

# SELAH CITY COUNCIL

6:30pm September 22, 2015

5:00pm Study Session - Shane Backlund,  
Superintendent - Selah School District Update

5:30pm Study Session - Planning Commission,  
Chapter 10.24 Discussion



Selah City Council  
Regular Meeting  
Tuesday, September 22, 2015  
6:30pm  
City Council Chambers

Mayor:  
Mayor Pro Tem:  
Council Members:

John Gawlik  
Paul Overby  
John Tierney  
Dave Smeback  
Allen Schmid  
Roy Sample  
Jane Williams  
Laura Ritchie

CITY OF SELAH  
115 West Naches Avenue  
Selah, Washington 98942

City Administrator:  
City Attorney:  
Clerk/Treasurer:

Don Wayman  
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
  - 1. Flag Presentation – Aaron Blanchard, Captain  
Michael Blanchard, Captain
  - 2. Award Presentation – SRO/MPO Pauli Martin
- 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

Andrew Potter a. Selah Downtown Association Monthly Report

- 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 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 8, 2015 Council Meeting
- Dale N. \* 2. Approval of Claims & Payroll

### J. Public Hearings

- Dale N. 1. Public Hearing on Revenue Sources for the 2016 Budget

### K. New Business

- Joe Henne 1. Application to Department of Ecology for the Taylor Ditch Outfall Reduction project

- L. Old Business **None**

**M. Resolutions**

- Joe Henne 1. Resolution Authorizing the Mayor to accept the East Goodlander Road Transportation Improvement Board (TIB) Improvements as complete and sign the Updated Cost Estimate and Project Accounting History and authorize release of retainage bond
- Tom Durant 2. Resolution Approving the Final Plat of “Whispering Views Estates” (912.45.14-02) and Authorizing the Mayor to sign the Final Plat
- Tom Durant 3. Resolution Adopting Planning Commission approval of Class 3 Review application by Northwest Tower Engineering and Catholic Diocese of Yakima for a 35 foot high communication tower and associated equipment building in the R-1 zoning district (928.95.15-01)
- Tom Durant 4. Resolution Adopting Public Participation Plan (PPP) for the City of Selah’s Comprehensive Plan Update

**N. Ordinances**

- Bob Noe 1. Ordinance Amending Chapter 5.12, to the Selah Municipal Code, “Enforcement/Penalties” to Ensure Consistency in Penalty Provisions; Establishing an Effective Date; and, Providing for Severability

**P. Reports/Announcements**

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

Caprise Groo a. Planning Commission Minutes – September 1, 2015

**Q. Executive Session**

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

**R. Adjournment**

Next Study Session      October 13, 2015  
Next Regular Meeting    October 13, 2015

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 informational or advisory item.

**CITY OF SELAH  
WASHINGTON  
ORDINANCE NO.**

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**AN ORDINANCE OF THE CITY OF SELAH,  
WASHINGTON, ADDING A NEW SELAH MUNICIPAL  
CODE CHAPTER 10.24 RELATING TO PLANNED  
DEVELOPMENT; CREATING A PLANNED  
DEVELOPMENT (PD) OVERLAY ZONE; ESTABLISHING  
DEVELOPMENT REGULATIONS FOR PLANNED  
DEVELOPMENT OVERLAY ZONES; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE  
DATE**

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WHEREAS, the City Council desires to provide for an overlay zone in order to better regulate planned development activity within the City of Selah;

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

Section 1. New Chapter 10.24 SMC, Planned Development, Added. A new Selah Municipal Code Chapter 10.24, entitled "Planned Development," is hereby adopted to read as follows:

**Chapter 10.24  
PLANNED DEVELOPMENT**

**Sections:**

- 10.24.010 Purpose**
- 10.24.020 Applicability**
- 10.24.030 Definitions**
- 10.24.040 Planned Development Overlay Zone—Created**
- 10.24.050 Planned Development Overlay Zone—Criteria**
- 10.24.060 Application—Procedure**
- 10.24.070 Application—Planned Development Plan**
- 10.24.080 Hearing Examiner Recommendation**
- 10.24.090 City Council Action—Effect of Approval**
- 10.24.100 Development Standards—Design**
- 10.24.110 Development Standards—Open Space**
- 10.24.120 Development Standards—Roads and Parking**
- 10.24.130 Limitations on Authority to Alter Zoning**
- 10.24.140 Modifications**

## **10.24.150 Reconstruction of Damaged Buildings or Improvements**

## **10.24.160 Appeal**

### **10.24.010 Purpose**

The purpose of this chapter is to establish a planned development overlay zone to allow new development that is consistent with both the Comprehensive Plan and the intent of the underlying zoning district, but which would not otherwise be permitted due to limitations in dimensional standards, permitted uses, or accessory uses in the underlying zoning district. Planned Development Overlays are intended to:

A. Encourage flexibility in design and development that is architecturally and environmentally innovative and which will result in a more efficient aesthetic and desirable utilization of the land than is possible through strict application of otherwise applicable zoning and subdivision controls; and

B. Provide for the clustering of dwelling units, usable open space and mixed-density residential development, including but not limited to single-family, duplexes, townhouses, apartments and multiple-family dwellings as provided for by the Comprehensive Plan, while protecting and maintaining compatibility with existing residential neighborhoods.

### **10.24.020 Applicability**

This chapter applies to applications for and development within a planned development overlay zone, and is to be used in conjunction with the land use classification system established in Title 10 of the Selah Municipal Code and with the Comprehensive Plan.

### **10.24.030 Definitions**

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise or they are more specifically defined in a section or subsection. Terms not defined shall be as defined by Appendix A to Chapters 10.02 through 10.48 SMC, otherwise shall be given their usual meaning.

“ADA” means the Americans with Disabilities Act of 1990.

“City Administrator” means the City of Selah City Administrator appointed pursuant to SMC 1.10.015.

“City Council” or “Council” means the City Council of the City of Selah, Washington.

“Code” or “SMC” means the Selah Municipal Code.

“Compatible” For the purpose of this Chapter, if all of the requirements of Sections 10.24.100, 10.24.110 and 10.24.120 are met, including those that are not mandatory but are indicated as being “preferable”, the Planned Development should be considered to be compatible with surrounding land uses, absent clear evidence to the contrary. If all of the requirements are not met (except for certain standards that are mandatory and cannot be reduced) additional information from the applicant will be required and the PDP may need to provide alternative measures to assure that the project is compatible.

“Comprehensive Plan” means the 2005 Urban Growth Area Comprehensive Plan adopted by the City of Selah, or as subsequently amended.

“City” means the City of Selah, Washington.

“Hearing Examiner” means the City of Selah Hearing Examiner appointed pursuant to SMC 1.60.020.

“Major Modification” means modifications which substantially change the character, basic design, density, open space or other requirements and conditions of the approved Planned Development Overlay, as further defined in SMC 10.24.140(B).

“Minor Modification” means modifications which may affect the precise dimensions or siting of buildings (i.e., lot coverage, height, setbacks) but which do not affect the basic character or arrangement and number of buildings approved in the Planned Development Overlay, as further defined in SMC 10.24.140(A).

“Planned Development Overlay” or “PDO” means any property with a Planned Development (PD) Overlay Zone designation.

“Planned Development Plan” or “PDP” has the meaning prescribed under SMC 10.24.070 as now in effect or as may subsequently be amended.

“Planning Department” means the City of Selah Planning Department.

“PD District” means an existing planned development, as of the effective date of this ordinance, which was created under the previously repealed Chapter 10.24 SMC.

#### **10.24.040 Planned Development (PD) Overlay Zone—Created**

A. Planned Development Overlay Zone Designation. A planned development approved in accordance with this chapter after the effective date of the ordinance adopting this chapter shall have a zoning designation of Planned Development (PD) Overlay Zone. The PD Overlay Zone designation will be reflected by a “(PD)” suffix qualifier on the underlying zoning designation for the parcel. For example, an approved planned development in a Two Family Residential zoning district would be classified as “R-2 (PD)”.

B. Authorized Uses. Planned Development Overlays shall incorporate the permitted land uses and development standards of the underlying zoning district pursuant to the Land Use Table in SMC 10.28.020; provided, however, that approval of a Planned Development Overlay shall modify and supersede the regulations of the underlying zoning district as provided in this chapter and as agreed in the approved Planned Development Plan.

Notwithstanding anything to the contrary in the underlying zoning requirements, a Planned Development Overlay may permit all proposed uses and developments under this chapter that are allowed by the Comprehensive Plan and that do not exceed the maximum densities in the Comprehensive Plan.

1. Residential Planned Development Overlays are permitted in the LDSF, R-1, R-2, and R-3 zones; provided, that:

- a. No more than 40 percent of a planned development in the LDSF or R-1 zone may consist of two-family or multiple-family dwellings; and
- b. No more than 40 percent of a planned development in the R-2 or R-3 zones may consist of single-family dwellings.

2. Reserved.

C. Extant Planned Development Zoning Districts. Existing planned developments, as of the effective date of the ordinance adopting this chapter, are and shall remain separate zoning districts created under the previously repealed Chapter 10.24 SMC (“PD Districts”), as indicated on the official zoning map adopted under SMC 10.04.010, and shall:

- 1. Retain the authorized uses considered to be conforming in the PD District; and
- 2. Permit major or minor modifications only within the existing approved boundaries of the PD District.

**10.24.050 Planned Development (PD) Overlay Zone—Criteria**

A Planned Development Overlay shall be approved or denied based upon the following criteria, which are listed in order of priority regarding the weight to be given to each factor:

- A. Compliance with this chapter;
- B. Compliance with the allowed uses and maximum density for the future land use designation of the subject property as set forth in the Comprehensive Plan;
- C. A Planned Development that complies fully with the standards of SMC 10.24.100, 10.24.110(A), in particular SMC 10.24.100(C) & (E) (and as illustrated by Figures 10.24.100(E)-1 through 4) and provides the minimum amount of on and off-street parking required by SMC 10.24.120(A) shall be considered to be substantially compatible absent clear evidence to the contrary. Also compliance with certain standards that are indicated as being “preferable” shall be considered favorably toward the PDO being fully in compliance and compatible. A Planned Development that does not fully comply with these standards (except for mandatory standards that cannot be reduced) may still be determined by the Reviewing Official to be compatible with adequate documentation provided in the PDP, or additional measures including those described by SMC 10.24.100(D) to assure compatibility.
- D. The system of ownership and the means of development, preservation and maintenance of open space;
- E. Compliance with the City’s subdivision code, if a proposed Planned Development Overlay is combined with a proposal to divide land into lots.

**10.24.060 Application—Procedure**

Applications for a proposed planned development shall be prepared, submitted, and processed as follows:

A. Preliminary PDP. The applicant shall prepare a Planned Development Plan (PDP) in accordance with SMC 10.24.070 and with the provisions of this chapter;

B. Pre-Application Conference. The applicant shall contact the Planning Department and schedule a pre-application conference to review the PDP for completeness and for compliance with the Comprehensive Plan and the provisions of this chapter;

C. Application Submittal. Following the pre-application conference, the applicant shall submit an application for Planned Development Overlay to the Planning Department on a form provided by the City, accompanied by all documents required by the application form, including the final PDP;

D. Determination of Completeness. Within 28 days of receiving a date-stamped Planned Development Overlay application, the Planning Department shall issue a determination of completeness in accordance with SMC 21.05.050;

E. Review Hearing. Within 30 days of a determination of completeness issued pursuant to paragraph (D) of this section, the City shall schedule a hearing before the Hearing Examiner in accordance with SMC 10.24.080 for review of the Planned Development Overlay application. The hearing itself may be set to begin on a date later than 30 days after issuance of the determination of completeness. The Hearing Examiner shall render a recommendation thereon to the City Council; and

F. City Council Action. Within 45 days of the City's receipt of the Hearing Examiner's recommendation, the City Council shall consider the recommendation, after which it shall adopt, modify or reject the recommendation of the Hearing Examiner pursuant to SMC 10.24.090.

#### **10.24.070 Application—Planned Development Plan**

The Planned Development Plan shall include both project maps and a written project description containing, as determined by the Planning Department at the pre-application conference, the elements enumerated in subsections (A) and (B) of this section.

A. Project Maps. The PDP shall include an accurate map or maps drawn to a scale of not less than one inch to one hundred feet, depicting the following:

1. The boundaries of the proposed Planned Development Overlay;
2. Location, names and dimensions of all existing and proposed streets, public ways, railroad and utility rights of way, parks or other open spaces, and all surrounding land uses within 200 feet of the boundary of the proposed PDO;
3. Preliminary plans, elevations, number of dwelling units, types of use, and exterior appearance of all proposed buildings and structures, which shall include drawings, architectural renderings or photographs;
4. Proposed location and square footage of community facilities and "common open space;
5. Proposed public dedications;
6. Location of off-street parking areas, including garages, number and dimensions of parking places, width of isles and bays, and angles of parking, as

well as points of ingress to and egress from the proposed PDO (see SMC 10.24.120(A));

7. Location, arrangement, number and dimensions of truck loading and unloading spaces and docks;

8. Location and directional bearing of all major physiographic features such as railroads, drainage canals and shorelines;

9. Existing topographic contours at intervals of not more than five feet;

10. Proposed topographic contours at intervals of not more than one foot;

11. Existing and proposed sewers, water mains and other underground facilities within and adjacent to the proposed PDO, and their certified capacities;

12. Proposed drainage facilities;

13. Proposed landscaping and the approximate location, height and materials of all walls, fences and screens;

14. Traffic flow plan, including pedestrian and vehicular circulation pattern and the location and dimensions of walks, trails or easements;

15. Indication of proposed stages or phases of development; and

16. In the event the proposed PDO is combined with a proposal to subdivide the land, the PDP shall also include a complete subdivision application pursuant to Chapter 10.50 SMC.

**B. Written Project Description.** The PDP shall include a written project description identifying the project as a residential planned development and setting out detailed information concerning the following as determined by the Planning Department at the Pre-Application Conference:

1. Statement of the project goals and objectives, compatibility with the surrounding area, and potential future use (i.e., why it would be in the public interest and consistent with the Comprehensive Plan);

2. Proposed system of ownership;

3. Operation and maintenance proposal; (i.e., homeowner association, condominium, co-op or other);

4. All proposed land uses, including uses permitted in the underlying zone and uses not permitted in the underlying zone, and how such uses fit into the planned development concept;

5. All deviations from the development standards of the underlying zone;

6. Tables showing total numbers of acres, distribution of area by use, percent designated for dwellings and open space, number of off street parking spaces, street, parks, playgrounds, and schools;

7. Tables indicating overall densities and density by dwelling types, and any proposals for adjustments to the density limitations;

8. Restrictive covenants;

9. Waste disposal facilities;

10. Local access street design;

11. Parking and lighting, as required by SMC 10.24.120(A);

12. Water supply;

13. Public transportation;

14. Community facilities; and

15. Development timetable.

**10.24.080 Hearing Examiner Recommendation**

In accordance with 10.24.060(E), the Planning Department shall, in consultation with the Hearing Examiner, fix the date at which the Planned Development Overlay application shall be considered and reviewed by the Hearing Examiner at an open record public hearing.

A. Notice of Hearing. Notice of the hearing shall be published once not less than 10 days prior to the hearing in the official newspaper of the City given as required for minor rezones by SMC 10.40 and SMC 21. Additional notice of such hearing shall be given by mail, posting on the property, or in any manner the Planning Department or Hearing Examiner deems suitable to notify adjacent owners and the public.

B. Conduct of Hearing. At the hearing, the Hearing Examiner shall consider all relevant evidence to determine whether the proposed Planned Development Overlay should be approved, conditionally approved, or disapproved according to the Planned Development Overlay criteria enumerated in SMC 10.24.050.

C. Written Recommendation. Not later than 10 business days following the conclusion of the hearing, or any continued hearing, the Hearing Examiner shall render a written recommendation to the City Council and transmit a copy thereof or a notice of availability of the decision to all parties of record. Posting the decision on a City or Hearing Examiner Website may serve as such notice to parties of record provided that the applicant shall be given a copy of the decision. The Hearing Examiner may recommend that the proposed Planned Development Overlay be approved, conditionally approved, or disapproved. Conditions of approval shall be precisely recited in the Hearing Examiner's recommendation.

**10.24.090 City Council Action—Effect of Approval**

A. City Council Action. Within 45 days of the City's receipt of the Hearing Examiner's recommendation on any proposed Planned Development Overlay, the City Council shall consider the recommendation at a public meeting, where it may adopt, modify or reject the recommendations of the Hearing Examiner.

B. Effect of Approval. Upon the City Council's approval of a Planned Development Overlay, the subject property shall be designated with the "(PD)" suffix qualifier as provided in SMC 10.24.040(A). The City Council shall promptly thereafter initiate a legislative amendment the official zoning map pursuant to SMC 10.40.030(1) to reflect the new zoning designation, unless such zoning map amendment application has been included in the approved planned development application. The criteria of SMC 10.24.050 shall be used rather than the review criteria of SMC 10.40.050 or SMC 10.40.070.

C. Failure to Develop. If substantial construction has not been performed on the project within 18 months after the date of approval, the Planned Development Overlay Zone designation shall lapse, and the property shall revert by operation of law to the underlying zoning district, regardless of any contrary designation on the official zoning map. The City Council may choose to extend this 18-month

period one time, for an additional period not to exceed 12 months, upon good cause shown in writing by the applicant. The City Council's decision with respect to any such extension shall be final.

#### **10.24.100 Development Standards—Design**

The following design standards shall apply to all Planned Development Overlays ("PDO or PDO's").

- A. Building Height and Setbacks. PDP's shall provide adequate setbacks and building heights to avoid negative impacts on adjacent structures on neighboring properties. No building shall exceed a height of 35 feet. The following setbacks are required minimums and shall not be reduced:
- a. Side setback of 12 feet and rear setback of 20 feet for structures 26 feet or higher from exterior property lines of the Planned Development Overlay.
  - b. Setbacks for structures less than 26 feet in height from exterior property lines of the Planned Development Overlay shall be the side and rear setbacks of the underlying zoning district.
  - c. 22 foot setback from the edge of the sidewalk or back of curb (where there is no sidewalk) facing the building to garage or covered parking.
  - d. 12 foot setback from the edge of the sidewalk or back of curb (where there is no sidewalk) facing the building to the rest of the dwelling or other primary building (except for the garage or covered parking).

For the purpose of these setback standards, the determination of which is the side and rear setbacks shall be based on the building from which the setback is being measured and its orientation to the street, not on the configuration or orientation of the property that comprises the PDO. The reviewing official shall make this determination in those situations in which it is not clear.

B. Pedestrian-Oriented Design. There shall be a distinct separation of vehicular and pedestrian traffic within a PDO meaning that at minimum, all streets shall be improved with sidewalks that meet minimum City standards. The design must be in compliance with the City's public parks plan and Comprehensive Plan. This may require an improved pedestrian trail system that links the PDO's primary uses together and an improved pedestrian/bicycle trail system which links at least a portion of the PDO's trail system to the pedestrian facilities adjacent to the PDO.

C. Compatible and Efficient Layout. Streets, lot lines, low-impact development techniques and facilities, landscaping areas, open space, building footprints and/or other features shall be arranged for maximum traffic flow efficiency and minimal impact to natural features, existing traffic patterns and uses in the vicinity. Vehicular entrances and exits to the PDO shall be minimized by providing for common ingress, egress and circulation areas.

D. Compatibility with Adjacent Uses. The exterior of the PDO shall be highly compatible with adjacent uses. Measures to assure compatibility shall be

described in the PDP and may include, but are not limited to, restricted uses along the exterior of the development, building footprint location, open spaces, buffers, landscaping, architectural style and pedestrian/vehicular circulation linkages. Building height may not be used as criteria for judging compatibility with adjacent uses. Planned development densities shall not be used as criteria to judge compatibility with adjacent uses when adjacent properties are zoned differently.

E. Variety of Housing Types, Styles. Housing types within a PDO greater than or equal to three structures shall be varied to have a range of architectural variety. Although an overall architectural theme may be appropriate, there shall be a range of housing styles within a theme to avoid the monotony of identical structures.

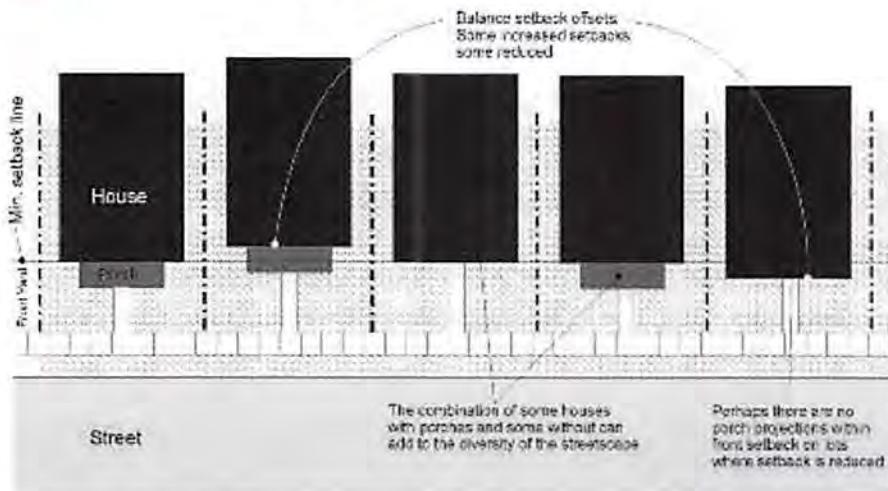
F. Design Diversity. PDO's shall incorporate measures that promote design diversity. This shall be accomplished by (see Figures 10.24.100(E)-1 and 10.24.100(E)-2);

1. Providing a mixture of lot sizes and/or front setbacks (which could be specified on the plat); and/or

2. Providing a diversity of floor plans and facade treatments that avoid monotonous streetscapes. This could be accomplished with conditions on the plat and/or special covenants required for lots.



*Figures 10.24.100(E)-1 and 10.24.100(E)-2. The above homes feature a good diversity of facade designs, colors and rooflines.*



Figures 10.24.100(E)-3 and 10.24.100(E)-4. Avoid monotonous rows of duplicative homes (top example). Another solution is to prescribe variable setbacks such as in the bottom example.

#### 10.24.110 Development Standards—Open Space

Common open space shall consist primarily of large usable areas which are owned by all property owners within a PDO and may include, but is not limited to: buffer yards, public space, landscaped or natural areas, recreational areas, landscaped courtyards or decks, gardens with pathways, children’s play areas, or an area for a recreation/socialization facility, or other multi-purpose recreational and/or green spaces. Sufficient common open space for the types of uses envisioned within a PDO shall be provided. The minimum allowable outdoor open space for a planned development shall be no less than 12 percent of the square footage of the PDO. Rooftop decks, courtyards, decks, front yards and community gardens shall not be counted toward meeting this minimum.

A. Planned Development Open Space Design Criteria. Special requirements and recommendations for developed common open spaces include the following. These requirements do not apply to undeveloped open space such as natural areas or critical area buffers:

1. Required setback areas shall not count towards the open space requirement unless those areas are portions of a space that are large enough to provide functional leisure or recreational activity. To meet this requirement, no dimension shall be less than 15 feet in width;

2. Spaces (particularly children's play areas) shall be visible from at least three dwelling units and positioned near pedestrian activity;
3. Spaces shall feature paths, landscaping, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable;
4. Individual entries may be provided onto common open space from adjacent ground floor residential units, where applicable. Small, semi-private open spaces for adjacent ground floor units that maintain visual access to the common area are encouraged to enliven the space. Low walls or hedges (less than three feet in height) are encouraged to provide clear definition of semi-private and common spaces;
5. Common space shall be separated from ground floor windows, automobile circulation, service areas and parking lots by utilizing landscaping, low-level fencing, and/or other treatments that enhance safety and privacy (both for common open space and dwelling units);
6. Space should be oriented to receive sunlight, facing east, west, or (preferably) south, when possible;
7. Stairways, stair landings and above grade walkways shall not encroach into minimum required common open space areas. An ~~atrium~~-roof covering may be built over a courtyard to provide weather protection provided it does not obstruct natural light inside the courtyard.



*Figure 10.24.110(A)-1. Examples of common open space.*

**B. Indoor Recreational Areas.** When provided, indoor recreational areas shall meet the following conditions:

1. The space shall be located in a visible area, such as near an entrance, lobby, or high traffic corridors; and
2. Space shall be designed specifically to serve interior recreational functions and not merely be leftover, un-rentable space used to meet the open space requirement. Such space shall include amenities and design elements that will encourage use by residents.

**C. Shared Rooftop Decks.** When provided, shared rooftop decks shall meet the following requirements:

1. Space shall provide amenities such as seating areas, landscaping, and/or other features that encourage use;

2. Space shall incorporate features that provide for the safety of residents, such as enclosures, railings, and appropriate lighting levels.

D. Community Gardens. (See Figure 10.24.110(E)-1.) When provided, community gardens shall meet the following conditions:

1. All spaces shall be located to receive at least six hours of natural sunlight per day in summer months;

2. All spaces shall have access to irrigation (which in this context, could be municipal water service where otherwise allowed);

3. All spaces shall have tillable soil to a depth of one foot, minimum;

4. Spaces may be provided in shared or private yard areas, at ground level, on balconies, or on rooftop decks;

5. Where some or all, of the community garden is within shared common open space, a management program shall be required setting forth the following provisions:

a. Access to interested residents meeting minimum space requirements set forth herein; and

b. Provisions for space management and maintenance; and

6. Where community garden space is provided within shared common open spaces, the following standards shall apply;

a. Walkways between planting beds shall be at least two feet wide; and:

b. Planting beds shall be raised above surface level. For ground level spaces, planting beds shall be raised at least six inches. For rooftop spaces, planting beds shall be raised by at least 18 inches.



*Figure 10.24.110(E)-1. Community garden example.*

#### **10.24.120 Development Standards—Parking, Lighting and Roads**

A. Parking Plan. A detailed parking plan shall be submitted with a Planned Development Overlay application. The parking plan shall contain the following information: the existing and proposed development; parking stall and driving aisle location and dimensions; loading and maneuvering area; curb cuts; light fixtures; adjacent streets; landscape islands and peninsulas and other relevant

features of the proposed parking facility. The parking plan shall also include the location and square footage for each existing and/or proposed structure or use area and the proposed area, including floor area, dedicated to each use. A lighting plan detailing light standard height, location of lights, wattage, and light dispersion patterns shall be submitted with the parking plan. The parking plan may be combined with the landscaping plan. The parking plan shall be subject to approval by the City Planner, in order for the application to be considered complete.

Separate plans for off-street parking for residential developments with less than three proposed units or that consist entirely of single-family dwellings with at least two off-street parking spaces per unit and streets wide enough to provide for on-street parking are not required except when the parking space for residential uses are to be located on a lot other than that on which the residential building is located.

1. Computation of required off-street parking spaces.

- a. Spaces Required. Except as modified in subsections below, off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

*Computation of required off-street parking spaces.*

Category of Land Use	Minimum Parking Spaces Required
<b>Planned Development</b>	
Dwelling, single-family/duplex/townhouse	2.0 per dwelling unit; for structures containing more than 4 bedrooms, one additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages are permitted for single-family and duplex dwelling units.
One bedroom unit	1.5 per unit
Cottage	1.5 per unit
Studio units	1.2 per unit

## **B. Street Lighting Plan**

1. All PDO's shall provide street lights in accordance with the standards for such improvements of the City of Selah and they shall be owned and operated by the City. A street lighting plan submitted by the applicant and approved by the Public Works Department shall be as set forth in the current edition of the WSDOT/APWA Standard Specifications and as directed by the Public Works Director except where noted herein. All public street light designs shall be prepared by an engineer licensed by the State of Washington. All PDO's shall include conduit installed so as to provide adequate capacity for future installation of complete street lighting. All street light electrical installations including wiring, conduit, and power connections shall be located underground. Exception to underground installation is permissible in limited locations with approval of the Public Works Director. The General Notes below shall be included on any plans dealing with street design.

### **General Notes (Street Light Construction)**

1. All workmanship, materials and testing shall be in accordance with the current edition of the Standard Specifications for Road, Bridge, and Municipal Construction prepared by the Washington State Department of Transportation (WSDOT), and the American Public Works Association (APWA) General Special Provisions (GSP's) for Division One General Requirements as the standard specifications governing all design and construction of public works improvements by the City and by private developers.
2. Developer or developer's engineer shall submit proposed lighting layout and types on plans. The Public Works Department shall approve lighting plans prior to final plat recording or building permit issuance.

## **C. Local Access Street Design.**

1. Purpose. The purpose of planned development street design standards is to provide safe and attractive local access streets that provide access to planned development property.

2. Implementation. These street design standards are minimum requirements and shall not be reduced by the PDP or the reviewing official. Streets may be public or private. Either public or private streets may, as an alternative to meeting these standards, be designed to standards in SMC 10.50 or otherwise adopted by the City.

3. Public Streets. Shall meet the following minimum requirements:

a. Shall be constructed to City standards and requirements including construction, drainage, signage and lighting except as modified by these street design standards.

b. Construction to City standards is preferred. The PDP shall identify and describe with both text and drawings, the design standards of this Section that are going to be applied and the individual streets within the development that will be constructed to them. Failure to do so shall be considered to mean that full compliance with City public street standards will be required.

c. Shall meet the Fire Apparatus Road standards of the International Fire Code. Where said standards conflict with standards allowed by this Chapter, the more restrictive standards shall be required.

4. Private streets

a. Shall be designed to standards identified and described in detail, using text and drawings in the PDP, subject to approval by the Reviewing Official and that meet or exceed the minimum requirements of this section.

b. Shall meet the Fire Apparatus Road standards of the International Fire Code. Where said standards conflict with the standards allowed by this Chapter, the more restrictive standards shall be required.

c. A road maintenance association or equivalent shall be formed and shall be fully responsible for maintenance of private streets, including but not limited to snow removal. The association and the road maintenance agreement or equivalent instrument shall be included and described in the PDP and subject to approval by the Reviewing Official.

5. Street section connections to existing curbs/sidewalks. Shall be as follows:

a.- When curbs/sidewalks exist on one abutting end of a proposed planned development project, the new planned development shall transition from its existing location to the new street section as provided by current code requirements; and

b.- When existing curbs/sidewalks exist on both abutting ends of a proposed project (infill), or along the frontage of the proposed project, the reviewing official may allow for the continuation of the existing roadway section across the proposed planned development. The reviewing official may require the applicant to dedicate rights-of-way necessary to construct improvements and/or execute a deferral agreement to participate in a future project to construct said improvement(s).

3. Design. There are two optional designs for local access streets, including 20-26 foot, and over 26 and less than 32-foot-wide streets, to allow flexibility for planned development design while accommodating functional access needs and community design goals. Travel lanes are shared auto and bicycle lanes. Sidewalks are required, at the minimum, on one side of the street.

a. Continuity. Designs shall be consistent on individual blocks. An exception is for a hybrid design. An example would be a 20-foot street that integrates parking pockets on one side of the street.

b. Curbing and gutters and appropriate drainage improvements are required for all street designs.

c. Limitation for 20-foot streets. Twenty-foot streets are not preferred and are intended to be used only in special cases where there is available guest parking on nearby streets or additional off-street parking is provided within walking distance of homes. Twenty-foot streets shall serve no more than 8 dwelling units and shall be dead-end unless approved by the reviewing official

because it is clearly shown by the PDP that it would not typically be used by through-traffic.

- d. All dwelling units shall be within 300 feet (measured along sidewalks or other internal pathways) of available on-street or off-street guest parking equal to one space per dwelling unit, minimum.
- e. No parking shall be allowed on 20-foot wide streets. Exception is allowed parallel parking bulb-outs (see Figure 10.24.120(B)-1). The bulb-outs shall take up no more than 50 percent of the planting strip length (labeled 'setback' on Figure 10.24.120(B)-2).
- f. While two sidewalks are encouraged for all street designs, they are not mandatory. One sidewalk for each type of street is allowed. Where two sidewalks are provided it may be considered by the reviewing official as a positive measure toward assuring compatibility with adjacent uses per SMC 10.24.050(C).



*Figure 10.24.120(B)-1: Example of a local access street with integrated parallel parking bulb-outs.*

### 20 Foot to 26 Foot Wide Streets

20' Wide Street Depicted



20' Wide Street, One Sidewalk Depicted

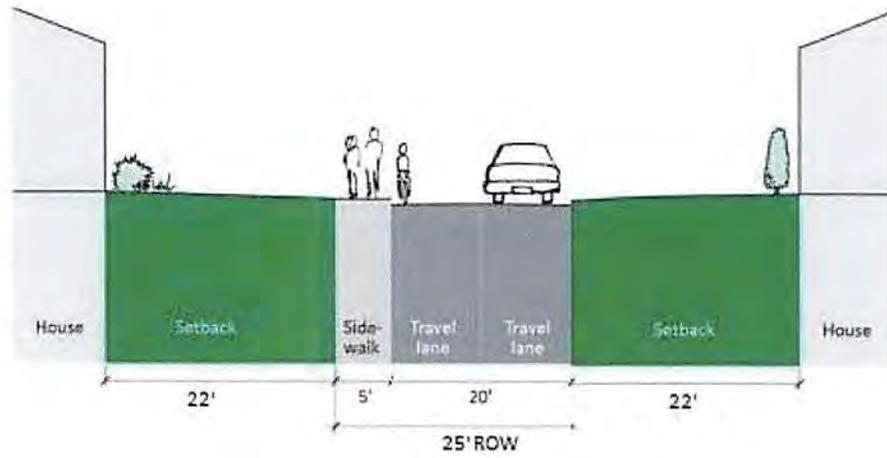
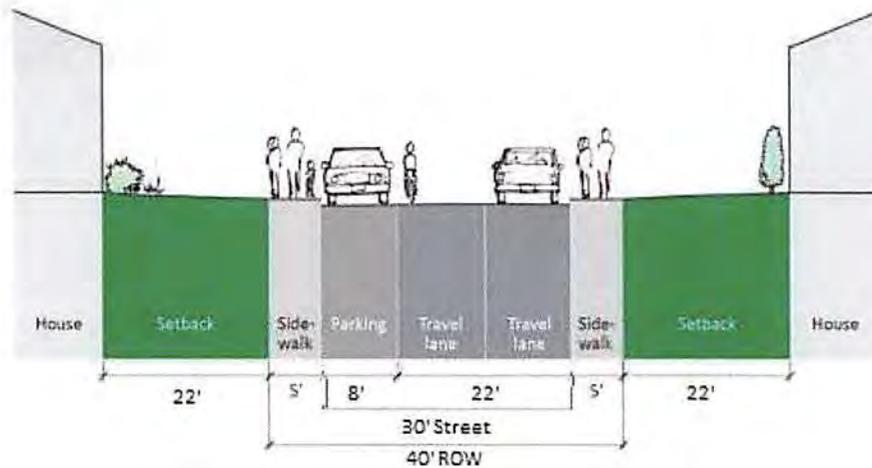


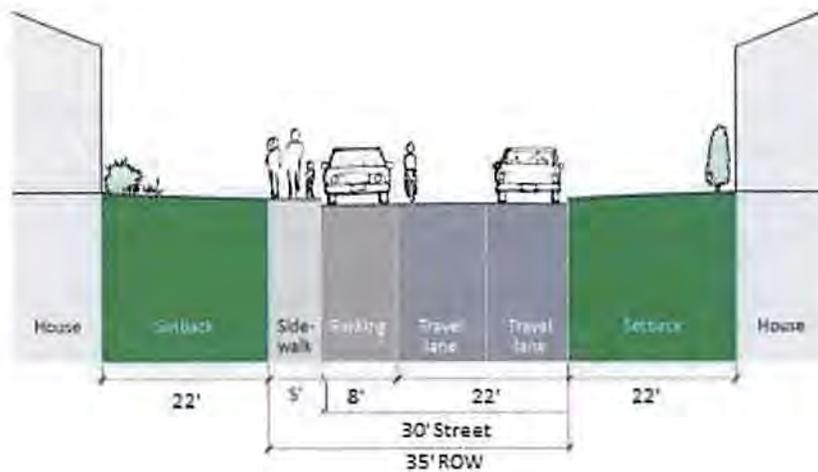
Figure 10.24.120(B)-2: Cross-sections for local access street design options (with standard dimensions)

### Streets Over 26 Feet and Less Than 32 Feet Wide

30' Wide Street Depicted



30' Wide Street, One Sidewalk Depicted



*Figure 10.24.120(B)-2 Continued: Cross-sections for local access street design options (with standard dimensions)*

### **10.24.130 Limitations on Authority to Alter Zoning**

The following provisions of the Selah Municipal Code may not be altered pursuant to this chapter:

- A. Any provision of this Chapter 10.24, Planned Development;
- B. Any provision of Title 10, Zoning, which specifically states that it is not subject to modification or alteration; and
- C. Any provision of the Land Use Table in SMC 10.28.020, except that any permitted Class 1, 2 or 3 use in any other residential zone may be permitted in a residential Planned Development provided that it is disclosed in the PDP and approved pursuant to this Chapter. The PDP or the reviewing official may place restrictions on such approved uses including requirements that they go through a separate approval process such as a major or minor modification or Class 1, 2 or 3 review before being established.

