



*Selah Planning Commission
Regular Meeting
Tuesday, November 4, 2014
5:30 p.m.
City Council Chambers*

Chairman:
Commissioners:

Willie Quinnell
Dillon Pendleton
Lisa Smith
Eric Miller
Carl Torkelson

CITY OF SELAH
115 West Naches Avenue
Selah, Washington 98942

City Planner:
Secretary:

Dennis Davison
Caprise Groo

AGENDA

- A. Call to Order - Chairman
- B. Roll Call
- C. Agenda Changes
- D. Communications
 - 1. Oral

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

- 2. Written - None
- E. Approval of Minutes
 - 1. October 27, 2014
- F. Public Hearings
 - 1. Old Business - None
 - 2. New Business - None
- G. General Business
 - 1. Old Business –
 - 2. New Business-
 - 1. Correct 2 lines of text on page 8 of the June 2014 minutes.
 - 2. SELAH MUNICIPAL CODE, TITLE 10 CHAPTER 10.28
- H. Reports/Announcements
 - 1. Chairman
 - 2. Commissioners
 - 3. Staff
- I. Adjournment

Next Regular Meeting: November 18, 2014

City of Selah
Planning Commission Minutes
of
October 27, 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 5:35 p.m.

B. Roll Call:

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

C. Agenda Change None

D. Communications

1. Oral -None.
2. Written – None

E. Approval of Minutes

Chairman Quinnell had a revision to the minutes on page four, under OTHER FINDINGS number two. The maximum number of dwelling units allowed on the subject property under its current Low Density Residential land designation is **20 (4.07 x 5)**. The proposed density based on the Planned Development of 33 dwelling units increases the planned number of dwelling units in the urban growth area by **13**. This section was corrected to state: The maximum number of dwelling units allowed on the subject property under its current Low Density Residential land designation is **24 (4.7 x 5)**. The proposed density based on the Planned Development of 33 dwelling units increases the planned number of dwelling units in the urban growth area by **9**.

Mr. Davison: In these issues, Mr. Samples Comprehensive Plan Amendment and rezone and the Code Amendment to allow for duplexes in Preliminary Plats where remanded back to the Planning Commission. The duplex in the R-1 zone has been rescheduled. Mr. Durant and I will meet with Mr. Sample and get more information so the City Administrator can tell us how to proceed with his application.

Mr. Torkelson: So the next meeting will be the 4th.

Mr. Davison: Unless there is an emergency, then yes it has already been advertised. I am trying to get Mr. Smeback, Mr. Schmid and Mr. Sample together to discuss what options there are other than a duplex permitted in a Preliminary Plat. Mr. Sample would like to see if the lot can be split. I am against it. You would have a 4500 sq. ft. lot instead of a true duplex lot of 9000 sq. ft. So the three of us are going to sit down and discuss what they think is acceptable. Then I will report to you and if we adopt something, it will then then go back to the Council unless there is nothing adopted.

Chairman Quinnell: Requests the approval or disapproval of the minutes.

Commissioner Smith motioned to approve the Minutes with the revision stated.

Commissioner Torkelson seconded the motion.

Chairman Quinnell called for a voice vote and the minutes were passed with a vote of 4-0.

Commissioner Miller: Questioned a section on the June minutes. On page 8, a revision to the 3-0 vote was changed to 3-1 and all 4 commissioners signed the document.

Commissioner Quinnell: We do not have those minutes here. We can note it for the meeting but it's not on the agenda.

Commissioner Torkelson: Where those minutes approved at the last meeting?

Mr. Davison: Yes they were. We can still make the correction.

Commissioner Smith: Let's put it on the agenda for the next Commission meeting.

Chairman Quinnell:

F. Public Hearing

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

G: General Business

1. Old Business – None
2. New Business- The Short Course on Local Planning: Section ii-2, iii-2-iii-14 and 2-i-2-30

Chairman Quinnell: Has every one had a chance to read that? (The Short Course on Local Planning: Section ii-2, iii-2-iii-14 and 2-i-2-30 attached)

Mr. Davison: We sent this to you because the Council is going to get a copy of this too. It comes out of the Short Course on local Planning. Mr. Davison highlights Appearance of Fairness, Conflict of Interest, how to develop conclusions, what Commissioners are responsible for, Freedom of Information, what type of meetings, etc. Mr. Davison stated that Mr. Noe was unavailable tonight, but that if the Commissioners had questions for him to please write them down so that Mr. Noe could respond to them later in the week. Mr. Davison also discusses legislative and quasi-judicial activities.

Mr. Torkelson believes more Executive Sessions and Study Sessions are needed to make informed decisions.

Mr. Davison discusses Open Public Meetings and the difficulties of Public forums, continuing a meeting and ex parte contact.

Commissioner Miller: So in some ways there is a risk in doing that?

Mr. Davison: Sure.

Mr. Davison and Mr. Miller discuss ex parte contact and what a Commissioner should do.

Commissioner Smith: Who do I talk to if I have a specific question?

