

City of Selah  
**Planning Commission Minutes**  
of  
December 4, 2012

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

A. Call to Order

The meeting was called to order by Chairman Roberts at 5:59 p.m.

B. Roll Call:

Members Present: Commissioners Roberts, Smith, and Pendleton.  
Members Absent: Commissioner Torkelson & Quinnell  
Staff Present: Dennis Davison, Community Planner; Diana Turner, Secretary  
Guests: Nancy Buck, Tree Top Inc.

C. Agenda Change None

D. Communications

1. Oral -None.

2. Written - None

E. Approval of Minutes

Chairman Roberts called for a motion on the minutes of the Planning Commission meeting of November 6, 2012.

Commissioner Smith moved to approve the minutes, Chairman Roberts seconded. Minutes were approved with voice vote 3/0.

F. Public Hearing

1. Old Business None

2. New Business

a. **TREE TOP COMPREHENSIVE PLAN AMENDMENT/REZONE AMENDMENT**

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

Mr. Davison presented the staff report.

FILE NO.: UGA 2012-01—Comprehensive Plan Amendment  
914.84.12-05---Tree Top, Inc. rezone  
971.84.12-12---Tree Top, Inc. Environmental Review

PROPOSAL: ① Re-designate 2.79± acres from Industrial to Commercial and then ② rezone the property General Business (B-2).

PROPONENT: Tree Top, Inc. 220 East Second Avenue, Selah, WA.  
Tom Stokes, CEO----Nancy Buck, VP Legal Services

APPLICATION AUTHORITY: ① Selah Municipal Code, Chapter 21.03.040(1) Comprehensive Plan Amendments  
② Selah Municipal Code, Chapter 10.40.040 (Rezoning involving Comprehensive Plan Amendments)

LOCATION: The project site is located immediately west of Jim Clements Way, approximately 150 feet east of South First Street and immediately south of Red Apple Market. (Yakima County Taxation Parcel Numbers: 181301-22431, -22433 and 22434).

LAND USE AND ZONING:

SITE: The property is presently vacant and zoned Industrial (M-1).

SURROUNDING LAND USE:

North Red Apple Market.  
South Industrial storage (Old Comet Building).  
East Tree Top warehouse # 5.  
West Used car lot, service station, pizza parlor and tavern

SURROUNDING ZONING: There is a mixture of zoning designations in the vicinity.

North: Designated Commercial and zoned General Business (B-2)  
South: Designated Commercial and zoned General Business (B-2)  
East: East of Jim Clements Way properties are designated Industrial and are zoned Industrial, excepting the Villager Apartments, designated Moderate Density and zoned Two Family Residential (R-2).  
West: Designated Commercial and zoned General Business (B-2)

CITY OF SELAH URBAN GROWTH AREA COMPREHENSIVE PLAN: The site is currently designated Industrial on the Future Land Use Map contained in the 2005 Selah Urban Growth Area Comprehensive Plan. This proposal includes both an application to re-designate the site Commercial and to rezone the property General Business (B-2).

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

UTILITIES: Typical municipal and public utilities are readily available:

WATER: 6" to the north, 8" to the west, 12" to the south and 8" in Jim Clements Way.

SEWER: 12" to the north, 8" to the west, 12" to the south and 8" in Jim Clements Way.

FIRE HYDRANTS: Numerous locations in the vicinity.

TRANSPORTATION:

Jim Clements Way —A designated Principal Arterial with curb/gutter, streetlights and sidewalk.

OTHER FINDINGS:

1A. The purpose of the Industrial Land Use Designation in the comprehensive plan is to provide areas for the continuance and expansion of existing facilities and the establishment of new industrial uses.

1B. The purpose of the Industrial (M-1) zoning classification contained in Selah Municipal Code, Chapter 10.22.010 is established to preserve areas for industrial and related uses.

2A. The purpose of the Commercial Land Use Designation in the comprehensive plan is to recognize existing commercial uses and provide for their expansion.

2B. The purpose of the General Business (B-2) zoning classification contained in Selah Municipal Code, Chapter 10.20.010 is established to provide for the day-to-day convenience shopping and service needs of the community.

3. The property has been vacant for many years.

4. The subject property when fully developed could contribute 2,000 vehicle trip-ends per day onto Jim Clements Way. This figure was calculated using typical business traffic.

