

# WASHINGTON STATE BOUNDARY REVIEW BOARD FOR YAKIMA COUNTY

## NOTICE OF INTENTION

for office use only:

**BRB FILE #** BRB2017-0007

1. Name of City, Town or special purpose district: **City of Selah**

2. Action Sought:

Annexation  
 Formation of a Special Purpose District  
 Incorporation  
 Other Boundary Change  
 Merger/Consolidation of Special Purpose District  
 Dissolution of Special Purpose District  
 Water or Sewer Extension \_\_\_\_\_ Size of Water Line \_\_\_\_\_ Sewer Line \_\_\_\_\_

3. This proposal shall be known as: **Graf Annexation**

4. Driving directions to location of proposed action: *Continue north through Selah on First St. to W. Naches Ave.; thence left on W. Naches Ave. to the intersection of W. Naches Ave., Hovde Park Dr., and Hillcrest Dr.; then continue on to Crusher Canyon Rd. for approximately .50 miles. The annexation area is located just past S. 10th St. on the south side of Crusher Canyon Rd.*

5. Briefly describe proposal: *Annexation of approximately 11.63 acres of property to the City of Selah requested by Graf Investments /Richard L. and Kimberly Graf, David Van Alstine, and Vincent Daniel Zerr located just past S. 10th St. on the south side of Crusher Canyon Rd. Tax Parcel Numbers: 181302-21011, 181302-21008, & 181302-21004.*

6. Method used to initiate the proposed action:  Petition  Election  Resolution

7. State statute under which action is sought: **RCW 35A.14.300**

## FACTORS THE BOARD MUST CONSIDER

### POPULATION AND LAND USE:

1. Provide the following information:

POPULATION OF PROPOSED AREA			POPULATION OF EXISTING ENTITY	
	EXISTING	10-YEAR PROJECTION	EXISTING	10-YEAR PROJECTION
People	1	0	7,630	8,637
Residences	2	20	2,965	366
Businesses	0	0	Unknown	Unknown

2. What source is the basis for this projection information? *Combination of Office of Financial Management (OFM) population/housing projections and the City of Selah's 2017 Comprehensive Plan.*

3. Acres within the proposed area: **11.63** Acres within existing entity: **2,644.2**

4. Assessed valuation of proposed area **\$266,800** of existing entity: **\$598,310,55**

5. Existing land use of the proposed area: *Predominantly vacant with a single-family home and multiple accessory structures on Tax Parcel Numbers 181302-21011 and 181302-21008.*

6. Existing land use of the area surrounding the proposal: *Vacant and Single-Family Residential homes.*
7. Are all surrounding & interior roads included in the annexation?  Yes  No  
If no, why not?
8. Is there new residential, commercial, or industrial development that is associated with this proposal? *The petitioners have not submitted any applications for development at this time.*

If yes, describe any projects being considered or proposed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. If the proposal is approved, will there be land use changes within the next 18 months?
  - o Land Use: *There could be land use changes within the next 18 months dependent upon submittal of petitioner development applications.*
  - o Zoning: *There should not be any zoning changes within the next 18 months, as the annexation will provide zoning of Single-Family Residential as required by the City of Selah and Yakima County Interlocal Agreement.*
  - o Comprehensive Plan: *Following annexation and rezoning of the subject property, the City of Selah will amend the subject properties Comprehensive Plan Future Land Use designation during the 2018 Comprehensive Plan Amendment cycle to a supporting designation of Low Density Residential.*

10. Has the proposed area been the subject of land use action by Yakima County? *No*  
If so, please explain \_\_\_\_\_  
\_\_\_\_\_

11.
  - a. Yakima County Comprehensive Plan designation for the proposed area: *Urban Residential*
  - b. For surrounding areas: *N: Selah/Low Density Residential; E: Selah/Low Density Residential; S: Selah/Low Density Residential; W: County/Urban Residential.*
  - c. Yakima County Zoning for the proposed area: *Single-Family Residential, R-1.*
  - d. For surrounding areas: *Residential Single-Family, R-1.*

12. Is this proposal consistent with the coordinated water system plan, if any?  Yes  No

13. Does your jurisdiction have an adopted comprehensive plan? *Yes* Date Adopted: *June 27, 2017*

14. Describe how this proposal is consistent with the adopted comprehensive plan: *This proposal is consistent with the City of Selah's 2017 Comprehensive Plan for the following reasons: 1) The annexation provides for incorporation of 11.63 acres of property into the City of Selah which is presently served by both public sewer and water; and 2) the annexation has a proposed zoning designation of Residential, Single-Family which is supported by the Yakima County and City of Selah Future Land Use designations of Urban Residential and Low Density Residential.*

- a. Proposed city zoning upon annexation: *Single-Family Residential, R-1*

15. Has any portion of this area been previously reviewed by the Boundary Review Board? *Not to my knowledge.*  
Explain \_\_\_\_\_

16. Describe the following as required by RCW 36.93.170 and the effects on land use, accessibility and potential development:

- a. Topography: *The topography of the subject property slants southwest to northeast dropping in elevation from 22005 to 21011.*
  - b. Natural Boundaries: *Natural Boundaries have not been used with this annexation.*
  - c. Drainage Basins: *This annexation is not located in a known drainage basin, but is located within the Selah watershed.*

17. Is the proposed area within the Urban Growth Area for your municipality? Yes

## MUNICIPAL SERVICES

1. What services will be provided in the proposed area?

	EXISTING PROVIDER	PROPOSED PROVIDER	TIME FRAME for SERVICES	HOW FINANCED
Water	City of Selah	City of Selah	Unknown	Developer
Sewer	City of Selah	City of Selah	Unknown	Developer
Fire	Yakima County Fire-District #2	City of Selah	Upon Annexation	City/County Taxes
Stormwater	Yakima County	City of Selah	Unknown	Developer
Roads	City of Selah	City of Selah	No Change	Existing budget
Parks	City of Selah	City of Selah	No Change	City Taxes
Police	Yakima County Sheriff	City of Selah	Upon Annexation	Existing budget
School	Selah School District	Selah School District	No Change	City/County Taxes
Library	Yak. Regional Lib.	City of Selah	Upon Annexation	Existing budget

2. Does your jurisdiction have a current Capital Facilities Plan? Yes

Does it consider the proposed area? Yes

3. Describe the effect your jurisdiction's ordinances, governmental codes, regulations and resolutions will have on existing uses in the proposed area: *Current City codes will be applicable.*

4. Describe the probable future needs for services and additional regulatory controls in the area? *This area is already served with public sewer and water and there is no need for additional regulatory controls at this time.*

5. Describe the probable effects of the proposal on the cost an adequacy of services and regulatory controls:  
a. In the proposed area? *None*

b. In the adjacent area? *None*

6. Estimate the following to be incurred under the proposal:

- a. Proponent Expenditures to be incurred: \$ Unknown
- b. Proponent Revenues to be gained: \$ 698.37
- c. County Revenue Lost: \$ 482.46
- d. County Expenditure Reduction: \$ Unknown
- e. Fire District Revenue Lost: \$ 224.41
- f. Fire District Expenditure Reduction: \$ Unknown
- g. Financial Impact to Special Districts (library, parks, hospital): \$ No Effect — ?

7. What is the future impact of your proposal on the school district? *Annexation does not affect the future taxation or funding of special districts such as library, parks, or hospitals.*

## ENVIRONMENTAL INFORMATION

1. Is there an existing environmental review pertinent or related to this proposal?  Yes  No  
If No, answer questions 2 through 5.

2. Expected impact of any proposed development to adjacent roads and highways: ***None***
3. Expected impact of any proposed development on air quality: ***None***
4. Does the area under consideration contain “critical areas”? (floodplain, wetland, steep slope wildlife habitat area, etc.): ***This annexation does not contain any “critical areas.***
5. Please describe any potential adverse impacts that could occur upon development: ***None known.***

## **OBJECTIVES OF THE BOUNDARY REVIEW BOARD**

**Describe fully which objectives of RCW 36.93.180 this proposal meets and which objectives this proposal does not meet. Please give your reasons for each of the objectives chosen:**

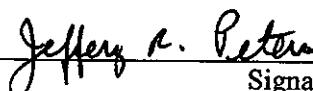
1. Preservation of natural neighborhoods and communities: ***The area is contiguous with the City of Selah's boundaries and is located within the Selah Urban Growth Area Boundary.***
2. Use of physical boundaries, including but not limited to bodies of water, highways, and land contours: ***Physical boundaries were not utilized for this annexation.***
3. Creation and preservation of logical service areas: ***The city of Selah did not utilize service area in the creation of this annexation's boundaries. However, both City of Selah public sewer and water are located in Crusher Canyon Rd. and serve the land within the annexation.***
4. Prevention of abnormally irregular boundaries: ***The annexation of this properties does not create any abnormally irregular boundaries.***
5. Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand (10,000) population in heavily populated urban areas: ***Not applicable.***
6. Dissolution of inactive special purpose districts: ***Not applicable.***
7. Adjustment of impractical boundaries: ***Not applicable.***
8. Incorporation as cities or towns or annexation to cities and towns of unincorporated areas which are urban in character: ***Not applicable.***
9. Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority: ***The subject properties are not designated for long term productive agricultural and resource use by the City's or County's Comprehensive Plans and is designated as Urban Residential.***

## EXHIBITS

See attached **Notice of Intention Filing Instrucitons** for explanation of Exhibits A, B, C, D, E, and F. Applicable Exhibits must accompany the Notice of Intention document.

**I certify that the above is true and accurate, and that I am an official or employee of the governmental jurisdiction seeking boundary change action or the proponent for the incorporation or formation.**

Dated this 27<sup>th</sup> day of September 2017.



Signature

Jeff Peters  
Name of person completing this form

Community Development Supervisor  
Title

(509) 698-7365  
Phone Number

(509) 698-7372  
Fax Number

222 S. Rushmore Rd., Selah, WA 98942  
Mailing Address

Names and Addresses of other persons who should receive correspondence from the BRB in regard to this Notice:

Richard L. & Kimberly Graf, & David Van Alstine: P.O. Box 100, Selah, WA 98942

Vincent Daniel Zerr: 1092 Crusher Canyon Rd., Selah, WA 98942

## **EXHIBIT "A"**

- 1. LEGAL DESCRIPTION OF THE ANNEXATION  
BOUNDARIES CERTIFIED BY THE YAKIMA  
COUNTY PUBLIC SERVICES DIVISION**



# Public Services

128 North Second Street • Fourth Floor Courthouse • Yakima, Washington 98901  
(509) 574-2300 • 1-800-572-7354 • FAX (509) 574-2301 • [www.co.yakima.wa.us](http://www.co.yakima.wa.us)

VERN M. REDIFER, P.E. - Director

July 31, 2017

Jeff Peters  
Community Development Supervisor  
City of Selah  
222 S. Rushmore Road  
Selah, Washington 98942

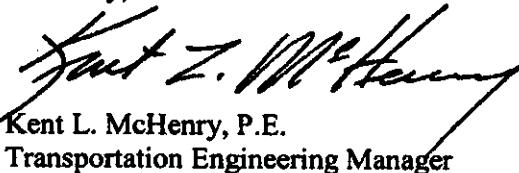
**RE: Graf Annexation**

Dear Mr. Peters:

We have reviewed the proposed Graf annexation. This legal has been prepared by a Professional Land Surveyor and is approved for annexation.

If you have any questions or require any additional information, please give me a call

Sincerely,

  
Kent L. McHenry, P.E.  
Transportation Engineering Manager

*Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.*

*If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll-free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.*

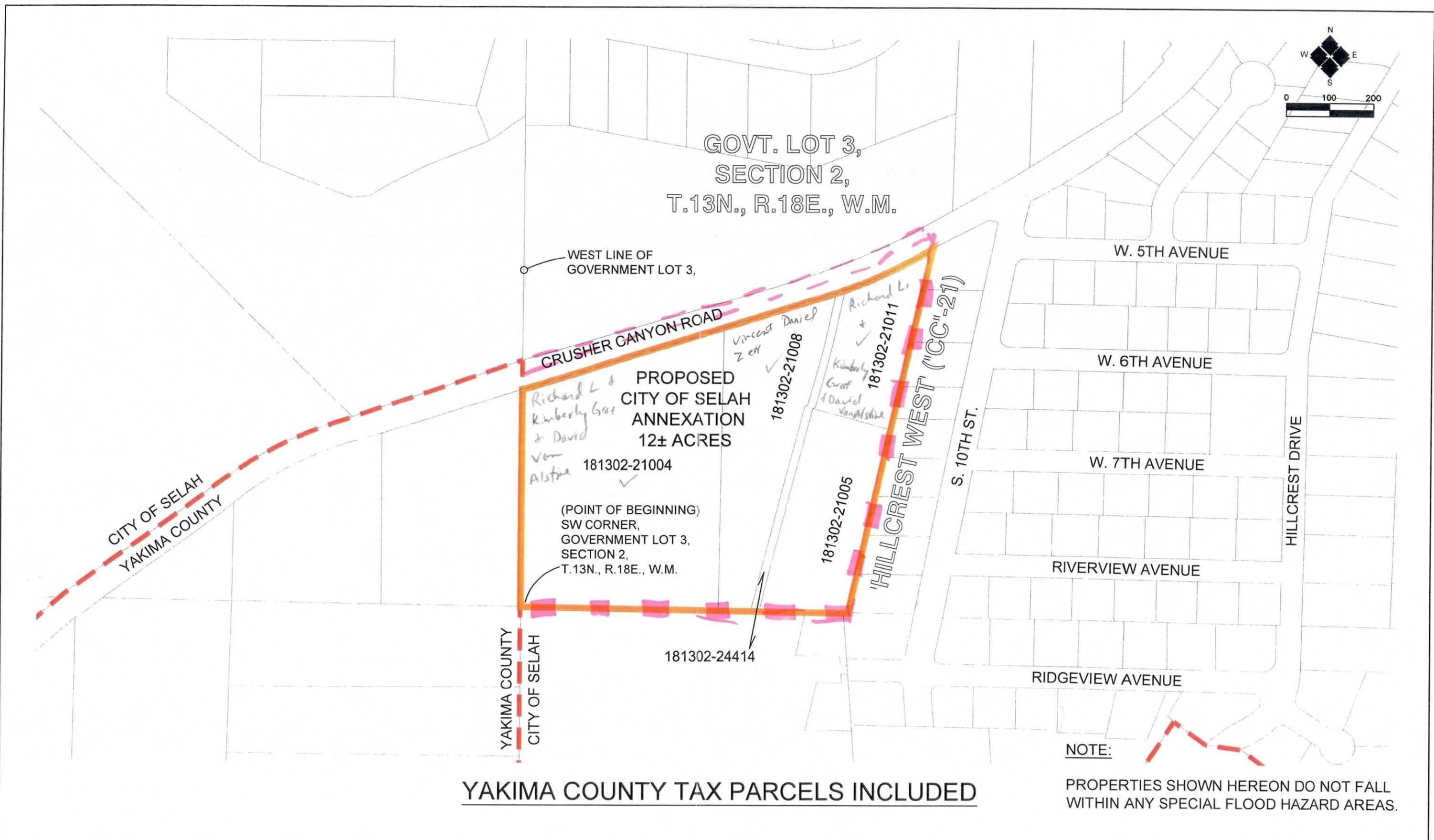
**City of Selah  
Graf Annexation  
HLA Project# 17006  
July 17, 2017 (revised July 31, 2017)**

