

ORDINANCE 2021 - 18

**AN ORDINANCE OF THE CITY OF SUNNYSIDE, WASHINGTON,  
AMENDING CHAPTER 16.28 OF THE SUNNYSIDE  
MUNICIPAL CODE, PERTAINING TO PROCEURE FOR APPROVING PRELIMINARY  
PLATS**

**WHEREAS**, pursuant to Chapter 35A.13 RCW the City Council is charged with legislative authority of the City of Sunnyside; and

**WHEREAS**, Chapter 16.28 of the Sunnyside Municipal Code governs approval of subdivisions; and

**WHEREAS**, the Planning Commission conducted a public hearing on March 9, 2021, pursuant to notice duly published, to receive public testimony and evidence concerning such requested code amendment, and, having received and considered all testimony and evidence presented, and made recommendation for approval; and

**WHEREAS**, the City Council has received the recommendation of the Planning Commission, and has held a public meeting on December 13, 2021 to consider legislative action to effect a subdivision code amendment pursuant to such recommendation; and

**WHEREAS**, the City Council concurs with the recommendation of the Planning Commission; and

**WHEREAS**, the City Council finds and determines that such requested amendment should be approved, and that such approval is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

**SECTION 1.** Section 16.28 of the Sunnyside Municipal Code is amended as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

**SECTION 2.** Except as amended herein, Title 16 SMC shall remain unchanged.

**SECTION 3.** This Ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 13<sup>th</sup> day of December, 2021.

  
\_\_\_\_\_  
FRANCISCO GUERRERO, MAYOR

ATTEST:

  
\_\_\_\_\_  
JANETH RANGEL, DEPUTY CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
KERR FERGUSON LAW, PLLC  
Attorneys for the City of Sunnyside

## EXHIBIT A

### Chapter 16.28 PROCEDURE

#### Sections:

- 16.28.010 Approval required.**
- 16.28.020 Administration.**
- 16.28.030 Conferences.**
- 16.28.040 Application for subdivision – Requirements.**
- 16.28.050 Preliminary plat preparation.**
- 16.28.060 Preliminary plat contents.**
- 16.28.070 Hearing date established.**
- 16.28.080 Notice of public hearing.**
- 16.28.090 Review of affected agencies and departments.**
- 16.28.100 Staff recommendations.**
- 16.28.110 Review by Planning Commission – Recommendation required.**
- 16.28.120 Preliminary plat – Council determination at public hearing –  
Procedure for change of recommendation – Time limitation for  
approval or disapproval.**
- 16.28.130 Preliminary plat – Expiration of approval – Conditions.**
- 16.28.140 Final plat – Subdivision for approval required – Copies – Fees.**
- 16.28.150 Final plat – Preparation.**
- 16.28.160 Final plat – Conformance with preliminary plat approval.**
- 16.28.170 Final plat – Requirements.**
- 16.28.180 Final plat – Approval.**
- 16.28.190 Final plat – Recording.**
- 16.28.200 Subdivision agreement – Requirements – Bond.**
- 16.28.210 Maintenance bond.**
- 16.28.220 Submission of plans and specifications and notice prior to  
construction of improvements.**

#### **16.28.010 Approval required.**

It is unlawful for any person to divide land so as to constitute a subdivision within the City, or to enter into any contract for the sale or lease of any part of such land, without first complying with the provisions of Title 16 SMC applicable to such division of land. [Ord. 1257 § 2, 1980.]

**16.28.020 Administration.**

The administrator is vested with the duty of administering the provisions of Title 16 SMC. [Ord. 1257 § 2, 1980.]

**16.28.030 Conferences.**

The subdivider may request conferences with the City staff to discuss the area proposed, traffic patterns, sewer, water, flood zones, drainage, irrigation, etc., and any other questions the subdivider or City staff may have pertinent to area to be considered for subdivision. No fee is to be charged for these conferences. [Ord. 1257 § 2, 1980.]

**16.28.040 Application for subdivision – Requirements.**

A. An application for a subdivision may be made by an owner or owners of land, or by an authorized agent of an owner or owners, or by a representative of any governmental agency, if the subdivision is sought for a governmental purpose. Such application shall be filed with the Office of Planning and Community Development.

B. Each application for a subdivision shall include the following:

1. A written application on a form provided by the Office of Planning and Community Development and signed by the landowner, owners, or authorized agent;
2. A current preliminary certificate of title or land title commitment not older than 60 days;
3. 10 copies of the preliminary plat of the property and one 11"x17" reproducible copy;
4. An application fee of the amount specified in SMC 2.02.020 for the proposed subdivision. The fee shall be payable to the City Treasurer.
5. A completed environmental checklist pursuant to the provisions of the State Environmental Policy Act (SEPA). [Ord. 2172 § 1, 2007; Ord. 1257 § 2, 1980.]

