

City of Selah
Planning Commission Minutes
of
May 5, 2009

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

Study Session

Bob Noe, City Attorney, explained the purpose of the Planning Commission and the process for a Public Hearing. He explained conflict of interest and appearance of fairness for the Planning Commission and exparte discussion of any project.

A. Call to Order

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

B. Roll Call:

Members Present: Commissioners Munson, Quinnell, Eagles, Roberts and Smith.

Members Absent:

Staff Present: Bob Noe, City Attorney, Dennis Davison, Community Planner, Diana Turner, Secretary, and Louise Bell, Court Recorder.

Guests: Ken Harper, Carl Torkelson, Joe Kelly, David & Kathy Hoffert, Carmen Lowrie, James Carmody, Katy Fountaine, Wayne & Karen Wasiczko

C. Agenda Changes None

D. Communications

1. Oral - None
2. Written -
 - a. Letter from Katy Fountaine dated May 2, 2009.

E. Approval of Minutes

Chairman Munson called for a motion to approve the minutes of December 2, 2008.

Commissioner Smith moved to approve the minutes, seconded by Chairman Munson. Passed 2/0 with 3 abstentions as two of Commissioners were new to the Commission and the other Commissioner was not present at the last meeting.

F. Public Hearing

- 1 Old Business -

a. Torkelson Construction Short Plat Revisited (File No. 913.61.08-01)

Chairman Munson opened the Public Hearing for the Torkelson Short Plat and asked Mr. Davison to present the staff report.

Mr. Davison stated Mr. Noe has a question to ask the Commission.

Mr. Noe asked the Planning Commission members if they have a conflict of interest in regards to the proposal or an appearance of fairness that would preclude them from hearing the proposal? Hearing none he asked if anyone had any exparte communications in regards to the project?

Chairman Munson stated he had received written communications from Mr. Dave Hoffert dated November 24, 2008 and responded to the communication on December 2, 2008 and presented a copy of both items to the Commission.

No objections were received from the audience.

Mr. Davison handed out letters received for each Commissioner and the Commissioners read the letters. Mr. Davison stated before he started on the staff report there were exhibits that he needed to hand out.

- 1) SEPA Determination of Nonsignificance
- 2) Original letter from Heidi Herzog talks about drainage and grading and a second letter which is dated 10/9/08 from the same engineering firm - Gene Soules in response to the grading plan which the SEPA responsible official did review prior to issuing and the signed determination
- 3) Letter from Mr. Hoffert dated 4/26/09 with a note from Mr. Sweet
- 4) Letter from Lockner and Associates dated 3/23/09 responding to the previous Traffic Study
- 5) Letter from Mr. Carmody dated 4/17/09
- 6) List of Mitigation measures in the original Determination of Nonsignificance
- 7) Emails from Mr. Hoffert to Mr. Davison re 503 Southern Ave
- 8) Email from Mr. Williams to Mr. Davison with copies to the SEPA Official
- 9) Letter from Mr. Davison to the Planning Commission about proposed 503 Southern Ave Short Plat
- 10) Letter to Mr. Sweet dated 5-5-09 from Dept. of Ecology Glen Claire

Mr. Davison stated the report is a mixture of the previous report and the updated information received this year.

Mr. Davison stated the original Staff report and rezone hearing dated April 15, 2008. It was appealed, considered by the Hearings Examiner and he remanded this item for two environmental reason. One was inadequate records in review of traffic information and the second was grading/drainage information. It was remanded back the for Planning Commission to review the short plat and the SEPA Responsible Official to review information on the traffic and drainage. The SEPA Official review the updated documents (Lockner report/two letters from HLA) and concluded that further Environmental review was not needed, so now we have the hearing.

The file No. is 913.79.08-01 Torkelson Construction Short Plat Application. The proponent is Torkelson Construction (Carl Torkelson). The location is 503 Southern Avenue.

