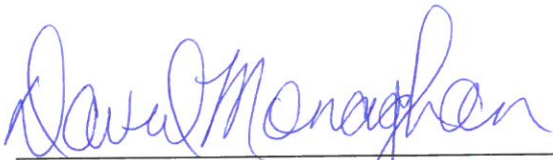
8:05 p.m. – Council went into executive session

8:20 p.m. – Council came out of executive session and returned the record. Mayor Bell stated no votes were taken and no decisions were made.

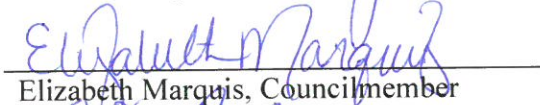
**Adjournment**

Councilmember Iverson moved to adjourn the meeting. Councilmember Marquis seconded. By voice vote, motion carries.

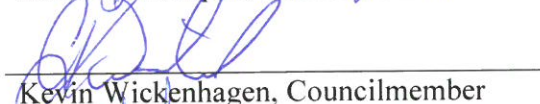
Meeting ended at 8:21 p.m.



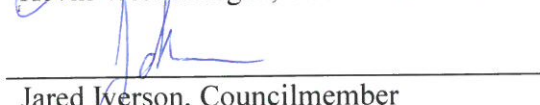
David Monaghan, Councilmember



Elizabeth Marquis, Councilmember



Kevin Wickenhagen, Councilmember

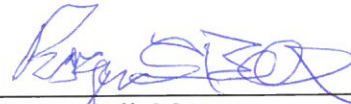


Jared Iverson, Councilmember

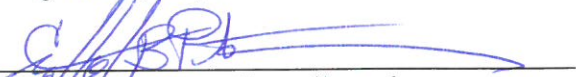
ATTEST:



Kimberly Grimm, Clerk/Treasurer



Roger Bell, Mayor



Clifford Peterson, Councilmember



Michael Costello, Councilmember



William Longmire, Councilmember





**Selah City Council**  
Regular Meeting  
**AGENDA ITEM SUMMARY**

Meeting Date: 3/12/2024

Agenda Number: 10-B\*

Action Item

**Title:** Approval of Claims and Payroll

**From:** Kimberly Grimm, City Clerk/Treasurer

**Action Requested:** Approval

**Staff Recommendation:** Approval

**Board/Commission Recommendation:** N/A

**Fiscal Impact:** See attached payroll and claims directories

**Funding Source:** N/A

**Background/Findings/Facts:** N/A

**Recommended Motion:** I move to approve the Consent Agenda in the form presented (This item is part of the consent agenda).

*Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).*

**Date:**            **Action Taken:** None

# Accounts Payable Register 2/27/2024

Fiscal: 2024  
 Deposit Period: 2024 - FEB  
 Check Period: 2024 - FEB - 2ND COUNCIL

Number	Name	Print Date	Clearing Date	Amount
<b>Banner Bank</b>				
<b>Check</b>	<b>1306024212</b>			
181200	Ok Buy Sell Trade LLC	2/14/2024		\$50.00
181201	Ryan Maybee	2/14/2024		\$17.00
181202	Jacob Stuker	2/27/2024		\$841.16
181203	James Lange/Petty Cash	2/22/2024		\$7.66
181204	Medistar Cabulance, Inc.	2/23/2024		\$14,943.56
181205	911 Supply	2/27/2024		\$621.63
181206	Abadan	2/27/2024		\$468.62
181207	Amazon Capital Services	2/27/2024		\$1,909.66
181208	AmeriGas	2/27/2024		\$802.39
181209	Anatek Labs	2/27/2024		\$195.00
181210	Axon Enterprise, Inc	2/27/2024		\$1,702.57
181211	Card Service Center	2/27/2024		\$4,642.68
181212	Cascade Natural Gas Corp	2/27/2024		\$10,277.75
181213	Caton Landfill	2/27/2024		\$259.00
181214	CBC Custom Embroidery & Digital Art	2/27/2024		\$449.45
181215	Centerpoint Language Services	2/27/2024		\$1,300.00
181216	Christensen, Inc.	2/27/2024		\$432.70
181217	Christopher Knox	2/27/2024		\$17.00
181218	Cintas	2/27/2024		\$146.42
181219	City of Sunnyside	2/27/2024		\$1,885.00
181220	City of Yakima	2/27/2024		\$612.25
181221	Consolidated Electrical Distributors	2/27/2024		\$1,073.67
181222	Cory Worrell	2/27/2024		\$17.00
181223	Evergreen Machine & Fabrication, Inc.	2/27/2024		\$54.15
181224	FBI - LEEDA	2/27/2024		\$100.00
181225	Firestone Complete Auto Care	2/27/2024		\$240.82
181226	First National Bank Omaha	2/27/2024		\$4,786.55
181227	Gabriel Wagner	2/27/2024		\$30.00
181228	General Pacific, Inc.	2/27/2024		\$316.24

181229	Gray & Osborne, Inc.	2/27/2024	\$374.25
181230	HD Fowler Company	2/27/2024	\$130.55
181231	Heather Bulfinch	2/27/2024	\$72.50
181232	Helms Hardware Company	2/27/2024	\$1,204.29
181233	HLA Engineering & Land Surveying, Inc.	2/27/2024	\$20,886.75
181234	James Lange	2/27/2024	\$30.00
181235	Jeff Peters	2/27/2024	\$313.70
181236	Jennifer St George	2/27/2024	\$67.50
181237	Jerry's Pest Service, LLC	2/27/2024	\$410.19
181238	Judge Jeffrey D Goodwin	2/27/2024	\$300.00
181239	Kaylyn Cooley	2/27/2024	\$30.00
181240	KCDA Purchasing Cooperative	2/27/2024	\$296.64
181241	Les Schwab Tires	2/27/2024	\$1,586.28
181242	Missy Maki	2/27/2024	\$34.00
181243	Morton's Supply, Inc.	2/27/2024	\$1,260.52
181244	Nick Finley	2/27/2024	\$30.00
181245	ODP Business Solutions, LLC	2/27/2024	\$204.49
181246	O'Reilly Automotive Inc	2/27/2024	\$43.06
181247	Pacific Power	2/27/2024	\$47,325.67
181248	Paul Baker	2/27/2024	\$30.00
181249	Pep Boys Fleet	2/27/2024	\$813.01
181250	Picatti Brothers, Inc.	2/27/2024	\$1,590.66
181251	Principal Life Ins Company	2/27/2024	\$675.00
181252	Protime Sports, Inc.	2/27/2024	\$58.54
181253	Regence Blue Shield	2/27/2024	\$147.00
181254	Sea-Western, Inc.	2/27/2024	\$584.82
181255	Selah Cleaners & Laundry LLC	2/27/2024	\$194.96
181256	Senske Services	2/27/2024	\$66.55
181257	Sousley Sound & Communications	2/27/2024	\$422.37
181258	State Auditor's Office	2/27/2024	\$417.30
181259	Thomson Reuters - West	2/27/2024	\$232.54
181260	Traffic Safety Supply CO	2/27/2024	\$2,658.21
181261	Uniforms Northwest	2/27/2024	\$189.53
181262	Valley Athletic Field Solutions, Inc	2/27/2024	\$6,259.74
181263	Valley Septic Services LLC	2/27/2024	\$145.00
181264	Verizon Wireless	2/27/2024	\$3,760.99
181265	Wash Central	2/27/2024	\$116.75
181266	Washington State Department of Ecology	2/27/2024	\$170.00
181267	Cashiering Section		
181268	Washington State Department of Health	2/27/2024	\$4,288.10
181269	William Ervin	2/27/2024	\$612.55
181270	Yakima Battery & Auto Electric	2/27/2024	\$1,274.10
181271	Yakima Cooperative Association	2/27/2024	\$1,335.73
181272	Yakima County	2/27/2024	\$932.97
181273	Yakima County Department Of Corrections	2/27/2024	\$13,923.05
181274	Yakima County Fire Commissioners	2/27/2024	\$19,874.71
181275	Yakima County GIS	2/27/2024	\$310.00

181275  
181276  
181277  
181204 VOID



Yakima County Treasurer  
Yakima Herald Republic  
Zumar Industries, Inc  
Medstar Cabulance, Inc.

2/27/2024  
2/27/2024  
2/27/2024  
2/23/2024

\$6,432.20  
\$170.10  
\$346.42  
(\$14,943.56)  
**\$175,889.66**  
**\$175,889.66**  
**\$175,889.66**

**TotalCheck**  
**Total1306024212**  
**Grand Total**

Claims Voucher/Check Approval

I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described herein, and that the claim is a just, due, and unpaid obligation against the City of Selah, and that I am authorized to authenticate and certify to said claim.

  
Accounts Payable Specialist

  
Clerk/Treasurer

Subscribed this 27<sup>th</sup> day of February, 2024

The following voucher/checks are approved for payment:

Voucher/check numbers 181200 through 181277 Total \$ 175,889.66  
& 181204VOID



# Payroll Register 02/29/2024

Number	Name	Fiscal Description	Cleared	Amount
86110	Buehler, Ella H	2024 - FEB - 2ND COUNCIL		\$228.69
86111	Destler, Hudson	2024 - FEB - 2ND COUNCIL		\$258.83
86112	Escamilla, Cecilia	2024 - FEB - 2ND COUNCIL		\$80.40
86113	Freeborn, Taylor S	2024 - FEB - 2ND COUNCIL		\$131.58
86114	Gavic, Sophia L	2024 - FEB - 2ND COUNCIL		\$123.93
86115	Hall, Janae C	2024 - FEB - 2ND COUNCIL		\$146.19
86116	Henson, Ellie	2024 - FEB - 2ND COUNCIL		\$226.40
86117	Patching, Joseph A	2024 - FEB - 2ND COUNCIL		\$184.89
86118	Pelson, Cameron S	2024 - FEB - 2ND COUNCIL		\$215.63
86119	Shea, Devin H	2024 - FEB - 2ND COUNCIL		\$185.91
86120	Thompson, Ryan A	2024 - FEB - 2ND COUNCIL		\$65.08
86121	Wickenhagen, Charles K	2024 - FEB - 2ND COUNCIL		\$295.67
86122	Dept of Labor & Industries	2024 - FEB - 2ND COUNCIL		\$7,613.47
86123	Employment Security Department	2024 - FEB - 2ND COUNCIL		\$462.72
86124	Employment Security Department - PFML	2024 - FEB - 2ND COUNCIL		\$1,850.72
86125	Employment Security Department - WA CARES	2024 - FEB - 2ND COUNCIL		\$833.70
86126	HRA VEBA Trust - PD & PW YA063	2024 - FEB - 2ND COUNCIL		\$3,038.64
86127	Selah Police Association Employee Fund	2024 - FEB - 2ND COUNCIL		\$290.00
86128	Teamsters Local #760 - PW Dues	2024 - FEB - 2ND COUNCIL		\$913.00
86129	Trusteed Services Plan	2024 - FEB - 2ND COUNCIL		\$975.00
86130	Vision Services Plan	2024 - FEB - 2ND COUNCIL		\$85.35
86131	Washington Teamsters Welfare Tr-Medical	2024 - FEB - 2ND COUNCIL		\$94,254.80
86132	Washington Teamsters Welfare Trust	2024 - FEB - 2ND COUNCIL		\$9,356.80
86133	Western Conf of Teamsters Pension Tr-PD	2024 - FEB - 2ND COUNCIL		\$2,498.20
86134	Western Conf of Teamsters Pension Tr-PW	2024 - FEB - 2ND COUNCIL		\$1,536.00
EFT02292024-AFLAC	AFLAC Remittance Processing	2024 - FEB - 2ND COUNCIL		\$129.32
EFT02292024-DCP	Dept of Retirement - Def Comp	2024 - FEB - 2ND COUNCIL		\$4,337.47
EFT02292024-DRS	Dept of Retirement Systems	2024 - FEB - 2ND COUNCIL		\$33,468.78
EFT02292024-FIT/FICA	Default Tax Vendor-Fed W/H, FICA/Medicare	2024 - FEB - 2ND COUNCIL		\$53,947.80
EFT02292024-WSSR	Washington State Support Registry	2024 - FEB - 2ND COUNCIL		\$809.00
February 29 2024	Payroll Vendor	2024 - FEB - 2ND COUNCIL		\$158,252.02
				<b>\$376,795.99</b>

Payroll Approval

I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described herein, and that the claim is a just, due and unpaid obligation against the City of Selah, and that I am authorized to authenticate and certify to said claim.

  
Payroll & Accounts Payable Specialist

  
City Clerk/Treasurer

Subscribed this 29<sup>th</sup> day of February, 2024

The following voucher/checks are approved for payment:

Voucher/check number 86110 through 86134 Total \$ 376,795.99  
+ EFT02292024-AFLAC, FIT/FICA, DCP, DRS, WSSR



**Selah City Council**  
Regular Meeting  
**AGENDA ITEM SUMMARY**

Meeting Date: 3/12/2024

Agenda Number: 10-C\*

Informational Item

**Title:** Minutes from December 19, 2023 and February 06, 2024 Planning Commission Meeting

**From:** Jennifer Leslie, Building Permit Technician

**Action Requested:** Informational - No Action Needed

**Staff Recommendation:** N/A

**Board/Commission Recommendation:** N/A

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Background/Findings/Facts:** N/A

**Recommended Motion:** N/A

*Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).*

**Action Taken:** None



City of Selah  
**Planning Commission Minutes**  
Of  
December 19, 2023

A. Call to Order

Chairman Smith calls the meeting to order at 5:32 pm.

B. Roll Call

Members Present: Chairman Smith, Vice Chair Apodaca, Commissioner: Graf.  
Members Absent: Commissioners: Elliott and Chandler.  
Staff Present: Jeff Peters, City Planner.  
Guest: Richard Huebner, City Administrator.

C. Agenda Changes

D. Communications

1. Oral - None
2. Written - None

E. Approval of Minutes

*1. Approval of minutes from November 21, 2023*

Chairman Smith asks for a motion to approve the minutes from the November 21, 2023 meeting.

Commissioner Graf make a motion.

Vice Chair Apodaca seconds.

Minutes are approved with a voice vote of 3-0.

F. Public Hearings

Mr. Peters presents the Staff Report for the City of Selah Housing Action Plan.

Planning Commission Members read through the Public Comments in the Hearing Packet.

Chairman Smith makes a motion to accept the City of Selah Housing Action Plan and move the recommendation of the Planning Commission on to the City Council.

Commissioner Graf seconds.

The Planning Commission recommendation is approved to move to City Council for the City of Selah Housing Action Plan with a voice vote of 3-0.

Chairman Smith moves to close the Public Hearing.

G. General Business

1. Old Business - None
2. New Business - None

H. Reports/Announcements

1. Chairman - None
2. Commissioners - None
3. Staff -

Mr. Peters shares that the Housing Development Regulation Grant and Climate Change Grant Applications that were applied for have been approved.

Mr. Peters reads an email from the Gordon Family sharing their appreciation to the Planning Commission for the exempt parking area recommendation to the City Council.

Richard Huebner introduces himself to the Planning Commission.

Planning Commission Members introduce themselves to Mr. Huebner.

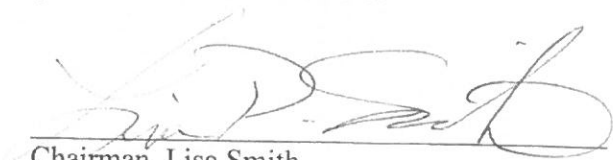
Mr. Peters talks about what to expect in the New Year. The first scheduled Planning Commission Meeting will be on January 16, 2024.

H. Adjournment

Chairman Smith motions to adjourn.

Commissioner Graf seconds.

Chairman Smith adjourns the meeting at 6:21pm with a voice vote of 3-0.

  
Chairman, Lisa Smith

City of Selah  
**Planning Commission Minutes**  
Of  
February 06, 2024

A. Call to Order

Chairman Smith calls the meeting to order at 5:34 pm.

B. Roll Call

Members Present: Chairman Smith, Vice Chair Apodaca, Commissioners: Graf and Elliott.  
Members Absent: Commissioner: Chandler.  
Staff Present: Jeff Peters, City Planner.  
Guest: None

C. Agenda Changes

D. Communications

1. Oral - None
2. Written - None

E. Approval of Minutes

*1. Approval of minutes from December 19, 2023*

Chairman Smith motions to approve the minutes from the December 19, 2023 meeting.

Commissioner Graf seconds.

Minutes are approved with a voice vote of 3-0.

F. Public Hearings

G. General Business

1. Old Business - None
2. New Business -

Re-select Commission Chairman and Vice Chair for the 2024 year.

Commissioner Graf motions to re-select Chairman Smith.

Commissioner Elliott seconds.

Chairman Smith is appointed with a voice vote of 3-0.

Commissioner Graf motions to re-select Vice Chair Apodaca.

Commissioner Elliott seconds.

Vice Chair Apodaca is appointed with a voice vote of 3-0.

H. Reports/Announcements

1. Chairman - None
2. Commissioners - None
3. Staff -

Mr. Peters speaks about the attendance of the Planning Commission.

Mr. Peters states that the City of Selah Housing Action Plan was adopted by City Council.

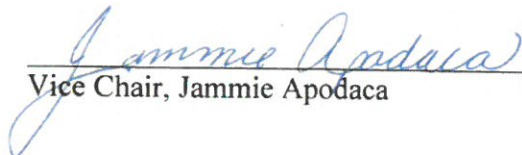
Mr. Peters shares the Tier 3 Cities Middle Housing Model Ordinance.

H. Adjournment

Chairman Smith motions to adjourn.

Commissioner Elliott seconds.

Chairman Smith adjourns the meeting at 6:28pm with a voice vote of 4-0.

  
\_\_\_\_\_  
Vice Chair, Jammie Apodaca



**Selah City Council**  
Regular Meeting  
**AGENDA ITEM SUMMARY**

Meeting Date: 3/12/2024

Agenda Number: 10-D\*

Action Item

**Title:** Resolution Declaring the Carlon Park North Tennis Courts Reconstruction Project to be Complete and Accepting the Work and Materials

**From:** Rocky D. Wallace, Public Works Director

**Action Requested:** Approval

**Staff Recommendation:** Approval

**Board/Commission Recommendation:** N/A

**Fiscal Impact:** N/A

**Funding Source:** 001 General Fund

**Background/Findings/Facts:** The City contracted with Ascent Foundations and More, LLC, to perform the Carlon Park North Tennis Courts Reconstruction Project ("Project"). The contractor's scope of work is finished and all materials are in place. The City inspected the work and materials, and has not noticed any defects or deficiencies. The work appears to meet the contract specifications. Thus, the City recommends that the City Council approve a Resolution that declares the Project as complete and that accepts the work and materials.

**Recommended Motion:** I move to approve the Resolution in the form presented.

*Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).*

<b>Date:</b>	<b>Action Taken:</b>
8/8/2023	Resolution No. 3041 authorizing the Mayor to sign a contract with Ascent Foundations and More, LLC, related to the City's Carlon Park North Tennis Courts Reconstruction Project.
5/9/2023	Resolution No. 3010 authorizing the Mayor to sign "Task Order No. 2023-04" with HLA Engineering and Land Surveying, Inc., for professional services related to the City's Carlon Park North Tennis Courts Reconstruction Project.

RESOLUTION NO. 3097

RESOLUTION DECLARING THE CARLON PARK NORTH TENNIS COURTS  
RECONSTRUCTION PROJECT TO BE COMPLETE AND ACCEPTING THE  
WORK AND MATERIALS

WHEREAS, the City contracted with Ascent Foundations and More, LLC, to perform the Carlon Park North Tennis Courts Reconstruction Project (“Project”); and

WHEREAS, all work is finished and all materials are in place; the City inspected the work and materials; and no defects or deficiencies were noted; and

WHEREAS, the work appears to meet the contract specifications, and thus the City recommends that the City Council declare the Project as complete and accept the work and materials;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, that the Carlon Park North Tennis Courts Reconstruction Project is declared as complete and the City accepts the work and materials.


PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 12<sup>th</sup> day of March, 2024.

ATTEST:

  
\_\_\_\_\_  
Kimberly Grimm, Clerk Treasurer

  
\_\_\_\_\_  
Roger Bell, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Rob Case, City Attorney



March 4, 2024

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

Attn: Rocky Wallace, Public Works Director

Re: City of Selah  
North Tennis Courts Reconstruction  
HLA Project No.: 23054C  
Project Acceptance

Dear Rocky:

This letter serves as our recommendation for acceptance of this project by your City Council. We have reviewed the work performed by Ascent Foundation and More, LLC on this project and believe it has been completed satisfactorily.

Once the project has been accepted as complete by the City Council, the required "Notice of Completion of Public Works Contract" will be completed by our office and sent to the Department of Revenue, Department of Labor and Industries, and Employment Security Departments through our access to your Labor and Industries portal. If you prefer to submit the Notice of Completion, please let us know.

The retainage on this project may be released to Ascent Foundation and More, LLC after acceptance of the project, when lien releases have been received from Department of Revenue, Department of Labor and Industries, and Employment Security Department, and when the City has confirmed there are no liens on this project.

The City will receive the following from HLA Engineering and Land Surveying, Inc. (HLA) in a One Drive Link for download:

- A completed copy of the project punch list items identified during the final walk-through inspection.
- A PDF set of Record Drawings for the project.
- Final Contract Voucher Certification from the Contractor certifying all labor and materials furnished on this project have been paid for.
- Required project labor and equal employment opportunity documents including:
  - Requests to Sublet and verifications for the Prime Contractor and all subcontractors who performed work on this project.
  - Statement of Intent to Pay Prevailing Wages approved by the Washington State Department of Labor and Industries.

- Affidavits of Wages Paid approved by the Washington State Department of Labor and Industries.

Our office will retain an electronic copy of the project files should the City need them in the future.

Please forward a copy of your Council Resolution authorizing project acceptance and release of Retainage.

Please contact our office if you have questions or if we may provide additional information.

Sincerely,

Terry D. Alapeteri, PE

TDA/jld

Enclosures

Copy: Vince Glondo – Ascent Foundation and More, LLC  
Taylor Denny, Angie Ringer – HLA





**Selah City Council**  
 Regular Meeting  
**AGENDA ITEM SUMMARY**

Meeting Date: 3/12/2024

Agenda Number: 10-E\*

Action Item
-------------

**Title:** Resolution Declaring Specified Vehicles to be Surplus and Providing for their Disposition.

**From:** Daniel Christman, Chief of Police

**Action Requested:** Approval

**Staff Recommendation:** Approval

**Board/Commission Recommendation:** N/A

**Fiscal Impact:** No cost to the City, but it will generate a small amount of revenue.

**Funding Source:** N/A

**Background/Findings/Facts:** The Selah Police Department and Public Works has concluded that the following specified vehicles are no longer needed, should be declared to be surplus, and should be disposed of in a commercially reasonable manner pursuant to an approved Resolution:

1	2008 Ford Expedition	Police Admin. Car	1FMFU16578LA76599
2	2008 Ford Crown Victoria	Retired Patrol Car	2FAHP71V56X153252
3	2011 Ford Crown Victoria	Retired Patrol Car	2FABP7BV4BX119203
4	2008 Ford Taurus	Retired Detective Car	1FAHP28W28G144628
5	2013 Ford Taurus	Retired Police Car	1FAHP2MK6DG222549
6	1996 Ford 250 Pickup	Retired Public Works Truck	2FDHF26H6TCA66426

**Recommended Motion:** I move to approve the Resolution in the form presented.

*Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).*

**Date:**                      **Action Taken: None**

RESOLUTION NO. 3098

RESOLUTION DECLARING SPECIFIED VEHICLES TO BE SURPLUS AND PROVIDING FOR THEIR DISPOSITION

WHEREAS, City staff has determined that the City can no longer use the following six specified vehicles:

1	2008 Ford Expedition	Retired Police Admin. Car	1FMFU16578LA76599
2	2008 Ford Crown Victoria	Retired Patrol Car	2FAHP71V56X153252
3	2011 Ford Crown Victoria	Retired Patrol Car	2FABP7BV4BX119203
4	2008 Ford Taurus	Retired Detective Car	1FAHP28W28G144628
5	2013 Ford Taurus	Retired Police Car	1FAHP2MK6DG222549
6	1996 Ford 250 Pickup	Retired Public Works Truck	2FDHF26H6TCA66426

and

WHEREAS, the City wishes to declare such vehicles to be surplus and to dispose of them in a commercially reasonable manner;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, as follows:

Section 1. The above-specified vehicles are declared to be surplus.

Section 2. City staff is authorized to dispose of the above-specified vehicles in a commercially reasonable manner directly and/or by contracting with one or more outside vendors selected by City staff. City staff may contractually engage one or more outside agencies or vendors without any necessity of seeking approval from the City Council as to the existence or terms of any such vendor contract(s). The vehicles may be sold individually or in lots, and City staff may make all decisions as to final sale prices without seeking further approval from the City Council.

Section 3. All net revenues received on sale of the above specified vehicles shall be credited to the appropriate line item, fund category or categories as deemed by the City Clerk/Treasurer.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 12 day of March, 2024.

  
\_\_\_\_\_  
Roger Bell, Mayor

ATTEST:   
\_\_\_\_\_  
Kimberly Grimm, Clerk/Treasurer

APPROVED AS TO FORM:   
\_\_\_\_\_  
Rob Case, City Attorney



**Selah City Council**  
Regular Meeting  
**AGENDA ITEM SUMMARY**

Meeting Date: 3/12/2024

Agenda Number: **12.A.i**

New Business

**Item:** Evaluation and Approval or Disapproval of Conceptual Design of Mural

**From:** Rob Case, City Attorney (with a co-presentation by Mindy Clark and Courtney Hernandez, as members of the Mural Commission)

**Staff Recommendation:** N/A

**Board/Commission Recommendation:** N/A

**Fiscal Impact:** The City is contractually obligated to contribute up to \$25,000.00 toward design and installation of the mural.

**Funding Source:** 001, General Fund

**Background/Findings/Facts:** In early 2022, the City entered into a “Settlement Agreement” with the Selah Alliance for Equality (SAFE) and eight of its members in order to resolve a federal lawsuit. Among other things, the Settlement Agreement specified that a mural would be installed on the City-owned concrete retaining wall that is located on the western side of North First Street between Merinda Drive (to the north) and Hillview Avenue and Wernex Loop Road (to the south), essentially between entrances to Selah High School (to the north) and Selah Middle School (to the south).

In full, the Settlement Agreement says the following with regard to the mural:

**Mural.** The City shall appoint a mural Commission (“Commission”) consisting of five (5) total members, three of which shall be chosen by Mayor Sherry Raymond with at least one of those three being a current employee of the Selah School District, and the other two of which shall be chosen by attorney Joe Cutler on behalf of S.A.F.E. The Commission members shall be specifically identified within thirty (30) days of the Final Execution Date. The Commission shall be responsible for issuing a Request for Proposals (RFP), selecting one or more artists or creators, and recommending the design of a painted or applied mural on the City-owned retaining wall located on North First Street. The City shall have final authority to approve the recommended design. The City shall pay up to \$25,000.00 towards the mural. The Commission may seek additional non-City funds to use in designing and creating the mural. The mural shall communicate the message “all are welcome in Selah,” although those exact words need not be included. The mural shall be completed no later than one year from the Final Execution Date if possible.

The Mural Commission has agreed on a conceptual design. Prior to finalizing the design, the Mural Commission and its primary artist (Mindy Clark, from Red Art Studios) desire a vote by the City Council that approves or disapproves the conceptual design. Substantial additional work will be required to generate the final design, and, understandably, they do not want to undertake that work without knowing – in advance – that the conceptual design is acceptable; because such work might prove for naught if the conceptual design was – for some reason – deemed not acceptable. If the conceptual design is approved, there will be subsequent vote by the City Council at a later date as to the final design (once it has been created).

Three items are appended to this AIS. The first item is a one-page sheet that includes four color images, which images show the general conceptual design. The second item is a two-page explanatory document, which provides further details including a potential schedule. The final item is a proposed Resolution, which – adopted – would approve the conceptual design so that the necessary work to create the final design can then proceed (followed later, as indicated above, by a subsequent City Council vote once the final design is created).

On Wednesday, March 6<sup>th</sup>, an in-person meeting occurred relative to the conceptual design. On behalf of the City, the attendees were the Mayor, City Administrator, City Attorney, and Councilmember Longmire. On behalf of SAFE and the Mural Commission, the attendees were Mindy Clark, Courtney Hernandez, Anita Callahan, and Kalah James. Several details were discussed during the meeting.

This AIS (which has been drafted by the City Attorney) will summarize certain details, so that the City Council can customarily prepare for the upcoming March 12<sup>th</sup> meeting. Additional details will be offered by Ms. Clark and Ms. Hernandez during the meeting who, as indicated above, will co-present this matter during the meeting. They have firsthand knowledge about the conceptual design, whereas this AIS is effectively presenting secondhand knowledge. Thus, if any inconsistencies exist between the recitation within this AIS and the oral presentation of Ms. Clark and Ms. Hernandez, the City Council is advised to rely upon what Ms. Clark and Ms. Hernandez say rather than any details that might be accidentally misstated within this AIS. Subject to that proviso, the following details are offered via this AIS:

- Four color images will become a singular mural: A singular mural will be created. The four color images effectively represent portions of what will ultimately be combined into a single mural. Stated another way, those four images do not represent that four separate things/murals will be created. Rather, everything will ultimately be combined into a singular mural image.
- Color specks will be deleted; background will be white: Some of the color images include specks of color toward the top of the images, above a drawn line and the words “top of wall”. Those are just color samples that were used during creation of the conceptual design. The specks will not be included on the final design/mural. The background color of the mural will be white or a shade of near-white, despite being shown in more of a cream or tan color on the conceptual design.
- The mural will be painted: The mural will be painted on the concrete wall. The attached two-page explanatory sheet summarizes the prep work that will occur,

the type of paint that will be used, and that an anti-graffiti coating will be applied as the final layer.

- The size of the mural: The mural will occupy essentially the entire concrete wall.
- The color circles will “bookend” the mural: The four colored images depict colored circles only at one of the conceptual design. However, the final design will include the colored circles on both ends of the mural – effectively serving as “bookends”. (Creating those colored circles is a time-consuming process, and that explains why the conceptual images only show the circles at one end of the design.) The colored circles are not corporate logos or affiliated with any particular entity or movement, other than the blue circle which includes a logo that is affiliated with the United Farm Workers organization (which a number of parents and students from the Selah School District have a connection to).
- Words and names: The mural will include a few words and also some names. Toward the bottom of the design, fish are depicted. Within the bodies of the fish, the word “friend” will be written in multiple languages. In addition, the names of Selah School District students and/or of the persons who actually help paint the mural on the wall are also contemplated to be included within the mural.
- Black-and-white and/or greyscale images of people: The middle portion of the mural, which will be its main section, will include black-and-white and/or greyscale images of people. The people will be shown from behind (rather than face-front) and will include a diverse group of subjects. At present, generic bodies have been included within the conceptual design. However, various students from the Selah School District will be photographed and those photographs will then be used to create the actual human images that will be included in the final design. On the final design, the human images will likely be spaced apart somewhat in groups, despite the conceptual design currently showing essential one large continuous group.

Further details (and perhaps corrections, if any details recited within this AIS are accidentally misstated) will be offered by Ms. Clark and Ms. Hernandez during the meeting.

As stated above, the City Council is only being asked to approve the conceptual design at this point. A future vote will occur after the final design is ready.

*Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).*

**Date:**                    **Action Taken: None**

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

RESOLUTION APPROVING CONCEPTUAL MURAL DESIGN

WHEREAS, during its regularly-scheduled meeting on March 12, 2024, the City Council evaluated the conceptual design for a to-be-created mural on a City-owned wall; and

WHEREAS, more specifically, the City Council reviewed a one-page document that included four images and also a two-page text document that provided explanatory remarks; and

WHEREAS, the City Council also received and evaluated oral testimony by two members of the Mural Commission, specifically Mindy Clark and Courtney Hernandez; and

WHEREAS, based on such documents and such oral testimony, the City Council concluded that the conceptual mural design is acceptable and that good cause exists for approving the instant Resolution;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, as follows: (1) that the conceptual mural design, as presented via the above-referenced documents and oral testimony, be and is approved; (2) that the City Council reserves its contractual right to separately evaluate – and vote on – the final mural design once it is ready, including potentially disapproving the final design if it deviates from the conceptual design in an unacceptable manner or degree; and (3) that no physical installation work shall occur unless and until the City Council approves the final design.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 12<sup>th</sup> day of March, 2024.

ATTEST:

\_\_\_\_\_  
Roger Bell, Mayor

\_\_\_\_\_  
Kimberly Grimm, Clerk Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Rob Case, City Attorney

## **MURAL CONCEPT MEETING with city representatives 3-6-2024**

### **Selah**

**A Native American name, meaning still or smooth water, given by the Yakama Native American people to about one and a half miles of the Yakima River where it emerges from Kittitas Canyon.**

For centuries, Yakama Indians camped near the confluence of Wenas Creek and the Yakima River, where the water tended to swirl, thereby making it easier to catch fish. The tribe also found fertile land in the valleys of Wenas and Selah creeks, which flow from west (Wenas) and east (Selah) into the Yakima River a few miles north of the confluence of the Yakima and the Naches, an excellent place to grow food.

**con·flu·ence** *noun*—the junction of two rivers, especially rivers of approximately equal width.

Convergence, meeting, junction, joining, conflux.

An act or process of merging.

Coming together, yet calm and still and fruitful.

**LOCATION IS A FACTOR.** The mural will be seen, primarily, by people driving by. Needs to be easy to see, bold, colorful. Complete vision builds over time as people drive by repeatedly, coming and going. Details for people walking on the sidewalk should be part of it. Best view is from the soccer field across the street. The wall cannot be seen from the parking lot or near the building. People need to make a connection to what they see. The initial coming together and then the multicultural references in the design elements. Thoughts of friends and family and appreciating others.

This mural will be the longest in Central Washington and will get attention from the press and state arts commission for its content, reason for being installed, size, and the fact that art is being put in a public place. There will be a response from outside the city that Selah appreciates the arts and celebrates the people who live here. Something positive to nurture in the press. Having students as the subject matter and students participating in the installation, encourages a longer lasting process of change.

## **DISCUSS DESIGN ELEMENTS that will adjust or change**

- People will be replaced with students from Selah.
- Some people will be subtracted. Bits of space will be placed between groups of people.
- Colors and designs on the circles will be adjusted
  - Colors will have less contrast and value so the fish come forward and it is less busy
  - Designs in the circles will be different cultural designs that rotate around the center axis.
- Adding more content to the fish. The word “friend” will be written on some of the fish (in such a way that it looks like a pattern at first) using the translation from multiple languages. This is something for folks walking along the sidewalk to see so there are multiple ways to view and respond to the art. Names of the students in the imagery and students who participated in the installation may also be integrated into the design.
- Wall is approximately 270 feet long and about 15 feet tall at its highest point. Accurate measurements will be taken and a highly detailed scaled model will be created after approval.
- The design should feel like it is somehow passing by the wall and not contained by the wall. Since this is a drive by mural, the flow and movement can be felt. Circles may shift and change size to support the sense of movement.

## **WALL PREP, SUPPLIES, COSTS**

- The wall will need to be pressure washed and inspected in May. Allen’s Pressure Washing inspected the wall and provided an estimate. LeVonte Allen will be washing the wall with a chemical solution that will prepare it for painting. In June, the wall will be checked again and another quick water wash will be done if necessary.
- Epoxy resin is used in the graffiti coat and needs to be applied by a professional. A professional has already been identified. Estimated cost: \$300.
- The total for paint, primer and sealant is about \$5,000. A more specific quote will be available once the measurements are confirmed. When the materials are ordered in May, a sales representative will then be able to offer a discount.
- The estimate for application/installation supplies is \$700.
- Design and Labor: \$16,000

## **TIMELINE**

- May—cleaning and inspection—order supplies
- June—another cleaning if necessary
- July 19-21—transfer outline of design to wall for primer.
- July 22-23 apply primer sealant
- July 26-28— draw in design details and label colors
- July 29-August 4—paint in the black and white areas only.
- August 5-11—paint in the colorful portions, touch up and finish
- August 12-15—graffiti proof final coat is applied. 2 coats.







**Selah City Council**  
Regular Meeting  
**AGENDA ITEM SUMMARY**

Meeting Date: 3/12/2024

Agenda Number: **12.A.ii**

New Business

**Item:** “Appeal” of Decision on a Code Complaint

**From:** City Staff

**Staff Recommendation:** Affirm the Decision without Modification

**Board/Commission Recommendation:** N/A

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Background/Findings/Facts:** This matter was originally scheduled for February 27, 2024, but was then postponed to March 12, 2024.

An appeal was filed on October 27, 2023. The Appeal challenges a Decision that was issued on October 19, 2023. Such Decision was issued relative to a Code Complaint that itself had been filed on September 15, 2023.

A sixteen-page Staff Report is submitted with this AIS, and there are 106 pages of attachments to the Staff Report. The Staff Report explains the established facts and applicable substantive law.

City Staff recommends that the challenged-via-appeal Decision be affirmed, and that City Staff be directed to take no further action on this matter.

The Appellant is William Longmire. Although Mr. Longmire is now a Councilmember, both his Appeal and his underlying Code Complaint were filed when he was simply a resident. MRSC states that “[w]hen a conflict of interest exists, a councilmember should refrain from voting.” In turn, SMC section 1.06.250 provides that “[i]n the event a member abstains from voting, that member shall announce his/her intention to abstain and reason for abstaining” and “[a]n abstention shall not be considered as either a vote for or against the matter.”

*Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).*

<b>Date:</b>	<b>Action Taken:</b>
10/19/23	Decision by Code Enforcement Officer, which is now challenged via this Appeal.



# CITY OF SELAH

115 West Naches Ave  
Selah, WA 98942

P: 509-698-7328  
F: 509-698-7338

Wednesday, February 21, 2024

## Staff Report for “Appeal” of Decision on Code Complaint

### The Appeal

The subject Appeal was filed on October 27, 2023. The Appeal challenges a Decision that was issued on October 19, 2023. Such Decision was issued relative to a Code Complaint that itself had been filed on September 15, 2023. Copies of the Appeal, the challenged-via-appeal Decision, and the underlying Code Complaint are appended to this Staff Report. See pages A-1 through A-11 (the Appeal); pages A-9 and A-10 (the Decision); and pages A-2 and A-3 (the Code Complaint).

### Background Pertaining to Procedure

The Appeal and the underlying Code Complaint were filed under Selah Municipal Code (SMC) Chapter 6.75, which is entitled “Code Enforcement”. The current version of SMC Chapter 6.75 was enacted via Ordinance No. 2205 on or about September 12, 2023.

The current version of SMC section 6.75.030 adopts and incorporates – by reference, and subject to a few minor changes – the 2018 Edition of the International Property Maintenance Code (IPC) as an operative part of SMC Chapter 6.75. See pages A-67 (current version SMC section 6.75.030) and A-68 through A-70 (excerpts of Ordinance No. 2205, adopting and incorporating the 2018 IPC). Thus, the 2018 IPC is part-and-parcel of the current version of SMC Chapter 6.75.

The IPC establishes – among other things – procedural rules for complaints, decisions and appeals arising under the IPC. See pages A-71 and A-72 (excerpted IPC sections). Those procedural rules govern the now-under-consideration Appeal because – as stated above in this Staff Report – the Appeal and the underlying Code Complaint were filed under SMC Chapter 6.75, and, thus, they were effectively filed under the IPC. However, as will be substantively explained below in this Staff Report, the Appeal and the underlying Code Complaint do not actually present IPC property maintenance-type issues. Instead, the Appeal and the underlying Code Complaint focus on construction standards and construction performance-type issues.

### Procedure

The City Council will preside over an appeal hearing during the City Council’s regularly-scheduled meeting on Tuesday, February 27, 2024. The appeal hearing will be conducted consistent with Subpart 111.3 of the IPC, which is entitled “Open hearing”. See page A-72 (IPC section 111.3).

Following the appeal hearing, the City Council will issue a written decision within 30 days as required by Subpart 111.5 of the IPC, which is entitled “Decision, Records and copies”. See page A-72 (IPC section 111.5)

Page 1 of 16 (plus 106 pages of attachments, labeled A-1, A-2, etc.)



## Executive Summary

Based on the established facts and applicable substantive law, City Staff concludes that the underlying 09/15/23 Code Complaint and the now-under-consideration 10/27/23 Appeal – each and both – lack factual merit and/or legal merit. Thus, City Staff recommends that the previously-rendered Decision be affirmed and that City Staff be directed to take no further action on this matter.

Factually, proper inspections were performed and no violation(s) were noted as to the at-issue portions of the construction work – which at-issue portions of construction work are the installation of foundation forms and rebar, followed by pouring of concrete to create footings and stemwalls. Such work occurred in late-2018 and early-2019.

The foundation forms and internal rebar for the residence and garage footings were inspected by Roy Brons, the City's then-Building Inspector, on December 26, 2018. In turn, the forms and rebar for the stemwalls were inspected by Randy Allen, who was one of the City of Yakima's then-Building Inspectors, on January 16, 2019. The inspectors filled out inspection cards following each inspection, and copies are appended to this Staff Report. *See* pages A-12 (12/26/18 Inspection Card); and pages A-13 and A-14 (two 09/16/19 Inspection Cards).

Mr. Brons inspected all of the forms and all of the rebar for all of the footings, including but not limited to those for the garage. Unfortunately, two subsequent emails – by Jeff Peters, the City's Building Official, in mid-2019 – mistakenly said that the garage forms had not been inspected. But those after-the-fact mistakes do not change the reality of what previously occurred.

A handwritten note on 12/26/18 Inspection Card has also caused confusion. Such note indicated that the garage footings would be poured on a separate date. *See* page A-12 (12/26/18 Inspection Card). In fact, however, all of the footings – for the residence and the garage – ending up being poured on the same date. Mr. Brons explains that the note was not a binding restriction, that pour schedules often change, and that the builder did not lie about the schedule.

Erin Hamilton, the City's Code Compliance Officer, conducted an investigation after the 09/15/23 Code Complaint was filed. During that investigation, Ms. Hamilton reviewed all of the documentary evidence and spoke to each of the available witnesses. Ultimately, she was not able to substantiate that any construction violation(s) had occurred back in late-2018 or early-2019. *See* pages A-9 and A-10 (Decision).

Legally, the situation is moot for many reasons. The underlying 09/15/23 Code Complaint does not actually present IPC property maintenance-type issues. Instead, it focuses on construction standards and construction performance-type issues. *See* pages A-2 and A-3 (Code Complaint).

All applicable statutes of limitation – for any criminal case and/or civil case – expired several years ago. Even if they had not expired, the City had/has no duty to ensure that the builder complied with all codes, as the Washington Supreme Court has conclusively ruled.

Many of the code sections cited within the underlying 09/15/23 Code Complaint are irrelevant and others are redundant. Admittedly, Ms. Hamilton made a mistake with regard to the language of one code section. But that mistake boils down to a harmless error. Even when the accurate language is used, the outcome

does not change – no violation(s) can be substantiated now, approximately five-plus years after the construction work was completed (*i.e.*, 2023-2024 vs. 2018-2019).

Finally, the Complainant/Appellant does not ask for any substantive relief. He is not asking the City to pursue his builder, and via his 10/27/23 Appeal he merely asks for Ms. Hamilton to redo her investigation. *See* page A-60 (email by Appellant on September 25, 2023) and page A-1 (Appeal). However, redoing the investigation would be needless and wasteful for all the reasons stated in this Staff Report.

### Relevant Facts, Applicable Law, and Substantive Analysis

1. Subject Property. Residential house and garage, located at 330 Lookout Point Drive, Selah, WA 98942.
2. Owners of Property. William and Dana Longmire.
3. Complainant/Appellant. William Longmire.<sup>1</sup>
4. Date the Underlying Code Complaint was Filed. September 15, 2023. *See* pages A-2 and A-3 (Code Complaint).
5. Decision/Action that is Being Appealed. Letter-style Decision by the City’s Code Compliance Officer, Erin Hamilton, dated October 19, 2023. Ms. Hamilton concluded that the alleged violation(s) cannot be substantiated. No punishment or enforcement action was imposed by Ms. Hamilton. A copy of Ms. Hamilton’s 10/19/23 Decision is appended to this Staff Report. *See* pages A-9 and A-10 (Decision).
6. Date the Now-Under-Consideration Appeal was Filed. October 27, 2023. *See* page A-1 (Appeal).
7. Person/Entity Alleged to Have Committed Violation(s). The Code Complaint exclusively alleges that violation(s) were committed by the Appellant’s builder, William Joseph Frodsham of Palazzo Properties, Ltd. *See* page A-1 (Appeal).
8. This Situation is Peculiar in a Few Regards.
  - a. The Appellant is Complaining about his Own Property. One peculiarity is that the Appellant filed the underlying 09/15/23 Code Complaint – from which the now-under-consideration 10/27/23 Appeal follows – about his own property and specifically about its original construction. *See* pages A-2 and A-3 (Code Complaint) and page A-1 (Appeal). Typically, code complaints are filed by one party against another party or by one party with regard to another party’s property.
  - b. No Punishment or Enforcement Action has been Imposed. Another peculiarity is that no punishment or enforcement action has been imposed. *See* pages A-9 and A-10 (Decision).

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<sup>1</sup> For ease of reference, this Staff Report will hereinafter refer to Mr. Longmire simply as the “Appellant” rather than as “Complainant/Appellant”.

Typically, appeals arise if and when a party has had some sort of punishment or enforcement action imposed against him/her/it. In fact, the City issued a residential “Certificate of Occupancy” to the Appellant nearly four years ago – specifically on April 28, 2020 – and he has been continuously residing at the property ever since.

- c. The Appellant Does Not Ask for Any Substantive Relief/Remedy. A third peculiarity is that the Appellant does not ask for any substantive relief or remedy. Via his underlying 09/15/23 Code Complaint, the Appellant alleges violation(s) exclusively against his builder. *See* pages A-2 and A-3 (Code Complaint). Yet via a subsequent email – specifically on September 25, 2023 – the Appellant clarified that he is not asking the City to pursue his builder. *See* page A-60 (email by Appellant on 09/25/23, saying, in part: “I never asked for a new inspection or for the city to pursue my builder”). Now, via his now-under-consideration 10/27/23 Appeal, the Appellant asks only that Ms. Hamilton’s investigation be redone. *See* page A-1 (Appeal, saying, in part: “A new investigation needs to be performed”). He does not ask for any substantive relief or remedy, and none is warranted or possible for the reasons explained in this Staff Report. Thus, redoing the investigation would be needless and wasteful.
  - d. SMC Chapter 6.75 is Not Applicable for this Situation, which was Explained to the Appellant Years Before He Filed the Code Complaint. A fourth peculiarity is that the underlying 09/15/23 Code Complaint was filed under SMC Chapter 6.75 for some reason, when it actually does not present IPC property maintenance-type issues such as the existence of noxious weeds or graffiti. Instead, the underlying 09/15/23 Code Complaint exclusively presents construction standards and construction performance-type issues, which topics are governed by SMC Title 11 rather than SMC Title 6. This distinction was explained to the Appellant – via email, by then-City Staff – several years before the Appellant filed his 09/15/23 Code Complaint. *See* page A-63 and A-64 (email by then-City Attorney Bob Noe on 06/17/19, saying, in part: “as a general rule, the City does not use its Code Enforcement Chapter, Selah Municipal Code 6.75, to issue citations to builders, owners, contractors and/or developers where there is a code issued discovered during a building inspection for and [*sic*, an] ongoing construction project.”). SMC Chapter 6.75 has never been intended as a means for investigating construction work, neither while such work is ongoing nor multiple years after the work was completed.
9. Date of the Alleged Violation(s). The 09/15/23 Code Complaint that underlies the now-under-consideration 10/27/23 Appeal pertains to alleged occurrences and/or omissions during late-2018 and early-2019. The Appellant contends that, during those points in time, his builder committed violation(s) of applicable building code sections and/or residential code sections. *See* pages A-2 and A-3 (Code Complaint).
  10. The Applicable Statutes of Limitation Have Expired. Notably, the applicable statutes of limitation for any criminal prosecution(s) and/or civil lawsuit(s) have long since expired. Legally, it is simply too late for any prosecution or lawsuit to occur.

- a. Misdemeanor Prosecution. The City’s building code and residential code are codified – directly or by reference – within SMC Title 11. If a builder violates an aspect of SMC Title 11, the violation(s) could constitute a criminal misdemeanor per SMC 11.25.010. *See* page A-81 (SMC 11.25.010). However, the statute of limitation for commencing prosecution on a misdemeanor – as established by RCW 9A.04.080(1) – is just one year from the date of the occurrence or omission. *See* pages A-86 and A-87 (RCW 9A.04.080(i)). It is manifest that 2023-2024 is more than one year after 2018-2019. Thus, any misdemeanor prosecution is time-barred at this point and was already time-barred when the underlying Code Complaint was filed.
  
- b. Civil Lawsuit(s). For civil lawsuits, there are different statutes of limitation of varying durations. No contract existed between the City and the Appellant’s builder, so obviously the City cannot sue the builder for breach of contract – irrespective of whether the applicable statute(s) of limitation for that type of civil claim have or have not yet expired. A negligence claim must be commenced within three years, per RCW 4.16.080(2) and clarifying case law. *See* page A-83 (RCW 4.16.080(2)). A claim for fraud/misrepresentation also must be commenced within three years, per RCW 4.16.080(4). *See* page A-83 (RCW 4.16.080(4)). And an action to enjoin or abate a nuisance must be commenced within two years, per RCW 4.16.130 and clarifying case law. *See* page A-84 (RCW 4.16.130). It is manifest that 2023-2024 is more than two-three years after 2018-2019. Thus, any civil lawsuit(s) are time-barred at this point and was already time-barred when the underlying Code Complaint was filed.<sup>2</sup>

10. It is Not the City, But Rather is the *Property Owner*, Who Must Ensure that a Builder Complies with Applicable Building Codes. A municipal government, such as the City of Selah, is not a guarantor with regard to compliance with applicable building codes. Rather, it is the property owner himself who is legally responsible for making sure that his builder does not violate the codes. These legal principles were conveyed to the Appellant by letter on September 20, 2023, which letter was sent in partial response to the underlying 09/15/23 Code Complaint. Such letter included the following excerpts:

“If you feel your builder did something wrong, that is a civil matter between you and the builder. As written by the Washington Supreme Court in 1988, and still holding true today:

Issuance of a building permit does not implicitly imply that the plans submitted are in compliance with all applicable codes. Nor do periodic building code inspections implicitly imply that the construction is in compliance with all applicable codes. Building permits and building code inspections only authorize construction to proceed; they do not guarantee that all provisions of all applicable codes have been complied with . . . .

. . .

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<sup>2</sup> If any lawsuit(s) were filed against a current agent and/or former agent of the City, the City would be legally required to indemnify such agent(s) pursuant to RCW 4.96.041, governing case law, International Building Code (IBC) Section 104.8, and International Residential Code (IRC) Section R104.8. *See* pages A-85, A-89 & A-95.

We hold that no duty is owed by local government to a claimant [*sic*, claimant; clarification added] alleging negligent issuance of a building permit or negligent inspection to determine compliance with building codes. The duty to ensure compliance rests with individual permit applicants, builders and developers. . . . [L]ocal government owes no duty of care to ensure compliance with the codes.

*See Taylor v. Stevens County*, 111 Wn.2d 159, 167-168, 759 P.2d 447 (1988) (ellipses and underscore emphasis added). Likewise, Selah’s municipal code states, in relevant part, as follows:

Enactment and enforcement of this title is intended to only protect the general public welfare and not specific persons or property. Nothing in this title nor the International Codes adopted by reference herein shall be construed to impose any legal duty, directly or indirectly, upon the city or its officials and employees to protect individual persons or property in individual circumstances.

*See Selah Municipal Code §11.01.020.*”

*See pages A-36 and A-37 (letter).*

11. The Appellant Waived all Claims Against his Builder. On July 18, 2019, the Appellant entered into a “Release and Settlement Agreement of All Claims” with his builder. *See pages A-57 through A-59 (Release).* This was roughly seven months after – by the Appellant’s own allegation – the garage foundation had been poured. The Appellant chose to waive any and all claims for construction defects, both known and unknown. Thus, if any defect truly existed/exists with regard to the garage footings, the Appellant chose to accept that defect on an “as is” basis. Of further note, the building inspectors – including, but not limited to Mr. Brons – had issued multiple violation notices to the builder during earlier stages of the project. Some of those “earlier” violations were for other concrete work. Thus, the Appellant knew full well that his builder had committed defects with regard to concrete work prior to choosing to waive all claims.
12. The Code Complaint Cites Many Code Sections. The underlying 09/15/23 Code Complaint cites many code sections, and copies of each are appended to this Staff Report. *See pages A-67 through A-104.* They include sections of the existing-as-of-2018 and existing-as-of-2019 versions of the Selah Municipal Code (SMC), and also sections of the 2015 Edition of the International Building Code (IBC) and the 2015 Edition of the International Residential Code (IRC) – because those versions were in effect during 2018-2019 when the violation(s) allegedly occurred.
13. Many of the Cited Code Sections are, Actually, Irrelevant. Many of the code sections cited within the underlying 09/15/23 Code Complaint do not impose any restriction(s) or requirement(s) upon builders. Accordingly, those code sections are irrelevant to this Appeal; the underlying Code Complaint exclusively alleges that the Appellant’s builder committed violations, and conceptually a builder cannot violate sections that do not apply to him in the first place. The following code sections are, despite having been cited within the underlying Code Complaint, not relevant to this



Appeal:

- a. SMC 11.05.010
- b. IBC [A]104.1
- c. IBC [A]104.3
- d. IBC [A]104.4
- e. IBC [A]104.7
- f. IBC [A]104.10
- g. IBC [A]104.11
- h. IBC [A]110.3
- i. IBC [A]114.3
- j. IBC [A]114.4
- k. IBC [A]115.1
- l. IBC [A]115.2
- m. IRC R104.10
- n. IRC R104.11
- o. IRC R109.1

14. The Substantively-Relevant Code Sections, Summarized. The code sections that are substantively-relevant to this Appeal are listed below. Some are relevant because they are cited within the underlying 09/15/23 Code Complaint, actually do impose restriction(s) and/or requirement(s) upon builders, and thus could conceptually be violated by a builder. Others are relevant because – despite not being cited in the underlying 09/15/23 Code Complaint – they answer questions about how residential footings and stemwalls must be constructed, which are the at-issue portions of the construction work.

Selah Municipal Code (SMC)

- a. SMC 6.75.030(d)(2) (in the version that existed during 2018-2019)  
Summarized as: it is unlawful to mispresent any material fact to obtain building or construction authorization. *See* page A-73.

International Building Code (IBC)

- b. IBC [A] 104.8  
Summarized as: municipality must indemnify agent
- c. IBC [A]107.4 (which is redundant to IRC R106.4)  
Summarized as: if changes are made from the plans during construction, new documents must be submitted for approval
- d. IBC [A]110.1  
Summarized as: work must remain accessible and exposed for inspection
- e. IBC [A]110.3.1 (which is redundant to IRC R109.1.1)  
Summarized as: footing and foundation inspections shall occur after footings (*i.e.*, forms) and reinforcing steel (*i.e.*, rebar) are in place
- f. IBC [A]110.3.2  
Summarized as: concrete slab and under-floor inspections shall occur after reinforcing steel (*i.e.*, rebar) and any equipment is in place but prior to concrete being poured

- g. IBC [A]110.5  
Summarized as: it is the builder's duty to notify the City when any portion of the work is ready for inspection
- h. IBC [A]114.1  
Summarized as: it is unlawful for anyone to construct a property in violation of the code
- i. IBC 1905.1.7 & its written "Exceptions"  
Summarized as: longitudinal reinforcement (*i.e.*, rebar) is not required for residential construction within Seismic Category C when the structure is not taller than three stories in height and is built with stud-bearing walls

International Residential Code (IRC)

- j. IRC R104.8  
Summarized as: municipality must indemnify agent
- k. IRC R105.8  
Summarized as: it is the duty of a builder to comply with the code
- l. IRC R106.4 (which is redundant to IBC [A]107.4)  
Summarized as: if changes are made from the plans during construction, new documents must be submitted for approval
- m. IRC R109.1.1 (which is redundant to IBC [A]110.3.1)  
Summarized as: inspection of the foundation shall occur after the poles/piers are in place or the trenches/basement is dug and any reinforcing steel (*i.e.*, rebar) is in place but prior to concrete being poured
- n. IRC R109.4  
Summarized as: work shall not be done on the next component until the Building Inspector has inspected the prior component and given approval for the next component to occur. *See* page A-100.
- l. IRC Figure R301.2(2)  
Summarized as: map of seismic categories (with Selah being within Seismic Category C)
- m. IRC R403.1  
Summarized as: general construction standards for walls and footings
- n. IRC R404.1.3  
Summarized as: specific construction standards for concrete foundation walls, depending on what type of walls will be supported by the foundation

15. Some of the Substantively-Relevant Code Sections are Redundant. Certain substantively-relevant sections of the IBC and the IRC are redundant, either literally or effectively. Those are the following sections:

- a. IBC [A]107.4 is redundant to IRC R106.4  
Summarized as: if changes are made from the plans during construction, new documents must be submitted for approval
- b. IBC [A]110.3.1 is redundant to IRC R109.1.1  
Summarized as: footing and foundation inspections shall occur after footings (*i.e.*, forms) and reinforcing steel (*i.e.*, rebar) are in place

16. Two Chief Allegations within the Code Complaint, and the Corresponding Two Code Sections of Principle Import. Summarized in plain English, the underlying 09/15/23 Code Complaint advances two chief allegations, specifically: (1) that the builder misled Mr. Brons about when the garage footings would be poured; and (2) that the builder concealed the garage forms, never got them inspected, and then poured concrete into the forms without Mr. Brons being able to confirm whether rebar had been installed therein. In turn, these two chief issues are governed by two code sections, specifically: (1) SMC 6.75.030(d)(2), in the version that existed during 2018-2019; and IRC R109.4, in its 2015 version, which was applicable during 2018-2019. *See* pages A-73 (SMC section 6.75.030(d)(2), in its 2015 version) and A-100 (IRC R109.4, in its 2015 version).
17. The Evidence from Mr. Brons Confirms that No Violation(s) Occurred. Mr. Brons’s 12/26/18 Inspection Card confirms that he inspected and approved the footing forms and internal rebar on such date. Notably, such inspection card does not say that only some or a portion of the rebar was approved. Rather, it says – universally – that the “rebar placement” was approved. *See* page A-12 (12/26/18 Inspection Card).
- a. Handwritten Remark About When the Garage Footings Would be Poured. Mr. Brons included a few handwritten remarks on the 12/26/18 Inspection Card. One of those reads as follows:
- Also contractor stated garage footings would not be poured at same time as house footing.
- See* page A-12 (12/26/18 Inspection Card).
- b. Mr. Brons’s Testimony About his Inspection. Mr. Brons has been interviewed twice about this matter; originally by Ms. Hamilton during her investigation into the 09/15/23 Code Complaint, and then jointly by the then-City Administrator and the City Attorney after the 10/27/23 Appeal was filed. Mr. Brons’s testimony – offered on a more probable than not basis – is that he inspected all of the foundation forms and all of the rebar, including those for the garage. Admittedly, he is not one-hundred percent certain due to so much time having passed. But based on how his 12/26/18 Inspection Card is filled out and also based upon his historical method of practice, his good faith belief is that he inspected everything. If only a portion of the forms and/or only a portion of the rebar had been in place at the time – as the Appellant contends – Mr. Brons believes he would have expressly stated that on the inspection card. The fact that the 12/26/18 Inspection Card does not include any such express statement leads him to conclude – again, on a more probable than not basis – that all of forms and all of the rebar were in place and were inspected. Stated inversely, Mr. Brons did not intend the above-quoted handwritten remark as any sort of statement that the garage forms or rebar were not yet in place.
- c. Mr. Brons’s Testimony About Pour Schedules, and About whether the Builder Lied to Him. Mr. Brons did not intend the above-quoted handwritten remark as a binding schedule that would trigger a misdemeanor criminal charge if the builder failed to adhere to the schedule. Builders often make statements or provide information to building inspectors just as a proverbial “heads up”. When that occurred during his career, Mr. Brons typically wrote

notations on his inspection cards – or on other documents within the “property file” – confirming what he had heard. He did so simply for the sake of completeness and because the information might later prove helpful in some way. Mr. Brons’s testimony – again, offered on a more probable than not basis – is that the final handwritten notation on the 12/26/18 Inspection Card was effectively superfluous; it carried no weight. If it had not been included, the 12/26/18 Inspection Card would have had the exact same effect as it had with it being included. Pour schedules can change for any number of reasons, and Mr. Brons does not believe that this particular builder misled him or lied about when the garage footings would likely be poured. As the recipient of the supposed lie, Mr. Brons says no lie occurred.

- d. Mr. Brons’s Verification Signature on this Staff Report. Via his signature on the final page of this Staff Report, Mr. Brons confirms – under oath – that the-above recited facts are true.
  - i. SMC 6.75.030(d)(2) Was *Not* Violated. It follows that SMC 6.75.030(d)(2) (in the version that existed during 2018-2019) was not violated by the builder. *See* page A-73 (SMC section 6.75.030(d)(2), in its 2015 version). The builder did not mispresent any material fact to obtain building or construction authorization.
  - ii. IRC R109.4 Was *Not* Violated. It also follows that IRC R109.4 (in its 2015 version, which applied during 2018-2019) was not violated by the builder. *See* page A-100 (IRC R109.4, in its 2015 version). The builder did not proceed onto the next component of the work (*i.e.*, pouring the garage footings) without having the prior component (*i.e.*, the forms and rebar) inspected and approved.

