

**RESOLUTION NO. 2483**

**RESOLUTION APPROVING THE PRELIMINARY PLAT OF "WHISPERING VIEWS ESTATES" (912.45.14-02) AND ADOPTING FINDINGS AND CONDITIONS OF PRELIMINARY PLAT APPROVAL**

WHEREAS, on August 25, 2015 the City of Selah City Council considered Preliminary Plat No. 912.45.14-02 known as "WHISPERING VIEWS ESTATES" located at 207 E. Goodlander Road. Yakima County Taxation Parcel Numbers: 181425-33419 through 33426; and,

WHEREAS, the Preliminary Plat was combined with an application for rezone of the subject property from Two Family Residential (R-2) to Planned Development (PD) and is dependent on approval of that application; and,

WHEREAS, The Hearing Examiner recommended denial of the Planned Development without prejudice with allowance for reopening the open record proceeding commenced in accordance with SMC 10.24.060 to allow for consideration of and comment on additional information and amended development plan or program material submitted by the Applicant in its discretion to reasonably resolve incompatibility with neighboring land owner from the proposed structure on Lots 40 through 47; and,

WHEREAS, The Hearing Examiner also recommended that if the City Council is persuaded that the Planned Development meets the requirements of Chapter 10.24 SMC notwithstanding a recommendation for denial without prejudice, the approval should be appropriately conditioned on the requirements set out in the staff report and supplemented as appropriate based on hearing testimony; and,

WHEREAS, the City of Selah Council is persuaded that the Planned Development meets the requirements of Chapter 10.24 SMC and has adopted the Hearing Examiner's recommendation that the Preliminary Plat be conditioned as recommended by the Examiner; and,

WHEREAS, the City of Selah Council has considered the Hearing Examiner's findings of fact and conclusions and the City staff report dated July 24, 2015 and the Council is satisfied that the matter has been sufficiently considered; and,

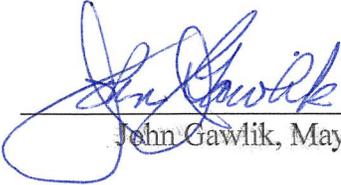
WHEREAS, the City Council adopts the Findings and Conclusions of the Hearing Examiner's Recommendation dated August 16, 2015 to the extent that they support approval.

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

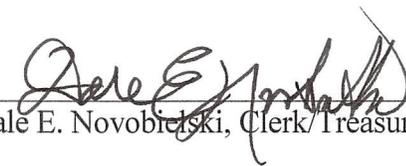
WHEREAS, the City Council considered the elements of public health, safety, and general welfare pertaining to the preliminary plat;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that Preliminary Plat No. 912.45.14-02 designated as "Whispering Views Estates" be approved, that the Hearing Examiner's Findings and Conclusions supporting approval of the proposal be adopted with the twenty three (23) specific conditions contained in said Findings and Conclusions (with Condition 19 revised as presented at the open record public hearing, Exhibit HE1) and a copy of which is attached hereto.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 25<sup>th</sup> day of August, 2015.

  
\_\_\_\_\_  
John Gawlik, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

## CONDITIONS OF PRELIMINARY PLAT APPROVAL

1. Final lot dimensions and lot area shall substantially conform to the preliminary plat.
2. Storm water drainage facilities for the project site must comply with a drainage facilities plan prepared by a licensed professional engineer and approved by the Public Works Director. The plan must demonstrate that the project as proposed can provide for the retention of runoff from developed parts of the project on-site.
3. Grading permits are required for site work. 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.
4. Finished slopes shall be at most 2:1 (horizontal to vertical) or have retaining walls designed by a licensed professional engineer, unless the engineering requirement is waived by the building official in accordance with the International Building Code. This condition shall be met prior to recording the final plat.
5. Planned development shall be in substantial conformance to the project design as described in the project narrative, application materials and on the face of the proposed preliminary plat entered into the record at the time of hearing. Setbacks, building height and lot coverage shall conform to the building configurations, plans and elevations included in the final plan and program and shown on the currently proposed preliminary plat. Standards not otherwise provided for in these documents shall be to the standards required in the R-2 district by the zoning ordinance. The CCRs shall be amended prior to recordation to provide for timely snow removal and disposal to assure protection of traffic and pedestrian safety.
6. All design and/or improvement notations indicated on the preliminary plat are included herein as conditions of preliminary plat approval. (Including, but not limited to, dedicated right-of-way or easement widths and locations, lot size and configuration).
7. All final plans and specifications for public improvements must be prepared by a Licensed Professional Engineer and reviewed and approved by the Public Works Director prior to construction. Specifications for improvements shown on the preliminary plat are minimum specifications that may be superseded by conditions contained herein or by specific conditions as approved by the Public Works Director. Upon completion of construction and prior to final plan approval, final 'as-built' construction plans and a written certification by a Licensed Professional Engineer that said improvements were completed in accordance with the approved construction plans must be submitted to the Public Works Director for approval.
8. The private interior streets shall be constructed, at minimum, to the fire apparatus road standards of the International Fire Code to the following specifications:

