

ORDINANCE NO. 2017-030

AN ORDINANCE amending the City of Yakima Municipal Code, Section 14.20: Subdivision—Procedure and Section 14.05: General Provisions, to allow the Community Development Director, rather than the City Council, to approve final subdivision plats.

WHEREAS, Yakima Municipal Code section 14.20 specifies the procedures for review and approval of final plats; and

WHEREAS, the Yakima City Council currently is the authorized decision-maker to approve a proposed final plat; and

WHEREAS, Senate Bill 5674 approved by the Washington State Legislature and signed into law by Governor Jay Inslee on April 27, 2017—with an effective date of July 23, 2017—authorizes a local legislative authority to adopt an ordinance delegating final plat approval to an established planning commission or agency, or to such other administrative personnel; and

WHEREAS, the Yakima Planning Commission is responsible for the review of amendments to the City's subdivision ordinances and for recommending modifications thereto; and

WHEREAS, the Planning Commission held a study session on August 9, 2017 where it reviewed the Senate Bill; and

WHEREAS, the Planning Commission reviewed the proposed text changes to the Yakima Municipal Code on October 11, 2017, after Notice of a public hearing was properly sent, and an opportunity for written comment was provided; and

WHEREAS, on October 11, 2017, the Planning Commission held a public hearing on the text amendments, heard from City staff and public comment, and

WHEREAS, after the public hearing and review by the Planning Commission it recommended that the City Council adopt the changes, as proposed, to the Yakima Municipal Code to allow administrative personnel to sign and approval final plats, as evidenced in its Recommendations to the Yakima City Council for Amendment to Yakima Municipal Code Title 14 Subdivision document, dated October 24, 2017; and

WHEREAS, the Yakima City Council seeks to maximize the efficiency of the final plat approval process; and

WHEREAS, the City Council of the City of Yakima finds it is in the best interests of the City and its residents to amend the final plat procedure to allow for final plat approval administratively rather than by council approval; now, therefore,

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Yakima Municipal Code section 14.20.180(A) shall be amended to read as follows:

14.20.180 Final plat—Submission for approval required—Copies—Fees.

A. A final plat of a proposed subdivision may be submitted for approval by the administrator by filing the proposed final plat with the planning division within five years from the date of approval of the preliminary plat or within the time provided as an extension granted by the city council.

Section 2. Yakima Municipal Code section 14.20.200 shall be amended to read as follows:

14.20.200 Final plat—Conformance with preliminary plat approval.

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

Section 3. Yakima Municipal Code section 14.20.210 shall be amended to read as follows:

14.20.210 Final plat—Requirements.

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

- A. Date, north arrow and scale.
- B. Name of the subdivision.
- C. Accurate and complete legal description of the subdivision on the face of the final plat.
- D. A complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections.
- E. Boundary lines of the subdivision; of the proposed lots therein; of the rights-of-way for any streets, highways, roads, easements or other uses; and of any associated dedications; all to be indicated by accurate dimensions, bearing or deflection angles, and radii, arcs, and central angles of all curves.

- F. Notation and description of any protective improvements or dedications required by the city council or otherwise provided.
- G. Reference to any recorded subdivision or short subdivision adjoining the subdivision.
- H. Name and right-of-way width of each street or other right-of-way.
- I. Location, dimensions, and purpose of any easements.
- J. Number to identify each lot and block.
- K. Addresses for each lot within the plat.
- L. Purpose for which sites, other than residential lots, are dedicated or reserved.
- M. Certificate by the professional surveyor certifying to the accuracy of the survey and plat in substantially the following form:

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

(Surveyor's signature and seal)

- N. Acknowledged certificate of free consent executed by all parties having any interest in the lands being subdivided as shown by a current title report; and also, in the case of plats containing a dedication of roads, streets, or other areas, the dedication, waiver of claims for damages, and, if required, a waiver of direct access, all pursuant to RCW 58.17.165 and in a form substantially the same as specified by YMC 14.15.090(l).

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

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

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

Q. The signature of the city engineer or other licensed engineer acting on behalf of the city. Signature by the city engineer shall certify that the subdivision applicant has either:

1. Completed all improvements in accordance with these regulations and with the action of the city council; or
2. Submitted a bond or other method of security in accordance with the provisions of YMC 14.20.130 sufficient to assure completion of all required improvements.

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

Section 4. Yakima Municipal Code section 14.20.220 shall be amended to read as follows:

14.20.220 Final plat approval.

Upon receipt of a final plat meeting the requirements of YMC 14.20.210, the administrator shall review the final plat and shall approve the final plat if the administrator determines that the final plat conforms to the conditions of preliminary plat approval and applicable state laws and meets the requirements of YMC Title 14 as they existed when the preliminary plat was approved. The administrator shall evidence final plat approval by signing the final plat in accordance with YMC 14.20.210.

