

**RESOLUTION NO. 2513**

**RESOLUTION APPROVING THE PRELIMINARY PLAT OF "VALHALLA HEIGHTS SUBDIVISION PHASES 3 AND 4" (912.38.14-02) AND ADOPTING FINDINGS AND CONDITIONS OF PRELIMINARY PLAT APPROVAL**

WHEREAS, on January 12, 2016 the City of Selah City Council considered Preliminary Plat No. 912.38.14-02 known as "VALHALLA HEIGHTS SUBDIVISION PHASES 3 AND 4" located at the West end of W. Goodlander Road. Yakima County Taxation Parcel Numbers: 181427-14426, 41404, 44401, 181426-33409, 33413 and 33400; and,

WHEREAS, The Hearing Examiner recommended approval of the Preliminary Plat; and,

WHEREAS, a portion of the property, consisting of 1.67 acre, lies outside of the Selah City Limits and Urban Growth Area and is under the jurisdiction of Yakima County. It was determined that this property should be shown on the preliminary plat as a single tract or lot under County standards, but which would not be served by City sewer or water service; and,

WHEREAS, by letter dated October 23, 2014, Yakima County extended review authority to the City over the 1.67 acres located outside of the City Limits but retained the right to comment on the plat and the authority to sign off on the Final Plat with review limited to the portion of the property that is outside of the City Limits; and,

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

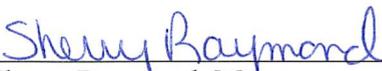
WHEREAS, The City Council adopts the Findings and Conclusions of the Hearing Examiner's Recommendation dated December 23, 2014; and,

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that Preliminary Plat No. 912.38.14-02 designated as "Valhalla Heights Subdivision Phases 3 and 4" be approved; that the Hearing Examiner's Findings and Conclusions be adopted with the twenty nine (29) specific conditions contained in said Findings and Conclusions, a copy of which is attached hereto.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON  
this 12<sup>th</sup> day of January, 2016.

  
\_\_\_\_\_  
Sherry Raymond, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

## **CONDITIONS OF PRELIMINARY PLAT APPROVAL**

1. All design and/or improvement notations indicated on the preliminary plat are included herein as conditions of preliminary plat approval. (Including, but not limited to, dedicated right-of-way width, easement widths and locations, lot size and configuration).
2. The part of the subject property that is located outside of the City Limits and Urban Growth Area shall be subdivided into a lot or a tract with the boundary coterminous to the City limits in accordance with approval of record of such a division by Yakima County. This shall be done by including the lot or tract on the final plat, which shall require Yakima County approval.
3. Any merger of the lot or tract created by approval of Yakima County into any adjoining property inside of Selah city limits shall be prohibited until such time as the County-approved lot or tract is annexed by the City. Development of the lot or tract for residential use shall be subject to the requirements of the Yakima County Zoning and Subdivision Ordinances (or any succeeding Code adopted by Yakima County). The City of Selah shall have no obligation to provide sewer or water service to the Yakima County-approved lot or tract in accordance with this plat approval, except in accordance with an effective annexation ordinance or by other lawful agreement.
4. A preliminary engineering report and/or plan, prepared by a Licensed Professional Engineer, demonstrating the feasibility of construction of all public improvements required by Selah Municipal Code, Chapter 10.50 must be submitted to the Public Works Director for approval. This preliminary report and/or plan shall include documentation of a second legal access to the public road/street system based on one of the alternatives in Condition 13 herein.
5. All final plans and specifications for improvements must be prepared by a Licensed Professional Engineer and reviewed and approved by the Public Works Director prior to construction. Specifications for improvements shown on the preliminary plat are minimum specifications that may be superseded by conditions contained herein or by specific conditions as approved by the Public Works Director. Upon completion of construction and prior to final plan approval, final 'as-built' construction plans and a written certification by a Licensed Professional Engineer that said improvements were completed in accordance with the approved construction plans must be submitted to the Public Works Director for approval.
6. All public street improvements within the City limits shall be constructed to City standards in accordance with final plans and specifications as approved by the Public Works Director, including 50 foot wide right-of-way dedicated to the City, concrete rolled (or better) curb and gutter, five (5) foot wide sidewalk on one street side and street illumination. Utility improvements shall be extended beyond street pavement edge to facilitate future extension where appropriate. Street grade shall not exceed 10%. West Goodlander Road shall be improved with 34 foot wide asphalt pavement and the sidewalk shall be installed on the same side of the street as it is on the existing completed portion of

West Goodlander Road. The other public interior streets shall be improved with 31 foot wide asphalt pavement.