The request is for approval of a proposed short plat dividing one parcel (41,290 sq. ft.) containing one residence, one completed four-plex, two completed duplexes, and foundation for an additional four-plex into three separate lots (Lot #1: 11,753; Lot #2: 11,339 and Lot #3: 18,198) each exceeding the minimum 9,000 square feet lot size requirement in the Multiple Family Residential (R-3) zoning district..

The application authority is Selah Municipal Code, Chapter 10.50.016 provides that the Planning Commission shall review the proposal for compliance with the subdivision ordinance, consider public input and recommend approval, approval with conditions or denial. The Commission shall forward its recommendation to the City Supervisor.

The Multiple-Family Residential Zone-Minimum Lot Size in Selah Municipal Code, Chapter 10.16.030 establishes a minimum lot area requirement of 9,000 sq. ft. in the Multiple-Family Residential Zoning District (R-3).

The Land Use and Zoning - the existing parcel contains one single-family residence, one completed four-plex, two completed duplexes, and a foundation for an additional four-plex. The parcel and structures are located in the Multiple-Family Residential Zone (R-3).

Surrounding Land Use:

Immediately north is a triplex. Immediately south are single-family residences. Immediate east are duplexes. Immediately west are multiple-family residences under construction.

Surrounding Zoning: Properties to the North and West are zoned Multiple-Family Residential (R-3) similar to the subject property. East of South 5th Street is zoned Two-Family Residential (R-2) and South of Southern Avenue is zoned One-Family Residential (R-1).

City of Selah Urban Growth Area Comprehensive Plan: The 2005 land use plan designates the site, and properties to the North and West, as "High Density Residential" providing for a maximum density of twenty-four (24) dwelling units per acre. Properties to the East, across South 5th Street, is designated "Medium Density Residential providing for a maximum density of twelve (12) dwelling units per acre. Properties to the South, across Southern Avenue, are designated "Low Density Residential providing for a maximum density of five (5) dwelling units per acre.

The short plat, if approved, would permit the following maximum dwelling units on each parcel.

Lot #1: 11,735 sq. ft. ÷ 43,560 sq. ft. x 24 dwelling units per acres = 6.475 dwelling units
Lot #2: 11,339 sq. ft. ÷ 43,560 sq. ft. x 24 dwelling units per acres = 6.247 dwelling units
Lot #3: 18,198 sq. ft. ÷ 43,560 sq. ft. x 24 dwelling units per acres = 10.026 dwelling units

Environmental Review: A Determination of Non-significance (DNS) was issued March 26, 2008. Notice of environmental review was provided to 95 property owners within 600 feet of the project site for comment. Comments received are included. The final SEPA determination was appealed. On appeal the City's Hearing Examiner determined the Responsible Official issued the DNS based on a record that did not contain information reasonably sufficient to determine whether the probable traffic from the proposal and proposed project grading and drainage control measures would avoid significant environmental impacts.

“Based on insufficient compliance with SEPA approval of the short plat application by the city supervisor constituted a procedural error”. The Examiner remanded the short plat application to the Planning Commission for additional consideration after completion of SEPA review.

Utilities: Basic public utilities are available, or will be constructed, to serve the site, i.e., (telephone, electricity, municipal water and sewer), and the existing residence is presently connected to the municipal water and sewer systems.

Transportation:

Southern Avenue designated a "collector" with two travel lanes (26 foot pavement width), 60 foot wide right-of-way with no curb/gutter, no sidewalks but includes street illumination.

South Fifth Street designated "local access" with two travel lanes (22 foot pavement width), 50 foot wide right-of-way with no curb/gutter, no sidewalks and no street illumination.

