

**City of Selah
Planning Commission Minutes
Of
October 6, 2015**

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

Call to Order – Chairman Quinnell called the meeting to order at 5:30 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- None
2. Written - None

E. Approval of Minutes

1. September 16, 2015

Commissioner Smith motioned to approve the minutes.

Commissioner Torkelson Seconded the motion.

Chairman Quinnell asked for a voice vote. The minutes were approved with a voice vote of 5-0.

F. Public Hearings

1. Old Business – None
2. New 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 turned the floor over to Mr. Durant.

Mr. Durant started by handing out a letter to the Commissioners. (Attached)

The Commissioners took a moment to read the letter.

Mr. Durant proceeded to read the Staff Report. He stated that the SEPA for both amendments were done together. He stated that he had Recommended Finding and Conclusions for the Commissioners. (Attached)

Commissioner Miller asked how this property had more dwellings that recommended.

Mr. Durant replied that one of the dwellings was not use. He stated that he did not know the history of the property. He

stated that there was a limitation that only two dwellings could be occupied.

Commissioner Smith confirmed the limitation.

Mr. Durant stated that he had spoken with the Public Works Director and the sewer problem was not a capacity issue but an improper slope on the side sewers.

Mr. Wayman asked if it was a sewer design problem or a property problem.

Mr. Durant answered that he did not know. He stated that the question he asked was if the sewer line has capacity and the answer was yes.

Discussion ensued.

Conclusion- unresolved. .

Commissioner Miller asked why the permits were issued if the zoning was not there.

Mr. Durant directed the question to the proponent.

Chairman Quinnell asked if there were any questions for Mr. Durant. He then asked the proponent to speak.

Mr. Torkelson stated his address as 101 Heritage Hills Dr. He stated that the buildings were built 3-4 years ago.

Commissioner Smith asked two or three buildings.

Mr. Torkelson confirmed two. He stated that the building was scheduled to be built when he found out the sewer line was not recorded on the title of the property. He stated that the sewer was about 35 feet off the back of the property. He explained that he had to back track, reconsider, and resubmit.

Commissioner Miller stated that there were more dwellings on the property than it was zoned for.

Mr. Torkelson agreed. He stated that they had been told that they could only use two of the three dwellings.

Commissioner Miller stated he didn't understand conditional use.

Mr. Torkelson declared that he would like to do something with the space, make the driveways work better.

Discussion ensued on what could be improved or built.

Conclusion: It is all one lot and can't be sold separately, would like to make improvement to the house.

Commissioner Smith asked where was 903 Fremont located.

Discussion: zoning and dwelling units.

Chairman Quinnell asked if there were any questions.

Mr. Torkelson stated that this needed to be resolved and cleaned up. He asked if there were any more questions.

Chairman Quinnell invited the audience to speak.

Mr. Ericson: 903 Fremont, Selah WA. He stated his main concern was the sewer line backing up into his home. He stated that it had happened to a neighbor and that neighbor put in a backwater valve to stop it from happening. He stated that if it happened to the neighbor then it could happen to him.

Commissioner Smith asked how long ago the neighbor installed the backwater valve.

Mr. Ericson stated about 3-weeks ago.

Mr. Wayman stated that he would find out whether the sewer problem was a private problem or a City problem.

Mr. Ericson stated that the City had dug a hole in his yard a couple of years ago. He stated that he didn't know why but it had something to do with 905.

Commissioner Miller replied that most properties have easements for utilities.

Mr. Ericson declared that he did not want to lose more property to easements. He stated that the 2story house that was built was so close to his house that he has no privacy. He stated that the drive is also close to his house that he hears every car start. He declared that the fence is falling down.

Chairman Quinnell stated that changing the driveway would help that.

Mr. Torkelson stated that he had fixed the fence once. He stated he was willing to do his part.

Mr. Ericson declared that there was also a traffic problem. He stated that it took him 15 minutes to get out of his driveway the other day.

The Commissioners agreed that the road was heavily traveled.

Diane Underwood approached the podium. She stated that her address was 402 N 9th Street, Selah WA. She stated that her main concern was disruption of privacy and increased traffic. She stated that she did not want any more 2 story homes there. She stated that she wanted something legally binding so that Mr. Torkelson could not build anymore dwellings on the property.

Shirley Johnson Hoy approached the podium. Her main concerns were traffic, the sewer line and Mr. Torkelson Intent.

Mr. Wayman stated that he would look into the sewer issues.

Mr. John Teske approached the podium. He stated his address as 182 Lancaster Rd, Selah WA. He approached the Commissioner and showed them a land use map. He asked how this situation happened. He stated that the Commission would be setting precedence to high density.