**Annexation Area**

That portion of Government Lot 3 of Section 2, Township 13 North, Range 18 East, W.M., described as follows:

Beginning at the Southwest corner of said Government Lot 3;  
Thence East along the South line of said Lot 3 to the Westerly line of the Plat of HILLCREST WEST, according to the official plat thereof recorded in Volume "CC" of Plats, Page 21, records of Yakima County, Washington;  
Thence Northeasterly along said West line to the Southerly right of way of Crusher Canyon Road;  
Thence Southwesterly along said right of way line to the West line of said Government Lot 3;  
Thence South along said West line to the Point of Beginning.

TOGETHER WITH Crusher Canyon Road right of way adjacent thereto. Situate in Yakima County, State of Washington.



2803 River Road  
Yakima, WA 98902  
509.966.7000  
Fax 509.965.3800  
[www.hlacivil.com](http://www.hlacivil.com)

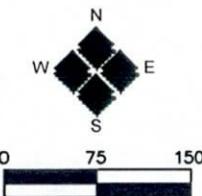
## EXHIBIT B

JOB NUMBER: 17006	DATE: 9-5-2017
FILE NAMES: DRAWING: 17006ANNEX.C	
DRAWN BY:	TD

**CITY OF SELAH  
GRAF ANNEXATION  
ANNEXATION EXHIBIT**

SHEET  
1  
OF  
1





CRUSHER CANYON ROAD

PROPOSED  
CITY OF SELAH  
ANNEXATION  
12± ACRES

W. 5TH AVENUE

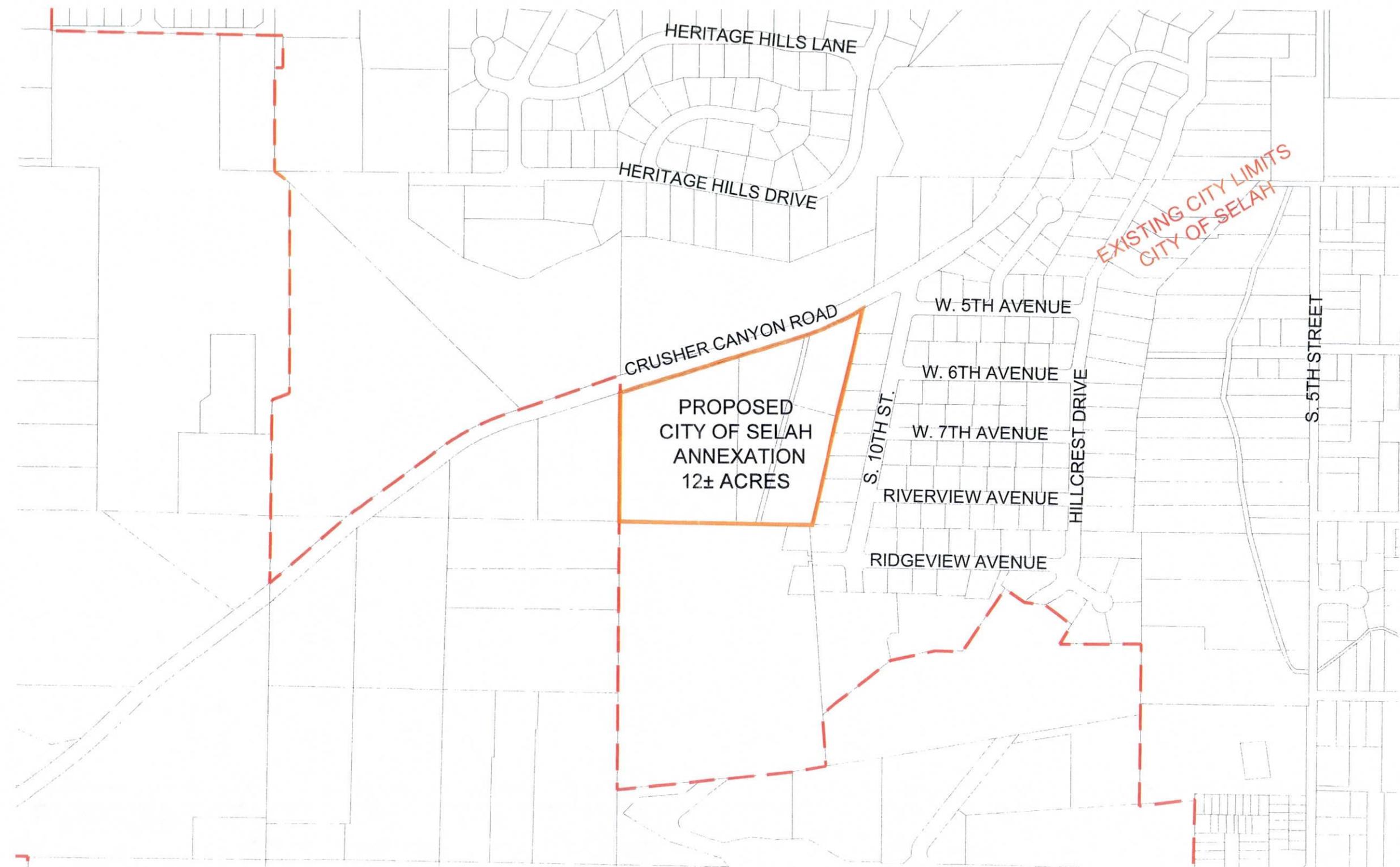
W. 6TH AVENUE

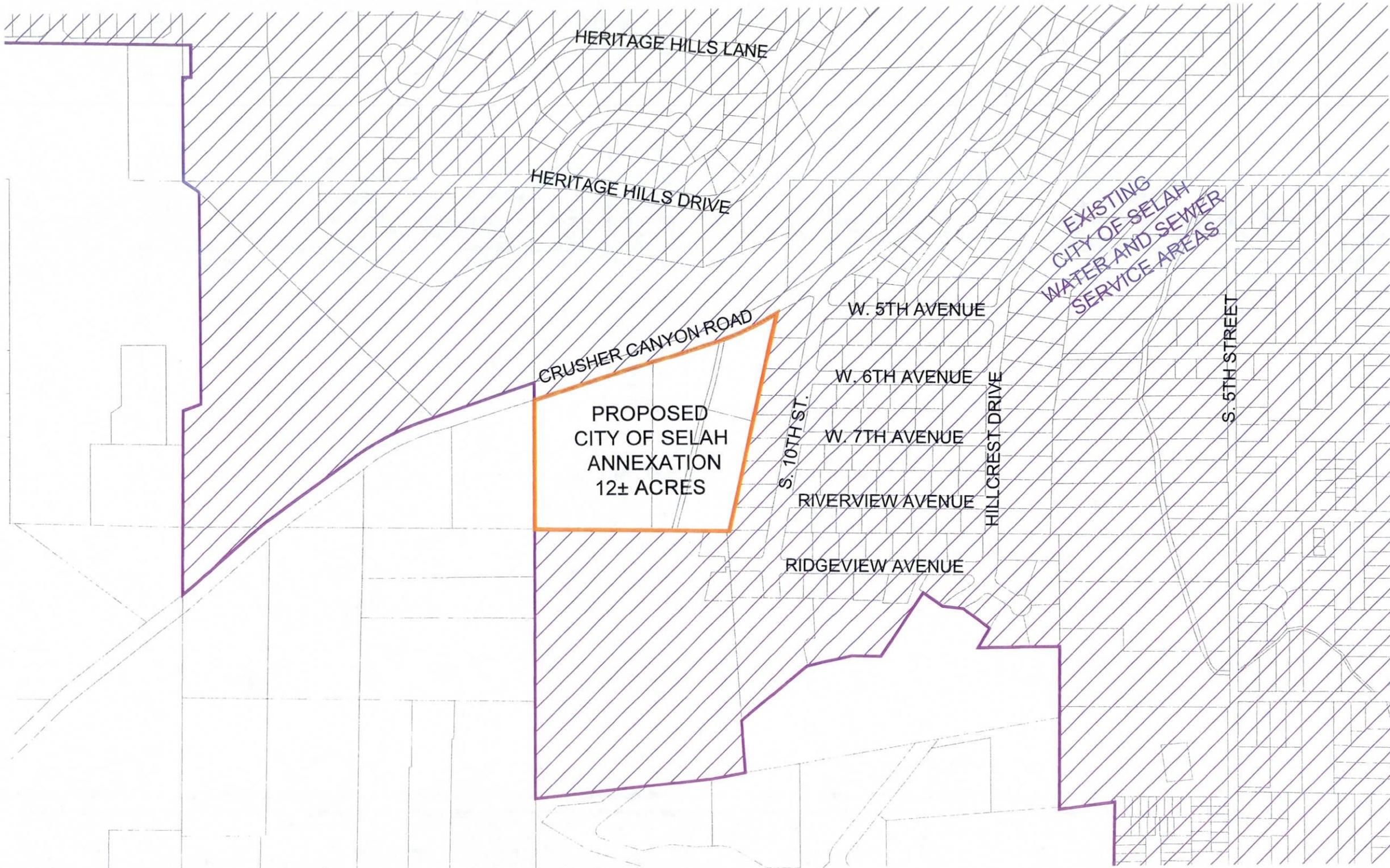
S. 10TH ST.

