

# SELAH CITY COUNCIL

4:00pm January 13, 2015

3:00pm Study Session – Update on City projects  
and presentation on Volunteer Park



Selah City Council  
Regular Meeting  
Tuesday, January 13, 2015  
4:00pm  
City Council Chambers

Mayor:  
Mayor Pro Tem:  
Council Members:

John Gawlik  
Brooke Finch  
Paul Overby  
John Tierney  
Dave Smeback  
Allen Schmid  
Roy Sample  
Jane Williams

CITY OF SELAH  
115 West Naches Avenue  
Selah, Washington 98942

Interim City Administrator: Joe Henne  
City Attorney: Bob Noe  
Clerk/Treasurer: Dale Novobielski

## AGENDA

- A. Call to Order –Mayor Gawlik
- B. Roll Call
- C. Pledge of Allegiance
- D. Agenda Changes **None**
- E. Public Appearances/Introductions/Presentations **None**
- F. Getting To Know Our Businesses **None**
- G. Communications
  - 1. Oral

This is a public meeting. If you wish to address the Council concerning any matter that is not on the agenda, you may do so now. Please come forward to the podium, stating your name for the record. The Mayor Pro Tem reserves the right to place a time limit on each person asking to be heard.

### 2. Written

Joe Henne a. December 2014 Monthly Report for Building Permits, Animal Control and Code Enforcement

- H. Proclamations/Announcements **None**
- I. Consent Agenda

All items listed with an asterisk (\*) are considered routine by the City Council and will be enacted by one motion, without discussion. Should any Council Member or member of the audience request that any item of the Consent Agenda be considered separately, that item will be removed from the Consent Agenda and become a part of the regular Agenda.

Monica Lake \* 1. Approval of Minutes: December 9, 2014 Study Session & Council Meeting  
Dale N. \* 2. Approval of Claims & Payroll

- J. Public Hearings **None**
- K. New Business

Mayor Gawlik 1. Selection of a Mayor Pro Tempore for Calendar Year 2015  
Mayor Gawlik 2. Board & Committee Assignments for 2015  
Dennis Davison 3. Proposed Selah Municipal Code Amendments: Chapter 10.28, Table A-5, Chapter 10.28.040 Regulatory Notes, and Chapter 10.12.040

L. Old Business **None**

M. Resolutions

- Andrew Potter \* 1. Resolution establishing January 27, 2015 as the public hearing date to consider the adoption of the "Selah Transit Development Plan"
- Joe Henne \* 2. Resolution Authorizing the Mayor to accept the 2013 DWSRF Water System Improvements as complete and approve final Progress Estimate No. 8 and Project Acceptance
- Joe Henne \* 3. Resolution Authorizing the Mayor to Sign a Legal Advertising Contract with the Yakima Herald-Republic for the 2015 Calendar Year
- Joe Henne 4. Resolution Authorizing the Mayor to Sign a Business Licensing Services Agreement between the City of Selah and the State of Washington Department of Revenue Business Licensing Services
- Joe Henne 5. Resolution authorizing the Mayor to sign a Professional Services Agreement with Durant Development Services, Inc. for professional planning services
- Gary Hanna \* 6. Resolution declaring approximately 4,500 feet of 2 1/2" fire hose, 12 "D" size steel oxygen cylinders, and miscellaneous office equipment as surplus

N. Ordinances

- Dale 1. Ordinance Amending the 2015 Budget for Demolition of Structures on 110, 112 & Novobielski 202 Park Avenue and 105 Selah Avenue
- Dennis Davison 2. Ordinance Amending Sections of Title 10, Chapter 10.28, Table 5-A, Chapter 10.28.040, Regulatory Notes, and Chapter 10.12.040 of the Selah Municipal Code

O. Communications

- 1. Oral

This is a public meeting. If you wish to address the Council concerning any matter that is not on the agenda, you may do so now. Please come forward to the podium, stating your name for the record. The Mayor Pro Tem reserves the right to place a time limit on each person asking to be heard.

P. Reports/Announcements

- 1. Mayor
- 2. Council Members
- 3. Departmental
- 4. Boards

- Monica Lake a. Parks Board Minutes – November 3, 2014
- Caprise Groo b. Planning Commission Minutes – November 4, 2014

Q. Executive Session

- 1. 15 Minute Session – Potential Litigation RCW 42.30.110 (1)(i)

R. Adjournment

Next Study Session January 27, 2013  
 Next Regular Meeting January 27, 2013

Each item on the Council Agenda is covered by an Agenda Item Sheet (AIS)

A yellow AIS indicates an action item.

A blue AIS indicates an information/non-action item.



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      INFORMATIONAL ITEM**

**1/13/2015      G – 2A**

**Title:** December 2014 Monthly Report for Building Permits, Animal Control and Code Enforcement

**Thru:** Joe Henne, Interim City Administrator

**From:** Joe Henne, Public Works Director

**Action Requested:** Informational - No action

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** Not applicable

**Funding Source:** Not applicable

**Staff Recommendation:**

Informational only

**Background / Findings & Facts:**

Attached are the Building Permit, Animal Control and Code Enforcement Reports for December, 2014.

**Recommended Motion:**

Informational only.

## December 2014 Building Permit Report

No.	Issue Date	Project	Address	Type	Master Plan	Fees
5860	12/4/2014	Selah School District	801 N First Street	Fire Sprinkler System		\$116.71
6157	12/11/2014	Sprint Spectrum	141 E. Naches Ave.	New Commercial/Add Microwave Dish		\$173.94
6255	12/8/2014	Luke & Brooke Zirkle	1000 Goodlander Circle	Replace Windows		\$136.24
6256	12/8/2014	Owens Family Limited Partnership	111 E Fremont	Mechanical-gas piping		\$30.54
6257	12/8/2014	Stuart & Patti Petri	902 Goodlander Dr.	Furnace Replacement		\$57.21
6258	12/15/2014	BBS Selah	506 S. First Street	Footing/pedestal/pole for new sign		\$52.82
6259	12/8/2014	BBS Selah	506 S. First Street	Sign		\$98.55
6260	12/8/2014	Thind Parminder	301 S. First Street	Sign		\$98.55
6261	12/8/2014	Torkelson Construction	Lot 4A (181425-33422)	Building		\$3,858.20
6262	12/16/2014	Torkelson Construction	Lot 4A (181425-33422)	Plumbing		\$188.90
6263	12/9/2014	Torkelson Construction	Lot 4A (181425-33422)	Mechanical		\$137.32
6264	12/9/2014	Columbia Ridge LLC	1505 W. First Ave.	Remodel/Addition		\$200.16
6265	12/9/2014	BBS Selah LLC	502 S. First Street	Tenant Improvement/Subway/New Commercial		\$890.43
6266	12/17/2014	BBS Selah LLC	502 S. First Street	Tenant Improvement/Subway/Plumbing		\$188.90
6267	12/10/2014	BBS Selah LLC	502 S. First Street	Tenant Improvement/Subway/Mechanical		\$81.93
6268	12/17/2014	Craig Anderson	1215 Heritage Hills Dr.	Remodel/Addition -add to original deck		\$221.87
6275	12/29/2014	Torkelson Construction	Lot 1B(181425-33423)	Building		\$3,858.20
6276	12/19/2014	Torkelson Construction	Lot 1B (181425-33423)	Plumbing		\$188.90
6277	12/30/2014	Torkelson Construction	Lot 1B(181425-33423)	Mechanical		\$137.32
6278	12/22/2014	Rita Hendrickson Trust	6 Enterprise Dr.	Remodel/Add garage		\$351.70
6279	12/29/2014	Bill Harris	608 S. First St.	Sign/replace cabinet		\$98.55
6280	12/29/2014	Brian Harris	701 S. First St.	Footing/Foundation only (Pole Building)		\$0.00
6281	12/29/2014	Columbia Ridge LLC	1101 W. Goodlander	Building	IRC2012-3	\$4,160.87
6282	12/29/2014	Columbia Ridge LLC	1101 W. Goodlander	Plumbing		\$199.63
6283	12/29/2014	Columbia Ridge LLC	1101 W. Goodlander	Mechanical		\$147.22
6284	12/26/2014	Columbia Ridge LLC	1101 W. Goodlander	UG Sprinklers		\$39.64
6285	12/29/2014	Columbia Ridge LLC	1101 W. Goodlander	Excavation/Grading		\$55.67
6286	12/26/2014	Graf Investments, Inc.	217 S. 3rd St.	Commercial/Replace deck and railing		\$348.36
6287	12/29/2014	Brian Harris/Northwest Post Frame	701 S. First St.	New Commercial (Pole Building)		\$1,341.79
6289	12/29/2014	Brian Harris/All-State Electric	701 S. First St.	New Mechanical - Heater/Air Units		\$101.45
					<b>TOTAL</b>	<b>\$17,561.57</b>

# ANIMAL CONTROL

DECEMBER 2014

ADDRESS	DATE	HRS	PROBLEM	ACTION TAKEN
800 BLK W HOME AVE	1ST	1	LOOSE DOG	PUT BACK IN YARD-CONTACTED OWNER
100 BLK NAGLER	3RD	0	STRAY DOG	NOT IN CITY LIMITS-GAVE CALLER COUNTY #
400 BLK S 3RD	4TH	0.5	FOUND DOG	RETURNED TO OWNER - 200 BLK PARK AVE.
1400 BLK W ORCHARD AVE.	4TH	0.5	BARKING DOG	OWNERS FATHER PUT DOG INSIDE GARAGE
300 BLK S 3RD STREET	5TH	0.5	LOOSE DOG	PUT BACK IN YARD-CONTACTED OWNER
1000 BLK SELAH LOOP	5TH	0.5	AMEND PERMIT FOR ANIMALS	GRANTED AFTER DISCUSSION WITH JOE HENNE
200 BLK N WENAS	11TH	0.5	DEAD DOG ON SIDEWALK	PICK UP AND DISPOSE OF DOG
500 BLK N 11TH STREET	17TH	0.5	DEAD BIRD IN ROADWAY	PICKUP AND DISPOSE OF BIRD
400 BLK W FREMONT	19TH	0.5	NUISANCE-BARKING	DOG NOT OUTSIDE
300 BLK S 3RD STREET	21ST	1	FOUND DOG	TOOK TO HUMANE SHELTER
1000 BLK GOODLANDER DR.	22ND	0.5	LOOSE DOG	FOUND OWNER-RETURNED DOG
500BLK HARRIS AVE.	23RD	0.5	LOOSE DOG	DOG NOT OUTSIDE-CONTACTED OWNER
1300 BLK JESSICIA DR.	23RD	0.5	BARKING DOG	DOG NOT BARKING- LISTENED FOR 15 MIN
200 BLK HILLCREST	24TH	0.5	LOOSE DOG	DOG NOT FOUND
700 BLK N WENAS	24TH	1	STRAY DOG	TOOK TO HUMANE SHELTER
1100 BLK CRESTVIEW DR.	24TH	0.5	BARKING DOG	OWNER NOT HOME-LEFT CARD TO CALL ME
100 BLK HIGHLAND CT.	31ST	0.5	SMALL PUPPY OUTSIDE	DOG NOT OUTSIDE
10 BLK N 11TH	31ST	0.5	VICIOUS DOG IN MOTORHOME	NO SIGN OF DOG ANYWHERE
1700 BLK NACHES AVE	31ST	0.5	BULL DOG OUTSIDE SEVERAL HRS	DOG NOT OUTSIDE UPON MY ARIVAL

## CODE ENFORCEMENT

DECEMBER 2014

### ADDRESS

### VIOLATION / COMPLAINT

### ACTION TAKEN

200 BLK E NACHES AVE.  
100 BLK HIGHLAND CT.  
600 BLK S 1ST STREET  
300 BLK N 10TH STREET  
800 BLK W HOME AVE.  
200 BLK E BARTLETT AVE  
300 BLK S 10TH STREET  
100 BLK E BARTLETT AVE  
10 BLK N 11TH STREER

INDUSTRIAL NOISE COMPLAINT  
WEEDS/DEBRIS  
VEHICLES PARKED ON SIDEWALK  
FENCE FALLING OVER  
DEBRIS  
SIGN OBSTRUCTING TRAFFIC  
TRUCK WITH DEBRIS  
ABANDONED VEHICLE ON EMPTY LOT  
MOTORHOME PARKED IN DRIVEWAY

ADVISED THERE ARE NO RESTRICTIONS FOR NOISE  
CALLED OWNER AND ADVISED OF COMPLAINT  
SPOKE WITH OWNER-WILL MOVE  
CORRECTION NOTICE SENT  
OWNER REMOVED  
SPOKE WITH OWNER-WILL MOVE  
TRUCK G.O.A  
CONTACTED REGISTERED OWNER-MOVED  
MOTORHOME PARKED LEGALLY



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**

**1/13/2015      I - 1**

**Title:** Approval of Minutes: December 9, 2014 Study Session & Council Meeting

**Thru:** Joe Henne, Interim City Administrator

**From:** Monica Lake, Executive Assistant

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

Approval of Minutes

**Background / Findings & Facts:**

See Minutes for details.

**Recommended Motion:**

Motion to approve the Consent Agenda as read. (This item is part of the Consent Agenda)

Study Session Minutes  
Selah City Council  
December 9, 2014  
3:30pm

Mayor Pro Tem Finch opened the Study Session. She stated that the scheduled session with Superintendent Backlund had been postponed to allow Council to discuss the potential utility tax increase.

Police Chief Hayes briefly discussed the reasons behind his request for an evidence technician, which included reducing potential liability for the City by putting the correct person into the correct job, having a person in charge of the evidence room who isn't attached to evidence in that room to prevent a defense attorney from saying the individual is biased, proper disposal of items after they've been kept for a certain amount of time, and having that person coordinate community events. He also talked about the need for an amortization schedule for patrol vehicles, as thirteen of the eighteen vehicles are over 70,000 miles, with most over 100,000.

Fire Chief Hanna said that they have never had an amortization schedule for vehicles, adding that twelve of their twenty vehicles are twenty plus years old, with five of those over thirty years old. He also talked about the need to get into compliance with the turnout gear, which will take three years with the budget as it currently stands. He noted that a percentage of the amount that would be allotted to his department would also be placed into the equipment reserve fund for future items such as a conversion to digital radios.

The Study Session ended at 3:54pm.

City of Selah  
Council Minutes  
December 9, 2014

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

- A. Call to Order Mayor Pro Tem Finch called the meeting to order at 4:00pm.
- B. Roll Call
- Members Present: Paul Overby; John Tierney; Dave Smeback; Allen Schmid ; Brooke Finch; Roy Sample; Jane Williams
- Members Excused: Mayor Gawlik
- Staff Present: Joe Henne, Interim City Administrator; Bob Noe, City Attorney; Gary Hanna, Fire Chief; Rick Hayes, Police Chief; Eric Steen, Deputy Police Chief; Dale Novobielski, Clerk/Treasurer; Dennis Davison, community Planner; Charlie Brown, Recreation Manager; Andrew Potter, Assistant to the City Administrator; Monica Lake, Executive Assistant
- C. Pledge of Allegiance
- Council Member Smeback led the Pledge of Allegiance. Pastor Jason Williams led the opening prayer.
- D. Agenda Changes **None**
- E. Public Appearances/Introductions/ Presentations **None**
- F. Getting To Know Our Businesses **None**
- G. Communications
1. Oral

Mayor Pro Tem Finch opened the meeting.

Wayne Petterson approached the podium and addressed the Council. He asked for guidance from the Council regarding his proposal for a Welcome to Selah sign, as the application process with the Washington State Department of Transportation (DOT), as it is ten to twelve months for approval once the paperwork has been filed. He noted that the City would be responsible for an annual rental payment

of six hundred dollars to the DOT, per their office in Olympia. He stated that he is committed to the project for the next four months, and at that point will make a decision on whether to continue with the proposal.

Council Member Tierney wondered who's the City's representative to the Selah Downtown Association to coordinate progress and what they are doing.

Mayor Pro Tem Finch responded that both herself and Mayor Gawlik were involved with it at one point.

Mr. Petterson commented that the City gave thirty thousand dollars to the Selah Downtown Association, an entity completely separate from the City, and that there are no checks and balances or oversight on expenditure of those funds.

Council Member Tierney asked for confirmation that the City gave them funds that they don't have to account for.

City Attorney Noe replied that there are two different entities involved, the original Economic Development and Beautification Committee and the Selah Downtown Association. He noted that the funds were provided for a specific purpose and that the entity utilizing them will have to account for their expenditures.

Mayor Pro Tem Finch stated that no one from the Council serves on the board for the Selah Downtown Association.

Council Member Tierney felt that they should have a Council Member on the board, to report to the Council and watch how they are spending their money.

Mr. Petterson commented that those who were currently serving on the City Council were ineligible to be on the board of the Selah Downtown Association. He added that the DOT also charges for use of the air space across the road.

Council Member Sample felt that Council should decide which version of the sign to back before negotiating with the DOT.

Mr. Petterson responded that the other sign was a concept that Eagle Signs did in hopes of getting the job down the line. He said that he presented his proposal to the Selah Downtown Association yesterday, and that it seemed to go well.

Interim City Administrator Henne remarked that the City will contact the Selah Downtown Association to have them make a presentation and see what they are willing to support, then the City will decide how much and what support, at which point an application can be done.

Mr. Petterson commented that the Selah Downtown Association might be able to support the lion's share of what he's proposing, but the City would be responsible for the annual rental fee to the DOT.

Council Member Schmid asked where the Main Street Organization came in this, as he was under the impression that this was why the Selah Downtown Association filed for 501c3 status.

Mayor Pro Tem Finch replied in the affirmative, adding that the monies would be earmarked for certain areas of the city. She noted that they will address this further as a Council.

Seeing no one else rise to speak, Mayor Pro Tem Finch closed the meeting.

2. Written

- a. Letter from Charter Communications regarding a Broadcast TV Surcharge increase
- b. November 2014 Monthly Report for Building Permits, Animal Control and Code Enforcement
- c. Recycling Data Report for the 3rd Quarter of 2014

H. Proclamations/Announcements **None**

I. Consent Agenda

Council Member Overby moved to add M – 3, M – 4, and N – 4 to the Consent Agenda. Council Member Williams requested that those items not be placed on the Consent Agenda.

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: October 22, 2014 Special Meeting; November 6, 2014 Special Meeting; and November 25, 2014 Council Meeting
- \* 2. Approval of Claims & Payroll:  

Claim Checks Nos. 64923 – 64996 for a total of \$591,073.17
- \* 3. Resolution M – 5: Resolution Authorizing the Mayor Pro Tem to Sign a Municipality Tourism Promotion Management Contract with Yakima Valley Visitors and Convention Bureau for the Year 2015
- \* 4. Resolution M – 6: Resolution Authorizing the Mayor Pro Tem to Sign an Advertisement Contract with Yakima Valley Visitors and Convention Bureau for the Year 2015
- \* 5. Resolution M – 7: Resolution Regarding Changes to the By-Laws and Interlocal Agreement to the Cities Insurance Association of Washington (CIAW)

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

J. Public Hearings

1.

Interim City Administrator Henne addressed J – 1. He said that Fairpoint is requesting a franchise for cable TV, which was reviewed by City Attorney Noe, and that part of the process for approval requires that a public hearing be held to take testimony on the matter.

Mayor Pro Tem Finch opening the Hearing. Seeing no one rise to speak, she then closed the meeting.

K. New Business None

L. Old Business None

M. Resolutions

1. Resolution Revising Rates For 2015 Water Utility Services

Clerk/Treasurer Novobielski addressed M – 1. He said that, as part of the 2015 Budget development, a four percent increase in water rates was recommended to balance the budget. He referred Council to the information provided in the packet, citing examples of rate changes due to the increase.

**Council Member Smeback moved, and Council Member Williams seconded, to Approve the Resolution Revising Rates For 2015 Water Utility Services. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

2. Resolution Revising Rates For 2015 Sewer Utility Services

Clerk/Treasurer Novobielski addressed M – 2. He said that the used a similar approach for the Sewer Fund, which resulted in the recommendation of a three percent increase in rates.

**Council Member Tierney moved, and Council Member Smeback seconded, to Approve the Resolution Revising Rates For 2015 Sewer Utility Services. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

3. Resolution Authorizing the Mayor Pro Tem to Sign a Contract with Ellensburg Telephone Company d/b/a Fairpoint Communications for Centrex Telephone Services

Clerk/Treasurer Novobielski addressed M – 3. He said that former City Administrator Kelly had requested that he have the item placed on the agenda, which is simply a continuation of the City's prior agreement with Fairpoint.

Interim City Administrator Henne noted that it's simply a housekeeping matter to get a current contract in place.

Clerk/Treasurer Novobielski stated that the existing contract in the vault had terminated in 2006.

Council Member Schmid wondered what the term of the contract is.

Council Member Tierney remarked that, per item four, it's a two year agreement.

Council Member Schmid asked if this is for phone service.

Interim City Administrator Henne responded in the affirmative, adding that this is a different item than the franchise agreement.

Council Member Schmid inquired if it was a positive or negative fiscal impact.

Clerk/Treasurer Novobielski replied that there is no change to the current expenses.

Alex Galbraith, Fairpoint Communications, approached the podium and addressed the Council. He commented that they weren't prepared to give information on this matter, and deferred to a coworker to speak on the matter.

Jerry Jensen, Operations Manager for Fairpoint Communications, approached the podium and addressed the Council. He stated that he believes all of the City is on the Centrex system, and that there is no rate increase for services that he is aware of.

Council Member Williams asked if City Attorney Noe had reviewed the contract.

City Attorney Noe responded in the affirmative.

**Council Member Williams moved, and Council Member Smeback seconded, to Approve the Resolution Authorizing the Mayor Pro Tem to Sign a Contract with Ellensburg Telephone Company d/b/a Fairpoint Communications for Centrex Telephone Services. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

4. Resolution Authorizing the Mayor Pro Tem to Sign a Contract with Gift Bricks® and Tiles for the Year 2015

Recreation Manger Brown addressed M – 4. He said that this is one of the ways they will utilize to raise the matching funds needed for the grant to develop Volunteer Park.

Council Member Tierney wondered if they would be able to return funds to those who purchase bricks if the necessary amount of match money isn't raised by May 1<sup>st</sup>.

Recreation Manager Brown responded that the items are ordered online, and that the funds will be held in a Paypal account while the fundraising is underway; if they don't raise enough then the money will be returned via Paypal.

Mayor Pro Tem Finch requested that he explain the efforts to raise funds.

Recreation Manager Brown stated that the City will be contributing volunteer hours up to the allowed amount, and that any materials or equipment donated also counts towards the match amount. He added that he will also be doing presentations to community groups and businesses throughout the valley.

Council Member Smeback asked if the grant amount would be reduced to match a lesser amount of matching funds, or if it's an all or nothing deal.

Recreation Manager Brown replied that he doesn't believe the City would receive a portion if they are unable to raise enough funds to complete the project.

Council Member Williams inquired if he'd started fundraising yet.

Recreation Manager Brown responded that he has fifteen thousand dollars to date, and people willing to purchase bricks as soon as they get the website running.

Council Member Williams asked if he'd looked into local sources for the bricks.

Recreation Manager Brown replied the affirmative, adding that these are less expensive and guaranteed for life.

Council Member Williams wondered if he'd talked with other communities that have used them.

Recreation Manager Brown responded that he reviewed the company's history of complaints and support on the Better Business Bureau website.

Assistant to the City Administrator Potter said that he has been working with Recreation Manager Brown on this portion of the fundraising; the company gave them several contact websites that have been used, but they didn't contact groups personally.

Council Member Sample asked about the weight of the bricks.

Recreation Manager Brown replied that it is a four to five pound brick.

Council Member Sample inquired about the free shipping if one hundred bricks are purchased.

Recreation Manager Brown responded that anything over one hundred bricks is shipped for free.

Council Member Tierney wondered if they had talked with other groups in the Yakima County that have used bricks as a fundraising item.

Recreation Manager Brown replied that he has not.

Interim City Administrator Henne remarked that they sold bricks for the Selah Little league at McGonagle Park; they can follow up on that to get an idea of how it works.

**Council Member Tierney moved, and Council Member Sample seconded, to Approve the Resolution Authorizing the Mayor Pro Tem to Sign a Contract with Gift Bricks® and Tiles for the Year 2015. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

- \* 5. Resolution Authorizing the Mayor Pro Tem to Sign a Municipality Tourism Promotion Management Contract with Yakima Valley Visitors and Convention Bureau for the Year 2015
- \* 6. Resolution Authorizing the Mayor Pro Tem to Sign an Advertisement Contract with Yakima Valley Visitors and Convention Bureau for the Year 2015
- \* 7. Resolution Regarding Changes to the By-Laws and Interlocal Agreement to the Cities Insurance Association of Washington (CIAW)
- \* 8. Resolution to Approve a Supplemental Agreement with Huibregtse, Louman Associates, Inc., No. 2 for the East Goodlander Road Improvements

#### N. Ordinances

1. Ordinance Providing for an 8.5% Increase in Utility Tax Rates on City Services for the Support of Police and Fire Department Operations

Clerk/Treasurer Novobielski addressed N – 1. He said that, as part of the 2015 Budget, they need to provide a funding source for the planned level of expenditures. He remarked that an increase of eight point five percent to the utility tax will provide approximately three hundred fifty-six thousand in revenues, of which one hundred forty thousand will go the police department, and the remainder to the fire department. He noted that Fire District #2 has agreed to contribute and additional one hundred sixty-five thousand to the joint fire department budget.