7. Street illumination shall be installed by the developer at locations and to the specifications of the Public Works Director (typically at 300 foot intervals or as otherwise determined by the Director of Public Works in order to maximize street illumination). Street lights shall be installed on metal poles.
8. All lots within the City limits must be served with a full range of public and private services and utilities including public water and sewer, power, natural gas and telephone. All utilities shall be underground and installed prior to the surfacing of streets. All utilities placed beneath streets, curbs or sidewalks shall be extended beyond these features to avoid them being disrupted by future extensions.
9. The lot or tract located outside of the City limits shall be connected to a public (community) water system unless this requirement is reduced or waived by Yakima County. Separate application to the County is required.
10. Ten foot wide public utility easements shall be provided adjacent to all public rights-of-way as shown on the preliminary plat, and as specified by the utility providers.
11. There shall be a moratorium on public street cuts for a period of five (5) years from the date of plat recording.
12. Fire hydrants shall be provided and installed by the developer at locations approved by the City of Selah Fire Chief and Public Works Director to the specifications of Selah Municipal Code, Chapter 11.30.
13. At the time of submission of plans and specifications for Public Works approval, the proponent shall submit documentation of legal authority for the location and construction of a second connection to a public street or road as required by SMC 10.50.041(c)(12), using one of the following alternatives:
  - a. Improve Marissa Hill Drive to Yakima County standards as a private road in accordance with applicable Yakima County project permit review requirements, provided that documentation is provided to the satisfaction of the City Attorney that the public has the right to use the access easements, in their entirety from the end of West Goodlander Road as shown on the preliminary plat to McGonagle Road. This includes not only the right of traffic generated by the entire Valhalla subdivision, Phases 1 through 4 to use the easements, but all other public traffic that would use this part of West Goodlander Road.
  - b. Obtain dedication of Marissa Hill Drive and additional right of way to Yakima County and improve it in accordance with applicable Yakima County project permit requirements to County public road standards from the end of West Goodlander Road as shown on the

preliminary plat to McGonagle Road. Consultation with and possibly separate application to the County should occur before pursuing this alternative.

- c. Provide right-of-way and construct an alternate road from the subject property to Katie Lane. Any portion of the new street that is within the City Limits must be improved as a public street to the same standards as required herein for West Goodlander Road. Any part of the road that is outside of the City Limits shall be improved to Yakima County standards as determined by the County in accordance with applicable Yakima County project permit review requirements. Documentation shall be provided for any part of this road that is to remain private in the same manner as described by 'a' above (excluding Katie Lane, which is in dedicated County right-of-way). Dedication and improvement of any portion of this street to Yakima County shall be to the same requirements and with the same caveats as described in 'b' above.
  - d. Improve a combination of Marissa Hill Drive and a new street connection to Katie Lane, subject to the same development regulations and standards applicable to the road as determined by the reviewing and approving jurisdiction as set out in 'a' 'b' and 'c' above.
  - e. Improve and dedicate a new street across adjacent property to the east from the project site to McGonagle Road. Since this property is in the City limits, development of a City Street to city standards will be required. If any part of this street is outside of the City Limits, construction to Yakima County standards shall be required.
  - f. Other alternatives for providing a second connection to the public street transportation system that meet the requirements of reviewing agencies as described this Condition 13, and which do not present potential adverse impacts in addition to those disclosed in the environmental checklist may be employed, subject to the submission of documentation demonstrating appropriate legal authority and regulatory approvals for review and approval by the City Public Works Director, and by Yakima County for road segments within its jurisdiction.
14. A circular turnaround with a minimum radius of 52.5 feet shall be provided at the north end of West Goodlander Road as it is shown on the preliminary plat (between proposed lots 25 and 26) unless a public street is extended beyond this point. If any extended public street terminates at the City Limits or boundary of the subdivision, a turnaround to the same standards shall be provided in that location. The street right-of-way at the north end of West Goodlander Road as shown on the preliminary plat (between proposed lots 25 and 26) shall have at least 50 feet of frontage on the west property line to allow for future extension of the right-of-way into the neighboring property.
15. If Marissa Hill Drive is not used for access to the subdivision (including emergency vehicle access) because another alternative route is provided, the lot or tract located outside of the City limits may obtain access from its frontage on the city street (West Goodlander Road). This may be used as

justification for Yakima County to reduce or waive required improvements of Marissa Hill Drive. Separate application to the County would be required.