W. 7TH AVENUE

RIVerview AVENUE

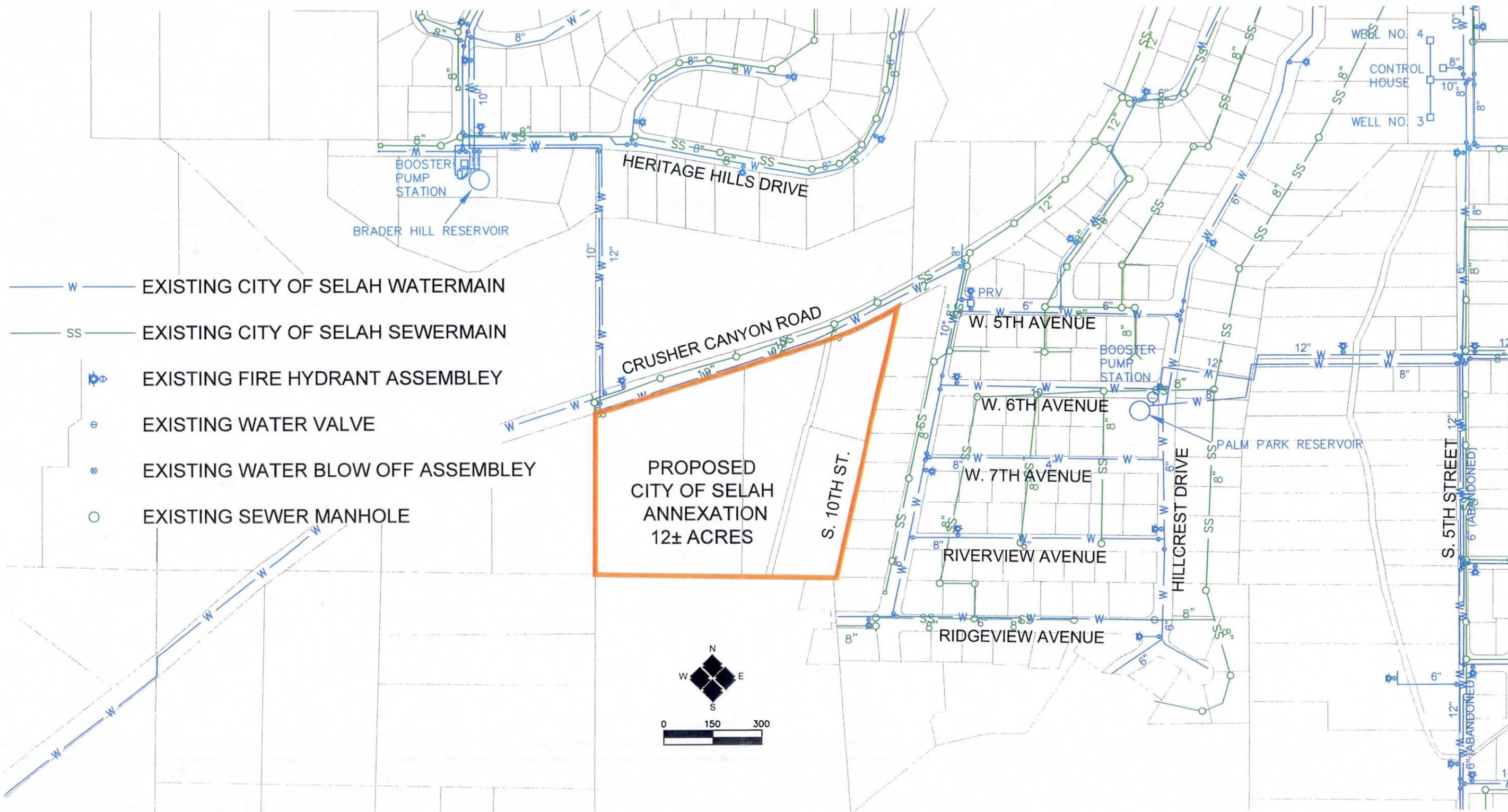
RIDGEVIEW AVENUE

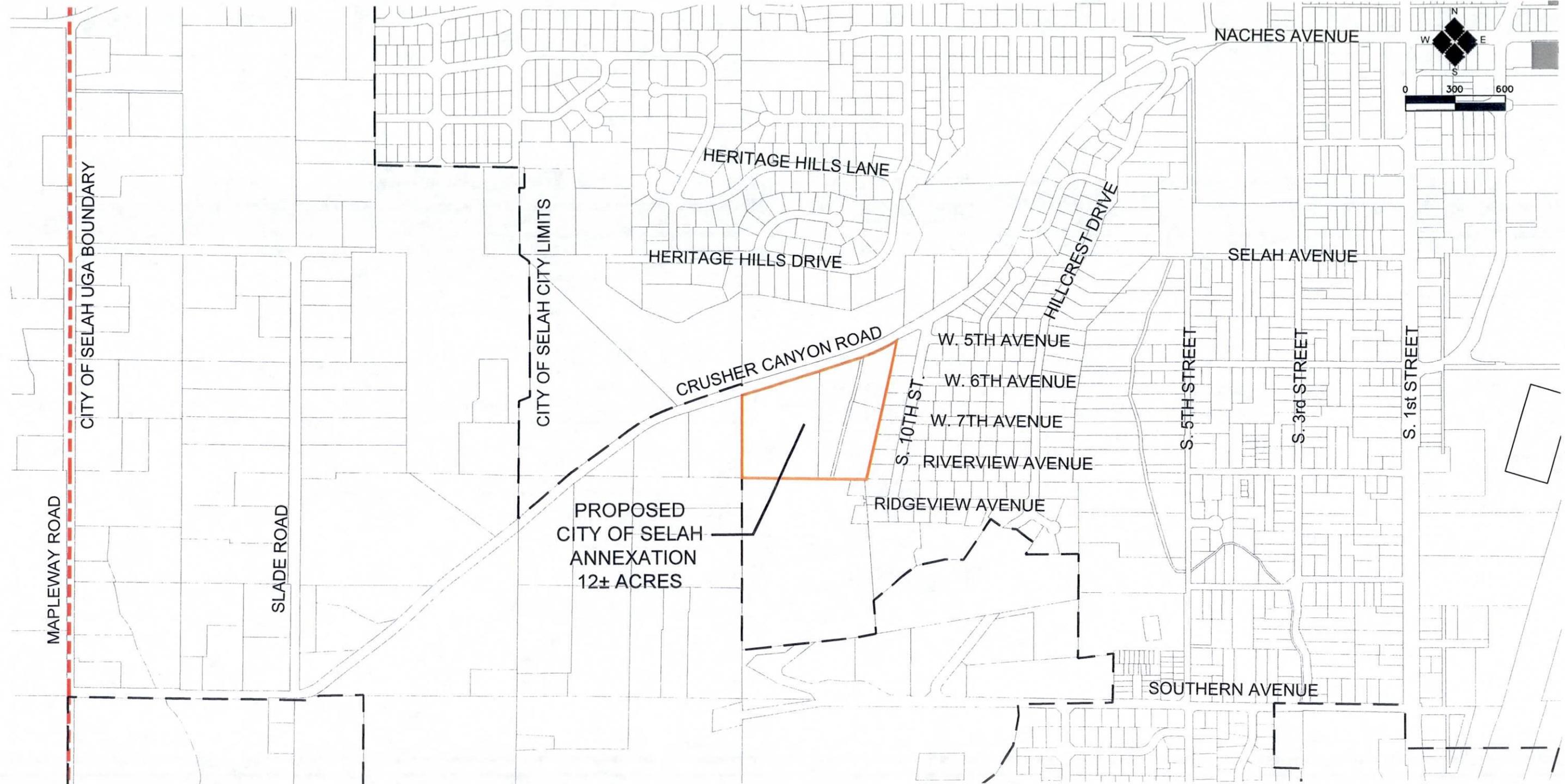






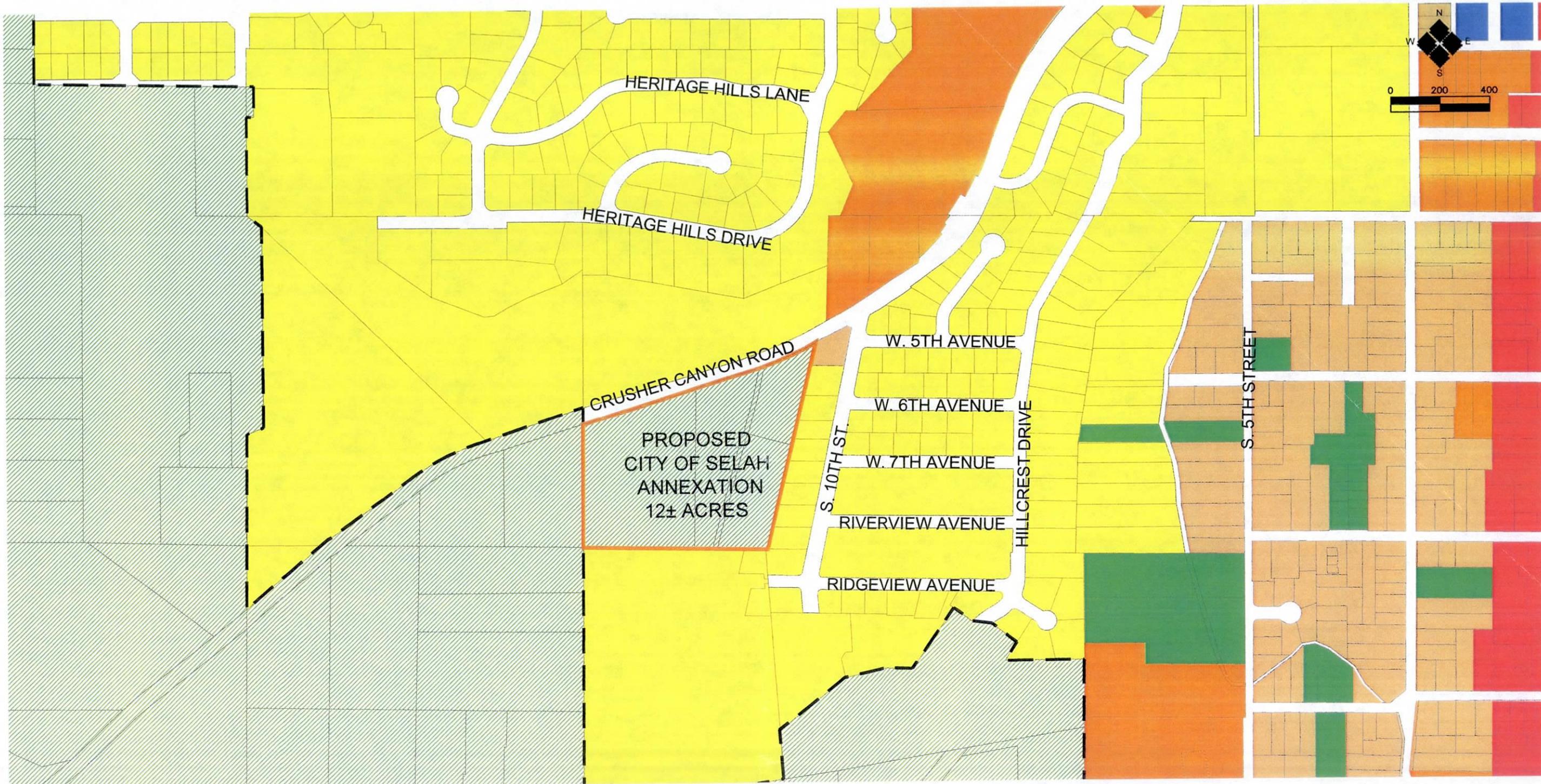






YAKIMA COUNTY COMPREHENSIVE PLAN DESIGNATION - URBAN RESIDENTIAL.

## EXISTING ZONING



EXISTING YAKIMA COUNTY ZONING - R1

EXISTING CITY OF SELAH ZONING - R1

EXISTING CITY OF SELAH ZONING - B1

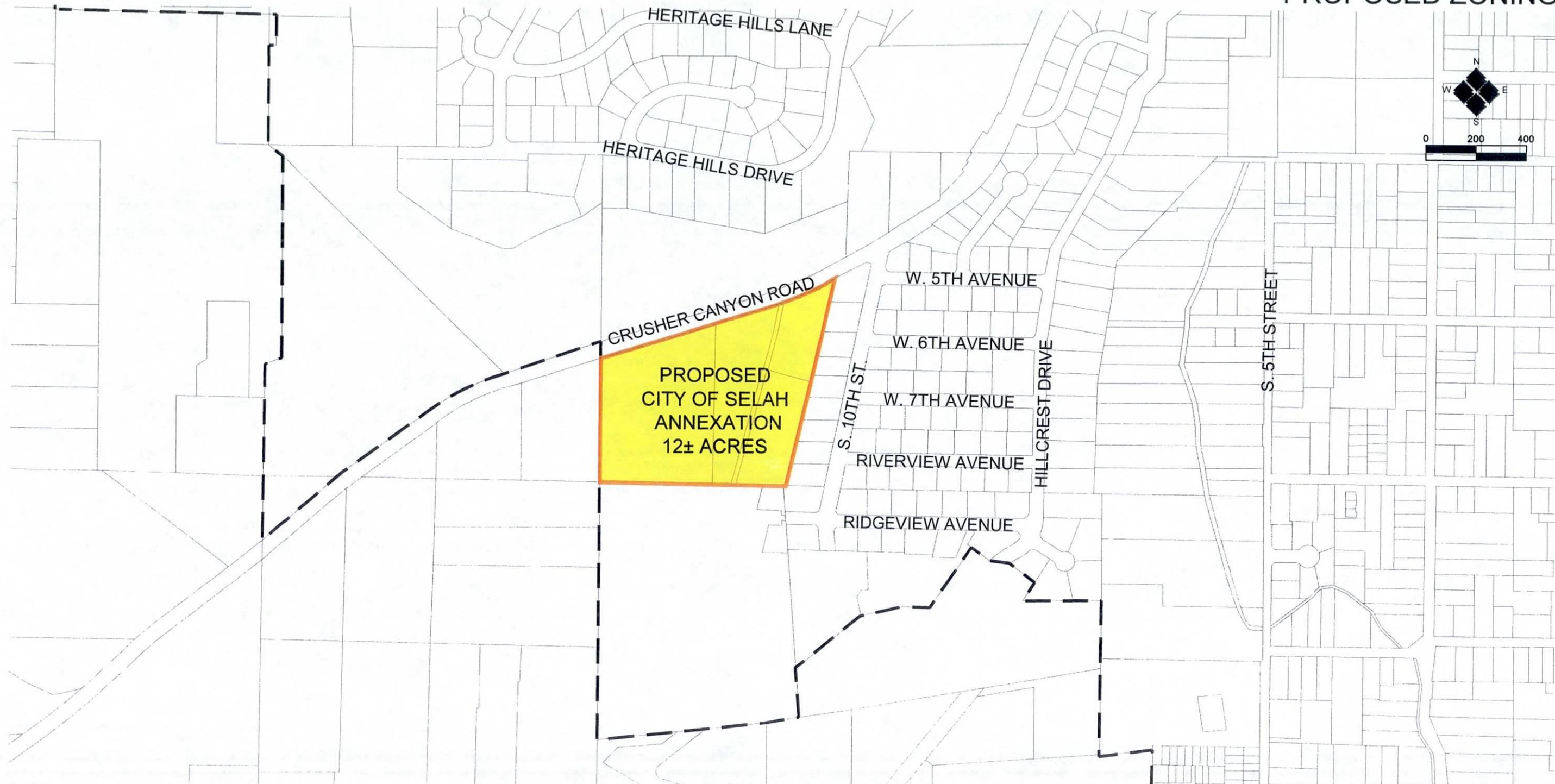
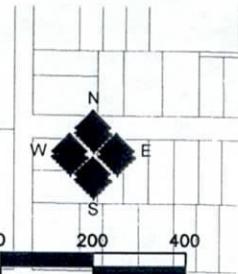
EXISTING CITY OF SELAH ZONING - R2