Fire Chief Hanna remarked that Fire District #2 will be paying their portion of the budget as well as contributing one hundred twenty-seven thousand six hundred for the equipment reserve fund.

Council Member Tierney asked about the effect from delaying the vote.

Clerk/Treasurer Novobielski replied that it will affect the January billing, which is paid in February, and that the net gain will be approximately eight percent less than currently built into the 2015 budget.

Council Member Tierney asked if they needed to amend the budget reflect that difference.

Clerk/Treasurer Novobielski responded that it will not significantly hamper the City's ability to pay its expenditures; the difference will be approximately seven thousand dollars per effected fund.

Deputy Police Chief Steen offered to answer any questions Council had on the matter.

Mayor Pro Tem Finch shared that one way Council had discussed to raise funds was to put the matter to a vote; however, the earliest the matter could be voted on would be February of next year and the expense would be roughly twenty thousand dollars for a special election. She noted that the City is required to have a balanced budget by December 30<sup>th</sup>, and if they cannot come to a consensus today that a special session will need to be held the following week.

Council Member Overby expressed his concern that the matter could have been addressed earlier via a property tax increase, which he felt was a more appropriate way of generating the necessary revenue. He felt that increasing utility taxes again within a short period of time undermines the Council's ability to make a decision when they could have entertained other avenues to explore and have a more sustainable option.

Clerk/Treasurer Novobielski remarked that it would require an additional levy of sixty-three cents per thousand, and that in talking with the County Assessor he discovered that this would hamper the City's ability to do a one percent property tax increase due to the ceiling limit of three dollars and sixty cents minus what the library district imposes. He noted that the earliest revenues could be collected on property taxes would be 2016.

Council Member Overby said that he feels strongly that the credibility, faith, and trust of the citizens is Council's coin of the realm, and that they also represent many people who are against this increase.

Council Member Sample commented that he feels the need to do this. He raised an objection to seeing them short the Planning Department while raising taxes for the Fire and Police Departments.

Council Member Tierney remarked that, while he hates taxes and increases of any kind, he also spent twenty-seven years and a law enforcement officer, and he knows full well the ramifications and dangers of improperly contained evidence services. He expressed his support of the increase to benefit the two departments, adding that only two people had contacted him about opposing the matter.

Council Member Smeback pointed out that past Councils and administrations worked hard to be frugal, almost to a fault, and that the City's rates are some of lowest in the County. He commented that both the Fire and Police Departments have come to them with well thought out purchases and needs, and that he feels this is the best method to get the money needed.

Council Member Williams felt that this was a fair way to spread the benefits and costs out to every household within the City. She encouraged those who are on limited incomes to talk to the Utility Billings Clerk about low income status.

Clerk/Treasurer Novobielski noted that the financial impact for those who qualify for the low income seniors and disabled status will be ten percent less than 2014.

Council Member Schmid agreed with his fellow Council Members, reminding people that the increase to pay off the Marudo property debt will run out in eight years. He suggested that Council review the next year's budget with an eye on eliminating some of the City's debt rather than simply continuing to add to it.

Mayor Pro Tem Finch remarked that they made an extra loan payment to the Marudo loan in 2014.

Clerk/Treasurer Novobielski added that they transferred ninety-seven thousand dollars to reserve funds in January as well as paying an additional fifty thousand in extra principal on the Marudo debt.

Mayor Pro Tem Finch commented that the property that was purchased to increase parking at the Civic Center was done so using Transit funds.

Council Member Schmid asked about the purchase of Selah School District property.

Clerk/Treasurer Novobielski responded that the school property was bought with funds from the sale of the old Public Works property.

Mayor Pro Tem Finch stated that she was never in favor of sunsetting the tax increase to pay off the Marudo debt, as she feels the City needs to take a at expenditures and come up with a ten to twenty year plan. She noted that this is a separate matter wherein they haven't kept up with the cost of doing business each year, and that this was the most proactive thing they could do to solve some of these issues.

**Council Member Smeback moved, and Council Member Tierney seconded, to Approve the Ordinance Providing for an 8.5% Increase in Utility Tax Rates on City Services for the Support of Police and Fire Department Operations. Roll was called: Council Member Overby – no; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – no; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. Motion passed with five yes votes and two no votes.**

2. Ordinance Adopting the Budget for the City of Selah, Washington for the Year ending December 31, 2015

Clerk/Treasurer Novobielski addressed N – 2. He reviewed the 2015 budget summary included in the packet, noting that the ending fund balance will be approximately six million, most of which is in various reserve funds.

**Council Member Tierney moved, and Council Member Williams seconded, to Approve the Ordinance Adopting the Budget for the City of Selah, Washington for the Year ending December 31, 2015. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

3. Ordinance Granting a Franchise to Ellensburg Telephone Company d/b/a Fairpoint Communications, its Successors or Assigns, to Own and Operate and Maintain a Cable System in the City of Selah, Washington, Setting Forth Conditions Accompanying the Grant of Franchise, and Providing for the Regulation and Use of Said System

Interim City Administrator Henne addressed N – 3. He said that this is a 15 year franchise proposal from Fairpoint to provide cable televisions services to residents in the Selah area and recommended approval of the franchise agreement.

Council Member Tierney asked if it would be overhead or underground.

Interim City Administrator Henne replied that most of the lines would be overhead.

Alex Galbraith, Fairpoint Communications, approached the podium and addressed the Council. He stated that the service will be over the existing utilities and system they currently have in place.

Interim City Administrator Henne noted that utility services are underground in new subdivisions.

Council Member Schmid wondered if the City's other franchise agreements are for fifteen years.

City Attorney Noe replied that the length is fairly standard, and is the same duration as the one for Charter.

Interim City Administrator Henne noted that the solid waste provider has a twenty-five year agreement.

Council Member Schmid stated that he would like to see all of them standardized.

Interim City Administrator Henne responded that it could be done, but they would still come up for renewal at different times.

Council Member Williams asked who else the City has communications franchises with.

Interim City Administrator Henne replied that they have ones with Charter and DirecTV, a fiber one with AT&T, and some for gas and telephone services.

Council Member Williams inquired if the five percent franchise is the same as Charter's.

City Attorney Noe responded in the affirmative, adding that the amount is pretty standard.

Council Member Schmid noted that the amount is the maximum set by the State.

Council Member Williams noted a typo on page four where the word 'sheets' was used instead of 'streets', and wondered if City Attorney Noe had drafted the franchise agreement.

City Attorney Noe replied that the agreement is a mirror image of the Charter one.

Council Member Williams wondered if this would affect internet service.

Jerry Jensen, Operations Manager for Fairpoint Communications, approached the podium and addressed the Council. He said that this should have no effect on the current internet service, and that they have invested a lot into the network between Ellensburg and Selah. He added that there will be a separate bandwidth between the data and televisions to provide additional bandwidth to a house.

Council Member Williams remarked that the internet service is fast when a person first signs on, but it tends to slow down the longer you're on.

Mr. Jensen responded that their service is dedicated from their equipment to a dsl modem in the house, and that it's a ten gigabyte fiber network.

Council Member Williams noted that they are required to provide a public access channel, and asked if they would be able to make Y-PAC be available to the citizens.

Mr. Jensen replied that it depends on Y-PAC.

Mike Brown, City of Yakima Community Relations, commented that he doesn't think it would be possible at this point in time.

**Council Member Smeback moved, and Council Member Schmid seconded, to Approve the Ordinance Granting a Franchise to Ellensburg Telephone Company d/b/a Fairpoint Communications, its Successors or Assigns, to Own and Operate and Maintain a Cable System in the City of Selah, Washington, Setting Forth Conditions Accompanying the Grant of Franchise, and Providing for the Regulation and Use of Said System. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

#### 4. Ordinance Amending the 2014 Budget for Miscellaneous Adjustments

Clerk/Treasurer Novobielski addressed N – 4. He said that these are the final modifications of the 2014 financial plan for various appropriations and expenditures within funds, and briefly reviewed the information provided in the packet.

**Council Member Tierney moved, and Council Member Schmid seconded, to Approve the Ordinance Amending the 2014 Budget for Miscellaneous Adjustments. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council**

**Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

**O. Communications**

**1. Oral**

Mayor Pro Tem Finch opened the meeting.

Wayne Worby approached the podium and addressed the Council. He said that he'd presented a proposal at the last Council Meeting to change some language in the Municipal Code and wondered if he could help in any way to facilitate a decision being made on the matter.

City Attorney Noe responded that the matter was sent back to the Planning Commission for further consideration, and suggested that he talk to the Planning Commission as they will make a recommendation to Council on the matter.

Community Planner Davison commented that the Planning Commission had a hearing on the matter and recommended to Council that they implement zoning changes to allow a case by case basis on new subdivisions. He noted that they will adopt their minutes at the next meeting and send the matter to Council after the first of the year.

Mr. Worby remarked that what he presented showed the conflict in the City's Code, which he suggested they remove entirely to eliminate the conflict, and asked where the matter would go so that he can help get it resolved.

City Attorney Noe observed that there was an issue on a particular project that the Hearing Examiner couldn't approve because of a conflict in the Code, and that Council didn't take action on the matter, opting instead to refer it back to the Planning Commission.

Council Member Smeback noted that the minutes they were provided with were a draft copy.

Community Planner Davison stated that the matter was remanded back to the Planning Commission on the same day that Council remanded the recommendation on the proposed East Goodlander rezone.

Council Member Tierney said that Mr. Worby is talking about the package he brought to Council with his suggestions on improving the Code, which he was directed to take to the Planning Commission.

Community Planner Davison stated that the information hasn't been provided to him.

City Attorney Noe remarked that he met with Mr. Worby last week on the matter, and that he explained that the Planning Commission would need to review the matter and make a recommendation to Council.

Mayor Pro Tem Finch asked if the item will at the next Council Meeting.

Community Planner Davison responded in the affirmative.

Wayne Petterson approached the podium and addressed the Council. He said that the City of Tieton has a mosaic on the side of their Post Office, and will have pieces of mosaic all over the City. He recommended that people go see it, as it is quite amazing.

Seeing no one rise to speak, Mayor Pro Tem Finch closed the meeting.

**P. Reports/Announcements**

**1. Mayor Pro Tem**

Mayor Pro Tem Finch gave a brief update on the process of hiring a new City Administrator, noting that applications must be in on the 12<sup>th</sup>, and that the Mayor intends to conduct initial interviews in January. She thanked the Department Heads and Clerk/Treasurer Novobielski for their hard work on the 2015 budget.

**2. Council Members**

Council Member Overby had no report.

Council Member Sample had no report.

Council Member Tierney had no report.

Council Member Smeback had no report.

Council Member Williams stated that the January YVCOG meeting would be held at the Selah Civic Center.

Council Member Schmid had no report.

**3. Departmental**

Interim City Administrator Henne stated that he agrees with several Council Members on the matter of a full-time planner. He stated that he hopes to bring a proposed contract for Durant planning services to them in January.

City Attorney Noe had no report.

Community Planner Davison said that the Planning Commission will be sending a proposed text amendment to the zoning Ordinance to Council at the first meeting of January. He remarked that the Hearing Examiner has heard the Somerset II proposed rezone and Planned Development, as well as Valhalla, and that the matter will be brought to Council in January. He wished everyone a merry Christmas.

Fire Chief Hanna said that Deputy Fire Chief Martin is retiring, and that his last day is Dec 31<sup>st</sup>. He remarked that the job posting was done yesterday; it will be advertised in the Yakima Herald-Republic, sent to local fire departments, and placed in the Daily Dispatch. He thanked Council for approving the increase in the budget, saying that he understands the struggle they make with that, and that he appreciates the thought that went into it. He added that he will do everything within his power to be frugal and spend the money wisely. He wished everyone a merry Christmas.

Deputy Police Chief Steen had no report. He expressed his sincere thanks to the Council, adding that their diligence is important to not only the departments but the community they represent.

Police Chief Hayes wished everyone a merry Christmas.

Council took a ten minute recess.

4. Boards **None**

Q. Executive Session

1. 15 Minute Session – Real Estate RCW 42.30.110(1)(b)

Council went into Executive Session at 6:07pm. At 6:22pm, Council went back on the record. Mayor Pro Tem Finch stated that no action was taken during the Executive Session.

Council Member Williams wanted to know how she can encourage a Study Session to discuss the Planning Department.

Mayor Pro Tem Finch asked about the procedure.

City Attorney Noe replied that they just ask for a Study Session if it's a consensus of the Council.

Council Member Smeback stated that, when they approved the 2015 budget, they agreed to try a part-time planner for a while. He suggested having a Study Session after the first quarter of next year.

Council Member Williams felt that some things have come up that changes the scenario a bit, as the contract isn't what they were expecting it to be.

Interim City Administrator Henne remarked that the contract is just for general planning services, adding that Community Planner Davison also checks permits for set-backs, answers questions when citizens stop in, and numerous little issues like that. He noted that other staff will absorb some of the duties. He said that he wasn't involved in any of the discussion about reducing the planner position from full-time to part-time, adding that it took years of talking to Council to hire a full-time planner. He added that the contract planner will be gone the first five weeks of the year, and that he asked Community Planner Davison to stay for an additional month.

Council Member Williams asked if this will affect his retirement.

Interim City Administrator Henne responded in the negative, saying that he's PERS 1. He went on to say that he can only work seventy-nine hours next month, and that the Public Works department staff will need to be brought up to speed to assist the public.

Council Member Schmid commented that there were a couple people who tried to put those issues on the table.

Council Member Smeback wondered if Mr. Durant would have set hours.

Interim City Administrator Henne replied in the affirmative, saying that they will need to figure out how to spread his time out in basic office hours.

Council Member Williams wondered who people would talk to regarding expansion, building new structures, and selling commercial property.

Interim City Administrator Henne responded that they would talk to him.

Mayor Pro Tem Finch spoke out in favor of taking the matter month by month to see how it goes. She suggested getting regular feedback from Interim City Administrator Henne and holding a Study Session during the first quarter of next year to discuss how to move forward.

Council Member Schmid asked about the City paying for matters to go to the Hearing Examiner.

Interim City Administrator Henne commented that someone had to provide staff reports to the Hearing Examiner; he's a judge of the facts. He feels that utilizing the Hearing Examiner is a better way to do this as the members of the Planning Commission vary with experience and expertise. He noted that, if Council decides to hire another full-time planner, it will take another two months to get someone on board.

**Council Member Tierney moved, and Council Member Williams seconded, to hold a Study Session to discuss the matter in January 2015. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Schmid – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

R. Adjournment

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

The meeting adjourned at 6:44pm.

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

\_\_\_\_\_  
Paul Overby, Council Member

\_\_\_\_\_  
John Tierney, Council Member

\_\_\_\_\_  
Dave Smeback, Council Member

\_\_\_\_\_  
Allen Schmid, Council Member

\_\_\_\_\_  
Brooke Finch, Mayor Pro Tem

\_\_\_\_\_  
Roy Sample, Council Member

\_\_\_\_\_  
Jane Williams, Council Member

ATTEST:

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



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**  
**1/13/2015          I – 2**

**Title:** Claims & Payroll

**Thru:** Joe Henne, Interim City Administrator

**From:** Dale Novobielski, Clerk/Treasurer

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** See Check Registers.

**Funding Source:** Various. See Check Registers.

**Staff Recommendation:**

Approval of Claims & Payroll as listed on Check Registers.

**Background / Findings & Facts:**

See check Registers.

**Recommended Motion:**

Motion to Approve the Consent Agenda as read. (This item is part of the Consent Agenda)



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**

**1/13/2015      K – 1**

**Title:** Selection of a Mayor Pro Tempore for Calendar Year 2015

**Thru:** Joe Henne, Interim City Administrator

**From:** Joe Henne, Interim City Administrator

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

To select a 2015 Mayor Pro Tempore in accordance with Selah Municipal Code Chapter 1.06 § 100

**Background / Findings & Facts:**

Council is required to select a Mayor Pro Tempore each calendar year during the month of January per Selah Municipal Code

**Recommended Motion:**

Selection of a Mayor Pro Tempore for Calendar Year 2015



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**

**1/13/2015      K – 2**

**Title:** Board & Committee Assignments for 2015

**Thru:** Joe Henne, Interim City Administrator

**From:** Mayor Gawlik

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

Select Council Members for various boards and committees

**Background / Findings & Facts:**

Each year the Council Members are assigned to represent the City on various boards and committees.

**Recommended Motion:**

Select Council Members for all boards and committees and approve the final list for 2015

City of Selah  
Boards and Committees 2015 Assignments

1. Finance Committee

- 
- 
- 

2. Parks & Recreation Board

- 

3. Lodging Tax Advisory Committee (LTAC) (same committee as TPA)

- 

4. Selah Tourism Promotion Area (TPA) (Same committee as LTAC)

- 

5. Yakima Valley Conference of Governments (YVCOG)

- 
- 

6. Yakima Valley Visitors & Convention Bureau (YVVCB)

- 

7. Selah Parks & Recreation Service Area Board (SPRSA)

- 
- 

8. Selah C.A.N.

- 

9. Yakima Transit

- 

10. Fire Commissioners Board and Volunteer Firefighters Board

- Mayor Gawlik
- 

11. Selah Chamber of Commerce

-

12. Selah School District

- 
- 

13. Gang Commission

- 

14. Naches-Selah Irrigation District Voting Member

- Mayor Gawlik

15. Facilities Committee

- John Tierney
- Roy Sample
- Dave Smeback

Other entities:

1. Selah Parks Foundation

2. Selah Downtown Association

3. Civil Service Commission

4. Planning Commission

5. Hearing Examiner

6. Yakima Regional Clean Air Agency

- Mayor Gawlik

7.



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**

**1/13/2015      J – 3**

**Title:** Proposed Selah Municipal Code Amendments: Chapter 10.28, Table A-5, Chapter 10.28.040 Regulatory Notes, and Chapter 10.12.040

**Thru:** Joe Henne, Interim City Administrator

**From:** Dennis Davison, Community Planner

**Action Requested:** Approval

**Board/Commission Recommendation:** Approval

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

Adoption: Complete connectivity between Chapter 10.12.040 and Chapter 10.28, Table 5-A and Chapter 10.28.040 Regulatory Notes referencing the provisions of Chapter 10.12.040

**Background / Findings & Facts:**

The initial adoption of Title 10, Chapter 10.28, in 2004, did not provide any reference in Title 10, Chapter 10.28, Table 5-A or in Chapter 10.28.040 Regulatory Notes to the provisions of Chapter 10.12.040, which would permit duplexes on specifically designated lots zoned One Family Residential (R-1) within new subdivisions.



**CITY OF SELAH**  
**CITY COUNCIL**  
**AGENDA ITEM SUMMARY**



Mr. Torkelson submitted a proposed plat entitled 'Eagle Ridge Phases 2, 3 and 4', desiring to utilize the provision of Chapter 10.12.040 to create 3 lots specifically designated for duplex structures.

At the hearing the Examiner found there was no connectivity between Chapter 10.12.040 and Chapter 10.28, Table 5-A or Chapter 10.28.040 Regulatory Notes referencing the provisions of Chapter 10.12.040. Thus he denied the inclusion of specifically designated duplex lots within the proposed subdivision.

The original purpose of Chapter 10.12.040 was to create a diversity of housing structures and promote affordable housing within the One Family Residential (R-1) zone.

The Commission finds that with continued population growth there is a need to provide for greater zoning flexibility when developing property. Said text amendments are in furtherance of the public health, safety and general welfare of the people within the City of Selah.

**Recommended Motion:**

I move we adopt the proposed amendments to the Selah Municipal Code (SMC Chapter 10.12.040, Chapter 10.28.040 (I) Regulatory Notes and Chapter 10.28, Table 5-A) and adopt the Commission's Findings as our own



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)**

Date:	Action Taken:
9/30/2014	Planning Commission Conducted Public Hearing on Proposed Text Amendments and Adopted Recommendation of Approval
10/14/2014	City Council considers proposed Text Amendments as a Council agenda item and REJECTS Planning Commission Recommendation of Approval.
11/4/2014	Planning Commission Conducts Public Hearing on Proposed Text Amendments to Title 10, Chapter 10.28, Table 5-A, Chapter 10.28.040 Regulatory Notes, and Chapter 10.12.040 One Family Residential Zoning District (R-1) and Adopts Recommendation of Approval

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**CITY OF SELAH PLANNING COMMISSION  
STAFF REPORT**

(prepared October 31, 2014)  
(public hearing November 4, 2014)

**FILE NO.:** Zoning Ordinance Text Amendment 2014-01

**PROPOSAL:** Amend Selah Municipal Code, Title 10, Chapter 10.28, Table 5-A and Chapter 10.28.040 Regulatory Notes

**PROPONENT:** City of Selah Planning Department

**HISTORY:** Selah Municipal Code, Title 10 28, initially created in 2004.

**SURROUNDING LAND USE:** Not applicable as the proposed zoning ordinance text amendments would apply throughout the municipality.

**VICINITY ZONING:** Not applicable as the proposed zoning ordinance text amendments would apply throughout the municipality.

**2005 CITY OF SELAH URBAN GROWTH AREA COMPREHENSIVE LAND USE PLAN:**

Applicable Goals and Policies:

**Policy LUGM 3.2:** Direct development to areas where infrastructure (water, sewer and street) is either present, can be easily extended, or is planned to be extended.

**APPLICABILITY:** The proposed zoning ordinance text amendments would further the Housing Goals within the municipality and provide for a mixture of housing types as contemplated in SMC. Title 10.12.040.

**STAFF RECOMMENDATION:** Approval of the proposed zoning ordinance text amendments to Selah Municipal Code Title 10, Chapter 10.28, Table 5-A and Chapter 10.28.040 Regulatory Notes to implement SMC, Title 10.12.040. This recommendation is supported by a recommendation from the Hearing Examiner.

## Davison, Dennis

---

**From:** Patrick Spurgin <pds@spurginlawoffice.com>  
**Sent:** Tuesday, September 16, 2014 4:17 PM  
**To:** Davison, Dennis; Kelly, David; 'Bob Noe (E-mail)'  
**Subject:** RE: Permitted Duplexes in the R-1 zoning district

Dennis, It seems like if you use a new review classification (1A), you'll need to define it, and you'd be adding a kind of new convention to the table. In other cases, the code uses regulatory notes to indicate additional regulatory requirements for a particular land use as set out in SMC 10.28.040 by a parenthetical reference next to the listed use. It makes sense to me that you could use the same convention for duplexes in the R-1 by showing them in the Table as a Class 1 use, but adding a regulatory note 10.28.040(j) that says something like "Duplexes are only permitted in the R-1 zoning district on lots that have been designated as two family residential lots per SMC 10.12.040." The regulatory note citation would be put in parenthesis next to the duplex entry on the table to give notice to the reader of a need to inquire further. This notice connection is already called out in 10.28.020(a). That's my two cents' worth.

Pat

---

**From:** Davison, Dennis [<mailto:ddavison@ci.selah.wa.us>]  
**Sent:** Wednesday, September 10, 2014 3:36 PM  
**To:** Kelly, David; Bob Noe (E-mail); Patrick Spurgin  
**Subject:** Permitted Duplexes in the R-1 zoning district

Please review and suggest any changes you wish to incorporate

Existing code (no color highlights)

Proposed text (changes highlighted in red)

Existing R-1 Zone (existing authorization highlighted in blue)

Let me know your thoughts (by Wednesday next week) prior to presentation to Planning Commission

2

**CITY OF SELAH PLANNING COMMISSION  
FINDINGS AND DECISION**

THIS MATTER having come on for public hearing before the City of Selah Planning Commission on November 4, 2014, following a remand from the Selah City Council for further consideration. The Commission is reconsidering zoning ordinance text amendments #2014-01 to Selah Municipal Code Title 10, (Zoning Ordinance), Chapter 10.28, Table A-5 and Chapter 10.28.040 Regulatory Note (l).

The members of the Commission present were MILLER, PENDLETON, QUINNELL, TORKELSON and SMITH.

Legal notification pursuant to Selah Municipal Code was given on the 26th day of October 2014. All persons present were given the opportunity to speak for or against the proposed text amendments.

**ZONING ORDINANCE TEXT AMENDMENT FINDINGS**

Comprehensive Plan Goals and Policies

1. The proposed zoning ordinance text amendments will or will not, as indicated below, further the following goals and their underlying policies of the 2005 City of Selah Urban Growth Area Comprehensive Plan.

