

# SELAH CITY COUNCIL

4:00pm October 14, 2014

3:15pm – David Kelly, City Administrator  
2015 Budget Workshop



Selah City Council  
Regular Meeting  
Tuesday, October 14, 2014  
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

City Administrator:  
City Attorney:  
Clerk/Treasurer:

David Kelly  
Bob Noe  
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 reserves the right to place a time limit on each person asking to be heard.

### 2. Written

- Joe Henne a. September 2014 Monthly Report for Building Permit, 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: September 23, 2014 Council Meeting
- Dale N. \* 2. Approval of Claims & Payroll

- J. Public Hearings **None**
- K. New Business
  - David Kelly 1. Bond Refinancing
- L. Old Business **None**

- M. Resolutions
  - David Kelly 1. Resolution authorizing the Mayor to sign a Professional Services Contract with Margita A. Dornay for prosecution services

- Joe Henne \* 2. Resolution Authorizing the Mayor to sign Task Order 2014-3 between the City of Selah and Huibregtse, Louman Associates, Inc. for Engineering and Surveying Services for the East Goodlander Road Transportation Improvement Board (TIB) Improvements Project
- Joe Henne \* 3. Resolution Authorizing the Mayor to sign Task Order 2014-4 between the City of Selah and Huibregtse, Louman, Associates Inc. for Construction services for the East Goodlander Road Water Improvements Project
- Joe Henne \* 4. Resolution Authorizing the Mayor to sign Task Order 2014-5 between the City of Selah and Huibregtse, Louman, Associates Inc. for Construction services for sewer system improvements on the Transportation Improvement Board (TIB) East Goodlander Road Improvements Project
- Joe Henne 5. Resolution Authorizing the Mayor to sign a Transportation Improvement Board (TIB) Consultant Agreement for Professional Construction Services for the East Goodlander Roadway Improvements between North First Street and Wenas Road
- Dennis Davison 6. Resolution of the City Council adopting the Findings and Recommendation of the Planning Commission and Approving Preliminary Plat No. 912-42.14-05, "Somerset II"
- David Kelly 7. Resolution authorizing the Mayor to sign a contract with Marshall Architecture, P.C for professional services related to the conceptual design of a proposed municipal multi-purpose facility

**N. Ordinances**

- Dennis Davison 1. Ordinance Amending Section of Title 10, Chapter 10.28, Table 5 – A, and Chapter 10.28.040, Regulatory Notes, of the Selah Municipal Code
- Dennis Davison 2. Ordinance Adopting the Selah Urban Growth Area Comprehensive Plan Amendment 2014-01 (Zuker-Sample L.L.C.) as Recommended by the City of Selah Planning Commission
- Dennis Davison 3. Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.42.14-04 Rezone to Planned Development (PD)

**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 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

Caprise Groo a. Planning Commission Minutes – May 20, 2014 (corrected); May 21, 2014; May 28, 2014; and June 17, 2014

**Q. Executive Session**

**None**

**R. Adjournment**

Next Study Session      October 28, 2014  
 Next Regular Meeting    October 28, 2014

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**

**10/14/2014    G – 2A**

**Title:** September 2014 Monthly Report for Building Permit, Animal Control and Code Enforcement

**Thru:** David Kelly, 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 and Code Enforcement Reports for September, 2014.

**Recommended Motion:**

Information only

## September 2014 Building Permit Issued/Fees

No.	Issue Date	Project	Address	Type	Master Plan #	Fees
6172	9/10/2014	James Thielman	120 E Fremont	New Building - garage		\$352.16
6171	9/2/2014	Brian Harris	701 S 1st St.	Demolition		\$76.91
6173	9/5/2014	BBS Selah LLC	506 S First St.	Retail Complex Footing/Foundation ONLY		\$0.00
6191	9/26/2014	BBS Selah LLC	506 S First St.	Retail Complex/Building		\$5,081.35
6192	9/26/2014	BBS Selah LLC	506 S First St.	Retail Complex/Plumbing		\$60.14
6174	9/30/2014	Torkelson Construction	207 E Goodlander	Water Meter Service Install ONLY		\$1,438.21
6175	9/26/2014	Mary Lenhardt	805 W 5th Ave	Re-Roof		\$76.91
6176	9/22/2014	Teresa Lua	206 N Wenas	Re-roof		\$76.91
6177	9/12/2014	Matson Fruit Company	465 B South Park Ave	Fire Alarm System		\$220.89
6178	9/11/2014	Leonard Pittman	206 Anchor Loop	Furnance/Air Replace		\$57.21
6179	9/8/2014	Columbia Ridge Homes	1440 Nelson Place	Footing/Foundation ONLY		\$0.00
6181	9/26/2014	Columbia Ridge Homes	1506 W Naches Ave	Footing/Foundation ONLY		\$0.00
6182	9/26/2014	Columbia Ridge Homes	1505 W First Ave.	Building	IRC2012-5	\$5,583.88
6183	9/26/2014	Columbia Ridge Homes	1505 W First Ave.	Plumbing		\$199.63
6184	9/26/2014	Columbia Ridge Homes	1505 W First Ave.	Mechancial		\$137.32
6185	9/26/2014	Columbia Ridge Homes	1505 W First Ave.	UG Sprinklers		\$39.64
6186	9/26/2014	Columbia Ridge Homes	1410 W First Ave.	Building	IRC2012-4	\$5,445.37
6187	9/26/2014	Columbia Ridge Homes	1410 W First Ave.	Plumbing		\$188.90
6188	9/26/2014	Columbia Ridge Homes	1410 W First Ave.	Mechancial		\$137.32
6189	9/26/2014	Columbia Ridge Homes	1410 W First Ave.	UG Sprinklers		\$39.64
6090	9/25/2014	Rich Goodall	1207 Heritage Hills Lane	Footing/Foundation ONLY		
6193	9/26/2014	Tree Top Inc. - Lab	207 E Fifth Ave.	Building- Commercial		\$14,959.39
6194	9/26/2014	Tree Top Inc. - Lab	207 E Fifth Ave.	Plumbing Commercial		\$264.01
6195	9/26/2014	Tree Top Inc. - Lab	207 E Fifth Ave.	Mechanical Commercial		\$292.25
6196	9/29/2014	Selah School District	408 N. First St.	New Building/Retaining wall		\$325.94
6197	9/30/2014	Moss Living Trust	405 Pleasant Ave.	Re-Roof		\$76.91

# **ANIMAL CONTROL**

**September 2014**

SELAH POLICE DEPARTMENT	LOST DOG	9-2-14
SELAH INTERMEDIATE SCHOOL	LOST DOG	9-11-14
100 BLK S. 3 <sup>RD</sup>	BARKING DOG	9-12-14
500 BLK S. 3 <sup>RD</sup>	LOST DOG	9-15-14
500 BLK W. BARTLETT	DOG BITE	9-15-14
100 BLK E BARTLETT	CONFISCATE 2 DOGS	9-22-14
200 BLK S. 3 <sup>RD</sup>	BARKING DOGS	9-24-14
700 BLK W. FREMONT	LOOSE DOG	9-25-14
COMET TRAILER	LOOSE DOG	9-29-14
800 BLK W. FREMONT	LOOSE DOG	9-29-14
SELAH POLICE DEPARTMENT	INJURED CAT	9-30-14

# **CODE ENFORCEMENT**

## **September 2014**

700 BLK S. 1 <sup>ST</sup> STREET	CERTAIN GROWTH	9-8-14
800 BLK SPEYERS RD.	CERTAIN GROWTH & LANDSCAPE MAINTENANCE	9-12-14
800 BLK CHERRY AVE.	CERTAIN GROWTH LANDSCAPE MAINTENANCE	9-12-14
S. 10 <sup>TH</sup> STREET	REQUIREMENTS FOR CONSTRUCTION	9-17-14
100 BLK E. HOME	LITTERED PREMISES	9-17-14
800 BLK CHERRY AVE.	CERTAIN GROWTH	9-26-14
700 BLK PEAR AVE.	PARKING OF MOTOR VEHICLE	9-26-14
600 BLK W HOME	CERTAIN GROWTH	9-26-14
600 BLK W HOME	CERTAIN GROWTH	9-26-14



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



**COUNCIL MEETING      ACTION ITEM**

**10/14/2014              I – 1**

**Title:** Approval of Minutes: September 23 2014 Council Meeting

**Thru:** David Kelly, 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 the Minutes from the last Council Meeting.

**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)

**City of Selah  
Council Minutes  
September 23, 2014**

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

**A. Call to Order Mayor Gawlik called the meeting to order at 6:30pm.**

**B. Roll Call**

**Members Present: John Tierney; Dave Smeback; Brooke Finch; Roy Sample; Jane Williams**

**Members Excused: Paul Overby; Allen Schmid**

**Staff Present: David Kelly, City Administrator; Bob Noe, City Attorney; Gary Hanna, Fire Chief; Joe Henne, Public Works Director; Rick Hayes, Police Chief; Dale Novobielski, Clerk/Treasurer; Dennis Davison, Community Planner; Charlie Brown, Recreation Manager; Monica Lake, Executive Assistant**

**C. Pledge of Allegiance**

**Council Member Tierney led the Pledge of Allegiance. Pastor Brad Hill led the opening prayer.**

**D. Agenda Changes None**

**E. Public Appearances/Introductions/ Presentations**

**1. Mike King, Lions Club – US flags for City flagpoles**

**Mike King, past president of the Lions Club, said that he and his fellow members were here to donate nine 3 foot by 5 foot American flags to replace any worn and tattered flags flown by the City. He noted that the flags were purchased through the executive membership of the Lions Club and given to the Selah Valley Lions Club for donation to the City.**

**Mayor Gawlik thanked them for their donation.**

**F. Getting To Know Our Businesses None**

**G. Communications**

**1. Oral**

Mayor Gawlik opened the meeting.

Norma Smith approached the podium and addressed the Council. She expressed her concern that there are no sidewalks on the newly repaved West Home Avenue and West Pear Avenue, and of youngsters walking in middle of the road on the opposite side of the street from the existing sidewalks. She noted that there are also no sidewalks around Wixson Park.

Public Works Director Henne explained that Speyers Road was built hastily to expend the funds that the City had received for the project, and that they were unable to secure additional rights of way for the project. He said that the Home Avenue and Pear Avenue overlay, which was done to alleviate all the cuts, was done as part of the Water Department's project, which did not include funds for sidewalks and curbs. He remarked that the only sidewalk around Wixson Park is from Valleyview Avenue and 3<sup>rd</sup> Street to the school, although 3<sup>rd</sup> Street from Valleyview Avenue to Southern Avenue is in design right now. He stated that they don't typically put sidewalks on local access roads, although they do put them on collector roads and above that are eligible for State and Federal funding.

Council Member Tierney inquired about sidewalk requirements for new developments.

Public Works Director Henne replied that new developments are required to put in sidewalks.

Council Member Tierney asked if it applied to only one side of the street or to both.

Public Works Director Henne responded that it applies to both sides of the street; they are required to design a whole new road. He noted that there would be a significant expenditure to get something useable with curbs and gutters on an existing street.

Mayor Gawlik thought that everyone should be aware how streets got developed and how the City maintains and develops them. He added that students walking on the other side of street is simply a habit, and that the kids need to be educated to use the sidewalks.

Public Works Director Henne remarked that he has seen kids walking on the street even in new subdivisions, adding that pedestrian fatalities are on rise because of smart phones.

Council Member Tierney felt that another way to add sidewalks would be to have neighborhoods do an LID for improvements.

Public Works Director Henne commented that State law allows for 50% of the property owners and the City along a route to do a sidewalk, and that they could invite other folks in on it.

Council Member Sample said that an LID could be a good idea to solve the issue.

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

## 2. Written

H. Proclamations/Announcements **None**

I. Consent Agenda

**Council Member Tierney moved, and Council Member Finch seconded, to add Resolution M – 1 to the Consent Agenda. By voice vote, approval was unanimous.**

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: September 9, 2014 Study Session and Council Meeting
- \* 2. Approval of Claims & Payroll:
  - Payroll Checks Nos. 77874 – 77901 for a total of \$156,315.29
  - Claim Checks Nos. 64523 – 64593 for a total of \$314,636.96
- \* 3. Resolution M – 1: Resolution Authorizing the Mayor to Sign an Updated Section 125 Cafeteria Plan

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

J. Public Hearing

- 1. Public Hearing on Revenue Sources for the 2015 Budget

Clerk/Treasurer Novobielski addressed J – 1. He said that the City is required by law to hold a public hearing to discuss proposed 2015 revenues. He went on to say that they are in the early stages of developing a budget for 2015, and that at the end of next week they will begin meetings of the City Council and Department Heads. He gave a brief review of where the City is for 2014 and the proposed revenues for 2015.

Fire Chief Hanna noted that estimates for the Fire Department levy went down this year. He noted that the amount received is based on a formula of assessed valuation, call volume, and population that divides the funds among the different agencies.

Clerk/Treasurer Novobielski discussed the taxes assessed by the City, which included sales tax, public safety tax, transit tax, electric and gas tax, and utility taxes.

Mayor Gawlik opened the public hearing. Seeing no one rise to speak, he then closed the hearing.

K. New Business

- 1. Creation of a New Position

**City Administrator Kelly addressed K – 1. He stated that this is a formal writing of the proposal from the Council Retreat to have an Assistant to the City Administrator, outlined the salary and funding for the position, and briefly reviewed the projects that the individual will assist with.**

**Council Member Tierney pointed out a typo on pages three and four regarding weight lift requirements. He asked if this is an at will employee.**

**City Administrator Kelly responded that it would not be a union position.**

**Council Member Tierney wondered if the qualifications could be amended to include that the individual be English-speaking and a U.S. citizen.**

**City Administrator Kelly replied that we can put anything we want in the job description, and that he would have a hard time with someone who doesn't speak English. He noted that any new hires are required to provide a valid driver's license and Social Security number.**

**Council Member Williams wanted to clarify that this position won't work for the Planning Department.**

**City Administrator Kelly responded in the affirmative.**

**Council Member Williams asked if the Human Resources part of the job should be listed at the beginning of the job description, as it seems to be a small portion of the actual job.**

**City Administrator Kelly commented that it can be moved to a different place.**

**Mayor Gawlik remarked that this matter was discussed at the Council Retreat, at which time the consensus from Council was that, due to the growth of the City and the complexity presented, we need to have the tools to meet those needs and demands, which will be providing better quality of life for the citizens.**

**Council Member Smeback expressed surprise at the extent of the job description and the salary expense, saying he thought they were talking about someone helping due to the load of the projects themselves, with no involvement in the budget or Human Resources.**

**Council Member Williams asked for a breakdown of the financial expense.**

**City Administrator Kelly replied that the salary would be \$53,000 per year.**

**Council Member Smeback commented that the others who make that kind of money are managers, and that he feels they went from a project manager to someone taking on a much larger role.**

**Mayor Gawlik suggested that the budget meetings may be the appropriate place for that to be addressed.**

**City Administrator Kelly stated that it can be addressed now, reminding Council that benefits do add to the total for the new position.**

Council Member Tierney felt that it would be in their best interests to post and advertise for the position as a salary range from \$42-50,000, depending on qualifications, to give them some latitude.

Council Member Smeback thought that the salary was too big for someone who would spend hours on a computer searching for grants versus someone who was boots on ground.

City Administrator Kelly responded that they want someone professional; it's not a clerical position.

Council Member Sample observed that \$50,000 was what was projected, and wondered how many people with a Masters would apply for it.

City Administrator Kelly remarked that he called his alma mater to see how much it would cost to hire a better candidate straight out of school, and they said \$47-50,000.

Council Member Sample commented that such an individual would have no hands on experience, and he feels that they want a very professional person to fill the position.

Mayor Gawlik noted that Recreation Manager Brown, who had no prior experience with grants, worked very hard to submit an application for a grant for special needs for Volunteer Park and received \$375,000 in funds for the project. He said that the pay for the position should match the knowledge and experience.

Council Member Williams agreed with him, but added that she feels it is too big of a position for someone, as the job requires someone who is creative, highly organized and a good planner.

Council Member Smeback asked if it would be possible to have the position up for review this time next year, to allow Council to evaluate what they are getting for their money.

City Administrator Kelly replied in the affirmative, adding that he wants to make sure that the individual produces results.

**Council Member Finch moved, and Council Member Williams seconded, to Approve the Creation of a New Position. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

**L. Old Business**

**1. Selah Parks & Recreation Program/Activity Price Increase Proposal**

Recreation Manager Brown addressed L – 1. He reviewed the changes made, per Council's request, at the original presentation a month ago.

Council Member Williams inquired if he was recommending that 'residents' be defined as those who are within the 98942 zip code.

Recreation Manager Brown responded in the affirmative.

Council Member Williams commented that the coach prepared paperwork looks like might add quite a bit into the overall funds received.

Recreation Manager Brown noted that all registration will now be done online.

Council Member Williams asked if he liked the new system.

Recreation Manager Brown replied in the affirmative.

**Council Member Smeback moved, and Council Member Finch seconded, to Approve the Selah Parks & Recreation Program/Activity Price Increase Proposal. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – yes. By voice vote, approval was unanimous.**

#### N. Ordinances

Per the request of Community Planner Davison, Ordinances were moved ahead of Resolutions on the Agenda.

1. Ordinance Amending Ordinance No.1634 Zoning Map Amendment No. 914.67.14-03 Rezone to Planned Development (PD)

Community Planner Davison addressed N – 1. He reviewed the Hearing Examiner's Findings of Fact on the proposed rezone, including the seven conditions recommended, and listed the amenities available at the location.

Council Member Sample wondered why it needed to be rezoned from an R-2 to a Planned Development.

Community Planner Davison responded that R-2 won't allow the owner to sell the individual lots; in the past he has suggested using the Planned Development for these projects.

Council Member Sample asked if there are there separations between the two units.

Community Planner Davison replied that they are as shown in the packet.

Council Member Sample inquired as to how it could be a duple if the units weren't joined together.

Community Planner Davison responded that the connection is on the second story.

Carl Torkelson approached the podium and addressed the Council. He stated that the Planned Development function gives more flexibility for lot size than an R-2, although it needs to be the same essence of zoning regarding densities. He added that it does have to be a duplex lot to require what one needs per City code.

Council Member Smeback observed that Planned Developments, and how they are addressed, is similar to a common wall structure, it's simply a horse with a different name on it.

Mr. Torkelson commented that he wouldn't be able to subdivide the property without the lot size flexibility provided for under a Planned Development.

Council Member Williams wondered if, in the past, Council had converted an R-2 to a Planned Development after construction had been completed.

Community Planner Davison responded in the affirmative.

Mr. Torkelson noted that Sunset Estates and Riverview Manor were both done in that fashion.

Council Member Tierney asked if there was a provision to add a sidewalk in front of the residences.

Community Planner Davison replied that there was no sidewalk requirement imposed; the existing street is similar to other places in town with a narrow right of way.

Council Member Williams expressed some concern about use of the alleyway as an exit.

Mayor Gawlik remarked that, during the time when this construction was proposed, he was the building inspector. He stated that the issue of alleyway entrances for those two residences had gone before the Planning Commission and was found to be acceptable, and was also approved by the City Council.

Council Member Williams inquired as to the addresses for those two properties.

Community Planner Davison responded that their addresses are Home Avenue. He said that the narrow width of the lots provided no way to build a driveway to get to the back units, at which point it was determined to allow them access off the alley.

Council Member Smeback commented that alleyway access is common in that area.

Mayor Gawlik reiterated that the access egress off of the alley was already approved by Council, and that they wouldn't be gaining anything by re-addressing the issue.

Mr. Torkelson stated that there is no lot size mandated in the Planned Development function.

Council Member Tierney inquired if the roof will remain connected between the two units or if it will need to be changed.

Mr. Torkelson answered that the roof doesn't need to be changed; the area between the units will become a common area in the covenants and be maintained by both residences.

**Council Member Tierney moved, and Council Member Smeback seconded, to Approve the Ordinance Amending Ordinance No.1634 Zoning Map Amendment No. 914.67.14-03 Rezone to**

**Planned Development (PD). Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – no. Motion passed with four yes votes and one no vote.**

Mr. Torkelson requested that Council Member Williams list the facts behind her no vote.

Council Member Williams asked City Attorney Noe if she was required to do so.

City Attorney Noe replied in the negative.

Council Member Williams explained that she felt the lots were too small and over the designated density for the area. She remarked that she voiced her opinion on the matter at the Council Retreat as well, as she feels that a lot of things in the City's code need to be looked at. She told Mr. Torkelson that she would be happy to discuss the matter later; she feels that the City needs to be careful regarding Planned Developments or they will end up way a community that is too dense. She stated that she is trying to protect neighborhoods and have a well-planned community.

Mayor Gawlik commented that this area is part of the older section of Selah; builders enter into older neighborhoods to get rid of blighter properties, working within the existing building and City codes in an attempt to resurrect neighborhoods and make a livable area. He noted that this provides housing for people who may not have had the financial ability to buy in a better neighborhood in Selah, and that he doesn't see this issue being as serious a mention in our newer development areas.

Council Member Williams remarked that she appreciates well-planned duplexes.

Council Member Smeback observed that the Planned Development allows for entry-level homes for those stuck in the R-2 renting world.

Council Member Williams said that a duplex could be owner-occupied and rent out the other side.

Mr. Torkelson stated that he and the other builders make their living based on codes, ordinances, and facts; they follow the process and he feels that it is very important that they are treated with courtesy. He noted that the Council votes on facts and codes, and if the matter ends up going to court the City would need to have facts & findings to support their vote.

#### **M. Resolutions**

- \* 1. Resolution Authorizing the Mayor to Sign an Updated Section 125 Cafeteria Plan
- 2. Resolution Approving the Preliminary Plat of "First and Home Estates" (912.67.14-04) and Adopting Findings and Conditions of Preliminary Plat Approval

Community Planner Davison addressed M – 2. He referred Council to the packet, saying that the findings and conditions are based upon the Planned Development site plan; when the project is developed the subdivision will be a mirror image of the Planned Development layout, allowing for compliance with the approved Planned Development.

Council Member Tierney asked for clarification on condition number three, which states that road improvements that were not previously approved by the City shall be done by a professional engineer.

Community Planner Davison responded that there is nothing in the staff report requiring additional improvements, and nothing in the findings requiring additional improvements. He said that he is unsure where that condition came from, as nothing in the report addresses necessary improvements.

Council Member Sample remarked that it was approved once for duplexes.

Council Member Smeback commented that none of others on that street required the installation of sidewalks, gutters, and sewer.

Council Member Finch inquired if there would be any issues if Council approved the Resolution with an invalid condition.

Council Member Tierney asked if they should delete the sentence.

City Attorney Noe replied that it is not a problem; it's just a catchall condition.

**Council Member Smeback moved, and Council Member Sample seconded, to Approve the Resolution Approving the Preliminary Plat of "First and Home Estates" (912.67.14-04) and Adopting Findings and Conditions of Preliminary Plat Approval. Roll was called: Council Member Tierney – yes; Council Member Smeback – yes; Council Member Finch – yes; Council Member Sample – yes; Council Member Williams – no. Motion passed with four yes votes and one no vote.**

O. Communications

1. Oral

Mayor Gawlik opened the meeting. Seeing no one rise to speak, he then closed the meeting.

P. Reports/Announcements

1. Mayor

Mayor Gawlik said that it is hard to imagine that it is already budget planning this time, adding that he has been working with City Administrator Kelly on their presentation to Council, and also working with the department heads on their proposals. He noted that it isn't getting any easier but he is beginning to be more familiar with the process. He thanked the City staff for what they do.

2. Council Members

Council Member Finch had no report.

Council Member Sample said that the Selah Chamber of Commerce did a lot of food for the event last weekend. He reiterated what he and Council Member Schmid had stated at the Council Retreat regarding the enactment of the Growth Management Act and certain things that had to be done to comply with regulations.

Council Member Tierney had no report.

Council Member Smeback had no report.

Council Member Williams said that she attended the YVCOG meeting in Grandview last week, and that they had Tim Sullivan speak about the homeless network of Yakima Valley. She commented that there is quite a need for low cost and subsidized housing, and transitional and monitored housing, for the homeless to step back into a community.

### 3. Departmental

Police Chief Hayes had no report.

Council Member Williams remarked that she found some graffiti in the alley by the Planned Development discussed earlier in the meeting, and wondered if something new was going on.

Police Chief Hayes responded that it comes in waves, and usually gets covered up pretty quickly. He commented that it happens off and on around town and that his department has the means to monitor areas.

Council Member Williams asked if paint is available to homeowners.

Police Chief Hayes replied that there was none at the Police Station, adding that Council Member Schmid had something to cover up the markings.

Mayor Gawlik thought that the products that were being used were donated by suppliers in the City, and that Council Member Schmid donated his time to cover up or remove the graffiti.

Police Chief Hayes noted that it is usually juveniles committing the crime, and that Officer Martin keeps an eye on it.

Mr. Torkelson informed the Council that his company will make progress on the removal of the graffiti tomorrow.

Council Member Williams felt that it would be nice if the City had primer available for citizens to cover up graffiti.

Police Chief Hayes remarked that some of it will come off if you catch early.

Fire Chief Hanna said that they will finish hydrant testing this week and move on to hose testing, which will take a couple weeks to complete. He noted that tomorrow is their fair day doing recruiting and

public information at the fair, and that the FEMA grant bids have been awarded and everything has been ordered.

Council Member Finch asked if someone had been authorized to drive around taking pictures of fire hydrants recently.

Fire Chief Hanna responded in the negative.

Council Member Finch remarked that someone has been in her neighborhood taking pictures of fire hydrants.

Public Works Director Henne commented that Code Enforcement Officer Knox has sent correction notices to people regarding landscaping around hydrants and bushes growing over the top.

Mayor Gawlik commended Fire Chief Hanna for getting the most use possible out of his equipment, saying that old hose gets sold to contractors and such to use for construction sites, or to other entities that would have use of it.

Fire Chief Hanna stated that much of the old hose will go to the City's Public Works Department. He talked briefly about an email he received from the Newport Fire Department regarding the actions of one of his volunteers this last weekend; the volunteer administered CPR to a man who went into cardiac arrest, and the man was breathing when the Newport Fire Department arrived on the scene.

Recreation Manager Brown said that last weekend was the annual Army Base Race, with a total of six hundred thirteen runners participating in the event and a Japanese soldier taking the top prize.

Police Chief Hayes remarked that the Army Base Race is by far the most enjoyable out of all the functions they provide traffic control for.

Clerk/Treasurer Novobielski said that he will be providing Council with a budget calendar for the upcoming 2015 Budget meetings, and that the preliminary budget binders will be available by the end of this week.

Community Planner Davison thanked the Council for their approval of the Planned Development rezone and subdivision approval. He added that the Planning Commission will be holding a hearing on another Comprehensive Plan amendment, rezone, and subdivision that will go before Council on October 14<sup>th</sup>. He noted that there are several more projects in the works and gave a brief overview of them.

Public Works Director Henne had no report.

City Administrator Kelly had no report.

City Attorney Noe said that he has started the process of rewriting the municipal code, beginning with Title 1, and that it should be brought before Council in the near future.

4. Boards **None**





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



**COUNCIL MEETING      ACTION ITEM**  
**10/14/2014            I - 2**

**Title:** Claims & Payroll

**Thru:** David Kelly, 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**

**10/14/2014      K – 1**

**Title:** Bond Refinancing

**Thru:** David Kelly, City Administrator

**From:** David Kelly, City Administrator

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** We will save at least \$200,000

**Funding Source:** N/A

**Staff Recommendation:**

Approve moving forward with refinancing the Marudo debt and authorize the Mayor to sign an Underwriting Engagement Letter with D.A. Davidson & Co.

**Background / Findings & Facts:**

When exploring financing of the new City Hall/Police Station, our finance consultant, Jim Nelson with D.A. Davidson & Co., found an opportunity to save the City money. He explained that we could refinance our Marudo debt and save at least \$200,000 over the next eight years.

He will be attending our Council meeting to explain how the refinance process works. He will also give information regarding financing the new City Hall/Police station and Civic Center. He will be bringing a power point presentation and provide copies at the meeting.



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



To get this process started, the City needs to sign an Underwriting Engagement Letter, which has been attached.

**Recommended Motion:**

I move to approve moving forward with refinancing the Marudo debt and authorize the Mayor to sign an Underwriting Engagement Letter with D.A. Davidson & Co.



**D | A | DAVIDSON**  
FIXED INCOME CAPITAL MARKETS

October 10, 2014

City of Selah  
115 West Naches Avenue  
Selah, Washington 98942

Re: Underwriting Engagement Letter

On behalf of D.A. Davidson & Co. ("Davidson"), we wish to thank you for the opportunity to serve as underwriter for the City of Selah ("Issuer") on its proposed offering and issuance of Limited Tax General Obligation Refunding Bonds and possible new money Limited Tax General Obligation Bonds (the "Securities"). This letter will confirm the terms of our engagement; however, it is anticipated that this letter will be replaced and superseded by a bond purchase agreement to be entered into by the parties (the "Purchase Agreement") if and when the Securities are priced following successful completion of the offering process.

1. Services to be Provided by Davidson. The Issuer hereby engages Davidson to serve as managing underwriter of the proposed offering and issuance of the Securities, and in such capacity Davidson agrees to provide the following services:

- Provide various structuring options for the Securities
- Develop a marketing plan for the offering, including identification of potential investors
- Assist in the preparation of the preliminary official statement and final official statement and other offering documents
- Contact potential investors, provide them with offering-related information, respond to their inquiries and, if requested, coordinate their due diligence sessions
- If the Securities are to be rated, assist in preparing materials to be provided to securities ratings agencies and in developing strategies for meetings or conference calls with the ratings agencies
- Consult with counsel and other service providers about the offering and the terms of the Securities
- Inform the Issuer of the marketing and offering process
- Negotiate the pricing, including the interest rate, and other terms of the Securities
- Obtain CUSIP number(s) for the Securities and arrange for their DTC book-entry eligibility
- Plan and arrange for the closing and settlement of the issuance and the delivery of the Securities
- Such other usual and customary underwriting services as may be requested by the Issuer

Fixed Income Capital Markets

Columbia Center • 701 5th Avenue, Suite 4050 • Seattle, WA 98104 • (206) 389-8000 • 1-888-389-8001 • FAX (206) 389-4040

[www.davidsoncompanies.com/ficm/](http://www.davidsoncompanies.com/ficm/)

Davidson may provide incidental financial advisory services, including advice as to structure, timing, terms and other matters concerning the issuance of the Securities. Davidson will be providing such advisory services in its capacity as underwriter, not as a financial advisor to the Issuer. As underwriter, Davidson will not be required to purchase the Securities except pursuant to the terms of the Purchase Agreement, which will not be signed until successful completion of the pre-sale offering period. This letter does not obligate Davidson to purchase any of the Securities.

2. No Advisory or Fiduciary Role. The Issuer acknowledges and agrees that: (i) the primary role of Davidson, as an underwriter, is to purchase securities, for resale to investors, in an arm's-length commercial transaction between the Issuer and Davidson and that Davidson has financial and other interests that may differ from those of the Issuer.; (ii) Davidson is not acting as a municipal advisor, financial advisor, or fiduciary to the Issuer and has not assumed any advisory or fiduciary responsibility to the Issuer with respect to the transaction contemplated hereby and the discussions, undertakings and procedures leading thereto (irrespective of whether Davidson has provided other services or is currently providing other services to the Issuer on other matters); (iii) the only obligations Davidson has to the Issuer with respect to the transaction contemplated hereby expressly are set forth in this agreement; and (iv) the Issuer has consulted its own financial and/or municipal, legal, accounting, tax and other advisors, as applicable, to the extent it deems appropriate. If the Issuer would like a municipal advisor in this transaction that has legal fiduciary duties to the Issuer, then the Issuer is free to engage a municipal advisor to serve in that capacity. In addition, the Issuer acknowledges receipt of certain regulatory disclosures as required by the Municipal Securities Rulemaking Board that are attached to this agreement as Exhibit A. Issuer further acknowledges that Davidson may be required to supplement or make additional disclosures as may be necessary as the specific terms of the transaction progress.

3. Fees and Expenses. Davidson's proposed underwriting fee/spread is less than 0.80% of the principal amount of the Securities issued. The underwriting fee/spread will represent the difference between the price that Davidson pays for the Securities and the public offering price stated on the cover of the final official statement. In addition to the underwriting fee/spread, the Issuer shall pay to Davidson a fee equal to \$3,200 (or less) as compensation for its services in assisting in the preparation of the official statement and providing various financial analyses, and for the use of Davidson's capital to advance certain costs prior to settlement, and to reimburse for Davidson's payment of CUSIP, DTC, IPREO (electronic book-running/sales order system), printing and mailing/distribution charges. The Issuer shall be responsible for paying or reimbursing Davidson for all other costs of issuance, including without limitation, bond counsel, underwriter's counsel (if any) and rating agency fee and expenses, and all other expenses incident to the performance of the Issuer's obligations under the proposed offering.

4. Term and Termination. The term of this engagement shall extend from the date of this letter to the closing of the offering of the Securities. Notwithstanding the forgoing, either party may terminate Davidson's engagement at any time without liability of penalty upon at least 30 days' prior written notice to the other party. If Davidson's engagement is terminated by the Issuer, the Issuer agrees to compensate Davidson for its out-of-pocket expenses incurred until the date of termination.

5. Indemnification; Limitation of Liability. The Issuer agrees that neither Davidson nor its employees, officers, agents or affiliates shall have any liability to the Issuer for the services provided

hereunder except to the extent it is judicially determined that Davidson engaged in gross negligence or willful misconduct. In addition, to the extent permitted by applicable law, the Issuer shall indemnify, defend and hold Davidson and its employees, officers, agents and affiliates harmless from and against any losses claims, damages and liabilities that arise from or otherwise relate to this Agreement, actions taken or omitted in connection herewith, or the transactions and other matters contemplated hereby, except to the extent such losses, claims, damages or liabilities are judicially determined to be the result of Davidson's gross negligence or willful misconduct.

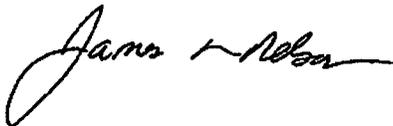
6. Miscellaneous. This letter shall be governed and construed in accordance with the laws of the State of Washington. This Agreement may not be amended or modified except by means of a written instrument executed by both parties hereto. This Agreement may not be assigned by either party without the prior written consent of the other party. If there is any aspect of this Agreement that you believe requires further clarification, please do not hesitate to contact us. If the foregoing is consistent with your understanding of our engagement, please sign and return the enclosed copy of this letter.

Again, we thank you for the opportunity to assist you with your proposed financing and the confidence you have placed in us.

Very truly yours,

D.A.DAVIDSON & CO.

By: James M. Nelson



Signature:

Title: Senior Vice President

Accepted this \_\_\_\_\_ day of October, 2014

City of Selah

By: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

## EXHIBIT A

D.A. Davidson & Co. (hereinafter referred to as "Davidson" or "underwriter") intends/ proposes to serve as an underwriter, and not as a financial advisor or municipal advisor, in connection with the issuance of the Bonds.

As part of our services as sole underwriter, Davidson may provide advice concerning the structure, timing, terms, and other similar matters concerning the issuance of the Bonds.

### **Disclosures Concerning the Underwriters Role:**

- (i) MSRB Rule G-17 requires an underwriter to deal fairly at all times with both municipal issuers and investors.
- (ii) The underwriters' primary role is to purchase the Bonds with a view to distribution in an arm's-length transaction with the Issuer. The underwriters financial and other interests that may differ from those of the Issuer.
- (iii) Unlike a municipal advisor, the underwriters do not have a fiduciary duty to the Issuer under the federal securities laws and are, therefore, not required by federal law to act in the best interests of the Issuer without regard to their own financial or other interests.
- (iv) The underwriters have a duty to purchase the Bonds from the Issuer at a fair and reasonable price, but must balance that duty with their duty to sell the Bonds to investors at prices that are fair and reasonable.
- (v) The underwriter will draft and review the official statement for the Bonds in accordance with, and as part of, their respective responsibilities to investors under the federal securities laws, as applied to the facts and circumstances of this transaction.

### **Disclosures Concerning the Underwriters Compensation:**

As underwriter, Davidson will be compensated by a fee and/or an underwriting discount that will be set forth in the bond purchase agreement to be negotiated and entered into in connection with the issuance of the Bonds. Payment or receipt of the underwriting fee or discount will be contingent on the closing of the transaction and the amount of the fee or discount may be based, in whole or in part, on a percentage of the principal amount of the Bonds. While this form of compensation is customary in the municipal securities market, it presents a conflict of interest since the underwriter may have an incentive to recommend to the Issuer a transaction that is unnecessary or to recommend that the size of the transaction be larger than is necessary.

### **Additional Conflicts Disclosure:**

Davidson has not identified any additional potential or actual material conflicts that require disclosure

### **Risk Disclosures Pursuant to MSRB Rule G-17 - Fixed Rate Bonds**

The following is a general description of the financial characteristics and security structures of fixed rate municipal bonds ("Fixed Rate Bonds"), as well as a general description of certain financial risks that you should consider before deciding whether to issue Fixed Rate Bonds.

## **Financial Characteristics**

**Maturity and Interest.** Fixed Rate Bonds are interest-bearing debt securities issued by state and local governments, political subdivisions and agencies and authorities. Maturity dates for Fixed Rate Bonds are fixed at the time of issuance and may include serial maturities (specified principal amounts are payable on the same date in each year until final maturity) or one or more term maturities (specified principal amounts are payable on each term maturity date) or a combination of serial and term maturities. The final maturity date typically will range between 10 and 30 years from the date of issuance. Interest on the Fixed Rate Bonds typically is paid semiannually at a stated fixed rate or rates for each maturity date.

**Redemption.** Fixed Rate Bonds may be subject to optional redemption, which allows you, at your option, to redeem some or all of the bonds on a date prior to scheduled maturity, such as in connection with the issuance of refunding bonds to take advantage of lower interest rates.

