



*Selah Planning Commission
Regular Meeting
Tuesday, November 3, 2015
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:

Tom Durant
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 20, 2015

- F. Public Hearings
 - 1. Old Business -
 - 2. New Business -

- G. General Business
 - 1. Old Business -
 - 2. New Business-

- H. Reports/Announcements
 - 1. Chairman
 - 2. Commissioners
 - 3. Staff

- I. Adjournment

Next Regular Meeting: November 17, 2015

City of Selah
Planning Commission Minutes
Of
October 20, 2015

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

A. Call to Order – Chairman called the meeting to order at 5:34 pm.

B. Roll Call

Members Present: Commissioners Quinnell, Smith, Torkelson, Pendleton and Miller.
Staff Present: Tom Durant, Consultant, Caprise Groo, Secretary.
Guest Don Wayman, City Administrator.

C. Agenda Changes
None

D. Communications
1. Oral-

Mr. Eriekson approached the podium. He stated his address as 903 W Fremont. He wanted to define Spot Development. He stated that it meant taking a spot and developing it with no rules or regulations.

Chairman Quinnell asked if anyone else would like to speak about something not on the agenda.

2. Written - None

E. Approval of Minutes
1. October 6, 2015

Commissioner Smith motioned to approve the minutes.

Commissioner Torkelson seconded the motion.

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

F. Public Hearings

1. Old Business - 2015 Annual Urban Growth Area Plan Amendments:
Plan Amendment 2015-1; Carl & Candi Torkelson 905 W. Fremont MDR to HDR

Commissioner Torkelson recused himself.

Chairman Quinnell stated that the subject was left for clarification by Mr. Noe

Mr. Durant stated that the staff report was in the packet and a letter was received after the meeting. He stated that he redid the Recommended Findings and Conclusion and added some additional Findings. He explained that he understood that the Commission was concerned with not setting precedents. He stated that he went over them with the City Attorney. He revisited the sewer concern and stated the solution was to install a backwater valve. He explained that the permits for the property were issued properly and the building could be converted to something else. He read the finding

from 5-11. He explained that this would not set precedent. He stated that #11 allowed the Commissioners to use finding as controlling factors. (Findings Attached)

Chairman Quinnell asked if anyone had questions.

Commissioner Miller stated he did see the need to change the zoning for one little home. He stated he would rather see the house move to another lot or taken out.

Commissioner Smith questioned #8 of the findings and asked if the "shall" should be changed to "will" in the second sentence. (Corrected Findings Attached)

Mr. Durant stated that it had passed muster.

Chairman Quinnell asked Mr. Durant for his definition of a Spot Development.

Mr. Durant stated that Spot Development was a new term that developed from Spot Zoning. Spot Zoning has been discouraged. He explained that it is a piece of property that has been zoned different than everything else. The Zoning is solely for the property owner and is inconsistent with the Comprehensive Plan. He stated that this was not a zoning but a Comprehensive Plan Amendment and was consistent with The Comprehensive plan. He stated that he did not know if it could be called a Spot Zone or not.

Commissioner Miller discussed the driveway issue, the density issue and what is right and wrong.

Commissioner Smith stated that the issue was not a win-win issue and she saw both sides.

Commissioner Miller questioned why the permits were issued with that building to not be occupied. He stated that is the building had value it should be moved. He stated that it didn't make any sense to do it. He stated that it seem like a gift.

Mr. Torkelson asked if he could address that comment.

Chairman Quinnell asked if Mr. Torkelson would like to speak on his own behalf. He invited him to the Podium.

Mr. Torkelson stated he was not asking for a gift, he stated he was asked for what staff and others talked about. He explained that the sewer line was not marked on the Title. He explained that it has taken time to resolve this issue. He stated that the Commission had its legal answer and the staff report.