EXISTING CITY OF SELAH ZONING - B2

EXISTING CITY OF SELAH ZONING - R3

EXISTING CITY OF SELAH ZONING - PD

# PROPOSED ZONING



PROPOSED CITY OF SELAH ZONING - R1

## **EXHIBIT "C8"**

- 1. THE SUBJECT PROPERTY IS NOT LOCATED  
WITH THE FEMA FLOODWAY OR FLOODPLAIN.**

## EXHIBIT "D"

18/302-21011  
- 21004  
- 21008

1. CERTIFIED COPY OF THE PETITION
2. PROOF OF ASSESSED VALUATION
3. AFFIDAVIT OF PUBLICATION OF PUBLIC HEARING NOTICE
4. COPY OF THE MINUTES OF PUBLIC HEARING
5. CERTIFIED COPY OF THE RESOLUTION SETTING THE DATE OF THE PUBLIC HEARING

# PETITION FOR ANNEXATION OF UNINCORPORATED PROPERTY

**IN THE MATTER OF THE PETITION )  
FOR THE ANNEXATION OF THE ) PETITION FOR ANNEXATION  
BELOW DESCRIBED PROPERTY )**

COMES NOW, the following named persons:

Richard L. & Kimberly Graf & David Van Alstine  
P.O. Box 100  
410 S. 1<sup>st</sup> St.  
Selah, WA 98942

and petitions the City Council of the City of Selah that the following described property situated in Yakima County, WA., to wit:

Section 02 Township 13 Range 18 Quarter NW: W1/2 OF FOL DESC PARCEL: BAAP 545.5 FT E OF SW COR NE1/4 NW1/4, TH N 13<sup>°</sup> 15' 00" E 729.5 FT, TH N 49<sup>°</sup> 15' 00" E 180.5 FT, TH N 75<sup>°</sup> 45' 00" E 152 FT, TH N 58<sup>°</sup> 45' 00" E 130 FT, TH S 10<sup>°</sup> 30' 00" W 952 FT, TH W 388 FT TO POB EX TH PTN DESC AS FOL: BEG AT SE COR SD W1/2, TH W 194.6 FT M/L TO SE COR, TH N 13<sup>°</sup> 15' 00" E 465 FT, TH E 185 FT M/L TO E LN SD W1/2, TH SE'LY 424 FT M/L TO POB AND EX TH TPN LY W'LY FOL DESC LN: COM AT A PT ON S LN GOV LOT 3 545.5 FT E OF SW COR OF SD SUBD, TH N 13<sup>°</sup> 15' 00" E 465 FT TO POB OF HEREIN DESC LN: TH N 72<sup>°</sup> 48' 00" E 5.50 FT, TH N 15<sup>°</sup> 20' 00" E 96 FT, TH N 14<sup>°</sup> 25' 00" E 56 FT, TH N 12<sup>°</sup> 10' 00" E 127.51 FT TO S LN OF CITY STR. AND TERM SD LN AND EX NE PTN RD R/W DEEDED TO CITY OF SELAH UNDER AF 7489305 (Tax Parcel: 18130221011)

be annexed to the City of Selah, and in support of said Petition, the undersigned person representing the ownership of 11.86 percent of the annexation area, and (35%) in value according to the assessed valuation of said property for which annexation is petitioned; that said property is not now within the limits of any incorporated city; that said property is contiguous to the City of Selah; that a drawing of the boundaries of said property which is sought to be annexed is attached hereto as Exhibit A, "Graf Annexation Boundary"; that the City Council of the City of Selah has determined that it will accept the proposed annexation and that it will require the pro rata assumption of existing City indebtedness by the area proposed by this petition to be annexed, as referenced by the following recital from the minutes of the August 8, 2017, meeting of the Selah City Council. where 7

"GRAF ANNEXATION"  
PETITION FOR ANNEXATION

the date of annexation.

WHEREFORE, petitioner prays that the City Council make and enter this petition for annexation, fixing a time and place for a public hearing on this petition pursuant to RCW 35A.14.130; adopt a zoning classification for the property sought to be annexed as provided for in RCW 35A.14.120; and, that due notice be given of such public hearing and that at the conclusion of said public hearing that said property be annexed to the City of Selah.

The petitioner subscribing hereto agrees that all property within the territory sought to be annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Selah, including assessments or taxes for payment of any bonds issued or debts contracted prior to or existing at the date of annexation; and further that this petition constitutes a covenant granting the City of Selah a "right of first refusal" to secure ownership of any irrigation and/or domestic water rights appurtenant to the land.



Richard L. Graf

Richard L. Graf

Kimberly Z. Graf  
Kimberly Graf

---

Kimberly Graf

Ron van aalten

David Van Alstine

STATE OF WASHINGTON )  
 ) ss.  
County of Yakima )

On this day personally appeared before me Richard L. Graf to me known to be the individual described in and who executed the foregoing instrument and acknowledges that he signed the same as his free and voluntary act and deed. *they* *AP*

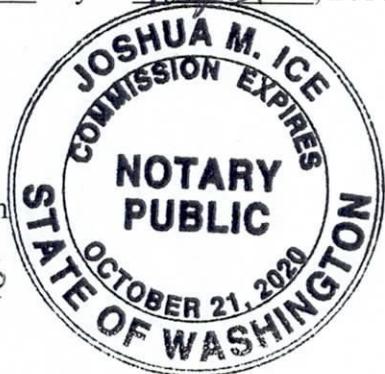
GIVEN under my hand and official seal this 10 day of August, 2017.

Signature

Notary Public in and for the State of Washington  
Residing at: Seattle, WA

Residing at: 2471, Ven  
My Commission expires: Oct. 21, 2020

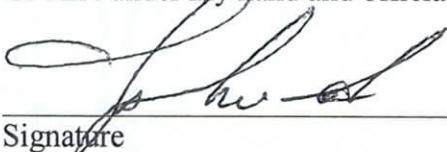
“GRAF ANNEXATION”  
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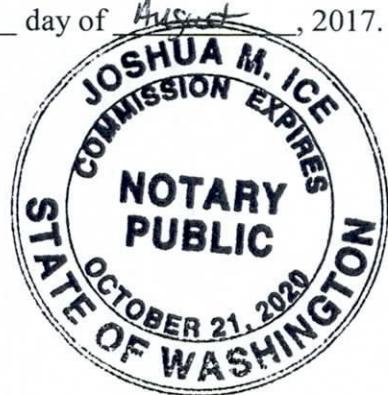
STATE OF WASHINGTON )  
                         ) ss.  
County of              )

On this day personally appeared before me Kimberly Graf to me known to be the individual described in and who executed the foregoing instrument and acknowledges that she signed the same as her free and voluntary act and deed.

GIVEN under my hand and official seal this 10 day of August, 2017.

  
\_\_\_\_\_  
Signature

Notary Public in and for the State of Washington  
Residing at: Scobey WA  
My Commission expires: Oct. 21, 2020



"GRAF ANNEXATION"  
PETITION FOR ANNEXATION

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and petitions the City Council of the City of Selah that the following described property situated in Yakima County, WA., to wit:

BEG AT SW COR LOT 3, TH E 525.5 FT, TH N 13 D 15'E 729 FT TO S LN  
OFCO.ROAD, TH SWLY AL S LN OF CO.RD TO W LN OF LOT 3, TH S 475 FT TO  
BEG. EX BEG 450.40 FT E OF SW COR GOVT. LOT 3, TH E 74.60 FT, TH N13 D 15'E  
729 FT M OR L TO S LN CORD, TH SWLY AL ROAD TO A PT N0 D 36'W OF POB  
TH S 0 D 36'E 626 FTM OR L TO POB. (Tax Parcel: 18130221004)

be annexed to the City of Selah, and in support of said Petition, the undersigned person representing the ownership of 50 percent of the annexation area, and (15.41%) in value according to the assessed valuation of said property for which annexation is petitioned; that said property is not now within the limits of any incorporated city; that said property is contiguous to the City of Selah; that a drawing of the boundaries of said property which is sought to be annexed is attached hereto as Exhibit A, "Graf Annexation Boundary"; that the City Council of the City of Selah has determined that it will accept the proposed annexation and that it will require the pro rata assumption of existing City indebtedness by the area proposed by this petition to be annexed, as referenced by the following recital from the minutes of the August 8, 2017, meeting of the Selah City Council.

where?

I move we accept the Graf "Notice of Intent to Annex" petition; and

(1) Establish as the proposed annexation boundary the staff's recommended Exhibit "A"; and,

(2) If ultimately annexed the property would be zoned Residential, Single Family (R-1) on

"GRAF ANNEXATION"  
PETITION FOR ANNEXATION

I move we accept the Graf "Notice of Intent to Annex" petition; and

(1) Establish as the proposed annexation boundary the staff's recommended Exhibit "A"; and,

(2) If ultimately annexed the property would be zoned Residential, Single Family (R-1) on the date of annexation.

WHEREFORE, petitioner prays that the City Council make and enter this petition for annexation, fixing a time and place for a public hearing on this petition pursuant to RCW 35A.14.130; adopt a zoning classification for the property sought to be annexed as provided for in RCW 35A.14.120; and, that due notice be given of such public hearing and that at the conclusion of said public hearing that said property be annexed to the City of Selah.

The petitioner subscribing hereto agrees that all property within the territory sought to be annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Selah, including assessments or taxes for payment of any bonds issued or debts contracted prior to or existing at the date of annexation; and further that this petition constitutes a covenant granting the City of Selah a "right of first refusal" to secure ownership of any irrigation and/or domestic water rights appurtenant to the land.



Richard L. Graf

Kimberly Graf  
Kimberly Graf

David Van Alstine  
David Van Alstine

STATE OF WASHINGTON )  
 ) ss.  
County of Yakima )

On this day personally appeared before me Richard L. Graf to me known to be the individual described in and who executed the foregoing instrument and acknowledges that he signed the same as his free and voluntary act and deed. *they* *18*

**“GRAF ANNEXATION”  
PETITION FOR ANNEXATION**

GIVEN under my hand and official seal this 103 day of August, 2017.

  
Signature

Notary Public in and for the State of Washington

Residing at: SELAH

My Commission expires: OCT 21, 2020



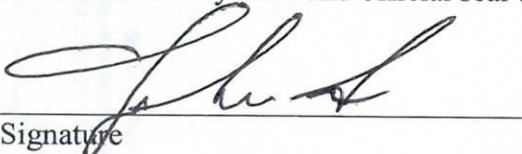
STATE OF WASHINGTON )

) ss.

County of YAKIMA )

On this day personally appeared before me Kimberly Graf to me known to be the individual described in and who executed the foregoing instrument and acknowledges that she signed the same as her free and voluntary act and deed.

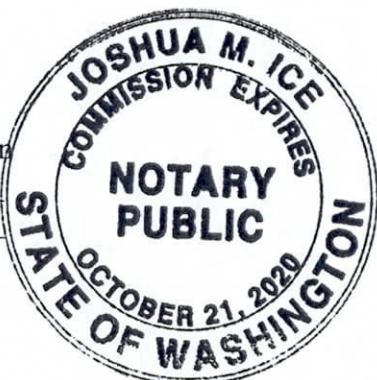
GIVEN under my hand and official seal this 102 day of August, 2017.

  
Signature

Notary Public in and for the State of Washington

Residing at: SELAH

My Commission expires: OCT 21, 2020



"GRAF ANNEXATION"  
PETITION FOR ANNEXATION



# **PETITION FOR ANNEXATION OF UNINCORPORATED PROPERTY**

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FOR THE ANNEXATION OF THE ) PETITION FOR ANNEXATION  
BELOW DESCRIBED PROPERTY )**

COMES NOW, the following named persons:

Vincent Daniel Zerr  
P.O. Box 100  
410 S. 1<sup>st</sup> St.  
Selah, WA 98942

and petitions the City Council of the City of Selah that the following described property situated in Yakima County, WA., to wit:

Lot #1: Legal----- Section 02 Township 13 Range 18 Quarter NW BEG AT SW COR GOV LOT 3, TH E AL S LN SD LOT 3 450.40 FT TO TPOB, TH E 74.60 FT, TH N 13<sup>°</sup> 15' 00" E 729 FT M/L TO S LN OF CO. RD, TH SW PT BEARING N 00<sup>°</sup> 36' 00" E FROM TPOB, TH S 00<sup>°</sup> 36' 00" E 626 FT M/L TO TPOB. ALSO TH PTN GOV LOT 3 LY E'LY OF ABOVE DESC PARCEL AND WLY OF FOL DESC LN COM AT A PT ON S LN GOV LOT 3 SW COR OF SD SUBD, TH N 13<sup>°</sup> 15' 00" E 465 FT TO POB OF HEREIN DESC LN TH N 72<sup>°</sup> 48' 00" E 5.50 FT, TH N 15<sup>°</sup> 20' 00" E 96 FT, TH N, records of Yakima County, Washington. (Tax Parcel: 18130221008)

be annexed to the City of Selah, and in support of said Petition, the undersigned person representing the owner of 21.32 percent of the annexation area, and (39.75%) in value according to the assessed valuation of said property for which annexation is petitioned; that said property is not now within the limits of any incorporated city; that said property is contiguous to the City of Selah; that a drawing of the boundaries of said property which is sought to be annexed is attached hereto as Exhibit A, "Graf Annexation Boundary"; that the City Council of the City of Selah has determined that it will accept the proposed annexation and that it will require the pro rata assumption of existing City indebtedness by the area proposed by this petition to be annexed, as referenced by the following recital from the minutes of the August 8, 2017, meeting of the Selah City Council.

where

I move we accept the Graf "Notice of Intent to Annex" petition; and

(1) Establish as the proposed annexation boundary the staff's recommended Exhibit "A";

"GRAF ANNEXATION"  
PETITION FOR ANNEXATION

(2) If ultimately annexed the property would be zoned Residential, Single Family (R-1) on the date of annexation.

