

City of Selah
Planning Commission Minutes
of
December 12, 2013

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

A. Call to Order

The meeting was called to order by Chairman Roberts at 6:00 p.m.

B. Roll Call:

Members Present: Commissioners Roberts, Smith, and Quinnell
Members Absent: Pendleton
Staff Present: Dennis Davison, Community Planner; Diana Turner, Secretary
Guests: Chris Cary, Tree Top Inc.

C. Agenda Change None

D. Communications

1. Oral -None.
2. Written – E-mail from Joe Henne, Public Works Director

E. Approval of Minutes

Chairman Roberts called for a motion on the minutes of the Planning Commission meeting of April 16, 2013.

Commissioner Smith moved to approve the minutes, Chairman Quinnell seconded. Minutes were approved with voice vote 4/0.

F. Public Hearing

1. Old Business None
2. New Business
 - a. **SELAH GROWTH AREA COMPREHENSIVE PLAN AMENDMENT 2013-1 AND OFFICIAL ZONING MAP AMENDMENT 914.67.13-01 (TREE TOP INC)**

Chairman Roberts opened the public hearing and asked staff to present their report.

Mr. Davison presented the staff report.

FILE NO.: UGA 2013-1—Comprehensive Plan Amendment
914.67.13-01---Tree Top, Inc. rezone
971.67.13-03---Tree Top, Inc. Environmental Review

PROPOSAL: ① Re-designate 2.03± acres from Commercial to Industrial and ② Rezone the property Industrial (M-1).

PROPONENT: Tree Top, Inc. 220 East Second Avenue, Selah, WA. Tom Stokes, CEO

APPLICATION AUTHORITY: ① Selah Municipal Code, Chapter 21.03.040(1) Comprehensive Plan Amendments

② Selah Municipal Code, Chapter 10.40.040 (Rezones involving Comprehensive Plan Amendments)

LOCATION: The project site is located immediately South of East Naches Avenue approximately 100 feet East of Jim Clements Way. (Yakima County Taxation Parcel Numbers: 181436-33006, -33007, -33044 and 34019).

LAND USE AND ZONING:

SITE: The site, presently zoned General Business (B-2), contains a mixture of land uses, (i.e.) bin storage, two residences and Power Clean Systems.

SURROUNDING LAND USE:

North A mixture of land uses, (i.e.) commercial business, residences and mini-storage.
South Tree Top, Inc.
East Tree Top, Inc. and Yakama Juice.
West Sweet Beez Restaurant and US Bank.

SURROUNDING COMPREHENSIVE PLAN DESIGNATION AND ZONING:

There is a mixture of comprehensive plan and zoning designations in the vicinity.

North: Designated Commercial and zoned General Business (B-2)
South: Designated Industrial and zoned Industrial (M-1)
East: Designated Industrial and zoned Industrial (M-1).
West: Designated Commercial and zoned General Business (B-2)

CITY OF SELAH URBAN GROWTH AREA COMPREHENSIVE PLAN: The site is currently designated Commercial on the Future Land Use Map contained in the 2005 Selah Urban Growth Area Comprehensive Plan. This proposal includes both an application to re-designate the site Industrial and to rezone the property Industrial (M-1).

ENVIRONMENTAL REVIEW: The City issued a Determination of Nonsignificance (DNS) for public and agency review. The City issued a Final Determination of Nonsignificance (FDNS) at the conclusion of the 14 day comment period.

UTILITIES: Typical municipal and public utilities are readily available:

WATER: 8" line to the north (E. Naches Ave.) and a 12" line to the east in Railroad Avenue (located in vacated street).

SEWER: 8" line to the south (located in vacated alley) and a 12" line to the east in Railroad Avenue. (located in vacated street).

FIRE HYDRANTS: Numerous locations in the vicinity. Connected to 8" or 12" distribution lines
First Avenue and Jim Clements Way
First Avenue and Railroad Avenue
Directly North of Naches Ave. across from the site

TRANSPORTATION:

East Naches Avenue —(designated Local Access)— Asphalt concrete pavement (ACP), curb/gutter, streetlights and sidewalk.

Jim Clements Way —(designated a Principal Arterial)— Asphalt concrete pavement (ACP), curb/gutter, streetlights and sidewalk.