Commissioner Smith asked if Mr. Torkelson understood the issue of an R-3 zone

Mr. Torkelson stated that he did understand the issue and agreed about not setting precedent. He stated that he would not do anything that was bad for the City. He explained that he was not the only one who would look at their title and not see the sewer line easement. He stated that this issue has been a hardship and has taken a lot of time to resolve. He explained that he did not think this situation would happen again. He stated that it was harder to rent little units. .

Commissioner Smith asked if he thought it would be worth it to rent the place.

He stated that he did. He stated that generally his target market was 3 bedroom 2 ½ bath and 15 to 18 hundred square feet. He stated that the big house on the property does not meet that.

Commissioner Smith asked Mr. Durant what steps would be in place to stop this from happening again.

Mr. Durant stated that permits would not be issued for a new building without the existing building being removed, at least not with a property this size. He stated that staff didn't know why that was done. He explained that with a bigger lot that works but not with a lot this size.

Mr. Wayman stated that he would not sign off on something like that. He explained that it happened under a different administration.

Chairman Quinnell asked if there was any other property in Selah that this had happened to.

Mr. Durant stated that he was not aware of any.

Mr. Wayman directed the question to Mr. Henne.

Mr. Henne stated that that was a different Planner and Administrator that was overseeing Planning. He explained he did not know how they got into that position.

Discussion ensued about precedent, legalities and sewer lines.

Conclusion: in order to occupy/rent the little unit the change needs to be made.

Chairman Quinnell asked if the little unit would change structurally.

Mr. Torkelson stated that it would all be cosmetic changes. He discussed driveway changes.

Chairman Quinnell stated for the record that he did not like changing one piece of property and did not want to set precedent. He stated that this needed to be addressed with intelligences. He asked who was responsible for installing the backflow preventer.

Commissioner Miller asked about the sewer depth and grade.

Chairman Quinnell explained that side sewers and the main sewer line are two different things.

Mr. Henne stated that the sewer line was put in 50-60 years ago He explained that the side sewers were flat and the code stated that the fixture units below the next manhole needed protected with backwater valves.

Commissioner Miller commented on notifying residents of the issue.

Chairman Quinnell stated that the little house didn't affect the issue.

Commissioner Miller declared that he needed to know this was not setting precedents.

Mr. Wayman stated the better records were being kept and he was confident this would not happen again.

Discussion ensued about precedent and this issue surfacing again.

Chairman Quinnell asked for a motion.

Commissioner Smith motioned to approve the findings and conclusion from the City with the word change in #8 from shall not to will not.

Chairman Quinnell stated the he did not feel that they were setting precedents but fixing something that needed fixed. He stated that he would like that written into the document somewhere.

Commissioner Miller stated he would like to see approved with great concern.

Mr. Durant stated that #11's wording would be changed to add "the Commission is willing to approve the amendment on the assurance that it will not set precedent anywhere in the City".

Chairman Quinnell clarified the conditions of changing shall to will and #11 changing so as not to set precedent.

Commissioner Miller seconded the motion

Chairman Quinnell asked for a voice vote and the motion was passed with a vote of 3-0.

New Business –Study Session-Design and Construction Standards and specifications for Public Works Improvements.

Mr. Durant explained that this was a Public Works document to provide standards for public and private projects. He stated that this was a study session and that they would like the Commissions thoughts on the subject.

Mr. Henne stated the he has put together Construction Standards for all aspects of a project. He stated it was a work in progress at this time and clarification on inspections vs testing. He asked for comments from the Commission.

Commissioner Smith asked if this is the first time this has been put in writing.

Mr. Henne stated the 10.50 is very limited. He stated that this document have more detail.

Commissioner Miller asked if this will detail what is wanted without negotiation.

Mr. Henne replied that there was some flexibility to allow standards to be modified. He stated that is was they do now but in writing.

Discussion ensued.

Mr. Henne stated he would like to get this to council. He stated he would like the Commissions Comments.

Discussion Ensued. Inspection fees, clarification for developers and costs.

Mr. Henne stated that there are something that may cause problems particularly asphalt. He stated that there would be more clarification on fees.