OTHER FINDINGS:

- (1) The existing residence, located on Lot # 1, has a driveway connecting to Southern Avenue. Future structures on Lots # 2 and # 3 will have access to South 5th Street.
- (2) Existing lot area of 41, 290 sq. ft. is sufficient to create three lots in compliance with the minimum lot size requirement of 9,000 sq. ft. in the Multiple-Family Residential (R-3) zone.
- (3) Division of the property into three separate lots will contribute approximately thirty (30) additional vehicle trip ends per day onto South Fifth Street.
- (4) The on-site residence existed prior to adoption of the 2005 City of Selah Urban Growth Area Comprehensive Plan and Multiple-Family Residential (R-3) zoning in 2005.
- (5) The existing on-site residence is a legal non-conforming residence in the Multiple-Family Residential (R-3) zoning district.
- (6) The proposed stand-alone structure on proposed Lot #1 is not permitted unless connected to the existing on-site residence and transformed into a duplex in the Multiple-Family Residential (R-3) zoning district.
- (7) The SEPA Responsible Official, by memorandum with attachments, indicates he has reviewed additional environmental documents addressing traffic, and grading and drainage control measures, and concludes that the proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c).

CONCLUSION: The site is designated for ‘high density residential development’; the property is appropriately zoned for multiple-family dwellings; each proposed lot would be served by municipal services; and each proposed lot will exceed the minimum lot size requirement established in the Multiple-Family Residential (R-3) zone. Environmental review has been completed.

RECOMMENDATION: APPROVAL of the short plat application subject to the following:

1. Final lot dimensions and lot area must substantially conform to the proposed short plat recommended by the Planning Commission.
2. The following note must be placed on the short plat map:

The owner shown hereon, or any grantees and assignees in interest, hereby covenant and agree to retain all surface water generated within the short plat on-site.
3. A five (5) foot wide sidewalk shall be constructed on both South Fifth Street and Southern Avenue adjacent to the short plat. Existing pavement shall be saw-cut for sidewalk installation and constructed to City standards from the saw cut to back of sidewalk (sidewalk to include barrier curb/gutter).
4. Install street illumination on South Fifth Street to City standards at location(s) determined by the Director of Public Works.
5. A 30' x 30' clear vision triangle shall be dedicated at the Southern Avenue/South Fifth Streets intersection and included within the right-of-way.
6. The short plat is to be recorded within five (5) years of the City's approval or such approval expires.

Mr. Davison stated the after the staff report is the following:

Page 5 Short Plat Application from Carl Torkelson dated 1-23-07
 Page 6 is a copy of a map of the Short Plat with existing buildings
 Page 7 is a copy of a map showing the layout of the buildings on the Short Plat
 Pages 8-11 Draft Findings of Fact
 Pages 12-36 Hearing Examiner Decision
 Pages 37-46 Planning Commission Minutes of April 15, 2008
 Page 47 Letter from Department of Ecology Dated 4/9/08
 Page 48 Letter dated 4-10-08 opposed to the Short Plat
 Page 49 Letter from Carmen Lowrie dated 4-11-08
 Pages 50-52 letter from Bruce & Jane Williams dated 4-9-08
 Page 53 Letter from Dave Hoffert dated 3-26-08
 Page 54 Email from Gary Hanna Deputy Fire Chief dated 4-11-08
 Pages 55-56 Email from Bruce Williams dated 5-1-09

Mr. Davison stated there was a notice in the Yakima Herald Republic and one sent to record owners of the property within 600 feet of the project. Environmental review was sent to the same individuals.

Chairman Munson called for questions from the Commissioners about the staff report.

Commissioner Eagles asked who determined the Type 5 Stream on the property?

Mr. Davison stated the Type 5 Stream was originally identified by Yakima County when they were doing Critical Areas. Through the hearing process and SEPA it was concluded it may be on the map but not in reality.

Commissioner Eagles stated that Department of Ecology classification of streams was different and he was wondering whether what type of stream was there.

Chairman Munson asked if it was a non-issue?

Mr. Davison stated the Hearings Examiner thought it was not.

Commissioner Roberts asked the width of the road?

Mr. Davison stated 50' right-of-way (25' on west side and 25' on east side).

Chairman Munson called for further comments from the Commissioners. Hearing none he called for comments from the audience. The Commission hears the comments from the proponent first and then the opponent.