OTHER FINDINGS:

- 1A. The purpose of the Industrial Land Use Designation in the comprehensive plan is to provide areas for the continuance and expansion of existing facilities and the establishment of new industrial uses.
- 1B. The purpose of the Industrial (M-1) zoning classification contained in Selah Municipal Code, Chapter 10.22.010 is to establish and preserve areas for industrial and related uses.
- 2A. The purpose of the Commercial Land Use Designation in the comprehensive plan is to recognize existing commercial uses and provide for their expansion.
- 2B. The purpose of the General Business (B-2) zoning classification contained in Selah Municipal Code, Chapter 10.20.010 is established to provide for the day-to-day convenience shopping and service needs of the community.
3. The property has been a variety of uses for many years.
4. Projected student generation from the proposed rezone is zero.

STAFF ANALYSIS:

- a. The site, contiguous with industrially designated and zoned industrially property to the South and East is an appropriate expansion of an existing industrial area. This location adjacent to an existing industrial area provides the justification for designating the property Industrial and the "change in circumstances" (comprehensive plan amendment) provides justification for amending the City of Selah official zoning map.
- b. The proposal Comprehensive Plan and Zoning Map amendments are consistent with surrounding land use and existing zoning designations.

RECOMMENDATION: APPROVAL OF BOTH the 2005 UGA Comprehensive Plan Amendment (UGA 2013-01) to Industrial and rezone the properties to Industrial (M-1).

Chairman Roberts asked about the email from Joe Henne and if the Commission needed to do something about the access for Sweet Beez.

Mr. Davison the alley has been given to Tree Top Inc. and there was a written provision to allow access for Sweet Beez off the alley for their parking. They have indicated that there is a conflict with the patrons of Sweet Beez backing out into the alley and the truck traffic for Tree Top Inc. in the alley. He says there has been some discussion with Sweet Beez to exchange some property with Tree Top on the east side of Sweet Beez.

Chris Cary (Tree Top Inc.) added that when the alley was vacated to Tree Top there were a number of residences along the north side including the two that were recently removed and agreement was for access to the City meter readers and trash truck for all the residences and Sweet Beez. With the acquisition of the properties to the east Tree Top would like use of the land. Sometime during the upgrade to Sweet Beez parking, they installed parking that enters and backs out into the alley way, which is their right. However truck traffic for Tree Top does go east and west in the alley way, which creates a hazard for the people backing out into the alley. Tree Top is very concerned about safety. This issue needs to be addressed as the truck traffic will increase with the construction of the new facility. He explained that the facility will sort apples for the entire system of Tree Top in Washington. Tree Top is willing to work with Sweet Beez to alienate the problem by exchanging some property to the east of Sweet Beez for their access with the parking area next to the alley.

Chairman Roberts asked if Tree Top has been in contact with Sweet Beez.

Mr. Cary stated he has not been in contact but Tree Top's attorney is working on it.

Commissioner Quinnell asked if it was Sweet Beez they have to talk to or the owner of the property.

Mr. Davison stated it has to be the property owner.

Mr. Cary stated typically their trucks come off Jim Clements Way onto the scale and back out through the alley.

Commissioner Smith asked the time frame for the facility.

Mr. Cary stated they would like to break ground around the first of the year and build in January and February, do some utility work in March and April, and put the equipment in May. Start up for the facility is to be July 1st.

Commissioner Smith asked if the issue with the ingress and egress have to resolved before they break ground.

Mr. Davison stated that Tree Top would be allowed to break ground, install the utilities and build the facility without the issue being resolved. However a certificate of occupancy will not be issued until the issue is resolved with Mr. Wilson (owner of the property).

Commissioner Quinnell asked if Mr. Wilson has been contacted.

Mr. Davison stated he has not been in contact with him.

Commissioner Quinnell asked if he knows this is going on.

Mr. Davison stated he has been notified in writing.

Mr. Cary stated the power cleaning system business lease is up in March 2014 and they will be leaving. Between April and June is when Tree Top would be making modifications to the property.

Discussion ensued.

Mr. Davison read the finding and facts for the Comp Plan Amendment.

UGA PLAN AMENDMENT 2012-2

File # UGA PLAN AMENDMENT 2012-2 (City of Selah)

Members present Pendelton, Roberts and Smith

The City of Selah Planning Commission at a public hearing on December 4, 2012 considered the following proposal:

PLAN AMENDMENT 2012-2	Amend the Future Land Use Map by re-designating two (2) parcels containing 0.28± acre Commercial rather than the existing designation of Industrial.
CITY OF SELAH	Location: West of Jim Clements Way, approximately 150 ft. east of South 1 st Street and south of Red Apple Market.

