

City of Selah  
**Planning Commission Minutes**  
of  
May 20, 2014

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

A. Call to Order

The meeting was called to order by Chairman Quinnell at 5:34 p.m.

B. Roll Call:

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

Members Absent:

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

Guests: Bob Noe, City Attorney

The recorder went down and had to be rebooted.

C. Public Hearing

1. New Business-  
**May 20, 2014**

A. PUBLIC HEARING-SELAH MUNICIPLE CODE MARIJUANA REGULATIONS

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

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

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

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

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

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

Commissioner Quinnell: that would be great. Thank you

Ms. Mendez: Thank You.

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

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

Commissioner Quinnell calls Heidi McGrew.

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

Commissioner Quinnell calls Steve Shotwell.

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

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

Commissioner Quinnell calls Jedidiah Haney.

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

Commissioner Quinnell calls John Tierney.

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

has tied the hands of law enforcement. As for the medical Marijuana it should only be issued by licensed medical pharmacies and we have two of those. Thank you for your time. Any questions? No. Thank you.

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

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

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

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

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

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

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

Mr. Haney approaches the podium. Don't worry about opening the doors up because the state has created a very rigid system. You can't go trading licenses from one jurisdiction to another. If you make any changes in your license you get booted to the back of the line and that is a long line right now. How that income is trickled out I don't think they have thought that far to be honest. This is a process, we can be part of the process or not. Access to youth is a very important point. We need to regulate it.

Commissioner Smith: Jedidiah you mentioned banks. I received an email about two weeks ago about a credit union in Spokane that may accept moneys from Marijuana.

Jedidiah: Time line may be two years to have a bank that accept processor/producer moneys. Colorado- they tried to establish a co-op and it failed. But these options will be figured out. Corporate interest is huge. Hot issue is Federal water rights and right now they are not giving Federal water right to Marijuana growers. That is because they have not been challenged.

Commission Smith asks about Newmarica-Bank. Will the government be able to shut them down or just file suit.

Mr. Haney reads the regulation regarding activities that could cause criminal actions. You have to have a state license and be over 21.

Commissioner Miller: The regulations make sense to keep it out of the hands of minor. What is the enforcement?

Jedidiah: There is a state inspection process and that is another reason why this has come into existence. We would like to create a pier to pier control. Ultimately there are a lot of checks and balances to go thru to get a license to grow, process or sell this product. At any point if these businesses step out of line we need to stabilize this business.

Commissioner Smith to Jedidiah. Could you provide the banking information to Dennis so he can distribute it to us?

Jedidiah: Exhibit-5. Businesses are to be tracked and the traceability is in place. State licensed testing facilities. Thank you. Jedidiah gives Dennis information to be marked Exhibit-6.

Commissioner Quinnell calls John Tierney.

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

Carmen Mendez approaches the podium. Something that I do want to say. My skin is brown. That does not mean I am a drug dealer. That should not have been mentioned. Cartels make money on hard drugs not Marijuana. Carmen asks Jedidiah if you can grow plants at home if you wanted?

Jedidiah: As a Medical Marijuana patient, yes you can.

Carmen Mendez: Focus on the issue, not illegals, not Medical Marijuana. Skin color has nothing to do with trafficking.

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

Commission Quinnell: Any other comments or question that you want to ask? I would like to make a statement. We have a very tough job to do up here and there is a lot of information to go through. There are a lot of pros and cons that it is not going to go away. I am a father of three and a Grandfather to three I know I relate a lot to what people have said here and I can't disagree to it. It is here, and it will not go away soon. As commissioner we have a challenge to take all the information we can get and to weigh it to send a recommendation to the City Council. One big concern is the Police force. If you are going to vote for it you need the force behind it. Do we have the force? No. As commissioners we have three issues to deal with: the medical side, the retail side and the processing side. So it is not just one or the other.

Jedidiah comments that the Medical and the Marijuana are two different issues. Medical gardens are licensed on their own.

Commissioner Quinnell- Any other discussions, comments? This is why we are here.

John: we need good reliable honest people. Benton County issued a license someone who had conviction for growing and selling marijuana.