GOAL	WILL FURTHER	WILL NOT FURTHER	N/A
a. Promote orderly growth	XX		
b. Avoid incompatible land uses	XX		
c. Encourage the provision of housing to meet the needs of all segments of the community	XX		
d. Preserve natural resources			XX
e. Protect against flooding and drainage problems			XX

| ZONING ORDINANCE TEXT AMENDMENT 2014-01  
TITLE 10, CHAPTER 10.12.040; CHAPTER 10.28, PERMITTED, ADMINISTRATIVE AND  
| CONDITIONAL USES, TABLE A-5, AND CHAPTER 10.28.040 REGULATORY NOTES.  
PLANNING COMMISSION FINDINGS OF FACT NOVEMBER 4, 2014

- |    |   |    |
|----|---|----|
| f. | Maintain and improve air and water quality                                  | XX |
| g. | Maintain an efficient transportation system                                 | XX |
| h. | Provide efficient and effective public services at the lowest possible cost | XX |

**CHANGED CIRCUMSTANCES**

2. The Planning Commission finds **THE FOLLOWING CHANGES** in circumstances which justifies the proposed zoning ordinance text amendment:

The initial adoption of Selah Municipal Code Title 10, Chapter 10.28 did not provide any reference in Title 10, Chapter 10.28, Table 5-A or Chapter 10.28.040 Regulatory Notes to the provision of Chapter 10.12.040, which would permit duplexes on specifically designated lots within new subdivisions zoned One Family Residential (R-1) The original purpose of Chapter 10.12.040 was to create a diversity of housing structures and promote affordable housing within the One Family Residential (R-1) zone. The Commission finds that with continued population growth there is a need to provide for greater zoning flexibility when developing property. Said text amendments are in furtherance of the public health, safety and general welfare of the people within the City of Selah.

**NEED FOR THE PROPOSED TEXT AMENDMENT**

3. The Planning Commission **FINDS** that within the City of Selah and within Selah Municipal Code Title 10 there is a demonstrated and/or recognized need to expand the opportunity and flexibility of Chapter 10.28, Table 5-A and Chapter 10.28.040 Regulatory Notes.

| ZONING ORDINANCE TEXT AMENDMENT 2014-01  
 | TITLE 10, CHAPTER 10.12.040; CHAPTER 10.28, PERMITTED, ADMINISTRATIVE AND  
 | CONDITIONAL USES, TABLE A-5, AND CHAPTER 10.28.040 REGULATORY NOTES.  
 | PLANNING COMMISSION FINDINGS OF FACT NOVEMBER 4, 2014

## PUBLIC OPINION

4, The public testimony that was offered was IN OPPOSITION OF the proposed text amendments.

## ENVIRONMENTAL REVIEW

5. The Planning Commission finds that environmental review has been completed on the proposal and further finds that such environmental review was ADEQUATE.

## CONTROLLING FACTORS

The Planning Commission determines that ALL OF THE ABOVE findings to be controlling factors in its deliberations on the proposed zoning ordinance text amendments.

## DECISION

The Planning Commission, based upon the aforementioned findings and controlling factors, finds that the proposed zoning ordinance text amendments IS in furtherance of the public health, safety and general welfare of the people; therefore, the proposed zoning ordinance text amendments should be APPROVED and additional amendatory language is to be added to Chapter 10.12.040:

Careful consideration of adjacent properties by the Hearing Examiner shall be made ensuring harmonious compatibility.

Motion to **APPROVE** by: SMITH

Seconded by: TORKELSON

Vote: 5 to 0

| ZONING ORDINANCE TEXT AMENDMENT 2014-01  
| TITLE 10, CHAPTER 10.12.040; CHAPTER 10.28, PERMITTED, ADMINISTRATIVE AND  
| CONDITIONAL USES, TABLE A-5, AND CHAPTER 10.28.040 REGULATORY NOTES.  
| PLANNING COMMISSION FINDINGS OF FACT NOVEMBER 4, 2014

# CHAPTER 10.28

## PERMITTED, ADMINISTRATIVE AND CONDITIONAL USES

### Sections:

- 10.28.010 Designations.
- 10.28.020 Land use table.
- 10.28.030 Similar uses.
- 10.28.040 Regulatory notes.

### **10.28.010 Designations.**

(1) Class 1 uses listed in Title 10.28, Table A are permitted subject to review by the administrative official for compliance with Chapter 10.08 and the applicable standards of this title.

(2) The Class 2 and Class 3 uses listed in Chapter 10.28, Table A, and all matters directly related thereto possess characteristics that warrant review consistent with S.M.C. Title 21, and Chapter 10.08, to ensure:

(a) Consistency with the city's comprehensive plan goals, objectives, policies and development criteria;

(b) The intent, character and development standards appropriate to the zoning district within which it is to be located;

(c) Compatibility with other uses; and,

(d) Other relevant requirements of state or city law.

(3) If a proposed use is to be situated on property within the jurisdictional boundaries of the City's Shorelines Management Master Program, it shall be subject to the permits and procedural requirements thereof in addition to all applicable standards of this title. If a conflict exists between the standards of the City's Shoreline Management Master Program and this title, the more restrictive provisions shall apply.

**10.28.020 Land use table.** Chapter 10.28, Table A, lists those uses which may be permitted through Class 1, 2 or 3 review in the various zoning districts defined in this title. Uses not listed in Chapter 10.28, Table A, are not permitted uses. Proposed uses not listed in Chapter 10.28, Table A, may be considered as a similar use in accordance with Section 10.28.030 Similar Uses. In addition to Chapter 10.28, Table A, reference to the individual zoning districts and, where indicated, the regulatory notes contained in Section 10.28.040 and definitions in Title 10, Appendix A, is necessary in order to determine if any specific requirements apply to the listed use.

**10.28.030 Similar Uses.**

- (1) When a proposed use is found that is not classified within any of the categories of Chapter 10.28, Table A, the administrative official may determine whether or not the unclassified use is similar to a use currently listed as a Class 1, 2 or 3 use for the zoning district.
- (2) Similar use requests shall be initiated by written application and accompanying fee, or directly by the administrative official. Each request shall set forth the specific basis for the request and its compliance with subsection (4) below. The administrative official may submit the similar use request to the planning commission, hearing examiner or any interested, affected or concerned agency(s) or person(s) for review and comment before making a determination. In addition, the administrative official may schedule the planning commission or hearing examiner to conduct a public hearing to consider the similar use request.
- (3) The administrative official shall not approve a similar use determination request unless evidence is presented to demonstrate that the proposed use will comply with the purpose, intent, goals, objectives and policies of the comprehensive plan and the zoning district in which it is proposed to be located. The administrative official shall prepare written findings stating the rational upon which the determination was based.
- (4) If the administrative official finds that the proposed use is similar, he shall also establish whether the proposed use shall be processed as a Class 2 or a Class 3 use according to Chapter 10.28, Table A. If a proposed use is not determined to be a similar use it shall not be considered an allowable use. Similar use determinations may be appealed to the legislative authority as provided in Chapter 10.48 and S.M.C. Title 21.

**10.28.040 Regulatory notes.** The following regulatory notes correspond to the uses listed in Chapter 10.28, Table A:

(a) through (k) inclusive were not printed due to non-relevance.

(l) Duplexes are only permitted in the One Family Zoning District (R-1) on lots that have been designated as Two Family Residential lots per S.M.C. Chapter 10.12.040.

Proposed text amendment in RED

**CHAPTER 10.28**  
**PERMITTED, ADMINISTRATIVE AND CONDITIONAL USES**  
**TABLE A-5**  
 See Chapter 10.06.020 for an explanation of Use Categories

CITY OF SELAH ZONING ORDINANCE, TITLE 10, CHAPTER 28, TABLE A-5							
PERMITTED USES BY ZONING DISTRICT	LDSF	R-1	R-2	R-3	B-1	B-2	M-1
<b>MINING / REFINING / OFF-SITE HAZARDOUS WASTE TREATMENT</b>							
Asphalt, roofing material manufacture, rock crushing							3
Mining*, including sand and gravel pits							3
Off site hazardous waste treatment and storage facilities*						3	3
<b>RESIDENTIAL</b>							
Accessory structure, use or building*	1	1	1	1	1	1	1
Detached single family dwelling*	1	1	1				
Manufactured home*/Mobile home* (See 10.08.140)	1						
Two family dwelling (duplex) * (See 10.28.040[i])		<b>1(i)</b>	1	1			
Multiple family dwelling*: 0-5 DUA < 6-12 DUA > 12 DUA			2 2	1 1 1			
Manufactured home parks* (See 10.28.040[e])				3			
Retirement apartments			2	1			
Home occupations* (See 10.28.040[o])							
Minor Home Occupations* (See 10.28.040[o])	1	1	1	1	1	1	
Major Home Occupations* (See 10.28.040[o])	2	2	2	2	2	1	

Proposed text amendment in RED

8

# CHAPTER 10.12

## ONE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT

### Sections:

10.12.010 Purpose.

10.12.020 Class 1 Permitted, Class 2 Administrative and Class 3 Conditional Uses.

10.12.030 Lot size.

10.12.040 Designated two family residential lots.

**10.12.010 Purpose.** The One-Family Residential (R-1) Zoning District is established to provide for single family residential development where urban governmental services are currently available or will be extended by the proponent to facilitate development at no public cost.

Specifically, the intent of this district is to:

- (1) Provide for an orderly, phased transition from vacant or partially developed land to single family residential development;
- (2) Facilitate coordinated and collaborative public infrastructure investment;
- (3) Require individual lot connections to municipal water and sewer systems;
- (4) Require developments to meet the City' s minimum urban development standards;
- (5) Particular emphasis shall be given to ensuring that R -1 uses and land divisions will facilitate future urban development and extension of utilities.

**10.12.020 Class 1 Permitted, Class 2 Administrative and Class 3 Conditional Uses.**  
Class 1 Permitted, Class 2 Administrative and Class 3 Conditional Uses as listed in Chapter 10.28, Table A.

**10.12.030 Lot size.**

(1) The minimum lot size requirements for any newly created lot (including lot line adjustments) in this district are progressive based on slope and utility provisions:

<u>Slope</u>	<u>Water and Sewage System</u>	<u>Minimum lot size</u>
< 10%	Municipal water and sewage system	8,000 sq.ft.
> 10% < 15%	Municipal water and sewage system	10,000 sq.ft.
> 15% < 20%	Municipal water and sewage system	1/2 acre
> 20% < 25%	Municipal water and sewage system	1 acre
> 25%		5 acres

(2) Subdivision designs shall ensure that adequate setbacks, buffering of adjoining uses and sensitivity to physical features are achieved. Lot sizes shall be increased to accommodate specific uses, lot coverage, setbacks, access, landscaping and other requirements as provided in this title.

**10.12.040 Designated two family residential lots.** Within a proposed land division of ten (10) or more lots ten (10) percent of the lots may be designated for a future two family dwelling. The proposed lot(s) shall be considered by the reviewing body and, once the lot location(s) are approved, the lot(s) shall be clearly identified on the recorded subdivision providing public disclosure of said approval.

Careful consideration of adjacent properties by the Hearing Examiner shall be made ensuring harmonious compatibility.

The minimum lot size requirement of any lot(s) designated for a future two family dwelling shall be a minimum of 9,000 sq. ft. or such minimum lot size based on slope specified in Section 10.12.030.

Existing text in the One-Family Residential (R-1) zone

Proposed amendment of existing text in the One-Family Residential (R-1) zone



City of Selah  
Planning Commission Minutes  
of  
November 4, 2014

Selah Council Chambers  
115 W. Naches Ave.  
Selah, Washington 98942

A. Call to Order

The meeting was called to order by Chairman Quinnell at 5:29 p.m.

B. Roll Call:

Members Present: Commissioners: Miller, Torkelson, Smith, Quinnell, and Pendleton.

Members Absent:

Staff Present: Dennis Davison, Community Planner; Caprise Groo, Secretary

Guests:

Mr. Davison addressed the audience about the issues before the Planning Commission. The first item: Correct 2 lines of text on page 8 of the June 2014 minutes. The second item: Selah Municipal Code, Title 10 Chapter 10.28 text amendment. He explained that no other issues were scheduled to be discussed by the Planning Commission but took questions and held a short discussion concerning zoning, SEPA, and availability of public information.

Chairman Quinnell addressed the agenda:

C. Agenda Change None

D. Communications

1. Oral –

Chairman Quinnell: "This is a public meeting. If you wish to address the Commission concerning any matter that is not on the agenda, you may do so now. Please come forward to the podium, stating your name and address for the record. The Chairman reserves the right to place a time limit on each person asking to be heard."

Mr. Worby, 200 Weems Way, addressed concerns about municipal code complexities, language and zoning.

Mr. Davison explained the state Growth Management Act and how the Council revisited the Comprehensive Plan in 2005. At that time the zoning code was changed to permit duplexes in the R-1 zone, however, it did not carry over to the table. Mr. Davison stated that the Hearing Examiner had suggested that the table and the text should match.

Mr. Davison and Mr. Worby continued to discuss the Growth Management Act, duplexes and zoning.

Mr. Worby suggested an impact fee on all new construction would help support the local schools.

Mr. Davison explained that an impact fee was once suggested but that it had not been implemented for certain reasons.

Mr. Worby, Mr. Davison and the Commissioners discussed the practicality of an impact fee and how it could be used.

Chairman Quinnell asked if anyone else would like to speak.

Dr. Richard Weller, 50 Herlou Place, addressed concerns about the SEPA process and what warrants additional studies.

Mr. Davison discussed the SEPA process and what affected agencies the report is sent to. He stated that any comments that come in were addressed by the City Administrator. After a comment period, the administrator can revise the determination if need be. Mr. Davison stated that SEPA is an administrative function.

Chairman Quinnell asked if anyone else would like to speak.

Mr. Stan Taylor, 50 Weems Way, expressed concerns about a 20 foot wide road in the Planned Development presented by Mr. Sample that would not be maintained by the city.

Chairman Quinnell responded that with all due respect that was not on the Agenda.

Commissioner Torkelson responded that Mr. Davison had covered that issue.

Chairman Quinnell closed the session of oral communication.

2 Written – None

E. Approval of Minutes

1. October 27, 2014 minutes:

Chairman Quinnell requested an approval, disapproval or corrections of the October 27, 2014 minutes.

Commissioner Torkelson motioned to approve the minutes.

Commissioner Smith seconded the motion.

Chairman Quinnell called for a voice vote and the minutes were passed with a vote of 5-0.

F. Public Hearing

1. Old Business - None
2. New Business - None

G: General Business

1. Old Business – None
2. New Business-

1. Correct 2 lines of text on page 8 of the June 2014 Minutes.

Chairman Quinnell requested a motion to approve or disapprove the correction.

Commissioner Torkelson motioned to approve the correction to the June 2014 Minutes.

Commissioner Smith seconded the motion.

Chairman Quinnell called for a voice vote and the correction was passed with a vote of 5-0.

2. Selah Municipal Code, Title 10 Chapter 10.28

Mr. Davison presented the staff report and the attachments:

**CITY OF SELAH PLANNING COMMISSION  
STAFF REPORT**

(Prepared October 31, 2014)  
(Public hearing November 4, 2014)

FILE NO.: Zoning Ordinance Text Amendment 2014-01

PROPOSAL: Amend Selah Municipal Code, Title 10, Chapter 10.28, Table 5-A and Chapter 10.28.040 Regulatory Notes

PROPONENT: City of Selah Planning Department

PLANNING COMMISSION  
MINUTES 11/04/14



HISTORY: Selah Municipal Code, Title 10 28, initially created in 2004.

SURROUNDING LAND USE: Not applicable as the proposed zoning ordinance text amendments would apply throughout the municipality.

VICINITY ZONING: Not applicable as the proposed zoning ordinance text amendments would apply throughout the municipality.

2005 CITY OF SELAH URBAN GROWTH AREA COMPREHENSIVE LAND USE PLAN:

Applicable Goals and Policies:

**Policy LUGM 3.2:** Direct development to areas where infrastructure (water, sewer and street) is either present, can be easily extended, or is planned to be extended.

**APPLICABILITY:** The proposed zoning ordinance text amendments would further the Housing Goals within the municipality and provide for a mixture of housing types as contemplated in SMC. Title 10.12.040.

**STAFF RECOMMENDATION:** Approval of the proposed zoning ordinance text amendments to Selah Municipal Code Title 10, Chapter 10.28, Table 5-A and Chapter 10.28.040 Regulatory Notes to implement SMC, Title 10.12.040. This recommendation is supported by a recommendation by the Hearing Examiner.

**CHAPTER 10.28**

**PERMITTED, ADMINISTRATIVE AND CONDITIONAL USES**

**TABLE A-5**

See Chapter 10.06.020 for an explanation of Use Categories

CITY OF SELAH ZONING ORDINANCE, TITLE 10, CHAPTER 28, TABLE A-5							
PERMITTED USES BY ZONING DISTRICT	LDSF	R-1	R-2	R-3	B-1	B-2	M-1
<b>MINING / REFINING / OFF-SITE HAZARDOUS WASTE TREATMENT</b>							
Asphalt, roofing material manufacture, rock crushing							3
Mining*, including sand and gravel pits							3
Off site hazardous waste treatment and storage facilities*						3	3
<b>RESIDENTIAL</b>							
Accessory structure, use or building*	1	1	1	1	1	1	1
Detached single family dwelling*	1	1	1				
Manufactured home*/Mobile home* (See 10.08.140)	1						
Two family dwelling (duplex) * (See 10.28.040[1])		1(1)	1	1			
Multiple family dwelling*: 0-5 DUA			2	1			
< 6-12 DUA			2	1			
> 12 DUA				1			

Manufactured home parks* (See 10.28.040[e])				3			
Retirement apartments			2	1			
Home occupations* (See 10.28.040[o])							
Minor Home Occupations* (See 10.28.040[o])	1	1	1	1	1	1	
Major Home Occupations* (See 10.28.040[o])	2	2	2	2	2	1	

## CHAPTER 10.12

### ONE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT

Sections:

10.12.010 Purpose.

10.12.020 Class 1 Permitted, Class 2 Administrative and Class 3 Conditional Uses.

10.12.030 Lot size.

**10.12.040 Designated two family residential lots.**

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Class 1 Permitted, Class 2 Administrative and Class 3 Conditional Uses as listed in Chapter 10.28, Table A.

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(1) The minimum lot size requirements for any newly created lot (including lot line adjustments) in this district are progressive based on slope and utility provisions:

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> 20% < 25%	Municipal water and sewage system	1 acre
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(2) Subdivision designs shall ensure that adequate setbacks, buffering of adjoining uses and sensitivity to physical features are achieved. Lot sizes shall be increased to accommodate specific uses, lot coverage, setbacks, access, landscaping and other requirements as provided in this title.

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Careful consideration of adjacent properties by the Hearing Examiner shall be made ensuring harmonious compatibility.

The minimum lot size requirement of any lot(s) designated for a future two family dwelling shall be a minimum of 9,000 sq. ft. or such minimum lot size based on slope specified in Section 10.12.030.

Existing text in the One-Family Residential (R-1) zone
--

Proposed amendment of existing text in the One-Family Residential (R-1) zone
--

Chairman Quinnell asked if the Council was catching the table up with the verbiage that was drafted in 2004.

Mr. Davison stated that this created continuity between the table, the text and the regulatory notes.

Commissioner Torkelson: "This was reviewed by the hearing examiner?"

Mr. Davison stated that this was reviewed by the Hearing Examiner and an application was rejected because there was no continuity between the text and the table. All this does is correct that and allow the Hearing Examiner to consider it.

Commissioner Miller asked "There is no requirement that a lot designated for a duplex has to be used for duplex but it gives them the option?"

Mr. Davison stated yes it gives them the option but it does not mean the Hearing Examiner will approve it.

Commissioner Torkelson asked "Did Mr. Noe look this over?"

Mr. Davison stated that Mr. Noe had looked it over.

Commissioner Smith asked why they proposed putting an R-2 in an R-1 zone. Why put it out there in the first place?

Mr. Davison stated that the Growth Management Act wanted to see a variety of housing and densities. This was a state goal.

Chairman Quinnell asked if there were any other questions or comments. He opened the discussion to the public and asked if there were any proponents /opponents that would like to speak.

Mr. Worby, 200 Weems Way, stated his objections to R-2 housing in an R-1 zone.

Commissioner Miller and Mr. Worby debated the issue.

Commissioner Smith stated that in the future the public would still have the option to oppose a planned development that used a duplex in an R-1 zone.

All Commissioners and Mr. Worby discussed the process a Planned Development goes thru to get approval.

Mr. Aaron Thomas, 111 Herlou Dr., expressed his concern that developers were deciding what was good for the community and not the City Council and that it diminished the community strength.

Commissioner Torkelson: The developer still has to go through the City Council to get approval and the Council can still turn them down.

Commissioner Miller explained that there are many different types of living arrangement that this type of housing would work for (Accessibility).

Mr. Thomas: Still opposed to it.

Commissioner Smith explained that there are 2 different entities that look at planned developments and that the public would still have an opportunity to voice their opinion.

Mr. Mark Weller, 110 Lyle Loop, expressed concern that people are not being heard.

Commissioner Torkelson explained that people were being encouraged to attend the open public meetings.

Mr. Thompson was concerned that the best interests of the public, those currently living here, were not being heard.

Mr. John Richards, 65 Lyle Ave., was concerned because the 10.28 tables didn't list Planned Development.

Commissioner Torkelson stated that this ordinance and Planned Development were two different sections of the code. What is being dealt with is a chart did not fit the ordinance; we were trying to make coincide.

Mr. Richards expressed concern about Planned Development Zoning and that current zoning may not be the same.

Commissioner Miller stated that the Planning Commission considers the impact of a development.

Commissioner Torkelson stated that the density will be the same or less with a Planned Development.

Mr. Worby asked if a duplex could be put in an R-1 if it is a Planned Development.

Commissioner Torkelson stated a Planned Development and an R-1 are never the same.

Mr. Davison explained the comprehensive plan, zoning and density.

Discussion ensued between Commissioner Torkelson, Commissioner Miller and Mr. Worby about planned developments and density.

Mr. Davison stated that a site plan is fixed. If it is to be changed at any time it has to be reviewed.

Commissioner Miller and Commissioner Torkelson tried to clarify density for Mr. Worby.

Katie Fountaine, 510 Southern Ave., stated she opposed any code adjustment that would increase the density of housing. She was concerned that home ownership may not be a priority.

Chairman Quinnell: Asked if anyone else would like to speak.

Tisha Busey, 1312 City Reservoir Rd., questioned what the level of review was for allowing duplexes in R-1 zones.

Mr. Davison stated that it was a Level 1 review and is also reviewed by Code Enforcement.

Mrs. Busey asked if there were different things that had different levels of review.

Commissioner Miller stated that in a new development it gives the developer an option to designate one in ten for duplex use.

Mrs. Busey asked if this would be automatic and not go before review.

Commissioner Torkelson stated that because there were ten lots in play it was a long plat that it would go before the Hearing Examiner and a public hearing before it went to council.

Commissioner Miller stated that this was just the opening first step and that there were other possibilities.

Mr. Davison explained the process that the developer goes through to get approval.

Mrs. Busey stated that she had forgotten that this was for 10 lots or more. She did understand that it could be useful as a buffer to hubs of greater activity.

Mr. Davison stated that this was useful in heavy traffic areas. Mr. Davison stated that a short plat goes to the hearing examiner, public hearing and then to council for approval.

Mrs. Busey was concerned that there was a breakdown of communication between the public and the city.

Mr. Bill Eller, 11 Terry Place, stated he is opposed to R-2 in an R-1 zone. He stated he would like this removed from the code.

Chairman Quinnell Closed the public comment session and proceeded with Selah Municipal Code, Title 10, Chapter 10.28.

Commissioner Smith asked if the Commissioners could remove this section of the code.

Commissioner Quinnell asked if the Commissioners could remove 10.040 at this time.

Mr. Davison stated that it could not be done at this time. Another public hearing would be needed to re 10.040 from the code.

Commissioner Torkelson stated that this zoning amendment would be the perfect blend if it was done in the right circumstances.

Commissioner Miller stated that the Planned development with duplexes had to be designated upfront.

Commissioner Torkelson stated that if 10.040 was used it would still be discussed.

Commissioner Smith asked if additional language could be added to 10.12.040 to make sure due diligence was followed.

Mr. Davison explained that duplexes in an R-1 zone have to be designated and still it could be denied.

Chairman Quinnell stated the safety process was there.

Mr. Davison agreed that the safety process was there and if the City Council or the Hearing Examiner thought something was wrong they could remand it back.

Commissioner Miller stated the he sees the safety net and that duplexes are not a bad thing.

Chairman Quinnell asked if there were any comments from the public.

Mr. Davison asked Commissioner Smith what kind of language she would like added.

Commissioner Smith stated something to the effect that consideration to the surrounding area... (Written word given to Mr. Davison).