Discussion Community wells and leap frog developments.

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

- H. Reports/Announcements
 - 1. Chairman
 - 2. Commissioners
 - 3. Staff

Mr. Wayman discussed Volunteer Park.

Commissioner Smith asked about meeting with the council at the next Council meeting and the time.

Mr. Durant clarified there would be a meeting November 3, 2015. This was due to the Council needing the minutes of this meeting.

Mr. Durant discussed the next meeting.

Mr. Wayman talked about 10.24 and the council meeting.

Mr. Henne clarified that the next time they would talk about the Development standards would be in December 2015.

Commissioner Smith clarified what the meeting on the November 3, 2015 would be about.

Mr. Durant stated that the only thing that might come up is a communication town.

Discussion ensued.

Conclusion: the meeting on November 3, 2015 will be just to sign minutes.

Adjournment

Commissioner Miller motioned to adjourn the meeting, Commissioner Smith seconded the motion. Chairman Quinnell adjourned the meeting at 6:54 pm with a voice vote of 4-0.

Chairman

To Whom It May Concern:

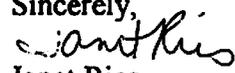
I have lived in Selah for 45 years. I am not opposed to Selah growing, but am strongly against making high density for Freemont, Speyers, or our other streets. These streets should be low density.

I have seen the houses on Freemont and can't even imagine how a fire truck could get to them in case of an emergency. Also I understand there was a problem with the sewer, because of too many units in one small area.

The new units beside the high school are also a concern. No sidewalks are required? I was also told there was a broken gas line recently and the gas company had not been contacted ahead of time that there was going to be digging. The big question is why wasn't the high school and surrounding houses evacuated with the gas leak?

Another concern is with so many units going in the schools will be overcrowded.

Thank you!

Sincerely,

Janet Ries



RECOMMENDED FINDINGS AND CONCLUSIONS
Selah Urban Area Comprehensive Plan
Future Land Use Map Amendment 15-01

October 20, 2015

This matter having come on for public hearing before the Selah Planning Commission on October 6, 2015 and continued to October 20, 2015 for the purpose of an application by Carl and Candi Torkelson to change the Future Land Use designation of Parcel 181435-31024 from Moderate Density Residential to High Density Residential.

Members of the Commission present at the public hearing were _____.

Legal notification pursuant to Selah Municipal Code was given on August 26 and September 25, 2015. All persons were given the opportunity to speak for against the proposed Comprehensive Plan Amendment.

1. The Commission adopts the staff findings and report as to the existing use, zoning and future land use designation of the subject and adjacent properties.
2. Owners of adjacent lands expressed Approval / Disapproval of the proposal.
3. The majority of comments received were in favor of / opposition to the proposal.
4. The Planning Commission adopts the following findings from the September 9, 2015 staff report:
 - a. The proposed plan amendment is consistent with the goals, objectives, mapping criteria and policies of the comprehensive plan: Single-family dwellings and R-2 zoning is not inconsistent with the High Density Residential (HDR) Plan designation. A density of greater than 12 dwelling units per acre is inconsistent with the Moderate Density Residential Plan designation, but consistent with the HDR designation. The property is served by municipal utility services and it does not comprise or encourage sprawl. It is consistent with providing for a variety of residential densities and housing types. The common open space and provision for vehicular access from the north as depicted on the site plan submitted with the application is consistent with the HDR plan designation and Plan Policy TRAN 1.4.
 - b. The proposed Plan Amendment better implements applicable Comprehensive Plan policies because existing development of the site conforms to the maximum density and it does not require the conversion of the older house on the property to a non-residential use or its removal.