### **10.24.140 Modifications**

An applicant may request a modification to any element or provision of an approved Planned Development Overlay. All modification applications shall be deemed either “minor” or “major.”

- A. Minor Modifications. Minor modifications may be approved administratively in accordance with the procedure set forth in the PDP, where

applicable, or by the City Administrator. A modification shall be considered “minor” if it:

1. Would not increase the total number of dwelling units in the Planned Development Overlay above the maximum number set forth in the PDP, or would not decrease the number of dwelling units by more than 10 percent;
2. Would not decrease the minimum - or increase the maximum - density for residential areas of the Planned Development Overlay beyond the density ranges in the PDP;
3. Would not decrease the approved amount of open space or recreation space;
4. Would not reduce or adversely alter a standard or condition of approval of the PDO that is considered to be “preferable” by this Chapter or that was imposed in order to assure compatibility with adjacent land uses. The reviewing official shall identify conditions of approval as such in the decision issued for the PDO.
5. Would not violate any mitigation measure required by a Mitigated Determination of Nonsignificance (MDNS) or Final Environmental Impact Statement (FEIS). Additional environmental review shall be required for any action that is not categorically or statutorily exempt from SEPA unless part of a Planned Action pursuant to RCW 43.21C.440 or determined by the SEPA Responsible Official in accordance with WAC 197-11-600 that environmental impacts from the action had been adequately considered by a previously conducted environmental review;
6. Would not adversely impact the project’s fiscal projections to the detriment of the City;
7. Would not significantly change the overall design of the PDP; and
8. Would not significantly alter the size or location of any designated open space resulting in a lowered level of service, and would not reduce the total amount of required open space.

B. Major Modifications. Major modifications shall be reviewed using the same procedures applicable for new Planned Development Overlay applications set forth in SMC 10.24.060. Any modification that is not minor pursuant to subsection (A) of this section shall be considered “major.” The City may specify additional criteria for determining whether a proposed modification is minor or major by requiring such provision in the PDP, but the criteria listed in this section cannot be modified or reduced by the PDP.

#### **10.24.150 Reconstruction of Damaged Buildings or Improvements**

Replacement or reconstruction of any buildings or improvements that have been damaged or destroyed within the Planned Development Overlay shall conform to the original PDP.

#### **10.24.160 Appeal**

Any final decision by the City Council made pursuant to this chapter may be appealed to the Yakima County Superior Court within 21 days from the date of

the decision being appealed, pursuant to Chapter 36.70C RCW, the Land Use Petition Act.

**Section 2. 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 3. Effective Date.** This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

CITY OF SELAH

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

ATTEST/AUTHENTICATED:

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

APPROVED AS TO FORM:

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

Filed with the City Clerk: \_\_\_\_\_

Passed by the City Council: \_\_\_\_\_

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_

**CPT Aaron Blanchard** grew up in Selah and graduated from Selah High School in 1999. He enlisted in the Marine Corps in 2000, serving two combat deployments to Iraq in 2003 and 2004. Following his marriage to Rebecca Kaszmarski in 2005, he enrolled at Central Washington University in the ROTC program. Aaron graduated and was commissioned as an officer in the U.S. Army in 2009. Aaron and Becky moved to Ft. Rucker, Alabama in 2010 for flight school. There he fulfilled his lifelong dream of becoming a military pilot, specializing in flying the Apache Attack helicopter. Aaron deployed to Afghanistan in 2013. He was killed in action from wounds sustained in a rocket attack on 23 April 2013 at the age of 32. CPT Blanchard is survived by his loving wife Rebecca Blanchard, two children, Hunter and Amalia, parents Laura Schactler and Don Blanchard of Selah, brothers Karl and Michael, and Grandparents Dick & Carolyn Schactler and Nadine Blanchard.

**CPT Michael Blanchard** was born and raised in Selah, graduating from Selah High School in 2006. While attending The University of Montana in the ROTC program, he became certified in Air Assault and Airborne training. He graduated and earned his commission as a U.S. Army Officer in 2010. In 2011 he entered Ranger school, excelling in achieving his Ranger tab by going straight through the program. Soon after that, Michael transferred to Ft. Richardson as a member of the 1<sup>st</sup> Battalion, 501<sup>st</sup> Infantry Airborne Regiment in Anchorage, Alaska. He served a nine month combat deployment to Afghanistan, earning a Bronze Star medal for "*exceptionally meritorious service*" in his role as platoon leader in an infantry company outpost. He returned home safely in October 2012. Following his marriage to Jamie Greene in 2013, Michael earned a position in the 75<sup>th</sup> Ranger Regiment and they moved back to Ft. Benning, Georgia where they currently reside. Most recently, he was the recipient of the **COL Ralph Puckett Leadership Award**. In a competition against the top junior officers from across the Regiment, he demonstrated leadership in demanding circumstances – testing core Ranger skills and the ability to think through problems and generating successful options.



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



**COUNCIL MEETING      INFORMATIONAL ITEM**

**9/22/2015      G-2A**

**Title:** Selah Downtown Association Monthly Report

**Thru:** Donald Wayman, City Administrator

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

**Action Requested:** Informational - No action

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

Informational Only

**Background / Findings & Facts:**

Attached is the Treasurer's report for September 2015

**Recommended Motion:**

N/A

Selah Downtown Association  
Treasurer Report  
9/14/15

INCOME

Beg. Balance	\$ 1998.01
2015 Deposit from the City of Selah	\$15000.00
Total Income	<b><u>\$16998.01</u></b>

EXPENSES

Flower Baskets at Library	\$135.93
Endorsement for GL Insurance	\$100.00
Revive Workshop Training Conference	\$179.33
Flyers for Fall Event	\$108.20
Total Expenses	<b><u>\$523.46</u></b>

**CURRENT BALANCE ON HAND** **\$16474.55**

  
\_\_\_\_\_  
Tammy E. Allan, Treasurer SDA

9/14/15  
\_\_\_\_\_  
Date



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



**COUNCIL MEETING      ACTION ITEM**

**9/22/2015**

**I – 1**

**Title:** Approval of Minutes: September 8, 2015 Council Meeting

**Thru:** Donald Wayman, City Administrator

**From:** Monica Lake, Executive Assistant

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

Approval of Minutes

**Background / Findings & Facts:**

See Minutes for details

**Recommended Motion:**

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

City of Selah  
Council Minutes  
September 8, 2015

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

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

B. Roll Call

Members Present: Paul Overby; John Tierney; Dave Smeback; Roy Sample; Jane Williams;  
Laura Ritchie

Members Excused: Allen Schmid

Staff Present: Don Wayman, City Administrator; Bob Noe, City Attorney; Jim Lange,  
Deputy Fire Chief; Rick Hayes, Police Chief; Joe Henne, Public Works  
Director; Dale Novobielski, Clerk/Treasurer; Charles Brown, Recreation  
Manager; Tom Durant, Community Planner; Andrew Potter, Assistant to  
the City Administrator; Monica Lake, Executive Assistant

C. Pledge of Allegiance

Council Member Williams led the Pledge of Allegiance. Pastor Brad Hill gave the prayer.

D. Agenda Changes

1. Postpone Resolution Approving the Final Plat of "Whispering Views Estates" (912.45.14-02) and Authorizing the Mayor to sign the Final Plat to September 22, 2015

City Administrator Wayman advised Council that staff did not receive an adequate amount of information to make a recommendation, and requested that it be continued to the next Council Meeting.

**Council Member Tierney moved, and Council Member Sample seconded, to postpone Resolution M – 3: Resolution Approving the Final Plat of "Whispering Views Estates" (912.45.14-02) and Authorizing the Mayor to sign the Final Plat, to the September 22, 2015 Council Meeting. By voice vote, approval was unanimous.**

E. Public Appearances/Introductions/ Presentations None

F. Getting To Know Our Businesses None

G. Communications

1. Oral

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

2. Written

- a. August 2015 Monthly Report for Building Permits and Inspections, Animal Control and Code Enforcement

H. Proclamations/Announcements **None**

I. Consent Agenda

Executive Assistant Lake read the Consent Agenda.

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

- \* 1. Approval of Minutes: August 25, 2015 Council Meeting and August 28, 2015 Council Retreat
- \* 2. Approval of Claims & Payroll:

Payroll Checks Nos. 78909 – 78954 for a total of \$250,406.76  
Claim Checks Nos. 66361 – 66428 for a total of \$126,547.03

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

J. Public Hearings **None**

K. New Business **None**

L. Old Business **None**

M. Resolutions

1. Resolution Authorizing the Mayor to Sign an Agreement for Animal Sheltering/Disposal Services between the City of Selah and the Humane Society of Central Washington for Calendar Year 2015

Police Chief Hayes addressed M – 1. He said that the contract the City had with the Humane Society was voided when they stopped using their animal control service, although the Society has been billing the City the same amount for animals as they paid under the contract. He stated that they now want to

have a contract for services, which won't affect the current costs. He noted that they may also look into having them provide other services, such as licensing.

Council Member Ritchie wondered why the fee schedule referenced in the agreement wasn't included as part of the materials provided.

Council Member Tierney observed that the fee schedule is on the signatory page. He noted that the method of payment indicates an intake fee as well as a per day shelter fee, and asked if the Humane Society recovered the money from the owner when they picked up their pet.

Police Chief Hayes responded that he didn't know for certain, but didn't think so.

Clerk/Treasurer Novobielski indicated that they did not.

Council Member Ritchie inquired if the invoice would reflect a 'no charge' to the City when someone dropped off an animal.

Council Member Tierney remarked that it was confusing to him as well.

Police Chief Hayes said that they have not been billed in the past for citizens dropping off animals that have been found.

Council Member Smeback asked if the citizens pay to get their dogs out.

Police Chief Hayes replied in the affirmative, saying that it may be subtracted from the bill. He noted that this is part of the reason why they have a temporary kennel at Public Works for us on the weekends, as it doesn't cost them anything.

Council Member Ritchie commented that it mentions them receiving five dollars for every dog license issued and wondered how much a dog license cost.

Police Chief Hayes responded that there are two different fees, a normal one and a lifetime one, as well as a reduced fee for seniors.

Council Member Ritchie asked why the Humane Society would get a cut if the Police Department was handling all the licensing.

Police Chief Hayes replied that they don't receive a cut unless they sell them, but it's an option available if the City chooses to do so.

Council Member Ritchie said that she was confused because the contract says they receive five dollars for every license, not just those they process.

Police Chief Hayes responded that he would look into the matter.

**Council Member Smeback moved, and Council Member Overby seconded, to approve the Resolution Authorizing the Mayor to Sign an Agreement for Animal Sheltering/Disposal Services between the City of Selah and the Humane Society of Central Washington for Calendar Year 2015. Roll was called: Council Member Overby –yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – no. Motion passed with five yes votes and one no vote.**

2. Resolution Approving the Preliminary Plat of “Somerset II” (912.42.15-02) and Adopting Revised Findings and Conditions of Preliminary Plat Approval

Community Planner Durant addressed M – 2. He said that a request for reconsideration was made at the last meeting by the applicant. He reviewed the staff report included in the packet and recommended that Council adopt the change with the amended condition to accommodate what would achieve the City's desire for quality of development. He noted that the applicant is proposing to put a sidewalk on the twenty foot street up to and including the hammerhead ‘T’ turnaround, and that the included site plan shows further diagrams as to how additional parking could be acquired.

Council Member Overby asked if this was an extension of the closed record hearing.

City Attorney Noe responded in the affirmative, saying that the only new information submitted was for the reconsideration, for Council to consider impact of condition #10, and that the new information is the actual drawing and impact of Council's previous decision.

Council Member Tierney remarked that Council had previously rejected the Somerset II plat for a lack of sidewalks, yet approved a preliminary plat for Whispering Views Estates without any sidewalks, and wondered how it was fair to treat one developer differently than another.

Community Planner Durant responded that staff recommends approving Somerset II as proposed with a twenty foot access easement, and supported the Whispering Views development as well. He commented that the Hearing Examiner considered the private road in Whispering View Estates when making his decision to recommend approval, and that this is a smaller number of dwellings being serviced by a private road.

Council Member Overby inquired about what differentiates a subdivision in an R-1 zone from a Planned Development in an R-2 zone as far as waiving street requirements.

Council Member Tierney remarked that the hazards are greater in a Planned Development than an R-1 subdivision due to the volume of traffic and number of pedestrians.

Council Member Ritchie commented that the big difference here is the Hearing Examiner feeling a need for stricter requirements for this road, adding that it was surprising that he didn't recommend stricter requirements for Whispering Views Estates as well.

Council Member Tierney noted that the Hearing Examiner had recommended disapproval, and that staff had recommended approval.

Council Member Ritchie replied that his recommendation of denial was not for that reason.

Council Member Tierney observed that the matter could have been sent back to the Hearing Examiner for reconsideration.

Council Member Ritchie responded that the Hearing Examiner doesn't think it's a problem; Council does.

Council Member Overby remarked that a Planned Development has different requirements than a Subdivision in an R-1, and that he doesn't feel it's a valid comparison.

Council Member Tierney suggested they look at it from a public safety point of view.

Mayor Gawlik told him that Council Member Ritchie raised safety concerns regarding children going to residences without sidewalks to use, which was why Council had opted to require the installation of a sidewalk on at least one side of the road.

Council Member Ritchie expressed her satisfaction with the new map, both the sidewalk and the additional parking spaces for the duplexes.

Roy Sample, 1304 Heritage Hills Place, approached the podium and addressed the Council. HE said that he represents Zucker Sample LLC on the Somerset II project. He stated his opinion that the City needs to clarify what a private road should be, both in subdivision and Planned Developments, and that he has a presentation on the subject for Council.

City Attorney Noe asked to review the evidence.

Mr. Sample said that he desires to point out some of different roads that have done before.

City Attorney Noe asked if this was provided to the Hearing Examiner.

Mr. Sample replied in the negative.

City Attorney Noe recommended that he present the evidence as a Council Member, not the proponent.

Mr. Sample requested to present it after the current agenda item has been dealt with.

City Attorney Noe didn't think it should be done during the closed record hearing.

Council Member Overby suggested he present it during the reports portion of the meeting.

Council Member Williams wondered if they could ask questions.

City Attorney Noe responded that it could only be on what he's asking them to reconsider.

Council Member Williams asked why this was not appealed thru the appeal process.

City Attorney Noe replied that Council opted to modify the conditions during the original closed record hearing, including aspects that weren't contemplated. He went on to say that Mr. Sample looked at the impact and reviewed the matter with staff, and they agreed that there was no way to know the impact at the time and that Council might wish to reconsider their decision .He noted that Council agreed at their last meeting to reconsider the matter tonight.

Council Member Williams requested that he confirm Council agreed to reconsider the matter.

City Attorney Noe responded in the affirmative.

Mr. Sample added that Condition #10 was altered.

Council Member Williams asked for confirmation that there was still no parking along the entire length of the easement that begins at lot Seventeen and stretches to the parking pads on the east.

Mr. Sample replied in the affirmative.

Council Member Williams wondered if that included both sides of the street and down to Lyle Loop.

Mr. Sample responded in the affirmative.

Council Member Williams inquired about the depth of the asphalt.

Mr. Sample replied that the road will be built to a standard that Public Works Director Henne approves, which includes cuts in the road, compaction, and drainage.

Council Member Williams asked that he verify he isn't asking for that to be changed.

Mr. Sample remarked that it was included in his letter or the map.

Council Member Williams wondered if the parking pads would be hard surface.

Mr. Sample responded in the affirmative, adding that they will be exactly like the ones at Goodlander Square.

Council Member Williams asked if they would be concrete or asphalt.

Mr. Sample replied that they would be asphalt.

Council Member Williams inquired about the area in front of the garages.

Mr. Sample responded that those would be concrete.

Council Member Williams commented that the no parking signage would be at the expense of the developer per the agreement. She didn't understand why the developed wouldn't put in the additional six

feet easement to allow for a sidewalk to be put in to the duplexes, as it would still leave a twenty foot backyard for the effected lots.

Mr. Sample said he believes it would make them nineteen feet, not twenty.

Council Member Williams stated that it shows a twenty foot wide street and twenty-four feet for the driveway.

Mr. Sample replied that it wouldn't bother him to make the entire length twenty-six foot easements, but it would eliminate backyards for the houses affected.

Council Member Williams pointed out that the duplexes have a twenty foot yard, adding that she would still like to see a sidewalk to the last duplex.

Mr. Sample remarked that he can move the road close to the duplexes and build smaller units if need be.

Council Member Williams didn't see an issue with putting a sidewalk all way down the private easement.

Mr. Sample responded that he could show her three other subdivisions in Selah without sidewalks that were approved by Council, and that putting in a curb and gutter may cause drainage from the private road to the public one.

Council Member Williams wanted it like other neighborhoods with a sidewalk on one side.

Mr. Sample wondered if he should present his information now.

City Administrator Wayman replied that it can be done during reports and announcements.

Council Member Williams had one other issue regarding Condition #12, which talked about access by Lots 13 and 14, which should have been stricken when they redid conditions at the prior meeting.

City Attorney Noe felt that would be consistent with what was approved last time, and that it could be handled by a separate motion modifying Condition #12 to strike the last sentence.

**Council Member Williams moved, and Council Member Smeback seconded, to modify Condition #12 to eliminate the last sentence. Roll was called: Council Member Overby –yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Sample – recused; Council Member Williams – yes; Council Member Ritchie – yes. Motion passed with five yes votes and one recusal.**

**Council Member Ritchie moved, and Council Member Overby seconded, to approve the Resolution Approving the Preliminary Plat of "Somerset II" (912.42.15-02) and Adopting Revised Findings and Conditions of Preliminary Plat Approval with the previously mentioned modification to Condition #12. Roll was called: Council Member Overby –yes; Council Member Tierney – abstain; Council Member Smeback – yes; Council Member Sample – recused; Council Member**

**Williams – no; Council Member Ritchie – yes. Motion passed with three yes votes, one no vote, one abstention and one recusal.**

3. Resolution Approving the Final Plat of “Whispering Views Estates” (912.45.14-02) and Authorizing the Mayor to sign the Final Plat

### **POSTPONED TO SEPTEMBER 22, 2015 COUNCIL MEETING**

4. Resolution authorizing the Mayor to sign an Interlocal Agreement with the Washington State Department of Social and Health Services (DSHS) for Fire and EMS services for the Yakima Valley School

Deputy Fire Chief Lange addressed M – 4. He said that DSHS mandated specific medical providers to pay a tax per square footage, which will result in a larger amount for the Selah Fire Department. He asked that Council approve the Interlocal Agreement.

**Council Member Tierney moved, and Council Member Smeback seconded, to approve the Resolution authorizing the Mayor to sign an Interlocal Agreement with the Washington State Department of Social and Health Services for Fire and EMS services for the Yakima Valley School. Roll was called: Council Member Overby – abstain; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – yes. Motion passed with five yes votes and one abstention.**

### **N. Ordinances**

1. Ordinance Amending the 2015 Budget for the Purchase of an Executive Department Vehicle

Clerk/Treasurer Novobielski addressed N – 1. He said that this budget adjustment allows staff to purchase a vehicle within the current budget to for City administration, which will be used by City Administrator Wayman.

Council Member Tierney reminded him that Council asked at the last meeting if the local Ford dealership could accommodate the purchase.

Clerk/Treasurer Novobielski responded that the local dealer was unable to match or beat the State pricing, which is typical for these types of purchases.

Mayor Gawlik wondered which dealership it would be delivered to.

Clerk/Treasurer Novobielski replied that it would be to Columbia Ford.

Police Chief Hayes noted that they will deliver the vehicle for a price.

City Administrator Wayman noted that it’s a sixty dollar fee.

Clerk/Treasurer Novobielski asked the Police Chief if he knew where they are located.

Police Chief Hayes responded that it's either Vancouver or Longview.

**Council Member Smeback moved, and Council Member Williams seconded, to approve the Ordinance Amending the 2015 Budget for the Purchase of an Executive Department Vehicle. Roll was called: Council Member Overby –yes; Council Member Tierney – yes; Council Member Smeback – yes; Council Member Sample – yes; Council Member Williams – yes; Council Member Ritchie – yes. By voice vote, approval was unanimous.**

O. Reports/Announcements

1. Mayor

Mayor Gawlik said that he met with the commanding officer of the visiting Japanese Forces earlier that day, and that it's an honor to meet with military personnel from other countries. He noted that they've won the Army Base race for the last four years.

2. Council Members

Council Member Ritchie had no report.

Council Member Overby had no report.

Council Member Sample passed out a packet he'd compiled to Council Members and reviewed each subdivision included in the documentation, noting that each one, whether a regular subdivision or a Planned Development, had a different interpretation of what a private road should be. He discussed the importance of defining what a private road is to allow for consistency throughout the City.

Council Member Tierney preferred to have no private streets, just public roads.

Council Member Sample responded that they need to serve those instances where private streets are worthwhile, and that there should be rules for private streets just like the City has for public ones.

Council Member Tierney asked if there had been any progress made on a possible RV dump station.

City Administrator Wayman replied in the negative, adding that he will look into pursuing a vendor who might want to purchase property and put one in.

Council Member Smeback had no report.

Council Member Williams had no report.

3. Department

Public Works Director Henne had no report.

Clerk/Treasurer Novobielski advised Council that there will be a Public Hearing on 2016 Revenue Sources at the September 22<sup>nd</sup> Council Meeting, where they will discuss what is proposed for property tax revenue and utility rates.

Council Member Williams inquired if it would be earlier, or part of the regular meeting.

Clerk/Treasurer Novobielski responded that it would be part of the regular meeting at 6:30pm.

Community Planner Durant had no report.

Recreation Manager Brown said that the Army Base Race is next Saturday, and that they have over three hundred runners between the Japanese and United States; following that is the UW Huskies scrimmage against YVCC, with a clinic afterwards.

Deputy Fire Chief Lange informed Council that all firefighters and equipment were back from fighting fires around the State.

Police Chief Hayes apologized for not being ready earlier, saying that it is twenty-five dollars for a license, with a lower charge for seniors. He stated that there will be a retirement within his department in the near future. He invited Council Members to come out and shoot at the range on the 18<sup>th</sup>. He noted that the invite is not for the general public.

Council Member Tierney extended his thanks to Police Chief Hayes for allowing him to do a practice shoot the week prior, when the department went out to do qualifying rounds. He urged his fellow Council Members to go out and participate, and see what their Police Officers do to keep the community safe.

Police Chief Hayes noted that any citizens who've been through the firearms course via the Citizens' academy can also come out to the range.

City Administrator Wayman said that the 10.24 rewrite should be done tomorrow afternoon, and will be posted on the website. He added that the current plan is to have the Planning Commission sitting before them at the next meeting for a study session prior to the regular meeting.

Council Member Overby asked why they were doing it then.

City Administrator Wayman responded that it was to stay within the timeline for a final vote; the hour long Study Session is just to satisfy questions and have opportunity to discuss the topic in a more informal environment.

Council Member Ritchie suggested that they do it during the regular meeting, but was fine either way.

Council agreed to an hour long Study Session prior to the September 22, 2015 Council Meeting.

City Attorney Noe had no report.

Assistant to the City Administrator Potter had no report.

4. Boards

a. Planning Commission Minutes – August 18, 2015 Meeting

P. Executive Session **None**

Q. Adjournment

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

The meeting adjourned at 5:24 pm.

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

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

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

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

\_\_\_\_\_  
**EXCUSED**  
Allen Schmid, Council Member

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

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

\_\_\_\_\_  
Laura Ritchie, Council Member

ATTEST:

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



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



**COUNCIL MEETING      ACTION ITEM**

**9/22/2015**

**1 – 2**

**Title:** Claims & Payroll

**Thru:** Donald Wayman, City Administrator

**From:** Monica Lake, Executive Assistant

**Action Requested:** Informational - No action

**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**

**9/22/2015      J-1**

**Title:** Public Hearing on Revenue Sources for the 2016 Budget

**Thru:** Donald Wayman, City Administrator

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

**Action Requested:** Public Hearing / Public Meeting

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A\

**Staff Recommendation:**

Hold Public Hearing.

**Background / Findings & Facts:**

Discuss potential revenue sources for the 2016 Budget.

**Recommended Motion:**

N/A



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



**COUNCIL MEETING      ACTION ITEM**

**9/22/2015      K – 1**

**Title:** Application to Department of Ecology for the Taylor Ditch Outfall Reduction project

**Thru:** Donald Wayman, City Administrator

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

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** \$32,652.50

**Funding Source:** Fund 415

**Staff Recommendation:**

A consensus to direct staff to proceed with the grant application.

**Background / Findings & Facts:**

The City wishes to partner with the Selah School District to apply for a grant from DOE to address the issue of illicit stormwater connections to the Taylor Ditch to improve water quality from those locations. One location is North Wenas Road and the other is a Selah High School parking lot. It is our intention to work with the school district to implement improvements that will provide water quality treatment at both locations. The School District cost will be \$37,740.15 and the City cost will be \$32,652.50. See the attached cost estimate.

**Recommended Motion:**

A consensus to direct staff to proceed with the grant application.

Schedule A - Carion Park

Item	Item Description	Unit	Quantity	Unit Price	Amount
1	Mobilization	LS	1	\$ 10,000.00	\$ 10,000.00
2	Project Temporary Traffic Control	LS	1	\$ 1,000.00	\$ 1,000.00
3	Shoring or Extra Excavation	LF	200	\$ 5.00	\$ 1,000.00
4	Select Backfill	CY	50	\$ 30.00	\$ 1,500.00
5	Storm Drain Pipe, 18" diameter	LF	60	\$ 80.00	\$ 4,800.00
6	Storm Drain Pipe, 12" diameter	LF	20	\$ 50.00	\$ 1,000.00
7	48" Open Top M.H. with Aluminum Grating	EA	1	\$ 4,500.00	\$ 4,500.00
8	Pretreatment manhole, 2 CFS	EA	1	\$ 32,000.00	\$ 32,000.00
9	Infiltration System No. 1	LS	1	\$ 32,000.00	\$ 32,000.00
10	Cement Concrete Sidewalk, 4-Inch Thick	SY	6	\$ 200.00	\$ 1,200.00
11	Connect to Existing structure	EA	2	\$ 1,000.00	\$ 2,000.00
12	Sod	SF	3,000	\$ 2.00	\$ 6,000.00
13	Removal of Structure and Obstruction	LS	1	\$ 500.00	\$ 500.00
14	Minor Change	FA	Est.	\$ 7,500.00	\$ 7,500.00
				SCHEDULE A SUBTOTAL	\$ 105,000.00
				8.2% State Sales Tax	\$ 8,610.00
				SCHEDULE A TOTAL	\$ 113,610.00
	Services During Construction	LS	1	\$ 17,000.00	\$ 17,000.00
				SCHEDULE A PROJECT TOTAL	\$ 130,610.00

DOE Grant (75%) \$ 97,957.50  
 City Match (25%) \$ 32,652.50

Schedule B - Selah High School

Item	Item Description	Unit	Quantity	Unit Price	Amount
1	Mobilization	LS	1	\$ 12,000.00	\$ 12,000.00
2	Project Temporary Traffic Control	LS	1	\$ 1,000.00	\$ 1,000.00
3	Shoring or Extra Excavation	LF	250	\$ 4.00	\$ 1,000.00
4	Select Backfill	CY	50	\$ 30.00	\$ 1,500.00
5	Storm Drain Pipe, 10" diameter	LF	20	\$ 40.00	\$ 800.00
6	Storm Drain Pipe, 12" diameter	LF	20	\$ 50.00	\$ 1,000.00
7	Storm Drain Pipe, 14" diameter	LF	20	\$ 60.00	\$ 1,200.00
8	Remove Catch Basin	EA	1	\$ 1,000.00	\$ 1,000.00
9	Unclassified Excavation Incl. Haul	CY	10	\$ 200.00	\$ 2,000.00
10	Catch Basin Type 2, 60"	EA	1	\$ 4,500.00	\$ 4,500.00
11	Pretreatment manhole, 2 CFS	EA	1	\$ 32,000.00	\$ 32,000.00
12	Infiltration System No. 2	LS	1	\$ 32,000.00	\$ 32,000.00
13	Connect to Existing Structure	EA	3	\$ 1,500.00	\$ 4,500.00
14	HMA Cl. 1/2" PG 64-28	Ton	90	\$ 150.00	\$ 13,500.00
15	Crushed surfacing Top Course	Ton	60	\$ 30.00	\$ 1,800.00
16	Pavement Markings	LS	1	\$ 1,000.00	\$ 1,000.00
17	Minor Change	FA	Est.	\$ 7,500.00	\$ 7,500.00
				SCHEDULE B SUBTOTAL	\$ 118,300.00
				8.2% State Sales Tax	\$ 9,700.60
				SCHEDULE B TOTAL	\$ 128,000.60
	Services During Construction	LS	1	\$ 20,000.00	\$ 20,000.00
				SCHEDULE B PROJECT TOTAL	\$ 148,000.60

2017 Construction (1 year 2% inflation) Total \$ 150,960.61

DOE Grant (75%) \$ 113,220.46  
 School District Match (25%) \$ 37,740.15

Total Project Cost City + School Dist. \$ 278,610.60



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



**COUNCIL MEETING      ACTION ITEM**

**9/22/2015      M – 1**

**Title:** Resolution Authorizing the Mayor to accept the East Goodlander Road Transportation Improvement Board (TIB) Improvements as complete and sign the Updated Cost Estimate and Project Accounting History and authorize release of retainage bond.

**Thru:** Donald Wayman, City Administrator

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

**Action Requested:** Approval

**Board/Commission Recommendation:** Approval

**Fiscal Impact:** \$1,289.10 (Progress Payment No. 3)

**Funding Source:** Fund 111

**Staff Recommendation:**

Approval of the East Goodlander Road TIB Improvements and release of the retainage bond after the conditions outlined in the attached letter from HLA have been satisfied.

**Background / Findings & Facts:**

The East Goodlander Road TIB Improvements has been completed and Progress Estimate Number 3 has been designated as the Final for work performed by Columbia Asphalt & Gravel, Inc., through July 14, 2015. Progress Estimate Number 3 shows a payment of \$1,289.10 due to the contractor. No retainage fee was required as the contractor provided a bond in lieu of a retainage. Staff also request the Mayor authorize release of the



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



retainage bond once the City receives the notice of completions from Department of Revenue, Department of Labor and Industries and Employment Security Department.

**Recommended Motion:**

Accept and approve resolution for final payment and release of retainage bond.



**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:

4/14/2015

Council awards construction contract to Columbia Asphalt & Gravel, Inc.

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

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

**RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE  
EAST GOODLANDER ROAD TRANSPORTATION  
IMPROVEMENT BOARD (TIB) IMPROVEMENTS AS COMPLETE  
AND SIGN THE UPDATED COST ESTIMATE AND PROJECT  
ACCOUNTING HISTORY AND AUTHORIZE RELEASE OF  
RETAINAGE BOND**

WHEREAS, the City of Selah contracted with Columbia Asphalt & Gravel, Inc., to perform work for the East Goodlander Road TIB Improvements, and

WHEREAS, Selah Public Works has reviewed the work performed by Columbia Asphalt & Gravel, Inc. on this project and believes it has been completed satisfactorily; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, the Mayor accept the East Goodlander Road TIB Improvements as complete.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 22nd day of September, 2015.

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

ATTEST:

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

APPROVED AS TO FORM:

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

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



Transportation Improvement Board  
**Updated Cost Estimate**

Form generated on 20 Jul 2015

Agency **SELAH**  
 TIB Project No **3-E-182(002)-1**  
 Project Name **FY 2015 Arterial Preservation Project - Multiple Locations**

**CONTRACT COMPLETION**  
 Submit form to initiate Final Settlement with TIB

**Current TIB Commitment**  
**\$220,765**

**TOTAL COST ESTIMATE AT CONTRACT COMPLETION**

DESIGN PHASE		CONSTRUCTION PHASE		
Design Engineering	Right of Way	Construction Engineering	Construction Other	Contract Amount
0		29,400		219,531
<b>Phase Total:</b>		<b>Phase Total</b>		<b>248,931</b>
		<b>Total Project Cost</b>		<b>248,931</b>

Include a cost break down of Construction Other costs

**DETERMINATION OF ELIGIBLE COST**

Enter the current estimated totals for Landscaping and Other Noneligible Cost					
Engineering Over 30 Percent	Other Noneligible Cost	Total Landscaping Cost	Allowable Landscaping	Noneligible Landscaping	Total Noneligible Cost
0			0		0
<b>Total Eligible Project Cost</b>					<b>248,931</b>

Include a cost breakdown of Other Noneligible costs

Change in Eligible Total Project Cost (Total Eligible Project Cost - Previous Phase Eligible Cost) 683

Calculated total TIB funds 220,766

**The maximum allowable TIB administrative increase cannot exceed \$1**  
**Enter 1 in Requested Change cell**

Requested Change 0

Requested total TIB funds 220,765

Enter explanation for the change in Total Project Cost in the space below

Based on the cost information shown above, the agency requests no TIB fund change at this time

**UPDATE FUNDING PARTNER PARTICIPATION**

Funding Partners	Previous Commitment	Current Participation
TIB	220,765	220,765
SELAH	27,483	28,166
WSDOT	0	
	0	
	0	
	0	
	0	
	0	
	0	
	0	
	0	
	0	
	0	
	0	
<b>TOTALS</b>	<b>\$248,248</b>	<b>\$248,931</b>
<b>Funding Partner Total is Correct</b>		

- REQUIRED ATTACHMENTS**
- ▶ Attach FINAL SUMMARY OF QUANTITIES
  - ▶ Attach signed PROJECT ACCOUNTING HISTORY or LEDGER indicating all project costs
  - ▶ Enter justification for COST INCREASE
  - ▶ Include a cost breakdown of noneligible costs

**AGENCY OFFICIAL**  
 By my signature below, I certify the costs shown are true and correct and I am authorized to financially indent the agency.