Unknown speaker: Talk to the DEA, they are another Law enforcement agency.

Council member has question for Jedidiah: What other typed of information can you provide? There are applicants that have went into the application process that have had problems.

Jedidiah: The feds have released the tension. Colorado has had no increase in crime. Law enforcement has had increases in trafficking. Americans care about what they put in their bodies and they regulate it.

Repeat of earlier argument.

Commissioner Smith-Heidi: The issue we had about law enforcement is that only Newmerica may be allowing grower and processor money to funnel through. There is no place to store cash. If we have a retail outlet, the only place is right over by the Police department. There is a lot of traffic. No applications approved. But the amount of money being stored in the shop could present safety issues. No amount of security would help if someone got shot or hurt. Until the banks allow for deposit; I do not feel comfortable allowing retail sales. I can't do that. Marijuana is the number two crop after apples. Issue: safety, the people in it, around it and the Police that would have to deal with it. That scares me.

Continue with safety arguments and money arguments.

John Tierney: It does not matter how you dress it up, it is a wolf in sheep's clothing. It does not matter the rules and regulation but what is really going on.

Unknown speaker-Look at the two issues separately. Medical separate from growing, processing and retail. Gardens are not as tightly regulated. He is reading collective garden rules. I will teach my kids the difference. It is being responsible to teach our children.

Commissioner Quinnell: As far as the Medical Marijuana issue is concerned, the city can have as many growers as they want?

Jedidiah: There are thousands of patience.

Jedidiah is again reading medical marijuana rules. No set grower for Medical Marijuana, no limit on collectives. Only 45 plants per residents and only ten patience's to a collective.

Is there a limit to the number of collective gardens in one city?

Jedidiah: There is no limit. The state has addressed this issue.

Discussing the issues again.

Jarod takes the podium: Take a revote. So many medical patients voted no because it was such an unknown deal. Yes we did vote against it and ok we just have to deal with it. It is getting all put together and it is two separate issues.

Jane Williams with the City Council: I have just one quick question for Jedidiah about his back ground.

Jedidiah-I am not a Lawyer. 6 years business development in organic farming, I started growing marijuana in 2004 because I saw a need for Medical Marijuana. I capitalized on the need because I had an interest in growing Marijuana. I took away with me a lot of knowledge in Hydroponics. I went into Ag science

because of my experience. My job is to represent the cannabis interest, which is small at this time. We are a 501C6 business. Civil Liberty. I would like to have the choice to use it if I want to. Thank you.

Commissioner Quinnell: Any other comments? Okay, thank you for your participation.

Dennis: Bob and I would like a consensus on which direction you folks are headed so that we can prepare a regulation to bring to public hearing.

Bob Noe: What direction are you headed in?

Commissioner Miller-Yes with proper zoning (growing and production).

Council member asked if she needed to leave.

Bob Noe said no, this is legislative.

Commissioner Torkelson would prefer to ban it once again. Under issues of safety, banking and Police force. Why even do it? Why be the first? Let someone else be the first.

Commissioner Quinnell- My opinion is the same as Commissioner Miller. Let someone else be the Ginny pig.

Commission Smith-Issue is banking. At this point I would say No until banking issues are resolved.

Discussion- why waste time until the issues are resolved.

Commissioner Smith/Quinnell. Move forward with ordinances and zoning and look at the issues that are not going away.

Commissioner Pendleton-When federally things change then address it again.

Commission Smith- On the medical side it has been addressed by the state.

Dennis what he heard is that 3 prefer to ban, two would prefer strict draft regulations but the three that ban are open to reconsideration later.

Commissioner Quinnell Question to Jedidiah: About the banking, about what is the time frame for banking and federal reorganization? What happens if it is legalized?

Jedidiah: It is in process. It is a work in progress. No time frame at this time.

Discussion ensues.

Commissioner Smith-Can the feds seize money if the determine it is drug money? No answer.

Banking discussion between Commissioners and Jedidiah. Jedidiah gives Dennis Exhibit-7.

Commissioner Quinnell: Any other discussions? Commissioners think they are good.