**16.28.050 Preliminary plat preparation.**

A preliminary plat shall be prepared by a registered land surveyor of the State. [Ord. 1257 § 2, 1980.]

**16.28.060 Preliminary plat contents.**

A preliminary plat shall be legibly drawn at a scale of one inch equals 100 feet (smaller if all information can be shown legibly) and shall be at least 18 inches by 24 inches in size. It shall show:

A. The entire lot(s) or parcel(s) constituting the applicant's land.

B. Proposed name of the subdivision; this name shall not duplicate any name used on a recorded plat or subdivision in Yakima County, including the municipalities of Yakima County.

C. Accurate and complete legal description of the proposed subdivision.

D. Scale, north arrow, and date.

E. Boundary lines of the land as it is proposed to be subdivided and boundary lines of all proposed lots and streets.

F. Size and location of water, sewer drainage, irrigation and utility easements, including all private utilities, and the grade and elevation of sewer main, where required by the City, as proposed to serve the lots created by the subdivision. Profile drawings will not be required unless specifically requested by the City to demonstrate feasibility.

G. Location, size, purpose of and physical description of improvements to existing roads, streets, rights-of-way and easements adjacent to or across the land. A physical description of existing street improvements shall be provided, including ballast and surfacing information.

H. Location of any streets, rights-of-way, or easements proposed to serve the lots within the proposed subdivision with a clear designation of their size and purpose.

I. Parcels of land intended or required to be dedicated for streets or other public purposes.

J. Contour lines at two-foot elevation intervals for slopes less than 10 percent and five-foot elevation intervals for slopes more than 10 percent. Elevations shall be based upon United States Coast and Geodetic Survey datum.

K. A title block shall be located in the lower right hand corner of the first page. If more than one page is used, this title block and information contained therein shall appear on all subsequent pages.

L. Recording number of any previous subdivisions adjacent to and within the proposed plat.

M. Parcel number of the existing parcel(s) within the preliminary plat.

N. Names, addresses and telephone numbers of the developer and engineer or surveyor.

O. Name, address and telephone of an individual designated by the applicant to act as a contact person for all information and correspondence relating to the preliminary plat.

P. The location of permanent buildings, wells (including wells within one-hundred (100) feet of the proposed subdivision), water courses, bodies of water, overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines, and other important features existing upon, over and under the land proposed to be subdivided.

Q. Existing uses of parcel(s) to be subdivided, including the location and use of all existing structures and wells and which such structures and wells will remain on the property after platting.

R. Tabular Summary showing the following information:

- Land Use Summary
- Gross acreage
- Net lot acreage
- Total number of lots
- Average lot size
- Minimum lot size
- Average density
- Present zoning
- Type of water service
- Type of sewerage
- Area of public roads

**16.28.070 Hearing date established.**

Upon receiving an application for a subdivision and after the SEPA review and determination is completed, the administrator shall set a date for a public hearing on the application before the Planning Commission. [Ord. 1257 § 2, 1980.]

**16.28.080 Notice of public hearing.**

A. Notice of public hearing before the Planning Commission shall be given in the following manner:

1. By publication of at least one notice not less than 10 calendar days prior to the hearing in the official City newspaper;

2. By notice given at least 10 calendar days prior to the date of the hearing by mailing such notice to the owners of all adjacent properties of the exterior boundaries of the proposed subdivision, as such owners are shown on the records of the Yakima County Assessor, Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection (1)(b) shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.;

4. Additional notice of such hearing shall be mailed to the Washington State Department of Transportation upon the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a State highway.

B. Each notice required by this section shall include the date, hour and location of the public hearing; a description of the proposed subdivision; [Ord. 1257 § 2, 1980.]

**16.28.090 Review of affected agencies and departments.**

Upon the filing of an application for a subdivision with the office of Planning and Community Development, a copy of the preliminary plat shall be sent to the following for their review and comments

- A. City Director of Public Works;
- B. Yakima County Clean Air Authority;
- C. Sunnyside Valley Irrigation District;
- D. City Fire Department;
- E. City Police Department;
- F. Yakima County Health District;
- G. Sunnyside School District;
- H. Washington State Department of Ecology;

- I. Local office of the United States Soil Conservation Service;
- J. The office of any electrical distribution company servicing the area;
- K. The office of any telephone company servicing the area;
- L. The office of any cable TV company servicing the area;
- M. The office of any natural gas company servicing the area;
- N. Any other affected utility company or special district;
- O. Garbage contractor;
- P. Washington State Department of Social and Health Services;
- Q. Sunnyside Port Authority;
- R. Any other appropriate entities.