Fixed Rate Bonds will be subject to optional redemption only after the passage of a specified period of time, often approximately ten years from the date of issuance, and upon payment of the redemption price set forth in the bonds, which may include a redemption premium. You will be required to send out a notice of optional redemption to the holders of the bonds, usually not less than 30 days prior to the redemption date. Fixed Rate Bonds with term maturity dates also may be subject to mandatory sinking fund redemption, which requires you to redeem specified principal amounts of the bonds annually in advance of the term maturity date. The mandatory sinking fund redemption price is 100% of the principal amount of the bonds to be redeemed.

## **Security**

Payment of principal of and interest on a municipal security, including Fixed Rate Bonds, may be backed by various types of pledges and forms of security, some of which are described below.

**General Obligation Bonds.** The City has irrevocably covenanted for as long as any of the Bonds are outstanding that each year it will include in its budget and levy an ad valorem tax on all taxable property in the City, within and as part of the property taxes authorized by law to be levied by the City without a vote of the people, in an amount that, together with other lawfully available funds, will be sufficient to pay when due the principal of and interest on the Bonds. The full faith, credit and resources of the City are pledged irrevocably for the annual levy and collection of those taxes and the prompt payment of that principal and interest.

The Bonds are not obligations of the State or any other municipal corporation other than the City.

The description above regarding "Security" is only a brief summary of certain possible security provisions for the bonds and is not intended as legal advice. You should consult with your bond counsel for further information regarding the security for the bonds.

## **Financial Risk Considerations**

Certain risks may arise in connection with your issuance of Fixed Rate Bonds, including some or all of the following:

**Issuer Default Risk.** You may be in default if the funds pledged to secure your bonds are not sufficient to pay debt service on the bonds when due. The consequences of a default may be serious for you and, depending on applicable state law and the terms of the authorizing documents, the holders of the bonds, the trustee and any credit support provider may be able to exercise a range of available remedies against you. For example, if the bonds are secured by a general obligation pledge, you may be ordered by a court to raise taxes. Other budgetary adjustments also may be necessary to enable you to provide sufficient funds to pay debt service on the bonds. A default may negatively impact your credit ratings and may effectively limit your ability to publicly offer bonds or other securities at market interest rate levels. Further, if you are unable to provide sufficient funds to remedy the default, subject to applicable state law and the terms of the authorizing documents, you may find it necessary to consider available alternatives under state law, including (for some issuers) state-mandated receivership or bankruptcy. A default also may occur if you are unable to comply with covenants or other provisions agreed to in connection with the issuance of the bonds.

This description is only a brief summary of issues relating to defaults and is not intended as legal advice. You should consult with your bond counsel for further information regarding defaults and remedies.

**Redemption Risk.** Your ability to redeem the bonds prior to maturity may be limited, depending on the terms of any optional redemption provisions. In the event that interest rates decline, you may be unable to take advantage of the lower interest rates to reduce debt service.

**Refinancing Risk.** If your financing plan contemplates refinancing some or all of the bonds at maturity (for example, if you have term maturities or if you choose a shorter final maturity than might otherwise be permitted under the applicable federal tax rules), market conditions or changes in law may limit or prevent you from refinancing those bonds when required. Further, limitations in the federal tax rules on advance refunding of bonds (an advance refunding of bonds occurs when tax-exempt bonds are refunded more than 90 days prior to the date on which those bonds may be retired) may restrict your ability to refund the bonds to take advantage of lower interest rates.

**Reinvestment Risk.** You may have proceeds of the bonds to invest prior to the time that you are able to spend those proceeds for the authorized purpose. Depending on market conditions, you may not be able to invest those proceeds at or near the rate of interest that you are paying on the bonds, which is referred to as “negative arbitrage”.

**Tax Compliance Risk.** The issuance of tax-exempt bonds is subject to a number of requirements under the United States Internal Revenue Code, as enforced by the Internal Revenue Service (IRS). You must take certain steps and make certain representations prior to the issuance of tax-exempt bonds. You also must covenant to take certain additional actions after issuance of the tax-exempt bonds. A breach of your representations or your failure to comply with certain tax-related covenants may cause the interest on the bonds to become taxable retroactively to the date of issuance of the bonds, which may result in an increase in the interest rate that you pay on the bonds or the mandatory redemption of the bonds.

The IRS also may audit you or your bonds, in some cases on a random basis and in other cases targeted to specific types of bond issues or tax concerns. If the bonds are declared taxable, or if you are subject to audit, the market price of your bonds may be adversely affected. Further, your ability to issue other tax-exempt bonds also may be limited.

This description of tax compliance risks is not intended as legal advice and you should consult with your bond counsel regarding tax implications of issuing the bonds.

If you or any other Issuer officials have any questions or concerns about these disclosures, please make those questions or concerns known immediately to the undersigned. In addition, you should consult with the Issuer's own financial and/or municipal, legal, accounting, tax and other advisors, as applicable, to the extent you deem appropriate.



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



**COUNCIL MEETING      ACTION ITEM**

**10/14/2014      M - 1**

**Title:** Resolution authorizing the Mayor to sign a Professional Services Contract with Margita A. Dornay for prosecution services

**Thru:** David Kelly, City Administrator

**From:** David Kelly, City Administrator

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** \$2,500.00 per month

**Funding Source:** Fund 001.000.15.41.02

**Staff Recommendation:**

Approval of contract

**Background / Findings & Facts:**

Due to the departure of the City Attorney, we will need to contract directly with Ms. Dornay for prosecution services. Ms. Dornay is currently employed by the City Attorney to provide prosecution services on behalf of the City, and has a good working relationship with the Municipal Court, the Police Department and the public defender.

**Recommended Motion:**

Approve the Resolution authorizing the Mayor to sign a Professional Services Contract with Margita A. Dornay for prosecution services

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

**A RESOLUTION** authorizing the Mayor to sign a Professional Services Contract with Margita A. Dornay for prosecution services.

**WHEREAS**, the City of Selah has a need for a prosecutor to represent the City in criminal misdemeanor and gross misdemeanor charges filed in Selah Municipal Court;

**WHEREAS**, Margita A. Dornay has been providing said service under the direction of the City Attorney;

**WHEREAS**, the City and Ms. Dornay have agreed to a Professional Services Contract for the provision of prosecution services;

**WHEREAS**, the City of Selah desires to enter into a Professional Services Contract with Ms Dornay for prosecution 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 Contract with Margita A. Dornay for prosecution services for the City of Selah.

**PASSED** this 14<sup>th</sup> day of October, 2014.

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

**ATTEST:**

**APPROVED AS TO FORM:**

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

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

# **PROFESSIONAL SERVICES CONTRACT PROSECUTION**

## **I. PARTIES**

This contract is made on this 14<sup>th</sup> of October, 2014 between the City of Selah ("City") and Margita A. Dornay ("Attorney" or "Contractor").

## **II. TERM - INDEPENDENT CONTRACTOR**

Performance under this Contract shall commence on November 16, 2014 and shall continue until such time as one of the parties terminates the contract under this provision. Either party may terminate this Contract upon giving thirty (30) days written notice prior to the termination date.

The relationship of the Contractor to the City shall be that of an independent contractor rendering professional services. Nothing contained herein shall be deemed to create the relationship of employer and employee or principal or agent between the City and the Contractor.

## **III. SERVICES PROVIDED**

Contractor shall be principally responsible for performing the work required under this Contract for the City. She may from time to time employ other attorneys to assist her as necessary. Attorney will provide the following legal services:

### **A. Prosecution of Misdemeanor and Gross Misdemeanor Crimes.**

Attorney shall be responsible for all aspects of prosecution, including: making filing decisions on criminal cases and recommendations with respect to the conduct of investigations, trial preparation, and related matters; responding to, and preparing, pre-trial motions; interviewing witnesses and victims of crimes; advising victims regarding their rights and responsibilities; prosecuting misdemeanor, gross misdemeanor and criminal traffic cases; representing the City at arraignments, pretrial hearings, bench and jury trials, and review hearings; conducting plea bargain negotiations and making appropriate plea offers; making sentencing recommendations and decisions to the court; preparing and presenting legal memoranda, preparing and or directing that subpoenas, jury instructions, and other related materials be prepared.

Attorney will be available by telephone to discuss questions from witnesses, police and staff. Attorney will provide a telephone number for purposes of police investigation/advice. The phone number is expected to be used infrequently, and only for emergent legal matters.

B. Prosecution of Contested Traffic Infractions.

Attorney shall be responsible for all aspects of contested traffic infractions, including: presentation of the City's case (which may be limited to the entry of the police report into the record, but in some cases may be more involved including the interview of and presentation of witness testimony or other evidence) with respect to contested traffic infraction matters.

**IV. COMPENSATION**

The foregoing services will be provided on a flat monthly fee basis. The flat fee charged to the City for the services above is \$2500.00 per month. In exchange for the flat fee, Attorney will provide all of the prosecution services identified above. However, in the event Attorney is required to prepare for and provide services for a criminal trial, Attorney will bill the City at the rate of \$90.00 per hour (with a maximum amount of \$500 per trial), which will be in addition to the flat fee amount. Likewise, where Attorney must file or respond to an appeal to Superior Court, Attorney will bill the City at the rate of \$65.00 per hour, which will be in addition to the flat fee amount. Concerning an appeal, Attorney will not initiate an appeal on the City's behalf without first consulting with the City for approval of such appeal.

The flat fee identified above is subject to periodic change. In the event the City provides and increase to its Public Defender for legal services provided to indigent defendants, the City agrees to provide an increase to Attorney for Prosecution Services in a commensurate amount.

Agreed this 14<sup>th</sup> day of October, 2014

CITY OF SELAH

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

ATTEST:

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

ATTORNEY/CONTRACTOR

  
\_\_\_\_\_  
Margita A. Dornay



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



**COUNCIL MEETING      ACTION ITEM**

**10/14/2014      M – 2**

**Title:** Resolution Authorizing the Mayor to sign Task Order 2014-3 between the City of Selah and Huibregtse, Louman, Associates Inc. for Engineering and Surveying services for the East Goodlander Road Transportation Improvement Board (TIB) Improvements Project

**Thru:** David Kelly, City Administrator

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

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** \$12,500

**Funding Source:** Street Fund 111

**Staff Recommendation:**

Staff recommends the approval of the resolution.

**Background / Findings & Facts:**

The East Goodlander Road improvement project consists of the total reconstruction of East Goodlander Road. However the STP funding for that project is secured but not available until additional monies come to our MPO, which could be out as far as 2018. The City has also secured and funding and is available from TIB which was to be used for the STP grant match. The TIB monies must be spent by the end of June 2015. Public Works would like to move forward with a grind and overlay of Goodlander Road to make the



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



surface easier to drive on for the time being. The design approach is to make use of most of the grind and overlay into the reconstruction project.

**Recommended Motion:**

Approve Resolution authorizing the Mayor to sign Task Order No. 2014-3.

**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:

9/9/2014

City Council Meeting Study Session

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

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

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN TASK  
ORDER 2014-3 BETWEEN THE CITY OF SELAH AND  
HUIBREGTSE, LOUMAN ASSOCIATES, INC. FOR ENGINEERING  
AND SURVEYING SERVICES FOR THE EAST GOODLANDER  
ROAD TRANSPORTATION IMPROVEMENT BOARD (TIB)  
IMPROVEMENTS PROJECT**

WHEREAS, the City of Selah has applied for and received pavement preservation funds from the Transportation Improvement Board (TIB) for roadway improvements to East Goodlander Road between North First Street and Weans Road, and

WHEREAS, the City of Selah currently uses Huibregtse, Louman Associates, Inc. (HLA) for professional civil engineering and consulting work; and

WHEREAS, the City of Selah wishes to engage HLA via task order for the road improvement work; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, that the Mayor be authorized to sign Task Order No 2013-3 for Engineering and Surveying Services for the East Goodlander Road Transportation Improvement Board (TIB) Improvements Project.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 14th day of October, 2014.

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

ATTEST:

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

APPROVED AS TO FORM:

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

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

**TASK ORDER NO. 2014-3**

REGARDING GENERAL AGREEMENT BETWEEN CITY OF SELAH

AND

HUIBREGTSE, LOUMAN ASSOCIATES, INC.

**PROJECT DESCRIPTION:**

**Goodlander Road TIB Improvements**  
**HLA Project No. 14104E**

The City of Selah has applied for and received pavement preservation funds from the Transportation Improvement Board (TIB) for roadway improvements to Goodlander Road between North First Street and Wenas Road.

**SCOPE OF SERVICES:**

At the direction of the City of Selah (CITY), Huijbregtse, Louman Associates, Inc. (HLA), shall provide professional engineering, and surveying services for the Goodlander Road TIB Improvements project (PROJECT). HLA services shall include:

**PHASE 1 - ENGINEERING DESIGN AND FINAL PLANS, SPECIFICATIONS, AND ESTIMATE**

- A. Prepare preliminary design plans and specifications for transmittal to TIB for review and approval.
- B. Review and discuss preliminary plans with CITY staff.
- C. Prepare final design, and complete plans and specifications for publicly-bid improvements, as authorized by the CITY.
- D. Prepare the Engineer's Estimate of construction cost.
- E. Furnish forty (40) copies of the final plans and specifications for bidding and construction. It is anticipated the ENGINEER will prepare one (1) complete set of Plans and Specifications for one bid call; additional bid packages will be considered additional services.
- F. Send advertisement for bids to the Paper of Record and other papers selected by the CITY. CITY shall pay all advertisement fees.
- G. Answer and supply such information as is requested by prospective bidders.
- H. Prepare and issue addenda, if necessary.
- I. Attend bid opening and participate in the prospective bidder evaluation process.
- J. Prepare tabulation of all bids received by the CITY and review bidder's qualifications.
- K. Make recommendation to the CITY of construction contract award to the lowest responsible bidder.

**PHASE 2 – ADDITIONAL SERVICES**

- A. Provide professional engineering and surveying services for additional work requested by the CITY that is not included in Phase 1.

ITEMS TO BE FURNISHED AND RESPONSIBILITY OF CITY

The CITY will provide or perform the following:

- A. Provide full information as to CITY requirements of the PROJECT.
- B. Assist HLA by placing at their disposal all available information pertinent to the site of the PROJECT including previous reports, drawings, plats, surveys, utility records, and any other data relative to design and construction of the PROJECT.
- C. Examine all studies, reports, sketches, estimates, specifications, drawings, proposals, and other documents presented by HLA and render in writing decisions pertaining thereto within a reasonable time so as not to delay the work of HLA.
- D. Obtain approval of all governmental authorities having jurisdiction over the PROJECT and such approvals and consents from such other individuals or bodies as may be necessary for completion of the PROJECT.
- E. Pay for project bid advertisement costs.

**TIME OF PERFORMANCE:**

The services called for under the various phases of this Agreement shall be completed as follows:

PHASE 1 –ENGINEERING DESIGN AND FINAL PLANS, SPECIFICATIONS, AND ESTIMATE

Project reports, plans, specifications, and estimates for all project elements shall be provided within 90 calendar days after the date of authorization to proceed.

PHASE 2 – ADDITIONAL SERVICES

Time of completion for work directed by the CITY under additional services shall be negotiated and mutually agreed to at the time of service request by the CITY.

**FEE FOR SERVICE:**

For the services furnished by HLA as described under this Agreement, the CITY agrees to pay HLA the fees as set forth herein. The amounts listed below may be revised only by written agreement of both parties.

PHASE 1 – ENGINEERING DESIGN AND FINAL PLANS, SPECIFICATIONS, AND ESTIMATE

All work for this phase shall be performed for the lump sum fee of \$12,500.00.

PHASE 2 – ADDITIONAL SERVICES

Any additional work requested by the CITY that is not included in Phase 1 shall be authorized by the CITY and agreed to by HLA in writing prior to proceeding with the services. HLA shall perform the additional services as directed/authorized by the CITY on a time-spent basis at the hourly billing rates included in our General Agreement, plus reimbursement for direct non-salary expenses such as laboratory testing, reproduction expenses, out of town travel costs, and outside engineers.

**Proposed:** Jeffrey T. Louman 9/22/14  
 Huibregtse, Louman Associates, Inc. Date  
 Jeffrey T. Louman, PE, President

**Approved:** \_\_\_\_\_ Date  
 City of Selah  
 John Gawlik, Mayor



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



**COUNCIL MEETING      ACTION ITEM**

**10/14/2014      M – 3**

**Title:** Resolution Authorizing the Mayor to sign Task Order 2014-4 between the City of Selah and Huibregtse, Louman, Associates Inc. for Construction services for the East Goodlander Road Water Improvements Project

**Thru:** David Kelly, City Administrator

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

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** \$9,100

**Funding Source:** Water Fund 411

**Staff Recommendation:**

Staff recommends the approval of the resolution.

**Background / Findings & Facts:**

Public works recommends the City Council approve the construction of approximately 270 linear feet of new 12-Inch water main, 13 new water service connections, and one new fire hydrant in conjunction with the Goodlander Road Transportation Improvement Board (TIB) improvement project, and sanitary sewer improvements.

**Recommended Motion:**

Approve Resolution authorizing the Mayor to sign Task Order No. 2014-4.



**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:

9/9/2014

City Council Meeting Study Session

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

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN TASK ORDER  
2014-4 BETWEEN THE CITY OF SELAH AND HUIBREGTSE, LOUMAN  
ASSOCIATES INC. FOR CONSTRUCTION SERVICES FOR THE EAST  
GOODLANDER ROAD WATER IMPROVEMENTS PROJECT**

WHEREAS, the City of Selah desires to construct approximately 270 linear feet of new 12-Inch water main, 13 new water service connections, and one new fire hydrant in conjunction with the Goodlander Road Transportation Improvement Board (TIB) improvement project, and sanitary sewer improvements, and

WHEREAS, the City of Selah currently uses Huijbregtse, Louman Associates, Inc. (HLA) for professional civil engineering and consulting work; and

WHEREAS, the City of Selah wishes to engage HLA via task order for the sanitary sewer improvement work; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, the Mayor be authorized to sign Task Order No 2014-4 for Construction Services for the East Goodlander Road Water Improvements Project.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 14th day of October, 2014.

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

ATTEST:

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

APPROVED AS TO FORM:

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

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

**TASK ORDER NO. 2014-4**

REGARDING GENERAL AGREEMENT BETWEEN CITY OF SELAH

AND

HUIBREGTSE, LOUMAN ASSOCIATES, INC.

**PROJECT DESCRIPTION:**

**Goodlander Road Water Improvements**  
**HLA Project No. 14105C**

The City of Selah (CITY) desires to construct approximately 270 linear feet of new 12-Inch water main, 13 new water service connections, and one new fire hydrant in conjunction with the Goodlander Road TIB Improvement project, and sanitary sewer improvements.

**SCOPE OF SERVICES:**

At the direction of the City of Selah (CITY), Huibregtse, Louman Associates, Inc. (HLA), shall provide construction services for the Goodlander Road Water Improvements project (PROJECT). HLA services shall include:

**PHASE 1 – SERVICES DURING CONSTRUCTION**

Services During Construction will be completed with the assumption that water improvements will be constructed with a roadway project and not as a stand-alone project. Services During Construction includes the following:

- A. Furnish the field survey crew necessary to set horizontal and vertical control for the improvements authorized for construction.
- B. Furnish a qualified resident engineer who shall make construction observations and be on the job site at all times that significant work is in progress, whose duty shall be to provide surveillance of project construction for substantial compliance with plans and specifications.
- C. Prepare and file progress reports on the PROJECT with the CITY and provide monthly progress estimates to the CITY.
- D. Consult and advise the CITY during construction and make a final report of the completed work.
- E. The CITY is required to monitor the Contractor's payment of prevailing wage rates. As part of construction services, HLA will monitor General Contractor and Subcontractor compliance with State labor standards during the construction phase of this project. This work includes checking monthly certified payrolls, conducting employee interviews in the field, and issuing letters of non-compliance and/or letters of missing documents.
- F. Review Contractor's submission of samples and shop drawings, where applicable.
- G. Recommend progress payments for the Contractor to the CITY.
- H. Prepare and submit proposed contract change orders when applicable.
- I. Prepare and furnish reproducible record drawings of all completed work from as-built drawings furnished by the resident engineer and Contractor. If as-built drawings from the Contractor are not received by HLA within thirty (30) calendar days from the date of the letter of recommendation of project acceptance, HLA will submit the reproducible record drawings to the CITY with a note stating that no as-built information was received by HLA.

- J. Participate in the 11th month warranty inspection and make recommendations to Contractor for warranty work that needs to be addressed.

ITEMS TO BE FURNISHED AND RESPONSIBILITY OF CITY

The CITY will provide or perform the following:

- A. Provide full information as to CITY requirements of the PROJECT.
- B. Assist HLA by placing at their disposal all available information pertinent to the site of the PROJECT including previous reports, drawings, plats, surveys, utility records, and any other data relative to design and construction of the PROJECT.
- C. Examine all studies, reports, sketches, estimates, specifications, drawings, proposals, and other documents presented by HLA and render in writing decisions pertaining thereto within a reasonable time so as not to delay the work of HLA.
- D. Obtain approval of all governmental authorities having jurisdiction over the PROJECT and such approvals and consents from such other individuals or bodies as may be necessary for completion of the PROJECT.
- E. Pay for project bid advertisement costs.

**TIME OF PERFORMANCE:**

The services called for under the various phases of this Agreement shall be completed as follows:

SERVICES DURING CONSTRUCTION

Engineering services during construction for the PROJECT shall begin upon construction contract award by the CITY to the lowest responsible bidder and shall extend through the completion of construction, and completion of as-constructed drawings and labor documentation closeout. A maximum of 25 working days has been assumed for the construction of improvements. Should the Contractor be granted time extensions for construction completion due to recognized delays, requested additional work, and/or change orders, engineering services beyond the 25 working days shall be considered additional services.

**FEE FOR SERVICE:**

For the services furnished by HLA as described under this Agreement, the CITY agrees to pay HLA the fees as set forth herein. The amounts listed below may be revised only by written agreement of both parties.

SERVICES DURING CONSTRUCTION

All work shall be performed on a time-spent basis at the normal hourly billing rates included in our General Agreement plus reimbursement for non-salary expenses with an estimated amount of \$9,100.00.

Proposed: Jeffrey T. Louman 9/22/14  
Huibregtse, Louman Associates, Inc. Date  
Jeffrey T. Louman, PE, President

Approved: \_\_\_\_\_ Date \_\_\_\_\_  
City of Selah  
John Gawlik, Mayor



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



**COUNCIL MEETING      ACTION ITEM**

**10/14/2014      M – 4**

**Title:** Resolution Authorizing the Mayor to sign Task Order 2014-5 between the City of Selah and Huibregtse, Louman, Associates Inc. for Construction services for sewer system improvements on the Transportation Improvement Board (TIB) East Goodlander Road Improvements Project

**Thru:** David Kelly, City Administrator

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

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** \$5,900

**Funding Source:** Sewer Fund 415

**Staff Recommendation:**

To approve the resolution.

**Background / Findings & Facts:**

Public works recommends the City Council approves the construction of approximately 150 linear feet of new 8-Inch sanitary sewer main, one new sewer manhole, and eight new sanitary sewer service stubs in conjunction with the Goodlander Road Transportation Improvement Board (TIB) Improvement project, and domestic water system improvements.

**Recommended Motion:**

Approve Resolution authorizing the Mayor to sign Task Order No. 2014-5.



**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:

9/9/2014

City Council Meeting Study Session

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

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN TASK ORDER  
2014-5 BETWEEN THE CITY OF SELAH AND HUIBREGTSE,  
LOUMAN, ASSOCIATES INC. FOR CONSTRUCTION SERVICES FOR  
SEWER SYSTEM IMPROVEMENTS ON THE TRANSPORTATION  
IMPROVEMENT BOARD (TIB) EAST GOODLANDER ROAD  
IMPROVEMENTS PROJECT**

WHEREAS, the City of Selah desires to construct approximately 150 linear feet of new 8-Inch sanitary sewer main, one new sewer manhole, and eight new sanitary sewer service stubs in conjunction with the Goodlander Road Transportation Improvement Board (TIB) Improvement project, and domestic water system improvements, and

WHEREAS, the City of Selah currently uses Huibregtse, Louman Associates, Inc. (HLA) for professional civil engineering and consulting work; and

WHEREAS, the City of Selah wishes to engage HLA via task order for domestic water system improvement work; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, the Mayor be authorized to sign Task Order No 2014-5 for Construction services for sewer system improvements on the (TIB) East Goodlander Road Improvements Project.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 14th day of October, 2014.

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

ATTEST:

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

APPROVED AS TO FORM:

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

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

**TASK ORDER NO. 2014-5**

REGARDING GENERAL AGREEMENT BETWEEN CITY OF SELAH

AND

HUIBREGTSE, LOUMAN ASSOCIATES, INC.

**PROJECT DESCRIPTION:**

**Goodlander Road Sewer Improvements**  
**HLA Project No. 14106C**

The City of Selah (CITY) desires to construct approximately 150 linear feet of new 8-Inch sanitary sewer main, one new sewer manhole, and eight new sanitary sewer service stubs in conjunction with the Goodlander Road TIB Improvement project, and domestic water system improvements.

**SCOPE OF SERVICES:**

At the direction of the City of Selah (CITY), Huibregtse, Louman Associates, Inc. (HLA), shall provide construction services for the Goodlander Road Sewer Improvements project (PROJECT). HLA services shall include:

**PHASE 1 – SERVICES DURING CONSTRUCTION**

Services During Construction will be completed with the assumption that sewer improvements will be constructed with a roadway improvement project and not as a stand-alone project. Services During Construction includes the following:

- A. Furnish the field survey crew necessary to set horizontal and vertical control for the improvements authorized for construction.
- B. Furnish a qualified resident engineer who shall make construction observations and be on the job site at all times that significant work is in progress, whose duty shall be to provide surveillance of project construction for substantial compliance with plans and specifications.
- C. Prepare and file progress reports on the PROJECT with the CITY and provide monthly progress estimates to the CITY.
- D. Consult and advise the CITY during construction and make a final report of the completed work.
- E. The CITY is required to monitor the Contractor's payment of prevailing wage rates. As part of construction services, HLA will monitor General Contractor and Subcontractor compliance with State labor standards during the construction phase of this project. This work includes checking monthly certified payrolls, conducting employee interviews in the field, and issuing letters of non-compliance and/or letters of missing documents.
- F. Review Contractor's submission of samples and shop drawings, where applicable.
- G. Recommend progress payments for the Contractor to the CITY.
- H. Prepare and submit proposed contract change orders when applicable.
- I. Prepare and furnish reproducible record drawings of all completed work from as-built drawings furnished by the resident engineer and Contractor. If as-built drawings from the Contractor are not received by HLA within thirty (30) calendar days from the date of the letter of recommendation of project acceptance, HLA will submit the reproducible record drawings to the CITY with a note stating that no as-built information was received by HLA.

- J. Participate in the 11th month warranty inspection and make recommendations to Contractor for warranty work that needs to be addressed.

ITEMS TO BE FURNISHED AND RESPONSIBILITY OF CITY

The CITY will provide or perform the following:

- A. Provide full information as to CITY requirements of the PROJECT.
- B. Assist HLA by placing at their disposal all available information pertinent to the site of the PROJECT including previous reports, drawings, plats, surveys, utility records, and any other data relative to design and construction of the PROJECT.
- C. Examine all studies, reports, sketches, estimates, specifications, drawings, proposals, and other documents presented by HLA and render in writing decisions pertaining thereto within a reasonable time so as not to delay the work of HLA.
- D. Obtain approval of all governmental authorities having jurisdiction over the PROJECT and such approvals and consents from such other individuals or bodies as may be necessary for completion of the PROJECT.
- E. Pay for project bid advertisement costs.

**TIME OF PERFORMANCE:**

The services called for under the various phases of this Agreement shall be completed as follows:

SERVICES DURING CONSTRUCTION

Engineering services during construction for the PROJECT shall begin upon construction contract award by the CITY to the lowest responsible bidder and shall extend through the completion of construction, and completion of as-constructed drawings and labor documentation closeout. A maximum of 25 working days has been assumed for the construction of improvements. Should the Contractor be granted time extensions for construction completion due to recognized delays, requested additional work, and/or change orders, engineering services beyond the 25 working days shall be considered additional services.

**FEE FOR SERVICE:**

For the services furnished by HLA as described under this Agreement, the CITY agrees to pay HLA the fees as set forth herein. The amounts listed below may be revised only by written agreement of both parties.

SERVICES DURING CONSTRUCTION

All work shall be performed on a time-spent basis at the normal hourly billing rates included in our General Agreement plus reimbursement for non-salary expenses with an estimated amount of \$5,950.00.

Proposed: Jeffrey T. Louman 9/22/14  
Huibregtse, Louman Associates, Inc. Date  
Jeffrey T. Louman, PE, President

Approved: \_\_\_\_\_ Date \_\_\_\_\_  
City of Selah  
John Gawlik, Mayor



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



**COUNCIL MEETING      ACTION ITEM**

**10/14/2014      M – 5**

**Title:** Resolution Authorizing the Mayor to sign a Transportation Improvement Board (TIB) Consultant Agreement for Professional Construction Services for the East Goodlander Roadway Improvements between North First Street and Wenas Road.

**Thru:** David Kelly, City Administrator

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

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** \$29,400.00

**Funding Source:** Street Fund 111

**Staff Recommendation:**

Public works recommends the City Council approve the TIB Consultant Agreement between the City of Selah and HLA for construction services. TIB Project No. 3-E 182(002)-1.

**Background / Findings & Facts:**

The East Goodlander Road improvement project consists of the total reconstruction of East Goodlander Road. However the STP funding for that project is secured but not available until additional monies come to our MPO, which could be out as far as 2017/18. The City has also secured and funding and is available from TIB which was to be used for the STP grant match. The TIB monies must be spent by the end of June 2015. Public Works would like to



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



move forward with a grind and overlay of Goodlander Road to make the surface easier to drive on for the time being. The design approach is to make use of most of the grind and overlay into the reconstruction project.

**Recommended Motion:**

Approve Resolution authorizing the Mayor to sign TIB Consultant Agreement.

**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:

9/9/2014

City Council Meeting Study Session

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

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A  
TRANSPORTATION IMPROVEMENT BOARD (TIB)  
CONSULTANT AGREEMENT FOR PROFESSIONAL  
CONSTRUCTION SERVICES FOR THE EAST GOODLANDER  
ROADWAY IMPROVEMENTS BETWEEN NORTH FIRST STREET  
AND WENAS ROAD**

WHEREAS, the City of Selah wishes to make roadway improvements to East Goodlander Road between North First Street and Wenas Road, and

WHEREAS, the City of Selah has received Transportation Improvement Board (TIB) funding for the Goodlander Roadway Improvements between North First Street and Wenas Road, TIB Project No. 3-E 182(002)-1; and

WHEREAS, the City of Selah currently uses Huibregtse, Louman Associates, Inc. (HLA) for professional civil engineering and consulting work; and

WHEREAS, the City of Selah wishes to engage HLA via the TIB Consultant Agreement for the roadway improvement work between North First Street and Wenas Road; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, the Mayor be authorized to sign a TIB Consultant Agreement for professional construction services with Huibregtse, Louman, Associates, Inc. for the Goodlander roadway improvements between North First Street and Wenas Road.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 14th day of October, 2014.

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

ATTEST:

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

APPROVED AS TO FORM:

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

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



**I  
GENERAL DESCRIPTION OF WORK**

The work under this AGREEMENT shall consist of the above described work and services as herein defined and necessary to accomplish the completed work for this PROJECT. The CONSULTANT shall furnish all services, labor and related equipment necessary to conduct and complete the work as designated elsewhere in this AGREEMENT.

**II  
SCOPE OF WORK**

The Scope of Work and project level of effort for this project is detailed in Exhibit B attached hereto, and by this reference made a part of this AGREEMENT.

**III  
GENERAL REQUIREMENTS**

All aspects of coordination of the work of this AGREEMENT, with outside agencies, groups or individuals shall receive advance approval by the AGENCY. Necessary contacts and meetings with agencies, groups or individuals shall be coordinated through the AGENCY.

The CONSULTANT shall attend coordination, progress and presentation meetings with the AGENCY or such Federal, Community, State, City or County officials, groups or individuals as may be requested by the AGENCY. The AGENCY will provide the CONSULTANT sufficient notice prior to meetings requiring CONSULTANT participation. The minimum number of hours or days notice required shall be agreed to between the AGENCY and the CONSULTANT and shown in Exhibit B attached hereto and made part of this AGREEMENT. The CONSULTANT shall prepare a monthly progress report, in a form approved by the AGENCY, that will outline in written and graphical form the various phases and the order of performance of the work in sufficient detail so that the progress of the work can easily be evaluated. Goals for Disadvantaged Business Enterprises (DBE), Minority Business Enterprises (MBE), and Women-owned Business Enterprises (WBE) if required shall be shown in the heading of this Agreement.

The original copies of all reports, PS&E, and other data furnished to the CONSULTANT by the AGENCY shall be returned. All designs, drawings, specifications, documents, and other work products prepared by the CONSULTANT prior to completion or termination of this AGREEMENT are instruments of service for the PROJECT and are property of the AGENCY. Reuse by the AGENCY or by others acting through or on behalf of the AGENCY of any such instruments of service, not occurring as a part of this PROJECT, shall be without liability of legal exposure to the CONSULTANT.

**IV  
TIME FOR BEGINNING AND COMPLETION**

The CONSULTANT shall not begin any work under the terms of this AGREEMENT until authorized in writing by the AGENCY. All work under this AGREEMENT shall be completed by the date shown in the heading of this AGREEMENT under completion date.

The established completion time shall not be extended because of any delays attributable to the CONSULTANT, but may be extended by the AGENCY, in the event of a delay attributable to the AGENCY, or because of unavoidable delays caused by an act of GOD or governmental actions or other conditions beyond the control of the CONSULTANT. A prior supplemental agreement issued by the AGENCY is required to extend the established completion time.

**V  
PAYMENT**

The CONSULTANT shall be paid by the AGENCY for completed work and services rendered under this AGREEMENT as provided in Exhibit C attached hereto, and by this reference made part of this AGREEMENT. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work specified in Section II, Scope of Work.

**VI  
SUBCONTRACTING**

The AGENCY permits subcontracts for those items of work as shown in Exhibit G to this Agreement. Compensation for this subconsultant work shall be based on the cost factors shown on Exhibit G, attached hereto and by this reference made a part of this AGREEMENT.

The work of the subconsultant shall not exceed its maximum amount payable unless a prior written approval has been issued by the AGENCY.

All reimbursable direct labor, overhead, direct non-salary costs and fixed fee costs for the subconsultant shall be substantiated in the same manner as outlined in Section V. All subcontracts exceeding \$10,000 in cost shall contain all applicable provisions of this AGREEMENT.

The CONSULTANT shall not subcontract for the performance of any work under this AGREEMENT without prior written permission of the AGENCY. No permission for subcontracting shall create, between the AGENCY and subcontractor, any contract or any other relationship.

**VII  
EMPLOYMENT**

The CONSULTANT warrants that he/she has not employed or retained any company or person, other than a bona fide employee working solely for the CONSULTANT, to solicit or secure this contract, and that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the CONSULTANT, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of this contract. For breach or violation of this warrant, the AGENCY shall have the right to annul this AGREEMENT without liability, or in its discretion, to deduct from the AGREEMENT price or consideration or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

Any and all employees of the CONSULTANT or other persons while engaged in the performance of any work or services required of the CONSULTANT under this AGREEMENT, shall be considered employees of the CONSULTANT only and not of the AGENCY, and any and all claims that may or might arise under any Worker's Compensation Act on behalf of said employees or other persons while so engaged, and any and all claims made by a third party as a consequence of any act or omission on the part of the CONSULTANT's employees or other persons while so engaged on any of the work or services provided to be rendered herein, shall be the sole obligation and responsibility of the CONSULTANT.

The CONSULTANT shall not engage, on a full or part time basis, or other basis, during the period of the contract, any professional or technical personnel who are, or have been, at any time during the period of the contract, in the employ of the STATE, or the AGENCY, except regularly retired employees, without written consent of the public employer of such person.

**VIII  
NONDISCRIMINATION**

The CONSULTANT agrees not to discriminate against any client, employee or applicant for employment or for services because of race, creed, color, national origin, marital status, sex, age or handicap except for a bona fide occupational qualification with regard to, but not limited to the following: employment upgrading, demotion or transfer, recruitment or any recruitment advertising, layoffs or terminations, rates of pay or other forms of compensation, selection for training, rendition of services. The CONSULTANT understands and agrees that if it violates this provision, this AGREEMENT may be terminated by the AGENCY and further that the CONSULTANT shall be barred from performing any services for the AGENCY now or in the future unless a showing is made satisfactory to the AGENCY that discriminatory practices have terminated and that recurrence of such action is unlikely.

During the performance of this AGREEMENT, the CONSULTANT, for itself, its assignees, and successors in interest agrees as follows:

- A. **COMPLIANCE WITH REGULATIONS:** The CONSULTANT shall comply with the Regulations relative to nondiscrimination in the same manner as in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this AGREEMENT.
- B. **NONDISCRIMINATION:** The CONSULTANT, with regard to the work performed by it during the AGREEMENT, shall not discriminate on the grounds of race, creed, color, sex, age, marital status, national origin or handicap except for a bona fide occupational qualification in the selection and retention of subconsultants, including procurements of materials and leases of equipment. The CONSULTANT shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix II of the Regulations.
- C. **SOLICITATIONS FOR SUBCONSULTANTS, INCLUDING PROCUREMENTS OF MATERIALS AND EQUIPMENT:** In all solicitations either by competitive bidding or negotiation made by the CONSULTANT for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subconsultant or supplier shall be notified by the CONSULTANT of the CONSULTANT's obligations under this AGREEMENT and the Regulations relative to nondiscrimination on the grounds of race, creed, color, sex, age, marital status, national origin and handicap.
- D. **INFORMATION AND REPORTS:** The CONSULTANT shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the AGENCY or TIB to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of the CONSULTANT is in the exclusive possession of another who fails or refuses to furnish this information the CONSULTANT shall so certify to the AGENCY, or the TIB as appropriate, and shall set forth what efforts it has made to obtain the information.
- E. **SANCTIONS FOR NONCOMPLIANCE:** In the event of the CONSULTANT's noncompliance with the nondiscrimination provisions of this AGREEMENT, the AGENCY shall impose such sanctions as it or the Transportation Improvement Board may determine to be appropriate, including, but not limited to:

- 1. Withholding of payments to the CONSULTANT under the AGREEMENT until the CONSULTANT complies, and/or
- 2. Cancellation, termination or suspension of the AGREEMENT, in whole or in part.