16. Final lot dimensions and lot area must substantially conform to the preliminary plat unless otherwise amended during the public hearing process.
17. Storm Water drainage facilities to accommodate runoff generated in the plat shall be developed and must comply with a drainage facilities plan prepared by a licensed professional engineer and approved by the Public Works Director.
18. A NPDES construction stormwater general permit shall be obtained from the Department of Ecology and Stormwater Pollution Prevention Plan prepared as required.
19. A dust control plan shall be prepared and implemented during construction as required by the Yakima Regional Clean Air Agency.
20. Prior to final plat recording, all required plat improvements (utilities, streets, drainage facilities, etc.) must be installed and accepted by the City or a surety bond pledged to the City to ensure installation of the plat improvements within two years of final plat recording.
21. Site development shall conform to all mitigation measures in the Mitigated Determination of Nonsignificance (File No. 971.38.14-02) issued by the Selah SEPA Responsible Official on October 14, 2014 and finalized on October 31, 2014. Such mitigation measures include the recommendations in the Geologic Hazards Assessment, Valhalla Heights Addition Phases 3 & 4, prepared by GN Northern, Inc., July 2014, (pp. 14 – 18 and including Appendix VI, as applicable). Implementation of the mitigation measures is subject to the following:
  - a. Implementation of the GN Northern, Inc. recommendations can employ any competent person or entities. The City will not require the proponent to use any particular firm, engineer or landscape architect to perform the recommendations as presented in this report.
  - b. A licensed professional engineer, or if and as appropriate, geologist or landscape architect, shall be responsible for determining the best management practices (BMP's) to be used to implement the recommendations, except as otherwise required by the October 13, 2014 MDNS, the conditions of preliminary plat approval and to the extent that certain practices may be required by law as administered by the City or other agencies.
  - c. Measures to control drainage and erosion shall be taken as recommended by the report and cuts and slopes shall not be constructed to exceed the recommended maximum heights and slopes.

22. Prior to any site disturbance, a grading plan or plans, prepared by a licensed professional engineer shall be submitted and approved by the Public Works Director. This requirement also applies to the development of individual lots of the subdivision, although it is not intended to require homesite permitting or development as a condition of recording the final plat. The City shall incorporate Geologic Hazards Assessment recommendations/mitigation into the review of all grading permits required by this condition.
23. All buildings shall be set back from critical slopes as that term is defined in Appendix 'A' to Chapters 10.02 through 10.48, Selah Municipal Code. It refers specifically to slopes that are 25% or greater with the determination of slope made on any 40 foot horizontal run plus an additional 10 feet from the top and toe of the slope. The additional 10 feet comprises the required setback. This condition is not intended to preclude the development of building pads in critical slope areas provided they are done in a manner consistent with Geologic Hazards Assessment recommendations and this decision.
24. All required street signs, posts and appurtenances must be supplied by the developer and will be installed by the City.
25. The following note shall be placed on any final plat map:

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

**“Grading permits and grading plans, prepared by a licensed professional engineer are required for any improvements within this plat”**

**“Any portion of this property located outside of the Selah City Limits shall not be merged into property located within the City Limits”**
26. Prior to final plat recording, a surety bond, or such other secure financial method acceptable to the City, in the amount of 15% of the cost of the public improvements as determined by the Public Works Director (streets, sidewalks, street lights, drainage facilities, sewage collection and water distribution facilities, etc.) must be remitted to the City and will be held for a period of two years from the date of final plat recording to guarantee against defects in materials and workmanship.
27. Final plat approval shall be required in the manner provided for by Selah Municipal Code, including provision of a current title report. Yakima County has retained the authority to sign off on the final plat, with review limited to the portion of the property that is located outside of the City limits.
28. The following conditions are required for the development of the lot or tract located outside of the City Limits or for any improvements within Yakima County jurisdiction only to the extent required by County development standards and project permit review requirements: 4, 5, 7, 10, 11, 12, 17, 20, 21, 22, 23, 24, and 26, herein.

29. Improvements required for the subdivision or for satisfying conditions of approval must be completed and the final plat must be submitted within the maximum time period required by SMC 10.50.033, as it may be amended by RCW 58.17.140. A one-time, one-year extension may be authorized in accordance with SMC 10.50.033(c) but the request must be made before the maximum time period ends.