Moving on. Dennis states He and Mr. Noe will draft a ban in Selah. An Environmental review will be done and then you have the option to modify, reject or adopt the regulation.

Commissioner Quinnell:

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

- H. Reports/Announcements  
Anyone have a report of announcement they want to share?
1. Chairman-none
  2. Commissioners-none
  3. Staff-none

Dennis Davison: You will want to continue until tomorrow night.

Commissioner Quinnell: Is that a motion?

Commissioner Quinnell motions to continue the meeting until tomorrow at 5:30.  
Commissioners Smith and Pendleton second the motion. Motion and Seconded. Voted and approved by all Commissioners 5/0.

F. Public Hearings

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

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

Mr. Davison suggests that roll call be done for this continuation.

Commission Quinnell asks Caprise (secretary) to call roll.

Roll call:

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

- C. Agenda Changes-none  
D. Communications
1. Oral-none
  2. Written-none

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

New Business:

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

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

Commissioner Quinnell: Asks if Mr. Moss is here or if some is speaking on his behalf. Mr. Torkelson approaches the podium.

Signup sheet for this hearing is brought to Carl Torkelson at the podium for him to sign.

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

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

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

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

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

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

Commissioner Miller: They will go to drywells? Specific.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Quinnell: But if he tore it down?

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

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

Dennis Davison: The Comprehensive Plan Designates it for higher density, then, yes, if he wants to remove the residence, then build another triplex he would need zoning and go through the process.

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

Commissioner Quinnell: Any questions?

Commissioner Smith: We're good.

Commissioner Quinnell: Okay, Anything else?

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

Commissioner Quinnell: So is there anyone else on this list that would like to say something about Mr. Moss and his project. If you would come forward and state your name for the record.

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

Commissioner Miller: So that is a completely separate question.

Commissioner Smith: Yeah it is.

Mr. Sharp: this is the one on Goodlander?

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

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

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

Mr. Sharp: ok.

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

Commissioner Pendleton: Motion to approve.

Commissioner Smith: I second

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

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

Commissioner Smith: Good

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

Commissioner Smith: Second.

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

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

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

Commissioner Smith: I motion

Commissioner Miller: Second

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

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

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

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

Dennis: Yes.

Commissioner Smith: So if the road is widened do we need to add another 5 feet in case the road is widened in the future?

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

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

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

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

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

Commissioner Smith: Ok-thank you.

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

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

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

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

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

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

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

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

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

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

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

Commissioner Quinnell: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Miller: It will be designated a fire lane?

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

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

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

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

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

Mr. Torkelson: Yes.

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

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

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

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

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

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

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

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

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

Mr. Fickes: I'm the real estate claims attorney at the Northwest Law Group, I am a partner in the firm, I have been doing this for 28 years and I am here on behalf for my clients Helen and John Teske. They own the lot to the north side of the proposed development. I have some maps for you. (Exhibit 8 attached) I guess you are wondering why there is so much interest in a variance and two short plats. This is because there are some significant impacts to the adjacent properties and the neighbors are worried that this is the first step in a dense town house type development that Mr. Torkelson not only proposes but has already proposed. He submitted a pending rezoning application he submitted a dense 48 unit town house type development with this exact same property with the exact same shot plat and it is still pending. I have talked with Dennis and I have been working with Dennis for years and it has not been withdrawn. It was

put on hold. I believe this is a strategic change by Mr. Torkelson to avoid more thorough review than would be in a long plat or rezone. In a long plat rezone you have SEPA review, 2 public hearings, hearing examiner, city council. He is coming to you with an 8 plot short plat. He is coming to you with a short plat and a variance.

Mr. Fickes lists all the conditions the Planning Commission could do according to him.

Mr. Fickes: I am going to go through the staff report one by one and you can do anything you want. I hate to be an attorney but I am one. Mr. Torkelson usually sits on this Board is that correct. (Reply Yes). Have any of the four of you spoken with Mr. Torkelson expardem about this proposal before this hearing? Can you fully and thoroughly adjudge and make a decision about this proposal? I would like to hear from each one of you about is.