Ken Harper, attorney for the proponent, stated he would be brief and asked for time for rebuttal. The most important thing is that we have already been through this once before. He directed the Commissioners to the Hearings Examiner's Decision of 11/13/08 on page 36 in the staff report. In the report he analysis the Type 5 Stream, inadequacies of the City's traffic review and drainage review. In specific subparagraph B of the Decision to send it back to the Planning Commission or to SEPA Responsible Official to review the two issues of the traffic and drainage. His client worked with the City to help provide addition information on those topics so the environmental record would be better. It is not the case that Mr. Spurgin found that there were specific environmental problems. What he found is there is an inaccurate record. He felt those two things are important. Lockner's report is a revisited analysis of what 503 project will mean for traffic. This project does not change the level of service to the road. It only adds 6 additional trips during peak hour in the a.m. and 10/11 additional trips in the evening. He directed the Commission to the letters from Huibregtse Louman and Associates. He did not send it back for further analysis of things like compliance with code. On the Hearings Examiner page 33 (in the staff report) is in compliance with SMC 10.50.041.

Chairman Munson called for questions of Mr. Harper. Hearing none he called for comments from the audience opposed to the project.

Chairman Munson asked all those who wish to give testimony to be sworn in. He asked them to raise their right hand and say the testimony they are about to give is true and correct.

Dave Hoffert asked if the Commissioners received his letter in regards to the project. He has questions in regards to the procedure. What happens next?

Chairman Munson stated the Commissioners have to go over all the information received and make a recommendation.

Mr. Hoffert stated the short plat has been recorded in the County. On the County's Web site it shows three separate lots not one. If you deny the short plat does it have to go back to one lot? How does the procedure done? Should it not have come back to the Commission first before it is recorded?

Mr. Noe stated the purpose of the testimony tonight is on the traffic and drainage.

Mr. Hoffert stated in regards to the traffic - the project won't make a difference in the traffic level. He said by law you have to take it below the minimum count. You can impact it and keep impacting it making it worse but it will not change as it is level F and that is the lowest level you can go. In his letter he referenced the recommendation of a separate entrance for each lot. It shows one 20' entrance going into the property even after it is short platted. They are taking out one 20' entrance (one 10' entrance on each lot - side by side). His other question is on drainage where (on page 7 of the staff report) it is in the middle of the lot. Does that mean there will be one drainage area?

Mr. Davison stated that is the drainage for those two lots.

Mr. Hoffert stated when he drove by there that he noticed a PPL transformer sitting there.

Kathy Hoffert stated that in the minutes of 4-15-08 (page 46 in staff report) that drainage would be retained on each lot of the short plat. In the new report was that changed? The new report on page 3 shows the drainage retained on the short plat not on individual lots. Then on page 4 there is no reference of access. Will the two lots share the drainage and entrance? If these lots become separated and sold the shared entrance and drainage becomes a big issue.

Katy Fountaine stated the letter she submitted has an error in the size of lot in the R-3 Zone. She was going on the Comprehensive Plan requirements of 1 acre minimum lot size and the code states 9,000 sq ft. Code says there should be 200 sq ft of open living space for each housing unit. There does not seem to be that in the plan. The Commission need to look at the engineers comments about fire access in regards to the project.

James Carmody, attorney for SSNA, stated they were here before and appreciated your consideration from the last time through. We have followed the process with respect to decisions that the administrative officials made. We are also pursuing an appeal on the 605 property the building structures do not comply with ordinance. One of the things we asked for in the last process was for the decisions to await the court decision upon whether the structures proper and legal under the zone ordinance. The Hearings Examiner decided not to wait on the judge's decision. Since that time the court has made a decision and he presented the Commission with an exhibit (11) and that was issued by Judge Hackett. According to that decision found that the exact structure that was proposed for this project does not comply with code. By definition this structure should not be approved for this project. It is a concern to the SSNA that the project has proceeded in light of the court decision. It is a problem that the short plat has been finalized even though there is no decision on that. Now he talks about what was remanded back to the Commission. The project was remanded back on two issues. The basic information has not been given to the Commission or the public and until that is done there can be no recommendation by the Commission. We are being asked to comment on materials provided at this meeting tonight. He directed the Commissions attention to Exhibit 2 the Huibregtse Louman memo. The last time before you if you look at the second page there was a memo from Heidi Herzog, professional engineer, dated 2/27/08 that was not provided to the Commission. In fact it was not provided to anybody. It was discovered in a public disclosure request when we finally went to the Hearings Examiner. When you read through it there are significant considerations in it for your determination and a review at the City level. There is a letter from Gene Soules dated 10/9/08. He stated he had never seen that document before until tonight. This letter was never presented to the Hearings Examiner or anyone until today. He asked for the Commission to please read both letters very carefully and tell him whether the letter responds to the memo. The letter does not respond to the memo. Mr. Soules is responding and reviewing a storm water design revision and plan drawing for streets, storm, water and sewer construction. That is not what Heidi Herzog is