Commissioner Torkelson stated he thought it would take care of its self.

Chairman Quinnell stated that he did not know if additional language was necessary but it couldn't hurt.

Commissioner Smith stated that it would give her piece of mind.

Commissioner Quinnell read the finding and decision:

## **CITY OF SELAH PLANNING COMMISSION FINDINGS AND DECISION**

THIS MATTER having come on for public hearing before the City of Selah Planning Commission on November 4, 2014, following a remand from the Selah City Council for further consideration. The Commission is reconsidering zoning ordinance text amendments #2014-01 to Selah Municipal Code Title 10, (Zoning Ordinance), Chapter 10.28, Table A-5 and Chapter 10.28.040 Regulatory Note (1).

The members of the Commission present were MILLER, PENDLETON, QUINNELL, TORKELESON and SMITH.

Legal notification pursuant to Selah Municipal Code was given on the 26th day of October 2014. All persons present were given the opportunity to speak for or against the proposed text amendments.

## ZONING ORDINANCE TEXT AMENDMENT FINDINGS

### Comprehensive Plan Goals and Policies

1. The proposed zoning ordinance text amendments will or will not, as indicated below, further the following goals and their underlying policies of the 2005 City of Selah Urban Growth Area Comprehensive Plan.

GOAL	WILL FURTHER	WILL NOT FURTHER	N/A
a. Promote orderly growth	XX		
b. Avoid incompatible land uses	XX		
c. Encourage the provision of housing to meet the needs of all segments of the community	XX		
d. Preserve natural resources			XX
e. Protect against flooding and drainage problems			XX
f. Maintain and improve air and water quality			XX
g. Maintain an efficient transportation system			XX
h. Provide efficient and effective public services at the lowest possible cost	XX		

## CHANGED CIRCUMSTANCES

2. The Planning Commission finds **THE FOLLOWING CHANGES** in circumstances which justifies the proposed zoning ordinance text amendment:

The initial adoption of Selah Municipal Code Title 10, Chapter 10.28 did not provide any reference in Title 10, Chapter 10.28, Table 5-A or Chapter 10.28.040 Regulatory Notes to the provision of Chapter 10.12.040, which would permit duplexes on specifically designated lots within new subdivisions zoned One Family Residential (R-1) The original purpose of Chapter 10.12.040 was to create a diversity of housing structures and promote affordable housing within the One Family Residential (R-1) zone. The Commission finds that with continued population growth there is a need to provide for greater zoning flexibility when developing property. Said text amendments are in furtherance of the public health, safety and general welfare of the people within the City of Selah.

## NEED FOR THE PROPOSED TEXT AMENDMENT

3. The Planning Commission **FINDS** that within the City of Selah and within Selah Municipal Code Title 10 there is a demonstrated and/or recognized need to expand the opportunity and flexibility of Chapter 10.28, Table 5-A and Chapter 10.28.040 Regulatory Notes.

## PUBLIC OPINION

4. The public testimony that was offered was **IN OPPOSITION OF** the proposed text amendments.

## ENVIRONMENTAL REVIEW

5. The Planning Commission finds that environmental review has been completed on the proposal and further finds that such environmental review was **ADEQUATE**.

## CONTROLLING FACTORS

The Planning Commission determines that **ALL OF THE ABOVE** findings to be controlling factors in its deliberations on the proposed zoning ordinance text amendments.

## DECISION

The Planning Commission, based upon the aforementioned findings and controlling factors, finds that the proposed zoning ordinance text amendments **IS** in furtherance of the public health, safety and general welfare of the people; therefore, the proposed zoning ordinance text amendments should be **APPROVED** and additional amendatory language is to be added to Chapter 10.12.040:

Careful consideration of adjacent properties by the Hearing Examiner shall be made ensuring harmonious compatibility.

Motion to APPROVE by: **SMITH**

Seconded by: **TORKELSON**

Vote: **5** to **0**

H. **Reports/Announcements**

1. Chairman –
2. Commissioners –.
3. Staff –

I. **Adjournment**

Chairman Quinnell asked for a motion to adjourn. Commissioner Miller moved to adjourn and Commissioner Torkelson seconded the motion. The meeting was adjourned at 7:29 pm with a voice vote of 5-0.

---

Chairman



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**Carl Torkelson**  
Cell: (509) 945-0133  
**Candi Torkelson**  
Cell: (509) 961-7656

## *Why Pay \$1000's More? Buy Builder Direct!*

January 7, 2015

City of Selah  
City Council Members  
113 West Naches Avenue  
Selah, WA 98942

RE: Eagle Ridge Development

To Whom It May Concern:

I am writing this letter in regards to a Hearing Examiner's request for an adjustment of a chart within Selah's Municipal Code that did not coincide with SMC 10.12.040 (please see attached ordinance). The Hearing Examiner that the City hired as legal counsel for land development discovered the issue of the ordinance not coinciding with a chart in Selah's Code (please see attached chart). I have provided you a copy of the Hearing Examiners recommendation which was issued on March 14, 2014, which is approximately 10 months ago. SMC 10.12.040 did not come before you to be changed or deleted and this will be the 2nd time the Planning Commission has sent this to you, stating that they agree that the chart needs corrected to match the Code.

It is unfortunate that I have had to wait 10 months for the City of Selah to adjust 1 chart to coincide with an ordinance that has been in place for 10 years. I am the first to utilize SMC 10.12.040 and I feel I have been more then patient for the City of Selah to fix an error in their code table. My project has been shut down for almost a year while nothing has been done to correct this chart. It's not a mystery that in doing Business, time is money!

I do not believe that it is wise for the City of Selah to not have a full-time Planner on staff. I have other projects submitted with the same timing problem. By speaking with others, I am not alone in this issue/problem. I do realize that Selah is growing, but if we have problems now, what is it going to be like with just a part-time Planner?

I am hoping you can agree as a citizen of Selah, I should be able to use the ordinances that we have in place. I also hope that deleting an ordinance that a citizen has proposed in mid-process of a land development proposal, would not be the correct or legal way of handling this issue.

Your consideration for following the Hearing Examiner's and Planning Commission's recommendation would be appreciated.

Sincerely,

Carl L. Torkelson

## *Why Pay \$1000's More? Buy Builder Direct!*

Builder reserves the right to change floor plan or elevations

**10.12.040 - Designated two-family residential lots.**

Within a proposed land division of ten or more lots ten percent of the lots may be designated for a future two-family dwelling. The proposed lot(s) shall be considered by the reviewing body and, once the lot location(s) are approved, the lot(s) shall be clearly identified on the recorded subdivision providing public disclosure of such approval.



**STAFF RECOMMENDATION:** Approval of the proposed zoning ordinance text amendments to Selah Municipal Code Title 10, Chapter 10.28, Table 5-A and Chapter 10.28.040 Regulatory Notes to implement SMC, Title 10.12.040. This recommendation is supported by a recommendation by the Hearing Examiner.

**CHAPTER 10.28**

**PERMITTED, ADMINISTRATIVE AND CONDITIONAL USES**

**TABLE A-5**

See Chapter 10.06.020 for an explanation of Use Categories

CITY OF SELAH ZONING ORDINANCE, TITLE 10, CHAPTER 28, TABLE A-5							
PERMITTED USES BY ZONING DISTRICT	LDSF	R-1	R-2	R-3	B-1	B-2	M-1
<b>MINING / REFINING / OFF-SITE HAZARDOUS WASTE TREATMENT</b>							
Asphalt, roofing material manufacture, rock crushing							3
Mining*, including sand and gravel pits							3
Off site hazardous waste treatment and storage facilities*						3	3
<b>RESIDENTIAL</b>							
Accessory structure, use or building*	1	1	1	1	1	1	1
Detached single family dwelling*	1	1	1				
Manufactured home*/Mobile home* (See 10.08.140)	1						
* Two family dwelling (duplex) * (See 10.28.040[l])		1(l)	1	1			
Multiple family dwelling*: 0-5 DUA < 6-12 DUA > 12 DUA			2 2	1 1 1			
Manufactured home parks* (See 10.28.040[e])				3			
Retirement apartments			2	1			
Home occupations* (See 10.28.040[o])							
Minor Home Occupations* (See 10.28.040[o])	1	1	1	1	1	1	
Major Home Occupations* (See 10.28.040[o])	2	2	2	2	2	1	



\* Proposed Correction in Red

**LAW OFFICE OF PATRICK D. SPURGIN**

411 NORTH 2<sup>ND</sup> STREET  
YAKIMA, WASHINGTON 98901  
TELEPHONE: 509.248.4282  
FAX: 509.575.5661

March 14, 2014

Mr. David Kelly, City Administrator  
City of Selah  
115 West Naches Avenue  
Selah, WA 98942

RE: Hearing Examiner Recommendation on Preliminary Plat of Eagle Ridge Phases 2, 3, and  
4 (912.82.13-01)

Dear Mr. Kelly:

Enclosed is the original referenced recommendation to the City Council. An electronic version  
was forwarded to Dennis Davison, Community Planner on March 13, 2013.

Sincerely,



Patrick D. Spurgin, Hearing Examiner

**City of Selah, Washington  
Office of the Hearing Examiner**

<b>In the matter of the Review for the 37 Lot )</b>	<b>Selah File No. 912.82.13-01</b>
<b>“Preliminary Plat of Eagle Ridge, Phases )</b>	
<b>2, 3 and 4” in the vicinity of Southern )</b>	<b>HEARING EXAMINER</b>
<b>Avenue and South 7<sup>th</sup> Street )</b>	<b>RECOMMENDATION</b>
<b>Submitted by Torkelson Construction )</b>	

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**I. INTRODUCTION.**

Torkelson Construction (“Torkelson” or “the Applicant”) seeks to subdivide three parcels of property in proximity to the intersection of Southern Avenue and South 7<sup>th</sup> Street. The property was previously approved for subdivision in 1994, in several phases. Only one phase (Eagle Ridge, Phase 1) was developed under the approval. Other, later development of the property outside of Phase 1 was accomplished through three short subdivisions. An open record hearing on the current preliminary plat proposal was conducted February 26, 2014. The Hearing Examiner viewed the site on the same date. The Community Planner provided a staff report prior to the hearing along with a set of hearing exhibits that included public comment letters, a letter from state of Washington Department of Transportation notifying the City of Selah of the approval of funds for preliminary engineering funds for improvements to streets in southwest Selah, application materials for street improvement construction funds (including Valley View Avenue, South 3<sup>rd</sup> Street and Southern Avenue (east of South 3<sup>rd</sup> Street), and the preliminary plat showing planned phases of subdivision construction. The exhibits were supplemented at and after the hearing with correspondence related to a 1994-era plan for an access road to property to the south of the subject property, and with excerpts from the Transportation Research Board *Highway Capacity Manual Volume 3: Interrupted Flow* (2010) provided by Community Planner Dennis Davison. Three members of the public provided comments at the hearing. Public comments related to adequacy of stormwater management, traffic safety and capacity, pedestrian safety, consistency of the development with the character of the neighborhood (duplexes versus single family structures) and privacy protection, and consistency of information contained in the environmental review documents with reviews conducted for earlier projects in the area.

**II. SUMMARY OF RECOMMENDATION.**

This preliminary plat should be approved, subject to conditions to assure compliance with subdivision design and zoning standards and the protection of the public health, safety and welfare.

Based on the staff report and exhibits, the viewing of the site, comments received at the open record hearing and in writing, and a review of pertinent development regulations and the 2005 Selah Urban Area Comprehensive Plan (“2005 Comprehensive Plan”) provisions, the Hearing

Examiner makes the following

### **III. FINDINGS.**

#### **1. APPLICANT AND PROPERTY OWNER.**

The preliminary plat application was filed by Torkelson Construction, Inc., P.O. Box 292, Selah, WA, 98942. The property owners of record are Carl Torkelson and Candi Torkelson.

#### **2. LOCATION.**

The properties are located at on the South side of Southern Avenue approximately one half mile west of South First Street and extending to the south end of South Seventh Street.

#### **3. PARCEL NUMBER(S).**

The Yakima County Assessors Tax Parcel Numbers for the subject properties are 181302-42471, 42474 and 42475.

#### **4. APPLICATION.**

The application is for preliminary subdivision approval of "Eagle Ridge Phases 2, 3 and 4" a 16.5 acre, 37-lot subdivision. Thirty-four (34) lots are designated for single family residences and the preliminary plat requests that three lots be designated as "two family residential lots". Two of these lots front on Southern Avenue and the third is located at the proposed southern terminus of Lacey Avenue. Lot sizes for the whole project range from 8,024 sq. ft. to 81,936 sq. ft. The proposed residential density is 2.42 dwelling units/acre. Storm water would be retained on site. The preliminary plat (Hearing Exhibit 10) indicates that development would be completed in three phases, and assigns lot numbers based on the phase to which the lots are assigned. At the hearing, the Applicant sought to retain flexibility in reconfiguring the phase boundaries based on future considerations. The plat information does not seek relief from city development standards. The proposed utility lines and streets are configured to generally allow extension to adjacent undeveloped property, other than for a centrally located short cul-de-sac.

#### **5. CURRENT SITE CONDITION AND ZONING**

The site is zoned One-Family Residential (R-1) and is vacant. The property is sloped downward south to north with slopes (based on topographical lines on the plat map and without regard to proposed lot lines) ranging from 30% more or less in the vicinity of the Phase 4 lots to 9% more or less on the northern portions of the property. The site abuts Southern Avenue, which at that point is a paved street 22 feet wide within a 55-foot wide right-of-way (30 feet dedicated on South and 25 feet dedicated on North). Southern Avenue, east of the site, is hard surfaced 24 feet wide within a 55-foot wide right-of-way. Southern Avenue is currently designated as a Collector street. South Seventh Street is hard surfaced 32 feet wide between curbs. No sidewalks have been installed on the existing local access streets adjacent to the property (Lacey Avenue, and Terrace Drive), nor on Southern Avenue adjacent to the property. City water and sewer lines

have been installed in currently developed streets adjacent to the subject property. Hydrants connected to existing water distribution lines are located on Southern Avenue, South Seventh Street and Lacey Avenue. An 18" concrete mortar-joint Naches-Selah Irrigation District irrigation water line is located beneath Southern Avenue adjacent to the proposal.

## **6. NEIGHBORING ZONING AND LAND USE.**

Adjacent properties to the South and East are located in the City of Selah and zoned One-Family Residential (R-1). Properties to the North and West, located in unincorporated Yakima County, are zoned Single Family Residential (R-1) on the county zoning map. Land use on neighboring properties is as follows

- North: Larger lots containing single family residences
- Northeast: A Multiple Family Residential Development—"Southern Estates"
- South: Steep vacant hillside
- East: Eagle Ridge Phase 1, Oakwood Manor, South Terrace Addition and Queensview Subdivisions
- West: A single, single family residence and a large vacant parcel.

Density in three nearby residential short subdivisions (Oakwood Manor, South Terrace Addition and Queensview) is 3.9 dwellings per acre. The adjacent Eagle Ridge Phase 1 is approximately 3.1 dwellings per acre.

## **7. PUBLIC NOTICE**

Based on the Community Planner's affidavit in the project files for this application, the notice of the application and environmental review was mailed to land owners within 600 feet of the project on February 7, 2014. Records also indicate that notice was published on February 9, 2014 in the *Yakima Herald* newspaper. Public comments noted that there was an inaccuracy in the mailed notice regarding the file number for the environmental review documents. The file number was variously given as 971.82.13-01 and 971.82.13-04. Comments also observed that the notice makes no reference to earlier subdivision processing and related environmental review undertaken in 1993 and 1994. The notices were specific as to the proposal, notwithstanding the absence of a discussion regarding the ultimate disposition of all aspects of the 1993 preliminary plat. The inconsistency in file number references may have had the potential for causing some confusion, but given the specificity of the project discussion and the invitation to the public to look at the documents on file prior to the hearing, it is difficult to discern substantial prejudice that would warrant reissuance of notice.

## **8. ENVIRONMENTAL REVIEW.**

The City of Selah issued a Determination of Nonsignificance (DNS) on February 10, 2014 and the comment period expired February 24, 2014 according to the public notice. The record gives no indication of any intention by the SEPA Responsible Official to modify the DNS or entertain additional comments, although the notice advised the public that comment period might be the only opportunity for public comment on environmental impacts. Several public comments were

offered regarding the environmental impacts of the project and the adequacy of the review process. However, the adequacy of environmental review is outside the scope of the Hearing Examiner's jurisdiction during the general course of preliminary plat review. See Chapter 11.40 SMC regarding SEPA procedures.

9. **2005 SELAH URBAN AREA COMPREHENSIVE PLAN DESIGNATION.**

The subject property and surrounding areas are designated as Low Density Residential authorizing a maximum density of five (5) dwelling units per acre.

10. **PROJECT ANALYSIS**

a. *Review Criteria.*

A hearing examiner recommendation is to be based on a determination of whether the proposed plat complies with the standards set forth in Chapter 10.50 SMC and those adopted by reference, including but not limited to, appropriate provisions for drainage, roads, alleys and other public ways, water supply, sanitary sewerage disposal, parks, playgrounds, fire protection facilities, minimum lot size and other public and private facilities and improvements and provisions contained in any of the city's adopted comprehensive plans (i.e., land use, sewage, storm drainage, transportation, water, etc.) and the zoning ordinance. SMC 10.50.025. Subdivision design standards are set out in SMC 10.50.041 through SMC 10.50.046.<sup>1</sup> As described in SMC 10.50.000, the purpose of the standards generally are to "to lessen congestion in the streets and highways, to provide for adequate light and air, to facilitate adequate provisions for water, sewerage, parks and recreation areas, sites for schools and school grounds and other public requirements, [and] to provide for proper ingress and egress," all in furtherance of public health, safety, and general welfare. The hearing examiner may, at the examiner's discretion, recommend higher standards than those set forth in the subdivision and zoning provisions of the Title 10 SMC if the examiner determines it is necessary to protect the health, safety, welfare and public interest of the city. SMC 10.50.026.

b. *Application of the Review Criteria*

(1) *Conformance to the 2005 Selah Urban Growth Area Comprehensive Plan:*

The Low Density Residential designation for the subject property on the adopted 2005 Future Land Use Map provides for a density of 5 dwellings per acre. Considered in its entirety, and assuming that three of the lots would be developed as duplexes, the 37 lot plat has a density of

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<sup>1</sup> The hearing examiner may recommend to the city council an exception from the standards when, in the examiner's opinion, undue hardship may be created as a result of strict compliance with the requirements upon specific application for such an exception. Applications for exceptions must include appropriate substantiating facts to show the hardship. SMC 10.50.070. No separate application for any exception demonstrating any hardship was made in this case.

2.4 units per acre, which would comply with the density limitation in the land use Comprehensive Plan.

*Consistency of duplexes with Low Density Residential Future Land Use designation:* Some public comments indicated that duplex development on three of the lots would be inconsistent with the Low Density Residential designation. However, the Low Density Residential designation does not preclude duplexes, but rather leaves the control of the mix of housing types to the zoning ordinance. (2005 Comprehensive Plan p.35)

*Consistency of the proposed development with Comprehensive Plan Transportation Policies:* Public comments noted that the intersection of Southern Avenue and South First Street provides a level of service below that set in the Comprehensive Plan, and the proposed development would exacerbate the level of service shortfall. The level of service is argued to only be effectively improved by signalization of the intersection.

Policy TRAN 6.2 in the 2005 Comprehensive Plan provides that major land use changes only be allowed "when those proposals accompany specific documentation or plans [sic] showing how the transportation system can adequately support existing and proposed development needs." The scope of the "transportation system" referred to seems at the least to be to be those street segments (including intersections) necessarily carrying traffic generated by the project. In the present case, the first stop-controlled intersection on the segment of Southern Avenue is eastbound at South Fifth Street. Further east, Southern Avenue intersects with South Third Street. There are accordingly several points of access into the city street grid. The staff report contains a factual report of the "carrying capacity" of Southern Avenue west of South First Street, indicating that the street can carry 6,000 vehicle trips per day. This is based on calculations in the *Highway Capacity Manual*. The report further notes that 2014 traffic counts on Southern Avenue west of South First Street show 1,540 vehicle trips per day. On this basis it does not appear that additional trip generation from the project would overtax the "transportation system" capacity in the area.

The staff report does not address level of service issues at the South First Street/Southern Avenue intersection. The 2005 Comprehensive Plan Transportation Element recognizes that the Southern Avenue/South First Street intersection will continue to fall below established level of service standards until such time as the intersection is signalized. This shortfall is true irrespective of the additional traffic predicted for the proposed subdivision. In addition, the 2005 Comprehensive Plan makes the improvement of the intersection a top priority. There is no information in the record to indicate that intersections in the road segments necessarily bearing project-generated traffic will fall below LOS C, which is that standard adopted for the those road segments in the 2005 Comprehensive Plan. Hearing Exhibits 8 and 9 were provided by the Community Planner in response to comments regarding the City's commitment to improving the intersection, and indicate that engineering has been funded for work intended ultimately to improve traffic on street segments that include South Third Street, Valley View and Southern Avenue. These improvements to other elements of the transportation grid as are reflected in the hearing exhibits might be expected to ease the pressure, though to a degree not quantified in the hearing record. If no other options for accessing the street grid were available other than the South First Street/Southern Avenue intersection, the Applicant might be hard-pressed to show that the transportation system can adequately support the additional traffic. It does appear

clearly possible that traffic from new development that might elect to use the intersection at peak traffic hours would contribute to the level of service deficiency. However, given the alternative access points, the recognition of the need to address the level of service at the intersection, the calculated carrying capacity of affected road segments, and evidence of efforts moving forward to improve the system in the vicinity, the potential for contribution does not lead to a conclusion that the transportation system overall cannot adequately handle the vehicle trips generated from the proposal as addressed in the *2005 Comprehensive Plan*.

**Concurrency Issues:** Comments also raised questions of compliance with Growth Management Act "concurrency" requirements. The Act requires prohibition of a development if it causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. RCW 36.70A.070(6)(b). As noted, the failure of the South First Street/Southern Avenue intersection to meet the established level of service is predicted to continue whether or not the proposal is developed, based on information in the traffic impact study. The project will potentially contribute additional traffic to this condition but will not cause it to fall below the applicable LOS, particularly since the LOS is already not being met and there alternative means of accessing the transportation grid.

(2) Adequacy of compliance with design standards:

The application does not seek relief from the design standards in SMC 10.50.041 through SMC 10.50.046. The plat generally shows compliance with those standards. The development includes extensions of existing water and sewer lines. The street design provides for future extension of streets to serve properties to the west of the plat boundary. Sidewalks and curbing shown on the typical roadway section on the plat conform to standards, except that barrier curbs at intersections are not clearly indicated on the plat. In addition, Phase 3 includes paving of a 24 foot width of Southern Avenue (its current paved width) and installation of a sidewalk on the south side of the street. This would extent the 24-foot wide portion of Southern Avenue to the east of the project. Any approval of the plat should appropriately be conditional upon compliance with design shown in the plat, as supplemented with information designed to assure compliance with the design standards. It is noted that city standards would only require a 50-foot wide right of way for Southern Avenue, despite the current 55 foot right of way. The Community Planner recommended a condition allowing the Applicant to opt down to a 50 foot right of way. However, the street standards are minimum standards, and an applicant is not bound to do no more than the standards require. It is consequently not clear what purpose is to be served by conditioning the approval on a potential reduction in the design of the Southern Avenue improvements.

(3) Adequacy of compliance with the zoning ordinance:

The preliminary plat indicates a desire to designate three of the lots as "two family residential" lots. Public comments objected to the establishment of the two family lots as shown. The lots would be situated on Southern Avenue and at the south end of Lacey Avenue as extended. "Uses

allowed within a zoning district are specifically those listed as Class 1 permitted, Class 2 administrative or Class 3 conditional uses within Chapter 10.28, Table A, pursuant to SMC 10.08.010(6). Table 10.28A-5 shows duplexes to be permissible in the R-2 and R-3 districts, but not in the R-1 or any other zoning district. However, SMC 10.12.040 allows 10% of the lots in a subdivision of 10 lots or more to be designated for a "future two family dwelling," so long as the lots meet specified minimum lot size requirements. SMC 10.12.040 does not indicate what type of review would be applicable to the actual duplex development on the designated lots. This creates an ambiguity regarding compliance with the zoning ordinance, which is a required consideration on subdivision review. At hearing, however, the Applicant indicated that the designation of the lots was not essential for the project. For the sake of administrative economy, since the designation was controversial and ultimately not essential to the Applicant, it will be appropriate to remove the designation reference from the preliminary plat.

Lot size in the R-1 is based on the slope and utility infrastructure present on the property. SMC 10.12.030. The plat does not indicate the slope of each lot, and the ordinance does not prescribe or identify a methodology for determining slope for minimum lot size purposes. However, the plat was prepared by a professional land surveyor, and appears generally to meet slope requirements that would provide for a minimum ½ acre lot size. In absence of substantial evidence to the contrary, the lot sizes appear to comply with SMC 10.12.030.