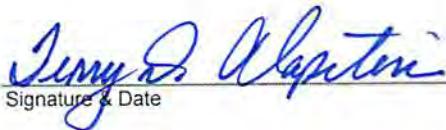
**John Gawlik**  
 \_\_\_\_\_  
 Printed or Typed Name

**Mayor**  
 \_\_\_\_\_  
 Title

\_\_\_\_\_  
 Signature & Date

**REGISTERED ENGINEER**  
 I certify the project work has been completed in accordance with the subject project plans and specifications.

**Terry D. Alapeteri, PE**  
 \_\_\_\_\_  
 Printed or Typed Name

  
 \_\_\_\_\_  
 Signature & Date

# PROJECT ACCOUNTING HISTORY

Date **11 Sep 2015**

Agency **SELAH**  
 TIB Project No **3-E-182(002)-1**  
 Project Name **FY 2015 Arterial Preservation Project - Multiple Locations**

	<b>Design Phase</b>	<b>Engineering</b>	<b>Right of Way</b>	<b>Phase Total</b>
		0.00	0.00	0.00
<b>Construction Phase</b>	<b>Engineering</b>	<b>Construction Other</b>	<b>Contract</b>	<b>Phase Total</b>
	29,400.00	0.00	219,530.51	248,930.51
<b>PROJECT TOTAL COST</b>				<b>248,930.51</b>

**AGENCY VERIFICATION OF PROJECT COSTS:** I certify that the costs are correct.

**AGENCY OFFICIAL**

Signature

John Gawlik, Mayor

Printed or Typed Name & Title

**INSTRUCTIONS:** Complete the form by entering incurred project costs. For Agency Staff Costs, indicate the Direct Labor, Payroll Benefits and Indirect Cost in the appropriate column. Indicate the payee and associated cost in the appropriate column

<sup>1</sup> Payroll Benefits cannot exceed 40 percent of Direct Labor.  
<sup>2</sup> Indirect Costs cannot exceed 10 percent of Direct Labor.

AGENCY STAFF COST	Design Phase		Construction Phase			TOTAL
	Engineering	Right of Way	Engineering	Construction Other	Contract	
Direct Labor						0.00
Payroll Benefits <sup>1</sup>						0.00
Indirect Costs <sup>2</sup>						0.00
<b>Agency Staff Cost Total</b>	0.00	0.00	0.00	0.00	0.00	0.00

Payroll Benefit Percent **0.0%**

Indirect Cost Percent **0.0%**







Jeffrey T. Louman, PE  
Theodore W. Pooler, PE  
Michael T. Bartle, PE  
Eric T. Herzog, PLS

Terry D. Alapeteri, PE  
Gene W. Soules, PE  
Timothy D. Fries, PLS  
Justin L. Bellamy, PE

Stephanie J. Ray, PE  
Dustin L. Posten, PE  
Stephen S. Hazzard, PE  
Michael R. Heit, PE

Civil Engineering ♦ Land Surveying ♦ Planning  
September 11, 2015

City of Selah  
222 South Rushmore Road  
Selah, WA 98942

Attn: Mr. Joe Henne  
Director Public Works

Re: City of Selah  
EAST GOODLANDER ROAD TIB IMPROVEMENTS  
TIB Project No.: 3-E-182(002)-1  
HLA Project No.: 14104C  
Final Progress Estimate and Project Acceptance

Dear Joe:

Enclosed is Progress Estimate No. 3 designated as the Final for work performed by Columbia Asphalt & Gravel, Inc., through July 14, 2015, in connection with their contract on the above referenced project. The amount due the Contractor of \$1,289.10 is net, as per the contract documents. Columbia Asphalt & Gravel, Inc. has provided a bond in lieu of retainage. We recommend this Final Progress Estimate be considered and accepted by the Selah City Council.

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

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

The retainage bond on this project should be released to Columbia Asphalt & Gravel, Inc., after acceptance of the project and when the following conditions have been satisfied:

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

4. The City has received the following from Huibregtse, Louman Associates, Inc. (HLA):
  - a. HLA has confirmation that all punch list items identified during the final walk-through inspection have been completed.
  - b. HLA has delivered two (2) neatly marked 11"x17" sets of record drawings to the City of Selah on August 8, 2015.
  - c. A notarized certificate from the Contractor which states that all labor and materials furnished on this project have been paid for is attached.
  - d. The required project labor and equal employment opportunity documents will be delivered to the City of Selah on September 11, 2015.

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

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

Very truly yours,



Terry D. Alapeteri, PE

TDA/crf

Enclosures

Copy: Columbia Asphalt & Gravel, Inc.  
Steve Sziebert, HLA  
~~Caroline Fitzsimmons, HLA~~  
Correspondence File

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

EAST GOODLANDER ROAD TIB IMPROVEMENTS  
 TIB Project No.: 3-E-182(002)-1  
 HLA Project No.: 14104

TO: Columbia Asphalt & Gravel, Inc.  
 P.O. Box 9337  
 Yakima, WA 98909

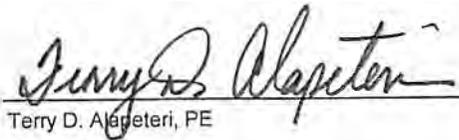
Progress Estimate No.: 3 AND FINAL  
 Date: July 14, 2015

Item No.	Description	Unit	Contract Quantity	Unit Price	Estimate 3 Quantity	Quantity to Date	Amount	Contract Quantity
<b>SCHEDULE A - TIB ROADWAY IMPROVEMENTS</b>								
1	Mobilization	LS	1	\$17,700.00	0%	100%	\$17,700.00	100%
2	Project Temporary Traffic Control	LS	1	\$27,000.00	0%	100%	\$27,000.00	100%
3	Unclassified Excavation Incl. Haul	CY	500	\$33.00	0	500	\$16,500.00	100%
4	Planing Bituminous Pavement	SY	2,360	\$3.30	0	2,360	\$7,788.00	100%
5	Crushed Surfacing Base Course	TON	280	\$26.00	0.00	283.24	\$7,364.24	101%
6	Crushed Surfacing Top Course	TON	330	\$36.00	0.00	251.91	\$9,068.76	76%
7	HMA Cl. 1/2-Inch PG 64-28	TON	1,050	\$96.00	0.00	1,030.65	\$98,942.40	98%
8	Adjust Manhole	EA	9	\$600.00	0	8	\$4,800.00	89%
9	Adjust Valve Box	EA	4	\$400.00	0	7	\$2,800.00	175%
10	Cement Conc. Traffic Curb and Gutter	LF	50	\$35.00	0	89	\$3,115.00	178%
11	Cement Conc. Sidewalk 6-Inch Thick	SY	10	\$75.00	0	23	\$1,725.00	230%
12	Cement Concrete Sidewalk Ramp	EA	2	\$1,400.00	0	2	\$2,800.00	100%
13	Pavement Markings	LS	1	\$2,600.00	0%	100%	\$2,600.00	100%
14	Minor Change	FA	EST.	\$15,000.00	445.51	17,327.11	\$17,327.11	116%
<b>SCHEDULE A SUBTOTAL</b>							\$219,530.51	
<b>SCHEDULE B - CITY UTILITY IMPROVEMENTS</b>								
15	Mobilization	LS	1	\$7,440.00	0%	100%	\$7,440.00	100%
16	Unclassified Excavation Incl. Haul	CY	160	\$22.00	0	160	\$3,520.00	100%
17	Crushed Surfacing Base Course	TON	240	\$26.00	0.00	185.53	\$4,823.78	77%
18	Crushed Surfacing Top Course	TON	60	\$36.00	0.00	62.51	\$2,250.36	104%
19	HMA Cl. 1/2-Inch PG 64-28	TON	100	\$115.00	0.00	86.65	\$9,964.75	87%
20	Shoring or Extra Excavation	LF	1,120	\$1.30	0	892	\$1,159.60	80%
21	Storm Sewer Pipe 12 In. Diam.	LF	40	\$40.00	0	39	\$1,560.00	98%
22	Ductile Iron Pipe for Water Main 12 In. Diam.	LF	270	\$81.50	0	265	\$21,597.50	98.1%
23	Ductile Iron Pipe for Water Main 8 In. Diam.	LF	20	\$72.00	0	20	\$1,440.00	100%
24	Ductile Iron Pipe for Water Main 6 In. Diam.	LF	40	\$60.00	0	40	\$2,400.00	100%
25	Select Backfill, as Directed	CY	450	\$28.50	0	562	\$16,017.00	125%
26	Butterfly Valve 12 In.	EA	1	\$1,815.00	0	1	\$1,815.00	100%
27	Gate Valve 8 In.	EA	1	\$2,400.00	0	1	\$2,400.00	100%
28	Gate Valve 6 In.	EA	1	\$3,430.00	0	1	\$3,430.00	100%
29	Hydrant Assembly	EA	1	\$3,845.00	0	1	\$3,845.00	100%
30	Service Connection 2 In. Diam.	EA	12	\$1,610.00	0	12	\$19,320.00	100%
31	Casing Pipe, in Place 18 In. Diam.	LF	40	\$94.00	0	40	\$3,760.00	100%
32	PVC Sanitary Sewer Pipe 12 In. Diam.	LF	140	\$80.00	0	143	\$11,440.00	102%
33	PVC Sanitary Sewer Pipe 6 In. Diam.	LF	350	\$62.50	0	364	\$22,750.00	104%

Item No.	Description	Unit	Contract Quantity	Unit Price	Estimate 3 Quantity	Quantity to Date	Amount	Contract Quantity
34	PVC Sanitary Sewer Pipe 4 In. Diam.	LF	120	\$45.00	0	80	\$3,600.00	67%
35	Manhole 48 In. Diam. Type 1	EA	1	\$2,550.00	0	1	\$2,550.00	100%
36	Cement Conc. Traffic Curb and Gutter	LF	5	\$35.00	0	5	\$175.00	100%
37	Cement Conc. Sidewalk 4-Inch Thick	SY	4	\$65.00	0	4	\$260.00	100%
38	Pavement Markings	LS	1	\$195.00	0%	100%	\$195.00	100%
39	Minor Change	FA	EST.	\$8,000.00	\$779.65	6,637.93	\$6,637.93	83%
SCHEDULE B SUBTOTAL							\$154,350.92	
SUBTOTAL, WORK TO DATE							\$373,881.43	
PLUS MATERIALS ON HAND							\$0.00	
SUBTOTAL AMOUNTS							\$373,881.43	
SCHEDULE B ONLY - 8.2 % STATE SALES TAX							\$12,656.78	
TOTAL							\$386,538.21	
LESS AMOUNTS PREVIOUSLY PAID							\$385,249.11	
AMOUNT NOW DUE							\$1,289.10	

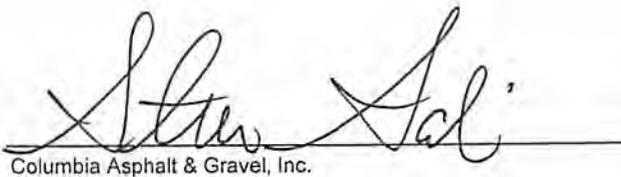
Progress Estimate No. 1 \$ 90,503.76  
 Progress Estimate No. 2 \$ 294,745.35  
 Progress Estimate No. 3 AND FINAL \$ 1,289.10

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

  
 Terry D. Alajeteri, PE

ACCEPTED:

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

  
 Columbia Asphalt & Gravel, Inc.

7/28/15  
 Date:

NOTARIZED STATEMENT

TO THE

City of Selah

I hereby certify that

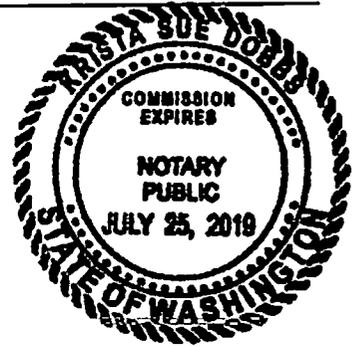
- a) all materials and labor used and performed in the construction of the EAST GOODLANDER ROAD TIB IMPROVEMENTS - Project Number 14104C, for the City of Selah, have been paid in full and there are no liens or other legal actions pending;
- b) Columbia Asphalt & Gravel, Inc., has complied with the provisions of Section 1-07.19 (Gratuities) of the Standard Specifications; and
- c) All industrial insurance premiums, as required under RCW 51.12.050 (Public Works) and RCW 51.12.070 (work done by contract) have been paid.

by Steve Sali

Steve Sali - Vice President  
Name and Title (Please print or type)

Columbia Asphalt & Gravel, Inc.  
Contractor

STATE OF WA )  
COUNTY OF Yakima ) SS



SIGNED AND SWORN TO (OR AFFIRMED) BEFORE ME ON 7/28, 2015.

By Krista Sue Dobbs  
(Signature)

Notary Public Printed Name: Krista Sue Dobbs

My Appointment Expires: 7/25/19

(Please return completed CERTIFICATION form to HLA)

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

EAST GOODLANDER ROAD TIB IMPROVEMENTS  
 TIB Project No.: 3-E-182(002)-1  
 HLA Project No.: 14104

TO: Columbia Asphalt & Gravel, Inc.  
 P.O. Box 9337  
 Yakima, WA 98909

Progress Estimate No.: 3 AND FINAL  
 Date: July 14, 2015

**MINOR CHANGES**

DATE	DESCRIPTION	PAID AS	SUB AMOUNT	GC AMOUNT	TOTAL AMOUNT	SUB NAME	TIME EXTENSION
<b>SCHEDULE A - TIB ROAD IMPROVEMENTS</b>							
7/14/2015	SEE FORCE ACCT SUMMARY FOR DETAIL	14		\$784.71	\$784.71		
6/2/2015	REPLACEMENT OF 2 - 50 LF LOOPS ON SOUTH WEST CORNER OF GOODLANDER AND N. WENAS ROAD.	14		\$7,020.16	\$7,020.16		
6/18/2015	REPLACEMENT OF 3 - 50 LF LOOPS ON NORTH WENAS ROAD.	14		\$9,522.24	\$9,522.24		
<b>Subtotal</b>					<b>\$17,327.11</b>		
<b>SCHEDULE B - CITY UTILITY IMPROVEMENTS</b>							
7/14/2014	SEE FORCE ACCT SUMMARY FOR DETAIL	39		\$6,450.33	\$6,450.33		
6/25/2015	ADDITIONAL STRIPING	39		\$187.60	\$187.60		
<b>Subtotal</b>					<b>\$6,637.93</b>		

cc: Columbia Asphalt & Gravel, Inc.  
 Terry D. Alapeteri, PE, HLA  
 Steve Sziebert, HLA  
 Eric Stein, HLA

HUIBREGTSE, LOUMAN ASSOC.

DATE:  
Progress Estimate No.:

July 14, 2015  
3 AND FINAL

CITY OF SELAH  
PROJECT NAME:

EAST GOODLANDER ROAD TIB IMPROVEMENTS

HLA PROJECT NO.:  
PRIME CONTRACTOR:

14104C  
COLUMBIA ASPHALT & GRAVEL, INC.

DESCRIPTION:

SUMMARY OF COSTS

FORCE ACCOUNT SUMMARY

DATE	LOCATION	COST	COST TO DATE	COMMENTS
<b>SCHEDULE A - TIB ROADWAY IMPROVEMENTS</b>				
6/10/15	SOUTH SIDE OF INTERSECTION AT WENAS AND GOOLANDER	\$784.71	\$784.71	COLUMBIA - REMOVED MORE SIDEWALK AND CURB. PAID PER CERT PAYROLL.
<b>SCHEDULE B - CITY UTILITY IMPROVEMENTS</b>				
5/21/15	STA 24+00 to 31+00	\$2,922.80	\$2,922.80	TTC - DIRECTED BY CITY TO REPLACE DRIVEWAY CULVERTS. PAID PER CERT PAYROLL.
5/22/15	STA 24+00 to 31+00	\$2,408.68	\$5,331.48	TTC - DIRECTED BY CITY TO REPLACE DRIVEWAY CULVERTS. PAID PER CERT PAYROLL.
6/15/15	NORTH SIDE OF GOOLANDER FROM LANCASTER EAST 270 FT.	\$1,118.85	\$6,450.33	COLUMBIA - REMOVE MORE NATIVE MATERIAL. TOO MUCH 'DIRT' IN EXISTING ROAD BED ROCK. PAID PER CERT PAYROLLS.

cc: Columbia Asphalt & Gravel, Inc.  
Terry Alapeteri, PE, HLA  
Steve Sziebert, HLA  
Eric Stein, HLA



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

## NOTICE OF COMPLETION OF PUBLIC WORKS CONTRACT

Date: \_\_\_\_\_ Contractor's UBI Number: 600 291 418

Name & Mailing Address of Public Agency
City of Selah 115 W. Naches Avenue Selah, WA 98942 UBI Number: 392 000 174

Department Use Only
Assigned to: _____
Date Assigned: _____

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

Project Name <b>EAST GOODLANDER ROAD TIB IMPROVEMENTS</b>	Contract Number 14104C	Job Order Contracting <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---------------------------	--

Description of Work Done/Include Jobsite Address(es)  
 Roadway improvements including asphalt planing, unclassified excavation, asphalt, and utility adjustments. Utility improvements including water main, water service connections, sewer main, and sewer side services. E. Goodlander Road Selah, WA 98942

Federally funded transportation project?  Yes  No (if yes, provide Contract Bond Statement below)

Contractor's Name Columbia Asphalt & Gravel, Inc.	E-mail Address krista@columbiaasphalt.com	Affidavit ID* 589393
--	--	-------------------------

Contractor Address P.O. Box 9337 Yakima, WA 98909	Telephone # (509)576-3911
--	------------------------------

If Retainage is not withheld, please select one of the following and List Surety's Name & Bond Number.

Retainage Bond  Contract/Payment bond (valid for federally funded transportation projects)

Name: North American Specialty Insurance Company      Bond Number: 2190427

Date Contract Awarded 04/14/15	Date Work Commenced 05/18/15	Date Work Completed 08/27/15	Date Work Accepted
-----------------------------------	---------------------------------	---------------------------------	--------------------

Were Subcontractors used on this project? If so, please complete Addendum A.  Yes  No

Affidavit ID\* - No L&I release will be granted until all affidavits are listed.

Contract Amount	\$ 375,659.00	Liquidated Damages \$	
Additions (+)	\$	Amount Disbursed \$	386,538.21
Reductions (-)	\$ 1,777.57	Amount Retained \$	
<b>Sub-Total</b>	<b>\$ 373,881.43</b>		
Amount of Sales Tax <u>8.2</u>			
(If various rates apply, please send a breakdown)	\$ 12656.78		
<b>TOTAL</b>	<b>\$ 386,538.21</b>	<b>TOTAL \$</b>	<b>386,538.21</b>

*NOTE: These two totals must be equal*

**Comments:**  
 Sales Tax of 8.2% collected on Schedule B ONLY, calculated off amount of \$154,350.92.

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

Contact Name: Dale Novobielski Title: Clerk - Treasurer

Email Address: dnovobielski@ci.selah.wa.us Phone Number: (509)698-7328









**Employment Security Department**

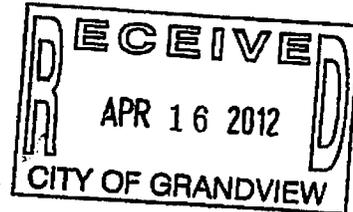
WASHINGTON STATE

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

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

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

ES Reference #: 41888600 6  
UBI No: 600192346



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

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

Description: EAST WINE COUNTRY ROAD IMPROVEMENTS.

Contract number: 11016C

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

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

Dated at Olympia, Washington on April 12, 2012.

EMPLOYMENT SECURITY DEPARTMENT

By

Robyn R. Wells  
Authorized Representative

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

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

MRM CONSTRUCTION INC  
PO BOX 838  
ELLENSBURG WA 98926 0838

CITY OF CLE ELUM  
TONI FIELDS, CITY CLERK  
119 W FIRST ST  
CLE ELUM WA 98902 0008

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

CITY OF CLE ELUM

05038-C STAFFORD AVE & SECOND ST TIB SIDEWALK IMPROVES

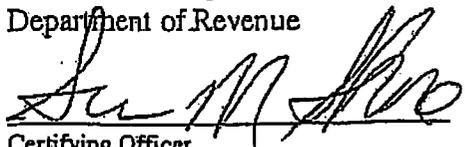
together with all other taxes, increases and penalties due from such contractor, have been paid in full or that they are, in the Department's opinion, readily collectible without recourse to the state's lien on the retained percentage.

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

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

Dated 2/28/2008 at Olympia, Washington,

State of Washington  
Department of Revenue

  
Certifying Officer

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

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



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

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

*Awarding agency name*

*Attn: Disbursing officer name*

*Awarding agency address*

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

*GC dba and address*

*GC LNI account number*

— related to the following public works contract:

*Public works contract name and number*

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

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

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

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

State of Washington  
 Department of Labor & Industries

Contract Release Specialist

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

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



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



**COUNCIL MEETING      ACTION ITEM**

**9/22/2015      M – 2**

**Title:** Resolution Approving the Final Plat of “Whispering Views Estates” (912.45.14-02) and Authorizing the Mayor to sign the Final Plat

**Thru:** Donald Wayman, City Administrator

**From:** Thomas R Durant, Community Planner

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

Approval.

**Background / Findings & Facts:**

Hearing Examiner conducted open record public hearing July 31, 2015. Prepared Findings and Conclusions recommending Denial Without Prejudice of Whispering Views Estates Preliminary Plat and Planned Development. Hearing Examiner also recommended that if the City Council is persuaded that the Preliminary Plat and Planned Development meets the requirements of Chapter 10.24 SMC the approval should be conditioned as set out in the staff report and supplemented as appropriate based on hearing testimony.

City Council conducted closed record public hearing August 25, 2015 and approved the Preliminary Plat in the manner recommended by the Hearing Examiner.



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



**Recommended Motion:**

I move the Council approve the Whispering Views Estates Final Plat and authorize the Mayor to sign the Final Plat.



**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:

7/31/2015

Hearing Examiner Open Record Public Hearing

8/25/2015

City Council Closed Record Public Hearing

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

**RESOLUTION APPROVING THE FINAL PLAT OF "WHISPERING VIEWS ESTATES" (912.45.14-02) AND AUTHORIZING THE MAYOR TO SIGN THE FINAL PLAT**

**WHEREAS**, the Public Works Director has reviewed the final plat, and by signing it has indicated his approval as to conformance to the current subdivision ordinance and to the conditions imposed during preliminary plat approval; and,

**WHEREAS**, Torkelson Construction, Inc. has complied with all of the conditions of Planned Development rezone and preliminary plat approval, now, therefore,

**BE IT HEREBY RESOLVED** that the City Council of the City of Selah, Washington approves the final plat of "Whispering Views Estates", a subdivision created as authorized in the "Whispering Views Estates Planned Development" rezone approved by City Council on the 25<sup>th</sup> day of August, 2015, and the Mayor is hereby authorized to sign the final plat.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON** this 22<sup>nd</sup> day of September 2015.

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

ATTEST:

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

APPROVED AS TO FORM:

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



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



**COUNCIL MEETING      ACTION ITEM**

**9/22/2015      M – 3**

**Title:** Resolution Adopting Planning Commission approval of Class 3 Review application by Northwest Tower Engineering and Catholic Diocese of Yakima for a 35 foot high communication tower and associated equipment building in the R-1 zoning district (928.95.15-01)

**Thru:** Donald Wayman, City Administrator

**From:** Thomas R Durant, Community Planner

**Action Requested:** Approval

**Board/Commission Recommendation:** Approval

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

Approval.

**Background / Findings & Facts:**

Planning Commission held open record hearing September 1, 2015. Findings and Conclusions recommend Approval with 5 conditions for Class 3 Review of 35 foot high communication tower.

**Recommended Motion:**

I move the Council accept the recommendation of the Planning Commission to Approve the application of Northwest Tower Engineering and the Catholic



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



Diocese of Yakima to construct a 35 foot high communication tower with associated equipment building in the R-1 zoning district.



**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:

9/1/2015

Planning Commission Open Record Hearing

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

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

**RESOLUTION APPROVING THE CLASS 3 REVIEW OF NORTHWEST TOWER ENGINEERING & CATHOLIC DIOCESE OF YAKIMA FOR A 35 FOOT HIGH COMMUNICATIONS TOWER AND ASSOCIATED EQUIPMENT (928.95.15-01)**

WHEREAS, on September 22, 2015 the City of Selah City Council considered the Class 3 Review application of Northwest Tower Engineering and the Catholic Diocese of Yakima to construct a 35 foot high communication tower and associated equipment building on the summit of the ridge about 3,500 feet east of Lookout Point Road. Yakima County Taxation Parcel Number: 181311-13002; and,

WHEREAS, the Planning Commission recommended approval of the application with conditions; and,

WHEREAS, the City of Selah Council has considered the application, the Planning Commission's findings of fact and conclusions and the City staff report dated August 27, 2015 and the Council is satisfied that the matter has been sufficiently considered; and,

WHEREAS, the City Council adopts the Findings and Conclusions of the Planning Commission's Recommendation; and,

WHEREAS, the City Council considered the elements of public use and interest to be served by the proposed Class 3 use, and

WHEREAS, the City Council considered the elements of public health, safety, and general welfare pertaining to the proposed Class 3 Use;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that Class 3 Use Review Application No. 928.95.15-01 of Northwest Tower Engineering and Catholic Diocese of Yakima for a 35 foot communication tower and associated equipment building in the R-1 zoning district be approved with the five (5) specific conditions recommended by the Planning Commission.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH,  
WASHINGTON this 22<sup>nd</sup> day of September 2015.

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

ATTEST:

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

APPROVED AS TO FORM:

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

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

## CONDITIONS OF APPROVAL

1. The facility shall be constructed in substantial conformance to the site plan, drawings and description submitted with the application except as modified by the decision and at minimum including the following features:
  - a. Tower height limitation of 35 feet.
  - b. ~~Width or diameter of the tower no greater than three feet. The use of a monopole is an~~ acceptable alternative to the tower as shown.
  - c. No lights or bright colors on the tower. Security lights, if any, on the equipment building shall be shielded so as to not be visible from a distance and to not shine on neighboring properties.
  - d. An 8 foot wide minimum vegetated buffer as described in the application or as an alternative using other plant materials that would obscure the fenced enclosure and equipment building at ground level from property immediately surrounding the facility.
  - e. Antennas for the proposed use of the tower shall not substantially exceed the dimensions shown with the application.
  
2. The equipment building shall be painted (siding may also be used) with a darker color that blends better with the surroundings. Fencing shall also be a color, other than white, that blends with the surroundings. However, the Planning Commission may modify this condition and not require the equipment building to be painted if it is satisfied from the hearing that other measures proposed by the applicant will adequately obscure or disguise the structure as viewed from off-site.
  
3. This decision authorizes only one tower on the site and may not be modified to provide for additional towers. Making the tower available for co-location is authorized and encouraged.
  
4. Project shall be completed within one year of the final Class 3 decision. Extensions may be requested as authorized by the zoning ordinance, but must be requested in writing with the request received by the Planning Department prior to the completion date.
  
5. A pre-construction drainage plan and sediment control plan and special inspections for concrete and rebar will be required.

## RECOMMENDED CLASS 3 USE PERMIT FINDINGS AND CONCLUSIONS

File No. 928.95.15-01

September 1, 2015

This matter having come on for public hearing before the Selah Planning Commission on September 1, 2015 for the purpose of an application by Northwest Tower Engineering and the Catholic Diocese of Yakima to construct a 35 foot high communication tower with associated equipment building in the One Family Residential (R-1) zoning district.

Members of the Commission present at the public hearing were *Quinnell, Turkelson, Smith, Pendleton*

Legal notification pursuant to Selah Municipal Code was given on August 5, 2015. All persons were given the opportunity to speak for against the proposed Class 3 Use.

1. The Commission adopts the staff findings and report as to the existing use, zoning and future land use designation of the subject and adjacent properties.
2. The proposed use, with conditions, is compatible with the use, zoning and future land use designation from the Comprehensive Plan.
3. Owners of adjacent lands expressed Approval / Disapproval of the proposal.
4. The majority of comments received were in favor of / opposition to the proposal.
5. Based on the findings in the August 27, 2015 staff report, the Planning Commission finds that the development is consistent with the Comprehensive Plan and the requirements of the municipal code:
6. The Commission finds that the present and future needs of the community will be adequately served and the community as a whole will benefit rather than being injured by the proposal.
7. Environmental Review has been completed, a Determination of Nonsignificance was issued and the Commission is satisfied that environmental review was completed in compliance with Selah Municipal Code Chapter 11.40.
8. The Commission finds the following additional significant factors concerning the proposal:
9. The Commission determines that findings \_\_\_\_\_ to be the controlling factors in its deliberations on the Class 3 Use Permit.

## DECISION

The Commission, based on these findings, conclusions and controlling factors finds that the Class 3 Use should be approved with the following conditions:

1. The facility shall be constructed in substantial conformance to the site plan, drawings and description submitted with the application except as modified by the decision and at minimum including the following features:
  - a. Tower height limitation of 35 feet.
  - b. Width or diameter of the tower no greater than ~~shown on the site plan.~~ <sup>3 feet.</sup> The use of a monopole is an acceptable alternative to the tower as shown.
  - c. No lights or bright colors on the tower. Security lights, if any, on the equipment building shall be shielded so as to not be visible from a distance and to not shine on neighboring properties.
  - d. An 8 foot wide minimum vegetated buffer as described in the application or as an alternative using other plant materials that would obscure the fenced enclosure and equipment building at ground level from property immediately surrounding the facility.
  - e. Antennas for the proposed use of the tower shall not substantially exceed the dimensions shown with the application. ~~This condition shall be waived for antennas that are co-located on the tower by subsequent users when there are two or more users of the facility.~~
2. The equipment building shall be painted (siding may also be used) with a darker color that blends better with the surroundings. Fencing shall also be a color, other than white, that blends with the surroundings. However, the Planning Commission may modify this condition and not require the equipment building to be painted if it is satisfied from the hearing that other measures proposed by the applicant will adequately obscure or disguise the structure as viewed from off-site.
3. This decision authorizes only one tower on the site and may not be modified to provide for additional towers. Making the tower available for co-location is authorized and encouraged.
4. Project shall be completed within one year of the final Class 3 decision. Extensions may be requested as authorized by the zoning ordinance, but must be requested in writing with the request received by the Planning Department prior to the completion date.

5. *Pre construction drainage plan & sediment plan. Special inspection for concrete & rebar.*

Motion to Approve/Deny by: Torkelson Second by Smith Vote 4-0

**Northwest Tower Engineering / Catholic Diocese of Yakima**  
**928.95.15-01 Class 3 Review**  
**971.95.15-06 Environmental Review**

List of Exhibits

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**CITY OF SELAH PLANNING COMMISSION**

STAFF REPORT

August 27, 2015

**FILE NO.:** CLASS 3 REVIEW – COMMUNICATION TOWER 928.95.15-01  
ENVIRONMENTAL REVIEW 971.95.15-06

**PROPOSAL:**

Construct a 35 foot high communication tower with associated equipment building in the One Family Residential (R-1) zoning district. The tower is proposed as a radio broadcast facility for KZTR & KYTR, which according to the application will broadcast to the Cities of Yakima and Selah.

**PROPONENT:** Northwest Tower Engineering

**PROPERTY OWNER:** Catholic Diocese of Yakima

**LOCATION:** On the summit of the ridge about 3,500 feet east of Lookout Point Road. (Tax Parcel Number: 181311-13002).

**APPLICATION AUTHORITY AND JURISDICTION:** Selah Municipal Code, Chapter 10.06 (Applications) as it pertains to Class 3 Review. Communication towers are defined in Appendix A to Chapters 10.02 through 10.48 as “a structure upon which can be mounted a pole, mast, whip, antenna, or any combination thereof used for radio, television, cellular or microwave telecommunications, broadcast transmission or line-of-sight relay”. Communication Towers are listed as a Class 3 use in all zoning districts by Table 10.28A-11 and are subject to the standards and requirements of SMC 10.28.040(h).

**PUBLIC FACILITIES AND UTILITY SERVICES:** The only utilities serving the site are electrical power and telephone. Typically, only electrical power is needed for this land use and is available nearby to the east.

**ACCESS & PARKING:** Access to the site is by an access easement improved with a dirt road that extends east from the end of Lookout Point Road and provides access to other communication towers in the vicinity. The application states that the finished project will generate one (round-trip) vehicle trip per month and it includes documentation that the proponent has a right of legal access for this purpose.

There are no off-street parking standards in the zoning ordinance for this land use. The application states that one parking space will be provided. It is not subject to the improvement and maintenance standards of SMC 10.34.070.

**LAND USE, ZONING & PHYSICAL CHARACTERISTICS OF THE SITE:** The site is located at the summit ridge of Lookout Point and overlooks the City of Selah and the City of Yakima. It consists of one of two contiguous lots owned by the Catholic Diocese. The lot proposed for the application is 0.47 acre in size. The site and all surrounding properties are zoned One-Family Residential (R-1) and designated Low Density Residential by the Future Land Use Map of the Comprehensive Plan.



Most of the surrounding land use is vacant land. There are three existing communication towers in the vicinity ranging from 300 to 1,160 feet away from the site. The towers are 150 feet in height. The nearest residential areas are located on Lookout Point Road about 3,600 feet west of the site and in the vicinity of South 7<sup>th</sup> Street and Harris Avenue about the same distance to the north. Other nearby structures and land uses include a City water reservoir about 3,000 feet west of the site and above-ground electric transmission lines. Steep slopes descend both to the north and to the south. The Naches River is at the bottom of the slope to the south and along with U.S. Highway 12 forms a physical boundary separating the Cities of Selah and Yakima.

**ENVIRONMENTAL REVIEW:** A Determination of Nonsignificance (DNS) (971.95.15-06) was issued on August 24, 2015. The Optional Method of WAC 197-11-355 was used meaning that comments on the SEPA environmental checklist were requested by the Notice of Application issued on August 5, 2015 and the DNS issued without a further comment period.