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

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

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

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

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

Dennis Davison: marks all the exhibits and notes this.

Mr. Fickes: Let me set the time text for you, because I'm glad Mr. Torkelson hasn't spoken to you. This is part of the record this is Whispering View Estates map was part of the rezone to Selah planned development zone not all municipalities have them and that is where developers sometime use the variance from, road development standard and lot size etc. He proposed that is a separate zoning or rezoning for planned development and I think it was actually 52 lots that includes Hilton place traces. If you approve this it is exactly consistent with that map. That application has not been withdrawn this is part of the record and actually I appreciate his openness and honesty in going for a rezone development first because that requires a pole of the public plays good in there and that is what everyone on this side of the room is opposed to. Maybe Mr. Torkelson has changed his mind and he will build just one duplex on each of his 8 lot with 16 units. That is what the Planning Department is analyzing. I thing you need to do more than that, you need to look behind it at what is allowed in the zoning load for multi-family uses. Theoretically you can put 6 units on each lot or 12 per acre. Mr. Fickes does the math. This is not a video property to put 48 units. These lots are 20,000-22,000 Square feet. I will take Dennis word that he meet minimum lot size. There are some steep slopes and Mr. Torkelson will have to come in with grading permit. The Teske's house is on a one acre lot and is directly adjacent to the Torkelson lot 4-b. They are not opposed to development but they are opposed to what Mr. Torkelson is proposing. (Whispering View Estates) Mr. Fiches will go over the Variance report. Mr. Fiches state why he does not believe the variance should be granted and why the criteria have not been met. He quotes Code. The City of Selah has a municipal code that requires every lot to be served by a front apart street. Mr. Torkelson is saying that this is a deep lot and it's hard to build a public road. The plats where made to comply with code. You can see the house it is not close to the house. He could build a public street which would certainly be necessary for 48 units. I think it is necessary for twelve. Mr. Torkelson is trying to maximize his return. You can impose any condition you want. You can't ask to take private property without just compensation it's in the constitution. But he is here asking you for something, he is asking for a variance. You could require a dedication of 5 feet. You can place conditions on it. Mr. Fiches disagrees with the estimated trip generation. The way it should work

is that you guys are support to make decisions and impose conditions now. Mr. Fish reiterate why the Commission should imposed conditions on the variance and the plats. There is no hard ship no special circumstances. Mr. Fickes disagrees with Dennis's report. There is plenty of room. This one is so much more dense the rest of the neighborhood. There are no special circumstances. I am shocked that the departments are allowing this. There should be 2 accesses to this lot. Mr. Fickes recommends variances. This is the first step in allowing him to do 48 units. We recommend denial. Disagree with plot sizes. You have to balance the interest of the neighbors. Road improvement not sufficient for this area and the steep slopes of roads are an issue. I disagree with drainage. I disagree with the open space statement. I do not agree public interest is served. In conclusion I believe the public is opposed to Whispering View Estates. Recommend conditions. We are opposed to this.

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

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

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

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

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

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

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

Commissioner Quinnell: That is the last of the list.

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

Commissioner Quinnell: Anyone else?

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

Commissioner Smith: That is the Junior High school.

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

Commissioner Quinnell: Is there anyone else?

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

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

Commissioner Quinnell: Is there anyone else?

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

Commissioner Smith: I don't know.

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

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

Commissioner Quinnell: Is there anyone else?

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

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

Commissioner Smith: It should not have been because he was excused

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

Commissioner Miller: if you are asking I think this is very different.

Mr. Torkelson: Directly on every question and aspect there is a hard ship. The lot in back does not meet City code. The public is unhappy with everything. This happened when it was annexed into the City. Most people are not going to limit what they can do to their property. There are other options one we haven't even talked about. We wanted to ease into this. It is what it is. I feel president is set. I feel bad that there is not enough education not enough warning of what is going to happen to their property so they end up in this place. As the Planning Commission I would ask that you focus on what is happening tonight and not on that PD. I do not know if that will happen or not. This has happened before over on Southern. It shows parks and green belt areas. Mr. Bowers would like to sell some of it I would like to build on some of it and at this point that is where I sit today. We will not entertain limits on what we can do with the property. Zoning was already there. Thank you. Mr. Torkelson states his case.