**(4) Provisions for schools:**

There is predicted increase in the student population of 15.5 students as a result of the proposed subdivision. No school district comments or comments from any other party indicate that the school system will not be able to adequately absorb the predicted increase.

**(5) Increased standards for protection of public health, safety or welfare:**

If there is substantial evidence of an impact to public health, safety or welfare from the proposed project, notwithstanding its compliance with the standards in Title 10 SMC, higher standards addressing those impacts may be imposed. Several comments raised issues about pedestrian safety, particularly related to the increasing numbers of children in the area. However, none of the comments suggested that implementation of improvements to the streets, sidewalks and lighting required under the subdivision standards would leave a substantial residual safety risk resulting from this project that warrants imposition of higher standards for the project.

Comments also raised concerns about the proliferation of on-street parking on Southern Avenue related to other developments. The comments characterized this proliferation as a safety issue that would be made worse by the additional traffic generation from the proposed project. Without disputing the problems that may be presented by the other developments, it is again not clear this would provide a basis for higher standards for the proposed subdivision, which is a conventional subdivision already subject to higher standards than governed earlier development in the area.

As noted, an 18" concrete mortar joint Naches-Selah Irrigation District line is located beneath Southern Avenue adjacent to the proposal. This type of pipe is reportedly being replaced with

modern PVC pipe. If improvements to Southern Avenue are made without replacing the pipe, then there would be a conflict between plans for replacement and general city policy regarding avoiding street cuts for five years following new paving. On this basis, it is in the public interest to provide for replacement of the existing pipe within the length of Southern Avenue that is improved in association with Phase 3 of the proposed plat.

c. *Phasing issues*

The preliminary plat depicts three phases of development. The Applicant wishes to not be bound by the specific boundaries shown for each phase. The provisions of Chapter 10.50 SMC do not require phasing, though they do refer to phasing except in the final plat review requirements. The sequencing construction of improvements is not specifically called out as a matter to be prescribed in preliminary plat approval, although it may be deemed to be necessary to the protection of the public health, safety and welfare, such preservation of street surfaces, for example. In the present case, the completion of Phase 4 appears to depend on the prior extension of utilities in Phase 3. The final plat standards do contemplate phased construction and phased review by the city of improvements. On the other hand, phased development is expressly considered in Title 9 SMC, related to utility system development. These considerations do not suggest a basis for a specific recommendation by the hearing examiner for flexibility in the phased development of a preliminary plat in absence of further information, particularly since the plat with all notations was the basis for public notice.

From the foregoing findings, the Hearing Examiner makes the following

**IV. CONCLUSIONS.**

1. The Hearing Examiner has jurisdiction to conduct an open record hearing on the application for a preliminary plat review, and make a recommendation to the Selah City Council. The Hearing Examiner does not have jurisdiction to consider impacts associated with previously authorized development activities or the adequacy of environmental review.
2. Irregularities in file number references in public notice documents did not result in any demonstrated prejudice to the public or any identified individuals.
3. The proposed preliminary plat is consistent with the *2005 Comprehensive Plan* future land use designation and transportation policies.
4. The proposed preliminary plat, if properly conditioned, complies with subdivision and zoning standards, and is consistent with public health, safety and welfare.

**V. RECOMMENDATION.**

The application for preliminary plat review by Torkelson Construction, Inc. for "Preliminary Plat of Eagle Ridge, Phases 2, 3 and 4" as specified in the application materials (File No. 912.82.13-01) should be APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Except as noted in Condition 2, all design and/or improvement notations indicated on the preliminary plat are included as conditions of preliminary plat approval (i.e., private easement widths and locations, lot size and lot configuration, etc.). This condition is not intended to limit the Public Works Department in the exercise of its authorities under other provisions of the Selah Municipal Code.
2. None of the lots shall be designated as "future two family dwelling" lots as the term is used in SMC 10.12.040, and references to "Two Family Residential Lot Designation" shall be removed from the final plat.
3. Final lot dimensions and lot area must substantially conform to the preliminary plat.
4. A preliminary engineering report and/or plan, prepared by a Licensed Professional Engineer, demonstrating the feasibility of constructing all public improvements required by Selah Municipal Code, Chapter 10.50, must be submitted to and approved by the Public Works Department for each separately designated phase of development prior to commencement of construction.
5. Construction plans and specifications must be reviewed and approved by the Public Works Department prior to commencement of construction of each separately designated phase of development. Specifications for improvements shown on the preliminary plat are minimum specification which may be superseded by the conditions contained herein or by specific conditions as approved by the Public Works Department. Upon completion of construction and prior to final plat approval (of each development phase for which final plat approval is sought), reproducible final "as-built" construction plans and a written certification by a Licensed Professional Engineer that said improvements were completed in accordance with the City of Selah Design and Construction Standards dated March, 2012, must be submitted to the Public Works Department for approval. All required compaction and inspection reports shall also be submitted to the Public Works Department.
6. All lots must be served with a full range of public services/private utilities. All public services/private utilities must be underground and installed prior to the surfacing of streets. There shall be a moratorium on street cuts for a period of five (5) years from the date of each phase recording.
7. Street improvements must be constructed to city standards. Mountable curbs are permissible except at radius returns at intersections, which require barrier curbs of suitable design.
8. During the construction of portions of the plat designated as Phase 3, the existing 12 inch water distribution line located in Southern Avenue shall be extended to the west property line of Phase 3.
9. Fire hydrants which meet the specifications of Selah Code, Chapter 11.30 must be provided and installed by the developer at locations identified by the Selah Fire Chief.
10. Storm water drainage facilities to accommodate runoff generated within the plat, and historical drainage which crosses the property, must be installed in compliance with a drainage facilities plan prepared by a Licensed Professional Engineer and approved by the Public Works Department. As

part of the drainage study the Department of Ecology shall be contacted to determine if a "storm water permit" is required.

11. Wooden street lights poles must be installed by the developer to the specifications of the Public Works Director.

12. Curb, gutters, a five (5) foot wide sidewalk, and the improvement of Southern Avenue to a "super half street" (24' wide) is required along the North boundary of Lots 3-1 and 3-2 as part of Phase 3 construction.

13. Areas reserved for sight distance vision triangles shall be shown and noted on the final plat. (Selah Code, Chapter 10.50).

14. Dust control measures shall be implemented as required by the Yakima Regional Clean Air Authority rules and regulations. The Developer shall advise the Public Works Department of the name and phone number of the contact person to report alleged dust control violations.

15. Prior to the recording of Phase 2 (and subsequent Phases 3 and 4) all required plat improvements (i.e., utilities, streets, drainage facilities, etc.) shall be installed and accepted by the City or a surety bond pledged to ensure installation within two years of final plat approval for the respective phases shall be issued to the City.

16. All required street signs, posts and appurtenances, including end-of-road barricades at the end of each dead-end street (Phase 2: Lacey Avenue; Phase 3: South Seventh Street, and Terrace Drive; Phase 4: Lacey Avenue) shall be supplied by the developer and installed by the City.

17. Minimum ten (10) foot wide utility easements shall be located adjacent to all dedicated public street right-of-ways and such additional easements as may be required to facilitate utility placement shall be designated on the final plat as directed by the Public Works Director.

18. Irrigation easements and distribution facilities shall be provided as specified by the Naches-Selah Irrigation District unless specifically waived by the District in writing.

19. The 18" concrete mortar joint Naches-Selah Irrigation District line located beneath Southern Avenue shall be replaced during Phase 3 construction with 18" PVC piping approved by the Naches-Selah Irrigation District.

20. The Dedication and Waiver of Claims language on the final plat shall reference a waiver of direct access.

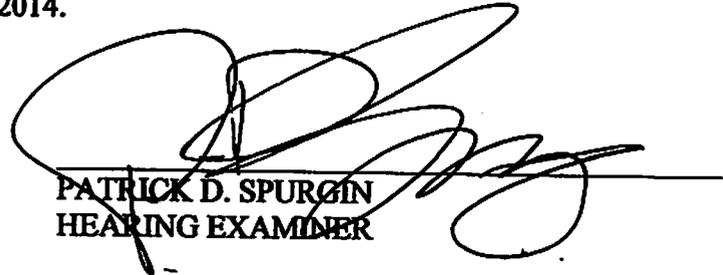
21. The following notes shall be placed on the final plat map(s):

"The owner(s) shown hereon, their grantees and assignees in interest hereby covenant and agree to retain all surface water generated within the plat on-site."

"The owner(s) shown hereon, their grantees and assignees in interest hereby covenant and agree to perpetually maintain the natural drainage swale adjacent to their property. The drainage swale shall not be altered, relocated, nor shall natural drainage be impeded."

22. A surety bond, or such other secure financial method, in the amount of 15% of the cost of the public improvements (as each final plat phase is submitted) (i.e., roads, sidewalks, street lights, drainage facilities, sewer collection and water distribution facilities, etc.) shall be remitted to the City and held for a period of two years to guarantee against defects of workmanship and materials.

DATED THIS 13<sup>th</sup> DAY OF MARCH, 2014.



PATRICK D. SPURGIN  
HEARING EXAMINER



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**

**1/13/2015      M – 1**

**Title:** Resolution establishing January 27, 2015 as the public hearing date to consider the adoption of the “Selah Transit Development Plan”.

**Thru:** Joe Henne, Interim City Administrator

**From:** Andrew Potter, Assistant to the City Administrator

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

Pass the resolution to set the public hearing.

**Background / Findings & Facts:**

For the past several years Yakima Transit and the City of Yakima have simply included us in their plan. Last year in September we were asked to adopt our own plan. Although this is a six year plan it will be updated yearly with an annual report from the previous year and a description and projected budget for the following six.

**Recommended Motion:**

Move to approve the Resolution establishing January 27, 2015 as the public hearing date to consider the adoption of the “Selah Transit Development Plan.

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION ESTABLISHING JANUARY 27, 2015 AS THE PUBLIC HEARING DATE TO CONSIDER THE ADOPTION OF THE "SELAH TRANSIT DEVELOPMENT PLAN."**

WHEREAS, the Washington State Department of Transportation requires the City to publish, annually, its Transit Report and to update its Six-year Transit Development Plan; and,

WHEREAS, the City desires to adopt the Selah Transit Development Plan; and,

WHEREAS, the City wishes to hold a public hearing to invite comments; and,

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

That January 27, 2015 at 6:30 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 "Selah Transit Development Plan" 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 13<sup>th</sup> DAY OF JANUARY, 2015.

ATTEST:

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

\_\_\_\_\_  
Dale Novobielski, Clerk Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert F. Noe, City Attorney

RESOLUTION NO. \_\_\_\_\_



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**

**1/13/2015      M – 2**

**Title:** Resolution Authorizing the Mayor to accept the 2013 DWSRF Water System Improvements as complete and approve final Progress Estimate No. 8 and Project Acceptance

**Thru:** Joe Henne, Interim City Administrator

**From:** Joe Henne, Public Works Director

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** \$51,371.03

**Funding Source:** Water Fund 411

**Staff Recommendation:**

Acceptance and approval.

**Background / Findings & Facts:**

The 2013 DWSRF Water System Improvements, DWSRF Contract No.: DM12-952-093 has been completed and Progress Estimate number 8 has been designated as the Final for work performed by Scout Lake Construction, Inc., through December 17, 2014. Progress Estimate number 8 shows a payment of \$1,819.49 due to the contractor and a retainage fee of \$51,371.03 to be released after the conditions listed in the attached letter from Huibregtse, Louman Associates, Inc. have been met.



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**Recommended Motion:**

Accept and approve resolution for final payment.

**Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)**

Date:	Action Taken:
2/25/2014	Council awards construction contract to Scout Lake Construction, Inc.

Click here to enter a date. Click here to enter text.

Click here to enter a date. Click here to enter text.

Click here to enter a date. **TITLE OF ITEM**

Click here to enter a date. Click here to enter text.

Click here to enter a date. Click here to enter text.

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE  
2013 DWSRF WATER SYSTEM IMPROVEMENTS AS COMPLETE,  
APPROVING FINAL PROGRESS ESTIMATE NUMBER 8, AND  
AUTHORIZING RELEASE OF RETAINAGE**

WHEREAS, the City of Selah contracted with Scout Lake Construction, Inc. to perform work for the 2013 DWSRF Water System Improvements, DWSRF Contract No.: DM12-952-093, and

WHEREAS, Selah Public Works has reviewed the work performed by Scout Lake Construction, Inc. on this project and believes it has been completed satisfactorily; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, the Mayor accept the 2013 DWSRF Water System Improvements as complete, that the Final Progress Estimate Number 8 is approved, and authorizing release of retainage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 13th day of January, 2015.

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert F. Noe, City Attorney

RESOLUTION NO. \_\_\_\_\_

December 22, 2014

City of Selah  
222 South Rushmore Road  
Selah, WA 98942

Attn: Mr. Joe Henne  
Public Works Director

Re: City of Selah  
2013 DWSRF WATER SYSTEM IMPROVEMENTS  
DWSRF Contract No.: DM12-952-093  
HLA Project No.: 12129C  
Final Progress Estimate and Project Acceptance

Dear Joe:

Enclosed is Progress Estimate No. 8 designated as the Final for work performed by Scout Lake Construction, Inc., through December 17, 2014, in connection with their contract on the above referenced project. The amount due the Contractor of \$1,819.49 is net after retainage, as per the contract documents. We recommend this Final Progress Estimate be considered and accepted by the Selah City Council.

This letter also serves as our recommendation for acceptance of this project by the City of Selah. We have reviewed the work performed by Scout Lake Construction, Inc. on this project and believe it has been completed satisfactorily. Please provide us a copy of the Council resolution authorizing project acceptance.

Enclosed for your action is the "Notice of Completion of Public Works Contract" to be completed and sent to the Department of Revenue, Department of Labor and Industries, and Employment Security Department in Olympia. Forward one (1) copy each of the Notice of Completion to the Department of Revenue, Department of Labor and Industries, and the Employment Security Department as soon as the Selah City Council has accepted the project.

The retainage on this project in the amount of \$51,371.03 should be released to Scout Lake Construction, Inc., after acceptance of the project and when the following conditions have been satisfied:

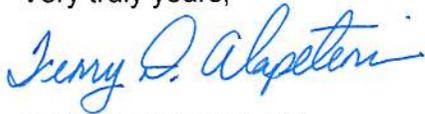
1. There are no liens or claims for labor and materials furnished on this project filed against the retainage.
2. A full sixty (60) days have elapsed since the official acceptance of this project by the City of Selah.
3. The City has received Notice of Completion clearance from the Department of Revenue, Department of Labor and Industries, and the Employment Security Department relative to this contract. Please provide a copy of each to our office.

4. The City has received the following from Huibregtse, Louman Associates, Inc. (HLA):
  - a. HLA has confirmed that all punch list items identified during the final walk-through inspection have been completed.
  - b. HLA has delivered two (2) neatly marked full-size sets and one (1) 11"x17" set of record drawings to the City of Selah on December 17, 2014.
  - c. A notarized certificate from the Contractor which states that all labor and materials furnished on this project have been paid for is attached.
  - d. The required project labor and equal employment opportunity documents have been delivered to the City of Selah on December 22, 2014.

We would appreciate receiving a copy of your Council Resolution authorizing release of retainage.

Please contact this office if you have questions or if we may furnish additional information.

Very truly yours,



Terry D. Alapeteri, PE

TDA/crf

Enclosures

Copy: Scout Lake Construction, Inc.  
Steven Sziebert, HLA  
Caroline Fitzsimmons, HLA  
Correspondence File

City of Selah  
 222 So. Rushmore Road  
 Selah, WA 98942

2013 DWSRF WATER SYSTEM IMPROVEMENTS

HLA Project No.: 12129C

TO: Scout Lake Construction, Inc.  
 P.O. Box 1060  
 Selah, WA 98942

Progress Estimate No.: 8 AND FINAL

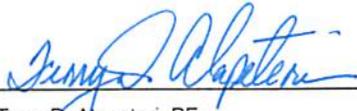
Date: December 17, 2014

Item No.	Description	Unit	Contract Quantity	Unit Price	Estimate 8 Quantity	Quantity to Date	Amount	Contract Quantity
<b>SCHEDULE A - WATER DISTRIBUTION IMPROVEMENTS</b>								
1	Mobilization	LS	1	\$57,200.00	0%	100%	\$57,200.00	100%
2	Project Temporary Traffic Control	LS	1	\$9,714.00	0%	100%	\$9,714.00	100%
3	Clearing and Grubbing	LS	1	\$7,420.00	0%	100%	\$7,420.00	100%
4	Removal of Structure and Obstruction	LS	1	\$10,300.00	0%	100%	\$10,300.00	100%
5	Crushed Surfacing Base Course	TON	2,800	\$11.75	-0.86	2,310.41	\$27,147.32	83%
6	Crushed Surfacing Top Course	TON	600	\$13.80	8.12	115.54	\$1,594.45	19%
7	Shoring or Extra Excavation	LF	6,000	\$1.10	0	5,726	\$6,298.60	95%
8	Select Backfill, as Directed	CY	700	\$13.50	0	901	\$12,163.50	129%
9	D.I. Pipe for Water Main 8 In. Diam.	LF	5,700	\$41.20	20	5,726	\$235,911.20	100%
10	D.I. Pipe for Water Main 6 In. Diam.	LF	290	\$47.70	0	233	\$11,114.10	80%
11	D.I. Pipe for Water Main 4 In. Diam.	LF	10	\$116.00	0	0	\$0.00	0%
12	8-Inch Gate Valve and Valve Box	EA	22	\$1,125.00	0	23	\$25,875.00	105%
13	Comb. Air Release/Air Vacuum Assembly 2 In.	EA	2	\$2,040.00	0	2	\$4,080.00	100%
14	Blowoff Assembly	EA	1	\$2,772.00	0	1	\$2,772.00	100%
15	6-Inch Hand Dug Tee Assembly	LS	1	\$4,000.00	0%	100%	\$4,000.00	100%
16	Casing Pipe in Place 16 In. Diam.	LF	140	\$143.00	0	100	\$14,300.00	71%
17	Hydrant Assembly	EA	13	\$3,265.00	0	13	\$42,445.00	100%
18	Bollard	EA	8	\$314.00	0	8	\$2,512.00	100%
19	Service Connection, 1 In. Diam.	EA	108	\$919.00	0	111	\$102,009.00	103%
20	Cement Conc. Traffic Curb and Gutter	LF	440	\$26.25	0	70	\$1,837.50	16%
21	Cement Conc. Sidewalk 6-Inch Thick	SY	100	\$47.25	0	54	\$2,551.50	54%
22	Cement Conc. Curb Ramp	EA	2	\$1,050.00	0	2	\$2,100.00	100%
23	Landscape Restoration	FA	EST.	\$40,000.00	0.00	45,647.78	\$45,647.78	114%
24	Reservoir Cleaning and Inspection	LS	1	\$8,400.00	0%	100%	\$8,400.00	100%
25	Concrete Joint Sealing	LF	500	\$6.30	0	504	\$3,175.20	101%
26	Furnish and Install New Inlet and Outlet Check Valves	LS	1	\$13,300.00	0%	100%	\$13,300.00	100%
27	Furnish and Install Overflow Piping	LS	1	\$6,035.00	0%	100%	\$6,035.00	100%
28	Furnish and Install Access Ladder	LS	1	\$2,180.00	0%	100%	\$2,180.00	100%
29	Remove Float Guide Cage and Install New Tension Cable Float Support	LS	1	\$2,740.00	0%	100%	\$2,740.00	100%
30	Minor Change	FA	EST.	\$15,000.00	-202.76	15,400.03	\$15,400.03	102.7%
<b>SCHEDULE A SUBTOTAL</b>							<b>\$680,223.18</b>	

Item No.	Description	Unit	Contract Quantity	Unit Price	Estimate 8 Quantity	Quantity to Date	Amount	Contract Quantity
<b>SCHEDULE B - ROADWAY REPAIR</b>								
31	Mobilization	LS	1	\$13,732.00	0%	100%	\$13,732.00	100%
32	Project Temporary Traffic Control	LS	1	\$2,100.00	0%	100%	\$2,100.00	100%
33	Planing Bituminous Pavement	SY	15,930	\$1.35	0	16,119	\$21,760.65	101%
34	HMA Cl. 1/2" PG 64-28	TON	2,800	\$92.00	8.17	2,992.78	\$275,335.76	107%
35	Controlled Density Fill	CY	25	\$126.00	3	37	\$4,662.00	148%
36	Adjust Catch Basin	EA	3	\$632.00	0	0	\$0.00	0%
37	Adjust Water Valve	EA	3	\$632.00	0	6	\$3,792.00	200%
38	Adjust Manhole	EA	8	\$575.00	0	8	\$4,600.00	100%
39	Minor Change	FA	EST.	\$5,000.00	0.00	21,214.95	\$21,214.95	424.3%
<b>SCHEDULE B SUBTOTAL</b>							<b>\$347,197.36</b>	
SUBTOTAL, WORK TO DATE							\$1,027,420.54	
PLUS MATERIALS ON HAND							\$0.00	
SUBTOTAL AMOUNTS							\$1,027,420.54	
SCHEDULE A ONLY, 8.2% STATE SALES TAX							\$55,778.30	
TOTAL							\$1,083,198.84	
LESS TOTAL RETAINAGE							\$51,371.03	
LESS AMOUNTS PREVIOUSLY PAID							\$1,030,008.32	
AMOUNT NOW DUE							\$1,819.49	

Progress Estimate No. 1	\$ 388,472.79	Retainage \$	19,602.60
Progress Estimate No. 2	\$ 92,135.81	Retainage \$	4,181.24
Progress Estimate No. 3	\$ 124,101.92	Retainage \$	6,273.24
Progress Estimate No. 4	\$ 208,815.51	Retainage \$	10,494.22
Progress Estimate No. 5	\$ 58,582.98	Retainage \$	2,629.40
Progress Estimate No. 6	\$ 141,071.45	Retainage \$	7,251.49
Progress Estimate No. 7	\$ 16,827.86	Retainage \$	746.20
Progress Estimate No. 8 AND FINAL	\$ 1,819.49	Retainage \$	192.64

I hereby certify that the foregoing is a true and correct statement of the work performed under this Contract.

  
 Terry D. Alapeteri, PE

ACCEPTED:

I hereby accept the Final Progress Estimate and Final Contract Voucher Certification, in accordance with Section 1-09.9 of the WSDOT Standard Specifications.

  
 Scout Lake Construction, Inc.

  
 Date:





Original  
 Revised # \_\_\_\_\_

## NOTICE OF COMPLETION OF PUBLIC WORKS CONTRACT

Date: \_\_\_\_\_ Contractor's UBI Number: 602 189 549

<b>Name &amp; Mailing Address of Public Agency</b>	<b>Department Use Only</b>
City of Selah 222 Rushmore Road Selah, WA 98942 <b>UBI Number: 392 000 174</b>	Assigned to: _____  Date Assigned: _____

*Notice is hereby given relative to the completion of contract or project described below*

<b>Project Name</b> 2013 DWSRF WTER SYSTEM IMPROVEMENTS	<b>Contract Number</b> 12129C	<b>Job Order Contracting</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Description of Work Done/Include Jobsite Address(es)</b> Installation of approx 5,700 LF of new 8-inch ductile iron water main including water services, hydrants, valves, connections to existing water mains, and other related improvements. Work includes surface restoration. 222 Rushmore Road Selah, WA 98942		
<b>Federally funded transportation project?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if yes, provide Contract Bond Statement below)		
<b>Contractor's Name</b> Scout Lake Constructon, Inc.	<b>E-mail Address</b> christydc@scout-lake.com	<b>Affidavit ID*</b> 551286
<b>Contractor Address</b> P.O. Box 1060 Selah, WA 98942		<b>Telephone #</b> (509)698-0752
<b>If Retainage is not withheld, please select one of the following and List Surety's Name &amp; Bond Number.</b> <input type="checkbox"/> Retainage Bond <input type="checkbox"/> Contract/Payment bond (valid for federally funded transportation projects)		
<b>Name:</b> _____		<b>Bond Number:</b> _____
<b>Date Contract Awarded</b> 02/25/14	<b>Date Work Commenced</b> 04/07/14	<b>Date Work Completed</b> 09/12/14
<b>Date Work Accepted</b> _____		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Were Subcontractors used on this project? If so, please complete Addendum A.</b>		
Affidavit ID* - No L&I release will be granted until all affidavits are listed.		