Two comment letters were submitted during the comment period. The Selah Police Department commented that the proposal does not pertain to or affect the department or its duties. A second comment letter with comments directed both to the SEPA determination and the project in general was submitted by a law firm representing the owner of property surrounding most of the site. The SEPA issues raised by the letter are as follows:

The optional DNS process should not have been used because under WAC 197-11-355, the City should be reasonably certain that environmental impacts are unlikely.

The project site is located in shrub steppe habitat in close proximity to the Naches River which is described by a WDFW report as habitat vital for over 94 species of birds and 13 species of mammals including the pygmy rabbit, which is on the State list of endangered species. The SEPA Checklist does not mention any of several species listed in the comment letter and proposes no measures to preserve or enhance wildlife habitat.

Additional information is required for aesthetic impacts and the proposed mitigation is inadequate.

The SEPA Checklist inadequately describes the proposal because it fails to include the placement of power poles along the ridgeline, further exacerbating visual impacts and no mitigation, such as undergrounding utilities, is proposed.

The SEPA Checklist fails to address and mitigate impacts to other nearby jurisdictions.

The issuance of a DNS and determination that there are no significant adverse environmental impacts is based on the following findings:

1. The use of the optional DNS process was based on reasonable certainty that environmental impacts were unlikely. This does not commit the SEPA Responsible Official to making a negative determination (WAC 197-11-355(4)(a)). If a Determination of Significance had been issued, it would have had a new 21-day comment and scoping period as required. However, the

determination has been made that there are no significant adverse environmental impacts for the reasons documented in these findings.

2. The SEPA checklist stated that native and naturalized bird and mammal species are on the site but did not identify any by name. It also stated that any threatened or endangered species are unknown and that the property may be located at the eastern edge of the Pacific flyway. No measures to preserve or enhance wildlife were proposed.

Staff obtained additional information about wildlife on-line from the Washington Department of Fish and Wildlife, which was also a consulted agency (see Finding #5 below). The website, which includes an interactive mapping application does not indicate the presence of endangered or threatened species and locates the site outside of the mapped Shrub-Steppe priority habitat area. Additional discussion is later in this report under "Critical Areas".

3. The SEPA Checklist states that skyline view in all directions will be slightly altered and proposes a sight-obscuring fence and landscaping at ground level. Other features of the project portrayed by the plans, drawings and photo-simulations submitted with the application do not suggest significant adverse impacts although they are subject to the Class 3 review requirements of the development regulations (WAC 197-11-330(1)(c)). This is discussed later in this report.
4. The SEPA Checklist states that electricity for the project will be pulled from existing service lines adjacent to the subject property, although it did not specify that new power poles would be installed. The extension of electrical power and installation of power poles is generally not regulated by the City, except for subdivisions where underground utilities are required. There are no comprehensive plan policies or regulations that prohibit or restrict power poles in this location based on potential visual impacts. There are standards and requirements for communication towers but not for associated power poles. The height and visibility of power poles in a ridgetop location is not sufficient basis for determining an adverse impact in the absence of adopted policies or regulations considering that R-1 zoning allows, without restriction, residential buildings up to 35 feet in height and that subdivision standards would not only allow, but would require (SMC 10.50.045(e)) street lights on poles of about the same height.
5. Staff is unable to find in review of the SEPA environmental checklist any responses that suggest that the description of the project and its environmental effects were limited to the jurisdictional boundaries of the City of Selah. Four City departments/officials and five State and local agencies were notified as consulted agencies during the SEPA process. They included the Washington Department of Fish and Wildlife and the City of Yakima. Neither provided comments on the proposal. The City of Yakima was consulted based on the potential effect of the project on its services as the administrator of the local airport. While staff is aware that Yakima's Airport Safety Overlay zone is one mile or more away from the project site, it was considered prudent to notify the City for this reason. Having been given notice, the City could

have commented on aesthetics or any other element of the environment that it felt was appropriate, but it did not do so.

**CRITICAL AREAS:** The project site was evaluated for potentially being in two critical areas based on its location and information disclosed in the environmental checklist and application. Geologically hazardous areas include several categories, the most likely being “erosion hazard areas”, which are areas that have three characteristics: A slope of 15% or greater, soils identified by the NRCS as unstable with a high potential for erosion; and areas that are exposed to the erosion effects of wind or water (SMC 11.50.150(a)(2)(A)). As disclosed by the SEPA checklist and consistent with the site plan and photographs submitted with the application, the steepest slope on the site is 12.7%. The NRCS soil classification of the site is Bakeoven very cobbly silt loam which is not identified by the Soil Survey for Yakima County as being either unstable or having a high erosion potential. Mapping of erosion hazard areas maintained by Yakima County also does not show this site being in an effected area. There is no evidence that site has any of the characteristics of the other geological hazardous areas identified in the critical areas ordinance.

The second potential critical area is Fish and Wildlife Conservation Areas (SMC 11.50.120) which is described as the areas identified by the Washington Department of Fish and Wildlife under the Priority Habitat and Species Program (SMC 11.50.120(a)). The first of two classifications for these areas are “Critical” meaning areas that state or federal endangered, threatened and sensitive species have a primary association, including anadromous fish species and habitats requiring special consideration under RCW 36.70A.172(1). The second classification: “awareness” includes all other priority habitats and species identified by WDFW.

The SEPA Checklist discloses that the property is classified as a “Habitat Area” by the Yakima County Comprehensive Plan. However, mapping obtained from the WDFW website shows the site location near but outside of the designated Shrub-Steppe Habitat Area. Based on SMC 11.50.120(a), the site is not in this designated critical area.

**CLASS 3 REVIEW REQUIREMENTS:** Class 3 uses are not appropriate generally throughout the zoning district but may be permitted at a particular location where it can be conditioned to ensure compatibility and compliance with the provisions of the zoning districts and the goals, objectives and policies of the comprehensive plan (SMC 10.06.020(3)). The reviewing official (i.e., Planning Commission) has broad authority to impose conditions under SMC 10.06.060(a) and is required to impose a time limit in which the action must be commenced, completed or both (SMC 10.06.060(c)).

**Comprehensive Plan:** The Future Land Use designation of the site is Low Density Residential. The description of that category in the comprehensive plan neither permits nor prohibits the proposed use.

The comment letter suggests that three Comprehensive Plan goals, objectives and policies are relevant to this proposal. All are goals from the Housing Element of the Plan, rather than the Land Use Element. They are as follows:

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

**Policy HSG 1.3:** Restrict the encroachment of commercial and industrial uses into residential neighborhoods except in area identified for commercial and industrial expansion.

**Policy HSG 1.6:** Replace nonconforming uses with appropriate conforming uses.

These policies support the designation of communication towers as a Class 3 use, not generally appropriate in the zoning district but permissible in a particular location. Although not specified in the Comprehensive Plan, the reason that communication towers are permitted at all in residential and other non-commercial or industrial areas is because they often have a need to be in certain locations in order to achieve their purpose. The summit of a ridge is one example of this and as stated in the application the proposed site is necessary due to its overlooking both Yakima and Selah and providing service to the audiences in these areas. The zoning ordinance, which was adopted to implement the plan and is required to be consistent with it, has established this use as a Class 3 use in the R-1 zone. Therefore, it does not conflict with Policy HSG 1.3. To the extent that this would be considered a commercial or industrial use, it is implied by its being designated a Class 3 use in the R-1 zone that there are some R-1 zoned areas identified for its expansion. It is also *restricted* in a residential zone (rather than a neighborhood in this instance) by its designation as a Class 3 use, and the requirement that it meet Class 3 Review approval criteria.

Objective HSG 1 does not appear to be relevant because the nearest *existing* residential neighborhoods are more than one-half mile away and there is no evidence that this proposal would degrade them.

Finally as indicated in the comment letter, this is not a nonconforming use. Therefore Policy HSG 1.6 does not apply.

Staff review did not identify additional relevant policies. Several policies under the Plan Goal to "Provide appropriate protection for recognized habitat and critical areas" were considered, but determined to not be relevant based on the above finding that the site is outside of a priority habitat area.

**Provisions of the Zoning District:** The purpose of the R-1 zone is to provide for single-family residential development where urban governmental services are currently available or will be extended by the proponent to facilitate development at no public cost (SMC 10.12.010). Specific intents of 10.12.010 that are relevant to the proposed use include providing for an orderly, phased transition from vacant or partially developed to single-family development and ensuring that R-1 uses will facilitate future urban development and extension of utilities.

The basic intent is to facilitate single-family residential development and extension of utilities. The proposed use has no significant utility needs other than power, to which it will be provided at developer expense. There is also no clear evidence that it would interfere with future single-family residential development, since it occupies a very small site in a large undeveloped area and does not

have significant adverse effects. Implied concerns that it may discourage or devalue future residential development of surrounding property has not been supported. Reference is made to a newly developed subdivision on W. Goodlander Road with homes valued by the Yakima County Assessor in the \$175,000 to \$400,000 price range in very close proximity to an existing communication tower. This includes one home built in 2014 on a lot that is within 50 feet of the base of the tower.

The review criteria of SMC 10.28.040(h) come without any purpose statement but are undoubtedly intended to address potential visual impacts of communication towers and to discourage their proliferation in any location. The criteria are as follows:

1. The facility shall use state-of-the-art technology to reduce visual impact;
2. At a minimum the facility shall be camouflaged to industry standards;
3. Preferential consideration will be given to facilities which co-locate on existing towers, buildings, and structures without an increase in the tower, building, or structure height.
4. Communication towers exceeding the zoning district height limitations shall require a variance approval;
5. Communication towers shall meet the principal structure setbacks. Communication equipment buildings shall meet the accessory setback standards.

It is not defined in the zoning ordinance what is considered to be “state-of-the-art” technology to reduce visual impact. A cursory search by staff of the internet and published sources was made to shed some light on this and identify industry camouflage standards. Measures to address visual impacts include height restrictions, self-supporting towers, minimizing the radius of the tower, placing antenna and other attachments more closely to the tower and reducing their size; avoiding the use of lights or bright colors, and using fencing or vegetation as site-screening for accessory structures such as the equipment building.

Examples of camouflage include landscaping, vegetative buffers, design using colors and materials to blend in with surroundings and use of topography, vegetation and other structures to sitescreen tower support structures. “Stealth camouflage structures” such as designing a tower to look like a tree, rock or part of a structure appears to be among “industry standards”, but there is also a caution that stealth designs should be indigenous to the area. Designing a tower to look like a tree on otherwise treeless Lookout Point may not be an effective disguise.

The application provides very little specific written information about how the proposal meets these two criteria, although the site plan, engineering drawings and photographic simulations of the project provide a good visual representation of the project. They show the proposed tower to be a self-supporting lattice tower, slim in profile. It measures two feet in width on the site plan. The antennas are shown mounted on the side of the structure and also scale to about two feet in length. There are no lights proposed and no indication that it will need to be painted bright colors for air traffic safety. Photo-simulations included with the application show the proposed tower to be much smaller and less conspicuous than the existing nearby towers, although still visible. The “off-white” equipment building, which is now located on the site is also visible, especially from the Yakima side of the ridge. It appears

that the proposed fencing will only partially obscure it. An 8 foot wide buffer planted with Big Sage and other plants is proposed around the perimeter of the facility. These plants can be quite large and may help to obscure the fenced area from view at ground level, especially downhill from the site.

The zoning ordinance specifies preferential treatment for facilities that co-locate on existing towers, buildings and structures. Although the purpose is not stated, this is usually intended to reduce the proliferation of communication and prevent the resulting visual clutter. What the preferential treatment provides for is also not specified, although under the definitions of these terms by the Code, locating an antenna on an existing structure would eliminate the requirement for Class 3 review of a communication tower. There are no standards of what is sufficient justification to not co-locate and "preferential treatment" should not be enough on its own to deny the application, although since it is one of the required criteria, it should have some weight. Providing for future co-location by other service providers may also be grounds for preferential treatment under this provision.

The absence of nearby towers cannot be used as justification in this instance, although there may be technical reasons for not co-locating on them. Given that the proponent already owns the site, that it appears to be ideal for this use and there are few, if any practical alternative uses for it may be justification. The application also indicates that there could be growth and upgrades in the future and there are no plans to expand the project lease area.

The communication tower meets the 35 foot height limitation of the R-1 zone, so it does not need a variance and it clearly meets this standard. The comment letter observed that based on the zoning ordinance definitions, the height limit applies only to the tower and not to antennas that may be located on it. The application materials do not indicate the placement of antennas that extend above the height of the tower and the antennas being shown are small and would not likely extend substantially if they did.

The tower, equipment building and all other structures on the site plan are shown 20 feet or more from all property lines meeting or exceeding the minimum principal structure setbacks of the R-1 zone.

**CONCLUSIONS & RECOMMENDATION:** The proposal generally conforms to the standards of the Zoning Ordinance and is in a location that is more suitable than most in the City for its intended purpose. It has a number of features that should reduce what are generally considered to be visual impacts of communication towers, and that appear to be "state-of-the-art" based on what is being required in other locations, although the application has not clearly shown how the tower is to be camouflaged to industry standards and why co-location is not an alternative given that there are nearby existing towers.

The proposal is consistent with the comprehensive plan. Existing neighborhoods are some distance away, and while the affect it may have on future residential development of the area should be taken into account, there is no evidence that the proposal, conditioned as required by the Zoning Ordinance, would significantly impact it.

The distance from existing developed areas and the location relative to the proposed broadcast areas of Yakima and Selah make this a site that is a particular location where it can be conditioned to ensure compatibility, compliance with the provisions of the zoning district and the goals, objectives and policies of the comprehensive plan.

The site is not located in critical areas and SEPA environmental review has been completed.

Staff recommends that the Class 3 Review Application be approved but that the Planning Commission consider testimony and evidence received at the hearing including that from the proponent as to how the proposed facility is being disguised to industry standards and justification for not co-locating on existing towers. Additional conditions may be warranted based on the testimony in addition to the following conditions that are recommended:

1. The facility shall be constructed in substantial conformance to the site plan, drawings and description submitted with the application except as modified by the decision and at minimum including the following features:
  - a. Tower height limitation of 35 feet.
  - b. Width or diameter of the tower no greater than shown on the site plan. The use of a monopole is an acceptable alternative to the tower as shown.
  - c. No lights or bright colors on the tower. Security lights, if any, on the equipment building shall be shielded so as to not be visible from a distance and to not shine on neighboring properties.
  - d. An 8 foot wide minimum vegetated buffer as described in the application or as an alternative using other plant materials that would obscure the fenced enclosure and equipment building at ground level from property immediately surrounding the facility.
  - e. Antennas for the proposed use of the tower shall not substantially exceed the dimensions shown with the application. This condition shall be waived for antennas that are co-located on the tower by subsequent users when there are two or more users of the facility.
2. The equipment building shall be painted (siding may also be used) with a darker color that blends better with the surroundings. Fencing shall also be a color, other than white, that blends with the surroundings. However, the Planning Commission may modify this condition and not require the equipment building to be painted if it is satisfied from the hearing that other measures proposed by the applicant will adequately obscure or disguise the structure as viewed from off-site.
3. This decision authorizes only one tower on the site and may not be modified to provide for additional towers. Making the tower available for co-location is authorized and encouraged.
4. Project shall be completed within one year of the final Class 3 decision. Extensions may be requested as authorized by the zoning ordinance, but must be requested in writing with the request received by the Planning Department prior to the completion date.

# CITY OF SELAH

## CLASS 3 USE PERMIT APPLICATION

CLASS 3 USE APPLICATION FILE # 928. \_\_\_\_ -- \_\_\_\_ -- \_\_\_\_

### APPLICATION REQUIREMENTS (print or type information)

Date Submitted/Received By: \_\_\_\_\_

- Non-Refundable Application Fee
- Site Plan (one copy, B&W, drawn to scale, max. size 11" x17")

**THE APPLICATION AND REQUIRED SUBMITTALS MUST BE COMPLETED AND SUBMITTED BEFORE THE APPLICATION IS ACCEPTED AS COMPLETE BY THE CITY.**

APPLICANT'S NAME: NORTHWEST TOWER ENGINEERING

APPLICANT'S ADDRESS: 2210 HEWITT AVE SUITE 209  
EVERETT WA 98201

[Signature] (ERIC J. SLANKE)  
Signature

TELEPHONE: (work) 425-238-4248 (home) 206 618-9077

NAME OF LEGAL PROPERTY OWNER: CATHOLIC DIOCESE OF YAKIMA  
(If different from applicant)

ADDRESS: 5310 TIETON DRIVE SUITE A  
YAKIMA, WA 98908-3493

[Signature] BERNARD JOSEPH TYSON  
Signature

TELEPHONE: (work) 509-965 7117 (home) \_\_\_\_\_

Tax Parcel # 181311-13002 Legal description of property: SEE ATTACHED

(attach if lengthy)

Zoning Classification: R-1

Comprehensive plan designation: RESIDENTIAL - LOW DENSITY



# Legal Description

PARCEL NUMBER:  
18131113002

LEGAL DESCRIPTION:

BEGINNING AT A POINT ON THE EAST LINE OF SECTION 11, TOWNSHIP 13N, RANGE 18E OF THE WILLAMETTE MERIDIAN, 2595.5 FEET NORTH OF THE SOUTHEAST CORNER THEREOF:  
THENCE WEST 568 FEET  
THENCE NORTH 57 DEGREES, 11 MINUTES WEST - 1219.7 FEET  
THENCE NORTH 32 DEGREES, 49 MINUTES EAST - 234.18 FEET  
THENCE SOUTH 78 DEGREES, 50 MINUTES WEST - 285 FEET TO THE TRUE POINT OF BEGINNING  
THENCE SOUTH 78 DEGREES, 50 MINUTES WEST - 200 FEET  
THENCE NORTH 11 DEGREES, 10 MINUTES WEST 108.9 FEET  
THENCE NORTH 78 DEGREES, 50 MINUTES WEST - 200 FEET  
THENCE SOUTH 11 DEGREES, 10 MINUTES EAST TO THE TRUE POINT OF BEGINNING

Summary of proposed Class 3 Use: SEE ATTACHED

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(Attach additional sheets if necessary to describe or explain the proposed Class 3 Use)

**FOR ADMINISTRATIVE USE ONLY**

**Planning Commission Public Hearing Date:** \_\_\_\_\_

**City Council Public Meeting Date:** \_\_\_\_\_  
(if known at time of application acceptance)

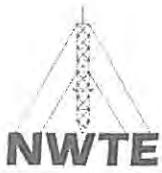
**Date Application Accepted as Complete:** \_\_\_\_\_  
(statute allows for 28 day application review)

**Legal Notice Publication Date:** \_\_\_\_\_

**Legal Notice Mailing Date:** \_\_\_\_\_

## **Project Description:**

The Catholic Diocese of Yakima is requesting approval of a Class III Use permit for the installation of a radio broadcast facility on existing church owned property within the city limits of Selah, Washington. The facility will be located on Selah Ridge, to the east of the existing residential properties on Lookout Point Drive and south of the City of Selah. For a number of years there was an FM radio station broadcasting from this site. When the decision was made to take the station off-air, the facility was shut down and the infrastructure was removed from the property. Currently, the subject property contains an existing 8'-0"x19'-9" steel clad container and the aforementioned remnants of the abandoned radio broadcast facility including the concrete tower foundation and guy wire anchors. Otherwise the property is uninhabited and populated by typical upland prairie vegetation; including sagebrush, bunchgrass and several varieties of wildflowers. The proposed facility is a gravel surfaced 120 square foot compound surrounded by a 6'-0' high slatted chain-link fence. More specifically, the project will include the installation of the existing steel equipment container on concrete piers and a proposed 35'-0" high tower section to support antennas for the KYTR & KZTR Radio broadcast. The existing steel equipment container will house radio, mechanical and electrical equipment. The parcel on which the facility will be located is approximately 21,780 square feet or 0.47 of an acre.



# NorthWest Tower Engineering

City of Selah Planning and Development Services  
222 S. Rushmore Road  
Selah, WA 98942

RE: Class III Use Application – KYTR & KZTR Radio Broadcast Facility

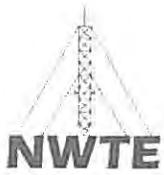
## Project Description:

The Catholic Diocese of Yakima is requesting approval of a Class III Use permit for the installation of a radio broadcast facility on existing church owned property within the city limits of Selah, Washington. The facility will be located on Selah Ridge, to the east of the existing residential properties on Lookout Point Drive and south of the City of Selah. For a number of years there was an FM radio station broadcasting from this site. When the decision was made to take the station off-air, the facility was shut down and the infrastructure was removed from the property. Currently, the subject property contains an existing 8'-0" x 19'-9" steel clad container and the aforementioned remnants of the abandoned radio broadcast facility including the concrete tower foundation and guy wire anchors. Otherwise the property is uninhabited and populated by typical upland prairie vegetation; including sagebrush, bunchgrass and several varieties of wildflowers. The proposed facility is a gravel surfaced 120 square foot compound surrounded by a 6'-0" high slatted chain-link fence. More specifically, the project will include the installation of the existing steel equipment container on concrete piers and a proposed 35'-0" high tower section to support antennas for the KYTR & KZTR Radio broadcast. The existing steel equipment container will house radio, mechanical and electrical equipment. The parcel on which the facility will be located is approximately 21,780 square feet or 0.47 of an acre.

## Itemized Description:

- This facility will be unmanned / unoccupied with the exception of maintenance visits by radio station personnel.
- The facility will operate 12 hours a day, 7 days a week for radio broadcast communications for the Cities of Selah and Yakima.
- 1 parking space will be provided for the station's personnel, as the facility is unoccupied there will be no need to provide additional parking.
- Projected completion date is 3<sup>rd</sup> quarter of 2015.
- If the proposed project is completed as planned, once the construction phase is over, approximately one trip per month will be added to the surface streets.





# NorthWest Tower Engineering

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- The construction crew will utilize existing surface streets to arrive at the gated access road that provides access for several different entities and their existing facilities. The existing dirt access road will serve as a suitable surface to access the proposed radio facility. Once construction is complete any damage to the existing surface streets will be repaired to pre-construction condition.
- There will be no long term or residual noise, odor or heat effects generated by the radio tower project. Any short-term noise impacts would result from construction activities and the use of construction equipment. These noise levels would occur only during the construction phase of the project and only during the daylight hours allowed by Selah building codes. Once construction is complete the noise level would return to normal levels for the community at large.
- Air emissions are not applicable to this project
- Vibrations from any heavy equipment / machinery would result from construction activities and the use of construction equipment associated with the project installation. This would occur only during the construction phase of the project and only during the hours allowed by Yakima County codes.
- There will be no storage of fuel, chemicals, solvents, oil or any other potentially toxic substances at this site.
- One (1) 8'x20' equipment container is currently located on the subject property.
- Sewage disposal is not applicable to this project and no water service will be required for this facility

Please call me at (425) 258-4248 if you have any questions.

Sincerely,

Eric Sladky  
NWTE  
Agent for the KZTR & KYFR Radio Broadcast Facility

# KYTR AND KZTR RADIO FACILITY

SELAH RIDGE  
SELAH, WA 98942



BEFORE



AFTER

VIEW LOOKING WEST



15

# KYTR AND KZTR RADIO FACILITY

SELAH RIDGE  
SELAH, WA 98942



BEFORE

VIEW LOOKING SOUTH



AFTER

# KYTR AND KZTR RADIO FACILITY

SELAH RIDGE  
SELAH, WA 98942



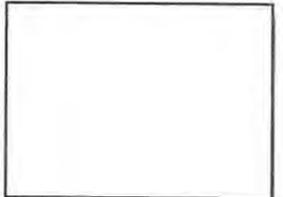
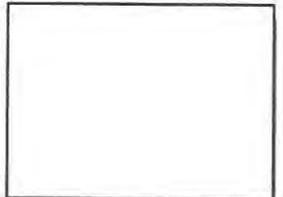
BEFORE



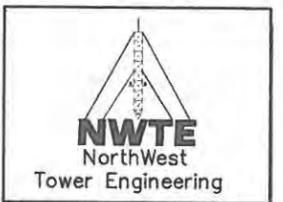
AFTER

VIEW LOOKING SOUTH

CATHOLIC DIOCESE  
OF YAKIMA  
5301 TIETON DRIVE  
SUITE A  
YAKIMA, WA 98908  
509.965.7117



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RELEASE	
DATE	
15APR15	LAND-USE PERMIT REVIEW
22JUN15	LAND-USE PERMIT SET

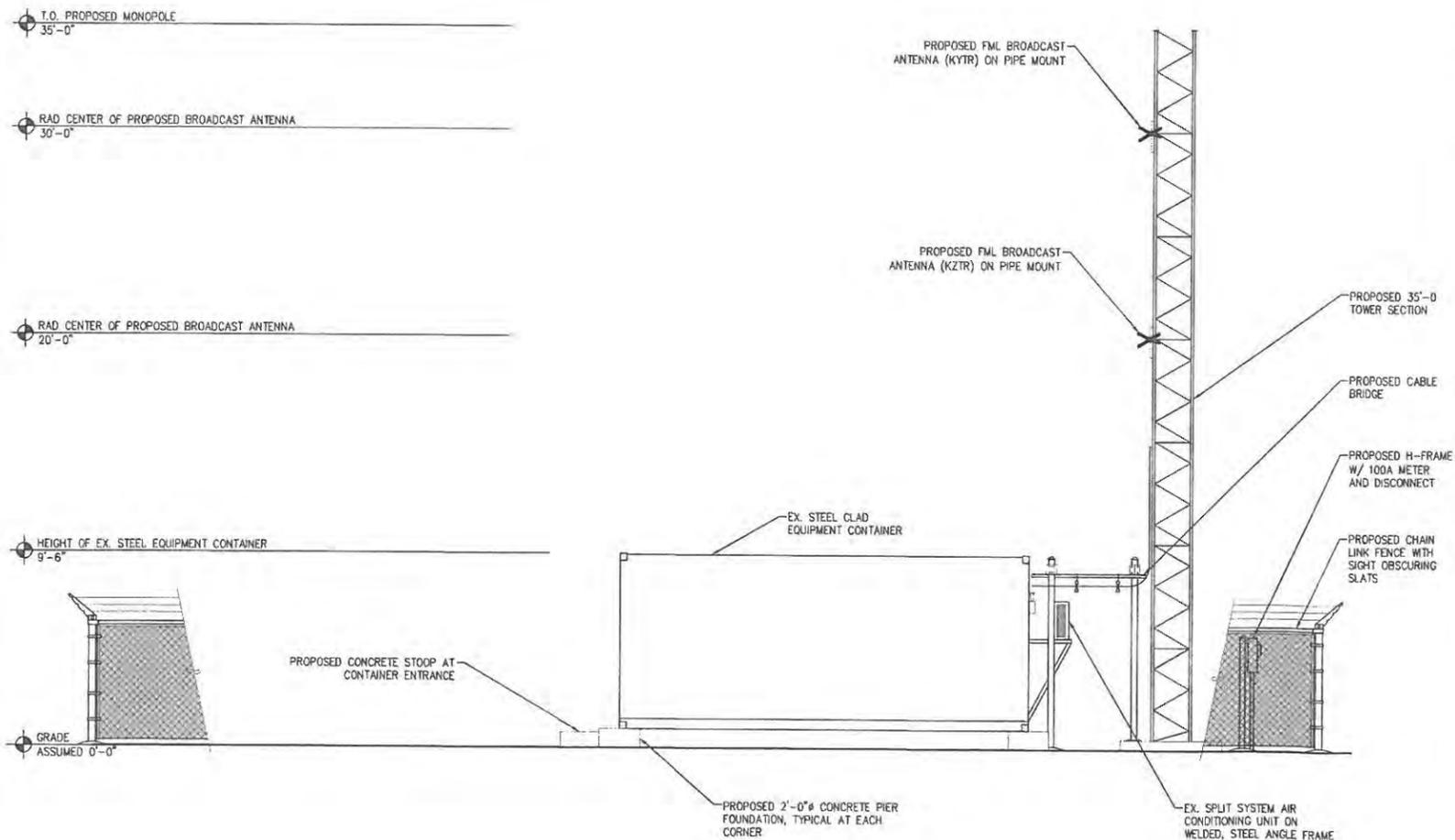
**SITE NAME**  
KYTR & KZTR  
RADIO FACILITY  
**SITE ADDRESS**  
SELAH RIDGE  
SELAH, WA 98942

**SHEET TITLE**  
SOUTH ELEVATION,  
EAST ELEVATION

**SHEET NUMBER**

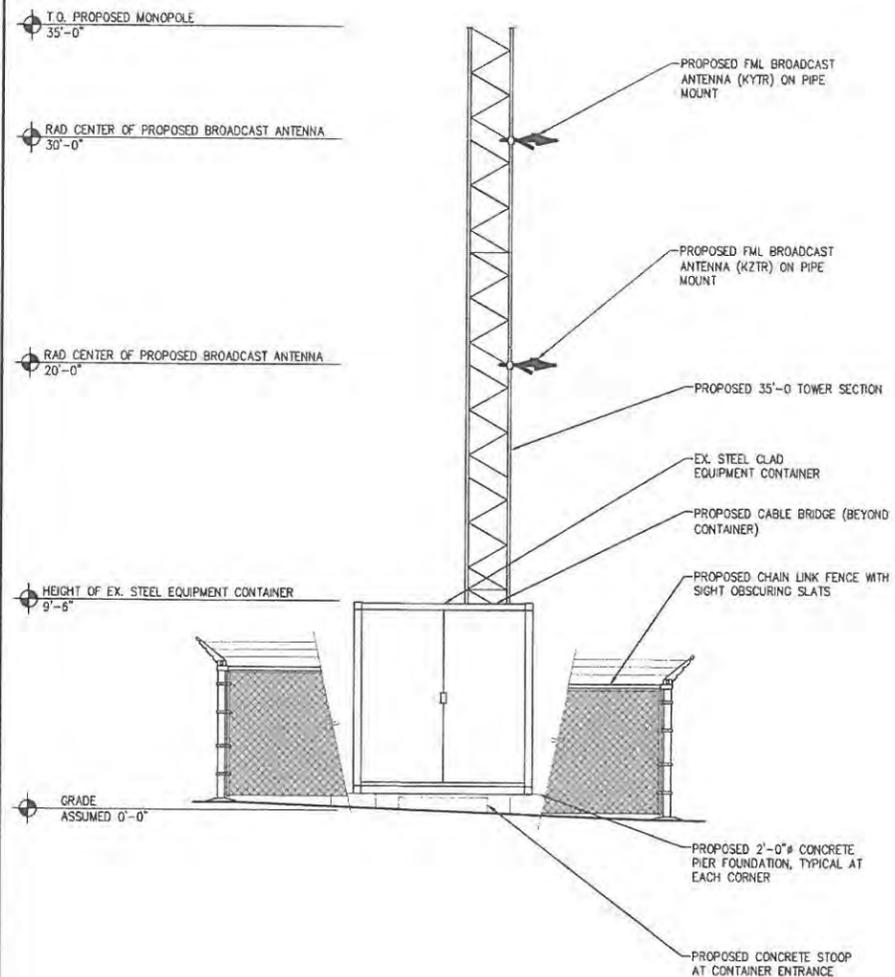
A-3

**PLOT SCALE:** 1:1 @ 24"x36", 1:2 @ 11"x17"



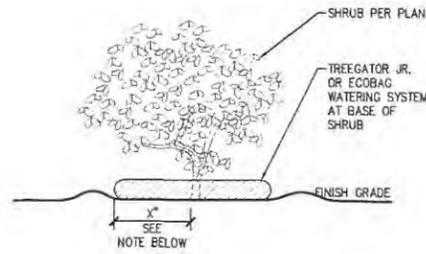
SOUTH ELEVATION

SCALE: 1/8" = 1'-0" 12



EAST ELEVATION

SCALE: 1/8" = 1'-0" 20



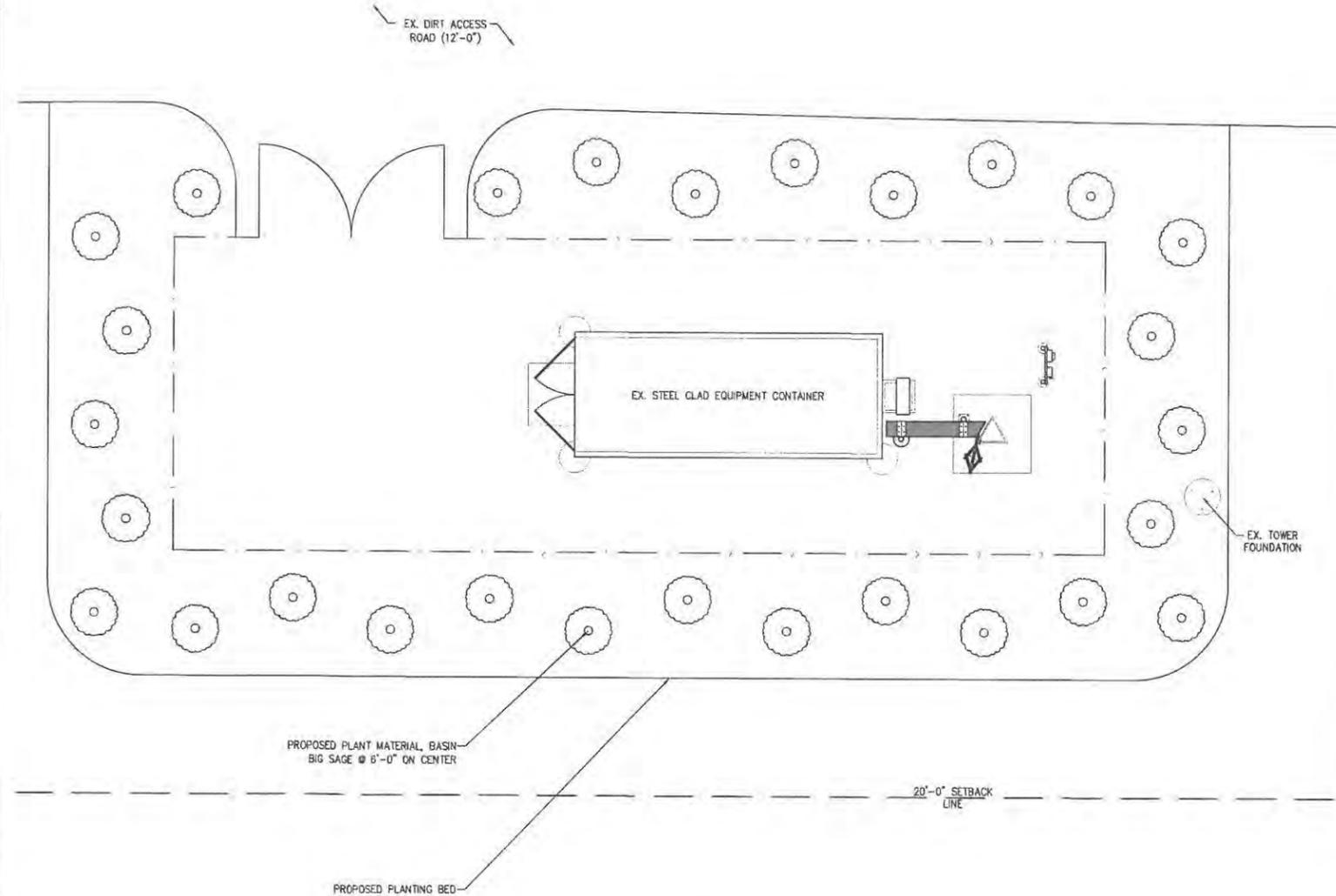
NOTE:  
REFER TO WATERING SYSTEM MANUFACTURER'S INSTALLATION PROCEDURE.