F. **INCORPORATION OF PROVISIONS:** The CONSULTANT shall include the provisions of paragraphs (A) through (G) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The CONSULTANT shall take such action with respect to any subconsultant or procurement as the AGENCY or the Transportation Improvement Board may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event a CONSULTANT becomes involved in, or is threatened with, litigation with a subconsultant or supplier as a result of such direction, the CONSULTANT may request the AGENCY to enter into such litigation to protect the interests of the AGENCY, and in addition, the CONSULTANT may request the TIB to enter into such litigation to protect the interests of the TIB.

G. **UNFAIR EMPLOYMENT PRACTICES:** The CONSULTANT shall comply with RCW 49.60.180 prohibiting unfair employment practices and the Executive Orders numbered E.O.70-01 and E.O.66-03 of the Governor of the State of Washington.

**IX  
TERMINATION OF AGREEMENT**

The right is reserved by the AGENCY to terminate this AGREEMENT at any time upon ten days written notice to the CONSULTANT.

In the event this AGREEMENT is terminated by the AGENCY other than for fault on the part of the CONSULTANT, a final payment shall be made to the CONSULTANT as shown in Exhibit F for the type of AGREEMENT used.

No payment shall be made for any work completed after ten days following receipt by the CONSULTANT of the Notice of Termination. If the accumulated payment made to the CONSULTANT prior to Notice of Termination exceeds the total amount that would be due computed as set forth herein above, then no final payment shall be due and the CONSULTANT shall immediately reimburse the AGENCY for any excess paid.

In the event the services of the CONSULTANT are terminated by the AGENCY for fault on the part of the CONSULTANT, the above formula for payment shall not apply. In such an event, the amount to be paid shall be determined by the AGENCY with consideration given to the actual costs incurred by the CONSULTANT in performing the work to the date of termination, the amount of work originally required which was satisfactorily completed to date of termination, whether that work is in a form or a type which is usable to the AGENCY at the time of termination; the cost to the AGENCY of employing another firm to complete the work required and the time which maybe required to do so, and other factors which affect the value to the AGENCY of the work performed at the time of termination. Under no circumstances shall payment made under this subsection exceed the amount which would have been made using the formula set forth in the previous paragraph.

If it is determined for any reason that the CONSULTANT was not in default or that the CONSULTANT's failure to perform is without it or its employees fault or negligence, the termination shall be deemed to be a termination for the convenience of the AGENCY in accordance with the provision of this AGREEMENT.

In the event of the death of any member, partner or officer of the CONSULTANT or any of its supervisory personnel assigned to the project, or, dissolution of the partnership, termination of the corporation, or disaffiliation of the principally



involved employee, the surviving members of the CONSULTANT hereby agree to complete the work under the terms of this AGREEMENT, if requested to do so by the AGENCY. The subsection shall not be a bar to renegotiation of the AGREEMENT between the surviving members of the CONSULTANT and the AGENCY, if the AGENCY so chooses.

In the event of the death of any of the parties listed in the previous paragraph, should the surviving members of the CONSULTANT, with the AGENCYs concurrence, desire to terminate this AGREEMENT, payment shall be made as set forth in the second paragraph of this section.

In the event this AGREEMENT is terminated prior to completion, the original copies of all reports and other data, PS&E materials furnished to the CONSULTANT by the AGENCY and documents prepared by the CONSULTANT prior to said termination, shall become and remain the property of the AGENCY and may be used by it without restriction. Such unrestricted use, not occurring as a part of this PROJECT, shall be without liability or legal exposure to the CONSULTANT.

Payment for any part of the work by the AGENCY shall not constitute a waiver by the AGENCY of any remedies of any type it may have against the CONSULTANT for any breach of this AGREEMENT by the CONSULTANT, or for failure of the CONSULTANT to perform work required of it by the AGENCY. Forbearance of any rights under the AGREEMENT will not constitute waiver of entitlement to exercise those rights with respect to any future act or omission by the CONSULTANT.

**X  
CHANGES OF WORK**

The CONSULTANT shall make such changes and revisions in the complete work of this AGREEMENT as necessary to correct errors appearing therein, when required to do so by the AGENCY, without additional compensation thereof. Should the AGENCY find it desirable for its own purposes to have previously satisfactorily completed work or parts thereof changed or revised, the CONSULTANT shall make such revisions as directed by the AGENCY. This work shall be considered as Extra Work and will be paid for as herein provided under Section XIV.

**XI  
DISPUTES**

Any dispute concerning questions of fact in connection with the work not disposed of by AGREEMENT between the CONSULTANT and the AGENCY shall be referred for determination to the Director of Public Works or AGENCY Engineer, whose decision in the matter shall be final and binding on the parties of this AGREEMENT, provided however, that if an action is brought challenging the Director of Public Works or AGENCY Engineer's decision, that decision shall be subject to the scope of judicial review provided under Washington Case Law.

**XII  
VENUE, APPLICABLE LAW AND  
PERSONAL JURISDICTION**

In the event that either party deems it necessary to institute legal action or proceedings to enforce any right or obligation under this AGREEMENT, the parties hereto agree that any such action shall be initiated in the Superior Court of the State of Washington, situated in the county the AGENCY is located in. The parties hereto agree that all questions shall be resolved by application of Washington law and that the parties to such action shall have the right of appeal from such decisions of the Superior court in accordance with the laws of the State of Washington. The CONSULTANT hereby consents to the personal jurisdiction of the Superior Court of the State of Washington, situated in the county the AGENCY is located in.

**XIII  
LEGAL RELATIONS AND INSURANCE**

The CONSULTANT shall comply with all Federal, State, and local laws and ordinances applicable to the work to be done under this AGREEMENT. This AGREEMENT shall be interpreted and construed in accord with the laws of Washington.

The CONSULTANT shall indemnify and hold the AGENCY and the STATE of Washington, and their officers and employees harmless from and shall process and defend at its own expense all claims, demands, or suits at law or equity arising in whole or in part from the CONSULTANT's negligence or breach of any of its obligations under this AGREEMENT; provided that nothing herein shall require a CONSULTANT to indemnify the AGENCY and the STATE against and hold harmless the AGENCY and the STATE from claims, demands or suits based solely upon the conduct of the AGENCY and the STATE, their agents, officers and employees and provided further that if the claims or suits are caused by or result from the concurrent negligence of (a) the CONSULTANT's agents or employees and (b) the AGENCY and the STATE, their agents, officers and employees, this indemnity provision with respect to (1) claims or suits based upon such negligence, (2) the costs to the AGENCY and the STATE of defending such claims and suits, etc. shall be valid and enforceable only to the extent of the CONSULTANT's negligence or the negligence of the CONSULTANT's agents or employees.

The CONSULTANT's relation to the AGENCY shall be at all times as an independent contractor.

The CONSULTANT specifically assumes potential liability for actions brought by the CONSULTANT's own employees against the AGENCY and, solely for the purpose of this indemnification and defense, the CONSULTANT specifically waives any immunity under the state industrial insurance law, Title 51 RCW. The CONSULTANT recognizes that this waiver was specifically entered into pursuant to the provisions of RCW 4.24.115 and was the subject of mutual negotiation.

Unless otherwise specified in the AGREEMENT, the AGENCY shall be responsible for administration of construction contracts, if any, on the project. Subject to the processing of an acceptable, supplemental agreement, the CONSULTANT shall provide on-call assistance to the AGENCY during contract administration. By providing such assistance, the CONSULTANT shall assume no responsibility for: proper construction techniques, job site safety, or any construction contractor's failure to perform its work in accordance with the contract documents.

The CONSULTANT shall obtain and keep in force during the terms of the AGREEMENT, or as otherwise required, the following insurance with companies or through sources approved by the State Insurance Commissioner pursuant to RCW 48.

**Insurance Coverage**

A. Worker's compensation and employer's liability insurance as required by the STATE.

B. General commercial liability insurance in an amount not less than a single limit of one million and 00/100 Dollars (\$1,000,000.00) for bodily injury, including death and property damage per occurrence.

Excepting the Worker's Compensation insurance and any professional liability insurance secured by the CONSULTANT, the AGENCY will be named on all certificates of insurance as an additional insured. The CONSULTANT shall furnish the AGENCY with verification of insurance and endorsements required by this AGREEMENT. The AGENCY reserves the right to require complete, certified copies of all required insurance policies at any time.



All insurance shall be obtained from an insurance company authorized to do business in the State of Washington. The CONSULTANT shall submit a verification of insurance as outlined above within 14 days of the execution of this AGREEMENT to the AGENCY. No cancellation of the foregoing policies shall be effective without thirty (30) days prior notice to the AGENCY.

The CONSULTANT's professional liability to the AGENCY shall be limited to the amount payable under this AGREEMENT or one million dollars, whichever is the greater unless modified by Exhibit H. In no case shall the CONSULTANT's professional liability to third parties be limited in any way.

The AGENCY will pay no progress payments under Section V until the CONSULTANT has fully complied with this section. This remedy is not exclusive; and the AGENCY and the STATE may take such other action as is available to them under other provisions of this AGREEMENT, or otherwise in law.

**XIV  
EXTRA WORK**

- A. The AGENCY may at any time, by written order, make changes within the general scope of the AGREEMENT in the services to be performed.
- B. If any such change causes an increase or decrease in the estimated cost of, or the time required for, performance of any part of the work under this AGREEMENT, whether or not changed by the order, or otherwise affects any other terms and conditions of the AGREEMENT, the AGENCY shall make an equitable adjustment in the (1) maximum amount payable; (2) delivery or completion schedule, or both; and (3) other affected terms and shall modify the AGREEMENT accordingly.
- C. The CONSULTANT must submit any proposal for adjustment (hereafter referred to as proposal) under this clause within 30 days from the date of receipt of the written order. However, if the AGENCY decides that the facts justify it, the AGENCY may receive and act upon a proposal submitted before final payment of the AGREEMENT.
- D. Failure to agree to any adjustment shall be a dispute under the disputes clause. However nothing in this clause shall excuse the CONSULTANT from proceeding with the AGREEMENT as changed.
- E. Notwithstanding the terms and condition of paragraphs (a) and (b) above, the maximum amount payable for this AGREEMENT, shall not be increased or considered to be increased except by specific written supplement to this AGREEMENT.

**XV  
ENDORSEMENT OF PLANS**

The CONSULTANT shall place his endorsement on all plans, estimates or any other engineering data furnished by him.

**XVI  
TIB AND AGENCY REVIEW**

The AGENCY and TIB shall have the right to participate in the review or examination of the work in progress.

In witness whereof the parties hereto have executed this AGREEMENT as of the day and year first above written.

By

By

\_\_\_\_\_

Consultant

Huibregtse, Louman Associates, Inc.

City of

Selah

**XVII  
CERTIFICATION OF THE  
CONSULTANT AND THE AGENCY**

Attached hereto as Exhibit A-1, are the Certifications of the Consultant and the Agency.

**XVIII  
COMPLETE AGREEMENT**

This document and referenced attachments contains all covenants, stipulations and provisions agreed upon by the parties. No agent, or representative of either party has authority to make, and the parties shall not be bound by or be liable for, any statement, representation, promise or agreement not set forth herein. No changes, amendments, or modifications of the terms hereof shall be valid unless reduced to writing and signed by the parties as an amendment to this AGREEMENT.

**XIX  
EXECUTION AND ACCEPTANCE**

This AGREEMENT may be simultaneously executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. The CONSULTANT does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in the proposal, and the supporting materials submitted by the CONSULTANT, and does hereby accept the AGREEMENT and agrees to all of the terms and conditions thereof.



### EXHIBIT A-1 Certification of Consultant

Project No. <b>3-E-182(002)-1</b>	City of <b>Selah</b>
-----------------------------------	----------------------

I hereby certify that I am Jeffrey T. Louman, a duly authorized representative of the firm of Huibregtse, Louman Associates, Inc. whose address is 2803 River Road, Yakima, WA and that neither I nor the above firm I here represent has:

- (a) Employed or retained for a commission, percentage, brokerage, contingent fee or other consideration, any firm or person (other than a bona fide employee working solely for me or the above CONSULTANT) to solicit or secure this contract.
- (b) Agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of a firm or person in connection with carrying out the contract.
- (c) Paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above CONSULTANT) any fee, contribution, donation or consideration of any kind for, or in connection with procuring or carrying out the contract; except as here expressly stated (if any):

I further certify that the firm I hereby represent is authorized to do business in the State of Washington and that the firm is in full compliance with requirements of the Board of Professional Registration.

I acknowledge that this certificate is to be available to the Transportation Improvement Board (TIB), in connection with this contract involving participation of TIB funds and is subject to applicable State and Federal laws, both criminal and civil.

9/22/14  
Date

Jeffrey T. Louman  
Signature

### Certification of Agency Official

I hereby certify that I am the AGENCY Official of the City of Selah, Washington and that the above consulting firm or his/her representative has not been required, directly or indirectly as an express or implied condition in connection with obtaining or carrying out this contract to:

- (a) Employ or retain, or agree to employ or retain, any firm or person, or
- (b) Pay or agree to pay to any firm, person or organization, any fee, contribution, donation or consideration of any kind, except as here expressly stated (if any).

I acknowledge that this certificate is to be available to the TIB, in connection with this contract involving participation of TIB funds and is subject to applicable State and Federal laws, both criminal and civil.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## EXHIBIT B-1 Scope of Work

Project No. 3-E-182(002)-1

### EXHIBIT B-1

#### SCOPE OF WORK "Construction Engineering"

The following engineering services during construction are based on the construction contract specified 25 working days for completion of all work.

1. Furnish a qualified resident engineer who shall be on the job at all times that significant work is in progress, whose duty shall be to provide surveillance of project construction for compliance with plans and specifications.
2. Provide the geometric control including construction staking.
3. Prepare daily progress reports on the Project.
4. Consult and advise the AGENCY during construction and make final review and report of the completed work with representatives of the AGENCY.
5. Review acceptance sampling and testing for construction materials.
6. Perform measurement and computation of pay items.
7. Review Contractor's submission of samples and shop drawings, where applicable.
8. Recommend progress payments for the construction contractor.
9. Prepare proposed Contract Change Orders when applicable.
10. Prepare and furnish reproducible record drawings and field notes of completed work in accordance with project field records.
11. Prepare administrative documents to the appropriate agencies which have jurisdiction over funding, design, and construction of this project.
12. Perform monitoring of the construction contractor's compliance with the contract documents labor standards.

#### DOCUMENTS TO BE FURNISHED BY THE CONSULTANT

- 1 copy of Monthly Progress Pay Estimates
- 1 copy of Resident Engineer's Reports
- 1 copy of Survey Construction Staking Notes
- 1 copy of Materials Testing Reports
- 1 copy of Construction Contractor Labor Documents
- 1 reproducible copy of Project Record Drawings

## EXHIBIT C-2 Payment (Cost Plus Fixed Fee)

The CONSULTANT shall be paid by the AGENCY for completed work and services rendered under this AGREEMENT as provided hereinafter. Such payment shall be full compensation for all work performed or services rendered and for all labor, materials, equipment, and incidentals necessary to complete the work specified in Section II, "Scope of Work."

### A. Actual Costs

Payment for all consulting services for this project shall be on the basis of the CONSULTANT's actual cost plus a fixed fee. The actual cost shall include direct salary cost, overhead, and direct nonsalary cost.

#### 1. Direct Salary Costs

The direct salary cost is the direct salary paid to principals, professional, technical, and clerical personnel for the time they are productively engaged in work necessary to fulfill the terms of this AGREEMENT.

#### 2. Overhead Costs

Overhead costs are those costs other than direct costs which are included as such on the books of the CONSULTANT in the normal everyday keeping of its books. Progress payments shall be made at the rate shown in the heading of this AGREEMENT, under "Overhead Progress Payment Rate." Total overhead payment shall be based on the method shown in the heading of the AGREEMENT. The three options are explained as follows:

- a. **Actual Cost:** If this method is indicated in the heading of the AGREEMENT, the AGENCY agrees to reimburse the CONSULTANT the actual overhead costs verified by audit, up to maximum amount payable, authorized under this AGREEMENT, when accumulated with all other actual costs.
- b. **Actual Cost Not To Exceed Maximum Percent:** If this method is indicated in the heading of this AGREEMENT, the AGENCY agrees to reimburse the CONSULTANT at the actual overhead rate verified by audit up to the maximum percentage shown in the space provided. Final overhead payment when accumulated with all other actual costs shall not exceed the total maximum amount payable shown in the heading of this AGREEMENT.
- c. **Fixed Rate:** If this method is indicated in the heading of the AGREEMENT, the AGENCY agrees to reimburse the CONSULTANT for overhead at the percentage rate shown. This rate shall not change during the life of the AGREEMENT.

A summary of the CONSULTANT's cost estimate and the overhead computation are attached hereto as Exhibits D and E and by this reference made part of this AGREEMENT. When an actual cost overhead rate or actual cost not to exceed overhead rate is used, the actual overhead rate determined at the end of each fiscal year shall be used for the computation of progress payments during the following year and for retroactively adjusting the previous year's overhead cost to reflect the actual rate.

The CONSULTANT shall advise the AGENCY as soon as possible of the actual overhead rate for each fiscal year and of the actual rate incurred to the date of completion of the work. The AGENCY and/or TIB may perform an audit of the CONSULTANT's books and records at any time during regular business hours to determine the actual overhead rate, if they so desire.

#### 3. Direct Nonsalary Cost

Direct nonsalary costs will be reimbursed at the actual cost to the CONSULTANT applicable to this contract. These charges may include, but are not limited to the following items: travel, printing, long distance telephone, supplies, computer charges, and fees of subconsultants. Air or train travel will only be reimbursed to economy class levels unless otherwise approved by the AGENCY. The billing for nonsalary cost, directly identifiable with the Project, shall be an itemized listing of the charges supported by original bills or legible copies of invoices, expense accounts, and miscellaneous supporting data retained by the CONSULTANT. Copies of the original supporting documents shall be provided to the AGENCY upon request. All of the above charges must be necessary for services to be provided under this AGREEMENT.

#### 4. Fixed Fee

The fixed fee, which represents the CONSULTANT's profit, is shown in the heading of this AGREEMENT under Fixed Fee. This fee is based on the scope of work defined in this AGREEMENT and the estimated man-months required to perform the stated scope of work. In the event a supplemental agreement is entered into for additional work by the CONSULTANT, the supplemental agreement may include provision for the added costs and appropriate additional fee. The fixed fee will be prorated and paid monthly in proportion to the percentage of work completed by the CONSULTANT and reported in the monthly progress reports accompanying the invoices.

Any portion of the fixed fee earned by not previously paid in the progress payments will be cover in the final payment, subject to the provisions of Section IX, Termination of Agreement.

**5. Maximum Total Amount Payable**

The maximum total amount payable, by the AGENCY to the CONSULTANT under this AGREEMENT, shall not exceed the amount shown in the heading of this AGREEMENT as maximum amount payable, which includes the Fixed Fee, unless a supplemental agreement has been negotiated and executed by the AGENCY prior to incurring any costs in excess of the maximum amount payable.

**B. Monthly Progress Payments**

The CONSULTANT may submit invoices to the AGENCY for reimbursement of actual costs plus the calculated overhead and fee not more often than once per month during the progress of the work. Such invoices shall be in a format approved by the AGENCY and accompanied by the monthly progress reports required under Section III, General Requirements, of the AGREEMENT. The invoices will be supported by itemized listing and support document for each item including direct salary, direct nonsalary, and allowable overhead costs to which will be added the prorated Fixed Fee.

**C. Final Payment**

Final Payment of any balance due the CONSULTANT of the gross amount earned will be made promptly upon its verification by the AGENCY after the completion of the work under this AGREEMENT, contingent upon receipt of all PS&E, plans, maps, notes, reports, and other related documents which are required to be furnished under this AGREEMENT. Acceptance of such final payment by the CONSULTANT shall constitute a release of all claims of any nature which the CONSULTANT may have against the AGENCY unless such claims are specifically reserved in writing and transmitted to the AGENCY by the CONSULTANT prior to its acceptance. Said final payment shall not, however, be a bar to any claims that the AGENCY may have against the CONSULTANT or to any remedies the AGENCY may pursue with respect to such claims that the AGENCY may have against the CONSULTANT or to any remedies the AGENCY may pursue with respect to such claims.

**D. Inspection of Cost Records**

The CONSULTANT and his subconsultants shall keep available for inspection by representatives of the AGENCY and/or TIB, for a period of three years after final payment, the cost records and accounts pertaining to this AGREEMENT. If any litigation, claim, or audit arising out of, in connection with, or related to this contract is initiated before the expiration of the three-year period, the cost records and accounts shall be retained until such litigation, claim, or audit involving the records is completed.

**EXHIBIT D-1**  
**Consultant Fee Determination Summary Sheet**  
 (Lump Sum, Cost Plus Fixed Fee, Cost per Unit of Work)

Prepared by Huibregtse, Louman Associates, Inc.				Date 9/18/14
Project Goodlander Road TIB Improvements				
<b>Direct Salary Cost (DSC)</b>				
Classification	Man Hours		Rate	Cost
Licensed Principal Engineer	8	x	62.00	= 496.00
Licensed Professional Engineer	20	x	44.00	= 880.00
Project Engineer	20	X	39.50	= 790.00
Resident Engineer	160	x	32.00	= 5,120.00
Licensed Principal Surveyor	6	x	52.00	= 312.00
Surveyor	60	x	30.60	= 1,836.00
Senior Engineering Technician	20	x	27.50	= 550.00
Word Processing Technician	4	x	22.30	= 89.20
<b>TOTAL DSC</b>				<b>\$10,073.20</b>
<b>OVERHEAD (OH Cost including Salary Additives)</b>				
OH Rate x DSC or 146.14 % x \$ 10,073.20				<b>\$14,720.97</b>
<b>FIXED FEE (FF)</b>				
FF Rate x DSC or 35% x \$ 10,073.20				<b>\$3,525.62</b>
<b>REIMBURSABLES</b>				
Itemized				<b>\$1,100.00</b>
<b>GRAND TOTAL</b>				
				<b>\$29,419.79</b>

Exhibit E-1

**Huibregtse, Louman Associates, Inc.**  
**Statement of Direct Labor, Fringe Benefits, and General Overhead**  
**For the Year Ended December 31, 2012**

Description	% of Direct Labor
<b>Direct Labor</b>	
<b>INDIRECT COSTS</b>	
<b>Fringe Benefits</b>	
Vacation, Sick and Holiday	10.26%
Incentive Compensation	29.23%
Retirement Plans	15.60%
Employee Group Insurance	13.66%
Payroll Taxes	12.74%
Other Employee Benefits	0.00%
<b>Total Fringe Benefits</b>	<b>81.49%</b>
<b>General Overhead</b>	
Indirect Labor	21.44%
Accounting Fees	0.68%
Automobile	2.22%
Computer hardware/software	0.79%
Depreciation and Amortization	3.44%
Dues and Professional Licenses	0.69%
Insurance	4.83%
Leased Equipment	0.54%
Meals Expense	0.44%
Office Supplies and Postage	2.21%
Printing and Reproduction	0.02%
Professional Services	1.24%
Rent and Utilities	13.46%
Repairs and Maintenance	3.20%
Seminars and Prof Education	1.09%
Supplies	0.56%
Taxes and Licenses	8.18%
Telecommunications	1.48%
Travel	0.71%
Direct Costs Recovery	-2.54%
<b>Total General Overhead</b>	<b>64.66%</b>
<b>Total Indirect Costs</b>	<b>146.14%</b>
<b>Overhead Rate</b>	<b>146.14%</b>

**EXHIBIT F-1**  
**Payment Upon Termination of Agreement**  
**by the Agency Other than for Fault of the Consultant**  
(Refer to Agreement, Section IX)

**Lump Sum Contracts**

A final payment shall be made to the CONSULTANT which when added to any payments previously made shall total the same percentage of the Lump Sum Amount as the work completed at the time of termination is to the total work required for the PROJECT. In addition, the CONSULTANT shall be paid for any authorized extra work completed.

**Cost Plus Fixed Fee Contracts**

A final payment shall be made to the CONSULTANT which when added to any payments previously made, shall total the actual costs plus the same percentage of the fixed fee as the work completed at the time of termination is to the total work required for the PROJECT. In addition, the CONSULTANT shall be paid for any authorized extra work completed.

**Specific Rates of Pay Contracts**

A final payment shall be made to the CONSULTANT for actual hours charged at the time of termination of this AGREEMENT plus and direct nonsalary costs incurred at the time of termination of this AGREEMENT.

**Cost Per Unit of Work Contracts**

A final payment shall be made to the CONSULTANT for actual units of work completed at the time of termination of this AGREEMENT.



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



**COUNCIL MEETING      ACTION ITEM**

**9/23/2014      M – 6**

**Title:** Resolution of the City Council adopting the Findings and Recommendation of the Planning Commission and Approving Preliminary Plat No. 912-42.14-05, "Somerset II"

**Thru:** David Kelly, City Administrator

**From:** Dennis Davison, Community Planner

**Action Requested:** Approval

**Board/Commission Recommendation:** Approval

**Fiscal Impact:** None immediately

**Funding Source:** NA

**Staff Recommendation:**

Approval with twenty-one (21) conditions as recommended by the Planning Commission and consistent with the Planned Development (PD) Rezone (914.42.14-04)

**Background / Findings & Facts:**

Planning Commission conducted open record public hearing September 30<sup>th</sup>. Adopted Findings of Fact and Conclusions Recommending Approval of the "Somerset II" preliminary plat with twenty-one (21) conditions.

**Recommended Motion:**

I moved the Council adopt the Planning Commission's Recommendation of Approval, Adopt the Commission's Findings and Conclusions as our own and



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



approve with the preliminary plat of "Somerset II" with conditions as recommended by the Commission.



**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 Open Record Public Hearing
9/30/2014	Planning Commission Recommendation

[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.](#)

RESOLUTION No. \_\_\_\_\_

Resolution of the City Council adopting the Findings and Recommendation of the Planning Commission and Approving Preliminary Plat No. 912-42.14-05, "Somerset II"

WHEREAS, according to Selah Municipal Code, Chapter 10.50, relating to platting, subdivision, and the dedication of land adopted pursuant to RCW 58.17, the Selah City Council conducted a public meeting on October 14, 2014 during the Council's regular agenda meeting in the City of Selah Council Chambers, 115 W. Naches Ave., Selah, WA. for the purpose of considering Preliminary Plat No. 912.42.14-05 known as "SOMERSET II" located as follows:

East of Herlou Drive approximately 75 ft. north of Lyle Loop and 100 ft. south of Weems Way.  
(Tax Parcel Numbers 181426-44005 and 181426-44021).

WHEREAS, comments were taken from those persons present who wished to be heard; and,

WHEREAS, the Selah City Council has reviewed the Findings and Recommendation dated September 30, 2014 issued by the City of Selah Planning Commission recommending approval with conditions of the preliminary plat of "SOMERSET II" with twenty-one (21) conditions and adopts the same; and,

WHEREAS, due notice of the previous Planning Commission public hearing was provided as required by law, and the Planning Commission has made the necessary inquiry into the public use and interest to be served by such platting; and,

WHEREAS, the Planning Commission has considered the elements of public health, safety, and general welfare pertaining to the preliminary plat; now, therefore,

BE IT HEREBY RESOLVED by the Selah City Council that Preliminary Plat No. 912.42.14-05 designated as "Somerset II" as recommended for approval with twenty-one (21) conditions by the City of Selah Planning Commission be and the same hereby is approved as recommended by the Planning Commission with those specific conditions contained in the Planning Commission's Findings and Recommendation.

Done this 14<sup>th</sup> day of October 2014.

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

ATTEST:

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

APPROVED AS TO FORM:

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



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



**COUNCIL MEETING      ACTION ITEM**

**10/14/2014      M – 7**

**Title:** Resolution authorizing the Mayor to sign a contract with Marshall Architecture, P.C for professional services related to the conceptual design of a proposed municipal multi-purpose facility

**Thru:** David Kelly, City Administrator

**From:** David Kelly, City Administrator

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** \$15,000

**Funding Source:** Current Expense Fund, 001

**Staff Recommendation:**

Allocate up to \$15,000 for an initial concept drawing for the new City Hall/ Police Station and Civic Center buildings.

**Background / Findings & Facts:**

Before we decide to build new City Hall/Police Station and Civic Center buildings, we need solid estimates of what it will cost to complete the projects. Design Services Group LLC can provide this for us for a reasonable fee. A letter has been enclosed from them explaining what we will be receiving to help us make a decision.



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



**Recommended Motion:**

I move to allocate up to \$15,000 for an initial concept drawing for the New City Hall/ Police Station and Civic Center buildings and Authorize the Mayor to sign an Agreement with Design Services Group LLC.

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

**A RESOLUTION** authorizing the Mayor to sign a contract with Marshall Architecture, P.C for professional services related to the conceptual design of a proposed municipal multi-purpose facility.

**WHEREAS**, the City is interested in exploring the potential of designing and constructing a new municipal facility to house city hall, the police department, and potentially other departments of the City or a library if feasible;

**WHEREAS**, the City issued a request for qualifications (RFQ) on \_October 2, 2014 seeking statements from qualified firms interested in providing conceptual design for the City for its potential facility;

**WHEREAS**, after reviewing the responses received to the RFQ, it is the City's desire to contract with Marshall Architecture, P.C for conceptual design purposes;

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

The Mayor is authorized to sign a contract with Marshall Architecture, P.C professional services related to the conceptual design of a proposed municipal multi-purpose facility in an amount not to exceed \$15,000.

**PASSED** this 14<sup>th</sup> day of October, 2014.

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

**ATTEST:**

**APPROVED AS TO FORM:**

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

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



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



**COUNCIL MEETING      ACTION ITEM**

**10/14/2014      N – 1**

**Title:** Ordinance Amending Section of Title 10, Chapter 10.28, Table 5 – A, and Chapter 10.28.040, Regulatory Notes, of the Selah Municipal Code

**Thru:** David Kelly, 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 Title 10, Chapter 10.28 Table A-5 and Chapter 10.28.040 Regulatory Notes

**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 Chapter 10.28.040 Regulatory Notes to the provisions 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.



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



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.

**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.

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

## ORDINANCE AMENDING SECTIONS OF TITLE 10, CHAPTER 10.28, TABLE 5-A, AND CHAPTER 10.28.040, REGULATORY NOTES, 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 and Chapter 10.28.040, Regulatory Notes, 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 September 30, 2014; and,

WHEREAS, the City Council of the City of Selah at an open record public meeting held on October 14, 2014 considered the Planning Commission recommendation and 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 AND TITLE 10, CHAPTER 10.28.040(1) TO READ AS FOLLOWS:

**Section 1.** Amendment to Table 5-A of Chapter 10.28. Title 10, Chapter 10.28, Table 5-A, "Two family dwelling (duplex)" is amended 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(1)	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.** Selah Municipal Code section 10.28.040 amended. Section 10.28.040 is amended by adding a new subparagraph (1) as follows:

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

(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.

**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 shall become effective at 12:01 a.m. on the 1<sup>st</sup> day of **November, 2014**.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH,  
WASHINGTON THIS 14TH DAY OF OCTOBER, 2014.

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

ATTEST:

\_\_\_\_\_  
Dale Novobielski, City Clerk-Treasurer

APPROVED AS TO FORM:

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

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

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

THIS MATTER having come on for public hearing before the City of Selah Planning Commission on September 30, 2014, for the purpose of considering 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 QUINNELL, PENDLETON and SMITH.

Legal notification pursuant to Selah Municipal Code was given on the 14th day of September 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

ZONING ORDINANCE TEXT AMENDMENT 2014-01  
TITLE 10, CHAPTER 10.28—PERMITTED, ADMINISTRATIVE AND CONDITIONAL  
USES  
COMMISSION FINDINGS OF FACT

- 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 SUPPORT OF** the proposed text amendments.

**ENVIRONMENTAL REVIEW**

ZONING ORDINANCE TEXT AMENDMENT 2014-01  
 TITLE 10, CHAPTER 10.28—PERMITTED, ADMINISTRATIVE AND CONDITIONAL  
 USES  
 COMMISSION FINDINGS OF FACT

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**.

Motion to **APPROVE** by: **SMITH**

Seconded by: **PENDLETON**

**Vote: 3 to 0**

| ZONING ORDINANCE TEXT AMENDMENT 2014-01  
| TITLE 10, CHAPTER 10.28—PERMITTED, ADMINISTRATIVE AND CONDITIONAL  
| USES  
| COMMISSION FINDINGS OF FACT



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



**COUNCIL MEETING      ACTION ITEM**

**10/14/2014      N – 2**

**Title:** Ordinance Adopting the Selah Urban Growth Area Comprehensive Plan Amendment 2014-01 (Zuker-Sample L.L.C.) as Recommended by the City of Selah Planning Commission

**Thru:** David Kelly, City Administrator

**From:** Dennis Davison, Community Planner

**Action Requested:** Remand back to Planning Commission for further consideration

**Board/Commission Recommendation:** Approval

**Fiscal Impact:** None Immediately

**Funding Source:** N/A

**Staff Recommendation:**

Dennis Davison, Community Planner Recommended: Adopt ordinance amending the 2005 Selah Urban Growth Area Comprehensive Plan Future Land Use Map from Low Density Residential to Moderate Density Residential (Plan amendment 2014-01).

David Kelly, City Administrator Recommended: Remand back to Planning Commission for further consideration

**Background / Findings & Facts:**

Dennis Davison, Community Planner Commented: Planning Commission conducted open record public hearing September 30th 2014. Prepared Findings of Fact and Conclusions Recommending Approval



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



David Kelly, City Administrator Commented: The application that was submitted for approval by Zuker-Sample L.L.C. was incomplete for the Planning Commission to consider. All criteria applicable to the application as required under our municipal code should be addressed in writing by the applicant before presentation to the Planning Commission for its consideration on the proposal.

Additionally, it appears that Chairman Willie Quinnell of the Planning Commission should have recused himself from consideration of this matter due to a potential conflict of interest.

**Recommended Motion:**

I move the Council adopt the Planning Commission's Recommendation of Approval, and Adopt the Commission's Findings and Conclusions as our own.

David Kelly, City Administrator Recommended: I move to remand this back to the Planning Commission for further consideration of this major rezone request, which includes a Proposed Comprehensive Plan Amendment and zoning code amendment to Planned Development.



**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 Open Record Public Hearing and Adopted Recommendation of Comprehensive Plan Amendment Approval

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

**AN ORDINANCE ADOPTING THE SELAH URBAN GROWTH AREA  
COMPREHENSIVE PLAN AMENDMENT 2014-01 (ZUKER--SAMPLE L.L.C.) AS  
RECOMMENDED BY THE CITY OF SELAH PLANNING COMMISSION**

WHEREAS, the City of Selah City Council adopted the City of Selah 2005 Urban Growth Area Comprehensive Plan by Ordinance # 1679, March 14, 2006, and

WHEREAS, the City of Selah Planning Commission considered plan amendment 2014-01 (Zuker—Sample L.L.C.) at a duly advertised public hearing on October 30, 2014, where testimony was taken from those persons present who wished to be heard, and

WHEREAS, the City of Selah Planning Commission has adopted Findings and Conclusions recommending approval of the Selah Urban Growth Area Comprehensive Plan Amendment 2014-01 (Zuker—Sample L.L.C.), and

WHEREAS, the City of Selah City Council considered plan amendment 2014-01 (Zuker—Sample L.L.C.) at a duly advertised public hearing on November 14, 2014, where testimony was taken from those persons present who wished to be heard, and the Council has reviewed the Commission's recommendation of approval and the minutes of the October 30th public hearing, and all exhibits, documents and correspondence pertaining to the proposed amendment;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, ADOPTS PLAN AMENDMENT 2014-01 TO THE 2005 SELAH URBAN GROWTH AREA COMPREHENSIVE PLAN. 4.7± acres of land designated as Low Density Residential is hereby redesignated to Moderate Density Residential and this shall be reflected in the Selah Urban Area Comprehensive Plan and associated map. The land area redesignated is legally identified as follows:

That portion of the South half of the Southeast quarter of Section 26, Township 14 North, Range 18 East, W.M. described as follows:

Beginning at the Northwest corner of Lot 24, Plat of Sommerset I, recorded under Auditor's File No. 7194172, records of Yakima County, Washington; thence North 89° 19' 25" East along the Northerly line thereof, 122.76 feet; thence North 0° 06' 37" West 23.40 feet; thence North 89° 53' 23" East 576.95 feet; thence North 0° 34' 29" West 147.70 feet; thence South 89° 54' 29" West 160.95 feet; thence North 0° 35' 27" West 222.75 feet to the North line of said Subdivision; thence South 89° 55' 34" West, along said North line 397.36 feet to the Easterly right of way line of Herlou Drive; thence Southerly along said Easterly right of way line to the Point of Beginning. Situate in Yakima County, Washington

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH,  
WASHINGTON, this 14<sup>th</sup> day of OCTOBER 2014.

ATTEST:

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

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

APPROVED AS TO FORM:

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

Ordinance No. \_\_\_\_\_

**CITY OF SELAH PLANNING COMMISSION  
FINDINGS AND CONCLUSIONS SELAH URBAN  
GROWTH AREA COMPREHENSIVE PLAN  
AMENDMENT 2014-01**

THIS MATTER having come on for public hearing before the City of Selah Planning Commission on September 30, 2014 for the purpose of considering an amendment of the City of Selah Urban Growth Area Comprehensive Plan Future Land Use Map. Designating 4.7± acres of land Moderate Density Residential rather than Low Density Residential.

Commission members present at the September 30, 2014 public hearing were QUINNELL, PENDLETON, and SMITH.