Contract Amount	\$ 1,012,187.50	
Additions (+)	\$ 15,233.04	Liquidated Damages \$ _____
Reductions (-)	\$ _____	Amount Disbursed \$ 1,031,827.81
<b>Sub-Total</b>	<b>\$ 1,027,420.54</b>	Amount Retained \$ 51,371.03
Amount of Sales Tax <u>8.2</u>	\$ 55778.3	
(If various rates apply, please send a breakdown)	<b>TOTAL \$ 1,083,198.84</b>	<b>TOTAL \$ 1,083,198.84</b>

**NOTE: These two totals must be equal**

**Comments:**  
Sales Tax of 8.2% collected on Schedule A only: \$680,223.18.

**Note:** The Disbursing Officer must submit this completed notice immediately after acceptance of the work done under this contract.  
**NO PAYMENT SHALL BE MADE FROM RETAINED FUNDS** until receipt of all release certificates.  
**Submitting Form:** Please submit the completed form by email to all three agencies below.

Contact Name: Dale Novobielski Title: Clerk - Treasurer  
 Email Address: dnovobielski@ci.selah.wa.us Phone Number: (509)698-7328









**Employment Security Department**

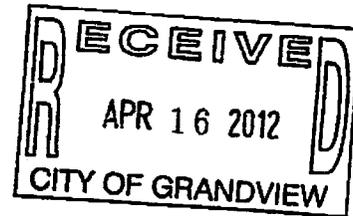
WASHINGTON STATE

P.O. Box 9046 Olympia, WA 98507-9046 | Fax 360-902-9287

CITY OF GRANDVIEW  
Attn: ANITA PALACIOS  
207 W 2ND ST  
GRANDVIEW, WA 98930

) CERTIFICATE OF  
) PAYMENT OF CONTRIBUTIONS  
) PENALTIES AND INTEREST ON  
) PUBLIC WORKS CONTRACT

ES Reference #: 41888600 6  
UBI No: 600192346



CONTRACTOR:  
A & B ASPHALT INC  
P O BOX 5280  
BENTON CITY, WA 99320-5280

The Employment Security Department hereby certifies those contributions, penalties and interest due from the above named contractor under the Employment Security Act have been paid in full or provided for with respect to the following public works contract:

Description: EAST WINE COUNTRY ROAD IMPROVEMENTS.

Contract number: 11016C

The Employment Security Department hereby certifies that it has no claim pursuant to RCW 50.24.130 against the public body named above for tax attributable to service performed for said public body by the above named contractor on the above described contract. The Employment Security Department releases its lien on the retained percentage which is provided by RCW 60.28.040 for contributions, penalties and interest due from said contractor.

This certificate does not release said contractor from liability for additional contributions, penalties and interest which may be later determined to be due with respect to the above mentioned contract.

Dated at Olympia, Washington on April 12, 2012.

EMPLOYMENT SECURITY DEPARTMENT

By

Robyn R. Wells  
Authorized Representative

Original - Disbursing Officer  
Duplicate - Employer  
Triplicate - Central Office Files

Washington State  
Department of Revenue  
PO Box 47474  
Olympia, WA 98504-7474

601 672 468

## Certificate of Payment of State Excise Taxes by Public Works Contractor

MRM CONSTRUCTION INC  
PO BOX 838  
ELLENSBURG WA 98926 0838

CITY OF CLE ELUM  
TONI FIELDS, CITY CLERK  
119 W FIRST ST  
CLE ELUM WA 98903 0008

We hereby certify that taxes, increases and penalties due or to become due from the above-named contractor under Chapter 180, Laws of 1935, as amended, with respect to the following public works contract:

CITY OF CLE ELUM

05038-C STAFFORD AVE & SECOND ST TIB SIDEWALK IMPROVES

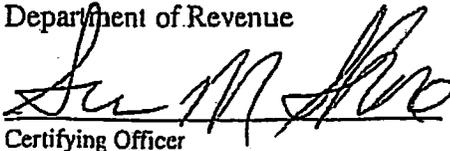
together with all other taxes, increases and penalties due from such contractor, have been paid in full or that they are, in the Department's opinion, readily collectible without recourse to the state's lien on the retained percentage.

This certificate is issued pursuant to the provision of Chapter 60.28 Revised Code of Washington for the sole purpose of informing the state, county, or municipal officer charged with the duty of disbursing or authorizing the payment of public funds to said contractor that the Department of Revenue hereby releases the state's lien on the retained percentage provided by this Chapter for excise taxes due from said contractor.

This certificate does not release said contractor from liability for additional tax that may be later determined to be due with respect to the above-mentioned contract or other activities.

Dated 2/28/2008 at Olympia, Washington,

State of Washington  
Department of Revenue

  
Certifying Officer

To inquire about the availability of this document in an alternate format for the visually impaired or in a language other than English, please call (360) 486-2342. TTY users may call 1-800-451-7985.

REV 31 0028 (10-01-02) ROUTING: Disbursing Officer, Contractor, File, Special File



Washington State Department of  
**Labor & Industries** Contract Release  
 PO Box 44274  
 Olympia, WA 98504-4274

**Certificate of Release of the State's Lien on Public Works Contracts**

*Awarding agency name*

*Attn: Disbursing officer name*

*Awarding agency address*

With this letter, the Washington State Department of Labor & Industries (L&I) approves of your release or payment of the contract amount retained from the following contractor —

*GC dba and address*

*GC LNI account number*

— related to the following public works contract:

*Public works contract name and number*

In our opinion, all workers' compensation insurance premiums, increases, and penalties due to L&I from this contractor have been paid in full or are readily collectible without recourse to the state's lien on the retained percentage.<sup>1</sup>

This letter's sole purpose is to communicate our release of the state's lien to the public official responsible for paying or authorizing the payment of public funds to the contractor named above.

If we later determine that the contractor owes additional premiums related to the above-mentioned contract or other activities, the contractor is still liable for payment.

Dated \_\_\_\_\_ at Olympia, Washington.

State of Washington  
 Department of Labor & Industries

\_\_\_\_\_  
 Contract Release Specialist

360-902-xxxx or XXX@Lni.wa.gov

<sup>1</sup> Title 51 RCW authorizes L&I to collect workers' compensation insurance premiums, increases, and penalties. Chapter 60.28 RCW establishes L&I's priority regarding the lien.



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**

**1/13/2015      M – 3**

**Title:** Resolution Authorizing the Mayor to Sign a Legal Advertising Contract with the Yakima Herald-Republic for the 2015 Calendar Year

**Thru:** Joe Henne, Interim City Administrator

**From:** Joe Henne, Interim City Administrator

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** The rate of \$13.80 per column inch for the first insertion and \$13.06 per column inch for each subsequent insertion of a particular advertisement

**Funding Source:** Fund 001

**Staff Recommendation:**

Approval of the 2015 advertising contract with the Yakima Herald-Republic

**Background / Findings & Facts:**

The Yakima Herald-Republic is the only local daily newspaper in the area at present. The City is required to publish all Ordinances per RCW 65.16.160, as well as items like public hearing notices, special meetings, and employment openings.

The Herald was unable to provide the contract to the City prior to the December 9, 2014 meeting, and agreed to honor the 2014 contract until the matter could be voted on at the January 13, 2015 meeting.



**CITY OF SELAH**  
**CITY COUNCIL**  
**AGENDA ITEM SUMMARY**



**Recommended Motion:**

Move to Approve the Resolution Authorizing the Mayor to Sign a Legal Advertising Contract with the Yakima Herald-Republic for the 2015 Calendar Year

**Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)**

Date:	Action Taken:
12/10/2013	Resolution Authorizing the Mayor to Sign a Legal Advertising Contract with the Yakima Herald-Republic for the 2014 Calendar Year
12/11/2012	Resolution Authorizing the Mayor to Sign a Legal Advertising Contract with the Yakima Herald-Republic for the 2013 Calendar Year
12/27/2011	Resolution Authorizing the Mayor to Sign a Legal Advertising Contract with the Yakima Herald-Republic for the 2012 Calendar Year

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RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE MAYOR TO SIGN A  
LEGAL ADVERTISING CONTRACT WITH THE YAKIMA  
HERALD-REPUBLIC FOR THE 2015 CALENDAR YEAR

WHEREAS, the City of Selah must publish certain ordinances, legal notices and other legal advertising, and

WHEREAS, the City desires to engage the services of *Yakima Herald-Republic* to provide such publication services, and

WHEREAS, *Yakima Herald-Republic* desires to provide such services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON to authorize the Mayor to sign a legal advertising contract with the *Yakima Herald-Republic* for the 2015 calendar year. The contract is attached hereto.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 13<sup>th</sup> day of January, 2015.

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

ATTEST:

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

APPROVED AS TO FORM:

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

RESOLUTION NO. \_\_\_\_\_

**LEGAL ADVERTISING CONTRACT**

**THIS CONTRACT, executed this 1st day of January 2015 by and between the City of Selah, Washington, hereinafter called the City, and the Yakima Herald-Republic, hereinafter called the Publisher;**

**WITNESSETH:**

**WHEREAS, the Publisher proposes as follows: at the rate of \$13.80 per column inch for the first insertion and \$13.06 per column inch for each subsequent insertion of a particular advertisement in solid nonpareil type; the parties agree as follows:**

**The City does hereby accept the aforesaid bid of the Publisher, and agrees to pay the Publisher accordingly for the required printing and publishing of City ordinances, resolutions, legal notices and other legal advertising required by law to be published by the City commencing on the date hereof and ending on the 31st day of December, 2014.**

**The name of the newspaper in which the City legal advertising is to be printed is the Yakima Herald-Republic.**

**Executed the day and year first above written.**

**CITY OF SELAH, WASHINGTON**

\_\_\_\_\_  
**Dale E. Novobielski, Clerk-Treasurer  
City of Selah**

\_\_\_\_\_  
**John Gawlik, Mayor  
City of Selah**

\_\_\_\_\_  
**Sharon Prill, Publisher  
Yakima Herald-Republic**



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**

**1/13/2015      M – 4**

**Title:** Resolution Authorizing the Mayor to Sign a Business Licensing Services Agreement between the City of Selah and the State of Washington Department of Revenue Business Licensing Services

**Thru:** Joe Henne, Interim City Administrator

**From:** Joe Henne, Interim City Administrator

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** varied depending on the annual revenues collected for business licenses

**Funding Source:** local business license holders

**Staff Recommendation:**

To continue utilizing the State to process business licenses for the City.

**Background / Findings & Facts:**

In November of 2010 the City signed a five year Interlocal Agreement with the Dept. of Licensing for business licensing services. The new agreement, which now falls under the Dept. of Revenue, is a business licensing services agreement to provide the same services. Using this service allows those who wish a business license to file online rather than filling out a physical form that would have to be input by staff.



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**Recommended Motion:**

Move to approve the Resolution Authorizing the Mayor to Sign a Business Licensing Services Agreement between the City of Selah and the State of Washington Department of Revenue Business Licensing Services

**Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)**

Date:

Action Taken:

11/23/2010

Resolution Authorizing the Mayor to Sign an Interlocal Agreement between the City of Selah and the State of Washington Department of Licensing (DOL)

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RESOLUTION NO. \_\_\_\_\_

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A BUSINESS LICENSING SERVICES AGREEMENT BETWEEN THE CITY OF SELAH AND THE STATE OF WASHINGTON DEPARTMENT OF REVENUE BUSINESS LICENSING SERVICES**

WHEREAS, the State of Washington Department of Revenue Business Licensing Services (DOR) and the City of Selah desire to enter into a Business Licensing Services Agreement for the DOR to act as the City's agent for business licensing purposes, and to ensure that the City retains its full, lawful, regulatory and approval authority over all business licensing activities within its jurisdiction, and

WHEREAS, City of Selah believes it is in the best interest of the citizens of Selah to authorize the DOR to act on behalf of the City for business licensing purposes, and

WHEREAS, the DOR has submitted a Business Licensing Services Agreement between the City of Selah and the Department of Revenue for approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that the Mayor be authorized to sign a Business Licensing Services Agreement Between the City Of Selah and the Department of Revenue Business Licensing Services for business licensing activities. A copy of the Business Licensing Services Agreement is attached hereto.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 13<sup>th</sup> day of January, 2015.

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Bob Noe, City Attorney

RESOLUTION NO. \_\_\_\_\_

## BUSINESS LICENSING SERVICES AGREEMENT

I. Parties and Contact Information

This Business Licensing Services Agreement ("Agreement") is entered into between the parties identified below:

	State of Washington Department of Revenue Business Licensing Services	City of Selah
	("Revenue")	("Partner")
Mailing Address	PO Box 47475 Olympia, WA 98504-7475	115 W Naches Avenue Selah, WA 98942
Delivery Address	6500 Linderson Way SW, Ste 102 Tumwater, WA 98501	115 W Naches Avenue Selah, WA 98942
Contact Person:	Maria Moore Phone: (360) 705-6601 FAX: (360) 705-6699 E-Mail: <a href="mailto:mariam@dor.wa.gov">mariam@dor.wa.gov</a>	Dorraine Bigby Phone: (509) 698-7326 FAX: (509) 698-7338 E-Mail: <a href="mailto:dbigby@ci.selah.wa.us">dbigby@ci.selah.wa.us</a>

II. Purpose

The purpose of this Agreement is to establish the terms under which the Business Licensing Services (BLS) program of the Department of Revenue will act as Partner's agent for the purpose of collecting, processing, and disbursing information, licenses, and fees related to Partner's licensing or other regulatory activities, hereafter referred to as Confidential Licensing Information. Partner retains all power and authority over its business licensing and other regulatory activities except as expressly delegated to Revenue under this Agreement.

III. Effective Date

This Agreement is effective as of (*check one*):  (mm/dd/yyyy).  
 the date of the last signature of the parties.

IV. Services Provided by Revenue

Revenue will perform the services identified in this Section IV using best efforts in a manner determined by Revenue in good faith to be appropriate considering objectives, costs, and effectiveness.

- Distribute and process initial and renewal internet and/or paper-based applications for Partner's business licensing and/or other regulatory activities.
- Collect and process license fees and licensing information received from applicants and licensees. Disburse collected fees as directed by Partner.
- Issue Business License with Partner's license endorsement as authorized by Partner.

- Provide routine reports on Partner's business licenses as requested by Partner, which may include daily lists of new business applications and renewals, fees processed each day, weekly list of pending accounts, and lists of businesses for which fees have been transferred.
- Maintain electronic or microfilm images of all paper documents and electronic representations of electronic filings received by Revenue from applicants and provide copies or certified copies as requested.
- Maintain a database containing information received from applicants and licensees (the BLS Database).
- Provide technical assistance to establish and configure appropriate BLS Database access and secure access for Partner staff.
- Provide initial training to Partner staff in the use of the BLS Database, and ongoing training to address changes to the BLS database/access protocols or in Partner staff. Training will occur at Partner's location, over the telephone, or online, as agreed upon by the parties.
- Effect reasonable modifications in the BLS system, database, process, or forms to accommodate Partner's licensing or other regulatory requirements. Revenue will consult with Partner in evaluating alternatives and determining the most feasible and timely means of achieving Partner objectives.
- Timely notify Partner of other modifications to the BLS system, database, process, or forms, including modifications accommodating other BLS partners.

#### V. Partner Obligations

- Timely provide Revenue with all information requested to implement Partner's participation in the BLS program.
- Follow all requirements identified by Revenue as necessary for participation in the BLS program, including using :
  - The Business License Application and other forms and processes established by Revenue;
  - The "Business License" document for proof of licensure under Partner's licensing or regulatory program.
  - The Unified Business Identifier (UBI) number to identify licensees and license accounts in all communications with Revenue.
- Obtain and maintain at its own cost, all necessary equipment and on-line services required at Partner's business location(s) to support Partner's access into and use of the BLS Database. End-to-end testing will take place until such time as Revenue is satisfied.
- Ensure Partner Licensing and Information Technology staff are available to respond promptly to Revenue. Partner staff will be knowledgeable of Partner operations and/or technology and be able to assist Revenue staff with process improvements and/or troubleshooting.
- Provide timely advance notice to Revenue of potential changes to Partner business licensing requirements, fees or processes.
- Upon request by Revenue, provide statistical data associated with the BLS Partner Partnership Agreement such as Full Time Equivalent (FTE) savings, change in number of Partner licensees, and change in revenue flow.

## VI. Compensation

Services identified in this Agreement are provided by Revenue at no charge with the exception of the following:

- The Partner shall reimburse Revenue for all fees charged by credit card processors and/or financial institutions upon any funds charged, collected, or refunded by Revenue in processing applications and/or collecting fees related to Partner's licensing or other regulatory activities. If a suitable alternative to the credit card processing can be established, eliminating the requirement of Partner reimbursement for credit card bank fees, this provision can be disregarded upon implementation of the suitable alternative without amending this Agreement. The Partner is still accountable for remaining credit card bank fees owed prior to implementation of the suitable alternative.
- Partner shall reimburse Revenue the costs of developing and producing ad hoc informational reports. Ad hoc reports will be created only if requested by the Partner and agreed-upon by Revenue.
- Partner shall reimburse Revenue's expenses for the implementation of changes to the BLS process, if requested by the Partner and agreed-upon by Revenue.
- All project coordination costs, including travel-related expenses, shall be absorbed by the respective parties for their own staff.
- The Partner shall reimburse Revenue for Partner's share of mainframe charges from the Department of Enterprise Services. Partner's share includes per inquiry/entry charge for access and usage of the BLS system, costs required to transmit Word document reports, and costs associated with ad hoc reports requested (if any).

## VII. Billing Procedures

Partner will provide and maintain with Revenue its current billing addresses and the personnel, if any, to whom invoices should be directed. Revenue shall submit invoices to Partner as-needed, but in no event more frequently than monthly. Partner shall pay all invoices by warrant or account transfer within thirty (30) calendar days of the invoice issue date. Upon expiration or termination of this Agreement, any claim for payment not already made shall be submitted within ninety (90) calendar days after the expiration/termination date or the end of the fiscal year, whichever is earlier.

## VIII. Confidentiality and Data Sharing

The parties agree to the confidentiality and data sharing provisions set forth in Exhibit A and incorporated herein by this reference.

## IX. Term and Termination

This agreement is effective until terminated. Either party may terminate this Agreement upon ninety (90) calendar days' prior written notice to the other party.

## X. Disputes

The parties agree to participate in good faith mediation to resolve any disputes that are not otherwise resolved by agreement, prior to any action in court or by arbitration. At any time, either party may initiate formal mediation by providing written request to the other party setting forth a brief description of the dispute and a proposed mediator. If the parties cannot agree upon a mediator within fifteen (15) calendar days after receipt of the written request for mediation, the parties shall use a mediation service that selects the mediator for the parties. Each party shall be responsible for one-half of the mediation fees, if any, and its own costs and attorneys' fees.

**XI. Miscellaneous.**

- A. Governing Law and Venue.** This Agreement shall be governed by the laws of the State of Washington. Any action arising out of this Agreement must be commenced in Thurston County, Washington.
- B. Interpretation.** This Agreement shall be interpreted to the extent possible in a manner consistent with all applicable laws and not strictly for or against either party.
- C. No Waiver.** The failure of either party to enforce any term in any one or more instance will not be construed as a waiver or otherwise affect any future right to insist upon strict performance of the term. No waiver of any term of this Agreement shall be effective unless made in writing and signed by personnel authorized to bind the party against whom enforcement is sought.
- D. Assignment and Delegation.** Either party may assign any right or interest, or delegate any duty or obligation, arising under this Agreement upon thirty (30) days written notice to the other party.
- E. Severability.** If any provision of this Agreement is held invalid by a court of competent jurisdiction, the remaining provisions of this Agreement shall be given effect to the extent consistent with applicable law and the fundamental purpose of this Agreement.
- F. Survival.** Terms of this Agreement which by their nature would continue beyond termination will survive termination of this Agreement for any reason, including without limitation, Sections 3 through 7 in Exhibit A.
- G. No third party beneficiaries.** This Agreement is for the benefit of the parties and their successors and may not be enforced by any non-party.
- H. Amendments.** No amendment to this Agreement is enforceable unless made in writing and signed by personnel authorized to bind the party against whom enforcement is sought.
- I. Merger and integration.** This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties.
- J. Changes in law.** The provisions of this Agreement shall be deemed to change in a manner that is consistent with any changes to any directly applicable statutory authority, provided that the change is consistent with the manifest intent of this Agreement and does not conflict with any of its express provisions. Any such change to this Agreement shall be effective on the effective date of the change in authority.

*IN WITNESS WHEREOF*, this Agreement is executed effective as of the date specified above.

State of Washington  
Department of Revenue  
Business Licensing Services

City of Selah

\_\_\_\_\_  
\_\_\_\_\_  
Date

\_\_\_\_\_  
\_\_\_\_\_  
Date

Template approved as to form

Approved as to form

On File  
\_\_\_\_\_  
Kelly Owings,  
Assistant Attorney General for Washington State

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date

## EXHIBIT A

### CONFIDENTIALITY AND DATA SHARING

#### 1. Purpose and Scope

The following provisions establish the terms under which Revenue and Partner will share all data, including Confidential Licensing Information, pursuant to the BLS Agency Partnership Agreement (the "Agreement").

#### 2. Definitions

"Confidential Licensing Information" has the same meaning as "Licensing Information" under RCW 19.02.115(1)(b) and includes, but is not limited to, any information included in the business license applications, renewal applications, and business licenses under the Business Licensing Service program. Confidential Licensing Information is classified as at least Category 3 data under Washington's Standard for Securing Information Technology Assets, OCIO Standard No. 141.10.

#### 3. Confidentiality

Partner and Revenue each agree to keep confidential and secure from unauthorized use, access, or disclosure, all Confidential Licensing Information received under the Agreement.

- A. **Ensuring Security:** Partner and Revenue shall each establish and implement physical, electronic, and managerial policies, procedures, and safeguards to ensure that all Confidential Licensing Information received by it under this Agreement is secure from unauthorized use, access, or disclosure.
- B. **Proof of Security.** Revenue reserves the right to monitor, audit, or investigate Partner's security policies, procedures, and safeguards for Confidential Licensing Information. Partner agrees to provide information or proof of its security policies, procedures, and safeguards as reasonably requested by Revenue.

#### 4. Statutory Prohibition Against Disclosure; Secrecy Affidavit.

- A. **Criminal Sanctions.** RCW 19.02.115 prohibits the disclosure of Confidential Licensing Information, except as expressly authorized by RCW 19.02.115. It is a misdemeanor for any person acquiring Confidential Licensing Information under this Agreement to disclose such information in violation of the disclosure limitations stated in RCW 19.02.115. Additionally, if the person is a state officer or employee, the person must forfeit such office or employment and is incapable of holding any public office or employment in Washington for a period of two years thereafter.
- B. Partner will require employees with access to Confidential Licensing Information to sign a copy of the secrecy affidavit attached at Exhibit B.

#### 5. Authorized Use, Access, and Disclosure

- A. **Permitted Uses:** Confidential Licensing Information may be used for official purposes only.
- B. **Permitted Access:** Confidential Licensing Information may be accessed only by Partner's employees and agents that have a bona fide need to access such information in carrying out their official duties.
- C. **Permitted Disclosure:** Confidential Licensing Information received under the Agreement must not be disclosed to non-parties unless the disclosure is:
  - permitted under an express disclosure exception in RCW 19.02.115;
  - ordered under any judicial or administrative proceeding; or

- otherwise expressly authorized by Revenue in writing.
- D. **Public Records Requests:** In the event that Partner reasonably believes that it must disclose information pursuant to a Public Records Request, and Partner is prohibited from disclosing such information under the terms of this Agreement, Partner must give notice to Revenue of its intention to disclose. The notice shall be provided at least 14 business days in advance of disclosure, the notice shall contain a copy of the public records request, and the notice shall reasonably identify the information that Partner believes is prohibited from disclosure under this Agreement.

## **6. Breach of Confidentiality**

In the event of any use, access, or disclosure of Confidential Licensing Information by Partner or its employees or agents in material violation of the confidentiality terms of this Agreement:

- A. Partner shall notify Revenue in writing as soon as practicable, but no later than three working days, after determining that a violation has occurred.
- B. Revenue may immediately terminate this Agreement and require the certified return or destruction of all records containing Confidential Licensing Information; however, Revenue shall provide Partner with an electronic record containing all information collected for Partner's licensing or other regulatory activities in an electronic medium.

## **7. Ownership and Retention of Records**

Except as otherwise expressly provided in this Agreement, Partner may retain possession of all such records in accordance with Chapter 40.14 RCW and applicable local government retention schedules as approved by the Office of the Secretary of State.

## **8. Data Security**

All data provided by Revenue shall be stored on a secure environment with access limited to the least number of staff needed to complete the purpose of this Agreement.

### **a. Protection of Data**

Partner agrees to store data on one or more of the following media and protect the data as described:

- 1) **Workstation Hard disk drives.** Data stored on local workstation hard disks. Access to the data will be restricted to authorized users by requiring logon to the local workstation using a unique user ID and complex password or other authentication mechanisms which provide equal or greater security, such as biometrics or smart cards. If the workstation is located in an unsecured physical location the hard drive must be encrypted to protect Revenue data in the event the device is stolen.
- 2) **Network server disks.** Data stored on hard disks mounted on network servers and made available through shared folders. Access to the data will be restricted to authorized users through the use of access control lists which will grant access only after the authorized user has authenticated to the network using a unique user ID and complex password or other authentication mechanisms which provide equal or greater security, such as biometrics or smart cards. Data on disks mounted to such servers must be located in an area which is accessible only to authorized personnel, with access controlled through use of a key, card

key, combination lock, or comparable mechanism. Backup copies for disaster recovery purposes must be encrypted if recorded to removable media.