SHRUB WATERING SYSTEM SCALE: NTS 5

SHRUBS:	QTY:	BOTANICAL NAME:	COMMON NAME:	SIZE:	CONDITION:
	28	ATEMISIA TRIDENTATA TRIDENTATA	BIG BASIN SAGE	2 GAL	NURSERY STOCK (CONTAINER)
					CONDITION:

PLANT LIST

MIXED PRAIRIE LANDSCAPE  
W/ SAGEBRUSH, PERENNIAL BUNCHGRASSES  
AND WILDFLOWERS



MIXED PRAIRIE LANDSCAPE  
W/ SAGEBRUSH, PERENNIAL BUNCHGRASSES  
AND WILDFLOWERS

**SCOPE OF WORK**

1. THE WORK INCLUDED IN THESE NOTES/SPECIFICATIONS SHALL CONSIST OF ALL LABOR, TOOLS, MATERIALS, PERMITS, TAXES, AND ANY OTHER COSTS, FORESEEABLE AND ENFORCEABLE AT THE TIME OF CONTRACTING, THAT ARE NECESSARY AND APPROPRIATE FOR THE INSTALLATION OF THE LANDSCAPING AS PORTRAYED ON THE ACCOMPANYING DWGS.

**GENERAL CONDITIONS**

- INTERPRETATION OF PLANS AND SPECIFICATIONS:** THE LANDSCAPE DESIGNER OF RECORD WILL INTERPRET THE MEANING OF ANY OR ALL PARTS OF THESE PLANS AND SPECIFICATIONS. SHOULD ANY MISUNDERSTANDING ARISE OVER THE COURSE OF THE PROJECT, HIS/HER DECISION WILL BE FINAL.
- DRAWINGS AND VERIFICATION OF DIMENSIONS**
  - THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS INDICATED ON THE PLOT PLAN. THE CONTRACTOR SHALL ACKNOWLEDGE THAT HE HAS VERIFIED ALL DIMENSIONS AND SHALL INDICATE ALL DISCREPANCIES ON THE PLOT PLAN. ANY INDICATED DISCREPANCIES WILL BE CHECKED/VERIFIED BY THE OWNER; IF ANY DISCREPANCY IS FOUND, THE OWNER WILL AUTHORIZE IN WRITING ALL NECESSARY ADDITIONS OR DELETIONS.
  - IF THE CONTRACTOR SHOULD FAIL TO NOTIFY THE OWNER, HE SHALL, IN ALL EVENTS, SUPPLY ALL ITEMS INDICATED BY THE PLOT PLAN WITHOUT RIGHT TO COMPENSATION FOR ANY NECESSARY ADDITIONS.
- LICENSE REQUIREMENTS:** THE CONTRACTOR SHALL CARRY NECESSARY WASHINGTON STATE CONTRACTORS LICENSE OR CERTIFICATION FOR TYPE OF WORK LISTED.
- INSURANCE COVERAGE:** THE CONTRACTOR SHALL CARRY ALL NECESSARY COMPENSATION AND LIABILITY INSURANCE TO COVER HIS WORKMEN AND WORK TO FULLY PROTECT THE OWNER FROM ANY POSSIBLE SUIT OR LIEN.
- KNOWLEDGE OF SITE:** IT IS ASSUMED THAT THE CONTRACTOR HAS VISITED THE SITE AND FAMILIARIZED HIMSELF WITH SITE CONDITIONS, AND VERIFIED ALL DIMENSIONS AND OTHER FACTORS AFFECTING THE WORK.
- INCREASED COSTS:** IF EXTRA WORK OR CHANGES WILL RESULT IN ANY INCREASED COSTS OVER THE CONTRACT FEE, THE OWNER SHALL SIGN THE CONTRACTOR'S WRITTEN REQUEST FOR SUCH ADDITIONAL FUNDS PRIOR TO ACTUALLY DOING THE WORK.
- PERMITS:** CONTRACTOR SHALL OBTAIN AND PAY FOR ALL NECESSARY PERMITS.
- CODES:** INSTALLATION & MATERIALS SHALL BE AS PER LOCAL CODES AND ORDINANCES. PLANS AND SPECS SHALL NOT BE CONSTRUED AS WAIVING ANY SUCH REQUIREMENTS.

**SPECIAL CONDITIONS**

- CHANGES:** THE OWNER SHALL HAVE THE RIGHT TO MAKE MINOR CHANGES IN THE LANDSCAPE DESIGN AND INSTALLATION TO INSURE PRACTICALITY AND/OR FOR AESTHETIC REASONS, WITHOUT A CHANGE ORDER TO THE BID PRICE.
- GRADING:** GRADE ALL AREAS BY FILLING AND/OR REMOVING SURPLUS SOIL AS NEEDED TO ENSURE PROPER GRADES AND DRAINAGE AS INDICATED BY THE ADJACENT, EXISTING SURFACES. UNLESS A PRE-EXISTING CONDITION EXISTS AS WOULD BE CONSISTENT WITH THIS PARTICULAR PROJECT; ALL FINISHED GRADES SHALL BE BELOW HARDSCAPE AS FOLLOWS: 2" IN GROUND COVER, 1" IN LAWN AREAS.

**SOIL PREPARATION**

ALL SOIL PREPARATION FOR THE PLANTING AREAS SHALL CONFORM TO YAKIMA COUNTY SPECIFICATIONS. ALL FERTILIZERS AND SOIL AMENDMENTS SHALL BE DERIVED FROM ORGANIC BASED MATERIALS IN CONFORMANCE WITH BEST MANAGEMENT PRACTICE FOR STORM WATER SOURCE CONTROL.

**PLANTING**

- CONTAINER GROWN PLANTS TO BE PLANTED IN PLANT PITS TWO (2) TIMES WIDER THAN PLANT CONTAINER AND A DEPTH OF TWICE THE HEIGHT OF PLANT CONTAINER. PLANT CROWN TO BE SLIGHTLY HIGHER THAN ITS NURSERY GROWN HEIGHT AFTER SETTLEMENT. (SHRUBS ONLY)
- ALL PLANTS SHALL BE WATERED IMMEDIATELY, BEFORE BACKFILLING PLANTING PITS.
- PROVIDE A WATERING BASIN AROUND ALL 5 GALLON AND LARGER SIZE MATERIAL. APPROX. AS FOLLOWS: \* 5 GAL.-----2" DEPTH X 1.5 TIMES CONTAINER SIZE
- SCARIFY THE SIDES OF EACH ROOT BALL PRIOR TO PLANTING IF CIRCULAR ROOT GROWTH IS EVIDENT, IF CIRCULAR ROOT GROWTH HAS NOT BEEN CORRECTED, SAID PLANTS WILL BE REJECTED.

**CLEAN UP**

- UPON COMPLETION OF THE WORK THE CONTRACTOR SHALL PROPERLY CLEAN AND TIDY ALL WORK AND THE SURROUNDING AREAS AFFECTED BY THE CONSTRUCTION. SHALL REMOVE ANY EXCESS MATERIALS, DIRT AND DEBRIS FROM THE SITE, OR DISPOSE OF SAME AS DIRECTED BY OWNER OR LANDSCAPE ARCHITECT

**MAINTENANCE**

- MAINTENANCE PERIOD SHALL NOT BEGIN UNTIL ENTIRE INSTALLATION IS ACCEPTED BY COMMUNITY TRANSIT FOLLOWING THE FINAL INSPECTION.
- MAINTENANCE PERIOD SHALL BE FOR THE FOLLOWING DURATION: 6 MONTHS.
- THE CONTRACTOR SHALL KEEP SITE WEED FREE, CLEAR OF DEBRIS, AND REFILL WATERING BAGS SYSTEM AS REQUIRED. ALL DEAD FOLIAGE TO BE REMOVED FROM PLANTS AND TREE STAKES SHALL BE ADJUSTED AS NECESSARY. ALL MAINTENANCE TASKS ARE THE RESPONSIBILITY OF THE OWNER AFTER 6 MONTHS.

**GUARANTEE AND REPLACEMENTS**

- CONTRACTOR SHALL GUARANTEE HEALTHY PLANT ESTABLISHMENT FOR A PERIOD OF 12 MONTHS BUT SHALL NOT BE RESPONSIBLE FOR DAMAGE DUE TO EXTREME WEATHER EVENTS SUCH AS HIGH WIND OR EXCESSIVE RAIN RUN-OFF. SUCH "NATURAL DAMAGE" CAN BE REPAIRED AS A "TIME AND MATERIALS" FEE, OR OTHER OWNER SPECIFIED METHOD BUT IT MUST BE CONFIRMED IN A WRITTEN CHANGE ORDER.
- ANY PLANT MATERIAL FAILING TO SURVIVE DUE TO THE CONTRACTOR'S IMPROPER INSTALLATION SHALL BE REPLACED BY CONTRACTOR AT NO ADDITIONAL COST TO OWNER.

LANDSCAPING GENERAL NOTES

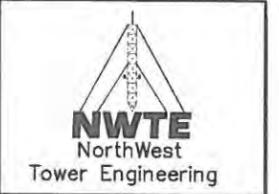
SCALE: NONE 8

LANDSCAPE PLAN

SCALE: 1/4" = 1'-0" 20

CATHOLIC DIOCESE  
OF YAKIMA  
5301 TIETON DRIVE  
SUITE A  
YAKIMA, WA 98908  
509.965.7117

THIS DRAWING IS COPYRIGHTED AND IS THE SOLE PROPERTY OF THE OWNER. IT IS PRODUCED SOLELY FOR USE BY THE OWNER AND ITS AFFILIATES. REPRODUCTION OR USE OF THIS DRAWING AND/OR THE INFORMATION CONTAINED IN IT IS FORBIDDEN WITHOUT THE WRITTEN PERMISSION OF THE OWNER.



RELEASE DATE	
15APR15	LAND-USE PERMIT REVIEW
22JUN15	LAND-USE PERMIT SET

**SITE NAME**  
KYTR & KZTR  
RADIO FACILITY  
**SITE ADDRESS**  
SELAH RIDGE  
SELAH, WA 98942

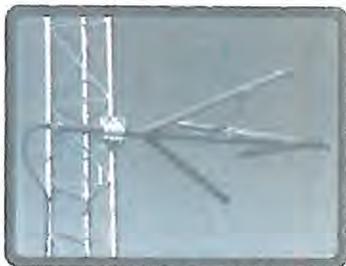
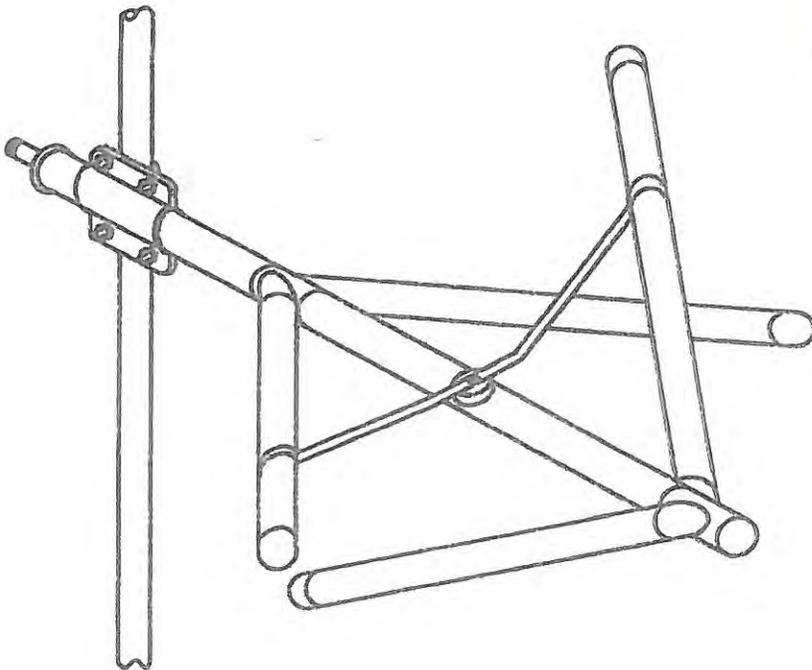
**SHEET TITLE**  
LANDSCAPE PLAN

**SHEET NUMBER**  
L-1

**PLOT SCALE:** 1:1 @ 24"x36"; 1:2 @ 11"x17"



## FML SERIES



### Standard Features

- LOW COST
- CIRCULARLY POLARIZED\*
- ARRAYS TO 6-BAYS
- INPUT POWERS TO 4.5 kW
- COPPER AND BRASS CONSTRUCTION
- LOW WEIGHT AND WINDLOAD
- FACTORY TUNED
- NO PRESSURIZATION REQUIRED
- OPTIONAL HEATERS

The PSI-FML antenna is an omni directional circularly polarized antenna intended for the low power broadcaster. It's rugged copper and brass construction make it suitable for use in any environment.

Multi-element arrays are supplied with a 1/2" foam coaxial cable terminated with a type "N" connector. The non-pressurized design eliminates the need for costly dehydrators or other pressurization equipment. Multi element arrays include a matching power divider with a 7/8" EIA input. An optional high power feed system is available that increases the input power to 4.5 kW.

The antenna is designed with an integral mounting bracket that will accommodate a mast from 1" to 4" in diameter. Bay separation can be adjusted from the normal full wave spaced elements to half wave spaced for reduced downward radiation. For areas where icing conditions are frequent or severe, heaters are available.

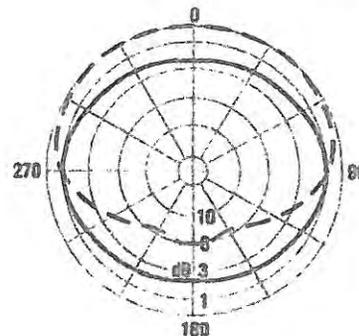
F M B R O A D C A S T A N T E N N A S

tabbies® EXHIBIT 6

## General Specifications

Frequency Range	88-108 MHz
VSWR	<1.2:1
Impedance	50 Ohms
Polarization	Right hand circular
Wind survival rating	120 Mph (200 Kph)

Typical Azimuth Pattern



## Mechanical Specifications

### FML Model

Bays	Aperture		Weight		Windload		Heater	
	ft	(m)	lbs.	(Kg)	lbs.	(Kg)	Weight lbs. (Kg)	Windload lbs. (Kg)
1	2.3	(.7)	20	(9.1)	38	(17.2)	28 (13)	42 (19)
2	10	(3.1)	46	(20.9)	98	(44.4)	62 (28)	217 (98)
3	20	(6.1)	66	(29.9)	130	(59.0)	90 (41)	305 (138)
4	30	(9.1)	86	(39.0)	170	(77.1)	118 (54)	390 (177)
6	50	(15.2)	126	(57.2)	240	(108.9)	174 (79)	564 (256)

- 1) Aperture, weight and windload are calculated at 98 MHz
- 2) Windload at 50/33 lbs./sq. ft. (244/163 kg/sq.m.)
- 3) PSI will reserve the right to modify the indicated technical characteristics at anytime without notice - 07/97

## Electrical Specifications

### FML Model

Bays	Gain		Version " A "		Version " B "	
	Power	dBd	Power	Input	Power	Input
1	.46	-3.37	750 W	"N" female	1500	7/8 EIA
2	1.0	0.00	1500 W	7/8 EIA	3000	1-5/8 EIA
3	1.5	1.76	2250 W	7/8 EIA	4500	1-5/8 EIA
4	2.1	3.22	3000 W	7/8 EIA	4500	1-5/8 EIA
6	3.2	5.05	3000 W	7/8 EIA	4500	1-5/8 EIA

Specifications



**Propagation Systems, Inc.**

P.O. Box 113 • 719 Pensacola Road • Ebensburg, PA 15931  
814-472-5540 • Fax 814-472-5676

2101870

WARRANTY DEED

1-30  
1-1-5

The Grantors, DAVID Z. PUGSLEY and JEAN E. PUGSLEY, husband and wife, and THE CATER CORPORATION, a corporation, for and in consideration of \$10.00 in hand paid, convey and warrant to the CORPORATION OF THE CATHOLIC BISHOP OF YAKIMA, a corporation sole, the following described real estate, situate in the County of Yakima, State of Washington:

PARCEL A: Beginning at a point on the east line of section 11, township 13 north, range 18, E.W.M., 2594.5 feet north of the southeast corner thereof; thence west 568 feet; thence north 57°11' west 1219.7 feet; thence north 32°49' east 234.18 feet to the true point of beginning; thence south 78°50' west 747.45 feet; thence north 11°10' west 108.9 feet; thence north 78°50' east 852.55 feet; thence south 32°49' west 151.34 feet to the true point of beginning.

EXCEPT beginning at a point 78°50' west 286.00 feet from the aforementioned true point of beginning; thence south 78°50' west 200 feet; thence north 11°10' west 108.9 feet; thence north 78°50' east 200 feet; thence south 11°10' east to the point of beginning.

PARCEL B: Beginning at a point on the east line of section 11, township 13 north, range 18, E.W.M., 2594.5 feet north of the southeast corner thereof; thence west 568 feet; thence north 57°11' west 1219.7 feet; thence north 32°49' east 234.18 feet; thence south 78°50' west 285.00 feet to the true point of beginning; thence south 78°50' west 200 feet; thence north 11°10' west 108.9 feet; thence north 78°50' east 200 feet; thence south 11°10' east to the true point of beginning.

TOGETHER WITH an easement of way for ingress and egress over and across a 20 foot private road, as it existed October 18, 1965, running across the northerly 1/2 of said section 11, to the first County road lying west of said section 11, as disclosed by instrument recorded October 21, 1965, in Volume 670 of Deeds, under Auditor's File No. 2060252, records of Yakima County, Washington; and

TOGETHER WITH an easement to run a covered transmission line from said property extending in a southeasterly direction to the southeast corner of the northwest 1/4 of the southwest 1/4 of said section 12, as disclosed by instrument recorded in Volume 667 of Deeds, under Auditor's File No. 2048722, records of Yakima County, Washington.

SUBJECT TO all easements, rights of way, reservations and restrictions shown in the chain of title, if in existence.

DATED this 15th day of September, 1966.

THE CATER CORPORATION

By David Z. Pugsley

By Jean E. Pugsley Sec.

David Z. Pugsley

Jean E. Pugsley

DATE 9-18-66  
TIME 15:00  
BY [Signature]  
[Signature]



EXHIBIT  
7



Ver 2347 for 11382 and 11964

LAW OFFICES OF  
**LYON, KOHLB, BEAULABRIE**  
670 Deeds  
10-21-65  
YAKIMA, WASHINGTON  
Telephone OL 9-9111

SUNTO & COMPANY PLAZA  
North 2nd and East 2

2060252

Rev. State  
Fed.  
Radio Tel.

THIS INDENTURE WITNESSETH, that THE BANK OF CALIFORNIA,

NATIONAL ASSOCIATION, of Tacoma, Washington, a national banking association, as Trustee under that certain Trust Agreement executed September 8, 1959, and which has not since been revoked but is still in full force and effect, party of the first part, for and in consideration of the sum of \$10.00 and other good and valuable considerations to it in hand paid by DAVID Z. PUGSLEY and JEAN E. PUGSLEY, husband and wife, parties of the second part, has GRANTED, BARGAINED and SOLD and by these presents does GRANT, BARGAIN, SELL and CONVEY unto the said parties of the second part, and to their heirs and assigns, the following described real property, situate, lying and being in the County of Yakima, State of Washington, to-wit:

11-13-18

An easement of way for Grantee's employees, licensees, vehicles and other representatives and agents and Grantee's successors in interest, to use existing 20 foot private road, running across the northerly 1/2 of Section 11, Township 13 North, Range 18 E.W.M. to the first County road lying west of Section 11; said right of way to serve and to be appurtenant to the following described real estate:

COUNTY RECORD TAX  
OCT 22 1965  
MAY 22 1965

Beginning at a point on the east line of Section 11, Township 13 North, Range 18 E.W.M., 2594.5 feet north of the southeast corner thereof; thence west 568 feet; thence north 57°11' west 1219.7 feet; thence north 32°49' east 234.18 feet to the true point of beginning; thence south 78° 50' west 747.45 feet; thence north 11°10' west 100.9 feet; thence north 78°50' east 852.55 feet; thence south 32°49' west 151.34 feet to the true point of beginning.

This Deed is given for the purpose of granting a means of ingress and egress for the property conveyed in Trustee's Deed executed July 8, 1965, by Grantor to Grantee. The consideration for this is the sale of the property covered by the Deed of July 8, 1965, which was recorded in Volume 667 of Deeds, Auditor's No. 2000722, File

records of Yakima County, Washington. Excise tax on the sale of  
said property was paid under receipt number 54741 on January 5,  
1961. The Grantor reserves the right to relocate said easement  
to another reasonably direct route in the event Grantor or its  
successors in interest shall deem such relocation reasonably  
necessary to facilitate orderly development or use of the real estate  
hereinbefore described, such relocation to be effected without ex-  
pense to Grantee or their successors in interest.

The Grantor does hereby covenant and agree to and with  
the Grantee as follows, and not otherwise, to-wit: That it has not  
made, done, committed or suffered any act or acts, thing or things  
whatsoever, whereby, or by means whereof, the said premises, or any  
part or parcel thereof, now are, or at any time hereafter shall or  
may be impeached, charged or encumbered in any manner or way what-  
soever.

DATED THIS 11<sup>th</sup> day of October, 1965.

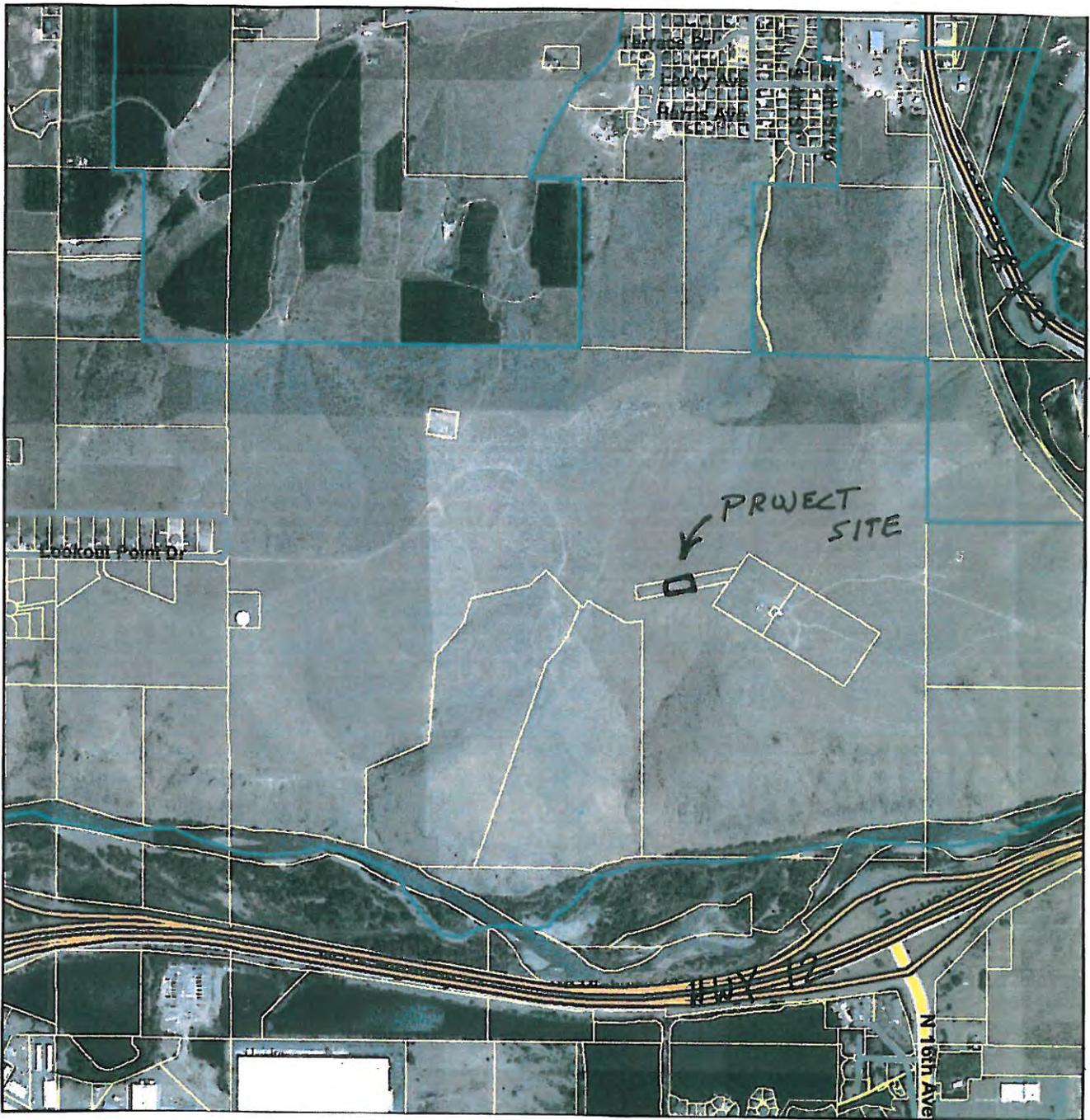
THE BANK OF CALIFORNIA, N. A.

By [Signature]  
Vice President and Trust Officer

[Signature]  
(Title) TRUST OFFICER

STATE OF WASHINGTON)  
County of Pierce) ss.

On this 11<sup>th</sup> day of October, 1965, before me, the  
undersigned, a Notary Public in and for the State of Washington, duly  
commissioned and sworn, personally appeared M. M. Park  
and BRUCE E. SHEPARD to me known to be the  
Vice President and Trust Officer and Trust Officer of the corporation that



SUBJECT PROPERTY

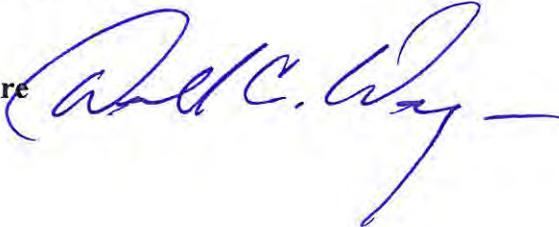
SCALE: 1" = 1,200'

APPLICATION: KZTR & KYTR RADIO FACILITY

APPLICANT: NORTHWEST TOWER ENGINEERING / CATHOLIC DIOCESE OF YAKIMA



## Determination of Nonsignificance

1. **Description of Proposal:** "KZTR & KYTR Radio Facility" Install a 35-foot high radio broadcast tower with an 8' x 19' x 9' steel clad cargo container to be used to house radio, mechanical and electrical equipment. The site is to be gravel surfaced and surrounded by a six foot high slatted chain link fence. Access is from an existing easement that serves other communication towers in the vicinity.
2. **Proponent:** Catholic Diocese of Yakima  
5301 Tieton Drive, Suite A  
Yakima, WA 98908
3. **Location of Proposal including street address, if any:** On the summit ridge about 3,500 feet east of the east end of Lookout Point Drive in the City of Selah. (Yakima County Parcel Number 181311-13002).
4. **Lead Agency:** City of Selah
5. The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.  
  
This DNS is being issued using the optional process in WAC 197-11-355. There is no further comment period on it.
6. **Appeals:** You may appeal this determination to the Selah City Council by filing a written appeal with the required \$300.00 filing fee at the Selah Planning Department, 222 S. Rushmore Road no later than 5:00 p.m. on August 31, 2015. You should be prepared to make specific factual objections. Contact the Planning Department at 698-7365 to read or ask about the procedures for SEPA appeals.
7. **Responsible Official:** Donald C. Wayman
8. **Position / Title:** City Administrator
9. **Address:** 222 S. Rushmore Road, Selah, WA 98942
10. **Date:** August 24, 2015
11. **Signature** 



## ENVIRONMENTAL CHECKLIST

### A. BACKGROUND

1. **Name of proposed project, if applicable:** KZTR & KYTR Radio Facility
2. **Name of applicant:** Catholic Diocese of Yakima
3. **Address and phone number of applicant and contact person:**

**Applicant Contacts: Bishop Joseph Tyson**  
5301 Tieton Drive, Suite A  
Yakima, WA 98908  
Phone (509) 965-7117

**Representative: NWTE**  
Attn: Eric Sladky  
2210 Hewitt Ave. Suite 209  
Everett, WA 98201-3767  
Phone (425) 258-4248

4. **Date checklist prepared:** June 21st, 2015
5. **Agency requesting checklist:** City of Selah Planning and Development Services
6. **Proposed timing or Schedule (including phasing, if applicable):**

Project's proposed completion date is late 2015

7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

Future growth / expansion on the tower is tied to the growth of surrounding cities of Selah and Yakima. Expansion might include additional broadcast antennas added in the future to accommodate the radio system's growth and possible upgrades to the equipment inside the shelter. There is no foreseeable need to expand the proposed project lease area.

8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

A SEPA checklist will be part of the application submittal.

9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

Installation of a radio broadcast facility of this type requires a Class III Use Permit approval from the City of Selah. In addition to the Land-Use portion of the process, a Building/Construction permit process will have to occur to finalize the proposal.



**10. List any government approvals or permits that will be needed for your proposal, if known.**

SEPA Review and determination from the City of Selah

Class III Use Permit approval from the City of Selah

Building Permit from the City of Selah

**11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.**

The Catholic Diocese of Yakima is requesting approval of a Class III Use permit for the installation of a radio broadcast facility on existing church owned property within the city limits of Selah, Washington. The facility will be located on Selah Ridge, to the east of the existing residential properties on Lookout Point Drive and south of the City of Selah. For a number of years there was an FM radio station broadcasting from this site. When the decision was made to take the station off-air, the facility was shut down and the infrastructure was removed from the property. Currently, the subject property contains an existing 8'-0"x19'-9" steel clad container and the aforementioned remnants of the abandoned radio broadcast facility including the concrete tower foundation and guy wire anchors. Otherwise the property is uninhabited and populated by typical upland prairie vegetation; including sagebrush, bunchgrass and several varieties of wildflowers. The proposed facility is a gravel surfaced 120 square foot compound surrounded by a 6'-0' high slatted chain-link fence. More specifically, the project will include the installation of the existing steel equipment container on concrete piers and a proposed 35'-0" high tower section to support antennas for the KYTR & KZTR Radio broadcast. The existing steel equipment container will house radio, mechanical and electrical equipment. The parcel on which the facility will be located is approximately 21,780 square feet or 0.47 of an acre.

**12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

The subject property is located on Selah Ridge, south of the City of Selah, in Yakima County, WA. There is not a physical address associated with the parcel at this time although the Crown Castle monopole facility to the west is addressed as 501 Lookout Point Drive, Selah, WA 98942. The Parcel Number is 18131113002, SE ¼ of the NE ¼ of Sec 11 Twp 13N Range 18E of the Willamette Meridian. See Appendix A at the end of this document for the project parcel's legal description.

**B. ENVIRONMENTAL ELEMENTS**

**1. EARTH**

- a. General description of the site (circle one):**      , rolling,      , steep slopes, mountainous, other.

The subject property is situated very close to the top of Selah Ridge. There is a combination of flat and downward sloping topography across the site in both the north – south direction. The tower and compound will be sited on the relatively flat topped ridge adjacent to the south side of the existing access road to best accommodate the proposed infrastructure and to avoid the sloping topography to the north and further to the south.

- b. What is the steepest slope on the site (approximate percent slope)?**

12.7% on the north side of the access road where the topography falls away pretty quickly approximately 13'-0" from the northern road edge. The proposed development area will occur on the south side of the access road where the topography is less steep and more consistent as it falls away to the south and east. The proposed compound will be sited to capitalize on the minimal change in topography and construction will occur within a 3% - 4% gradient differential depending on the final corner locations at the perimeter of the proposed compound fence.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.**

This property contains a large inventory of standing, above ground basalt rock (ranging from fist size to 200 plus pound size). The soil is a mix of rock, sand and silty-sand soils. The property is classified as "dry range" and does not include any prime farmland.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

No

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.**

The proposed on-site grading intends to capitalize on a relatively level area designated for the proposed compound and located within the 20'-0" setback zone required for the facility installation. We propose to utilize individual concrete piers to install the existing steel container at ground level. We will attempt to minimize the amount of vegetation removed in order to establish a "temporary" construction zone based on 'best construction practice'. The proposed 20'-0"x60'-0" compound will sited to reduce the impact on the existing topography and mediate the cut / fill ratio within the project area. Any excess soil will be removed from the property and disposed of properly.

Our Cut / Fill calculations determine that 8.75 cubic yards will be removed from site

**f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

Possibly but it would be limited in scope and will be addressed through best construction practices using temporary sedimentation and erosion control as specified by City of Selah. If the facility is approved for the Class III land-use permit; a Pre-Construction Drainage Plan will be developed for the Building permit phase of the project.

**g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

All of the 120 square feet of the proposed compound area will be impervious surface as defined by the City of Selah. The finished surface of the fenced compound and will be 7/8" minus crushed rock

**h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**

Temporary sedimentation and erosion control practices; i.e. the installation of a silt fence at the perimeter of the construction area. Hay bales and filter fabric will be used as needed to prevent the movement of sediment out of the development area

**2. AIR**

**a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.**

Short-term emission impacts would result from the associated construction activities and the use of construction equipment. The emission levels would occur only during the installation schedule and disappear when the proposed construction is complete.

**b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

No

**c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

None

**3. WATER**

**a. Surface:**

**1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, and wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

No

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable to this project

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

**b. Ground:**

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

No.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable to this project.

**c. Water Runoff (including storm water):**

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

A pre-construction drainage plan will be developed for the building permit phase of this project. During construction the contractor will employ temporary erosion and sedimentation control measures to prevent the movement of soil out of the project area. No storm water run-off from the project area will flow into other waters.

2) **Could waste materials enter ground or surface waters? If so, generally describe.**

No.

d. **Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:**

Please see the above answer (#1) in reference to this question.

#### 4. PLANTS

a. **Check or circle types of vegetation found on the site:**

- Deciduous tree: alder, maple, aspen, other: No deciduous trees on the property
- Evergreen tree: fir, cedar, pine, other: No evergreen trees on the property
- Shrubs: Sage Brush
- Perennial Species: Bunchgrass, Showy Phlox, Yakima Milkvetch, Common Yarrow, Arrowleaf Balsomroot and Common Spring Gold
- Crop or grain:
- Wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other: NA
- Water plants: water lily, eelgrass, milfoil, other: NA
- Other types of vegetation:

b. **What kind and amount of vegetation will be removed or altered?**

The varieties of existing plant material to be removed are: sage brush, bunchgrasses and several varieties of perennial wildflowers. There are no trees or other substantial vegetation currently on-site. Because we are working with the existing topography of the property, vegetation removal will be limited to the project area as defined by the proposed compound area with allowances for additional clearing to accommodate best construction practices.

c. **List threatened or endangered species known to be on or near the site, if any:**

There are no threatened or endangered plant species on site.

d. **Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**

Based upon the criteria for a Class III land-use permit, this project will require a specific landscape planting plan as part of the submittal. We will propose the use of native plant material in combination with the installation of a sight-obscuring fence at the perimeter of the compound and attempt to create a sufficient visual buffer to the compound at ground level.