Legal notification pursuant to Selah Code was given on the 19th day of September, 2014. All persons present were given the opportunity to speak for or against the proposed amendment of the City of Selah Urban Growth Area Comprehensive Plan Future Land Use Map.

**FINDINGS AND CONCLUSIONS**

The Planning Commission **ADOPTS** the findings and conclusions contained in the September 24, 2014 staff report pertaining to the amendment of the City of Selah Urban Growth Area Comprehensive Plan Future Land Use Map.

**DECISION**

The Planning Commission, based upon the aforementioned findings and controlling factors, finds that the comprehensive plan amendment **IS** in furtherance of the public health, safety or a contribution either to the general welfare of the people in the area or at large; therefore, the amendment should be **APPROVED**.

Motion to by: QUINNELL                      Seconded: PENDLETON                      Vote: 3 to 0.



**CITY OF SELAH**  
**PLANNING COMMISSION**  
**AGENDA ITEM SUMMARY**



<b>AGENDA ITEM NO.</b>	<b>AIS NO.</b>
<b>AGENDA ITEM TITLE: SELAH URBAN GROWTH AREA COMPREHENSIVE PLAN AMENDMENT 2014-01; OFFICIAL ZONING MAP AMENDMENT (914.42.14-4) and "SOMERSET II" PRELIMINARY PLAT (912.42.14-05</b>	
Original Agenda Date: October 30, 2014	
Sponsor Name(s) and Title(s): Dennis Davison, Community Planner	
Time Line:	
Purpose of Item and Objective of Sponsor: Public Hearing to consider the following:	
<ul style="list-style-type: none"> <li>(1) Amendment of the 2005 Comprehensive Plan Future Land Use Map designating 4.7 acres of property Moderate Density Residential rather than Low Density Residential;</li> <li>(2) Amendment of the official zoning map designating 4.7 acres of property Planned Development (PD) rather than One Family Residential (R-1);</li> <li>(3) Approval of the Preliminary Plat of "Somerset II" subdividing the 4.7 acres of property into individual lots and streets in conformity with a Planned Development Plan.</li> </ul>	
Action Requested: Conduct public hearing, formulate and adopt recommendations to submit to the Selah City Council.	
Staff Recommendation(s): APPROVAL of each item	
<b>ATTACHED ARE THE FOLLOWING ITEMS FOR PLANNING COMMISSION CONSIDERATION</b>	
<b>PAGE</b>	<b>EXHIBIT</b>
1-12	Staff Report dated September 24, 2014
13	Comprehensive Plan Amendment; Planned Development Plan and "Somerset II" Preliminary Plat Map
14	2014-01 Comprehensive Plan Amendment Draft Findings and Conclusions
15	914.42.14-04 Zoning Map Amendment Draft Findings and Decision
16	912.42.14-05 "Somerset II" Preliminary Plat Draft Findings and Recommendation
Changes in Action:	

**CITY OF SELAH PLANNING COMMISSION**

**STAFF REPORT**

September 24, 2014

**FILE NO.:** UGA PLAN AMENDMENT 2014-01 ZUKER SAMPLE DEVELOPMENT, LLC  
OFFICIAL ZONING MAP AMENDMENT 914.42.14-04: R-1 to PD (PLANNED DEVELOPMENT)  
PRELIMINARY PLAT 912.42.14-05 "Somerset II"  
ENVIRONMENTAL REVIEW 971.42.14-07

**PROPOSAL:** Amend the City of Selah Urban Growth Area Comprehensive Plan by amending the Future Land Use Map re-designating two parcels totaling 4.7 acres from Low Density Residential to Moderate Density Residential . If adopted, the maximum allowable density would be 12 dwelling units per gross acre.

Amend the official zoning map of the City of Selah reclassifying the two parcels Planned Development rather than One Family Residential (R-1).

Preliminary Plat of "Somerset II" subdividing the 4.7 acre subject property into 33 Single family residential lots served by a full range of public utilities and a density of 7.02 dwelling units per gross acre.

Twenty-eight of the lots will contain attached single-family dwelling units (referred to in the application as "townhouses"). The remaining five lots are proposed for detached single family dwellings. Although not specifically provided for by the zoning ordinance, attached single family dwellings may be permitted in the Planned Development by SMC 10.24.010 which allows new development that is consistent with the comprehensive plan but that would not be readily permitted in other zoning districts due to limitations in dimensional standards, *permitted uses* or accessory uses (emphasis added). As stated in the application, this type of housing has been permitted in other locations in the City, including Goodlander Square, at the corner of W. Goodlander and Selah Loop Roads.

**PROPONENT & PROPERTY OWNER:** Zuker-Sample Development, LLC

**LOCATION:** Site fronts on Herlou Drive to the west and Lyle Loop Road to the east. It is about 75 feet north of the intersection of Lyle Loop and Herlou Drive and about 100 feet south of the intersection of Herlou Drive and Weems Way (Tax Parcel Numbers: 181426-44005 and 44021).

The site is bordered on the south by Somerset I, a 24 lot subdivision recorded in 2002 and built out with detached single family homes on lots that are mostly 8,000 to 10,000 square feet in size but also includes a few somewhat larger lots up to 28,624 square feet (0.66 acre).

**PUBLIC FACILITIES AND UTILITY SERVICES:** A full range of public facilities and utility services including water, sewage, storm drainage and fire protection serves the property.

**LAND USE AND ZONING:**

**Table 1: Existing Land Use, Plan Designation and Zoning**

<b>Area</b>	<b>Land Use</b>	<b>Plan Designation</b>	<b>Zoning</b>
Site	Vacant; part is subject to County approved preliminary plat with utilities in place	Low Density Residential	One Family Residential (R-1)
North	Detached single-family homes on 0.4 acre lots	Low Density Residential	One Family Residential (Yakima County – R-1)
South	Detached single-family homes on 8,375 to 10,176 square foot (0.2 to 0.25 acre) lots	Low Density Residential	One Family Residential (R-1)
East	Detached single-family homes on 15,795 to 28,624 square foot (0.36 to 0.66 acre) lots. One large lot (2.81 acre) with a single-family home and raising horses	Low Density Residential	One-Family Residential (R-1)
West	Detached single-family homes on 1/3 to 1/2 acre lots	Low Density Residential	One-Family Residential (Yakima County – R-1)

**ACCESS:** Herlou Drive, Yakima County local access street borders the site on the west; Lyle Loop Road, a local access street borders the site on the east and would be extended across the property to Herlou Drive on the west providing internal access to the proposed subdivision.

**ENVIRONMENTAL REVIEW:** A Determination of Nonsignificance (DNS) (971.42.14-07) was issued on September 14, 2014. There was no comment period for the DNS, however it could be appealed through October 3, 2014.

**APPLICATION AUTHORITY AND JURISDICTION:** Selah Municipal Code, Chapter 10.24 (Planned Development Zoning District), Chapter 10.40 (amendments) and Chapter 10.50 (subdivision); also Selah Urban Growth Area Comprehensive Plan

**COMPREHENSIVE PLAN:**

City of Selah Urban Growth Area Comprehensive Plan Designated Low Density Residential by the Future Land Use Map, adopted 2006. This designation provides for a maximum density of five (5) dwelling units per acre.

Proposed Comprehensive Plan designation Moderate Density Residential. The proposed Future Land Use Map designation allows for a maximum density of 12 dwelling units per acre. The predominant use is two-family, townhouse and condominium dwellings with a mix of single-family and multi-family residences. The mix of housing types will be limited by the maximum permissible density and zoning standards will regulate development to assure compatibility. For this proposal, the density would be limited to 7.02 units per acre by the proposed Planned Development.

Applicable Goals and Policies:

**Objective LUGM 3:** Encourage economic growth while maintaining quality development and controlling the cost of public improvements in Selah's UGA.

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

**Policy LUGM 3.3:** Conserve land, energy and financial resources by minimizing urban sprawl.

**Objective HSG 1:** Maintain and upgrade the character of existing residential neighborhoods.

**Policy HSG 1.2:** Encourage new single-family development throughout existing single-family neighborhoods as redevelopment and infill construction at appropriate densities.

**Objective HSG 2:** Encourage new residential development to approximate existing residential densities and housing mix levels.

**Policy HSG 2.1:** Encourage the combined net density of all residential development to remain at present levels. Exceptions to this policy should be permitted where the developer can demonstrate that the quality of the project design, construction and amenities warrants a different housing density.

**Policy HSG 2.2:** Ensure codes and ordinances promote and allow for a compatible mix of housing types in residential areas.

**Objective HSG 3:** Minimize the negative impacts of medium and high-density residential projects on adjacent low-density residential areas, but encourage mixed use/density projects.

**Objective HSG 4:** Encourage new residential construction to be compatible with existing residential development.

**MAJOR REZONE APPLICATION:** A rezone that is combined with a comprehensive plan amendment is considered to be a "major rezone" under the zoning ordinance, which includes the following considerations:

1. The extent to which the proposed amendment/major rezone is consistent with and/or deviates from the goals, objectives, mapping criteria and policies adopted in the comprehensive plan and the intent of [the zoning ordinance];

2. The adequacy of public facilities, such as roads, sewer, water and other public services required to meet urban or rural needs;
3. The public need for the proposed change. Public need shall mean that a valid public purpose, for which the comprehensive plan and this title have been adopted, is served by the proposed application. Findings that address public need shall, at a minimum document:
  - a. Whether additional land for a particular purpose is required in consideration of the amount already provided by the plan map designation or current zoning district within the area as appropriate;
  - b. Whether the timing is appropriate to provide additional land for a particular use.
4. Whether substantial changes in circumstances exist to warrant an amendment to the current designation or zone;
5. The testimony at the public hearing;
6. The compatibility of the proposed zone change and associated uses with neighboring land uses;
7. The suitability of the property in question for uses permitted under the proposed zoning;
8. The recommendation from interested agencies and departments.

**PLANNED DEVELOPMENT APPLICATION:** An approved planned development modifies and supersedes all regulations of the underlying (or preceding) zoning district. Its purpose is to allow new development that is consistent with the comprehensive plan but that would not be readily permitted in other zoning districts. A change of zoning to Planned Development is based on the following criteria:

1. Substantial conformance to the Comprehensive Plan;
2. The proposal's harmony with the surrounding area, or its potential future use;
3. The system of ownership and means of development, preserving and maintaining open space;
4. The adequacy of the size of the proposed district to accommodate the contemplated development;
5. Compliance with the subdivision code.

**PRELIMINARY PLAT APPLICATION:** A portion of the subject property was approved for a 17 lot preliminary plat by Yakima County, but not recorded. Previous to the plat approval, part of the property was a tract in Somerset I (described above) a subdivision that other than this tract has been built out.

Part of the property was acquired through a street vacation for Herlou Drive. The remaining 2.03 acre parcel included in the application was not a part of any of these described actions.

- Acreage:** 4.7 acres
- Number of lots:** 33 lots receiving full urban services
- Average lot size:** 5,158 square feet (0.12 acre).  
Common Wall Unit lots – 4,500 square feet (3,704 to 5,537 square feet)  
Single Family Dwelling lots – 8,842 square feet (8,005 to 12,033 square feet)
- Gross density:** 7.02 units per acre
- Phasing:** Three proposed phases. The dwelling units in Phases 1 and 2 are proposed to be served by City maintained Lyle Loop Road while Phase 3 will be served by a private interior street in a 26 foot wide easement.
- Phase 1 consists of 12 lots for attached units and 1 detached unit lot; Phase 2 has lots for 10 attached units and 3 detached units; Phase 3 has lots for 6 attached units and 1 detached unit.

**UTILITIES:** Public sewer lines, water lines and drainage improvements have been installed in Phases 1 and 2 in accordance with the County decision approving the previous preliminary plat; engineering plans for these improvements have been approved by the Selah Public Works Department. These utilities will need to be extended into Phase 3.

**WATER :** An 8 inch domestic water line has been extended through Phases 1 and 2 in the proposed alignment of Lyle Loop Road from where it currently ends on the east side of the site to Herlou Drive on the west. A water line will need to be extended into Phase 3, presumably using the access/utility easement that is to provide access to the lots in that phase.

**SEWER :** An 8 inch line has been installed through Phases 1 and 2 in the proposed alignment of Lyle Loop Road from the existing end of that street to the east and terminating just before reaching Herlou Drive on the west. The preliminary plat shows a 16 foot wide sewer easement through Lots 9 and 10 of Phase 1 that would connect Phase 3 with the line on Lyle Loop Road. The combined access/utility easement through Phase 3 would allow sewer extension to all of the lots in the phase.

**FIRE HYDRANTS:** Existing hydrants are located at the intersection of Lyle Loop Road and Herlou Drive in the existing Somerset I subdivision and about 520 feet to the east on the north side of Lyle Loop Road. Although hydrant locations for the proposal are not indicated on the preliminary plat, a hydrant has been installed on the site in the alignment of Lyle Loop Road where it would front on proposed Lots 8 and 30 about 450 feet (travel distance on the street) from the interior hydrant in Somerset I and about 460 feet from Herlou Drive. An additional hydrant will be required on the proposed private access easement at the north end of Lot 13.

**TRANSPORTATION:** (Existing conditions)

Herlou Drive – (Yakima County, designated Local Access) -- Asphalt pavement with concrete barrier curb and gutter, 5 foot wide sidewalk on the east side and illumination in a 60 foot wide right-of-way.

Lyle Loop Road (Local Access) – 32 foot wide asphalt pavement with concrete rolled curb and gutter, 5 foot wide sidewalk on the north and west sides of the street and illumination in 50-foot wide right-of-way.

**TRANSPORTATION:** (Planned improvements):

Lyle Loop Road will be extended through Phases 1 and 2 to the same development standards as the existing road (described above).

A private access street will be extended into Phase 3 from Lyle Loop Road in an access and utility easement with a width of 26 feet from Lyle Loop Road north to Lot 3 and then east to the west line of Lot 8. East of this point, and on Lot 2 to the west, the easement width reduces to 16 feet. The northerly 16 feet of the easement width lies in the lots of Phase 3, with the remaining 10 feet on certain lots (9 through 13) in Phase 2. This configuration of the access easement is not shown on the current preliminary plat, having been modified by the applicant in consultation with the Fire Chief. No improvement standards have been proposed for the interior street. As modified, the easement is proposed to encumber portions of 12 lots consisting of all the Phase 3 lots except Lot 1 and six of the Phase 1 and 2 lots on the north side of Lyle Loop Road (Lots 9 through 14).

**OTHER FINDINGS:**

1. The existing future land use designation was originally ascribed to these parcels in 1997 with the adoption of the City of Selah Urban Growth Area Comprehensive Plan.
2. The maximum number of dwelling units allowed on the subject property under its current Low Density Residential land designation is 20 (4.07 x 5). The proposed density based on the Planned Development of 33 dwelling units increases the planned number of dwelling units in the urban growth area by 13.
3. Under the requirements of SMC 10.50.041, a private access street may be authorized where there are no adverse effect on future traffic circulation of neighboring parcels. Modification of the following normally required subdivision standards as proposed by this application is allowed for good cause shown when a subdivision is combined with a planned development and where appropriate to provide for the type of development and land use contemplated as a planned development:
  - a. Each lot must front upon a public street with a width not less than [that] set forth in the street standards.

- b. Lots having frontage on two streets should be avoided whenever possible.
  - c. The distance from the front lot line to the rear lot line shall not exceed two and one-half times the distance from between the two side lot lines (2½ : 1 depth to width ratio).
  - d. Minimum lot width of 60 feet at the rear line of the required front yard. Minimum lot width of 70 feet for corner lots (with respect to Lots 13 and 14 assuming they are considered to be at the corners of the proposed private street; the lots being proposed at public street corners in this plat meet this standard).
4. The zoning ordinance generally does not specify bulk and setback requirements for a Planned Development, leaving it up to the required development plan (SMC 10.24.030). The application and preliminary plat indicates the standards for this application, as does the building footprints shown on the plat for the proposed attached dwelling units. The following setback standards are shown on the face of the plat:

Front: 20 feet;

Side: 7 feet for 1 story units, 8 feet for 2 story units.

These standards are consistent with the standards of both the R-1 and R-2 zones; the proposed side setback standards are actually more restrictive. It appears that other zoning ordinance standards (rear setback, building height) are being met as described in application materials and shown on the preliminary plat. Since the five detached single family residential lots meet the minimum lot size requirement for the R-1 zone, their conformance to its minimum standards should be possible. The only standard that may pose a potential conflict for the attached unit lots is lot coverage, although it appears that it too is being met.

5. Based on the project narrative, application materials and the preliminary plat, the following project design elements and attributes of the site provide for project compatibility with the surrounding lower density residential areas:
- a. Construction materials of brick, stucco, masonite or wood siding and the reference by the application to the existing residential units at Goodlander Square as an example of the appearance of the finished units.
  - b. The land slopes to the east and is topographically lower than the single family residences to the north and south.
  - c. The proposed (detached) single family lots on the east and west sides of the project buffer the existing residences that border the site in those directions, allowing a transition into the higher density portion of the project.
  - d. The rear of the higher density units abut the rear of the existing residences on the north and south.
  - e. Completion of Lyle Loop Road to Herlou Drive provides a new access and will reduce the potential amount of traffic that would pass through the developed area of Somerset I.

6. The application states that the proposed townhouse units meet an identified need in that they are less expensive and in demand by both first time homebuyers and older buyers for that reason and because they require less yard maintenance.
7. The application did not address the major rezone criteria for public need concerning whether additional land is required considering the land already zoned or planned designated and whether the timing is appropriate. However, based on review of the existing Future Land Use Map in the comprehensive plan, the availability of vacant lands designated Medium Density Residential Density is limited; most of these areas are built out, there are very few vacant parcels that are the size of the subject property or larger and the relatively less developed areas are characterized by contiguous ½ to 2 acre parcels, generally under separate ownership and partially improved with small scale agriculture, homes and other buildings. In terms of timing, is the fact that the streets and utilities needed for the proposed development have been designed or are now in place.
8. The title report discloses several easements for utilities and access as shown on Schedule 'A' of the Chicago Title Insurance Company report dated February 10, 2014. Any easements and reservations not disclosed on the preliminary plat map must be disclosed on any final plat map.
9. SMC 10.50.033(c) provides the developer five (5) years from the date of preliminary plat approval to complete all required improvements and record the final plat. However, following the economic downturn of 2007-2009, the State Legislature amended RCW 58.17 (Subdivision Act) to allow seven (7) years from preliminary plat approval if the approval is made prior to December 31, 2014, after which the time period reverts back to five years (RCW 58.17.140(3)). SMC 10.50.033(c) allows the developer to, prior to this completion date, request a one-time, one-year extension to complete the improvements and record the plat.

**STAFF ANALYSIS:**

1. **Major Rezone:** Findings that support the major rezone and plan amendment are:
  - a. Consistency with the goals, objectives, mapping criteria and policies of the comprehensive plan and the intent of the zoning ordinance as summarized in the following paragraphs.
  - b. The public purpose indicated by the application is providing an alternative type of single-family housing not otherwise allowed by the zoning ordinance that appeals to certain market segments because of its affordability and convenience. As proposed, the Planned Development allows for a compatible mix of housing types in a residential area (Objective HSG 3; Policy HSG 2.2). It approximates existing residential densities (7 rather than 5 d.u. per acre) and the application demonstrates that the quality of project design, construction and amenities warrant this somewhat higher density (Objective HSG 2; Policy HSG 2.1).

- c. The property is suitable for the proposed land use and it provides infill of an existing residential area (Policy LUGM 3.3; Objective HSG 1; Policy HSG 1.2).
  - d. Public facilities: roads, sewer, water, etc. are adequate to meet project needs (Policy LUGM 3.2).
  - e. Based on the design elements and site attributes described in the application, the project promotes compatibility with surrounding land uses (Objectives HSG 3 & 4).
2. **Planned Development:** The application is supported by its substantial conformance to the comprehensive plan and compatibility with the surrounding area as provided for by its project design, and adequacy of the size of the proposed district to accommodate the development. It complies with the subdivision code with consideration to the following findings regarding modifications of normally required subdivision ordinance standards:
- a. The private access does not adversely affect future traffic circulation. Further connectivity to the north is infeasible due to topography, to the east is available from proposed and existing streets including part of Lyle Loop Road within the development, and to the south and west, connectivity has either been provided already or is precluded by existing development.
  - b. Double frontage lots and frontage on the private street is appropriate with the provision of adequate setbacks because of the limited number of dwelling units and low traffic levels.
  - c. Modification of depth to width and lot width standards is justified because the dimensions and lot sizes being proposed are consistent with typical standards for this type of housing due to the common wall or zero lot line design with the yard area provided on the three other sides of the building.

**RECOMMENDATION: APPROVAL** of the Comprehensive Plan amendment, rezone and preliminary plat based on the findings and conclusions in this report subject to the following conditions:

1. All design and/or improvement notations indicated on the preliminary plat are included herein as conditions of preliminary plat approval. (Including, but not limited to, dedicated right-of-way width, easement widths and locations, lot size and configuration).
2. A preliminary engineering report and/or plan, prepared by a Licensed Professional Engineer, demonstrating the feasibility of construction of all public improvements required by Selah Municipal Code, Chapter 10.50 must be submitted to the Public Works Director for approval.
3. All final plans and specifications for improvements must be prepared by a Licensed Professional Engineer and reviewed and approved by the Public Works Director prior to construction.

Specifications for improvements shown on the preliminary plat are minimum specifications that may be superseded by conditions contained herein or by specific conditions as approved by the Public Works Director. Upon completion of construction and prior to final plan approval, final 'as-built' construction plans and a written certification by a Licensed Professional Engineer that said improvements were completed in accordance with the approved construction plans must be submitted to the Public Works Director for approval.

4. Reports, plans and specifications previously submitted shall count toward meeting the requirements of Conditions #2 and #3 if accepted by the Public Works Director to the extent of the improvements for which they are determined to be sufficient.
5. Lyle Loop Road: Street improvements must be constructed to City standards as approved by the Public Works Director including 50 foot wide right-of-way, 32 foot wide asphalt pavement, concrete rolled (or better) curb and gutter, five (5) foot wide sidewalk on one street side and street illumination. The sidewalk shall be installed on the same side of the street as it is on the existing completed portion of Lyle Loop Road. Utility improvements shall be extended beyond street pavement edge to facilitate future extension where appropriate. Street grade shall not exceed 10%.
6. The private interior street shall be constructed as a hard-surfaced street to specifications approved by the Public Works Director prior to recording a final plat for Phase 3. The street shall have a minimum surface width of 20 feet in those portions of the access easement that are 26 feet in width.
7. Covenants or a road maintenance agreement, providing for the perpetual maintenance of the private roadway and that establish a road maintenance fund shall be recorded with the Yakima County Auditor and a recorded copy submitted to the Selah Community Planner prior to recording the final plat.
8. Street illumination shall be installed by the developer at locations and to the specifications of the Public Works Director (typically at 300 foot intervals or as otherwise determined by the Director of Public Works in order to maximize illumination). Street lights shall be installed on metal poles.
9. All lots must be served with a full range of public and private services and utilities including public water and sewer, power, natural gas and telephone. All utilities except for the standard telephone box, transmission box and similar structures shall be underground and installed prior to the surfacing of streets. All utilities placed beneath streets, curbs or sidewalks shall be extended beyond these features to avoid them being disrupted by future extensions.
10. There shall be a moratorium on public street cuts for a period of five (5) years from the date of plat recording.

11. Fire hydrants shall be provided and installed by the developer at locations approved by the City of Selah Fire Chief and to the specifications of Selah Municipal Code, Chapter 11.30.
12. Final lot dimensions and lot area must substantially conform to the preliminary plat unless otherwise amended during the public hearing process.
13. Storm Water drainage facilities to accommodate runoff generated in the plat must comply with a drainage facilities plan prepared by a Licensed Professional Engineer and approved by the Public Works Director. Plans submitted previously will count toward meeting this requirement if approved by the Public Works Director. Additional documentation may be required for portions of the site not covered by any such previously submitted plans.
14. Prior to final plat recording, all required plat improvements (utilities, streets, drainage facilities, etc.) must be installed and accepted by the City or a surety bond pledged to the City to ensure installation of the plat improvements within two years of final plat recording.
15. Planned Development approval shall be in substantial conformance to the project design as described in the project narrative, application materials and on the face of the preliminary plat. Front and side setback standards for attached single-family (townhouse) units shall be as shown on the face of the preliminary plat. All other setbacks and building height for all units shall be to the standards required in the R-1 district by the zoning ordinance. Lot coverage and lot width requirements for the attached single-family (townhouse) lots shall be considered met if lots are configured and the dwelling units sited as shown on the preliminary plat and described in the application. Lot coverage and width standards of the R-1 zone shall apply to the other lots. This condition is not intended to preclude modifications otherwise allowed under SMC 10.24.110.
16. Land use of the individual lots shall be limited to those uses shown on them by the preliminary plat and as described in the Planned Development application materials and normally accessory land uses. Attached single-family (townhouse) units may be increased to 4-bedrooms as described in the application provided that the required setbacks and other standards are met.
17. All required street signs, posts and appurtenances must be supplied by the developer and will be installed by the City.
18. The following note shall be placed on any final plat map:

**“The owners shown hereon, their grantees and assignees in interest, hereby covenant and agree to retain all surface water generated within the plat on-site.”**



19. Lots in Phase 3 shall be served by an 8 inch sewer line extended in the utility easement across Lots 9 and 10 and then continued to all of the individual Phase 3 lots in the access and utility easement as shown on the Preliminary Plat.
20. Prior to final plat recording, a surety bond, or such other secure financial method acceptable to the City, in the amount of 15% of the cost of the public improvements as determined by the Public Works Director (streets, sidewalks, street lights, drainage facilities, sewage collection and water distribution facilities, etc.) must be remitted to the City and will be held for a period of two years from the date of final plat recording to guarantee against defects in materials and workmanship.
21. Improvements required for the subdivision must be completed and the final plat must be submitted within the current maximum 7-year time period required by RCW 58.17.140. A one-time, one-year extension may be authorized in accordance with SMC 10.50.033(c) but the request must be made before the 7-year time period ends. This condition applies to all improvements except for the residential development of the individual lots which is subject to the timing requirements of the Planned Development District (SMC 10.24).

The seven units in Phase 3 are to be served by a paved 20' access and utility easement (Lot 1 has a basically unusable access to Herlou Drive because of topography). The proposed 16' sewer easement between Lots 9 and Lot 10 has previously been discussed with the Selah Public Works Department.

The proposed townhouse units are the same design as the units in Goodlander Square at the corner of W. Goodlander Road and Selah Loop Road. In some cases the designs of some units could be modified to four bedrooms and still meet the setback requirements. The number and size of the proposed townhouse units are shown on the schedule on the attached map. Setbacks for the townhouse units are also shown on that schedule. The plans for the units are available for your inspection.

The townhouse units are popular with first time home buyers (younger people) because they generally sell for less than the equivalent size single family home and also with older buyers who do not want a large yard to maintain. It is proposed that some units are built to ADA standards of which Selah has basically none.

The intended use for these townhouse units is to sell, not rent.

Sincerely,

A handwritten signature in black ink that reads "Roy A. Sample". The signature is written in a cursive, flowing style.

Roy A Sample  
Zuker-Sample, LLC

/attachments



# SOMERSET II

IN THE S 1/2 OF THE SE 1/4 OF SECTION 26, TOWNSHIP 14 NORTH, RANGE 18 EAST, W.M.  
CITY OF SELAH, YAKIMA COUNTY, WASHINGTON

E 1/4 CORNER SEC. 26,  
T-14 N, R-18 E, WM

13

## LEGAL DESCRIPTIONS

### PARCEL A

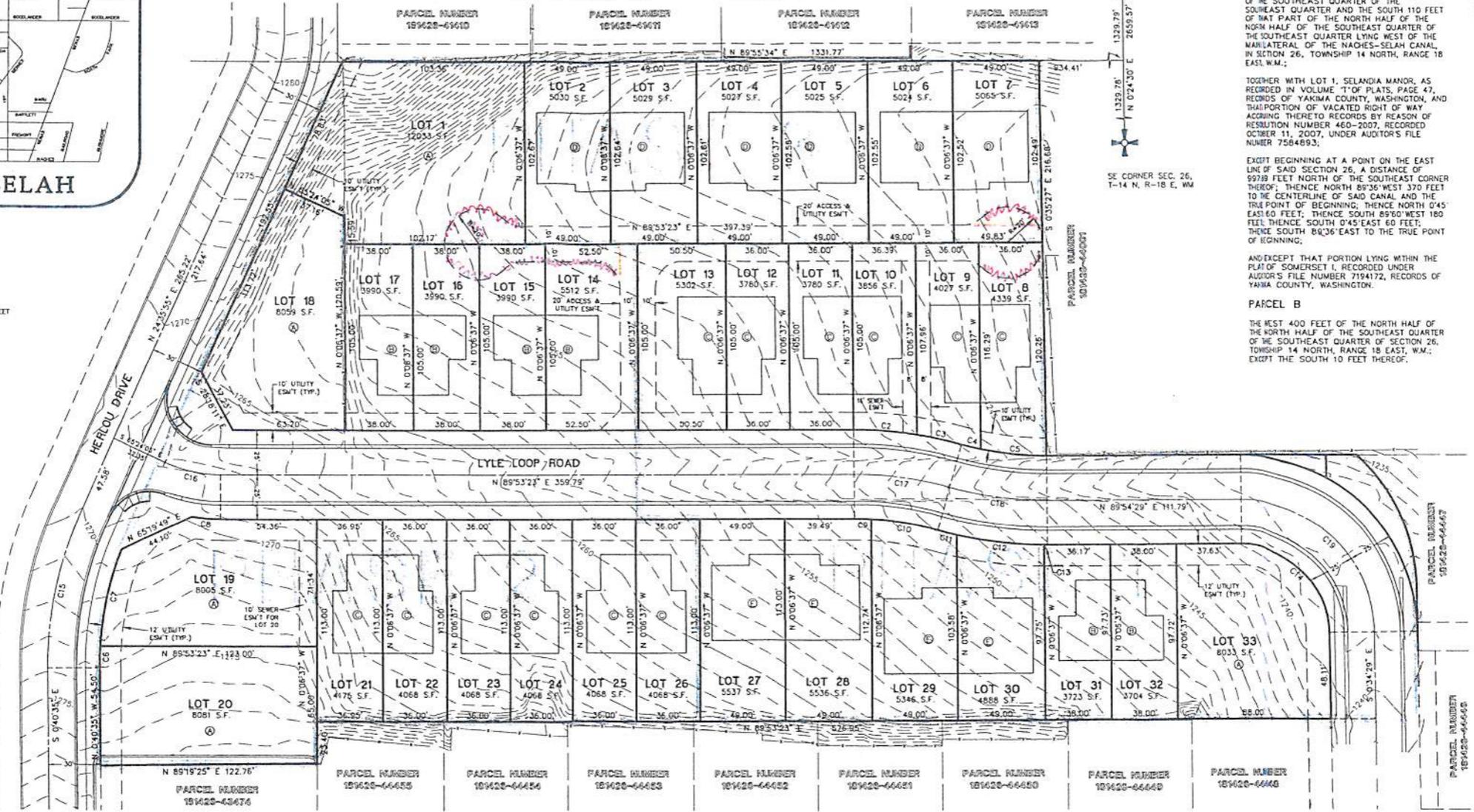
THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTH 110 FEET OF THAT PART OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER LYING WEST OF THE MANULATERAL OF THE NADDES-SELAH CANAL, IN SECTION 26, TOWNSHIP 14 NORTH, RANGE 18 EAST, W.M.;

TOGETHER WITH LOT 1, SELANDIA MANOR, AS RECORDED IN VOLUME 11 OF PLATS, PAGE 47, RECORDS OF YAKIMA COUNTY, WASHINGTON, AND THAT PORTION OF VACATED RIGHT OF WAY ACCORDING THERETO RECORDED BY REASON OF RESOLUTION NUMBER 460-2007, RECORDED OCTOBER 11, 2007, UNDER AUDITOR'S FILE NUMBER 7584893;

EXCEPT BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 26, A DISTANCE OF 597.88 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE NORTH 89°36' WEST 370 FEET TO THE CENTERLINE OF SAID CANAL AND THE TRUE POINT OF BEGINNING; THENCE NORTH 0°45' EAST 60 FEET; THENCE SOUTH 89°60' WEST 180 FEET; THENCE SOUTH 0°45' EAST 60 FEET; THENCE SOUTH 89°36' EAST TO THE TRUE POINT OF BEGINNING.

### PARCEL B

THE WEST 400 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 14 NORTH, RANGE 18 EAST, W.M.; EXCEPT THE SOUTH 10 FEET THEREOF.



- Ⓐ 5 SINGLE FAMILY 8000+ S.F. LOTS
- ⓑ 6 TOWNHOUSE UNITS. 3 BEDROOMS UPSTAIRS, 2 1/2 BATH, 2 CAR GARAGE, COVERED PATIO. MAIN FLOOR 637.7 S.F., UPPER FLOOR 776.3 S.F. TOTAL EACH UNIT = 1414.0 S.F.
- ⓒ 12 TOWNHOUSE UNITS. 3 BEDROOMS - 2 UPSTAIRS, MASTER DOWNSTAIRS, 2 1/2 BATH, 2 CAR GARAGE. MAIN FLOOR 1088 S.F., UPPER FLOOR 615 S.F. TOTAL EACH UNIT 1703 S.F.
- ⓓ 6 TOWNHOUSE UNITS. SINGLE FLOOR, 3 BEDROOM, 2 BATH, 2 CAR GARAGE. ONE FLOOR 1364 S.F.
- ⓔ 4 TOWNHOUSE UNITS. SINGLE FLOOR, 3 BEDROOM, 2 BATH, 2 CAR GARAGE. ONE FLOOR 1448 S.F.
- 33 UNITS TOTAL. 33/4.7 ACRE = 7.02 UNIT/ACRE
- FRONT SETBACK MINIMUM 20 FEET.
- SIDE SETBACK 2 STORY MINIMUM 8 FEET
- 1 STORY MINIMUM 7 FEET

NUMBER	DELTA	RADIUS	ARC LENGTH	NUMBER	DELTA	RADIUS	ARC LENGTH
C2	00°18'24"	225.00'	36.55'	C11	02°47'58"	325.00'	10.99'
C3	00°35'06"	225.00'	25.79'	C12	12°35'27"	325.00'	49.44'
C4	03°39'34"	175.00'	11.18'	C13	00°28'02"	325.00'	1.53'
C5	12°11'53"	175.00'	37.26'	C14	89°31'01"	50.00'	78.12'
C6	05°01'11"	170.00'	34.89'	C15	25°16'30"	200.00'	68.23'
C7	17°48'52"	170.00'	52.86'	C16	24°47'32"	75.00'	32.34'
C8	09°17'35"	100.00'	16.22'	C17	15°52'33"	200.00'	55.42'
C9	03°07'01"	175.00'	9.52'	C18	15°51'27"	200.00'	55.35'
C10	12°45'33"	175.00'	38.97'	C19	89°31'01"	75.00'	117.18'

OWNER/DEVELOPER  
ROY SAMPLE FOR:  
ZUKER-SAMPLE, L.L.C.  
P.O. BOX 550  
SELAH, WASHINGTON 98942

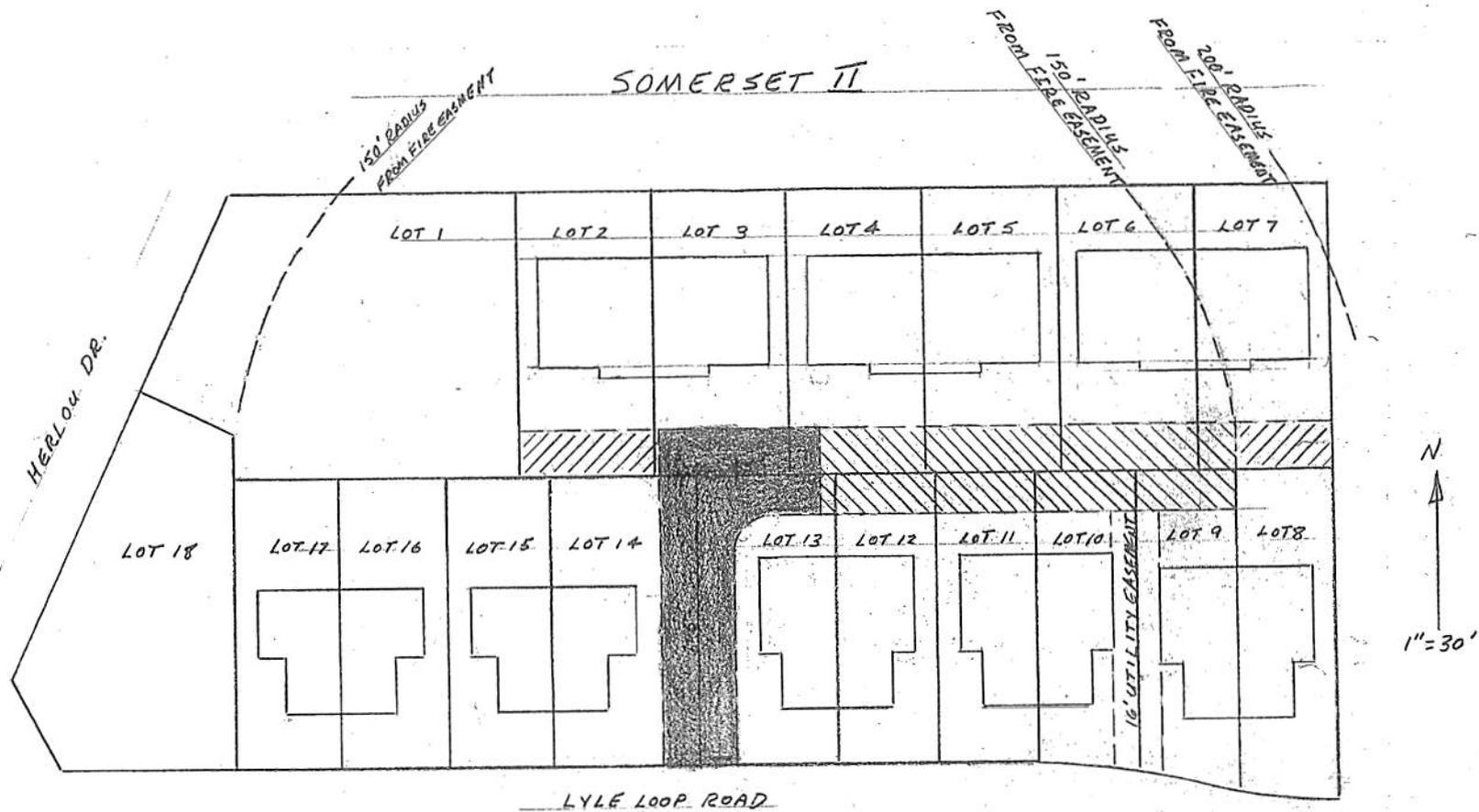
SURVEYOR/ENGINEER  
RICHARD L. WEHR, PLS  
PLSA ENGINEERING & SURVEYING  
1120 WEST LINCOLN AVENUE  
YAKIMA, WASHINGTON 98902

**PLSA** ENGINEERING-SURVEYING-PLANNING  
1120 WEST LINCOLN AVENUE  
YAKIMA, WASHINGTON 98902  
(509) 575-6990

PRELIMINARY PLANNED DEVELOPMENT  
OF PARCEL NOS. 181426 - 44005 & 44021  
—PREPARED FOR—  
**ZUKER-SAMPLE, L.L.C.**

DRAWN BY: RICK  
DATE: 1/13/2014  
JOB NO. 09155  
SHEET NO. 1 OF 1

PLSA ENGINEERING-SURVEYING-PLANNING 1120 WEST LINCOLN AVENUE YAKIMA, WASHINGTON 98902 (509) 575-6990



AMENDMENT TO FIRE APPARATUS  
SERVICE ROAD

- 16' ACCESS AND UTILITY
- 26' ACCESS AND UTILITY
- 26' FIRE ACCESS AND UTILITY - 150' LONG



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



**COUNCIL MEETING      ACTION ITEM**

**10/14/2014      N – 3**

**Title:** Ordinance Amending Ordinance No. 1634 Zoning Map Amendment No. 914.42.14-04 Rezone to Planned Development (PD)

**Thru:** David Kelly, City Administrator

**From:** Dennis Davison, Community Planner

**Action Requested:** Remand back to Planning Commission for further consideration

**Board/Commission Recommendation:** Approval

**Fiscal Impact:** None Immediately

**Funding Source:** N/A

**Staff Recommendation:**

Dennis Davison, Community Planner Recommended: Adopt ordinance amending the 2005 Selah Urban Growth Area Comprehensive Plan Future Land Use Map from Low Density Residential to Moderate Density Residential (Plan amendment 2014-01).

