

City of Selah  
Planning Commission Minutes  
Of  
August 4, 2015

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

A. Call to Order

The meeting was called to order by Chairman Quinnell at 5:30 p.m.

B. Roll Call

Members Present: Commissioners: Miller, Quinnell, Torkelson, Smith, and Pendleton.  
Members Absent: Commissioner Smith  
Staff Present: Tom Durant consultant, Caprise Groo, Secretary  
Guests: Don Wayman, City Administrator

C. Agenda Changes : None

D. Communications

1. Oral- Ms. Underwood asked the commission if an agenda was provided for the public.

Mr. Durant stated that the only thing on the agenda was 10.24.

Commissioner Miller stated his concern to have regular meeting and adequate time to make a decision. He requested to discuss what the communication standards and meeting standards were.

Mr. Wayman stated that when the Council created the ordinance canceling 10.24 they included language that required the Staff and Planning Commission to working together on revising the code.

2. Written - None

E. Approval of Minutes

1. July 21, 2015 Minutes

Chairman Quinnell asked for a motion to approve/disapprove the minutes of July 21, 2015.

Commissioner Miller motioned to approve the minutes.

Commissioner Torkelson seconded the motioned.

Chairman Quinnell stated he had a motion and a second, he asked for a voice vote. The minutes were approved with a voice vote of 4-0.

F. Public Hearings

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

G. General Business

H.

1. Old Business- Revised SMC 10.24 Planned Development Zoning District Second Draft Study Session.

Chairman Quinnell declared that this was the second meeting of the proposed rewrite of 10.24 as directed by the City Council. He stated that he had written comments from concerned citizens and that was where they would start. He stated that anyone who wanted to speak needed to be on record and the best way to do that is at the podium

Mr. Durant wanted to make clear that this is still the study session and the Public Hearing was continued until the 25th of August. \*Correction the next Planning Commission is the 18<sup>th</sup> of August.

Chairman Quinnell stated that no voting will be done at this time, but we may decide to add to or subtract from the document. Then he opened the floor for comments.

Mr. Brian Richards approached the podium and stated his address as 61 Lyle Ave, Selah WA. He stated that he saw a problem with 10.24.040 one in paragraph B. The words "as agreed".

Mr. Durant stated that the wording may be wrong.

Mr. Wayman stated he knew that in that sentence it was referring to the pre-conference.

Mr. Richards suggested that the density should be better defined.

Chairman Quinnell asked who would like to speak next.

Mr. Wayne Worby approached the podium and stated his address as 200 Weems Way. He handed out Exhibit 1. (Attached) He stated that the exhibit was a list of his concerns. He asked if he could ask question and get answers.

Chairman Quinnell answered yes.

Mr. Worby discussed a Council study session which involved the Hearing Examiner, Mr. Spurgin. Mr. Worby stated that Mr. Spurgin was asked what 10.24 should look like. He stated that Mr. Spurgin said he could not tell them. (Not as a secret, but as to 'correct' content). Mr. Worby explained that Mr. Spurgin recommended getting community input. Mr. Worby discussed a situation in Seattle that involved mixed housing. He stated that the community does not know what a Planned Development Overlay means. He asked why the time frame was 90 days and could it be extended by the will of the council.

Mr. Wayman stated that he could request a 30 day extension but could not guarantee more than that.

Mr. Worby wanted to know if the city needed 10.24 revisions and if so what data was used to determine the need. He stated that not all Cities have Planned Development Overlays. He stated that the original PDO came out as a mixed use application that incorporated large acreage to make a community within a community. Mr. Worby asked if he could get responses to his questions outside the meeting or did he need to do it at this meeting.

Mr. Wayman stated that the planning commission would let him know what to add and subtract so Mr. Worby needed to make his points at this meeting.

Mr. Worby started with number 3 on exhibit 1 and continued down the list. At question #6 Mr. Worby wanted to know how small a PDO could be.

Mr. Worby and the Commission discuss density and minimum lot size

Conclusion: Density is covered by the Comprehensive Plan and is not changed by the PDO.