- a. 20 foot wide (minimum) asphalt surfacing
  - b. Not to exceed 10 percent slope except as otherwise allowed by the Fire Chief.
  - c. 26 foot wide access easements for the north-south private roads along the east and west property lines as depicted by the preliminary plat.
  - d. More than one access point to the public street system.
9. ~~The following signs and shall be provided on the private roads maintained through the homeowners association established in accordance with the CCRs:~~
- a. No parking signs
  - b. Fire lane signs as specified in the IFC D103.6. They shall be posted on both sides of the road.
  - c. Warning signs and "Share the Road" plaques as recommended by the traffic study.
10. ~~Eight overflow parking spaces meeting the dimension and surfacing standards of SMC 10.34 shall be provided as depicted on the preliminary plat. Landscaping standards, if applicable are considered to be met by the open space areas.~~
11. The applicant shall pay an amount to the City sufficient to pay for the installation of a sidewalk on the entire E. Goodlander Road frontage of the subject property. The amount of payment required shall represent the applicant's proportionate share of the cost of its installation based on lineal footage and on the City's engineering estimate for the costs of installation. In the event that the actual costs to install the sidewalk exceed the engineer's estimate, the applicant shall pay an amount in addition to the amount already paid so that the sum of both payments does not exceed a total of 115% of the engineer's estimate. This payment is required as a SEPA mitigation measure and shall be made prior to recording the final plat. If this payment was already made as a requirement for the short plats recorded on this property in 2014 this condition shall be considered satisfied except to the extent that the actual costs exceed the engineer's estimate as provided for in this condition.
12. A NPDES construction stormwater general permit shall be obtained unless determined by the Department of Ecology that it is not required.
13. A dust control plan shall be prepared and implemented during construction as required by the Yakima Regional Clean Air Agency.
14. ~~Documentation of the ownership and providing for perpetual maintenance of the two common open space tracts in grass for casual recreational purposes shall be provided prior to recording the final plat for approval by the City of Selah. Documentation may include covenants, establishment of a homeowner's association or deed restrictions and they shall be recorded prior to recording the final plat. Any such documentation shall be a mechanism for assuring adequate funding for reasonable care of landscaping.~~
15. Fire hydrant(s) shall be provided and installed by the developer at locations approved by the City of Selah Fire Chief and to the specifications of Selah Municipal Code, Chapter 11.30 except that the diameters of water lines connected to hydrants shall be as approved by the Public Works Director.

16. All lots must be served with a full range of public and private services and utilities including public water and sewer, power, natural gas and telephone. All utilities except for the standard telephone box, transmission box and similar structures shall be underground. Private sewer lines shall be installed, require permits and inspection under the International Residential Code.
17. Subdivision design shall include the provision of public water lines designed by a licensed professional engineer. Individual service lines shall be limited to one line per dwelling unit. The water line or lines shall be installed in the access and utility easement with a minimum of 10 feet of separation from a sanitary sewer line, unless approved otherwise by the Public Works Director.
18. There shall be a moratorium on public street cuts for a period of five (5) years from the date of plat recording.
19. The project may be developed in phases following plat recording. All required plat improvements, whether public or private, shall be completed for each phase.
20. All required street signs, posts and appurtenances on public improvements, rights of way or easements must be supplied by the developer and will be installed by the City.
21. The following note shall be placed on any final plat map:  
  

**“The owners shown hereon, their grantees and assignees in interest, hereby covenant and agree to retain all surface water generated within the plat on-site.”**
22. Prior to final plat recording, a surety bond, or such other secure financial method acceptable to the City, in the amount of 15% of the cost of the public improvements as determined by the Public Works Director must be remitted to the City and will be held for a period of two years from the date of final plat recording to guarantee against defects in materials and workmanship.
23. Improvements required for the subdivision must be completed and the final plat must be submitted within the maximum time period required by RCW 58.17.140. A one-time, one-year extension may be authorized in accordance with SMC 10.50.033(c) but the request must be made before the initial time period ends.