David Kelly, City Administrator Recommended: Remand back to Planning Commission for further consideration.

**Background / Findings & Facts:**

Dennis Davison, Community Planner Commented: Planning Commission conducted open record public hearing September 30th 2014. Prepared Findings of Fact and Conclusions Recommending Approval



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



David Kelly, City Administrator Commented: The application that was submitted for approval by Zuker-Sample L.L.C. was incomplete for the Planning Commission to consider. All criteria applicable to the application as required under our municipal code should be addressed in writing by the applicant before presentation to the Planning Commission for its consideration on the proposal.

Additionally, Chairman Willie Quinnell of the Planning Commission should have recused himself from consideration of this matter due to a potential conflict of interest.

**Recommended Motion:**

Dennis Davison, Community Planner Recommended: I move the Council adopt the Planning Commission's Recommendation of Approval, and Adopt the Commission's Findings and Conclusions as our own.

David Kelly, City Administrator Recommended: I move to remand this issue back to the Planning Commission for further consideration of the Planned Development per the City's Municipal Code.

**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 Open Record Public Hearing and Recommendation of Rezone Approval

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

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

## ORDINANCE AMENDING ORDINANCE NO. 1634 ZONING MAP AMENDMENT NO. 914.42.14-04 REZONE TO PLANNED DEVELOPMENT (PD)

WHEREAS, Chapter 35A.63 of the Revised Code of Washington authorizes the City Council of the City of Selah to adopt and amend official controls including zoning ordinances and zoning maps; and,

WHEREAS, the City of Selah Council has considered and adopted the Planning Commission's findings of fact and conclusions of approval of the "Somerset II" Planned Development rezone and the Council is satisfied that the matter has been sufficiently considered; and,

WHEREAS, the City Council of the City of Selah finds that the zoning map amendment furthers the purpose, goals and objectives of the 2005 City of Selah Urban Growth Area Comprehensive Plan, the City of Selah Zoning Ordinance and the public health, safety and general welfare;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. Findings.** The recitals set forth above are incorporated herein as the City Council's Findings. Further, the Planning Commission's Findings and Conclusions are adopted as the City Council's Findings and Conclusions by this reference.

**Section 2. Amendment.** The following described real property is hereby reclassified from One Family Residential (R-1) to Planned Development (PD):

That portion of the South half of the Southeast quarter of Section 26, Township 14 North, Range 18 East, W.M. described as follows:

Beginning at the Northwest corner of Lot 24, Plat of Sommerset I, recorded under Auditor's File No. 7194172, records of Yakima County, Washington; thence North 89° 19' 25" East along the Northerly line thereof, 122.76 feet; thence North 0° 06' 37" West 23.40 feet; thence North 89° 53' 23" East 576.95 feet; thence North 0° 34' 29" West 147.70 feet; thence South 89° 54' 29" West 160.95 feet; thence North 0° 35' 27" West 222.75 feet to the North line of said Subdivision; thence South 89° 55' 34" West, along said North line 397.36 feet to the Easterly right of way line of Herlou Drive; thence Southerly along said Easterly right of way line to the Point of Beginning. Situate in Yakima County, Washington

**Section 3.** This ordinance, implementing zoning map amendment number 914.42.14-04 shall become effective five (5) days following legal publication of this ordinance or a summary of this ordinance.

Done this 14<sup>th</sup> day of October, 2014.

\_\_\_\_\_  
John 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    INFORMATIONAL ITEM**

**10/14/2014    P – 4A**

**Title:** Planning Commission Minutes – May 20, 2014 (corrected); May 21, 2014; May 28, 2014; and June 17, 2014

**Thru:** David Kelly, 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  
May 20, 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 5:34 p.m.

B. Roll Call:

Members Present: Commissioners Smith, Pendleton, Miller, Quinnell and Torkelson  
Members Absent:  
Staff Present: Dennis Davison, Community Planner; Caprise Groo, Secretary  
Guests: Bob Noe, City Attorney  
The recorder went down and had to be rebooted.

C. Public Hearing

1. New Business-  
May 20, 2014

A. PUBLIC HEARING-SELAH MUNICIPAL CODE MARIJUANA REGULATIONS

Commissioner Quinnell: this is the Planning Commission Hearing, May 20, 2014. The purpose of this hearing is to solicit Testimony from those individuals who support or oppose to the implementation of regulations on the sale, growing and processing and/or distribution of Cannabis and Marijuana products. We will commence the meeting with the introduction of the exhibits previously submitted and then proceed to the public comments both for or against the potential regulation. Each speaker will have five minutes to present his or her testimony and/or exhibits. After everyone has had the chance to speak we will reopen the floor to repeat speakers. These are the ground rules: every speaker has the right to be heard, show courtesy and respect, no applause or heckling and no challenging the speaker. You may challenge the testimony only but not the speaker. Any individuals violating these rules will be asked to leave the room. With that I will turn it over to Dennis for exhibits

Dennis Davison presents the exhibits and Washington liquor law. Exhibits 1-7 attached. These exhibits are about collective gardening as well as growing, processing and resale of Marijuana. List of persons who would like speak attached.

Bob Noe: The Chairman received a letter via email which was presented to the commissions as well as the council for review.

Commissioner Quinnell opens the hearing to the public and calls Carmen Mendez.

Carmen Mendez, 10 North 9<sup>th</sup> St, Yakima WA. Executive Director of Safe Yakima. The Mission of Safe Yakima is to make sure our neighborhoods safe and drug free. Safe Yakima believes Yakima county and all municipalities should ban recreational Marijuana. You have examples; City of Yakima is one, that have successful been able to ban recreational Marijuana. As we go through this process, I would hope that you recommend to the council to ban Marijuana. Today I was going through the Yselect report and 33% of our counties population is under the age of 18. So we have a very, very young county. I hope you really consider banning this. Many counties have successful banned this without any State Legal Repercussions. The Attorney General stated that local ordinances that do not expressly ban state license marijuana licensees' from operating in the jurisdiction make such operations impractical or valid if they properly exercise jurisdictional police powers. So you are entitled to ban this. I got a hold of the ordinance drafted

by Mark Conkden with the City of Yakima but I was unable to print it because I thought the meeting started at 4:00 pm instead of 5:30 pm. I can email you a copy if you like.

Commissioner Quinnell: that would be great. Thank you

Ms. Mendez: Thank You.

Dennis Davison: I am keeping track of the time. Mr. Quinnell: thank you, Dennis. Commissioner Quinnell calls Bruce Williams.

Mr. Williams approaches the podium. Bruce Williams. 701 S 7<sup>th</sup> St, Selah WA. I have been a resident of Selah for 8 years and a Registered Nurse for 40 years. What it comes down to is the lack of information, too much information, wrong information or not enough and of course the experience or knowledge of different subjects. I will mention a couple of issues that accompany the usage. Addiction: I don't know if any of you have had a youth or an adult with this addition. If you have, you know about the late night phone calls, the going to jail to bail them out, the calls from the police and wondering where your kids are. This is one issue. Another issue is the trauma Marijuana addiction can cause to families. The wondering, the arguing, the fighting and the financial problems. Then there are the lost jobs. Marijuana usage put off job opportunities. Most good jobs have drug testing and if a person is using then they can't get the higher paying jobs. Another issue is treatment. Treatment Centers are very expensive and create financial problems. Thousands of people who are in treatment centers are there because they are addicted to Marijuana. They are drop outs and they can't get jobs. I am a Registered Nurse and have seen and counselled people whose lives have been torn apart by Marijuana. So you all have the opportunity to make a lot of decisions on this. I urge you to prevent this Marijuana train wreck by voting "NO" regardless of what other cities or municipalities do. Thank you.

Commissioner Quinnell calls Heidi McGrew.

Ms. McGrew approaches the podium. Heidi McGrew. 2311 E Selah Rd, Yakima WA. I am just a citizen. I live in East Selah. I am the parent of an addicted child who has been through treatment. I am the parent of an alcoholic (nephew). I have seen all that this gentleman was talking about. But here is the problem with that. We have an opportunity to get in front of this instead of behind and then try to play catchup in the end. All these municipalities that are voting it down, we have the golden opportunity to put things in place. It's going to come around eventually. It is going to change eventually. The States are going to come around and Federal government is going to come around and it will become completely legal at some point. Hind sight is 20/20. Wouldn't it be great to have the hind sight to take the time to say ok where going to do this but we are going to put things in place first. Get the training and the centers and put everything in place first. The income alone and the jobs this will create are incredible. As far as the 33% of young children the State of Washington threw the alcohol book out the window literally and they handed it to privatization. My daughter works at Safeway and I have personally witnessed high school kids coming in every day and stealing alcohol and walking right out the door and jump in cars. That has not changed. Alcohol/pot, you must have regulations and guideline in place. They threw the book out with alcohol let's not do that with Marijuana. If this does come around and this isn't in place then you will have a problem. Thank you.

Commissioner Quinnell calls Steve Shotwell.

Mr. Shotwell approaches the podium. Evening. Steve Shotwell. 705 W Naches Ave, Selah WA. I have taught and coached in this schools district for 40 years and one of the things that being a teach your entrusted with the welfare of the children and I think you folks should also be entrusted with the welfare of the children of this community. It is difficult enough protecting children from the things we do see and know about. If we legalize this in this town then I think it will be much more difficult to take care of our kids and watch out for them. Their parents will have freer access to Marijuana which means their children will have freer access because that's where things like that get started. Kids will get liquor from their parent and marijuana from their parent and kids are very creative in that way. So we and my family and I would say the education community in this town is against this. There is a moral imperative for me that we do the right thing and we do not knuckle under for some tax money. Down the road the Federal Government may come around and say yes ok it's legal. Just because a government says it is legal doesn't make it so. That is where we as individuals make up our own minds. As a community we make up our own minds, we don't

have to go along. There is a time to stand up and I think this is the time to do that and say "NO". Thank you.

Commissioner Quinnell calls Jedidiah Haney.

Mr. Haney Approaches the podium. Good evening, Jedidiah Haney. 405 s 34<sup>th</sup> Ave, Yakima WA. I am not a citizen of Selah. I do live in Yakima. I will say it straight out. I didn't grow up here. I have been here for the last 6 years. My family is from here, I am a Haney. My grandparents have a raspberry farm here in Selah and I remember running through the thickets and what not. The reason I bring this up is because this is not an Eastside/Westside issue. This is a state issue and a state law. It is very true that not everybody inside a government such as a small city, town, county, state or even a federal system is going to agree on these points. But this is due process. This is called the process of democracy; this is called democratic spear mentation. This is the process. This was set up in the way the constitution was written on a federal level and a state level. Now if certain citizens or groups of citizens do not like the way this is going there are options to reverse that and to take actions against that but the way this is going so far it is a state law that Marijuana is legal and it was handed to the Washington State liquor control board to set up a very tightly regulated system for this to happen. This isn't something that happened over night. The process of legalization and classification has been a battle that individuals have chosen to taken up since this prohibition first came about. This is not only about individuals that want safe and adequate access because it is their right but also about people that would like a choice for medication. This is also about an industry beyond recreational and beyond medical. We are talking about the entire industry of hemp. This is about stabilizing something that is going to happen. We have an opportunity. If you have an opportunity to get in front of this and fight this because it is your right as civic leaders and citizens. If you do not want this in your city it is your right to say that and the Attorney General said it is your right to say that and the reason that was put into I502 was to keep it a free expression of particular areas where this zone would infringe on specific zones. We do not want to unleash Marijuana into our states in an unregulated way. So be prepared to defend that choice. That was what the Attorney General backed up and that was his second opinion and that was published. He was visiting in Central Washington University and I believe he got to talk to David Stein and he said he prepared to defend that. I understand that the planning commission is going to put forth advice and that advice is not a set in stone decision. But is your job to compile information and weed through it to give the best advice possible. So I thought how much information should I bring to your table. Well the reality is there is a lot of information out there but the great thing is that we have the State liquor control board dealing with the mass of information so you don't need to worry about that. So if you are interested in the sceptic information about how the liquor control board it is implementing this then that information is there. It is very easy to access through the liquor control board site. If you need a copy of that I carry the information with me because it is important. I have copies of the I502 implement guide. One of the questions that are asked of me is what about specific services like banking services and insurance services. Well the Department of Justice was asked from banks what do we do with this and the Department of Justice turned around and made a release. That is easy accessible on the web site. The banks are going to try to work with the marijuana service but the operative word is trying. Commissioner Quinnell asked Jedidiah to hold that thought. 5-minute time limit.

Commissioner Quinnell calls John Tierney.

Mr. Tierney approaches the podium. 835 S 4<sup>th</sup> St Lp, Selah WA. Good evening Commissioners. I am a 27 year vet of the Washington State patrol and many year in the Law enforcement field dealing with people under the influence of narcotic including marijuana and 10 year in the private sector with the hiring and firing of people and many of though people were not hire due to marijuana/drug use. I cannot tell you how many times I was at major accident where drug including marijuana where the cause. I really urge you to give deep consideration to the fact that we don't need this problem in our community. We have already had a decision in this community concerning Marijuana. 56% of our citizens voted NO. We should not have the march to the drum beat of King, Pierce and Snohomish Counties. My other concern is jeopardizing our access to Federal Funding for the operation of our city. Weather that will happen or not we don't know but we receive millions of dollars through grant and other kinds of moneys that help this city run. To lose those kinds of money would be terrible for our community. When this was done there was no pilot and that has

take the hands of law enforcement. As for the medical Marijuana it should only be issued by licensed medical pharmacies and we have two of thoughts. Thank you for your time, any questions, no, Thank you.

Commissioner Quinnell: well that is everyone who signed up. Then a gentleman walks up. Commissioner Quinnell requests that he say his name.

Mr. Ozura approached the podium and States his name. Jarod Ozura. 110 S 57<sup>th</sup> Street, Yakima WA. I wanted to speak for the medical Marijuana side. 1998 Medical Marijuana was passed and it has not had much of a problem. When I502 came along most patience voted "NO" in fear of what it would do to Medical Marijuana. Nothing has got through the legislation and that is still a fight. But the concern with these moratoriums is that the patience's need secure access to safe quality product. With the moratoriums there is no access for the people who do need it. Kids do have access to the black market and patience do not have safe access to quality product. They don't make you test it. The Department of Justice put out provision to leave patience alone as long as they followed state laws. Other provisions were issued preventing the selling and distribution of Marijuana. No Marijuana on federal lands. They did ask that taxes be paid if you can't grow and have to purchase elsewhere. I ask that you treat recreational and medical marijuana separate and leave the medical side so patience can have access. Jarod gave written information to the Commission.

Commissioner Quinnell asked if there was anyone else who did not sign and wished to speak.

Mr. Davison marked the exhibits 4-a-b-c-d-e. Dennis would provide copies to the commissioners.

Mr. Glenn Brandenburg came forward to sign in and speak. 402 S 6<sup>th</sup> St, Selah WA. I have lived in the Yakima Valley for 35 years for the last 25 a truck driver. This had taught me two things. With the inflows of ill legal aliens you will have drug trafficking. If t you ban it the Cartel's will be smiling all the way to the bank. Traveling to other states like Montana when they see a car with Washington plates and brown skinned persons they pull it over. It is a guaranteed drug bust. I can't use it because of my job. I am not for marijuana, I am anti-Cartel. It is here to stay. It will not go away. If you have questions the DEA will help you. There is billions of dollars involved for Cartel's. Thank you.

Mr. Trudeau signed in and approached the podium. 407 N 9<sup>th</sup> Ave, Selah WA. My name is Premo Trudeau; I have lived in this valley all my life. I grew up in Naches and the last 12 here. I have been mostly in construction and I drive truck also. What the guy is saying is true. Our kids can easily get Marijuana. I asked my kids what is the hardest thing to get and they said alcohol. They are being this up from California and Mexico. I do believe marijuana has some very good qualities about it for people with cancer, glaucoma and other things. Because it is so easy to get we need to do something about it. Look at grapes, a few years ago they said they could not be grown here and now look at it. What about hemp? Our farmers have always grown it and it can be used for anything including fuel. We teach our children right from wrong. Do we want others coming here to get it? What about people who do have cancer. My Fiancé does have it and she has to use it just to keep the weight on or she would shrivel up and die. We have tried everything. We go down here to the pharmacy and pay \$75.00 dollars for 5 cookies and a couple lollipops. I could grow that same plant or two or three and she would have what she needs all year long. That's another thing. I appreciate your time.

Commissioner Quinnell asks if anyone else would like to speak on the first round. So Dennis due we open it up again? Is there anyone else that would like to speak any repeat other than Jedidiah?

Mr. Haney approaches the podium. Don't worry about opening the doors up because the state has created a very ridged system. You can't go trading licenses from one jurisdiction to another. If you make any changes in your license you get booted to the back of the line and that is a long line right now. How that income is trickled out I don't think they have thought that far to be honest. This is a process, we can be part of the process or not. Access to youth is a very important point. We need to regulate it. Commissioner Smith: Jedidiah you mentioned banks. I received an email about two weeks ago about a credit union in Spokane that may accept moneys from Marijuana. Time line may be two years to have a bank that accept processor/producer moneys. Colorado- they tried to establish a co-op and it failed. But these options will be

figured out. Corporate interest is huge. Hot issue is Federal water rights and right now they are giving Federal water right to Marijuana grower. That is because they have not been challenged. Commission Smith asks about Newmarica-Bank. Will the government be able to shut them down or just file suit. Mr. Haney reads the regulation regarding activities that could cause criminal actions. You have to have a state license and be over 21. Commissioner Miller: The regulations make sense to keep it out of the hands of minor. What is the enforcement? There is a state inspection process and that is another reason why this has come into existence. We would like to create a pier to pier control. Ultimately there are a lot of checks and balances to go thru to get a license to grow, process or sell this product. At any point if these businesses step out of line we need to stabilize this business. Commission Smith to Jedidiah-could you provide the banking information to Dennis so he can distribute it to us. Exhibit-5. Businesses are to be tracked and the tractability is in place. State licensed testing facilities. Thank you. Jedidiah gives Dennis information to be marked Exhibit-6.

Commission Quinnell calls John Tierney.

Mr. Tierney approaches the podium. Back again John Tierney I would like to point out one the state did not license anyone. Your local law enforcement will be handling all infraction. They will have the burden and cost involved. Supply and demand. No thought put into the intuitive. It costs money to train people. Thank you.

Carmen Mendez approaches the podium. Something that I do want to say my skin is brown that does not mean I am a drug dealer. That should not have been mentioned. Cartels make money on hard drugs not marijuana. Carmen asks Jedidiah if you can grow plants at home if you wanted? As a medical marijuana patient, yes you can. Focus on the issue, not illegals, not medical marijuana. Skin color has nothing to do with trafficking.

Question: will all this information be provided to the counsel? The answer is yes.

Commission Quinnell: any other comments or question that you want to ask? I would like to make a statement. We have a very tough job to do up here and there is a lot of information to go through. There are a lot of pros and cons that it is not going to go away. I am a father of three and a Grandfather to three I know I relate a lot to what people have said here and I can't disagree to it. It is here and it will not go away soon. As commissioner we have a challenge to take all the information we can get and to weight it to send a recommendation to the City Council. One big concern is the Police force. If you are going to vote for it you need the force behind it. Do we have the force? No. As commissioners we have three issues to deal with the medical side, the retail side and the processing side. So it is not just one or the other. Jedidiah comments that the medical and the marijuana are two different issues. Medical gardens are licensed on their own. Commissioner Quinnell- any other discussions, comments? This is way we are here. John - we need good reliable honest people. Benton County issued a license someone who had conviction for growing and selling marijuana. Unknown speaker-talk to the DEA, they are another Law enforcement agency. Council member has question for Jedidiah-What other typed of information can you provide. There are applicants that have went into the application process that have had problems. The feds have release the tension. Colorado has had no increase in crime. Law enforcement has had increases in trafficking. American care about what they put in their bodies and they regulate it. Repeat of earlier argument. Commissioner Smith-Heidy- the issue we had about law enforcement is that only Newmerica maybe allowing grower and processor money to funnel thru. There is no place to store cash. If we have a retail outlet the only place is right over by the Police department. There is a lot of traffic. No applications approved. But the amount of money being stored in the shop could present safety issues. No amount of security would help if someone got shot or hurt. Until the bank allow for deposit I do not feel comfortable allowing retail sales. I can't do that. Marijuana is the number two crop after apples. Issue: safety, the people in it, around it and the Police that would have to deal with it. That scares me. Continue with safety arguments and money arguments. John Tierney-It does not matter how you dress it up it is a wolf in sheep clothing. It does not matter the rules and regulation but what is really going on.

Unknown speaker-look at the two issues separately. Medical separate from growing, processing and retail. Gardens are not as tightly regulated. He is reading collective garden rules. I will teach my kids the

different. It is being responsible to teach our children. Commissioner Quinnell\_ as far as the medical marijuana issue is concerned the city can have as many growers as they want. There are thousands of patience's. Jedidiah is again reading medical marijuana rules. No set grower for medical marijuana, no limit on collectives. Only 45 plants per residents and only ten patience to a collective. Is there a limit to the number of collective gardens in one city? There is no limit. The state has addressed this issue. Discussing the issues again. Jarod takes the podium: take a revote so many medical patience voted no because it was such an unknown deal. Yes we did vote against it and ok we just have to deal with it. It is getting all put together and it is two separate issues.

Jane Williams with the City Council: I have just one quick question for Jedidiah about his back ground- Jedidiah-I am not a Lawyer. 6 years business development in organic farming, I started growing marijuana in 2004 because I saw a need for medical marijuana, I capitalized on the need because I had an interest in growing Marijuana. I took away with me a lot of knowledge in Hydroponics. I went into Ag science because of my experience. My job is to represent the cannabis interest which is small at this time. We are a 501C6 business. Civil liberty. I would like to have the choice to use it if I want too. Thank you.

Commissioner Quinnell: any other comments? Okay thank you for your participation. Dennis: Bob and I would like a consensus on which direction you folk are headed so that we can prepare a regulation to bring to public hearing. Bob Noe: what direction are you headed in? Commissioner Miller-Yes with proper zoning (growing and production) Council member asked if she needed to leave. Bob Noe said no, this is legislative. Commissioner Torkelson would prefer to ban it once again. Under issues of safety, banking and Police force. Why even do it? Why be the first? Let someone else be the first. Commissioner Quinnell- My opinion is the same as Carls. Let someone else be the Ginny pig. Commission Smith-Issue is banking. At this point I would say No until banking issues are resolved. Discussion- why waste time until the issues are resolved. Commissioner Smith/Quinnell. Move forward with ordinances and zoning and look at the issues that are not going away. Commissioner Pendleton-When federally things change then address it again. Commission Smith- On the medical side it has been address by the state. Dennis what he heard is that 3 prefer to ban, two would prefer strict draft regulations but the three that ban are open to reconsideration later. Commissioner Quinnell Question to Jedidiah: About the banking, about what is the time frame for banking and federal reorganization? What happens if it is legalized? It is in process. It is a work in progress. No time frame at this time. Discussion insures. Commissioner Smith-Can the feds seize money if the determine it is drug money? No answer. Banking discussion between Commissioners and Jedidiah. Jedidiah give Dennis Exihibit-7.

Commissioner Quinnell: any other discussions? Commissioners think their good. Moving on. Dennis states He and Mr. Noe will draft a ban in Selah. An Environmental review will be done, then you have the optioning to modify, reject or adopt the regulation.

Commissioner Quinnell:

G. General Business

1. Old Business -there is none.
2. New Business -there is none.

H. Reports/Announcements

Anyone have a report of announcement they want to share?

1. Chairman-none
2. Commissioners-none
3. Staff-none

Dennis Davison: you will want to continue until tomorrow night. Commissioner Quinnell: is that a motion? Commissioner Quinnell motions to continue the meeting until tomorrow at 5:30. Commissioners Smith and Pendleton second the motion. Motion and Seconded. Voted and approved by all Commissioners 5/0.

F. Public Hearings

2. New Business-  
May 21, 2014 at 5:30 pm. Continuation.

Commissioner Quinnell greets the audience and informs them that this is a continuation from the last session on May 20, 2014.

Mr. Davison suggests that roll call be done for this continuation. Commission Quinnell asks Caprise (secretary) to call roll.

Roll call:

Members Present: Commissioners Miller, Quinnell, Pendleton and Smith  
Members Absent: Commissioner Torkelson recused.  
Staff Present: Dennis Davison: Community Planner, Caprise Groo: Secretary.

C. Agenda Changes-none

D. Communications

1. Oral-none
2. Written-none

Commissioner Quinnell: Approval of the minutes of May 6, 2014 was approved yesterday May 20, 2014. That takes us back to the public hearing continued from yesterday. New business-there is no old business-New Business for the municipal code of marijuana. If anyone wants to say anything now is the time. No one came forward so we will move on.

New Business:

- b. Moss, Gerald:  
915.79.14-01 SUBDIVISION VARIANCE  
913.79.14-03 SHORT PLAT  
926.79.14-02 CLASS 2 REVIEW

Dennis Davison: States to the Commissioners the Selah Municipal Code for variance and reads the staff report. (Attached) Property is 607. Short Plat-Staff Report (Attached) Class 2 Review (Attached)

Commissioner Quinnell: Asks if Mr. Moss is here or if some is speaking on his behalf. Signup sheet for this hearing is brought to Carl Torkelson at the podium for him to sign. Carl Torkelson. 101 Heritage Hills Dr, Selah WA. I have an interest in this as Mr. Moss is my client and I will be building a triplex there if this goes thru along with the short plot. Mr. Moss has a similar circumstance to others in the area where in this is a long lot. These lots were designed to be long and deep so that a house could sit on the front and they could have a garden or animals on the back. So that is why we see so many of these lots. The hardship is being that the lot is long and deep, a little over a half acre, there is no way to subdivide it without a variance and that is where the 20 foot access easement comes into play. That is his biggest hardship. To use his land efficiently and for financial and other reasons he needs the 20 foot easement to access the back lot and give him the ability to have two lots. Mr. Torkelson asks that Dennis hand out the letter he brought for the Commissioners. The letter is marked Exhibit 1(attached) and was presented by the repetitive of Mr. Moss. The Letter is for both the Moss and the Bowers subdivision variances. Mr. Torkelson: This letter was advised, if you will notice in the back of the packet there are several examples of lands that have been granted the 20 foot access. One that comes to mind, one I did, two I did are 305 Riverview and 307 Riverview and one that James Garner did at 305 southern. Another example of a 20 foot access easement Bill Harris did up on 1402 W Brader. All three of these were situations where the hardship was in fact the long deep lot and not enough street frontages to develop. I could go on and on about this and give you a whole packet of this but I guess where this is going is that the City of Selah had been doing and okaying for several year. I make a general statement that if it was good enough for others then it is good enough for Mr. Moss. It is not similar to these other lots it is identical to these other lot. There are still several yet to come

that will probably come before the Planning Commission and you folks. With that say I could probably open it up the questions.

Commissioner Miller: you have a 20 foot easement but show a 21 foot drive way so.

Commissioner Pendleton: I think he was seeing where it narrows by the garage.

Mr. Torkelson: you get the rough draft the one that is final is with the county and is precise.

Commissioner Miller: I have a real concern about parking there. If the occupants have more than one car parking could become an issue. How do you plan to do this capture of the run off? You're going to take what is there of traditional drainage and the rain goes into the dirt and you'll have roots and blacktop. So are you going to put in big drywells?

Mr. Torkelson: For Mr. Mosses purpose we will use drywells off of gutters and impervious asphalt where at the back of the lots you'll have a green belt area as well as at the front of the lot. So in these areas there will be some natural absorption that will take place. Off the roofs there will be gutters that go into actual drywells.

Commissioner Miller: They will go to drywells? Specific.

Mr. Torkelson: Right now specific to Selah there is a building application that you have to fill out that asks the exact process you are going to use to maintain the water. Generally, when you go into a long plat that is when they ask you to do some engineering and do some other thing to make sure that water is taken care of.

Commissioner Miller: my other concern is that there is no real outside space for these young people. Is that 8 foot setback considered the backyard?

Mr. Torkelson: it is but it is probably not our place to tell someone what they will enjoy and what they won't. It is our place to look at the rules and determine whether or not it is legal, has precedents and should be accepted. I guess what's good for one is not good for all. For someone who does not want to maintain anything they don't want that open space.

Commissioner Miller: what about garbage collection-do they have to run that out to the curb?

Mr. Torkelson: yes they will have to run it out to the curb as part of their daily process. But there are folks over there right now that live on some of these deeper lots that live in the back and they have to do the same thing, so we are probably not asking any more from these individuals.

Commissioner Miller: These fire truck lanes absolutely nothing else can go in there?

Mr. Torkelson: that's right it will be signed and covenanted and people will be fined if they do it. We have set several up around town and that is how it is being addressed with the Fire Department. If it is signed and covenanted then Gary can come up and fine people for it. Where if you don't have it set up that way you are kind of stuck and have no real recourse to keep people from doing it.

Commissioner Miller: So say these people have two cars and they have a visitor where do they park?

Mr. Torkelson: They would park in front of the garage.

Commissioner Miller: if you have one car in the garage and one in front of the garage where would a visitor park?

Mr. Torkelson: Well knowing you can't park in the roadway I think it would be up to Mr. Moss who he rents to and how it is set up and what contract they sign legally. I don't think once again that that is for us to determine. Well if it meets code we are probably going to have to say that it is okay.

Commissioner Quinnell: So Carl you have gotten the approval from the fire department for the turn around.

Mr. Torkelson: We do, we have sat down with Gary.

Commissioner Pendleton: Everyone is putting them in like that, they just stripe it.

Commissioner Quinnell: Mr. Moss has the ability to take the first lot and duplicate what he is doing in the back

Mr. Torkelson: Yes and No, He could probably add one more, there is a place where there is 12 units to the acre and he is just under half and he will run out unless he modifies his house. With his elongated house and the garage with the 20 foot setback it does not leave him a lot of room.

Commissioner Quinnell: But if he tore it down?

Mr. Torkelson: Yeah if he tore the house down then he could do 3-4 more. 43, 560' is an acre an----

Commissioner Quinnell: Dennis- did staff take that into consideration?

Dennis Davison: the comprehensive plan designates it for higher density, then, yes, if he wants to remove the residents' then build another triplex he would need zoning and go thru the process.

Mr. Torkelson: there is an example of that by Rich Goodall. He has some units just up the road from Mr. Moss which look similar to what we are talking about here. He has a 20 foot access and he has some units going down there and he has maximized his potential on that piece of property.

Commissioner Quinnell: Any questions?

Commissioner Smith: we're good.

Commissioner Quinnell: Okay, Anything else?

Mr. Torkelson: I would like to reserve the right to speak again if there is opposition. Thank you.

Appreciate it.

Commissioner Quinnell: So is there anyone else on this list that would like to say something about Mr.

Moss and his project. If you would come forward and state your name for the record.

Floyd Sharp I live at 981 Selah loop. We have been in that home for over 50 years and we have watched our view disappear all of our view and the last time the county told us we could sell off half our acres and the city came along and said Oh no you can't because we don't have a well or sewer for it. We were kind of unhappy about that and I would like to see single level not double level so they don't block more of our view if that's all right.

Commissioner Miller: So that is a completely separate question.

Commissioner Smith: Yeah it is.

Mr. Sharp: this is the one on Goodlander?

Commissioner Smith: No, we are talking about another project right now.

Mr. Sharp: we got a notice that this was about Goodland.

Commissioner Smith: right but we are talking about another project right now. So this is the first one and we will get to yours next.

Mr. Sharp: ok.

Commissioner Quinnell: The first thing we have to determine is the variance. Motion on the variance.

Commissioner Pendleton: Motion to approve.

Commissioner Smith: I second

Commissioner Quinnell: I have a motion to approve and a second all in favor say aye, all commissioners said aye. All opposed say Nay. Ayes carry variance.

Commissioner Quinnell: We need the recommendation on the short plat approval. Any discussion, any questions?

Commissioner Smith: good

Commissioner Quinnell: I have a motion to approve, do I have a second?

Commissioner Smith: Second.

Commissioner Quinnell: I have a motion and second all in favor say Aye. All commissioners say aye.

Dennis Davison: are you folks going to impose the conditions?

Commissioner Quinnell: Yes, I was going to state that the short plat approval would list the 6 subjects that Dennis read that covers everything that is needed. The motion to approve with the 6 conditions.

Commissioner Smith: I motion

Commissioner Miller: Second

Commissioner Quinnell: All for say aye, all against say Nay. Motion for short plat approved. Okay that was Mosses. Now we have Mr. Bowers.

- c.       **BOWERS, DANNY**
  - 915.45.14-02    SUBDIVISION VARIANCE
  - 913.45.14-02    SHORT PLAT
  - 913.45.14-04    SHORT PLAT.

Dennis Davison: Reads staff report and exhibit 1 packet. (Attached) Exhibit 2 provided by Gary Hannah the Fire Chief. (Attached)

Commissioner Smith: Dennis you mentioned that Goodlander was going to be widened next year?

Yes.(Dennis) So if the road is widened do we need to add another 5 feet in case the road is widened in the future?

Dennis: the 5 feet between the proposed lot line and the existing city right away are variable if you look at a map 20 to 30 down to 25 along lot a and we will secure that additional right of way so there will be 30 feet possibly 35 feet on the north side of Goodlander.

Commissioner Smith: I guess I'm just thinking 20 year in the future if we need to widen the road two lanes each ways. What happens at that point? So we don't add an easement on for a future development 20 years down the road. That is a busy road and it will just get busier as this town grows.

Dennis: well their not requiring a right of way right now so I will assume that Mr. Torkelsons prerogative will be that one of those will be that a requirement of the short plat and acquiring a right of way. Did I not understand your question?

Commissioner Smith: I think you did but I guess my concern is yes we are obviously approving it or if we do approve it at the 5 feet easement, but I'm thinking 20 years down the road and if Goodlander needs to be expanded to 2 lanes either way with a left hand turn lane, I mean the town is growing. Is there a way to put in language that would allow for the city to come in and have a larger easement on this in case it needs to be widened further down the road, how is that handled?

Dennis Davison: Typically for any road we will widen the road one lane in each direction with left turn lanes at the intersections-possibly one at the high school where the buses come out but if we widen it again somewhere down the road we are buying the right of way. We will be buying the right of way further East, possibly if you have driven by the intersection of E Wenas and Goodlander. It is very hard to justify getting grants from the state to widen the road to 4 lanes.

Commissioner Smith: ok-thank you.

Commissioner Miller: why ask for an easement instead of making this a real road? There is plenty of width and your language was that the hardship was that there was not enough width between the existing house for a road-according to the map it looks like plenty of room. If it is going that deep-it is significantly deep and it isn't going to one or maybe two, this is going to 7 lots deep. Why wouldn't that be a full City street?

Dennis Davison: I suppose that when you folks consider you could dedicate a city street or it would be 50 feet of that property would need to be dedicated to the city as a street by the applicant.

Commissioner Miller: Is that what it takes-50 feet?

Dennis Davison: Yeah, we would require 50 feet of right of way to build a standard city street. Again with what the commission chooses you would be denying this variance. You would have to construct a public street to access the rear lot.

Commissioner Miller: So the maps don't show the cul-de-sac?

Dennis Davison: No, it doesn't but that is one of the things we would recommend you impose if you approve the shot plats. That a basically they have to meet the code from the Fire Department adopted by the City of Selah to include the urn around, pavement width and the hydrant. The road would be widened to accommodate the hydrant.

Commissioner Miller If it isn't a City street then is 26 feet wide enough to do what needs to be done to serve the people-if there is 20 feet of hard surface and a truck is going up the road is it wide enough?