- 3) Optical discs (e.g. CDs, DVDs, Blu-Rays) in local workstation optical disc drives. Data provided by Revenue on optical discs which will be used in local workstation optical disc drives and which will not be transported out of a secure area. When not in use for the Agreement purpose, such discs must be locked in a drawer, cabinet or other container to which only authorized users have the key, combination or mechanism required to access the contents of the container. Workstations which access Revenue data on optical discs must be located in an area which is accessible only to authorized individuals, with access controlled through use of a key, card key, combination lock, or comparable mechanism.
- 4) Data storage on portable devices or media.
  - a) Confidential Licensing Information may be stored by Partner on portable devices or media provided the data shall be given the following protections:
    - i. Encrypt the data with a key length of at least 128 bits
    - ii. Control access to devices with a unique user ID and password or stronger authentication method such as a physical token or biometrics.
    - iii. Manually lock devices whenever they are left unattended and set devices to lock automatically after a period of inactivity, if this feature is available. Maximum period of inactivity is 20 minutes.
    - iv. Physically protect the portable device(s) and/or media by:
      - Keeping them in locked storage when not in use;
      - Using check-in/check-out procedures when they are shared; and
      - Taking frequent inventories.
  - b) When being transported outside of a secure area, portable devices and media with Confidential Licensing Information must be under the physical control of Partner staff with authorization to access the data.
  - c) Portable devices include, but are not limited to; handhelds/PDAs, Ultramobile PCs, flash memory devices (e.g. USB flash drives, personal media players), portable hard disks, and laptop/notebook computers.
  - d) Portable media includes, but is not limited to; optical media (e.g. CDs, DVDs, Blu-Rays), magnetic media (e.g. floppy disks, tape, Zip or Jaz disks), or flash media (e.g. CompactFlash, SD, MMC).
- 5) Confidential Licensing Information received from Revenue will be encrypted using National Institute of Standards and Technology (NIST) approved cryptographic algorithms or modules when transmitted over the Internet, including information attached to or within email.

**b. Safeguards Against Unauthorized Access and Re-disclosure**

Partner shall exercise due care to protect all Confidential Licensing Information from unauthorized physical and electronic access. Partner shall establish and implement the following minimum physical, electronic and managerial safeguards for maintaining the confidentiality of information provided by either party pursuant to this Agreement:

- 1) Partner will store the information in an area that is safe from access by unauthorized persons when not in use.
- 2) Partner shall take precautions to ensure that only authorized personnel and agents are given access to on-line files containing confidential or sensitive data.
- 3) Partner shall instruct all individuals with access to the Confidential Licensing Information regarding the confidential nature of the information, the requirements of Use of Data and Safeguards Against Unauthorized Access and Re-Disclosure clauses of this Agreement, and the sanctions specified in federal and state laws against unauthorized disclosure of information covered by this Agreement.

\*\*\*\*end\*\*\*\*



### Tax and License Confidentiality Affidavit

This form must be completed and signed by every individual (including mayor, councilmember, treasurer, city manager, etc.) with access to confidential tax or licensing information.

An individual who discloses confidential information to an unauthorized person is guilty of a misdemeanor. See RCW 82.32.330(6) and 19.02.115(5)

#### Acknowledgement of Confidentiality

I \_\_\_\_\_ employed by \_\_\_\_\_  
*(Print name)*

swear or affirm that I have read and understand the requirements regarding the protection of tax and/or licensing information provided by the Department as stated in [RCW 82.32.330](#) and [19.02.115](#). I further understand that this information is privileged and confidential, and therefore shall not be disclosed to any person not entitled to knowledge of such information. I understand that my use or disclosure of confidential tax information may be further restricted by an information-sharing agreement.

Dated: \_\_\_\_\_  
*(Signature)*

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
*(Signature of Notary Public)*

Notary in and for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

#### Authorization - Authorization is given by someone other than the person being given access to information.

I \_\_\_\_\_ of \_\_\_\_\_  
*(Print name and title)* *(Print jurisdiction)*

authorize \_\_\_\_\_ who has a business need to access the following  
*(Print name and title)*

from the Washington State Department of Revenue (check all that apply):

- Licensing Information (available to BLS partners only)       Tax Information

\_\_\_\_\_  
*(Signature)*

Taxpayer and licensing information reported to the Department of Revenue (Department) is confidential and only authorized individuals with a business need may view these records. In addition, the information may only be shared with individuals in your jurisdiction who have a signed Confidentiality Affidavit on file with the Department.

### **Licensing Information [RCW 19.02.115](#)**

<http://apps.leg.wa.gov/RCW/default.aspx?cite=19.02.115>

Licensing information that is collected and maintained through the Business Licensing Service (BLS) is confidential and may not be disclosed by any person unless and to the extent expressly authorized by statute, local law, or administrative rule.

Licensing information is defined under RCW 19.02.115(1)(b) and includes, without limitation, all information included in any initial and renewal business license applications and business licenses under the BLS program.

### **Tax Information [RCW 82.32.330](#)**

<http://apps.leg.wa.gov/RCW/default.aspx?cite=82.32.330>

Tax information is information reported to the Department by a taxpayer, any Department actions with a taxpayer, or other data received by, recorded by, prepared by, furnished to, or collected by the Department with respect to any actions with the taxpayer. Tax information includes the taxpayer's identity, nature, source, or amount of the taxpayer's income, payments, credits, or tax payments. The following taxes are covered by this statute including but not limited to:

- Business & Occupation Tax
- Sales/Use Tax
- Lodging taxes
- Public Utility Tax
- Brokered Natural Gas (BNG)
- E-911 taxes
- Real Estate Excise Tax (REET)
- Leasehold Excise Tax

### **Data Security**

Keep all data secure regardless of medium.

- ✓ Print only information you need
- ✓ Do not leave documents on printers
- ✓ Copy or download electronic data only as needed and save where only authorized persons can access
- ✓ Communication of confidential information via email, including attachments, is prohibited

### **Determining Whether Information is Confidential**

Pages 3 and 5 of this form include examples demonstrating what is confidential, when information may be disclosed, and to whom it may be disclosed.

### **Disclosure Penalty**

Any person acquiring knowledge of any licensing or tax information as provided under RCW 19.02.115 or 82.32.330 who discloses any such licensing or tax information to another person not entitled to knowledge of such information under the provisions of these statutes is guilty of a misdemeanor.

### **Questions**

If you have questions, visit our website at [dor.wa.gov](http://dor.wa.gov) and search for "public records" or contact the Department's Public Records Officer Designee at (360) 705-6647 or [DORPublicRecords@dor.wa.gov](mailto:DORPublicRecords@dor.wa.gov).

**What types of tax or licensing information received from the Department are confidential?**

This table provides examples of when information your jurisdiction receives from the Department may or may not be shared with others.

#	Scenario	Confidential Information Yes or No?	Access
1.	The Mayor asks if ABC Painting is reporting sales tax to your city.	Yes, detailed information about a business's tax reporting is confidential. Even though the mayor didn't ask for actual dollar amounts, disclosing whether the business has reported or not is considered a disclosure.	If the Mayor has a business need and submitted a signed Confidentiality Affidavit to the Department, the information may be shared.
2.	A councilmember asks how much tax Jim's Plumbing has reported to your jurisdiction.	Yes, detailed information regarding a business's tax reporting is confidential.	If the councilmember has a business need and submitted a signed Confidentiality Affidavit to the Department, the information may be shared.
3.	An employee of the fire department wants to know if Joe's Automotive indicated on their business license that they would be storing flammable or toxic materials.	Yes, the information contained on the business application, including the city addendum, is confidential.	If the employee of the fire department has a business need and submitted a signed Confidentiality Affidavit to the Department, the information may be shared.
4.	The county's monthly local tax distribution amount is higher than normal due to reporting of one taxpayer. At a council meeting, the difference is discussed but no taxpayer name is disclosed.	No, talking about the distribution amounts as a whole and even stating that it is due to one taxpayer's reporting is allowed as long as the taxpayer's name and the amount the taxpayer reported is not disclosed.  The taxpayer's business activity (i.e. hotel) cannot be disclosed if there are less than three businesses with that activity in the jurisdiction.	General public, city/county staff, media

#	Scenario	Confidential Information Yes or No?	Access
5.	The Treasurer asks whether a business is registered and if so what is their address?	<p>No, any information contained in the on-line <a href="http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/">Business Registration Lookup</a> is considered public information. (<a href="http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/">http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/</a>)</p> <p>Information contained in the Department's on-line <a href="http://bls.dor.wa.gov/LicenseSearch/">Business License Lookup</a> is also considered public information. (<a href="http://bls.dor.wa.gov/LicenseSearch/">http://bls.dor.wa.gov/LicenseSearch/</a>)</p>	General public, city/county staff, media
6.	Another jurisdiction contacts you to see if ABC Painting has reported sales tax to your jurisdiction.	Yes, the information we send one jurisdiction may not be shared with another.	<p>The Department provides each jurisdiction the information they are entitled to receive based on how the taxpayer has reported on their Combined Excise Tax Return.</p> <p>The jurisdiction requesting the information should contact the Department to investigate the taxpayer's local tax coding.</p>
7.	A reporter contacts you to confirm the amount of tax reported by a taxpayer to your jurisdiction. The reporter got the figure from the business.	Yes.	Even though the reporter got the amount from the taxpayer, any confirmation by a local jurisdiction is considered a release of confidential information.

#	Scenario	Confidential Information Yes or No?	Access
8.	A Finance Director prepares a report for a council meeting showing the sales tax distributions by NAICS code.	<p>Depends on the number of taxpayers:</p> <p><b>Yes</b> As a policy, DOR does not disclose information when there are less than three taxpayers in a NAICS code. If there are less than three, the public or the taxpayers involved may be able to determine the income reported by the taxpayers.</p> <p><b>No</b> If there are three or more taxpayers, there is no risk of disclosure.</p>	<p>If less than three - only the jurisdiction's employees or authorized individuals (mayor, councilperson, etc.) with a business need and a signed Confidentiality Affidavit on file may view the information.</p> <p>Three or more – general public, city/county staff, media.</p>

NOTE: a local jurisdiction may release taxpayer information if you provide the Department a [Confidential Tax Information Authorization](http://dor.wa.gov/Docs/forms/Misc/27-0055e.pdf) form (<http://dor.wa.gov/Docs/forms/Misc/27-0055e.pdf>) signed by the taxpayer.

To inquire about this form in an alternate format, please call 1-800-647-7706. Teletype (TTY) users may use the Washington Relay Service by calling 711.



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**

**1/13/2015      M – 5**

**Title:** Resolution authorizing the Mayor to sign a Professional Services Agreement with Durant Development Services, Inc. for professional planning services

**Thru:** Joe Henne, Interim City Administrator

**From:** Joe Henne, Interim City Administrator

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** \$2,520 per month, up to 42 hours. Any hours beyond 42 hours in a month will be billed at \$60.00 per hour. Additionally, the City will provide an insurance endorsement for General Liability and/or Wrongful Acts. The Premium charge would be approximately \$250 for one line item or \$500 for both lines.

**Funding Source:** Fund 001

**Staff Recommendation:**

Approval of the agreement with Durant Development Services

**Background / Findings & Facts:**

At the 2014 retreat Council discussed the retirement of Community Planner Davison and the need to fill the position. The attached contract was prepared by Bob Noe, and the attached information regarding an insurance endorsement was provided by CIAW, the City's insurance provider.



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**Recommended Motion:**

Move to approve the Resolution authorizing the Mayor to sign a Professional Services Agreement with Durant Development Services, Inc. for professional planning services

**Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)**

Date:	Action Taken:
9/4/2014	Council Retreat. Discussion on Community Planner position.

[Click here to enter a date.](#) [Click here to enter text.](#)

[Click here to enter a date.](#) [Click here to enter text.](#)

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[Click here to enter a date.](#) [Click here to enter text.](#)

[Click here to enter a date.](#) [Click here to enter text.](#)

**CITY OF SELAH, WASHINGTON**  
**RESOLUTION NO. \_\_\_\_\_**

A **RESOLUTION** authorizing the Mayor to sign a Professional Services Agreement with Durant Development Services, Inc. for professional planning services.

**WHEREAS**, the City of Selah has a need for a professional planner to perform planning services;

**WHEREAS**, Durant Development Services, Inc. has been providing said service on an as-needed basis under the direction of the Public Works Director;

**WHEREAS**, the City and Durant Development Services, Inc. have agreed to a Professional Services Agreement for the provision of professional planning services;

**WHEREAS**, the City of Selah desires to enter into a Professional Services Agreement with Durant Development Services, Inc. for professional planning services;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, HEREBY RESOLVES** as follows:

The Mayor is authorized to sign a Professional Services Agreement with Durant Development Services, Inc. for professional planning services for the City of Selah.

**PASSED** this 13<sup>th</sup> day of January , 2015.

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Robert F. Noe, City Attorney

## PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is entered into this 13<sup>th</sup> day of January, 2015 by and between the City of Selah, a Municipal Corporation 115 W. Naches Avenue, Selah, Washington 98942 referred to herein as "City" and "Consultant" more specified as Durant Development Services, Inc., a Washington Corporation, 513 N. Front Street, Suite Q, Yakima, Washington 98901.

In consideration of the terms and conditions contained, the parties hereto agree as follows:

1. "Consultant" agrees to perform professional planning services for "City" to include attendance at Planning Commission, Hearing Examiner and City Council meetings, the review of applications for proposed developments including land use permits, subdivisions, site plans, rezones, annexations, site visits in connection with the review of development proposals, the preparation of studies and analyses with respect to the City's land development controls, long range planning services as may be required in connection with the Comprehensive Plan, advising the public on land use and zoning procedures and requirements and other services commonly performed by City planning professionals.
2. "City" shall have the following responsibilities under this agreement:
  - a. The provision of all available data, reports, records and maps to which the "City" has access and which are needed by the "Consultant" for the performance of the services provided for herein,
  - b. Providing assistance and cooperation for the "Consultant" in obtaining any other needed material which "City" does not have access to.
  - c. Providing support staff services, office space, voice mail and email as needed by the "Consultant" for the performance of the services provided for herein.
3. "Consultant" shall commence work on February 9, 2015, unless delayed by circumstances out of Consultant's control such as, but not limited to, illness, adverse weather or transportation system failures.
4. "Consultant" agrees to perform all services provided for herein for a fee of \$2,520 per month, based on a minimum of 42 hours per month. Any work performed by the "Consultant" beyond 42 hours to be billed at \$60.00 per hour. Except that for the month of February 2015, the minimum monthly fee shall be prorated to account for the actual commencement date.
5. Any reimbursable expenses incurred by the "Consultant", including but not limited to, reproduction costs, recording costs shall be charged to the "City" at cost as verified by receipts. It is understood that expenses are to be kept at a minimum commensurate with the proper completion of the services provided for under this agreement and with the understanding that most such services will be provided for by the "City." Mileage shall be charged at the current rate established by the Internal Revenue Service for itemizing deductions on individual tax returns. Provided, however, that "Consultant" will waive all mileage expense for travel within the City of Selah, the Selah Urban Growth Area and between Yakima and Selah and further provided that any billable travel charges shall be pre-approved by the "City".
6. This agreement contains all terms and conditions agreed upon by the parties. No change or addition to this agreement shall be valid or binding upon either party unless such change or addition is in writing and executed by both parties.

7. The parties agree that for the purposes of this Agreement, the "Consultant" is an independent contractor and neither "Consultant" nor any employee of "Consultant" is an employee of "City". Neither "Consultant" nor any employee of "Consultant" is entitled to any benefits that "City" provides its employees.
8. The "Consultant" shall not assign or subcontract any portion of the contracted activities without obtaining prior written approval from "City".
9. Either party may terminate this contract upon thirty (30) days written notice sent by certified mail to the address listed above.
10. Each party shall indemnify and hold harmless the other party, its officers, agents and employees, from all liability, loss or damage, including costs of defense they may suffer as a result of claims, demands, actions, damages, costs or judgments which result from the actions performed by the indemnifying party, its agents, employees, or subcontractors pursuant to this Agreement.
11. This Agreement shall be governed by the laws of the State of Washington. Any action, suit or judicial proceeding for the enforcement of this Agreement shall be brought in the Superior Court for the State of Washington in Yakima County, Washington.
12. The terms of this Agreement shall be from the date of execution to December 31, 2015 and may be extended by the mutual written consent of the parties.

Dated this 13<sup>th</sup> day of January, 2015

**CONSULTANT**

Durant Development Services, Inc.

City of Selah

\_\_\_\_\_  
Thomas R. Durant, President

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

ATTEST:

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



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**

**1/13/2015      M – 6**

**Title:** Resolution declaring approximately 4,500 feet of 2 ½” fire hose, 12 “D” size steel oxygen cylinders, and miscellaneous office equipment as surplus.

**Thru:** Joe Henne, Interim City Administrator

**From:** Gary Hanna Fire Chief

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** None

**Funding Source:** N/A

**Staff Recommendation:**

Approve

**Background / Findings & Facts:**

The fire department received a grant in 2014 from the federal government to replace all of our aging 2 ½” fire hose. The grant stipulates that the old hose be surplus.

The oxygen cylinders have been replaced with aluminum a few at a time over the past 15 years and are no longer needed.

The miscellaneous office equipment is made up of non serviceable printers, fax machines and out dated TV’s.



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**Recommended Motion:**

Move to approve the surplus of approximately 4,500 feet of 2 ½” fire hose, 12 “D” size steel oxygen cylinders, and miscellaneous office equipment.

**Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)**

Date:

Action Taken:

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RESOLUTION NO \_\_\_\_\_

**RESOLUTION DECLARING FIRE DEPARTMENT PROPERTY AS SURPLUS AND AUTHORIZING IT'S DISPOSAL**

WHEREAS, the Selah Fire Department has re-evaluated potential uses for equipment owned by the Fire Department; and,

WHEREAS, the equipment identified as follows:

Approximately 4,500 feet of 2 ½" fire hose

12 "D" size steel oxygen cylinders

**MISCELLANEOUS OFFICE EQUIPMENT**

Appears to have no further purposes for the City of Selah Fire Department, but equipment would have usable years in public or private sector;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, that the identified equipment be surplused and its disposal authorized.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 13<sup>th</sup> day of January, 2015.

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

ATTEST:

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

APPROVED AS TO FORM

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

RESOLUTION NO. \_\_\_\_\_



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**

**1/13/2015      N – 1**

**Title:** Ordinance Amending the 2015 Budget for Demolition of Structures on 110, 112 & 202 Park Avenue and 105 Selah Avenue.

**Thru:** Joe Henne, Interim City Administrator

**From:** Dale Novobielski, Clerk-Treasurer

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** \$ 25,000

**Funding Source:** Fund 119 Transit

**Staff Recommendation:**

Approve Ordinance.

**Background / Findings & Facts:**

The City desires to remove structures from 110, 112 & 202 Park Avenues and 105 Selah Avenue for the development of a Transit Park n Ride.

**Recommended Motion:**

I move to approve the Ordinance amending the 2015 budget for the demolition of structures on the properties shown above.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE 2015 BUDGET FOR THE DEMOLITION OF STRUCTURES ON 110, 112 & 202 PARK AVENUE AND 105 SELAH AVENUE

WHEREAS, the City desires to approve an adjustment to the 2015 Budget;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does ordain as follows: that the Clerk-Treasurer be authorized to amend the 2015 Budget as follows:

119 Transit

119.000.094.594.47.61.00	Land Improvements	\$ 25,000
--------------------------	-------------------	-----------

119.000.999.508.80.00.00	New Ending Unreserved Fund Balance	\$ 559,070
--------------------------	------------------------------------	------------

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 13<sup>th</sup> day of January, 2015.

\_\_\_\_\_  
John J. Gawlik, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

ORDINANCE NO. \_\_\_\_\_



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      ACTION ITEM**

**1/13/2015      N – 2**

**Title:** Ordinance Amending Sections of Title 10, Chapter 10.28, Table 5-A, Chapter 10.28.040, Regulatory Notes, and Chapter 10.12.040 of the Selah Municipal Code

**Thru:** Joe Henne, Interim City Administrator

**From:** Dennis Davison, Community Planner

**Action Requested:** Approval

**Board/Commission Recommendation:** Approval

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

Adopt Amended Title 10, Chapter 10.28 Table A-5, Chapter 10.28.040 Regulatory Notes, and Chapter 10.12.040.

**Background / Findings & Facts:**

The initial adoption of Title 10, Chapter 10.28, in 2004, did not provide any reference in Title 10, Chapter 10.28, Table 5-A or in Chapter 10.28.040 Regulatory Notes to the provisions of Chapter 10.12.040, which would permit duplexes on specifically designated lots zoned One Family Residential (R-1) within new subdivisions.



**CITY OF SELAH**  
**CITY COUNCIL**  
**AGENDA ITEM SUMMARY**



Mr. Torkelson submitted a proposed plat entitled 'Eagle Ridge Phases 2, 3 and 4', desiring to utilize the provision of Chapter 10.12.040 to create 3 lots specifically designated for duplex structures.

At the hearing the Examiner found there was no connectivity between Chapter 10.12.040 and Chapter 10.28, Table 5-A or Chapter 10.28.040 Regulatory Notes referencing the provisions of Chapter 10.12.040. Thus he denied the inclusion of specifically designated duplex lots within the proposed subdivision.

The original purpose of Chapter 10.12.040 was to create a diversity of housing structures and promote affordable housing within the One Family Residential (R-1) zone.

The Commission finds that with continued population growth there is a need to provide for greater zoning flexibility when developing property. Said text amendments are in furtherance of the public health, safety and general welfare of the people within the City of Selah.

**Recommended Motion:**

I move we adopt the proposed amendments to the Selah Municipal Code and adopt the Commission's Findings as our own



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)**

<b>Date:</b>	<b>Action Taken:</b>
9/30/2014	Planning Commission Conducted Public Hearing on Proposed Text Amendments and Adopted Recommendation of Approval.
10/14/2014	City Council considers proposed Text Amendments as a Council agenda item and REJECTS Planning Commission Recommendation of Approval.
11/4/2014	Planning Commission Conducts Public Hearing on Proposed Text Amendments to Title 10, Chapter 10.28, Table 5-A, Chapter 10.28.040 Regulatory Notes, and Chapter 10.12.040 One Family Residential Zoning District (R-1) and Adopts Recommendation of Approval
1/13/2015	City Council considers proposed Text Amendments as a Council agenda item

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[Click here to enter a date.](#) [Click here to enter text.](#)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTIONS OF TITLE 10,  
CHAPTER 10.28, TABLE 5-A, CHAPTER 10.28.040,  
REGULATORY NOTES, AND CHAPTER 10.12.040 OF THE  
SELAH MUNICIPAL CODE**

WHEREAS, the City Council desires to amend existing zoning regulations codified in Selah Municipal Code, Title 10, Chapter 10.28, Table 5-A, Chapter 10.28.040, Regulatory Notes, and Chapter 10.12.040; and,

WHEREAS, the City Council desires to amend the existing zoning regulations to implement the provisions of Selah Municipal Code, Title 10, Chapter 10.12.040; and,

WHEREAS, the proposed text amendments to Selah Municipal Code, Title 10 were reviewed and recommended for adoption by the Planning Commission after the Commission held an open record public hearing on November 4, 2014; and,

WHEREAS, the City Council of the City of Selah at an open record public meeting held on January 13, 2015 considered the Planning Commission recommendation, exhibits and the recommendations of staff on the proposed amendments; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, THAT THERE ARE HEREIN ADOPTED AMENDMENTS TO THE SELAH MUNICIPAL CODE, TO BE CODIFIED AS TITLE 10, CHAPTER 10.28, TABLE 5-A, TITLE 10, CHAPTER 10.28.040(I) REGULATORY NOTES, AND TO CHAPTER 10.12.040 TO READ AS FOLLOWS:

**Section 1.** There is herein enacted an amendment to Selah Municipal Code, to be codified as Title 10, Chapter 10.28, Table 5-A to read as follows:

**CHAPTER 10.28**

**PERMITTED, ADMINISTRATIVE AND CONDITIONAL USES  
TABLE A-5**

See Chapter 10.06.020 for an explanation of Use Categories

CITY OF SELAH ZONING ORDINANCE, TITLE 10, CHAPTER 28, TABLE A-5							
PERMITTED USES BY ZONING DISTRICT	LDSF	R-1	R-2	R-3	B-1	B-2	M-1
<b>MINING / REFINING / OFF-SITE HAZARDOUS WASTE TREATMENT</b>							
Asphalt, roofing material manufacture, rock crushing							3
Mining*, including sand and gravel pits							3
Off site hazardous waste treatment and storage facilities*						3	3
<b>RESIDENTIAL</b>							
Accessory structure, use or building*	1	1	1	1	1	1	1
Detached single family dwelling*	1	1	1				
Manufactured home*/Mobile home* (See 10.08.140)	1						
Two family dwelling (duplex) * (See 10.28.040(l))		1(l)	1	1			
Multiple family dwelling*: 0-5 DUA < 6-12 DUA > 12 DUA			2 2	1 1 1			
Manufactured home parks* (See 10.28.040(e))				3			
Retirement apartments			2	1			
Home occupations* (See 10.28.040(o))							
Minor Home Occupations* (See 10.28.040(o))	1	1	1	1	1	1	
Major Home Occupations* (See 10.28.040(o))	2	2	2	2	2	1	

**Section 2.** There is herein enacted an amendment to Selah Municipal Code, to be codified as Title 10, Chapter 10.28.040(l) to read as follows:

(l) Duplexes are only permitted in the One Family Zoning District (R-1) on lots that have been designated as Two Family Residential lots per S.M.C. Chapter 10.12.040. Careful consideration of adjacent properties by the Hearing Examiner shall be made ensuring harmonious compatibility.