1. The Planning Commission adopts the findings of staff as to the existing use and *Plan* designation of the subject property and adjacent areas as indicated in the staff report.
2. The proposed Plan designation of Commercial is compatible with the use of adjacent lands.
3. The proposed Plan designation of Commercial is compatible with the Plan designation of adjacent lands.
4. The proposed Plan amendment is consistent with the economic development, urban lands, utilities, transportation, capital facilities, and intergovernmental goals and their supporting policies in the Plan.

5. Based on the consideration of the above factors and balancing conflicting goals and policies of the Plan the proposed plan amendment to Commercial is consistent with the goals and policies of the Plan.

6. The site proposed for Commercial designation in the Plan is adequately served by public facilities, such as roads, sewer, water and other public services.

7. The proposed Plan amendment does meet a public need.
Public need means that a valid public purpose for which the Plan was adopted is served by the proposed Plan amendment. Findings addressing public need:

- (a) Additional land is needed for commercial expansion.
- (b) Timing is appropriate.

8. Environmental review has been completed on the proposal. There are no significant environmental issues that renders the site unsuitable for the Future Land Use Map designation of Commercial.

Planning Commission Recommendation:

Approval of the Plan amendment to Commercial.

Motion by: Pendelton Second by: Smith Vote: 3 to 0

Mr. Davison read the finding and facts for the Rezone.

AMENDMENT 914.84.12-06

This matter having come for public hearing before the City of Selah Planning Commission on December 4, 2012 for the purpose of considering the re-classification (rezone) of 0.28± acre of property from Industrial (M-1) to General Business (B-2).

Commission members present at the January 4, 2011 public hearing were Pendelton, Roberts, and Smith.

Legal notification pursuant to Selah Code was given on the 12th day of November, 2012. All persons present were given the opportunity to speak for or against the proposed rezone.

LAND USE FINDINGS

Existing Use and Zoning/Optimal Land Use

1. The Planning Commission adopts the staff findings and report as to the existing use, zoning and optimal land use designation of the subject and adjacent property.

Land Use Conditions

- 2. The proposed rezone is compatible with the use of adjacent land.
- 3. The proposed rezone is compatible with the zoning of adjacent land.
- 4. The proposed rezone is compatible with the optimal land use designation contained in the 2005 Urban Growth Area Comprehensive 'Future Land Use Map' (based on recently recommended amendment).

CHANGED CIRCUMSTANCES

5. The requirement that a rezone be supported by a change in circumstances is dispensed with entirely where a rezone will implement policies of the relevant comprehensive plan. *Henderson v Kittitas County*. Because this proposal implements a relevant Selah Urban Growth Area Comprehensive amendment there is no need to show a change in circumstances.

NEED FOR THE PROPOSED REZONE

6. The Planning Commission finds that within the general geographic area containing the subject property, there is a demonstrated and/or recognized need for additional land to be zoned General Business (B-2).

PUBLIC OPINION

- 7. The owners of adjacent lands expressed neither approval or denial of the proposed rezone.
- 8. No person offered comments in favor of orin opposition to the proposed rezone.

ENVIRONMENTAL REVIEW

9. The Planning Commission finds that environmental review has been completed on the proposal and further finds that such environmental review is adequate.

OTHER SIGNIFICANT FACTORS

10. The Planning Commission finds these additional significant factors concerning this proposed rezone to be as follows: none

CONTROLLING FACTORS

The Planning Commission determines that findings numbered 1 through 9 to be the controlling factors in its deliberations on the proposal.

DECISION

The Planning Commission, based upon the aforementioned findings and controlling factors, finds that the proposed rezone is in furtherance of the public health, safety or a contribution either to the general welfare of the people in the area or at large; therefore, the rezone should be approved.

Motion to approve by: Pendelton Secoded: Smith Vote: 3 to 0

- G: General Business
- 1. Old Business - None
- 2. New Business – None

- H. Reports/Announcements
- 1. Chairman - None
- 2. Commissioners – None
- 3. Staff – filled the Commission in on all the projects that are going on in the City.

I. Adjournment
 Chairman Roberts called for a motion to adjourn. Commissioner Smith suggested that Chairman Roberts make his statement on the record. Chairman Roberts stated that he was resigning after this meeting. Commission Smith moved to adjourn and Commissioner Quinnell seconded the motion. The motion was rescinded. Commissioner Smith moved to change the time to start the meeting from 6:00 pm to 5:30 pm and seconded by Commissioner Quinnell. Vote 3/0 . Commission Smith moved to adjourn and Commissioner Quinnell seconded the motion The meeting was adjourned at 7:00 pm.



Chairman