Dennis Davison: you have the option to have them pave it to the full 26 feet if you wish. There are lots of streets around town that are 22-24 feet wide. If you live in the Palmer addition the roads are narrower and people have to stop and wait for other people to go around them. You have the option to impose conditions on the access paving. If you so choose, you can require a public street.

Commissioner Miller: the fire lane would have to be 26 feet? Then the whole thing would have to be paved to meet fire code.

Dennis Davison: 20-26 feet in width Code D103.6.1 of exhibit 2. Minimum Specifications around hydrants see D103.1 of exhibit 2.

Unknown Speaker: the minimum code of an access street is 20 feet.

Commissioner Quinnell: Thank you.

Mr. Torkelson: again the minimum for an access street is 20 feet it widens for the hydrant to 26 feet the goes back to 20 feet does not show how are on each of the hydrant that it has to remain 26 feet. Need code for that. I can get Gary to get that to you. Gary Hannah makes that code and he makes that decision.

Commissioner Miller: what about the cul-de-sac.

Mr. Torkelson: Same thing, they determine where they can be placed and how far they are before they sign off for the City of Selah.

Commissioner Miller: those things would be one of the conditions if we signed off on it.

Commissioner Quinnell: we could make that one of the conditions, Item #8 if we signed off.

Dennis Davidson: You could make it one of the conditions but it still has to meet Fire Code requirements.

Commissioner Miller: So each property ownership goes into the 10 foot access/easement?

Mr. Torkelson: The last lot is so narrow that there is no way to see from the photograph that the narrowness that the way to solve that is the access easement to come thru there off each lot. In the packet you receive there are a couple identical Situations like that. One is Torkelson High right up the road 201 W Goodlander. It's a conflict house are being build right there

Commissioner Smith: there is a turn around right there Carl?

Mr. Torkelson: Right in the middle of it. So how a turnaround works is you have to have 150 feet to turn around in. so basically it uses the road to turnaround. He puts in, backs up and comes back out.

Commissioner Miller I assume then that these are wide lots and they will have access to each one and those right of ways can act as turnarounds but at the end there would need to be some kind of easy turnarounds.

Mr. Torkelson No, not like you'd hope, he just needs to be able to have that hammerhead turnaround-the issue is not coming in but that turnaround. How can you fight a Fire without a turnaround so when we do produce the road for each lot it will easily be turned into a fire truck turnaround.

Commissioner Miller: It will be designated a fire lane?

Mr. Torkelson: Yes we would do the same as before. Signage, covenants and no parking.

Commissioner Pendleton: They are usually striped fire lanes like if you go to Walmart or any other place.

Commissioner Quinnell: Do we know what the grade of that access road will be coming off of Goodlander, is it more that 10%.

Mr. Torkelson: it will be brought down a little bit.

Commissioner Quinnell: What about turning onto E Goodlander road. Can you turn both left and right?

Mr. Torkelson: Yes.

Commissioner Miller: I am concerned about it being wide enough.

Commissioner Pendleton: Anything over 8'6" is considered a wide load. You have been on the highway right. They drive on a 10 foot wide road at 60-70 miles per hour.

Commissioner Smith: you didn't need to tell me that. Carl have you designed any of the duplexes the owner has proposed to put on this. Are they going to be 2 stories?

Mr. Torkelson: At this point it is open we are producing lots and will design after that. Really that is not something for the planning commission, what we build is what we build, I don't want to sound rude but you can't pick what is built on the lot. You can't pick because you don't want to see that on a lot. Unfortunately we can't do that.

Commissioner Miller: The plan use has change from farm to R-2 so there should be some consideration for the neighbors. Height or I don't need to put some restriction on it if it is left open then it could create a challenge later.

Mr. Torkelson: Selah has a maximum height of 35 feet that is code. Ultimately if you're trying to control it then you should start right there with that code and change that code.

Commissioner Quinnell: yeah we have some more, Carl do you want to say any more while you are up here?

Mr. Torkelson: I am sure there will be quite a bit of opposition to all this. I would reserve to right to come back up here.

Commissioner Quinnell: I will just start at the top of the list. (Sign in sheets attached) Mark Fickes.

Mr. Fickes: I'm the real estate claims attorney at the Northwest Law Group, I am a partner in the firm, I have been doing this for 28 years and I am here on behalf for my clients Helen and John Teske. They own the lot to the north side of the proposed development. I have some maps for you. (Exhibit 8 attached) I guess you are wondering why there is so much interest in a variance and two short plats. This is because there are some significant impacts to the adjacent properties and the neighbors are worried that this is the first step in a dense town house type development that Mr. Torkelson not only proposes but has already proposed. He submitted a pending rezone application he submitted a dense 48 unit town house type development with this exact same property with the exact same shot plat and it is still pending. I have talk with Dennis and I have been working with Dennis for years and it has not been withdrawn it was put on hold. I believe this is a strategic change by Mr. Torkelson to avoid more thorough review than would be in a long plat or rezone. In a long plat rezone you have Sepa review, 2 public hearing, hearing examiner, city council. He is coming to you with an 8 plot short plat. He is coming to you with a short plat and a variance.

Mr. Fickes lists all the conditions the Planning commission could do according to him. I am going to go through the staff report one by one and you can do anything you want. I hate to be an attorney but I am one.

Mr. Torkelson usually sits on this Board is that correct. (Reply Yes). Have any of the four of you spoke with Mr. Torkelson expardem about this proposal before this hearing? Can you fully and thoroughly adjudge and make a decision about this proposal? I would like to hear from each one of you about is.

Commissioner Miller: I have not spoken to him about this but specific project but I will go on record saying he should not be hiding from being up here.

Commissioner Quinnell: I have not talked with Mr. Torkelson.

Commissioner Pendleton: I have not talked to him about it.

Commissioner Smith: I have not talked to him about it either.

Mr. Fickes: Thank you. For the record if you have had expardem communications with him you are obligated to disclose those on the record if you are going to be involved with a recommendation to the City. Mr. Fickes hands out exhibit 3 Letter from Helen Teske on why she opposes both the rezone and shot plat. Exhibit 4 is a petition opposing the rezone and subdivision. Hopefully some of them will speak to night. Exhibit 5- Detailed letter of opposition. Exhibit 6- Opposition letter. Exhibit 7-Torkelson Construction application for rezone of 3.97 acres. Exhibit 8- Whispering View Estates. Exhibit 9-aerial map. Dennis Davison: marks all the exhibits and notes this.

Mr. Fickes: Let me set the time text for you, because I'm glad Mr. Torkelson hasn't spoken to you. This is part of the record this is Whispering View Estates map was part of the rezone to Selah planned development zone not all municipalities have them and that is where developers sometime use the variance from, road development standard and lot size etc. He proposed that is a separate zoning or rezoning for planned development and I think it was actually 52 lots that includes Hilton place traces. If you approve this it is exactly consistent with that map. That application has not been withdrawn this is part of the record and actually I appreciate his openness and honesty in going for a rezone development first because that requires a pole of the public plays good in there and that is what everyone on this side of the room is opposed to. Maybe Mr. Torkelson has changed his mind and he will build just one duplex on each of his 8 lot with 16 units. That is what the Planning Department is analyzing. I think you need to do more than that, you need to look behind it at what is allowed in the zoning load for multi-family uses. Theoretically you can put 6 units on each lot or 12 per acre. Mr. Fickes does the math. This is not a video property to put 48 units. These lots are 20,000-22,000 Square feet. I will take Dennis word that he meet minimum lot size. There are some steep slopes and Mr. Torkelson will have to come in with grading permit. The Teske's house is on a one acre lot and is directly adjacent to the Torkelson lot 4-b. They are not opposed to development but they are opposed to what Mr. Torkelson is proposing. (Whispering View Estates) Mr. Fiches will go over the Variance report. Mr. Fiches state why he does not believe the variance should be granted and why the criteria have not been met. He quotes Code. The City of Selah has a municipal code that requires every lot to be served by a front apart street. Mr. Torkelson is saying that this is a deep lot and it's hard to build a public road. The plats where made to comply with code. You can see the house it is not close to the house. He could build a public street which would certainly be necessary for 48 units. I think it is necessary for twelve. Mr. Torkelson is trying to maximize his return. You can impose any condition you want. You can't ask to take private property without just compensation it's in the constitution. But he is here asking you for something, he is asking for a variance. You could require a dedication of 5 feet. You can place conditions on it. Mr. Fiches disagree with the estimated trip generation. The way it should work is that you guys are support to make decisions and impose conditions now. Mr. Fish reiterate why the Commission should imposed conditions on the variance and the plats. There is no hard ship no special circumstances. Mr. Fickes disagrees with Dennis's report. There is plenty of room. This one is so much more dense the rest of the neighborhood. There are no special circumstances. I am shocked that the departments are allowing this. There should be 2 accesses to this lot. Mr. Fickes recommends variances. This is the first step in allowing him to do 48 units. We recommend denial. Disagree with plot sizes. You have to balance the interest of the neighbors. Road improvement not sufficient for this area and the steep slopes of roads are an issue. I disagree with drainage. I disagree with the open space statement. I do not agree public interest is served. In conclusion I believe the public is opposed to Whispering View Estates. Recommend conditions. We are opposed to this.

Call Helen Teske: 182 Lancaster road. I agree with Mark this is not compatible with our neighborhood, with the single family, or the one acre lots. I ask for your consideration to see behind and immediate proposal and to keep our neighbor as it is as much as possible.

Call Dale Rener: 180 Lancaster. My concern is the width of the road. Would like to add if any of you have to go down Goodlander when school get out or when an event happen there is a lot more traffic.

Call Leslie Radebaugh: 80 Lancaster road. I totally agree with Mr. Fiches. I disagree with the schooling stated in the staff report. Where are these kids going to play? What is the percentage of the hill?

Call Cory Baze 90 Lancaster road. The road is steep and the road going into the property steel. I cannot see there not being a problem with traffic. My irrigation runs across that property and what of the whole that is in the corner of the property. I have concerns about run off from the other property on to mine.

Call David Gordon: 90 Columbus Way. I am just to the left of the property to be developed. I think we need to come together a put together a good package for all. You guys allow what you allow. I don't know how my well will be affected. There are still lots of issues we would like to know about. This could be a cool thing. Hopefully we can all work together.

Call Ray Friedrichson: I have nothing to say at this time.

Call Emma Friedrichson: 60 Lancaster road. Traffic from everywhere and it is very congested. Kids are not careful. I also what to point out, that Lancaster is not that well maintained right now.

Commissioner Quinnell: That is the last of the list.

Floyd Shape: That is a lot of units and a lot of traffic.

Commissioner Quinnell: Anyone else?

Unknown Speaker: 206 Goodlander. The school is exiting out on the Wenas highway. That will help some of the traffic.

Commissioner Smith: That is the Junior High school.

Jay Harris approached podium. 191 Lancaster. Just on the other side of the street from Helen. Who are the players, what is going on here? You put two new houses in and it will devalue the neighborhood. Parking is an issue. Where are people going to park during the week? Where is the side walk? Where is the access for these families? During the winter months that is a slick road. What about the irrigation? The thought of 30 foot townhouses that's a lot. I hope he can develop the land but be realistic.

Commissioner Quinnell: Is there anyone else?

Carol Sharp approaches the podium. 981 Selah loop Rd. I have lived in Selah in various locations for over 75 years. I have seen a lot of change. But I have never seen construction in mass in such a small area.

Where will the kids catch the bus? Where will the children play? Parking seems to be a big problem also. What about sidewalks. This cost money not just to the person building but everyone else. How will they deal with the irrigation to all the properties? The number of houses, to me, is impossible. Thank you.

Commissioner Quinnell: Is there anyone else?

Austin Bowers approaches the podium. For the record my name is Austin Bowers. I see a lot of potential for the City and the demand for housing. I see that there are more benefits. I think there is more planning that needs to go into it. With the expansion of Goodlander there will be sidewalk, am I correct?

Commissioner Smith: I don't know.

Dennis Davison: With the expansion there will be sidewalks on the south side of the road.

Austin Bowers: Later down the road that maybe something to consider. Provide everyone with safe passage. There is a bigger picture here that is all I have to say.

Commissioner Quinnell: Is there anyone else?

Mr. Torkelson approaches the podium: I told everyone on the Commission that I was not sitting in that chair tonight. I can't go back and forth from there to here. It was out of fairness not to be hiding.

Commissioner Miller: It seemed that your name was not even call for roll. That bothered me.

Commissioner Smith: it should not have been because he was excused.

Mr. Torkelson: I appreciate your comments. First of all, why are you here tonight? What are we doing tonight is two lots. We are here to review a plan development. That was a wonderful trip down memory lane but that is not what we are here for tonight. What we are here for is two lots with short lots on each. Basically 4 lots with a variance. For Mr. Fickes to sit here and tell you that you can put conditions of how tall and how wide I build, well you can ask that but that's not code. Directly you are not going to force it upon me I have to agree with it. There has been president set of 20 foot accesses all over town. I'm any different, is Mr. Bowers any different that Mr. Moss. Do our needs not matter?

Commissioner Miller: if you are asking I think this is very different.

Mr. Torkelson: Directly on every question and aspect there is a hard ship. The lot in back does not meet City code. The public is unhappy with everything. This happened when it was annexed into the City. Most people are not going to limit what they can do to their property. There are other options one we haven't even talked about. We wanted to ease into this. It is what it is. I feel president is set. I feel bad that there is not enough education not enough warning of what is going to happen to their property so they end up in this place. As the planning Commission I would ask that you focus on what is happening tonight and not on that pd. I do not know if that will happen or not. This has happened before over on Southern. It shows parks and green belt areas. Mr. Bowers would like to sell some of it I would like to build on some of it and at this point that is where I sit today. We will not entertain limits on what we can do with the property. Zoning was already there. Thank you. Mr. Torkelson states his case.

Mr. Fickes: He is right this is not about Whispering View Estates. He is right he could come in and build duplexes on that lot with no review. If he wants to build multiple units it has to go through a class two review and we will be back here again. But he is asking for a variance. Mr. Fickes restate his client's position.

Dennis Davison: I would like to correct a couple comments that were made. All the traffic from the junior high will exit on to Wernex or on to 1<sup>st</sup>. Second the high school has no Selah-Naches irrigation, it is serviced by the Talor Ditch.

Commissioner Smith: Mr. Bowers can I ask you a couple of questions, do you mind. Can you come up to the podium? I do agree you have a right to do with your property anything you want but know that it has been agriculture as long as Selah has been around this idea would never popped into my head. Yakima is growing and Selah is growing and this is a wonderful place to raise kids. If I were looking to take my property and dividing it into 8 lots I would put maybe one duplex or one home on each of those 8 lots, I would never have considered this out of respect for my neighbors. Do you not feel the same way?

Mr. Bowers: Unfortunately the City is going to expand, many of these other property are going to be in the City limits and you are going to see the same thing. The city of Selah will expand. I have seen a lot of changes. You have two choices; buy the property that has been up for sale or more.

Commissioner Smith: how would you feel if you were one of these neighbors?

Mr. Bowers: This property went up for sale. Anyone could have bought it. It is a part of growth.

Commissioner Miller: I just want to be on the record it says there is a hardship because it is too close to the house to build a road. Is this ingenuous? If this was even a possibility when this was applied then that is misleading and ingenuous and I find this very object able. It is lying to get what you want.

Mr. Bowers: it's an opinion of what to close to the road is, everyone has their own thought.

Commissioner Quinnell: Carl, come up here.

Mr. Torkelson comes back to the podium. That was not put on there by us. That was never put on there by us. It was nowhere on the application.

Commissioner Miller: I am glad to hear that.

Commissioner Quinnell: Any other discussion? Comments?

Commissioner Miller: do we have to move on this tonight?

Commissioner Smith: I hope not because I am tired. I would like to continue this until tomorrow if we can. Can we continue this meeting until tomorrow or next Tuesday?

Dennis Davison: Yes you can continue this until next Tuesday. I suggest if you are going to continue you itemize what specific information you want. What specific questions and information do you need?

Mr. Fickes explains what the commissioners can due to continue to another day.

Mr. Torkelson: I suggest you talk to Mr. Noe to get what you need to know to make a decision.

Commissioner Smith; that is what I suggest I need more time.

Dennis Davison: if your desire is to continue this you need to pick a date. Commissioners are deciding on date.

Commissioner Smith: I move to continue this on Wednesday. (May 28, 2014)

Commissioner Miller: I second.

Commissioner Smith: All in favor?

Commissioner Quinnell: I have a motion and a second to continue the Meeting. Educate me Dennis on closing this meeting as far as to what Mr. Torkelson was saying.

Mr. Fickes: the record should be close tonight.

Discussion ensues on how to proceed.

Commissioner Quinnell: We have a motion and a second all in favor say aye. All 4 commissioners say aye, all opposed say nay motion carries. We are continuing this on Wednesday the 28<sup>th</sup> at 5:30.

Dennis Davison: there will be not additional notices for the continuation of the meeting.

Commissioner Miller: Is the Marijuana issue still on the table can we discuss it.

Commissioner Quinnell: the concern is that the Marijuana issue still open. With the continuation of this will Mr. Torkelson still be able to discuss the Marijuana issue? Will that create a problem?

Commissioners: We can deal with the Marijuana issue first then move on.

Dennis Davison: The marijuana issue you told Mr. Noe how you felt Mr. Noe is in the process of preparing an ordinance to implement that.

Commissioners: No we wanted another study session. We had not decided. Maybe we should do that on a separate date.

Dennis Davison: Let's go back for a second Mr. Davison state what was done what needs to be done about Marijuana. Continued discuss.

Commissioner Pendleton: we voted 3-2 and I thought that was what we were going with.

Commissioner Quinnell: at the time when the second meeting comes up if we are not in agreement can it be addressed at that time.

Dennis Davison: you will probably have new testimony that night.  
Commissioners: that will give us an opportunity at that time.  
Commissioner Quinnell: Wednesday the 28<sup>th</sup> will be a continuance of tonight. We do not want to close this meeting.

2. New Business-  
May 28, 2014 at 5:30 pm. Continuation from May 21, 2014.

c. BOWERS, DANNY  
915.45.14-02 SUBDIVISION VARIANCE  
913.45.14-02 SHORT PLAT  
913.45.14-04 SHORT PLAT.

Commissioner Quinnell: I would like to call to order this meeting for the continuation of the Bowers shot plat and variance. Roll call first.

Roll call:

Members Present: Commissioners Miller, Quinnell, Pendleton and Smith  
Members Absent: Commissioner Torkelson recused.  
Staff Present: Dennis Davison: Community Planner, Caprise Groo: Secretary.  
Guest: Bob Noe: City Attorney.

Commissioner Quinnell: at this time we will have an executive session on RCW 42.30.1101 I Potential Litigation.

All Commissioners and Bob Noe Leave the room and then return after the Session is complete.

Commissioner Quinnell: Thank you for your patience everybody we will continue the hearing on the subdivision variance for Mr. Bowers. It is still open to the public for comment.

Mr. Fickes approaches the podium. Mark Fickes: I am here for my clients John and Helen Teske. Object to the Executive Session. I have concern because it looks like Mr. David Kelly one of the decision makers went back in Executive Session. Mr. Fickes restate how he and his clients feel about this issue. He also made suggestions on what should be done. He references Exhibit 12 (attached). What is the impact on one acre single family residents? Mr. Fickes reads code and criteria. There is no hardship or special circumstances. We recommend Denial of variance. Mr. Fickes still objects to the staff report in general. Thank you.

Commissioner Quinnell: Anyone else?

Carl Torkelson approaches podium. The main objective is lower density. Mr. Torkelson restates his position for him and his client. How tall is the Teske house? Variance- president has been set. Mr. Bowers would like to develop his lot to the fullest. Mr. Torkelson refers to exhibit 1. These properties have the same density. Anyone have question. Thank you.

Commissioner Quinnell: Anyone else?

Helen Teske approaches the podium. Property to the north of the Bowers property. I brought a photo shopped picture that shows what would happen if Whispering View Estates happens. Exhibit 10 (attached) This could be what the future holds for us. What is before you is that we will end up with this in the future. She states her opposition to this project. I ask you to deny the variance and these lots with restriction.

Commissioner Quinnell: Anyone else?

Leslie Radebaugh approaches the podium. 80 Lancaster rd. Pictures of Southern Estates. Exhibit 11 a -f. She refers to the picture she brought. No turnaround, no parking, no fire truck to get around. No green space, no sidewalks etc. She states all the reasons these should be denied. Thank you.

Commissioner Quinnell: Anyone else?

David Gordon approaches the podium. I have taken the last few days to go over what was said at the last meeting. I was thinking about my property and what I could do with it raising animals for others for extra money. I guess I could go for it and make some extra money for my family. The idea we are talking about is this is right for me and it is my property and I can do what is best for me unless you try to stop me but it

is my property. He continues to state position. We are trying to say we don't think this is the best for us. Please choose carefully how you build the City. Thank you.

Commissioner Quinnell: Anyone else?

Dennis Davison: Dennis brings Exhibits 12 Amended Staff Report. Exhibit 13 Letter from Mr. Torkelson. Exhibit 14 Revised map. He reads the Staff report and letter. One thing I would like to correct the Mr. Fickes brought up is the 50 foot used to be a right of way for a transportation company it was given back when the company no longer existed.

Commissioner Quinnell: Questions? First we have to make a decision on the variance on whether to approve or not. Are there any questions on that?

Commissioner Miller: My concern is that I don't see any hardship. Mr. Miller makes a statement of his concerns.

Commissioner Quinnell: Anyone else have any questions. Motion to deny the variance.

Commissioner Smith: I have not made a decision yet I hate to vote. Do we need to make a decision tonight.

Bob Noe: It is up to you. It just has to be done on open record.

Commissioner Quinnell: Where do we go with this? We have a Motion to deny the variance do we have a second? I have no second. The motion dies for lack of a second. So I can entertain another motion right? Do I have a motion in favor or with conditions.

Commissioner Pendleton: I will motion to approve as long as it meet the Cities requirements.

Commissioner Quinnell: I have a motion with the criteria of exhibit 12, do I have a second, I will second it. I have a motion and a second all in favor say aye and opposed say nay.

Commissioner Miller votes nay.

Commissioner Quinnell: What do we do there?

Commissioner Smith: Discusses what can and can't be done.

Commissioner Miller: still concerned.

Commissioner Quinnell: we have a motion on the table for the variance, second with the criteria of the 26 ft. So the variance has passed with a motion of 3 to one with criteria.

Dennis Davison: Did you approve the variance with the 20 foot or the 26 foot wide utility.

Commissioner Miller: I don't see why you are allowing the Variance.

Commissioner Quinnell: because there is a precedents for this and one of the things I considered are the facts and we have allowed this particular variance. In staying consistent it has been allowed for other properties.

Commissioner Miller: if a president is possible not working it should not be continued. That is my point.

Commissioner Quinnell: I do not know that it is not working, Eric, I have not heard that it is not working.

Commissioner Miller: it isn't working parking is an issue you can tell.

Commissioner Pendleton: Ever if you speculate that they will build whatever they want on it but where voting on if they build those townhouse on it. That's where I'm coming from. It may come up later but not right now.

Commissioner Quinnell: So the next item is the approval or denial on that.

Dennis Davison: We have prepared some finding on that. Dennis reads them for the record. Exhibit 12 and Exhibit 14. We recommend approval.

Commissioner Quinnell: What is the size is the water and sewer going up there?

Dennis Davison: Inside the actual subdivision? We will not know until they do the engineering. It will be bases on code and standard.

Commissioner Smith: On Condition 13 on curb and gutter?

Bob Noe: If you approve there would be 8 lots with a duplex on each lot. That condition is geared to addressing that.

Commissioner Quinnell: Any questions?

Commissioner Miller: We have a condition that there be a side walk the full length of the access road

Commissioner Smith: On the 26 foot.

Commissioner Miller: No make it 30 feet

Commissioner Smith: Is that outside of code, is it outside of city code right now. What is the City street Code? Same Issue again. Discuss road and Right of way. Dennis explains conditions to the commissioners.

Commissioner Pendleton: We can address this is if it comes about.

Dennis Davison: It would go through this all over again.

Commissioner Quinnell: Do I have a motion? Discussion? Do I have a motion?

Commissioner Pendleton: I motion to approve according to the conditions in exhibit 12

Commissioner Smith: I second it.

Commissioner Quinnell: I have a motion and a second to approve with the conditions of exhibit 12. All in favor say aye, all apposed say nay. Motion passed 3-1.

Mr. Fickes: Bob are you going to prepare the finding for this?

Bob Noe: We're going to do what we have to do?

Commissioner Quinnell: That concludes the new business.

Discussion ensues.

Commissioner Quinnell: I have a motion to adjourn.

Commissioner Smith: I second.

Dennis Davison: I need a second before you adjourn. I have handouts for you. Marijuana.

Commissioner Torkelson joins the commission for discussion of marijuana.

Dennis Davison: recaps May 21 Marijuana discussions. Mr. Noe has prepared an ordinance. Hearing on the 17<sup>th</sup> of June. It would be nice if you are all here for an accurate vote.

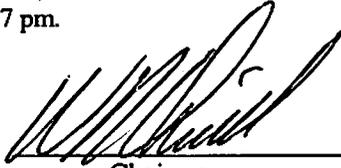
Discussion of projects around town. Draft ordinances discussed.

Commissioner Quinnell: Any other announcements or reports from anything?

Discussion.

I. Adjournment

Commissioner Quinnell calls for motion of adjournment, Commissioner Smith Second. All commissioner Vote aye with a vote of 5/0 The meeting was adjourned at 7:27 pm.



Chairman

City of Selah  
Planning Commission Minutes  
of  
May 20, 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 5:34 p.m.

B. Roll Call:

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

Members Absent:

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

Guests: Bob Noe, City Attorney

The recorder went down and had to be rebooted.

C. Public Hearing

1. New Business-  
May 20, 2014

A. PUBLIC HEARING-SELAH MUNICIPLE CODE MARIJUANA REGULATIONS

Commissioner Quinnell: this is the Planning Commission Hearing, May 20, 2014. The purpose of this hearing is to solicit Testimony from those individuals who support or oppose to the implementation of regulations on the sale, growing and processing and/or distribution of Cannabis and Marijuana products. We will commence the meeting with the introduction of the exhibits previously submitted and them proceed to the public comments both for or against the potential regulation. Each speaker will have five minutes to present his or her testimony and/or exhibits. After everyone has had the chance to speak we will reopen the floor to repeat speakers. These are the ground rules: every speaker has the right to be hear, show courtesy and respect, no applause or heckling and no challenging the speaker. You may challenge the testimony only but not the speaker. Any individuals violating these rules will be asked to leave the room. With that I will turn it over to Dennis for exhibits

Dennis Davison presents the exhibits and Washington liquor law. Exhibits 1-7 attached. These exhibits are about collective gardening as well as growing, processing and resale of Marijuana. List of persons who would like speak attached.

Bob Noe: The Chairman received a letter via email which was presented to the commissions as well as the council for review.

Commissioner Quinnell opens the hearing to the public and calls Carmen Mendez.

Carmen Mendez, 10 North 9<sup>th</sup> St, Yakima WA. Executive Director of Safe Yakima. The Mission of Safe Yakima is to make sure our neighborhoods safe and drug free. Safe Yakima believes Yakima county and all municipalities should ban recreational Marijuana. You have examples; City of Yakima is one, that have successful been able to ban recreational Marijuana. As we go through this process, I would hope that you recommend to the counsel to ban Marijuana. Today I was going through the Yselect report and 33% of our counties population is under the age of 18. So we have a very, very young county. I hope you really consider banning this. Many counties have successful banned this without any State Legal Repercussions. The Attorney General stated that local ordinances that do not expressly ban state license marijuana licensees' from operating in the jurisdiction make such operations impractical or valid if they properly exercise jurisdictional police powers. So you are entitled to ban this. I got a hold of the ordinance drafted

by Mark Conklen with the City of Yakima but I was unable to print it because I thought the meeting started at 4:00 pm instead of 5:30 pm. I can email you a copy if you like.

Commissioner Quinnell: that would be great. Thank you

Ms. Mendez: Thank You.

Dennis Davison: I am keeping track of the time. Mr. Quinnell: thank you, Dennis. Commissioner Quinnell calls Bruce Williams.

Mr. Williams approaches the podium. Bruce Williams. 701 S 7<sup>th</sup> St, Selah WA. I have been a resident of Selah for 8 years and a Registered Nurse for 40 years. What it comes down to is the lack of information, too much information, wrong information or not enough and of course the experience or knowledge of different subjects. I will mention a couple of issues that accompany the usage. Addiction: I don't know if any of you have had a youth or an adult with this addition. If you have, you know about the late night phone calls, the going to jail to bail them out, the calls from the police and wondering where your kids are. This is one issue. Another issue is the trauma Marijuana addiction can cause to families. The wondering, the arguing, the fighting and the financial problems. Then there are the lost jobs. Marijuana usage put off job opportunities. Most good jobs have drug testing and if a person is using then they can't get the higher paying jobs. Another issue is treatment. Treatment Centers are very expensive and create financial problems. Thousands of people who are in treatment centers are there because they are addicted to Marijuana. They are drop outs and they can't get jobs. I am a Registered Nurse and have seen and counselled people whose lives have been torn apart by Marijuana. So you all have the opportunity to make a lot of decisions on this. I urge you to prevent this Marijuana train wreck by voting "NO" regardless of what other cities or municipals do. Thank you.

Commissioner Quinnell calls Heidi McGrew.

Ms. McGrew approaches the podium. Heidi McGrew. 2311 E Selah Rd, Yakima WA. I am just a citizen. I live in East Selah. I am the parent of an addicted child who has been through treatment. I am the parent of an alcoholic (nephew). I have seen all that this gentleman was talking about. But here is the problem with that. We have an opportunity to get in front of this instead of behind and then try to play catchup in the end. All these municipalities that are voting it down, we have the golden opportunity to put things in place. It's going to come around eventually. It is going to change eventually. The States are going to come around and Federal government is going to come around and it will become completely legal at some point. Hind sight is 20/20. Wouldn't it be great to have the hind sight to take the time to say ok where going to do this but we are going to put things in place first. Get the training and the centers and put everything in place first. The income alone and the jobs this will create are incredible. As far as the 33% of young children the State of Washington threw the alcohol book out the window literally and they handed it to privatization. My daughter works at Safeway and I have personally witnessed high school kids coming in every day and stealing alcohol and walking right out the door and jump in cars. That has not changed. Alcohol/pot, you must have regulations and guideline in place. They threw the book out with alcohol let's not do that with Marijuana. If this does come around and this isn't in place then you will have a problem. Thank you.

Commissioner Quinnell calls Steve Shotwell.

Mr. Shotwell approaches the podium. Evening. Steve Shotwell. 705 W Naches Ave, Selah WA. I have taught and coached in this schools district for 40 years and one of the things that being a teach your entrusted with the welfare of the children and I think you folks should also be entrusted with the welfare of the children of this community. It is difficult enough protecting children from the things we do see and know about. If we legalize this in this town then I think it will be much more difficult to take care of our kids and watch out for them. Their parents will have freer access to Marijuana which means their children will have freer access because that's where things like that get started. Kids will get liquor from their parent and marijuana from their parent and kids are very creative in that way. So we and my family and I would say the education community in this town is against this. There is a moral imperative for me that we do the right thing and we do not knuckle under for some tax money. Down the road the Federal Government may come around and say yes ok it's legal. Just because a government says it is legal doesn't make it so. That is where we as individuals make up our own minds. As a community we make up our own minds, we don't

have to go along. There is a time to stand up and I think this is the time to do that and say "NO". Thank you.

Commissioner Quinnell calls Jedidiah Haney.

Mr. Haney Approaches the podium. Good evening, Jedidiah Haney. 405 s 34<sup>th</sup> Ave, Yakima WA. I am not a citizen of Selah. I do live in Yakima. I will say it straight out. I didn't grow up here. I have been here for the last 6 years. My family is from here, I am a Haney. My grandparents have a raspberry farm here in Selah and I remember running through the thickets and what not. The reason I bring this up is because this is not an Eastside/Westside issue. This is a state issue and a state law. It is very true that not everybody inside a government such as a small city, town, county, state or even a federal system is going to agree on these points. But this is due process. This is called the process of democracy; this is called democratic spear mentation. This is the process. This was set up in the way the constitution was written on a federal level and a state level. Now if certain citizens or groups of citizens do not like the way this is going there are options to reverse that and to take actions against that but the way this is going so far it is a state law that Marijuana is legal and it was handed to the Washington State liquor control board to set up a very tightly regulated system for this to happen. This isn't something that happened over night. The process of legalization and classification has been a battle that individuals have chosen to taken up since this prohibition first came about. This is not only about individuals that want safe and adequate access because it is their right but also about people that would like a choice for medication. This is also about an industry beyond recreational and beyond medical. We are talking about the entire industry of hemp. This is about stabilizing something that is going to happen. We have an opportunity. If you have an opportunity to get in front of this and fight this because it is your right as civic leaders and citizens. If you do not want this in your city it is your right to say that and the Attorney General said it is your right to say that and the reason that was put into I502 was to keep it a free expression of particular areas where this zone would infringe on specific zones. We do not want to unleash Marijuana into our states in an unregulated way. So be prepared to defend that choice. That was what the Attorney General backed up and that was his second opinion and that was published. He was visiting in Central Washington University and I believe he got to talk to David Stein and he said be prepared to defend that. I understand that the planning commission is going to put forth advice and that advice is not a set in stone decision. But is your job to compile information and weed through it to give the best advice possible. So I thought how much information should I bring to your table. Well the reality is there is a lot of information out there but the great thing is that we have the State liquor control board dealing with the mass of information so you don't need to worry about that. So if you are interested in the sceptic information about how the liquor control board it is implementing this then that information is there. It is very easy to access through the liquor control board site. If you need a copy of that I carry the information with me because it is important. I have copies of the I502 implement guide. One of the questions that are asked of me is what about specific services like banking services and insurance services. Well the Department of Justice was asked from banks what do we do with this and the Department of Justice turned around and made a release. That is easy accessible on the web site. The banks are going to try to work with the marijuana service but the operative word is trying. Commissioner Quinnell asked Jedidiah to hold that thought. 5-minute time limit.

Commissioner Quinnell calls John Tierney.

Mr. Tierney approaches the podium. 835 S 4<sup>th</sup> St Lp, Selah WA. Good evening Commissioners. I am a 27 year vet of the Washington State patrol and many year in the Law enforcement field dealing with people under the influence of narcotic including marijuana and 10 year in the private sector with the hiring and firing of people and many of though people were not hire due to marijuana/drug use. I cannot tell you how many times I was at major accident where drug including marijuana were the cause. I really urge you to give deep consideration to the fact that we don't need this problem in our community. We have already had a decision in this community concerning Marijuana. 56% of our citizens voted NO. We should not have the march to the drum beat of King, Pierce and Snohomish Counties. My other concern is jeopardizing our access to Federal Funding for the operation of our city. Whether that will happen or not we don't know, but we receive millions of dollars through grant and other kinds of moneys that help this city run. To lose those kinds of money would be terrible for our community. When this was done there was no pilot and that

has tied the hands of law enforcement. As for the medical Marijuana it should only be issued by licensed medical pharmacies and we have two of those. Thank you for your time. Any questions? No. Thank you.

Commissioner Quinnell: well that is everyone who signed up. Then a gentleman walks up. Commissioner Quinnell requests that he say his name.

Mr. Ozura approached the podium and states his name. Jarod Ozura. 110 S 57<sup>th</sup> Street, Yakima WA. I wanted to speak for the medical Marijuana side. 1998 Medical Marijuana was passed and it has not had much of a problem. When I502 came along most patients voted "NO" in fear of what it would do to Medical Marijuana. Nothing has got through the legislation and that is still a fight. But the concern with these moratoriums is that the patients need secure access to safe quality product. With the moratoriums there is no access for the people who do need it. Kids do have access to the black market and patients do not have safe access to quality product. They don't make you test it. The Department of Justice put out provision to leave patients alone as long as they followed state laws. Other provisions were issued preventing the selling and distribution of Marijuana. No Marijuana on federal lands. They did ask that taxes be paid if you can't grow and have to purchase elsewhere. I ask that you treat recreational and medical marijuana separate and leave the medical side so patients can have access. Jarod gave written information to the Commission.

Commissioner Quinnell asked if there was anyone else who did not sign and wished to speak.

Mr. Davison marked the exhibits 4-a-b-c-d-e. Dennis would provide copies to the commissioners.

Mr. Glenn Brandenburg came forward to sign in and speak. 402 S 6<sup>th</sup> St, Selah WA. I have lived in the Yakima Valley for 35 years for the last 25 a truck driver. This had taught me two things. With the inflows of ill legal aliens you will have drug trafficking. If you ban it the Cartels will be smiling all the way to the bank. Traveling to other states like Montana when they see a car with Washington plates and brown skinned persons they pull it over. It is a guaranteed drug bust. I can't use it because of my job. I am not for marijuana, I am anti-Cartel. It is here to stay. It will not go away. If you have questions the DEA will help you. There is billions of dollars involved for Cartels. Thank you.

Mr. Trudeau signed in and approached the podium. 407 N 9<sup>th</sup> Ave, Selah WA. My name is Premo Trudeau; I have lived in this valley all my life. I grew up in Naches and the last 12 here. I have been mostly in construction and I drive truck also. What the guy is saying is true. Our kids can easily get Marijuana. I asked my kids what is the hardest thing to get and they said alcohol. They are bringing this up from California and Mexico. I do believe marijuana has some very good qualities about it for people with cancer, glaucoma and other things. Because it is so easy to get, we need to do something about it. Look at grapes, a few years ago they said they could not be grown here and now look at it. What about hemp? Our farmers have always grown it and it can be used for anything including fuel. We teach our children right from wrong. Do we want others coming here to get it? What about people who do have cancer. My Fiancé does have it and she has to use it just to keep the weight on or she would shrivel up and die. We have tried everything. We go down here to the pharmacy and pay \$75.00 dollars for 5 cookies and a couple lollipops. I could grow that same plant or two or three and she would have what she needs all year long. That's another thing. I appreciate your time.