18. Five Chief Allegations within the Appeal, and Rebuttals Thereof. Summarized in plain English, the now-under-consideration 10/27/23 Appeal advances five chief allegations, specifically: (1) that Ms. Hamilton supposedly failed, during her investigation, to consider relevant emails that had been submitted in support of the underlying 09/15/23 Code Complaint; (2) that Ms. Hamilton supposedly failed to speak with Mr. Peters, despite him supposedly having personal knowledge of relevant facts; (3) redundantly, that Mr. Peters supposedly has emails that “substantiate” that violation(s) occurred; (4) that Ms. Hamilton supposedly failed to consider photographic evidence provided by the Appellant; and (5) that Ms. Hamilton used the wrong language for one of the relevant code sections.

- a. Ms. Hamilton *Did* Consider the Relevant Emails. In fact, Ms. Hamilton *did* consider the emails that were submitted in support of the underlying 09/15/23 Code Complaint. Via her signature on the final page of this Staff Report, she confirms – under oath – that this is true.
- b. Ms. Hamilton *Did* Speak with Mr. Peters. In fact, Ms. Hamilton *did* speak with Mr. Peters about the underlying 09/15/23 Code Complaint. She asked him whether he knew or recalled that any violation(s) occurred, because the Appellant alleged that Mr. Peters supposedly had such knowledge. Mr. Peters informed Ms. Hamilton that he did not know or recall whether any violation(s) had occurred with regard to the at-issue portions of work. Although he was on site during Mr. Brons’s inspection on December 26, 2018, Mr. Peters cannot recall – now that so many years have passed – whether the garage footing forms and rebar were or were

not in place at that time. Nor does Mr. Peters otherwise have any firsthand knowledge whereby he can confirm that any violation(s) occurred. At most, Mr. Peters is aware that the Appellant has asserted – since late-2018 – that violation(s) occurred. But he was never able to substantiate the Appellant’s assertions. Via their respective signatures on the final page of this Staff Report, Ms. Hamilton and Mr. Peters confirm – under oath – that these facts are true.

c. There is *No* Email by Mr. Peters that “Substantiates” any Violation(s). In fact, Ms. Hamilton *did* review the specific emails from Mr. Peters that the Appellant contend supposedly “substantiate” that violation(s) occurred. Via her signature on the final page of this Staff Report, Ms. Hamilton confirms – under oath – that this is true. Ultimately, however, those emails do not carry the force and effect urged by the Appellant.

i. Mr. Peters’s Partially-Mistaken Emails. The emails in question from Mr. Peters were sent on May 8 & 9, 2019. Those emails include the following excerpts:

“Roy [Brons] and I inspected the footing for the main portion of the house (excluding garage).”

“Question about [the garage] footing: Per the inspection cards in your possession and [City of Yakima’s Building Inspector] Mr. Denman’s response above, the garage footing was not inspected by the City of Selah, or the City of Yakima, and was [already] poured and in place at the time [City of Yakima’s then-Building Inspector] Mr. Allen completed inspection of the stem walls.”

*See* pages A-4 & A-5 (emails by Mr. Peters; bracketed material added). Each of these statements by Mr. Peters was mistaken. The mistakes occurred for a couple reasons.

ii. Why/How the Mistake Occurred. Mr. Peters sent the above-quoted emails without speaking to Mr. Brons. At the time, Mr. Brons was away from work due to having suffered an injury. In drafting the emails, Mr. Peters misinterpreted Mr. Brons’s 12/26/18 Inspection Card. However, Mr. Peters’s misinterpretation does not change the true reality of which footings were actually inspected and approved by Mr. Brons. The Appellant’s contentions to the contrary are simply not well taken, because those contentions seek to elevate Mr. Peters’s mistaken interpretation over the actual fact of Mr. Brons’s inspection. Mr. Brons’s testimony is the dispositive piece of evidence; not Mr. Peters’s after-the-fact partially-mistaken emails. Via his signature on the final page of this Staff Report, Mr. Peters confirms – under oath – that these facts are true.

d. Ms. Hamilton *Did* Review the Photographic Evidence. In fact, Ms. Hamilton *did* consider the photographic evidence that was submitted in support of the underlying 09/15/23 Code Complaint. Such evidence – consisting of a single photograph – was included within a 42-page “Timeline” document that the Appellant drafted and submitted. *See* page A-15 (photograph); *see also* pages A-15 through A-56 (“Timeline” document). Ms. Hamilton reviewed the entire 42-page Timeline document, and, thus, it follows that she reviewed the

photograph that was contained therein. Via her signature on the final page of this Staff Report, Ms. Hamilton confirms – under oath – that these facts are true.

- i. The Photograph Does *Not* “Substantiate” any Violation(s). The singularly-submitted photograph does not actually “substantiate” that the builder committed any violation(s), despite the Appellant contending that it does. The Appellant added narrative words onto the photograph, which words say that the garage foundation was poured concurrently with the house foundation on December 27, 2018. *See* page A-16 (the photograph and added words). Even if those narrative words are assumed to be accurate, the photograph still does not substantiate either of the violations that are alleged within the Code Complaint for a number of reasons.

In terms of orientation, the photograph was taken from such an angle and at such a distance as to not enable a viewer to see whether or not rebar was present within the garage footings when the photograph was taken. Conceptually, the photograph does not prove when or whether the garage footings were inspected; rather, Mr. Brons’s 12/26/18 Inspection Card and subsequent testimony establish those facts. Finally, with regard to whether the builder lied to Mr. Brons about when the garage footings would be poured, Mr. Brons has confirmed that he – as the recipient/victim of the supposed lie – does not believe that any deception was intended nor that any occurred. Mr. Brons told this – that he was not lied to – to Ms. Hamilton when she interviewed him as part of her investigation. *See* pages A-41 and A-42 (Decision).

- e. Ms. Hamilton’s Use of an “Incorrect Definition” was a *Harmless Error*. City Staff concedes that Ms. Hamilton – within her letter-style Decision – recited incorrect language for one code section, as the Appellant contends via his 10/27/23 Appeal. That particular code section is IRC R109.4, for which Ms. Hamilton recited the following mistaken language:

R 109.4: “Work commencing before permit issuance. Any person who commences any work for which a permit is required before obtaining necessary permits shall be subject to an investigation fee.”

*See* pages A-41 and A-42 (Decision). In fact, the correct language is the following:

IRC R109.4: “Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.”

*See* page A-100 (IRC R109.4, in its 2015 version; bold and italic emphases omitted). This mistake by Ms. Hamilton is not entirely surprising given that – as noted above in this Staff Report – the Appellant’s underlying 09/15/23 Code Complaint was filed under SMC Chapter 6.75 when it actually raises SMC Title 11 construction issues that Ms. Hamilton has

very little experience with. In any event, Ms. Hamilton's mistake was a harmless error because her letter-style Decision includes the following information:

“On 10/9/23 at approximately 12:30 pm I spoke with the retired inspector, Roy Brons, [and] he said it was not uncommon for him to make notes while on site but it was also not uncommon for pour schedules to change due to weather, or material availability. Mr. Brons also stated that he did not feel the contractor was deceitful or trying to get away with something during the course of the inspections.”

See pages A-41 and A-42 (Decision; bracketed material added). Thus, even if Ms. Hamilton had used the correct language for this particular code section – rather than incorrect language – the facts as relayed by Mr. Brons dispel any contention that the code section was violated by the builder.

Furthermore, Mr. Brons's 12/26/18 Inspection Card states – as previously addressed above in this Staff Report – that all footings were inspected and approved on that date. See page A-12 (12/26/18 Inspection Card). Accordingly, even if the builder poured the garage footings at the same time as the house footings on December 27, 2018 – as alleged by the Appellant – that did not constitute any sort of moving-ahead-to-subsequent-work-without-first-getting-the-prior-work-inspected type of violation of IRC R109.4. Thus, it follows that Ms. Hamilton's recitation of incorrect code language within her investigation report was a harmless error.

19. Arguments About a “Stop Work Order” are, at this Point, Not Well-Taken. Via his 10/27/23 Appeal, the Appellant says – among other things – that “Jeff Peters is . . . the person who failed to enforce the reported violations he substantiated.” See page A-1 (Appeal; ellipsis added). Similarly, within his 42-page “Timeline” document, the Appellant argues – among other things – that Mr. Peters should have issued a “Stop Work Order” to the builder back in 2018-2019. See page A-20.

These arguments are not well-taken, particularly now that several years have passed since the work was completed. First, as previously explained above in this Staff Report, Mr. Peters did not ever “substantiate” any violation(s); thus, he had no basis for purporting to issue a Stop Work Order. Second, the evidence from Mr. Brons– as summarized above in this Staff Report – dispels any contention that the garage footings were poured without having been inspected first. Third, it was not possible to issue a Stop Work Order as to the garage footings as of June 13, 2019, which is the date referenced within the Appellant's “Timeline” document; by then, the work was complete and logically work cannot be stopped after it is already complete.

- a. Inspections Only Confirm Facts as of Such Point in Time. During his second interview, Mr. Brons stressed that an inspection only confirms facts as they exist as of the time of the inspection. Builders are not supposed to remove or improperly alter inspected-and-approved work, but there is always an inherent risk that an unscrupulous or inexperienced builder might do so. Thus, just because Mr. Brons approved the placement of all rebar on December 26, 2018, it is possible that the builder might have removed the rebar prior to pouring the garage foundation. For clarity, neither Mr. Brons nor any City agent has any

reason to believe that this particular builder actually *did* remove the rebar at a later date. Rather, the present point is that any evidence that literally or potentially shows the absence of rebar on a date after Mr. Brons’s inspection does not prove that the rebar was not in place when the inspection occurred. Via his signature on the final page of this Staff Report, Mr. Brons confirms – under oath – that the facts stated in this paragraph are true.

20. Mr. Peters Did *Not* Conduct his Own Inspection/Investigation. Via his 10/27/23 Appeal, the Appellant contends – among other things – that Mr. Peters “was at the scene during the footing inspection in question and he performed his own investigation”. See page A-1 (Appeal). This is partially true and partially untrue. Yes, Mr. Peters was on site when Mr. Brons performed the December 26, 2018 inspection. However, no, Mr. Peters did not perform his own investigation or inspection, whether on that date or any other date. Via his signature on the final page of this Staff Report, Mr. Peters confirms – under oath – that such facts are true.
21. More than Four Years Prior the Code Complaint being Filed, the Appellant was Told that SMC Chapter 6.75 does Not Apply to his Situation. The Appellant filed his 09/15/23 Code Complaint pursuant to SMC Chapter 6.75 when such Chapter does not actually govern the alleged violation(s) that he contends occurred. When filing it, the Appellant wrote – among other things – the following: “I have just today (09/14/2023)[<sup>3</sup>] come to the realization that I need to file an official complaint with the Code Enforcement officer, as they are the person(s) authorized by the mayor to enforce the civil provisions of this code.” See page A-65 (online-submitted Code Complaint; bracketed material added).

In fact, the Appellant was notified more than *four years* earlier that SMC Chapter 6.75 was inapplicable to his situation. Specifically, via an email on June 17, 2019, then-City Attorney Bob Noe told the Appellant – among other things – the following:

“As I understand the situation involving your project, there is no code compliance issue that would require the City to withhold a certificate of occupancy at this time. . . .

Please note that, as a general rule, the City does not use its Code Enforcement Chapter, Selah Municipal Code 6.75, to issue citations to builders, owners, contractors and/or developers where there is a code issue discovered during a building inspection for and [*sic*, an] ongoing construction project. . . .

. . . The City will not be issuing citations under its Code Enforcement Chapter during construction of your project. . . .”

See pages A-63 and A-64 (email by Bob Noe on 06/17/19; ellipses and bracketed material added).

22. Per the Applicable Codes, Rebar was *Not* Required within the Garage Footings. Selah is within “Sesmic Design Category C”, per IRC Figure R301.2(2). See pages A-101 and A-102 (IRC Figure R301.2(2)). General standards for construction of footings are established by IRC section 403.1. See page A-103 (IRC section 403.1). In turn, specific standards – depending on what type of walls will be supported by the foundation – are established by IRC section 404.1.3. See page A-104 (IRC

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<sup>3</sup> This appears to be a typo, as the Code Complaint was actually filed on 09/15/23 rather than 09/14/23.  
Page 14 of 16 (plus 106 pages of attachments, labeled A-1, A-2, etc.)



section 404.1.3). However, IBC section 1905.1.7 establishes some exceptions to those specific standards, and one exception expressly clarifies that “longitudinal reinforcement” (*i.e.*, rebar) is not required for a single-family residence that is constructed in Sismic Category C if the structure will be no taller than three stories in height and will be constructed with stud-bearing walls. *See* page A-94 (IRC section 1905.1.7). Because the Appellant’s garage fits that description, it follows that rebar was actually not required within the Appellant’s garage footings per the applicable codes.

23. Per the Building Plans, Rebar was Required within the Stemwalls but *Not* within the Garage Footings. On page 1 of the building plans, a note/detail labeled as “C1-24/24 Inch Lateral Bracing Panel” states – in non-perfect English – the following:

#4 rebar. continuous at top and bottom of stemwall additional rebar may be required by manufacturer of holdown.

*See* page A-105 (excerpt from building plans; original capitalization changed). Thus, rebar was required within the stemwalls. Mr. Allen inspected the construction of the stemwalls twice on January 16, 2019. During the first inspection, he found that rebar still needed to be added. During the second inspection, he found no deficiencies. *See* pages A-13 and A-14 (two 01/16/19 Inspection Cards).

In turn, a note/detail labeled as “Typical Garage Stemwall Detail” on page 3 of the building plans stated – among other things – that reinforcing (*i.e.*, rebar) was “not required” for residential walls that are under four feet. In non-perfect English, this portion of such note/detail reads as follows:

Reinforcing under 4’-0”: not required in residential

*See* page A-106 (excerpt from building plans; original capitalization and underscore omitted). Thus, rebar was not required within the at-issue garage footings; it would not violate the codes for rebar to be used within the footings, but the codes did not actually require it to be used within the footings. As previously noted above in this Staff Report, Mr. Brons confirmed that rebar was included within the footings when he performed his inspection on December 26, 2018. *See* page A-12 (12/26/18 Inspection Card).

Accordingly, City Staff concludes that the garage stemwalls and footings were constructed in compliance with the applicable codes and also in compliance with the building plans.

Conclusion

The City Council should affirm, without modification, Ms. Hamilton’s 10/19/23 Decision. There is no factual merit and/or legal merit to the underlying 09/15/23 Code Complaint, nor any as to the now-under-consideration 10/27/23 Appeal.

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Signatures and Affirmations

By: Richard Huebner, City Administrator

Richard F. Huebner  
Date: 02/21/2024

Mr. Huebner is the City Administrator, and thus, the City's chief staff member. Via his signature, he confirms that the arguments presented within this Staff Report are offered on behalf of the City.

By: Erin Hamilton, Code Compliance Officer

Erin Hamilton  
Date: 2/20/24

Ms. Hamilton is the City's Code Compliance Officer. Via her signature, she affirms – under oath and subject to penalty of perjury – that the factual statements attributed to her within this Staff Report are true.

By: Jeff Peters, Building Official

Jeffery R. Peters  
Date: 2-21-24

Mr. Peters is the City's Building Official. Via his signature, he affirms – under oath and subject to penalty of perjury – that the factual statements attributed to him within this Staff Report are true.

By: Roy Brons, former Building Inspector

Roy Brons  
Date: 02-21-24

Mr. Brons is the City's former Building Inspector. Via his signature, he affirms – under oath and subject to penalty of perjury – that the factual statements attributed to him within this Staff Report are true.

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Appeal to Code Enforcement Decision Dated 10-19-2023

(1) The names of all appellants participating in the appeal;

BY: \_\_\_\_\_

William Brandon Longmire

(2) A brief statement of the specific code enforcement officer's action protested, together with any material facts claimed to support the contentions of the appellant;

*The code enforcement officer did not conduct this investigation /review to the best of their ability based on personal knowledge of email evidence that wasn't included in the investigation and other information. The code enforcement officer was made aware that Jeff Peters had personal knowledge of the reported violations and the report doesn't include any communication with Jeff Peters (exhibit "A"). The code enforcement officer was made aware that Jeff Peters had email evidence that would substantiate the reported violations and those emails were not included in the facts and document findings in the report (exhibit "B"). The code enforcement officer was given photo evidence that would substantiate the reported violations and this photo evidence was not included in the report (Exhibit "C"). The Code enforcement officer also references the wrong definition of R109.4 meaning that the code enforcement officer wasn't investigating for the correct violation (Exhibit "D" & "E").*

(3) A brief statement of the relief sought, and the reason why it is claimed the protested code official's action should be reversed, modified, or otherwise set aside;

*A new investigation needs to be performed using the proper definition of the violation (Exhibit "D"). This new investigation needs to include the substantiating evidence provided and outlined in this appeal. An interview with Jeff Peters needs to be conducted since he was at the scene during the footing inspection in question and he performed his own investigation that produced substantiating evidence. Jeff Peters has personal knowledge of the violations, additional email evidence, and has already substantiated the violations and has already presented that information via email (Exhibit "B"). All known information and documentation needs to be included in the investigation to be performed to the best ability. Jeff Peters is also the person who failed to enforce the reported violations he substantiated.*

(4) The signatures of all parties named as appellants and their mailing addresses; and

William Longmire

330 Lookout Point Dr, Selah, WA 98942

*William Longmire*

(5) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

*I William Longmire certify by declaration under penalty of perjury to the truth of the matters stated in this appeal.*

*William Longmire*

A-1

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Exhibit "A"

BY: \_\_\_\_\_

wibralo@outlook.com

**From:** Hamilton, Erin <erin.hamilton@selahwa.gov>  
**Sent:** Monday, September 18, 2023 7:33 AM  
**To:** 'William Longmire'  
**Cc:** Peters, Jeff; Case, Rob; Henne, Joe; Raymond, Sherry  
**Subject:** RE: Online Complaint Receipt Acknowledgement

Good Morning Mr. Longmire,

Your complaint noted below has been received and forwarded to Jeff Peters and Mr. Rob Case.

Regards,

Erin Hamilton  
Code Enforcement Officer  
Stormwater Management  
City of Selah  
(509) 698-7331

**From:** William Longmire <wibralo@outlook.com>  
**Sent:** Friday, September 15, 2023 8:38 AM  
**To:** Hamilton, Erin <erin.hamilton@selahwa.gov>  
**Cc:** Peters, Jeff <jeff.peters@selahwa.gov>; Case, Rob <Rob.Case@selahwa.gov>; Henne, Joe <joe.henne@selahwa.gov>; Raymond, Sherry <sherry.raymond@selahwa.gov>  
**Subject:** Online Complaint Receipt Acknowledgement

Hi Erin,

I would like a confirmation that the below code enforcement complaint that was also submitted using the [City of Selah online code complaint form](#) on 09/15/2023 has been received. I would appreciate an email back acknowledging receipt of this complaint. I look forward to speaking with you regarding these violations.

Thank you,

William Longmire

Complaint submitted:

Multiple Code Enforcement violations have occurred that have not yet been enforced. I reported these violations via numerous emails to Jeff Peters the Building Official and included other City officials and City Council in my correspondences. My public disclosure request #03082022 of my entire address file failed to produce any investigation report, infraction citations, notice of violation, or stop work orders. I have just today (09/14/2023) come to the realization that I need to file an official complaint with the Code Enforcement officer, as they are the person(s) authorized by the mayor to enforce the civil provisions of this code. The following is my "official code complaint". Selah Municipal Code 11.05.010 and 6.75.030 (d) (2) were violated by my contractor WILLIAM JOSEPH FRODSHAM during the construction of our home in Selah (Permit Number: NBP-2018-042). The following sections of The International Building Code and International Residential Code as adopted by section SMC 11.05.010 were violated by WILLIAM JOSEPH FRODSHAM, the person responsible for the conditions: IBC codes - [A] 104.1, [A] 104.3, [A] 104.4, [A] 104.7, [A] 104.10,

A-2

[A] 104.11, [A] 107.4, [A] 110.1, [A] 110.3, [A] 110.3.1, [A] 110.3.2, [A] 110.6, [A] 114.1, [A] 114.3, [A] 114.4, [A] 115.1, [A] 115.2 / IRC codes – R104.10, R104.11, R105.8, R106.4, R109.1, R109.1.1, R109.4

Jeff Peters has personal knowledge of all violations and infractions referenced, including multiple emails containing evidence that will substantiate these infractions. An investigation is warranted per SMC 6.75.050 (b) and should have already been completed since Jeff Peters had "personal knowledge" and received multiple complaints from me. It appears he did not act in good faith and without malice in handling my complaints. I inquired about the code enforcement process multiple times through email and could never get a response on what the procedures are for reporting these violations. I now see it must be through this "official code enforcement form" since nothing to date has been done about the reported violations. All this is well documented, and I will provide all evidence once contacted by the Code Enforcement Official. I look forward to speaking with you regarding these violations.

SMC 6.75.030 specifically references "terms of any permit" and "Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization" and "Fail to comply with any applicable provisions of this code".

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BY: \_\_\_\_\_

Exhibit "B"

wibrato@outlook.com

**From:** Peters, Jeff <jeff.peters@selahwa.gov>  
**Sent:** Thursday, May 9, 2019 4:11 PM  
**To:** 'William Longmire'  
**Subject:** RE: A few questions  
**Attachments:** SKM\_C36819050912540.pdf

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BY: \_\_\_\_\_

Mr. Longmire,

As requested attached is a scan of the two inspection cards for the insulation and foundation walls. In regard to the questions in your email, Glenn Denman, the City of Yakima's Building Official has provided the following comments:

"According to Randy, he inspected the foundation wall forms and rebar after the previous walls had been removed. At that time, the footings under those walls had already been poured. According to Randy, he did not inspect any slab integrated load pads, nor did he advise anyone regarding the inspection of slab integrated load pads.

Randy also inspected the R-10 slab insulation at the area of the daylight basement, and the groundwork plumbing."

Question about inspection of thickened slab: The City of Selah and Yakima both do not require inspection of a typical slab pour (meaning without rebar) in accordance with the 2015 IRC. In the event that a building plan or slab requires rebar in the slab or thickened footing the contractor is responsible for calling for the necessary inspection prior to pouring of the slab.

Question about difference in inspection practices: Both the City of Selah and Yakima inspect buildings in accordance with the provisions of the property owners stamped approved building plans, and 2015 IRC.

Question about footing: Per the inspection cards in your possession and Mr. Denman's response above, the garage footing was not inspected by the City of Selah, or the City of Yakima, and was poured and in place at the time Mr. Allen completed inspection of the stem walls.

Questions about contractor changes/mistakes: As previously explained the City of Selah and Yakima inspect buildings per the plans and minimum 2015 IRC building codes. If a contractor does not comply with a portion of the building plans, or makes a mistake that is not structural and meets the 2015 IRC, then matter becomes civil between the contractor and property owner (the city is not involved). If the mistake/omission is structural and/or results in a condition which does not meet code, then it is up to the property owner, contractor, and designer to rectify the situation by submitting revised plans for review and approval with whatever changes are necessary to correct the noncompliant condition (the city's role is to ensure that the structure meets minimum safety codes per the 2015 IRC).

Question on safety of garage: The question of safety of your garage is not one that the City of Selah or Yakima can answer for you as our building inspectors are not structural engineers. The inspectors job is to review the proposed construction of the building at key points in the process to ensure that the structure meets the requirements of the 2015 IRC. As the City of Yakima has verified that the stem walls had rebar in them, were formed appropriately, and met the 2015 IRC, but neither the City of Selah or Yakima inspected the garage footing, a structural engineer would be necessary to attain a statement regarding safety.

Sincerely,

Jeff Peters

A-4

City of Selah  
Building Official

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OCT 17 2023

BY: \_\_\_\_\_

**From:** William Longmire <wlongmire@outlook.com>  
**Sent:** Wednesday, May 8, 2019 10:20 AM  
**To:** Peters, Jeff <jeff.peters@selahwa.gov>  
**Subject:** Re: A few questions

Jeff,

Can you also send me the inspections cards that the City of Yakima did for the plumbing and foundation insulation at your earliest convenience.

Thank you and I appreciate the quick responses this morning,

William

---

**From:** Peters, Jeff <jeff.peters@selahwa.gov>  
**Sent:** Wednesday, May 8, 2019 9:56 AM  
**To:** 'William Longmire'  
**Subject:** RE: A few questions

No, Selah did not perform the garage footing inspection. The card indicates that it would be poured at a separate time which was what your contractor stated when Roy and I inspected the footing for the main portion of the house (excluding garage).

**From:** William Longmire <wlongmire@outlook.com>  
**Sent:** Wednesday, May 8, 2019 9:49 AM  
**To:** Peters, Jeff <jeff.peters@selahwa.gov>  
**Subject:** Re: A few questions

Thanks Jeff,

Can you answer the questions about the garage as Selah did perform that inspection.

---

**From:** Peters, Jeff <jeff.peters@selahwa.gov>  
**Sent:** Wednesday, May 8, 2019 9:23 AM  
**To:** 'William Longmire'  
**Subject:** RE: A few questions

Mr. Longmire,

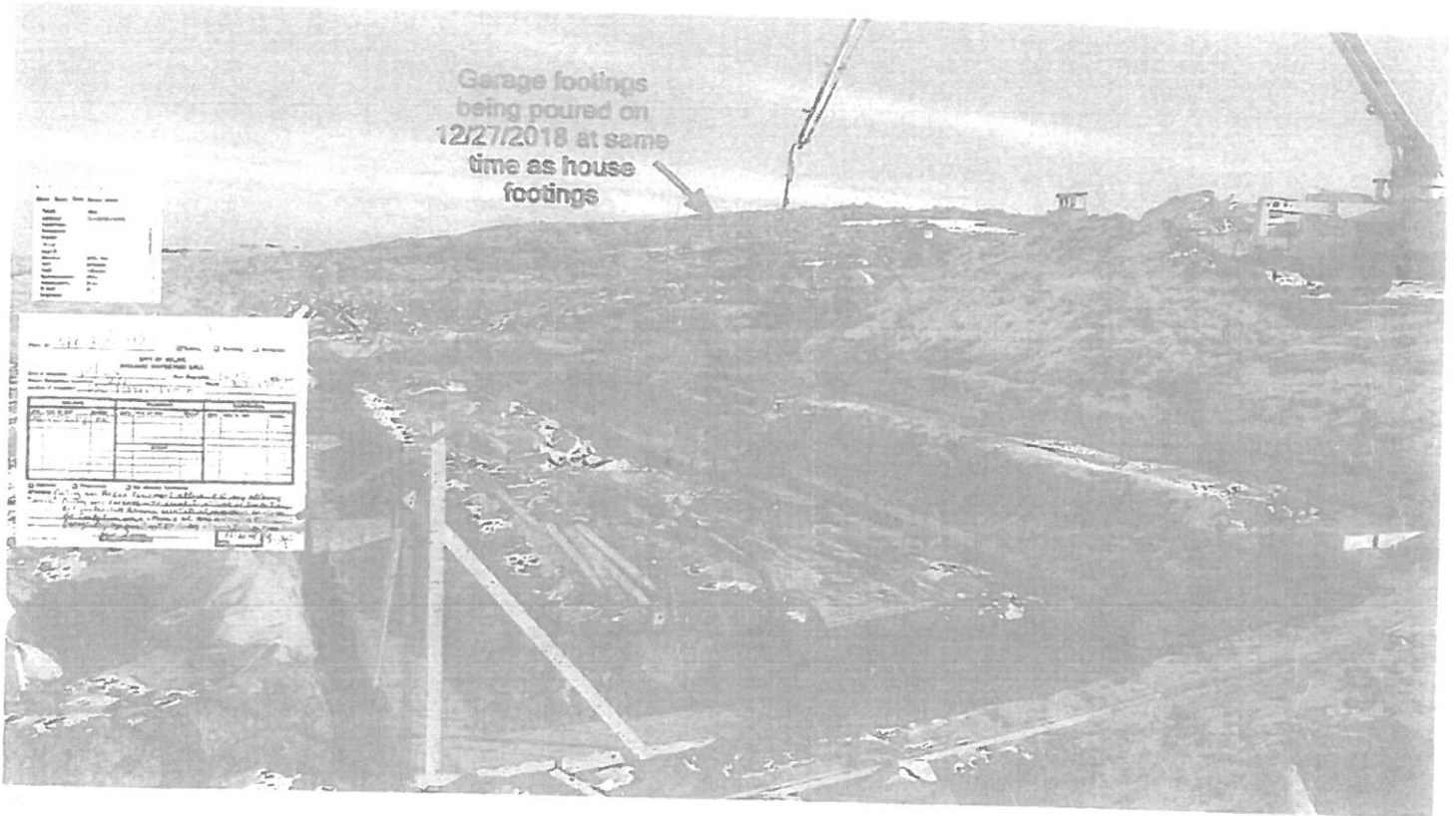
I have forwarded your email onto Glenn Denman, Building Official for the City of Yakima, so that he can provide me with a direct response to your questions as the City of Selah did not conduct the identified inspections. I will provide a more detailed response to your questions once I have conferred with Mr. Denman.

Exhibit "B"

typo: this is actually  
Exhibit "C"  
to the Appeal

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OCT 27 2023

BY: \_\_\_\_\_



A-6



RECEIVED  
OCT 27 2023

Exhibit "D"

SCOTT AND ADMINISTRATION

located within the same structure, they are required by Section R302 to be completely separated from each other by a specified level of fire resistance. This is the case for both two-family dwellings and townhouses. A second example would be the proximity of the building to an adjoining property line. Section R302 requires exterior walls located less than 3 feet (914 mm) from a property line (unless abutting a public way) to be of minimum 1-hour fire-resistance-rated construction. If either of these conditions should occur, an inspection of the fire-resistance-rated construction is required.

The inspection for compliance with the fire-resistance requirements of the code should be made at a point of construction when the membrane materials are in place, but the fasteners are still exposed. This allows the inspector to verify the appropriate fastener type and location based on the specific fire-resistance listing of the portion of the building under consideration.

**R109.1.6 Final inspection.** Final inspection shall be made after the permitted work is complete and prior to occupancy.

◆ The final inspection should occur after all of the work addressed by the code is complete, but prior to occupancy of the building. The issues addressed in the final inspection cover all aspects of construction, including fire safety, life safety and structural safety, as well as electrical, plumbing, gas and mechanical items. All violations of the approved construction documents and permit are to be noted and the holder of the permit is to be notified of the discrepancies. The final inspection must be approved before a certificate of occupancy can be issued.

**R109.1.6.1 Elevation documentation.** If located in a flood hazard area, the documentation of elevations required in Section R322.1.10 shall be submitted to the *building official* prior to the final inspection.

◆ Permittees must submit documentation of elevations before final inspection. Also see commentary for Sections R109.1.3 and R322.1.10.

**R109.2 Inspection agencies.** The *building official* is authorized to accept reports of *approved agencies*, provided such agencies satisfy the requirements as to qualifications and reliability.

◆ It is common for the building official to rely on other agencies for informational or inspection reports regarding various aspects covering methods of the construction process materials. This reliance should be based on the building official's approval of the qualifications and reliability of the third-party inspection or testing service.

**R109.3 Inspection requests.** It shall be the duty of the *permit holder* or their agent to notify the *building official* that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

◆ It is the responsibility of the permit holder or other authorized person, such as the contractor performing

the work, to arrange for the required inspections when completed work is ready and to allow for sufficient time for the building official to schedule a visit to the site to prevent work from being concealed prior to being inspected.

Each building department establishes its own procedures on how and when requests should be made. Once an inspection has been scheduled, access to the work to be inspected must be provided, including any special means such as a ladder.

**R109.4 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official* upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the *permit holder* or an agent of the *permit holder* wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

◆ Work must not continue past the point of a required inspection until that inspection has been approved by the building department. It is possible that if the work progresses beyond this point and is not in total compliance with the code, some of the work may have to be removed. It is critical that each individual stage of the project be approved prior to continuance of construction.

As indicated in Section R109.1, inspections must be performed when requested, and the inspector must indicate whether the construction is satisfactory or is not compliant. If the work is not approved, it must be corrected, and a reinspection must be requested. Any item not approved cannot be concealed until it has been corrected and approved by the building official.

## SECTION R110 CERTIFICATE OF OCCUPANCY

**R110.1 Use and occupancy.** A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the *jurisdiction*. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the *jurisdiction* shall not be valid.

### Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section R105.2.
  2. Accessory buildings or structures.
- ◆ The tool the building official employs to control the uses and occupancies of the various buildings in a jurisdiction is the certificate of occupancy. This section establishes the conditions of a certificate of occupancy

A-7

Exhibit "E"

RECEIVED  
OCT 17 2023

BY: \_\_\_\_\_



**CITY OF SELAH**

115 West Naches Ave  
Selah, WA 98942

P: 509-698-7328  
F: 509-698-7338

October 19, 2023

Via Email: [wibralo@outlook.com](mailto:wibralo@outlook.com)  
And Via Certified Mail

William Longmire  
330 Lookout Point Drive  
Selah, WA 98942

**RE: Conclusion of Investigation**

Mr. Longmire:

The City's Code Enforcement Officer, Erin Hamilton, has completed her investigation on the Code Complaint you recently filed. A copy of her two-page report is enclosed.

You alleged that, back in 2018, your builder violated the then-existing version of Selah Municipal Code section 6.75.030(d)(2) by giving false information to the Building Inspector and/or the then-existing version of the International Residential Code section R109.4 by not obtaining approval from the Building Inspector prior to pouring your garage footings.

Ms. Hamilton was not able to substantiate any such violation.

This letter constitutes notice of Ms. Hamilton's decision. Any future period of time and/or deadline will be measured from the date of this letter.

Respectfully,

Joe Henne  
City Administrator



RECEIVED  
OCT 27 2023

BY: \_\_\_\_\_



## CITY OF SELAH

### Code Enforcement

222 South Rushmore Road  
Selah, Washington 98942

Phone 509 698-7365

Fax 509 698-7372

City of Selah  
Code Enforcement review

Complaint from William Longmire: "...violation of SMC 6.75 030(d)(2)  
"It is unlawful to. Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization;"

R109.4 "Work commencing before permit issuance. Any person who commences any work for which a permit is required before obtaining necessary permits shall be subject to an investigation fee."

Subject property: 330 Lookout Point Dr APN: 181310-14403

Narrative Description:

Section 10 Township 13 Range 18 Quarter NE: SHORT PLAT 80-183 Lot 2  
Building Permit: 2018-042

Reported party of violations: William Joseph Frodsham  
Date: 12/26/2018

Facts & document findings regarding subject building permits.

8/27/18-The building permit application and submittals received  
9/10/18-Submittals were reviewed by City of Yakima  
9/14/18-Water meter #46657145 set by Selah PW  
10/1/18-City issued NBP 2018-042; M-RES 2018-040; PL RES 2018-017  
10/1/18-Selah produced an invoice for water services  
10/5/18- NBP 2018-042 adjust fees  
10/15/18 Receipt for NBP2018-042, Plumbing & Mechanical fees paid  
11/2/18 Setback "appear okay" foot & forms inspection  
11/7/18 submit new site plan with set back adjustment  
11/13/18 Stem wall not complete-re inspection required  
11/14/18 Foundation stem wall "OK" approved to pour concrete  
12/17/18 Mechanical permit with additional Inspection fees  
12/21/18 Footing inspection with corrections  
12/26/18 Footing & rebar inspection "okay", approved to pour  
1/16/19 Inspection by Randy Allan of City of Yakima, two inspection cards found-is noted as a failure of foundation inspection to move and add rebar to match plans  
1/22/19 Inspection by Randy Allan of Yakima, Pass Foundation , notes  
5/9/19 Roof, Wall Sheeting, Shear Wall inspection with notes  
5/29/19 Framing, stucco board, rough plumbing, mechanical, gas piping "OK" plus corrections  
5/31/19 Stucco partial "OK"  
6/4/19 Insulation-Notes a re inspect from 5/29/19 as all "OK", rough in framing discrepancies noted  
6/5/19 Re-inspection for insulation with corrections "OK"  
7/2/19 Porch footing and sheetrock "OK"  
7/7/19 Notice of release from the contractor  
12/19/19 Pool permit application and submittals  
4/23/20 NBP2018-042 Final "OK" with corrections  
4/27/19 final re-inspect "Approved"  
9/9/20 Pool set back and pressure "OK"



A-9

RECEIVED  
OCT 11 2023

BY: \_\_\_\_\_

Summary:

The complainant has expressed concerns regarding the 12/26/18 inspection, specifically where the inspector noted "...contractor stated garage footings would not be poured at same time as house footings". On 10/9/23 at approximately 12:30pm I spoke with the retired inspector, Roy Brons, he said it was not uncommon for him to make notes while on site but it was also not uncommon for pour schedules to change due to weather, or material availability. Mr. Brons also stated that he did not feel the contractor was deceitful or trying to get away with something during the course of inspections. The succeeding inspection was completed by Randy Allen who has since retired from the City of Yakima. Mr. Allen was not available for me to communicate with for this report. Based on the address file, there are two inspection cards dated 1/16/19 regarding the foundation, one signed by Mr. Allen but has no notes and does not have a check mark for "approved", "Disapproved" or "See attached comments". The second inspection card dated 1/16/19 checks "disapproved" and notes "need to move and add rebar in walls to match plans". The following inspection card dated 1/22/19 is signed by Randy Allen with a "result" marked "PA" and remarks "Remove water & ice from piers in North East area, brace tall walls on East side". All inspection cards under my review with notes or corrections appear to be standard.

I certify under penalty of perjury under the laws of the State of Washington that the following is true and correct, based on my own personal knowledge; I have conducted this review to the best of my ability with the information that is available



Erin Hamilton  
Code Enforcement  
City of Selah  
(509) 698-7331  
enn.hamilton@selahwa.gov

A-10

CITY OF SELAH CASHIER'S RECEIPT

115 W. Naches Ave., Selah, Wash

10, 27, 23 No. 27706  
MO DAY YR

Received From William Longmire

CASH \$ 50.00 CHECK \$ CHECK # EFT \$ Dollars

FUND#	ACCT. NO.	EXPLANATION		
		Appeal Fee -		
		Code Enforcement		
		330 Look out point Dr		
		Longmire		
Received By <u>Copiuso G. 200</u>			Total \$	50 -

A-11

Permit No: NBP-2018-042

Building  Plumbing  Mechanical

CITY OF SELAH  
BUILDING INSPECTION CALL

Date of Inspection: 12/26 Time Requested: 10:00 a.m./p.m.  
Person Requesting Inspection: Bill Phone: 307-8705  
Location of Inspection: 330 100count Point

BUILDING			PLUMBING			MECHANICAL		
DATE	TYPE OF INSP	RESULT	DATE	TYPE OF INSP	RESULT	DATE	TYPE OF INSP	RESULT
12/26	Footings	OK						

Approved  Disapproved  See attached Comments

REMARKS: Footings and rebar placement appears OK and approved  
\* NOTE \* Footings were covered with blankets at time of inspection,  
but contractor removed blankets at numerous locations  
for inspection which appeared OK. Also contractor stated  
garage footings would not be poured at same time as house footings  
from room  
BUILDING INSPECTOR RB DATE 12-26-18

YC Printing Dept 74115

A-12

Permit No: \_\_\_\_\_

Building

Plumbing

Mechanical

### CITY OF SELAH BUILDING INSPECTION CALL

Date of Inspection 1-16-19 Time Requested: \_\_\_\_\_ a.m. (p.m.)

Person Requesting Inspection: Bill Phone: \_\_\_\_\_

Location of Inspection: 330 303 Lookout Pt. Dr.

BUILDING			PLUMBING			MECHANICAL		
DATE	TYPE OF INSP	RESULT	DATE	TYPE OF INSP	RESULT	DATE	TYPE OF INSP	RESULT
	FOOTINGS / FORMS / SET BACKS			GROUND PLUMBING			ROUGH DUCT	
<u>1/16</u>	FOUNDATION			UNDER SLAB DRAINS			GAS PIPING	
	FRAMING			UNDER SLAB WATER			WOOD STOVE	
	INSULATION			BUILDING (SIDE) SEWER			SIGN	
	GYP BOARD			WATER SERVICE			FOOTING AND SETBACK	
				TOP OUT				
	FINAL BUILDING			FINAL PLUMBING			FINAL MECHANICAL	

Approved  Disapproved  See attached Comments

REMARKS: Need to move and Add Rebar in walls to match Plans

Randy Allen  
BUILDING INSPECTOR

1-16-19 RB  
DATE

A 13

Permit No: \_\_\_\_\_  Building  Plumbing  Mechanical

**CITY OF SELAH  
BUILDING INSPECTION CALL**

Date of Inspection 1-16-2019 Time Requested: \_\_\_\_\_ a.m. (p.m.)  
 Person Requesting Inspection: Bill Phone: 307 8705  
 Location of Inspection: 380 Lookout Pt Dr.

BUILDING			PLUMBING			MECHANICAL		
DATE	TYPE OF INSP	RESULT	DATE	TYPE OF INSP	RESULT	DATE	TYPE OF INSP	RESULT
	FOOTINGS / FORMS / SET BACKS			GROUND PLUMBING			ROUGH DUCT	
<u>1/16</u>	FOUNDATION			UNDER SLAB DRAINS			GAS PIPING	
	FRAMING			UNDER SLAB WATER			WOOD STOVE	
	INSULATION			BUILDING (SIDE) SEWER			SIGN	
	DRY WALL			WATER SERVICE			FOOTING AND SETBACK	
	ROOF SHEATHING			TOP OUT				
	EXT. WALL			ROUGH IN				
	RE-INSPECT							
	FINAL BUILDING			FINAL PLUMBING			FINAL MECHANICAL	

Approved  Disapproved  See attached Comments

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

YC Printing Dept. #4115

Randy Allen  
 BUILDING INSPECTOR

1-16-19  
 DATE

RTB  
 X

A-14



Code Violations Reported Timeline

12/26/2018 Contractor requests a footing inspection. Garage footing was not ready for inspection and contractor tells inspector Roy Brons "Garage footings would not be poured at same time as house footing."

Permit No. NP 1201  Building  Plumbing  Mechanical

**CITY OF SELAH  
BUILDING INSPECTION CALL**

Date of Inspection 12/26 Time Requested 1:00 P.M.  
 Person Requesting Inspection Bill Phone 221-8172  
 Location of Inspection 330 Lockwood Lane

BUILDING			PLUMBING			MECHANICAL		
DATE	TYPE OF INSP	RESULT	DATE	TYPE OF INSP	RESULT	DATE	TYPE OF INSP	RESULT
12/26	Footings	OK						
OTHER								

Approved  Disapproved  See attached Comments

REMARKS: Footing and rebar placement appears OK and APPROVED. \*NOTE\* FOOTING WAS COVERED WITH BLANKETS AT TIME OF INSPECTION, BUT CONTRACTOR REMOVED BLANKETS AT NUMEROUS LOCATIONS FOR INSPECTION WHICH APPEARED OK. ALSO CONTRACTOR STATED GARAGE FOOTING WOULD NOT BE POURED AT SAME TIME AS HOUSE FOOTING.

Roy Brons  
BUILDING INSPECTOR

12/26/18  
DATE

12/16/2018 City of Selah Inspection Card

A-15

Code Violations Reported Timeline

**12/27/2018 Contractor pours garage footing the same time as house footing without getting them inspected.**



*Photo taken by William Longmire of contractor pouring garage footing the same time as house footing on 12/27/2018.*

Code Violations Reported Timeline

04/24/2019 William Longmire asks city for copies of inspection cards and discovers contractor violated SMC 6.75.030 (d) (2) by giving false information to the building inspector. Contractor also violated International Residential Code R109.4 as adopted by section SMC 11.05.010 by concealing and not obtaining approval from the building official to work beyond each successive inspection. The contractor did not have the garage footing inspected and gave false information to the building official to obtain building or construction authorization. William Longmire informs Building Official, Mayor, City Administrator, and Building Inspector of the unlawful acts. The city fails to enforce the reported code violations and no investigation is done.



And this is why I've been emailing the City this whole time. These guys lie and are getting away with it! Nobody comes back to makes sure what they say they are going to do gets done. Verbal correction notices are given and they don't follow through. We saw that with the exposed rebar on my first foundation. Roy verbally told them to fix it and they didn't. The process is broken and needs to be fixed! Attached is a photo taken 12/27/18 of said contractor pouring the exact footings that they said (as noted) were not going to be poured the same time as the house. The footings were already poured when Randy inspected the stem walls. If you and Roy would have done that inspection, you guys would of caught that. So, did those garage footings not get inspected? I'm sorry if I've hurt anyone's feeling or offended anyone but this is the type of stuff I was seeing and it upset me to see our dream home being built this way. To be consistent, I would like Roy doing my inspections and not some outside agency that has no vested interest in our community.

From: Peters, Jeff <jeff.peters@selahwa.gov>  
Sent: Wednesday, April 24, 2019 4:24 PM  
To: 'William Longmire'  
Subject: RE: Framing code questions

Per the note on the card the contractor indicated that they were pouring that separately. I believe that Randy covered the inspection of the garage footing when the stem walls were poured, but I am checking as the inspection card for January does not have any notes.

From: William Longmire <wlongmire@outlook.com>  
Sent: Wednesday, April 24, 2019 3:51 PM  
To: Peters, Jeff <jeff.peters@selahwa.gov>  
Subject: Re: Framing code questions

Yourself and Roy did the 12/26/18 inspection, were the garage footings not ready for inspection when that inspection was done?

*Email sent to Jeff Peter, The Mayor, City Administrator, Building Inspector notifying them of the unlawful acts.*

Code Violations Reported Timeline

06/13/2019 William Longmire asks city to take action (enforce the code) on the reported violations of SMC 6.75.030 (d) (2) and International Residential Code R109.4 as adopted by section SMC 11.05.010. The Building Official, Mayor, City Administrator, and Building Inspector are all aware of the reported unlawful acts.

Re: Occupancy Permit and Footings that Never Got Inspected

William Longmire <wlongmire@outlo...>  
To: Peters Jeff  
Cc: donald.wayman@selahwa.gov, sherry.reymond@selahwa.gov, Roy Brons@selahwa.gov

You replied to this message on 6/13/2019 2:55 PM  
If there are problems with how this message is displayed, click here to view it in a web browser.

Attachments:  
UntilApproved.jpg (70 KB)  
CorrectionNotice.jpg (15 KB)  
FootingRebar.jpg (221 KB)  
GarageFooting.jpg (95 KB)  
20181227\_141336.jpg (978 KB)  
EmailViolation.jpg (305 KB)

Were the garage footing left exposed until they were approved by the building official as required by the City of Selah?

Were the garage footings built per the approved plans that were submitted to the City of Selah?

Why wasn't a correction notice issued or any action what so ever taken once the violation was reported? ( (Reported Wed 4/24/2019 4:47 PM) Almost two months ago without any action)

A violation took place and the City needs to take action. We have this process for a reason!

Since the footings were never inspected, how can the questions below be answered about IRC compliance? If you can truthfully answer them, please do so.

R403.1 (International Residential Code, 2015 Edition)

Were the garage footings installed on undisturbed natural soils?

R403.1.1 (International Residential Code, 2015 Edition)

Did the garage footings meet the minimum width, W, and thickness, T, for concrete footings and in accordance with Tables R403.1(1) through R403.1(3) and Figure R403.1(1) or R403.1.3, as applicable?

Were the garage footing projections, P, not less than 2 inches (51 mm) and did they not exceed the thickness of the footing.

R403.1.5 (International Residential Code, 2015 Edition)

Did the garage footings meet the code requirements and not have a slope exceeding one unit vertical in 10 units horizontal?

<https://selah.municipal.codes/Code/6.75.010>

Email sent to Building Official, Mayor, City Administrator, Building Inspector asking them to take action on the reported unlawful acts.

Code Violations Reported Timeline

06/13/2019 William Longmire pleads with city to enforce the reported violations of SMC 6.75.030 (d) (2) and International Residential Code R109.4 as adopted by section SMC 11.05.010.

Re: Occupancy Permit and Footings that Never Got Inspected



William Longmire <wlongmire@outlook.com>  
To: Peters Jeff Roy Brons@selahwa.gov

Reply Reply All Forward

June 13, 2019, 10:24 AM

You replied to this message on 6/13/2019 10:03 AM  
If there are problems with how this message is displayed, click here to view it in a web browser.

Do I need to submit an official complaint or does your personal knowledge of the violation enough to invoke a citation or notice of violation? Let me know if I need to file an official complaint? This will affect my home and us forever and I am required by law to disclose this information to anyone that would purchase my home and possibly bring the value of my home down. Palazzo Properties needs to be held accountable for their actions and this is why this code is in place.

<https://selah.municipal.codes/Code/6.75.050>

The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

### 6.75.050 Investigation, infraction citations and notices of violation | Selah Municipal Code

(a) Authority to Enter. Upon presentation of proper credentials, the code enforcement officer may, with the consent of the owner or occupant of a building or premises, enter at reasonable times any building or premises in order to perform the duties imposed by this chapter.

*Email sent to Building Official pleading with him to enforce the reported violations and issue a citation or notice of violation.*

Code Violations Reported Timeline

**06/13/2019** The Building Official assures William Longmire that the lack of inspections should not affect his certificate of occupancy and that he would just indicate the footing appears to be poured in accordance with the IRC. Instead of serving a citation, stop work order, or infraction on the person responsible for the conditions.

RE: Occupancy Permit and Footings that Never Got Inspected



Peters, Jeff <[jeff.peters@selahwa.gov](mailto:jeff.peters@selahwa.gov)>  
To: William Longmire

Reply Reply All Forward

You replied to this message on 3/17/2022 12:50 PM

The footing inspection should not affect your final as we would just indicate that we could not verify the placement of the rebar in the footing, but the footing appears to be poured in accordance with the IRC. The other thing to note/check is per code is rebar required in a single-family home footing. Without looking it up, I don't believe that it is required. Therefore, the footing would meet minimum code if the contractor left it out of your footing.

I cannot answer any legal questions regarding the build of your home as I am not an attorney for the City of Selah. I am happy to provide you any documentation from your address file as requested.

**Jeff Peters**

Community Development Supervisor

**CITY of SELAH**

222 S. Rushmore Rd

Selah, WA 98942

509-698-7366 Office

[jeff.peters@selahwa.gov](mailto:jeff.peters@selahwa.gov)



From: William Longmire <[wlongmire@outlook.com](mailto:wlongmire@outlook.com)>

Sent: Thursday, June 13, 2019 9:46 AM

To: Peters, Jeff <[jeff.peters@selahwa.gov](mailto:jeff.peters@selahwa.gov)>

Subject: Occupancy Permit and Footings that Never Got Inspected

Jeff,

How does the fact that my footings for my garage never got inspected affect my ability to acquire our occupancy permit at the end of our build? Are we legally aloud to occupy our home without this inspection? Were there any laws broken by my contractor by not having those footings inspected or by giving false information to the inspector? These are time sensitive questions and I need a response in the next three business days.

Thanks,

William Longmire

*Email from Building Official giving William Longmire assurance.*

## Code Violations Reported Timeline

**06/17/2019 William Longmire receives email from city attorney stating SMC 6.75 is not the mechanism for compliance for my reported violations.**

### Regarding your e-mail inquiry



Robert Noe <bob@noe-law.com>

To: wlongmire@outlook.com

CC: Peters, Jeff; roy.brons@selah.wa.gov; Waymen, Donald; Raymond, Sherry

Reply Reply All Forward ...


 You replied to this message on 3/16/2022 1:03 PM.  
If there are problems with how this message is displayed, click here to view it in a web browser.

image001.jpg  
933 bytes

Dear Mr. Longmire -

I serve as the City Attorney for the City of Selah. I have been asked to respond to your e-mail inquiry regarding building inspections related to your residential construction project (your inquiry is embodied in the e-mail correspondence chain set forth below).

The City of Selah conducts building inspections for new construction to ensure compliance with applicable building, health and safety codes over which the City has jurisdiction to administer. Where the City finds that a code has not been met, the City routinely provides direction to builders, owners, contractors and/or developers to correct the code issue. Where the code issue is not corrected, the City can refrain from issuing a certificate of occupancy. Where the certificate is not issued, the structure is effectively rendered unusable until the code issues are rectified.

As I understand the situation involving your project, there is no code compliance issue that would require the City to withhold a certificate of occupancy at this time. As I also understand, your project is still in progress and routine inspections may or may not turn up matters for corrections in the future prior to final approval.

Please note that, as a general rule, the City does not use its Code Enforcement Chapter, Selah Municipal Code 6.75, to issue citations to builders, owners, contractors and/or developers where there is a code issue discovered during a building inspection for an ongoing construction project. Instead, the mechanism for compliance, as indicated above, is the issuance of direction to correct and where there is no correction, the City can withhold issuance of the certificate of occupancy.

At present, it appears that your project is progressing and the City will continue to conduct inspections as needed during the construction phases. The City will continue to note any code issues and request correction when necessary. The City will not be issuing citations under its Code Enforcement Chapter during construction of your project. The City will be conducting inspections on your project as necessary, as it would do for any other construction project within the City.

Thank you for your consideration of these matters.

Bob

**From:** William Longmire (mailto:williamlongmire@outlook.com)  
**Sent:** Monday, June 17, 2019 10:03 AM  
**To:** Peters, Jeff; Brons, Roy; Raymond, Sherry; Waymen, Donald  
**Subject:** Re: Occupancy Permits and Foundations that Never Got Inspected  
**Sent:** Monday, June 17, 2019 10:03 AM  
**To:** Peters, Jeff; Brons, Roy; Raymond, Sherry; Waymen, Donald  
**Subject:** Re: Occupancy Permits and Foundations that Never Got Inspected  
**Sent:** Monday, June 17, 2019 10:03 AM  
**To:** Peters, Jeff; Brons, Roy; Raymond, Sherry; Waymen, Donald  
**Subject:** Re: Occupancy Permits and Foundations that Never Got Inspected

*Email from city attorney in response to William Longmire's reported violations and pleads for enforcement.*

Code Violations Reported Timeline

**06/19/2019 With this assurance from the Building Official that he would indicate the footing appears to be poured in accordance with the IRC and the City Attorney response stating SMC 6.75 is not the mechanism for my reported violations, William Longmire operated as though there were no current code compliance issues.**

Re: Regarding your e-mail inquiry



William Longmire <[wlongmire@outlook.com](mailto:wlongmire@outlook.com)>

To: Robert Noe

Cc: Peters, Jeff; [roy.brons@selahwa.gov](mailto:roy.brons@selahwa.gov); Wayman, Donald; Raymond, Sherry

Reply Reply All Forward

 If there are problems with how this message is displayed, click here to view it in a web browser.

Bob,

Thanks for the response. I will operate as if there are no current code compliance issues then and move forward with my project.

William Longmire

**From:** Robert Noe <[bob@noe-law.com](mailto:bob@noe-law.com)>

**Sent:** Monday, June 17, 2019 5:10 PM

**To:** [wlongmire@outlook.com](mailto:wlongmire@outlook.com)

**Cc:** Peters, Jeff; [roy.brons@selahwa.gov](mailto:roy.brons@selahwa.gov); Wayman, Donald; Raymond, Sherry

**Subject:** Regarding your e-mail inquiry

*William Longmire's response to the City Attorney "I will operate as if there are no current code compliance issues then and move forward with my project."*



Code Violations Reported Timeline

04/28/2020 William Longmire receives Certificate Of Occupancy

**CERTIFICATE OF OCCUPANCY**  
City of Selah  
Building Inspection Division

This Certificate issued pursuant to the requirements of the International Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the City of Selah regulating construction or use of the following:

Use Classification Group	New Single Family Construction R-3	Permit No.	NBP-2018-047
Fire Zone		Construction Type	A
Building Owner	William & Dana Longmire	Use Zone	R-1
		Building Address Locality	330 Lookout Point Dr Selah, WA
Building Official	<i>Jeffery Peters</i> Jeffery Peters	Date	4-28-2020

Certificate Of Occupancy

## Code Violations Reported Timeline

04/28/2020 – 02/17/2022 William Longmire started doing research on state law and started submitting public records requests to find out more about the code enforcement process and to obtain records from his address file. When he read through his prior emails, then read what the state law requires, and what he was told by the city attorney that “The City will not be issuing citations under its Code Enforcement Chapter during construction of your project” even though violations were reported, while also seeing the city issuing citations to other citizens for violation of IRC code, he got really confused as to what the process is. The process wasn’t clear, and he had received contradictory information in the past from the Building Official and the City Attorney. He also found no evidence of an investigation into his reported code violations as required by SMC 6.75.050 and no indication the garage footing appeared to be poured in accordance with the IRC in his address file as he was assured that would be indicated.

### *PRRs Submitted:*

*PRR #02172022*

*PRR #02132022*

*PRR #03082022*

*PRR #03132022*

*PRR #04042022*

*PRR #05012022*

*PRR #05022022*

*PRR #06012022*

*PRR #06022022*

Code Violations Reported Timeline

03/16/2022 After all William Longmire's research the process is still unclear to him, so he posed the question to the city attorney.

**From:** William Longmire <[wlongmire@outlook.com](mailto:wlongmire@outlook.com)>  
**Sent:** Wednesday, March 16, 2022 1:02 PM  
**To:** Case, Rob <[Rob.Case@selahwa.gov](mailto:Rob.Case@selahwa.gov)>  
**Cc:** Peters, Jeff <[jeff.peters@selahwa.gov](mailto:jeff.peters@selahwa.gov)>; Raymond, Sherry <[sherry.raymond@selahwa.gov](mailto:sherry.raymond@selahwa.gov)>; [joe.henne@selahwa.gov](mailto:joe.henne@selahwa.gov) <[joe.henne@selahwa.gov](mailto:joe.henne@selahwa.gov)>; [jeff.fortner@selahwa.gov](mailto:jeff.fortner@selahwa.gov) <[jeff.fortner@selahwa.gov](mailto:jeff.fortner@selahwa.gov)>; [kevin.wickenhagen@selahwa.gov](mailto:kevin.wickenhagen@selahwa.gov) <[kevin.wickenhagen@selahwa.gov](mailto:kevin.wickenhagen@selahwa.gov)>; [clifford.peterson@selahwa.gov](mailto:clifford.peterson@selahwa.gov) <[clifford.peterson@selahwa.gov](mailto:clifford.peterson@selahwa.gov)>; [michael.costello@selahwa.gov](mailto:michael.costello@selahwa.gov) <[michael.costello@selahwa.gov](mailto:michael.costello@selahwa.gov)>; [russell.carlson@selahwa.gov](mailto:russell.carlson@selahwa.gov) <[russell.carlson@selahwa.gov](mailto:russell.carlson@selahwa.gov)>; [roger.bell@selahwa.gov](mailto:roger.bell@selahwa.gov) <[roger.bell@selahwa.gov](mailto:roger.bell@selahwa.gov)>; [elizabeth.marquis@selahwa.gov](mailto:elizabeth.marquis@selahwa.gov) <[elizabeth.marquis@selahwa.gov](mailto:elizabeth.marquis@selahwa.gov)>; [jared.iverison@selahwa.gov](mailto:jared.iverison@selahwa.gov) <[jared.iverison@selahwa.gov](mailto:jared.iverison@selahwa.gov)>  
**Subject:** Re: Regarding your e-mail inquiry

Mr. Case,

Does the city still maintain that the "City does not use its Code Enforcement Chapter, Selah Municipal Code 6.75, to issue citations to builders, owners, contractors and/or developers where there is a code issue discovered during a building inspection for an ongoing construction project" as stated by the previous City Attorney? It seems Ordinance #2032 states otherwise. Is this still the city's official stance. I'm having trouble finding any action that was taken for the multiple code violations I reported to the city I based off my public disclosure request PRR 02132022.

I look forward to your response,

William Longmire

*Email to city attorney that got no response.*

03/22/2022 The city withholds three records from PRR 03082022

CITY OF SELAH  
 115 W. Naches Ave  
 Selah, WA 98942  
 509-698-7381



**PUBLIC RECORDS REQUEST EXEMPTION LOG**

DATE: 3/22/2022

PRR #: 03082022

**RECORDS PROVIDED WITH REDACTIONS**

Document Type	Pages	Code*

\*Refer to Exemption Key

**RECORDS WITHHELD IN THEIR ENTIRETY**

Document Type / Description	Document Date	# of Pages	Author	Recipient	Code*
Email	6/13/2019		Jeff Peters	Roy Brons/Robert Noe	1A
Email	6/13/2019		Robert Noe	Jeff Peters	1A
Email	6/13/2019		Jeff Peters	Robert Noe	1A

\*Refer to Exemption Key

**EXEMPTION KEY**

CODE	APPLICABLE EXEMPTION	THE CITED EXEMPTION APPLIES BECAUSE THE REDACTED/WITHHELD INFORMATION INCLUDES THE FOLLOWING:
1A	RCW 42.56.070(1); RCW 5.60.060(2)(a). Communication between client and attorney for the purpose of obtaining or providing legal advice is exempt	1A: Communication between client and attorney to obtain or provide legal advice

Withheld records

A-26

Code Violations Reported Timeline

09/20/2022 William Longmire got no response from the city attorney after 6 months, so he posed the question to the City Administrator.

From: William Longmire [mailto:wlongmire@outlook.com]  
Sent: Tuesday, September 20, 2022 1:22 PM  
To: Henne, Joe <joe.henne@selahwa.gov>  
Cc: Peters, Jeff <jeff.peters@selahwa.gov>; Raymond, Sherry <sherry.raymond@selahwa.gov>; Fortner, Jeff <jeff.fortner@selahwa.gov>; Wickenhagen, Kevin <kevin.wickenhagen@selahwa.gov>; Peterson, Clifford <clifford.peterson@selahwa.gov>; Costello, Michael <michael.costello@selahwa.gov>; Carlson, Russell <russell.carlson@selahwa.gov>; Bell, Roger <roger.bell@selahwa.gov>; Marquis, Elizabeth <Elizabeth.Marquis@selahwa.gov>; Iverson, Jared <jared.iverson@selahwa.gov>; Case, Rob <Rob.Case@selahwa.gov>; tips@kimatv.com; Morales, Treasa <Treasa.Morales@selahwa.gov>; news@yakimaherald.com  
Subject: RE: Municipal Code Question

Joe,

It has been almost 6 months since I asked the below question and have yet to receive a response from the City. Will you please answer the following as I am doing another project and I need this answered in order to proceed Does the city still maintain that the "City does not use its Code Enforcement Chapter, Selah Municipal Code 6.75, to issue citations to builders, owners, contractors and/or developers where there is a code issue discovered during a building inspection for and ongoing construction project" as stated by the previous City Attorney? Is this still the city's official stance?