#### 5. ANIMALS

a. **List any birds and animals which have been observed on or near the site or are known to be on or near the site:**

Native and naturalized bird species.

Native and naturalized mammal species.

**b. List any threatened or endangered species known to be on or near the site.**

Unknown.

**c. Is the site part of a migration route? If so, explain.**

The subject property may be located at the eastern edge of the Pacific flyway for migratory bird populations.

**d. Proposed measures to preserve or enhance wildlife, if any:**

None

**6. ENERGY AND NATURAL RESOURCES**

**a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

The Diocese proposal will provide radio communications through the use of broadcast antennas. The proposed antennas and associated radio equipment will require electricity to operate the system. The power requirements for the project will be met using electricity pulled from existing service lines adjacent to the subject property. The total power requirement for the installation is a 100 amp service to the equipment container.

**b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

No, the proposed tower at 35'-0" in height would not affect the use of solar power on adjacent properties.

**c. What kinds of energy conservation features are included in the plans of this proposal? List of other proposed measures to reduce or control energy impacts, if any:**

None

**7. ENVIRONMENTAL HEALTH**

**a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so describe.**

The proposed antennas emit radio frequency energy. These emissions are very low level, only 2% of the permitted exposure according to the EPA calculations and FCC exposure tables. On-site signage in several locations will notify workers and maintenance personnel of this fact.

**1) Describe special emergency services that might be required.**

None

**2) Proposed measures to reduce or control environmental health hazards, if any:**

All on site personnel follow posted safety procedures and observe all applicable FCC and OSHA standards concerning occupational exposure to radio frequency. Only qualified personnel will be allowed to access the radio equipment or antennas.

**b. Noise**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, aircraft, other)?**

Off-site noise will have no affect on the proposed tower use or operation of the radio station.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

Short-term noise impacts would result from construction activities and the use of construction equipment. These noise levels would occur only during the daylight hours allowed by City of Selah codes and disappear when the proposed construction is complete. Any long-term impacts to the site would be those associated with the completed project. All construction activities must comply with City of Selah Requirements.

**8. LAND AND SHORELINE USE**

- a. What is the current use of the site and adjacent properties?**

The proposed site is currently unused and with the exception of the existing steel container stored on site is vacant. The property is owned by the Catholic Archdiocese of Yakima and is designated as R-1 or Single Family Residential per the City of Selah zoning map. The adjacent properties on the east and west property lines of the subject property are also owned by the church and are also currently unused. Further along the ridge to the east (approximately 900 feet) and adjacent to the church property is a parcel that contains two separate telecommunications facilities. The closest one is owned by Crown Castle and contains a 150'-0" monopole with several cellular carriers. The other contains a 150'-0" lattice tower and a mixture of cellular and emergency service providers. The remaining adjacent parcels are unused and undeveloped.

- b. Has the site been used for agriculture? If so, describe.**

No.

- c. Describe any structures on the site.**

An existing 8'-0"x19'-9" steel container

- d. Will any structures be demolished? If so, what?**

No

- e. What is the current zoning classification of the site?**

R-1, Single Family Residential

- f. What is the current comprehensive plan designation of the site?**

Residential – Low Density

**g. If applicable, what is the current shoreline master program designation of the site?**

Not applicable

**h. Has any part of the site been classified as an “environmentally sensitive” area?**

No, however the localized topography that exists within 500 feet of the subject property has been designated as a “critical area” for steep topography. The subject parcel is classified as a “Habitat Area by the Yakima County Comprehensive Plan.

**i. Approximately how many people would reside or work in the completed project?**

The finished project is completely unoccupied, with the exception of a “once a month” maintenance visit.

**j. Approximately how many people would the completed project displace?**

None

**k. Proposed measures to avoid or reduce displacement impacts, if any:**

Not Applicable

**l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

The application for the Class III Use Permit designates that the radio broadcast facility is not compatible with the current zoning designation but the project will comply with all of the applicable zoning criteria and provide the citizens of both Selah and Yakima access to an alternative, local radio broadcast.

**9. HOUSING**

**a. Approximately how many units would be provided, if any?**

None

**b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

None

**c. Proposed measures to reduce or control housing impacts, if any:**

Not Applicable

**10. AESTHETICS**

**a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

The proposed antenna structure will be a 35'-0" high tower section. The radio equipment will be installed inside of an existing steel clad container. The existing container is painted an off-white color.

**b. What views in the immediate vicinity would be altered or obstructed?**

The KYTR and KZTR facility will take every precaution to reduce the impact of the proposed project. The skyline view from all directions will be slightly altered due to the location of the property on Selah Ridge and the necessity to add a 35'-0" tower section to support antennas for the radio broadcast. At ground level, a sight-obscuring fence and proposed landscaping will help to provide a visual buffer.

**c. Proposed measures to reduce or control aesthetic impacts, if any:**

None

**11. LIGHT AND GLARE**

**a. What type of light or glare will the proposal produce? What time of day would it mainly occur?**

The proposed project will not add significantly to what exists at the site right now.

**b. Could light or glare from the finished project be a safety hazard or interfere with views?**

No

**c. What existing off-site sources of light or glare may affect your proposal?**

None

**d. Proposed measures to reduce or control light and glare impacts, if any:**

None

**12. RECREATION**

**a. What designated and informal recreational opportunities are in the immediate vicinity?**

Active recreation opportunities for Walking, Hiking and /or Biking

**b. Would the proposed project displace any existing recreational uses? If so, describe.**

No

**c. Proposed measures to reduce or control impacts on recreation, including opportunities to be provided by the project or applicant, if any:**

None

**13. HISTORIC AND CULTURAL PRESERVATION**

**a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.**

Based on our current best information the proposed project site is not assigned any historical significance.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site?**

None known at this time

- c. Proposed measures to reduce or control impacts, if any:**

If excavation unearthed items or artifacts of archeological significance, work would cease immediately and the State's Historic Preservation officer would be notified.

#### **14. TRANSPORTATION**

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.**

The proposed facility would be served by Lookout Point Road and Lookout Point Drive. Please see Vicinity Map for additional information.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?**

The project is unoccupied and the only consistent traffic to the site upon completion will be radio station personnel on a monthly basis.

- c. How many parking spaces would the completed project have? How many would the project eliminate?**

The finished project would have 1 parking space dedicated for station personnel. It would not eliminate any current parking spaces.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).**

The project will not require any improvements to the City's public streets. The construction crew will utilize existing surface streets to arrive at the gated road that provides access for several different entities and their existing facilities. Once construction is complete any damage to the existing surface streets will be repaired to pre-construction condition

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

No.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.**

If the proposed project is completed as planned, once the construction phase is over, only 1 trip per month will be added to the areas surface streets.

- g. Proposed measures to reduce or control transportation impacts, if any:**

Not applicable for this proposal.

**15. PUBLIC SERVICES**

**a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe:**

No, there will be no need for additional public services.

**b. Proposed measures to reduce or control direct impacts on public services, if any.**

Not applicable

**16. UTILITIES**

**a. Circle utilities currently available at the site:**

The only utilities currently available near the subject property are electricity and telephone.

**b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity, which might be needed.**

Electricity .....	Pacific Power
Water .....	N/A
Telephone .....	N/A
Sanitary Sewer .....	N/A
Natural Gas .....	N/A
Refuse Service.....	N/A

**C. SIGNATURE**

The above answers true and complete to the best of my knowledge, I understand that the lead agency is relying on them to make its decision.

Signature: 

Date submitted: June 23<sup>rd</sup>, 2015

# Appendix A

## Legal Description

PARCEL NUMBER:  
18131113002

LEGAL DESCRIPTION:

BEGINNING AT A POINT ON THE EAST LINE OF SECTION 11, TOWNSHIP 13N, RANGE 18E OF THE WILLAMETTE MERIDIAN, 2595.5 FEET NORTH OF THE SOUTHEAST CORNER THEREOF:

THENCE WEST 568 FEET

THENCE NORTH 57 DEGREES, 11 MINUTES WEST - 1219.7 FEET

THENCE NORTH 32 DEGREES, 49 MINUTES EAST - 234.18 FEET

THENCE SOUTH 78 DEGREES, 50 MINUTES WEST - 285 FEET TO THE TRUE POINT OF BEGINNING

THENCE SOUTH 78 DEGREES, 50 MINUTES WEST - 200 FEET

THENCE NORTH 11 DEGREES, 10 MINUTES WEST 108.9 FEET

THENCE NORTH 78 DEGREES, 50 MINUTES WEST - 200 FEET

THENCE SOUTH 11 DEGREES, 10 MINUTES EAST TO THE TRUE POINT OF BEGINNING

# Selah P.D. Interoffice Memorandum

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**Date:** 8/11/2015  
**To:** Joe Henne, Public Works Director  
Tom Durant, Community Planner  
**From:** Richard Hayes, Police Chief  
**Re:** "KZTR& KYTR Radio Facility"  
**Cc:** Don Wayman, City Administrator

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I have reviewed the "Notice of Development Application & Environmental Review" documents for the KZTR& KYTR Radio Facility proposal and have I found nothing that pertains to or affects the police department or our duties.



August 20, 2015

VIA EMAIL – tdurant@ci.selah.wa.us

Selah Planning Department  
222 So. Rushmore Road  
Selah, WA 98942

**RE: Comments regarding KZTR & KYTR Radio Tower.  
File No. 928.95.15-01, 971.95.15-06**

Dear Selah Planning Department:

Thank you for accepting our comments regarding the proposed KZTR & KYTR radio tower. This firm represents Lookout Point, the entity that owns residential-zoned property immediately adjacent to the proposed radio broadcast tower. While Lookout Point appreciates the objective of this project, the applicant has failed to satisfy the City’s approval criteria. The project will also create unnecessary adverse impacts to a residential district and to the environment. All of these impacts are unnecessary because the applicant can co-locate its radio-related equipment at an existing radio tower. For the reasons explained in greater detail below, Lookout Point respectfully requests that the City of Selah deny the proposal.

**1. THE PROPOSAL**

As background, the Selah Municipal Code (“SMC” or “Code”) defines the proposed radio tower as a “communication tower.”<sup>1</sup> The applicant proposes to site the communication tower in a One-Family Residential (R-1) district, although the intent of the R-1 district is to “provide an orderly, phased transition from vacant or partially developed land to single-family residential development.” SMC 10.12.010(1). The applicant faces significant regulatory barriers to site a communication tower in the R-1 district. The Code itself proclaims that a communication tower is incompatible with a single-family residential district. Chapter 10.48 SMC (defining a Class 3 use as “generally incompatible” with a district’s authorized use).

Under the City’s adopted regulations, the application should not be approved unless the applicant (1) satisfies the Class 3 conditional use review approval criteria, (2) satisfies additional communication tower approval criteria, and (3) satisfies all SEPA-related requirements. The applicant has failed to satisfy each requirement.

<sup>1</sup> The Code defines a “communication tower” as “a structure upon which can be mounted a pole, mast, whip, antenna, or any combination thereof used for radio, television, cellular or microwave telecommunications, broadcast transmission, or line-of-sight relay.”



## 2. CLASS 3 CONDITIONAL USE REVIEW CRITERIA

Chapter 10.28 SMC states that a communication tower requires a Class 3 conditional use review. A communication tower should not be approved unless the applicant can “ensure” the following:

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.

SMC 10.28.010(b) (establishing the City's conditional use review approval criteria).

Here are a few examples of the project's failure to satisfy the conditional use approval criteria:

1. *Consistency with the city's comprehensive plan goals, objectives, policies and development criteria. SMC 10.28.010(b)(1).*

The City's Comprehensive Plan aggressively seeks to encourage residential housing within the City's residential districts. To accomplish this directive, the comprehensive plan includes numerous goals and policies to protect the R-1 district from incompatible uses, such as communications towers. The proposed communication tower is inconsistent with the following provisions of the comprehensive plan:

- “Maintain and upgrade the existing character of existing residential neighborhoods.” Objective HSG 1. A communication tower on a ridgeline will not “maintain” and it certainly will not “upgrade” the neighborhood's character.
- “Restrict encroachment of commercial and industrial uses into residential neighborhoods except in areas identified for commercial and industrial expansion.” Policy HSG 1.3. Here, the proposal is to permit an encroachment into a residential neighborhood.
- “Replace nonconforming uses with appropriate conforming uses.” Policy HSG 1.5. Once again, the comprehensive plan directs the City to place residential uses into residential districts, and to strongly discourage uses that are incompatible with residential uses.<sup>2</sup>

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<sup>2</sup> The applicant correctly concedes that its existing structure on the property is not a legal, nonconforming communication tower. SEPA Checklist #11 (referencing the abandoned facility, which, under SMC 10.36.020, is not a legal, nonconforming communication tower use).

The City has calculated that it requires 358.5 additional acres to accommodate housing. Comprehensive Plan, p. 33 (“If existing development patterns were to continue within the City, it would need to devote additional acreage to housing, public-semi-public use, and industrial use in that order of priority.”) This proposal would effectively remove available acreage from a residential district, which is inconsistent with the City’s long-term needs for residential land.

2. *The intent, character and development standards appropriate to the zoning district within which it is to be located; SMC 10.28.010(b)(2).*

The intent of the R-1 district is to establish residential neighborhoods, where structures are limited to a 35-foot height limit, with limited exceptions for chimneys, spires, or other incidental structural components associated with a structure. SMC 10.08.050. This regulation ensures consistent uses and protects viewsheds.

Here, the proposal to place an incompatible use in a residential district is inconsistent with the intent and character of the R-1 district’s character. It is also unclear whether the proposed 35-foot structure will have antennas or dishes situated on top of the proposed 35-foot structure. *See e.g.*, SEPA checklist #11 (“The project will include ... a proposed 35’-0” high tower section to support antennas.”) A host of new issues arise if the proposal is to construct a 35-foot facility, and then to place an undisclosed number of antennas that are of an undisclosed height on top of the facility that is built to the maximum allowed height. At a minimum, the use is incompatible with the intent and character of the R-1 district. And it appears that there may be additional incompatibility issues. Thus, the proposal is incompatible with the intent and character of the R-1 district.

The applicant cannot “ensure” that the proposal is consistent with the comprehensive plan. The applicant also cannot “ensure” that the proposal is consistent with the intent and character of the R-1 zone. The proposal is inconsistent with numerous comprehensive plan provisions, it removes land that is available for residential development, and it fails to accomplish the intent of the City’s R-1 district. Thus, the proposal fails to satisfy the Conditional Use approval criteria set forth in SMC 10.28.010. The Project should be denied on this basis alone.

### 3. ADDITIONAL REQUIREMENTS FOR COMMUNICATION TOWERS

The applicant also fails to satisfy the Code’s additional communication tower requirements, which include the following:

1. The facility shall use state-of-the-art technology to reduce visual impact;
2. At a minimum the facility shall be camouflaged to industry standards; and
3. Preferential consideration will be given to facilities which co-locate on existing towers, buildings, and structures without an increase in the tower, building, or structure height.

SMC 10.29.040(h)(1)-(3) (establishing additional requirements for communication towers).

Here are a few examples of the project's failure to satisfy the Code's communication tower criteria:

1. *The facility shall use state-of-the-art technology to reduce visual impact.*  
*SMC 10.29.040(h)(1).*

The applicant's checklist acknowledges that the proposal will impact the skyline view "from all directions". SEPA Checklist #10.b. The proposal states that it will install a chain link fence and native shrub steppe vegetation (e.g., sagebrush) to reduce the visual impacts of a 35-foot tower (potentially with protruding antennas). This proposal falls far short of the Code's requirement that the facility "shall use state-of-the-art technology to reduce visual impacts." A chain link fence and native vegetation are not "state-of-the-art." The proposal violates SMC 10.28.040(h)(1).

2. *At a minimum the facility shall be camouflaged to industry standards.*  
*SMC 10.29.040(h)(2).*

The Code requires the facility to be "camouflaged". A six-foot tall chain link fence and shrub steppe vegetation (e.g. sagebrush) will not "camouflage" a 35-foot communication tower (potentially with protruding antennas). Thus, the proposal violates SMC 10.28.040(h)(3).

3. *Preferential consideration will be given to facilities which co-locate on existing towers, buildings, and structures without an increase in the tower, building, or structure height.* *SMC 10.29.040(h)(2).*

Nothing in the record demonstrates any effort on the part of the applicant to co-locate its proposed incompatible use on an existing tower. It cannot be disputed that other communication towers or structures exist that would accomplish the applicant's objective. After all, there is broadcast radio in the City of Selah and throughout Yakima County. The Code directs the applicant to identify other locations for the proposed incompatible use. SEPA also encourages the applicant to co-locate radio infrastructure. WAC 197-11-800(25) (categorically exempting co-location of radio facilities from SEPA). The applicant has failed to accomplish this directive.

The applicant fails to satisfy numerous communication tower approval criteria under SMC 10.29.040. The Code directs the City to deny the proposal if the applicant fails to satisfy just one criterion. Thus, the proposal should not be approved.

#### 4. SEPA

Finally, the SEPA checklist is inadequate, and we respectfully request that the City reconsider its decision to proceed using the optional DNS process. Under WAC 197-11-355, the City should not use the optional DNS process unless it is “reasonably certain” that environmental impacts are unlikely. Here, the project will adversely impact wildlife, habitat, and aesthetics.

The project site is located in the shrub steppe habitat, with close proximity to the Naches River. In a published report, the Washington Department of Fish and Wildlife (“WDFW”) identified this exact type of habitat as vital for over 94 species of birds and 13 species of mammals.<sup>3</sup> Of these species, the property provides habitat suitable for the following threatened species: ferruginous hawk (*Buteo regalis*), sharp-tailed grouse (*Tympanuchus phasianellus*), and the sage grouse (*Centrocercus urophasianus*). The property also provides suitable habitat for the sage sparrow (*Artemisiospiza nevadensis*), sage thrasher (*Oreoscoptes montanus*), and the loggerhead shrike (*Lanius ludovicianus*), all of which are candidates for listing. And the property is suitable habitat for the pygmy rabbit (*Brachylagus idahoensis*), which is on the state list of endangered species. It is significant that WDFW listed most of these species after it published the 1996 report cited above. Thus, shrub steppe habitat, now more than ever, is essential for the viability of these species.

Unfortunately, the applicant’s checklist for animals is inadequate. *See e.g.*, SEPA Checklist #5. There is no mention of any species listed above. This oversight is unacceptable when WDFW has a wealth of information available to anyone with an internet connection. The applicant also proposes no mitigation measures to preserve or enhance wildlife habitat. SEPA Checklist #5d. Additional analysis of wildlife and habitat impacts is necessary for SEPA review.

Additional information is also required for aesthetic impacts. The applicant concedes that the proposal will cause visual impacts. Although the applicant states that it will “take every precaution to reduce the impact” the checklist explains that “every precaution” means that the applicant will install a six-foot chain link fence and native plants (*e.g.* sagebrush) to mitigate for the visual impacts of a 35-foot communication tower (potentially with antennas protruding to an unknown height) on a highly visible ridgeline. The proposed mitigation is woefully inadequate for the known aesthetic impacts of the proposal.

The checklist also fails to adequately describe the proposal. The project requires the placement of power poles along the ridgeline, further exacerbating the proposed project’s visual impacts. The applicant has proposed no mitigation for this impact (*e.g.* undergrounding the utilities).

Finally, the impacts of the proposal will extend beyond the City of Selah. Thus, the SEPA checklist fails to address and mitigate impacts to jurisdictions beyond the city, in violation

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<sup>3</sup> WDFW’s report, *Status of Washington’s Shrub-Steppe Ecosystem: Extent, ownership, and wildlife/vegetation relationships* (1996), is available here:  
<http://wdfw.wa.gov/publications/01088/wdfw01088.pdf>

of *Save a Valuable Environment v. Bothell*, 89 Wn.2d 862, 869 (1978) (requiring SEPA to analyze and mitigate a proposal's impacts both within and beyond the local government's physical boundaries).

The proposal fails to satisfy SEPA's procedural requirements. In light of the wildlife, habitat, and aesthetic concerns, it appears that the optional DNS review is inappropriate for this proposal.

## 5. THE PLANNING COMMISSION

The Planning Commission is scheduled to review this proposal. The Code states that the Planning Commission may not recommend approval for any proposal unless it can make a finding that "the development is consistent with the City's comprehensive plan and meets the requirements of the City's municipal code." SMC 21.09.030(a)(3)(C)(i). As described in this letter, the proposal is inconsistent with the City's comprehensive plan and it does not meet the requirements of at least two sections of the City's code: (1) the Class 3 Conditional Use criteria in SMC 10.28.010, and (2) the communication tower review criteria in SMC 10.29.040. Thus, the Planning Commission cannot make the required finding, and it should not recommend approval for this proposal.

## 6. SUMMARY

We thank the City of Selah for the opportunity to comment on the proposal. We hope to work cooperatively with the City to address our stated concerns. We understand and appreciate the applicant's objective. To accomplish this objective, we encourage the applicant to follow the Code's directive and to identify an existing communication tower for the co-location of KZTR and KYTR. Co-location would advance the applicant's objectives, and ensure that the City of Selah may grow in a manner that is consistent with its comprehensive plan and development regulations. Co-location would also eliminate adverse environmental impacts, and co-location would likely be exempt from SEPA, reducing the applicant's regulatory burden. Reconsidering the proposal is a legal necessity. The proposal currently before the City is in violation of Class 3 conditional use criteria (SMC 10.28.010), communication tower review criteria (SMC 10.29.040), and SEPA's procedural requirements.

Once again, thank you for your thoughtful review of the proposal and the public's comments. To facilitate future communications, I request that you add me to the distribution list for this project. My email address is [eckej@foster.com](mailto:eckej@foster.com).

Very truly yours,

FOSTER PEPPER PLLC

Jeremy Eckert



**NOTICE OF DEVELOPMENT APPLICATION &  
ENVIRONMENTAL REVIEW  
OPPORTUNITY TO PROVIDE COMMENTS  
NOTICE OF PLANNING COMMISSION OPEN RECORD  
PUBLIC HEARING**

File No. 928.95.15-01, 971.95.15-06 - "KZTR & KYTR Radio Facility" Northwest Tower Engineering / Catholic Diocese of Yakima Notice of Application, and Environmental Review.

**Application:** On June 23, 2015 the City of Selah Planning Department received a Class 3 Use Review application for a communication tower in the One-Family Residential (R-1) zone from Northwest Tower Engineering 2210 Hewitt Ave, Suite 209, Everett, WA 98201 on behalf of the Catholic Diocese of Yakima. The application was determined complete for processing on July 21, 2015. The decision on this application will be made within one-hundred twenty days of the determination of complete application.

**Project Description** Install a 35 foot high radio broadcast tower with an 8' x 19' x 9' steel clad cargo container to be used to house radio, mechanical and electrical equipment. The site is to be gravel surfaced and surrounded by a six foot high slatted chain link fence. Access is from an existing easement that serves other communication towers in the vicinity.

**Location:** On the summit of the ridge about 3,500 feet east of the east end of Lookout Point Drive in the City of Selah. (Yakima County Assessor Parcel Number: 181311-13002).

**Approvals, Actions and Required Studies:** Class 3 Use Review.

**Environmental Review:** The City of Selah is the lead agency for this proposal under the State Environmental Policy Act (SEPA). The City has reviewed the proposal for probable adverse environmental impacts and expects to issue a Determination of Nonsignificance (DNS). The optional DNS process in WAC 197-11-355 is being used. This may be your only opportunity to comment on the environmental impacts of the proposal. The proposal may include mitigation measures regardless of whether an EIS is prepared. After all comments have been received and considered, a threshold determination will be made without an additional comment period. Comments received by 5:00 PM August 20, 2015 will be considered in making the determination. A copy will be sent to those who comment or may be obtained upon request. The determination will have specific appeal information and may be appealed within five business days of issuance.

**Request for Written Comments on the Proposal** Written comments concerning the proposed Class 3 Use application and environmental checklist will be accepted during the public comment period that ends at 5:00 p.m. on August 20, 2015. You mail your comments to Selah Planning Department, 222 So. Rushmore Road, Selah, WA 98942, send them by fax at 1 (509) 698-7372 or by e-mail at tdurant@ci.selah.wa.us. Reference a file number stated in this notice or "KZTR & KYTR Radio Facility" in your correspondence.

**Open Record Public Hearing** Notice is hereby given that on Tuesday, September 1, 2015 commencing at 5:30 P.M., or as soon thereafter as practical, the City of Selah Planning Commission will conduct an open record public hearing in the Council Chambers, City of Selah City Hall, 115 W. Naches Ave. Selah, WA on the Class 3 Use. All interested persons may appear and provide testimony on the application. SMC 21.09.030 and SMC 10.06.040 are pertinent to the hearing procedure. At the conclusion of the public hearing the Planning Commission will consider the matter and issue a recommendation to the City Council for approval, approval with conditions, or denial of the Class 3 Use application.

Application information including the SEPA environmental checklist and maps detailing the proposal are available during regular business hours at the Planning Department at 222 South Rushmore Road, Selah, Washington 98942. The staff report will be available approximately one week before the hearing. Contact the Planning Department with project, procedural or environmental questions by mail at this address, by phone at 1 (509) 698-7365, by fax at 1 (509) 698-7372 or by e-mail at tdurant@ci.selah.wa.us

Dated this 6th day of August 2015.

/s/ Thomas R. Durant, Community Planner

(568632) August 6, 2015



Courtesy of Yakima Herald-Republic

**CITY OF SELAH  
AFFIDAVIT OF MAILING**

**STATE OF WASHINGTON  
COUNTY OF YAKIMA**

I, Caprise Groo, being first duly sworn on oath dispose and says:

I am an employee of the City of Selah, 222 South Rushmore Road, Selah, Washington; that I did on the 6 day of August, 2015 caused to be mailed, 6 envelopes, containing a true and correct copy of a Notice of Application and Environmental Review for Class 3 Use file 928.95.15-01, 971.95.15-06. Said envelopes mailed from Selah, WA. with the correct first class postage and addressed to the owners of property listed by the Yakima County Treasurer as being the legal owners of real property located within 600 feet of the proposal.

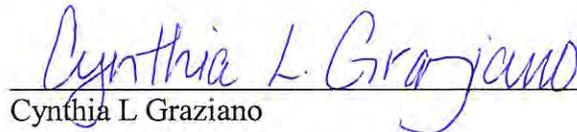
A listing of the legal owners of real property to whom notice has been mailed is contained in file 928.95.15-01, 971.95.15-06

  
\_\_\_\_\_  
Caprise Groo

**STATE OF WASHINGTON  
COUNTY OF YAKIMA**

On this day personally appeared before me Caprise Groo to me known to be the individual referenced herein and who caused to be mailed the Notice of Application and Environmental Review for Class 3 Use file 928.95.15-01, 971.95.15-06.

Given under my hand and official seal this 6<sup>th</sup> day of August, 2015.

  
\_\_\_\_\_  
Cynthia L. Graziano

Notary Public in and for the State of Washington, residing at Yakima, WA. My term expires 7/14/18





# North West Tower Engineering

City of Selah  
Department of Public Works  
222 S. Rushmore Road  
Selah, WA 98942  
Attn: Mr. Thomas Durant



August 27, 2015

Mr. Durant enclosed please my initial response to the letter from Foster Pepper PLCC regarding the proposed installation of the 35'-0" tall radio tower and associated broadcast facility on Selah Ridge. I will address the main concerns in this letter and if necessary will address each point individually at the Public Hearing as the need arises.

The contention that the Diocese's .47 acre plot will somehow hinder the Comprehensive Plan's estimate for an additional 358 acres for residential development by 2025 should be a non-issue. Using the information available in the Comprehensive Plan there are currently 488 acres of developable land that meet the 1400' elevation or under criteria for the City's domestic water supply. The Diocese's property sits at an elevation over 1750', 300' above the water pressure limits defined in the Plan. The parcel is less than half an acre in size and at this point in time is not being included for immediate use as developable property in the context of the Comprehensive Plan.

The legal team has stated that the 35'-0" height limit will be exceeded by some imaginary antenna structure. Our elevations clearly show the top of tower at 35'-0", with the proposed antennas at 30'-0" and 20'-0" respectively.

We would contend that the tower proposed for the facility is the "state of the art" technology for antenna structures. The tower industry is governed by strict design standards (TIA-222-G Structural Standard for Steel Antenna Towers and Antenna Supporting Structures) based on location, elevation above sea level and the surrounding topography. Design factors include sustained wind speed, ice accumulation and seismic considerations. The lattice tower is unique in its ability to meet these stringent requirements, sustain a design load and still allow light and wind to pass through the structure. In addition, the structure height is only 35'-0" which allows us to use a tower with a small face width. The narrow profile will diminish the visual effect with respect to the distance and angle from which it is seen.

The use of a chain link fence with sight obscuring slats is typical of the communication industry's standard for higher elevation, remote locations. We are open to suggestions from the Planning Commission for alternatives.



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# NorthWest Tower Engineering

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The use of native vegetation is completely in line with “state of the art” technology. Using native vegetation is a viable means to blend the project area into the existing landscape. Using native vegetation enhances the existing conditions by duplicating habitat and microclimates. Emphasizing the use of native vegetation in lieu of non-native species that require excessive water or chemical fertilizers is and has been a major component of all planning departments.

Co-location on the existing towers was discussed internally in NWTE’s office. The existing lattice tower was removed as a possible candidate due to interference issues with the existing antennas in the facility. The existing lattice tower supports numerous antennas within the height range required for the proposed radio antennas. It was determined that the proposed radio antennas would not have adequate separation from the existing supported appurtenances on both the tower and in the compound.

The pole type tower was considered and rejected as a viable candidate based on two factors: 1) the moderately slender cross-section through the tower base, mid-section and top (field observation and photo documentation) and 2) the age of the structure (circa 2000) suggests that it would not have been designed to meet the stringent standards applied under the TIA-222-G Structural Standard for Steel Antenna Towers and Antenna Supporting Structures for its exposed ridge top location.

No other towers were considered for the following reasons: 1) The topographical elevation required for the radio facility, 2) the Diocese owns the subject parcel, and 3) there is precedence for their project, the Diocese operated a radio station on this property from 1966-1970.

As noted in the SEPA document the project parcel is considered to be in or close to Designated Wildlife Habitat by the Comprehensive Plan. We have also noted that there are both native and naturalized species of birds and mammals. Noting the presence of endangered or threatened species would be speculation on my part, assuming that I could distinguish a sage sparrow from a sage thrasher. Since the Foster Pepper document is adamant about the habitat degradation, the Planning Commission could recommend that a Wildlife / Habitat study be undertaken by a local biologist familiar with the area, terrain and habitat. I would ask that the biologist draw conclusions based on the proposed project and offer up any mitigating recommendations.

The probable aesthetic impact of our project has compelled the legal team to express dire warnings regarding the construction of our proposed radio facility in the existing landscape. From our standpoint, the small compound and short height of the tower will be an



# North West Tower Engineering

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underwhelming intrusion within the view shed. The natural landscape will not be dramatically altered by our presence. In five years, the native plants will have filled in to the fence line, bunchgrass and wildflowers will have seeded themselves into the area, the covered area under the equipment building will be shelter and home to numerous species (mammals, reptiles and insects) and birds will roost in the tower or use it as vantage point for seeking prey. People will still come to hike, bike or walk their dogs in the natural environment, the expansive views from the "Ridge" will not change and when put into context with the existing views (there are three 150'-0" tall towers, the City of Selah's water supply tank and numerous power poles of varying heights and configurations in close proximity) to the ridge this project will barely register with the eye. Land once considered to be part of the visual landscape, open range, uninhabited and covered in native vegetation is now designated for residential development. I might ask the same question....What is the aesthetic impact of a hillside of single family homes, lighted residential streets, asphalt driveways, irrigated lawns, hedge borders and wood fences?

The document's last contention is that the SEPA document fails to address the impact of the project beyond the controlling jurisdiction. Foster and Pepper cites case law: *Save a Valuable Environment v. City of Bothell*. There are several ambiguities in using this as a comparative example to our project.

\*The subject property was located in the City of Bothell, the parcel's property lines bordered on Snohomish County, Unincorporated King County and several ROW's under the jurisdiction of the Washington State Department of Transportation. Our project and property lines are completely within the Selah UGA.

\*The Bothell parcel was 141 acres in size; ours is less than half an acre with the proposed project area = 1200 square feet.

\*The Bothell project was the construction of a regional shopping center with associated infrastructure, parking and access; ours is a 60'-0"x20'-0" fenced compound.

\*The proposed shopping center required a rezone of existing agriculturally zoned land; ours is a request for a conditional use in an existing residential zone.

Sincerely,

Eric Sladky  
NorthWest Tower Engineering

## Groo, Caprise

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**From:** Jim Dwinell <jim.dwinell@yahoo.com>  
**Sent:** Saturday, August 29, 2015 3:19 PM  
**To:** Durant, Thomas  
**Cc:** Jim Dwinell; Groo, Caprise  
**Subject:** File No. 928.95.15-01 KZTR & KYTR

Planning Commission - Selah

I am writing in OPPOSITION to the proposed tower, power poles, and metal container project being requested as referenced above. This property has been designated and zoned by Selah as prime residential property, and rightfully so. The tower project would not only diminish the value and the potential of an area very close to Selah, but would also diminish the aesthetics of Selah and all the previous efforts to improve the downtown area. I do not believe being a "city of towers" is the image Selah is seeking. I propose that this project be rejected, and ask the proponents to seek a location, such as Ahtanum Ridge, which is better suited in every respect.

Further, there is no benefit to Selah; no jobs, no economic gain, and no local entity that might help improve the community. There is nothing to justify varying this use from a Residential zone.