Section 5. Yakima Municipal Code section 14.20.230 shall be amended to read as follows:

14.20.230 Final plat—Recording.

All final plats approved by the administrator shall be filed for record immediately, or as soon as possible, by the subdivision applicant in the Yakima County

auditor's office. The subdivision applicant shall be responsible for all filing fees. Any final plat filed for record containing a dedication shall be accompanied by a current title report. A copy of the recorded plat shall be provided to the city prior to the issuance of any building permits.

Section 6. Yakima Municipal Code section 14.05.050 shall be amended to read as follows:

14.05.050 Authority.

Pursuant to RCW Chapter 58.17, primary authority for subdivision and short subdivision of land in the city of Yakima is vested in the city council as the legislative body. Pursuant to RCW 58.17.060, the Yakima city council delegates responsibility for final determination of proposed short plats and boundary line adjustments to the planning manager, or designee. Pursuant to RCW Chapter 58.17 and YMC 1.43.080, the hearing examiner is authorized to make a recommendation to the city council on preliminary plats and modifications to preliminary plats, and to make final decisions on requests for preliminary plat extension under RCW 58.17.140, plat amendment and plat vacation. The city council shall make final decisions on all preliminary plats and modifications to approved preliminary plats. Pursuant to RCW 58.17.100, the Yakima city council delegates responsibility for final plat approval to the administrator, or designee.

Section 7. Yakima Municipal Code section 14.05.200 shall be amended to read as follows:

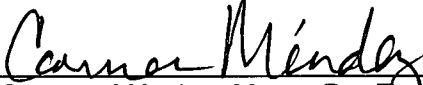
14.05.200 Allowance of bond in lieu of actual construction of improvements prior to approval of short plat or final plat.

A. The subdivision or short subdivision applicant may, as an alternative to actual construction of any required improvements, provide a surety bond or other secure method providing for and securing to the city the actual construction of required improvements within a specified period of time and expressed in a bond or other appropriate instrument establishing such security. Any bond or other method of securing actual construction of required improvements shall specify the improvements covered and the schedule for completion.


B. In cases of subdivision, the bond or other method of securing actual construction of required improvements shall be subject to approval by the city engineer and city attorney prior to approval of the final plat by the administrator. In cases of short subdivisions, the bond or other method of securing actual construction of required improvements shall be subject to approval by the city engineer and city attorney prior to approval of the final short plat by the administrator. In no case shall the amount of the bond or other method of securing actual construction of required improvements be less than one hundred ten percent of the estimated actual cost of the improvements based upon the approved civil engineering design of the required improvements.

Section 8. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 21st day of November, 2017.


Carmen Méndez, Mayor Pro Tem

ATTEST:


Sonya Claar Tee, City Clerk



Publication Date: November 24, 2017

Effective Date: December 24, 2017



**BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT**

Item No. 10.
For Meeting of: November 21, 2017

ITEM TITLE: Open record public hearing and Ordinance regarding text amendments to YMC Title 14, Subdivision Ordinance to allow administrative approval of final long plats

SUBMITTED BY: Joan Davenport, AICP, Community Development Director
Joseph Calhoun, Planning Manager (509) 575-6042

SUMMARY EXPLANATION:

The Legislature passed Senate Bill 5674, allowing local legislative bodies to adopt an ordinance delegating final plat approval to administrative personnel. Governor Inslee signed the bill on April 27, 2017 and it became effective July 23, 2017. City Staff brought the bill to the attention of the NCBC. The NCBC referred the matter to the Planning Commission for review. The Planning Commission reviewed the proposed text changes during a study session in August, and then set the matter for a public hearing on October 11, 2017. After reviewing the staff information and hearing public comment, the Planning Commission recommended that the amendments be made, in conformity with Senate Bill 5674, to allow an administrative official to approve final plats.

ITEM BUDGETED: NA

STRATEGIC PRIORITY: Neighborhood and Community Building

**APPROVED FOR
SUBMITTAL:**

 City Manager

STAFF RECOMMENDATION:

Pass Ordinance

BOARD/COMMITTEE RECOMMENDATION:

The Yakima Planning Commission issued its written recommendation for approval on October 24, 2017.

ATTACHMENTS:

Description	Upload Date	Type
📎 Proposed Ordinance_Clean	11/13/2017	Ordinance
📎 Proposed Ordinance_Redline	11/13/2017	Backup Material
📎 Complete Record_Final Plats	11/9/2017	Backup Material