I look forward to a response.

William Longmire

PRR 05.01.2022 and 05.02.2022

*Email to City Administrator*

Code Violations Reported Timeline

**09/21/2022 William Longmire receives a response from the City Administrator that contradicts ordinance #2032. The process still isn't clear, and William Longmire has now received contradictory information from the Building Official, City Attorney, and the City Administrator.**

RE: Municipal Code Question



Henne, Joe <joe.henne@selahwa.gov>

To: William Longmire

cc: Peters, Jeff; Raymond, Sherry; Fortner, Jeff; Wickenhagen, Kevin; Peterson, Clifford; Costello, Michael; Carlson, Russell; Bell, Roger; Marquis, Elizabeth + 3 others

Reply Reply All Forward ...

You replied to this message on 9/21/2022 9:16 PM

Mr. Longmire: To answer your question, Yes. What we use is the Building Code to review building plans, inspect construction, issue correction notices, and if needed to issue stop work orders. The Selah Municipal Code, Chapter 6.75, Code Enforcement, is not for these items as stated in Mr. Noe's reply to you.

Thank you

*Joe Henne*

City Administrator  
City of Selah  
115 West Naches Avenue  
Selah, WA 98942  
509-698-7326



*Response from the City Administrator*

A-28

Code Violations Reported Timeline

09/21/2022 Ordinance #2032 that contradicts the response from the City Administrator.

**11 25.010 - Violations and penalties**

Any person, firm, or corporation violating any of the provisions of this title, including the provisions of the International Codes adopted by reference therein, or failing to comply therewith, or violating or failing to comply with any order issued or made pursuant to its provisions shall severally and for each and every violation and non-compliance respectively be guilty of a misdemeanor. Any person so convicted shall be punished for each offense by a fine of not more than one thousand dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment. The penalty prescribed in this section is cumulative in addition to any other remedy, criminal or civil, and a violation hereunder may also be subject enforcement and penalties as provided in **Savannah Municipal Code, Chapter 6.75, Code Enforcement**.

(Ord. 1619 § 2 (part), 2004.)

**11 25.020 - Continued violations**

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Any person, firm, or corporation shall be required to correct such violations or defects. Each week after notice of violation to such person, firm, or corporation shall constitute a separate offense unless time for correction is otherwise expressly extended in writing by the official enforcing this title. Provided that where the building official has ordered any work or occupancy stopped or has revoked or suspended any permit or certificate, each and every day that such work or occupancy continues or is permitted to continue shall constitute a separate offense.

(Ord. 1619 § 2 (part), 2004.)

**11 25.030 - Permits limited**

Permits, certificates, or other approvals issued on the basis of plans and applications approved by the official enforcing this title authorize only the construction or use set forth therein. Construction or use at variance with such permits, certificates or approvals without authorization is a violation of this title and punishable as provided in Section 11 25.010.

(Ord. 1619 § 2 (part), 2004.)

Code Violations Reported Timeline

**09/29/2023 City Attorney informs William Longmire that he will not be releasing attorney-client communications.**

RE: PRR 03082022 - Final



Case, Rob <Rob.Case@selahwa.gov>  
To: William Longmire, Tresa Morales

Reply, Reply All, Forward, ...

Mr. Longmire:

I am the City Attorney for Selah. I am sending you this email in regards to your objection (advanced via your email set forth below) to the "Public Records Request Exemption Log" (a copy of which is attached) that our Public Records Officer (Tresa Morales) issued as part of Selah's response to your records request PRR #03082022.

As recited on the Exemption Log, three documents (specifically emails) were denied/withheld in their entirety and the claimed exemption is communication between client and attorney for legal advice (per RCW 42.56.070(1) & 5.60.060(2)(a)).

As stated on Selah's website, my duty is to either affirm or reverse the denial/withholding.

Via this email I am notifying you that I am affirming the denial/withholding. The three documents are unquestionably attorney-client communications for legal advice. Selah will not disclose copies of those documents to you.

**D. R. (Rob) Case**

City Attorney  
City of Selah  
[115 West Naches Avenue](#)  
[Selah, WA 98942](#)  
Office: (509) 698-7330  
Mobile: (509) 571-4608  
Email: [Rob.Case@SelahWa.gov](mailto:Rob.Case@SelahWa.gov)

*Attorney-client communications denied. Nothing to see here.*



Code Violations Reported Timeline

09/21/2022 - 06/09/2023 Because William Longmire has now received contradictory information from the Building Official, City Attorney, and the City Administrator and the process still isn't clear, William Longmire asks for clarification from the City Administrator via multiple emails over the next year with no response.

Henne, Joe; Bell, Rog...   
FW: Municipal Code Questi... 6/9/2023  
Joe I am still waiting for a

Henne, Joe; Bell, Rog...  →  
Municipal Code Question 5/17/2023  
Joe It has been over a year

Henne, Joe; Bell, Rog...  →  
Municipal Code Question 4/21/2023  
Joe It has been 6 months

Henne, Joe  →  
RE: Municipal Code Questi... 10/20/2022  
Mr Henne The clarification

Henne, Joe  →  
RE: Municipal Code Questi... 9/29/2022  
Joe I am doing another

Henne, Joe  →  
RE: Municipal Code Questi... 9/21/2022  
Joe

*Unanswered emails asking for clarification.*

Code Violations Reported Timeline

06/09/2023 The Building Official and City Attorney submit an ordinance that eliminates and overwrites the very code of Ordinance 1613 that William Longmire asked the Building Official to enforce. This was submitted to Council under the guise of a "New Chapter" and as a graffiti and nuisance update.



Selah City Council  
Regular Meeting  
**AGENDA ITEM SUMMARY**

Meeting Date: 9/12/2023

Agenda Number: 14-C

Action Item

**Title:** Ordinance Enacting New Chapter 6.75, "Code Enforcement", of the Selah Municipal Code; Providing for Severability; Authorizing Corrections; and Directing Publication and Establishing an Effective Date

**From:** Jeff Peters, Community Development Supervisor; Rob Case, City Attorney

**Action Requested:** Approval

**Staff Recommendation:** Approve the Ordinance as submitted

**Board/Commission Recommendation:** Not Applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Background/Findings/Facts:** This is part of the ongoing effort to update the Selah Municipal Code (SMC). This AIS should be considered after, and if, the City Council approves the separately-proposed Ordinance that repeals the existing Chapter 6.10 labeled "Graffiti" and Chapter 6.58 labeled "Nuisances".

The International Property Maintenance Code 2018 Edition constitutes the City's property maintenance code for regulation and governing of the conditions and maintenance of all property, buildings, and structures, by providing the standards for supplied utilities and facilities and other physical things and conditions that are essential to ensure that structures are safe, sanitary and fit for occupation and use, and also the standards for demolition of existing structures. Said 2018 Edition has previously been adopted by the City by incorporating it within SMC Chapter 11.14.

Over the past year City staff has identified that numerous discrepancies exist within and between said 2018 Edition and the City's currently-existing municipal code sections that pertain to the topics of graffiti, nuisances, code enforcement, property maintenance, and fire code regulations. Those discrepancies needlessly lessen clarity for the public and frustrate the City's code enforcement efforts.

To resolve the discrepancies, City staff proposes - among other things - to adopt a new SMC Chapter 6.75 labeled "Code Enforcement" that will comprehensively address the topics of graffiti, nuisances, code enforcement, property maintenance, and fire code regulations. The appended proposed Ordinance sets forth - via its appended "Exhibit A" - the content of such prospective SMC Chapter 6.75. City staff requests that the City Council adopt the Ordinance in the form presented.

Agenda item 14-C

Code Violations Reported Timeline

04/13/2004 Existing Ordinance 1613 adopting new chapter 6.75 on April 13, 2004

ORDINANCE NO. 1613

ORDINANCE OF THE CITY OF SELAH ADOPTING A NEW CHAPTER TO THE SELAH MUNICIPAL CODE, CHAPTER 6.75, "CODE ENFORCEMENT," PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Selah has amended its nuisance code and seeks to more effectively enforce the provisions of the nuisance code and other provisions of the Selah Municipal Code, and

WHEREAS, the City of Selah desires to adopt procedures to ensure compliance with its codes through the use of injunctions, abaterments, and monetary penalties;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, do ordain as follows:

Section 1. New Chapter 6.75 "Code Enforcement" adopted.

Chapter 6.75

CODE ENFORCEMENT

6.75.010 Purpose. The purpose of this chapter is to establish an efficient process for enforcement of code violations.

6.75.020 Scope. The procedures set forth in this chapter shall be utilized to enforce violations of the Selah Municipal Code; as such violations are described within the code. The remedies found in this Chapter are cumulative to and are in addition to any other remedy already specified within the Selah Municipal Code.

6.75.030 Violations.

A. It is unlawful for any person to initiate, maintain, or cause to be initiated or maintained, the use of any structure, land or property within the City without first obtaining the permits or authorizations required for the use by the applicable provisions of any of the Selah Municipal Code.

B. It is unlawful for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished, any structure, land, or property within the City in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the applicable provisions of the Selah Municipal Code.

C. It is unlawful for any person to engage in or conduct business within the City of Selah without first obtaining appropriate business licensing.

D. It is unlawful to:

*Ordinance 1613 adopting new chapter 6.75 on April 13, 2004*

Code Violations Reported Timeline

09/14/2023 William Longmire then came to the realization that maybe he needs to file an official complaint with the Code Enforcement officer, as they are the person(s) authorized by the mayor to enforce the civil provisions of this code. Maybe that is why nothing had been done to date. He assumed personal knowledge (SMC 6.75.050) was enough to invoke a citation, stop work order, or infraction, but he must have been wrong because the Building Official did nothing to uphold the law of the reported violations. To this date no action has ever been taken on the reported violations and there has never been an investigation into the reported violations that William Longmire can find. William Longmire then submitted his complaint using the official online complaint form.

**From:** Hamilton, Erin <[erin.hamilton@selahwa.gov](mailto:erin.hamilton@selahwa.gov)>  
**Sent:** Monday, September 18, 2023 7:33 AM  
**To:** 'William Longmire' <[wibralo@outlook.com](mailto:wibralo@outlook.com)>  
**Cc:** Peters, Jeff <[jeff.peters@selahwa.gov](mailto:jeff.peters@selahwa.gov)>; Case, Rob <[Rob.Case@selahwa.gov](mailto:Rob.Case@selahwa.gov)>; Henne, Joe <[joe.henne@selahwa.gov](mailto:joe.henne@selahwa.gov)>; Raymond, Sherry <[sherry.raymond@selahwa.gov](mailto:sherry.raymond@selahwa.gov)>  
**Subject:** RE: Online Complaint Receipt Acknowledgement

Good Morning Mr. Longmire,

Your complaint noted below has been received and forwarded to Jeff Peters and Mr. Rob Case.

Regards,

Erin Hamilton  
Code Enforcement Officer  
Stormwater Management  
City of Selah  
(509) 698-7331

*Email confirmation of online complaint submitted 09/15/2023*

*Complaint submitted:*

*Multiple Code Enforcement violations have occurred that have not yet been enforced. I reported these violations via numerous emails to Jeff Peters the Building Official and included other City officials and City Council in my correspondences. My public disclosure request #03082022 of my entire address file failed to produce any investigation report, infraction citations, notice of violation, or stop work orders. I have just today (09/14/2023) come to the realization that I need to file an official complaint with the Code Enforcement officer, as they are the person(s) authorized by the mayor to enforce the civil provisions of this code. The following is my "official code complaint". Selah Municipal Code 11.05.010 and 6.75.030 (d) (2) were violated by my contractor WILLIAM JOSEPH FRODSHAM during the construction of our home in Selah (Permit Number: NBP-2018-042). The following sections of The International Building Code and International Residential Code as adopted by section SMC 11.05.010 were violated by WILLIAM JOSEPH FRODSHAM, the person responsible for the conditions: IBC codes - [A] 104.1, [A] 104.3, [A] 104.4, [A] 104.7, [A] 104.10, [A] 104.11, [A] 107.4, [A] 110.1, [A] 110.3, [A] 110.3.1, [A]*

## Code Violations Reported Timeline

110.3.2, [A] 110.6, [A] 114.1, [A] 114.3, [A] 114.4, [A] 115.1, [A] 115.2 / IRC codes – R104.10, R104.11, R105.8, R106.4, R109.1, R109.1.1, R109.4

*Jeff Peters has personal knowledge of all violations and infractions referenced, including multiple emails containing evidence that will substantiate these infractions. An investigation is warranted per SMC 6.75.050 (b) and should have already been completed since Jeff Peters had "personal knowledge" and received multiple complaints from me. It appears he did not act in good faith and without malice in handling my complaints. I inquired about the code enforcement process multiple times through email and could never get a response on what the procedures are for reporting these violations. I now see it must be through this "official code enforcement form" since nothing to date has been done about the reported violations. All this is well documented, and I will provide all evidence once contacted by the Code Enforcement Official. I look forward to speaking with you regarding these violations.*

*SMC 6.75.030 specifically references "terms of any permit" and "Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization" and "Fail to comply with any applicable provisions of this code".*

Code Violations Reported Timeline

09/20/2023 Response received from City Administrator doesn't address the complaint, specifically the violation of SMC 6.75.030 (d) (2) giving false information to the building inspector.



**CITY OF SELAH**

115 W. 2<sup>nd</sup> Street  
Selah, WA 98942

T: 509.635.7123  
F: 509.635.7123

September 20, 2023

Via Email Only - [wahala@outlook.com](mailto:wahala@outlook.com)

William Longmire  
350 Lookout Point Drive  
Selah, WA 98942

**RE: Code Complaint Dated September 15<sup>th</sup>**

Mr. Longmire:

This letter is sent in response to the Code Complaint that you submitted, both via the City's online portal and numerous certified mailings, dated September 15, 2023.

Your complaint is not about someone else's property somehow violating an applicable code, but instead is about your own property. You contend that your property violates multiple specified provisions of the International Building Code and International Residential Code, both of which have been adopted as components of the City's own municipal code. My understanding is that you believe your builder made mistakes with regard to concrete work during construction of your garage, back in 2019 or so.

During the construction process, customary inspections were performed, both by Selah's then inspector and also by Yakima's then inspector, acting on Selah's behalf. When the concrete work was first inspected, problems were noted and your builder was directed to remedy the problems. After the builder redid the work, a follow-up inspection was performed and no problems were noted on the concrete work. Copies of all inspection records have been previously provided to you.

A Certificate of Occupancy was issued for your property, including the garage, years ago. The building permit is no longer active.

The work by your builder is long since complete, rather than still ongoing. You do not claim that anything has changed with regard to your structure, yet you ask for the City to conduct a new inspection.

I am not aware of any situation where the City re-inspected a structure, when nothing has changed with regard to the structure, and then sent a Notice of Violation and/or Intraction Citation to a builder based on work the builder completed several years prior.

The City stands by its prior inspections and its issuance of the Certificate of Occupancy.



## Code Violations Reported Timeline

William Longmire  
September 20, 2023  
Page - 2

If you feel your builder did something wrong, that is a civil matter between you and the builder. As written by the Washington Supreme Court in 1988, and still holding true today:

Issuance of a building permit does not implicitly imply that the plans submitted are in compliance with all applicable codes. Nor do periodic building code inspections implicitly imply that the construction is in compliance with all applicable codes. Building permits and building code inspections only authorize construction to proceed; they do not guarantee that all provisions of all applicable codes have been complied with.

We hold that no duty is owed by local government to a claimant alleging negligent issuance of a building permit or negligent inspection to determine compliance with building codes. The duty to ensure compliance rests with individual permit applicants, builders and developers. If local government owes no duty of care to ensure compliance with the codes.

See *Taylor v. Stevens County*, 111 Wn.2d 159, 167-168, 759 P.2d 347 (1988) (ellipses and underscore emphasis added). Likewise, Selah's municipal code states, in relevant part, as follows:

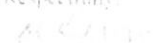
Enactment and enforcement of this title is intended to only protect the general public welfare and not specific persons or property. Nothing in this title nor the International Codes adopted by reference herein shall be construed to impose any legal duty, directly or indirectly, upon the city or its officials and employees to protect individual persons or property in individual circumstances.

See Selah Municipal Code, 21.1.01.020.

The City has no duty to pursue your builder. Even if the City were inclined to pursue your builder, a lawsuit cannot be filed unless the City Council votes to authorize it. I do not plan on asking for such a vote because, as stated above, this is a civil matter between you and your builder.

The City's inspections were conducted in good faith, no code violations were noted on the final concrete work, nothing has changed with regard to your structure, the City has no knowledge of anything inherently dangerous and hazardous with regard to the concrete work, and the City has no duty to pursue your builder.

Other than issuing this responsive and explanatory letter, the City does not intend to take any action on your Code Complaint.

Respectfully,  
  
Joe Henne  
City Administrator

*Response from city administrator*

Code Violations Reported Timeline

10/04/2023 William Longmire emails code enforcement regarding response from city and response from code enforcement is received.

RE: Online Complaint Receipt Acknowledgement



Hamilton, Erin <erin.hamilton@selahwa.gov>  
To: William Longmire

Reply Reply All Forward ...  
Oct 4, 2023, 2:21 PM  
+ Get more actions

Suggested Meetings

Good Afternoon Mr. Longmire;

I am reaching out to you in regard to the Code Complaint you recently filed and your request for an investigation. I would like to arrange a time to speak with you in person and preferably on site, so that I can hear firsthand in common language exactly who and/or what you would like investigated. I know you have sent some emails, but I would like to make sure that I have a full understanding of why this investigation is necessary in your perspective.

I am available before noon on any day next week, October 9<sup>th</sup> through the 13<sup>th</sup>.

Depending on what you would like investigated, I may need to have the City's building inspector-Jeff Fortner-participate on the investigation.

Respectfully,

Erin Hamilton  
Code Enforcement Officer  
Stormwater Management  
City of Selah  
(509) 698-7331

From: William Longmire <[wibrato@outlook.com](mailto:wibrato@outlook.com)>  
Sent: Sunday, October 1, 2023 10:03 PM  
To: Hamilton, Erin <[erin.hamilton@selahwa.gov](mailto:erin.hamilton@selahwa.gov)>  
Cc: Peters, Jeff <[jeff.peters@selahwa.gov](mailto:jeff.peters@selahwa.gov)>; Henne, Joe <[joe.henne@selahwa.gov](mailto:joe.henne@selahwa.gov)>; Case, Rob <[Rob.Case@selahwa.gov](mailto:Rob.Case@selahwa.gov)>;  
Carlson, Russell <[russell.carlson@selahwa.gov](mailto:russell.carlson@selahwa.gov)>  
Subject: Online Complaint Receipt Acknowledgement

Erin,

The response from the City doesn't address my complaint, specifically the violation of 6.75.030 (d) (2). I have evidence and so does Jeff Peters of laws that were broke and I request that you investigate the unlawful acts that have been reported to you. The Code Enforcement officer is the person authorized by the mayor to enforce the civil provisions of this code. I never asked for a new inspection or for the city to pursue my builder, only for an investigation into my complaint as required by SMC 6.75.050. Is the city once again selectively enforcing its Municipal Codes?

*Response from code enforcement*



## Code Violations Reported Timeline

**10/05/2023 William Longmire responds to code enforcement officer with all evidence included in this timeline and includes additional supporting evidence to substantiate the reported violations.**

### RE: Online Complaint Receipt Acknowledgement



William Longmire

To: Hamilton, Erin

Cc: Peters, Jeff; Case, Rob; Raymond, Sherry; russell.carlson@selahwa.gov; joe.henne@selahwa.gov

Replies: Reply, Reply All, Forward, ...

You forwarded this message on 10/5/2023 1:21 PM.  
This message was sent with High importance.



CodeEnforcementTimeline.pdf  
2 MB



20181227\_141338.jpg  
8 MB

GarageFootings.jpg  
10 MB



Re: Framing code questions  
Outlook item

Hi Erin,

Unless you plan on digging up my garage footings, there is nothing to see onsite. Attached is my account of the violations in common language and all evidence to substantiate. I have now reported a violation of SMC 6.75.030 (d)(2) and R109.4 to you. You have all the evidence you need to proceed with whatever the process is for dealing with such reported violations. WILLIAM JOSEPH FRODSHAM is the person responsible for the conditions. Let me know if you need the original documents for your records or need clarification on anything.

William Longmire

*Response from William Longmire*

Code Violations Reported Timeline

10/19/2023 Response received from City Administrator and code enforcement report that doesn't include email evidence that would substantiate violations. The code enforcement officer was made aware of the emails the building official had in the original. The response demonstrates the city does use SMC 6.75 for reported code violations for constructions projects which contradicts the information received from the building official, city administrator, and city attorney.



CITY OF SELAH

113 West Avenue  
Selah, WA 98942

10/19/2023  
10/19/2023

October 19, 2023

Via Email [selah@selah.wa.gov](mailto:selah@selah.wa.gov)  
And Via Certified Mail

William Longmire  
320 Lookout Point Drive  
Selah, WA 98942

**RE: Conclusion of Investigation**

Mr. Longmire,

The City's Code Enforcement Officer, Tim Hamilton, has completed our investigation of the Code Complaint you recently filed. A copy of his report is attached for your use.

You alleged that back in 2018, your builder visited the design center section of Selah Municipal Code section 6.75 and 6.12 (his giving false information to the Building Department and not following the provisions of the International Residential Code section R101.1.1 by not obtaining a Permit from the Building Department prior to pouring your garage to steps).

Mr. Hamilton was not able to substantiate any such violation.

This letter constitutes notice of Mr. Hamilton's decision regarding your Code Complaint and shall be deemed received from the date of this letter.

Respectfully,

Jay Henne  
City Administrator



A-40

Code Violations Reported Timeline



**CITY OF SELAH**

Code Enforcement  
 200 West 3rd Street, Selah, WA 99154  
 509.435.2111

City of Selah  
 Code Enforcement review

12/26/2018  
 12/26/2018

Complaint from William Longmuir - violation of MMC 25-022020  
 It is unlawful to Misrepresent any material fact in a building permit application or to obtain any building or construction authorization.

R108.4 Work commencing before permit issuance. Any person who commences any work for which a permit is required before obtaining necessary permits shall be liable and taken into violation for

Subject property: 350 Lookout Point Dr WPN 121510 (442)

Narrative Description:

Section 10 Township 19 Range 16 Government Use of the 2016 Revised  
 Building Permit 2018 042

Reported party of violations: William Joseph Friderick  
 Date: 12/26/2018

Facts & documented findings regarding subject building permits

- 8/2/18 The building permit application and submittals received
- 8/10/18 submittals were reviewed by City of Yakima
- 8/14/18 Water meter #46657145 set by Selah-PWT
- 10/1/18 City issued NBP 2018-042 of RES 2016-040. E-mail: 04218-01
- 10/1/18 Selah produced an invoice for water services
- 10/5/18 NBP 2018-042 adjust fees
- 10/16/18 Receipt for NBP2018-042 Plumbing & mechanical fees paid
- 11/2/18 Setback appeal okay. Foot & forms inspection
- 11/7/18 submit new site plan with setback adjustment
- 11/13/18 Stem wall not complete re-inspection required
- 11/14/18 Foundation stem wall OK approved to pour concrete
- 12/1/18 Mechanical permit with additional inspection fees
- 12/2/18 Footing inspection with corrections
- 12/26/18 Footing & rebar inspection okay approved to pour
- 1/6/19 Inspection by Randy Allen of City of Yakima. Two inspectors to do foundation as separate
- foundation inspection to move and add rebar to match plans
- 1/22/19 Inspection by Randy Allen of Yakima. Paski Construction, Inc.
- 5/8/19 Roof Wall Sheeting Shear Wall inspection with notes
- 5/28/19 Framing stucco board rough plumbing, mechanical gas piping OK plus corrections
- 7/31/19 Stucco panel OK
- 8/4/19 Insulation Notes are inspect from 8/2/18 up OK. rough framing discrepancies noted
- 8/15/19 Re-inspection for insulation with corrections OK
- 7/2/19 Porch footing and sheetrock OK
- 7/7/19 Notice of release from the contractor
- 12/15/18 Final permit application and submittals
- 4/23/20 NBP2018-042 Final OK with corrections
- 4/27/19 final re-inspect Approved
- 8/6/20 Roof set back and pressure OK




A-41

## Code Violations Reported Timeline

### Summary

The complainant has expressed concerns regarding the subsite inspection, specifically where the inspector noted "... contractor stated garage footings would not be poured at same time as house footings". On 10/5/23 at approximately 12:30pm, I spoke with the noted inspector, Roy Bruns, the kind of was not uncommon for him to make notes while on site but it was also not uncommon for poor quality work to change due to weather, or material availability. Mr. Bruns also stated that he did not feel the contractor was deceitful or trying to get away with something during the course of inspections. The succeeding inspection was completed by Randy Allen who has since retired from the City of Yakima. Mr. Allen was not available for me to communicate with for this report. Based on the address file there are two inspection cards dated 1/16/19 regarding the foundations, one signed by Mr. Allen but has no notes and does not have a check mark for "approved", "disapproved", or "See attached comments". The second inspection card dated 1/16/19 checks "disapproved" and notes "need to move and add rebar in walls to match plans". The following inspection card dated 1/22/19 is signed by Randy Allen with a return marked "PA" and remarks "Remove water & dirt from pier in North East area. Check for wall on East side". All inspection cards under my review with notes or corrections appear to be standard.

I certify, under penalty of perjury, under the laws of the State of Washington that the following is true and correct, based on my own personal knowledge. I have conducted this review to the best of my ability with the information that is available.

  
Erin Hamilton  
Code Enforcement  
City of Solih  
(509) 696-7331  
erin.hamilton@solih.wa.gov

Code Violations Reported Timeline

05/09/2019 Email received from building official substantiating all reported violations that the building official failed to enforce at the time of reporting them. This email was not included in the 10/19/2023 response facts and findings even though code enforcement was made aware that the building official had substantiating evidence.

**From:** Peters, Jeff <jeff.peters@selahwa.gov>  
**Sent:** Thursday, May 9, 2019 4:11 PM  
**To:** William Longmire  
**Subject:** RE: A few questions  
**Attachments:** SKM\_C36819050912540.pdf

Mr. Longmire,

As requested attached is a scan of the two inspection cards for the insulation and foundation walls. In regard to the questions in your email, Glenn Denman, the City of Yakima's Building Official has provided the following comments:

"According to Randy, he inspected the foundation wall forms and rebar after the previous walls had been removed. At that time, the footings under those walls had already been poured. According to Randy, he did not inspect any slab integrated load pads, nor did he advise anyone regarding the inspection of slab integrated load pads.

Randy also inspected the R-10 slab insulation at the area of the daylight basement, and the groundwork plumbing."

Question about inspection of thickened slab: The City of Selah and Yakima both do not require inspection of a typical slab pour (meaning without rebar) in accordance with the 2015 IRC. In the event that a building plan or slab requires rebar in the slab or thickened footing the contractor is responsible for calling for the necessary inspection prior to pouring of the slab.

Question about difference in inspection practices: Both the City of Selah and Yakima inspect buildings in accordance with the provisions of the property owners stamped approved building plans, and 2015 IRC.

Question about footing: Per the inspection cards in your possession and Mr. Denman's response above, the garage footing was not inspected by the City of Selah, or the City of Yakima, and was poured and in place at the time Mr. Allen completed inspection of the stem walls.

Questions about contractor changes/mistakes: As previously explained the City of Selah and Yakima inspect buildings per the plans and minimum 2015 IRC building codes. If a contractor does not comply with a portion of the building plans or makes a mistake that is not structural and meets the 2015 IRC, then matter becomes civil between the contractor and property owner (the city is not involved). If the mistake/omission is structural and/or results in a condition which does not meet code, then it is up to the property owner, contractor, and designer to rectify the situation by submitting revised plans for review and approval with whatever changes are necessary to correct the noncompliant condition (the city's role is to ensure that the structure meets minimum safety codes per the 2015 IRC).

Question on safety of garage: The question of safety of your garage is not one that the City of Selah or Yakima can answer for you as our building inspectors are not structural engineers. The inspectors job is to review the proposed construction of the building at key points in the process to ensure that the structure meets the requirements of the 2015 IRC. As the City of Yakima has verified that the stem walls had rebar in them, were formed appropriately and met the 2015 IRC, but neither the City of Selah or Yakima inspected the garage footing, a structural engineer would be necessary to attain a statement regarding safety.

Sincerely,

Jeff Peters

Code Violations Reported Timeline

City of Selah  
Building Official

**From:** William Longmire <[wlongmire@outlook.com](mailto:wlongmire@outlook.com)>  
**Sent:** Wednesday, May 8, 2019 10:20 AM  
**To:** Peters, Jeff <[jeff.peters@selahwa.gov](mailto:jeff.peters@selahwa.gov)>  
**Subject:** Re: A few questions

Jeff,

Can you also send me the inspections cards that the City of Yakima did for the plumbing and foundation insulation at your earliest convenience.

Thank you and I appreciate the quick responses this morning.

William

**From:** Peters, Jeff <[jeff.peters@selahwa.gov](mailto:jeff.peters@selahwa.gov)>  
**Sent:** Wednesday, May 8, 2019 9:56 AM  
**To:** 'William Longmire'  
**Subject:** RE: A few questions

No, Selah did not perform the garage footing inspection. The card indicates that it would be poured at a separate time which was what your contractor stated when Roy and I inspected the footing for the main portion of the house (excluding garage)

**From:** William Longmire <[wlongmire@outlook.com](mailto:wlongmire@outlook.com)>  
**Sent:** Wednesday, May 8, 2019 9:49 AM  
**To:** Peters, Jeff <[jeff.peters@selahwa.gov](mailto:jeff.peters@selahwa.gov)>  
**Subject:** Re: A few questions

Thanks Jeff,

Can you answer the questions about the garage as Selah did perform that inspection.

**From:** Peters, Jeff <[jeff.peters@selahwa.gov](mailto:jeff.peters@selahwa.gov)>  
**Sent:** Wednesday, May 8, 2019 9:23 AM  
**To:** 'William Longmire'  
**Subject:** RE: A few questions

Mr. Longmire,

I have forwarded your email onto Glenn Denman, Building Official for the City of Yakima, so that he can provide me with a direct response to your questions as the City of Selah did not conduct the identified inspections. I will provide a more detailed response to your questions once I have conferred with Mr. Denman.

2

*Building official had already substantiated all reported violations but failed to enforce.*

Code Violations Reported Timeline

10/27/2023 William Longmire files appeal to code enforcement officers response.

RECEIVED

Appeal to Code Enforcement Decision Dated 10-19-2023

(1) The names of all appellants participating in the appeal;

William Brandon Longmire

BY: \_\_\_\_\_

(2) A brief statement of the specific code enforcement officer's action protested, together with any material facts claimed to support the contentions of the appellant;

*The code enforcement officer did not conduct this investigation /review to the best of their ability based on personal knowledge of email evidence that wasn't included in the investigation and other information. The code enforcement officer was made aware that Jeff Peters had personal knowledge of the reported violations and the report doesn't include any communication with Jeff Peters (exhibit "A"). The code enforcement officer was made aware that Jeff Peters had email evidence that would substantiate the reported violations and those emails were not included in the facts and document findings in the report (exhibit "B"). The code enforcement officer was given photo evidence that would substantiate the reported violations and this photo evidence was not included in the report (Exhibit "C"). The Code enforcement officer also references the wrong definition of R109 4 meaning that the code enforcement officer wasn't investigating for the correct violation (Exhibit "D" & "E")*

(3) A brief statement of the relief sought, and the reason why it is claimed the protested code official's action should be reversed, modified, or otherwise set aside;

*A new investigation needs to be performed using the proper definition of the violation (Exhibit "D"). This new investigation needs to include the substantiating evidence provided and outlined in this appeal. An interview with Jeff Peters needs to be conducted since he was at the scene during the footing inspection in question and he performed his own investigation that produced substantiating evidence. Jeff Peters has personal knowledge of the violations, additional email evidence, and has already substantiated the violations and has already presented that information via email (Exhibit "B"). All known information and documentation needs to be included in the investigation to be performed to the best ability. Jeff Peters is also the person who failed to enforce the reported violations he substantiated*

(4) The signatures of all parties named as appellants and their mailing addresses, and

William Longmire

330 Lookout Point Dr, Selah, WA 98942

*William Longmire*

(5) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal

*I William Longmire certify by declaration under penalty of perjury to the truth of the matters stated in this appeal*

*William Longmire*

Code Violations Reported Timeline

RECEIVED

EX-100-10

BY \_\_\_\_\_

wibrato@outlook.com

**From:** Hamilton, Erin <erin.hamilton@selahwa.gov>  
**Sent:** Monday, September 18, 2023 7:33 AM  
**To:** William Longmire  
**Cc:** Peters, Jeff, Case, Rob; Henne, Joe, Raymond, Sherry  
**Subject:** RE: Online Complaint Receipt Acknowledgement

Good Morning Mr. Longmire,

Your complaint noted below has been received and forwarded to Jeff Peters and Mr. Rob Case

Regards,

Erin Hamilton  
 Code Enforcement Officer  
 Stormwater Management  
 City of Selah  
 (509) 698-7331

**From:** William Longmire <wibrato@outlook.com>  
**Sent:** Friday, September 15, 2023 8:38 AM  
**To:** Hamilton, Erin <erin.hamilton@selahwa.gov>  
**Cc:** Peters, Jeff <jeff.peters@selahwa.gov>; Case, Rob <Rob.Case@selahwa.gov>; Henne, Joe <joe.henne@selahwa.gov>; Raymond, Sherry <sherry.raymond@selahwa.gov>  
**Subject:** Online Complaint Receipt Acknowledgement

Hi Erin,

I would like a confirmation that the below code enforcement complaint that was also submitted using the [City of Selah online code complaint form](#) on 09/15/2023 has been received. I would appreciate an email back acknowledging receipt of this complaint. I look forward to speaking with you regarding these violations.

Thank you,

William Longmire

Complaint submitted:

Multiple Code Enforcement violations have occurred that have not yet been enforced. I reported these violations via numerous emails to Jeff Peters the Building Official and included other City officials and City Council in my correspondences. My public disclosure request #03082022 of my entire address file failed to produce any investigation report, infraction citations, notice of violation, or stop work orders. I have just today (09/14/2023) come to the realization that I need to file an official complaint with the Code Enforcement officer, as they are the person(s) authorized by the mayor to enforce the civil provisions of this code. The following is my "official code complaint": Selah Municipal Code 11.05.010 and 6.75.030 (d) (2) were violated by my contractor WILLIAM JOSEPH FRODSHAM during the construction of our home in Selah (Permit Number: NBP-2018-042). The following sections of The International Building Code and International Residential Code as adopted by section SMC 11.05.010 were violated by WILLIAM JOSEPH FRODSHAM, the person responsible for the conditions: IBC codes: [A] 104.1, [A] 104.3, [A] 104.4, [A] 104.7, [A] 104.10.

A-46



Code Violations Reported Timeline

[A] 104 11, [A] 107 4, [A] 110 1, [A] 110 3, [A] 110 3 1, [A] 110 3 2, [A] 110 6, [A] 114 1, [A] 114 3, [A] 114 4, [A] 115 1, [A] 115 2 / IRC codes - R104 10, R104 11, R105 8, R106 4, R109 1, R109 1 1, R109 4

Jeff Peters has personal knowledge of all violations and infractions referenced, including multiple emails containing evidence that will substantiate these infractions. An investigation is warranted per SMC 6 75 050 (b) and should have already been completed since Jeff Peters had "personal knowledge" and received multiple complaints from me. It appears he did not act in good faith and without malice in handling my complaints. I inquired about the code enforcement process multiple times through email and could never get a response on what the procedures are for reporting these violations. I now see it must be through this "official code enforcement form" since nothing to date has been done about the reported violations. All this is well documented, and I will provide all evidence once contacted by the Code Enforcement Official. I look forward to speaking with you regarding these violations.

SMC 6 75 030 specifically references "terms of any permit" and "Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization" and "Fail to comply with any applicable provisions of this code"

RECEIVED  
BY: \_\_\_\_\_

A-412

Code Violations Reported Timeline

Page 1 of 1

wibrato@outlook.com

**From:** Peters, Jeff <jeff.peters@selehwa.gov>  
**Sent:** Thursday, May 9, 2019 4:11 PM  
**To:** 'William Longmire'  
**Subject:** RE: A few questions  
**Attachments:** SKM\_C36819050912540.pdf



BY: \_\_\_\_\_

Mr. Longmire,

As requested attached is a scan of the two inspect on cards for the insulation and foundation walls. In regard to the questions in your email, Glenn Dennis, the City of Yakima's Building Official, has provided the following comments:

"According to Randy, he inspected the foundation wall forms and rebar after the previous walls had been removed. At that time, the footings under those walls had already been poured. According to Randy, he did not inspect any slab integrated load pads, nor did he advise anyone regarding the inspection of slab integrated load pads.

Randy also inspected the R-10 slab insulation at the area of the daylight basement and the groundwork plumbing."

Question about inspection of thickened slab. The City of Selah and Yakima both do not require inspection of a typical slab pour (meaning without rebar) in accordance with the 2015 IRC. In the event that a building plan or slab requires rebar in the slab or thickened footing the contractor is responsible for calling for the necessary inspectors prior to pouring of the slab.

Question about different inspection practices. Both the City of Selah and Yakima inspect buildings in accordance with the provisions of the property owners stamped approved building plans and 2015 IRC.

Question about footing. Per the inspection cards in your possession and Mr. Dennis' response above, the garage footing was not inspected by the City of Selah or the City of Yakima, and was poured into place at the time Mr. Allen completed inspection of the stem walls.

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Question on safety of garage. The question of safety of your garage is not one that the City of Selah or Yakima can answer for you as our building inspectors are not structural engineers. The inspectors' job is to review the proposed construction of the building at key points in the process to ensure that the structure meets the requirements of the 2015 IRC. As the City of Yakima has verified that the stem walls had rebar in them, were formed appropriately, and met the 2015 IRC, but neither the City of Selah or Yakima inspected the garage footing, a structural engineer would be necessary to attain a statement regarding safety.

Sincerely,

Jeff Peters

A-48

Code Violations Reported Timeline

City of Selah  
Building Official

BY \_\_\_\_\_

**From:** William Longmire <wlongmire@outlook.com>  
**Sent:** Wednesday, May 8, 2019 10:20 AM  
**To:** Peters, Jeff <jeff.peters@selahwa.gov>  
**Subject:** RE: A few questions

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Thank you and I appreciate the quick responses this morning.

William

**From:** Peters, Jeff <jeff.peters@selahwa.gov>  
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**To:** 'William Longmire'  
**Subject:** RE: A few questions

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**From:** William Longmire <wlongmire@outlook.com>  
**Sent:** Wednesday, May 8, 2019 9:49 AM  
**To:** Peters, Jeff <jeff.peters@selahwa.gov>  
**Subject:** Re: A few questions

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**From:** Peters, Jeff <jeff.peters@selahwa.gov>  
**Sent:** Wednesday, May 8, 2019 9:23 AM  
**To:** 'William Longmire'  
**Subject:** RE: A few questions

Mr. Longmire

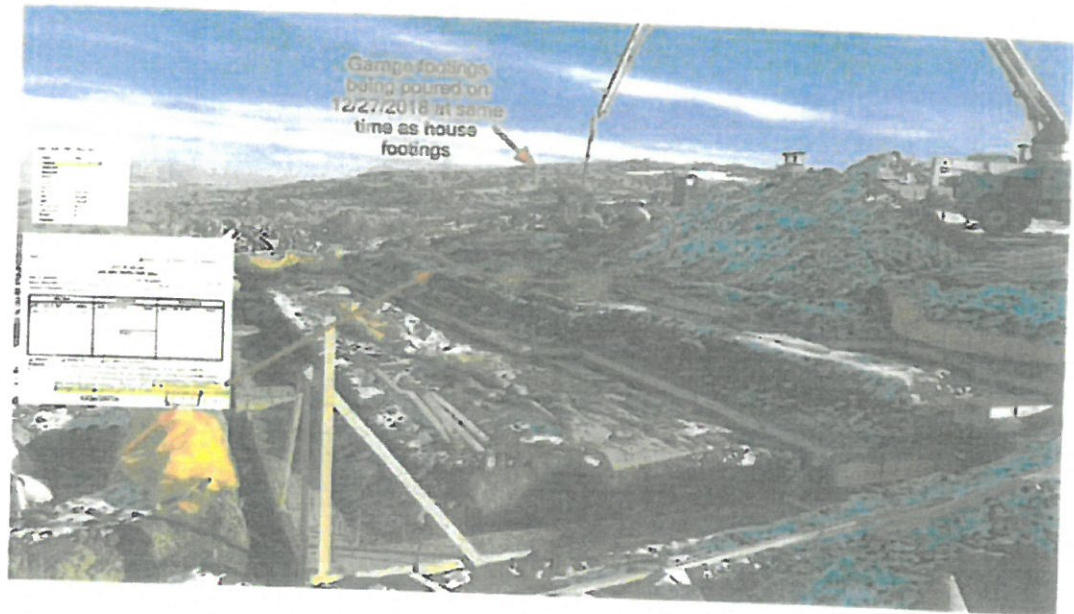
I have forwarded your email onto Glenn Denman, Building Official for the City of Yakima, so that he can provide me with a direct response to your questions as the City of Selah did not conduct the identified inspections. I will provide a more detailed response to your questions once I have conferred with Mr. Denman.

A-49

Code Violations Reported Timeline

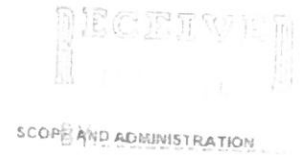
Exhibit B

RECEIVED BY  
BY \_\_\_\_\_



A-50

EXHIBIT D



located within the same structure, they are required by Section R302 to be completely separated from each other by a specified level of fire resistance. This is the case for both two-family dwellings and townhouses. A second example would be the proximity of the building to an adjoining property line. Section R302 requires exterior walls located less than 3 feet (914 mm) from a property line (unless abutting a public way) to be of minimum 1-hour fire-resistance-rated construction. If either of these conditions should occur, an inspection of the fire-resistance-rated construction is required.

The inspection for compliance with the fire-resistance requirements of the code should be made at a point of construction when the membrane materials are in place, but the fasteners are still exposed. This allows the inspector to verify the appropriate fastener type and location based on the specific fire-resistance listing of the portion of the building under consideration.

**R109.1.6 Final inspection.** Final inspection shall be made after the permitted work is complete and prior to occupancy.

◆ The final inspection should occur after all of the work addressed by the code is complete, but prior to occupancy of the building. The issues addressed in the final inspection cover all aspects of construction, including fire safety, life safety and structural safety, as well as electrical, plumbing, gas and mechanical items. All violations of the approved construction documents and permit are to be noted and the holder of the permit is to be notified of the discrepancies. The final inspection must be approved before a certificate of occupancy can be issued.

**R109.1.6.1 Elevation documentation.** If located in a flood hazard area, the documentation of elevations required in Section R322.1.10 shall be submitted to the *building official* prior to the final inspection.

◆ Permittees must submit documentation of elevations before final inspection. Also see commentary for Sections R109.1.3 and R322.1.10.

**R109.2 Inspection agencies.** The *building official* is authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

◆ It is common for the building official to rely on other agencies for informational or inspection reports regarding various aspects covering methods of the construction process materials. This reliance should be based on the building official's approval of the qualifications and reliability of the third-party inspection or testing service.

**R109.3 Inspection requests.** It shall be the duty of the permit holder or their agent to notify the *building official* that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

◆ It is the responsibility of the permit holder or other authorized person, such as the contractor performing

the work, to arrange for the required inspections when completed work is ready and to allow for sufficient time for the building official to schedule a visit to the site to prevent work from being concealed prior to being inspected.

Each building department establishes its own procedures on how and when requests should be made. Once an inspection has been scheduled, access to the work to be inspected must be provided, including any special means such as a ladder.

**R109.4 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official* upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

◆ Work must not continue past the point of a required inspection until that inspection has been approved by the building department. It is possible that if the work progresses beyond this point and is not in total compliance with the code, some of the work may have to be removed. It is critical that each individual stage of the project be approved prior to continuance of construction.

As indicated in Section R109.1, inspections must be performed when requested, and the inspector must indicate whether the construction is satisfactory or is not compliant. If the work is not approved, it must be corrected, and a reinspection must be requested. Any item not approved cannot be concealed until it has been corrected and approved by the building official.

## SECTION R110 CERTIFICATE OF OCCUPANCY

**R110.1 Use and occupancy.** A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

### Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section R105.2.
  2. Accessory buildings or structures.
- ◆ The tool the building official employs to control the uses and occupancies of the various buildings in a jurisdiction is the certificate of occupancy. This section establishes the conditions of a certificate of occupancy.

A-51

Code Violations Reported Timeline

Exhibit "E"



BY: \_\_\_\_\_



**CITY OF SELAH**  
115 West Nichols Ave  
Selah, WA 98942

P: 509-698-7328  
F: 509-698-7325

October 19, 2023

Via Email: [wybralo@outlook.com](mailto:wybralo@outlook.com)  
And Via Certified Mail

William Longmire  
330 Lookout Point Drive  
Selah, WA 98942

**RE: Conclusion of Investigation**

Mr. Longmire:

The City's Code Enforcement Officer, Erin Hamilton, has completed her investigation on the Code Complaint you recently filed. A copy of her two-page report is enclosed.

You alleged that, back in 2018, your builder violated the then-existing version of Selah Municipal Code section 6.75.030(d)(2) by giving false information to the Building Inspector and/or the then-existing version of the International Residential Code section R109.4 by not obtaining approval from the Building Inspector prior to pouring your garage footings.

Ms. Hamilton was not able to substantiate any such violation.

This letter constitutes notice of Ms. Hamilton's decision. Any future period of time and/or deadline will be measured from the date of this letter.

Respectfully,

Joe Henne  
City Administrator



A-52

Code Violations Reported Timeline



**CITY OF SELAH**

Code Enforcement  
 227 South Bushmore Road  
 Selah, Washington 99427

RECEIVED

BY: \_\_\_\_\_

Phone: 509.635.1242  
 Fax: 509.635.1272

City of Selah  
 Code Enforcement review

Complaint from William Longmire - violation of SMC 6.75.030.d.(2)  
 It is unlawful to Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization.

R109.4 Work commencing before permit issuance: Any person who commences any work for which a permit is required before obtaining necessary permits shall be subject to an investigation fee.

Subject property: 330 Lookout Point Dr APN: 181310-14403

Narrative Description:  
 Section 10 Township 13 Range 18 Quarter NE SHORTR PL AT 59-183 Lot 2  
 Building Permit: 2018-042

Reported party of violations: William Joseph Frodsham  
 Date: 12/26/2018

Facts & document findings regarding subject building permits

- 8-27-18: The building permit application and submittals received
- 9/10/18: Submittals were reviewed by City of Yakima
- 9/14/18: Water meter #46657145 set by Selah P&W
- 10/1/18: City issued NBP 2018-042 M-RES 2018-040 PL RES 2018-017
- 10/1/18: Selah produced an invoice for water services
- 10/5/18: NBP 2018-042 adjust fees
- 10/15/18: Receipt for NBP2018-042 Plumbing & Mechanical fees paid
- 11/2/18: Setback "appear okay" foot & forms inspection
- 11/7/18: submit new site plan with set back adjustment
- 11/13/18: Stem wall not complete re-inspection required
- 11/14/18: Foundation stem wall "OK" approved to pour concrete
- 12/17/18: Mechanical permit with additional inspection fees
- 12/21/18: Footing inspection with corrections
- 12/26/18: Footing & rebar inspection "okay" approved to pour
- 1/16/19: Inspection by Randy Allan of City of Yakima - two inspection cards found is noted as a failure of foundation inspection to move and add rebar to match plans
- 1/22/19: Inspection by Randy Allan of Yakima, Pass Foundation - notes
- 5/9/19: Roof, Wall Sheeting, Shear Wall inspection with notes
- 5/29/19: Framing, stucco board, rough plumbing, mechanical, gas piping "OK" plus corrections
- 5/31/19: Stucco partial "OK"
- 6/4/19: Insulation - Notes a re-inspect from 5/29/19 as all "OK" rough in framing discrepancies noted
- 6/5/19: Re-inspection for insulation with corrections "OK"
- 7/2/19: Porch footing and sheetrock "OK"
- 7/7/19: Notice of release from the contractor
- 12/19/19: Pool permit application and submittals
- 4/23/20: NBP2018-042 Final "OK" with corrections
- 4/27/19: final re-inspect "Approved"
- 9/9/20: Pool set back and pressure "OK"



Code Violations Reported Timeline

RECEIVED

BY: \_\_\_\_\_

Summary

The complainant has expressed concerns regarding the 1/26/18 inspection, specifically where the inspector noted "contractor stated garage footings would not be poured at same time as house footings". On 10/9/23 at approximately 12:30pm I spoke with the retired inspector Roy Brons; he said it was not uncommon for him to make notes while on site but it was also not uncommon for post schedules to change due to weather, or material availability. Mr. Brons also stated that he did not feel the contractor was deceitful or trying to get away with something during the course of inspections. The succeeding inspection was completed by Randy Allen who has since retired from the City of Yakima. Mr. Allen was not available for me to communicate with for this report. Based on the address file there are two inspection cards dated 1/16/19 regarding the foundation, one signed by Mr. Allen but has no notes and does not have a check mark for "approved", "Disapproved", or "See attached comments". The second inspection card dated 1/16/19 checks "disapproved" and notes "need to move and add rebar in walls to match plans". The following inspection card dated 1/22/19 is signed by Randy Allen with a result marked "PA" and remarks "Remove water & ice from piers in North East area, brace tail wails on East side". All inspection cards under my review with notes or corrections appear to be standard.

I certify under penalty of perjury under the laws of the State of Washington that the following is true and correct. Based on my own personal knowledge, I have conducted this review to the best of my ability with the information that is available.



Erin Hamilton  
 Code Enforcement  
 City of Selah  
 (509) 698-7331  
 erin.hamilton@selahwa.gov

A-54



Code Violations Reported Timeline

**CITY OF SELAH CASHIER'S RECEIPT**

115 W. Naches Ave., Selah, Wash. 10 27 25 No 27706

Received From: William Longmire

CASH \$ 50. CHECK \$ \_\_\_\_\_ D.D.S. \_\_\_\_\_ Dollars

FUND#	ACCT. NO.	EXPLANATION	DOLLARS	CENTS
		Appeal Fee - Code Enforcement 330 Lookout point Dr Longmire		
Received By: <u>Copius Green</u>			<b>Total \$</b>	<u>50</u> -

Appeal sent to city

Code Violations Reported Timeline

Compiled by William Longmire 12/04/2023.

A-56

## RELEASE AND SETTLEMENT AGREEMENT OF ALL CLAIMS

THIS RELEASE AND SETTLEMENT AGREEMENT is made this 18<sup>th</sup> day of July, 2019, by and between PALAZZO PROPERTIES LTD, a Washington corporation, (hereinafter, "Palazzo") and WILLIAM LONGMIRE and DANA LONGMIRE, husband and wife (hereinafter, "Longmires").

WHEREAS, the parties hereto previously entered into a contract wherein Palazzo agreed to build a custom home for Longmires on real property owned by the Longmires at 330 Lookout Point Drive, Selah, WA 98942, Yakima County Tax Parcel Number 181310-14403 (hereinafter, "Home Site") and

WHEREAS, a dispute has arisen between the parties as to the terms of said contract and the quality of the work performed to date by Palazzo; and

WHEREAS, the parties have reached an agreement to resolve said dispute and wish to reduce the same to writing as set forth herein;

NOW, THEREFORE, in consideration of the mutual promises, including the recitals above and conditions herein contained, the Parties covenant and agree as follows:

1. Palazzo shall be responsible for the payment of any and all materials it ordered and delivered to the Home Site on, or before, June 7, 2019, together with any and all labor it caused to be performed on the Home Site on, or before, June 7, 2019. Except as set forth in this paragraph, Palazzo shall have no further liability of any kind to Longmires arising out of the contract between the parties and Longmires shall have no further liability of any kind to Palazzo. Notwithstanding anything herein to the contrary, Palazzo warrants that it has paid all subcontractors in full for work performed on the Home Site.
2. Except as set forth herein, the parties hereto release and forever discharge each other and all of their representatives, agents, assigns, consultants, advisers, and lawyers and each of them from and against any and all liabilities, claims, obligations, demands, sums of money, actions or causes of action, debts, judgments, damages, costs or losses, known or unknown, that they may have whether past, present, or future, which arise from or relate in any manner to the subject matter of this Agreement.
3. Except as set forth herein, this Agreement is intended to be as complete and comprehensive as the law permits, and to be comprehensive and universal with respect to all such claims of either party hereto, which arise from or relate to the subject matter of this Agreement. This release is intended to

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cover any and all future damages or losses not presently known to the parties to this Agreement, but which may later develop or be discovered. The parties hereto agree that the terms of this complete mutual release and waiver have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise and settlement with respect to any and all claims arising out of the subject matter of this agreement, disputed or otherwise. This release specifically includes, but is not limited to construction defect claims by the Longmires against Palazzo and payment claims by Palazzo against the Longmires. Except as specifically limited herein, each party assumes the risk that the facts or evidence may turn out to be different than it now understands them to be, and agrees to be bound by this Agreement notwithstanding the discovery of new or different facts or evidence. It is understood that this Agreement effectuates a resolution of contested claims and that by entering into this Agreement each party is motivated by the desire to avoid protracted and expensive litigation.

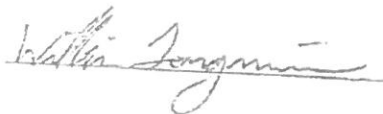
4. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.
5. The drafting and negotiation of this Agreement has been participated in by all of the parties and their counsel, and for all purposes this Agreement shall be deemed to have been drafted jointly by each of the Parties. The parties agree that no presumption shall be made or asserted by or against either party as a result of document preparation.
6. This Agreement shall become effective upon execution by the Parties.
7. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and each of their respective successors, assigns, or heirs.
8. This Agreement may be executed in counterparts and signatures may be provided by facsimile or e-mail attachments and when each party has signed and delivered at least one such counterpart, each such counterpart shall be deemed an original, and, when taken together with other signed counterparts, shall constitute one agreement, which shall be binding upon and effective as to all parties.
9. In the event of any controversy or dispute between the Parties arising from or relating to this Agreement, including but not limited to enforcement of its terms or interpretation thereof, the prevailing party shall be entitled to recover from the losing party its reasonable attorney fees, expenses, and costs.

DATED THIS 18<sup>th</sup> day of July, 2019.

Palazzo Properties, LTD, a Washington corporation

By:

 *Paes. LA*

 *William Longmire*

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William Longmire

*Dana Longmire*

Dana Longmire

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**Case, Rob**

---

**From:** William Longmire <wlongmire@outlook.com>  
**Sent:** Monday, September 25, 2023 2:55 AM  
**To:** Hamilton, Erin  
**Cc:** Peters, Jeff; Henne, Joe; Case, Rob; Carlson, Russell  
**Subject:** RE: Online Complaint Receipt Acknowledgement  
**Attachments:** Ordinance #1613.pdf; Ltr-William Longmire-Response to Code Complaint 09-20-23 (signed).pdf

Erin,

The response from the City doesn't address my complaint, specifically the violation of 6.75.030 (d) (2). I have evidence and so does Jeff Peters of laws that were broke and I request that you investigate the unlawful acts that have been reported to you. The Code Enforcement officer is the person authorized by the mayor to enforce the civil provisions of this code. I never asked for a new inspection or for the city to pursue my builder, only for an investigation into my complaint as required by SMC 6.75.050. Is the city once again selectively enforcing its Municipal Codes?

William Longmire

SMC 6.75.050 Investigation, infraction citations and notices of violation.

(b) Investigation Upon Complaint or Personal Knowledge. The code enforcement officer shall investigate any structure or use when he or she receives a complaint from an identifiable person who owns, rents or leases real property affected by the code violation to which the complaint relates or when the code enforcement officer reasonably believes, based on personal knowledge, that any structure or use does not comply with the applicable standards and requirements of this code.

**From:** William Longmire <wlongmire@outlook.com>  
**Sent:** Monday, September 18, 2023 3:33 PM  
**To:** Hamilton, Erin <erin.hamilton@selahwa.gov>  
**Cc:** Peters, Jeff <jeff.peters@selahwa.gov>; Case, Rob <Rob.Case@selahwa.gov>; Henne, Joe <joe.henne@selahwa.gov>; Raymond, Sherry <sherry.raymond@selahwa.gov>; russell.carlson@selahwa.gov; roger.bell@selahwa.gov; kevin.wickenhagen@selahwa.gov; jared.iversen@selahwa.gov; elizabeth.marquis@selahwa.gov; michael.costello@selahwa.gov; clifford.peterson@selahwa.gov  
**Subject:** RE: Online Complaint Receipt Acknowledgement

Erin,

Thanks for the conformation and for forwarding this on to the people at the city in charge of handling these complaints.

If you are forwarding this on, It would appear that I've been corresponding with the right people at the City, but there has just been a failure to enforce the ordinance.

William Longmire

**From:** Hamilton, Erin <erin.hamilton@selahwa.gov>  
**Sent:** Monday, September 18, 2023 7:33 AM

To: 'William Longmire' <[wibralo@outlook.com](mailto:wibralo@outlook.com)>  
Cc: Peters, Jeff <[jeff.peters@selahwa.gov](mailto:jeff.peters@selahwa.gov)>; Case, Rob <[Rob.Case@selahwa.gov](mailto:Rob.Case@selahwa.gov)>; Henne, Joe <[joe.henne@selahwa.gov](mailto:joe.henne@selahwa.gov)>;  
Raymond, Sherry <[sherry.raymond@selahwa.gov](mailto:sherry.raymond@selahwa.gov)>  
Subject: RE: Online Complaint Receipt Acknowledgement

Good Morning Mr. Longmire,

Your complaint noted below has been received and forwarded to Jeff Peters and Mr. Rob Case.

Regards,

Erin Hamilton  
Code Enforcement Officer  
Stormwater Management  
City of Selah  
(509) 698-7331

From: William Longmire <[wibralo@outlook.com](mailto:wibralo@outlook.com)>  
Sent: Friday, September 15, 2023 8:38 AM  
To: Hamilton, Erin <[erin.hamilton@selahwa.gov](mailto:erin.hamilton@selahwa.gov)>  
Cc: Peters, Jeff <[jeff.peters@selahwa.gov](mailto:jeff.peters@selahwa.gov)>; Case, Rob <[Rob.Case@selahwa.gov](mailto:Rob.Case@selahwa.gov)>; Henne, Joe <[joe.henne@selahwa.gov](mailto:joe.henne@selahwa.gov)>;  
Raymond, Sherry <[sherry.raymond@selahwa.gov](mailto:sherry.raymond@selahwa.gov)>  
Subject: Online Complaint Receipt Acknowledgement

Hi Erin,

I would like a confirmation that the below code enforcement complaint that was also submitted using the [City of Selah online code complaint form](#) on 09/15/2023 has been received. I would appreciate an email back acknowledging receipt of this complaint. I look forward to speaking with you regarding these violations.

Thank you,

William Longmire

Complaint submitted:

Multiple Code Enforcement violations have occurred that have not yet been enforced. I reported these violations via numerous emails to Jeff Peters the Building Official and included other City officials and City Council in my correspondences. My public disclosure request #03082022 of my entire address file failed to produce any investigation report, infraction citations, notice of violation, or stop work orders. I have just today (09/14/2023) come to the realization that I need to file an official complaint with the Code Enforcement officer, as they are the person(s) authorized by the mayor to enforce the civil provisions of this code. The following is my "official code complaint". Selah Municipal Code 11.05.010 and 6.75.030 (d) (2) were violated by my contractor WILLIAM JOSEPH FRODSHAM during the construction of our home in Selah (Permit Number: NBP-2018-042). The following sections of The International Building Code and International Residential Code as adopted by section SMC 11.05.010 were violated by WILLIAM JOSEPH FRODSHAM, the person responsible for the conditions: IBC codes - [A] 104.1, [A] 104.3, [A] 104.4, [A] 104.7, [A] 104.10, [A] 104.11, [A] 107.4, [A] 110.1, [A] 110.3, [A] 110.3.1, [A] 110.3.2, [A] 110.6, [A] 114.1, [A] 114.3, [A] 114.4, [A] 115.1, [A] 115.2 / IRC codes - R104.10, R104.11, R105.8, R106.4, R109.1, R109.1.1, R109.4

Jeff Peters has personal knowledge of all violations and infractions referenced, including multiple emails containing evidence that will substantiate these infractions. An investigation is warranted per SMC 6.75.050 (b) and should have

already been completed since Jeff Peters had "personal knowledge" and received multiple complaints from me. It appears he did not act in good faith and without malice in handling my complaints. I inquired about the code enforcement process multiple times through email and could never get a response on what the procedures are for reporting these violations. I now see it must be through this "official code enforcement form" since nothing to date has been done about the reported violations. All this is well documented, and I will provide all evidence once contacted by the Code Enforcement Official. I look forward to speaking with you regarding these violations.

SMC 6.75.030 specifically references "terms of any permit" and "Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization" and "Fail to comply with any applicable provisions of this code".