- c. The proposed plan amendment has minimal cumulative impact when combined with the one other plan amendment application under consideration in this annual review because the potential for an increase in the number of dwelling units on this site resulting from the proposed change is limited to one unit. The proposal results in a slight increase in acreage designated for high density residential with a corresponding decrease in the acreage designated for moderate density residential, the increase in the number of units resulting from both plan amendments is no more than two and probably less.
 - d. The public need for the proposed plan amendment is better utilization of existing buildings on the site. The changed circumstances include the change in the Future Land Use Designation that was made in 2006 as noted in the comprehensive plan. Prior to that date and at the time the Plan was adopted in 2005, the minimum area that could be designated High Density Residential was one acre.
 - e. The proposed plan amendment does not require changes to implementing regulations in order for them to remain consistent with the Comprehensive Plan. This is primarily because R-2 zoning is not inconsistent with the Moderate Density Residential plan designation.
 - f. No inconsistencies with Countywide Planning Policies have been identified.
 - g. The proposed plan amendment, located well inside the City Limits does not conflict with comprehensive plans adopted by Yakima County or other cities with which Selah has common borders or related regional issues.
 - h. Suitability of the site is supported by the existing development of the site, its location in an urbanized and fully developed part of the City and full range of transportation, utilities and City services at the site.
5. Circumstances of this application that make it unique include the location of a City sewer line across the subject property in a location that was not disclosed on the title, the necessity for the applicant to make an unexpected change in plans resulting in a smaller dwelling unit than planned for along with the otherwise unusable house and direction given to the applicant at the time by City staff.
6. Had the applicant been able to develop the site as planned, there would have been two dwelling units of the same size, rather than the larger 1,300 square foot unit and the smaller 560 square foot unit that was developed due to the existence of the sewer line and required setbacks from it.

7. The decisions by the applicant to allow the existing house to remain and the application for plan amendment were made at the direction of City staff.
8. By recognizing the existing unoccupied house and allowing its occupancy, under the unique circumstances described above, the proposed plan amendment is consistent with the goals and policies of the comprehensive plan and corrects the errors made previously that led up to this situation. By making this a controlling factor, this action shall not be considered a precedent for future plan amendments where all of the same factors are not also present thereby maintaining consistency with Policy HSG 1.1 to discourage taking an action that could lead to the incremental conversion of single-family dwellings in this area.
9. The Commission finds that the present and future needs of the community will be adequately served and the community as a whole will benefit rather than being injured by the proposal.
10. Environmental Review has been completed, a Determination of Nonsignificance was issued and the Commission is satisfied that environmental review was completed in compliance with Selah Municipal Code Chapter 11.40.
11. In addition to Finding #8, which the Commission finds to be controlling, the Commission determines that findings _____ to be the controlling factors in its deliberations on the Comprehensive Plan amendment.

DECISION

The Commission, based on these findings, conclusions and controlling factors finds that the Selah Urban Area Comprehensive Plan Future Land Use designation of Parcel 181435-31024 should be changed from Moderate Density Residential to High Density Residential.

Motion to Approve/Deny by: _____ Second by _____ Vote _____

RECOMMENDED FINDINGS AND CONCLUSIONS
Selah Urban Area Comprehensive Plan
Future Land Use Map Amendment 15-01

October 20, 2015

This matter having come on for public hearing before the Selah Planning Commission on October 6, 2015 and continued to October 20, 2015 for the purpose of an application by Carl and Candi Torkelson to change the Future Land Use designation of Parcel 181435-31024 from Moderate Density Residential to High Density Residential.

Members of the Commission present at the public hearing were Quinnell, Smith and Miller.

Legal notification pursuant to Selah Municipal Code was given on August 26 and September 25, 2015. All persons were given the opportunity to speak for against the proposed Comprehensive Plan Amendment.