WHEREFORE, petitioner prays that the City Council make and enter this petition for annexation, fixing a time and place for a public hearing on this petition pursuant to RCW 35A.14.130; adopt a zoning classification for the property sought to be annexed as provided for in RCW 35A.14.120; and, that due notice be given of such public hearing and that at the conclusion of said public hearing that said property be annexed to the City of Selah.

The petitioner subscribing hereto agrees that all property within the territory sought to be annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Selah, including assessments or taxes for payment of any bonds issued or debts contracted prior to or existing at the date of annexation; and further that this petition constitutes a covenant granting the City of Selah a "right of first refusal" to secure ownership of any irrigation and/or domestic water rights appurtenant to the land.

  
Vincent Daniel Zeer



STATE OF WASHINGTON )  
 ) ss.  
County of Yakima )

On this day personally appeared before me Vincent Daniel Zeer to me known to be the individual described in and who executed the foregoing instrument and acknowledges that he signed the same as his free and voluntary act and deed.

GIVEN under my hand and official seal this 7 day of Aug, 2017.

Glenda Zarazua May 16  
Signature

Notary Public in and for the State of Washington  
Residing at: Yakima  
My Commission expires: 4/24/19



“GRAF ANNEXATION”  
PETITION FOR ANNEXATION

## TRANSMITTAL MEMORANDUM

**DATE:** July 9, 2017  
**TO:** Dave Cook, Yakima County Assessor  
**FROM:** Jeff Peters, Community Development Supervisor City of Selah  
**SUBJ:** Certification of Petitions for "Graf" Annexation  
**FILE:** Selah City File: 920.17.001

*Alternative direct petition method.*

Enclosed is a photocopy of signed petitions for the "Graf" annexation. As required by RCW 35A.14.420-450 the signed petition must be certified as valid and as representing the owner of a majority of the territory for which annexation is petitioned.

Please review the attached petition and if you concur that the signed petitions represents the owners of a majority of the territory for which annexation is petitioned, identified in Exhibit "A", then please sign this certification and email me a copy.

Signed petitions represent NOT LESS THAN a majority of the owners of the property petitioned for annexation.

Signed petitions represent LESS THAN a majority of the owners of the property petitioned for annexation.

  
\_\_\_\_\_  
Dave Cook, Yakima County Assessor



## -Ad Proof-

This is the proof of your ad scheduled to run on the dates indicated below.

Please confirm placement prior to deadline,  
by contacting your  
account rep at (509) 577-7740.

Date:	08/11/17
Account #:	110017
Company Name:	CITY OF SELAH
Contact:	Jan Farley,AP
Address:	115 W NACHES AVENUE SELAH, WA 98942
Telephone:	(509) 698-7327
Fax:	

Run Dates:  
Yakima Herald-Republic 08/14/17  
YakimaHerald.com 08/14/17

Ad ID:	753816
Start:	08/14/17
Stop:	08/14/17
Total Cost:	\$127.65
# of Inserts:	2
Lines:	73.0
Ad Class:	6021
Ad Class Name:	Public Legal Notices
Account Rep:	Simon Sizer
Phone #	(509) 577-7740
Email:	ssizer@yakimaherald.com

## Ad Proof

CITY OF SELAH NOTICE OF  
PUBLIC HEARING

### PROPOSED GRAF ANNEXATION

NOTICE IS HEREBY GIVEN  
BY THE CITY OF SELAH,  
WASHINGTON, THAT THE  
SELAH CITY COUNCIL  
WILL CONDUCT A PUBLIC  
HEARING ON TUESDAY,  
SEPTEMBER 12TH, 2017,  
COMMENCING AT 4:00 P.M.,  
OR AS SOON THEREAFTER  
AS PRACTICAL, IN THE  
COUNCIL CHAMBERS,  
SELAH CITY HALL, 115 W.  
NACHES, SELAH, WA., ON  
THE PROPOSED "GRAF."  
ANNEXATION.

THE PROPOSED ANNEXA-  
TION IS 11.63 ACRES IN  
AREA AND IS GENER-  
ALLY LOCATED SOUTH OF  
CRUSHER CANYON RD.,  
WEST OF S. 10TH ST. AND  
EAST OF DOTTIE DR.

ADDITIONAL INFOR-  
MATION AND ANNEXATION  
MAPS ARE AVAILABLE FOR  
PUBLIC INSPECTION DUR-  
ING REGULAR BUSINESS  
HOURS AT THE CITY OF  
SELAH PLANNING DEPART-  
MENT, 222 SOUTH RUSH-  
MORE ROAD, SELAH, WA.

ALL PERSONS WISHING TO  
OFFER COMMENTS FOR  
OR AGAINST THE PRO-  
POSED ANNEXATION ARE  
ENCOURAGED TO ATTEND.  
ALL WRITTEN COMMENTS  
RECEIVED PRIOR TO THE  
DAY OF THE PUBLIC HEAR-  
ING WILL BE CONSIDERED  
IN THE CITY COUNCIL  
DELIBERATIONS.

IF YOU HAVE ANNEXATION  
OR PROCEDURAL QUES-  
TIONS PLEASE FEEL FREE  
TO CONTACT JEFF PETERS,  
COMMUNITY DEVELOP-  
MENT SUPERVISOR IN  
PERSON AT 222 SOUTH  
RUSHMORE ROAD, SELAH,  
WA OR BY PHONE AT (509)  
698-7365, BY FAX AT (509)  
698-7372 OR BY E-MAIL AT  
jeff.peters@selahwa.gov.

DATED THIS 11TH DAY OF  
August 2017.

JEFF PETERS, COM-  
MUNITY DEVELOPMENT  
SUPERVISOR

(753816) August 14, 2017

# YAKIMA HERALD-REPUBLIC

## Affidavit of Publication

STATE OF WASHINGTON, )

)

COUNTY OF YAKIMA )

Danielle Rogers, being first duly sworn on oath deposes and says that she/he is the Accounting clerk of Yakima Herald-Republic, Inc., a daily newspaper. Said newspaper is a legal newspaper approved by the Superior Court of the State of Washington for Yakima County under an order made and entered on the 13th day of February, 1968, and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continually as a daily newspaper in Yakima, Yakima County, Washington. Said newspaper is now and has been during all of said time printed in an office maintained at the aforesaid place of publication of said newspaper.

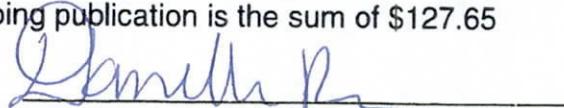
That the annexed is a true copy of a:

CITY OF SELAH NOTICE OF PUBLIC HEARI

it was published in regular issues (and not in supplement form) of said newspaper once each day and for a period of 1 times, the first insertion being on 08/14/2017 and the last insertion being on 08/14/2017

Yakima Herald-Republic 08/14/17  
YakimaHerald.com 08/14/17

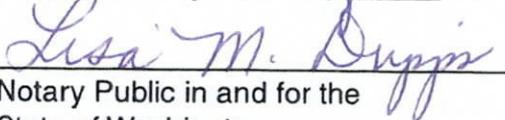
and the such newspaper was regularly distributed to its subscribers during all of the said period. That the full amount of the fee charged for the foregoing publication is the sum of \$127.65



Accounting Clerk



Sworn to before me this 14th day of August 2017

  
Notary Public in and for the  
State of Washington,  
residing at Yakima

**CITY OF SELAH**  
**AFFIDAVIT OF POSTING**

STATE OF WASHINGTON ) GRAF ANNEXATION  
COUNTY OF YAKIMA )

I, Jeff Peters, being first duly sworn on oath disposes and says:

I am an employee of the City of Selah, 113 West Naches Avenue, Selah, Washington; that on the 14<sup>th</sup> day of August, 2017, I caused to be posted on, or adjacent to, the property proposed for annexation a minimum of three notices at three separate locations clearly visible to the general public, a true and correct copy of **NOTICE OF PUBLIC HEARING** (attachment A).

Said locations of posting being:

1. City of Selah Public Works, 222 S. Rushmore Road, Selah WA 98942.
2. City of Selah City Hall 115 W. Naches Avenue, Selah, WA 98942.
3. Approximate center of the subject annexation property.
4. City of Selah Civic Center 216 S 1st St, Selah, WA 98942.

Jeff Peters  
Jeff Peters, Community Development Supervisor

STATE OF WASHINGTON )  
 ) ss.  
County of Yakima )

On this day personally appeared before me Jeff Peters to me known to be the individual referenced herein and who caused to be posted the notices of annexation.

GIVEN under my hand and official seal this 14th day of August, 2017.

Caprise Groo  
Caprise Groo

Notary Public in and for the State of Washington, residing at Yakima, WA. My term expires the 31 day of October, 2017.



# **CITY OF SELAH NOTICE OF PUBLIC HEARING**

## **PROPOSED GRAF ANNEXATION**

NOTICE IS HEREBY GIVEN BY THE CITY OF SELAH, WASHINGTON, THAT THE SELAH CITY COUNCIL WILL CONDUCT A PUBLIC HEARING ON TUESDAY, SEPTEMBER 12<sup>TH</sup>, 2017, COMMENCING AT 4:00 P.M., OR AS SOON THEREAFTER AS PRACTICAL, IN THE COUNCIL CHAMBERS, SELAH CITY HALL, 115 W. NACHES, SELAH, WA., ON THE PROPOSED "GRAF." ANNEXATION.

THE PROPOSED ANNEXATION IS 11.63 ACRES IN AREA AND IS GENERALLY LOCATED SOUTH OF CRUSHER CANYON RD., WEST OF S. 10TH ST. AND EAST OF DOTTIE DR.

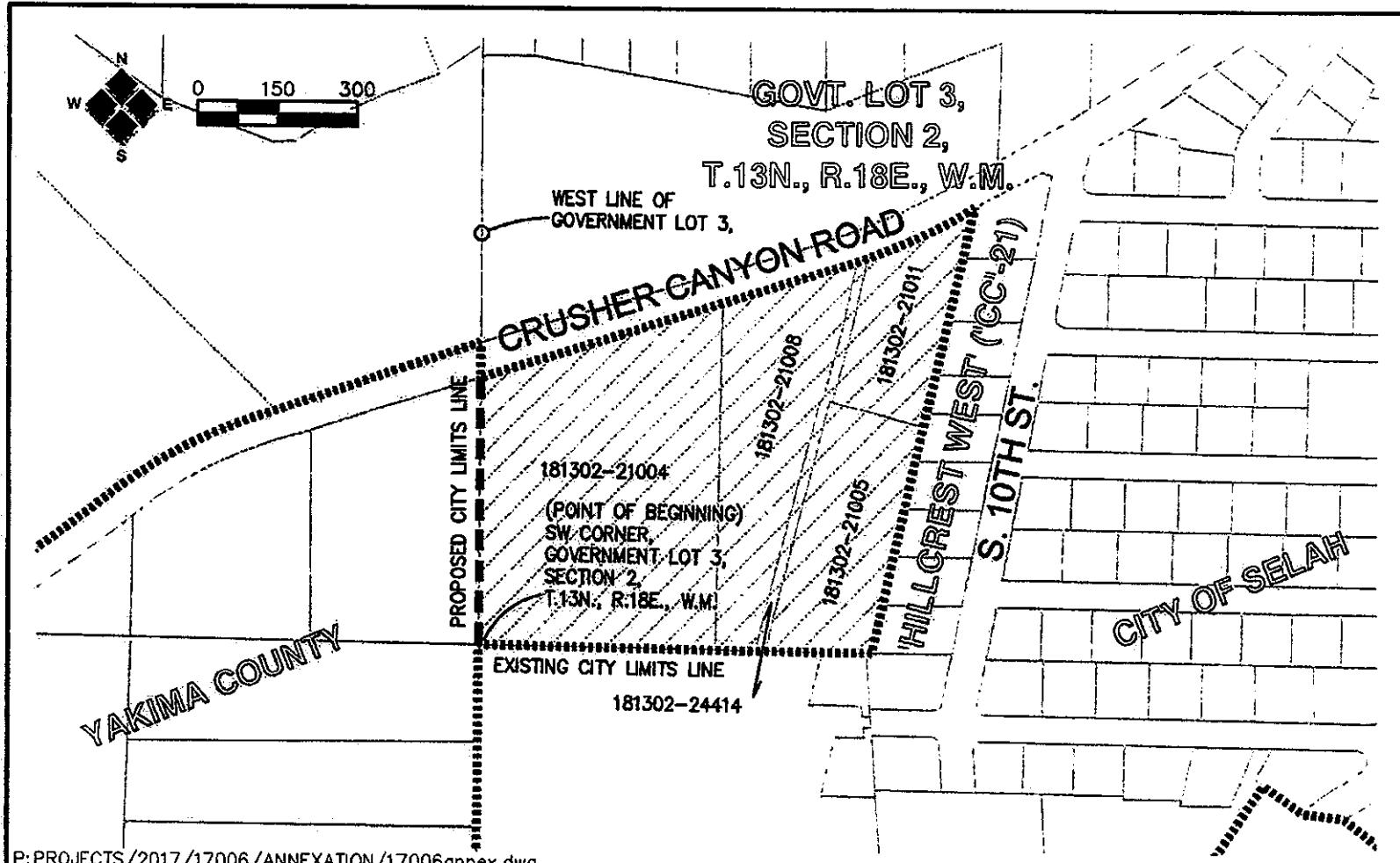
ADDITIONAL INFORMATION AND ANNEXATION MAPS ARE AVAILABLE FOR PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS AT THE CITY OF SELAH PLANNING DEPARTMENT, 222 SOUTH RUSHMORE ROAD, SELAH, WA.