**Case, Rob**

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**From:** William Longmire <wlongmire@outlook.com>  
**Sent:** Wednesday, March 16, 2022 1:03 PM  
**To:** Case, Rob  
**Cc:** Peters, Jeff; Raymond, Sherry; Henne, Joe; Fortner, Jeff; Wickenhagen, Kevin; Peterson, Clifford; Costello, Michael; Carlson, Russell; Bell, Roger; Marquis, Elizabeth; Iverson, Jared  
**Subject:** Re: Regarding your e-mail inquiry  
**Attachments:** Ordinance #2032.pdf; GarageFooting.jpg

Mr. Case,

Does the city still maintain that the "City does not use its Code Enforcement Chapter, Selah Municipal Code 6.75, to issue citations to builders, owners, contractors and/or developers where there is a code issue discovered during a building inspection for and ongoing construction project" as stated by the previous City Attorney? It seems Ordinance #2032 states otherwise. Is this still the city's official stance. I'm having trouble finding any action that was taken for the multiple code violations I reported to the city I based off my public disclosure request PRR 02132022.

I look forward to your response,

William Longmire

---

**From:** Robert Noe <bob@noe-law.com>  
**Sent:** Monday, June 17, 2019 5:10 PM  
**To:** wlongmire@outlook.com <wlongmire@outlook.com>  
**Cc:** Peters, Jeff <jeff.peters@selahwa.gov>; roy.brons@selahwa.gov <roy.brons@selahwa.gov>; Wayman, Donald <donald.wayman@selahwa.gov>; Raymond, Sherry <sherry.raymond@selahwa.gov>  
**Subject:** Regarding your e-mail inquiry

Dear Mr. Longmire -

I serve as the City Attorney for the City of Selah. I have been asked to respond to your e-mail inquiry regarding building inspections related to your residential construction project (your inquiry is embodied in the e-mail correspondence chain set forth below).

The City of Selah conducts building inspections for new construction to ensure compliance with applicable building, health and safety codes over which the City has jurisdiction to administer. Where the City finds that a code has not been met, the City routinely provides direction to builders,

owners, contractors and/or developers to correct the code issue. Where the code issue is not corrected, the City can refrain from issuing a certificate of occupancy. Where the certificate is not issued, the structure is effectively rendered unusable until the code issues are rectified.

As I understand the situation involving your project, there is no code compliance issue that would require the City to withhold a certificate of occupancy at this time. As I also understand, your project is still in progress and routine inspections may or may not turn up matters for corrections in the future prior to final approval.

Please note that, as a general rule, the City does not use its Code Enforcement Chapter, Selah Municipal Code 6.75, to issue citations to builders, owners, contractors and/or developers where there is a code issue discovered during a building inspection for an ongoing construction project. Instead, the mechanism for compliance, as indicated above, is the issuance of a direction to correct and where there is no correction, the City can withhold issuance of the certificate of occupancy.

At present, it appears that your project is progressing and the City will continue to conduct inspections as needed during the construction phases. The City will continue to note any code issues and request correction when necessary. The City will not be issuing citations under its Code Enforcement Chapter during construction of your project. The City will be conducting inspections on your project as necessary, as it would do for any other construction project within the City.

Thank you for your consideration of these matters.

Bob

## Case, Rob

---

**From:** Hamilton, Erin  
**Sent:** Monday, September 18, 2023 7:31 AM  
**To:** Peters, Jeff  
**Cc:** Case, Rob  
**Subject:** FW: New submission from Form

Erin Hamilton  
Code Enforcement Officer  
Stormwater Management  
City of Selah  
(509) 698-7331

**From:** Hamilton, Erin <erin.hamilton@selahwa.gov>  
**Sent:** Friday, September 15, 2023 1:41 AM  
**To:** Hamilton, Erin <erin.hamilton@selahwa.gov>  
**Subject:** New submission from Form

### Section 1: Complaint Location Information

#### Address of Possible Code Violation

330 Lookout Point Dr  
Selah, WA 98942  
United States  
[Map It](#)

### Section 2: Complaint Summary

#### Complaint Summary

Multiple Code Enforcement violations have occurred that have not yet been enforced. I reported these violations via numerous emails to Jeff Peters the Building Official and included other City officials and City Council in my correspondences. My public disclosure request #03082022 of my entire address file failed to produce any investigation report, infraction citations, notice of violation, or stop work orders. I have just today (09/14/2023) come to the realization that I need to file an official complaint with the Code Enforcement officer, as they are the person(s) authorized by the mayor to enforce the civil provisions of this code. The following is my "official code complaint". Selah Municipal Code 11.05.010 and 6.75.030 (d) (2) were violated by my contractor WILLIAM JOSEPH FRODSHAM during the construction of our home in Selah (Permit Number: NBP-2018-042). The following sections of The International Building Code and International Residential Code as adopted by section SMC 11.05.010 were violated by WILLIAM JOSEPH FRODSHAM, the person responsible for the conditions: IBC codes - [A] 104.1, [A] 104.3, [A] 104.4, [A] 104.7, [A] 104.10, [A] 104.11, [A] 107.4, [A] 110.1, [A] 110.3, [A] 110.3.1, [A] 110.3.2, [A] 110.6, [A] 114.1, [A] 114.3, [A] 114.4, [A] 115.1, [A] 115.2 / IRC codes - R104.10, R104.11, R105.8, R106.4, R109.1, R109.1.1, R109.4. Jeff Peters has personal knowledge of all violations and infractions referenced, including multiple emails containing evidence that will substantiate these infractions. An investigation is warranted per SMC 6.75.050 (b) and should have already been completed since Jeff Peters had "personal knowledge" and received multiple complaints from me. It appears he did not act in good faith and without malice in handling my complaints. I inquired about the code enforcement process multiple times through email and could never get a response on what the procedures are for reporting these violations. I now see it must be through this "official code enforcement form" since nothing to date has been done about the reported violations. All this is well documented, and I will provide all evidence once contacted by the Code Enforcement Official. I look forward to speaking with you regarding these violations. SMC 6.75.030 specifically references "terms of any permit" and "Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization" and "Fail to comply with any applicable provisions of this code".

How long has the condition existed (to your knowledge)?

Since 2019

**Section 3: Your Information**

**Name**

William Longmire

**Address**

330 Lookout Point Dr  
Selah, WA 98942  
United States  
[Map It](#)

**Phone**

(509) 580-0186

**Email**

[wlongmire@outlook.com](mailto:wlongmire@outlook.com)

Please indicate if you would like the City to redact your information to the extent possible if you fear disclosure may endanger life, physical safety or property to you or someone else:

- No, I do not feel my information needs to be redacted
- No preference

**Section 4: The Violation Must be Visible**

Is the location of the complaint visible from a public right-of-way?

- Not Sure

**Property Access Information**

Please contact me to review evidence of the enforceable code violations.

**Signature**

William Longmire

### **6.75.030 City of Selah property maintenance code.**

The property maintenance code of the city shall be comprised of the following texts in their presently existing forms and, also, each and every future form of such texts following any amendment, addition, deletion or recodification that the publishing bodies enact or effectuate, but in all instances subject to the express amendments, additions, deletions and exceptions specifically set forth in this chapter: the 2018 Edition of the International Property Maintenance Code, including its Appendix A (Boarding Standards), as published by the International Code Council, Inc. Said 2018 Edition is hereby fully incorporated in this chapter by reference, subject to the express amendments, additions, deletions and exceptions set forth in this chapter. One or more copies of the texts that comprise the property maintenance code of the city shall be maintained on file in the office of the building official. (Ord. 2205, § 1 (Exh. A), 2023.)

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**The Selah Municipal Code is current through Ordinance 2216, passed December 12, 2023.**

Disclaimer: The finance department has the official version of the Selah Municipal Code. Users should contact the finance department for ordinances passed subsequent to the ordinance cited above.

City Website: [selahwa.gov](http://selahwa.gov)

City Telephone: (509) 698-7334

Hosted by Code Publishing Company, A General Code Company.

ORDINANCE NO. 2205

ORDINANCE AMENDING CHAPTER 6.75, "CODE ENFORCEMENT", OF THE SELAH MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AUTHORIZING CORRECTIONS, AND DIRECTING PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, RCW Chapters 35A.11, 35A.12 and 36.43 authorize municipalities to: (1) adopt municipal codes, including standard building codes; (2) provide for administration and enforcement of such codes; (3) amend or limit the applicability of such codes as authorized by law; (4) set fees within the codes; and (5) provide that any violation of such codes as adopted shall warrant imposition of a penalty, including potentially a misdemeanor criminal charge; and

WHEREAS, the City has previously adopted the International Property Maintenance Code 2018 Edition by incorporating it within Selah Municipal Code (SMC) Chapter 11.14; and

WHEREAS, said International Property Maintenance Code 2018 Edition constitutes the City's property maintenance code for regulation and governing of the conditions and maintenance of all property, buildings and structures, by providing the standards for supplied utilities and facilities and other physical things and conditions that are essential to ensure that structures are safe, sanitary and fit for occupation and use, and also the standards for demolition of existing structures; and

WHEREAS, the City has identified that numerous discrepancies exist within and between said International Property Maintenance Code 2018 Edition and the City's currently-existing municipal code sections that pertain to the topics of graffiti, nuisances, code enforcement, property maintenance, and fire code regulations, and such discrepancies needlessly lessen clarity for the public and frustrate the City's code enforcement efforts; and

WHEREAS, the City desires to resolve such discrepancies by, among other things, amending SMC Code Chapter 6.75 labeled "Code Enforcement" in a comprehensive way so as to address the topics of graffiti, nuisances, code enforcement, property maintenance, and fire code regulations;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does hereby ordain as follows:

Section 1. Amendment of SMC Chapter 6.75. That Chapter 6.75 labeled "Code Enforcement" of the SMC be and is hereby amended so as to henceforth read as set forth in "Exhibit A" appended hereto, a portion of which is set forth in a two-column format that utilizes numbering established by the 2019 International Property Maintenance Code and that also includes editing marks showing express deletions via strikethrough text.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining

portions of this Ordinance or its application to other persons or circumstances.

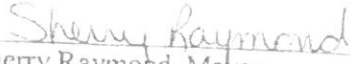
Section 3. Corrections. The City Attorney and the codifiers of the SMC are authorized to make any necessary or desirable clerical or formatting changes – including but not limited to correcting scrivener errors; changing formatting; eliminating bold, italic and underscore emphasis; changing numbering; and correcting references – when publishing or republishing the official text of any section(s), Chapter(s), title(s) or other portion(s) of the SMC due to any amendment, addition, alteration, change, impact or enactment effectuated by this Ordinance. However, the codifiers are asked to retain and show – to the extent possible – each of the editing marks that show the express deletions via strikethrough text when the official text is published, so that City staff and members of the public will be able to easily pinpoint the express deletions that the City has made.

Section 4. Publishing & Effective Date. Consistent with RCW 35A.12.130 (3<sup>rd</sup> ¶) and .160 (1<sup>st</sup> and 2<sup>nd</sup> ¶¶), this Ordinance or a summary of it shall be published at least once in the City's official newspaper prior to the Ordinance taking effect and this Ordinance shall then take effect and be in full force five (5) days after the date of such publication.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH,  
WASHINGTON this 12<sup>th</sup> day of September, 2023.

ATTEST:

  
Dale Novobielski, Clerk Treasurer

  
Sherry Raymond, Mayor

APPROVED AS TO FORM:

  
Rob Case, City Attorney

"Exhibit A"

Chapter 6.75 - CODE ENFORCEMENT

Sections:

- 6.75.010 Purpose.
- 6.75.020 Scope.
- 6.75.030 City of Selah property maintenance code.
- 6.75.040 Schedule of fees adopted.
- 6.75.050 Property Maintenance Code (Chapter 8 referenced standards).
- 6.75.060 Nuisances not associated with property maintenance.
- 6.75.070 Graffiti and related vandalism.

**6.75.010 Purpose.**

The purpose of this chapter is to establish an efficient process for enforcement of code violations, including but not limited to those that constitute nuisances and graffiti.

**6.75.020 Scope.**

The procedures set forth in this chapter shall be utilized to enforce violations of any aspect of the Selah Municipal Code, including but not limited to violations described within this chapter. The remedies found in this chapter are cumulative to and are in addition to any other remedy already specified within any section the Selah Municipal Code.

**6.75.030 City of Selah property maintenance code.**

The property maintenance code of the city shall be comprised of the following texts in their presently-existing forms and, also, each and every future form of such texts following any amendment, addition, deletion or recodification that the publishing bodies enact or effectuate, but in all instances subject to the express amendments, additions, deletions and exceptions specifically set forth in this chapter: The 2018 Edition of the International Property Maintenance Code, including its Appendix A (Boarding Standards), as published by the International Code Council, Inc. Said 2018 Edition is hereby fully incorporated in this chapter by reference, subject to the express amendments, additions, deletions and exceptions set forth in this chapter. One or more copies of the texts that comprise the property maintenance code of the city shall be maintained on file in the office of the Building Official.

**6.75.040 Schedule of fees adopted.**

The City Council shall adopt a schedule of fees applicable to this chapter, which schedule shall be codified under Title 20 labeled "Unified Fee Schedule" of the Selah Municipal Code.



## DEMOLITION

**110.1 General.** The *code official* shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the *code official's* or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

**110.2 Notices and orders.** Notices and orders shall comply with Section 107.

**110.3 Failure to comply.** If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**110.4 Salvage materials.** Where any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## SECTION 111 MEANS OF APPEAL

[A] 111.1 Application for appeal. Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the

right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

**111.1 Application for appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the city council, provided that a written application for appeal is filed within 10 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

~~[A] 111.2 Membership of board.~~ The board of appeals shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex officio member but shall not vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

~~[A] 111.2.1 Alternate members.~~ The chief appointing authority shall appoint not less than two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

~~[A] 111.2.2 Chairman.~~ The board shall annually select one of its members to serve as chairman.

~~[A] 111.2.3 Disqualification of member.~~ A member shall not hear an appeal in which that member has a personal, professional or financial interest.

~~[A] 111.2.4 Secretary.~~ The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

~~[A] 111.2.5 Compensation of members.~~ Compensation of members shall be determined by law.

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~~{A} 111.3 Notice of meeting. The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.~~

111.3 **Open hearing.** Hearings before the city council shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

~~{A} 111.4 Open hearing. Hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two thirds of the board membership.~~

~~{A} 111.4.1 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.~~

111.4 **Procedure.** An aggrieved person who desires to file an appeal of the code official's action must do so pursuant to the provisions set forth in this section. The appeal process set forth in this section replaces an appeal to the board of appeals provided for in each of the International Codes, which the city of Selah has adopted by reference under Section 11.02.010 of the Selah Municipal Code. The appellant shall file a written appeal to the code official within 10 days and shall pay a filing fee of fifty dollars. The written appeal shall contain the following information:

- (1) The names of all appellants participating in the appeal;
- (2) A brief statement of the specific code enforcement officer's action protested, together with any material facts claimed to support the contentions of the appellant;
- (3) A brief statement of the relief sought, and the reason why it is claimed the protested code

official's action should be reversed, modified, or otherwise set aside.

(4) The signatures of all parties named as appellants and their mailing addresses; and

(5) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

(b) Upon the receipt of the appeal and the filing fee, the code official shall schedule an appeal hearing before the city council and give due notice thereof to the appellants and general public.

(c) At or after the appeal hearing, the city council may affirm, reverse, or modify the code officials' action or continue the hearing to a date certain for receipt of additional information.

~~{A} 111.5 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.~~

111.5 **Decision, Records and copies.** The city council shall issue a written decision within thirty days after the hearing and shall cause copies thereof to be sent to the code official and appellants.

111.5.1 **Administration.** The code official shall take immediate action in accordance with the decision of the council.

~~{A} 111.6 Board decision. The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.~~

~~{A} 111.6.1 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.~~

~~{A} 111.6.2 Administration. The code official shall take immediate action in accordance with the decision of the board.~~

111.6 **Court review.** Any party to the appeal shall have the right to appeal the council's decision to the appropriate court. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

### 6.75.030 Violations.

- (a) It is unlawful for any person to initiate, maintain, or cause to be initiated or maintained, the use of any structure, land or property within the city without first obtaining the permits or authorizations required for the use by the applicable provisions of any of this code.
- (b) It is unlawful for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished, any structure, land, or property within the city in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the applicable provisions of this code.
- (c) It is unlawful for any person to engage in or conduct business within the city without first obtaining appropriate business licensing.
- (d) It is unlawful to:
  - (1) Remove or deface any sign, notice, complaint or order required by or posted in accordance with this chapter;
  - (2) Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization; or
  - (3) Fail to comply with any of the requirements of an order to cease activity issued under this chapter or issued pursuant to authority provided in other chapters of this code.
- (e) It is unlawful to:
  - (1) Maintain, allow, permit or fail to prevent a nuisance as defined in Chapter 6.58 or as defined throughout this code; or
  - (2) Fail to comply with any applicable provisions of this code. (Ord. 1613, § 1, 2004.)

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**The Selah Municipal Code is current through Ordinance 2202, passed August 22, 2023.**

Disclaimer: The finance department has the official version of the Selah Municipal Code. Users should contact the finance department for ordinances passed subsequent to the ordinance cited above.

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ORDINANCE NO. 2032

ORDINANCE AMENDING TITLE 11 RELATING TO THE REGULATION OF  
BUILDING CODES AND STANDARDS

WHEREAS, RCW Chapters 3A.12, 35A.11.020 and 36.43 authorize municipalities within the State of Washington to; (1) adopt standard building codes; (2) provide for their administration and enforcement; (3) amend or limit the applicability of such codes as authorized by law; (4) set fees within the codes; and (5) provide that any violation of the provisions of said codes as adopted shall constitute a misdemeanor; and,

WHEREAS, the International Code Council has released its 2015 International Codes, which include revisions to the International Building Code, Residential Code, Energy Code, Mechanical Code, Existing Building Code, Property Maintenance Code, Uniform Plumbing Code, and Fire Code. These codes are founded on principals intended to establish provisions that are consistent with the scope of a building code that adequately protects the public health, safety and welfare; provides provisions that do not unnecessarily increase construction costs, and provides for provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction; and

WHEREAS, the City of Selah Community Development and Planning Department has identified that the City of Selah has not updated its building codes since 2008, and therefore recommends adoption of the previously identified codes to ensure that the city can continue to provide plan review, building inspection, and code enforcement that protects the public's health, safety and welfare; and,

WHEREAS, the City Council of the City of Selah has examined and understands the scope and purpose of the codes and regulations adopted under this ordinance, and the amendments and additions thereto, and deems it to be in the public interest and for the general health, safety and welfare of the citizens of the City that such codes and amendments and additions thereto be adopted as the law of the City of Selah: and,

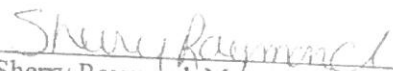
WHEREAS, pursuant to RCW 35A.12.140, a public hearing was held regarding the adoption of this ordinance and that one (1) copy of each code and regulation adopted hereunder together with a copy of this ordinance specifying amendments and additions thereto were filed in the Office of the Clerk-Treasurer ten (10) days prior to the public hearing; and all persons desiring to speak for and against the adoption of this ordinance and the amendments and supplements thereto have been heard as required by law;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. Title 11 Building Codes, are hereby amended as set forth in Exhibit "A":

Section 2. This ordinance, and all adopted building codes identified within shall become  
effective five (5) days following legal publication of this ordinance or a summary of this ordinance.

Done this 14<sup>th</sup> day of November 2017.

  
Sherry Raymond, Mayor

ATTEST:

  
Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:

  
Robert Noe, City Attorney

ORDINANCE NO.: 2032

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Shorelines substantial development permit and/or conditional use permit short plat approval certification of zoning review;

Rezoning;

Final plat approval.

(2) Public Works Department.

Road access permits.

(3) Washington State Department of Transportation for SR-823.

(4) Washington State Department of Labor and Industry, Mobile Home Division.

Approval of uncertified mobile homes.

Nothing within this section shall otherwise interfere with or limit the discretionary authority of the building official to confer with other departments and jurisdictions prior to the issuance of any permit required under this title pursuant to applicable sections of the International Codes adopted by reference in this title.

(Ord. 1619 § 2 (part), 2004.)

#### 11.04.040- Board of Appeals

Section 113 of the International Building Code, 2015 Edition, is amended to read as follows:

Section 113.3 Qualifications. The board of appeals shall consist of five (5) members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member of and shall act as secretary to said Board but shall have no vote on any matter before the Board. The Board of Appeals shall be appointed by the Mayor and shall hold office at the Mayor's pleasure. The term of appointment of Board members shall be concurrent with the effective dates of this ordinance. The Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official. The appellant shall cause to be made at his own expense any tests or research required by the Board to substantiate claims.

#### 11.04.050 – Enforcement

This title and its enforcement provisions are cumulative and in addition to other methods by which the City may seek enforcement, including the provisions of Selah Municipal Code, Chapter 6.75, Code Enforcement.

#### Chapter 11.05 - BUILDING CODE AND RESIDENTIAL CODE

##### Sections:

11.05.010 - Adoption of International Building Code, 2015 Edition.

The International Building Code, 2015 Edition, including Appendices Chapters J , as published by the International Code Council, and as amended by the State Building Code Council and adopted by the state of Washington, of which there is no less than one copy on file with the office of the city clerk, is adopted as the city's building code for the regulation and governing of the conditions and maintenance of all property, buildings and structures; by providing for the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures that are unfit for human occupancy and use and the demolition of such structures; providing for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions and terms of the building code on file with the office of the city clerk are referred to, adopted, and made a part hereof, as if fully set forth in this chapter.

(Ord. 1729 (part), 2008: Ord. 1619 § 2 (part), 2004.)

11.05.020 - Adoption of International Residential Code, 2015 Edition.

The International Residential Code, 2015 Edition, including its Appendix Chapter L, as published by the International Code Council and as amended by the State Building Code Council and adopted by the state of Washington, of which there is no less than one copy on file with the office of the city clerk, is adopted as the city's residential code for the regulation and governing of construction, alternation, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress; providing for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions and terms of the residential code on file with the office of the city clerk are referred to, adopted, and made a part hereof, as if fully set forth in this chapter.

(Ord. 1729 (part), 2008: Ord. 1619 § 2 (part), 2004.)

#### Chapter 11.06 - ELECTRICAL CODE

##### Sections:

11.06.010 - Adoption of electrical code.

Pursuant to Chapters 19.28 and 19.29 RCW, the National Electrical Code, as adopted and maintained by the State Department of Labor and Industries in Chapter 296-46B WAC, and any other duly adopted rules or regulations, shall govern electrical installations and construction in the city of Selah.

11.06.020 Enforcement.

Pursuant to Chapters 19.28 and 19.29 RCW, the State Department of Labor and Industries is responsible for enforcement of Chapters 19.28 and 19.29 RCW, Chapter 296-46B WAC, and any other duly adopted rules or regulations.

11.06.030 Authority to disconnect utilities.

The administrative authority and/or an authorized representative of the Washington State Department of Labor and Industries shall have the authority to disconnect an electrical system to a

### **11.01.020 Purpose.**

The purpose of this title is to provide minimum standards to safeguard life or limb, health, property, and general public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and placement, repair and maintenance of all buildings and structures within the city and of certain equipment specifically regulated herein and to safeguard to a reasonable degree life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises. Enactment and enforcement of this title is intended to only protect the general public welfare and not specific persons or property. Nothing in this title nor the International Codes adopted by reference herein shall be construed to impose any legal duty, directly or indirectly, upon the city or its officials and employees to protect individual persons or property in individual circumstances. (Ord. 2032, § 1 (Exh. A), 2017; Ord. 1619, § 2, 2004.)

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**The Selah Municipal Code is current through Ordinance 2216, passed December 12, 2023.**

Disclaimer: The finance department has the official version of the Selah Municipal Code. Users should contact the finance department for ordinances passed subsequent to the ordinance cited above.

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### **11.05.010 Adoption of International Building Code, 2018 Edition.**

The International Building Code, 2018 Edition, including Appendices J, and G, as published by the International Code Council, and as amended by the State Building Code Council and adopted by the state of Washington, of which there is no less than one copy on file with the office of the city clerk, is adopted as the city's building code for the regulation and governing of the conditions and maintenance of all property, buildings and structures; by providing for the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures that are unfit for human occupancy and use and the demolition of such structures; providing for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions and terms of the building code on file with the office of the city clerk are referred to, adopted, and made a part hereof, as if fully set forth in this chapter. (Ord. 2114, § 1 (Exh. A), 2020; Ord. 2032, § 1 (Exh. A), 2017; Ord. 1729,, 2008; Ord. 1619, § 2, 2004.)

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The International Residential Code, 2018 Edition, including its Appendix Chapter F, L, and Q as published by the International Code Council and as amended by the State Building Code Council and adopted by the state of Washington, of which there is no less than one copy on file with the office of the city clerk, is adopted as the city's residential code for the regulation and governing of construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress; providing for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions and terms of the residential code on file with the office of the city clerk are referred to, adopted, and made a part hereof, as if fully set forth in this chapter. (Ord. 2114, § 1 (Exh. A), 2020; Ord. 2032, § 1 (Exh. A), 2017; Ord. 1729,, 2008; Ord. 1619, § 2, 2004.)

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### **11.25.050 Violation – Civil remedies – Remedies not exclusive.**

(a) In addition to any criminal proceedings brought to enforce this title and in addition to any fine or imprisonment provided for therein, violations of this title may be enjoined or ordered abated in a civil proceeding for injunction or for abatement. For purposes of abatement actions, such violations are declared to be public nuisances. Any person, firm, or corporation violating the provisions of this title shall be liable for all costs of such proceedings, including reasonable attorney's fees and expenses of abatement. The provisions of this subsection are in addition to any other remedies available at law or equity including the code enforcement provisions found in Chapter 6.75 of the Selah Municipal Code.

(b) The city attorney's office on behalf of the city and the public may pursue civil remedies to enforce compliance with the provisions of the title. A private person directly affected by a violation of this title may pursue civil remedies to enforce compliance with its provisions or to recover damages for its violation. (Ord. 2032, § 1 (Ex. A), 2017; Ord. 1619, § 2, 2004.)

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**The Selah Municipal Code is current through Ordinance 2202, passed August 22, 2023.**

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### **11.25.010 Violations and penalties.**

Any person, firm, or corporation violating any of the provisions of this title, including the provisions of the International Codes adopted by reference therein, or failing to comply therewith, or violating or failing to comply with any order issued or made pursuant to its provisions shall severally and for each and every violation and noncompliance respectively, be guilty of a misdemeanor. Any person so convicted shall be punished for each offense by a fine of not more than one thousand dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment. The penalty prescribed in this section is cumulative in addition to any other remedy, criminal or civil, and a violation hereunder may also be subject to enforcement and penalties as provided in Chapter 6.75, Code Enforcement. (Ord. 2032, § 1 (Exh. A), 2017; Ord. 1619, § 2, 2004.)

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**The Selah Municipal Code is current through Ordinance 2216, passed December 12, 2023.**

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**Actions limited to three years.**

The following actions shall be commenced within three years:

- (1) An action for waste or trespass upon real property;
- (2) An action for taking, detaining, or injuring personal property, including an action for the specific recovery thereof, or for any other injury to the person or rights of another not hereinafter enumerated;
- (3) Except as provided in RCW 4.16.040(2), an action upon a contract or liability, express or implied, which is not in writing, and does not arise out of any written instrument;
- (4) An action for relief upon the ground of fraud, the cause of action in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud;
- (5) An action against a sheriff, coroner, or constable upon a liability incurred by the doing of an act in his or her official capacity and by virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution; but this subsection shall not apply to action for an escape;
- (6) An action against an officer charged with misappropriation or a failure to properly account for public funds intrusted to his or her custody; an action upon a statute for penalty or forfeiture, where an action is given to the party aggrieved, or to such party and the state, except when the statute imposing it prescribed a different limitation: PROVIDED, HOWEVER, The cause of action for such misappropriation, penalty, or forfeiture, whether for acts heretofore or hereafter done, and regardless of lapse of time or existing statutes of limitations, or the bar thereof, even though complete, shall not be deemed to accrue or to have accrued until discovery by the aggrieved party of the act or acts from which such liability has arisen or shall arise, and such liability, whether for acts heretofore or hereafter done, and regardless of lapse of time or existing statute of limitation, or the bar thereof, even though complete, shall exist and be enforceable for three years after discovery by aggrieved party of the act or acts from which such liability has arisen or shall arise.

[ 2011 c 336 § 83; 1989 c 38 § 2; 1937 c 127 § 1; 1923 c 28 § 1; Code 1881 § 28; 1869 p 8 § 28; 1854 p 363 § 4; RRS § 159.]

**NOTES:**

**Reviser's note:** Transitional proviso omitted from subsection (6). The proviso reads: "PROVIDED, FURTHER, That no action heretofore barred under the provisions of this paragraph shall be commenced after ninety days from the time this act becomes effective;".

PDF RCW 4.16.130

**Action for relief not otherwise provided for.**

An action for relief not hereinbefore provided for, shall be commenced within two years after the cause of action shall have accrued.

[Code 1881 § 33; 1877 p 9 § 32; 1854 p 364 § 7; RRS § 165.]

**NOTES:**

*Limitation of action to recover taxes paid: RCW 84.68.060.*

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**Action or proceeding against officer, employee, or volunteer of local governmental entity—Payment of damages and expenses of defense.**

(1) Whenever an action or proceeding for damages is brought against any past or present officer, employee, or volunteer of a local governmental entity of this state, arising from acts or omissions while performing or in good faith purporting to perform his or her official duties, such officer, employee, or volunteer may request the local governmental entity to authorize the defense of the action or proceeding at the expense of the local governmental entity.

(2) If the legislative authority of the local governmental entity, or the local governmental entity using a procedure created by ordinance or resolution, finds that the acts or omissions of the officer, employee, or volunteer were, or in good faith purported to be, within the scope of his or her official duties, the request shall be granted. If the request is granted, the necessary expenses of defending the action or proceeding shall be paid by the local governmental entity. Any monetary judgment against the officer, employee, or volunteer shall be paid on approval of the legislative authority of the local governmental entity or by a procedure for approval created by ordinance or resolution.

(3) The necessary expenses of defending an elective officer of the local governmental entity in a judicial hearing to determine the sufficiency of a recall charge as provided in \*RCW 29.82.023 shall be paid by the local governmental entity if the officer requests such defense and approval is granted by both the legislative authority of the local governmental entity and the attorney representing the local governmental entity. The expenses paid by the local governmental entity may include costs associated with an appeal of the decision rendered by the superior court concerning the sufficiency of the recall charge.

(4) When an officer, employee, or volunteer of the local governmental entity has been represented at the expense of the local governmental entity under subsection (1) of this section and the court hearing the action has found that the officer, employee, or volunteer was acting within the scope of his or her official duties, and a judgment has been entered against the officer, employee, or volunteer under chapter 4.96 RCW or 42 U.S.C. Sec. 1981 et seq., thereafter the judgment creditor shall seek satisfaction for nonpunitive damages only from the local governmental entity, and judgment for nonpunitive damages shall not become a lien upon any property of such officer, employee, or volunteer. The legislative authority of a local governmental entity may, pursuant to a procedure created by ordinance or resolution, agree to pay an award for punitive damages.

[ 1993 c 449 § 4; 1989 c 250 § 1; 1979 ex.s. c 72 § 1. Formerly RCW 36.16.134.]

**NOTES:**

\*Reviser's note: RCW 29.82.023 was recodified as RCW 29A.56.140 pursuant to 2003 c 111 § 2401, effective July 1, 2004.

**Purpose—Severability—1993 c 449:** See notes following RCW 4.96.010.

### Limitation of actions.

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

- (i) Murder;
- (ii) Homicide by abuse;
- (iii) Arson if a death results;
- (iv) Vehicular homicide;
- (v) Vehicular assault if a death results;
- (vi) Hit-and-run injury-accident if a death results (RCW 46.52.020(4));
- (vii) Rape in the first degree (RCW 9A.44.040) if the victim is under the age of sixteen;
- (viii) Rape in the second degree (RCW 9A.44.050) if the victim is under the age of sixteen;
- (ix) Rape of a child in the first degree (RCW 9A.44.073);
- (x) Rape of a child in the second degree (RCW 9A.44.076);
- (xi) Rape of a child in the third degree (RCW 9A.44.079);
- (xii) Sexual misconduct with a minor in the first degree (RCW 9A.44.093);
- (xiii) Custodial sexual misconduct in the first degree (RCW 9A.44.160);
- (xiv) Child molestation in the first degree (RCW 9A.44.083);
- (xv) Child molestation in the second degree (RCW 9A.44.086);
- (xvi) Child molestation in the third degree (RCW 9A.44.089); and
- (xvii) Sexual exploitation of a minor (RCW 9.68A.040).

(b) Except as provided in (a) of this subsection, the following offenses may not be prosecuted more than twenty years after its commission:

- (i) Rape in the first degree (RCW 9A.44.040);
- (ii) Rape in the second degree (RCW 9A.44.050); or
- (iii) Indecent liberties (RCW 9A.44.100).

(c) The following offenses may not be prosecuted more than ten years after its commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

- (ii) Arson if no death results;
- (iii) Rape in the third degree (RCW 9A.44.060);
- (iv) Attempted murder; or
- (v) Trafficking under RCW 9A.40.100.

(d) A violation of any offense listed in this subsection (1)(d) may be prosecuted up to ten years after its commission or, if committed against a victim under the age of eighteen, up to the victim's thirtieth birthday, whichever is later:

- (i) RCW 9.68A.100 (commercial sexual abuse of a minor);
- (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a minor);
- (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse of a minor); or
- (iv) RCW 9A.64.020 (incest).

(e) A violation of RCW 9A.36.170 may be prosecuted up to 10 years after its commission, or if committed against a victim under the age of 18, up to the victim's 28th birthday, whichever is later.

(f) The following offenses may not be prosecuted more than six years after its commission or discovery, whichever occurs later:

- (i) Violations of RCW 9A.82.060 or 9A.82.080;
- (ii) Any felony violation of chapter 9A.83 RCW;
- (iii) Any felony violation of chapter 9.35 RCW;



(iv) Theft in the first or second degree under chapter 9A.56 RCW when accomplished by color or aid of deception;

(v) Theft from a vulnerable adult under RCW 9A.56.400;

(vi) Trafficking in stolen property in the first or second degree under chapter 9A.82 RCW in which the stolen property is a motor vehicle or major component part of a motor vehicle as defined in RCW 46.80.010; or

(vii) Violations of RCW 82.32.290 (2)(a)(iii) or (4).

(g) The following offenses may not be prosecuted more than five years after its commission: Any class C felony under chapter 74.09, \*82.36, or 82.38 RCW.

(h) Bigamy may not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(i) A violation of RCW 9A.56.030 may not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

(j) No other felony may be prosecuted more than three years after its commission; except that in a prosecution under RCW 9A.44.115, if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.

(k) No gross misdemeanor, except as provided under (e) of this subsection, may be prosecuted more than two years after its commission.

(l) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) In any prosecution for a sex offense as defined in RCW 9.94A.030, the periods of limitation prescribed in subsection (1) of this section run from the date of commission or four years from the date on which the identity of the suspect is conclusively established by deoxyribonucleic acid testing or by photograph as defined in RCW 9.68A.011, whichever is later.

(4) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

[ 2023 c 197 § 8; 2023 c 122 § 8; 2022 c 282 § 4. Prior: 2019 c 93 § 2; 2019 c 87 § 2; prior: 2017 c 266 § 9; 2017 c 231 § 2; 2017 c 125 § 1; 2013 c 17 § 1; 2012 c 105 § 1; prior: 2009 c 61 § 1; 2009 c 53 § 1; 2006 c 132 § 1; 1998 c 221 § 2; prior: 1997 c 174 § 1; 1997 c 97 § 1; prior: 1995 c 287 § 5; 1995 c 17 § 1; 1993 c 214 § 1; 1989 c 317 § 3; 1988 c 145 § 14; prior: 1986 c 257 § 13; 1986 c 85 § 1; prior: 1985 c 455 § 19; 1985 c 186 § 1; 1984 c 270 § 18; 1982 c 129 § 1; 1981 c 203 § 1; 1975 1st ex.s. c 260 § 9A.04.080.]

## NOTES:

**Reviser's note:** \*(1) Chapter 82.36 RCW was repealed in its entirety by 2013 c 225 § 501.

(2) This section was amended by 2023 c 122 § 8 and by 2023 c 197 § 8, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Finding—Intent—Effective date—2023 c 122:** See notes following RCW 9A.36.170.

**Effective date—2019 c 93 §§ 1, 2, and 8:** "Sections 1, 2, and 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and

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## SCOPE AND ADMINISTRATION

[A] 102.3 **Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[A] 102.4 **Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

[A] 102.4.1 **Conflicts.** Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

[A] 102.4.2 **Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the International Codes listed in Section 101.4, the provisions of this code or the International Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] 102.5 **Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

[A] 102.6 **Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the *International Existing Building Code*, the *International Property Maintenance Code* or the *International Fire Code*.

[A] 102.6.1 **Buildings not previously occupied.** A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the *International Building Code* or *International Residential Code*, as applicable, for new construction or with any current permit for such occupancy.

[A] 102.6.2 **Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the *International Fire Code* or *International Property Maintenance Code*, or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

## PART 2—ADMINISTRATION AND ENFORCEMENT

### SECTION 103 DEPARTMENT OF BUILDING SAFETY

[A] 103.1 **Creation of enforcement agency.** The Department of Building Safety is hereby created and the official in charge thereof shall be known as the *building official*.

[A] 103.2 **Appointment.** The *building official* shall be appointed by the chief appointing authority of the jurisdiction.

[A] 103.3 **Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *building official* shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the *building official*. For the maintenance of existing properties, see the *International Property Maintenance Code*.

### SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL

[A] 104.1 **General.** The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 **Applications and permits.** The *building official* shall receive applications, review *construction documents* and issue *permits* for the erection, and *alteration*, demolition and moving of buildings and structures, inspect the premises for which such *permits* have been issued and enforce compliance with the provisions of this code.

[A] 104.2.1 **Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, *repair*, *alteration*, *addition* or other improvement of existing buildings or structures located in *flood hazard areas*, the *building official* shall determine if the proposed work constitutes substantial improvement or *repair of substantial damage*. Where the *building official* determines that the proposed work constitutes *substantial improvement* or *repair of substantial damage*, and where required by this code, the *building official* shall require the building to meet the requirements of Section 1612.

[A] 104.3 **Notices and orders.** The *building official* shall issue necessary notices or orders to ensure compliance with this code.

[A] 104.4 **Inspections.** The *building official* shall make the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

[A] 104.5 **Identification.** The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] **104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the *building official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

[A] **104.7 Department records.** The *building official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

[A] **104.8 Liability.** The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

[A] **104.8.1 Legal defense.** Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] **104.9 Approved materials and equipment.** Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

[A] **104.9.1 Used materials and equipment.** The use of used materials that meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless *approved* by the *building official*.

[A] **104.10 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the *owner* or the *owner's* authorized agent, provided that the *building official* shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, *accessibility*, life

and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

[A] **104.10.1 Flood hazard areas.** The *building official* shall not grant modifications to any provision required in *flood hazard areas* as established by Section 1612.3 unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the *design flood elevation* and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the *design flood elevation* increases risks to life and property.

[A] **104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety. Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons why the alternative was not *approved*.

[A] **104.11.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

[A] **104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

ing official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

[A] 107.3.2 **Previous approvals.** This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

[A] 107.3.3 **Phased approval.** The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

[A] 107.3.4 **Design professional in responsible charge.** Where it is required that documents be prepared by a *registered design professional*, the *building official* shall be authorized to require the *owner* or the *owner's* authorized agent to engage and designate on the building *permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the *owner* or the *owner's* authorized agent shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *building official* shall be notified in writing by the *owner* or the *owner's* authorized agent if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties.

The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

[A] 107.3.4.1 **Deferred submittals.** Deferral of any submittal items shall have the prior approval of the *building official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *building official*.

Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the *building official*.

[A] 107.4 **Amended construction documents.** Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

[A] 107.5 **Retention of construction documents.** One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

## SECTION 108 TEMPORARY STRUCTURES AND USES

[A] 108.1 **General.** The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause.

[A] 108.2 **Conformance.** Temporary structures and uses shall comply with the requirements in Section 3103.

[A] 108.3 **Temporary power.** The *building official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

[A] 108.4 **Termination of approval.** The *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure or use to be discontinued.

## SECTION 109 FEES

[A] 109.1 **Payment of fees.** A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

[A] 109.2 **Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

[A] 109.3 **Building permit valuations.** The applicant for a *permit* shall provide an estimated *permit* value at time of application. *Permit* valuations shall include total value of work, including materials and labor, for which the *permit* is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the *building official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *building official*. Final building *permit* valuation shall be set by the *building official*.

## SCOPE AND ADMINISTRATION

[A] 109.4 **Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the *building official* that shall be in addition to the required permit fees.

[A] 109.5 **Related fees.** The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

[A] 109.6 **Refunds.** The *building official* is authorized to establish a refund policy.

## SECTION 110 INSPECTIONS

[A] 110.1 **General.** Construction or work for which a permit is required shall be subject to inspection by the *building official* and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *owner* or the *owner's* authorized agent to cause the work to remain accessible and exposed for inspection purposes. Neither the *building official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

[A] 110.2 **Preliminary inspection.** Before issuing a permit, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

[A] 110.3 **Required inspections.** The *building official*, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.10.

[A] 110.3.1 **Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

[A] 110.3.2 **Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

[A] 110.3.3 **Lowest floor elevation.** In *flood hazard areas*, upon placement of the lowest floor, including the

basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the *building official*.

[A] 110.3.4 **Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire-blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

[A] 110.3.5 **Lath, gypsum board and gypsum panel product inspection.** Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

**Exception:** Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

[A] 110.3.6 **Fire- and smoke-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies, *smoke barriers* and *smoke partitions* shall not be concealed from view until inspected and approved.

[A] 110.3.7 **Energy efficiency inspections.** Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency.

[A] 110.3.8 **Other inspections.** In addition to the inspections specified in Sections 110.3.1 through 110.3.7, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

[A] 110.3.9 **Special inspections.** For *special inspections*, see Chapter 17.

[A] 110.3.10 **Final inspection.** The final inspection shall be made after all work required by the building permit is completed.

[A] 110.3.10.1 **Flood hazard documentation.** If located in a *flood hazard area*, documentation of the elevation of the lowest floor as required in Section 1612.5 shall be submitted to the *building official* prior to the final inspection.

[A] 110.4 **Inspection agencies.** The *building official* is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

[A] 110.5 **Inspection requests.** It shall be the duty of the holder of the building permit or their duly authorized agent to notify the *building official* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

[A] 110.6 **Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the *permit* holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

### SECTION 111 CERTIFICATE OF OCCUPANCY

[A] 111.1 **Use and occupancy.** A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

**Exception:** Certificates of occupancy are not required for work exempt from *permits* in accordance with Section 105.2.

[A] 111.2 **Certificate issued.** After the *building official* inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of occupancy that contains the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the *owner* or the *owner's* authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the *building official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design *occupant load*.
11. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building *permit*.

[A] 111.3 **Temporary occupancy.** The *building official* is authorized to issue a temporary certificate of occupancy

before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

[A] 111.4 **Revocation.** The *building official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

### SECTION 112 SERVICE UTILITIES

[A] 112.1 **Connection of service utilities.** A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a *permit* is required, until released by the *building official*.

[A] 112.2 **Temporary connection.** The *building official* shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

[A] 112.3 **Authority to disconnect service utilities.** The *building official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The *building official* shall notify the serving utility, and wherever possible the *owner* and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the *owner* or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

### SECTION 113 BOARD OF APPEALS

[A] 113.1 **General.** In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

[A] 113.2 **Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

[A] 113.3 **Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to

pass on matters pertaining to building construction and are not employees of the jurisdiction.

#### SECTION 114 VIOLATIONS

[A] 114.1 **Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, *repair*, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[A] 114.2 **Notice of violation.** The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, *repair*, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

[A] 114.3 **Prosecution of violation.** If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

[A] 114.4 **Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

#### SECTION 115 STOP WORK ORDER

[A] 115.1 **Authority.** Where the *building official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the *building official* is authorized to issue a stop work order.

[A] 115.2 **Issuance.** The stop work order shall be in writing and shall be given to the *owner* of the property involved, the *owner's* authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

[A] 115.3 **Unlawful continuance.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

#### SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

[A] 116.1 **Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

[A] 116.2 **Record.** The *building official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

[A] 116.3 **Notice.** If an unsafe condition is found, the *building official* shall serve on the *owner*, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

[A] 116.4 **Method of service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the *owner* personally; (b) sent by certified or registered mail addressed to the *owner* at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the *owner's* agent or upon the person responsible for the structure shall constitute service of notice upon the *owner*.

[A] 116.5 **Restoration.** Where the structure or equipment determined to be unsafe by the *building official* is restored to a safe condition, to the extent that repairs, *alterations* or *additions* are made or a change of occupancy occurs during the restoration of the structure, such *repairs*, *alterations*, *additions* and change of occupancy shall comply with the requirements of Section 105.2.2 and the *International Existing Building Code*.

14.6.2.1 – Detailed plain concrete structural walls are walls conforming to the requirements of ordinary structural plain concrete walls and 14.6.2.2.

14.6.2.2 – Reinforcement shall be provided as follows:

- (a) Vertical reinforcement of at least 0.20 square inch (129 mm<sup>2</sup>) in cross-sectional area shall be provided continuously from support to support at each corner, at each side of each opening and at the ends of walls. The continuous vertical bar required beside an opening is permitted to substitute for one of the two No. 5 bars required by 14.6.1.
- (b) Horizontal reinforcement at least 0.20 square inch (129 mm<sup>2</sup>) in cross-sectional area shall be provided:
  1. Continuously at structurally connected roof and floor levels and at the top of walls;
  2. At the bottom of load-bearing walls or in the top of foundations where doweled to the wall; and
  3. At a maximum spacing of 120 inches (3048 mm).

Reinforcement at the top and bottom of openings, where used in determining the maximum spacing specified in Item 3 above, shall be continuous in the wall.

**1905.1.7 ACI 318, Section 14.1.4.** Delete ACI 318, Section 14.1.4, and replace with the following:

14.1.4 – Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

14.1.4.1 – Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- (a) Structural plain concrete basement, foundation or other walls below the base as defined in ASCE 7 are permitted in detached one- and two-family dwellings three stories or less in height constructed with stud-bearing walls. In dwellings assigned to Seismic Design Category D or E, the height of the wall shall not exceed 8 feet (2438 mm), the thickness shall be not less than 7½ inches (190 mm), and the wall shall retain no more than 4 feet (1219 mm) of unbalanced fill. Walls shall have reinforcement in accordance with 14.6.1.
- (b) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

**Exception:** In detached one- and two-family dwellings three stories or less in height, the projection of the footing beyond the

face of the supported member is permitted to exceed the footing thickness.

- (c) Plain concrete footings supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. For footings that exceed 8 inches (203 mm) in thickness, a minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

**Exceptions:**

1. In Seismic Design Categories A, B and C, detached one- and two-family dwellings three stories or less in height constructed with stud-bearing walls are permitted to have plain concrete footings without longitudinal reinforcement.
2. For foundation systems consisting of a plain concrete footing and a plain concrete stemwall, a minimum of one bar shall be provided at the top of the stemwall and at the bottom of the footing.
3. Where a slab on ground is cast monolithically with the footing, one No. 5 bar is permitted to be located at either the top of the slab or bottom of the footing.

**1905.1.8 ACI 318, Section 17.2.3.** Modify ACI 318 Sections 17.2.3.4.2, 17.2.3.4.3(d) and 17.2.3.5.2 to read as follows:

17.2.3.4.2 – Where the tensile component of the strength-level earthquake force applied to anchors exceeds 20 percent of the total factored anchor tensile force associated with the same load combination, anchors and their attachments shall be designed in accordance with 17.2.3.4.3. The anchor design tensile strength shall be determined in accordance with 17.2.3.4.4.

**Exception:** Anchors designed to resist wall out-of-plane forces with design strengths equal to or greater than the force determined in accordance with ASCE 7 Equation 12.11-1 or 12.14-10 shall be deemed to satisfy Section 17.2.3.4.3(d).

17.2.3.4.3(d) – The anchor or group of anchors shall be designed for the maximum tension obtained from design load combinations that include  $E$ , with  $E$  increased by  $\Omega_v$ . The anchor design tensile strength shall be calculated from 17.2.3.4.4.



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nance Code or the International Fire Code, or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

**R102.7.1 Additions, alterations or repairs.** *Additions, alterations or repairs* to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with the requirements of this code, unless otherwise stated. *Additions, alterations, repairs and relocations* shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

## PART 2—ADMINISTRATION AND ENFORCEMENT

### SECTION R103 DEPARTMENT OF BUILDING SAFETY

**R103.1 Creation of enforcement agency.** The department of building safety is hereby created and the official in charge thereof shall be known as the *building official*.

**R103.2 Appointment.** The *building official* shall be appointed by the *jurisdiction*.

**R103.3 Deputies.** In accordance with the prescribed procedures of this *jurisdiction* and with the concurrence of the appointing authority, the *building official* shall have the authority to appoint a deputy *building official*, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the *building official*.

### SECTION R104 DUTIES AND POWERS OF THE BUILDING OFFICIAL

**R104.1 General.** The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**R104.2 Applications and permits.** The *building official* shall receive applications, review *construction documents* and issue *permits* for the erection and *alteration* of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**R104.3 Notices and orders.** The *building official* shall issue necessary notices or orders to ensure compliance with this code.

**R104.4 Inspections.** The *building official* shall make the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *build-*

*ing official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**R104.5 Identification.** The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**R104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the *building official* or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner, the owner's authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

**R104.7 Department records.** The *building official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

**R104.8 Liability.** The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the *jurisdiction* in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

**R104.8.1 Legal defense.** Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the *jurisdiction official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**R104.9 Approved materials and equipment.** Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

**R104.9.1 Used materials and equipment.** Used materials, equipment and devices shall not be reused unless *approved* by the *building official*.

**R104.10 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifica-

tions for individual cases, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

**R104.10.1 Flood hazard areas.** The *building official* shall not grant modifications to any provisions required in flood hazard areas as established by Table R301.2(1) unless a determination has been made that:

1. There is good and sufficient cause showing that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section R322 inappropriate.
2. Failure to grant the modification would result in exceptional hardship by rendering the lot undevelopable.
3. The granting of modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. The modification is the minimum necessary to afford relief, considering the flood hazard.
5. Written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and stating that construction below the design flood elevation increases risks to life and property, has been submitted to the applicant.

**R104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of the International Codes shall be an alternative to the specific requirements of this code. Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons why the alternative was not *approved*.

**R104.11.1 Tests.** Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall

have the authority to require tests as evidence of compliance to be made at no expense to the *jurisdiction*. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved* agency. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

## SECTION R105 PERMITS

**R105.1 Required.** Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

**R105.2 Work exempt from permit.** Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction*. *Permits* shall not be required for the following:

### Building:

1. One-story detached *accessory structures*, provided that the floor area does not exceed 200 square feet (18.58 m<sup>2</sup>).
2. Fences not over 7 feet (2134 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon *grade* if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet (18.58 m<sup>2</sup>) in area, that are not more than 30 inches (762 mm) above *grade* at any point, are not attached to a dwelling do not serve the exit door required by Section R311.4.

**R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas.** For applications for reconstruction, rehabilitation, *addition*, alteration, repair or other improvement of existing buildings or structures located in a flood hazard area as established by Table R301.2(1), the *building official* shall examine or cause to be examined the *construction documents* and shall make a determination with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamaged condition. If the *building official* finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the proposed work is a substantial improvement or restoration of substantial damage and the building official shall require existing portions of the entire building or structure to meet the requirements of Section R322.

For the purpose of this determination, a substantial improvement shall mean any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. Where the building or structure has sustained substantial damage, repairs necessary to restore the building or structure to its predamaged condition shall be considered substantial improvements regardless of the actual repair work performed. The term shall not include either of the following:

1. Improvements to a building or structure that are required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to ensure safe living conditions.
2. Any alteration of a historic building or structure, provided that the alteration will not preclude the continued designation as a historic building or structure. For the purposes of this exclusion, a historic building shall be any of the following:
  - 2.1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places.
  - 2.2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district.
  - 2.3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

**R105.3.2 Time limitation of application.** An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a

*permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**R105.4 Validity of permit.** The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an *approval* of, any violation of any of the provisions of this code or of any other ordinance of the *jurisdiction*. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the *jurisdiction* shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this *jurisdiction*.

**R105.5 Expiration.** Every *permit* issued shall become invalid unless the work authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**R105.6 Suspension or revocation.** The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

**R105.7 Placement of permit.** The building *permit* or a copy shall be kept on the site of the work until the completion of the project.

**R105.8 Responsibility.** It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

**R105.9 Preliminary inspection.** Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

## SECTION R106 CONSTRUCTION DOCUMENTS

**R106.1 Submittal documents.** Submittal documents consisting of *construction documents*, and other data shall be submitted in two or more sets with each application for a *permit*. The *construction documents* shall be prepared by a registered *design professional* where required by the statutes of the *jurisdiction* in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a registered *design professional*.

**Exception:** The *building official* is authorized to waive the submission of *construction documents* and other data not

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required to be prepared by a registered *design professional* if it is found that the nature of the work applied for is such that reviewing of *construction documents* is not necessary to obtain compliance with this code.

**R106.1.1 Information on construction documents.** *Construction documents* shall be drawn upon suitable material. Electronic media documents are permitted to be submitted where approved by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

**R106.1.2 Manufacturer's installation instructions.** Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

**R106.1.3 Information on braced wall design.** For buildings and structures utilizing braced wall design, and where required by the *building official*, braced wall lines shall be identified on the *construction documents*. Pertinent information including, but not limited to, bracing methods, location and length of *braced wall panels* and foundation requirements of braced wall panels at top and bottom shall be provided.

**R106.1.4 Information for construction in flood hazard areas.** For buildings and structures located in whole or in part in flood hazard areas as established by Table R301.2(1), *construction documents* shall include:

1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate.
2. The elevation of the proposed lowest floor, including *basement*; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including *basement*, above the highest adjacent *grade*.
3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone) and in Coastal A Zones where such zones are delineated on flood hazard maps identified in Table R301.2(1) or otherwise delineated by the jurisdiction.
4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the *building official* and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

**R106.2 Site plan or plot plan.** The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from *lot lines*. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan where the application

for *permit* is for *alteration* or repair or where otherwise warranted.

**R106.3 Examination of documents.** The *building official* shall examine or cause to be examined *construction documents* for code compliance.

**R106.3.1 Approval of construction documents.** Where the *building official* issues a *permit*, the *construction documents* shall be approved in writing or by a stamp that states "REVIEWED FOR CODE COMPLIANCE." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

**R106.3.2 Previous approvals.** This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

**R106.3.3 Phased approval.** The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

**R106.4 Amended construction documents.** Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

**R106.5 Retention of construction documents.** One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

## SECTION R107 TEMPORARY STRUCTURES AND USES

**R107.1 General.** The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause.

**R107.2 Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

**R107.3 Temporary power.** The *building official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

**R107.4 Termination of approval.** The *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure or use to be discontinued.

### SECTION R108 FEES

**R108.1 Payment of fees.** A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

**R108.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

**R108.3 Building permit valuations.** Building *permit* valuation shall include total value of the work for which a *permit* is being issued, such as electrical, gas, mechanical, plumbing *equipment* and other permanent systems, including materials and labor.

**R108.4 Related fees.** The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

**R108.5 Refunds.** The *building official* is authorized to establish a refund policy.

**R108.6 Work commencing before permit issuance.** Any person who commences work requiring a *permit* on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required *permit* fees.

### SECTION R109 INSPECTIONS

**R109.1 Types of inspections.** For on-site construction, from time to time the *building official*, upon notification from the *permit* holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the *permit* holder or his or her agent wherein the same fails to comply with this code.

**R109.1.1 Foundation inspection.** Inspection of the foundation shall be made after poles or piers are set or trenches or *basement* areas are excavated and any required forms

erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or *equipment* and special requirements for wood foundations.

**R109.1.2 Plumbing, mechanical, gas and electrical systems inspection.** Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or *appliances* are set or installed, and prior to framing inspection.

**Exception:** Backfilling of ground-source heat pump loop systems tested in accordance with Section M2105.1 prior to inspection shall be permitted.

**R109.1.3 Floodplain inspections.** For construction in flood hazard areas as established by Table R301.2(1), upon placement of the lowest floor, including *basement*, and prior to further vertical construction, the *building official* shall require submission of documentation, prepared and sealed by a registered *design professional*, of the elevation of the lowest floor, including *basement*, required in Section R322.

**R109.1.4 Frame and masonry inspection.** Inspection of framing and masonry construction shall be made after the roof, masonry, framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are *approved*.

**R109.1.5 Other inspections.** In addition to inspections in Sections R109.1.1 through R109.1.4, the *building official* shall have the authority to make or require any other inspections to ascertain compliance with this code and other laws enforced by the *building official*.

**R109.1.5.1 Fire-resistance-rated construction inspection.** Where fire-resistance-rated construction is required between *dwelling units* or due to location on property, the *building official* shall require an inspection of such construction after lathing or gypsum board or gypsum panel products are in place, but before any plaster is applied, or before board or panel joints and fasteners are taped and finished.

**R109.1.6 Final inspection.** Final inspection shall be made after the permitted work is complete and prior to occupancy.

**R109.1.6.1 Elevation documentation.** If located in a flood hazard area, the documentation of elevations required in Section R322.1.10 shall be submitted to the *building official* prior to the final inspection.

**R109.2 Inspection agencies.** The *building official* is authorized to accept reports of *approved* agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

**R109.3 Inspection requests.** It shall be the duty of the *permit* holder or their agent to notify the *building official* that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

**R109.4 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official* upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the *permit* holder or an agent of the *permit* holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

### SECTION R110 CERTIFICATE OF OCCUPANCY

**R110.1 Use and occupancy.** A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the *jurisdiction*. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the *jurisdiction* shall not be valid.

#### Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section R105.2.
2. Accessory buildings or structures.

**R110.2 Change in use.** Changes in the character or use of an existing structure shall not be made except as specified in Sections 3408 and 3409 of the *International Building Code*.

**R110.3 Certificate issued.** After the *building official* inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of occupancy containing the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code.
6. The name of the *building official*.
7. The edition of the code under which the *permit* was issued.
8. If an automatic sprinkler system is provided and whether the sprinkler system is required.
9. Any special stipulations and conditions of the building *permit*.

**R110.4 Temporary occupancy.** The *building official* is authorized to issue a temporary certificate of occupancy

before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

**R110.5 Revocation.** The *building official* shall, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

### SECTION R111 SERVICE UTILITIES

**R111.1 Connection of service utilities.** A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a *permit* is required, until approved by the *building official*.

**R111.2 Temporary connection.** The *building official* shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

**R111.3 Authority to disconnect service utilities.** The *building official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section R102.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section R111.1 or R111.2. The *building official* shall notify the serving utility and where possible the owner or the owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

### SECTION R112 BOARD OF APPEALS

**R112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The *building official* shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render decisions and findings in writing to the appellant with a duplicate copy to the *building official*.