Mr. Worby continued to discuss density and reduction of lot size and community opinion.

Mr. Wayman replied that the market drives what people want and the developers are seeing smaller foot prints and more rentals. The approach should be what the market will bear.

Mr. Worby Related his observation about home owners and renters and impact fees. He stated his disagreement with the need for 10.24. He wanted to know why these decisions are being made.

Mr. Torkelson stated that the discussions and decisions happen at Public hearings.

Mr. Worby state that the forum needed to be bigger.

Mr. Wayman asked what Mr. Worby expected.

Mr. Worby wanted everyone in the city to know of any changes to the City code. He stated that the definition of "lot" needs to be clarified and easements needed to be additional to the lot size not part of it.

Mr. Durant stated that an access road standard would be alright, but lots unencumbered by easements are not practical.

Commissioner Miller stated that easements were on the title.

Mr. Worby proceeded to question #8. Is there any area in Selah, besides commercial, that a PDO could not be applied for?

Discussion ensued.

Conclusion: a PDO could be applied for anywhere that does not have CCR's.

Mr. Worby stated his concern about 20 foot roads.

Mr. Durant stated he could acquire data on 20 foot roads.

Mr. Wayman stated that it was accepted internationally and there are limitations on them. Mr. Wayman read the limitation to the public. Streets include gutters and sidewalks

Mr. Worby declared that the ambiguous words need be removed. He suggested using shall or shall not.

Commissioner Miller explained that the code can be too restricting.

Mr. Worby suggested highlighting all the ambiguous words and replacing them.

Mr. Wayman asked which words and where.

Mr. Worby asked if the commissioners wanted to go through the whole document word for word and remove all ambiguous words. He stated that it should not be left open. Mr. Worby moved on to #12 of exhibit 1.

Mr. Worby and Staff discuss Zoning and Growth Management act.

Mr. Worby proceeded to 12-c. He asked that compatibility be defined.

Mr. Wayman stated that he thought it had been defined in criteria.

Discussion: How many criteria have to be satisfied?

Mr. Worby suggested that all criteria be satisfied and the community should decide.

Commissioner Miller stated that the City can't make decisions for a themed PDO layout, but the plot plan must meet the criteria of the new SMC in designing them.

Mr. Worby moved on to #14 of Exhibit 1. Mr. Worby read it word for word and moved on to #15.- He questioned whether private streets are allowed in a PDO.

Discussion ensued.

Conclusion: If a development has private roads it needs CCR's for care and maintenance.

Mr. Worby continued down page 2 of exhibit 1. He stated if it cannot be enforced get rid of it.

Commissioner Miller stated that guideline help guide but not bind creativity.

Mr. Worby asked why height is not use to determine compatibility.

Discussion: Zoning

Concussion: Read 10.24.10 Development Standards section c.

Mr. Worby Proceeded to 10.24.100 D and commented again on minimum lot size.

Discussion ensued about PDO never goes around a rezone process.

Mr. Worby moved on to 10.24.110, open space

Mr. Wayman read 10.24.110 open space. That the term 'may include' is giving guidance to what qualifies as open space.

Mr. Worby stated that the word needed to be changed to 'will.'

Mr. Wayman stated that they were not limiting the use.

Mr. Worby moved on to #22 parking or 10.24.120, Development standards – He stated that parking needs to be identified and it needs to be on both sides of the street.

Mr. Durant stated that parking was something the developer and the homeowner should work that out with covenants.

Commissioner Torkelson replied that covenants can work. The dues that are paid and moved forward would allow the Homeowners Association to deal with the person that is out of compliance.

Mr. Worby asked again to have the lot size identified.

Commissioner Miller asked if there was a different title for lots that had open space.

Discussion ensued.

Conclusion: No one was sure how the parcels would be listed. It was suggested that title would be similar to a condominium where the individual unit is owned by the title holder, along with a common 'proportional' interest in public spaces.

Mr. Worby proceeded to 10.24.140, modifications. He stated that modifications can be done after approval. He then read 10.24.140. He asked why this can be done.