5. Projected student generation from the proposed rezone is zero.

**STAFF ANALYSIS:**

a. The site, previously contiguous with Industrially zoned property to the East, is now severed and isolated by a principal arterial street. This physical separation from other industrial lands and location along the principal arterial provides the justification for designating the property Commercial and the “change in circumstances” (new principal arterial) provides justification for amending both the Selah Urban Growth Area Comprehensive Plan and official zoning map.

b. The proposal Comprehensive Plan and Zoning Map amendment appear consistent with surrounding land use and existing zoning designations.

Recommendation is for approval of both the UGA Comprehensive Plan Amendment (UGA 2012-01) to Commercial and rezone the properties to General Business (B-2).

Chairman Roberts called for comments from the applicant.

Nancy Buck, Tree Top Inc., stated that she did not have any comments. This change is just for the purpose of sale of the property.

Commissioner Smith asked if they had any buyers?

Mr. Buck stated there has been some interest in the land.

Mr. Davison read the findings and decision.

**FINDINGS AND CONCLUSIONS**

**URBAN GROWTH AREA COMPREHENSIVE PLAN UGA PLAN AMENDMENT 2012-1**

File # UGA Plan Amendment 2012-1 (Tree Top Incorporated)

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

PLAN AMENDMENT 2012-1	Amend the Future Land Use Map by re-designating three (3) parcels containing 2.79± acres Commercial rather than the existing designation of Industrial.
TREE TOP INCORPORATED	Location: Immediately west of Jim Clements Way, approximately 150 ft. east of South 1 <sup>st</sup> Street and immediately south of Red Apple Market.

1. The Planning Commission adopts the findings of staff as to the existing use and Plan designation of the subject property and adjacent areas as indicated in the staff report.

2. The proposed Plan designation of Commercial is compatible with the use of adjacent lands.

3. The proposed Plan designation of Commercial is compatible with the Plan designation of adjacent lands.
4. The proposed Plan amendment is consistent with the economic development, urban lands, utilities, transportation, capital facilities, and intergovernmental goals and their supporting policies in the Plan.
5. Based on the consideration of the above factors and balancing conflicting goals and policies of the Plan the proposed plan amendment to Commercial is consistent with the goals and policies of the Plan.

Chairman Roberts stated he was concerned about losing more industrial property, but understood this property was appropriate in being zones commercial.

6. The site proposed for Commercial designation in the Plan is adequately served by public facilities, such as roads, sewer, water and other public services.
7. The proposed Plan amendment does meet a public need. Public need means that a valid public purpose for which the Plan was adopted is served by the proposed Plan amendment. Findings addressing public need:
  - (a) Additional land is needed for commercial expansion.
  - (b) Timing is appropriate.

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

Planning Commission Recommendation is approval of the Plan amendment to Commercial.

Motion by: Pendelton second by: Smith vote: 3 to 0

Mr. Davison read the findings and decision.

#### FINDINGS AND DECISION ZONING MAP AMENDMENT 914.84.12-05

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

#### LAND USE FINDINGS

##### Existing Use and Zoning/Optimal Land Use

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

#### LAND USE CONDITIONS

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

#### CHANGED CIRCUMSTANCES

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

In this particular instance a pertinent factor does exist. The property is bounded on the East by a principal arterial constructed since the adoption of original zoning in 2006.

#### NEED FOR THE PROPOSED REZONE

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

#### PUBLIC OPINION

7. The owners of adjacent lands expressed neither approval or denial of the proposed rezone.

8. The majority of persons offering comments were in favor of the proposed rezone.

#### ENVIRONMENTAL REVIEW

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

#### OTHER SIGNIFICANT FACTORS

10. The Planning Commission finds these additional significant factors concerning this proposed rezone to be as follows: The property is bounded on the East by a principal arterial constructed since the adoption of original zoning in 2006.

#### CONTROLLING FACTORS

The Planning Commission determines that findings numbered 1 through 10 to be the controlling factors in its deliberations on the proposal.

#### DECISION

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

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

#### **b. CITY OF SELAH COMPREHENSIVE PLAN AMENDMENT/REZONE AMENDMENT**

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

Mr. Davison presented the staff report.

FILE NO.:      UGA 2012-02---Comprehensive Plan Amendment  
                  914.84.12-06---City of Selah rezone  
                  971.84.12-12---Tree Top, Inc. Environmental Review

PROPOSAL: ① Re-designate 0.28 acre from Industrial to Commercial and then ② rezone the property General Business (B-2).

PROPONENT: City of Selah 252 North Rushmore Road, Selah, WA.

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

© Selah Municipal Code, Chapter 10.40.040 (Rezoning involving Comprehensive Plan Amendments).

**LOCATION:** The project site is located west of Jim Clements Way, approximately 150 feet east of South First Street and parallels the alley along the east side. (Yakima County Taxation Parcel Numbers: 181301-22426 and 22432).