**R112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or

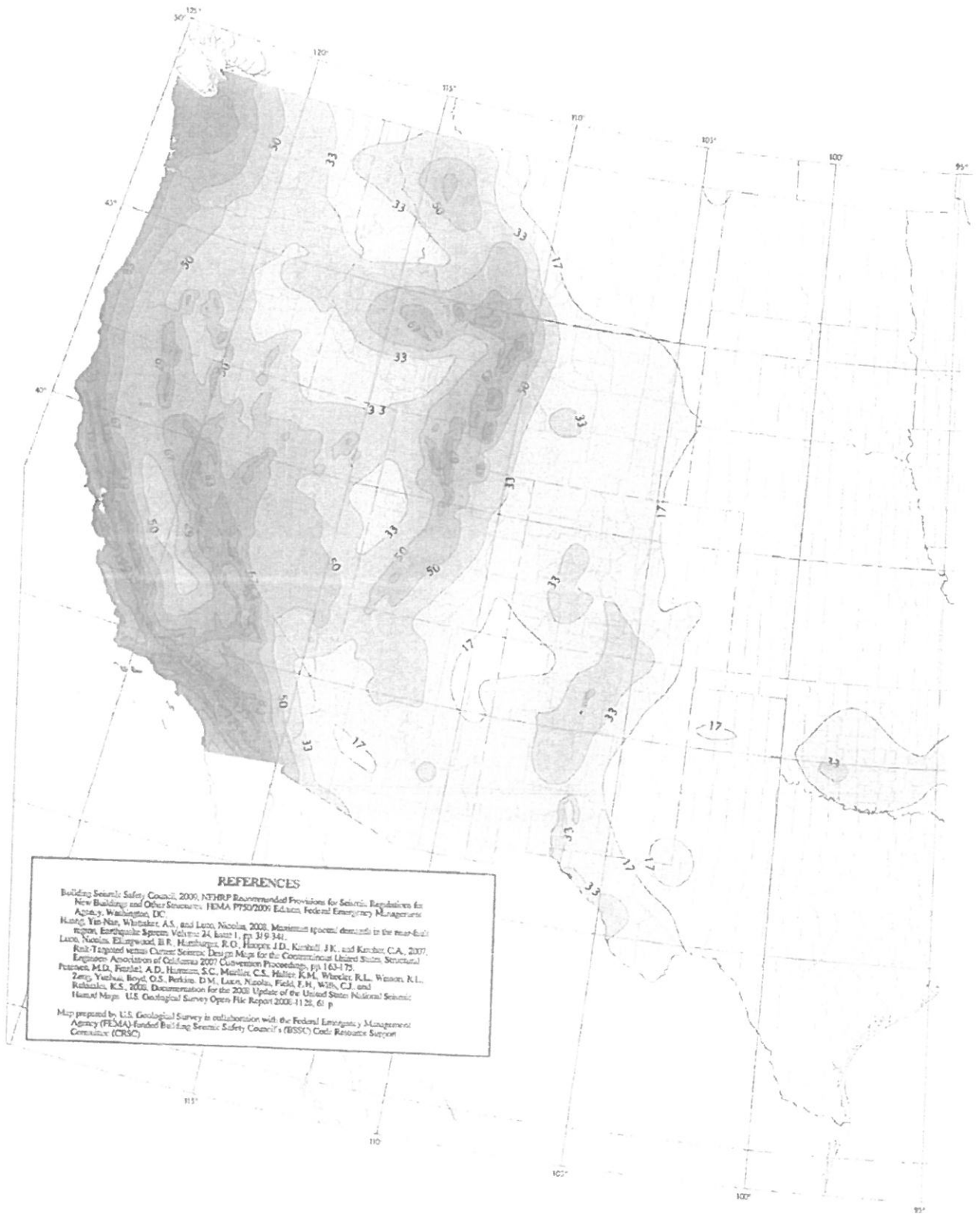


FIGURE R301.2(2)—continued  
SEISMIC DESIGN CATEGORIES—SITE CLASS D

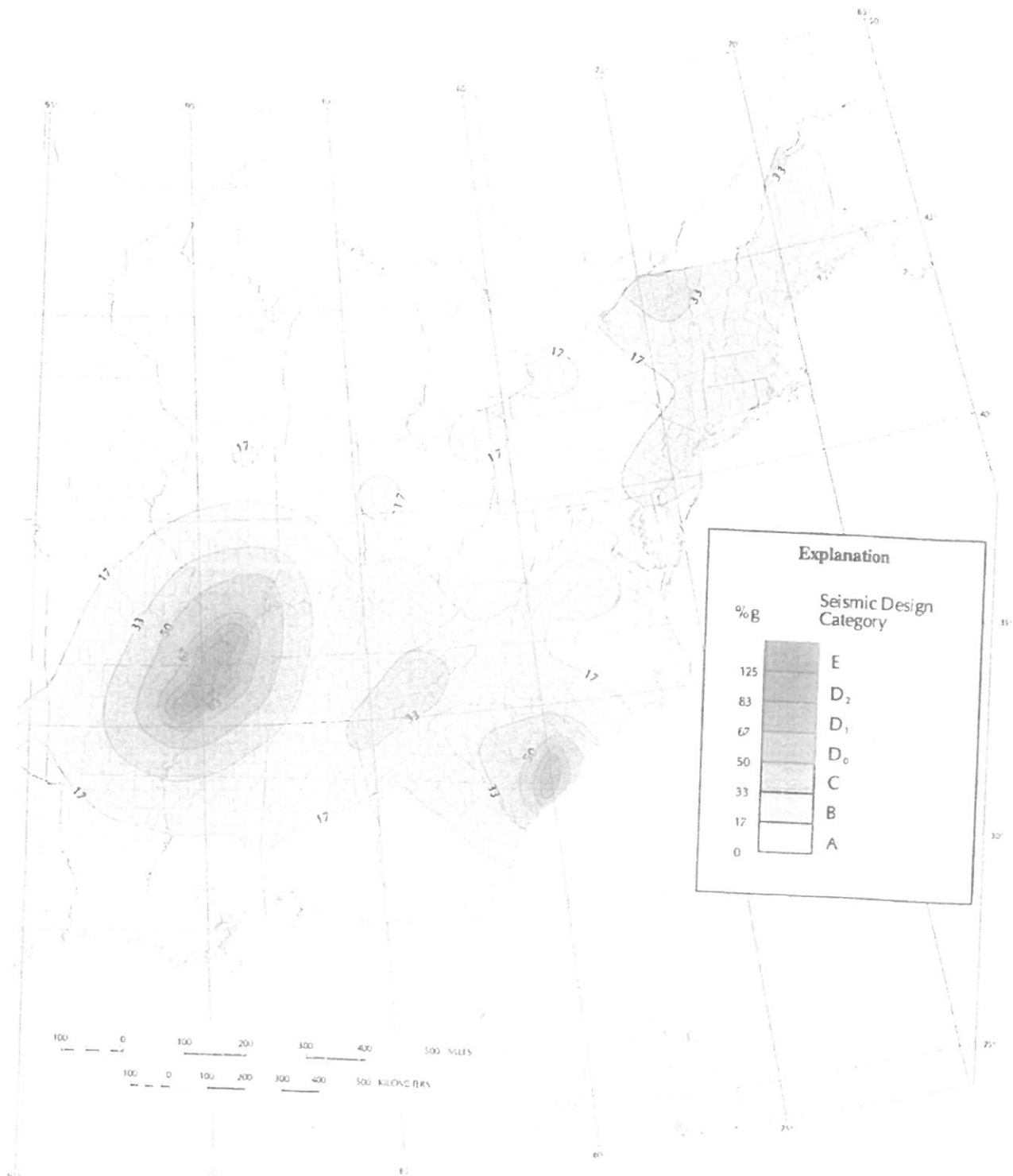


FIGURE R301.2(2)—continued  
SEISMIC DESIGN CATEGORIES—SITE CLASS D



FOUNDATIONS

copper metal, by repeated brushing, dipping or soaking until the wood absorbs no more preservative.

**R402.2 Concrete.** Concrete shall have a minimum specified compressive strength of  $f'_c$ , as shown in Table R402.2. Concrete subject to moderate or severe weathering as indicated in Table R301.2(1) shall be air entrained as specified in Table R402.2. The maximum weight of fly ash, other pozzolans, silica fume, slag or blended cements that is included in concrete mixtures for garage floor slabs and for exterior porches, carport slabs and steps that will be exposed to deicing chemicals shall not exceed the percentages of the total weight of cementitious materials specified in Section 19.3.3.4 of ACI 318. Materials used to produce concrete and testing thereof shall comply with the applicable standards listed in Chapters 19 and 20 of ACI 318 or ACI 332.

**R402.2.1 Materials for concrete.** Materials for concrete shall comply with the requirements of Section R608.5.1.

**R402.3 Precast concrete.** Precast concrete foundations shall be designed in accordance with Section R404.5 and shall be installed in accordance with the provisions of this code and the manufacturer's instructions.

**R402.3.1 Precast concrete foundation materials.** Materials used to produce precast concrete foundations shall meet the following requirements.

1. All concrete used in the manufacture of precast concrete foundations shall have a minimum compressive strength of 5,000 psi (34 470 kPa) at 28 days. Concrete exposed to a freezing and thawing environment shall be air entrained with a minimum total air content of 5 percent.
2. Structural reinforcing steel shall meet the requirements of ASTM A 615, A 706 or A 996. The minimum yield strength of reinforcing steel shall be 40,000 psi (Grade 40) (276 MPa). Steel reinforcement for precast concrete foundation walls shall have a minimum concrete cover of  $\frac{3}{4}$  inch (19.1 mm).

3. Panel-to-panel connections shall be made with Grade II steel fasteners.
4. The use of nonstructural fibers shall conform to ASTM C 1116.
5. Grout used for bedding precast foundations placed upon concrete footings shall meet ASTM C 1107.

**R402.4 Masonry.** Masonry systems shall be designed and installed in accordance with this chapter and shall have a minimum specified compressive strength of 1,500 psi (10.3 MPa).

**SECTION R403  
FOOTINGS**

**R403.1 General.** All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, crushed stone footings, wood foundations, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Concrete footing shall be designed and constructed in accordance with the provisions of Section R403 or in accordance with ACI 332.

**R403.1.1 Minimum size.** The minimum width, W, and thickness, T, for concrete footings shall be in accordance with Tables R403.1(1) through R403.1(3) and Figure R403.1(1) or R403.1.3, as applicable. The footing width shall be based on the load-bearing value of the soil in accordance with Table R401.4.1. Footing projections, P, shall be not less than 2 inches (51 mm) and shall not exceed the thickness of the footing. Footing thickness and projection for fireplaces shall be in accordance with Section R1001.2. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2, and Figures R403.1(2) and R403.1(3).

**TABLE R402.2  
MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF CONCRETE**

TYPE OR LOCATION OF CONCRETE CONSTRUCTION	MINIMUM SPECIFIED COMPRESSIVE STRENGTH <sup>a</sup> ( $f'_c$ )		
	Weathering Potential <sup>b</sup>		
	Negligible	Moderate	Severe
Basement walls, foundations and other concrete not exposed to the weather	2,500	2,500	2,500 <sup>c</sup>
Basement slabs and interior slabs on grade, except garage floor slabs	2,500	2,500	2,500 <sup>c</sup>
Basement walls, foundation walls, exterior walls and other vertical concrete work exposed to the weather	2,500	3,000 <sup>d</sup>	3,000 <sup>d</sup>
Porches, carport slabs and steps exposed to the weather, and garage floor slabs	2,500	3,000 <sup>d, e, f</sup>	3,500 <sup>d, e, f</sup>

For SI: 1 pound per square inch = 6.895 kPa.

a. Strength at 28 days psi.

b. See Table R301.2(1) for weathering potential.

c. Concrete in these locations that is subject to freezing and thawing during construction shall be air-entrained concrete in accordance with Footnote d.

d. Concrete shall be air-entrained. Total air content (percent by volume of concrete) shall be not less than 5 percent or more than 7 percent.

e. See Section R402.2 for maximum cementitious materials content.

f. For garage floors with a steel-troweled finish, reduction of the total air content (percent by volume of concrete) to not less than 3 percent is permitted if the specified compressive strength of the concrete is increased to not less than 4,000 psi.

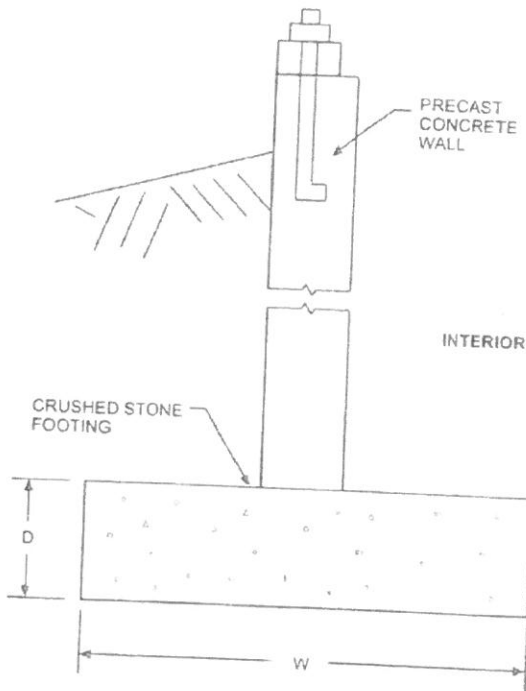


FIGURE R403.4(1)  
BASEMENT OR CRAWL SPACE WITH PRECAST  
FOUNDATION WALL BEARING ON CRUSHED STONE

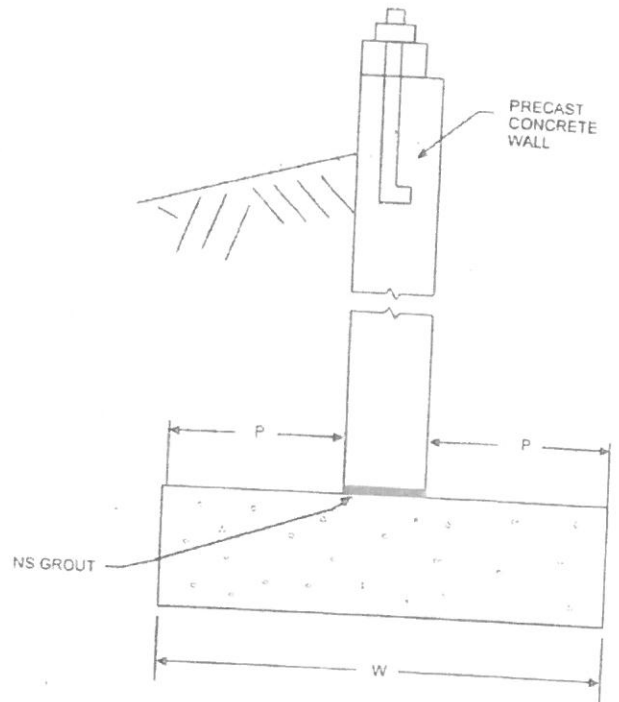


FIGURE R403.4(2)  
BASEMENT OR CRAWL SPACE WITH PRECAST  
FOUNDATION WALL ON SPREAD FOOTING

**SECTION R404  
FOUNDATION AND RETAINING WALLS**

**R404.1 Concrete and masonry foundation walls.** Concrete foundation walls shall be selected and constructed in accordance with the provisions of Section R404.1.3. Masonry foundation walls shall be selected and constructed in accordance with the provisions of Section R404.1.2.

\*\* **R404.1.1 Design required.** Concrete or masonry foundation walls shall be designed in accordance with accepted engineering practice where either of the following conditions exists:

1. Walls are subject to hydrostatic pressure from ground water.
2. Walls supporting more than 48 inches (1219 mm) of unbalanced backfill that do not have permanent lateral support at the top or bottom.

**R404.1.2 Design of masonry foundation walls.** Masonry foundation walls shall be designed and constructed in accordance with the provisions of this section or in accordance with the provisions of TMS 402/ACI 530/ASCE 5. When TMS 402/ACI 530/ASCE 5 or the provisions of this section are used to design masonry foundation walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for design, unless otherwise required by the state law of the jurisdiction having authority.

**R404.1.2.1 Masonry foundation walls.** Concrete masonry and clay masonry foundation walls shall be

constructed as set forth in Table R404.1.1(1), R404.1.1(2), R404.1.1(3) or R404.1.1(4) and shall also comply with applicable provisions of Section R606. In buildings assigned to Seismic Design Categories  $D_0$ ,  $D_1$  and  $D_2$ , concrete masonry and clay masonry foundation walls shall also comply with Section R404.1.4.1. Rubble stone masonry foundation walls shall be constructed in accordance with Sections R404.1.8 and R606.3.2. Rubble stone masonry walls shall not be used in Seismic Design Categories  $D_0$ ,  $D_1$  and  $D_2$ .

**R404.1.3 Concrete foundation walls.** Concrete foundation walls that support light-frame walls shall be designed and constructed in accordance with the provisions of this section, ACI 318, ACI 332 or PCA 100. Concrete foundation walls that support above-grade concrete walls that are within the applicability limits of Section R608.2 shall be designed and constructed in accordance with the provisions of this section, ACI 318, ACI 332 or PCA 100. Concrete foundation walls that support above-grade concrete walls that are not within the applicability limits of Section R608.2 shall be designed and constructed in accordance with the provisions of ACI 318, ACI 332 or PCA 100. When ACI 318, ACI 332, PCA 100 or the provisions of this section are used to design concrete foundation walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for design, unless otherwise required by the state law of the jurisdiction having authority.

**EXTERIOR WALL CONSTRUCTION**

SCALE: 3/4" = 1'-0"  
 SOLE: 2" x 6" @ 16" O.C. / OUTSIDE TOP PLATE: SINGLE BOTTOM PLATE  
 REINFORCING: 2" x 6" STUDS 24" O.C. / W/ 5/8" C.M.B. (WHERE NEEDED)  
 CONSTRUCTION: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 INSULATION: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 FINISH: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 ALTERNATE FINISH: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.

**FOOTING AND FOUNDATION NOTES**

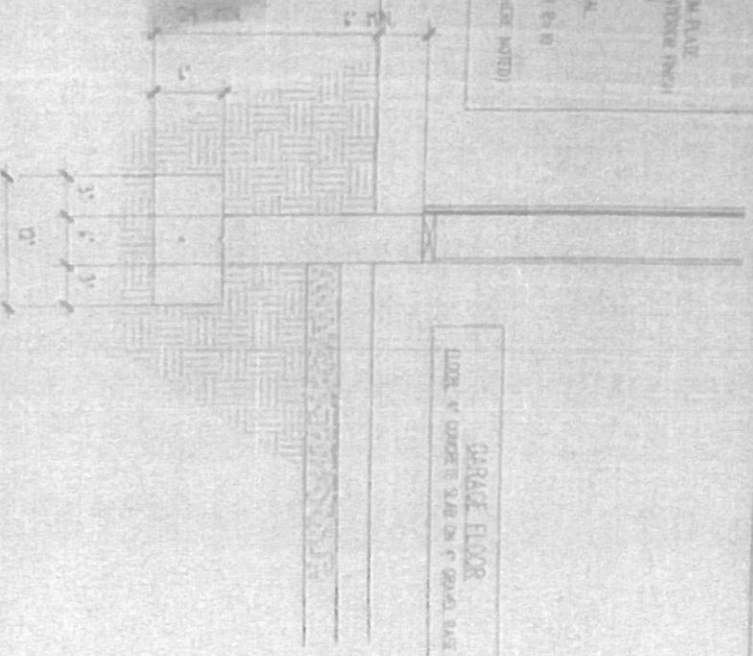
DEPTH: 24" MIN. BELOW GRADE OR (FROM UNDISTURBED SOIL)  
 MATERIAL: 2" x 6" P.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 NOTE: ALL WOOD IN CONTACT W/ CONCRETE OR HIGH  
 MOISTURE SHALL BE TREATED OR PROTECTED IN ACCORDANCE  
 WITH LOCAL CODES AND REGULATIONS.  
 CONSTRUCTION: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 FINISH: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 ALTERNATE FINISH: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.

**EXTERIOR WALL CONSTRUCTION**

SCALE: 3/4" = 1'-0"  
 SOLE: 2" x 6" @ 16" O.C. / OUTSIDE TOP PLATE: SINGLE BOTTOM PLATE  
 REINFORCING: 2" x 6" STUDS 24" O.C. / W/ 5/8" C.M.B. (WHERE NEEDED)  
 CONSTRUCTION: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 INSULATION: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 FINISH: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 ALTERNATE FINISH: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.

**TYPICAL GARAGE STEMWALL DETAIL**

SCALE: 3/4" = 1'-0"



**TYPICAL FLOOR CONSTRUCTION**

SCALE: 3/4" = 1'-0"  
 FINISH: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 INSULATION: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 FINISH: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 ALTERNATE FINISH: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.

A-105

**EXTERIOR WALL CONSTRUCTION**

SCALE: 3/4" = 1'-0"  
 SOLE: 2" x 6" @ 16" O.C. / OUTSIDE TOP PLATE: SINGLE BOTTOM PLATE  
 REINFORCING: 2" x 6" STUDS 24" O.C. / W/ 5/8" C.M.B. (WHERE NEEDED)  
 CONSTRUCTION: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 INSULATION: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 FINISH: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 ALTERNATE FINISH: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.

**EXTERIOR WALL CONSTRUCTION**

SCALE: 3/4" = 1'-0"  
 SOLE: 2" x 6" @ 16" O.C. / OUTSIDE TOP PLATE: SINGLE BOTTOM PLATE  
 REINFORCING: 2" x 6" STUDS 24" O.C. / W/ 5/8" C.M.B. (WHERE NEEDED)  
 CONSTRUCTION: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 INSULATION: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 FINISH: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.  
 ALTERNATE FINISH: 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C. / 1/2" x 4" @ 16" O.C.

**EXTERIOR WALL CONSTRUCTION**

STUDS: 2x6 @ 16" O.C. W/ DOUBLE TOP PLATE SINGLE BOTTOM PLATE  
 NOTE: ALTERNATE FOR 2x6 STUDS 2x4 O.C. @ 16" O.C. W/ 3/8" G.W.A. INTERIOR FINISH  
 CONSTRUCTION MAY SUBSTITUTE EQUAL OR BETTER  
 BRACKET/CLIP SUPPORT EQUAL OR EQUAL  
 SHEATHING: 1/2" OSB, FLYWOOD, 7/16" OSB OR APPROVED EQUAL  
 SINKING: SEE BUILDING ELEVATIONS  
 INSULATION: R-21 HEATED AND AIR CONDITIONED SPACES HEADER R-10  
 VAPOR BARRIER: 6 MIL POLY OR STUDS  
 INTERIOR FINISH: 1/2" G.I.B. (3/8" FOR COMMERCIAL, BULK OR WOOD VENEER)

**FOOTING AND FOUNDATION NOTES:**

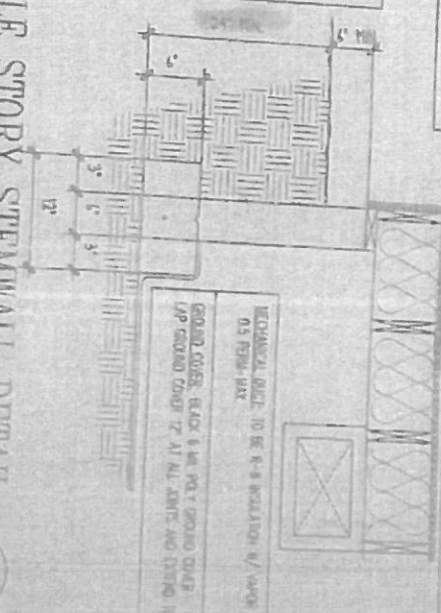
DEPTH: 24" MIN. BELOW GRADE OR FROM UNDISTURBED SOIL  
 MINIMUM: 24" x 8" P.C. W/ 1/2" x 10" x 48" 6# O.C. MAX. AND  
 12" FROM ALL SIDES AND CORNERS 1#  
 NOTE: ALL FOOTING IN DIRECT CONTACT W/ CONCRETE OR WITHIN  
 6" OF SO. TO BE REINFORCED OR PRESSURE TREATED  
 CONCRETE FOOTING: (1) 3# CONTINUOUS 3" CLEAR OF SOIL  
 OVER GENERAL SUBSTRATE, (2) 3# CONTINUOUS HORIZONTALLY  
 REINFORCING OVER 4'-0" REINFORCING AND OVERLAP  
 FOOTING: (1) 3# CONTINUOUS 3" CLEAR OF SOIL  
 SUBSTRATE, (2) 3# O.C. VERTICALLY & HORIZONTALLY &  
 4# CORNERS 18" O.C. HOOKED UNDER FOOTING REBAR  
 ALTERNATE CONNECTIONS  
 LAPS: MIN OF 24" HOOKED END AND TIE.

**TYPICAL FLOOR CONSTRUCTION**

NOTE: SEE FOUNDATION PLAN OR FLOOR FINISHING  
 SUB-FLOOR: 3/4" T&G 2-1-1 FINISHED DECK OR EQUAL (NHP-1)  
 UNDERLAYER: FIBER FELT VENT. OR HORIZONTAL FLOORING  
 1/2" A.D. SOLID CORE FLYWOOD  
 SLAB: AS NOTED OR FLOOR FINISH  
 VAPOR BARRIER: 6 MIL POLY OR 1/8" BT PAPER UNDER SUB-FLOOR  
 INSULATION: DENSE JOST SPACE: R-30  
 JOIST: 2x6 @ 16" O.C. W/ DOUBLE TOP PLATE SINGLE BOTTOM PLATE  
 SINKING: SEE BUILDING ELEVATIONS  
 INTERIOR FINISH: 1/2" G.I.B. (3/8" FOR COMMERCIAL, BULK OR WOOD VENEER)

**TYPICAL SINGLE STORY STEMWALL DETAIL**

SCALE: 3/4"=1'-0"



**TYPICAL FLOOR CONSTRUCTION**

NOTE: SEE FOUNDATION PLAN OR FLOOR FINISHING  
 SUB-FLOOR: 3/4" T&G 2-1-1 FINISHED DECK OR EQUAL (NHP-1)  
 UNDERLAYER: FIBER FELT VENT. OR HORIZONTAL FLOORING  
 1/2" A.D. SOLID CORE FLYWOOD  
 SLAB: AS NOTED OR FLOOR FINISH  
 VAPOR BARRIER: 6 MIL POLY OR 1/8" BT PAPER UNDER SUB-FLOOR  
 INSULATION: DENSE JOST SPACE: R-30  
 JOIST: 2x6 @ 16" O.C. W/ DOUBLE TOP PLATE SINGLE BOTTOM PLATE  
 SINKING: SEE BUILDING ELEVATIONS  
 INTERIOR FINISH: 1/2" G.I.B. (3/8" FOR COMMERCIAL, BULK OR WOOD VENEER)

**INTERIOR WALLS FOR COMMERCIAL**

STUDS: 2x4 @ 16" O.C. W/ DOUBLE TOP PLATE SINGLE BOTTOM PLATE  
 SHEATHING: 1/2" OSB, FLYWOOD, 7/16" OSB OR APPROVED EQUAL  
 SINKING: SEE BUILDING ELEVATIONS  
 INSULATION: R-21 HEATED AND AIR CONDITIONED SPACES HEADER R-10  
 VAPOR BARRIER: 6 MIL POLY OR STUDS  
 INTERIOR FINISH: 1/2" G.I.B. (3/8" FOR COMMERCIAL, BULK OR WOOD VENEER)

**INTERIOR WALLS RESIDENTIAL**

STUDS: 2x4 @ 16" O.C. W/ DOUBLE TOP PLATE SINGLE BOTTOM PLATE  
 SHEATHING: 1/2" OSB, FLYWOOD, 7/16" OSB OR APPROVED EQUAL  
 SINKING: SEE BUILDING ELEVATIONS  
 INSULATION: R-21 HEATED AND AIR CONDITIONED SPACES HEADER R-10  
 VAPOR BARRIER: 6 MIL POLY OR STUDS  
 INTERIOR FINISH: 1/2" G.I.B. (3/8" FOR COMMERCIAL, BULK OR WOOD VENEER)

**INTERIOR WALLS FOR COMMERCIAL**

STUDS: 2x4 @ 16" O.C. W/ DOUBLE TOP PLATE SINGLE BOTTOM PLATE  
 SHEATHING: 1/2" OSB, FLYWOOD, 7/16" OSB OR APPROVED EQUAL  
 SINKING: SEE BUILDING ELEVATIONS  
 INSULATION: R-21 HEATED AND AIR CONDITIONED SPACES HEADER R-10  
 VAPOR BARRIER: 6 MIL POLY OR STUDS  
 INTERIOR FINISH: 1/2" G.I.B. (3/8" FOR COMMERCIAL, BULK OR WOOD VENEER)

**EXTERIOR WALL CONSTRUCTION**

STUDS: 2x6 @ 16" O.C. W/ DOUBLE TOP PLATE SINGLE BOTTOM PLATE  
 NOTE: ALTERNATE FOR 2x6 STUDS 2x4 O.C. @ 16" O.C. W/ 3/8" G.W.A. INTERIOR FINISH  
 CONSTRUCTION MAY SUBSTITUTE EQUAL OR BETTER  
 BRACKET/CLIP SUPPORT EQUAL OR EQUAL  
 SHEATHING: 1/2" OSB, FLYWOOD, 7/16" OSB OR APPROVED EQUAL  
 SINKING: SEE BUILDING ELEVATIONS  
 INSULATION: R-21 HEATED AND AIR CONDITIONED SPACES HEADER R-10  
 VAPOR BARRIER: 6 MIL POLY OR STUDS  
 INTERIOR FINISH: 1/2" G.I.B. (3/8" FOR COMMERCIAL, BULK OR WOOD VENEER)

**FOOTING AND FOUNDATION NOTES:**

DEPTH: 24" MIN. BELOW GRADE OR FROM UNDISTURBED SOIL  
 MINIMUM: 24" x 8" P.C. W/ 1/2" x 10" x 48" 6# O.C. MAX. AND  
 12" FROM ALL SIDES AND CORNERS 1#  
 NOTE: ALL FOOTING IN DIRECT CONTACT W/ CONCRETE OR WITHIN  
 6" OF SO. TO BE REINFORCED OR PRESSURE TREATED  
 CONCRETE FOOTING: (1) 3# CONTINUOUS 3" CLEAR OF SOIL  
 OVER GENERAL SUBSTRATE, (2) 3# CONTINUOUS HORIZONTALLY  
 REINFORCING OVER 4'-0" REINFORCING AND OVERLAP  
 FOOTING: (1) 3# CONTINUOUS 3" CLEAR OF SOIL  
 SUBSTRATE, (2) 3# O.C. VERTICALLY & HORIZONTALLY &  
 4# CORNERS 18" O.C. HOOKED UNDER FOOTING REBAR  
 ALTERNATE CONNECTIONS  
 LAPS: MIN OF 24" HOOKED END AND TIE.

**TYPICAL FLOOR CONSTRUCTION**

NOTE: SEE FOUNDATION PLAN OR FLOOR FINISHING  
 SUB-FLOOR: 3/4" T&G 2-1-1 FINISHED DECK OR EQUAL (NHP-1)  
 UNDERLAYER: FIBER FELT VENT. OR HORIZONTAL FLOORING  
 1/2" A.D. SOLID CORE FLYWOOD  
 SLAB: AS NOTED OR FLOOR FINISH  
 VAPOR BARRIER: 6 MIL POLY OR 1/8" BT PAPER UNDER SUB-FLOOR  
 INSULATION: DENSE JOST SPACE: R-30  
 JOIST: 2x6 @ 16" O.C. W/ DOUBLE TOP PLATE SINGLE BOTTOM PLATE  
 SINKING: SEE BUILDING ELEVATIONS  
 INTERIOR FINISH: 1/2" G.I.B. (3/8" FOR COMMERCIAL, BULK OR WOOD VENEER)

**From:** [Longmire, William](#)  
**To:** [Morales, Treesa](#)  
**Subject:** Distribution of pertinent agenda information  
**Date:** Monday, February 26, 2024 2:58:31 PM

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Hi Treesa,

Will you please make copies of ordinance 1613 and 2032 and distribute to all council members prior to our February 27, 2024 meeting. This information is pertinent to Agenda Item Number 12.A.i "Appeal".

Thank you,

William Longmire  
Council Position 5  
115 W Naches Ave  
Selah, WA 98942  
P. 509-312-8352

ORDINANCE NO. 1613

ORDINANCE OF THE CITY OF SELAH ADOPTING A NEW CHAPTER TO THE SELAH MUNICIPAL CODE, CHAPTER 6.75, "CODE ENFORCEMENT," PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Selah has amended its nuisance code and seeks to more effectively enforce the provisions of the nuisance code and other provisions of the Selah Municipal Code, and

WHEREAS, the City of Selah desires to adopt procedures to ensure compliance with its codes through the use of injunctions, abatements, and monetary penalties;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, do ordain as follows:

Section 1. New Chapter 6.75 "Code Enforcement" adopted.

Chapter 6.75

CODE ENFORCEMENT

6.75.010 Purpose. The purpose of this chapter is to establish an efficient process for enforcement of code violations.

6.75.020 Scope. The procedures set forth in this chapter shall be utilized to enforce violations of the Selah Municipal Code; as such violations are described within the code. The remedies found in this Chapter are cumulative to and are in addition to any other remedy already specified within the Selah Municipal Code.

6.75.030 Violations.

A. It is unlawful for any person to initiate, maintain, or cause to be initiated or maintained, the use of any structure, land or property within the City without first obtaining the permits or authorizations required for the use by the applicable provisions of any of the Selah Municipal Code.

B. It is unlawful for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished, any structure, land, or property within the City in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the applicable provisions of the Selah Municipal Code.

C. It is unlawful for any person to engage in or conduct business within the City of Selah without first obtaining appropriate business licensing.

D. It is unlawful to:

1. Remove or deface any sign, notice, complaint or order required by or posted in accordance with this Chapter;

2. Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization; or

3. Fail to comply with any of the requirements of an order to cease activity issued under this Chapter or issued pursuant to authority provided in other chapters of the Selah Municipal Code.

E. It is unlawful to:

1. Maintain, allow, permit or fail to prevent a nuisance as defined in Selah Municipal Code Chapter 6.58 or as defined throughout the Selah Municipal Code; or

2. Fail to comply with any applicable provisions of the Selah Municipal Code.

#### 6.75.040 Enforcement.

A. The Code Enforcement Officer(s) is/are the person(s) authorized by the Mayor to enforce the civil provisions of the Selah Municipal Code.

B. The Code Enforcement Officer shall have the responsibility for enforcement of this chapter. The Code Enforcement Officer may call upon the police, fire, building, public works or other appropriate City departments to assist in enforcement. As used in this chapter, "Code Enforcement Officer" shall also mean his or her duly authorized designee.

C. This chapter shall be enforced for the benefit of the health, safety, and welfare of the general public, and not for the benefit of any particular person or class of persons.

D. It is the intent of this chapter to place the obligation for complying with its requirements upon the owner, occupant, tenant, manager, agent, or other person responsible for the condition of land and buildings situated within the City of Selah and within the scope of the Selah Municipal Code.

E. No provision or any term used in this chapter is intended to impose any duty upon the City or any of its officers or employees which would subject them to damages in a civil action.

#### 6.75.050 Investigation, Infraction Citations and Notices of Violation.

A. Authority to Enter. Upon presentation of proper credentials, the Code Enforcement Officer may, with the consent of the owner or occupant of a building or premises, enter at reasonable times any building or premises in order to perform the duties imposed by this chapter.

B. Investigation Upon Complaint or Personal Knowledge. The Code Enforcement Officer shall investigate any structure or use when he or she receives a complaint from an identifiable person who owns, rents or leases real property affected by the code violation to which the complaint

relates or when the Code Enforcement Officer reasonably believes, based on personal knowledge, that any structure or use does not comply with the applicable standards and requirements of the Selah Municipal Code.

C. **Infraction Citation.** If after investigation the Code Enforcement Officer has probable cause to believe that the applicable standards or requirements of the Selah Municipal Code have been violated, the Code Enforcement Officer may issue a civil infraction citation in accordance with RCW 7.80, which is incorporated herein by this reference, upon the owner, occupant, tenant, manager, agent, or other person responsible for the condition.

D. **Notice of Violation and Order/Administrative Proceeding.** Alternatively, after investigation, the Code Enforcement Officer may serve a Notice of Violation and Order upon the owner, occupant, tenant, manager, agent, or other person responsible for the condition. The Notice of Violation and Order shall contain the following information:

1. The notice of violation and shall contain a brief and concise description of the conditions alleged to be in violation of the municipal code and the provisions of the Selah Municipal Code alleged to have been violated.

2. The notice of violation and order shall contain a statement of the corrective action required and shall specify a reasonable time within which the action must be accomplished.

3. The notice of violation and order shall contain an explanation of the appeal process and the specific information required to file an appeal.

E. **Service of a Notice of Violation.** A Notice of Violation and Order shall be served on the owner, occupant, tenant, manager, agent, or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person(s) is unknown or service cannot be accomplished and the Code Enforcement Officer makes an affidavit to that effect, then service of the notice upon such person(s) may be made by:

1. Publishing the notice once each week for two (2) consecutive weeks in the City's official newspaper; and

2. Mailing a copy of the notice to each person named on the Notice of Violation by first class mail to the last known address if known, or if unknown, to the address of the property involved in the proceedings.

F. **Posting.** A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

G. **Amendment.** A Notice of Violation and Order may be amended at any time in order to:

1. Correct clerical errors; or



2. Cite additional authority for a stated violation.

H. Final Orders. Any Notice of Violation and Order issued by the Code Enforcement Officer pursuant to this chapter shall become a final order unless, no later than ten calendar days after the order is served, any person aggrieved by the order files an appeal with the Code Enforcement Officer in accordance with sections 6.75.090 and 6.75.095 below.

I. Separate Offenses. For enforcement purposes, each day, defined as the twenty-four-hour period beginning at 12:01 a.m., in which violation of this chapter occurs, shall constitute a separate violation.

6.75.060 Timely Compliance.

A. Infraction Citations. Civil infraction citations will be issued and processed in accordance with RCW 7.80, which is incorporated herein by reference. The Selah Municipal Court shall have jurisdiction over all civil infraction citations issued under this chapter.

B. Determination of Time For Compliance With Notices of Violation and Order. Persons receiving a Notice of Violation and Order shall rectify the code violations identified within the time period specified by the Code Enforcement Officer pursuant to section 6.75.050(D)(2) of this chapter.

6.75.070 Stop Work Orders.

Whenever a continuing violation of this Code will materially impair the Code Enforcement Officer's ability to secure compliance with this Code, or when the continuing violation threatens the health or safety of the public, the Code Enforcement Officer may issue a Stop Work Order specifying the violation and prohibiting any work or other activity at the site. Any violation of a Stop Work Order is hereby declared to be a nuisance and the Code Enforcement Officer is authorized to enjoin or abate such nuisance summarily by any legal or equitable means as may be available. The costs for the injunction or abatement shall be recovered by the City from the owner, occupant, tenant, manager, agent, or other responsible person in the manner provided by law.

6.75.080 Emergency Orders.

Whenever any use or activity in violation of the Selah Municipal Code threatens the health and safety of the occupants of the premises or any member of the public, the Code Enforcement Officer may issue an Emergency Order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The Emergency Order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. Any condition described in the Emergency Order which is not corrected within the time specified is hereby declared to be a public nuisance and the Code Enforcement Officer is authorized to enjoin or abate such nuisance summarily by any legal or equitable means as may be available. The cost of such abatement shall be recovered from the owner, occupant, tenant, manager, agent, or other person responsible in the manner provided by law.

6.75.090 Right of appeal - timeliness.

A. Any person aggrieved by the Code Enforcement Officer's action (defined as an order, decision, ruling or interpretation by the Code Enforcement Officer), may appeal the Code Enforcement Officer's action by filing a written request for appeal with the Code Enforcement Officer within ten calendar days after receiving or otherwise being served with notice of the Code Enforcement Officer's action. When the last day of the period so computed is a Saturday, Sunday, or state recognized holiday, the period shall run until 4:30 p.m. on the next business day. Failure to file a written request for appeal within time prescribed will result in the Code Enforcement Officer's action becoming a final order and the appellant shall be bound thereby.

B. A timely filed appeal will be heard by the Board of Appeals. Any appeal of the Code Enforcement Officer's action may be affirmed, reversed, or modified in the Board of Appeals' final order. The decision of the Board of Appeals shall be a final order and the appellant and the Code Enforcement Officer shall be bound thereby unless, within 21 days from the date of the issuance of the Board of Appeals' final order, a person with standing to appeal files a petition to the superior court. The cost for transcription of all records ordered certified by the superior court for such review shall be borne by the appellant.

6.75.095 Appeal procedure.

A. An aggrieved person who desires to file an appeal of the Code Enforcement Officer's action must do so pursuant to the provisions set forth in this section. The appellant shall file a written appeal to the Code Enforcement Officer within the time period prescribed in SMC 6.75.090(A) and shall pay a filing fee of \$50.00 fifty dollars. The written appeal shall contain the following information:

1. The names of all appellants participating in the appeal;
  2. A brief statement of the specific Code Enforcement Officer's action protested, together with any material facts claimed to support the contentions of the appellant;
  3. A brief statement of the relief sought, and the reason why it is claimed the protested Code Enforcement Officer's action should be reversed, modified, or otherwise set aside;
  4. The signatures of all parties named as appellants and their mailing addresses;
- and
5. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

B. Upon the receipt of the appeal and the filing fee, the Code Enforcement Officer shall schedule an appeal hearing before the Board of Appeals and give due notice thereof to the appellants and general public.

C. At or after the appeal hearing, the Board of Appeals may affirm, reverse, or modify the Code Enforcement Officer's action or continue the hearing to a date certain for receipt of additional information.

D. The Board of Appeals shall issue a written decision within thirty (30) days after the hearing and shall cause copies thereof to be sent to the Code Enforcement Officer and appellants.

E. All written orders by the Board of Appeals pursuant to this section and section 6.75.090 shall include a report giving findings of fact, conclusions, and the Board of Appeals' decision.

F. The written decision of the Board of Appeals shall be a final order, and the appellant and the Code Enforcement Officer shall be bound thereby unless the order is appealed to superior court within the time period prescribed in section 6.75.090(B) by a person with standing to appeal.

#### 6.75.100 Penalties.

##### A. Violations of the Selah Municipal Code.

###### 1. Infraction Citation.

a. Any person violating or failing to comply with the provisions of the Selah Municipal Code, may be issued a civil infraction citation pursuant to section 6.75.050(B) of this chapter. Each civil infraction shall carry with it a monetary penalty of \$250.00.

###### 2. Notice of Violation and Order.

a. Any person violating or failing to comply with the provisions of the Selah Municipal Code, may, in the alternative, be issued a Notice of Violation and Order pursuant to section 6.75.050(D) of this chapter. A violation subject to a Notice of Violation and Order shall carry with it a cumulative monetary penalty of \$500.00 per day for each violation from the date set for compliance until compliance with the Notice of Violation or Order is achieved. Each day that a violation of the Chapter occurs constitutes a separate offense pursuant to section 6.75.050 (I).

b. In addition to any penalty that may be imposed by the City, any person violating or failing to comply with any of the provisions of the Selah Municipal Code shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to the violation.

c. The penalty imposed by this section under a Notice of Violation and Order may be collected by civil action brought in the name of the City. The Code Enforcement Officer may notify the City Attorney of the name of any person subject to the penalty, and the City Attorney may, with the assistance of the Code Enforcement Officer, take appropriate action to collect the penalty. The penalty shall become a lien against the property that is the subject of the code enforcement action.

###### 3. Criminal Penalties.

Every offense defined by this chapter or conduct made unlawful hereby shall also constitute an offense under the Selah criminal code and the Code Enforcement Officer is free to


pursue a criminal action notwithstanding the provisions related to Infraction Citations or Notices of Violation and Order contained in this chapter. Any person convicted of such an offense shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment in the jail not to exceed ninety (90) days, or both imprisonment and fine.

B. Additional Relief - Injunction - Abatement. The Code Enforcement Officer may seek legal or equitable relief to enjoin any acts or practices and abate any condition that constitutes or will constitute a violation of the Selah Municipal Code. In the event the City must obtain an injunction or must obtain an order of abatement or must conduct an abatement, the responsible party shall be assessed the costs associated with such actions, including reasonable attorney's fees. Those costs shall become a lien against the property that is the subject of the code enforcement action. The remedies provided in this chapter are cumulative and shall be in addition to any other remedy provided by law.


Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

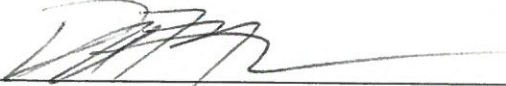
PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 13<sup>th</sup> day of April, 2004.

  
Robert L. Jones, Mayor

ATTEST:

  
Dale Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

  
Robert F. Noe, City Attorney

ORDINANCE NO. 1613

## ORDINANCE NO. 2032

### ORDINANCE AMENDING TITLE 11 RELATING TO THE REGULATION OF BUILDING CODES AND STANDARDS

WHEREAS, RCW Chapters 3A.12, 35A.11.020 and 36.43 authorize municipalities within the State of Washington to; (1) adopt standard building codes; (2) provide for their administration and enforcement; (3) amend or limit the applicability of such codes as authorized by law; (4) set fees within the codes; and (5) provide that any violation of the provisions of said codes as adopted shall constitute a misdemeanor; and,

WHEREAS, the International Code Council has released its 2015 International Codes, which include revisions to the International Building Code, Residential Code, Energy Code, Mechanical Code, Existing Building Code, Property Maintenance Code, Uniform Plumbing Code, and Fire Code. These codes are founded on principals intended to establish provisions that are consistent with the scope of a building code that adequately protects the public health, safety and welfare; provides provisions that do not unnecessarily increase construction costs, and provides for provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction; and

WHEREAS, the City of Selah Community Development and Planning Department has identified that the City of Selah has not updated its building codes since 2008, and therefore recommends adoption of the previously identified codes to ensure that the city can continue to provide plan review, building inspection, and code enforcement that protects the public's health, safety and welfare; and,

WHEREAS, the City Council of the City of Selah has examined and understands the scope and purpose of the codes and regulations adopted under this ordinance, and the amendments and additions thereto, and deems it to be in the public interest and for the general health, safety and welfare of the citizens of the City that such codes and amendments and additions thereto be adopted as the law of the City of Selah: and,

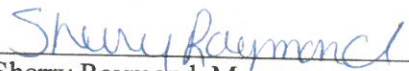
WHEREAS, pursuant to RCW 35A.12.140, a public hearing was held regarding the adoption of this ordinance and that one (1) copy of each code and regulation adopted hereunder together with a copy of this ordinance specifying amendments and additions thereto were filed in the Office of the Clerk-Treasurer ten (10) days prior to the public hearing; and all persons desiring to speak for and against the adoption of this ordinance and the amendments and supplements thereto have been heard as required by law;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DO  
ORDAIN AS FOLLOWS:


Section 1. Title 11 Building Codes, are hereby amended as set forth in Exhibit "A":

Section 2. This ordinance, and all adopted building codes identified within shall become effective five (5) days following legal publication of this ordinance or a summary of this ordinance.


Done this 14<sup>th</sup> day of November 2017.

  
\_\_\_\_\_  
Sherry Raymond, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

ORDINANCE NO.: 2032

Exhibit "A"

Title 11 - BUILDING CODES

**Chapters:**

Chapter 11.01 - TITLE, PURPOSE AND AUTHORITY

**Sections:**

11.01.010 - Title.

The regulations contained within Chapters 11.01 through 11.25, inclusive, shall collectively be known as "Title 11 Building and Construction" and are referred to herein as "this title."

(Ord. 1619 § 2 (part), 2004.)

11.01.020 - Purpose.

The purpose of this title is to provide minimum standards to safeguard life or limb, health, property, and general public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and placement, repair and maintenance of all buildings and structures within the city and of certain equipment specifically regulated herein and to safeguard to a reasonable degree life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises. Enactment and enforcement of this title is intended to only protect the general public welfare and not specific persons or property. Nothing in this title nor the International Codes adopted by reference herein shall be construed to impose any legal duty, directly or indirectly, upon the city or its officials and employees to protect individual persons or property in individual circumstances.

(Ord. 1619 § 2 (part), 2004.)

11.01.030 - Authority.

The provisions of this title are adopted pursuant to the authority granted in RCW Chapters 19.27, 36.32, 36.43, and SHB 1734 (2003) which authorize cities within the state of Washington to: (1) adopt by reference International Building Codes and standards; (2) provide for their administration and enforcement; (3) amend or limit the applicability of such codes and standards; (4) set fees within such codes; and (5) provide that any violation of the provisions of said code as adopted shall constitute a misdemeanor. These provisions are also authorized and adopted pursuant to general police power authority granted to counties under Article XI, Section XI of the Washington State Constitution.

(Ord. 1619 § 2 (part), 2004.)

Chapter 11.02 - ADOPTION OF INTERNATIONAL CODES AND STANDARDS

**Sections:**

11.02.010 - International Codes adopted—Terminology and standards, 2015 Edition.

Except as amended by other chapters of this title, the following International Codes are adopted by the city:

- (1) The International Building Code, 2015 Edition, published by the International Conference of Building Officials as adopted and amended by the state of Washington or as may be hereafter amended.
- (2) The International Residential Code, 2015 Edition, published by the International Conference of Building Officials as adopted and amended by the state of Washington or as may be hereafter amended.
- (3) The Washington State Energy Code, 2015 Edition, as adopted and amended by the state of Washington or as may be hereafter amended.
- (4) The International Mechanical Code, 2015 Edition, published by the International Conference of Building Officials as adopted and amended by the state of Washington or as may be hereafter amended.
- (5) The International Existing Building Code, 2015 Edition, published by the International Conference of Building Officials as adopted and amended by the state of Washington or as may be hereafter amended.
- (6) The International Property Maintenance Code, 2015 Edition, published by the International Conference of Building Officials as adopted and amended by the state of Washington or as may be hereafter amended.
- (7) The Uniform Plumbing Code, 2015 Edition, published by the International Conference of Building Officials as adopted and amended by the state of Washington or as may be hereafter amended.
- (8) The International Fire Code, 2015 Edition, published by the International Code Council as adopted and amended by the state of Washington or as may be hereafter amended.

(Ord. 1729 (part), 2008; Ord. 1619 § 2 (part), 2004.)

11.02.020 - Terminology in International Codes.

All references made in the International Codes adopted to "city" shall mean the city of Selah, and all references to city council shall mean the city of Selah city council.

(Ord. 1619 § 2 (part), 2004.)

11.02.030 - Priorities.

- (a) In case of conflict among the International Codes adopted by reference in this title, the priorities established in RCW 19.27.031 shall apply.
- (b) Pursuant to RCW 19.27.090 certain zoning requirements, building setbacks, side and rear yard requirements, site development standards, property line requirements, subdivision requirements and general land requirements are contained and reserved in other enacted ordinances and policy documents of the city. Enactment of this title does not abrogate those requirements. In case of direct conflict between the provisions of this title and such other ordinances, the most restrictive shall apply. Provided, in cases where the community planner of the city believes that application of any provision of the International Codes adopted by reference in this title interferes, directly or indirectly,



with a land use policy as set forth by the adopted ordinance or policy document, he may refer such conflict to the city council of the city of Selah for formal determination of specific priority which shall thereafter govern. Such determinations shall be adopted by resolution and kept on file with the building official for public reference. Such determinations shall be made at an open public hearing. Notice of the time, place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the city at least ten days in advance of such hearing. The Selah city council may also initiate a determination under this section by their own motion.

(Ord. 1619 § 2 (part), 2004.)

#### Chapter 11.04 - ENFORCEMENT AND ADMINISTRATION

##### Sections:

##### 11.04.010 - Authority designated.

The mayor of the city will name a building official of the city authorized and designated as the official responsible for the enforcement and administration of this title. The building official may designate employees within the department to act on his or her behalf. The use of the terms "building official," "administrative authority," "code official" and similar such terms as contained in this title and in various uniform codes and standards adopted by reference under this title shall be construed as referring to the building official or his designees.

(Ord. 1619 § 2 (part), 2004.)

##### 11.04.020 - Correlation with zoning ordinance.

Prior to the issuance of any permit under this title, the building official shall review the proposed work and use for compliance with the city's zoning ordinances, SMC Title 10, as they now exist or are hereafter amended. Compliance with applicable zoning requirements shall be a condition precedent to the issuance of any permit under this title. General building permits issued under the provisions of the uniform building code adopted by reference in this title shall incorporate appropriate references to zoning requirements and shall, once issued, serve as compliance with the applicable provisions of SMC Title 10.

(Ord. 1619 § 2 (part), 2004.)

##### 11.04.030 - Coordination required with other officials.

The building official in the enforcement and administration of this title shall coordinate with the following enumerated agencies prior to the issuance of any permit under this title. Where a permit of the type set forth below is required by the enumerated agency, the issuance of such permit shall be a condition precedent to the issuance of the permit under this title. Agencies and permits that are required to be coordinated under this section are:

- (1) Selah Planning Department.
  - Special exceptions;
  - Conditional use permits;
  - Variances;

Shorelines substantial development permit and/or conditional use permit short plat approval certification of zoning review;

Rezoning;

Final plat approval.

(2) Public Works Department.

Road access permits.

(3) Washington State Department of Transportation for SR-823.

(4) Washington State Department of Labor and Industry, Mobile Home Division.

Approval of uncertified mobile homes.

Nothing within this section shall otherwise interfere with or limit the discretionary authority of the building official to confer with other departments and jurisdictions prior to the issuance of any permit required under this title pursuant to applicable sections of the International Codes adopted by reference in this title.

(Ord. 1619 § 2 (part), 2004.)

#### 11.04.040- Board of Appeals

Section 113 of the International Building Code, 2015 Edition, is amended to read as follows:

Section 113.3 Qualifications. The board of appeals shall consist of five (5) members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member of and shall act as secretary to said Board but shall have no vote on any matter before the Board. The Board of Appeals shall be appointed by the Mayor and shall hold office at the Mayor's pleasure. The term of appointment of Board members shall be concurrent with the effective dates of this ordinance. The Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official. The appellant shall cause to be made at his own expense any tests or research required by the Board to substantiate claims.

#### 11.04.050 – Enforcement

This title and its enforcement provisions are cumulative and in addition to other methods by which the City may seek enforcement, including the provisions of Selah Municipal Code, Chapter 6.75, Code Enforcement.

#### Chapter 11.05 - BUILDING CODE AND RESIDENTIAL CODE

##### **Sections:**

11.05.010 - Adoption of International Building Code, 2015 Edition.

The International Building Code, 2015 Edition, including Appendices Chapters J , as published by the International Code Council, and as amended by the State Building Code Council and adopted by the state of Washington, of which there is no less than one copy on file with the office of the city clerk, is adopted as the city's building code for the regulation and governing of the conditions and maintenance of all property, buildings and structures; by providing for the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures that are unfit for human occupancy and use and the demolition of such structures; providing for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions and terms of the building code on file with the office of the city clerk are referred to, adopted, and made a part hereof, as if fully set forth in this chapter.

(Ord. 1729 (part), 2008; Ord. 1619 § 2 (part), 2004.)

11.05.020 - Adoption of International Residential Code, 2015 Edition.

The International Residential Code, 2015 Edition, including its Appendix Chapter L, as published by the International Code Council and as amended by the State Building Code Council and adopted by the state of Washington, of which there is no less than one copy on file with the office of the city clerk, is adopted as the city's residential code for the regulation and governing of construction, alternation, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress; providing for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions and terms of the residential code on file with the office of the city clerk are referred to, adopted, and made a part hereof, as if fully set forth in this chapter.

(Ord. 1729 (part), 2008; Ord. 1619 § 2 (part), 2004.)

#### Chapter 11.06 - ELECTRICAL CODE

##### **Sections:**

11.06.010 - Adoption of electrical code.

Pursuant to Chapters 19.28 and 19.29 RCW, the National Electrical Code, as adopted and maintained by the State Department of Labor and Industries in Chapter 296-46B WAC, and any other duly adopted rules or regulations, shall govern electrical installations and construction in the city of Selah.

11.06.020 Enforcement.

Pursuant to Chapters 19.28 and 19.29 RCW, the State Department of Labor and Industries is responsible for enforcement of Chapters 19.28 and 19.29 RCW, Chapter 296-46B WAC, and any other duly adopted rules or regulations.

11.06.030 Authority to disconnect utilities.

The administrative authority and/or an authorized representative of the Washington State Department of Labor and Industries shall have the authority to disconnect an electrical system to a

building, structure or equipment in case of emergency where such disconnection is necessary to eliminate an immediate hazard to life or property, or in case of an illegal service connection.

(Ord. 288 § 1, 1963.)

#### Chapter 11.07 - MECHANICAL CODE

##### **Sections:**

11.07.010 - Adoption of International Mechanical Code, 2015 Edition.

The International Mechanical, 2015 Edition, including its Appendix Chapters, as published by the International Code Council and as adopted and maintained by the State Building Code Council in Chapter 51-52 WAC, and adopted by the state of Washington, of which there is no less than one copy on file with the office of the city clerk, is adopted as the city's mechanical code for the regulation and governing of the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems; providing for the issuance of permits and collection of fees therefor, and each and all regulations, provisions, penalties, conditions and terms of the mechanical code on file with the office of the city clerk are referred to, adopted, and made a part hereof, as if fully set forth in this chapter.

(Ord. 1729 (part), 2008; Ord. 1619 § 2 (part), 2004.)

#### Chapter 11.08- INTERNATIONAL FUEL GAS CODE

11.08.010- Adoption of the International Fuel Gas Code, 2015 Edition.

The International Fuel Gas Code, 2015 Edition, as published by the International Code Council Inc., and as adopted and maintained by the State Building Code Council in WAC 51-52-21000, of which there is no less than one copy on file with the office of the city clerk, is adopted as the city of Selah's fuel gas code for the regulation and governing of the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use of maintenance of fuel gas piping systems, providing for the issuance of permits and collection of fees therefor, and each and all regulations, provisions, penalties, conditions and terms of said fuel gas code on file with the office of the city clerk are hereby referred to, adopted and made a part hereof, as if fully set forth in this chapter.

#### Chapter 11.09 - PLUMBING CODE

##### **Sections:**

11.09.010 - Adoption of Uniform Plumbing Code, 2015 Edition.

The Uniform Plumbing, 2015 Edition, of the International Association of Plumbing and Mechanical Officials, excluding Chapters 12 and 14, but including IAPMO Installation standards and appendices thereto, consisting of Appendix A, "Rules for Sizing the Water Systems, Appendix B, "Combination Waste and Vent Systems," and Appendix I, "Installation Standards," as adopted by the State of Washington in

Chapter 51.56 WAC is adopted as the City of Selah's Plumbing Code , of which there is no less than one copy on file with the office of the city clerk, is adopted as the city of Selah's plumbing code for the regulation and governing of the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems, providing for the issuance of permits and collection of fees therefor, and each and all regulations, provisions, penalties, conditions and terms of said plumbing code on file with the office of the city clerk are hereby referred to, adopted and made a part hereof, as if fully set forth in this chapter.

(Ord. 1729 (part), 2008; Ord. 1619 § 2 (part), 2004.)

11.09.030 - Adoption of appendices.

The following appendices and standards of the 2015 Edition of the Uniform Plumbing Code are specifically adopted:

Appendix A —Rules for Sizing Water Systems;

Appendix B —Combination Waste and Vent Systems;

Appendix I- Installation Standards

(Ord. 1619 § 2 (part), 2004.)

11.09.040 - Fees.

Table No. 1-1 Plumbing Permit Fees of the Uniform Plumbing Code, 2015 Edition, is amended as established in SMC 20.24. Except for the schedule of fees as established in 20.24, Section 104.5 of the Uniform Plumbing Code, 2015 Edition, shall remain in full force and effect.

(Ord. 1619 § 2 (part), 2004.)

Chapter 11.10 - FIRE CODE

**Sections:**

11.10.010 - Adoption of International Fire Code, 2015 Edition.

The International Fire Code, 2015 Edition, including Appendix Chapters A, B, C, D, and I, as published by the International Code Council, and as amended by the State Building Code Council and adopted by the state of Washington in Chapter 51.54 WAC, of which there is no less than one copy on file with the office of the city clerk, is adopted as the city of Selah's fire code. Each and all regulations, provisions, penalties, conditions and terms of said fire code on file with the office of the city clerk are hereby referred to, adopted, and made a part hereof, as if fully set forth in this chapter.

(Ord. 1729 (part), 2008; Ord. 1619 § 2 (part), 2004.)

11.10.020 - Terminology/amended definitions.

Notwithstanding the definitions contained in the International Fire Code adopted by reference in this title and except as otherwise provided in this chapter, all references in the provisions of such code to the "jurisdiction" shall be construed as the city of Selah, references to the "administrator" shall be construed

as the city of Selah city council, references to the "fire department" shall mean the Selah fire department of the city of Selah, references to the "chief" shall be construed as the fire chief for the Selah fire department, references to the "Fire Code Official" shall be construed as the "Department of Fire Prevention" which is actively assigned duties of administering and enforcing the provisions of the International Fire Code adopted by this chapter.

For purposes of the enforcement by the county and its personnel of Section 1001.6 of the International Fire Code, 2015 Edition, the term "fire department" shall also mean the fire protection district with jurisdiction, and the word "chief" shall also mean the appropriate official of such district. (Amended during Supp. No. 14, 10-08; Ord. 1619 § 2 (part), 2004.)

#### 11.10.030 - Enforcement and administration.

- (a) The Selah fire department and its chief and his designees, is appointed and designated as the division and official responsible for the enforcement and administration of this chapter.
- (b) Exclusive enforcement and administration of the provisions of the International Fire Code adopted by this chapter is vested in the Selah fire department and its personnel except as provided in Resolution 1249 whereas the permit services division of the Yakima County department of public works is authorized to perform plan review and technical assistance to the Selah fire department.

(Ord. 1619 § 2 (part), 2004.)

#### 11.10.040 - Amendment to International Fire Code.

(a)

Section 104, "General," of the International Fire Code, 2015 Edition, is hereby amended to add Section 104.1.2, "Authority of Fire Code Officials to Exercise Powers of Police Officers," to read as follows:

**104.1.2. Authority of Fire Code Officials to Exercise Powers of Police Officers.** The Chief of the Fire Department and Fire Code Official or authorized representatives, shall have the powers of a police officer in performing their respective duties under this code.

Section 104, "General," of the International Fire Code, 2015 Edition, is hereby amended to add Section 104.1.3, "Authority and Duty of Police Personnel to Assist in Enforcing this Code," to read as follows:

**104.1.3. Authority and Duty of Police Personnel to Assist in Enforcing this Code.** Whenever requested to do so by the Chief of the Fire Department or Fire Code Official or one of their authorized representatives, the Chief of Police shall assign such available police officers as in his discretion may be necessary to assist the Fire Department in enforcing the provisions of this Code.

Section 104.10, "Fire investigations," of the International Fire Code, 2015 Edition, is hereby amended to read as follows:

**104.10 Fire investigations.** The Fire Chief, the fire department or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall be subject to the procedures and provisions of the Public Records Act, Chapter 42.56.270 RCW. The Fire Department shall investigate promptly the cause, origin and circumstances of each and every fire occurring in the municipality involving loss of life or injury to person or destruction or damage to property, and if it appears to the Chief of the Fire Department or his authorized representatives making the investigation that such fire is of suspicious origin, he shall then take immediate charge of all physical evidence relating to the cause of the fire and shall pursue the investigation to its conclusion. The Chief of the Fire Department or his authorized representatives shall make a report in writing of all facts and findings relative to each investigation. The Police Department shall assist the Fire Department in its investigations whenever requested to do so, unless otherwise directed by the Chief of Police.

(b) Section 106.1, "Inspection authority," of the International Fire Code, 2015 Edition, is hereby amended to read as follows:

**106.1 Inspection authority.** The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code. Subject to the availability of sufficient budgeted funds and/or personnel, the fire prevention bureau or person authorized representatives may inspect annually, or as often as may be practicable, all buildings and premises, including such other hazards or appliances, as the fire prevention bureau or any authorized representatives may designate for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this Code and of any other law or standard affecting fire safety.