Commissioner Quinnell asks if anyone else would like to speak on the first round. So Dennis do we open it up again? Is there anyone else that would like to speak? Any repeat other than Jedidiah?

Mr. Haney approaches the podium. Don't worry about opening the doors up because the state has created a very rigid system. You can't go trading licenses from one jurisdiction to another. If you make any changes in your license you get booted to the back of the line and that is a long line right now. How that income is trickled out I don't think they have thought that far to be honest. This is a process, we can be part of the process or not. Access to youth is a very important point. We need to regulate it.

Commissioner Smith: Jedidiah you mentioned banks. I received an email about two weeks ago about a credit union in Spokane that may accept moneys from Marijuana.

Jedidiah: Time line may be two years to have a bank that accept processor/producer moneys. Colorado- they tried to establish a co-op and it failed. But these options will be figured out. Corporate interest is huge. Hot issue is Federal water rights and right now they are not giving Federal water right to Marijuana growers. That is because they have not been challenged.

Commission Smith asks about Newmarica-Bank. Will the government be able to shut them down or just file suit.

Mr. Haney reads the regulation regarding activities that could cause criminal actions. You have to have a state license and be over 21.

Commissioner Miller: The regulations make sense to keep it out of the hands of minor. What is the enforcement?

Jedidiah: There is a state inspection process and that is another reason why this has come into existence. We would like to create a pier to pier control. Ultimately there are a lot of checks and balances to go thru to get a license to grow, process or sell this product. At any point if these businesses step out of line we need to stabilize this business.

Commissioner Smith to Jedidiah. Could you provide the banking information to Dennis so he can distribute it to us?

Jedidiah: Exhibit-5. Businesses are to be tracked and the traceability is in place. State licensed testing facilities. Thank you. Jedidiah gives Dennis information to be marked Exhibit-6.

Commissioner Quinnell calls John Tierney.

Mr. Tierney approaches the podium. Back again John Tierney I would like to point out one: the state did not license anyone. Your local law enforcement will be handling all infraction. They will have the burden and cost involved. Supply and demand. No thought put into the intuitive. It costs money to train people. Thank you.

Carmen Mendez approaches the podium. Something that I do want to say. My skin is brown. That does not mean I am a drug dealer. That should not have been mentioned. Cartels make money on hard drugs not Marijuana. Carmen asks Jedidiah if you can grow plants at home if you wanted?

Jedidiah: As a Medical Marijuana patient, yes you can.

Carmen Mendez: Focus on the issue, not illegals, not Medical Marijuana. Skin color has nothing to do with trafficking.

Question: will all this information be provided to the counsel? The answer is yes.

Commission Quinnell: Any other comments or question that you want to ask? I would like to make a statement. We have a very tough job to do up here and there is a lot of information to go through. There are a lot of pros and cons that it is not going to go away. I am a father of three and a Grandfather to three I know I relate a lot to what people have said here and I can't disagree to it. It is here, and it will not go away soon. As commissioner we have a challenge to take all the information we can get and to weigh it to send a recommendation to the City Council. One big concern is the Police force. If you are going to vote for it you need the force behind it. Do we have the force? No. As commissioners we have three issues to deal with: the medical side, the retail side and the processing side. So it is not just one or the other.

Jedidiah comments that the Medical and the Marijuana are two different issues. Medical gardens are licensed on their own.

Commissioner Quinnell- Any other discussions, comments? This is why we are here.

John: we need good reliable honest people. Benton County issued a license someone who had conviction for growing and selling marijuana.

Unknown speaker: Talk to the DEA, they are another Law enforcement agency.

Council member has question for Jedidiah: What other typed of information can you provide? There are applicants that have went into the application process that have had problems.

Jedidiah: The feds have released the tension. Colorado has had no increase in crime. Law enforcement has had increases in trafficking. Americans care about what they put in their bodies and they regulate it.

Repeat of earlier argument.

Commissioner Smith-Heidi: The issue we had about law enforcement is that only Newmerica may be allowing grower and processor money to funnel through. There is no place to store cash. If we have a retail outlet, the only place is right over by the Police department. There is a lot of traffic. No applications approved. But the amount of money being stored in the shop could present safety issues. No amount of security would help if someone got shot or hurt. Until the banks allow for deposit; I do not feel comfortable allowing retail sales. I can't do that. Marijuana is the number two crop after apples. Issue: safety, the people in it, around it and the Police that would have to deal with it. That scares me.

Continue with safety arguments and money arguments.

John Tierney: It does not matter how you dress it up, it is a wolf in sheep's clothing. It does not matter the rules and regulation but what is really going on.

Unknown speaker-Look at the two issues separately. Medical separate from growing, processing and retail. Gardens are not as tightly regulated. He is reading collective garden rules. I will teach my kids the difference. It is being responsible to teach our children.

Commissioner Quinnell: As far as the Medical Marijuana issue is concerned, the city can have as many growers as they want?

Jedidiah: There are thousands of patience.

Jedidiah is again reading medical marijuana rules. No set grower for Medical Marijuana, no limit on collectives. Only 45 plants per residents and only ten patience's to a collective.

Is there a limit to the number of collective gardens in one city?

Jedidiah: There is no limit. The state has addressed this issue.

Discussing the issues again.

Jarod takes the podium: Take a revote. So many medical patients voted no because it was such an unknown deal. Yes we did vote against it and ok we just have to deal with it. It is getting all put together and it is two separate issues.

Jane Williams with the City Council: I have just one quick question for Jedidiah about his back ground.

Jedidiah-I am not a Lawyer. 6 years business development in organic farming, I started growing marijuana in 2004 because I saw a need for Medical Marijuana. I capitalized on the need because I had an interest in growing Marijuana. I took away with me a lot of knowledge in Hydroponics. I went into Ag science

because of my experience. My job is to represent the cannabis interest, which is small at this time. We are a 501C6 business. Civil Liberty. I would like to have the choice to use it if I want to. Thank you.

Commissioner Quinnell: Any other comments? Okay, thank you for your participation.

Dennis: Bob and I would like a consensus on which direction you folks are headed so that we can prepare a regulation to bring to public hearing.

Bob Noe: What direction are you headed in?

Commissioner Miller-Yes with proper zoning (growing and production).

Council member asked if she needed to leave.

Bob Noe said no, this is legislative.

Commissioner Torkelson would prefer to ban it once again. Under issues of safety, banking and Police force. Why even do it? Why be the first? Let someone else be the first.

Commissioner Quinnell- My opinion is the same as Commissioner Miller. Let someone else be the Ginny pig.

Commission Smith-Issue is banking. At this point I would say No until banking issues are resolved.

Discussion- why waste time until the issues are resolved.

Commissioner Smith/Quinnell. Move forward with ordinances and zoning and look at the issues that are not going away.

Commissioner Pendleton-When federally things change then address it again.

Commission Smith- On the medical side it has been addressed by the state.

Dennis what he heard is that 3 prefer to ban, two would prefer strict draft regulations but the three that ban are open to reconsideration later.

Commissioner Quinnell Question to Jedidiah: About the banking, about what is the time frame for banking and federal reorganization? What happens if it is legalized?

Jedidiah: It is in process. It is a work in progress. No time frame at this time.

Discussion ensues.

Commissioner Smith-Can the feds seize money if the determine it is drug money? No answer.

Banking discussion between Commissioners and Jedidiah. Jedidiah gives Dennis Exhibit-7.

Commissioner Quinnell: Any other discussions? Commissioners think they are good.

Moving on. Dennis states He and Mr. Noe will draft a ban in Selah. An Environmental review will be done and then you have the option to modify reject or adopt the regulation.

Commissioner Quinnell:

G. General Business

1. Old Business -there is none.
2. New Business -there is none.

- H. Reports/Announcements  
Anyone have a report of announcement they want to share?
1. Chairman-none
  2. Commissioners-none
  3. Staff-none

Dennis Davison: You will want to continue until tomorrow night.

Commissioner Quinnell: Is that a motion?

Commissioner Quinnell motions to continue the meeting until tomorrow at 5:30.  
Commissioners Smith and Pendleton second the motion. Motion and Seconded. Voted and approved by all Commissioners 5/0.

F. Public Hearings

2. New Business-  
May 21, 2014 at 5:30 pm. Continuation.

Commissioner Quinnell greets the audience and informs them that this is a continuation from the last session on May 20, 2014.

Mr. Davison suggests that roll call be done for this continuation.

Commission Quinnell asks Caprise (secretary) to call roll.

Roll call:

Members Present: Commissioners Miller, Quinnell, Pendleton and Smith  
Members Absent: Commissioner Torkelson recused.  
Staff Present: Dennis Davison: Community Planner, Caprise Groo: Secretary.

- C. Agenda Changes-none
- D. Communications
  1. Oral-none
  2. Written-none

Commissioner Quinnell: Approval of the minutes of May 6, 2014 was approved yesterday May 20, 2014. That takes us back to the public hearing continued from yesterday. New business-there is no old business- New Business for the municipal code of marijuana. If anyone wants to say anything now is the time. No one came forward so we will move on.

New Business:

- b. Moss, Gerald:
  - 915.79.14-01 SUBDIVISION VARIANCE
  - 913.79.14-03 SHORT PLAT
  - 926.79.14-02 CLASS 2 REVIEW

Dennis Davison: States to the Commissioners the Selah Municipal Code for variance and reads the staff report. (Attached) Property is 607. Short Plat-Staff Report (Attached) Class 2 Review (Attached)

Commissioner Quinnell: Asks if Mr. Moss is here or if some is speaking on his behalf. Mr. Torkelson approaches the podium.

Signup sheet for this hearing is brought to Carl Torkelson at the podium for him to sign.

Carl Torkelson. 101 Heritage Hills Dr, Selah WA. I have an interest in this as Mr. Moss is my client and I will be building a triplex there if this goes through along with the short plat. Mr. Moss has a similar circumstance to others in the area where in this is a long lot. These lots were designed to be long and deep so that a house could sit on the front and they could have a garden or animals on the back. So that is why we see so many of these lots. The hardship is being that the lot is long and deep, a little over a half acre, there is no way to subdivide it without a variance and that is where the 20 foot access easement comes into play. That is his biggest hardship. To use his land efficiently and for financial and other reasons he needs the 20 foot easement to access the back lot and give him the ability to have two lots. Mr. Torkelson asks that Dennis hand out the letter he brought for the Commissioners. The letter is marked Exhibit 1(attached) and was presented by the representative of Mr. Moss. The Letter is for both the Moss and the Bowers subdivision variances. Mr. Torkelson: This letter was advised. If you will notice in the back of the packet there are several examples of lands that have been granted the 20 foot access. One that comes to mind, one I did, two I did are 305 Riverview and 307 Riverview and one that James Garner did at 305 southern. Another example of a 20 foot access easement Bill Harris did up on 1402 W Brader. All three of these were situations where the hardship was in fact the long deep lot and not enough street frontages to develop. I could go on and on about this and give you a whole packet of this but I guess where this is going is that the City of Selah had been doing and okaying for several years. I make a general statement that if it was good enough for others then it is good enough for Mr. Moss. It is not similar to these other lots. It is identical to these other lots. There are still several yet to come that will probably come before the Planning Commission and you folks. With that said I could probably open it up the questions.

Commissioner Miller: You have a 20 foot easement but show a 21 foot drive way.

Commissioner Pendleton: I think he was seeing where it narrows by the garage.

Mr. Torkelson: You get the rough draft. The one that is final is with the county and is precise.

Commissioner Miller: I have a real concern about parking there. If the occupants have more than one car parking could become an issue. How do you plan to do this capture of the run off? You're going to take what is there of traditional drainage and the rain goes into the dirt and you'll have roofs and blacktop. So are you going to put in big drywells?

Mr. Torkelson: For Mr. Mosses purpose we will use drywells off of gutters and impervious asphalt where at the back of the lots you'll have a green belt area as well as at the front of the lot. So in these areas there will be some natural absorption that will take place. Off the roofs there will be gutters that go into actual drywells.

Commissioner Miller: They will go to drywells? Specific.

Mr. Torkelson: Right now specific to Selah there is a building application that you have to fill out that asks the exact process you are going to use to maintain the water. Generally, when you go into a long plat that is when they ask you to do some engineering and do some other thing to make sure that water is taken care of.

Commissioner Miller: my other concern is that there is no real outside space for these young people. Is that 8 foot setback considered the backyard?

Mr. Torkelson: It is, but it is probably not our place to tell someone what they will enjoy and what they won't. It is our place to look at the rules and determine whether or not it is legal, has precedents, and should be accepted. I guess what's good for one is not good for all. For someone who does not want to maintain anything they don't want that open space.

Commissioner Miller: what about garbage collection-do they have to run that out to the curb?

Mr. Torkelson: Yes they will have to run it out to the curb as part of their daily process. But there are folks over there right now that live on some of these deeper lots that live in the back and they have to do the same thing, so we are probably not asking any more from these individuals.

Commissioner Miller: These fire truck lanes; absolutely nothing else can go in there?

Mr. Torkelson: that's right it will be signed and covenanted and people will be fined if they do it. We have set several up around town and that is how it is being addressed with the Fire Department. If it is signed and covenanted then Gary can come up and fine people for it. Where if you don't have it set up that way you are kind of stuck and have no real recourse to keep people from doing it.

Commissioner Miller: So say these people have two cars and they have a visitor where do they park?

Mr. Torkelson: They would park in front of the garage.

Commissioner Miller: If you have one car in the garage and one in front of the garage where would a visitor park?

Mr. Torkelson: Well knowing you can't park in the roadway I think it would be up to Mr. Moss who he rents to and how it is set up and what contract they sign legally. I don't think once again that that is for us to determine. Well if it meets code we are probably going to have to say that it is okay.

Commissioner Quinnell: So Carl you have gotten the approval from the fire department for the turn around.

Mr. Torkelson: We do, we have sat down with Gary.

Commissioner Pendleton: Everyone is putting them in like that, they just stripe it.

Commissioner Quinnell: Mr. Moss has the ability to take the first lot and duplicate what he is doing in the back

Mr. Torkelson: Yes and No, He could probably add one more, there is a place where there is 12 units to the acre and he is just under half and he will run out unless he modifies his house. With his elongated house and the garage with the 20 foot setback it does not leave him a lot of room.

Commissioner Quinnell: But if he tore it down?

Mr. Torkelson: Yeah if he tore the house down then he could do 3-4 more. 43, 560' is an acre an----

Commissioner Quinnell: Dennis- did staff take that into consideration?

Dennis Davison: The Comprehensive Plan Designates it for higher density, then, yes, if he wants to remove the residence, then build another triplex he would need zoning and go through the process.

Mr. Torkelson: there is an example of that by Rich Goodall. He has some units just up the road from Mr. Moss which look similar to what we are talking about here. He has a 20 foot access and he has some units going down there and he has maximized his potential on that piece of property.

Commissioner Quinnell: Any questions?

Commissioner Smith: We're good.

Commission Quinnell: Okay, Anything else?

Mr. Torkelson: I would like to reserve the right to speak again if there is opposition. Thank you. Appreciate it.

Commissioner Quinnell: So is there anyone else on this list that would like to say something about Mr. Moss and his project. If you would come forward and state your name for the record.

Floyd Sharp I live at 981 Selah loop. We have been in that home for over 50 years and we have watched our view disappear all of our view and the last time the county told us we could sell off half our acres and the city came along and said Oh no you can't because we don't have a well or sewer for it. We were kind of unhappy about that and I would like to see single level not double level so they don't block more of our view if that's all right.

Commissioner Miller: So that is a completely separate question.

Commissioner Smith: Yeah it is.

Mr. Sharp: this is the one on Goodlander?

Commissioner Smith: No, we are talking about another project right now.

Mr. Sharp: We got a notice that this was about Goodland.

Commissioner Smith: Right but we are talking about another project right now. So this is the first one and we will get to yours next.

Mr. Sharp: ok.

Commissioner Quinnell: The first thing we have to determine is the variance. Motion on the variance.

Commissioner Pendleton: Motion to approve.

Commissioner Smith: I second

Commissioner Quinnell: I have a motion to approve and a second all in favor say aye, all commissioners said aye. All opposed say Nay. Ayes carry variance.

Commissioner Quinnell: We need the recommendation on the shot plat approval. Any discussion, any questions?

Commissioner Smith: Good

Commissioner Quinnell: I have a motion to approve, do I have a second?

Commissioner Smith: Second.

Commissioner Quinnell: I have a motion and second all in favor say Aye. All commissioners say aye.

Dennis Davison: Are you folks going to impose the conditions?

Commissioner Quinnell: Yes, I was going to state that the short plat approval would list the 6 subjects that Dennis read that covers everything that is needed. The motion to approve with the 6 conditions.

Commissioner Smith: I motion

Commissioner Miller: Second

Commissioner Quinnell: All for say aye, all against say Nay. Motion for shot plat approved. Okay that was Mosses. Now we have Mr. Bowers.

- c.       **BOWERS, DANNY**  
            915.45.14-02   SUBDIVISION VARIANCE  
            913.45.14-02   SHORT PLAT  
            913.45.14-04   SHORT PLAT.

Dennis Davison: Reads staff report and exhibit 1 packet. (Attached) Exhibit 2 provided by Gary Hannah the Fire Chief. (Attached)

Commissioner Smith: Dennis you mentioned that Goodlander was going to be widened next year?

Dennis: Yes.

Commissioner Smith: So if the road is widened do we need to add another 5 feet in case the road is widened in the future?

Dennis: The 5 feet between the proposed lot line and the existing city right away are variable if you look at a map 20 to 30 down to 25 along lot a and we will secure that additional right of way so there will be 30 feet possibly 35 feet on the north side of Goodlander.

Commissioner Smith: I guess I'm just thinking 20 year in the future if we need to widen the road two lanes each ways. What happens at that point? So we don't add an easement on for a future development 20 years down the road. That is a busy road and it will just get busier as this town grows.

Dennis: Well they're not requiring a right of way right now, so I will assume that Mr. Torkelsons prerogative will be that one of those will be that a requirement of the short plat and acquiring a right of way. Did I not understand your question?

Commissioner Smith: I think you did but I guess my concern is yes we are obviously approving it or if we do approve it at the 5 feet easement, but I'm thinking 20 years down the road and if Goodlander needs to be expanded to 2 lanes either way with a left hand turn lane, I mean the town is growing. Is there a way to put in language that would allow for the city to come in and have a larger easement on this in case it needs to be widened further down the road, how is that handled?

Dennis Davison: Typically for any road we will widen the road one lane in each direction with left turn lanes at the intersections-possibly one at the high school where the buses come out but if we widen it again somewhere down the road we are buying the right of way. We will be buying the right of way further East, possibly if you have driven by the intersection of E Wenas and Goodlander. It is very hard to justify getting grants from the state to widen the road to 4 lanes.

Commissioner Smith: Ok-thank you.

Commissioner Miller: Why ask for an easement instead of making this a real road? There is plenty of width and your language was that the hardship was that there was not enough width between the existing house for a road-according to the map it looks like plenty of room. If it is going that deep-it is significantly deep and it isn't going to one or maybe two, this is going to 7 lots deep. Why wouldn't that be a full City street?

Dennis Davison: I suppose that when you folks consider you could dedicate a city street or it would be 50 feet of that property would need to be dedicated to the city as a street by the applicant.

Commissioner Miller: Is that what it takes-50 feet?

Dennis Davison: Yeah, we would require 50 feet of right of way to build a standard city street. Again with what the commission chooses you would be denying this variance. You would have to construct a public street to access the rear lot.

Commissioner Miller: So the maps don't show the cul-de-sac?

Dennis Davison: No, it doesn't but that is one of the things we would recommend you impose if you approve the shot plats. That basically they have to meet the code from the Fire Department adopted by the City of Selah to include the turn around, pavement width, and the hydrant. The road would be widened to accommodate the hydrant.

Commissioner Miller: If it isn't a City street then is 26 feet wide enough to do what needs to be done to serve the people-if there is 20 feet of hard surface and a truck is going up the road is it wide enough?

Dennis Davison: You have the option to have them pave it to the full 26 feet if you wish. There are lots of streets around town that are 22-24 feet wide. If you live in the Palmer addition the roads are narrower and people have to stop and wait for other people to go around them. You have the option to impose conditions on the access paving. If you so choose, you can require a public street.

Commissioner Miller: the fire lane would have to be 26 feet? Then the whole thing would have to be paved to meet fire code.

Dennis Davison: 20-26 feet in width Code D103.6.1 of exhibit 2. Minimum Specifications around hydrants see D103.1 of exhibit 2.

Unknown Speaker: The minimum code of an access street is 20 feet.

Commissioner Quinnell: Thank you.

Mr. Torkelson: Again the minimum for an access street is 20 feet. It widens for the hydrant to 26 feet then goes back to 20 feet. It does not show how far on each of the hydrant that it has to remain 26 feet. Need code for that. I can get Gary to get that to you. Gary Hannah makes that code and he makes that decision.

Commissioner Miller: What about the cul-de-sac.

Mr. Torkelson: Same thing, they determine where they can be placed and how far they are before they sign off for the City of Selah.

Commissioner Miller: Those things would be one of the conditions if we signed off on it?

Commissioner Quinnell: We could make that one of the conditions, Item #8 if we signed off.

Dennis Davidson: You could make it one of the conditions but it still has to meet Fire Code requirements.

Commissioner Miller: So, each property ownership goes into the access/easement?

Mr. Torkelson: The last lot is so narrow that there is no way to see from the photograph that the narrowness that the way to solve that is the access easement to come thru there off each lot. In the packet you received there are a couple identical situations like that. One is Torkelson Heights, right up the road at 201 W Goodlander. It's a conflict? House are being build right there.

Commissioner Smith: There is a turn around right there Carl?

Mr. Torkelson: Right in the middle of it. So how a turnaround works is you have to have 150 feet to turn around in. so basically it uses the road to turnaround. He pulls in, backs up and comes back out.

Commissioner Miller I assume then that these are wide lots and they will have access to each one and those right of ways can act as turnarounds but at the end there would need to be some kind of easy turnarounds.

Mr. Torkelson No, not like you'd hope, he just needs to be able to have that hammerhead turnaround. The issue is not coming in but that turnaround. How can you fight a Fire without a turnaround so when we do produce the road for each lot it will easily be turned into a fire truck turnaround?

Commissioner Miller: It will be designated a fire lane?

Mr. Torkelson: Yes we would do the same as before. Signage, covenants and no parking.

Commissioner Pendleton: They are usually striped fire lanes like if you go to Walmart or any other place.

Commissioner Quinnell: Do we know what the grade of that access road will be coming off of Goodlander, is it more than 10%.

Mr. Torkelson: It will be brought down a little bit.

Commissioner Quinnell: What about turning onto E Goodlander road. Can you turn both left and right?

Mr. Torkelson: Yes.

Commissioner Miller: I am concerned about it being wide enough.

Commissioner Pendleton: Anything over 8'6" is considered a wide load. You have been on the highway right. They drive on a 10 foot wide road at 60-70 miles per hour.

Commissioner Smith: You didn't need to tell me that. Carl have you designed any of the duplexes the owner has proposed to put on this. Are they going to be 2 stories?

Mr. Torkelson: At this point it is open. We are producing lots and will design after that. Really that is not something for the planning commission. What we build is what we build. I don't want to sound rude but you can't pick what is built on the lot. You can't pick because you don't want to see that on a lot. Unfortunately we can't do that.

Commissioner Miller: The plan use has change from farm to R-2 so there should be some consideration for the neighbors. Height or I don't need to put some restriction on it if it is left open then it could create a challenge later.

Mr. Torkelson: Selah has a maximum height of 35 feet that is code. Ultimately if you're trying to control it then you should start right there with that code and change that code.

Commissioner Quinnell: Yeah we have some more, Carl do you want to say any more while you are up here?

Mr. Torkelson: I am sure there will be quite a bit of opposition to all this. I would reserve to right to come back up here.

Commissioner Quinnell: I will just start at the top of the list. (Sign in sheets attached) Mark Fickes.  
Mr. Fickes: I'm the real estate claims attorney at the Northwest Law Group, I am a partner in the firm, I have been doing this for 28 years and I am here on behalf for my clients Helen and John Teske. They own the lot to the north side of the proposed development. I have some maps for you. (Exhibit 8 attached) I guess you are wondering why there is so much interest in a variance and two short plats. This is because there are some significant impacts to the adjacent properties and the neighbors are worried that this is the first step in a dense town house type development that Mr. Torkelson not only proposes but has already proposed. He submitted a pending rezoning application he submitted a dense 48 unit town house type development with this exact same property with the exact same shot plat and it is still pending. I have talked with Dennis and I have been working with Dennis for years and it has not been withdrawn. It was

put on hold. I believe this is a strategic change by Mr. Torkelson to avoid more thorough review than would be in a long plat or rezone. In a long plat rezone you have SEPA review, 2 public hearings, hearing examiner, city council. He is coming to you with an 8 plot short plat. He is coming to you with a short plat and a variance.

Mr. Fickes lists all the conditions the Planning Commission could do according to him.

Mr. Fickes: I am going to go through the staff report one by one and you can do anything you want. I hate to be an attorney but I am one. Mr. Torkelson usually sits on this Board is that correct. (Reply Yes). Have any of the four of you spoken with Mr. Torkelson expardem about this proposal before this hearing? Can you fully and thoroughly adjudge and make a decision about this proposal? I would like to hear from each one of you about is.

Commissioner Miller: I have not spoken to him about this but specific project but I will go on record saying he should not be hiding from being up here

Commissioner Quinnell: I have not talked with Mr. Torkelson.

Commissioner Pendleton: I have not talked to him about it.

Commissioner Smith: I have not talked to him about it either.

Mr. Fickes: Thank you. For the record if you have had expardem communications with him you are obligated to disclose those on the record if you are going to be involved with a recommendation to the City. Mr. Fickes hands out exhibit 3 Letter from Helen Teske on why she opposes both the rezone and shot plat. Exhibit 4 is a petition opposing the rezone and subdivision. Hopefully some of them will speak to night. Exhibit 5- Detailed letter of opposition. Exhibit 6- Opposition letter. Exhibit 7-Torkelson Construction application for rezone of 3.97 acres. Exhibit 8- Whispering View Estates. Exhibit 9-aerial map.

Dennis Davison: marks all the exhibits and notes this.

Mr. Fickes: Let me set the time text for you, because I'm glad Mr. Torkelson hasn't spoken to you. This is part of the record this is Whispering View Estates map was part of the rezone to Selah planned development zone not all municipalities have them and that is where developers sometime use the variance from, road development standard and lot size etc. He proposed that is a separate zoning or rezoning for planned development and I think it was actually 52 lots that includes Hilton place traces. If you approve this it is exactly consistent with that map. That application has not been withdrawn this is part of the record and actually I appreciate his openness and honesty in going for a rezone development first because that requires a pole of the public plays good in there and that is what everyone on this side of the room is opposed to. Maybe Mr. Torkelson has changed his mind and he will build just one duplex on each of his 8 lot with 16 units. That is what the Planning Department is analyzing. I thing you need to do more than that, you need to look behind it at what is allowed in the zoning load for multi-family uses. Theoretically you can put 6 units on each lot or 12 per acre. Mr. Fickes does the math. This is not a video property to put 48 units. These lots are 20,000-22,000 Square feet. I will take Dennis word that he meet minimum lot size. There are some steep slopes and Mr. Torkelson will have to come in with grading permit. The Teske's house is on a one acre lot and is directly adjacent to the Torkelson lot 4-b. They are not opposed to development but they are opposed to what Mr. Torkelson is proposing. (Whispering View Estates) Mr. Fiches will go over the Variance report. Mr. Fiches state why he does not believe the variance should be granted and why the criteria have not been met. He quotes Code. The City of Selah has a municipal code that requires every lot to be served by a front apart street. Mr. Torkelson is saying that this is a deep lot and it's hard to build a public road. The plats where made to comply with code. You can see the house it is not close to the house. He could build a public street which would certainly be necessary for 48 units. I think it is necessary for twelve. Mr. Torkelson is trying to maximize his return. You can impose any condition you want. You can't ask to take private property without just compensation it's in the constitution. But he is here asking you for something, he is asking for a variance. You could require a dedication of 5 feet. You can place conditions on it. Mr. Fiches disagrees with the estimated trip generation. The way it should work

is that you guys are support to make decisions and impose conditions now. Mr. Fish reiterate why the Commission should imposed conditions on the variance and the plats. There is no hard ship no special circumstances. Mr. Fickes disagrees with Dennis's report. There is plenty of room. This one is so much more dense the rest of the neighborhood. There are no special circumstances. I am shocked that the departments are allowing this. There should be 2 accesses to this lot. Mr. Fickes recommends variances. This is the first step in allowing him to do 48 units. We recommend denial. Disagree with plot sizes. You have to balance the interest of the neighbors. Road improvement not sufficient for this area and the steep slopes of roads are an issue. I disagree with drainage. I disagree with the open space statement. I do not agree public interest is served. In conclusion I believe the public is opposed to Whispering View Estates. Recommend conditions. We are opposed to this.

Call Helen Teske: 182 Lancaster road. I agree with Mark this is not compatible with our neighborhood, with the single family, or the one acre lots. I ask for your consideration to see behind and immediate proposal and to keep our neighbor as it is as much as possible.

Call Dale Rener: 180 Lancaster. My concern is the width of the road. Would like to add if any of you have to go down Goodlander when school get out or when an event happen there is a lot more traffic.

Call Leslie Radebaugh: 80 Lancaster road. I totally agree with Mr. Fiches. I disagree with the schooling stated in the staff report. Where are these kids going to play? What is the percentage of the hill?

Call Cory Baze 90 Lancaster road. The road is steep and the road going into the property steel. I cannot see there not being a problem with traffic. My irrigation runs across that property and what of the whole that is in the corner of the property. I have concerns about run off from the other property on to mine.

Call David Gordon: 90 Columbus Way. I am just to the left of the property to be developed. I think we need to come together a put together a good package for all. You guys allow what you allow. I don't know how my well will be affected. There are still lots of issues we would like to know about. This could be a cool thing. Hopefully we can all work together.

Call Ray Friedrichson: I have nothing to say at this time.

Call Emma Friedrichson: 60 Lancaster road. Traffic from everywhere and it is very congested. Kids are not careful. I also what to point out, that Lancaster is not that well maintained right now.

Commissioner Quinnell: That is the last of the list.

Floyd Shape: That is a lot of units and a lot of traffic.

Commissioner Quinnell: Anyone else?

Unknown Speaker: 206 Goodlander. The school is exiting out on the Wenas highway. That will help some of the traffic.

Commissioner Smith: That is the Junior High school.

Jay Harris approached podium. 191 Lancaster. Just on the other side of the street from Helen. Who are the players, what is going on here? You put two new houses in and it will devalue the neighborhood. Parking is an issue. Where are people going to park during the week? Where is the side walk? Where is the access for these families? During the winter months that is a slick road. What about the irrigation? The thought of 30 foot townhouses that's a lot. I hope he can develop the land but be realistic.

Commissioner Quinnell: Is there anyone else?

Carol Sharp approaches the podium. 981 Selah loop Rd. I have lived in Selah in various locations for over 75 years. I have seen a lot of change. But I have never seen construction in mass in such a small area.

Where will the kids catch the bus? Where will the children play? Parking seems to be a big problem also. What about sidewalks. This cost money not just to the person building but everyone else. How will they deal with the irrigation to all the properties? The number of houses, to me, is impossible. Thank you.

Commissioner Quinnell: Is there anyone else?

Austin Bowers approaches the podium. For the record my name is Austin Bowers. I see a lot of potential for the City and the demand for housing. I see that there are more benefits. I think there is more planning that needs to go into it. With the expansion of Goodlander there will be sidewalk, am I correct?

Commissioner Smith: I don't know.

Dennis Davison: With the expansion there will be sidewalks on the south side of the road.

Austin Bowers: Later down the road that maybe something to consider. Provide everyone with safe passage. There is a bigger picture here that is all I have to say.

Commissioner Quinnell: Is there anyone else?

Mr. Torkelson approaches the podium: I told everyone on the Commission that I was not sitting in that chair tonight. I can't go back and forth from there to here. It was out of fairness not to be hiding.

Commissioner Miller: It seemed that your name was not even called for roll. That bothered me.

Commissioner Smith: It should not have been because he was excused

Mr. Torkelson: I appreciate your comments. First of all, why are you here tonight? What are we doing tonight is two lots. We are here to review a plan development. That was a wonderful trip down memory lane but that is not what we are here for tonight. What we are here for is two lots with short lots on each. Basically 4 lots with a variance. For Mr. Fickes to sit here and tell you that you can put conditions of how tall and how wide I build, well you can ask that but that's not code. Directly you are not going to force it upon me I have to agree with it. There has been president set of 20 foot accesses all over town. Am I any different, is Mr. Bowers any different that Mr. Moss. Do our needs not matter?

Commissioner Miller: if you are asking I think this is very different.

Mr. Torkelson: Directly on every question and aspect there is a hard ship. The lot in back does not meet City code. The public is unhappy with everything. This happened when it was annexed into the City. Most people are not going to limit what they can do to their property. There are other options one we haven't even talked about. We wanted to ease into this. It is what it is. I feel president is set. I feel bad that there is not enough education not enough warning of what is going to happen to their property so they end up in this place. As the Planning Commission I would ask that you focus on what is happening tonight and not on that PD. I do not know if that will happen or not. This has happened before over on Southern. It shows parks and green belt areas. Mr. Bowers would like to sell some of it I would like to build on some of it and at this point that is where I sit today. We will not entertain limits on what we can do with the property. Zoning was already there. Thank you. Mr. Torkelson states his case.

Mr. Fickes: He is right this is not about Whispering View Estates. He is right he could come in and build duplexes on that lot with no review. If he wants to build multiple units it has to go through a class two review and we will be back here again. But he is asking for a variance. Mr. Fickes restate his client's position.

Dennis Davison: I would like to correct a couple comments that were made. All the traffic from the junior high will exit on to Wernex or on to 1<sup>st</sup>. Second the high school has no Selah-Naches irrigation. It is serviced by the Talor Ditch.

Commissioner Smith: Mr. Bowers can I ask you a couple of questions, do you mind. Can you come up to the podium? I do agree you have a right to do with your property anything you want but know that it has been agriculture as long as Selah has been around this idea would never popped into my head. Yakima is growing and Selah is growing and this is a wonderful place to raise kids. If I were looking to take my property and dividing it into 8 lots I would put maybe one duplex or one home on each of those 8 lots, I would never have considered this out of respect for my neighbors. Do you not feel the same way?

Mr. Bowers: Unfortunately the City is going to expand, many of these other property are going to be in the City limits and you are going to see the same thing. The city of Selah will expand. I have seen a lot of changes. You have two choices; buy the property that has been up for sale or more.

Commissioner Smith: How would you feel if you were one of these neighbors?

Mr. Bowers: This property went up for sale. Anyone could have bought it. It is a part of growth.

Commissioner Miller: I just want to be on the record it says there is a hardship because it is too close to the house to build a road. Is this ingenuous? If this was even a possibility when this was applied for then that is misleading and disingenuous, and I find this very objectionable. It is lying some to get what you want.

Mr. Bowers: It's an opinion of what to close to the road is. Everyone has their own thought.

Commissioner Quinnell: Carl, come up here.

Mr. Torkelson comes back to the podium. That was not put on there by us. That was never put on there by us. It was nowhere on the application.

Commissioner Miller: I am glad to hear that.

Commissioner Quinnell: Any other discussion? Comments?

Commissioner Miller: Do we have to move on this tonight?

Commissioner Smith: I hope not because I am tired. I would like to continue this until tomorrow if we can. Can we continue this meeting until tomorrow or next Tuesday?

Dennis Davison: Yes you can continue this until next Tuesday. I suggest if you are going to continue you itemize what specific information you want. What specific questions and information do you need?

Mr. Fickes explains what the commissioners can due to continue to another day.

Mr. Torkelson: I suggest you talk to Mr. Noe to get what you need to know to make a decision.

Commissioner Smith; That is what I suggest I need more time

Dennis Davison: If your desire is to continue this you need to pick a date. Commissioners are deciding on date.

Commissioner Smith: I move to continue this on Wednesday. (May 28, 2014)

Commissioner Miller: I second.

Commissioner Smith: All in favor?

Commissioner Quinnell: I have a motion and a second to continue the Meeting. Educate me Dennis on closing this meeting as far as to what Mr. Torkelson was saying.

Mr. Fickes: The record should be close tonight.

Discussion ensues on how to proceed.

Commissioner Quinnell: We have a motion and a second all in favor say aye. All 4 commissioners say aye, all opposed say nay motion carries. We are continuing this on Wednesday the 28<sup>th</sup> at 5:30.

Dennis Davison: There will be not additional notices for the continuation of the meeting.

Commissioner Miller: Is the Marijuana issue still on the table can we discuss it.

Commissioner Quinnell: The concern is that the Marijuana issue still open. With the continuation of this will Mr. Torkelson still be able to discuss the Marijuana issue? Will that create a problem?

Commissioners: We can deal with the Marijuana issue first then move on.

Dennis Davison: The marijuana issue you told Mr. Noe how you felt Mr. Noe is in the process of preparing an ordinance to implement that.

Commissioners: No we wanted another study session. We had not decided. Maybe we should do that on a separate date.

Dennis Davison: Let's go back for a second. Mr. Davison states what was done what needs to be done about Marijuana. Continued discuss.

Commissioner Pendleton: We voted 3-2 and I thought that was what we were going with.

Commissioner Quinnell: At the time when the second meeting comes up if we are not in agreement can it be addressed at that time.

Dennis Davison: you will probably have new testimony that night.

Commissioners: that will give us an opportunity at that time.

Commissioner Quinnell: Wednesday the 28<sup>th</sup> will be a continuance of tonight. We do not want to close this meeting.

2. New Business-

May 28, 2014 at 5:30 pm. Continuation from May 21, 2014.

c. **BOWERS, DANNY**

915.45.14-02 SUBDIVISION VARIANCE  
913.45.14-02 SHORT PLAT  
913.45.14-04 SHORT PLAT.

Commissioner Quinnell: I would like to call to order this meeting for the continuation of the Bowers shot plat and variance. Roll call first.