Mr. Durant stated that a modification could be replacing one open space with another.

Mr. Wayman read the modification criteria. He read number 5.-'Would not adversely impact the projected fiscal projections to the detriment of the City.'

Mr. Durant gave an example of a minor modification as changing one outside appearance for another would be a minor modification.

Mr. Worby stated that 10.24 should go to the public.

Chairman Quinnell asked who was next.

Mr. Brad Smith approached the podium. He stated his address as 1309 W Goodlander Road. He stated that he would like to see a belief statement. He stated that there was no need for more homes or people. He stated that the community filter needs to be used to determine what is right for Selah.

Mr. Wayman asked "No need for People?"

Mr. Smith explained that Selah did not need to bring more people in to thrive.

Mr. Wayman asked where our children and grandchildren would go. He explained that a SEPA checklist is done and no comments have come back from the school district.

Mr. Smith stated that the school district is not going to turn kids away.

Chairman Quinnell asked if anyone else would like to speak.

Dr. Richard Weller, 50 Herlou Place, Selah, WA. He suggested more notice to the public is needed for these kind of changes to the SMC. He suggested a public information meeting. He stated the minutes needed to be more detailed. He referred to an email that was sent. (Attached H6) He asked what a high quality neighborhood was?

Mr. Wayman explained he was discussing with Mr. Graf about special zoning with higher density and solar panels and such. He explained the SEPA checklist and the questions within it. He stated that it dealt with setbacks, irrigation run off, and how it affects the neighbors.

Mr. Weller asked if the SEPA checklist was active or passive.

Mr. Wayman stated that it was both.

Mr. Weller asked Mr. Wayman to explain the process.

Mr. Wayman stated that he had been to every building site and had inspectors on site.

Mr. Weller suggested that stronger language be placed in the PDO by using shall or shall not, instead of the word 'may.' He suggested the definitions be more refined. He asked how a substantial change was defined.

Mr. Durant stated that if it was not a minor modification then it was a major modification.

Mr. Weller stated that the definition of Planned Development Overlay was a description not a definition. He stated that defining compatibility would be a challenge. He stated that compliance to him meant 100 % compliance with the code. He stated that if there is another way to look at it, it should be spelled out.

Commissioner Miller stated that the buildings themselves are regulated by the building code.

Mr. Weller wanted to know what percent of compliance needed to be met.

Mr. Durant explained that not everything had to comply and that it was planning jargon.

Mr. Weller suggested clearer definitions.

Commissioner Miller stated that complete compliance would not allow for innovation.

Mr. Weller asked if a private road needed to meet a standard if it was in a PDO.

Mr. Wayman answered yes.

Mr. Weller stated that as he understood it there was no criterion for a private road.

Mr. Wyman replied that the international fire code standard was used.

Mrs. Diana Underwood approached the podium. She asked about the ADA. She asked if renters pay taxes.

Mr. Wayman asked the commission if renters pay taxes.

Commissioner Torkelson and Commissioner Miller replied that renters pay taxes through the landlord and the landlord pays just as much as a resident.

Mr. Durant explained that taxes are based on an assessed value.

Commissioner Torkelson explained the assessed value and that it was the same across the board.

Discussion ensued: assessed property value.

Conclusion: the value of rentals and residential property are the same.

Chairman Quinnell asked who was next.

Mrs. Shirley Johnson Hoy approached the podium. She stated that she lived at 803 W Home Ave, Selah, WA. She asked about handicap accessibility.

Mr. Durant stated that it was covered by code.

Mr. Wayman expanded on that giving an example of a roof top garden. The developer would have to provide ADA access to the garden because it is common space. He explained that the building code provided for ADA access.

Mr. Johnson Hoy asked if building could be capped until the school and Commission/City Administrator could talk.

Mr. Durant explained that the school has not sent in any comments. He stated that he had asked if the school superintendent had been receiving the notices and the answer was yes.

Commissioner Miller stated that it seemed that there should be a minimum designation of units that are ADA compliant.