Thank you for your time,

Jim Dwinell

50 Lookout Point Dr., Selah



PHS on the Web

Layers Tools

Base Maps

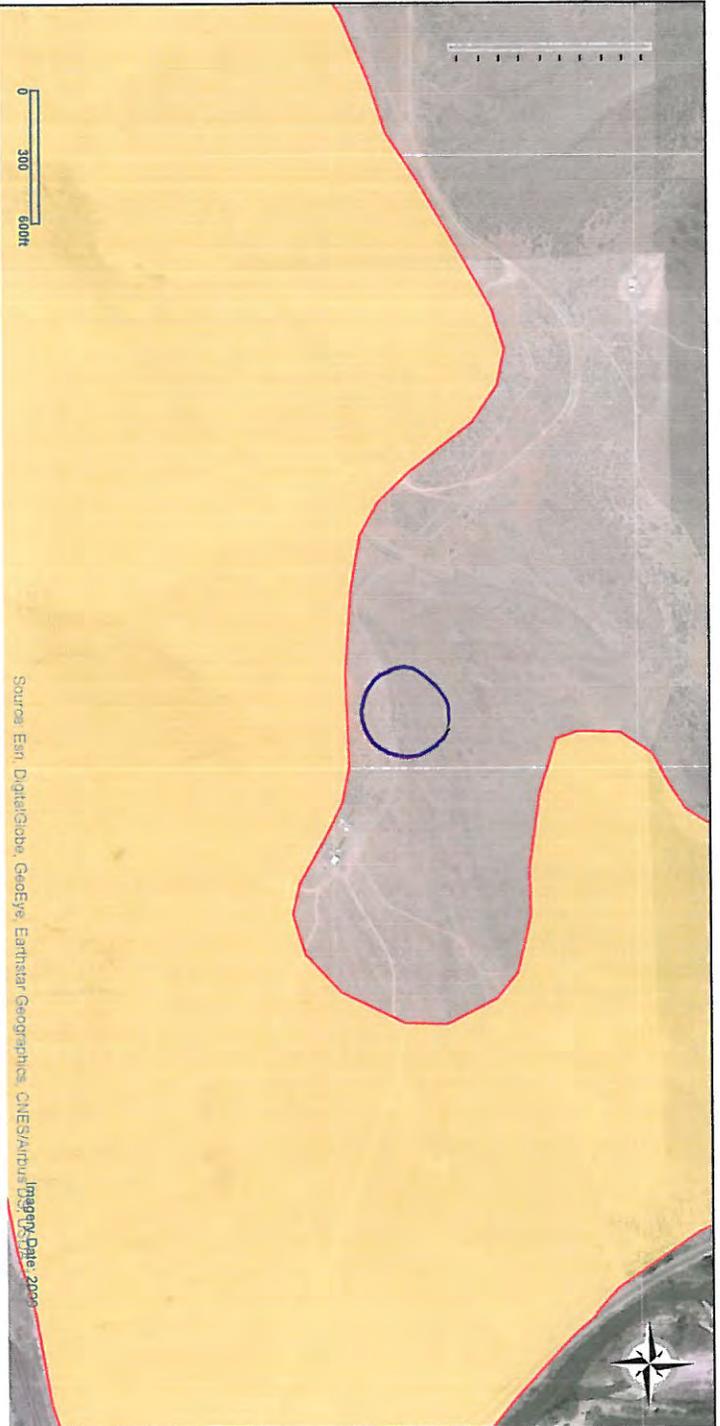
- Aerial
- Hybrid
- Boundaries
- Parcel
- Street
- Topography

Toggle PHS

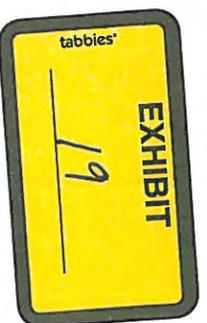
- Turn PHS Data Off

PHS View Source

- PHS Plus Public View (v)



Shrub-steppe Habitat Area





# WASHINGTON DEPARTMENT OF FISH AND WILDLIFE PRIORITY HABITATS AND SPECIES REPORT

Query ID: P150826122508

SOURCE DATASET: PHSPlusPublic  
REPORT DATE: 08/26/2015 12.25

Common Name	Site Name	Priority Area	Accuracy	Federal Status	Sensitive Data	Source Entity
Scientific Name	Source Dataset Source Record	Occurrence Type More Information (URL)		State Status PHS Listing Status	Resolution	Geometry Type
Notes	Source Date	Mgmt Recommendations				

DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.

08/26/2015 12.25



# WDFW Test Map





# WASHINGTON DEPARTMENT OF FISH AND WILDLIFE PRIORITY HABITATS AND SPECIES REPORT

SOURCE DATASET: PHSPlusPublic  
 REPORT DATE: 08/26/2015 12:14  
 Query ID: P150826121350

Common Name Scientific Name	Site Name Source Dataset Source Record	Priority Area Occurrence Type More Information (URL) Mgmt Recommendations	Accuracy	Federal Status State Status PHS Listing Status	Sensitive Data Resolution	Source Entity Geometry Type
Shrub-steppe	LOOKOUT POINT PHSREGION 901728	Terrestrial Habitat N/A	1/4 mile (Quarter)	N/A N/A	N AS MAPPED	WA Dept. of Fish and Wildlife Polygons
				PHS LISTED		

DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.

08/26/2015 12:14

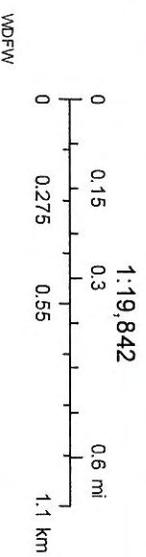


# WDFW Test Map



August 26, 2015

- PHS Report Clip Area
- AS MAPPED
- SECTION
- TOWNSHIP
- PT
- LN





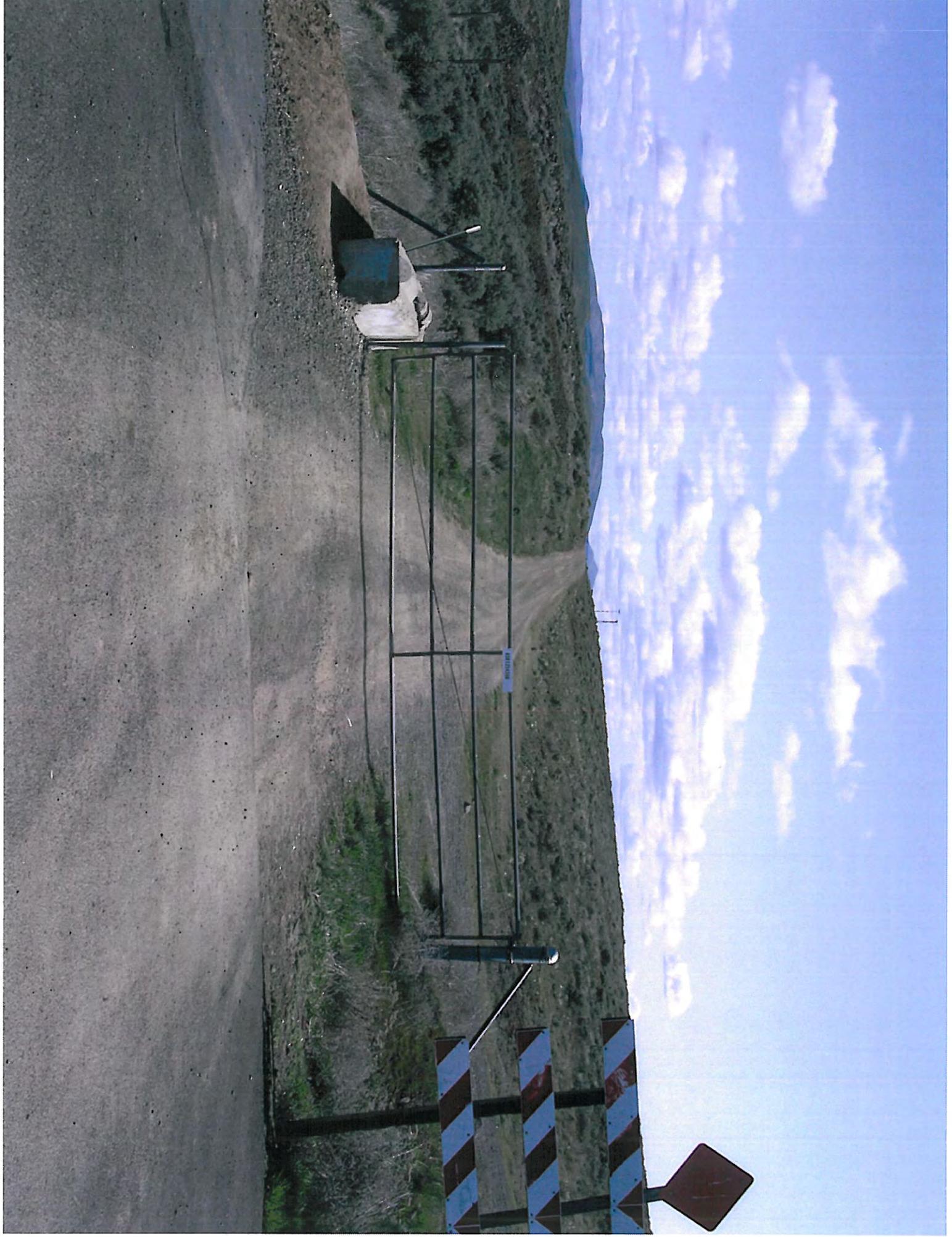
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**EXHIBIT**  
22  
62





















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



**COUNCIL MEETING      ACTION ITEM**

**9/22/2015      M - 4**

**Title:** Resolution Adopting Public Participation Plan (PPP) for the City of Selah's Comprehensive Plan Update

**Thru:** Donald Wayman, City Administrator

**From:** Thomas R Durant, Community Planner

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

Approval.

**Background / Findings & Facts:**

Each fully planning City is required by the Growth Management Act to establish and broadly disseminate to the public a Public Participation Program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing those plans. The proposed Public Participation Plan includes a public participation process for the Comprehensive Plan update and any future amendments, including opportunities to provide input and notification methods.

**Recommended Motion:**



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



I move the Council adopt a resolution approving the Public Participation Plan as proposed by staff and YVCOG for the Comprehensive Plan Update and future Comprehensive Plan Amendments.



**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:

9/1/2015

Planning Commission Open Record Hearing

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

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

A RESOLUTION ADOPTING A PUBLIC PARTICIPATION PLAN (PPP) FOR THE CITY OF SELAH'S COMPREHENSIVE PLAN UPDATE.

WHEREAS, the City of Selah is engaging in the process of updating its Comprehensive Plan to ensure compliance with Growth Management Act requirements and other changes in the community or in the in law that may affect the City's Comprehensive Land Use Planning;

WHEREAS, it is the desire of the City of Selah to ensure public participation throughout the Comprehensive Plan Update process;

WHEREAS, the City Council wishes to adopt a Public Participation Plan (PPP) which will establish guidelines for public participation keeping the following objectives in mind;

- Provide for "early and continuous" public participation
- Build community trust in the planning process
- Seek public input and ideas concerning the future of Selah
- Encourage participation of individuals, community groups and organizations that may not normally participate in the planning process
- Explain the laws by which the City is obligated to conduct the Update process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, that the attached is hereby adopted as the City of Selah's Public Participation Plan for the City's Comprehensive Plan Update process.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 22<sup>nd</sup> day of September, 2015.

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

ATTEST:

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

APPROVED AS TO FORM:

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

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

# City of Selah

## Comprehensive Plan Update

### Public Participation Plan

#### Background

The City of Selah is subject to, and plans under, the guidelines of the Growth Management Act (GMA). The planning process for updating a Comprehensive Plan requires early and continuous public participation (RCW 36.70A.140).

#### **RCW 36.70A.140:**

Each county and city that is required or chooses to plan under RCW [36.70A.040](#) shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. In enacting legislation in response to the board's decision pursuant to RCW [36.70A.300](#) declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board's order. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

#### **The City of Selah proposes the following to conform with RCW 36.70A.140:**

1. Planning Commission public meetings – discuss draft and final sections of plan elements and amendments at regularly scheduled planning commission meetings or appropriately advertised special meetings.
2. Public Comment – the draft will be available for review during a public comment period.
3. Final Public Hearing – the draft will be modified based upon comments received during the public meetings and during the public comment period. The City Council will hold a public hearing on the final draft prior to adoption.

#### **Public Participation Plan Objectives:**

1. Provide for “early and continuous” public participation.
2. Build community trust in the planning process
3. Seek public input and ideas concerning the future of Selah
4. Encourage participation of individuals, community groups and organizations that may not normally participate in the planning process
5. Explain the laws by which the City is obligated to conduct the Update process

#### **Notification Methods**

The following methods may be used to inform the public of the opportunity to participate:

1. **Newspaper advertisements—an initial newspaper ad informing of the start of the Urban Growth Area and Comprehensive Plan Update**
2. **E-mail and/or direct mail notice to interested parties who wish to receive notification**
3. **E-mail notice to interested parties in key organizations – Requesting those key outside organizations distribute to their membership and to other organizations.**
4. **Posting notices on the City website**
5. **Posting notices at public buildings and on electronic reader-boards at the Civic Center and Carlon Park.**
6. **Press Releases**



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



**COUNCIL MEETING      ACTION ITEM**

**9/22/2015      N – 1**

**Title:** Ordinance Amending Chapter 5.12, to the Selah Municipal Code, “Enforcement/Penalties” to Ensure Consistency in Penalty Provisions; Establishing an Effective Date; and, Providing for Severability

**Thru:** Donald Wayman, City Administrator

**From:** Robert F. Noe, City Attorney

**Action Requested:** Approval

**Board/Commission Recommendation:** Not applicable

**Fiscal Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

Adopt the Ordinance

**Background / Findings & Facts:**

The amends the chapter dealing with animal control to increase the maximum fine to up to one thousand dollars and/or up to ninety days in jail.

**Recommended Motion:**

Move to approve the Ordinance

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

AN ORDINANCE AMENDING CHAPTER 5.12, TO THE SELAH MUNICIPAL CODE, "ENFORCEMENT/PENALTIES" TO ENSURE CONSISTENCY IN PENALTY PROVISIONS; ESTABLISHING AN EFFECTIVE DATE; AND, PROVIDING FOR SEVERABILITY

WHEREAS, there is a need to amend the penalty provisions within Chapter 5.12 of the Municipal Code for consistency and so that violations can be efficiently processed through the Selah Municipal Court;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DOES ORDAIN as follows:

Section 1. Selah Municipal Code Chapter 5.12 "Enforcement/Penalties" 10.24, Amended.

Selah Municipal Code Chapter 5.12 is amended as follows:

## Chapter 5.12 - ENFORCEMENT/PENALTIES

### 5.12.010 - Enforcement.

Any animal control officer may issue a criminal misdemeanor nontraffic citation to any person who has violated any chapter or section or provision of Title 5 of this code dealing with animals.

- (1) License permit violations, Chapter 5.02
  - (A) Failure to license dog, Section 5.02.020
  - (B) False information or counterfeit tag, Section 5.02.080(e);
  - (C) Failure to display tag, Section 5.02.080(a);
  - (D) Unauthorized removal of tag, Section 5.02.080(b);
  - (E) Failure to license commercial establishment, Section 5.08.010
  - (F) Failure to obtain permit for private kennel, Section 5.09.010
  - (G) Failure to obtain permit for livestock and poultry, Section 5.10.010
  - (H) Failure to obtain permit for wild, exotic and nondomesticated animals, Section 5.11.010
- (2) Rabies Control, Chapter 5.03
  - (A) Failure to report bite, Section 5.03.020
  - (B) Failure to maintain quarantine, Section 5.03.030
  - (C) Destroying suspected rabid animal without approval, Section 5.03.060
- (3) Animal shelter and impoundment, Chapter 5.04
  - (A) Retention without consent, Section 5.04.040
  - (B) Unauthorized removal of animal from shelter, Section 5.04.050

- (4) Humane treatment of animals, Chapter 5.05
  - (A) Abandoning animals, Section 5.05.010
  - (B) Poisoning animals, Section 5.05.020
  - (C) Unlawful equipment, Section 5.05.030
  - (D) Animal struck by vehicle, duty to aid and report, Section 5.05.040
  - (E) Animals as contest prizes prohibited, Section 5.05.050
  - (F) Animal sales in public places prohibited, Section 5.05.060
  - (G) Unattended animals, Section 5.05.070
  - (H) Sale and novelty prohibited, Section 5.05.080
  - (I) Violation of human animal care, Section 5.05.090
  
- (5) Animals at large—Leash restraints and public nuisances, Chapter 5.06
  - (A) Leash required, Section 5.06.010
  - (B) Dogs in parks, playgrounds or school prohibited, Section 5.06.020
  - (C) Dogs prohibited from running unrestrained, Section 5.06.030
  - (D) Animal trespassing, Section 5.06.050
  - (E) Permitting property damage, Section 5.06.060
  - (F) Female dogs during breeding period to be confined, Section 5.06.070
  - (G) Wild animals to be confined, Section 5.06.090
  - (H) Animal noise prohibited, Section 5.06.100
  - (I) Excreta nuisance prohibited, Section 5.06.110
  - (J) Restrictions for keeping animals, Section 5.06.120
  
- (6) Dangerous dogs, Chapter 5.07  
As prescribed in the chapter dealing with dangerous dogs.
  
- (7) Commercial establishments, Chapter 5.08
  - (A) Display of license required, Section 5.08.080
  - (B) Violation of humane animal care, Section 5.08.120
  
- (8) Private establishments, Chapter 5.09
  - (A) Failure to keep available for inspection permit and records, Section 5.09.090
  
- (9) Livestock and poultry, Chapter 5.10
  - (A) Keeping poultry or rabbits, Section 5.10.020
  - (B) Staking, grazing, running at large, Section 5.10.050
  - (C) Keeping of roosters, Section 5.10.080

5.12.020 - Obstructing an animal control officer.

It shall be unlawful for any person to hinder, delay or obstruct an animal control officer from enforcing any chapter, section or provision of this title. Any person convicted of obstructing an animal control officer is guilty of a misdemeanor punishable by a fine of one thousand dollars or up to ninety days in jail and/or by both fine and imprisonment.

5.12.030 - Penalties.

(a) Unless specifically designated, the maximum penalty for a violation of any chapter, section or provision of this title shall upon conviction be a fine up to five-hundred one thousand dollars and/or imprisonment up to ninety (90) days.

(b) The Selah municipal court judge shall establish a forfeitable schedule for any violation that does not specifically include an imprisonment provision. All violations which do not include an imprisonment provision shall be classified as nontraffic infractions and the penalty imposed shall be forfeitable. The animal control officer shall have the authority to forgo the forfeitable schedule and issue a citation instructing the violator to appear before the Selah municipal court judge when the violator has committed multiple violations or repeated violation of any chapter, section or provision of this title.

(c) The Selah municipal court judge has the authority to order animals of any owner who continually or habitually violate any chapter, section or provision impounded and disposed of according to law or humanely destroyed. "Continually or habitually" means three violations of this title within a six-month period, five violations within a year, six violations within two year, or any violation thereafter. The judge may consider documented warnings issued by the animal control officer, forfeited fines paid and any other violations pending before the court when determining whether to impound and lawfully dispose of the violator's animal(s).

Section 2. Effective Date. This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, clause or phrase of this Ordinance.

ORDAINED this 22<sup>nd</sup> day of September, 2015.

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

ATTEST:

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

APPROVED AS TO FORM:

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

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



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



**COUNCIL MEETING      INFORMATIONAL ITEM**

**9/22/2015      P – 4A**

**Title:** Planning Commission Minutes for September 1, 2015

**Thru:** Donald Wayman, City Administrator

**From:** Caprise Groo, 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**  
**September 1, 2015**

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

A. Call to Order

The meeting was called to order by Chairman Quinnell at 5:31 p.m.

B. Roll Call

Members Present: Commissioner Quinnell, Smith, Pendleton and Torkelson  
Members Absent: Commissioner Miller  
Staff Present: Tom Durant, Consultant, Caprise Groo, Secretary  
Guests: Don Wayman, City Administrator

C. Agenda Changes  
None

D. Communications  
1. Oral: None  
2. Written - None

E. Approval of Minutes  
1. August 18, 2015 Minutes

Chairman Quinnell asked for a motion to approve the minutes.

Commissioner Torkelson motioned to approve the minutes

Commissioner Smith seconded the motion.

Chairman Quinnell asked for a voice vote. The minutes were approved with a voice vote of 4-0.

F. Public Hearings

1. Old Business - None
2. New Business - Northwest Tower Engineering / Catholic Diocese of Yakima (928.95.15-01)

Chairman Quinnell asked Mr. Durant to present the new business.

Mr. Durant proceeded to read the Staff Report: CLASS 3 REVIEW –COMMUNICATIONS TOWER 928.95.15-01  
ENVIRONMENTAL Review 971.95.15-06 (Attached)

Mr. Durant stated that he had brought the original photos for the Commission to see. He stated that the ones in the packet did not portray the tower the way the applicant wanted to. He also stated that he had handed out additional exhibits. Exhibit 17: letter from NorthWest Tower Engineering. Exhibit 18: Email from Jim Dwinell. Exhibit 19: Shrub-Steppe Habitat Area. Exhibit 20: Washington Department of Fish and Wildlife Priority Habitats and Species Report. Exhibit 21: Washington Department of Fish and Wildlife Priority Habitats and Species Report. (All Attached) He continued on with

the Staff Report. Mr. Durant stated that he wanted an additional condition of a preconstruction drainage plan, sediment drainage plan, and special concrete inspections. He reviewed the additional information and turned the proceedings back over to Chairman Quinnell.

Chairman Quinnell asked if the proponent or the proponent's representative would like to speak.

Ron Belter stepped up to the podium. He stated that he was a friend in broadcasting. He stated that he wanted to explain the low power FM station. He explained that it was 100 watts or less and could only cover 5-6 miles. He stated that it would bring local content to the area. He explained that the tower would be a metal lattice that was only 35 feet tall. He explained that it would not need paint or lights. He stated that the closest home was ¼ of a mile away. He stated that he would like to see this project go forward.

Chairman Quinnell thanked Mr. Belter.

Eric Sladkey approached the podium. He stated that he worked for Tower Engineering. He explained that he had looked into co-locating. He stated that the tower owned by Ellensburg Telephone did not have enough vertical and horizontal separation. He then explained that the mono pole was not up to today's standards for a tower. He also stated that the church owned the property and there was a precedent for a tower on the property. He declared that there had been a tower on the property in 1966 to about 1970. He turned the floor over to David Valdivia.

David Valdivia approached the podium. He stated that the Catholic Church had had a radio station tower on the property in 1966. He stated that it was used for about six years. He stated that the Catholic Church would like to once again have a station that played music, announced messages and events. He explained that the Diocese had owned the property for 60 years and felt this was a good use of it.

Chairman Quinnell asked if anyone would like to speak for the Tower. He then asked if anyone wanted to speak against the tower.

Mr. Durant stated that Mr. Dwinell sent an email in opposition of the Tower. (Exhibit 18)

Jim Dwinell approached the podium. He stated that he lived just down the ridge from the proposed tower. He declared that the property was prime residential land. He stated that it should be placed on Ahtanum Ridge with the other towers. He proclaimed that the tower would not bring job and such to Selah.

Commissioner Smith asked if Mr. Dwinell could see the towers.

Mr. Dwinell answered that yes he could see the towers and the container from his home. He explained that this would set a precedent and he did not want a whole line of towers up there. He also stated that not enough people had been notified because they lived outside the 600 feet notification boundary. He declared that this was prime residential and should not be used for towers.

Chairman Quinnell Asked if there were any questions or comments.

Commissioner Smith referred to the letter from NorthWest Tower Engineering Dated August 27, 2015. She asked if the future homes on the ridge had to be hooked to City water or if they would have wells.

Mr. Durant explained that it was expected that the infrastructure would be completed.

Commissioner Smith asked Mr. Sladkey if other locations were considered.

Mr. Sladkey stated that due to the towers already up there and the fact that the Diocese owned the property and had had a tower on the property before, No he had not looked elsewhere.

Commissioner Smith stated that it came to her attention that NW Info-net would be seeking an additional tower to serve Selah better. She asked if others were aware of it.

Mr. Durant stated that he was not aware of that.

Mr. Sladkey stated that a study had been run on the property 300 feet away and there was too much interference with other stations.

Commissioner Smith asked if the Diocese ever considered Ahtanum Ridge.

Mr. Sladkey stated no because of other frequencies they could not encroach.

Chairman Quinnell stated that he had a question on #1 E.

Mr. Durant tried to explain what it meant.

Commissioner Smith asked what the code restrictions were on towers

Mr. Durant stated that the restrictions were listed.

Mr. Dwinell asked why power poles were not considered.

Mr. Durant stated that power poles were not in the criteria and 35 feet is the height limit for houses.

Mr. Dwinell stated that 35 feet looks like 80 when you look up at an angle.

Mr. Belter stated there are power lines all across the Dioceses property.

Commissioner Smith commented on Mr. Dwinell statement of no economic gain. She talked about quality of life.

Chairman Quinnell asked if there were any other comments.

Commissioner Torkelson motions to approve.

Commissioner Smith seconded the motion.

Chairman Quinnell asked for a voice vote and the tower was approved with a vote of 4-0

Mr. Durant and Chairman Quinnell discussed condition E. Conclusion: Strike the last sentence.

Commissioner Smith suggested that the Commission revisit geological restrictions in about 6 months.

Mr. Durant stated that everyone would be notified on when this went to Council.

Mr. Sladkey asked about the foot level.

Mr. Durant stated that they had to match the drawings.

Mr. Sladkey stated that the bays would come out 3 feet instead of two. He asked if they could go out 3 feet.

The Commissioners Agreed.

Commissioner Smith suggested that the Tower be painted a shade darker than dirt.

Chairman Quinnell moved to the next item on the agenda:

G. General Business

1. Old Business -Planned Development: Ordinance (Chapter 10.24) Final Draft.

Commissioner Smith moved for a 10 minutes break.

Chairman Quinnell stated they would take a 10 minute break.

Chairman Quinnell called the meeting to order. He turned the floor over to Mr. Wayman and then Mr. Weller

Mr. Wayman stated that the Council had given a 60 day extension but would like 30 days to go over 10.24 then selves. He stated that the commissioners needed a clear understand to vote on each item

Mr. Durant stated that the meeting was advertised as a hearing.

Mr. Wayman stated that it was a hearing and that the Commissioners needed to vote on it. Mr. Wayman turned the floor over to Mr. Weller.

Mr. Weller. 50 Herlou Place. He brought up page two 10.24.030 compatibility. He stated that the definition was not clear enough. He stated it was subjective.

Mr. Wayman stated that the Comp Plan gave us the word. The Hearing Examiner needs a criteria to define the minimum. He stated that the building blocks need to be in place.

Mr. Durant stated that compatibility is a subjective word. He stated that they tried to set standards that fit all neighborhoods.

Mr. Quinnell stated that compliance lead to compatible.

Mr. Weller stated that this was a path to compliance not compatibility. He asked who decides.

Mr. Durant stated that SEPA decides.

Commissioner Torkelson stated the compliance will lead to compatibility.

Mr. Wayman stated that it was not a perfect picture but it will lead to compatibility.

Mr. Weller suggested plain language. He continued thru the document to 10.24.040, PDP 10.24.050. He stated the definitions need to be clearer. He then discussed City street standards.

Mr. Durant called attention to page 16, paragraph #3.

Mr. Wayman stated that they were offering alternatives.

Mr. Weller -Page 20, #c he stated he would like clarification.

Mr. Durant stated that 10.28.020 allowed provisions unless there are covenants to stop it.

Mr. Weller asked if it permitted uses affected zoning.

Discussion: Can zoning be changed?

Conclusion: No. It cannot exceed density.

Mr. Wayman started through the document page 2 the Yellow section.

Commissioner Torkelson wanted to make a point. He stated that they keep trying to go back to the standard and this is to give flexibility to do more.

Mr. Wayman stated that at the tough spots the Commissioners vote on what they want.

Commissioner Smith asked the difference between and long and short plat.  
Commissioner Torkelson Answered 4 or less was a short plat, 5 or more was a long plat.

Mr. Wayman page two in yellow any changes. Page 3 –none. Page 4 a-b change percentages.

Chairman Quinnell stated 40 %.

Commissioner Torkelson 50 %

Commissioner Smith stuck with lower percentage. She explained why.

Mr. Wayman stated that the density does not change.

Discussion: Home values go down.

Conclusion: No the hone values do not go down.

Commissioner Pendleton stated that it was not apples for apples.

Commissioner Torkelson stated that so places need cleaned up.

Mr. Durant stated that the 10% was trying to deal with the exterior looks.

Mr. Wayman stated that it would be something pleasing to the eye. He stated that the values would not go down.

Commissioner Torkelson stated that the developer is building a neighborhood.

Mr. Wayman asked for percentages. 1-25% 2-40% 1-50%, 40% carries.

Mr. Durant asked if both should be 40%.

All Commissioners agreed they should be the same.

Mr. Wayman stated that the next critical question was should there be a minimum lot size.

Discussion ensued.

Conclusion: Strike E with a voice vote of 3-1.

Mr. Wayman moved on to page 5-no changes. Page 6 add the bold lettering to part B

Mr. Durant explained the pre-application conference.

All Commissioners agreed to keep the bold lettering on page 6-B

Mr. Wayman move to page 7, 10.24.080 section A does everyone agrees with “give as required for minor rezones by SMC 10.40 and SMC 21.

All commissioners agreed.

Mr. Durant went over part c of 10.28.080.

Mr. Wayman asked if the commissioners agreed with c of page 7. He had 100% agreement. He moved to page 8.

Mr. Durant explained "the criteria of SMC10.24.050 shall be used rather than the review criteria of SMC 10.40.050 or 10.40.070". He stated that they would use the minor rezone processes by not the minor rezone criteria.

Mr. Wayman asked if the Commissioners were in agreement with that

All Commissioners agreed with that sentence.

Mr. Wayman moved on to 10.24.100 A. He stated that it looked like it had been changed. He asked if anyone had an issue with that section.

Commissioner answer they had no issue with 10.24.100 A.

Mr. Wayman moved to 10.24.100 B. He asked if the Commissioners agreed with that paragraph to include the strikeouts.

Commissioner agreed it was good.

Mr. Wayman moved to page 9 paragraph D. He read that paragraph D and asked if the Commissioners were good with it.

Commissioner Torkelson stated he did not agree with it.

Mr. Wayman asked how to balance the density differences between R-1, R-2 and R-3 when building height can be used as criteria for judging compatibility.

Commissioner Torkelson stated that it needed to be spelled out up front.

Discussion ensued about compatibility and building height.

Conclusion: Add an additional sentence.

Mr. Wayman asked if they were leaving in the sentence "building height may not be used as criteria for judging compatibility with adjacent uses" He asked for a voice vote. He stated he had 3-1 votes to leave it in. He asked about the last sentence s in paragraph D. "Planned development density shall not be used as criteria to judge compatibility with adjacent uses when adjacent properties are zoned differently". He requested a voice vote on the sentence and it passed with a vote of 4-0. He moved on to architectural diversity. He asked if they wanted this diversity in 6 or less homes.

Commissioner Smith stated 3 structure or more need variety.

Commissioner Torkelson stated he would like it to be 4 structures.

Discussion ensued.

Conclusion: 3-structures or more with a voice vote of 4-0

Chairman Quinnell called for a break.

Chairman Quinnell called the meeting to order.

Mr. Wayman stated that the commissioner moved down to varying the building height

Mr. Durant declared that he did not think it should be required.

Commissioner Torkelson agreed that varying facades and roof line was good but not building heights.

Commissioner Smith stated that on 3 level the height should vary.

Mr. Wayman asked for a vote on adding a sentence or paragraph. One against, 2 abstained. He moved on to page 10. He asked the commissioners about the 15% open space.

Commissioner Torkelson stated that it was too large.

Mr. Wayman asked what he would like it to be.

Commissioner Torkelson stated that it should be per dwelling unit.

Chairman Quinnell questioned that it had to be usable open space.

Mr. Wayman read paragraph 10.24.110 He asked Commissioner Torkelson if he wanted to hook it to the units.

Discussion ensued on the percentage and what qualified as open space.

Mr. Wayman asked for a vote on percentage for outdoor open space.

Conclusion: Chairman Quinnell suggested 10%, Commissioner Smith suggested 12%. 12% with a voice vote of 3-1

Mr. Wayman asked if there was any other change to page ten.

Chairman Quinnell answered no.

Mr. Wayman moved to page 11.

Mr. Durant stated that the letters were not supposed to be in there they were supposed to be numbered. He stated that that was the only change to page 11.

Mr. Wayman moved on to page 12. -Good. Page 13- Good. Page 14-Fine. Page 15- Good. Page 16 He stated that the 150 feet for guest parking not parking for tenants. He stated that 500 feet was standard.

Mr. Durant stated that it was not measured along sidewalks and internal pathways.

Mr. Wayman asked what it should be. He asked if they wanted 150 feet.

Commissioners agreed 300 feet on page 16.

Mr. Wayman asked if there were any more issues.

Commissioner Smith asked if they talked about 20 foot streets and only on dead end street with no more than 8 units.

Mr. Wayman stated that it in the document

Mr. Durant stated that it was c on page 16.

Mr. Wayman asked if the last sentence in 3-c was staying.

Commissioners agreed.

Mr. Wayman move to page 17 the lined out words.

Mr. Durant stated that the words were moved to the setback section. He stated he put them all in the same place.

Mr. Wayman moved to page 18-19. No changes. Page 20, 10.24.130. .

Mr. Durant tried to explain what was allowed unless it was prohibited by covenants.

Mr. Wayman moved on to 10.24.140-4

Mr. Durant stated that this meant that if a condition was necessary it could not be change through a minor modification.

Mr. Wayman asked if there was any issue with page 21. He stated he would get it smoother and electronically distributed.

Mr. Durant asked if Mr. Wayman would like the Commissioner to vote on the changes.

Chairman Quinnell entertained a motion approving the amendment to the Planned Development 10.24.

Commissioner Smith motioned to approve.

Commissioner Torkelson seconded the motion.

Chairman Quinnell asked for a voice vote and the amendments were approve with a vote of 4-0.

Chairman Quinnell asked about the representative that goes before council.

Mr. Wayman made a suggestion.

Chairman Quinnell stated that they might want Commissioner Miller there.

All Commissioners are to be at the council meeting on the 4<sup>th</sup> Tuesday of September.

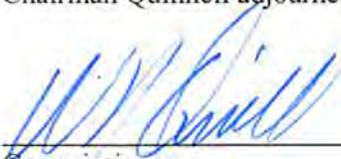
2. New Business- None

Reports/Announcements

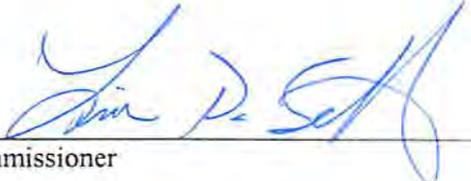
1. Chairman- None
2. Commissioners- None
3. Staff- -Mr. Durant stated that the next meeting will have some Comp Plan Amendments and a presentation from YCOG.

I. Adjournment

Commissioner Torkelson motioned to adjourn the meeting, Commissioner Smith seconded the motion. Chairman Quinnell adjourned the meeting at 8:33 pm with a voice vote of 4-0.

  
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Commissioner

  
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**CITY OF SELAH PLANNING COMMISSION**

**STAFF REPORT**

**August 27, 2015**

**FILE NO.:** CLASS 3 REVIEW – COMMUNICATION TOWER 928.95.15-01  
ENVIRONMENTAL REVIEW 971.95.15-06

**PROPOSAL:**

Construct a 35 foot high communication tower with associated equipment building in the One Family Residential (R-1) zoning district. The tower is proposed as a radio broadcast facility for KZTR & KYTR, which according to the application will broadcast to the Cities of Yakima and Selah.