Mr. Davison: You could talk to the City Attorney. Are there any questions for the City Attorney or about the information in the packet?

Mr. Miller: Does the city have errors and omissions insurance? (Page iii-12 number 9)

Mr. Davison: The City has insurance. Discussion ensues. There is an application so you can become members of the Planning Association of Washington. Discussion ensues. Any other questions?

Chairman Quinnell: Any other questions? Lisa will head the next meeting.

Commissioner Smith: Why?

Commissioner Quinnell: I am recusing myself. Commissioner Smith is Vice Chair.

H. Reports/Announcements

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

I. Adjournment

Chairman Quinnell asked for a motion to adjourn .Commissioner Torkelson moved to adjourn and Commissioner Miller seconded the motion. The meeting was adjourned at 6:05 pm with a voice vote of 4-0.

Chairman

10. Because the road to be provided under condition 8 will be a dead end road in excess of 150 feet in length, an approved area for turning around a fire apparatus shall be provided at 150 foot intervals along the roadway. Alternatively, a cul de sac with a 90 foot diameter can be installed at the terminus of the road. IFC 503.2.5

11. Two fire hydrants must also be installed along the road to be provided under condition 8. A fire hydrant must be provided for each 250 foot section of the road. Additionally, where hydrants are located along the road, that portion of the road must be expanded to twenty-six feet in width and the 26 wide sections shall extend and continue 20 feet north of the hydrant and 20 feet south of the hydrant's location. IFC D103.1, figure D103.1.

12. Fire lane signs as specified in the IFC D103.6 shall be posted on both sides of the road to be provided for under condition 8.

13. East Goodlander is scheduled to be improved in the near future. East Goodlander abutting parcel 181425-33030, which is the subject of a shot plat application herein, will be improved to include curb and gutter on the frontage of parcel 181425-33030. The applicant must either (1) install a sidewalk along the frontage of parcel 181425-33030 at the time that the curb and gutter are installed or immediately following installation of the curb and gutter; or, (2) the applicant must pay an amount to the City sufficient to pay for the installation of a sidewalk along the frontage of parcel 181425-33030. The amount of payment required shall represent the applicant's proportionate share of the cost of the sidewalk based on lineal footage and shall be based upon the City's engineering estimate for the costs of installation. In the event that the actual costs to install the sidewalk exceed the engineer's estimate, applicant is obligated to pay an amount in addition to the amount already paid so that sum of both payments does not exceed a total of 115% of the engineer's estimate.

Note: The short plat application requests the creation of lots in sizes that exceed the minimum required dimensions for lots within the R-2 zone. Although requested to do so by opponents of the proposed short plats, the Planning Commission is not recommending the imposition of any conditions further restricting the number of lots that be can be created as there is no legal basis to do so.

Although requested to do so by the opponents of the proposed short plats, the Planning Commission is not recommending the imposition of any conditions dictating what type of structures can be built on any of the individual lots created, the configuration of such structures, or any other conditions related to the construction of structures on the lots based upon speculation of what may occur at the site. There is no legal basis to do so at this time. Because the property is within the R-2 zone, a duplex may be constructed on each lot consistent with the zoning designation. The structures will go through the City's permitting processes to ensure compliance with applicable development and building codes. In the event Mr. Bowers seeks to construct something that is not otherwise expressly permitted within the City's codes, he will be required to go through review processes and through those processes there may be the imposition of certain conditions based upon what is actually presented as a development proposal at that time.

Chairman Quinnell called for any changes.

Mr. Noe: The commissioners for this will be voting.

Commissioner Pendleton motioned, Commissioner Smith seconded.

Chairman Quinnell called a vote ayes carry 3-0. (3-1)

Mr. Noe had Commissioners Pendleton, Smith, and Quinnell sign the document. (Commissioner Miller)

Chairman Quinnell moved to the next order of business.

2. New Business –

- a. Adopt text amendment to Selah Municipal Code, title 10 chapter 10.28 regulating Marijuana

Commissioner Torkelson returned.



CITY OF SELAH
PLANNING COMMISSION
AGENDA ITEM SUMMARY



AGENDA ITEM NO.	AIS NO.
AGENDA ITEM TITLE: SELAH MUNICIPAL CODE, TITLE 10, CHAPTER 10.28	
Original Agenda Date: October 31, 2014	
Sponsor Name(s) and Title(s): Dennis Davison, Community Planner	
Time Line:	
Purpose of Item and Objective of Sponsor: Public Hearing to consider the following: Amend Selah Municipal Code, Title 10, Chapter 10.28, Table A-5 (line 10) Amend Selah Municipal Code, Title 10, Chapter 10.28.040, Insert Regulatory Note (I)	
Action Requested: Conduct public hearing, formulate and adopt a recommendation to submit to the Selah City Council.	
Staff Recommendation(s): APPROVAL	
ATTACHED ARE THE FOLLOWING ITEMS FOR PLANNING COMMISSION CONSIDERATION	
Date	Action Taken
1	Staff Report
2	EXHIBIT 1: Selah Municipal Code, Title 10, Chapter 10.28, Table A-5 (line 10) proposed text amendment
3-4	EXHIBIT 2: Selah Municipal Code, Title 10, Chapter 10.28.040, Insert Regulatory Note (I) proposed text amendment
5-6	EXHIBIT 3: Selah Municipal Code, Title 10, Chapter 10.12.040 (existing text)
7-9	Zoning Text Amendment Draft Findings and Conclusions
Changes in Action:	