Ms. Katie Fountain approached the podium and provided Exhibit 2. (Attached)

Chairman Quinnell motioned to take a break.

Commissioner Miller seconded the motion.

Chairman Quinnell requested a voice vote. The break was approved with a voice vote of 4.0 (5 minute Break)

Ms. Fountain asked that the commission take the time to go over the code and to tighten up the code. She stated that her suggestions are in capital letters. (Exhibit 2- pages 2.-3). She read exhibit 2 starting on page 2 paragraph 10.24.01, purpose. She added at the end of 10.24.01 for screens that reduce the intrusion to neighboring home owners. She continued down the document.

Mr. Durant recommended dropping that paragraph because it was covered under SMC title 21.

Ms. Fountain proceeded to page 3, 10.24.100, development standards, page 3. She stated that there should be a description for lot size.

Mr. Durant stated that lots are created in the planning process.

Ms. Fountain continued with the subject of compatibility with adjacent uses.

Commissioner Miller stated that if a property was zoned for a higher density than the property next to it, that is the zoning of the property in question that is followed.

Ms. Fountain Continued with Exhibit 2 Section 10.24.150. She suggested that the word "original "at the end of the paragraph be changed to "current"

Mr. Wayman verified the word replacement of original with current in 10.24.150.

Ms. Fountain agreed.

Chairman Quinnell asked if anyone else would like to speak.

Mr. James Hanna Approached the podium. He stated that he lived at 181 Lancaster Rd Selah, WA. He stated his main concerns were the definitions, measurability, compatibility, and need verses desire. He request that the people be asked if a development is compatible.

Chairman Quinnell asked if anyone else would like to speak.

Mrs. Alana Taylor Oaks stated that her kids wanted to live and purchase homes with a little bit of land and with sidewalks. They want to live here in Selah and be part of the community. They want single family dwellings.

Chairman Quinnell asked if anyone else would like to speak.

Mr. John Oaks asked about the 15% open space, and whether the front yards of these units would/should be counted.

Mr. Wayman stated that it could be if it is collectively owned and not privately owned. CCR's would cover it through the homeowners association

Mr. Oaks asked who paid the taxes on open space.

Mr. Durant and Mr. Wayman answered the home owners association.

Mr. Oaks asked why a person would want to build a home in a community of rentals.

Mr. Miller stated that if you wanted the lawn taken care of you buy into a homeowners association. If you want something different you buy elsewhere,

Mr. Wayman stated that PDO doesn't mean just rentals. He explained that change could bring good high quality homes that draw professionals willing to spend more money to purchase a home and still keep the community dynamics.

Mr. Worby stated that the small community environment already exists, why change it for people that are not here yet.

Commissioner Miller asked why Mr. Worby thought those people didn't live here.

Mr. Worby stated that if Selah was growing then they don't live here.

Commissioner Miller explained that families grow and those kids want to live here. They are already here.

Discussion ensued. How should Selah grow and where do the children of the families buy homes in Selah.

Conclusion: quality housing will bring quality people.

Chairman Quinnell asked if anyone else would like to speak.

Mr. Wayman recommended a continuation of the hearing to create a final draft to be discussed at the next Planning Commission on August 18<sup>th</sup>, 2015.

Chairman Quinnell asked for a motion.

Commissioner Torkelson motioned to continue two weeks from today

Discussion ensued.

Commissioner Miller seconded the motion.

Chairman Quinnell had a motion and a second to continue the discussion and revisions at hand until the next Planning Commission meeting. He requested a voice vote and the motion was approved with a voice vote of 4-0

2. New Business-

H. Reports/Announcements

1. Chairman
2. Commissioners
3. Staff- Mr. Durant discussed the sept 1, 2015 meeting and the conference of governments.

Mr. Wayman stated that there would be no respite for some time.

I. Adjournment

Commissioner Miller motioned to adjourn the meeting, Commissioner Torkelson seconded the motion. Chairman Quinnell adjourned the meeting at 8:57 pm with a voice vote of 4-0.



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Chairman