Mr. Fickes: He is right this is not about Whispering View Estates. He is right he could come in and build duplexes on that lot with no review. If he wants to build multiple units it has to go through a class two review and we will be back here again. But he is asking for a variance. Mr. Fickes restate his client's position.

Dennis Davison: I would like to correct a couple comments that were made. All the traffic from the junior high will exit on to Wernex or on to 1<sup>st</sup>. Second the high school has no Selah-Naches irrigation. It is serviced by the Talor Ditch.

Commissioner Smith: Mr. Bowers can I ask you a couple of questions, do you mind. Can you come up to the podium? I do agree you have a right to do with your property anything you want but know that it has been agriculture as long as Selah has been around this idea would never popped into my head. Yakima is growing and Selah is growing and this is a wonderful place to raise kids. If I were looking to take my property and dividing it into 8 lots I would put maybe one duplex or one home on each of those 8 lots, I would never have considered this out of respect for my neighbors. Do you not feel the same way?

Mr. Bowers: Unfortunately the City is going to expand, many of these other property are going to be in the City limits and you are going to see the same thing. The city of Selah will expand. I have seen a lot of changes. You have two choices; buy the property that has been up for sale or more.

Commissioner Smith: How would you feel if you were one of these neighbors?

Mr. Bowers: This property went up for sale. Anyone could have bought it. It is a part of growth.

Commissioner Miller: I just want to be on the record it says there is a hardship because it is too close to the house to build a road. Is this ingenuous? If this was even a possibility when this was applied for then that is misleading and disingenuous, and I find this very objectionable. It is lying some to get what you want.

Mr. Bowers: It's an opinion of what to close to the road is. Everyone has their own thought.

Commissioner Quinnell: Carl, come up here.

Mr. Torkelson comes back to the podium. That was not put on there by us. That was never put on there by us. It was nowhere on the application.

Commissioner Miller: I am glad to hear that.

Commissioner Quinnell: Any other discussion? Comments?

Commissioner Miller: Do we have to move on this tonight?

Commissioner Smith: I hope not because I am tired. I would like to continue this until tomorrow if we can. Can we continue this meeting until tomorrow or next Tuesday?

Dennis Davison: Yes you can continue this until next Tuesday. I suggest if you are going to continue you itemize what specific information you want. What specific questions and information do you need?

Mr. Fickes explains what the commissioners can due to continue to another day.

Mr. Torkelson: I suggest you talk to Mr. Noe to get what you need to know to make a decision.

Commissioner Smith; That is what I suggest I need more time

Dennis Davison: If your desire is to continue this you need to pick a date. Commissioners are deciding on date.

Commissioner Smith: I move to continue this on Wednesday. (May 28, 2014)

Commissioner Miller: I second.

Commissioner Smith: All in favor?

Commissioner Quinnell: I have a motion and a second to continue the Meeting. Educate me Dennis on closing this meeting as far as to what Mr. Torkelson was saying.

Mr. Fickes: The record should be close tonight.

Discussion ensues on how to proceed.

Commissioner Quinnell: We have a motion and a second all in favor say aye. All 4 commissioners say aye, all opposed say nay motion carries. We are continuing this on Wednesday the 28<sup>th</sup> at 5:30.

Dennis Davison: There will be not additional notices for the continuation of the meeting.

Commissioner Miller: Is the Marijuana issue still on the table can we discuss it.

Commissioner Quinnell: The concern is that the Marijuana issue still open. With the continuation of this will Mr. Torkelson still be able to discuss the Marijuana issue? Will that create a problem?

Commissioners: We can deal with the Marijuana issue first then move on.

Dennis Davison: The marijuana issue you told Mr. Noe how you felt Mr. Noe is in the process of preparing an ordinance to implement that.

Commissioners: No we wanted another study session. We had not decided. Maybe we should do that on a separate date.

Dennis Davison: Let's go back for a second. Mr. Davison states what was done what needs to be done about Marijuana. Continued discuss.