**CITY OF SELAH PLANNING COMMISSION
STAFF REPORT**

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

FILE NO.: Zoning Ordinance Text Amendment 2014-01

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

PROPONENT: City of Selah Planning Department

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

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

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

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

Applicable Goals and Policies:

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

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

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

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

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

Proposed text amendment in RED

2

CHAPTER 10.28

PERMITTED, ADMINISTRATIVE AND CONDITIONAL USES

Sections:

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

10.28.010 Designations.

- (1) Class 1 uses listed in Title 10.28, Table A are permitted subject to review by the administrative official for compliance with Chapter 10.08 and the applicable standards of this title.
- (2) The Class 2 and Class 3 uses listed in Chapter 10.28, Table A, and all matters directly related thereto possess characteristics that warrant review consistent with S.M.C. Title 21, and Chapter 10.08, to ensure:
 - (a) Consistency with the city's comprehensive plan goals, objectives, policies and development criteria;
 - (b) The intent, character and development standards appropriate to the zoning district within which it is to be located;
 - (c) Compatibility with other uses; and,
 - (d) Other relevant requirements of state or city law.
- (3) If a proposed use is to be situated on property within the jurisdictional boundaries of the City's Shorelines Management Master Program, it shall be subject to the permits and procedural requirements thereof in addition to all applicable standards of this title. If a conflict exists between the standards of the City's Shoreline Management Master Program and this title, the more restrictive provisions shall apply.

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

10.28.030 Similar Uses.

(1) When a proposed use is found that is not classified within any of the categories of Chapter 10.28, Table A, the administrative official may determine whether or not the unclassified use is similar to a use currently listed as a Class 1, 2 or 3 use for the zoning district.

(2) Similar use requests shall be initiated by written application and accompanying fee, or directly by the administrative official. Each request shall set forth the specific basis for the request and its compliance with subsection (4) below. The administrative official may submit the similar use request to the planning commission, hearing examiner or any interested, affected or concerned agency(s) or person(s) for review and comment before making a determination. In addition, the administrative official may schedule the planning commission or hearing examiner to conduct a public hearing to consider the similar use request.

(3) The administrative official shall not approve a similar use determination request unless evidence is presented to demonstrate that the proposed use will comply with the purpose, intent, goals, objectives and policies of the comprehensive plan and the zoning district in which it is proposed to be located. The administrative official shall prepare written findings stating the rationale upon which the determination was based.

(4) If the administrative official finds that the proposed use is similar, he shall also establish whether the proposed use shall be processed as a Class 2 or a Class 3 use according to Chapter 10.28, Table A. If a proposed use is not determined to be a similar use it shall not be considered an allowable use. Similar use determinations may be appealed to the legislative authority as provided in Chapter 10.48 and S.M.C. Title 21.

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

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

Proposed text amendment in RED

CHAPTER 10.12

ONE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT

Sections:

10.12.010 Purpose.

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

10.12.030 Lot size.

10.12.040 Designated two family residential lots.

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

Specifically, the intent of this district is to:

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

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

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

10.12.030 Lot size.

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

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

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

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

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

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

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

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

The members of the Commission present were _____, _____, _____ and _____.

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

ZONING ORDINANCE TEXT AMENDMENT FINDINGS

Comprehensive Plan Goals and Policies

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

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

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

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

CHANGED CIRCUMSTANCES

- 2. The Planning Commission finds **THE FOLLOWING CHANGES / DOES NOT FIND ANY CHANGES** in circumstances which justifies the proposed zoning ordinance text amendment:

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

NEED FOR THE PROPOSED TEXT AMENDMENT

- 3. The Planning Commission **FINDS / DOES NOT FIND** that within the City of Selah and within Selah Municipal Code Title 10 there is a demonstrated and/or recognized need to expand the opportunity and flexibility of Chapter 10.28, Table 5-A and Chapter 10.28.040 Regulatory Notes.

PUBLIC OPINION

- 4, The public testimony that was offered was **IN SUPPORT / IN OPPOSITION**

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



OF the proposed text amendments.

ENVIRONMENTAL REVIEW

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

CONTROLLING FACTORS

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

DECISION

The Planning Commission, based upon the aforementioned findings and controlling factors, finds that the proposed zoning ordinance text amendments IS / IS NOT in furtherance of the public health, safety and general welfare of the people; therefore, the proposed zoning ordinance text amendments should be APPROVED / DENIED.

Motion to **APPROVE / DENY** by:

Seconded by:

Vote: to

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