Mr. Wayne Worby approached the podium. He stated his address as 200 Weems Way, Selah WA. He stated that there was not engineered drawing for 905 W Fremont and he believed it was needed.

Mr. Durant stated that it was not required for the comp plan amendment or rezones.

Discussion ensued.

Mr. Worby talked about precedent, affordable housing and spot zoning. He stated on page 3 of the staff report and disagreed with every policy and objective on the page. He the move to page four and disagreed with other consideration 2, 3 and 4.

Mr. Durant asked where the information on affordable housing came from and if Mr. Worby could tell him where he found it.

Mr. Worby stated that he got the information from Seattle.

Discussion ensued.

Chairman Quinnell asked if anyone else would like to speak.

Mr. Torkelson approached the podium. He stated that his proposal had nothing to do with affordable housing. He stated that it was a nonconforming unit and to clean up the issues of the property. He explained that there is already spot zoning in Selah.

Commissioner Miller asked why he hadn't already done the driveway. He expressed concern that if this was allowed then others could do it.

Mr. Torkelson stated that it could not be done due to the sewer line that runs through the property. He explained that this was suggested by Dennis Davison.

Commissioner Smith asked what the stipulation was when the building where built.

Mr. Torkelson stated that only 2 dwelling could be occupied.

Discussion ensued about variances and land use.

Chairman Quinnell asked where the existing ran.

Mr. Torkelson stated that it ran East and West. He stated that you could not build over the sewer line.

Commissioner Pendleton asked if the area would be parking and green space.

Mr. Torkelson stated yes.

Commissioner Miller stated that the issue of precedent was valid.

Mr. Durant stated that permits would not be issued that would exceed the zoning.

Commissioner Miller stated that the zoned had been ignored and now they were trying to fix it.

Mr. Wayman stated that he did not know why it happened but it would not happen again.

Commissioner Miller suggested demoing the little house.

Mr. Torkelson stated that it was not cost efficient.

Mr. Wayman asked it was a failure by the City to plot the sewer line.

Mr. Torkelson stated yes. He stated that the project was ready to start when Dennis came to tell him about sewer line.

Commissioner Smith stated that it sounded like Dennis was trying to make a wrong a right.

Mr. Wayman asked Mr. Torkelson if that was what the planner said.

Mr. Torkelson explained the Dennis said they would figure it out. He stated that they sat down and talked about it and this was the options we came up with.

Commissioner Smith stated her understanding of the situation and asked if they could talk to the city attorney to help resolve this issue and make sure it does not happen again.

Mr. Durant suggested making the issue of precedents part of the finding.

Chairman Quinnell asked if this should be tabled so that the attorney could look at it. He agreed that that existing unit needed to be taken care of. He stated that the Commission wanted to do the right thing. He stated that he would like to hear what Mr. Noe had to say before the Commission voted on it.

Commissioner Smith agreed.

Mr. Wayman restated the issue. He stated that the Commission would like to table this issue until you can get a legal opinion on whether you can force future decisions if we do a spot zone today. He stated the Commission did not want to set precedent.

Mr. Durant suggested not to use the wording Spot Zone because he didn't think it was correct.

Mr. Wayman declared that the Commissioners did not want to set precedent in that R-2 zone ever.

Commissioner Smith stated that they realize that this is a unique situation and they want to do what is right for the property owner as well as the neighbors.

Mr. Durant replied that he thought the answer was to make the finding specific enough that these are unique circumstances.

Commissioner Miller asked how that would show up on the map.

Mr. Durant stated they would come in and ask us how it happened.

Mr. Wayman question if we kept a record of this.

Mr. Durant stated that looking at passed decisions there was not much detail. He stated that he tried to be specific in these decisions.

Commissioner Smith stated that she appreciated Mr. Torkelson as a property owner and she also appreciated the community input.

Shirley Johnson Hoy approached the podium. She named the lots on the block. She stated that neither she nor her mother want R-3 next to her mother. She stated that she was concern that if this property turned to r-3 that that was what they would have.

Commissioner Miller stated that that was what they were trying to sort out.

Mrs. Johnson Hoy stated that she wanted the Commissioner to be aware of what was that street.

Mr. Teske approached the podium. He explained that on the web site this was a future land use change. He stated that he was confused about high density, moderate density and zone. He asked what was being decided tonight. He asked if it was a rezone or a future land use change. He asked for an explanation.

Mr. Durant stated that this was future land use.

Mr. Teske asked that once this was changed them what happened.