talking about. Her memo to start with talks about storm water needs to be retained onsite. The next item on her memo talks about grading plans being updated to include the post finish grades for the site to the west the is the 605 property. He did not see anything in the record about the finished grades on the site to the west. The significance of that is it is up hill from this property. There was a question asked about the Type 5 Stream. Type 5 Streams are on the County's Critical Areas map and they are not year round but are there for drainage. You as a community have always looked at those drainage ways and preserved them for run off from rain or snow. Number 4 states she recommends an off site drainage basin analysis to be completed for review or show off site drainage will not create a problem. Number 6 site layout she recommends the site plan be modified for turn around for fire code standards or provide a drive through access road. The Commission required an access for each lot the last time. The recommendation for this time does not reflect that requirement. She recommends road improvement with curb, gutters and sidewalks for an arterial. An arterial standards requires sidewalks on both sides of the road. One of the things you are required to look at is open space. Their answer is there are schools and parks down the road. SSNA is also concerned about receiving the final environmental review today. There is a 15 day period before a determination can be finalized and a letter can be written. Because under the procedure if followed it needs to be circulated to allow for comments. If the Commission approves this item SSNA will appeal to the Hearings Examiner again and this is prolonged. Let us not move forward until the issues are resolved.

Karen Wasiczko stated she appreciated the project but is concerned the safety of taking a right hand turn from Southern to First. In this past year traffic has been the worst. People speed up to 45 mph before they get to the intersection and it is very difficult to get out onto First.

Wayne Wasiczko stated the traffic patterns and safety. His concern is the traffic on Southern and Fifth. There are no stop signs going west on Southern. There needs to stop signs on Southern for that intersection. There is also a concern with children playing in the area.

Chairman Munson called for further comments from the audience for opponent and then gave Mr. Harper time for rebuttal.

Mr. Harper stated he wanted to start with Mr. Carmody's comments. To start off with the order from Superior Court should be read. He does not agree with Mr. Carmody on the structures not being proper in that zone. He noted that Judge Hackett's decision regarding 605 Southern project the environmental review was adequate. He found traffic analysis for that project was adequate. The interesting thing is that is precisely what the Hearings Examiner remanded the short plat back to the Commission for was the traffic issues and environmental review concerns. The grading issues are unique to this property and different from 605 project. There was a question of a Type 5 Stream that is not what the Judge had a concern with. The Type 5 Stream is a non-issue. Mr. Carmody's statement that the structures should be the same as 605 Southern project does not apply to this project. What he takes away from the Soules letter is the second sentence of the second paragraph. Mr. Soules says that the revised drainage design was found to be fine. That is pretty strait forward. That is the issue the Examiner has remanded this matter for your consideration. The Examiner says that he did not have an adequate record to review the environmental impact. No matter what Mr. Carmody says the Hearings Examiner cleared out everything but whether or not the City erred or had sufficient evidence on the issues of traffic and drainage. The letter from Mr. Soules and Mr. Willhelm (H. C. Lockner Inc.) report we have the answers to that. If you think that those reports do not adequately address the issues then you have

something to look at otherwise you do not. You have heard about access issues, site plan issues, about density. Mr. Carmody wants you to look at zoning matters. This is not a zoning review process. There was discussion from the neighborhood about the fact that this is an extremely dense development. The staff report explains that there could be 24 units and in fact there will be 13. The density is lawfully allowed. There was a concern about access. We recognize that the Planning Commission last time required individual access to each lot. The site plan shows each lot has their own access. Mr. Carmody is suggesting there should be 13 access points. There is on site drainage for the project on the plans. The intersection at Southern and First is not an easy one to turn onto. The project only adds 11 trips per day, which does not change the level of service to Southern.