(c) Section 503 "Fire Department Access" of the International Fire Code, 2015 Edition, is hereby amended to read as follows:

503.2.1 Dimensions: Fire apparatus access ways can be narrowed to 15 feet wide for access to no more than 6 living units, that are single story in height and not more than 150 feet from an approved City street.

503.2.7 Grade: The gradient for a fire apparatus access shall not exceed 14% after the first 50 feet.

(d) Section 507 "Fire Protection Water Supplies," of the International Fire Code, 2015 Edition, is hereby amended to read as follows:

507.5.1 Required: shall comport with Selah Municipal Code Chapter 11.30 Fire Hydrants. In the event of conflict in any provision of Section 507.5.1 with Selah Municipal Code Chapter 11.30, the provisions of Chapter 11.30 shall apply.

(e) Amendment to Section 315.3 Outside Storage. Section 315.3 shall comport with Selah Municipal Code Chapter 2.04 - Storage of Fruit and Vegetable Containers. In the event of conflict in any provision of Section 315.3 with Selah Municipal Code Chapter 2.04, the provisions of Chapter 2.04 shall apply.

(Ord. 1619 § 2 (part), 2004.)

11.10.050 - Fire and life safety permit, plan check, fire alarm and fire protection—System permit requirements and fees.

A permit is required for plan checks and the installation, addition, or modification of automatic fire extinguishing systems, fire alarm systems and fire flow systems and fees shall be as established in SMC 20.24 Building Code Fees

(Ord. 1619 § 2 (part), 2004.)

(Ord. 1619 § 2 (part), 2004.)

11.10.060- Removal of debris after fire

A. Any person having under his control or in his possession upon any premises in the city any substances or debris which have been rendered useless or unmerchantable by reason of any fire on the premises must remove the same within forty-eight hours after notice to do so has been given by the chief of code administration to such person.

B. Whenever any building or other structure in the city is partially burned, the owner thereof, or the person in charge or control thereof, shall, within ten days after notice from the chief of code administration, remove all refuse, debris, and partially burned lumber from the premises; and if the building or structure is burned to such an extent that it cannot be repaired, as provided by this code or the building code, the owner of the property upon which it is located, or the occupant thereof, shall, within ten days after notice from the chief of code administration, remove all the remaining portion of the building or structure from the premises.

C. Notice is effective if hand delivered, or, in the alternative, if posted on the property and sent certified and regular mail to the owner of the property as listed in the Yakima County real property records.

D. In the event notice is provided and the property owner fails to take the steps necessary to remove refuse, debris, partially burned lumber or anything else outlined in the notice that must be removed pursuant to this section, the city shall take such steps as are necessary, including, but not limited to, hiring a third party, to take all actions outlined in the notice. All costs and fees associated with the city taking such action shall be paid by the property owner. If the costs and fees are not paid within thirty days of receipt of an invoice, the costs and fees shall become a lien on the property and the costs of filing and recording such lien shall be added to the total amount due and owing by the property owner.

E. Any notice may be appealed to the building code board of appeals, pursuant to the International Building Code, Section 113, as adopted by reference, and as amended, in the Selah Municipal Code. During the period of appeal the property owner shall secure the building or structure to ensure that no one enters or can access the burned structure or building, at the property owner's expense.

F. The city may allow a property owner to enter into a written consent and waiver form which waives any claims of damages, notice requirements or appeal rights, and consents to the city taking action to remove refuse, debris or partially burned lumber, or any other substances or debris needing to be removed under this section. Such consent shall also include a consent that a lien in the amount of the actual cost to remove such refuse, debris, partially burned lumber or any other substances, the costs of filing the lien, and any other costs consented to by the parties, shall be filed and recorded against the property if the city's costs are not paid within thirty days of being invoiced.

#### 11.10.070- Violation-Penalties

It is unlawful for any person to violate any provision or fail to comply with any requirement of this title. Any person convicted of violating any provision or of failing to comply with any requirement of this title shall be guilty of a misdemeanor and punished by a fine not to exceed one thousand dollars or by imprisonment for not more than ninety days for each such conviction. If the violation of or failure to comply with provisions or requirements of this title is of a continuing duration, then each day shall constitute a separate offense. The penalty prescribed in this section is cumulative in addition to any other remedy, criminal or civil, and a violation hereunder may also be subject enforcement and penalties as provided in Selah Municipal Code Chapter 6.75, Code Enforcement.

### Chapter 11.11 - MOBILE HOMES AND MANUFACTURED HOMES

#### Sections:

11.11.010 - General installation requirements.



- (a) All mobile homes and manufactured homes shall be installed in compliance with Chapter 296-150M WAC, which is incorporated into this chapter by this reference.
- (b) All mobile homes and manufactured homes shall have permanent landings with permanent steps or inclined planes provided at all entrances and shall have the tow tongue removed except that in identified flood plain areas it may be camouflaged to the extent that it is unrecognizable.
- (c) In those areas that are recognized as flood plain by the Federal Emergency Management Agency, all manufactured homes must be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques). All manufactured homes shall have the lowest floor elevated to or above the base flood elevation and shall be securely anchored to an adequately anchored foundation system. In those areas that are recognized as hazardous because of the probability of earthquakes, the building official may set requirements that are necessary to lessen the hazard or may require that the installation be designed by an engineer or architect licensed in the state of Washington.

(Ord. 1619 § 2 (part), 2004.)

#### 11.11.020 - Installation permits.

Any person who installs a manufactured home must obtain an installation permit from the Building Department before they install a manufactured home that will be used as a residence on a building site. A dealer may not deliver a manufactured home to its site without verifying that an installation permit for the manufactured home has obtained.

- (1) The applicant must provide the following information on the application for the permit:
  - (A) The name, address, and telephone number of the owner;
  - (B) The manufacturer and dealer of the manufactured home to be installed;
  - (C) The title to the manufactured home showing manufacturer, serial number and date of manufacture of the mobile home;
  - (D) The name, address, and telephone number of the certified installer, and the certified installer's certification number;
  - (E) The address or location of the proposed building site, including the parcel number if the manufactured home is going to be installed on private property and not in a mobile home park;
  - (F) Mobile homes, which do not meet the applicable H.U.D. manufactured housing standards of June 15, 1976, must pass a Fire Safety Inspection performed by the Washington State Department of Labor and Industries Mobile Home Division before an installation permit will be issued.
- (2) If the manufactured home will be installed on private property, and not in a mobile home park, the application must provide a detailed site plan drawn to scale showing the relationship of the manufactured home to property lines, right-of-way, access and/or utility easements, other structures, and utilities.

(Ord. 1619 § 2 (part), 2004.)

#### 11.11.030 - Permit fees.

Permit fees shall be as established in SMC 20.24.

An additional fee equal to and in addition to the permit fee shall be assessed if any manufactured home is installed or delivered to the installation site prior to the issuance of the permit by the building official. The payment of any such additional fee shall not relieve any person, firm, or corporation from fully complying with any of the applicable requirements or provisions otherwise required by law.

(Ord. 1619 § 2 (part), 2004.)

11.11.040 - Inspections.

- (a) The installer shall request inspections at each stage of the installation as required by the building official.
- (b) The Building Department shall approve the installation of a manufactured home, and allow the manufactured home to be occupied if the installation complies with the installation requirements of this chapter and the conditions of the installation permit.
- (c) If the installation does not comply with the installation requirements of this chapter and the conditions of the installation permit, the Building Department shall provide the installer with a list of corrections that the installer must make. The list of corrections shall state a date by which the corrections must be completed. The Building Department shall reinspect the installation after the corrections are completed. If the items that require correction do not endanger the health or safety of the occupants, or substantially affect the habitability of the manufactured home, the Building Department may permit the owner of the manufactured home to occupy it.

(Ord. 1619 § 2 (part), 2004.)

11.11.050 - Building site preparation.

A manufactured home may not be installed at a building site unless the ground at the site has adequate load-bearing ability to meet the support requirements of Section 11.08.060. A manufactured home site must be prepared per the manufacturer's installation manual or per ANSI A225.1—1994 edition, Section 3. The installer or, if the building site is in a mobile home park, the park owner must ensure that the ground on which the manufactured home is to be installed has been improved as necessary to provide a proper base for the manufactured home and that the area beneath the manufactured home has adequate drainage. To provide adequate drainage, the installer may need to slope the finish grade or install drain tile.

(Ord. 1619 § 2 (part), 2004.)

11.11.060 - Foundation system footings.

Foundation system footings shall comply with the requirements of Section 4 Foundations, of ANSI 225.1—1994.

(Ord. 1619 § 2 (part), 2004.)

11.11.070 - Foundation skirting.

A manufactured home shall have approved foundation skirting around its entire perimeter. The skirting shall be installed per the manufacturer's installation or if the manufacturer is not specific, to the standards of this section. The skirting must be vented and allow access to the under floor area per the manufacturer's installation instructions or per the standards in this section.

Skirting must be of materials suitable for ground contact. Metal fasteners must be galvanized, stainless steel or other corrosion resistant material. Ferrous metal members in contact with the earth, other than those that are galvanized or stainless steel, must be coated with an asphaltic emulsion. Skirting must not be attached in such a manner that can cause water to be trapped between the skirting and the siding or trim. The skirting must be recessed behind the siding or trim.

The skirting must be vented as follows except for manufactured homes sited in a flood hazard area. Skirting must be vented by openings protected from the entrance of rodents by being covered with corrosion-resistant wire mesh with openings of one-quarter inch in dimension. Such openings must have a net free area of not less than one square foot for each one hundred fifty square feet of under floor area. Ventilation openings must be located as close to corners and as high as practical. Openings must be located to provide cross-ventilation on at least two opposite sides.

(Ord. 1619 § 2 (part), 2004.)

#### Chapter 11.12 - EXISTING BUILDINGS

##### **Sections:**

11.12.010 - International Existing Buildings Code, 2015 Edition.

The International Existing Building Code, 2015 Edition, as published by the International Code Council, and as amended by the State Building Code Council and adopted by the state of Washington in Chapter 51.50 WAC, section 51050-480000 et seq., of which there is no less than one copy on file with the office of the city clerk, is adopted as the city's building code for the regulation and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings; providing for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions and terms of the existing building code on file with the office of the city clerk are referred to, adopted, and made a part hereof, as if fully set forth in this chapter.

(Ord. 1729 (part), 2008; Ord. 1619 § 2 (part), 2004.)

#### Chapter 11.13 - ENERGY CONSERVATION CODE

##### **Sections:**

11.13.010 - Adoption of Washington State Energy Code, 2015 Edition.

The International Energy Conservation Code, 2015 Edition, including its Appendix Chapters, as published by the International Code Council and as amended by the State Building Code Council and adopted by the state of Washington as its "Washington State Energy Code" in Chapter 51.11R WAC, section 51.11R-100000 et seq., of which there is no less than one copy on file with the office of the city clerk, is adopted as the city's energy conservation code for the regulation and governing of energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems; providing for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions and terms of the energy conservation code on file with the office of the city clerk are referred to, adopted, and made a part hereof, as if fully set forth in this chapter.

(Ord. 1729 (part), 2008; Ord. 1619 § 2 (part), 2004.)

## Chapter 11.14 - PROPERTY MAINTENANCE CODE

### Sections:

#### 11.14.010 - Adoption of International Property Maintenance Code, 2015 Edition.

The International Property Maintenance Code, 2015 Edition, as published by the International Code Council of which there is no less than one copy on file with the office of the city clerk, is adopted as the city's property maintenance code for the regulation and governing of the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and the demolition of existing structures; providing for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions and terms of the property maintenance code on file with the office of the city clerk are referred to, adopted, and made a part hereof, as if fully set forth in this chapter.

(Ord. 1729 (part), 2008; Ord. 1619 § 2 (part), 2004.)

## Chapter 11.19 - FLOOD DAMAGE PREVENTION\*

### Sections:

(Ord. 1377 § 1, 1998.)

#### 11.19.010 - Statement of purpose.

- (a) It is the purpose of this chapter to alleviate recurring flood damage, promote and protect the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by methods and provisions designed for:
- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
  - (2) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  - (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
  - (4) Controlling filling, grading, dredging and other development which may increase flood damage; and
  - (5) Preventing or regulation the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.
- (b) The city's enactment or enforcement of this chapter shall not be construed for the benefit of any individual person or group of persons other than the general public. In the event of a conflict between the intent of this subsection and any other provision of this chapter, this subsection shall govern insofar as applicable.

(Ord. 1377 § 2, 1998; Ord. 783 § 1 (part), 1982.)

#### 11.19.020 - Definitions.

For the purpose of this chapter, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified herein unless the context requires a different meaning. Where terms are not defined in this chapter, or in Selah Municipal Code, Title 10, Chapter 10.02, they shall have the ordinary accepted meaning within the context with which they are used. Where an activity or land use could fall under two definitions, the more specific shall prevail. Webster's Ninth New Collegiate Dictionary, 1983, shall be the source for ordinary accepted meaning and for definition of words not defined in this chapter or Selah Municipal Code, Title 10, Chapter 10.02.

"Administrative authority" means those public officials authorized by this title to administer the provisions and employ the procedures set forth in this chapter.

"Administrative official" means the building official shall serve as administrator of this chapter.

"Alteration" means (1) with respect to special flood hazard areas any human-induced action which adversely impacts the existing condition of the flood hazard area. Alterations include, but are not limited to, grading, filling, dredging, draining, channelizing, paving, construction, application of gravel; modifying for surface water management purposes; or any other human activity that adversely impacts the existing flood hazard area. (2) With respect to the built environment, a change or rearrangement of the structural parts of existing facilities, an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another.

"Appeal" means a request for a review of any interpretation or decision issued by the administrator, building official or legislative body of any provision of this chapter or the special flood hazard area maps or a request for a variance.

"Applicant" means any person, firm, corporation or business entity which applies for a permit or approval required by this chapter.

"Area of special flood hazard" means the land in the floodplain within the city subject to one percent or greater chance of flooding in any given year. Designation on city maps always includes the letters A or AE.

"Base flood" means the flood having one percent chance of being equaled or exceeded in any given year. Also referred to as the "one-hundred-year flood." Designation on city maps always includes the letters A or AE.

"Base flood elevation" means that elevation, expressed in feet above mean sea level, to which flooding and water surface elevations can be expected to occur on a frequency of once every one hundred years, or which is subject to a one percent or greater chance of flooding in any given year. The elevation shall be referenced to the National Geodetic Vertical Datum of 1929.

"Basement" means any area of a building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building. See "structure."

"City" means the municipal corporation of the City of Selah, Washington.

Commencement of construction. See "start of construction."

"Critical facilities" means those facilities necessary to protect the public health, safety and welfare which are defined under the occupancy categories of essential facilities, hazardous facilities and special occupancy structures in the Uniform Building Code. These facilities include, but are not limited to, schools, hospitals, police and fire stations, other emergency response facilities, and nursing homes.

Critical facilities also include sites which produce, process, use or store hazardous materials or hazardous wastes.

"Department" means the city of Selah public works department.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials located within the area of special flood hazard.

"Elevated building" means for insurance purposes a nonbasement building which has its lowest floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before, March 1, 1998.

"Existing use or development" means the activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied, or maintained together with any associated site improvements. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself including any grading, leveling, paving or excavation. Use also means any existing or proposed configuration of land, structure, and site improvements, and its use.

"Expansion of an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Fill" means the placement of earth material or aggregate filling of topographic low areas and/or creation of dry upland areas by filling or depositing earth materials. Also, the material deposited by such action.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(A) The overflow of inland waters; and/or

(B) The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood damage protection easement" means a reservation or encumbrance on a particular piece of real property that precludes building improvement(s) intended for human habitation or other structures or activities that would frustrate the primary purpose of the easement to protect against flood damage.

"Flood insurance rate map" (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" (FIS) means the official report provided by the Federal Insurance Administration (FIA) that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

"Floodplain" means the relatively flat area or lowlands adjoining the channel of a river or stream subject to flooding.

"Floodproofing" means adaptations that will provide that a structure is substantially impermeable to the passage of water below the flood protection elevation and resists hydrostatic and hydrodynamic loads including the impacts of buoyancy.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Grading" means any excavation, filling, removing of the duff layer or any combination of the same.

"Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

"Legislative body" means the duly elected city council of the city.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of Section 11.19.065(a) (2).

"Manufactured home" means a dwelling transportable in one or more sections, built on a permanent chassis for towing and is designed for use with or without a permanent foundation and which bears an insignia issued by a state or federal regulatory agency indicating that the structure complies with all applicable construction standards of the U.S. Department of Housing and Urban Development definition of a manufactured home. Manufactured homes are further classified as follows:

(A) Multi-wide: Have a minimum width of not less than seventeen feet as measured at all points perpendicular to the length of the manufactured home.

(B) Single-wide: Have a minimum width less than seventeen feet as measured at all points perpendicular to the length of the manufactured home.

For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar recreational vehicles when placed on a site for greater than one hundred eighty consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mitigation" means actions which shall be required as conditions of permit approval to avoid or compensate for impacts resulting from a proposed activity. The type(s) of mitigation required shall be considered and implemented, where feasible, in the following descending order of preference:

- (A) Avoid the impact altogether by not taking a certain action or parts of an action.
- (B) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
- (C) Rectifying the impact by repairing, rehabilitating or restoring the affected environment.
- (D) Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal.
- (E) Compensating for the impact by replacing, enhancing or providing substitute flooding areas.
- (F) Monitoring the impact and taking appropriate corrective measures.

For projects with potentially significant impacts a mitigation agreement may be required prior to permit approval. Replacement mitigation may be required to be established and be functional prior to commencement of construction.

"Mobile home park" means a parcel (or contiguous parcels) of land under single ownership which has been planned and improved for the placement of two or more mobile home for dwelling purposes.

"Modular home" means a residential structure constructed in a factory of factory assembled parts, does not contain a permanent frame and must be mounted on a permanent foundation, and is transported to the building site in whole or units which meets the requirements of the uniform building code. The completed structure is not a mobile or manufactured home.

"New construction" means structures for which the "start of construction" commenced after the effective date of this chapter.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance codified in this chapter, March 1, 1998.

"Nonconforming structure" means a structure or portion of a structure which was lawfully established and maintained prior to the effective date or amendment of this chapter, but which, because of the application of this chapter to it fails to conform to the present requirements of this chapter.

"Nonconforming use" means a use which was lawfully established and maintained prior to the effective date or amendment of this chapter, but which, because of the application of this chapter to it fails to conform to the present requirements of this chapter.

"Normal repairs and maintenance" means those matters requiring only the issuance of a building permit or other permit from the city.

"Proposed use or development" means any proposed configuration, activity or purpose for which land or structures or combination of land and structures are proposed to be used including the construction, erection, placement, movement or demolition of any structure or any physical alteration to land itself including any grading, leveling, paving or excavation.

"Reasonable use" means a legal concept that has been articulated by federal and state courts in regulatory takings cases.

"Recreational vehicle" means a vehicle which is:

- (A) Built on a single chassis;
- (B) Four hundred square feet or less when measured at the largest horizontal projection;
- (C) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (D) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

"Repair, remodeling or alteration" means those matters requiring only the issuance of a building permit or other permit from the city.

"Shall" means with respect to the functions and powers of the administrator, any agent or employee of the city herein authorized, the direction and authorization to act and exercise sound discretion and good faith. With respect to the obligation of property owners and occupants of premises and their agents, a mandatory requirement to act in compliance with this title at the risk of civil and criminal liability upon failure so to act.

"Shorelines" means those waters within the city, including reservoirs and associated wetlands, together with the lands underlying them which fall under the jurisdiction of the Shorelines Management Act.

"Start of construction" includes substantial improvement, and means the date the building permit was issued for substantial improvement or new construction, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Permanent construction" does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any



wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structural alteration" means:

- (A) Any change in a major component or other supporting members of a structure, including foundations, bearing walls, columns, beams, roof and floor joists, girders, or rafters.
- (B) Any change in the exterior lines or configuration of a structure if such changes result in the enlargement of the structure.

"Structure" means an edifice or building of any kind, or any place of work artificially built up or composed of parts joined together in some definite manner which requires a location on the ground or attached to something having a location on the ground, including a gas or liquid storage tank that is principally above ground, but not including fences or walls used as fences less than six feet in height.

"Substantial damage" means damage of any origin sustained by structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

- (A) Before the start of construction of the improvement or repair; or
- (B) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- (C) The term does not, however, include either:
  - (i) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
  - (ii) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Use" means the activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied, or maintained together with any associated site improvements. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself including grading, leveling, paving or excavation. Use also means existing or proposed configuration of land, structure, and site improvements, and its use.

"Utilities" means those facilities serving the public by means of a network of wires or pipes, and structures ancillary thereto. Included are systems for the delivery of natural gas, electricity, telecommunication services, and water and for the disposal of sewage.

"Variance" means a grant of relief or modification of the specific regulations of this chapter in accordance with the terms of this chapter for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties within a special flood hazard area. The variance or modification in the application of the regulations shall remedy the disparity in privilege. A variance shall not be used to convey special privileges not enjoyed by other properties in the same special flood hazard area subject to the same restrictions.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(Ord. 1597, 2003; Ord. 1377 §§ 3—43, 1998; Ord. 886 § 1 (part), 1987.)

(Ord. No. 1986, § 1, 2-23-16)

11.19.030 - General provisions.

- (a) **Applicability.** The provisions of this chapter shall apply to all real property, all existing structures and uses, to any proposed structure or use, construction, alteration or development within any special flood hazard area located within the corporate limits of the city, as the corporate limits is now configured or may, from time to time, be amended. Within special flood hazard areas may be located existing structures or uses which are categorically exempt from the provisions of this chapter. See Section 11.19.035, Categorical Exemptions.
- (b) **Basis For Establishing Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Yakima County and Incorporated Areas," dated November 18, 2009, with accompanying flood insurance maps, and any subsequent map revisions are adopted by reference and declared to be a part of this chapter. The flood insurance study referred to in this section is on file and available for public inspection at the public works department.
- (c) **Compliance.** No structure or land shall, after the effective date of the ordinance codified in this chapter, be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.
- (d) **Abrogation and Greater Restrictions.** This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. Where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (e) **Interpretation.** In the interpretation and application of the chapter, all provisions shall be:
  - (1) Considered as minimum requirements;
  - (2) Liberally construed in favor of the governing body; and
  - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- (f) **Warning and Disclaimer of Liability.** The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter does not create liability on the part of the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
- (g) In the case of conflicts between parts of this chapter and other rules, regulations, resolutions, ordinances or statutes lawfully adopted by the city the most restrictive shall govern. In the case of conflicts between the text, maps or tables of this chapter the text shall govern unless otherwise stated.
- (h) Unless specifically defined in this chapter, words, phrases and terms in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. "Shall" and "will" are always mandatory; "may" is permissive and indicates the use of discretion in making a decision and does not impose a requirement; "should" is always advisory; "include" means including but not limited to. When not inconsistent with the context, words used in the present tense include the future; the singular the plural; and the plural the singular.
- (i) Words importing the masculine gender may be extended to the female and words importing the feminine gender may be extended to the male.

- (j) This chapter is amendable. Any section, subsection, paragraph, sentence, clause, phrase or other portion of this chapter, excepting special flood hazard area maps adopted by reference, may be amended following the procedures established in Selah Municipal Code, Title 10, Chapter 10.26.
  - (1) Proposed amendments shall be submitted on forms provided by the administrator. The application fee established in Section 11.19.100, Fees/Charges, shall accompany the application.
  - (2) The final decision by the legislative body on any proposed amendment shall be based upon the purpose, intent, definitions, and criteria established in this chapter and the requirements of the National Flood Insurance Program.
  - (3) The burden of proof that the proposed amendment is consistent with the purpose, intent, definitions and criteria established in this chapter and the requirements of the National Flood Insurance Program shall be upon the applicant(s)/petitioner(s).
  - (4) The decision of the legislative body shall be final and conclusive unless appealed in accordance with Selah Municipal Code, Title 10, Chapter 10.26.120.
- (k) The city of Selah public works department shall be the repository of special flood hazard area maps, applications, files, certificates of elevation, etc. The mayor of the city, or the mayor's designee, shall serve as administrator of this chapter. The administrator shall administer, interpret, and implement this chapter by granting or denying flood damage prevention permit applications and variances, and revoking flood damage prevention permits for noncompliance in accordance with the provisions of this chapter.

(Ord. 1377 §§ 44—52, 1998; Ord. 886 § 1 (part), 1987.)

(Ord. No. 1776, 9-8-09)

11.19.035 - Categorical exemptions.

- (a) Repairs, reconstruction or improvements to a structure or use listed on the National Register of Historic Places or a Washington State Inventory of Historic Places.

(Ord. 1377 § 53, 1998.)

11.19.040 - Establishment of flood zone development permit.

A flood zone development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 11.19.030(b) of this chapter. The permit shall be for all structures, including manufactured homes, as set forth in Section 11.19.020, and for all other development including fill and other activities also as set forth in Section 11.19.020. Application for a flood zone development permit shall be made on forms furnished by the administrator and may include, but not limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods used for any nonresidential structure meet the floodproofing criteria in Section 11.19.065(2) of this chapter, and,
- (4) Description of the extent to which any water-course will be altered or relocated as a result of proposed development.

(Ord. 1377 § 54, 1998; Ord. 886 § 1 (part), 1987.)

11.19.045 - Flood zone development administration.

- (a) Designation of the Flood Zone Administrative Official. The mayor of the city of Selah, or the mayor's designee, is designated as the flood zone administrator and appointed to administer and implement this chapter by granting or denying flood zone development permit applications in accordance with its provisions.
- (b) Duties and Responsibilities of the Flood Zone Administrator. Duties of the flood zone administrator shall include, but not be limited to:
  - (1) Permit review:
    - (A) Review all development permits to determine that the permit requirements of this chapter have been satisfied,
    - (B) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required,
    - (C) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 11.19.070 of this chapter are met;
  - (2) Use of other base flood data: When base flood elevation data has not been provided in accordance with Section 11.19.030(b) of this chapter, the flood zone administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 11.19.065(1) and (2), and Section 11.19.070, floodways, of this chapter;
  - (3) Information to be obtained and maintained:
    - (A) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 11.19.045(b)(2), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement,
    - (B) For all new or substantially improved floodproofed structures:
      - (i) Verify and record the actual elevation (in relation to mean sea level) and
      - (ii) Maintain the floodproofing certifications required in Section 11.19.040(3) of this chapter,
    - (C) Maintain for public inspection all records pertaining to the provisions of this chapter;
  - (4) Alteration of watercourses:
    - (A) Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration,
    - (B) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;
  - (5) Interpretation of FIRM boundaries: Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 11.19.050 of this chapter.

(Ord. 1597, 2003; Ord. 1377 § 55, 1998; Ord. 886 § 1 (part), 1987.)

11.19.050 - Variance procedure.

- (a) Appeals and requests for variances from the requirements, decisions of determinations made by the flood zone administrator in the enforcement and administration of this chapter shall be subject to and pursuant to the procedures established in Section 10.20.040 of the Selah Municipal Code.
- (b) Those aggrieved by the decision under the procedures of Section 10.20.040 of the Selah Municipal Code may appeal such decision to the Superior Court of the state of Washington.
- (c) In passing upon such applications, the administrator shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
  - (1) The danger that materials may be swept onto other lands to the injury of others;
  - (2) The danger to life and property due to flooding or erosion damage;
  - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (4) The importance of the services provided by the proposed facility to the community;
  - (5) The necessity to the facility of a waterfront location, where applicable;
  - (6) The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
  - (7) The compatibility of the proposed use with existing and anticipated development;
  - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (d) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with lots with existing structures constructed below the base flood level, providing items (1) through (11) in subsection (c) of this section have been carefully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (e) Upon consideration of the factors of Section 11.19.050(c) and the purposes of this chapter, the administrator may attach such conditions to the granting of variances as the administrator deems necessary to further the purposes of this chapter.
- (f) The flood zone administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
- (g) Conditions for Variances.
  - (1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
  - (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Variances shall only be issued upon:
  - (A) Showing of good and sufficient cause;
  - (B) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (C) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Sections 11.19.040 and 11.19.045, of this chapter, and this section.
- (5) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- (6) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 11.19.050(g)(1), and other complies with Sections 11.19.060(a)(1) and 11.19.060(b)(1).
- (7) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. 1377 §§ 56—60, 1998; Ord. 886 § 1 (part), 1987.)

#### 11.19.060 - General standards.

In all areas of special flood hazards the following standards are required:

- (a) Anchoring.
  - (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
  - (2) Manufactured homes and mobile homes shall be installed and anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Installation and anchoring standards are identified in Appendix A (Guidelines for the Installation and Anchoring of Manufactured Housing in Washington State).
  - (3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds.
  - (4) Any additions to a manufactured or mobile home be similarly anchored.
- (b) Construction Materials and Methods.
  - (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  - (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

- (3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (c) Utilities.
- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
  - (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and
  - (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) Water wells shall be located on high ground that is not in the floodway.
- (d) Subdivision Proposals.
- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
  - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
  - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
  - (4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain fifty or more lots or exceeds five acres in area.
- (e) For new manufactured home parks, and manufactured home subdivisions; for expansion to existing manufactured home parks and manufactured home subdivisions; for existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or manufactured home subdivision, require that:
- (1) Individual lease spaces or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at least one foot above the base flood level.
  - (2) Adequate surface drainage and access for a hauler are provided.
  - (3) In the instance of elevation on pilings, that:
    - (A) Individual lease spaces or lots are large enough to permit steps.
    - (B) Piling foundations are placed in stable soil no more than ten feet apart.
    - (C) Reinforcement is provided for pilings more than six feet above the ground level.
- (f) Review of Building Permits. Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgement and includes use of historical data, high-water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(Ord. 1377 §§ 61—66, 1998; Ord. 886 § 1 (part), 1987.)

(Ord. No. 1986, § 2, 2-23-16)

11.19.065 - Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 11.19.030(b) or Section 11.19.045(b)(2) of this chapter, the following provisions are required:

- (a) Residential Construction.
  - (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above base flood elevation.
  - (2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
    - (A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
    - (B) The bottom of all openings shall be no higher than one foot above grade.
    - (C) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.
- (b) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
  - (1) Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - (2) Have structural component capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in this chapter.
  - (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in this chapter.
  - (5) Applicants floodproofing nonresidential buildings shall be notified that the flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
- (c) Manufactured Homes and Mobile Homes. All manufactured and mobile homes to be placed or substantially improved within zones A and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured homes is one foot above the base flood elevation and is securely anchored in accordance with Appendix A of this chapter.
- (d) Critical Facilities.
  - (1) Critical facilities may be allowed within areas of special flood hazard, but only when no reasonable alternative site is available. Critical facilities constructed within areas of special flood hazard shall have the lowest floor elevated to three or more feet above the base flood elevation. Flood-proofing and sealing measures must be taken to ensure that hazardous or toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all critical facilities to the nearest maintained public street or roadway.



- (2) Construction of critical facilities is prohibited within designated floodways.
- (e) Recreational Vehicles.
  - (1) Recreational vehicles, designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use, which are placed within A and AE zones shall be:
    - (A) Limited to a site occupancy of one hundred eighty consecutive days; and
    - (B) Fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(Ord. 1597, 2003; Ord. 1377 §§ 67—72, 1998; Ord. 886 § 1 (part), 1987.)

#### 11.19.070 - Floodways.

Located within areas of special flood hazard established in Section 11.19.030(b) of this chapter are areas designated as floodways. Floodways are an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and increase erosion potential, the following provisions apply:

- (a) Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.
- (b) If Section 11.19.070(a) is satisfied, all new construction, and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 11.19.060, 11.19.065 and 11.19.070 of this chapter.
- (c) Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
  - (1) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor areas; and
  - (2) Repairs, reconstruction, or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either:
    - (A) Before the repair, or reconstruction, is started, or
    - (B) If the structure has been damaged, and is being restored, before the damage occurred.

Work done on structures to correct existing violations of state or local health, sanitary or safety codes specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historical places may be excluded from the fifty percent.

(Ord. 1597, 2003; Ord. 1377 § 73, 1998; Ord. 943, 1989; Ord. 886 § 1 (part), 1987.)

(Ord. No. 1986, § 3, 2-23-16)

#### 11.19.080 - Penalties.

Any person, firm or corporation violating any of the provisions of this chapter or failing to comply with the terms and provisions thereof is guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed one thousand dollars, or imprisoned for a period not to exceed ninety days, or both such fine and imprisonment for each such violation. Each day that any person, firm or corporation continues to violate or fails to comply with any of the provisions of this chapter shall be considered a separate offense. The penalty prescribed in this section is cumulative in addition to any other remedy, criminal or civil, and a violation hereunder may also be subject enforcement and penalties as provided in Selah Municipal Code Chapter 6.75, Code Enforcement.

(Ord. 1377 § 74, 1998: Ord. 886 § 1, 1987.)

#### 11.19.090 - Severability.

This chapter is severable. If any section, subsection, paragraph, sentence, clause, phrase or other portion of this chapter, or any part adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this chapter. If any section, subsection, paragraph, sentence, clause, phrase or other portion, or any part adopted by reference, is for any reason held to be invalid as applied to any person, circumstance or particular property the application of such invalidated portion of this chapter to another person, circumstance or particular property shall not be affected.

(Ord. 1377 § 75, 1998: Ord. 886 § 1, 1987.)

#### 11.19.100 - Fees/charges.

The fee schedule for applications, permits, determinations, certificates, appeals and procedures contained in Selah Municipal Code, Chapter 11.19 Flood Damage Prevention is contained in Selah Municipal Code, Title 20, Chapter 20.10.

(Ord. 1418 § 32, 1998: Ord. 1377 § 76, 1998.)

### Appendix A

- (a) "Guidelines for the Installation and Anchoring of Manufactured Housing in Washington State," dated September 20, 1996, prepared by the Federal Emergency Management Agency, Region X, Mitigation Division, is adopted by reference and incorporated into Selah Municipal Code, Title 11, Chapter 11.19 as Appendix A.
- (b) "Guidelines for the Installation and Anchoring of Manufactured Housing in Washington State," dated September 20, 1996, prepared by the Federal Emergency Management Agency, Region X, Mitigation Division, are available for public inspection and acquisition at the Department of Public Works.
- (c) "Guidelines for the Installation and Anchoring of Manufactured Housing in Washington State," dated September 20, 1996, prepared by the Federal Emergency Management Agency, Region X, Mitigation Division, contains installation and anchoring standards required to meet the installation and anchoring standards of this chapter.

(Ord. 1377 § 77, 1998.)

#### Chapter 11.20 - SIGNS

##### Sections:

11.20.010 - Prohibited where.

No signs shall be erected or maintained between the west boundary line of North and South First Street right-of-way between Bartlett Avenue and the southerly city limits on South First Street and the east boundary line of the Yakima Valley Transportation Company or Union Pacific right-of-way; provided, traffic-control signs are specifically excluded from the prohibition state.

(Ord. 479, 1972.)

Chapter 11.25 - VIOLATIONS AND PENALTIES

**Sections:**

11.25.010 - Violations and penalties.

Any person, firm, or corporation violating any of the provisions of this title, including the provisions of the International Codes adopted by reference therein, or failing to comply therewith, or violating or failing to comply with any order issued or made pursuant to its provisions shall severally and for each and every violation and non-compliance respectively, be guilty of a misdemeanor. Any person so convicted shall be punished for each offense by a fine of not more than one thousand dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment. The penalty prescribed in this section is cumulative in addition to any other remedy, criminal or civil, and a violation hereunder may also be subject enforcement and penalties as provided in Selah Municipal Code Chapter 6.75, Code Enforcement.

(Ord. 1619 § 2 (part), 2004.)

11.25.020 - Continued violations.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Any person, firm, or corporation shall be required to correct such violations or defects. Each week after notice of violation to such person, firm, or corporation, shall constitute a separate offense unless time for correction is otherwise expressly extended in writing by the official enforcing this title. Provided, that where the building official has ordered any work or occupancy stopped or has revoked or suspended any permit or certificate, each and every day that such work or occupancy continues or is permitted to continue shall constitute a separate offense.

(Ord. 1619 § 2 (part), 2004.)

11.25.030 - Permits limited.

Permits, certificates, or other approvals issued on the basis of plans and applications approved by the official enforcing this title authorize only the construction or use set forth therein. Construction or use at variance with such permits, certificates or approvals without authorization is a violation of this title and punishable as provided in Section 11.25.010.

(Ord. 1619 § 2 (part), 2004.)

11.25.040 - Persons liable.

The owner, lessee, or tenant of any building, structure, premises, or part thereof, and, any architect, engineer, builder, contractor, employee, agent, or other person, who commits, authorizes, participates in, assists in, or who maintains after notice, a violation of this title may each be found guilty of a separate offense and suffer the penalties provided in Section 11.25.010.

(Ord. 1619 § 2 (part), 2004.)

11.25.050 - Violation—Civil remedies—Remedies not exclusive.

- (a) In addition to any criminal proceedings brought to enforce this title and in addition to any fine or imprisonment provided for therein, violations of this title may be enjoined or ordered abated in a civil proceeding for injunction or for abatement. For purposes of abatement actions, such violations are declared to be public nuisances. Any person, firm, or corporation violating the provisions of this title shall be liable for all costs of such proceedings, including reasonable attorney's fees and expenses of abatement. The provisions of this subsection are in addition to any other remedies available at law or equity including the code enforcement provisions found in Chapter 6.75 of the Selah Municipal Code.
- (b) The city attorney's office on behalf of the city and the public may pursue civil remedies to enforce compliance with the provisions of the title. A private person directly affected by a violation of this title may pursue civil remedies to enforce compliance with its provisions or to recover damages for its violation.

(Ord. 1619 § 2 (part), 2004.)

Chapter 11.30 - FIRE HYDRANTS

**Sections:**

11.30.010 - Statement of purpose.

This chapter is enacted to provide minimum requirements for installation of fire hydrants designated or approved by the approving authority or the city of Selah in the exercise of his or her duties pursuant to Section 10.301 of the 1979 Edition of the Uniform Fire Code or similar referenced section in the future editions of the Uniform Fire Code as adopted by the city.

(Ord. 802 § 1 (part), 1983.)

11.30.020 - Definitions.

For the purposes of this chapter, the following words, phrases and terms as used in this chapter shall have the following meaning ascribed to them, unless a different meaning clearly appears from the context. Unless specifically defined in this section, words, phrases and terms as used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- (a) "Approving Authority" means the joint agreement of the fire chief and public works director of the city of Selah, or their appointee. In the event that joint agreement is not possible, the city administrator shall be designated as the approving authority.

- (b) "Fire Department" means the Selah fire department.
- (c) "Fire Flow" means the amount of water required to extinguish a fire at a specific building or within a specific area as determined by the most updated version in use by the fire department, of the "Guide for Determination of Required Fire Flow," as published by the Insurance Service Office. For reference purposes, the initial I.S.O. Guide utilized for the purpose of this chapter has a publication date of December, 1974.
- (d) "Flush-type hydrant" means a hydrant installed entirely below grade.
- (e) "Hydrant" shall mean an approved fire hydrant situated and maintained on public right-of-way, or easement, to provide water for fire extinguishment without restriction as to use for this purpose. The location is such that it is accessible for immediate use of the fire department at all times.

(Ord. 802 § 1 (part), 1983.)

(Ord. No. 1879, § 1, 5-8-12)

11.30.030 - Fire hydrants required.

- (a) All buildings or structures constructed or located within the city after the effective date of the ordinance codified in this chapter, shall be served by fire hydrants installed in accordance with the provisions of this chapter.
- (b) All fire hydrants installed prior to the effective date of the ordinance codified in this chapter which do not conform to the standards and requirements of this chapter shall, when replaced, be replaced in conformance to the standards and requirements.
- (c) All buildings or structures except single-family and two-family, enduring alteration, repair, or improvement at or above fifty percent of the existing assessed valuation or square footage shall be subject to the provisions of this chapter at the discretion of the approving authority.

(Ord. 802 § 1 (part), 1983.)

11.30.040 - Prohibited installation.

The installation of flush-type hydrants is prohibited.

(Ord. 802 § 1 (part), 1983.)

11.30.050 - Submission of plans and building permit.

- (a) Two copies of detailed plans and specifications accurately indicating the location and type of all valves and hydrants of proposed developments or construction shall be submitted to the approving authority.
- (b) No building permit shall be issued until plans received under this chapter have been submitted and approved in accordance with the provisions contained in this chapter.
- (c) No permanent occupancy permit shall be issued for any building regulated by this chapter until all hydrants and mains are placed in service.

(Ord. 802 § 1 (part), 1983.)

11.30.060 - Fire flow requirements.

- (a) The fire flow requirement shall be determined by the approving authority under the provisions of the chapter and, as applied, shall be based upon criteria established in the "Guide for Determination of Required Fire Flow" as published by the Insurance Services Office of the municipal Survey Service, 160 Water Street, New York, N.Y. 10038. A copy of such standard in the form it was adopted shall be filed in the office of the clerk-treasurer and available for examination by the public.
- (b) The required pressure in the mains figured at around elevation shall be not less than twenty pounds per square inch, unless special conditions as governed by the city adopted International Fire Code would allow an exception as authorized by the approving authority.

(Ord. 802 § 1 (part), 1983.)

(Ord. No. 1758, 4-28-09)

11.30.070 - Fire hydrant water supply.

- (a) All fire hydrants shall be supplied by water of a municipal water system unless otherwise authorized by the approving authority.
- (b) Water mains shall be sized in accordance with the approving authority to provide sufficient hydrant flows as required by this chapter. The minimum main size shall be six inches where hydrants are included in the water distribution system.
- (c) The maximum number of hydrants installed on a dead-end service main shall be determined by the approving authority utilizing the following guideline of:
  - (1) One hydrant of a six-inch dead-end service main; and
  - (2) Two hydrants on an eight-inch dead-end service main; and
  - (3) Three hydrants on a ten-inch dead-end service main; and
  - (4) Other numbers of hydrants in relation to main size, based upon the determination of the approving authority.
- (d) The lead from the service main to the hydrant shall not be less than six inches in diameter.
- (e) The length of any fire hydrant lead, or the combined length of any hydrant lead and six-inch dead-end service main, shall not exceed four hundred lineal feet for any hydrant.
- (f) Not more than two fire hydrants shall be installed on any six-inch main between intersecting mains.

(Ord. 802 § 1 (part), 1983.)

11.30.080 - Fire hydrant installation.

- (a) Fire hydrants, connecting pipelines, valves and appurtenances, including plans and installation details not specifically regulated by this chapter, shall conform to the design standards and specifications promulgated by the owner of the attendant water system and to specifications of the approving authority.
- (b) The installation of fire hydrants shall be in accordance with sound engineering practices. In addition, the following requirements shall apply to all building construction projects:
  - (1) All design and construction details of fire hydrant installation, including valves and appurtenances thereto, must be approved by the approving authority.
  - (2) Fire hydrant installations shall be subject to adequate protection against vehicular damage at the discretion of the approving authority. Any protective posts installed shall extend no less than three feet above grade and shall be painted a safety yellow in color.

- (3) An auxiliary gate valve shall be installed at the main line tee, or other appropriate designation of the approving authority, to permit the repair and replacement of the hydrant without disruption of service. The type and style shall be determined by the approving authority.
- (4) All hydrants shall stand plumb, be set to the finished grade with the lowest outlet of the hydrant having no less than eighteen inches in diameter of clear area about the hydrant for the clearance of hydrant wrenches on both outlets and on the control valve.
- (5) The pumper port shall face the street. Where the street cannot be clearly defined or recognized, the port shall face the most likely route of approach and location of the fire truck while pumping, all as determined by the approving authority.
- (6) All hydrants shall have two-and-one-half-inch ports with National Standard Thread, and one pumper port with five-inch Storz fitting and cap. The valve openings shall be no less than five and one-quarter inches with a positive and automatic barrel drain.
- (7) All hydrants shall be "safety" or "break-away" type. In addition, all hydrants shall meet American Water Works Association standards for public hydrants and their installation as required by the approving authority.
- (8) The maximum distance between fire hydrants in single-family (R-1) and two-family (R-2) residential use zones shall be as per the current edition of the International Fire Code except in those areas impressed with public buildings, public and private schools, which shall conform to the distance standard for other zones in subsection (b)(9) of this section.
- (9) The maximum distance between fire hydrants in all other use zones shall be as per the current edition of the International Fire Code.
- (10) Lateral spacing of fire hydrants shall be at the discretion of the approving authority, and predicated on hydrants being located at street intersections.
- (11) The approving authority shall be notified in writing of the date the fire hydrant installation and its attendant water connection system will be available for use.

(Ord. 1048 § 1, 1992; Ord. 802 § 1 (part), 1983.)

(Ord. No. 1758, 4-28-09)

#### 11.30.085 - Special requirements.

Notwithstanding other requirements of this chapter, the following special requirements shall be added and applied to all buildings of which any portion is more than one hundred fifty feet from the curb or edge of the nearest established street or public highway, except detached single-family dwellings:

- (a) Buildings having a required fire flow of two thousand five hundred or more gallons per minute shall be serviced by a main which loops around the building or complex of buildings and reconnects back into another grid or distribution supply main system.
- (b) Buildings having a required fire flow of less than two thousand five hundred gallons per minute may have fire hydrants on one side of the building only.
- (c) All fire hydrants must be accessible to fire department vehicles and apparatus over roads or ways capable of supporting same in all weather conditions.
- (d) The required number of fire hydrants shall be determined on an average spacing of three hundred thirty lineal feet, computed on an imaginary line parallel to, and not less than fifty feet from, the structure.
- (e) Fire hydrants shall be a minimum of fifty feet away from the building or structure.

- (f) Location of fire hydrants shall be subject to the approving authority, considering such factors as utility, topography and building location, who may pursuant to written request, approve minor deviations from the provisions of this section.

(Ord. 802 § 1 (part), 1983.)

11.30.090 - Hydrant accessibility.

Hydrants shall not be obstructed by any structure or vegetation, or have the hydrant visibility impaired within a distance of fifty feet in any direction of vehicular approach to the hydrant.

(Ord. 802 § 1 (part), 1983.)

11.30.100 - Hydrant testing.

- (a) All hydrants shall be subject to testing, inspection, maintenance and approval by the approving authority and their authorized agents.
- (b) All records of the testing, inspection and maintenance shall be maintained by the approving authority and available for public inspection.

(Ord. 802 § 1 (part), 1983.)

11.30.110 - Dead-end mains.

Provisions shall be made wherever feasible and appropriate in any project for looping all dead-end or temporary dead-end mains. A minimum ten-foot easement shall be required.

(Ord. 802 § 1 (part), 1983.)

11.30.120 - Penalties.

Any person, firm or corporation violating any of the provisions of this chapter or failing to comply with the terms and provisions thereof is guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed one thousand dollars. Each day that any person, firm or corporation continues to violate, or fails to comply with any of the provisions of this chapter is a separate offense. The penalty prescribed in this section is cumulative in addition to any other remedy, criminal or civil, and a violation hereunder may also be subject enforcement and penalties as provided in Selah Municipal Code Chapter 6.75, Code Enforcement.

(Ord. 802 § 1 (part), 1983.)

11.30.130 - Severability.

If any section, subsection, clause, sentence, phrase or portion of this chapter is for any reason to be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

(Ord. 802 § 1 (part), 1983.)



Chapter 11.32 - PERMITS FOR EXCAVATION AND OBSTRUCTIONS OF PUBLIC PLACES

**Sections:**

11.32.010 - Permit required.

- (a) It is unlawful for any person to dig, break, excavate, use, occupy, tunnel, undermine, or in any way obstruct or disturb any public street, alley, sidewalk, highway, thoroughfare or other public place.
- (b) It is unlawful for any person to fill in, place, leave or deposit in or upon any sidewalk or public place any article, material or thing whatsoever tending to obstruct, disturb or interfere with the free use of the public property without first obtaining a permit.
- (c) In case of an emergency, when an immediate excavation may be necessary for the protection of life and property, it shall be as soon as possible reported to the city. The permit for the emergency work shall be obtained upon reporting.
- (d) For the above described purposes, there is authorized the issuance of a nonutility right-of-way permit. The city administrator or his or her designee shall have the authority to administer the issuance of any of such permits. Issuance of any such permits shall be subject to insurance requirements, bond requirements, hold harmless agreements and other administrative details as determined by the city administrator.
- (e) The city administrator or his or her designee shall require a permit holder to pay and maintain during the term of the permit all utility accounts, licenses, and fees and to adhere to other requirements of the permit, state, federal, or city law.
- (f) The permit holder shall restore the public property to its prior condition as directed and determined by the city administrator.
- (g) A fee shall be paid by the applicant pursuant to a resolution establishing a schedule of fees or a resolution establishing the fee for the permit issued.

(Ord. 1004 § 1 (part), 1990.)

(Ord. No. 1879, § 1, 5-8-12)

11.32.020 - Utility permits.

Any utility having either a franchise or a license with the city of Selah shall not be subject to this chapter but shall comply with the franchise or ordinance relating to that utility.

(Ord. 1004 § 1 (part), 1990.)

11.32.030 - Licensed contractor required.

Work done under the permit of this chapter shall be by a licensed and bonded contractor.

(Ord. 1004 § 1 (part), 1990.)

11.32.040 - Revocation of permit.

Public place permits are temporary in nature, and may be revoked by the city whenever:

- (1) The work being done creates a dangerous condition, and, after notice, the holder of the permit fails to make the work safe; or
- (2) The holder of the permit fails to comply with any condition imposed or any requirement of law relating to the work allowed by the permit.
- (3) The city determines that in its exercise of all of its powers including, but not limited to the police power, that it is not in the public interest or good to allow the continued use authorized under any permit.

(Ord. 1004 § 1 (part), 1990.)

11.32.050 - Time for completion of work.

- (a) Upon the issuance of the permit, the permit shall state the reasonable time in which the work shall be completed.
- (b) The permit may be extended on application in writing.

(Ord. 1004 § 1 (part), 1990.)

11.32.060 - Prohibited acts.

It is a misdemeanor to:

- (1) Undertake any work with a city street or public place described above without first obtaining a permit authorized by this chapter;
- (2) Undertake work not in conformance with approved plans or specifications or the language of the permit;
- (3) Continue on a public place after the permit allowing the work has been revoked;
- (4) Fail to comply with any condition imposed by the city.

(Ord. 1004 § 1 (part), 1990.)

11.32.070 - Appeals.

Any action, permit or denial or revocation under this chapter shall be appealable to the board of appeals established under Chapter 11.04.

(Ord. 1004 § 1 (part), 1990.)

Chapter 11.40 - STATE ENVIRONMENTAL POLICY ACT PROCEDURES

**Sections:**

11.40.010 - Statutory authorization.

The Legislature of the state of Washington, in the Revised Code of Washington (RCW) 43.21C, requires local governmental units to adopt regulations designed to carry out the policies set forth in the State Environmental Policy Act (SEPA) and the SEPA rules, Washington Administrative Code (WAC)

Chapter 197-11. The legislative body of the city of Selah, has enacted Selah Municipal Code (SMC), Title 11, Chapter 11.40 containing the city's SEPA procedures and policies. The SEPA rules and WAC Chapter 197-11 must be used in conjunction with Chapter 11.40. The SEPA rules and WAC Chapter 197-11 are available for public inspection during regular business hours at the public works department, city of Selah, WA.

(Ord. 1392 § 1, 1998: Ord. 1111 § 1, 1993: Ord. 831 § 2 (part), 1984.)

11.40.020 - General requirements—Adoption by reference.

This section contains the basic requirements that apply to the SEPA process. The city adopts the following sections of WAC Chapter 197-11 by reference:

WAC 197-11-	040	Definitions
	050	Lead agency
	055	Timing of the SEPA process
	060	Content of environmental review
	070	Limitations on actions during SEPA process
	080	Incomplete or unavailable information
	090	Supporting documents
	100	Information required of applicants
	158	GMA project review—reliance on existing plans and regulations
	210	SEPA/GMA integration
	220	SEPA/GMA definitions
	228	Overall SEPA/GMA integration procedures
	230	Timing of an integrated GMA/SEPA process
	232	SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping

235	Documents
238	Monitoring
250	SEPA/Model Toxics Control Act integration
253	SEPA lead agency for MTCA actions
256	Preliminary evaluation
259	Determination of nonsignificance for MTCA remedial actions
262	Determination of significance and EIS for MTCA remedial actions
265	Early scoping for MTCA remedial actions
268	MTCA interim actions

(Ord. 1392 § 2, 1998; Ord. 1111 § 2, 1993; Ord. 831 § 2 (part), 1984.)

11.40.025 - Definitions.

For the purpose of this chapter, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in WAC 197-11-700 through 799 or in Selah Municipal Code Chapter 10.02 unless the context requires a different meaning. Where terms are not defined in WAC 197-11-700 through 799 or in Selah Municipal Code Chapter 10.02, they shall have the ordinary accepted meaning within the context with which they are used. Where an abbreviation, term, phrase, word and their derivative could be construed to fall under two definitions, the more specific shall prevail. Webster's Ninth New Collegiate Dictionary, 1983, shall be the source for ordinary accepted meaning and for definition of words not define in WAC 197-11-700 through 799 or in Selah Municipal Code Chapter 10.02.

(Ord. 1392 § 3, 1998.)

11.40.026 - Definitions—Adoption by reference.

The city adopts WAC Chapter 197-11-700 through 799, by reference, as supplemented by WAC 173-806-030.

(Ord. 1392 § 4, 1998.)

11.40.030 - Additional definitions.

The following words, in addition to those definitions contained within WAC 197-11-700 through WAC 197-11-799 and Selah Municipal Code Chapter 10.02, when used in this chapter, shall have the following meanings, unless the context indicates otherwise:

"Appeal" means a request for a review of any interpretation or decision issued by the responsible official of any provision of this chapter.

"City" means the municipal corporation of the city of Selah.

"Department" means any division, subdivision or organizational unit of the city established by ordinance, rule, or order.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation.

"Early notice" means the city's written response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance [DNS] procedures).

"Existing use or development" means the activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied, or maintained together with any associated site improvements. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself including any grading, leveling, paving or excavation. Use also means any existing or proposed configuration of land, structure, and site improvements, and its use.

"Fill" means the placement of earth material or aggregate filling of topographic low areas and/or creation of dry upland areas by filling or depositing earth materials. Also, the material deposited by such action.

"Grading" means any excavation, filling, removing of the duff layer or any combination of the same.

"Ordinance" means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.

"Proposed use or development" means any proposed configuration, activity or purpose for which land or structures or combination of land and structures are proposed to be used including the construction, erection, placement, movement or demolition of any structure or any physical alteration to land itself including any grading, leveling, paving or excavation.

"Reasonable use" means a legal concept that has been articulated by federal and state courts in regulatory takings cases.

"SEPA rules" means WAC Chapter 197-11 adopted by the Department of Ecology.

"Shall" is mandatory and means with respect to the functions and powers of the administrator, any agent or employee of the city herein authorized, the direction and authorization to act and exercise sound discretion and good faith. With respect to the obligation of property owners and occupants of premises and their agents, a mandatory requirement to act in compliance with this chapter at the risk of civil and criminal liability upon failure to so act.

"Use" means the activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied, or maintained together with any associated site improvements. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself including grading, leveling, paving or excavation. Use also means existing or proposed configuration of land, structure, and site improvements, and its use.

(Ord. 1392 § 5, 1998; Ord. 1111 § 3, 1993; Ord. 831 § 2 (part), 1984.)

11.40.040 - Designation of responsible official.

- (a) For public and private proposals the mayor of the City of Selah, or the mayor's designee, shall be the responsible official.
- (b) For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other function assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.

(Ord. 1392 § 6, 1998; Ord. 1111 § 4, 1993; Ord. 831 § 2 (part), 1984.)

11.40.050 - Lead agency determination and responsibilities.

- (a) When the city is the lead agency for a proposal, the responsible official shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.
- (b) When the city is not the lead agency for a proposal, the responsible official shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. The city shall not prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.
- (c) If the city receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the city may be initiated by the responsible official.
- (d) The responsible official is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.
- (e) The city in making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal.
- (f) When the city is lead agency for a MTCA remedial action, the Department of Ecology shall be provided an opportunity under WAC 197-11-253(5) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-253(6), the city shall decide jointly with the Department of Ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.
- (g) The city shall retain all documents required by the SEPA rules (WAC 197.11) and make them available in accordance with RCW Chapter 42.17.

(Ord. 1392 § 7, 1998; Ord. 1111 § 5, 1993; Ord. 831 § 2 (part), 1984.)

11.40.065 - Additional timing considerations.

- (a) For nonexempt proposals, the DNS or the final EIS for the proposal shall accompany the city's staff recommendation to any appropriate advisory body, such as the planning commission.

(Ord. 1392 § 9, 1998: Ord. 1111 § 6, 1993: Ord. 831 § 2 (part), 1984.)

11.40.100 - Categorical exemptions and threshold determinations—Adoption by reference.

This section contains the rules on deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This section also contains rules for evaluating the impacts of proposals not requiring an EIS. The city adopts the following sections of WAC Chapter 197-11 by reference:

WAC 197-11-	300	Purpose of this part
	305	Categorical exemptions
	310	Threshold determinations required
	315	Environmental checklist
	330	Threshold determination process
	335	Additional information
	340	Determination of nonsignificance (DNS)
	350	Mitigated DNS
	355	Optional DNS process
	360	Determination of significance (DS) and initiation of scoping
	390	Effect of threshold determination

(Ord. 1392 § 10, 1998: Ord. 1111 § 7, 1993: Ord. 831 § 2 (part), 1984.)

11.40.110 - Flexible thresholds for categorical exemptions.

The city establishes the following exempt levels for minor new construction under WAC 197-11-800 (1) (b) based on local conditions:

- (a) For residential dwelling units in WAC 197-11-800(1) (b) (i) up to six dwelling units;
- (b) For agricultural structures in WAC 197-11-800(1) (b) (ii) up to twenty thousand square feet;
- (c) For office, school, commercial, recreational, service, or storage buildings in WAC 197-11-800(1) (b) (iii) up to twelve thousand square feet and forty parking spaces;

- (d) For parking lots in WAC 197-11-800(1) (b) (IV) up to forty parking spaces;
- (e) For landfills and excavations in WAC 197-11-800(1) (b) (v) up to five hundred cubic yards;
- (f) Whenever the city establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington 98504 under WAC 197-11-800(1) (c).

(Ord. 1111 § 8, 1993; Ord. 831 § 2 (part), 1984.)

#### 11.40.120 - Use of exemptions.

- (a) The city's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.
- (b) In determining whether or not a proposal is exempt, the city shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the city shall determine the lead agency, even if the license application that triggers the city's consideration is exempt.
- (c) If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:
  - (1) The city shall not give authorization for:
    - (A) Any nonexempt action;
    - (B) Any action that would have an adverse environmental impact; or
    - (C) Any action that would limit the choice of alternatives.
  - (2) The city may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and
  - (3) The city may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

(Ord. 831 § 2 (part), 1984.)

#### 11.40.130 - Environmental checklist.

- (a) A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; except, a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency and, if the city is the lead agency, for determining the responsible official and for making the threshold determination.
- (b) For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.
- (c) The city may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:
  - (1) The city has technical information on a question that is unavailable to the private applicant; or



- (2) The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

(Ord. 831 § 2 (part), 1984.)

11.40.140 - Mitigated DNS.

- (a) As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.
- (b) An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:
  - (1) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the city is lead agency; and
  - (2) Precede the city's actual threshold determination for the proposal.
- (c) The responsible official should respond to the request for early notice within five working days. The response shall:
  - (1) Be written;
  - (2) State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the city to consider a DS; and
  - (3) State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.
- (d) As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.
- (e) When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:
  - (1) If the city indicated specific mitigation measures in its response to the request for early notice and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a DNS under WAC 197-11-340(2).
  - (2) If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.
  - (3) The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibels" or "construct 200-year stormwater retention pond at Y location" are adequate.
  - (4) Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.
- (f) A mitigated DNS is issued under either WAC 197-11-340(2), requiring a fourteen day comment period and public notice, or WAC 197-11-355, which may require no additional comment period beyond the comment period on the notice of application.
- (g) Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.

- (h) If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC 197-11-340(3) (a) (withdrawal of DNS).
- (i) The city's written response under subsection (b) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination.

(Ord. 1392 § 11, 1998; Ord. 1111 § 9, 1993; Ord. 831 § 2 (part), 1984.)

11.40.200 - Environmental impact statement (EIS)—Adoption by reference.

This section contains the rules for preparing environmental impact statements. The city adopts the following sections of WAC Chapter 197-11 by reference:

WAC 197-11-	400	Purpose of EIS
	402	General requirements
	405	EIS types
	406	EIS timing
	408	Scoping
	410	Expanded scoping (Optional)
	420	EIS preparation
	425	Style and size
	430	Format
	435	Cover letter or memo
440	EIS contents	
	442	Contents of EIS on nonproject proposals
	443	EIS contents when prior nonproject EIS
	444	Elements of the environment

	448	Relationship of EIS to other considerations
	450	Cost-benefit analysis
	455	Issuance of DEIS
	460	Issuance of FEIS

(Ord. 1392 § 12, 1998; Ord. 1111 § 10, 1993; Ord. 831 § 2 (part), 1984.)

11.40.210 - Preparation of EIS—Additional considerations.

- (a) Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the city under the direction of the responsible official. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and WAC Chapter 197-11.
- (b) The DEIS and FEIS or draft and final SEIS shall be prepared by city staff, the applicant, or by a consultant needed by the city or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.
- (c) The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the city may request under another ordinance or statute.)
- (d) In the event that an EIS is to be prepared by a private applicant or a consultant retained by the private applicant, the responsible official shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official shall direct the areas of research and examination to be undertaken, as well as the organization of the resulting document.
- (e) In the event that the responsible official or his designee is preparing the EIS, the responsible official may require a private applicant to provide data and information which the city does not possess, relevant to any or all areas to be covered by the EIS.