ALL PERSONS WISHING TO OFFER COMMENTS FOR OR AGAINST THE PROPOSED ANNEXATION ARE ENCOURAGED TO ATTEND. ALL WRITTEN COMMENTS RECEIVED PRIOR TO THE DAY OF THE PUBLIC HEARING WILL BE CONSIDERED IN THE CITY COUNCIL DELIBERATIONS.

IF YOU HAVE ANNEXATION OR PROCEDURAL QUESTIONS PLEASE FEEL FREE TO CONTACT JEFF PETERS, COMMUNITY DEVELOPMENT SUPERVISOR IN PERSON AT 222 SOUTH RUSHMORE ROAD, SELAH, WA OR BY PHONE AT (509) 698-7365, BY FAX AT (509) 698-7372 OR BY E-MAIL AT [jeff.peters@selahwa.gov](mailto:jeff.peters@selahwa.gov).

DATED THIS 11TH DAY OF August 2017.

JEFF PETERS, COMMUNITY DEVELOPMENT SUPERVISOR



P:PROJECTS/2017/17006/ANNEXATION/17006annex.dwg



**HLA**

Engineering and Land Surveying, Inc.

2803 River Road  
Yakima, WA 98902  
509.966.7000  
Fax 509.965.3800  
[www.hlacivil.com](http://www.hlacivil.com)

HLA PROJECT NO.: 17006  
DATE: 17006

### CITY OF SELAH GRAF ANNEXATION

CITY OF SELAH,  
YAKIMA COUNTY, WASHINGTON

**CITY OF SELAH**  
**AFFIDAVIT OF MAILING**

STATE OF WASHINGTON )  
COUNTY OF YAKIMA )

I, Jeff Peters, being first duly sworn on oath disposes and says:

I am an employee of the City of Selah, 113 South 2<sup>nd</sup> Street, Selah, Washington; that I did on the 14<sup>th</sup> day of August 2017, caused to be mailed, one envelopes, containing a true and correct copy of the public hearing notice for the proposal previously referenced. Said envelopes mailed from Selah, WA. with correct first class postage and addressed to the owners of property listed by the Yakima County Treasurer as being the legal owners of real property located within the proposed annexation boundary as shown in attached Exhibit "A".

Jeff Peters

STATE OF WASHINGTON )  
 ) ss.  
County of Yakima )

On this day personally appeared before me Jeff Peters to me known to be the individual referenced herein and who caused to be mailed the notices of public hearing.

Given under my hand and official seal this 14<sup>th</sup> day of August, 2017.

# Caprise Groo

Notary Public in and for the State of Washington, residing at Yakima, WA.  
My term expires the 1st day of June, 2021.



**Exhibit A**

**Richard L. & Kimberly Graf & David Van Alstine**

**P.O. Box 100**

**Selah, WA 98942**

**Vincent Daniel Zerr**

**P.O. Box 1011**

**Selah, WA 98942**

**Martinen Living Trust**

**401 Sunnyslope Rd.**

**Yakima, WA 98908**

---

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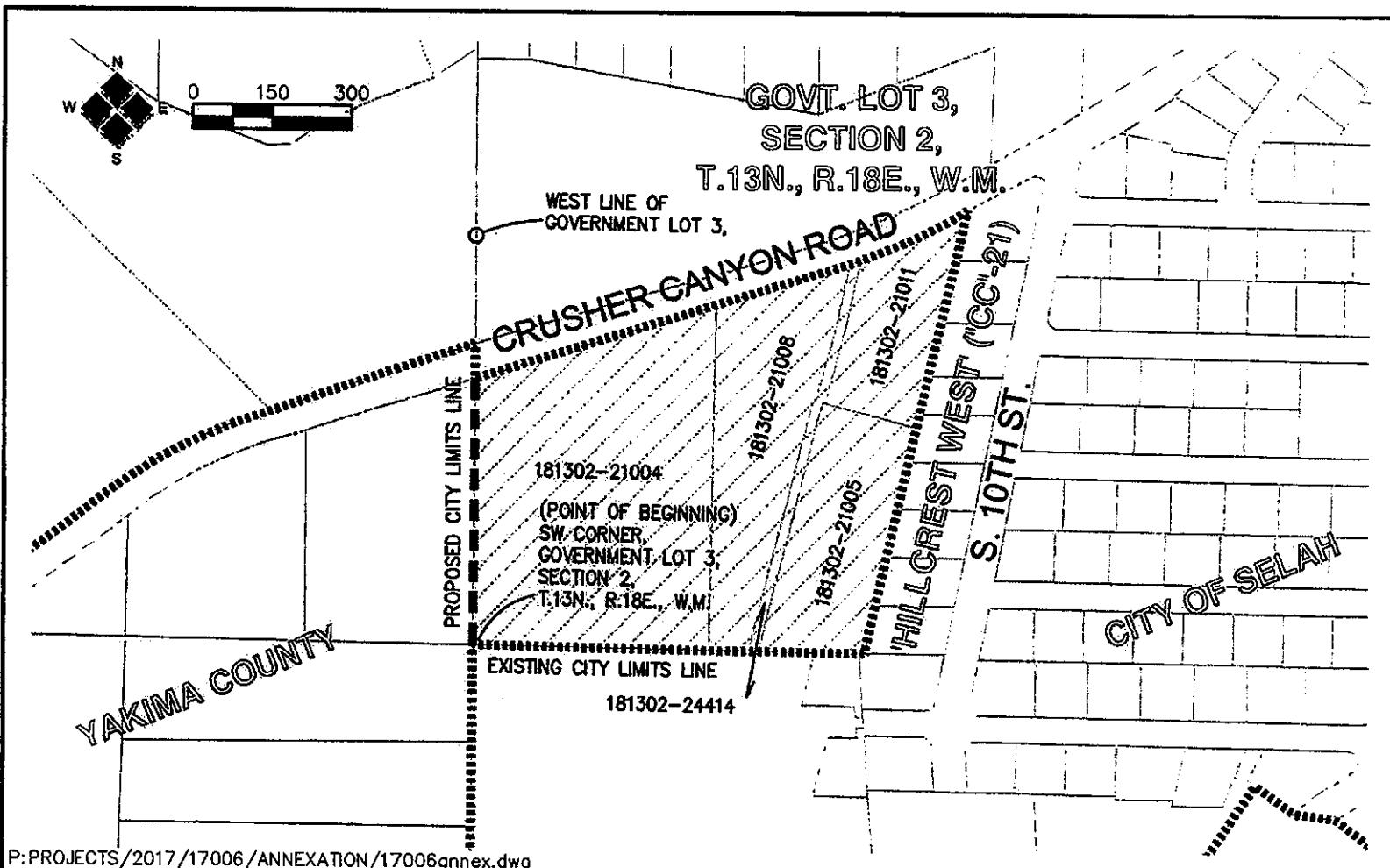
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DATED THIS 11TH DAY OF August 2017.

JEFF PETERS, COMMUNITY DEVELOPMENT SUPERVISOR



**HLA**  
Engineering and Land Surveying, Inc.

2803 River Road  
Yakima, WA 98902  
509.966.7000  
Fax 509.965.3800  
[www.hlacivil.com](http://www.hlacivil.com)

HLA PROJECT NO.: 17006  
DATE: 17006

### CITY OF SELAH GRAF ANNEXATION

CITY OF SELAH,  
YAKIMA COUNTY, WASHINGTON

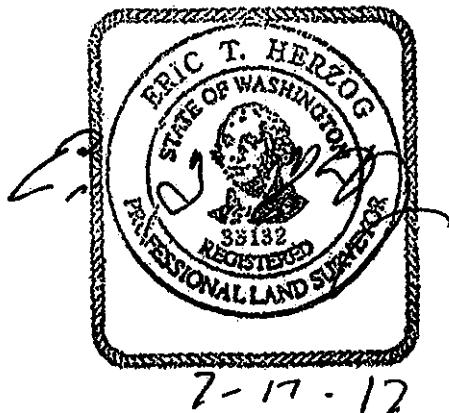
**City of Selah  
Graf Annexation  
HLA Project# 17006  
July 17, 2017**

**Annexation Area**

**That portion of Government Lot 3 of Section 2, Township 13 North, Range 18 East, W.M., described as follows:**

**Beginning at the Southwest corner of said Government Lot 3;  
Thence East along the South line of said Lot 3 to the Westerly line of the Plat of HILLCREST WEST, according to the official plat thereof recorded in Volume "CC" of Plats, Page 21, records of Yakima County, Washington;  
Thence Northeasterly along said West line to the Southerly right of way of Crusher Canyon Road;  
Thence Southwesterly along said right of way line to the West line of said Government Lot 3;  
Thence South along said West line to the Point of Beginning;**

**Situate in Yakima County, State of Washington.**



---

# **CITY OF SELAH NOTICE OF PUBLIC HEARING**

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DATED THIS 11TH DAY OF August 2017.

JEFF PETERS, COMMUNITY DEVELOPMENT SUPERVISOR

DATE: August 11, 2017  
TO: Simon Sizer – Yakima Herald Republic  
FROM: Jeff Peters, Community Development Supervisor  
SUBJECT: Notice of Public Hearing  
PUBLICATION DATE: Monday, August 14, 2017

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## **CITY OF SELAH NOTICE OF PUBLIC HEARING**

### **PROPOSED GRAF ANNEXATION**

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DATED THIS 11TH DAY OF August 2017.

JEFF PETERS, COMMUNITY DEVELOPMENT SUPERVISOR

GRAF ANNEXATION  
ANNEXATION PUBLIC HEARING NOTICE  
FILE # 920.17.001

**City of Selah  
Council Minutes  
September 12, 2017**

**Regular Meeting**  
Selah Council Chambers  
115 West Naches Avenue  
Selah, WA 98942

A. Call to Order      Mayor Raymond called the meeting to order at 4:00pm.

B. Roll Call

    Members Present:      Paul Overby; John Tierney; Roy Sample; Laura Ritchie; Roger Bell; Diane Underwood; Russell Carlson

    Members Absent:

    Staff Present:      Donald Wayman, City Administrator; Robert Noe, City Attorney; Dale Novobielski, Clerk/Treasurer; Jim Lange, Deputy Fire Chief; Rick Hayes, Police Chief; Eric Steen, Deputy Police Chief; Joe Henne, Public Works Director; Ty Jones, Public Works Utility Supervisor; Jeff Peters, Community Development Supervisor; Dave Mullen, Recreation Manager; Bree Tait, Civic Center Manager; Andrew Potter, Human Resources Manager; Monica Lake, Executive Assistant

C. Councilmember Absence – Motion to Excuse

D. Pledge of Allegiance

Council Member Bell led the Pledge of Allegiance.

E. Invocation

Pastor Mark Flippin gave the prayer.

F. Agenda Changes      None

G. Public Appearances/Introductions/ Presentations

1.      Shane Backlund, Superintendent, Selah School District

Shane Backlund, Superintendent, Selah School District, approached the podium and addressed the Council. He said that school started on Monday August twenty-eighth, with three hundred thirty-six students and an average growth rate of one percent per year that is consistent with their projections. He remarked that they have plans regarding kindergarten through second grade, and are just starting the process of looking at their future needs.

Mayor Raymond commented that she hears a lot of people talking about rentals and them making impact on the Selah School District, requiring them to hire more teachers.

Mr. Backlund responded that legislative mandates for decreasing class sizes and full day kindergarten have resulted in hiring over fourteen new teachers and bringing in new classrooms.

Mayor Raymond asked that he confirm this was because of government requirements.

Mr. Backlund responded that it is a legislative mandate, and they are looking for both space and teachers to accommodate their needs.

Mayor Raymond reiterated that it is not because of rentals.

Mr. Backlund replied that he just looks at straight growth and it is typical for a school district.

Colton Monti, Selah Athletic Director, approached the podium and addressed the Council. He said that the role athletics plays in students' lives is significant, and that they have been emphasizing pillars and values over last two years, things like composition, community and character. He went on to outline the strategies they are using, such as a three to five minute theme on one of the cultures at practice every day, holding themselves to a high standard, service to their community, and how supportive the Selah community is of their athletes, which the kids see through the strong attendance at their games. He mentioned that the coaches, teachers and athletic directors provide the foundation and need to be intentional in how they build that up, with service-wise activities like picking up trash around town, and the importance of connecting with a handshake and face to face contact rather than simply on a social media level.

Mr. Backlund remarked that Mr. Monti brings a lot of enthusiasm and energy to the job, adding that a lot of what was done in athletics recently was Colton's leadership. He passed out calendars for the New Year and thanked Council Members Underwood and Bell for attending the school board meetings.

2. Charles Ross & Kathy Fisher, Yakima County Election Division, County Auditor – Placing a ballot drop box at City Hall

Charles Ross, Yakima County Auditor, approached the podium and addressed the Council. He thanked Council for giving him time to talk and provided a handout for their review as he talked about election law, how the State legislature has called for them to work with cities on placing ballot boxes in each community, and that they are looking to partner with cities to achieve their goal. He said that they would like to place a ballot box in the main foyer at City Hall, which would be set up and removed by his staff, but they would need a City staff member to keep the building open until eight pm on election night to allow for registered voters to drop off their ballots.