Chairman Munson called for comments from the opponents.

Mr. Carmody stated no one is talking about 13 access points, just the 3 access point for each lot. It is logical for the 3 lots. Storm water retention on site - the reason for that is now you are being asked to create 3 lots. Water should be retained on each lot and not somebody else's lot.

Mr. Hoffert stated that the Judge stated the level of traffic could not go lower as it was the lowest level there is in the code.

Mr. Wasiczko stated that he wanted the Commission to know that he was just commenting on traffic and not the project.

Chairman Munson closed the audience portion of the public hearing.

Mr. Davison asked for a 5 minute recess.

Chairman Munson called for a 5 minute recess.

Chairman Munson reconvened the meeting and called for questions from the Commissioners.

Commissioner Eagles asked about the two entrances.

Mr. Davison stated there were two entrances for twenty feet each proposed and the applicant requested the two be side by side and a total of twenty feet. There will be only 6 units using the entrance to the project as the units on So. Fifth Street will have access to Fifth Street.

Commissioner Eagles asked if that met the code.

Mr. Davison stated yes that met code.

Commissioner Eagles asked about the drainage being on one lot and who would be liable for the drainage?

Mr. Davison stated that each party would be liable for his property.

Commissioner Eagles asked about the drainage from the driveways on the front lots?

Mr. Torkelson stated there would be a drainage system in front of the lots.

Chairman Munson asked what happens if the lots are sold?

Mr. Noe stated there should be a recorded easement on drainage.

Commissioner Smith asked where were the drainage areas?

Mr. Davison stated the site plan shows the drainage for Lots 2 & 3 would be on the west side of the lots and next to 605 Southern property and the third one is on Lot 1.

Commissioner Smith stated one looks larger than the other.

Mr. Davison stated yes in theory.

Commissioner Smith asked if the property is to be divided into three lots should not each lot have their own drain?

Mr. Davison stated Lot 1 has a single family house on it and it is the proponent's intent to leave it as such.

Chairman Munson asked if the building next to the house on Lot 1 was not going to be built?

Mr. Davison stated yes.

Chairman Munson stated public record shows 3 lots already.

Mr. Davison stated yes but that can change if the Commission and City Supervisor deny this project.

Commissioner Smith asked if Judge Hackett approved everything but the buildings on 605 Southern?

Mr. Noe stated the Judge determined that the structures were not multifamily structures.

Commissioner Smith asked if the developer had corrected the problem?

Mr. Noe stated that the developer had submitted plans for the adjustment.

Chairman Munson asked if that was on 605 Southern project and would that be referred to on 503 Southern.

Mr. Noe stated that is what Mr. Carmody alluded to in his comments.

Chairman Munson asked if there was a problem with the 15 day period Mr. Carmody referred to.

Mr. Noe stated no the 15 day period was over yesterday.

Mr. Davison stated during the comment period there was only one comment received. Which they have a copy of.

Chairman Munson stated the Commission had been given tremendous information and he feels the environmental issue has been resolved.

Commissioner Roberts asked what open living space was?

Mr. Davison stated that would be a yard or grass area.

Commissioner Roberts asked if this project meets code?

Mr. Davison stated yes, the project does meet code.

Commissioner Roberts asked if it met the fire code for access?

Mr. Davison stated there was an email from Mr. Hanna of the Fire Department that explains the code and this project is in compliance.

Commissioner Roberts asked if the drainage system fails what is the City's recourse?

Mr. Noe stated the City is in the process of adopting a code for that.