**LAND USE AND ZONING:**

**SITE:** A portion of the site is a paved parking lot, the balance is vacant, both are zoned Industrial (M-1).

**SURROUNDING LAND USE:**

North Red Apple Market and Pelzel's Auto Repair.  
South Jim Clements Way.  
East Vacant Tree Top property.  
West Magic's Pizza Parlor and T&T Tavern..

**SURROUNDING ZONING:**

North: Designated Commercial and zoned General Business (B-2)  
South: Designated Commercial and zoned General Business (B-2)  
East: Presently designated Industrial and zoned Industrial (M-1), but proposed for amendment to Commercial and rezoned General Business (B-2).  
West: Designated Commercial and zoned General Business (B-2).

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

**ENVIRONMENTAL REVIEW:** The City issued an environmental checklist for public and agency review. The City issued a Final Determination of Nonsignificance (DNS). At the conclusion of the 14 day comment period.

**UTILITIES:** Typical municipal and public utilities are readily available:

**WATER:** 6" to the north, 8" to the west, 12" to the south and 8" in Jim Clements Way.

**SEWER:** 12" to the north, 8" to the west, 12" to the south and 8" in Jim Clements Way.

**FIRE HYDRANTS:** Numerous locations in the vicinity.

**TRANSPORTATION:**

The properties abut an alley along their west side. The paved alley is twenty (20) feet wide and provides secondary access to properties fronting South First Street. These two parcels, acquired by Magic's Pizza and the T&T Tavern provide for overflow parking. The alley has no curbs or gutters, streetlights or sidewalks.

**OTHER FINDINGS:**

1A. The purpose of the Industrial Land Use Designation in the comprehensive plan is to provide areas for the continuance and expansion of existing facilities and the establishment of new industrial uses.

1B. The purpose of the Industrial (M-1) zoning classification contained in Selah Municipal Code, Chapter 10.22.010 is established to preserve areas for industrial and related uses.

2A. The purpose of the Commercial Land Use Designation in the comprehensive plan is to recognize existing

commercial uses and provide for their expansion.

- 2B. The purpose of the General Business (B-2) zoning classification contained in Selah Municipal Code, Chapter 10.20.010 is established to provide for the day-to-day convenience shopping and service needs of the community.
- 3. The property has been vacant for many years.
- 4. The subject properties when fully utilized should could contribute new vehicle trip-ends onto Jim Clements Way and South First Street. An estimated volume is undetermined.
- 5. Projected student generation from the proposed rezone is zero.

**STAFF ANALYSIS:**

- b. The site, a portion of property previously contiguous with Industrially zoned property to the East, is now severed and isolated by a principal arterial street. This separation and location along an alley, rather than the principal arterial, provides the justification for designating the property Commercial and the “change in circumstances” (new principal arterial) provides justification for amending both the Selah Urban Growth Area Comprehensive Plan and official zoning map.
- b. The proposal Comprehensive Plan and Zoning Map amendment appear consistent with surrounding land use and existing zoning designations.

**RECOMMENDATION: APPROVAL OF BOTH the UGA Comprehensive Plan Amendment (UGA 2012-01) to Commercial and rezone the properties to General Business (B-2).**

Mr. Davison read the findings and decision.

**FINDINGS AND CONCLUSIONS**

**URBAN GROWTH AREA COMPREHENSIVE PLAN UGA PLAN AMENDMENT 2012-2**

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

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

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

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

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

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

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

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

Planning Commission Recommendation is approval of the *Plan* amendment to Commercial.

Motion by: Pendelton second by: Smith vote: 3 to 0

Mr. Davison read the findings and decision

#### FINDINGS AND DECISION ZONING MAP AMENDMENT 914.84.12-06

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

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

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

#### LAND USE FINDINGS

##### Existing Use and Zoning/Optimal Land Use

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

##### Land Use Conditions

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

#### CHANGED CIRCUMSTANCES

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

#### NEED FOR THE PROPOSED REZONE

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

PUBLIC OPINION

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

ENVIRONMENTAL REVIEW

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

OTHER SIGNIFICANT FACTORS

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

CONTROLLING FACTORS

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

DECISION

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

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

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

- H.      Reports/Announcements
1.      Chairman - None
  2.      Commissioners – None
  3.      Staff –Mr. Davison .stated the critical areas ordinance is coming.

I.      Adjournment

Chairman Roberts made a motion to adjourn. Commissioner Pendleton seconded the motion. The meeting was adjourned at 6:30 pm.

  
Chairman