Mr. Durant stated that nothing would happen. He stated that in the finding it stated that R-2 zoning is not inconsistent with high density residential.

Mr. Teske asked for clarification. He stated that the public believed R-2 was duplexes. He stated he understood where the public was confused.

Mr. Durant stated that all that was being done was: to address that there are three building and to allow the third building to be use.

Mr. Teske tried to clarify that it will remain R-2 but change form moderate to high density. He stated he was looking at the land use map.

Mr. Durant asked Mr. Teske to show him the map. Mr. Durant stated that it was the zoning map. He explained that there was another map

Mr. Teske asked if it was on the web site.

Discussion ensued about land use map, the comprehensive plan (2005)

Mr. Worby approached the podium. He argued that once the property was high density then was it not the property right to change the zoning.

Mr. Durant stated that the owner may not want to do that because it would make the single family dwelling nonconforming.

Mr. Worby stated that he had here that is a property right. He asked how could be denied later.

Discussion ensued.

Conclusion: speculation on the future property use.

Chairman Quinnell stated that there were two things: one the sewer line and second a situation that was wrong and trying not to set precedents that will come back on the City.

Discussion: Future land use possibilities.

Commissioner Smith motioned to table this decision until we have an opportunity to speak with the City Attorney.

Mr. Durant asked to make the motion until the next Planning Commission October 20, at 5:30 pm.

Chairman Quinnell stated he has a motion to table the decision, to check with the Attorney and to be brought up at the next Planning Commission Meeting On October 20, 2015.

Commissioner Miller Seconded the motion.

Chairman Quinnell asked for a voice vote and it was tabled with a vote of 5-0.

Chairman Quinnell called for a short break.

Chairman Quinnell called the meeting back to order. He moved on to the next issue on the agenda.

Plan Amendment 2015-2, Major Rezone 914.61.15-02; City initiated 600 Speyers Rd LDR to MDR, R-1 to R-2

Mr. Durant read over the staff report and the reason for the change. (Staff Report Attached)

Commissioner Miller stated that Mr. Torkelson just happens to own this property.

Mr. Durant continued with the criteria of the staff report. He pointed out the requirements.

Chairman Quinnell asked if there were any questions for Mr. Durant.

Mr. Torkelson Approached the podium. He submitted a permit from 2003. (Exhibit 1) He pointed out on the permit that the zoning was R-2. He stated that somehow the zoning got changed back to R-1 and it made the buildings nonconforming. He explained that he just wanted the zone back to what it was when the building was built.

Chairman Quinnell asked if anything else was being built.

Mr. Torkelson stated that they had already been built and the zoning change was just a mistake.

Mrs. Underwood she asked if the Torkelson had sold 601 Speyers Rd.

Mrs. Torkelson stated that the property had been sold on contract.

Mrs. Underwood stated so if they don't pay you can get it back and have the property behind it to build on.

Mr. Torkelson replied that he was asked for what he had to start with.

Chairman Quinnell declared that they need to stick to what they had not looking down the road.

Mr. Worby approached the podium. He asked what page 13 of the SEPA document meant about six families on 2 properties.

Mr. Durant stated that the document was a combined SEPA for both amendments.

Mr. Worby stated that it was a done deal.

Mr. Durant replied that the comprehensive plan amendments are all considered together in the SEPA.

Commissioner Miller motion to accept..

Chairman Quinnell stated he had a motion to accept the finds in the staff report.

Commissioner Pendleton seconded the motion.

Chairman Quinnell asked for a voice vote and the motion was passed with a vote of 5-0.

G. General Business

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

H. Reports/Announcements

1. Chairman
2. Commissioners
3. Staff

Mr. Wayman reminded the Commissioners of the Study Session with the Council on 10.24 on Oct. 13, 2015 at 3 pm. He stated that this was to answer questions.

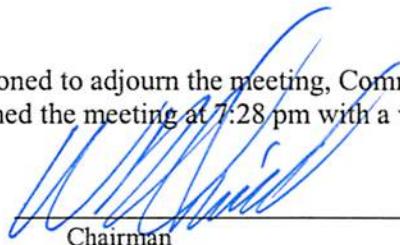
Commissioner Miller asked if there was no more opportunity to tweak it.

Mr. Wayman stated that possible but not likely.

Mr. Durant announced that the next meeting was Oct 20, 2015 and would address this issue and Standard for private Roads as a study session.

I. Adjournment

Commissioner Miller motioned to adjourn the meeting, Commissioner Smith seconded the motion. Chairman Quinnell adjourned the meeting at 7:28 pm with a voice vote of 5-0.



Chairman