Mr. Davison stated the problem would become a code enforcement issue and the Code Officer would be sent out to investigate the issue.

Chairman Munson called for further questions from the Commissioners.

Commissioner Quinnell asked if the information from Mr. Soules addresses the drainage issue.

Mr. Davison stated yes.

Commissioner Eagles asked if all the issues in Ms. Herzog's memo was addressed by the City?

Mr. Davison stated yes, some of the comments were recommendations and others were addressed.

Chairman Munson called for further comments from the Commissioners. Hearing none he called for a decision to recommend approval/denial to the Administrator or table the discussion until a later date.

Chairman Munson called for a motion.

Chairman Munson read the Findings and Conclusions.

Short Plat: # 913.79.08-02. Proponent: Carl Torkelson (dba Torkelson Construction)

Factors to Be Considered (Indicate N/A if not applicable) (Pursuant to Selah Code and RCW 58.17.110)

1. **STREETS, ROADS, ALLEYS, AND OTHER PUBLIC WAYS.**

Factual Findings: The short plat abuts Southern Avenue a designated "collector" with two travel lanes (26 foot pavement width), 60 foot wide right-of-way with no curb/gutter, no sidewalks but includes street illumination. The site also abuts South 5th Street a designated local access street which has a pavement width of 22 feet within a 50-foot right-of-way with no curb/gutter, no sidewalks and no street illumination. No improvements are proposed to either street. If the short plat is developed to the maximum

density permissible projected additional vehicle trips per day would be approximately 200 per day.

Conclusions: The existing street network is sufficient to accommodate existing traffic and increased vehicular traffic generated from the short plat.

2. SIDEWALKS.

Factual Findings: No sidewalks adjacent to the proposal.

Conclusions: Inadequate pedestrian access is provided at the location of the proposed short plat. Staff recommends a five (5) foot wide sidewalk be constructed on both Southern Avenue and South 5th Street adjacent to the plat.

3. DRAINAGE:

Factual Findings: Storm water will continue to drain via its natural and historical course.

Conclusions: This proposal will retain all on-site stormwater generated on the site. The proposed short plat does not alter historical drainage patterns.

4. POTABLE WATER SUPPLIES.

Factual Findings: Municipal water is available in the vicinity and serves the existing residence.

Conclusions: Adequate municipal water is available to serve the existing residences and proposed short plat.

5. SANITARY WASTES.

Factual Findings: Municipal sewage collection facilities are available in the vicinity and serves the existing residence.

Conclusions: Adequate municipal sewage collection facilities are available to serve the existing residences and proposed short plat.

6. OPEN SPACES.

Factual Findings: No specific "open space" designated within the short plat.

Conclusions: Adequate "open space" (Wixon Park) and school grounds (Lince Elementary) are nearby to serve the proposed short plat.

7. PARKS AND RECREATION AND PLAYGROUNDS.

Factual Findings: Lince Elementary and Wixon Park are within one mile.

Conclusions: Adequate park and recreational facilities in the community to serve the proposed short plat.

8. SCHOOLS AND SCHOOL GROUNDS.

Factual Findings: Public school facilities are located throughout the City of Selah. If the short plat is developed to the maximum density permissible projected student generation from the proposed short plat is 14 students.

Conclusions: Schools and school facilities are adequate to serve the proposed short plat.

9. PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.
Factual Findings: Municipal water and sewerage facilities available, transportation system adequate and a fire hydrant located at the Northeast corner of Southern/South 5th.

Conclusions: Adequate provisions for public health and welfare. Pedestrian access appears inadequate Public safety aspects would be improved with sidewalks.

10. WILL THE PUBLIC INTEREST BE SERVED?
Factual Findings: The City has adopted a comprehensive plan that designates the property High Density Residential allowing a development density of twenty-four (24) dwellings per acre. The City in support of that comprehensive plan has adopted a zoning ordinance and zoned the property Multiple-Family Residential (R-3). The Multiple-Family Residential zone requires a minimum lot size of 9,000 square feet. The proposed parcels exceed the minimum lot size requirement.