**PROPONENT:** Northwest Tower Engineering

**PROPERTY OWNER:** Catholic Diocese of Yakima

**LOCATION:** On the summit of the ridge about 3,500 feet east of Lookout Point Road. (Tax Parcel Number: 181311-13002).

**APPLICATION AUTHORITY AND JURISDICTION:** Selah Municipal Code, Chapter 10.06 (Applications) as it pertains to Class 3 Review. Communication towers are defined in Appendix A to Chapters 10.02 through 10.48 as “a structure upon which can be mounted a pole, mast, whip, antenna, or any combination thereof used for radio, television, cellular or microwave telecommunications, broadcast transmission or line-of-sight relay”. Communication Towers are listed as a Class 3 use in all zoning districts by Table 10.28A-11 and are subject to the standards and requirements of SMC 10.28.040(h).

**PUBLIC FACILITIES AND UTILITY SERVICES:** The only utilities serving the site are electrical power and telephone. Typically, only electrical power is needed for this land use and is available nearby to the east.

**ACCESS & PARKING:** Access to the site is by an access easement improved with a dirt road that extends east from the end of Lookout Point Road and provides access to other communication towers in the vicinity. The application states that the finished project will generate one (round-trip) vehicle trip per month and it includes documentation that the proponent has a right of legal access for this purpose.

There are no off-street parking standards in the zoning ordinance for this land use. The application states that one parking space will be provided. It is not subject to the improvement and maintenance standards of SMC 10.34.070.

**LAND USE, ZONING & PHYSICAL CHARACTERISTICS OF THE SITE:** The site is located at the summit ridge of Lookout Point and overlooks the City of Selah and the City of Yakima. It consists of one of two contiguous lots owned by the Catholic Diocese. The lot proposed for the application is 0.47 acre in size. The site and all surrounding properties are zoned One-Family Residential (R-1) and designated Low Density Residential by the Future Land Use Map of the Comprehensive Plan.

Most of the surrounding land use is vacant land. There are three existing communication towers in the vicinity ranging from 300 to 1,160 feet away from the site. The towers are 150 feet in height. The nearest residential areas are located on Lookout Point Road about 3,600 feet west of the site and in the vicinity of South 7<sup>th</sup> Street and Harris Avenue about the same distance to the north. Other nearby structures and land uses include a City water reservoir about 3,000 feet west of the site and above-ground electric transmission lines. Steep slopes descend both to the north and to the south. The Naches River is at the bottom of the slope to the south and along with U.S. Highway 12 forms a physical boundary separating the Cities of Selah and Yakima.

**ENVIRONMENTAL REVIEW:** A Determination of Nonsignificance (DNS) (971.95.15-06) was issued on August 24, 2015. The Optional Method of WAC 197-11-355 was used meaning that comments on the SEPA environmental checklist were requested by the Notice of Application issued on August 5, 2015 and the DNS issued without a further comment period.

Two comment letters were submitted during the comment period. The Selah Police Department commented that the proposal does not pertain to or affect the department or its duties. A second comment letter with comments directed both to the SEPA determination and the project in general was submitted by a law firm representing the owner of property surrounding most of the site. The SEPA issues raised by the letter are as follows:

The optional DNS process should not have been used because under WAC 197-11-355, the City should be reasonably certain that environmental impacts are unlikely.

The project site is located in shrub steppe habitat in close proximity to the Naches River which is described by a WDFW report as habitat vital for over 94 species of birds and 13 species of mammals including the pygmy rabbit, which is on the State list of endangered species. The SEPA Checklist does not mention any of several species listed in the comment letter and proposes no measures to preserve or enhance wildlife habitat.

Additional information is required for aesthetic impacts and the proposed mitigation is inadequate.

The SEPA Checklist inadequately describes the proposal because it fails to include the placement of power poles along the ridgeline, further exacerbating visual impacts and no mitigation, such as undergrounding utilities, is proposed.

The SEPA Checklist fails to address and mitigate impacts to other nearby jurisdictions.

The issuance of a DNS and determination that there are no significant adverse environmental impacts is based on the following findings:

1. The use of the optional DNS process was based on reasonable certainty that environmental impacts were unlikely. This does not commit the SEPA Responsible Official to making a negative determination (WAC 197-11-355(4)(a)). If a Determination of Significance had been issued, it would have had a new 21-day comment and scoping period as required. However, the

determination has been made that there are no significant adverse environmental impacts for the reasons documented in these findings.

2. The SEPA checklist stated that native and naturalized bird and mammal species are on the site but did not identify any by name. It also stated that any threatened or endangered species are unknown and that the property may be located at the eastern edge of the Pacific flyway. No measures to preserve or enhance wildlife were proposed.

Staff obtained additional information about wildlife on-line from the Washington Department of Fish and Wildlife, which was also a consulted agency (see Finding #5 below). The website, which includes an interactive mapping application does not indicate the presence of endangered or threatened species and locates the site outside of the mapped Shrub-Steppe priority habitat area. Additional discussion is later in this report under "Critical Areas".

3. The SEPA Checklist states that skyline view in all directions will be slightly altered and proposes a sight-obscuring fence and landscaping at ground level. Other features of the project portrayed by the plans, drawings and photo-simulations submitted with the application do not suggest significant adverse impacts although they are subject to the Class 3 review requirements of the development regulations (WAC 197-11-330(1)(c)). This is discussed later in this report.
4. The SEPA Checklist states that electricity for the project will be pulled from existing service lines adjacent to the subject property, although it did not specify that new power poles would be installed. The extension of electrical power and installation of power poles is generally not regulated by the City, except for subdivisions where underground utilities are required. There are no comprehensive plan policies or regulations that prohibit or restrict power poles in this location based on potential visual impacts. There are standards and requirements for communication towers but not for associated power poles. The height and visibility of power poles in a ridgetop location is not sufficient basis for determining an adverse impact in the absence of adopted policies or regulations considering that R-1 zoning allows, without restriction, residential buildings up to 35 feet in height and that subdivision standards would not only allow, but would require (SMC 10.50.045(e)) street lights on poles of about the same height.
5. Staff is unable to find in review of the SEPA environmental checklist any responses that suggest that the description of the project and its environmental effects were limited to the jurisdictional boundaries of the City of Selah. Four City departments/officials and five State and local agencies were notified as consulted agencies during the SEPA process. They included the Washington Department of Fish and Wildlife and the City of Yakima. Neither provided comments on the proposal. The City of Yakima was consulted based on the potential effect of the project on its services as the administrator of the local airport. While staff is aware that Yakima's Airport Safety Overlay zone is one mile or more away from the project site, it was considered prudent to notify the City for this reason. Having been given notice, the City could

have commented on aesthetics or any other element of the environment that it felt was appropriate, but it did not do so.

**CRITICAL AREAS:** The project site was evaluated for potentially being in two critical areas based on its location and information disclosed in the environmental checklist and application. Geologically hazardous areas include several categories, the most likely being “erosion hazard areas”, which are areas that have three characteristics: A slope of 15% or greater, soils identified by the NRCS as unstable with a high potential for erosion; and areas that are exposed to the erosion effects of wind or water (SMC 11.50.150(a)(2)(A)). As disclosed by the SEPA checklist and consistent with the site plan and photographs submitted with the application, the steepest slope on the site is 12.7%. The NRCS soil classification of the site is Bakeoven very cobbly silt loam which is not identified by the Soil Survey for Yakima County as being either unstable or having a high erosion potential. Mapping of erosion hazard areas maintained by Yakima County also does not show this site being in an effected area. There is no evidence that site has any of the characteristics of the other geological hazardous areas identified in the critical areas ordinance.

The second potential critical area is Fish and Wildlife Conservation Areas (SMC 11.50.120) which is described as the areas identified by the Washington Department of Fish and Wildlife under the Priority Habitat and Species Program (SMC 11.50.120(a)). The first of two classifications for these areas are “Critical” meaning areas that state or federal endangered, threatened and sensitive species have a primary association, including anadromous fish species and habitats requiring special consideration under RCW 36.70A.172(1). The second classification: “awareness” includes all other priority habitats and species identified by WDFW.

The SEPA Checklist discloses that the property is classified as a “Habitat Area” by the Yakima County Comprehensive Plan. However, mapping obtained from the WDFW website shows the site location near but outside of the designated Shrub-Steppe Habitat Area. Based on SMC 11.50.120(a), the site is not in this designated critical area.

**CLASS 3 REVIEW REQUIREMENTS:** Class 3 uses are not appropriate generally throughout the zoning district but may be permitted at a particular location where it can be conditioned to ensure compatibility and compliance with the provisions of the zoning districts and the goals, objectives and policies of the comprehensive plan (SMC 10.06.020(3)). The reviewing official (i.e., Planning Commission) has broad authority to impose conditions under SMC 10.06.060(a) and is required to impose a time limit in which the action must be commenced, completed or both (SMC 10.06.060(c)).

**Comprehensive Plan:** The Future Land Use designation of the site is Low Density Residential. The description of that category in the comprehensive plan neither permits nor prohibits the proposed use.

The comment letter suggests that three Comprehensive Plan goals, objectives and policies are relevant to this proposal. All are goals from the Housing Element of the Plan, rather than the Land Use Element. They are as follows:

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

**Policy HSG 1.3:** Restrict the encroachment of commercial and industrial uses into residential neighborhoods except in area identified for commercial and industrial expansion.

**Policy HSG 1.6:** Replace nonconforming uses with appropriate conforming uses.

These policies support the designation of communication towers as a Class 3 use, not generally appropriate in the zoning district but permissible in a particular location. Although not specified in the Comprehensive Plan, the reason that communication towers are permitted at all in residential and other non-commercial or industrial areas is because they often have a need to be in certain locations in order to achieve their purpose. The summit of a ridge is one example of this and as stated in the application the proposed site is necessary due to its overlooking both Yakima and Selah and providing service to the audiences in these areas. The zoning ordinance, which was adopted to implement the plan and is required to be consistent with it, has established this use as a Class 3 use in the R-1 zone. Therefore, it does not conflict with Policy HSG 1.3. To the extent that this would be considered a commercial or industrial use, it is implied by its being designated a Class 3 use in the R-1 zone that there are some R-1 zoned areas identified for its expansion. It is also *restricted* in a residential zone (rather than a neighborhood in this instance) by its designation as a Class 3 use, and the requirement that it meet Class 3 Review approval criteria.

Objective HSG 1 does not appear to be relevant because the nearest *existing* residential neighborhoods are more than one-half mile away and there is no evidence that this proposal would degrade them.

Finally as indicated in the comment letter, this is not a nonconforming use. Therefore Policy HSG 1.6 does not apply.

Staff review did not identify additional relevant policies. Several policies under the Plan Goal to "Provide appropriate protection for recognized habitat and critical areas" were considered, but determined to not be relevant based on the above finding that the site is outside of a priority habitat area.

**Provisions of the Zoning District:** The purpose of the R-1 zone is to provide for single-family residential development where urban governmental services are currently available or will be extended by the proponent to facilitate development at no public cost (SMC 10.12.010). Specific intents of 10.12.010 that are relevant to the proposed use include providing for an orderly, phased transition from vacant or partially developed to single-family development and ensuring that R-1 uses will facilitate future urban development and extension of utilities.

The basic intent is to facilitate single-family residential development and extension of utilities. The proposed use has no significant utility needs other than power, to which it will be provided at developer expense. There is also no clear evidence that it would interfere with future single-family residential development, since it occupies a very small site in a large undeveloped area and does not

have significant adverse effects. Implied concerns that it may discourage or devalue future residential development of surrounding property has not been supported. Reference is made to a newly developed subdivision on W. Goodlander Road with homes valued by the Yakima County Assessor in the \$175,000 to \$400,000 price range in very close proximity to an existing communication tower. This includes one home built in 2014 on a lot that is within 50 feet of the base of the tower.

The review criteria of SMC 10.28.040(h) come without any purpose statement but are undoubtedly intended to address potential visual impacts of communication towers and to discourage their proliferation in any location. The criteria are as follows:

1. The facility shall use state-of-the-art technology to reduce visual impact;
2. At a minimum the facility shall be camouflaged to industry standards;
3. Preferential consideration will be given to facilities which co-locate on existing towers, buildings, and structures without an increase in the tower, building, or structure height.
4. Communication towers exceeding the zoning district height limitations shall require a variance approval;
5. Communication towers shall meet the principal structure setbacks. Communication equipment buildings shall meet the accessory setback standards.

It is not defined in the zoning ordinance what is considered to be "state-of-the-art" technology to reduce visual impact. A cursory search by staff of the internet and published sources was made to shed some light on this and identify industry camouflage standards. Measures to address visual impacts include height restrictions, self-supporting towers, minimizing the radius of the tower, placing antenna and other attachments more closely to the tower and reducing their size; avoiding the use of lights or bright colors, and using fencing or vegetation as site-screening for accessory structures such as the equipment building.

Examples of camouflage include landscaping, vegetative buffers, design using colors and materials to blend in with surroundings and use of topography, vegetation and other structures to sitescreen tower support structures. "Stealth camouflage structures" such as designing a tower to look like a tree, rock or part of a structure appears to be among "industry standards", but there is also a caution that stealth designs should be indigenous to the area. Designing a tower to look like a tree on otherwise treeless Lookout Point may not be an effective disguise.

The application provides very little specific written information about how the proposal meets these two criteria, although the site plan, engineering drawings and photographic simulations of the project provide a good visual representation of the project. They show the proposed tower to be a self-supporting lattice tower, slim in profile. It measures two feet in width on the site plan. The antennas are shown mounted on the side of the structure and also scale to about two feet in length. There are no lights proposed and no indication that it will need to be painted bright colors for air traffic safety. Photo-simulations included with the application show the proposed tower to be much smaller and less conspicuous than the existing nearby towers, although still visible. The "off-white" equipment building, which is now located on the site is also visible, especially from the Yakima side of the ridge. It appears

that the proposed fencing will only partially obscure it. An 8 foot wide buffer planted with Big Sage and other plants is proposed around the perimeter of the facility. These plants can be quite large and may help to obscure the fenced area from view at ground level, especially downhill from the site.

The zoning ordinance specifies preferential treatment for facilities that co-locate on existing towers, buildings and structures. Although the purpose is not stated, this is usually intended to reduce the proliferation of communication and prevent the resulting visual clutter. What the preferential treatment provides for is also not specified, although under the definitions of these terms by the Code, locating an antenna on an existing structure would eliminate the requirement for Class 3 review of a communication tower. There are no standards of what is sufficient justification to not co-locate and "preferential treatment" should not be enough on its own to deny the application, although since it is one of the required criteria, it should have some weight. Providing for future co-location by other service providers may also be grounds for preferential treatment under this provision.

The absence of nearby towers cannot be used as justification in this instance, although there may be technical reasons for not co-locating on them. Given that the proponent already owns the site, that it appears to be ideal for this use and there are few, if any practical alternative uses for it may be justification. The application also indicates that there could be growth and upgrades in the future and there are no plans to expand the project lease area.

The communication tower meets the 35 foot height limitation of the R-1 zone, so it does not need a variance and it clearly meets this standard. The comment letter observed that based on the zoning ordinance definitions, the height limit applies only to the tower and not to antennas that may be located on it. The application materials do not indicate the placement of antennas that extend above the height of the tower and the antennas being shown are small and would not likely extend substantially if they did.

The tower, equipment building and all other structures on the site plan are shown 20 feet or more from all property lines meeting or exceeding the minimum principal structure setbacks of the R-1 zone.

**CONCLUSIONS & RECOMMENDATION:** The proposal generally conforms to the standards of the Zoning Ordinance and is in a location that is more suitable than most in the City for its intended purpose. It has a number of features that should reduce what are generally considered to be visual impacts of communication towers, and that appear to be "state-of-the-art" based on what is being required in other locations, although the application has not clearly shown how the tower is to be camouflaged to industry standards and why co-location is not an alternative given that there are nearby existing towers.

The proposal is consistent with the comprehensive plan. Existing neighborhoods are some distance away, and while the affect it may have on future residential development of the area should be taken into account, there is no evidence that the proposal, conditioned as required by the Zoning Ordinance, would significantly impact it.

The distance from existing developed areas and the location relative to the proposed broadcast areas of Yakima and Selah make this a site that is a particular location where it can be conditioned to ensure compatibility, compliance with the provisions of the zoning district and the goals, objectives and policies of the comprehensive plan.

The site is not located in critical areas and SEPA environmental review has been completed.

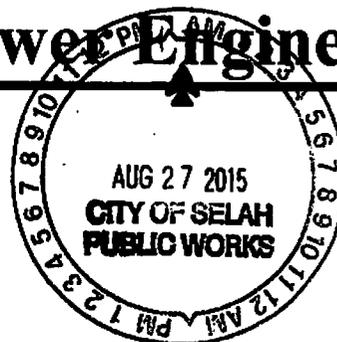
Staff recommends that the Class 3 Review Application be approved but that the Planning Commission consider testimony and evidence received at the hearing including that from the proponent as to how the proposed facility is being disguised to industry standards and justification for not co-locating on existing towers. Additional conditions may be warranted based on the testimony in addition to the following conditions that are recommended:

1. The facility shall be constructed in substantial conformance to the site plan, drawings and description submitted with the application except as modified by the decision and at minimum including the following features:
  - a. Tower height limitation of 35 feet.
  - b. Width or diameter of the tower no greater than shown on the site plan. The use of a monopole is an acceptable alternative to the tower as shown.
  - c. No lights or bright colors on the tower. Security lights, if any, on the equipment building shall be shielded so as to not be visible from a distance and to not shine on neighboring properties.
  - d. An 8 foot wide minimum vegetated buffer as described in the application or as an alternative using other plant materials that would obscure the fenced enclosure and equipment building at ground level from property immediately surrounding the facility.
  - e. Antennas for the proposed use of the tower shall not substantially exceed the dimensions shown with the application. This condition shall be waived for antennas that are co-located on the tower by subsequent users when there are two or more users of the facility.
2. The equipment building shall be painted (siding may also be used) with a darker color that blends better with the surroundings. Fencing shall also be a color, other than white, that blends with the surroundings. However, the Planning Commission may modify this condition and not require the equipment building to be painted if it is satisfied from the hearing that other measures proposed by the applicant will adequately obscure or disguise the structure as viewed from off-site.
3. This decision authorizes only one tower on the site and may not be modified to provide for additional towers. Making the tower available for co-location is authorized and encouraged.
4. Project shall be completed within one year of the final Class 3 decision. Extensions may be requested as authorized by the zoning ordinance, but must be requested in writing with the request received by the Planning Department prior to the completion date.

**NWTE**

# NorthWest Tower Engineering

City of Selah  
Department of Public Works  
222 S. Rushmore Road  
Selah, WA 98942  
Attn: Mr. Thomas Durant



August 27, 2015

Mr. Durant enclosed please my initial response to the letter from Foster Pepper PLCC regarding the proposed installation of the 35'-0" tall radio tower and associated broadcast facility on Selah Ridge. I will address the main concerns in this letter and if necessary will address each point individually at the Public Hearing as the need arises.

The contention that the Diocese's .47 acre plot will somehow hinder the Comprehensive Plan's estimate for an additional 358 acres for residential development by 2025 should be a non-issue. Using the information available in the Comprehensive Plan there are currently 488 acres of developable land that meet the 1400' elevation or under criteria for the City's domestic water supply. The Diocese's property sits at an elevation over 1750', 300' above the water pressure limits defined in the Plan. The parcel is less than half an acre in size and at this point in time is not being included for immediate use as developable property in the context of the Comprehensive Plan.

The legal team has stated that the 35'-0" height limit will be exceeded by some imaginary antenna structure. Our elevations clearly show the top of tower at 35'-0", with the proposed antennas at 30'-0" and 20'-0" respectively.

We would contend that the tower proposed for the facility is the "state of the art" technology for antenna structures. The tower industry is governed by strict design standards (TIA-222-G Structural Standard for Steel Antenna Towers and Antenna Supporting Structures) based on location, elevation above sea level and the surrounding topography. Design factors include sustained wind speed, ice accumulation and seismic considerations. The lattice tower is unique in its ability to meet these stringent requirements, sustain a design load and still allow light and wind to pass through the structure. In addition, the structure height is only 35'-0" which allows us to use a tower with a small face width. The narrow profile will diminish the visual effect with respect to the distance and angle from which it is seen.

The use of a chain link fence with sight obscuring slats is typical of the communication industry's standard for higher elevation, remote locations. We are open to suggestions from the Planning Commission for alternatives.

**EXHIBIT**

17



# NorthWest Tower Engineering

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The use of native vegetation is completely in line with "state of the art" technology. Using native vegetation is a viable means to blend the project area into the existing landscape. Using native vegetation enhances the existing conditions by duplicating habitat and microclimates. Emphasizing the use of native vegetation in lieu of non-native species that require excessive water or chemical fertilizers is and has been a major component of all planning departments.

Co-location on the existing towers was discussed internally in NWTE's office. The existing lattice tower was removed as a possible candidate due to interference issues with the existing antennas in the facility. The existing lattice tower supports numerous antennas within the height range required for the proposed radio antennas. It was determined that the proposed radio antennas would not have adequate separation from the existing supported appurtenances on both the tower and in the compound.

The pole type tower was considered and rejected as a viable candidate based on two factors: 1) the moderately slender cross-section through the tower base, mid-section and top (field observation and photo documentation) and 2) the age of the structure (circa 2000) suggests that it would not have been designed to meet the stringent standards applied under the TIA-222-G Structural Standard for Steel Antenna Towers and Antenna Supporting Structures for its exposed ridge top location.

No other towers were considered for the following reasons: 1) The topographical elevation required for the radio facility, 2) the Diocese owns the subject parcel, and 3) there is precedence for their project, the Diocese operated a radio station on this property from 1966-1970.

As noted in the SEPA document the project parcel is considered to be in or close to Designated Wildlife Habitat by the Comprehensive Plan. We have also noted that there are both native and naturalized species of birds and mammals. Noting the presence of endangered or threatened species would be speculation on my part, assuming that I could distinguish a sage sparrow from a sage thrasher. Since the Foster Pepper document is adamant about the habitat degradation, the Planning Commission could recommend that a Wildlife / Habitat study be undertaken by a local biologist familiar with the area, terrain and habitat. I would ask that the biologist draw conclusions based on the proposed project and offer up any mitigating recommendations.

The probable aesthetic impact of our project has compelled the legal team to express dire warnings regarding the construction of our proposed radio facility in the existing landscape. From our standpoint, the small compound and short height of the tower will be an



# North West Tower Engineering

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underwhelming intrusion within the view shed. The natural landscape will not be dramatically altered by our presence. In five years, the native plants will have filled in to the fence line, bunchgrass and wildflowers will have seeded themselves into the area, the covered area under the equipment building will be shelter and home to numerous species (mammals, reptiles and insects) and birds will roost in the tower or use it as vantage point for seeking prey. People will still come to hike, bike or walk their dogs in the natural environment, the expansive views from the "Ridge" will not change and when put into context with the existing views (there are three 150'-0" tall towers, the City of Selah's water supply tank and numerous power poles of varying heights and configurations in close proximity) to the ridge this project will barely register with the eye. Land once considered to be part of the visual landscape, open range, uninhabited and covered in native vegetation is now designated for residential development. I might ask the same question....What is the aesthetic impact of a hillside of single family homes, lighted residential streets, asphalt driveways, irrigated lawns, hedge borders and wood fences?

The document's last contention is that the SEPA document fails to address the impact of the project beyond the controlling jurisdiction. Foster and Pepper cites case law: *Save a Valuable Environment v. City of Bothell*. There are several ambiguities in using this as a comparative example to our project.

\*The subject property was located in the City of Bothell, the parcel's property lines bordered on Snohomish County, Unincorporated King County and several ROW's under the jurisdiction of the Washington State Department of Transportation. Our project and property lines are completely within the Selah UGA.

\*The Bothell parcel was 141 acres in size; ours is less than half an acre with the proposed project area = 1200 square feet.

\*The Bothell project was the construction of a regional shopping center with associated infrastructure, parking and access; ours is a 60'-0"x20'-0" fenced compound.

\*The proposed shopping center required a rezone of existing agriculturally zoned land; ours is a request for a conditional use in an existing residential zone.

Sincerely,

Eric Sladky  
NorthWest Tower Engineering

## Groo, Caprise

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**From:** Jim Dwinell <jim.dwinell@yahoo.com>  
**Sent:** Saturday, August 29, 2015 3:19 PM  
**To:** Durant, Thomas  
**Cc:** Jim Dwinell; Groo, Caprise  
**Subject:** File No. 928.95.15-01 KZTR & KYTR

### Planning Commission - Selah

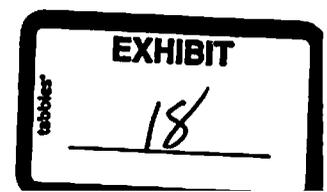
I am writing in OPPOSITION to the proposed tower, power poles, and metal container project being requested as referenced above. This property has been designated and zoned by Selah as prime residential property, and rightfully so. The tower project would not only diminish the value and the potential of an area very close to Selah, but would also diminish the aesthetics of Selah and all the previous efforts to improve the downtown area. I do not believe being a "city of towers" is the image Selah is seeking. I propose that this project be rejected, and ask the proponents to seek a location, such as Ahtanum Ridge, which is better suited in every respect.

Further, there is no benefit to Selah; no jobs, no economic gain, and no local entity that might help improve the community. There is nothing to justify varying this use from a Residential zone.

Thank you for your time,

Jim Dwinell

50 Lookout Point Dr., Selah



WASHINGTON DEPARTMENT OF FISH & WILDLIFE

HELP | FAQs | LOGIN | ORDER PHS MAP

### PHS on the Web

Layers Tools

#### Base Maps

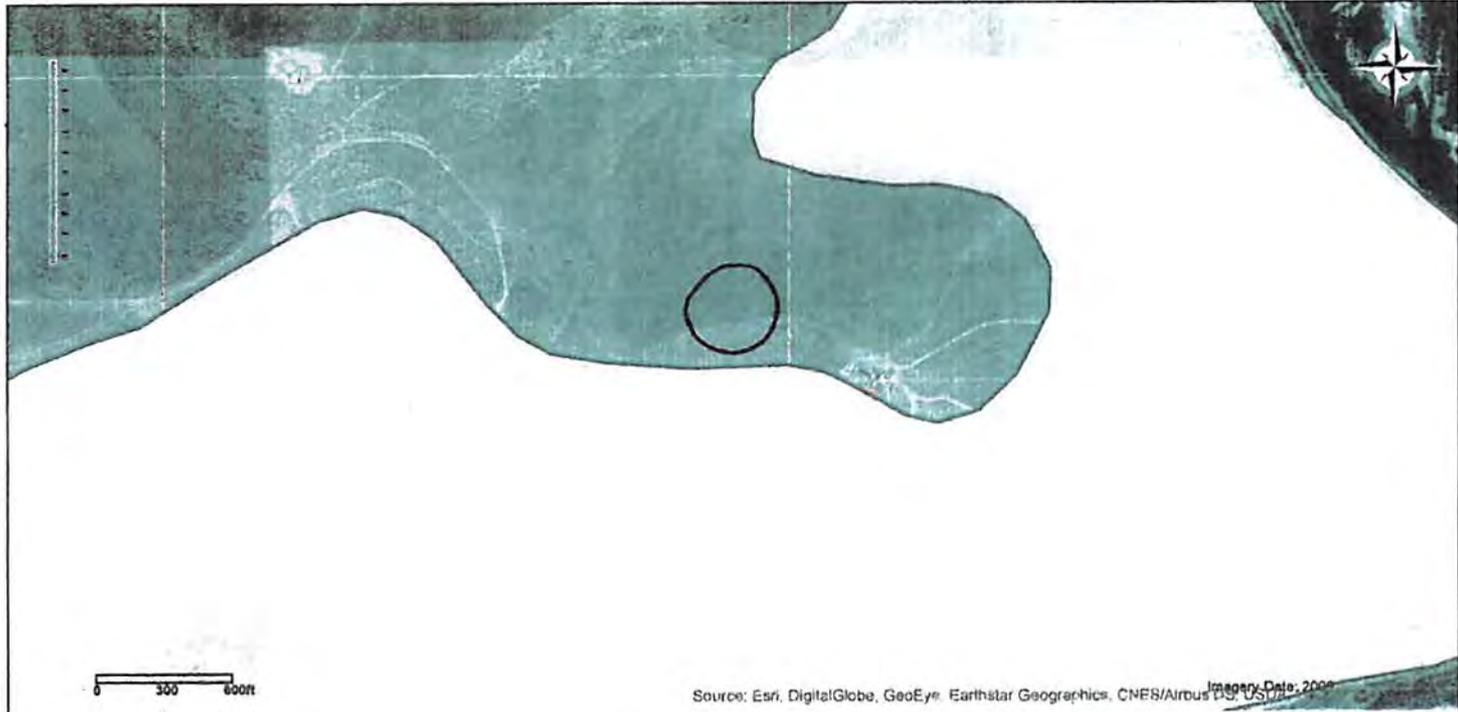
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#### Toggle PHS

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#### PHS View Source

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*Shrub-steppe Habitat Area*





# WASHINGTON DEPARTMENT OF FISH AND WILDLIFE PRIORITY HABITATS AND SPECIES REPORT

SOURCE DATASET: PHSPlusPublic  
REPORT DATE: 08/26/2015 12:25

Query ID: P150826122508

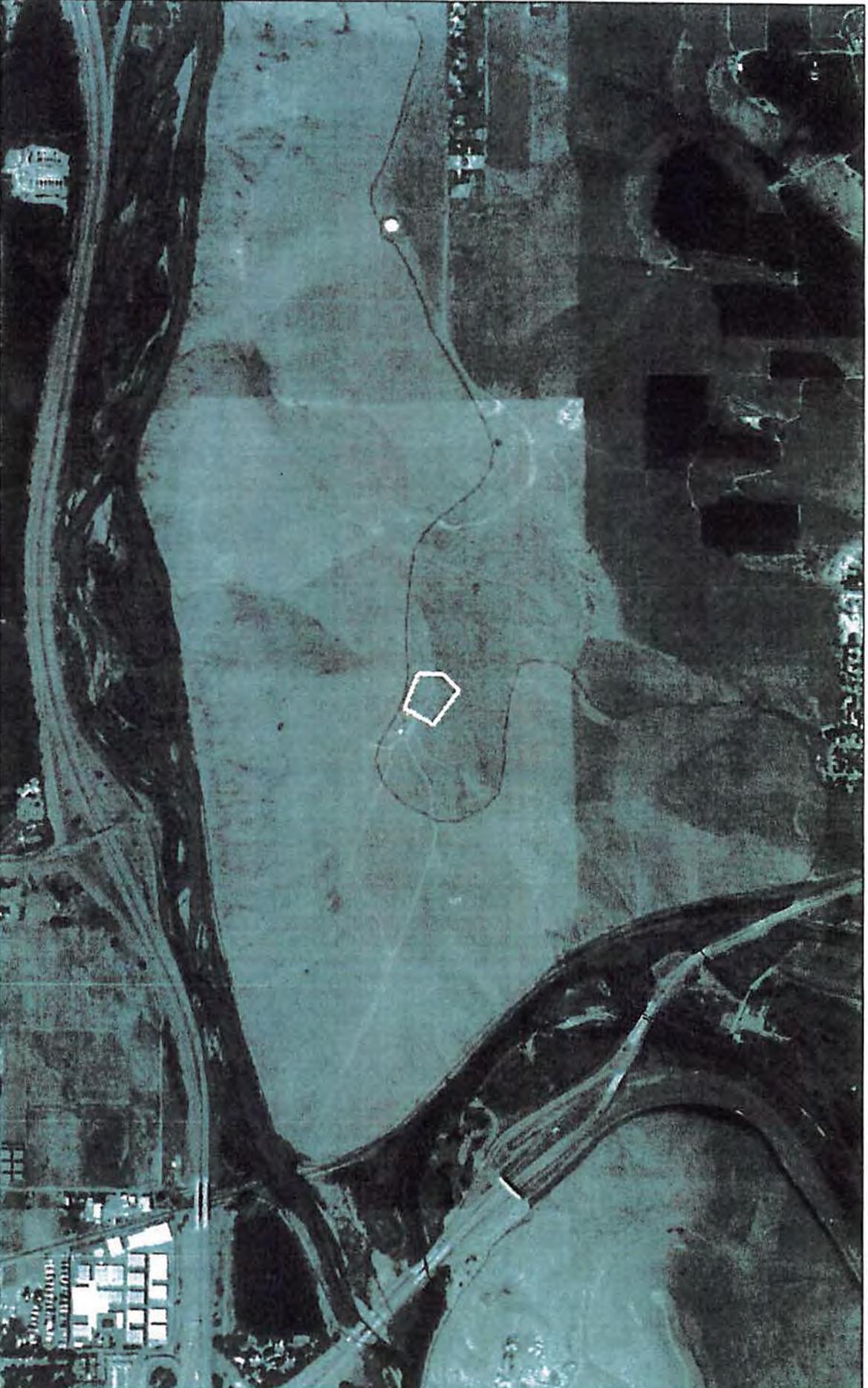
Common Name	Site Name	Priority Area	Accuracy	Federal Status	Sensitive Data	Source Entity
Scientific Name	Source Dataset	Occurrence Type		State Status	Resolution	Geometry Type
Notes	Source Record	More Information (URL)		PHS Listing Status		
	Source Date	Mgmt Recommendations				

DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.

08/26/2015 12:25

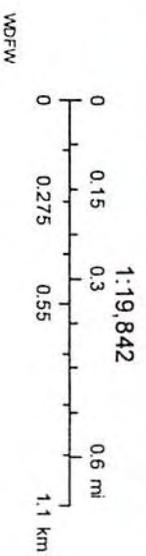


# WDFW Test Map



August 26, 2015

- PHS Report Clip Area
- PT
- LN
- AS MAPPED
- SECTION
- QTR-TWP
- TOWNSHIP





# WASHINGTON DEPARTMENT OF FISH AND WILDLIFE PRIORITY HABITATS AND SPECIES REPORT

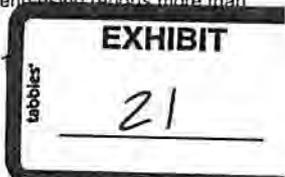
SOURCE DATASET: PHSPublic  
REPORT DATE: 08/26/2015 12.14

Query ID: P150826121350

Common Name	Site Name	Priority Area	Accuracy	Federal Status	Sensitive Data	Source Entity
Scientific Name	Source Dataset	Occurrence Type		State Status	Resolution	Geometry Type
Notes	Source Record	More Information (URL)		PHS Listing Status		
	Source Date	Mgmt Recommendations				
Shrub-steppe	LOOKOUT POINT PHSREGION 901728	Terrestrial Habitat N/A	1/4 mile (Quarter	N/A N/A	N AS MAPPED	WA Dept. of Fish and Wildlife Polygons
		N/A		PHS LISTED		

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08/26/2015 12.14



# WDFW Test Map



August 26, 2015

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