Roll call:

Members Present: Commissioners Miller, Quinnell, Pendleton and Smith  
Members Absent: Commissioner Torkelson recused.  
Staff Present: Dennis Davison: Community Planner, Caprise Groo: Secretary.  
Guest: Bob Noe: City Attorney.

Commissioner Quinnell: At this time we will have an executive session on RCW 42.30.1101 I Potential Litigation.

All Commissioners and Bob Noe Leave the room and then return after the Session are complete.

Commissioner Quinnell: Thank you for your patience everybody we will continue the hearing on the subdivision variance for Mr. Bowers. It is still open to the public for comment.

Mr. Fickes approaches the podium. Mark Fickes: I am here for my clients John and Helen Teske. Object to the Executive Session. I have concern because it looks like Mr. David Kelly one of the decision makers went back in Executive Session. Mr. Fickes restates how he and his clients feel about this issue. He also made suggestions on what should be done. He references Exhibit 12 (attached). What is the impact on one acre single family residents? Mr. Fickes reads code and criteria. There is no hardship or special circumstances. We recommend denial of variance. Mr. Fickes still objects to the staff report in general. Thank you.

Commissioner Quinnell: Anyone else?

Carl Torkelson approaches podium. The main objective is lower density. Mr. Torkelson restates his position for him and his client. How tall is the Teske house? Variance- president has been set. Mr. Bowers would like to develop his lot to the fullest. Mr. Torkelson refers to exhibit 1. These properties have the same density. Anyone have question. Thank you.

Commissioner Quinnell: Anyone else?

Helen Teske approaches the podium. ( Property to the north of the Bowers property) I brought a photo shopped picture that shows what would happen if Whispering View Estates happens. Exhibit 10 (attached) This could be what the future holds for us. What is before you is that we will end up with this in the future. She states her opposition to this project. I ask you to deny the variance and these lots with restriction.

Commissioner Quinnell: Anyone else?

Leslie Radebaugh approaches the podium. 80 Lancaster rd. Pictures of Southern Estates. Exhibit 11 a -f. She refers to the picture she brought. No turnaround, no parking, no fire truck to get around. No green space, no sidewalks etc. She states all the reasons these should be denied. Thank you.

Commissioner Quinnell: Anyone else?

David Gordon approaches the podium. I have taken the last few days to go over what was said at the last meeting. I was thinking about my property and what I could do with it raising animals for others for extra money. I guess I could go for it and make some extra money for my family. The idea we are talking about is this is right for me and it is my property and I can do what is best for me unless you try to stop me but it is my property. He continues to state position. We are trying to say we don't think this is the best for us. Please choose carefully how you build the City. Thank you.

Commissioner Quinnell: Anyone else?

Dennis Davison: Dennis brings Exhibits 12 Amended Staff Report. Exhibit 13 Letter from Mr. Torkelson. Exhibit 14 Revised map. He reads the Staff report and letter. One thing I would like to correct the Mr. Fickes brought up is the 50 foot used to be a right of way for a transportation company it was given back when the company no longer existed.

Commissioner Quinnell: Questions? First we have to make a decision on the variance on whether to approve or not. Are there any questions on that?

Commissioner Miller: My concern is that I don't see any hardship. Mr. Miller makes a statement of his concerns.

Commissioner Quinnell: Anyone else have any questions? Motion to deny the variance?

Commissioner Smith: I have not made a decision yet I hate to vote. Do we need to make a decision tonight?

Bob Noe: It is up to you. It just has to be done on open record.

Commissioner Quinnell: Where do we go with this? We have a Motion to deny the variance do we have a second? I have no second. The motion dies for lack of a second. So I can entertain another motion right? Do I have a motion in favor or with conditions?

Commissioner Pendleton: I will motion to approve as long as it meet the Cities requirements.

Commissioner Quinnell: I have a motion with the criteria of exhibit 12, do I have a second, I will second it. I have a motion and a second all in favor say aye and opposed say nay.

Commissioner Miller votes nay.

Commissioner Quinnell: What do we do there?

Commissioner Smith: Discusses what can and can't be done.

Commissioner Miller: still concerned.

Commissioner Quinnell: We have a motion on the table for the variance, second with the criteria of the 26 ft. So the variance has passed with a motion of 3 to one with criteria.

Dennis Davison: Did you approve the variance with the 20 foot or the 26 foot wide utility.

Commission Miller: I don't see why you are allowing the Variance.

Commissioner Quinnell: Because there is a precedents for this and one of the things I considered are the facts and we have allowed this particular variance. In staying consistent ti has been allowed for other properties.

Commissioner Miller: if a president is possible not working it should not be continued. That is my point.

Commissioner Quinnell: I do not know that it is not working, Eric, I have not heard that it is not working.

Commissioner Miller: It isn't working parking is an issue you can tell.

Commissioner Pendleton: Ever if you speculate that they will build whatever they want on it but where voting on if they build those townhouse on it. That's where I'm coming from. It may come up later but not right now.

Commissioner Quinnell: So the next item is the approval or denial on that.

Dennis Davison: We have prepared some finding on that. Dennis reads them for the record. Exhibit 12 and Exhibit 14. We recommend approval.

Commissioner Quinnell: What is the size is the water and sewer going up there?

Dennis Davison: Inside the actual subdivision? We will not know until they do the engineering. It will be bases on code and standard.

Commissioner Smith: On Condition 13 on curb and gutter?

Bob Noe: If you approve there would be 8 lots with a duplex on each lot. That condition is geared to addressing that.

Commissioner Quinnell: Any questions?

Commissioner Miller: We have a condition that there is a side walk the full length of the access road?

Commissioner Smith: On the 26 foot.

Commissioner Miller: No, make it 30 feet.

Commissioner Smith: Is that outside of code, is it outside of city code right now. What is the City street Code?

Same Issue again. Discuss road and Right of way. Dennis explains conditions to the commissioners.

Commissioner Pendleton: We can address this is if it comes about.

Dennis Davison: It would go through this all over again.

Commissioner Quinnell: Do I have a motion? Discussion? Do I have a motion?

Commissioner Pendleton: I motion to approve according to the conditions in exhibit 12

Commissioner Smith: I second it.

Commissioner Quinnell: I have a motion and a second to approve with the conditions of exhibit 12. All in favor say aye, all apposed say nay. Motion passed 3-1.

Mr. Fickes: Bob are you going to prepare the finding for this?

Bob Noe: We're going to do what we have to do?

Commissioner Quinnell: That concludes the new business.

Discussion ensues.

Commissioner Quinnell: I have a motion to adjourn.

Commissioner Smith: I second.

Dennis Davison: I need a second before you adjourn. I have handouts for you on Marijuana.

Commissioner Torkelson joins the commission for discussion of Marijuana.

Dennis Davison: recaps May 21 Marijuana discussions. Mr. Noe has prepared an ordinance. Hearing on the 17<sup>th</sup> of June. It would be nice if you are all here for an accurate vote.

Discussion of projects around town.

Draft ordinances discussed.

Commissioner Quinnell: Any other announcements or reports from anything?

Discussion.

## I. Adjournment

Commissioner Quinnell calls for motion of adjournment, Commissioner Smith Second. All commissioner Vote aye. With a vote of 5/0 the meeting was adjourned at 7:27 pm.



Chairman

City of Selah  
Planning Commission Minutes  
of  
JUNE 17, 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 5:30 p.m.

B. Roll Call:

Members Present: Commissioners: Miller, Torkelson, Smith, Pendleton, and Quinnell  
Members Absent:  
Staff Present: Dennis Davison, Community Planner; Caprise Groo, Secretary  
Guests: Bob Noe, City Attorney

C. Agenda Change None

D. Communications

1. Oral -None.
2. Written – None

E. Approval of Minutes

Chairman Quinnell: Correction on the Marijuana issue on page 6. Commissioner Miller said yes with proper legislation and I agreed.

With modest correction Commissioner Miller moved to approve the minutes, Commissioner Smith seconded. The minutes were approved with a voice vote of 5/0.

F. Public Hearing

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

G: General Business

1. Old Business –
  - a. BOWERS, DANNY  
915.45.14-02 SUBDIVISION VARIANCE  
913.45.14-02 SHORT PLAT  
913.45.14-04 SHORT PLAT

Commissioner Quinnell defers to Mr. Davison.

Commissioner Torkelson recues himself at this time.

Mr. Davison asks if all the Commissioners have read the finding, conclusions and recommendations.

FILE NO: 915.45.14-02 SUBDIVISION VARIANCE  
913.45.14-02 SHORT PLAT  
913.45.14-04 SHORT PLAT

The applicant/proponent is Mr. Daniel Bowers. The subject property is located at 207 East Goodlander. (Parcel Numbers 181425-33029 and 33030 respectively)

Daniel Bowers has applied for a variance pursuant to Selah Municipal Code (SMC) 10.30.030. He is requesting a variance to a provision in the City's subdivision code, SMC 10.50.041(e)(3) which requires that each lot must front onto a public street. The variance, if granted would then permit him to create access via private road to the back side of his property and the lot situated there. Thereafter, he is seeking to subdivide the lots each into four separate lots. The lots created will not front a public road but would instead have access via the private road in accordance with the variance, if granted.

The Planning Commission conducted open record hearings on May 21, 2014 and May 28, 2014 to consider the applications, take testimony and consider evidence germane to the issues presented.

Thereafter, the Planning Commission voted 3-1 to approve the requested variance and to approve the short plat applications, subject to conditions. The Planning Commission directed City Staff to prepare findings, conclusions, and recommendations for the Planning Commission's review and approval.

Wherefore, the Planning Commission, having conducted the hearings described above, and having considered all of the testimony, evidence, argument for and against Mr. Bowers' applications, now enters the following, Findings, Conclusions, and Recommendations:

#### **FINDINGS:**

Because the variance request is so closely associated with the short plat applications, one set of findings are made which are applicable to both the variance request and the short plat applications.

1. The applicant/proponent is Mr. Daniel Bowers. He is the owner of the subject property.
2. The subject property is located at 207 East Goodlander. It is situated approximately six hundred (600) feet east of North 1st Street and four hundred (400) feet west of Lancaster Road.
3. Mr. Bowers' property currently consists of two lots bearing Yakima County Parcel Numbers 181425-33029 and 33030 respectively. Lot 33030 lies to the south of 33029 and it fronts East Goodlander. Lot 33029 is to the north of Lot 33030 and does not front East Goodlander, although it is a flag lot with a portion of the lot extending down to abut East Goodlander.
4. Mr. Bowers' property is a narrow but very deep lot.
5. Mr. Bowers' request for a variance in order to gain access to the northern lot, which is essentially landlocked, is not a unique request for the City of Selah. The City of Selah has considered numerous similar requests for a variance with respect to these types of narrow and deep lots and has granted those requested variances.
6. Mr. Bowers' existing parcels contain a single family residence and a riding arena. The property is zoned Two-Family Residential (R-2).
7. Regarding neighboring land uses the properties to the north of Mr. Bowers' property are being use for single family residences, to the south is Selah High School and an accessory parking lot, to the east the properties are being used for single family residences, and to the west the properties are being used for single family residences.
8. Regarding the surrounding area zoning designations, the properties to the east and west are zoned Two-Family Residential (R-2), the properties to the south are zoned One-Family Residential (R-1), and the properties to the north (which is unincorporated Yakima County) are zoned One-Family Residential (R-1).

9. The City of Selah Urban Growth Area Comprehensive Plan provides with respect to the property the following: The 'future land use map' contained in the 2005 City of Selah Urban Growth Area Comprehensive Plan designates the site and properties to the East and West as "Moderate Density Residential" providing for a maximum density of twelve (12) dwelling units per acre, properties to the South are designated Quasi Public Open Space prohibiting residential development, and properties to the North are "Low Density Residential" providing for a maximum density of five (5) dwelling units per acre.
10. The City of Selah as lead agency for environmental review in this matter under SEPA determined that Mr. Bower's proposals are categorically exempt from SEPA.
11. Basic public utilities are available to serve the site, (i.e. telephone, electricity, etc.). There is a twelve (12") inch sewer line in East Goodlander adjacent to the proposed short plats. There is also a twelve (12") inch domestic water line in East Goodlander adjacent to the proposed short plats.
12. The abutting street, East Goodlander, has two travel lanes, variable right-of-way width, sidewalk on the south street side but no street illumination, curb or gutter.
13. East Goodlander is scheduled for substantial improvement in the near future. Improvements contemplated will include widening, installation of a turning pocket at Lancaster, installation of street illumination, curb and gutters on both sides of the roadway, sidewalk replacement on the south side, and installation of a drainage system.
14. Mr. Bowers proposes to install a twenty-six (26) foot wide access and utility easement on the west side of his properties so that he can access the back lot without the necessity of that back lot fronting a public roadway. If that variance is granted, Mr. Bowers proposes that lots created through subdivision (short plat) will also be served by that access and utility easement.
15. All lots proposed will be connected to municipal utilities (i.e., water / sewer)
16. The division of the two lots into four lots each, will permit under the City's codes the construction of a duplex on each lot. At full build out, this has the potential to contribute approximately one hundred sixty (160) additional vehicle trips per day onto East Goodlander.
17. Mr. Bowers' lot, Parcel Number 33029, which abuts East Goodlander, is extremely steep rising thirty-five (35) feet in the first one-hundred fifty-five (155) feet.
18. There has been speculation provided through testimony and argument presented that Mr. Bowers is intending to develop his property at a higher density than that which is currently permitted within the R-2 zoning designation.
19. Arguments were made to the Planning Commission requesting that the Planning Commission restrict the number of lots that can be created and to restrict the type, size, or configuration of any structures that could be built on any lot that may be created.
20. The proposed short plats abut East Goodlander which is designated a "collector".
21. A sidewalk currently exists on the south side of East Goodlander.
22. Storm water drains via its natural and historical course. Storm water from the short plat will also continue to drain according to its natural and historical course. Drainage improvements are included as part to the East Goodlander improvements.
23. No open space is proposed as part of the current applications for short plat.
24. Regarding parks and recreation and playgrounds, the adjacent school grounds and Carlon Park serve the proposed short plats.

25. Regarding schools and school grounds there are public schools found throughout the community.
26. As previously noted the City has adopted a comprehensive plan that designates the subject property Moderate Density Residential allowing for continued residential development and the City in support of and consistent with the comprehensive plan has adopted a zoning ordinance and zoned the property Two Family Residential (R-2).
27. All parcels proposed to be created through the short plat will exceed the minimum lot size requirement.
28. Fire Code provisions applicable to the short plat will be followed.
29. An additional utility easement running along the east side of the Bower properties will be provided in the event side sewer lines or other utilities are better situated on the east side rather than on the west side within the access easement.

**DECISION MAKING CRITERIA:**

**A. Subdivision Variance criteria:**

Selah Municipal Code 10.30.030 provides that the Planning Commission may authorize a variance from the application of SMC 10.50.041(e)(3), which requires that all lots front a public road where such variance will not be contrary to the public interest and the City's comprehensive plan. The Planning Commission shall consider the following criteria and make findings concerning the same before a variance can be granted:

- a) That special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, do exist; and,
- b) That because of such special circumstances, strict application of this title would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity under identical zoning district classification; and,
- c) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district classification in which the property is situated; and,
- d) That the special circumstances do not result from the actions of the applicant; and,
- e) That the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; and,
- f) That the granting of a variance will be in harmony with the general purpose and intent of this title, the specific zoning district and the comprehensive plan; and,
- g) That the administrative adjustment or administrative modification provisions of this chapter were either not applicable or were insufficient to provide the relief sought from the standards of this title.

**B. Short Plat application review.**

SMC 10.50.016 provides that the Planning Commission shall review short plat applications for compliance with the subdivision ordinance. The Planning Commission should consider how the proponent has addressed the following items enumerated in SMC 10.50.017 as follows:

- (1) Water mains, fire hydrants and other necessary appurtenances;
- (2) Sanitary sewer lines, manholes, and other necessary appurtenances;
- (3) Culverts and other drainage structures if required;

- (4) Sidewalks, curbs, gutters and street paving;
- (5) Appropriate dedications or easements, made if required;
- (6) All improvements shall be installed at the cost of the sub divider;
- (7) All improvements shall conform to grades and specifications established and approved by the city.

The Planning Commission also must ensure compliance with state law provision relating to subdivisions found in RCW 58.17.110.

## **CONCLUSIONS:**

Based on the Findings set forth and applying the review criteria to those Findings, the Planning Commission makes the following Conclusions:

### **A. VARIANCE.**

Applying the criteria that the Planning Commission must consider when addressing the variance request to the findings set forth above, the Planning Commission concludes:

a) Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings exist. The property is narrow and extremely deep. Any division of the property will result in lots that do not front a public roadway; which results in the inability to subdivide a lot that would otherwise be dividable under normal circumstances. The parcel abutting East Goodlander is steep and is not conducive to ready development.

b) Due to the special circumstances described above a strict application of the code would deprive Mr. Bowers of rights and privileges enjoyed by other properties in the vicinity under identical zoning district classification. As indicated, but for the unique characteristic of this property being narrow and deep, these lots could, under normal circumstances, be divided into four lots each consistent with the City's comprehensive plan and zoning code. Several similar variances for parcel depth have been approved in the South Selah Garden Tracts. Providing Mr. Bowers with a variance would treat him consistent with others similarly situated.

c) The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district classification in which the property is situated. The variance will permit access to property which is otherwise not fronting a public road. Under that circumstance the property could then be divided into lots meeting the minimum requirements of the City's zoning code. This property is within a zoning designation that permits lots of the proposed size and lots of such size are permitted and contemplated to be not materially detrimental to the public welfare or injurious to property. There is adequate infrastructure to support such lots and the welfare of the public is not compromised. The variance and lots created under the short plat applications will be consistent with surrounding uses.

d) The special circumstances described above are not the result of the actions of the applicant.

e) The variance is the minimum variance that will make possible the reasonable use of the land. The variance here applies only to the one code provision preventing the subdivision of the property. Under normal circumstances the property would be readily subdivided. This minimal variance is all that is required to permit Mr. Bowers the reasonable use of his property which is enjoyed by others.

f) The granting of a variance is in harmony with the general purpose and intent of this title, the specific zoning district and the comprehensive plan. As indicated, the variance permits for the subdivision of the property in a manner that is consistent with the subdivision code, the zoning district and the City's comprehensive plan. Such a subdivision of property is contemplated and expressly permitted.

g) Administrative adjustment or administrative modification provisions of this chapter are not applicable or are insufficient to provide the relief sought from the standards of this title. The city's administration could not grant relief for Mr. Bowers. A variance was the only process applicable and sufficient to provide relief from the strict application of the code provision.

## **B. SHORT PLATS.**

a) Streets, roads, alleys and other public ways. The short plat abuts East Goodlander which is designated a "collector". There will be improvements made to East Goodlander including widening, installation of sidewalk curbs/gutters, installation of street illumination, and the installation of drainage improvements. The existing street infrastructure and the near term improvements are sufficient to accommodate the additional vehicular traffic that may be generated from the short plats.

b) Sidewalks. A sidewalk currently exists on the south side of East Goodlander this provides for pedestrian access and use.

c) Drainage. Storm water will continue to drain via its natural and historical course. Drainage improvements will be included in the East Goodlander improvements. The short plat will not alter historical drainage patterns, street drainage will not increase and improvement to the drainage in East Goodlander will be sufficient to address any drainage impact.

d) Water utility. A 12 inch municipal water line is located in East Goodlander adjacent to or near the short plat. Adequate municipal water is available to serve the property as it currently exists and as it is short platted including and any future development on it.

e) Sewer. A 12 inch municipal sewage collection line is located adjacent or near the short plat. Adequate municipal sewage collection facilities are available to serve the property as it currently exists and as it is short platted including any future development on it.

f) Open spaces. Though not specifically enumerated in SMC 10.50.017 but a consideration pursuant to RCW 58.17, although there is not open space currently set aside as part of the short plat proposal, adequate open space exists nearby to serve the proposed short plats (Selah High School and Carlon Park) .

g) Parks, Recreation and Playgrounds. Again, though not specifically enumerated in SMC 10.50.017 but a consideration pursuant to RCW 58.17, the adjacent school grounds and Carlon Park will serve the proposed short plats.

h) Schools and School Grounds. Again, though not specifically enumerated in SMC 10.50.017 but a consideration pursuant to RCW 58.17, public schools are found throughout the community. The proposed short plats will potentially generate additional students and demand for school facilities but such facilities are readily available at present.

i) Public Health, Safety and General Welfare. Consistent with RCW 58.17, municipal water and sewerage facilities and the municipal street system will all serve the site. The short plat can be designed to ensure adequate ability for emergency service response to the site as well. The proposal is not injurious or detrimental to the public, health, safety or general welfare.

j) Public Interest Served. Consistent with RCW 58.17, the public interest will be furthered and served by the proposed short plat. The City has adopted a comprehensive plan that designates the property Moderate Density Residential allowing for continued residential development. The City in support of that comprehensive plan has adopted a zoning ordinance and zoned the property Two Family Residential (R-2). All parcels created through the short plat process would be consistent with and in furtherance of the intent and policies of the comprehensive plan and consistent with the zoning code. All lots created would exceed the minimum lot size required in the zone.

## **C. RECOMMENDATIONS.**

### **A. SUBDIVISION VARIANCE.**

The Planning Commission recommends that the City Council APPROVE the variance which permits a twenty-six (26) foot wide utility / access easement to serve all lots that would not have abutting public street frontage based upon the Findings and Conclusions above.

**B. Short Plats.**

The Planning Commission recommends that the City Administrator APPROVE the two short plat applications based upon the Findings and Conclusions above and that the approval be subject to the following thirteen conditions:

1. Final lot dimensions, lot area, and improvements indicated on the proposed short plat map or specific conditions imposed by the Commission must substantially conform to the short plat recommended by the Planning Commission.

2. The following note must be placed on the short plat map:

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

3. A twenty-six (26) foot wide easement shall be provided across the westerly twenty-six (26) feet of Lot 1A, and subsequent Lots 2A, 3A, 4A, 1B, 2B, and 3B for utility and vehicular access to all lots.

4. A ten (10) foot wide easement shall be provided across the easterly ten (10) feet of Lot 1A, and subsequent lots 2A, 3A, 4A, 1B, 2B, and 3B for utilities.

5. The short plat shall be recorded within five (5) years of the City's approval or such approval expires.

6. The recorded short plat shall provide reference of a separate, twenty six foot wide, access and utility easement in favor of Lots 2A, 3A, 4A, 1B, 2B, and 3B across Lot 1A along the westerly twenty six feet of each lot. The subject access/utility easement over and across Lot 1 and the remaining lots, EXCEPTING LOT 4B, is for the purpose of accessing, constructing, installing, maintaining and operating private utilities within the easement and the right of ingress and egress with perpetual right to enter into and upon said land for the purpose of installing and maintaining said private utilities, and also, at all times in the future, for the purpose of repairing, inspecting, making connections therewith, maintaining and operating the utilities.

The recorded short plat shall provide reference of a separate, ten foot wide, utility easement in favor of Lots 2A, 3A, 4A, 1B, 2B, and 3B across Lot 1A along the easterly ten feet of each lot. The subject access/utility easement over and across Lot 1 and the remaining lots, EXCEPTING LOT 4B, is for the purpose of accessing, constructing, installing, maintaining and operating private utilities within the easement with perpetual right to enter into and upon said land for the purpose of installing and maintaining said private utilities, and also, at all times in the future, for the purpose of repairing, inspecting, making connections therewith, maintaining and operating the utilities.

7. Short Plat 913.35.14-04 (parcel 181425-33030 shall be required to dedicate five (5) feet of right of way (plus or minus) adjacent to East Goodlander for roadway purposes such that the total of the East Goodlander right of way shall be 30 feet after dedication.

8. Within the twenty-six (26) foot wide access/utility easement shall be provided a minimum twenty (20) foot wide hard surfaced driving area extending from East Goodlander to the south lot line of proposed Lot 4B.

9. In accordance with the IFC Section 503.1 no structure will be constructed upon any of the lots using the 20 foot wide road (identified in condition 8 for access and egress) that has any portion of the structure more than 150 feet from the 20 foot road required under condition 8.

The recorded short plat shall provide reference to this restriction on the maximum distance at which a structure may be constructed upon each Lot from the access road.

10. Because the road to be provided under condition 8 will be a dead end road in excess of 150 feet in length, an approved area for turning around a fire apparatus shall be provided at 150 foot intervals along the roadway. Alternatively, a cul de sac with a 90 foot diameter can be installed at the terminus of the road. IFC 503.2.5

11. Two fire hydrants must also be installed along the road to be provided under condition 8. A fire hydrant must be provided for each 250 foot section of the road. Additionally, where hydrants are located along the road, that portion of the road must be expanded to twenty-six feet in width and the 26 wide sections shall extend and continue 20 feet north of the hydrant and 20 feet south of the hydrant's location. IFC D103.1, figure D103.1.

12. Fire lane signs as specified in the IFC D103.6 shall be posted on both sides of the road to be provided for under condition 8.

13. East Goodlander is scheduled to be improved in the near future. East Goodlander abutting parcel 181425-33030, which is the subject of a shot plat application herein, will be improved to include curb and gutter on the frontage of parcel 181425-33030. The applicant must either (1) install a sidewalk along the frontage of parcel 181425-33030 at the time that the curb and gutter are installed or immediately following installation of the curb and gutter; or, (2) the applicant must pay an amount to the City sufficient to pay for the installation of a sidewalk along the frontage of parcel 181425-33030. The amount of payment required shall represent the applicant's proportionate share of the cost of the sidewalk based on lineal footage and shall be based upon the City's engineering estimate for the costs of installation. In the event that the actual costs to install the sidewalk exceed the engineer's estimate, applicant is obligated to pay an amount in addition to the amount already paid so that sum of both payments does not exceed a total of 115% of the engineer's estimate.

Note: The short plat application requests the creation of lots in sizes that exceed the minimum required dimensions for lots within the R-2 zone. Although requested to do so by opponents of the proposed short plats, the Planning Commission is not recommending the imposition of any conditions further restricting the number of lots that be can be created as there is no legal basis to do so.

Although requested to do so by the opponents of the proposed short plats, the Planning Commission is not recommending the imposition of any conditions dictating what type of structures can be built on any of the individual lots created, the configuration of such structures, or any other conditions related to the construction of structures on the lots based upon speculation of what may occur at the site. There is no legal basis to do so at this time. Because the property is within the R-2 zone, a duplex may be constructed on each lot consistent with the zoning designation. The structures will go through the City's permitting processes to ensure compliance with applicable development and building codes. In the event Mr. Bowers seeks to construct something that is not otherwise expressly permitted within the City's codes, he will be required to go through review processes and through those processes there may be the imposition of certain conditions based upon what is actually presented as a development proposal at that time.

Chairman Quinnell called for any changes.

Mr. Noe: The commissioners for this will be voting.

Commissioner Pendleton motioned, Commissioner Smith seconded.

Chairman Quinnell called a vote ayes carry 3-0.

Mr. Noe had Commissioners Pendleton, Smith, and Quinnell sign the document.

Chairman Quinnell moved to the next order of business.

2. New Business –

- a. Adopt text amendment to Selah Municipal Code, title 10 chapter 10.28 regulating Marijuana

Commissioner Torkelson returned.

Mr. Davison discussed with the Commissioners how the vote could proceed and that all the Commissioners could vote on the finding.

Commissioner Torkelson motioned to accept the finding and Commissioner Pendleton seconded the motion.

Chairman Quinnell: I have a motion and a second to adopt the findings for the Selah Municipal Code Amendment. Ayes carry with a voice vote of 5/0.

**AN ORDINANCE of the City of Selah, Washington, amending sections of Selah Municipal prohibiting the cultivation, production, processing or retail sales of recreational marijuana within the City of Selah.**

WHEREAS, prior to 1988 both federal and state law prohibited the production, processing, and dispensing of medical cannabis and both prohibited the use of marijuana for recreational purposes;

WHEREAS, in 1988 then Governor Gary Locke signed into law the Medical Cannabis Act, which provides for the use of medical marijuana by patients with qualifying medical conditions;

WHEREAS, unfortunately the Medical Cannabis Act created inconsistencies with federal law;

WHEREAS, in 2011 the state legislature passed ESSB 5073 in order to clarify issues with the Medical Cannabis Act; that bill authorized medical cannabis dispensaries, and allowed qualifying patients to participate in collective gardens to grow marijuana for medical use. The Bill specifically provided that cities could regulate and license the production, processing, and dispensing of medical marijuana within their local jurisdictions;

WHEREAS, ESSB 5073 also called for the state to regulate medical marijuana. Governor Gregoire at the time, however, vetoed all portions of the bill requiring any state regulatory action. The Governor expressed concern that state employees would be placed into a situation of violating federal law while performing the duties of their jobs;

WHEREAS, although additional legislation has been proposed with respect to medical marijuana, no further legislation has passed addressing these concerns;

WHEREAS, in November 2012 the citizens of the state approved I-502. I-502 legalizes the possession of limited amounts of marijuana by persons 21 years of age or older. I-502 had no effect on the Medical Cannabis Act;

WHEREAS, Under I-502 the Washington State Liquor Control Board (WSLCB) is authorized to license and regulate the cultivation, production, processing and retail sales of recreational marijuana;

WHEREAS, under its rulemaking authority granted under I-502 the WSLCB promulgated rules in the Washington Administrative Code (WACs) applicable to the cultivation, production and retail sales of recreational marijuana;

WHEREAS, the United States Congress previously passed the Comprehensive Drug Abuse and Prevention and Control Act of 1970. The Act created a comprehensive approach to the regulation of controlled substances and enforcement related to drugs. The Act is referred to as the Controlled Substances Act;

WHEREAS, Congress established 5 "schedules" or classifications for drugs. Drugs are placed into certain schedules based upon their potential for abuse, their accepted medical use in treatment, and the physical or psychological consequences of abuse;

WHEREAS, the federal government has classified marijuana as a Schedule I controlled substance. To qualify as a Schedule I controlled substance there had to be a showing and it must be found that:

- (1) The substance has a "high potential for abuse"
- (2) The substance has no currently accepted medical uses for treatment

(3) And that there is a lack of accepted safety for use of the drug under medical supervision;

WHEREAS, the Controlled Substance Act makes it illegal to knowingly or intentionally “manufacture, distribute, or dispense a controlled substance”;

WHEREAS, the United States Supreme Court had occasion to consider the Controlled Substance Act and its interaction with state laws. The Supreme Court found that under the Commerce Clause of the Constitution, the federal government could properly regulate marijuana as a Schedule I controlled substance and that under the Supremacy Clause, the provisions of the federal Controlled Substances Act prevail over any conflicting state laws. *Gonzales v. Raich*, 545 U.S. 1, 125 S.Ct. 2195, 162 L.Ed. 2d 1 (2005);

WHEREAS, the Washington State Attorney General issued Formal Opinion, AGO 2014 No. 2 finding that cities can regulate marijuana cultivation, production and retail through land use controls and other regulatory means. This includes the ability of cities to ban such within their jurisdictions;

WHEREAS, as part of the regulations that the WSLCB promulgated, the WSLCB specifically provides at WAC 314-55-020(11) that:

The issuance or approval of a license shall not be construed as a license for, or an approval of, any violations of local rules or ordinances including but not limited to: building and fire codes, zoning ordinances, and business licensing regulations.

WHEREAS, the Washington State Constitution at Article 11, Section 11 provides general police powers to cities and authorizes cities to adopt land use controls and regulate land within their respective jurisdictions;

WHEREAS the Growth Management Act, RCW 36.70A, specifically empowers cities to develop and adopt land use controls within their jurisdictions;

WHEREAS, public safety officials have indicated that there will be secondary impacts associated with the recreational use, cultivation, production, processing, and sale of marijuana;

WHEREAS, there are documented secondary effects from analogous medical marijuana dispensaries in other cities and counties including the crimes of murder, robbery, burglary, drug dealing, sales to minors, loitering, heavy foot and vehicular traffic, increase noise, odors, and health hazards such as the proliferation of molds; See, “White Paper on Marijuana Dispensaries,” California Police Chiefs Association’s Task Force on Marijuana Dispensaries (April 22, 2009) and *City of Riverside v. Inland Empire Patients Health and Welfare Center*, 56 Cal. 4th 729, 756 (2103);

WHEREAS, there are impacts that will be visited upon local jurisdictions due to I-502 and those secondary impacts may not yet be fully known; but it is certain that there will be a need for increased public safety efforts and, although, the state provides for a 25% taxation scheme on the production and retail of marijuana, none of that tax money will come to local jurisdictions who are tasked with addressing such impacts locally;

WHEREAS, a significant safety concern is presented because money generated by cultivators, producers, processors, or retailers of marijuana cannot be deposited to federally insured banking institutions (there appears to be a limited ability for cultivators, producers, and processors (not retailers) to make deposits into currently one banking institution located in Spokane;

WHEREAS, large sums of money that cannot be deposited to banking institutions with appropriate safety and security measures in places presents a concern that armed robbery and or burglary could take place within the premises of such establishments. This safety concern cannot be disregarded and the City feels a responsibility to its citizenry to ensure that the banking issues are fully resolved prior to considering where, and under what conditions, if any, cultivators, producers, processors, or retailers of marijuana should be permitted within the City;

WHEREAS, the City Council cannot ignore the issues existing between the state law and federal laws (which take precedent over conflicting state laws), including among other concerns the banking concerns identified above;

WHEREAS, medical marijuana as authorized under the Medical Cannabis Act (1988) has not presented a concern of any significance to local jurisdictions since its inception in 1988. It does not appear necessary at this time that any action need be taken with respect to medical marijuana and that collective gardens, providers and medical marijuana users who are in compliance with state law should be permitted to continue to do so without the necessity of any local action to zone or otherwise regulate that activity at this time;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON DOES ORDAIN AS FOLLOWS:**

**Section 1. Findings.** The “whereas” recitals set forth above are hereby adopted as the City Council’s findings and are incorporated herein by this reference as if fully set forth.

**Section 2. Planning Commission Recommendation Adopted.** The City Council follows and adopts the recommendation of the Planning Commission to adopt this ordinance imposing a ban on the cultivation, production, processing and sale of recreational marijuana within the City;

**Section 3. No effect on Medical Marijuana.** The provisions of this ordinance have no effect on medical marijuana cultivation, production, processing, distributing or collective gardens as regulated under state law, RCW 69.51A.

**Section 4. Sections 10.28.010 and 10.28.020 of the Selah Municipal Code amended to prohibit illegal uses.**

Section 10.28.010 of the Selah Municipal Codes is amended as follows:

10.28.010 Designations

- (a) 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.
- (b) 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:
  - (1) Consistency with the city's comprehensive plan goals, objectives, policies and development criteria;
  - (2) The intent, character and development standards appropriate to the zoning district within which it is to be located;
  - (3) Compatibility with other uses; and
  - (4) Other relevant requirements of state or city law.
- (c) If a proposed use is to be situated on property within the jurisdictional boundaries of the city's shoreline 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.
- (d) **Illegal uses are not permitted under any classification within the City of Selah. See section 10.28.020 of this Chapter.**

Section 10.28.020 of the Selah Municipal Code is amended as follows:

10.28.020 Land use table.

(a) Chapter 10.28, Table A, lists those uses which may be permitted through Class 1, II or III 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.

**(b) Land uses not specifically permitted in Table A are not permitted uses within any zoning district within the City of Selah unless authorized through the similar use process set forth in this Chapter.**

**(c) Illegal Uses Prohibited within the City.**

(1) **General. Uses that are deemed illegal under local, state, or federal law are prohibited and not permitted within any zoning district within the City of Selah.**

(2) **Recreational Cannabis/Marijuana cultivation, production, processing, and retailing. The cultivation, production, processing and retail sale and retail outlets for the sale of cannabis/marijuana (all as defined under I-502, as may be codified in the Revised Code of Washington and as used in the implementing regulations in Chapter 314-55 of the Washington Administrative Code) are prohibited and not permitted within any zoning district within the City of Selah.**

**Section 5. City Council to Reconsider this Ordinance.** The City Council shall reconsider this ordinance at such time as the concerns relating to banking are resolved. The ability of persons or entities at every level of the process (from cultivation, production, and processing to retailing) to utilize banking institution in such a manner that the monetary proceeds generated from such establishments can be deposited safely into recognized and secure banking institutions must be resolved prior to City Council reconsideration due to the safety concerns identified in the findings herein.

**Section 6. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 7. Effective Date.** This ordinance shall be in full force and effect 5 days after its passage, approval, and publication as provided by law.

**Section 9. Moratoria Lifted.** Any moratorium previously adopted concerning the subject matters of this Ordinance (recreational and medical marijuana) are hereby lifted and terminated effective the same date on which this Ordinance takes effect.

ORDAINED this \_\_\_\_\_ day of July, 2014.

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

ATTEST:

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

APPROVED AS TO FORM:

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

Chairman Quinnell: New business (a) what taken care of now to new business (b).

b. Comprehensive Plan Amendments Schedule

Mr. Davison: This is a philosophical discussion. Mr. Davison would like the Commissioners in put on the subject. It was requested that the dead line be moved up to July this year and then go back to normal in 2015.

Discussion ensues: Concern that contractors and owners be notified of the change. If the date is to be moved can it be moved on a permanent basis? Can notices be sent out?

Proposal: Move the Comprehensive Plan Amendments schedule deadline to July 31 this year 2014 and Jan 31 for 2015. Jan 31 would become the permanent dead line.

Commissioner Miller moves to change this year's Comprehensive Plan Amendments schedule deadline to July 31 and the consecutive year's deadline to Jan 31.

Commissioner Smith seconded the motion.

Commissioner Quinnell calls for a voice vote. Ayes carry to move the deadlines with a voice vote of 5/0.

H. Reports/Announcements

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

Mr. Davison discusses the projects going on around town and how these are progressing and the time it will take to complete them.

Mr. Davison discusses the different types of inspections Mr. Brons is completing at the school.

I. Adjournment

Commissioner Miller moved to adjourn and Chairman Quinnell seconded the motion. The meeting was adjourned at 6:04 pm with a voice vote of 5-0.



Chairman