Conclusions: The proposal results in each parcel containing a lot area meeting or exceeding the minimum 9,000 sq. ft. area requirement. The proposal is compliant with the City's comprehensive plan and zoning ordinance, encouraging in-fill development is in furtherance of the City's zoning ordinance and is not detrimental to the neighborhood.

OTHER FACTORS THAT MAY BE RELEVANT FOR CONSIDERATION:

11. ADJACENT LAND USE
Factual Findings: Predominately single family residential to the South, to the North is a triplex, to the East are duplexes, to the West has been approved a combination of duplexes, triplexes and a multiple family structure.

Conclusions: Land use is compatible with adjacent uses.

12. ZONING.
Factual Findings: Adjacent properties North and West are zoned Multiple-Family Residential (R-3). Properties to the East are zoned Two-Family Residential (R-2) while properties to the South are zoned One Family Residential (R-1).

Conclusions: Adjacent properties are zoned for low, moderate and high density residential use and the existing residence and proposed development is compatible with abutting and adjacent zoning.

13. COMPREHENSIVE PLAN
Factual Findings: The City of Selah Urban Growth Area Comprehensive Plan (2005) designates the property High Density Residential.

Conclusions: Multiple-family and duplex residential use is consistent with the comprehensive land use designation.

14. ENVIRONMENTAL IMPACTS.
Factual Findings: A Determination of Nonsignificance has been issued and distributed for the proposal.

Conclusions: Environmental review has been finalized and the SEPA Responsible Official concluded that the proposal does not have a probable significant adverse impact

on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c).

15. TOPOGRAPHY AND NATURAL FEATURES.

Factual Findings: The property is undulating.

Conclusions: The property is suitable for further development.

16. IRRIGATION AVAILABILITY:

Factual Findings: Naches-Selah Irrigation District water is not available to this property.

Conclusions: Irrigation water not available.

REASONS FOR APPROVAL OR DENIAL: Based on these findings the short plat should be APPROVED.

Motion to adopt findings of fact and recommend approval of the Short Plat by Eagles, seconded by Munson. Roll Call Vote 5-0

RECOMMENDATION: APPROVAL of the short plat application subject to the following:

1. Final lot dimensions and lot area must substantially conform to the proposed short plat recommended by the Planning Commission.
2. The following note must be placed on the short plat map:

The owner shown hereon, or any grantees and assignees in interest, hereby covenant and agree to retain all surface water generated within each lot of the short plat on-site.
3. A five (5) foot wide sidewalk shall be constructed on both South Fifth Street and Southern Avenue adjacent to the short plat. Existing pavement shall be saw-cut for sidewalk installation and constructed to City standards from the saw cut to back of sidewalk (sidewalk to include barrier curb/gutter).
4. Install street illumination on South Fifth Street to City standards at location(s) determined by the Director of Public Works.
5. A 30' x 30' clear vision triangle shall be dedicated at the Southern Avenue/South Fifth Streets intersection and included within the right-of-way.
6. The short plat is to be recorded within five (5) years of the City's approval or such approval expires.

Commissioner Eagles moved to adopt the Findings and Conclusions, seconded by Chairman Munson. Roll call vote Chairman Munson yes, Commissioner Quinnell yes, Commissioner Eagles yes, Commissioner Roberts yes and Commissioner Smith yes - 5/0 unanimously.

Commissioner Eagles moved to approve the short plat, seconded by Chairman Munson with conditions staff recommended. Roll call vote Chairman Munson yes, Commissioner Quinnell yes, Commissioner Eagles yes, Commissioner Roberts yes and Commissioner Smith yes - 5/0 unanimously.

2. New Business None

G: General Business

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

H. Reports/Announcements

1. Chairman - None
2. Commissioners - None
3. Staff - None

I. Adjournment

Chairman Munson moved to adjourn the meeting, seconded by Commissioner Roberts.
The meeting was adjourned the meeting at 8:45 pm.


VICE Chairman