**Section 3.** There is herein enacted an amendment to Selah Municipal Code, to be codified as Title 10, Chapter 10.12.040 to read as follows:

**10.12.040 Designated two family residential lots.** Within a proposed land division of ten (10) or more lots ten (10) percent of the lots may be designated for a future two family dwelling. The proposed lot(s) shall be considered by the reviewing body and, once the lot location(s) are approved, the lot(s) shall be clearly identified on the recorded subdivision providing public disclosure of said approval.

Careful consideration of adjacent properties by the Hearing Examiner shall be made ensuring harmonious compatibility.

The minimum lot size requirement of any lot(s) designated for a future two family dwelling shall be a minimum of 9,000 sq. ft. or such minimum lot size based on slope specified in Section 10.12.030.

**Section 4.** Severability. These amendments are declared severable. If any section, paragraph, clause or other portion is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this ordinance. If any section, paragraph, clause or any portion is adjudged invalid for any reason as applied to any particular person, circumstance, property, use, or structure the application of such portion of this title to another particular person, circumstance, property, use, or structure shall not be affected.

**Section 5.** This Ordinance amending Selah Municipal Code, Title 10, Chapter 10.28, Table A-5 , Title 10, Chapter 10.28.040(l) and Title 10, Chapter 10.12.040 shall become effective at 12:01 a.m. on the 20<sup>th</sup> day of **January, 2015**.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON THIS 13TH DAY OF JANUARY, 2015.

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

ATTEST:

\_\_\_\_\_  
Dale Novobielski, City Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Bob Noe, City Attorney



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      INFORMATIONAL ITEM**

**1/13/2015      P – 4A**

**Title:** Parks Board Minutes – November 3, 2014

**Thru:** Joe Henne, Interim City Administrator

**From:** Monica Lake, Executive Assistant

**Action Requested:** Informational - No action

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

N/A

**Background / Findings & Facts:**

N/A

**Recommended Motion:**

N/A

City of Selah  
Parks & Recreation Board Minutes  
November 3, 2014

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

A. CALL TO ORDER

Chairman Baranowski called the meeting to order at 4:00pm.

B. ROLL CALL

Members Present: Board Members Baranowski, Callahan, Neumeyer, Creach, Stokes, Smith, Pendleton

Members Absent: Board Member Schmid

Staff Present: Ty Jones, Public Works Utility Supervisor; Recreation Manager Brown; Caprise Groo, Public Works Department Assistant

Guests:

C. REVIEW OF MINUTES FROM THE MAY 5, 2014 MEETING

**Board Member Callahan moved, and Board Member Creach seconded, approval of the May 5, 2014 minutes as written. By voice vote, support was unanimous.**

D. COMMUNICATIONS                      NONE

E. GENERAL BUSINESS

1. Sunrise Park Status

Brief discussion regarding the tables put in, and whether the park might eventually go to the Selah School District.

2. Status of New Pool Efforts

Recreation Manager Brown said that efforts on the pool have been put on the back burner. Discussion followed on the replacement of the liner and the need to have someone take the initiative to make the new pool happen.

3. Status of any grant writing efforts (Volunteer Park, Civic Center)

Recreation Manager Brown gave a brief update, noting that they need to solicit outside contributions for Volunteer Park to meet the City's percentage of funds needed.

Public Works Utility Supervisor Jones described the work already done, including the installation of irrigation and removal of trees.

Discussion followed on items such as where the best location for parking would be, playground equipment that could be utilized by special needs children, and those people who are not happy about the park being improved.

#### F. OLD BUSINESS

##### 1. Centennial Park update

Board Member Stokes spoke briefly on the project, noting that Huibregtse, Louman Associates, Inc. staked out the area. A brief discussion followed on what they would like to see at the park, such as fencing and a walking path.

#### G. NEW BUSINESS

##### 1. Open Public Meeting Act training

The Board Members read through the information provided in their packets and watched the video training provided by the Washington State Attorney General's Office regarding Open Public Meetings.

#### H. PARK BOARD MEMBER REPORTS

Chairman Baranowski opened the table for discussion on the frequency of the Board meetings and the need for Board Members to stay apprised of activities pertaining to the City's parks. A brief discussion followed.

#### ADJOURNMENT:

**Board Member Callahan moved, and Board Member Creach seconded, that the meeting be adjourned. By voice vote, the motion passed unanimously.**

The meeting was adjourned at 5:05pm.



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



**COUNCIL MEETING      INFORMATIONAL ITEM**

**1/13/2015      P – 4B**

**Title:** Planning Commission Minutes- November 4, 2014

**Thru:** Joe Henne, Interim City Administrator

**From:** Caprise Groo, Public Works Department Assistant

**Action Requested:** Informational - No action

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

Information Only

**Background / Findings & Facts:**

Information Only

**Recommended Motion:**

Information only

City of Selah  
Planning Commission Minutes  
of  
November 4, 2014

Selah Council Chambers  
115 W. Naches Ave.  
Selah, Washington 98942

A. Call to Order

The meeting was called to order by Chairman Quinnell at 5:29 p.m.

B. Roll Call:

Members Present: Commissioners: Miller, Torkelson, Smith, Quinnell, and Pendleton.

Members Absent:

Staff Present: Dennis Davison, Community Planner; Caprise Groo, Secretary

Guests:

Mr. Davison addressed the audience about the issues before the Planning Commission. The first item: Correct 2 lines of text on page 8 of the June 2014 minutes. The second item: Selah Municipal Code, Title 10 Chapter 10.28 text amendment. He explained that no other issues were scheduled to be discussed by the Planning Commission but took questions and held a short discussion concerning zoning, SEPA, and availability of public information.

Chairman Quinnell addressed the agenda:

C. Agenda Change None

D. Communications

1. Oral –

Chairman Quinnell: "This is a public meeting. If you wish to address the Commission concerning any matter that is not on the agenda, you may do so now. Please Come forward to the podium, stating your name and address for the record. The Chairman reserves the right to place a time limit on each person asking to be heard."

Mr. Worby, 200 Weems Way, addressed concerns about municipal code complexities, language and zoning.

Mr. Davison explained the state Growth Management Act and how the Council revisited the Comprehensive Plan in 2005. At that time the zoning code was changed to permit duplexes in the R-1 zone, however, it did not carry over to the table. Mr. Davison stated that the Hearing Examiner had suggested that the table and the text should match.

Mr. Davison and Mr. Worby continued to discuss the Growth Management Act, duplexes and zoning.

Mr. Worby suggested an impact fee on all new construction would help support the local schools.

Mr. Davison explained that an impact fee was once suggested but that it had not been implemented for certain reasons.

Mr. Worby, Mr. Davison and the Commissioners discussed the practicality of an impact fee and how it could be used.

Chairman Quinnell asked if anyone else would like to speak.

Dr. Richard Weller, 50 Herlou Place, addressed concerns about the SEPA process and what warrants additional studies.

Mr. Davison discussed the SEPA process and what affected agencies the report is sent to. He stated that any comments that come in were addressed by the City Administrator. After a comment period, the administrator can revise the determination if need be. Mr. Davison stated that SEPA is an administrative function.

Chairman Quinnell asked if anyone else would like to speak.

Mr. Stan Taylor, 50 Weems Way, expressed concerns about a 20 foot wide road in the Planned Development presented by Mr. Sample that would not be maintained by the city.

Chairman Quinnell responded that with all due respect that was not on the Agenda.

Commissioner Torkelson responded that Mr. Davison had covered that issue.

Chairman Quinnell closed the session of oral communication.

2 Written – None

E. Approval of Minutes

1. October 27, 2014 minutes:

Chairman Quinnell requested an approval, disapproval or corrections of the October 27, 2014 minutes.

Commissioner Torkelson motioned to approve the minutes.

Commissioner Smith seconded the motion.

Chairman Quinnell called for a voice vote and the minutes were passed with a vote of 5-0.

F. Public Hearing

1. Old Business - None
2. New Business - None

G: General Business

1. Old Business – None
2. New Business-

1. Correct 2 lines of text on page 8 of the June 2014 Minutes.

Chairman Quinnell requested a motion to approve or disapprove the correction.

Commissioner Torkelson motioned to approve the correction to the June 2014 Minutes.

Commissioner Smith seconded the motion.

Chairman Quinnell called for a voice vote and the correction was passed with a vote of 5-0.

2. Selah Municipal Code, Title 10 Chapter 10.28

Mr. Davison presented the staff report and the attachments:

**CITY OF SELAH PLANNING COMMISSION  
STAFF REPORT**

(Prepared October 31, 2014)  
(Public hearing November 4, 2014)

FILE NO.: Zoning Ordinance Text Amendment 2014-01

PROPOSAL: Amend Selah Municipal Code, Title 10, Chapter 10.28, Table 5-A and Chapter 10.28.040 Regulatory Notes

PROPONENT: City of Selah Planning Department

PLANNING COMMISSION  
MINUTES 11/04/14

**HISTORY:** Selah Municipal Code, Title 10 28, initially created in 2004.

**SURROUNDING LAND USE:** Not applicable as the proposed zoning ordinance text amendments would apply throughout the municipality.

**VICINITY ZONING:** Not applicable as the proposed zoning ordinance text amendments would apply throughout the municipality.

**2005 CITY OF SELAH URBAN GROWTH AREA COMPREHENSIVE LAND USE PLAN:**

Applicable Goals and Policies:

**Policy LUGM 3.2.:** Direct development to areas where infrastructure (water, sewer and street) is either present, can be easily extended, or is planned to be extended.

**APPLICABILITY:** The proposed zoning ordinance text amendments would further the Housing Goals within the municipality and provide for a mixture of housing types as contemplated in SMC. Title 10.12.040.

**STAFF RECOMMENDATION:** Approval of the proposed zoning ordinance text amendments to Selah Municipal Code Title 10, Chapter 10.28, Table 5-A and Chapter 10.28.040 Regulatory Notes to implement SMC, Title 10.12.040. This recommendation is supported by a recommendation by the Hearing Examiner.

**CHAPTER 10.28**

**PERMITTED, ADMINISTRATIVE AND CONDITIONAL USES**

**TABLE A-5**

See Chapter 10.06.020 for an explanation of Use Categories

CITY OF SELAH ZONING ORDINANCE, TITLE 10, CHAPTER 28, TABLE A-5							
PERMITTED USES BY ZONING DISTRICT	LDSF	R-1	R-2	R-3	B-1	B-2	M-1
<b>MINING / REFINING / OFF-SITE HAZARDOUS WASTE TREATMENT</b>							
Asphalt, roofing material manufacture, rock crushing							3
Mining*, including sand and gravel pits							3
Off site hazardous waste treatment and storage facilities*						3	3
<b>RESIDENTIAL</b>							
Accessory structure, use or building*	1	1	1	1	1	1	1
Detached single family dwelling*	1	1	1				
Manufactured home*/Mobile home* (See 10.08.140)	1						
Two family dwelling (duplex) * (See 10.28.040[1])		1(1)	1	1			
Multiple family dwelling*: 0-5 DUA			2	1			
< 6-12 DUA			2	1			
> 12 DUA				1			

Manufactured home parks* (See 10.28.040[e])				3			
Retirement apartments			2	1			
Home occupations* (See 10.28.040[o])							
Minor Home Occupations* (See 10.28.040[o])	1	1	1	1	1	1	
Major Home Occupations* (See 10.28.040[o])	2	2	2	2	2	1	

## CHAPTER 10.12

### ONE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT

#### Sections:

10.12.010 Purpose.

10.12.020 Class 1 Permitted, Class 2 Administrative and Class 3 Conditional Uses.

10.12.030 Lot size.

**10.12.040 Designated two family residential lots.**

**10.12.010 Purpose.** The One-Family Residential (R-1) Zoning District is established to provide for single family residential development where urban governmental services are currently available or will be extended by the proponent to facilitate development at no public cost.

Specifically, the intent of this district is to:

- (1) Provide for an orderly, phased transition from vacant or partially developed land to single family residential development;
- (2) Facilitate coordinated and collaborative public infrastructure investment;
- (3) Require individual lot connections to municipal water and sewer systems;
- (4) Require developments to meet the City's minimum urban development standards;
- (5) Particular emphasis shall be given to ensuring that R -1 uses and land divisions will facilitate future urban development and extension of utilities.

**10.12.020 Class 1 Permitted, Class 2 Administrative and Class 3 Conditional Uses.**  
Class 1 Permitted, Class 2 Administrative and Class 3 Conditional Uses as listed in Chapter 10.28, Table A.

**10.12.030 Lot size.**

(1) The minimum lot size requirements for any newly created lot (including lot line adjustments) in this district are progressive based on slope and utility provisions:

<u>Slope</u>	<u>Water and Sewage System</u>	<u>Minimum lot size</u>
< 10%	Municipal water and sewage system	8,000 sq.ft.
> 10% < 15%	Municipal water and sewage system	10,000 sq.ft.
> 15% < 20%	Municipal water and sewage system	1/2 acre
> 20% < 25%	Municipal water and sewage system	1 acre
> 25%		5 acres

(2) Subdivision designs shall ensure that adequate setbacks, buffering of adjoining uses and sensitivity to physical features are achieved. Lot sizes shall be increased to accommodate specific uses, lot coverage, setbacks, access, landscaping and other requirements as provided in this title.

**10.12.040 Designated two family residential lots.** Within a proposed land division of ten (10) or more lots ten (10) percent of the lots may be designated for a future two family dwelling. The proposed lot(s) shall be considered by the reviewing body and, once the lot location(s) are approved, the lot(s) shall be clearly identified on the recorded subdivision providing public disclosure of said approval.

Careful consideration of adjacent properties by the Hearing Examiner shall be made ensuring harmonious compatibility.

The minimum lot size requirement of any lot(s) designated for a future two family dwelling shall be a minimum of 9,000 sq. ft. or such minimum lot size based on slope specified in Section 10.12.030.

Existing text in the One-Family Residential (R-1) zone
--

Proposed amendment of existing text in the One-Family Residential (R-1) zone
--

Chairman Quinnell asked if the Council was catching the table up with the verbiage that was drafted in 2004.

Mr. Davison stated that this created continuity between the table, the text and the regulatory notes.

Commissioner Torkelson: "This was reviewed by the hearing examiner?"

Mr. Davison stated that this was reviewed by the Hearing Examiner and an application was rejected because there was no continuity between the text and the table. All this does is correct that and allow the Hearing Examiner to consider it.

Commissioner Miller asked "There is no requirement that a lot designated for a duplex has to be used for duplex but it gives them the option?"

Mr. Davison stated yes it gives them the option but it does not mean the Hearing Examiner will approve it.

Commissioner Torkelson asked "Did Mr. Noe look this over?"

Mr. Davison stated that Mr. Noe had looked it over.

Commissioner Smith asked why they proposed putting an R-2 in an R-1 zone. Why put it out there in the first place?

Mr. Davison stated that the Growth Management Act wanted to see a variety of housing and densities. This was a state goal.

Chairman Quinnell asked if there were any other questions or comments. He opened the discussion to the public and asked if there were any proponents /opponents that would like to speak.

Mr. Worby, 200 Weems Way, stated his objections to R-2 housing in an R-1 zone.

Commissioner Miller and Mr. Worby debated the issue.

Commissioner Smith stated that in the future the public would still have the option to oppose a planned development that used a duplex in an R-1 zone.

All Commissioners and Mr. Worby discussed the process a Planned Development goes thru to get approval.

Mr. Aaron Thomas, 111 Herlou Dr., expressed his concern that developers were deciding what was good for the community and not the City Council and that it diminished the community strength.

Commissioner Torkelson: The developer still has to go through the City Council to get approval and the Council can still turn them down.

Commissioner Miller explained that there are many different types of living arrangement that this type of housing would work for (Accessibility).

Mr. Thomas: Still opposed to it.

Commissioner Smith explained that there are 2 different entities that look at planned developments and that the public would still have an opportunity to voice their opinion.

Mr. Mark Weller, 110 Lyle Loop, expressed concern that people are not being heard.

Commissioner Torkelson explained that people were being encouraged to attend the open public meetings.

Mr. Thompson was concerned that the best interests of the public, those currently living here, were not being heard.

Mr. John Richards, 65 Lyle Ave., was concerned because the 10.28 tables didn't list Planned Development.

Commissioner Torkelson stated that this ordinance and Planned Development were two different sections of the code. What is being dealt with is a chart did not fit the ordinance; we were trying to make coincide.

Mr. Richards expressed concern about Planned Development Zoning and that current zoning may not be the same.

Commissioner Miller stated that the Planning Commission considers the impact of a development.

Commissioner Torkelson stated that the density will be the same or less with a Planned Development.

Mr. Worby asked if a duplex could be put in an R-1 if it is a Planned Development.

Commissioner Torkelson stated a Planned Development and an R-1 are never the same.

Mr. Davison explained the comprehensive plan, zoning and density.

Discussion ensued between Commissioner Torkelson, Commissioner Miller and Mr. Worby about planned developments and density.

Mr. Davison stated that a site plan is fixed. If it is to be changed at any time it has to be reviewed.

Commissioner Miller and Commissioner Torkelson tried to clarify density for Mr. Worby.

Katie Fountaine, 510 Southern Ave., stated she opposed any code adjustment that would increase the density of housing. She was concerned that home ownership may not be a priority.

Chairman Quinnell: Asked if anyone else would like to speak.

Tisha Busey, 1312 City Reservoir Rd., questioned what the level of review was for allowing duplexes in R-1 zones.

Mr. Davison stated that it was a Level 1 review and is also reviewed by Code Enforcement.

Mrs. Busey asked if there were different things that had different levels of review.

Commissioner Miller stated that in a new development it gives the developer an option to designate one in ten for duplex use.

Mrs. Busey asked if this would be automatic and not go before review.

Commissioner Torkelson stated that because there were ten lots in play it was a long plat that it would go before the Hearing Examiner and a public hearing before it went to council.

Commissioner Miller stated that this was just the opening first step and that there were other possibilities.

Mr. Davison explained the process that the developer goes through to get approval.

Mrs. Busey stated that she had forgotten that this was for 10 lots or more. She did understand that it could be useful as a buffer to hubs of greater activity.

Mr. Davison stated that this was useful in heavy traffic areas. Mr. Davison stated that a short plat goes to the hearing examiner, public hearing and then to council for approval.

Mrs. Busey was concerned that there was a breakdown of communication between the public and the city.

Mr. Bill Eller, 11 Terry Place, stated he is opposed to R-2 in an R-1 zone. He stated he would like this removed from the code.

Chairman Quinnell Closed the public comment session and proceeded with Selah Municipal Code, Title 10, Chapter 10.28.

Commissioner Smith asked if the Commissioners could remove this section of the code.

Commissioner Quinnell asked if the Commissioners could remove 10.040 at this time.

Mr. Davison stated that it could not be done at this time. Another public hearing would be needed to re 10.040 from the code.

Commissioner Torkelson stated that this zoning amendment would be the perfect blend if it was done in the right circumstances.

Commissioner Miller stated that the Planned development with duplexes had to be designated upfront.

Commissioner Torkelson stated that if 10.040 was used it would still be discussed.

Commissioner Smith asked if additional language could be added to 10.12.040 to make sure due diligence was followed.

Mr. Davison explained that duplexes in an R-1 zone have to be designated and still it could be denied.

Chairman Quinnell stated the safety process was there.

Mr. Davison agreed that the safety process was there and if the City Council or the Hearing Examiner thought something was wrong they could remand it back.

Commissioner Miller stated the he sees the safety net and that duplexes are not a bad thing.

Chairman Quinnell asked if there were any comments from the public.

Mr. Davison asked Commissioner Smith what kind of language she would like added.

Commissioner Smith stated something to the effect that consideration to the surrounding area... (Written word given to Mr. Davison).

Commissioner Torkelson stated he thought it would take care of its self.

Chairman Quinnell stated that he did not know if additional language was necessary but it couldn't hurt.

Commissioner Smith stated that it would give hcr piece of mind.

Commissioner Quinnell read the finding and decision:

## **CITY OF SELAH PLANNING COMMISSION FINDINGS AND DECISION**

THIS MATTER having come on for public hearing before the City of Selah Planning Commission on November 4, 2014, following a remand from the Selah City Council for further consideration. The Commission is reconsidering zoning ordinance text amendments #2014-01 to Selah Municipal Code Title 10, (Zoning Ordinance), Chapter 10.28, Table A-5 and Chapter 10.28.040 Regulatory Note (I).

The members of the Commission present were **MILLER, PENDLETON, QUINNELL, TORKELSON and SMITH.**

Legal notification pursuant to Selah Municipal Code was given on the 26th day of October 2014. All persons present were given the opportunity to speak for or against the proposed text amendments.

## ZONING ORDINANCE TEXT AMENDMENT FINDINGS

### Comprehensive Plan Goals and Policies

1. The proposed zoning ordinance text amendments will or will not, as indicated below, further the following goals and their underlying policies of the 2005 City of Selah Urban Growth Area Comprehensive Plan.

GOAL	WILL FURTHER	WILL NOT FURTHER	N/A
a. Promote orderly growth	XX		
b. Avoid incompatible land uses	XX		
c. Encourage the provision of housing to meet the needs of all segments of the community	XX		
d. Preserve natural resources			XX
e. Protect against flooding and drainage problems			XX
f. Maintain and improve air and water quality			XX
g. Maintain an efficient transportation system			XX
h. Provide efficient and effective public services at the lowest possible cost	XX		

## CHANGED CIRCUMSTANCES

2. The Planning Commission finds **THE FOLLOWING CHANGES** in circumstances which justifies the proposed zoning ordinance text amendment:

The initial adoption of Selah Municipal Code Title 10, Chapter 10.28 did not provide any reference in Title 10, Chapter 10.28, Table 5-A or Chapter 10.28.040 Regulatory Notes to the provision of Chapter 10.12.040, which would permit duplexes on specifically designated lots within new subdivisions zoned One Family Residential (R-1) The original purpose of Chapter 10.12.040 was to create a diversity of housing structures and promote affordable housing within the One Family Residential (R-1) zone. The Commission finds that with continued population growth there is a need to provide for greater zoning flexibility when developing property. Said text amendments are in furtherance of the public health, safety and general welfare of the people within the City of Selah.

## NEED FOR THE PROPOSED TEXT AMENDMENT

3. The Planning Commission **FINDS** that within the City of Selah and within Selah Municipal Code Title 10 there is a demonstrated and/or recognized need to expand the opportunity and flexibility of Chapter 10.28, Table 5-A and Chapter 10.28.040 Regulatory Notes.

## PUBLIC OPINION

4. The public testimony that was offered was **IN OPPOSITION OF** the proposed text amendments.

## ENVIRONMENTAL REVIEW

5. The Planning Commission finds that environmental review has been completed on the proposal and further finds that such environmental review was **ADEQUATE**.

## CONTROLLING FACTORS

The Planning Commission determines that **ALL OF THE ABOVE** findings to be controlling factors in its deliberations on the proposed zoning ordinance text amendments.

## DECISION

The Planning Commission, based upon the aforementioned findings and controlling factors, finds that the proposed zoning ordinance text amendments **IS** in furtherance of the public health, safety and general welfare of the people; therefore, the proposed zoning ordinance text amendments should be **APPROVED** and additional amendatory language is to be added to Chapter 10.12.040:

Careful consideration of adjacent properties by the Hearing Examiner shall be made ensuring harmonious compatibility.

Motion to **APPROVE** by: **SMITH**

Seconded by: **TORKELSON**

**Vote: 5 to 0**

H. Reports/Announcements

1. Chairman –
2. Commissioners –
3. Staff –

I. Adjournment

Chairman Quinnell asked for a motion to adjourn. Commissioner Miller moved to adjourn and Commissioner Torkelson seconded the motion. The meeting was adjourned at 7:29 pm with a voice vote of 5-0.

  
Chairman