S. Copies of comments received from the agencies designated in this section shall be made available to the developer upon his request. [Ord. 1257 § 2, 1980.]

**16.28.100 Staff recommendations.**

The recommendations of the staff shall be submitted to the Planning Commission for review prior to its public hearing on the proposed subdivision. [Ord. 1257 § 2, 1980.]

**16.28.110 Review by Planning Commission – Recommendation required.**

A. The Planning Commission shall review the proposed subdivision during a public hearing and shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication; (c) Conformance with the provisions of the City zoning ordinance; (d) Conformance with the Sunnyside Area Comprehensive Plan; and (e) Conformance with the provisions of Chapters 16.20 through 16.36 SMC;

B. The Planning Commission shall submit a recommendation for approval, approval with conditions or disapproval of its findings regarding all standards contained in subsection (A) of this section to the City Council [Ord. 1257 § 2, 1980.]

**16.28.120 Preliminary plat – Council determination at Closed Record Hearing –for approval or disapproval.**

A. Upon receipt of the recommendation of the Planning Commission on any preliminary plat of a proposed subdivision, the City Council shall set the date for a closed record hearing where it may adopt or reject the recommendations of the Planning Commission.

B. A record of all such meetings and hearings shall be kept and shall be open to public inspection.

[Ord. 1257 § 2, 1980.]

**16.28.130 Preliminary plat – Approval and Expiration of approval – Conditions.**

A. Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within 90 days from date of filing unless the applicant consents to an extension of such time period, or unless the 90-day limitation is extended to include up to 21 days as specified under RCW 58.17.095(3); provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency.

B. Approval of preliminary plats of proposed subdivisions shall expire five years from the date of City Council approval thereof. The Council may, upon application of the developer, at least 60 days prior to such expiration, grant an extension for a maximum period of one year from the expiration date. There shall be only one one-year extension granted to the subdivision under this act.

C. Any extension of time granted pursuant to this section shall be conditioned upon the proposed subdivision's meeting all subdivision requirements in effect on the date that such extension is granted.

D. Phasing will be allowed to permit orderly growth. Each phase must be a complete subdivision by itself and not be dependent upon future phases with respect to streets, access, utilities, etc. The number of lots that shall be included in each phase shall be

determined upon the feasibility of the particular phase. [Ord. 2016-12 § 1, 2016; Ord. 1396 § 1, 1983; Ord. 1257 § 2, 1980.]

**16.28.140 Final plat – Subdivision for approval required – Copies – Fees.**

A. A final plat of a proposed subdivision shall be submitted for approval by the City Manager's office within the expiration time periods for preliminary plats as set forth in SMC 16.28.130.

B. Each final plat submitted for approval shall be accompanied by one reproducible drawing of the subdivision, 10 copies thereof, and a current title certificate not older than 60 days.

C. Each final plat shall be subject to a fee to cover the expense of public works plan review and inspection. The fee shall be one-half of one percent of the estimated cost of required improvements, based upon the estimated engineer estimate for all public improvements. Field inspection will be provided by the subdivider during construction under the supervision of a licensed professional engineer registered in the State. The engineer supervising inspection shall submit a certificate of compliance with approved plans of construction on all improvements to be deeded to the City, including water, sewer, streets, drainage, etc.

D. Proof that road and utility plans prepared in accordance with the provisions of Sunnyside Municipal Code have been prepared and submitted to the City Public Works Director. All required infrastructure improvements including as built drawings and data of all utilities necessary to serve said plat must be constructed and accepted by the City Public Works Director. In lieu of actually completing all improvements, the developer may provide the City with a bond or irrevocable line of credit in an amount equal to one hundred twenty-five (125) percent of the engineer's estimate of the cost to complete all the required public and private infrastructure.

**16.28.150 Final plat – Preparation.**

A. Each final plat shall be prepared by a land surveyor registered in the State and certified by the surveyor to be a true and correct representation of lands actually surveyed by him or under his direction.

B. The final plat shall be prepared by the surveyor in accordance with the provisions of the Survey Recording Act (Chapter 58.09 RCW) as it now exists or is hereafter amended.