(Ord. 831 § 2 (part), 1984.)

11.40.220 - Additional elements to be covered by an EIS.

The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under this chapter. When the decision is made to require an EIS, the responsible official will at that time determine which, if any, of the following additional elements are to be included in the draft and final EIS.

- (a) Economy;
- (b) Cost-Benefit Analysis.

(Ord. 1111 § 11, 1993: Ord. 831 § 2 (part), 1984.)

11.40.300 - Commenting—Adoption by reference.

This section contains the rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The city adopts the following sections of WAC 197-11 by reference:

WAC 197-11-		Purpose of this part
	500	
	502	Inviting comment
	504	Availability and cost of environmental documents
	508	SEPA register
	510	Public notice
	535	Public hearings and meetings
	545	Effect of no comment
	550	Specificity of comments
	560	FEIS response to comments
	570	Consulted agency costs to assist lead agency

(Ord. 1392 § 13, 1998: Ord. 1111 § 12, 1993: Ord. 831 § 2 (part), 1984.)

11.40.310 - Public notice.

- (a) Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for nonexempt permit(s) or approval(s) required for the proposal.
- (b) Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3), the city shall give public notice as follows:
  - (1) If an environmental document is issued concurrently with the notice of application, the public notice requirements for the notice of application will suffice to meet the SEPA public notice requirements.
  - (2) If no public notice is otherwise required for the permit or approval, the city shall give notice of the DNS or DS by:

- (A) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;
  - (B) Notifying public or private groups which have expressed written interest in a certain proposal or in the type of proposal being considered.
- (3) Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.
- (c) If a DNS is issued using the optional DNS process, the public notice requirements for the notice of application in RCW 36.70B.110 (4) as supplemented by the requirements in WAC 197-11-355 will suffice to meet the SEPA public notice requirements.
- (d) Whenever the city issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:
- (1) Indicating the availability of the DEIS in any public notice required for a nonexempt license;
  - (2) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;
  - (3) Notifying public or private groups which have expressed written interest in a certain proposal or in the type of proposal being considered.
- (e) The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

(Ord. 1392 § 14, 1998; Ord. 831 § 2 (part), 1984.)

11.40.320 - Designation of official to perform consulted agency responsibilities for the city.

- (a) The responsible official shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.
- (b) The responsible official shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city.

(Ord. 831 § 2 (part), 1984.)

11.40.370 - Using existing environmental documents—Adoption by reference.

This section contains rules for using and supplementing existing environmental documents prepared under SEPA or the National Environmental Policy Act (NEPA) for the city's own environmental compliance. The city adopts the following sections of WAC Chapter 197-11 by reference:

WAC 197-11-	164	Planned actions—Definition and criteria
	168	Ordinances or resolutions designating planned actions—Procedure for adoption
	172	Planned actions—Project review

600	When to use existing environmental documents
610	Use of NEPA documents
620	Supplemental environmental impact statement—Procedures
625	Addenda—Procedures
630	Adoption—Procedures
635	Incorporation by reference—Procedures
640	Combining documents

(Ord. 1392 § 15, 1998; Ord. 1111 § 13, 1993; Ord. 831 § 2 (part), 1984.)

11.40.400 - SEPA and agency decisions—Adoption by reference.

This section contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This also contains procedures for appealing SEPA determinations to agencies or the courts. The city adopts the following sections of WAC Chapter 197-11 by reference:

WAC 197-11-	650	Purpose of this part
	655	Implementation
	660	Substantive authority and mitigation
	680	Appeals

(Ord. 1392 § 17, 1998; Ord. 1111 § 15, 1993; Ord. 831 § 2 (part), 1984.)

11.40.410 - Substantive authority.

- (a) The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the city.
- (b) The city may attach conditions to a permit or approval for a proposal so long as:

- (1) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter;
  - (2) Such conditions are in writing; and
  - (3) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
  - (4) The city has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
  - (5) Such conditions are based on one or more policies in subsection (d) of this section and cited in the license or other decision document.
- (c) The city may deny a permit or approval for a proposal on the basis of SEPA so long as:
- (1) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter;
  - (2) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impacts; and
  - (3) The denial is based on one or more policies identified in subsection (d) of this section and identified in writing in the decision document.
- (d) The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:
- (1) The city shall use all practicable means consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
    - (A) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
    - (B) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
    - (C) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
    - (D) Preserve important historic, cultural, and natural aspects of our national heritage;
    - (E) Maintain, whenever possible, an environment which supports diversity and variety of individual choice;
    - (F) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
    - (G) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
  - (2) The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
  - (3) The city adopts by reference the policies in the following city codes, ordinances, resolutions, and plans:
    - (A) The City of Selah Urban Growth Area Comprehensive Plan;
    - (B) Selah Comprehensive Water Plan;
    - (C) Selah Comprehensive Sewer Plan;

- (D) Selah Arterial Street Plan;
  - (E) Selah Zoning, Platting and Subdivision Code;
  - (F) Selah Shoreline Master Program;
  - (G) Rural and Urban Solid Waste Plan;
  - (H) Rural Development Strategy for the City of Selah;
  - (I) Selah Comprehensive Park & Leisure Services Plan;
  - (J) Upper Yakima Valley Visioning Report—Vision 2010;
  - (K) Yakima County Rural Water and Sewerage General Plan;
  - (L) City of Selah Capital Facilities Plan for Public Works Facilities;
  - (M) Selah Street Light Plan;
  - (N) Flood Damage Prevention Ordinance.
- (e) Except for permits and variances issued pursuant to shorelines management, when any proposal or action not requiring a decision of the city council is conditioned or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the city council. Such appeal may be perfected by the proponent or aggrieved party by giving notice to the responsible official within ten days of the decision being appealed. Review by the city council shall be on a de novo basis.

(Ord. 1392 § 18, 1998; Ord. 1111 § 16, 1993; Ord. 831 § 2 (part), 1984.)

11.40.420 - Administrative appeal.

- (a) The city establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:
- (1) Any agency or person may appeal the city's procedural compliance with WAC Chapter 197-11 for issuance of the following:
    - (a) A final DNS. Appeal of the DNS must be made to the city council within five business days of the date the DNS is final by filing a written notice of appeal with the responsible official setting forth the principal points on which the appeal is based, together with the filing fee for appeals (See Selah Code Chapter 20, Unified Fee Schedule).
    - (b) A DS. The appeal must be made to the city council within five business days of the date the DS is issued by filing a written notice of appeal with the responsible official setting forth the principal points on which the appeal is based, together with the filing fee for appeals (see Selah Code Chapter 20, Unified Fee Schedule).
  - (2) Any appeal under this subsection shall be heard by the city council at a public hearing to be scheduled within thirty days of the date the appeal is filed. The city shall provide for a record that shall consist of the following:
    - (a) Findings and conclusions;
    - (b) Testimony under oath; and
    - (c) A taped or written transcript.
  - (3) The procedural determination by the city's responsible official shall carry substantial weight in any appeal proceedings.
  - (4) Utilizing the criteria set forth in RCW 43.21C, WAC 197-11, and this title, the city council may affirm or reverse the decision of the responsible official or implement the additional information gathering mechanisms of WAC 197-11-335. In the event the decision of the responsible official



is reversed, the council shall issue its own DS, DNS, or mitigated DNS in accordance with the provisions set forth in WAC 197-11 and this title.

- (5) Only one appeal of the threshold determination shall be allowed on a proposal.
- (b) There shall be no separate administrative appeal pursuant to RCW 43.21C.060 of decisions by nonelected officials to condition or deny applications on the basis of SEPA. The appeal of an administrative decision to condition or deny an application on the basis of SEPA shall be consolidated in all cases with administrative appeals, if any, provided by State law or city ordinance on the merits of the proposal.

(Ord. 1111 § 17, 1993; Ord. 831 § 2 (part), 1984.)

11.40.425 - Judicial appeals.

- (a) Those aggrieved by the decision under the procedures of Section 11.40.420 may appeal such decision to the Yakima County superior court, state of Washington.

(Ord. 1392 § 19, 1998.)

11.40.430 - Notice—Statute of limitations.

- (A) The city, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.
- (B) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the city clerk-treasurer, applicant or proponent, pursuant to RCW 43.21C.080.

(Ord. 831 § 2 (part), 1984.)

11.40.500 - Categorical exemptions—Adoption by reference.

The city adopts by reference the following sections of WAC Chapter 197-11 for categorical exemptions, as supplemented in this chapter, including WAC 173-806-070 (flexible thresholds), WAC 173-806-080 (use of exemptions), and WAC 173-806-190 (critical areas):

WAC 197-11-	800	Categorical exemptions
	880	Emergencies
	890	Petitioning DOE to change exemptions

(Ord. 1392 § 21, 1998; Ord. 831 § 2 (part), 1984.)

11.40.550 - Agency compliance—Adoption by reference.

This section contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating categorical exemptions that do not apply within critical areas, listing

agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The city adopts by reference the following sections of WAC Chapter 197-11 by reference:

WAC 197-11-	900	Purpose of this part
	902	Agency SEPA policies
	916	Application to ongoing actions
	920	Agencies with environmental expertise
	922	Lead agency rules
	924	Determining the lead agency
	926	Lead agency for governmental proposals
	928	Lead agency for public and private proposals
	930	Lead agency for private projects with one agency with jurisdiction
	932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city
	934	Lead agency for private projects requiring from a local agency, not a county/city, and one or more state agencies
	936	Lead agency for private projects requiring licenses from more than one state agency
	938	Lead agencies for specific proposals
	940	Transfer of lead agency status to state agency
	942	Agreements on lead agency status
	944	Agreements on lead agency status
	946	DOE resolution of lead agency disputes

	948	Assumption of lead agency status
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(Ord. 1392 § 22, 1998: Ord. 1111 § 19, 1993: Ord. 831 § 2 (part), 1984.)

11.40.560 - Critical areas.

- (a) The wetland, floodplain, geologic hazard and wildlife habitat area maps contained in "The City of Selah Urban Growth Area Comprehensive Plan" designates the location(s) of critical areas within the Selah Urban Growth Area Boundary and are adopted herein by reference. The exemptions provided in WAC 197-11-800 are applicable within these critical areas. Unidentified exemptions shall continue to apply within critical areas of the city.
- (b) The city shall treat proposals located wholly or partially within critical areas no differently than other proposals under this chapter, making a threshold determination for all such proposals. The city shall not automatically require an EIS for a proposal merely because it is proposed for location in a critical area.
- (c) Certain exemptions do not apply to lands covered by water and this remains true regardless of whether or not lands covered by water are mapped.

(Ord. 1392 § 23, 1998: Ord. 831 § 2 (part), 1984.)

11.40.570 - Fees.

The fee schedule for applications, permits, determinations, certificates, appeals and procedures contained in Selah Municipal Code, Chapter 11.40 State Environmental Policy Act is contained in Selah Municipal Code, Title 20, Chapter 20.08.

(Ord. 1418 § 33, 1998: Ord. 1392 § 24, 1998: Ord. 1111 § 20, 1993: Ord. 831 § 2 (part), 1984.)

11.40.580 - Severability.

This chapter is severable. If any section, subsection, paragraph, sentence, clause, phrase or other portion of this chapter, or any part adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this chapter. If any section, subsection, paragraph, sentence, clause, phrase or other portion, or any part adopted by reference, is for any reason held to be invalid as applied to any person, circumstance or particular property the application of such invalidated portion of this chapter to another person, circumstance or particular property shall not be affected.

(Ord. 1392 § 25, 1998: Ord. 831 § 2 (part), 1984.)

11.40.600 - Forms—Adoption by reference.

The city adopts the following forms and sections of WAC Chapter 197-11 by reference:

WAC 197-11-	960	Environmental checklist
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	965	Adoption notice
	970	Determination of nonsignificance (DNS)
	980	Determination of significance and scoping notice (DS)
	985	Notice of assumption of lead agency status
	990	Notice of action

(Ord. 1392 § 26, 1998; Ord. 831 § 2 (part), 1984.)

#### Chapter 11.50 - CRITICAL AREA ORDINANCE <sup>[3]</sup>

##### Sections:

Footnotes:

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Editor's note— Ord. No. 11.50, § 2, adopted April 8, 2014, set out provisions intended for use as Chapter 11.50. For purposes of classification and at the city's direction, these provisions have been included as Chapter 11.50

##### 11.50.010 - Purpose and intent.

The purpose of this chapter is to designate and classify ecologically sensitive and hazardous areas and to protect these areas and their functions and values in a manner that also allows reasonable use of private property. This section is intended to:

- (1) Implement the city of Selah comprehensive land use plan and the requirements of the Growth Management Act;
- (2) Protect critical areas, in accordance with the Growth Management Act and through the application of best available science, as determined according to WAC 365-195-900 through 365-195-925 as it exists or may hereafter be amended, and in consultation with state and federal agencies, affected Indian tribes, and other qualified professionals;
- (3) Protect the general public, resources and facilities from injury, loss of life, property damage or financial loss due to flooding, landslides, or steep slopes failure;
- (4) Protect unique, fragile and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats;

- (5) Prevent cumulative adverse environmental impacts to water quality and availability, wetlands, and fish and wildlife habitat;
- (6) Provide flexibility and attention to site-specific characteristics, so as to ensure reasonable use of the property;
- (7) Preserve development options within designated critical areas where such development will not adversely impact critical areas values and functions, particularly the functional properties of stream corridors and other hydrological related critical areas.

(Ord. No. 1943, § 2, 4-8-14)

11.50.020 - General provisions.

- (a) The city of Selah contains areas that can be identified and characterized as critical or environmentally sensitive. Such areas within the city include aquifer recharge areas, fish and wildlife habitat areas, wetlands and streams, flood hazard areas, and geologic hazard areas.
- (b) The city finds that these critical areas perform a variety of valuable and beneficial biological and physical functions that benefit the city and its residents. Alteration of certain critical areas may also pose a threat to public safety or to public and private property or the environment. The city therefore finds that identification, regulation and protection of critical areas are necessary to protect the public health, safety and general welfare. The city further finds that the functions of critical areas and the purpose of these regulations include the following:

- (1) Wetlands. Wetlands perform a variety of functions that include maintaining water quality; storing and conveying stormwater and floodwater; recharging groundwater; providing important fish and wildlife habitat; and serving as areas for recreation, education and scientific study, and aesthetic appreciation.

Wetland buffers serve to moderate runoff volumes and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; and protect wetland resources from harmful intrusion.

The primary goals of wetland protection are to avoid adverse wetland impacts; to achieve no net loss of wetland function and value — acreage may also be considered in achieving the overall goal; to provide levels of protection that reflect the sensitivity of individual wetlands and the intensity of proposed land uses; and to restore and/or enhance existing wetlands, where possible.

- (2) Streams. Streams and their associated riparian corridors provide important fish and wildlife habitat; help to maintain water quality; store and convey stormwater and floodwater; recharge groundwater; and serve as areas for recreation, education and scientific study and aesthetic appreciation. Stream buffers serve to moderate runoff volumes and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; and protect wetland resources from harmful intrusion.

The primary goals of stream protection are to avoid adverse impacts to streams and associated riparian corridors; to achieve no net loss of functions and values of the larger ecosystem in which the stream is located; to protect fish and wildlife resources; to protect water quality through appropriate management techniques; and, where possible, to provide for stream enhancement and rehabilitation.

- (3) Fish and Wildlife Habitat. Fish and wildlife habitat areas provide opportunities for food, cover, nesting, breeding and movement for fish and wildlife, maintain and promote diversity of species and habitat; coordinate habitat protection with elements of the open space system; help to maintain air and water quality; help control erosion; serve as areas for recreation, education, scientific study, and aesthetic appreciation; and provide neighborhood separation and visual diversity within urban areas.

The primary goals of fish and wildlife habitat protection are to avoid adverse impacts to critical habitats for fish and wildlife; to achieve no net loss of functions and values of the larger ecosystem in which the fish and wildlife habitat is located; to implement the goals of the Endangered Species Act; to promote connectivity between habitat areas to allow for wildlife movement; to provide multi-purpose open space corridors; and, where possible, to provide for fish and wildlife enhancement and rehabilitation that reflects the sensitivity of the species.

- (4) Aquifer Recharge Areas. Aquifer recharge areas provide a source of potable water and contribute to stream discharge/flow. Such areas contribute to the recharge of aquifers, springs and/or wells and are susceptible to contamination of water supplies through infiltration of pollutants through the soil.

The primary goals of aquifer recharge protections are to protect groundwater quality by maintaining the quality of recharge, avoiding or limiting land use activities that pose potential risk of aquifer contamination; and to minimize or avoid adverse impacts to aquifer recharge areas through the application of performance standards, and to comply with the requirements of the Federal Safe Drinking Water Act and Washington Administrative Code that requires Group A public water systems to develop and implement a wellhead protection program.

- (5) Flood Hazard Areas. Floodplains help to store and convey stormwater and floodwater; recharge groundwater; provide important areas for riparian habitat; and serve as areas for recreation, education, scientific study. Development within floodplain areas can be hazardous to those inhabiting such development, and those living upstream and downstream. Floods also cause substantial damage to public and private property which can result in significant costs to the public and individuals.

The primary goals of flood hazard protections are to limit or condition development within the one hundred-year floodplain to avoid substantial risk of damage to public and private property and that result in significant costs to the public and individuals; to avoid significant increases in peak stormwater flows or loss of flood storage capacity.

- (6) Geologic Hazard Areas. Geologic hazard areas include lands or areas characterized by geologic, hydrologic and topographic conditions that render them susceptible to varying degrees of risk of landslides, erosion, seismic or volcanic activity.

The primary goals of regulating geologic hazards are to avoid and minimize potential impacts to life and property by regulating and/or limiting land uses where necessary, and to conduct appropriate levels of analysis and ensure sound engineering and construction practices to address identified hazards.

- (7) This chapter of the Selah Municipal Code and other sections incorporated by reference contain standards, procedures, criteria and requirements intended to identify, analyze, and mitigate potential impacts to the city's critical areas, and to enhance and restore degraded resources where possible. The general intent of these protections is to avoid impacts to critical areas. In appropriate circumstances, impacts to specified critical areas resulting from regulated activities may be minimized, rectified, reduced and/or compensated for, consistent with the requirements of this chapter.

(Ord. No. 1943, § 2, 4-8-14)

#### 11.50.030 - Definitions.

For purposes of this chapter, the following definitions for terms, phrases, words and their derivatives used in this chapter shall apply. Where any of these definitions conflict with definitions used in other chapters of the municipal code the definitions in this chapter shall prevail for the purpose of this chapter. Where terms are not defined they shall have the ordinary accepted meaning within the context with which they are used. Where an activity or land use could fall under two or more definitions the more specific shall apply. Webster's Third New International, 1993 (unabridged), shall be the source for ordinary

accepted meaning and for the definition of words not defined in this chapter. Specific examples are included as illustrations but are not intended to restrict a more general definition:

#### A

"Agriculture" and "farming" shall include cultivation of the soil, raising or harvesting any agricultural or horticultural commodity or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits and vegetables for market or for direct sale.

"Anadromous fish" means fish that spawn and rear in freshwater and mature in the marine environment, such as salmon, steelhead, sockeye, and coho .

"Applicant" means a person, party, firm, corporation, or other legal entity that proposes, has performed an activity, or submits an application for any permit or approval required by this title and who is the owner of the subject property or the authorized agent of the owner.

"Aquifer" means, generally, any water bearing soil or rock unit. Specifically, a body of soil or rock that contains sufficient saturated permeable material to conduct groundwater and yield significant quantities of groundwater to wells or springs.

"Aquifer recharge areas" means land areas designated by the city beneath which groundwater occurs that is a current or potential future source of drinking water for the city.

"Artificially created wetlands" means wetlands created from nonwetland sites through purposeful, legally authorized human action, such as irrigation and drainage ditches, grass-lined swales, canals, retention and detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities.

#### B

"Best available science" means as defined in the procedural criteria for adopting comprehensive plans and development regulations for best available science at WAC 365-195-900 et seq. or as may be amended.

"Buffer," "buffer area," or "critical area" means a naturally vegetated, undisturbed, enhanced or vegetated zone surrounding a critical area that protects the critical area from adverse impacts to its integrity and value, and is an integral part of the resource's ecosystem.

#### C

"City" means the city of Selah.

"Clearing" means the removal of timber, brush, grass, ground cover or other vegetative matter from the site, which exposes the earth's surface of the site, or any actions, which disturb the existing ground surface.

"Comprehensive plan" means the city of Selah urban growth area comprehensive plan as it now exists or hereafter amended.

"Critical aquifer recharge areas" means areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge.

"Critical areas" or "environmentally sensitive areas" means areas that possess important natural functions and embody a variety of important natural and community values. Such areas include aquifer recharge areas, fish and wildlife habitat conservation areas, wetlands and streams, flood hazard and geologic hazard areas. If not conducted properly, development or alteration of such areas may cause significant impacts to the valuable functions and values of these areas and/or may generate risks to the public health and general welfare, and/or to public or private property.

"Critical area report" means a report prepared by a qualified professional to determine the presence, type, class, size, function and/or value of an area subject to these regulations. Also see Stream reconnaissance report, "Wetland impact assessment report" and "Wildlife report."

"Critical erosion hazard areas" means lands or areas underlain by soils identified by the U.S. Department of Agriculture Soil Conservation Service (SCS) (now known as the Natural Resource Conservation Service) as having "severe" or "very severe" erosion hazard.

"Critical geologic hazard areas" means lands or areas subject to high or severe risk of geologic hazard, including critical erosion hazard areas, critical landslide hazard areas, and critical seismic hazard areas.

"Critical habitat" or "critical fish and wildlife habitat" means habitat areas associated with threatened, endangered, or sensitive species of plant or wildlife (pursuant to WAC 232-12-297(2.4), (2.5) and (2.6) as it exists or may hereafter be amended) and which, if altered, could reduce the likelihood that the species will maintain and reproduce over the long term.

"Critical landslide hazard areas" means lands or areas where there is a high or very high risk of landslide due to a combination of slope, soil permeability, and water.

"Critical seismic hazard areas" means lands or areas where there is a high of seismic events and damage.

#### D

"Delineation manual," "wetland delineation manual," or "wetland delineation methodology" means the manual and methodology used to identify wetlands in the field, in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the city meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this chapter. Use of this manual is required by RCW 36.70A.175 as it exists or may hereafter be amended.

"Department" means the city of Selah department of planning or successor agency, unless the context indicates a different city department.

"Development" Means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, clearing, paving, excavation or drilling operations, storage of equipment or materials, or any other activity which results in the removal of vegetation or in the alteration of natural site characteristics.

#### E

"Earth/earth material" means naturally occurring rock, soil, stone, sediment, or combination thereof.

"Enhancement" means the improvement of an existing viable wetland, stream or habitat area or the buffers established for such areas, though such measures as increasing plant diversity, increasing fish and wildlife habitat, installing environmentally compatible erosion controls, increasing structural diversity or removing plant or animal species that are not indigenous to the area. Enhancement also includes actions performed to improve the quality of an existing wetland, stream, or habitat area. See also "Restoration."

"Erosion" means a process whereby wind, rain, water, and other natural agents mobilize and transport soil particles.

"Erosion hazard areas" means lands or areas that, based on a combination of slope inclination and the characteristics of the underlying soils, are susceptible to varying degrees of risk of erosion. Erosion hazard areas are classified as "low" (areas sloping less than fifteen percent) or "high" (areas sloping more than fifteen percent) on the following: Soil Conservation Service (SCS) now known as the Natural Resource Conservation Service (NRCS). Soil groups may be identified through site-specific analysis.

"Excavation" means the removal or displacement of earth material by human or mechanical means.



"Existing and ongoing agricultural activities" means those activities conducted on lands defined in RCW 84.34.020(2), as it exists or may hereafter be amended, and those activities involved in the production of crops and livestock. Such activities must have been in existence as a July 1, 1990 (the effective date of the Growth Management Act). The definition includes, but is not limited to, operation and maintenance of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities or crops, and normal operation, maintenance or repair of existing serviceable structures, facilities or improved areas. Activities, which bring an area into agricultural use from a previous nonagricultural use, are not considered part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conservation program.

"Exotic" means any species of plant or animal, not native to or not usually found as domestic pets in the United States, which is foreign and not indigenous to the Yakima County regional area.

#### F

"Fill/fill material" means a deposit of earth material placed by human or mechanical means.

"Filling" means the act of transporting and placing (by any manner or mechanism) fill material from, to, or on any surface water body or wetland, soil surface, sediment surface or other fill material.

"Fish and wildlife habitat conservation areas" means WAC 365-190-030(6)(a) "Fish and wildlife habitat conservation areas" are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative density or species richness. Counties and cities may also designate locally important habitats and species.

#### G

"Geologic hazard area" means lands or areas characterized by geologic, hydrologic and topographic conditions that render them susceptible to varying degrees of risk of landslides, erosion, seismic or volcanic activity.

"Grading" means any excavation, filling, clearing, leveling or contouring of the ground surface by human or mechanical means.

#### H

"Habitat management" means management of land and its associated resources/features to maintain species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not imply maintaining all habitat or individuals of all species in all cases.

"Hazardous materials" means and includes all dangerous and extremely hazardous waste, including petroleum contaminated soils, either singularly or in combination, that is a physical or health hazard whether the materials are in usable or waste condition; and any material that may degrade groundwater quality when improperly stored, handled, treated, used, produced, recycled, disposed of, or otherwise mismanaged. Hazardous materials shall also include, without exception:

- (1) All materials defined as or designated by rule as a dangerous waste or extremely hazardous waste under Chapter 70.105 RCW and Chapter 173-303 WAC or as it may be amended;
- (2) Any substance defined as or designated by rule as a hazardous substance under Chapter 70.105 RCW and Chapter 173-303 WAC or as it may be amended; and
- (3) Petroleum or petroleum products, including any waste oils or sludge's.

"Hydrologically isolated" means wetlands which: (1) have no surface water or ground water connection to a lake, river, or stream during any part of the year; (2) are outside of and not contiguous to any 100-year floodplain of a lake, river, or stream; and (3) have no contiguous hydric soil between the wetland and any lake, river, or stream. May also be a pond excavated from uplands with no surface water connection to a stream, lake, or other wetland.

#### I

"In-kind wetland mitigation" means replacement of wetlands with wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity.

"Injection well" means a "well" that is used for the subsurface emplacement of fluids. (From WAC 173-218-030 or as may be amended.)

"Intentionally created streams" means streams created through purposeful human action, such as irrigation and drainage ditches, grass-lined swales, and canals. This definition does not include stream modifications performed pursuant to city authorization, such as changes or redirection of stream channels.

#### L

"Landslide" means episodic down slope movement of a mass of soil or rock.

"Landslide hazard areas" means areas that, due to a combination of slope inclination, relative soil permeability, and hydrologic conditions are susceptible to varying degrees of risk of land sliding. Landslide hazard areas are classified as Class I through IV based on the degree of risk as follows:

- (1) Class I/Low Hazard. Areas with slopes of fifteen percent or less.
- (2) Class II/Moderate Hazard. Areas with slopes greater than fifteen percent up to forty percent and that are underlain by soils that consist largely of sand or gravel.
- (3) Class III/High Hazard. Areas with slopes greater than fifteen percent up to forty percent and that are underlain by soils consisting largely of silt and clay.
- (4) Class IV/Very High Hazard. Areas with slopes steeper than fifteen percent with identifiable zones of emergent water (i.e., springs or groundwater seepage), areas of identifiable landslide deposits regardless of slope and all areas sloping more steeply than forty percent.

The slopes previously referenced include only those where the surface drops ten feet or more vertically within a horizontal distance of twenty-five feet.

#### M

"Mitigation" means activities which include:

- (1) Avoiding the impact altogether by not taking a certain action or parts of actions.
- (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (5) Compensating for the impact over time by replacing or providing substitute resources or environments.

While monitoring without additional actions is not considered mitigation for the purposes of these regulations, it shall be part of a comprehensive mitigation program.

"Mitigation sequencing" means considering or performing mitigation actions, as defined in the definition of "mitigation," in a preferred sequence from (1) through (5). Avoidance is preferred and must be considered prior to pursuing other forms of mitigation.

## N

"Native" means any species of plant or animal which are or were indigenous to the Yakima County regional area.

"Natural heritage wetlands" means wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high quality, relatively undisturbed wetlands, or wetlands that support state-listed threatened or endangered species.

## O

"Off-site mitigation" means performance of mitigation actions, pursuant to standards established in this chapter, on a site or in an area other than the site proposed for conduct of a regulated activity.

"Out-of-kind mitigation" means replacement of wetlands or habitat with substitute wetlands or habitat whose characteristics do not closely approximate those adversely affected, destroyed, or degraded by a regulated activity.

## P

"Permanent erosion control" means continuous on-site and off-site control measures that are needed to control conveyance of deposition or earth, turbidity, or pollutants after development, construction, or restoration.

"Planning official" means the planning official of the city of Selah department of planning or successor agency.

## Q

"Qualified consultant/professional" person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and have at least five years of related work experience.

- (1) A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the state or federal manuals, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.
- (2) A qualified professional for habitat must have a degree in biology or a related degree and professional experience related to the subject species.
- (3) A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.
- (4) A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

## R

"Reasonable use" means a legal concept articulated by federal and state courts in regulatory taking issues. See "Reasonable use alternatives" for guidelines in determination.

"Reasonable use alternatives" means an action that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation. Reasonable alternatives may be those over which an agency with jurisdiction has authority to control impacts, either directly or indirectly through requirement of mitigation measures. (See WAC 197-11-440(5) and 197-11-660 or as may be amended.)

"Regulated activities" means activities that have a potential to impact a critical area that is subject to the provisions of the chapter. Regulated activities generally include, but are not limited to, any filling,

dredging, dumping or stockpiling, release of contaminants to soil or water, draining, excavation, flooding, clearing or grading, construction or reconstruction, driving pilings, obstructing, clearing, or harvesting.

"Restoration" means actions taken to reestablish wetland, stream or habitat functional values, and the characteristics that have been destroyed or degraded by past alterations (i.e., filling or grading). See also "Enhancement."

## S

"Secondary habitat" means areas that offer less diversity of animal and plant species than critical areas but are important for performing the essential functions of habitat.

"Seismic hazard areas" means areas that, due to a combination of soil and groundwater conditions, are subject to the risk of ground shaking, subsidence or liquefaction of soils during earthquakes. These areas are typically underlain by soft or loose saturated soils (such as alluvium), have a shallow groundwater table, and are typically located on the floors of river valleys.

"Site" means the location containing a regulated critical area and on which a regulated activity is proposed. The location may be a parcel or portion hereof, or any combination of contiguous parcels where a proposed activity may impact a critical area.

"Slope" means an inclined earth surface, the incline of which is expressed as the ratio of horizontal distance to vertical distance. The slope referenced above includes only those where the surface drops ten feet or more vertically within the horizontal distance of twenty-five feet.

"Spring" means a source of water where an aquifer comes in contact with the ground surface.

"Stream reconnaissance report" means a type of critical area report prepared by an applicant's qualified consultant to describe a stream and to characterize its conditions, wildlife, habitat values and water quality. The report also includes an analysis of potential of proposed activity impacts.

"Streams" means those areas where surface waters produce a defined channel or bed that demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water year-round. This definition is not intended to include artificially created irrigation ditches, canals, storm or surface water devices, or other entirely artificial watercourses unless they are used by fish or created for the purpose of stream mitigation.

"Structural diversity, vegetative" means the relative degree of diversity or complexity of vegetation in a fish and wildlife habitat area as indicated by the stratification or layering of different plant communities (i.e., ground cover, shrub layer and free canopy), the variety of plant species and the spacing or pattern of vegetation.

"Substrata" means the soil, sediment, decomposing organic matter or combination of these located on the bottom surface of the wetland, lake, stream, or river.

## T

"Temporary erosion control" means on-site and off-site control measures that are needed to control conveyance or deposition of earth, turbidity, or pollutants during development, construction, or restoration.

"Tertiary habitat" means habitat that supports some wildlife but does not satisfy the definition of secondary or critical habitat.

## U

"Utility" includes natural gas, electric, telephone and telecommunications, cable communications, water, sewer or storm drainage, and their respective facilities, lines, pipes, mains, equipment and appurtenances.

## V

"Variance" means permission to depart from the requirements of the specific regulations of this chapter for a particular piece of property.

"Volcanic hazard areas" means areas identified by the U.S. Geological Survey (maps dated 1998 or as hereafter revised) as subject to a risk of large lahars with a recurrence interval of five hundred to one thousand years.

## W

"Wells" includes any excavation that is drilled, cored, washed, driven, dug, jetted or otherwise constructed when the intended use of an excavation is for the location, diversion, artificial recharge, or withdrawal of groundwater.

"Wellhead protection area" means the portion of a well's, well fields or spring's zone of contribution defined as such using the criteria established by the city.

"Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial watercourses intentionally created from nonwetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands include those artificial wetlands intentionally created from nonwetland areas to mitigate conversion of wetlands. (RCW.36.70A.030 (21).)

"Wetland impact assessment report" means a report prepared by a qualified consultant that identifies, characterizes and analyzes potential impacts to wetland consistent with applicable provisions of these regulations. A wetland impact assessment may be combined with and include a formal wetland delineation.

"Wildlife report" means a report prepared by a qualified consultant that evaluates plant communities and wildlife functions and values on a site, consistent with the format and requirements established by this chapter. This report also includes an analysis of impacts.

(Ord. No. 1943, § 2, 4-8-14)

### 11.50.040 - Applicability—Regulated activities.

- (a) All persons proposing development in a critical area or their buffers must first submit an application pursuant to this chapter, except as exempted pursuant to SMC 11.50.050. These critical area protections shall apply as an overlay to zoning and other land use regulations established by the city.
  - (1) Any new development, construction or use within the city that lies within a critical area as defined herein shall comply with the provisions of this chapter. No action shall be taken by any person that results in the alteration or modification of any critical area except as consistent with the requirements, objectives and intent of this chapter.
  - (2) Where two or more types of critical areas overlap, requirements for the development shall be consistent with the standards for each critical area.
  - (3) These critical area regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted. Any conditions required pursuant to this chapter may be included in the SEPA review and threshold determination.
  - (4) The City shall provide the Yakama Nation with notice and a reasonable opportunity to comment on development applications which propose development in a critical area or its buffer area, with the exception of projects that are exempt under Section 11.50.05 of the City's Critical Areas Ordinance.

- (b) To avoid duplication, the following permits and approvals shall be subject to and coordinated with the requirements of this chapter: land clearing; grading; subdivision or short subdivision; building permit, planned development (when permitted by city code); shoreline substantial development; variance, Class 1, 2 or 3 use; and any other permits that may lead to the development or alteration of land.
- (c) Administrative actions, such as rezones, annexations, and the adoption of plans and programs, shall be subject to the requirements of this chapter. However, the city administrator, in the exercise of his or her discretion, may permit any studies or evaluations required by this chapter to use methodologies and provide a level of detail appropriate to the administrative action proposed.

(Ord. No. 1943, § 2, 4-8-14)

#### 11.50.050 - Exemptions and nonconforming uses.

The activities listed below are exempt from the provisions of the chapter. Exempt activities shall be conducted using all reasonable methods to avoid impacts to critical areas. Exemption from this chapter shall not be considered permission to degrade a critical area or ignore risks from natural hazards. Incidental damage to, or alteration of, a critical area that is not a necessary outcome of an exempted activity shall be restored and rehabilitated at the property owner's expense.

- (1) Emergency construction or repair necessary to protect life or property from immediate damage by the elements. An emergency is an unanticipated event or occurrence which possess an imminent threat to public health and safety, to private or public property, or to the environment, and which requires immediate action within a time too short to allow full compliance. Once the threat to the public health, safety, or the environment has dissipated, the construction undertaken as a result of the previous emergency shall then be evaluated and brought into reasonable compliance with this chapter with due consideration given to the nature, type and extent of emergency responses and actions and after the fact permits may be required and other actions required to mitigate impacts;
- (2) Normal maintenance or repair of existing buildings, structures, roads, utilities, levees, or drainage system, that do not require construction permits, provided the activity does not materially alter, encroach upon, or increase impacts to critical areas or associated buffers;
- (3) Existing and ongoing agricultural activities normal or necessary to conduct general farming;
- (4) Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. In every case, critical area impacts should be minimized and disturbed areas shall be immediately restored;
- (5) Passive recreational, scientific or educational activities, including, but not limited to: bicycling, bird watching, boating, canoeing, hiking, hunting, and fishing provided the activity does not alter the critical area or its buffer by changing existing topography, water conditions or water sources;
- (6) The operation and maintenance of canals, waterways, drains, reservoirs, or other man-made facilities that now exist or are hereafter created or developed as a part of an irrigation system. Portions of historic waterways that were altered in order to facilitate irrigation delivery are subject to the mitigation requirements of this chapter if they are filled or if new irrigations lines or ditches are placed within wetlands or their required buffers;
- (7) Maintenance of above-ground utility transmission lines and poles;
- (8) Any streamside management project associated with a single-family residence or agricultural activity designed to achieve, through the use of native or natural vegetation and/or bioengineering alternatives, the functional properties of the critical area and carried out in conformance with a conservation plan or design developed through North Yakima County Conservation District, or by a qualified professional certified to develop such plans or designs according to best management practices;

(Ord. No. 1943, § 2, 4-8-14)

11.50.060 – Exceptions.

- (a) Exception. Public Agency and Utility. If the application of this Title would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this Section.
- (b) Exception. Reasonable Use Alternatives. The city may modify the requirements of this section in specific cases when necessary to allow reasonable use of an applicant's property.
  - (1) Reasonable Use Review Criteria. To qualify for such relief the applicant must demonstrate all of the following:
    - (A) That no other reasonable use can be made of the property that will have a lesser impact on the critical area;
    - (B) That there are no feasible and reasonable on-site alternatives to the proposed activities, including changes in site layout, reductions in density, and similar factors that would allow a reasonable economic use with fewer impacts;
    - (C) That the proposed use does not pose a material threat to the public health, safety or welfare;
    - (D) Any alteration shall be the minimum required to allow reasonable use of the property;
    - (E) The inability of the proponent to derive reasonable use of the property shall not be the result of applicant's actions after the effective date of the ordinance codified in this section; and
    - (F) The proposal is consistent with other applicable regulations and standards.
  - (2) Exception Request and Review Process. A request for a reasonable use exception shall be submitted to the city planning department and shall include a critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW or as it may be amended) (if reasonable necessary to evaluate the application). The planning official shall prepare a recommendation based on review of the submitted information, a site inspection, and the requested proposal's compliance with the reasonable use exception criteria in subsection (b)(1) of this section.
  - (3) A Reasonable Use Exception. Reasonable use exceptions shall be processed according to the provisions of a Class 2 review process in SMC 10.06.020 or as may be amended and may be approved, approved with conditions, or denied based on the proposal's ability or lack of ability to comply with all of the reasonable use exception review criteria in subsection (b)(1) of this section. Any alteration of a critical area(s) approved under this section may be subject to appropriate conditions and will require mitigation under an approved mitigation plan.
  - (4) Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

(Ord. No. 1943, § 2, 4-8-14)

11.50.070 - Reference maps and materials.

The city shall maintain reference maps and materials that provide information on the general locations of critical areas. Critical areas data mapping shall be for illustrative, not regulatory, purposes. Since boundaries are generalized, the application of this section and the actual type, extent and boundaries of critical areas shall be determined and governed by the classification section established for each critical area. In the event of any conflict between the critical area location or designation shown on the city's maps, or the site-specific conditions, site-specific conditions shall take precedence. Reference maps and inventories shall include, but are not limited to, the following:

- (1) Wetlands map, based upon U.S. Fish and Wildlife Service National Wetlands.
- (2) Fish and wildlife habitat area maps, based on Washington Department of Fish and Wildlife priority habitats and species data.
- (3) Soils maps, based upon Yakima County Soils Survey, May, 1985. United States Department of Agriculture, Natural Resources Conservation Service (NRCS).
- (4) Steep slope maps, Yakima County GIS.
- (5) United States Geological Survey (USGS) 7.5 minute Series Topographic Quadrangle Maps.
- (6) Aerial photos, Yakima County GIS.
- (7) City of Selah Urban Growth Area Comprehensive Plan, January 2005, or as amended.
- (8) Yakima County Regional Shorelines Master Program, September 2008, or as amended.
- (9) City of Selah critical area maps: aquifer recharge areas, potential wetlands floodplains, and geologically hazardous areas, prepared October 2015 and contained in the Selah Comprehensive Plan; Natural Systems Element.
- (10) The manual and methodology used to identify wetlands in the field, in accordance with the approved federal wetland delineation manual and applicable regional supplements.
- (11) Washington State Wetlands Rating System for Eastern Washington—Revised (Publication No. 04-06-15), March 2007, or as amended.
- (12) "The Flood Insurance Study for Yakima County, Washington and Incorporated Areas" dated November 18, 2009, and any revisions thereto, with an accompanying flood insurance rate map (FIRM), and any revisions thereto; and
- (13) Approved special reports previously completed for a subject property.

(Ord. No. 1943, § 2, 4-8-14)

11.50.080 - Application.

- (a) Review Process. Any new development, construction or use shall require that applicants disclose activities within two hundred fifty feet of a known or suspected critical area. The provisions of the section shall be applied to any such proposal. The review process shall proceed as follows:
  - (1) Application Meeting/Site Visit. Upon receiving a land use or development proposal, the planning official may schedule an application meeting and/or site visit with the proponent for purposes of a preliminary determination whether the proposal is likely to result in impacts to the functions and values of critical areas or pose health and safety hazards. At this meeting, the planning official may discuss the requirements of this chapter and other applicable regulations; provide critical area maps and other available reference materials; outline the review and permitting process; and work with the proponent to identify any potential concerns with regards to critical areas.
  - (2) Application and SEPA Checklist. For all nonexempt proposals, the proponent shall submit all relevant land use/development applications, together with a completed SEPA checklist.



- (3) Determination of Need for Critical Areas Report. Based upon the preapplication meeting, if conducted, application materials, and the SEPA Checklist. The planning official shall determine if there is cause to require a critical area report. In addition, the planning official may use critical areas maps and reference materials, information and scientific opinions from appropriate agencies, or any reasonable evidence regarding the existence of critical area(s) on or adjacent to the site of the proposed activity. See subsection (c) of this section.
  - (4) Documentation and Notification. The planning official shall document the pre-application meeting if conducted, and/or site visit, application and SEPA threshold determination, and any other steps or findings regarding the determination of whether a critical areas report will be required. The applicant shall receive notice of the determination and any findings that support it.
- (b) Application Review and Conditions. Any new development, construction or use shall require that applicants disclose activities within two hundred fifty feet of a known or suspected critical area. The provisions of the section shall be applied to any such proposal. The review process shall proceed as follows:
- (1) A permit shall only be granted if the permit, as conditioned, is consistent with the purpose and intent of this chapter. Additionally, permits shall only be granted if:
    - (A) A proposed action:
      - (i) Avoids significant adverse impacts to critical areas;
      - (ii) Takes affirmative and appropriate measures to minimize significant adverse impacts to critical areas; or
      - (iii) Mitigates (compensates for) unavoidable adverse impacts to critical areas; and
      - (iv) Assures no net loss of wetland function or value; and
      - (v) The proposal is consistent with all other applicable local, state, and federal regulations and standards.
  - (2) The proposal is compatible in design, scale, and use with other development or potential development in the area.
  - (3) The proposed actions implement, to the maximum extent possible, the best available construction, design, and development techniques that will result in the least adverse impact to the critical area.
  - (4) Any alteration to a critical area, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the criteria in subsection (b)(1)(A)(i) through (b)(1)(A)(v) of this section. The planning official shall document the pre-application meeting if conducted, and/or site visit, findings of an exemption, SEPA, or any other required to review application.
  - (5) The city may condition the proposed activity as necessary to mitigate impacts or address adverse impacts to critical areas and to conform to the standards required of this chapter. Through the review process the city of Selah shall have the authority to attach such conditions to any permit or authorization issued in order to mitigate impacts to critical area(s) and to carry out the provisions of this chapter. Such conditions may include, but are not limited to, the following:
    - (A) Specification of allowable lot sizes;
    - (B) Provisions for additional buffers relative to the intensity of a use or activity;
    - (C) Requirements and/or restrictions on the construction, size, location, bulk and/or height, etc., of structure(s);
    - (D) Dedication of necessary easements for utilities, conservation, open space, etc.;

- (E) Imposition of easements agreements, sureties, deed restrictions, covenants, etc., on the future use and/or division of land that run with the land and are filed and recorded in the office of the Yakima County auditor;
  - (F) Limitations on the removal of existing vegetation;
  - (G) Additional measures to address issues such as erosion control, stormwater management, filling, grading, etc.;
  - (H) Development of a mitigation plan to create, enhance, or restore damaged or degraded critical area(s) on and/or off site; and
  - (I) Any monitoring and/or maintenance plans necessary to implement the provisions of the chapter.
- (6) Except as provided for by this chapter, any project that cannot adequately mitigate its impacts to critical areas in the sequencing order of preferences shall be denied.
- (7) Favorable Determination. If the administrator determines that the proposed activity meets the criteria in this section and complies with the applicable provisions of this chapter, the administrator shall prepare a written notice of determination and identify any required conditions of approval. The notice of determination and conditions of approval shall be included in the project file and be considered in the next phase of the city's review of the proposed activity in accordance with any other applicable codes or regulations.
- (A) Any conditions of approval included in a notice of determination shall be attached to the underlying permit or approval. Any subsequent changes to the conditions of approval shall void the previous determination pending review of the proposal and conditions of approval by the planning official.
  - (B) A favorable determination should not be construed as an endorsement or approval of any underlying permit or approval.
- (8) Unfavorable Determination. If the administrator determines that the proposed activity does not adequately mitigate its impacts on the critical area and/or does not comply with the criteria in subsection (b)(4) of this section and the provisions of this chapter, the administrator shall prepare a written notice of the determination that includes findings of noncompliance.
- (A) No proposed activity or permit shall be approved or issued if it is determined that the proposed activity does not adequately mitigate its impacts on the critical areas and/or does not comply with the provisions of this chapter.
  - (B) Following notice of determination that the proposed activity does not meet the review criteria and/or does not comply with the applicable provisions of this chapter, the applicant may request consideration of a revised critical areas report. If the revision is found to be substantial and relevant to the critical area review, the administrator may reopen the critical area review and make a new determination based on the revised report.
- (9) Completion of the Critical Area Review. The city's determination regarding critical areas pursuant to this chapter shall be final concurrent with the final decision to approve, approve with conditions, or deny the development proposal or other activity involved.
- (c) Critical Areas Report. If the planning official determines that the site of a proposed development potentially includes, or is adjacent to, critical area(s), a critical areas report may be required. When required, the expense of preparing the critical areas report shall be borne by the applicant. The content, format and extent of the critical areas report shall be approved by the planning official.
- (1) The requirement for a critical areas report may be waived by the planning official if there is substantial evidence that:
    - (A) There will be no alteration of the critical area(s) and/or the required buffer(s);

- (B) The proposal will not impact the critical area(s) in a manner contrary to the purpose, intent and requirements of this chapter and the city's comprehensive land use plan; and
  - (C) The minimum standards of this section will be met.
- (2) No critical area report is required for proposals that area exempt from the provisions of this chapter.
  - (3) Critical area reports shall be completed by a qualified professional in the area to which the report pertains, approved by the planning official, who is knowledgeable about the specific critical area(s) in question.
  - (4) At a minimum, a required critical areas report shall contain the following information:
    - (A) Applicant's name and contact information, permits being sought, and description of the proposal;
    - (B) A copy of the site plan for the development proposal, drawn to scale and showing:
      - (i) Identified critical areas, buffers, and the development proposal with dimensions;
      - (ii) Limits of any areas to be cleared; and
      - (iii) A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;
    - (C) The names and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
    - (D) Identification and characterization of all critical areas, wetland, water bodies, and buffers adjacent to the proposed project area. Delineation of wetlands shall be accomplished using the Washington State Wetlands Identification and Delineation Manual (Publication No. 96-94), March 1997 (as amended or revised);
    - (E) An assessment of the probable cumulative impacts to critical areas resulting from the proposed development of the site;
    - (F) An analysis of site development alternatives;
    - (G) A description of reasonable efforts made to apply mitigation sequencing to avoid, minimize, and mitigate impacts to critical areas;
    - (H) A mitigation plan, as necessary, developed in accordance with the mitigation requirements of this section and site assessment and evaluation, including, but not limited to:
      - (i) The identification of impacts of the proposed use or development within or adjacent to a critical area or buffer on the critical area; and
      - (ii) The impacts of proposed alteration of a critical area or buffer on the development proposal, other properties and the environment;
    - (I) A discussion of the performance standards applicable to the critical area and proposed activity;
    - (J) Financial guarantees to secure compliance; and
    - (K) Any additional information required for specific critical areas as listed in subsequent sections of this chapter.
  - (5) The planning official may request any other information reasonably deemed necessary to evaluate impacts to critical areas.
- (d) Mitigation Requirements. The applicant shall seek to avoid material impacts that degrade the functions and values of critical areas. If alteration is not reasonably avoidable, material adverse impacts to critical areas and buffers resulting from the development or use proposed shall be mitigated in accordance with an approved critical areas report and SEPA documents. Mitigation shall

be on-site, when possible, and sufficient and reasonably maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.

- (1) Mitigation Sequencing. Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration of a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference:
  - (A) Avoiding the impact by not taking a certain action or parts of an action;
  - (B) Minimizing or reducing impacts by reducing the scope of the proposed use or development; by using accepted technology, engineering or design, or by taking affirmative steps, such as project design, relocation, or timing to avoid or reduce impacts;
  - (C) Rectifying the impacts to wetlands, critical aquifer recharge area(s), frequently flooded area(s), and habitat conservation area(s) by repairing, rehabilitating, or restoring the affected environment to historical conditions or the conditions existing at the time of initiation of the project;
  - (D) Minimizing or eliminating the risk or impact by restoring, stabilizing or protecting the critical area through engineered or other methods;
  - (E) Reducing or eliminating the risk or impact over time by preservation and maintenance operations for the duration of the proposed use or development;
  - (F) Compensating for the impact to critical areas, wetlands, critical aquifer recharge area, frequently flooded areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
  - (G) Monitoring the risk or other required mitigation and taking remedial action when necessary.
- (2) Mitigation Plan. When mitigation is required, the applicants shall submit for approval a mitigation plan as part of the critical area report. The mitigation plan shall include:
  - (A) A written report identifying mitigation objectives, including:
    - (i) A description of the anticipated impacts to the critical area and the proposed mitigating actions and/or compensation measures, including the site selection criteria; identification of compensation objectives; identification of critical area functions and values; and dates for beginning and completion of site compensation construction activities;
    - (ii) A review of the best available science for the proposed mitigation and identification of authors (including curriculum vitae); and
    - (iii) An analysis of mitigation benefits derived from the compensation project.
  - (B) Measurable criteria for evaluation of the mitigation plan and compliance with the requirements of this chapter.
  - (C) Written specifications and descriptions of proposed mitigation, including, but not limited to:
    - (i) The proposed construction sequence, timing, and duration;
    - (ii) Grading and excavation details;
    - (iii) Erosion and sediment control features;
    - (iv) A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
    - (v) Measures to protect and maintain plants until established.
  - (D) A program for monitoring mitigation measures and/or compensation project, and for assessing the completed project over time. The program may include a schedule for site

monitoring and compliance with performance standards. A monitoring report may be required to document milestones, successes, problems, and contingency actions for either mitigation measures or compensation project. The mitigation measures or compensation project shall be monitored for a reasonable period necessary to establish that performance standards have been satisfied.

- (E) Identify potential or alternative courses of action, and any corrective measures to be considered if monitoring or evaluation indicates the project has failed to meet performance standards.
- (e) Agency Review. In cases where the planning official does not have adequate knowledge or training to determine the sufficiency and accuracy of information contained within a critical area report or mitigation plan, said reports or plans shall be submitted to qualified agencies or consultants for review and recommendations prior to acceptance by the city.
- (f) Surety/Bonding. If a development proposal is subject to mitigation, maintenance or monitoring plans, the city of Selah, in a form acceptable to the city council and the city attorney, may require security, bond or other assurance device reasonable or necessary to insure performance and compliance.

(Ord. No. 1943, § 2, 4-8-14)

#### 11.50.090 - Appeals.

Any decision to approve, condition, or deny a development proposal or other activity based on the requirements of this chapter may be appealed according to, and as part of, the appeal procedure for the permit or approval involved.

(Ord. No. 1943, § 2, 4-8-14)

#### 11.50.100 - Enforcement.

Violation or failure to comply with the provisions of this chapter or any permit issued hereunder shall be subject to enforcement actions by the city of Selah, including but not limited to, (A) revocation of any issued permit(s); (B) remedies authorized in the Selah Municipal Code, development regulations and shorelines master program or any other land use regulation of the city of Selah; and (C) remedies and penalties provided by any other applicable law. The city attorney, when authorized by the mayor and council, shall seek penalties, remedies, injunctions and other legal sanctions necessary for the enforcement of this chapter. In addition to costs allowed by these regulations, the prevailing party in an enforcement action may, at the court's discretion, also be allowed interest and reasonable attorney fee. The city attorney shall seek such costs, interest, and the reasonable attorney fees on behalf of the city of Selah when the city is the prevailing party.

(Ord. No. 1943, § 2, 4-8-14)

#### 11.50.110 – Critical Aquifer recharge areas.

##### (a) Mapping.

- (1) The CARAs are depicted in the most recently updated CARA map developed by Yakima County through a geographic information system (GIS) analysis using the methodology outlined in the Washington Department of Ecology "Critical Aquifer Recharge Area Guidance Document" (Publication 05-10-028, or as revised). This map depicts the general location of the critical aquifer recharge areas. All applications for development within the City that are located within a mapped CARA will be required to follow the performance standards of this chapter. The CARA map estimates areas of moderate, high and extreme susceptibility to contamination, in addition

to wellhead protection areas. To characterize hydrogeologic susceptibility of the recharge area to contamination, the GIS analysis used the following physical characteristics:

- Depth to groundwater;
- Soil (texture, permeability, and contaminant attenuation properties);
- Geologic material permeability
- Recharge (amount of water applied to the land surface, including precipitation and irrigation).

(2) Wellhead Protection Areas. The CARA map includes those Wellhead Protection Areas for which the County has maps. The City of Selah maintains a map of Wellhead Protection Area locations. Wellhead Protection Areas are required for all Class A public water systems in the State of Washington. The determination of a wellhead protection area is based upon the time of travel of a water particle from its source to the well. Water purveyors collect site specific information to determine the susceptibility of the water source to surface sources of contamination. Water sources are ranked by the Washington State Department of Health with a high, moderate or low susceptibility to surface contamination. Wellhead protection areas are defined by the boundaries of the 10-year time of groundwater travel, in accordance with WAC-246-290-135. For purposes of this chapter, all wellhead protection areas shall be considered highly susceptible.

(b) Designation. The city of Selah adopts those aquifer recharge areas within the city identified by Yakima County, both present and in the future. CARAs are areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge, as defined by WAC 365-190-030(3). CARAs have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of groundwater resources or contribute significantly to the replenishment of groundwater. The following areas have been identified based on local conditions.

1. Wellhead Protection Areas. Wellhead protection areas shall be defined by the boundaries of the 10-year time of groundwater travel, or boundaries established using alternate criteria approved by the Department of Health in those settings where groundwater time of travel is not a reasonable delineation criterion, in accordance with WAC-246-290-135.

2. Special Protection Areas. Special protection areas are those defined by WAC-173-200-090.

(c) Performance Standards. In addition to the general provisions of this chapter and the requirements of the underlying land use zoning, the following minimum standards shall apply to development activities within and adjacent to aquifer recharge areas:

(1) Development activities within an aquifer recharge area shall be designed, developed and operated in a manner that will not potentially degrade groundwater resources nor adversely affect the recharging of the aquifer.

(2) A hydrogeologic study and/or ongoing monitoring may be required to assess impacts of development activities on groundwater resources.

(3) All proposed activities within aquifer recharge areas must comply with the water source protection requirements of the Federal Environmental Protection Agency and the Yakima County Health District.

(4) On-site stormwater facilities shall be designed and installed in all aquifer recharge areas, so as to provide both detention and treatment of all runoff associated with the development.

(5) All development occurring within aquifer recharge areas shall be required to connect to city sewer and water systems, and on-site sewage disposal shall be prohibited except as may be approved by city council and permitted by the Yakima County Health District.

- (6) Landfills, junkyards/salvage yards, mining, wood treatment facilities, or any other activity that could impair the recharge of a critical aquifer recharge area is not permitted within areas of high or moderate recharge potential unless in accordance with applicable zoning regulations, and, provided the applicant can satisfactorily demonstrate that potential negative impacts to groundwater can be prevented.
  - (7) All storage tanks, whether above or underground shall be required to be constructed so as to be protected against corrosion for the operational life of the tank, to prevent any release of hazardous substances to the ground, groundwaters, or surface waters, and to utilize appropriate containment methods.
  - (8) Any agricultural activities conducted within aquifer recharge areas shall incorporate best management practices concerning waste disposal, fertilizer/pesticide/herbicide use, and stream corridor management. If necessary, applicants shall seek technical assistance from the North Yakima County Conservation District or the Washington State University Cooperative Extension Office.
  - (9) Application of pesticides, herbicides and fertilizer within aquifer recharge areas shall comply with timing and rates specified on product packaging.
  - (10) Vehicle repair and servicing activities must be conducted over impermeable pads and within covered structures capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur. No dry wells shall be allowed in CARAs on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the State Department of Ecology prior to commencement of the proposed activity.
- (d) Use of Reclaimed Water for Surface Percolation or Direct Recharge. Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive plans that have been approved by the State Departments of Ecology and Health.
- (1) Use of reclaimed water for surface percolation must meet the groundwater recharge criteria given in RCQ 90.46.010(15) and 90.46.08. The State Department of Ecology may establish additional discharge limits in accordance with RCW 90.46.080(2).
  - (2) Direct injection must be in accordance with the standards developed by authority if RCW 90-46-042.

(Ord. No. 1943, § 2, 4-8-14)

11.50.120 - Fish and wildlife habitat conservation areas.

- (a) Classification. Fish and wildlife conservation areas include:
  - (1) Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;
  - (2) Habitats of Local importance, including but not limited to areas designated as priority habitat by the Washington Department of Fish and Wildlife;
  - (3) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds;
  - (4) Waters of the state, including lakes, rivers, ponds, streams, inland waters,
  - (5) Underground waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington; and
  - (6) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.

"Fish and wildlife conservation areas" does not include such artificial features or constructs as irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(b) Mapping. The following maps and data are hereby adopted and are available from the city and/or the listed governmental agency:

(1) Washington Department of Fish and Wildlife Priority Habitat and Species Maps;

(2) Washington State Department of Natural Resources, Official Water Type Reference Maps, as amended;

(3) Anadromous and resident salmonid distribution maps published by the Department of Fish and Wildlife Salmonid Stock Inventory; and

(4) City of Selah Waterways and Wetlands and Flood Hazard maps- City of Selah Comprehensive Plan Natural Systems Element.

The above maps are to be used as a guide for the city, project applicants, and/or property owners and should be continuously updated as new critical areas are identified. The above maps are a reference and do not provide a final critical area designation.

(c) Standards. In addition to the general provisions of this section and the requirements of the underlying zoning district, the following minimum standards shall apply to development activities within and adjacent to fish and wildlife habitat conservation areas:

(1) Critical area reports for fish and wildlife habitat conservation areas shall include a habitat assessment to evaluate the presence or absence of a potential critical species or habitat;

(2) The Washington State Department of Fish and Wildlife priority habitat and species management recommendations shall be consulted in developing specific measures to protect a specific project site;

(3) All projects shall comply with the applicable federal, statute and local regulations regarding the species and habitats identified upon a site;

(4) Establishment of Buffers. When needed to protect the functions and values of habitat conservation areas, the planning official shall require the establishment of buffer areas for activities in or adjacent to such areas. Buffers shall consist of an undisturbed area of natural vegetation, or areas identified for restoration. Buffer widths shall reflect the sensitivity of the habitat and the intensity of activity proposed, and shall be consistent with the management recommendations issued by the Washington State Department of Fish and Wildlife;

(5) As determined through the site-specific study, mitigation measures shall be implemented that maintain the base line populations and reproduction rates for the particular species; and

(6) As determined through the site-specific study, appropriate habitat conservation, management and monitoring plan(s) shall be developed and implemented, with any necessary surety to ensure compliance with such plan(s) being provided as described in this chapter.

(Ord. No. 1943, § 2, 4-8-14)

#### 11.50.130 - Wetlands.

(a) Classification. The city of Selah adopts wetland determinations as set forth in RCW 36.70A.030(20) or as may be amended and classification shall be in accordance with the Washington State Wetlands Rating System for Eastern Washington, publication no. 14-06-030, or as updated or amended:



- (1) Category I. Category I wetlands are those that score over seventy points on the rating system. They are those that:
  - (A) Represents a unique or rare wetland type; or
  - (B) Are most sensitive to disturbance than most other wetlands; or
  - (C) Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or
  - (D) Provide a very high level of functions.

The city of Selah does not wish to risk any degradation to these wetlands. Generally, these wetlands are not common and make up a small percentage of the wetlands in Eastern Washington. Category I wetlands are: 1) alkali wetlands; 2) wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/ DNR; 3) bogs and calcareous fens 4) mature and old-growth forested wetlands over ¼ acre with slow growing trees; 5) forests with stands of aspen; and 6) Wetlands that perform many functions very well (scores between 22-27).- These wetlands are those that 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of function.