1. The Commission adopts the staff findings and report as to the existing use, zoning and future land use designation of the subject and adjacent properties.
2. Owners of adjacent lands expressed Disapproval of the proposal.
3. The majority of comments received were in opposition to the proposal.
4. The Planning Commission adopts the following findings from the September 9, 2015 staff report:
 - a. The proposed plan amendment is consistent with the goals, objectives, mapping criteria and policies of the comprehensive plan: Single-family dwellings and R-2 zoning is not inconsistent with the High Density Residential (HDR) Plan designation. A density of greater than 12 dwelling units per acre is inconsistent with the Moderate Density Residential Plan designation, but consistent with the HDR designation. The property is served by municipal utility services and it does not comprise or encourage sprawl. It is consistent with providing for a variety of residential densities and housing types. The common open space and provision for vehicular access from the north as depicted on the site plan submitted with the application is consistent with the HDR plan designation and Plan Policy TRAN 1.4.
 - b. The proposed Plan Amendment better implements applicable Comprehensive Plan policies because existing development of the site conforms to the maximum density and it does not require the conversion of the older house on the property to a non-residential use or its removal.

- c. The proposed plan amendment has minimal cumulative impact when combined with the one other plan amendment application under consideration in this annual review because the potential for an increase in the number of dwelling units on this site resulting from the proposed change is limited to one unit. The proposal results in a slight increase in acreage designated for high density residential with a corresponding decrease in the acreage designated for moderate density residential, the increase in the number of units resulting from both plan amendments is no more than two and probably less.
 - d. The public need for the proposed plan amendment is better utilization of existing buildings on the site. The changed circumstances include the change in the Future Land Use Designation that was made in 2006 as noted in the comprehensive plan. Prior to that date and at the time the Plan was adopted in 2005, the minimum area that could be designated High Density Residential was one acre.
 - e. The proposed plan amendment does not require changes to implementing regulations in order for them to remain consistent with the Comprehensive Plan. This is primarily because R-2 zoning is not inconsistent with the Moderate Density Residential plan designation.
 - f. No inconsistencies with Countywide Planning Policies have been identified.
 - g. The proposed plan amendment, located well inside the City Limits does not conflict with comprehensive plans adopted by Yakima County or other cities with which Selah has common borders or related regional issues.
 - h. Suitability of the site is supported by the existing development of the site, its location in an urbanized and fully developed part of the City and full range of transportation, utilities and City services at the site.
5. Circumstances of this application that make it unique include the location of a City sewer line across the subject property in a location that was not disclosed on the title, the necessity for the applicant to make an unexpected change in plans resulting in a smaller dwelling unit than planned for along with the otherwise unusable house and direction given to the applicant at the time by City staff.
6. Had the applicant been able to develop the site as planned, there would have been two dwelling units of the same size, rather than the larger 1,300 square foot unit and the smaller 560 square foot unit that was developed due to the existence of the sewer line and required setbacks from it.

7. The decisions by the applicant to allow the existing house to remain and the application for plan amendment were made at the direction of City staff.
8. By recognizing the existing unoccupied house and allowing its occupancy, under the unique circumstances described above, the proposed plan amendment is consistent with the goals and policies of the comprehensive plan and corrects the errors made previously that led up to this situation. By making this a controlling factor, this action will not be considered a precedent for future plan amendments where all of the same factors are not also present thereby maintaining consistency with Policy HSG 1.1 to discourage taking an action that could lead to the incremental conversion of single-family dwellings in this area.
9. The Commission finds that the present and future needs of the community will be adequately served and the community as a whole will benefit rather than being injured by the proposal.
10. Environmental Review has been completed, a Determination of Nonsignificance was issued and the Commission is satisfied that environmental review was completed in compliance with Selah Municipal Code Chapter 11.40.
11. The Commission determines that finding #8 to be the controlling factor in its deliberations on the Comprehensive Plan amendment. The Commission is willing to approve this amendment on assurance that it will not set a precedent anywhere in the City.

DECISION

The Commission, based on these findings, conclusions and controlling factors finds that the Selah Urban Area Comprehensive Plan Future Land Use designation of Parcel 181435-31024 should be changed from Moderate Density Residential to High Density Residential.

Motion to Approve by: Smith

Second by Miller

Vote 3 – 0