Commissioner Pendleton: We voted 3-2 and I thought that was what we were going with.

Commissioner Quinnell: At the time when the second meeting comes up if we are not in agreement can it be addressed at that time.

Dennis Davison: you will probably have new testimony that night.

Commissioners: that will give us an opportunity at that time.

Commissioner Quinnell: Wednesday the 28<sup>th</sup> will be a continuance of tonight. We do not want to close this meeting.

2. New Business-

**May 28, 2014 at 5:30 pm. Continuation from May 21, 2014.**

c. **BOWERS, DANNY**

915.45.14-02 SUBDIVISION VARIANCE

913.45.14-02 SHORT PLAT

913.45.14-04 SHORT PLAT.

Commissioner Quinnell: I would like to call to order this meeting for the continuation of the Bowers shot plat and variance. Roll call first.

Roll call:

Members Present: Commissioners Miller, Quinnell, Pendleton and Smith

Members Absent: Commissioner Torkelson **recused**.

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

Guest: Bob Noe: City Attorney.

Commissioner Quinnell: At this time we will have an executive session on RCW 42.30.1101 I Potential Litigation.

All Commissioners and Bob Noe Leave the room and then return after the Session are complete.

Commissioner Quinnell: Thank you for your patience everybody we will continue the hearing on the subdivision variance for Mr. Bowers. It is still open to the public for comment.

Mr. Fickes approaches the podium. Mark Fickes: I am here for my clients John and Helen Teske. Object to the Executive Session. I have concern because it looks like Mr. David Kelly one of the decision makers went back in Executive Session. Mr. Fickes restates how he and his clients feel about this issue. He also made suggestions on what should be done. He references Exhibit 12 (attached). What is the impact on one acre single family residents? Mr. Fickes reads code and criteria. There is no hardship or special circumstances. We recommend denial of variance. Mr. Fickes still objects to the staff report in general. Thank you.

Commissioner Quinnell: Anyone else?

Carl Torkelson approaches podium. The main objective is lower density. Mr. Torkelson restates his position for him and his client. How tall is the Teske house? Variance- president has been set. Mr. Bowers would like to develop his lot to the fullest. Mr. Torkelson refers to exhibit 1. These properties have the same density. Anyone have question. Thank you.

Commissioner Quinnell: Anyone else?

Helen Teske approaches the podium. ( Property to the north of the Bowers property) I brought a photo shopped picture that shows what would happen if Whispering View Estates happens. Exhibit 10 (attached) This could be what the future holds for us. What is before you is that we will end up with this in the future. She states her opposition to this project. I ask you to deny the variance and these lots with restriction.

Commissioner Quinnell: Anyone else?

Leslie Radebaugh approaches the podium. 80 Lancaster rd. Pictures of Southern Estates. Exhibit 11 a -f. She refers to the picture she brought. No turnaround, no parking, no fire truck to get around. No green space, no sidewalks etc. She states all the reasons these should be denied. Thank you.

Commissioner Quinnell: Anyone else?

David Gordon approaches the podium. I have taken the last few days to go over what was said at the last meeting. I was thinking about my property and what I could do with it raising animals for others for extra money. I guess I could go for it and make some extra money for my family. The idea we are talking about is this is right for me and it is my property and I can do what is best for me unless you try to stop me but it is my property. He continues to state position. We are trying to say we don't think this is the best for us. Please choose carefully how you build the City. Thank you.

Commissioner Quinnell: Anyone else?

Dennis Davison: Dennis brings Exhibits 12 Amended Staff Report. Exhibit 13 Letter from Mr. Torkelson. Exhibit 14 Revised map. He reads the Staff report and letter. One thing I would like to correct the Mr. Fickes brought up is the 50 foot used to be a right of way for a transportation company it was given back when the company no longer existed.

Commissioner Quinnell: Questions? First we have to make a decision on the variance on whether to approve or not. Are there any questions on that?

Commissioner Miller: My concern is that I don't see any hardship. Mr. Miller makes a statement of his concerns.

Commissioner Quinnell: Anyone else have any questions? Motion to deny the variance?