- (2) Category II. Category II wetlands are those that score between fifty-one and sixty-nine points on the rating system. They generally are:
  - (A) Forested wetlands in the floodplains of rivers;
  - (B) Mature and old growth forested wetlands over ¼ acre with fast growing trees;
  - (C) Vernal pools; and
  - (D) Wetlands that perform functions well. These wetlands score between 19-21 points on the wetlands rating system.

These wetlands are difficult, though not impossible, to replace. They provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection.

- (3) Category III. Category III wetlands are wetlands with a moderate level of functions (scores between 16-18 points) and can be adequately replaced with a well-planned mitigation project. Wetlands scoring between 16-18 points generally have been disturbed in some ways, and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
  - (4) Category IV. Category IV wetlands have the lowest levels of functions (scores less than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, and in some cases, improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and also need to be protected.
- (b) Designation. To date there has been no wetlands fields inventory done specifically for the city of Selah vicinity. To remedy this, the city should pursue an accurate accounting of all wetlands in the city's urban growth area based on the manual and methodology used to identify wetlands in the field, in accordance with the approved federal wetland delineation manual and applicable regional supplements. However, until funding is obtained to conduct a comprehensive inventory of wetlands, the National Wetlands Inventory (NWI) maps shall be used as a base designation. The NWI maps, along with other supportive documentation, shall be used to review development proposals, but because the National Wetlands Inventory was done at such a broad scale, local verification according to the classification criteria shall be part of the standard process for identifying and designating wetlands.

(c) Performance Standards. In addition to the general provisions of this section and the requirements of the underlying zoning district, the following minimum standards shall apply to the development activities within and adjacent to wetland areas:

(1) The following buffer zones are required adjacent to and outside of all regulated wetlands according to the following schedule. There is an exception for Category III and IV wetlands between one thousand and four thousand square feet provided the wetland meets the criteria of (c)(1)(A) of this section:

- Category I—Two hundred fifty feet;
- Category II—Two hundred feet;
- Category III—One hundred fifty feet;
- Category IV—Fifty feet.

The standard buffer widths shall be applied unless the planning official determines through a scientifically supportable method that a greater or lesser buffer width would serve to protect the functions and values of a particular wetland. The standard buffer widths may not be reduced by more than twenty-five percent or to no less than thirty-five feet whichever is greater.

The planning official may also consider buffer averaging.

Averaging to allow reasonable use of the parcel may be permitted when all of the following are met:

- (A) There are no feasible alternatives to the site design that could be accomplished without buffer averaging; and
  - (B) The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a critical areas report from a qualified wetland professional; and
  - (C) The total buffer area after averaging is equal to the area required without averaging; and
  - (D) The buffer at its narrowest point is never less than either seventy-five percent of the required buffer width or seventy-five feet for Category I and II, or fifty feet for Category III, and twenty-five feet for Category IV, whichever is greater.
- (2) Greater buffer widths or revegetation of an inadequate plant community may be required where necessary to ensure development does not result in adverse impacts to wetlands.
- (A) Impacts allowed under this provision to these wetlands will be fully mitigated as required in the mitigation section.
  - (B) All Category I and Category II wetlands between one thousand and four thousand square feet should be evaluated with full mitigation sequencing and buffer establishment. Any approved impacts should be adequately compensated by mitigation.
  - (C) Wetlands larger than four thousand square feet will be evaluated using standard procedures for wetland review.
  - (D) Mitigation consistent with the mitigation ratios set forth in Table A-19. Wetlands as CAO updates; Guidance for Small Cities (Eastern Washington Version) Ecology Publication Number 10-06-001, or as may be updated or amended, may be required.
- (3) Wetland buffer zones shall be retained in their natural condition. Where buffer disturbances are unavoidable during adjacent construction, revegetation with native plant materials will be required.
- (4) Wetland alteration proposals shall be approved only if no alternative is available. When no alternative exists, wetland replacement shall be used to mitigate impacts and shall be based on the functions and values of the particular wetland being impacted. Simplified ratios for wetlands replacement projects shall be as follows:

<u>Category and Type of Wetland</u>	<u>Type of Mitigation*</u>		
	<u>Creation or Re-establishment</u>	<u>Rehabilitation</u>	<u>Enhancement</u>
<u>Category 1: Bog, Natural Heritage site</u>	<u>Not considered possible</u>	<u>Case by case</u>	<u>Case by case</u>
<u>Category I: Mature Forested</u>	<u>6:1</u>	<u>12:1</u>	<u>24:1</u>
<u>Category I Based on functions</u>	<u>4:1</u>	<u>8:1</u>	<u>16:1</u>
<u>Category II</u>	<u>3:1</u>	<u>6:1</u>	<u>12:1</u>
<u>Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>8:1</u>
<u>Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>6:1</u>

\*Mitigation types defined in Section 16.80.035 Definitions- "Compensatory Mitigation"

Wetland enhancement ratios shall not be less than one and one-half to one for replacement.

- (5) The following activities are allowed to occur in wetlands and wetland buffer zones subject to conditioning with appropriate best management practices to minimize impacts on the functions and values of wetlands:
  - (A) Outdoor passive recreational activities;
  - (B) Existing and ongoing agricultural activities (provided no additional area is added beyond demonstrated historic levels within the past five years). Agricultural activities in this section do not include the processing of agricultural products or other industrial aspects of agriculture.
- (6) Maintenance of existing facilities, structures, ditches, roads and utility systems. All projects shall comply with the applicable federal, state and local regulations regarding the species.
- (7) As determined through the site-specific study, mitigation measures shall be implemented that maintain the functions and values found in the particular wetland.
- (8) As determined through the site-specific study, appropriate mitigation, management and monitoring plan(s) may be developed and implemented, with any necessary security to ensure compliance with such plan(s) being provided as described in SMC 11.50.080C(4)(j).
- (9) A use or structure established prior to April 22, 2014 which does not conform to standards set forth herein is allowed to continue and be reasonably maintained; provided, that such activity or structure shall not be expanded or enlarged in any manner that increases the extent of its nonconformity.

(Ord. No. 1943, § 2, 4-8-14)

11.50.140 - Frequently flooded areas.

- (a) Classification. The following classification system will be used to determine the level of protection necessary for frequently flooded areas:
- (1) Class I. The floodway of any river or stream as designated by the Federal Emergency Management Agency (FEMA); and draws, alluvials and flood channels that are not mapped by FEMA but are areas of local concern that have a historical reoccurrence of flood events characterized by significant damage due to flood flows.
  - (2) Class II. All areas mapped by FEMA as a one hundred-year floodplain; and those areas of local concern that experience reoccurrence of flooding that are characterized by damage due primarily to inundation.
- (b) Designation. The city designates the areas of special flood hazard (including special flood risk zones) in addition to the general provisions of this section and the requirements of the underlying zoning district, the following minimum standards shall apply to the development activities within and adjacent to wetland areas.
- (c) Standards. In addition to the general provisions of these regulations and the requirements of the underlying zoning district, the following minimum standards shall apply to development activities within and adjacent to frequently flooded areas:
- (1) All development within frequently flooded areas shall be reviewed under and subject to the requirements of the city of Selah's flood damage prevention regulations (SMC, Chapter 11.19), SMC.
  - (2) All development within frequently flooded areas shall be consistent with the goals, objectives, findings, and recommendations of the city's comprehensive land use plan and flood damage prevention plan. The flood damage prevention plan, along with the city's comprehensive land use plan, provides a policy basis for management of flood hazard areas.
  - (3) Where practical, development activities shall be coordinated with structural activities recommend in the flood damage prevention plan.
  - (4) Where frequently flooded areas coincide with other designated critical areas, critical areas reports and mitigation plans shall address any combined functions and values.
  - (5) In all cases where mitigation measures are proposed, said measures shall be consistent with the city's flood damage prevention plan.
  - (6) Filling and grading in frequently flooded areas shall occur only upon a determination by a qualified professional that the filling or grading will not increase flood hazards to others.
  - (7) Subdivision in frequently flooded areas will be subject to the following:
    - (A) All lots created shall have adequate building space outside flood hazard areas, including the floodway, one hundred-year floodplain, and channel migration zones;
    - (B) Plat maps shall indicate the floodway and/or the one hundred-year floodplain;
    - (C) Subdivisions shall be designed to minimize or eliminate the potential for flood damage; and
    - (D) Subdivisions shall provide for stormwater drainage, in accordance with city standards, so as to reduce exposure to flood hazards.
  - (8) Bank Stabilization Projects. Where consistent with other regulations and with the flood damage prevention plan, protection of structures, public roadways or sole access routes in existence before April 22, 2014 shall be allowed. Such projects shall be designed to minimize adverse impacts to property, public improvements, and ecological functions.

(Ord. No. 1943, § 2, 4-8-14)

11.50.150 - Geologically hazardous areas.

- (a) Classification. Known geologically hazardous areas within the city of Selah consist of erosion hazard areas, including steep slopes. As more information is obtained that demonstrates the existence of other types and/or areas of geologically hazardous areas, these types and/or areas shall be classified and protected in accordance with the provisions of this section.
- (1) The following general classification system will be used to determine the level of protection necessary for geologically hazardous areas, based upon the risk to development:
    - (A) Known or suspected risk;
    - (B) No risk;
    - (C) Risk unknown.
  - (2) The following criteria shall be used in determining the status of an area as a particular type of geologically hazardous area:
    - (A) Erosion hazard areas are those that contain all three of the following characteristics:
      - (i) A slope of fifteen percent or greater;
      - (ii) Soils identified by the Natural Resource Conservation Service (NRCS) as having a high potential for erosion hazard. The approximate location and extent of erosion hazard areas are shown on a Yakima County map titled "erosion Hazard Areas of Yakima County" and for areas in Selah, were identified by using the "Soil Survey of Yakima County Area, Washington"; and
      - (iii) Areas that are exposed to the erosion effects of wind or water.
    - (B) Landslide hazard areas are those that may contain any of the following circumstances:
      - (i) All areas that have historically been prone to land sliding;
      - (ii) All areas containing soil types identified by the Natural Resource Conservation Service (NRCS) as unstable and prone to landslide hazard;
      - (iii) All areas that show evidence of or are at risk from snow avalanches; or
      - (iv) All areas that are potentially unstable as a result of rapid stream incision or stream bank erosion.
- (b) Designations.
- (1) Geologically Hazardous Areas. Each type of geologically hazardous area is designated based on different factors. The designation process for each type is as follows:
  - (2) Erosion Hazard Areas. NSCS soil erosion-hazard ratings are interpretations of the potential for erosion, applied to broadly generalized map units. They do not pinpoint erosion sites, but rather areas that, because of soil properties, availability of water, etc. The NRCS maps will be used to identify areas of erosion potential. The soil information needs to be combined with site-specific information (rills, inter-rills, and wind erosion) to determine if an erosion hazard is present on the site.
  - (3) Landslide Hazard Areas. Lands that meet the classification criteria are hereby designated as landslide hazard areas and should be mapped as resources become available.
  - (4) Mine Hazard Areas. Lands that meet the classification criteria are hereby designated as mine hazard areas and will be mapped as resources become available.
  - (5) Seismic Hazard Areas. There are no known active faults in the city of Selah. The majority of the city is located within Seismic Zone C in accordance with the International Building Code (2009 Edition, or as amended).
  - (6) Volcanic Hazard Areas. There are no volcanic hazard areas in the city of Selah. There are, however, several active volcanoes that could have impacts on the city, particularly the fallout of

ash. There is no way to prevent the impacts of fallen ash, but there are ways to respond to the ash that could lessen its impacts.

- (c) Standards. In addition to the general provisions of these regulations and the requirements of the underlying zoning district, the following minimum standards shall apply to development activities within and adjacent to geologic hazard areas:
- (1) All projects shall be evaluated through a geotechnical report to determine whether the project is proposed to be located in a geologically hazardous area, and if so, what is the project's potential impact on the geologically hazardous area and the potential impact of the geologic hazard on the proposed project; except that if the project site is only in an erosion hazard area and not a potential geologically hazardous area of another type, the protection measures will be accomplished by implementing the regulatory standards for erosion and drainage control required under SMC Title 11 (Building Codes). Any future stormwater program erosion control measures that may be formally adopted by the City Council shall supersede SMC Title 11 erosion control requirements. Standards to meet SMC Title 11 requirements can be met by the application of the best management practices (BMPs) in the Eastern Washington Stormwater Manual (WDOE publication number 04-10-076) or equivalent manual adopted by the City of Selah, or any other approved manual deemed appropriate by the Building Official, including but not limited to applicable Natural Resource Conservation Service (NRCS) Field Office Technical Guide (FOTG) BMPs and the Washington Department of Transportation Highway Runoff Manual. Application of the Environmental Protection Agency (EPA) "Construction Rainfall Erosivity Waiver" is at the discretion of the Building Official on a case-by-case basis;
  - (2) All projects shall comply with the applicable federal, state and local regulations, including the most recently adopted International Building Code;
  - (3) , Any appropriate buffers determined by the site specific study shall be maintained between all permitted uses and activities and the designated geologically hazardous area(s);
  - (4) The existing native vegetation within the buffer area(s) shall be maintained, except that normal, nondestructive pruning and trimming of vegetation for maintenance purposes is allowed;
  - (5) As determined through the site-specific study, appropriate drainage, grading, excavation and erosion control measures shall be implemented in the geologically hazardous area(s);
  - (6) As determined through the site-specific study, mitigation measures shall be implemented that maintain the integrity of the geologically hazardous area(s);
  - (7) As determined through the site-specific study, appropriate management and monitoring plan(s) shall be developed and implemented to preserve and protect both the geologically hazardous area(s) and the project, with any necessary surety to ensure compliance with such plan(s) being provided in SMC 11.50.080(c)(4)(J) (critical areas report); and

A use or structure established prior to April 22, 2014 which does not conform to standards set forth herein is allowed to continue and be reasonably maintained; provided, that such activity or structure shall not be expanded or enlarged in any manner that increases the extent of its nonconformity, unless otherwise approved.

(Ord. No. 1943, § 2, 4-8-14)



Selah City Council  
Regular Meeting  
**AGENDA ITEM SUMMARY**

Meeting Date: 3/12/2024

Agenda Number: 13-A

Action Item

**Title:** Resolution Authorizing the Mayor to Sign a Fifteen-Page Interagency Agreement with the Washington State Department of Commerce for the 2023-2025 Climate Planning Grant, and also a Nine-Page Agreement Amendment with The Beckwith Consulting Group Which is Serving as Selah's Consultant on this Project

**From:** Jeff Peters, Community Development Supervisor

**Action Requested:** Approval

**Staff Recommendation:** Approval

**Board/Commission Recommendation:** N/A

**Fiscal Impact:** receipt of \$150,000.00 of grant funds, which will be expended toward development of a Climate Element that can be included within the City's future version of its Comprehensive Plan. Disbursement of funds is scheduled to occur from July 1, 2023, to June 30, 2025.

**Funding Source:** Washington State Department of Commerce 2023-2025 Climate Planning Grant.

**Background/Findings/Facts:** Engrossed Second Substitute House Bill 1181 was enacted into law via Chapter 228 of the 2023 Session Laws, and Section 1 thereof added a new subsection (14) to RCW 36.70A.020 that requires counties and cities to include a Climate Element within their respective future Comprehensive Plans.

Selah's current 2017 Comprehensive Plan does not include a Climate Element.

Selah needs to develop a Climate Element and include such within its Comprehensive Plan no later than 2026, focusing on environmental justice; vehicle miles traveled (VMT) and greenhouse gas (GHG) reduction targets, and development of goals and policies for both; a Sub Climate Resilience Sub-Element; and a monitoring program to evaluate the Selah's progress over the following five to ten years.

The Washington State Department of Commerce ("Commerce") opened a complete grant application process whereby cities could seek funds for use toward the development of their respective Climate Elements.

As directed by the City Council and Mayor, Selah's Planning Division and its consultant – The Beckwith Consulting Group – submitted an application and Selah was ultimately awarded the amount of \$150,000.00 during December of 2023.

A written fifteen-page Interagency Agreement has been prepared by Commerce to effectuate Selah receiving and using such funds, the terms are acceptable to City staff, and City staff requests the City Council's approval for the Mayor to sign it. A related written nine-page Agreement Amendment has been prepared by The Beckwith Consulting Group to establish said consultant's scope of work, the terms are acceptable to City staff, and City staff requests the City Council's approval for the Mayor to sign it.

**Recommended Motion:** I move to approve the Resolution in the form presented.

*Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).*

**Date:                      Action Taken:**

September      City Council directed staff to apply for Climate Planning Grant  
2023

October 16,      City staff and consultant developed scope, schedule, budget, and deliverables of  
2023              the grant. The Climate Planning Grant application and letter of commitment  
                         from the Mayor was submitted to Commerce.

December        City awarded Climate Planning Grant.  
2023



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

RESOLUTION AUTHORIZING THE MAYOR TO SIGN A FIFTEEN-PAGE INTERAGENCY AGREEMENT WITH THE WASHINGTON STATE DEPARTMENT OF COMMERCE FOR THE 2023-2025 CLIMATE PLANNING GRANT, AND ALSO A NINE-PAGE AGREEMENT AMENDMENT WITH THE BECKWITH CONSULTING GROUP WHICH IS SERVING AS SELAH'S CONSULTANT ON THIS PROJECT

WHEREAS, Engrossed Second Substitute House Bill 1181 was enacted into law via Chapter 228 of the 2023 Session Laws, and Section 1 thereof added a new subsection (14) to RCW 36.70A.020 that requires counties and cities to include a Climate Element within their respective future Comprehensive Plans; and

WHEREAS, Selah's current 2017 Comprehensive Plan does not include a Climate Element; and

WHEREAS, Selah needs to develop a Climate Element and include such within its Comprehensive Plan no later than 2026, focusing on environmental justice; vehicle miles traveled (VMT) and greenhouse gas (GHG) reduction targets, and development of goals and policies for both; a Sub Climate Resilience Sub-Element; and a monitoring program to evaluate the Selah's progress over the following five to ten years; and

WHEREAS, the Washington State Department of Commerce ("Commerce") opened a complete grant application process whereby cities could seek funds for use toward the development of their respective Climate Elements; and

WHEREAS, as directed by the City Council and Mayor, Selah's Planning Division and its consultant – The Beckwith Consulting Group – submitted an application and Selah was ultimately awarded the amount of \$150,000.00 during December of 2023; and

WHEREAS, a written fifteen-page Interagency Agreement has been prepared by Commerce to effectuate Selah receiving and using such funds, the terms are acceptable to City staff, and City staff has requested the City Council's approval for the Mayor to sign it; and

WHEREAS, a related written nine-page Agreement Amendment has been prepared by The Beckwith Consulting Group to establish said consultant's scope of work, the terms are acceptable to City staff, and City staff has requested the City Council's approval for the Mayor to sign it; and

WHEREAS, the City Council finds that good cause exists;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, (a) that the Mayor be and is authorized to sign and enter into the fifteen-page Interagency Agreement in the form appended hereto and (b) that the Mayor be and is authorized to sign and enter into the nine-page Agreement Amendment in the form appended hereto.

///  
///

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH,  
WASHINGTON, this 12<sup>th</sup> day of March, 2024.

\_\_\_\_\_  
Roger Bell, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Grimm, Clerk/Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Rob Case, City Attorney

**16: Limits of Liability**

The Client agrees that the Beckwith Consulting Group's liability arising out of or in connection with this Agreement shall be limited to the total amount of the Beckwith Consulting Group's compensation under this Agreement. The Client agrees to indemnify and hold the Beckwith Consulting Group harmless from any liability more than the Beckwith Consulting Group's total compensation hereunder to any other person arising out of or in connection with the Beckwith Consulting Group's activities under this Agreement.

**17: Ownership of Materials**

All documents, studies, surveys, maps, drawings, models, photographs, and reports prepared by or for the Client under this Agreement shall become the property of the Client. The Beckwith Consulting Group may, at no additional expense to the Client, make and retain copies for the Beckwith Consulting Group's use.

**Witness**

the parties hereto have executed this Agreement as of the date written above.

**City of Selah  
Roger Bell, Mayor**

-----  
signature  
-----

**Beckwith Consulting Group**  
91-1249302 Employer Identification Number

-----  
signature  
Tom Beckwith FAICP, Principal

**Attachments**

- 1: Selah Climate Grant Scope of Work of 4 March 2024
- 2: the Beckwith Consulting Group's Time & Materials Schedule 1 January 2024.

Attachment "A"



**Interagency Agreement with**

**City of Selah**

**through**

**Growth Management Services**

**Contract Number:**

**24-63610-157**

For

**2023-2025 Climate Planning Grant**

**Dated:** Date of Execution



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## Face Sheet

Contract Number: 24-63610-157

**Local Government Division  
Growth Management Services  
2023-2025 Climate Planning Grant**

<b>1. Contractor</b> City of Selah 222 South Rushmore Road Selah, WA 98942		<b>2. Contractor Doing Business As (as applicable)</b> N/A	
<b>3. Contractor Representative</b> Jeff Peters Community Development Supervisor 509.674.2262 f-509.674.4097 Jeff.Peters@selahwa.gov.		<b>4. COMMERCE Representative</b> Noelle Madera Climate Operations Team Lead 509-818-1040 noelle.madera@commerce.wa.gov PO Box 42525 1011 Plum St. SE Olympia, WA 98504	
<b>5. Contract Amount</b> \$150,000	<b>6. Funding Source</b> Federal: <input type="checkbox"/> State: <input checked="" type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>		<b>7. Start Date</b> Date of Execution
<b>8. End Date</b> June 30, 2025			
<b>9. Federal Funds (as applicable)</b> N/A	<b>Federal Agency:</b> N/A		<b>ALN</b> N/A
<b>10. Tax ID #</b> N/A	<b>11. SWV #</b> 0007717-00	<b>12. UBI #</b> 392-000-147	<b>13. UEI #</b> N/A
<b>14. Contract Purpose</b> For the development of the Growth Management Act (GMA) climate change and resiliency element requirements related to the implementation of HB 1181.			
COMMERCE, defined as the Department of Commerce, and the Contractor, as defined above, acknowledge and accept the terms of this Contract and Attachments and have executed this Contract on the date below and warrant they are authorized to bind their respective agencies. The rights and obligations of both parties to this Contract are governed by this Contract and the following documents incorporated by reference: Contractor Terms and Conditions including Attachment "A" – Scope of Work and Attachment "B" – Budget.			
<b>FOR CONTRACTOR</b>  _____ <insert name>, <insert title>  _____ Signature  _____ Date		<b>FOR COMMERCE</b>  _____ Mark K. Barkley, Assistant Director  _____ Date  <b>APPROVED AS TO FORM ONLY BY ASSISTANT ATTORNEY GENERAL APPROVAL ON FILE</b>	



## **Special Terms and Conditions**

### **1. AUTHORITY**

COMMERCE and Contractor enter into this Contract pursuant to the authority granted by Chapter 39.34 RCW.

### **2. CONTRACT MANAGEMENT**

The Representative for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Contract.

The Representative for COMMERCE and their contact information are identified on the Face Sheet of this Contract.

The Representative for the Contractor and their contact information are identified on the Face Sheet of this Contract.

### **3. COMPENSATION**

COMMERCE shall pay an amount not to exceed **one hundred fifty thousand dollars (\$150,000)**, for the performance of all things necessary for or incidental to the performance of work under this Contract as set forth in the attached Scope of Work and Budget.

### **4. BILLING PROCEDURES AND PAYMENT**

COMMERCE will pay Contractor upon acceptance of services provided and receipt of properly completed invoices, which shall be submitted to the Representative for COMMERCE not more often than monthly nor less than quarterly.

The invoices shall describe and document, to COMMERCE's satisfaction, a description of the work performed, the progress of the project, and fees. The invoice shall include the Contract Number 24-63610-157. A receipt must accompany any single expenses in the amount of \$50.00 or more in order to receive reimbursement.

Payment shall be considered timely if made by COMMERCE within thirty (30) calendar days after receipt of properly completed invoices. Payment shall be sent to the address designated by the Contractor.

COMMERCE may, in its sole discretion, terminate the Contract or withhold payments claimed by the Contractor for services rendered if the Contractor fails to satisfactorily comply with any term or condition of this Contract.

No payments in advance or in anticipation of services or supplies to be provided under this Agreement shall be made by COMMERCE.

#### **Grant Start Date**

COMMERCE will pay the Contractor for costs incurred beginning July 1, 2023, for services and deliverables described under this Agreement.

#### **State Fiscal Year Payments**

COMMERCE will reimburse Contractor for State Fiscal Year 2024 (July 1, 2023-June 30, 2024), and State Fiscal Year 2025 (July 1, 2024-June 30, 2025), based on the expenses incurred under this Contract.

#### **Invoices and End of Fiscal Year**





Invoices are due at a minimum of June 15, 2024 and 2025, if not submitted at more frequent intervals.

Final invoices for a state fiscal year may be due sooner than the 15th of June and Commerce will provide notification of the end of fiscal year due date.

The Contractor must invoice for all expenses from the beginning of the contract through June 30, regardless of the contract start and end date.

#### Duplication of Billed Costs

The Contractor shall not bill COMMERCE for services performed under this Agreement, and COMMERCE shall not pay the Contractor, if the Contractor is entitled to payment or has been or will be paid by any other source, including grants, for that service.

#### Disallowed Costs

The Contractor is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its subcontractors.

#### Line Item Modification of Budget

- A. Notwithstanding any other provision of this contract, the Contractor may, at its discretion, make modifications to line items in the Budget, hereof, that will not increase the line item by more than fifteen percent (15%).
- B. The Contractor shall notify COMMERCE in writing (by email or regular mail) when proposing any budget modification or modifications to a line item in the Budget (Attachments B) hereof, that would increase the line item by more than fifteen percent (15%). Conversely, COMMERCE may initiate the budget modification approval process if presented with a request for payment under this contract that would cause one or more budget line items to exceed the 15 percent (15%) threshold increase described above.
- C. Any such budget modification or modifications as described above shall require the written approval of COMMERCE (by email or regular mail), and such written approval shall amend the Project Budget. Each party to this contract will retain and make any and all documents related to such budget modifications a part of their respective contract file.
- D. Nothing in this section shall be construed to permit an increase in the amount of funds available for the Project, as set forth in Section 3 of this contract, nor does this section allow any proposed changes to the Scope of Work, include Tasks/Work Items and Deliverables under Attachment A, without specific written approval from COMMERCE by amendment to this contract.

### **5. SUBCONTRACTOR DATA COLLECTION**

Contractor will submit reports, in a form and format to be provided by Commerce and at intervals as agreed by the parties, regarding work under this Contract performed by subcontractors and the portion of Contract funds expended for work performed by subcontractors, including but not necessarily limited to minority-owned, woman-owned, and veteran-owned business subcontractors. "Subcontractors" shall mean subcontractors of any tier.

### **6. ENSURE COORDINATED CLIMATE COMMITMENT ACT BRANDING**

COMMERCE received funding from Washington's Climate Commitment Act (CCA). To strengthen public awareness of how CCA funding is used, the Office of the Governor is directing state agencies that administer funding or manage a CCA-supported program to ensure consistent branding and funding acknowledgments are used in all communications and included in funding agreements and contracts. The "Climate Commitment Act" logo and funding acknowledgment make it easy for



consumers and the public to see how the state is using CCA funds to reduce climate pollution, create jobs, and improve public health and the environment, particularly for low-income and overburdened populations.

The following provisions apply to all contractors, subcontractors, service providers and others who assist CONTRACTOR in implementing the climate planning grant.

Logo requirements. The CCA logo must be used in the following circumstances, consistent with the branding guidelines posted at [climate.wa.gov/brandtoolkit](http://climate.wa.gov/brandtoolkit).

- Any WA Department of Commerce climate planning grant website or webpage that includes logos from other funding partners.
- Any WA Department of Commerce climate planning grant media or public information materials that include logos from other funding partners.

Funding source acknowledgement. This standard funding language must be used on websites and included in announcements, press releases and publications used for media-related activities, publicity and public outreach.

"The WA Department of Commerce climate planning grant is supported with funding from Washington's Climate Commitment Act. The CCA supports Washington's climate action efforts by putting cap-and-invest dollars to work reducing climate pollution, creating jobs, and improving public health. Information about the CCA is available at [www.climate.wa.gov](http://www.climate.wa.gov)."

## 7. **INSURANCE**

Each party certifies that it is self-insured under the State's or local government self-insurance liability program, and shall be responsible for losses for which it is found liable.

## 8. **FRAUD AND OTHER LOSS REPORTING**

Contractor shall report in writing all known or suspected fraud or other loss of any funds or other property furnished under this Contract immediately or as soon as practicable to the Commerce Representative identified on the Face Sheet.

## 9. **ORDER OF PRECEDENCE**

In the event of an inconsistency in this Contract, the inconsistency shall be resolved by giving precedence in the following order:

- Applicable federal and state of Washington statutes and regulations
- Special Terms and Conditions
- General Terms and Conditions
- Attachment A – Scope of Work
- Attachment B – Budget

## **General Terms and Conditions**

### **1. DEFINITIONS**

As used throughout this Contract, the following terms shall have the meaning set forth below:

- A. "Authorized Representative" shall mean the Director and/or the designee authorized in writing to act on the Director's behalf.
- B. "COMMERCE" shall mean the Washington Department of Commerce.
- C. "Contract" or "Agreement" or "Grant" means the entire written agreement between COMMERCE and the Contractor, including any Attachments, documents, or materials incorporated by reference. E-mail or Facsimile transmission of a signed copy of this contract shall be the same as delivery of an original.
- D. "Contractor" or "Grantee" shall mean the entity identified on the face sheet performing service(s) under this Contract, and shall include all employees and agents of the Contractor.
- E. "Personal Information" shall mean information identifiable to any person, including, but not limited to, information that relates to a person's name, health, finances, education, business, use or receipt of governmental services or other activities, addresses, telephone numbers, social security numbers, driver license numbers, other identifying numbers, and any financial identifiers, and "Protected Health Information" under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- F. "State" shall mean the state of Washington.
- G. "Subcontractor" shall mean one not in the employment of the Contractor, who is performing all or part of those services under this Contract under a separate contract with the Contractor. The terms "subcontractor" and "subcontractors" mean subcontractor(s) in any tier.

### **2. ALL WRITINGS CONTAINED HEREIN**

This Contract contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind any of the parties hereto.

### **3. AMENDMENTS**

This Contract may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

### **4. ASSIGNMENT**

Neither this Contract, work thereunder, nor any claim arising under this Contract, shall be transferred or assigned by the Contractor without prior written consent of COMMERCE.

### **5. CONFIDENTIALITY AND SAFEGUARDING OF INFORMATION**

- A. "Confidential Information" as used in this section includes:
  - i. All material provided to the Contractor by COMMERCE that is designated as "confidential" by COMMERCE;

- ii. All material produced by the Contractor that is designated as "confidential" by COMMERCE; and
  - iii. All Personal Information in the possession of the Contractor that may not be disclosed under state or federal law.
- B. The Contractor shall comply with all state and federal laws related to the use, sharing, transfer, sale, or disclosure of Confidential Information. The Contractor shall use Confidential Information solely for the purposes of this Contract and shall not use, share, transfer, sell or disclose any Confidential Information to any third party except with the prior written consent of COMMERCE or as may be required by law. The Contractor shall take all necessary steps to assure that Confidential Information is safeguarded to prevent unauthorized use, sharing, transfer, sale or disclosure of Confidential Information or violation of any state or federal laws related thereto. Upon request, the Contractor shall provide COMMERCE with its policies and procedures on confidentiality. COMMERCE may require changes to such policies and procedures as they apply to this Contract whenever COMMERCE reasonably determines that changes are necessary to prevent unauthorized disclosures. The Contractor shall make the changes within the time period specified by COMMERCE. Upon request, the Contractor shall immediately return to COMMERCE any Confidential Information that COMMERCE reasonably determines has not been adequately protected by the Contractor against unauthorized disclosure.
- C. Unauthorized Use or Disclosure. The Contractor shall notify COMMERCE within five (5) working days of any unauthorized use or disclosure of any confidential information, and shall take necessary steps to mitigate the harmful effects of such use or disclosure.

## 6. **COPYRIGHT**

Unless otherwise provided, all Materials produced under this Contract shall be considered "works for hire" as defined by the U.S. Copyright Act and shall be owned by COMMERCE. COMMERCE shall be considered the author of such Materials. In the event the Materials are not considered "works for hire" under the U.S. Copyright laws, the Contractor hereby irrevocably assigns all right, title, and interest in all Materials, including all intellectual property rights, moral rights, and rights of publicity to COMMERCE effective from the moment of creation of such Materials.

"Materials" means all items in any format and includes, but is not limited to, data, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. "Ownership" includes the right to copyright, patent, register and the ability to transfer these rights.

For Materials that are delivered under the Contract, but that incorporate pre-existing materials not produced under the Contract, the Contractor hereby grants to COMMERCE a nonexclusive, royalty-free, irrevocable license (with rights to sublicense to others) in such Materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display. The Contractor warrants and represents that the Contractor has all rights and permissions, including intellectual property rights, moral rights and rights of publicity, necessary to grant such a license to COMMERCE.

The Contractor shall exert all reasonable effort to advise COMMERCE, at the time of delivery of Materials furnished under this Contract, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this Contract. The Contractor shall provide COMMERCE with prompt written notice of each notice or claim of infringement received by the Contractor with respect to any Materials delivered under this Contract. COMMERCE shall have the right to modify or remove any restrictive markings placed upon the Materials by the Contractor.

7. **DISPUTES**

In the event that a dispute arises under this Agreement, it shall be determined by a Dispute Board in the following manner: Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, Agreement terms and applicable statutes and rules and make a determination of the dispute. The Dispute Board shall thereafter decide the dispute with the majority prevailing. The determination of the Dispute Board shall be final and binding on the parties hereto. As an alternative to this process, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control.

8. **GOVERNING LAW AND VENUE**

This Contract shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

9. **INDEMNIFICATION**

Each party shall be solely responsible for the acts of its employees, officers, and agents.

10. **LICENSING, ACCREDITATION AND REGISTRATION**

The Contractor shall comply with all applicable local, state, and federal licensing, accreditation and registration requirements or standards necessary for the performance of this Contract.

11. **RECAPTURE**

In the event that the Contractor fails to perform this Contract in accordance with state laws, federal laws, and/or the provisions of this Contract, COMMERCE reserves the right to recapture funds in an amount to compensate COMMERCE for the noncompliance in addition to any other remedies available at law or in equity.

Repayment by the Contractor of funds under this recapture provision shall occur within the time period specified by COMMERCE. In the alternative, COMMERCE may recapture such funds from payments due under this Contract.

12. **RECORDS MAINTENANCE**

The Contractor shall maintain books, records, documents, data and other evidence relating to this contract and performance of the services described herein, including but not limited to accounting procedures and practices that sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this contract.

The Contractor shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the contract, shall be subject at all reasonable times to inspection, review or audit by COMMERCE, personnel duly authorized by COMMERCE, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

13. **SAVINGS**

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Contract and prior to normal completion, COMMERCE may suspend or terminate the Contract under the "Termination for Convenience" clause, without the ten calendar day notice requirement. In lieu of termination, the Contract may be amended to reflect the new funding limitations and conditions.



**14. SEVERABILITY**

The provisions of this contract are intended to be severable. If any term or provision is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the contract.

**15. SUBCONTRACTING**

The Contractor may only subcontract work contemplated under this Contract if it obtains the prior written approval of COMMERCE.

If COMMERCE approves subcontracting, the Contractor shall maintain written procedures related to subcontracting, as well as copies of all subcontracts and records related to subcontracts. For cause, COMMERCE in writing may: (a) require the Contractor to amend its subcontracting procedures as they relate to this Contract; (b) prohibit the Contractor from subcontracting with a particular person or entity; or (c) require the Contractor to rescind or amend a subcontract.

Every subcontract shall bind the Subcontractor to follow all applicable terms of this Contract. The Contractor is responsible to COMMERCE if the Subcontractor fails to comply with any applicable term or condition of this Contract. The Contractor shall appropriately monitor the activities of the Subcontractor to assure fiscal conditions of this Contract. In no event shall the existence of a subcontract operate to release or reduce the liability of the Contractor to COMMERCE for any breach in the performance of the Contractor's duties.

Every subcontract shall include a term that COMMERCE and the State of Washington are not liable for claims or damages arising from a Subcontractor's performance of the subcontract.

**16. SURVIVAL**

The terms, conditions, and warranties contained in this Contract that by their sense and context are intended to survive the completion of the performance, cancellation or termination of this Contract shall so survive.

**17. TERMINATION FOR CAUSE**

In the event COMMERCE determines the Contractor has failed to comply with the conditions of this contract in a timely manner, COMMERCE has the right to suspend or terminate this contract. Before suspending or terminating the contract, COMMERCE shall notify the Contractor in writing of the need to take corrective action. If corrective action is not taken within 30 calendar days, the contract may be terminated or suspended.

In the event of termination or suspension, the Contractor shall be liable for damages as authorized by law including, but not limited to, any cost difference between the original contract and the replacement or cover contract and all administrative costs directly related to the replacement contract, e.g., cost of the competitive bidding, mailing, advertising and staff time.

COMMERCE reserves the right to suspend all or part of the contract, withhold further payments, or prohibit the Contractor from incurring additional obligations of funds during investigation of the alleged compliance breach and pending corrective action by the Contractor or a decision by COMMERCE to terminate the contract. A termination shall be deemed a "Termination for Convenience" if it is determined that the Contractor: (1) was not in default; or (2) failure to perform was outside of his or her control, fault or negligence.

The rights and remedies of COMMERCE provided in this contract are not exclusive and are, in addition to any other rights and remedies, provided by law.

**18. TERMINATION FOR CONVENIENCE**

Except as otherwise provided in this Contract, COMMERCE may, by ten (10) business days' written notice, beginning on the second day after the mailing, terminate this Contract, in whole or in part. If



this Contract is so terminated, COMMERCE shall be liable only for payment required under the terms of this Contract for services rendered or goods delivered prior to the effective date of termination.

## **19. TERMINATION PROCEDURES**

Upon termination of this contract, COMMERCE, in addition to any other rights provided in this contract, may require the Contractor to deliver to COMMERCE any property specifically produced or acquired for the performance of such part of this contract as has been terminated. The provisions of the "Treatment of Assets" clause shall apply in such property transfer.

COMMERCE shall pay to the Contractor the agreed upon price, if separately stated, for completed work and services accepted by COMMERCE, and the amount agreed upon by the Contractor and COMMERCE for (i) completed work and services for which no separate price is stated, (ii) partially completed work and services, (iii) other property or services that are accepted by COMMERCE, and (iv) the protection and preservation of property, unless the termination is for default, in which case the Authorized Representative shall determine the extent of the liability of COMMERCE. Failure to agree with such determination shall be a dispute within the meaning of the "Disputes" clause of this contract. COMMERCE may withhold from any amounts due the Contractor such sum as the Authorized Representative determines to be necessary to protect COMMERCE against potential loss or liability.

The rights and remedies of COMMERCE provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

After receipt of a notice of termination, and except as otherwise directed by the Authorized Representative, the Contractor shall:

- A. Stop work under the contract on the date, and to the extent specified, in the notice;
- B. Place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the contract that is not terminated;
- C. Assign to COMMERCE, in the manner, at the times, and to the extent directed by the Authorized Representative, all of the rights, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case COMMERCE has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;
- D. Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Authorized Representative to the extent the Authorized Representative may require, which approval or ratification shall be final for all the purposes of this clause;
- E. Transfer title to COMMERCE and deliver in the manner, at the times, and to the extent directed by the Authorized Representative any property which, if the contract had been completed, would have been required to be furnished to COMMERCE;
- F. Complete performance of such part of the work as shall not have been terminated by the Authorized Representative; and
- G. Take such action as may be necessary, or as the Authorized Representative may direct, for the protection and preservation of the property related to this contract, which is in the possession of the Contractor and in which COMMERCE has or may acquire an interest.

## **20. TREATMENT OF ASSETS**

Title to all property furnished by COMMERCE shall remain in COMMERCE. Title to all property furnished by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in COMMERCE upon delivery of such property by the Contractor. Title to other property, the cost of which is reimbursable to the Contractor



under this contract, shall pass to and vest in COMMERCE upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by COMMERCE in whole or in part, whichever first occurs.

- A. Any property of COMMERCE furnished to the Contractor shall, unless otherwise provided herein or approved by COMMERCE, be used only for the performance of this contract.
- B. The Contractor shall be responsible for any loss or damage to property of COMMERCE that results from the negligence of the Contractor or which results from the failure on the part of the Contractor to maintain and administer that property in accordance with sound management practices.
- C. If any COMMERCE property is lost, destroyed or damaged, the Contractor shall immediately notify COMMERCE and shall take all reasonable steps to protect the property from further damage.
- D. The Contractor shall surrender to COMMERCE all property of COMMERCE prior to settlement upon completion, termination or cancellation of this contract.
- E. All reference to the Contractor under this clause shall also include Contractor's employees, agents or Subcontractors.

21. **WAIVER**

Waiver of any default or breach shall not be deemed to be a waiver of any subsequent default or breach. Any waiver shall not be construed to be a modification of the terms of this Contract unless stated to be such in writing and signed by Authorized Representative of COMMERCE.



## Attachment A: Scope of Work

Climate Guidance (Section Steps, Tasks and Deliverables)	Description	End Date
Section 2	Initialize Project	10/2023 – 01/2024
Task 2.1	Form Climate Policy Advisory Team	
Task 2.2	Establish engagement strategy that supports environmental justice	
Deliverable 1	Submit a memo summarizing completion of this step or submit a copy of completed Climate Element Workbook [Note: You may provide a completed copy of your Climate Element Workbook in lieu of a summary memo for this and the other deliverables that follow.]	01/15/2024
Section 3, Step 1	Explore Climate Impacts	10/2023 – 02/2024
Task 1.1	Identify community assets	
Task 1.2	Explore hazards and changes in the climate	
Task 1.3	Pair assets and hazards and describe exposure and consequences	
Task 1.4	Identify priority climate hazards	
Deliverable 2	Submit a memo summarizing completion of this step or submit a copy of completed Climate Element Workbook [Note: You may provide a completed copy of your Climate Element Workbook in lieu of a summary memo for this and the other deliverables that follow.]	02/15/2024
Section 3, Step 2	Audit Plans & Policies	2/2024 – 4/2024
Task 2.1	Review existing plans for climate gaps and Opportunities	
Task 2.2	Determine next step [ <b>proceed to Step 3 or skip to Step 4</b> ]	
Deliverable 3	Submit a memo summarizing completion of this step or submit a copy of completed Climate Element Workbook	4/15/2024
Section 3, Step 3	Assess Vulnerability & Risk [if applicable]	04/2024 – 08/2024
Task 3.1	Assess sensitivity	
Task 3.2	Assess adaptive capacity	

Task 3.3	Characterize vulnerability	
Task 3.4	Characterize risk	
Task 3.5	Meet with partners, stakeholders, and decision makers to decide course of action.	
Deliverable 4	Submit a memo summarizing completion of this step or submit a copy of completed Climate Element Workbook	
Section 3, Step 4	Pursue Pathways	08/2024 – 10/2024
Task 4.1	Develop goals	
Task 4.2	Develop policies	
Climate Guidance (Section Steps, Tasks and Deliverables)	Description	End Date
Task 4.3	Identify policy co-benefits	
Deliverable 5	Submit a memo summarizing completion of this step or submit a copy of completed Climate Element Workbook	10/15/2024
Section 3, Step 5	Integrate Goals & Policies  (Ensure that there is adequate time for advisory committee and policymaker consideration)	08/2024 – 03/2025
Task 5.1	Review and finalize resilience goals and policies	
Task 5.2	Consult with partners, stakeholders, and decision makers	
Deliverable 6	Adopt climate resilience goals and policies by ordinance, or adopt updated FEMA Hazard Mitigation Plan by reference.	02/15/2025
Deliverable 7	Submit a memo summarizing completion of this step or submit a copy of completed Climate Element Workbook	03/15/2025

## Attachment B: Budget

Selah Climate Resilience Sub-element	Commerce Grant Funds
Deliverable 1: Memo Summarizing Project Initiation	\$30,000
Deliverable 2: Memo Summarizing Exploration of Climate Impacts	\$15,000
Deliverable 3: Memo Summarizing results of Plans & Policies Audit	\$15,000
Deliverable 4: Memo Summarizing Vulnerability Assessment	\$60,000
Deliverable 5: Pursue Pathways-Summary Memo	\$30,000
Deliverable 6: Goals & Policies Ordinance Adoption Summary	NA
Deliverable 7: Climate Element Workbook	NA
<b>Total</b>	<b>\$150,000</b>

Attachment "B"

# Agreement Amendment between City of Selah, Washington and the Beckwith Consulting Group for a Climate Grant Scope of Work

## **This agreement amendment**

made this \_\_\_\_\_ by and between the Beckwith Consulting Group, Planning, Design and Development Services, PO Box 704, LaConner, Washington 98257, phone 360-466-3536, e-mail: beckwith@beckwithconsult.com, and the City of Selah, 222 South Rushmore Road, Selah, WA 98942, hereinafter called the Client.

## **Witness that**

the Beckwith Consulting Group and Client agree as follows:

### **1: Scope of Services**

The Beckwith Consulting Group agrees to furnish consulting professional planning and design services to accomplish the Climate Grant Scope of Work described in Attachment 1.

### **2: Meetings**

The Beckwith Consulting Group agrees to attend the schedule of meetings required in the Gantt Chart of Attachment 1.

### **3: Products**

The Beckwith Consulting Group agrees to prepare and reproduce the reports and products defined in the Scope of Work of Attachment 1.

### **4: Personnel**

The Beckwith Consulting Group agrees to provide the management, professional, technical, support personnel, and consultant team members shown in the Gantt Chart of Attachment 1. Any alternations to the team will require the prior approval of the Client.

### **5: Items furnished by the Client**

The Client agrees to provide all available information, data, reports, records, and maps to which the Client has access, and which are needed by the Beckwith Consulting Group for the performance of the Scope of Services. It is agreed that the Beckwith Consulting Group may proceed to obtain such information and services at the compensation rates defined in this Agreement in the event the Client fails to provide the above information or services in a timely and proper manner. The Beckwith Consulting Group shall provide 5 days written notice prior to proceeding.

### **6: Responsibilities of the Client**

The Client agrees to the designation of Jeff Peters, Community Development Supervisor, or Rich Huebner, City Administrator as Client Representative who will be authorized to serve as liaison to the Beckwith Consulting Group and make all necessary decisions required of the Client in connection with the execution of this Agreement.

### **7: Time of Performance**

The Beckwith Consulting Group agrees to commence and complete the work set forth in the Scope of Services within the time schedule required in the Gantt Chart of Attachment 1. This assumes the submission of all required data and the performance of all required reviews and decisions by the Client as indicated in this Agreement and excepting delays caused by acts of God. Beckwith Consulting Group agrees to prepare all deliverables and invoice documents to be submitted to the Department of Commerce by the City of Selah

in accordance with the City of Selah's 2023-2025 Climate Planning Grant Contract Number: 24-63610-157.

**8: Compensation**

The Client agrees to pay the Beckwith Consulting Group on a lump sum basis by task for performing the work as outlined in the Gantt chart in Attachment 1 for no more than the maximum amount listed in the Gantt chart.

**9: Method of Payment**

The Beckwith Consulting Group's compensation shall be paid monthly on account of the services performed during that month with payment due within 30 days of the detailed invoice date. Invoices shall show the percentage of work and services performed in accordance with the Gantt chart in Attachment 1.

**10: Representations**

The Client shall pay the Beckwith Consulting Group for the effort expended under this Agreement irrespective of the success or failure of any representation made by the Beckwith Consulting Group on behalf of the Client. Payment shall be rendered whether the effort results in the construction of projects, sale of properties or other consequences or conclusions.

**11: Confidentiality of Information**

Information obtained and reports prepared by the Beckwith Consulting Group under this Agreement shall be considered confidential and shall not be made available to any individual or organization by the Beckwith Consulting Group without the proper approval of the Client.

**12: Changes**

Either party may request changes in the Scope of Services, Meetings, Products, Schedules, or other feature of this Agreement. Such changes that are mutually agreed upon shall be incorporated by written and signed amendment to this Agreement.

**13: Termination of Contract**

Either party may terminate this Agreement upon 7 days written notice served on the other by registered mail. In the event of termination, the Client shall compensate the Beckwith Consulting Group and subcontractors for all work performed to the date of termination.

**14: Disputes**

The Beckwith Consulting Group and Client agree the laws of the State of Washington shall govern this Agreement. The Client shall appoint its agent for services of process in the event a dispute should arise out of or in connection with this Agreement. The prevailing party of any dispute arising out of or in connection with this Agreement shall be entitled to reasonable attorney's fees and all expenses incurred in connection with the dispute. Any suit to enforce provision of this agreement shall be brought in a Washington State court of jurisdiction.

**15: Assignability**

This Agreement shall not be assigned or transferred by either party without the prior written consent of the other. This shall not prohibit the Beckwith Consulting Group from contracting for accomplishment of portions of the Scope of Services with qualified consultants.

Selah, Washington  
Climate Scope of Work  
Beckwith Consulting Group  
4 March 2024





## Climate scope of work

Following is a brief description of the tasks of work outlined in the gantt chart on the preceding page.

### Section 2: Initialize project

#### **Task 2.1: Form Climate Policy Advisory Team**

We will assemble a Climate Policy Advisory Team (CPAT) to include members of the:

- City Council
- Planning Commission
- Public and nonprofit agencies including the Yakima County Housing Authority, Yakima Neighborhood Health Services, and others
- Selah Homebuilders and Realtors
- Chamber of Commerce including major employers
- Residents

We will encourage the participation of vulnerable populations and overburdened communities in the planning process.

#### **Task 2.2: Establish engagement strategy**

We will continue the outreach we initiated with the Housing Action Plan (HAP) and Middle Housing including notification and review of scope and schedule with Planning Commission, City Council, nonprofit sponsors, developers, employers, employees, and residents.

We will create informational materials to focus on the need to determine climate actions per HB 1181 including:

- Efficient multimodal transportation systems that will reduce greenhouse gas (GHG) emissions and per capita vehicle miles traveled (VMT).
- Include green spaces and, in urban growth areas, urban and community forests, in its designation of the proposed general distribution and extent of the uses of land.
- Reduce and mitigate the risk to lives and property posed by wildfires.
- Existing capital facilities owned by public entities within the capital facilities plan element must include green infrastructure.

- An evaluation of tree canopy coverage within an urban growth area.

**Interviews and workshops** - we will conduct a series of interviews and workshops to review the need to develop and implement Climate Action to meet Housing Bill (HB) 1181 requirements and a certifiable Climate Element for the 2025 Comprehensive Plan update.

**Open house** - we will jointly conduct hybrid in-person and virtual open house to review the informational materials with residents. We will include activities to increase interest that will attract families and generate turnout.

**Pop-up events** - we will jointly review the informational materials during special community events.

**Deliverable 1: Memo** - with the results of interviews and workshops.

### Section 3, Step 1: Explore climate impacts

#### **Task 1.1: Identify community needs**

We will analyze the following:

- Transportation modes including use of walk, bike, and transit to reduce vehicle use.
- Tree canopy and existing heat islands
- Open and green spaces in and around developed areas
- Wildlife risk assessment in city and around the UGA
- Capital facility green infrastructure applications

#### **Task 1.2: Explore hazards and changes in the climate**

We will assess past and emerging changes in the characteristics listed in Task 1.1 above using available tools from the Trust for Public Lands and others.

#### **Task 1.3: Describe exposure and consequences**

We will identify dissonance where emerging trends achieve less than is possible from the analysis in Task 1.1-1.2 and the consequences on meeting the requirements of HB 1181.

**Task 1.4: Identify priority climate hazards**

Based on the results of Task 1.3, we will identify priority actions to meet transportation, green space, tree canopy, wildlife, and green infrastructure benchmarks necessary to mitigate climate change.

**Deliverable 2: Memo** - describing the results of climate impacts under existing and emerging trends and the priority actions the city should take to meet HB 1181 requirements.

**Section 3, Step 2: Audit plans and policies**

**Task 2.1: Review existing plans for climate gaps and opportunities**

We will review all existing city, county, transit authority, and other agency plans and policies on transportation, green space, tree canopy, wildlife, and green infrastructure to identify gaps and opportunities each and all agencies can do to meet HB 1181 benchmarks and priorities.

**Task 2.2: Determine next steps**

We will jointly determine steps necessary to resolve gaps and opportunities working with city, county, transit, authority, and other agencies.

**Deliverable 3: Memo** - outlining the steps city, county, transit authority, and other agencies should and will take to meet HB 1181 requirements.

**Section 3, Step 3: Assess vulnerability and risk**

**Task 3.1: Assess sensitivity**

Depending on the results of Task 2.1-2.2, we will identify issues that may impact the ability of city, county, transit authority, and other agencies to adopt and implement corrective actions to meet HB 1181 requirements.

**Task 3.2: Assess adaptive capacity**

Based on the results of Task 2.1-2.2, we will project the impacts on climate benchmarks if city, county, transit authority, and other agencies adopt and implement corrective actions on HB 1181 benchmark requirements.

**Task 3.3: Characterize vulnerability**

Depending on the results of Task 2.1-2.2, we will characterize any remaining vulnerabilities affecting transportation, green space, tree canopy, wildlife, and green infrastructure conditions and long-term trends in meeting HB 1181 objectives.

**Task 3.4: Characterize risk**

Depending on the results of Task 2.1-2.2, we will characterize any remaining risks affecting transportation, green space, tree canopy, wildlife, and green infrastructure impacts and mitigations in meeting HB 1181 objectives.

**Task 3.5: Meet with stakeholder team**

We will meet with the members of the Climate Policy Advisory Team (CPAT) during workshop sessions to review progress and the results of Task 3.1-3.4 above including the proposed priority actions necessary to meet HB 1181 requirements.

CPAT participants will review and decide on a course of action accordingly.

**Deliverable 4: Memo** - describing the assessments of sensitivity, adaptive capacity, vulnerability, and risk and the actions CPAT decides to take to meet and mitigate impacts in accordance with HB 1181 requirements.

**Section 3, Step 4: Pursue pathways**

**Task 4.1: Develop goals**

Based on the results of Task 3.5, we will develop performance-based climate action goals for the city, county, transit authority, and other agencies to meet and mitigate climate impacts within Selah city and UHA limits and affecting surroundings.

**Task 4.2: Develop policies**

Based on the results of Task 3.5, we will develop performance-based climate action policies governing city, county, transit authority, and other agencies to implement performance-based goals within Selah city and UHA limits and affecting surroundings.

**Task 4.3: Identify policy co-benefits**

We will identify the co-benefits to city and UGA and surrounding areas residents, businesses, and other agencies of implementing the performance-based goals and policies identified

in Task 4.1-4.2 including improved health, increased transportation mode options, preserved open and green spaces, heat island reductions due to increased tree canopy, and reduced public facility operating costs due to green infrastructure.

**Deliverable 5: Memo** - describing the performance-based goals, policies, and co-benefits of meeting and mitigating impacts in accordance with HB 1181 requirements.

### Section 3, Step 5: Integrate goals and policies

**Task 5.1: Review and finalize resilience goals and policies**

We will review the results of Task 4.1-4.3 with the Planning Commission and City Council during a series of workshops.

Planning Commission and City Council will review and provide any edits or recommendations on the proposed performance-based goals and policies and co-benefits accordingly.

**Task 5.2: Consult with stakeholder team**

We will meet with the members of the Climate Policy Advisory Team (CPAT) during workshop sessions to review the results of Task 5.1 above including the proposed city, county, transit authority, and other agency performance-based goals and policies to meet HB 1181 requirements in Selah city, UGA, and surrounding area.

CPAT participants will review and decide on a course of action accordingly.

**Deliverable 6: Memo** - adoption of the performance-based goals, policies, and co-benefits of meeting and mitigating impacts in accordance with HB 1181 requirements.

**Deliverable 7: Climate Element Workbook** - submit to DOC the completed Climate Element Workbook meeting and mitigating climate impacts in accordance with HB 1181 requirements.

Beckwith Consulting Group  
**Time and Materials Schedule**

Payment for professional services may be based on the following hourly rates of staff engaged on the project plus direct expenses, outside consultants and rental of specialized equipment:

**Hourly Rates:**

- **Standard basic services** shall be at the rates shown which are based on a multiple of 2.5 times the employee's direct personnel expense.
- **Overtime**, where required and authorized by the Client, shall be at the standard rate for regular working hours and at the special rates for any extra hours authorized.
- **Special services** such as special consulting, consulting reports and/or court testimony shall be at a multiple of 3.0 times the employee's direct personnel expense on the project as defined here.

**Direct Personnel Expense:**

- **Direct Personnel Expense** - is defined as the gross hourly salaries of staff engaged on the project and the cost of their mandatory and customary fringe benefits.
- **Gross hourly salary** - is defined as the employee's base yearly salary divided by 2,080 hours per year. Mandatory and customary fringe benefits are defined as statutory employee benefit, insurance, sick leave, holidays, vacations, and the like.

**Direct Expenses:**

- **Travel** - outside the Puget Sound Region (King, Pierce, and Snohomish Counties) at \$0.20 per mile plus any airline, rental cars, ferry, or parking charges.
- **Blueprints, photographs, photocopying and other printing or reproduction services** - provided outside the Beckwith Consulting Group's offices at cost of the service.
- **Board and lodging** - outside the Puget Sound Region (King, Pierce and Snohomish Counties) at the cost of expense.
- **Postage, long distance telephone, telegram and other communications** - sent at cost of the service.

**Hourly Rates for Standard Service:**

Principal	\$150-200.00	Support	\$75.00
Professional	\$140-185.00	Clerical	\$50.00
Technical	\$100-140.00		

**Method of Compensation:**

Invoices will be submitted once a month for services performed during the prior month. Invoices not paid within 30 days of issuance shall bear interest at the rate of 1.5% per month compounded monthly.

**Delinquency:**

The Client shall pay the Beckwith Consulting Group for all expenses incurred for collecting any delinquent amount including but not limited to liens, reasonable attorney's fees, witness fees, personnel expenses, document duplication, organization and storage costs, taxable court costs, travel and subsistence in addition to the delinquent amount.

# COUNCIL ROLL CALL LIST: Meeting Date: 03/12/2024

YES	ROLL CALL	NO
✓	Councilmember Monaghan	
✓	Councilmember Peterson	
✓	Councilmember Marquis	
✓	Councilmember Costello	
✓	Councilmember Wickenhagen	
✓	Councilmember Longmire	
✓	Councilmember Iverson	
7	RESULTS	
	PASS (Y) (N)	

12.A.1 -

YES	MURAL	NO
	Councilmember Monaghan	✓
✓	Councilmember Peterson 2	
	Councilmember Marquis	✓
✓	Councilmember Costello 1	
	Councilmember Wickenhagen	✓
✓	Councilmember Longmire	
	Councilmember Iverson	✓
3	RESULTS	4
	PASS (Y) (N)	

MOTION FAIL

VOICE VOTE

YES	CONSENT	NO
X	Councilmember Monaghan	
X	Councilmember Peterson	
X	Councilmember Marquis	
X	Councilmember Costello	
X	Councilmember Wickenhagen	
X	Councilmember Longmire	
X	Councilmember Iverson	
X	RESULTS	
	PASS (Y) (N)	

12.A.1 -

YES	TABLE	NO
✓	Councilmember Monaghan	
✓	Councilmember Peterson	
✓	Councilmember Marquis 1	
✓	Councilmember Costello	
✓	Councilmember Wickenhagen 2	
✓	Councilmember Longmire	
✓	Councilmember Iverson	
7	RESULTS	0
	PASS (Y) (N)	

PASS

# COUNCIL ROLL CALL LIST: Meeting Date: 03/12/2024

YES	APPEAL	NO
✓	Councilmember Monaghan 2	
✓	Councilmember Peterson	
✓	Councilmember Marquis	
	Councilmember Costello	✓
✓	Councilmember Wickenhagen 1	
ABS.	Councilmember Longmire	ABS.
	Councilmember Iverson	✓
4	RESULTS	2
	PASS (Y) (N)	

PASSES

REASON PROVIDED

YES	MOTION TO ADD	NO
✓	Councilmember Monaghan	
✓	Councilmember Peterson	
✓	Councilmember Marquis 1	
✓	Councilmember Costello 2	
✓	Councilmember Wickenhagen	
✓	Councilmember Longmire	
✓	Councilmember Iverson	
7	RESULTS	0
	PASS (Y) (N)	

YES	B-A	NO
✓	Councilmember Monaghan	
✓	Councilmember Peterson	
	Councilmember Marquis	✓
✓	Councilmember Costello	
	Councilmember Wickenhagen	✓
	Councilmember Longmire	✓
	Councilmember Iverson	✓
3	RESULTS	4
	PASS (Y) (N)	

FAILS

YES	ADD'L SALARY	NO
✓	Councilmember Monaghan 2	
✓	Councilmember Peterson	
✓	Councilmember Marquis 1	
✓	Councilmember Costello	
✓	Councilmember Wickenhagen	
✓	Councilmember Longmire	
✓	Councilmember Iverson	
7	RESULTS	0
	PASS (Y) (N)	

# CITY OF SELAH COUNCIL MEETING SIGN-IN SHEET

DATE: MARCH 12, 2024

Name	Address
Chris Wichevsky	Selah WA
REX REED	YCFD # 2
Kathleen Hunku	Selah
Courtney Hernandez	Yakima, WA
Kelliann Ergeson	121 Mansa Hill Dr, Selah
Dyana J. Smith	906 A Speyers Rd. - Selah
Mindy Clark	10 Lynwood Lane
Lisa Horden	102 E Naches
Russell Carlson	1307 Heritage Hills Place, Selah
Adam Smith	Selah Journal
Laura Conger	41 Vista Ln Yakima