C. The land survey of the final plat shall be referenced from two monumented section or quarter-section corners, or, if the land lies within an existing subdivision, from two controlling monuments within the existing subdivision.

D. Survey lot corner pins in accordance with City standards shall be placed at all lot corners, and permanent survey monuments shall be placed at street intersections. [Ord. 1257 § 2, 1980.]

**16.28.160 Final plat – Conformance with preliminary plat approval.**

Each final plat submitted for approval shall be in conformance with the conditions of preliminary plat approval. [Ord. 1257 § 2, 1980.]

**16.28.170 Final plat – Requirements.**

Each final plat submitted for approval shall be clearly and legibly delineated upon tracing cloth of good quality polyester film .003 inch thick, a direct positive photographic reproducible polyester .003 inch thick or paper as allowed by the Yakima County Auditor. All lines, letters, figures, certificates and acknowledgments and signatures shall be made in black waterproof acetate ink of good quality (Pelikan T or equal) except that affidavits, certificates and acknowledgments may be stamped or printed upon the plat with black non-smearing opaque ink. The map shall be to a suitable and appropriate scale, not to exceed one inch equals 100 feet. The map shall be 18 inches by 24 inches. It shall show:

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 under the legal description shall be the parcel numbers of the parcel(s) involved in the final plat;

D. 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 dedications; all to be indicated by accurate dimensions, bearing or deflection angles, and radii, arcs, and central angles of all curves;

E. Notation and description of any protective improvements or dedications required by the City Council or otherwise provided for;

F. Reference by name to any recorded subdivision or short subdivision adjoining the subdivision;

G. Name and right-of-way width of each street or other right-of-way;

H. Location, dimensions and purpose of any easements;

I. Number to identify each lot and block;

J. Purpose for which sites, other than residential lots, are dedicated or reserved;

K. Certificate by the surveyor certifying to the accuracy of the survey and plat substantially in the following form:

I, \_\_\_\_\_, a Professional Land Surveyor, do hereby certify that the plat of \_\_\_\_\_ is based upon an actual survey of the property herein described; and 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)

L. 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 SMC 16.28.060(H);

(d) A certificate in the following form shall be executed by all parties having an ownership interest in the lands subdivided and acknowledged before a Notary Public: Know all persons by these present that [owner name(s)] are all parties having ownership interest in the land hereon described; have with their free consent and in accordance with their desires caused the same to be surveyed and subdivided as shown hereon; do hereby dedicate those roads and/or rights-of-way and easements shown as public dedications hereon to the use of the public; do hereby waive on behalf of themselves and their successors in interest all claims for damages against City of Sunnyside and any other governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance

of said dedicated roads and/or rights-of-way; and do hereby grant and reserve the easements as shown hereon for the uses indicated. [owner names]

M. When the subdivision lies wholly or in part within an irrigation district, a certificate of approval of the irrigation district and/or the manager or administrator of the project for 9.07.110 9-62 the bureau of reclamation, if required by RCW 58.17.310 as now existing or hereafter amended.

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

O. The signature of the Director of Public Works;

P. The signature of the administrator which shall certify that the final plat conforms with the conditions of approval for the preliminary plat of the subdivision;

**16.28.180 Final plat – Approval.**

A. Final plats and short plats shall be approved, disapproved, or returned to the applicant within 30 days from the date of filing thereof, unless the applicant consents to an extension of such time period.

B. Upon receipt of a final plat meeting the requirements of SMC Title 16, 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 SMC Title 16. The administrator shall evidence final plat approval by signing the final plat.

**16.28.190 Final plat – Recording.**

All final plats approved by the City of Sunnyside shall be filed for record immediately, by the subdivider in the Yakima County Auditor's Office. The subdivider shall be responsible for all filing fees. The subdivider shall provide the city with a full size copy of the recorded final plat.[Ord. 1257 § 2, 1980.]

**16.28.210 Maintenance bond.**

The subdivider shall file with the City Public Works a method of security providing for and securing to the City the successful performance of required improvements for one year after acceptance and assuring the correction or repair of any defects in workmanship or material

appearing within that one-year period. All shall be set forth in the City standard specifications. [Ord. 1257 § 2, 1980.]

**16.28.230 Submission of plans and specifications and notice prior to construction of improvements.**

In the event that the improvements required by the City are to be commenced subsequent to preliminary plat approval, all plans and specifications for said improvements shall be provided to the City for approval, and prior to the commencement of installation of said improvements, five working days' notice shall be provided to the City. [Ord. 1257 § 2, 1980.]

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