Commissioner Smith: I have not made a decision yet I hate to vote. Do we need to make a decision tonight?

Bob Noe: It is up to you. It just has to be done on open record.

Commissioner Quinnell: Where do we go with this? We have a Motion to deny the variance do we have a second? I have no second. The motion dies for lack of a second. So I can entertain another motion right? Do I have a motion in favor or with conditions?

Commissioner Pendleton: I will motion to approve as long as it meet the Cities requirements.

Commissioner Quinnell: I have a motion with the criteria of exhibit 12, do I have a second, I will second it. I have a motion and a second all in favor say aye and opposed say nay.

Commissioner Miller votes nay.

Commissioner Quinnell: What do we do there?

Commissioner Smith: Discusses what can and can't be done.

Commissioner Miller: still concerned.

Commissioner Quinnell: We have a motion on the table for the variance, second with the criteria of the 26 ft. So the variance has passed with a motion of 3 to one with criteria.

Dennis Davison: Did you approve the variance with the 20 foot or the 26 foot wide utility.

Commissioner Miller: I don't see why you are allowing the Variance.

Commissioner Quinnell: Because there is a precedents for this and one of the things I considered are the facts and we have allowed this particular variance. In staying consistent it has been allowed for other properties.

Commissioner Miller: if a president is possible not working it should not be continued. That is my point.

Commissioner Quinnell: I do not know that it is not working, Eric, I have not heard that it is not working.

Commissioner Miller: It isn't working parking is an issue you can tell.

Commissioner Pendleton: Ever if you speculate that they will build whatever they want on it but where voting on if they build those townhouse on it. That's where I'm coming from. It may come up later but not right now.

Commissioner Quinnell: So the next item is the approval or denial on that.

Dennis Davison: We have prepared some finding on that. Dennis reads them for the record. Exhibit 12 and Exhibit 14. We recommend approval.

Commissioner Quinnell: What is the size is the water and sewer going up there?

Dennis Davison: Inside the actual subdivision? We will not know until they do the engineering. It will be bases on code and standard.

Commissioner Smith: On Condition 13 on curb and gutter?

Bob Noe: If you approve there would be 8 lots with a duplex on each lot. That condition is geared to addressing that.

Commissioner Quinnell: Any questions?

Commissioner Miller: We have a condition that there is a side walk the full length of the access road?

Commissioner Smith: On the 26 foot.

Commissioner Miller: No, make it 30 feet.

Commissioner Smith: Is that outside of code, is it outside of city code right now. What is the City street Code?

Same Issue again. Discuss road and Right of way. Dennis explains conditions to the commissioners.

Commissioner Pendleton: We can address this is if it comes about.

Dennis Davison: It would go through this all over again.

Commissioner Quinnell: Do I have a motion? Discussion? Do I have a motion?

Commissioner Pendleton: I motion to approve according to the conditions in exhibit 12

Commissioner Smith: I second it.

Commissioner Quinnell: I have a motion and a second to approve with the conditions of exhibit 12. All in favor say aye, all apposed say nay. Motion passed 3-1.

Mr. Fickes: Bob are you going to prepare the finding for this?

Bob Noe: We're going to do what we have to do?

Commissioner Quinnell: That concludes the new business.

Discussion ensues.

Commissioner Quinnell: I have a motion to adjourn.

Commissioner Smith: I second.

Dennis Davison: I need a second before you adjourn. I have handouts for you on Marijuana.

Commissioner Torkelson joins the commission for discussion of Marijuana.

Dennis Davison: recaps May 21 Marijuana discussions. Mr. Noe has prepared an ordinance. Hearing on the 17<sup>th</sup> of June. It would be nice if you are all here for an accurate vote.

Discussion of projects around town.

Draft ordinances discussed.

Commissioner Quinnell: Any other announcements or reports from anything?

Discussion.

## I. Adjournment

Commissioner Quinnell calls for motion of adjournment, Commissioner Smith Second. All commissioner Vote aye.  
With a vote of 5/0 the meeting was adjourned at 7:27 pm.



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Chairman