Council Member Bell asked how he accounted for the drop in registered voters indicated on a diagram in the handout.

Mr. Ross responded by saying that people are transient and move from one community to another, causing the numbers to vary on a monthly basis.

Council Member Tierney inquired if the highlighted section on page one was new this year.

Mr. Ross replied that it is brand new, saying that their master plan before the law change was putting three full time twenty-four hour boxes in communities, one by the County Courthouse, one in Sunnyside, and one in the Yakama Nation parking lot. He stated that Auditors around the state opposed the change, as historically any time there has been an issue with ballots it has been these types of things. He added that the City would guard it while his staff would do the setup and removal.

Council Member Tierney wondered if they needed to post something on the front of the building about staying open for election night.

Mr. Ross responded that they can help inform as much or as little as they like, noting that his staff has already indicated that folks get mad because there is no place to put them. He commented that, maybe in a couple years, legislature would pay for free postage with no stamp required.

Mayor Raymond asked if they think it would get more voters.

Mr. Ross replied that he believes this came out of legislators hearing community members express frustration over not having a ballot box, and if it increases turnout they want to do it. He noted that they did it as economically as possible, as voters pay for the ballot boxes too.

Council Member Carlson inquired about the reasoning for temporary versus permanent.

Mr. Ross responded that a permanent fixture becomes something everyone is used to seeing, and they felt that this was the easiest, cheapest and safest way to comply with the law without hiring people to come do it. He added that the City can bill the County for workers that night, and that they are committed to helping whoever is designated to do that.

Council Member Tierney asked the City Attorney if they need to have the contract as an agenda item for the next meeting or if it could be authorized that night.

City Attorney Noe answered that they could approve it tonight, but his preference would be to do so by Resolution.

City Administrator Wayman remarked that they can put together an AIS, give them a chance to formally review the contract.

Mr. Ross stated that he gave a sample agreement to City Attorney Noe, and that the agencies he has met with have done it both ways.

City Administrator Wayman informed Council that they would have it on the next agenda.

Council Member Overby wondered if they had looked into cost effectiveness.

Mr. Ross replied that the State is engaged in it but doesn't want to pay for it, adding that currently the counties subsidize election costs as the State doesn't pay their fair share for election costs. He noted that they also pay postage on ballots dropped in the mail without adequate postage attached.

Council Member Overby opined that it might be cheaper to provide stamps than have people show up at City Hall on election night.

Council Member Underwood said that she would volunteer to do it.

Mr. Ross remarked that they did a test in Pierce County with the ballot boxes that had a marginal increase, and he believes that the postal service would become the preferred method in a couple years.

Council Member Overby commented that he would rather use the postal service.

Mr. Ross thanked Council for their time.

### **3. Department of Ecology – Wastewater Treatment Plant Award**

Public Works Director Henne approached the podium and addressed the Council. He said that the Department of Ecology (DOE) has a program that awards Wastewater Treatment Plants across the state that provide excellent treatment, and invited Mr. Miller from the DOE to come up and speak.

Mr. Miller, Department of Ecology, approached the podium and addressed the Council. He said that Selah has a winning team at their treatment plant, and the DOE is recognizing them for ten consecutive years of outstanding performance. He added that this is not a common occurrence, not everyone wins every year, and outlined what they do to receive the award. He talked about the process involved and how recognition comes about, saying that their years of experience and support from Public Works Director Henne shows in the performance of the plant. He stated that the citizens and Council should be proud of the hard work these unsung heroes do and presented them with their award.

## **H. Getting To Know Our Businesses**

### **1. Selah Creek Dental**

Sandra and Rogelio from Selah Creek Dental approached the podium and addressed the Council, saying that they were formerly Selah Smiles and are now Selah Creek Dental, with over sixty thousand dollars in upgrades implements since the new doctor took over in January. They talked about bringing back the patient experience, taking the time to be with each patient to improve oral health, and their desire to be part of the process of improving downtown Selah, noting that they are a family practice with Friday evening and family appointments available, and are always accepting new patients.

## **I. Communications**

### **1. Oral**

Mayor Raymond opened the meeting.

Owen Packard, Selah Downtown Association (SDA) board member, approached the podium and addressed the Council. He gave a report on the money the City invested in the SDA, noting that they have received fifteen thousand of the sixty thousand pledged for 2017, which has been utilized for grants to rebuild the Selah Lighting Company, to improve the signage of Sundance Espresso, and to provide parklets at several businesses.

Council Member Bell moved, and Council Member Carlson seconded, to allow Mr. Packard additional time to speak.

Mr. Packard reviewed the funds spent to support SDA programs, saying that they recently had their annual gala and earned five thousand dollars to go towards additional projects. He said that they honored Public Works for their work around town along with other award winners. He opined that great communities are built on backs of great volunteers, and they need citizens who are great volunteers. He thanked the Council for their pledge, adding that they look forward to receiving the additional funds from the City and hope they will continue to support the SDA with sixty thousand for fiscal year 2018.

Council Member Ritchie wondered about the control SDA has over their grants for building improvements with regard to things such as colors or patterns.

Mr. Packard responded that it goes through an approval process.

Whitney Stohr approached the podium and addressed the Council. She said that the applications were processed through the design committee. They reviewed each application and decided based on blueprints and design guidelines, with the option to talk more with the owner to discuss design elements such as the neutral color scheme and the addition of trees and shrubs without loss of parking.

Council Member Overby inquired if the project was complete.

Ms. Stohr replied that the majority is done.

Council Member Ritchie asked whether there was an agreement between the City and SDA as to when funds are transferred.

Ms. Stohr answered that they have until the last day of the year to transfer funds.

Council Member Ritchie wondered how it was done at present.

Ms. Stohr responded that the SDA created their budget at the beginning of year based on pledges, and have seen an obvious dip in funds due to a lot of programs at the beginning of the year, but they expect funds be replenished as contributions come in. She noted that it isn't just the City who hasn't fulfilled their contribution, and that they expect the funds later in the year.

Council Member Ritchie felt that was not the most efficient way to do so and wondered about their preference for when the City pays their contribution.

Ms. Stohr replied that it is up to the City to decide, adding that it would be nice to have funds on a quarterly basis, to have a continuous revenue stream to push out to community programs.

Council Member Ritchie remarked that it is pushing fall now, with less time for the First Street improvements the SDA had budgeted.

Ms. Stohr answered that their intent was to bank that until the City has a plan for First Street improvements, with the potential of adding another chunk to that amount next year as well.

Mr. Packard remarked that it is helpful to get City money sooner, as most businesses find it easier to wait until November to pay their pledges.

Council Member Carlson commented that it would be difficult to do grants and improvement projects under the current setup and felt it wise set up quarterly payments from the City. He added that her attends their meetings and views the SDA as crucial partners in improving the community.

Council Member Tierney expressed his belief in the program but reminded his fellow Council Members that tax revenues don't come to the City until the end of the first quarter. He suggested three payments a year instead of quarterly.

Council Member Ritchie did not feel it productive to give them forty-five thousand dollars in December.

Ms. Stohr stated that this contribution has been great for the community, noting that all grants are matching grants, and they have already had several business owners asking when they would be opening up the opportunity again.

Council Member Tierney inquired when they would receive this year's sixty thousand dollars.

Ms. Stohr responded that they have received fifteen thousand dollars to date.

Council Member Tierney remarked that they are still waiting for the remainder.

Ms. Stohr commented that they did budget for the First Street project and other programs.

Council Member Tierney asked why the City hasn't given them the rest of the pledged funds.

Clerk/Treasurer Novobielski answered that it was discussed during last year's budget process to pay the balance on December First.

Council Member Carlson remembered that.

Council Member Tierney said that he is saying now that it is not working well.

Clerk/Treasurer Novobielski responded that they could consider making the first payment as they did this year followed by quarterly payments.

Council Member Tierney felt it was practical to move the payments out earlier.

Council Member Ritchie wondered if receiving the funds earlier would impact what could be done this fall or winter.

Mr. Packard replied that it would be the same for this year, but it would make a difference for next year if they could rely on funds earlier.

Seeing no one rise to speak, Mayor Raymond closed the meeting.

2.	Written	None
J.	Proclamations/Announcements	None
K.	Consent Agenda	

**Council Member Ritchie moved to place N – 2 on the Consent Agenda. Council Member Tierney requested that N – 2 not be placed on Consent.**

Executive Assistant Lake read the Consent Agenda.

All items listed with an asterisk (\*) were considered as part of the Consent Agenda.

- \* 1. Approval of Minutes: August 22, 2017 Study Session & Council Meeting
- \* 2. Approval of Claims and Payroll:

Payroll Checks Nos. 81035 – 81081 for a total of \$278,676.23  
Claim Checks Nos. 69997 – 70090 for a total of \$228,030.23
- \* 3. Resolution N – 1: Resolution establishing September 26, 2017 as the public hearing date to consider the adoption of the “Selah Transit Development Plan” for the Six-year Plan 2017-2022

**Council Member Ritchie moved, and Council Member Sample seconded, approval of the Consent Agenda as read. By voice vote, approval was unanimous.**

L. Public Hearings

1. Public hearing to consider the proposed “Graf” Annexation (920.17.001)

Community Development Supervisor Peters addressed L – 1. He briefly reviewed the petition requesting that the City commence annexation proceedings on approximately eleven point six acres of property, saying that the petitioners represent seventy-eight point six percent of the total acreage and ninety-eight point two percent of the total assessed value. He recommended that Council conduct the public hearing and approve the annexation.

Mayor Raymond opened the Public Hearing.

Ms. Henson approached the podium and addressed the Council. She said that her property is just above the properties they are discussing, and she would like to know what the plan is for development.

Community Development Supervisor Peters responded that annexation doesn't involve development of property, and that at this point the Council is only allowed to consider the boundaries and whether to take in the property. He added that there will be a public process to subdivide the property when the developer decides to develop it, with public notices and environmental reviews, and she could object or affirm at that time.

Ms. Henson asked about the zoning of the property.

Community Development Supervisor Peters answered that it is R-1, single family residential.

Mayor Raymond closed the Public Hearing.

Council Member Sample wondered about permission from the remaining twenty-four percent of property owners within the proposed annexation area.

Community Development Supervisor Peters replied that they are not required to by law, as they only need ten percent to initiate, with eighty percent of the assessed value in the annexing area to proceed. He said that the Grafs did reach out to the other property owners in area, with one joining the annexation.

Council Member Sample asked if the Graf parcel was the one with plans and a lot of fill on it.

Public Works Director Henne responded in the affirmative.

Council Member Sample remarked that there would be problems with developing it, noting that the site had dirt from when Crusher Canyon Road was built.

Public Works Director Henne replied that they would need to address compaction.

Council Member Sample asked what kind of depth they are talking about.

Public Works Director Henne responded that it was as deep as twelve feet in sections.

Council Member Sample wondered if it could be developed.

Public Works Director Henne replied that the matter has been discussed with Mr. Graf.

**Council Member Carlson moved, and Council Member Overby seconded, to approve the Graf annexation as identified in Exhibit "A", and direct staff to submit the required annexation application to the Yakima County Review Board. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Sample – yes; Council Member Ritchie – yes;**

**Council Member Bell – yes; Council Member Underwood – yes; Council Member Carlson – yes.  
By voice vote, approval was unanimous.**

**M. General Business**

1.	New Business	<b>None</b>
2.	Old Business	<b>None</b>

**N. Resolutions**

- \* 1. Resolution establishing September 26, 2017 as the public hearing date to consider the adoption of the “Selah Transit Development Plan” for the Six-year Plan 2017-2022
- 2. Resolution Authorizing the Awarding of a Contract to Mark Helms Construction for the Repair of the Patio Deck Roof at the Police Station

Clerk/Treasurer Novobielski addressed N – 2. He said that the Resolution before them is to authorize awarding the contract for repair of the patio deck roof at the Police Station, and briefly explained the comparison of the three quotes from the packet.

Council Member Tierney expressed some confusion over the numbers and how he arrived at them, saying that he would like staff work that says what the bids are without jumping through a lot of hoops, and that while he appreciates the explanation, he felt it was not an accurate piece of work.

Clerk/Treasurer Novobielski responded that he strongly disagreed and did not see what was confusing.

Council Member Tierney answered that it was a little puzzling at times.

Council Member Carlson commented that he did some quick math to verify and that it comes down to the estimate of each contractor.

Council Member Tierney pointed out that there was only about a two hundred dollar difference between the Scout lake Construction quote and the one from Mark Helms Construction.

Council Member Underwood expressed her concern over looking at twenty-five year decking for the current facility when they are talking about building a new Police Station, suggesting they use wood instead.

Clerk/Treasurer Novobielski replied that he did not pick the building specs.

City Administrator Wayman informed Council that this project is a requirement to live up to their lease with the property owner, which states that they have to restore the building to what it was when they took possession and maintain it to that level. He noted that they are repairing the leak and deck back to the condition they were when the building was originally leased.

Council Member Underwood asked if the deck materials are on the deck at this time.

City Administrator Wayman responded that it was but they had to tear it out.

Council Member Underwood felt they could get cheaper decking.

**Council Member Tierney moved, and Council Member Overby seconded, to approve the Resolution Authorizing the Awarding of a Contract to Mark Helms Construction for the Repair of the Patio Deck Roof at the Police Station. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Sample – yes; Council Member Ritchie – yes; Council Member Bell – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

## P. Public Appearances None

## O. Reports/Announcements

## 1. Departments

Police Chief Hayes had no report. He said that they went out for fifteen different bids on the deck project but a lot turned it down when they found out they had to do prevailing wages. He added that wood has to be treated, while the other deck material does not.

Council Member Overby asked about the tarps currently on the building.

Police Chief Hayes responded that he was told the tarps need to come down.

Human Resources Manager Potter congratulated the Wastewater Treatment Plant on their excellent work, saying that he has been working with Wastewater Treatment Plant Supervisor LaRoche on an L&I project over the last several months to train an individual through their program. He said that they are halfway through the six month program and that the City would be receiving four thousand dollars for providing training through the back to work program.

Deputy Fire Chief Lange invited everyone to the fire station open houses from seven to nine tomorrow night, noting that they are doing this to promote volunteerism, as they have fewer volunteers to commit and respond when not at full-time jobs in outlying areas. He encouraged everyone to come by and take a look, adding that they are accepting applications until September 29 and will then interview for next year's recruits.

Civic Center Manager Tait had no report.

Public Works Director Henne said that Volunteer Park is moving ahead, with the installation of the toys the last step to be done. He remarked that eight members of his department were invited to the SDA

gala, where they received a gnome with a plaque for contributions from their department, and noted that he is looking forward to the retreat on Friday.

Council Member Ritchie wondered with the playground equipment would be installed.

Public Works Director Henne responded that they would discuss the matter on Friday.

City Administrator Wayman remarked that they have information on the project to share during the retreat.

Community Development Supervisor Peters said that planning has been busy as of late, with one Planning Commission meeting thus far to look at accessory dwelling units and also look at allowing common wall units in the City. He went on to say that they will need to update the building codes, as most cities in Washington have already adopted 2015 international building codes but Selah is behind in that regard. He added that it would be brought to Council in late October or November along with other items. He corrected his earlier statement regarding annexation, saying that sixty percent is required, not eighty as he previously stated.

Recreation Manager Mullen said that there will be a public forum on September 20 at Carlon Park from nine to ten am to discuss toys at Carlon Park. He noted that the Base Race is coming up this Saturday, and they have Brian Fleming doing a talk Friday night at Civic Center.

City Administrator Wayman remarked that they are monitoring the air quality and will make a decision by eight am Thursday morning on whether to cancel the race.

Council Member Ritchie asked if they would cancel the whole festival.

City Administrator Wayman responded in the negative, saying that they can still have an outdoor event.

Council Member Tierney inquired if they had help from the local clean air authority.

Recreation Manager Mullen commented that numbers will be down this year, as people are worried.

City Administrator Wayman noted that they would do refunds if the race is canceled, although they hope they don't have to go through that.

Clerk/Treasurer Novobielski said that they had an auditor from the Department of Revenue going through the books to see if the City is properly remitting sales tax and tax on utility revenues, and thus far the City is compliant with the different taxing requirements.

City Attorney Noe had no report, but as a side note mentioned that when notice goes out for a closed record it states that the matter is a closed record hearing with no public testimony taken.

## 2. Council Members

Council Member Ritchie had no report.

Council Member Overby had no report.

Council Member Sample had no report.

Council Member Tierney had no report, but commented that he had a concern about conducting a public hearing and approving the matter during the same meeting, as the public might question the fairness involved. He suggested a three step process as opposed to a two step one.

Community Development Supervisor Peters responded that, in his experience, people like to see public hearings and items combined together, as they come to a public hearing expecting to see discussion from council and the public and want to see the ultimate result. He felt that the way it is done right now isn't wrong but that they need to take some action at the end of a public hearing, be it accepting a Resolution or Ordinance, or adopting a decision or recommendation. He went on to say that his recommendation would be to combine the Resolutions and Ordinances with the public hearing.

Council Member Tierney wondered whether it would cause the public to think that Council had made up their minds before they hold the hearing.

Community Development Supervisor Peters responded that they are required to provide public notice for a public hearing and have a set date, adding that there is not any public fairness issue because they are making a decision based upon a recommendation in a closed record hearing. He added that the public had the opportunity to go before either the Hearing Examiner or Planning Commission to give input; Council hears the recommendation and whoever comes to speak is only supposed to repeat what was stated in open record.

Council Member Overby commented that he can see both sides, but thought if there was a third meeting it would give the impression that they are taking more testimony on the matter.

City Attorney Noe said that, when they are conducting a public hearing, they are quasi-judicial, and if they can make a decision at the end they should do it or ask for additional time to consider the matter. He went on to say that there are legal constraints on time with these matters, and that it would also have the potential of exposure to further ex parte communication. He felt that expeditiously resolving the matter is the way to go.

Council Member Sample wondered at what point Council could move to remand the matter back if one of them found some items they did not like.

Community Development Supervisor Peters answered that generally speaking one would do so after hearing testimony and closing the public hearing, as which point a Council Member could make a motion to not approve and remand back, or just recommend denial of the action.

Council Member Carlson wondered about the reason for open versus closed hearings.

Community Development Supervisor Peters responded that the law prescribes that with certain processes there has to be an open record public hearing, as they have to have an opportunity for the

public to speak to the matter, adding that Council holds a closed record hearing after that because they are only considering the recommendation and what was presented in the prior hearing.

City Attorney Noe remarked that Washington State legislature went through a reform in the early 1990s to streamline local land use statutes, with only one open record hearing on a matter to give certainty to the process for the developer, the community and the City itself. He noted that certain statutes say they can have an open record hearing go to Council, but typically Council hears on closed record.

Community Development Supervisor Peters observed that very few processes have an open hearing.

City Administrator Wayman wondered if it was for Ordinance enforcement.

Community Development Supervisor Peters responded that it would be for right of way vacations.

City Administrator Wayman noted that an appeal to an ordinance infraction can be heard as an open record hearing as well.

Council Member Bell had no report.

Council Member Underwood expressed her pride in Pingrey Ford's donation to the American Red Cross.

Council Member Carlson felt that Wastewater Treatment Plant Supervisor LaRoche should be commended on a regular basis, as he believes that his efforts save the City money. He said that, regarding open versus closed meetings, he thinks that there is a common understanding in the public that if they have concerns with an issue they come to a Council Meeting, and if they keep to the same model he would like to educate the public better on the process or have public testimony here.

Mayor Raymond opined that getting the public to partake in any setting to educate is tough, adding that Mayor Gawlik started meetings at Nana Kate's two years ago that had low attendance.

City Administrator Wayman said that their public meetings are very thorough, whether through the Planning Commission or the Hearing Examiner, so this council doesn't get worked to the ground. He expressed some uncertainty as to what was being asked; as he felt modifying a very good model might be sticking themselves into an area they don't want to go.

Council Member Carlson responded that he is proposing that they instruct the public better.

City Administrator Wayman remarked that they do notifications for Planning Commission meetings, especially for those within three hundred feet of a proposed land use action, and also publicize them.

Council Member Carlson asked where they publicized.

Community Development Supervisor Peters replied that they use the Yakima Herald-Republic, send out a packet to those within a three hundred foot radius, and post information on the website regarding meetings and agendas. He commented that they could look at modifying the notice requirements for some of the land use processes in the future, to cast a wider net and get information out about land use

applications. He stated that people generally tend to show up if they think they are affected by a land use action, giving the example of the hearing for the aquatic center, which had the Hearing Examiner, himself and another staff member, and two or three members of the group who put the application together.

Council Member Carlson agreed with that but felt it a waste of time to expect people to check the Yakima Herald and the website. He said that he would prefer to go to as many people as possible, and felt that they need to educate the public that open forums are at planning and zoning meetings.

Community Development Supervisor Peters understood what he was saying, adding that most public interest comes from the big land use signs posted for certain applications.

Council Member Underwood asked why they use a three hundred foot radius.

Community Development Supervisor Peters responded that Council sets the radius and that State law has a minimum of who to notify, saying that most cities use a digital means of notification, and they are looking at reducing the amount mailed out as Planning has exceeded their budget item for publication, posting, and mail out over the last two years.

Council Member Carlson asked if that was due to more land use actions.

Community Development Supervisor Peters answered that is was based on increasing USPS costs.

### 3. City Administrator

City Administrator Wayman said that YVCOG is hosting a Meet Your Legislators meeting on September 21, and he wanted to make sure everyone received an invitation to attend. He felt it would be a good opportunity to communicate with state legislators about allotting funds for a traffic circle at Southern Avenue.

City Attorney Noe noted that it could potentially be a quorum if four or more Council Members attend.

Mayor Raymond noted that the meeting is at seven pm.

Council Member Carlson added that it is at seven pm with a dinner as well.

City Administrator Wayman reminded Council about the retreat on Friday, saying that it is set up to stimulate discussion from Council, and they are not just limited to what is on the agenda. He requested that they participate in the base race and fall festival, adding that the Japanese Commander visited city Hall last week and they will have two hundred runners in the race.

5. Mayor

Mayor Raymond remarked that it is human nature to only talk about something if it affects you personally, and that folks show up because something is important to them.

**Council took a five minute recess.**

P. Executive Session

1. 30 Minute Session – Real Estate RCW 42.30.110 (1) (c)

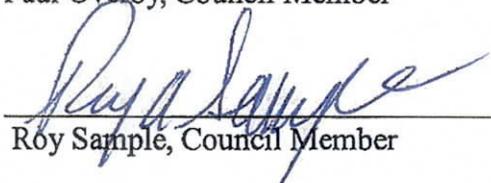
Council went back into Executive Session at 6:07pm. At 6:12pm, Council went back on the record. Mayor Raymond stated that no action was taken during the Executive Session.

Q. Adjournment

**Council Member Tierney moved, and Council Member Carlson seconded, that the meeting be adjourned. By voice vote, approval was unanimous.**

The meeting adjourned at 6:13 pm.

Paul Overby, Council Member



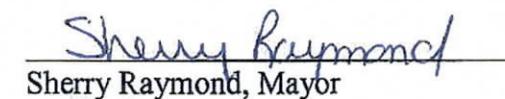
Roy Sample, Council Member

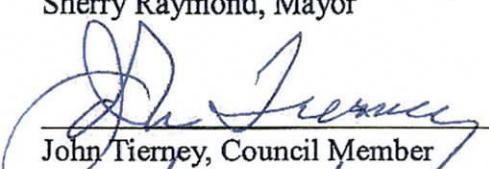
Roger Bell, Council Member

Diane Underwood, Council Member

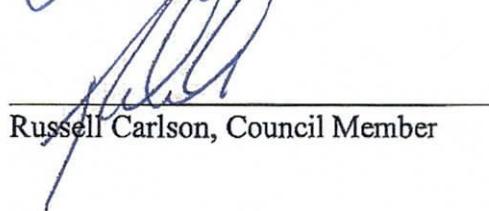
ATTEST:

Dale E. Novobielski, Clerk/Treasurer

  
Sherry Raymond, Mayor

  
John Tierney, Council Member

  
Laura Ritchie, Council Member

  
Russell Carlson, Council Member



## RESOLUTION NO. 2024

### A RESOLUTION ESTABLISHING SEPTEMBER 12, 2017, AS THE PUBLIC HEARING DATE TO CONSIDER THE "GRAF" ANNEXATION

WHEREAS, the City of Selah received from Richard L. and Kimberly Graf, David K. Van Alstine, and Vincent Daniel Zerr the owners of approximately 6.65 acres of property a "Notice of Intent to Annexation Petition" requesting annexation of 11.63 acres of property; and,

WHEREAS, the City Council of the City of Selah did not expand the proposed annexation area beyond the original four (4) parcel proposed by the petitioners representing 11.63 acres of property, which constitutes approximately 83.23% of the annexation area, and 90.23% by total assessed value ; and,

WHEREAS, the Yakima County Treasurer has certified that signed and returned "Graf Petitions for Annexation" represents not less than 60% of the total assessed value of the area petitioned for annexation; and,

WHEREAS, R.C.W. 35A.14.130 requires the City by resolution fix a time, place and date of a public hearing when the annexation will be heard and determined by the City.

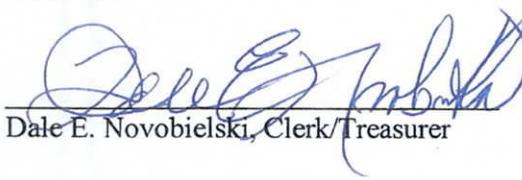
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, as follows:

That September 12, 2017, at 4:00 p.m., or as soon thereafter as practical, in the Council Chambers, City Hall Bldg., 115 W. Naches Avenue, Selah, WA. is established as the date, time and place of a public hearing to hear and decide said "Graf. Annexation" and that notice of said public hearing shall be provided as required by law.

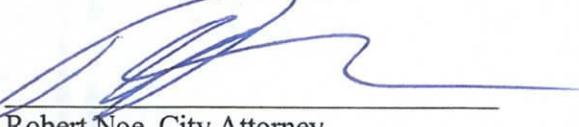
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, THIS 22<sup>th</sup> DAY OF AUGUST 2017.

Sherry Raymond  
Sherry Raymond, Mayor

ATTEST:

  
Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

  
Robert Noe, City Attorney

GRAF ANNEXATION  
RESOLUTION SETTING DATE OF PUBLIC HEARING  
FILE # 920.17.001



## **Exhibit “E”**

- 1. NO DOCUMENTATION SUPPLIED. SEPA IS NOT REQUIRED FOR ANNEXATION.**

## Exhibit “F”

1. No Documentation Supplied. No Additional Interlocal Agreements.