

**City of Selah**  
**Planning Commission Minutes**  
Of  
September 1, 2015

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

A. Call to Order

The meeting was called to order by Chairman Quinnell at 5:31 p.m.

B. Roll Call

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

C. Agenda Changes  
None

D. Communications  
1. Oral: None  
2. Written - None

E. Approval of Minutes  
1. August 18, 2015 Minutes

Chairman Quinnell asked for a motion to approve the minutes.

Commissioner Torkelson motioned to approve the minutes

Commissioner Smith seconded the motion.

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

F. Public Hearings

1. Old Business - None
2. New Business - Northwest Tower Engineering / Catholic Diocese of Yakima (928.95.15-01)

Chairman Quinnell asked Mr. Durant to present the new business.

Mr. Durant proceeded to read the Staff Report: CLASS 3 REVIEW –COMMUNICATIONS TOWER 928.95.15-01  
ENVIRONMENTAL Review 971.95.15-06 (Attached)

Mr. Durant stated that he had brought the original photos for the Commission to see. He stated that the ones in the packet did not portray the tower the way the applicant wanted to. He also stated that he had handed out additional exhibits. Exhibit 17: letter from NorthWest Tower Engineering. Exhibit 18: Email from Jim Dwinell. Exhibit 19: Shrub-Steppe Habitat Area. Exhibit 20: Washington Department of Fish and Wildlife Priority Habitats and Species Report. Exhibit 21: Washington Department of Fish and Wildlife Priority Habitats and Species Report. (All Attached) He continued on with

the Staff Report. Mr. Durant stated that he wanted an additional condition of a preconstruction drainage plan, sediment drainage plan, and special concrete inspections. He reviewed the additional information and turned the proceedings back over to Chairman Quinnell.

Chairman Quinnell asked if the proponent or the proponent's representative would like to speak.

Ron Belter stepped up to the podium. He stated that he was a friend in broadcasting. He stated that he wanted to explain the low power FM station. He explained that it was 100 watts or less and could only cover 5-6 miles. He stated that it would bring local content to the area. He explained that the tower would be a metal lattice that was only 35 feet tall. He explained that it would not need paint or lights. He stated that the closest home was  $\frac{3}{4}$  of a mile away. He stated that he would like to see this project go forward.

Chairman Quinnell thanked Mr. Belter.

Eric Sladkey approached the podium. He stated that he worked for Tower Engineering. He explained that he had looked into co-locating. He stated that the tower owned by Ellensburg Telephone did not have enough vertical and horizontal separation. He then explained that the mono pole was not up to today's standards for a tower. He also stated that the church owned the property and there was a precedent for a tower on the property. He declared that there had been a tower on the property in 1966 to about 1970. He turned the floor over to David Valdivia.

David Valdivia approached the podium. He stated that the Catholic Church had had a radio station tower on the property in 1966. He stated that it was used for about six years. He stated that the Catholic Church would like to once again have a station that played music, announced messages and events. He explained that the Diocese had owned the property for 60 years and felt this was a good use of it.

Chairman Quinnell asked if anyone would like to speak for the Tower. He then asked if anyone wanted to speak against the tower.

Mr. Durant stated that Mr. Dwinell sent an email in opposition of the Tower. (Exhibit 18)

Jim Dwinell approached the podium. He stated that he lived just down the ridge from the proposed tower. He declared that the property was prime residential land. He stated that it should be placed on Ahtanum Ridge with the other towers. He proclaimed that the tower would not bring job and such to Selah.

Commissioner Smith asked if Mr. Dwinell could see the towers.

Mr. Dwinell answered that yes he could see the towers and the container from his home. He explained that this would set a precedent and he did not want a whole line of towers up there. He also stated that not enough people had been notified because they lived outside the 600 foot notification boundary. He declared that this was prime residential and should not be used for towers.

Chairman Quinnell Asked if there were any questions or comments.

Commissioner Smith referred to the letter from NorthWest Tower Engineering Dated August 27, 2015. She asked if the future homes on the ridge had to be hooked to City water or if they would have wells.

Mr. Durant explained that it was expected that the infrastructure would be completed.

Commissioner Smith asked Mr. Sladkey if other locations were considered.

Mr. Sladkey stated that due to the towers already up there and the fact that the Diocese owned the property and had had a tower on the property before, No he had not looked elsewhere.

Commissioner Smith stated that it came to her attention that NW Info-net would be seeking an additional tower to serve Selah better. She asked if others were aware of it.

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

Mr. Sladkey stated that a study had been run on the property 300 feet away and there was too much interference with other stations.

Commissioner Smith asked if the Diocese ever considered Ahtanum Ridge.

Mr. Sladkey stated no because of other frequencies they could not encroach.

Chairman Quinnell stated that he had a question on #1 E.

Mr. Durant tried to explain what it meant.

Commissioner Smith asked what the code restrictions were on towers

Mr. Durant stated that the restrictions were listed.

Mr. Dwinell asked why power poles were not considered.

Mr. Durant stated that power poles were not in the criteria and 35 feet is the height limit for houses.

Mr. Dwinell stated that 35 feet looks like 80 when you look up at an angle.

Mr. Belter stated there are power lines all across the Dioceses property.

Commissioner Smith commented on Mr. Dwinell statement of no economic gain. She talked about quality of life.

Chairman Quinnell asked if there were any other comments.

Commissioner Torkelson motions to approve.

Commissioner Smith seconded the motion.

Chairman Quinnell asked for a voice vote and the tower was approved with a vote of 4-0

Mr. Durant and Chairman Quinnell discussed condition E. Conclusion: Strike the last sentence.

Commissioner Smith suggested that the Commission revisit geological restrictions in about 6 months.

Mr. Durant stated that everyone would be notified on when this went to Council.

Mr. Sladkey asked about the foot level.

Mr. Durant stated that they had to match the drawings.

Mr. Sladkey stated that the bays would come out 3 feet instead of two. He asked if they could go out 3 feet.

The Commissioners Agreed.

Commissioner Smith suggested that the Tower be painted a shade darker than dirt.

Chairman Quinnell moved to the next item on the agenda:

G. General Business

1. Old Business -Planned Development Ordinance (Chapter 10.24) Final Draft.

Commissioner Smith moved for a 10 minutes break.

Chairman Quinnell stated they would take a 10 minute break.

Chairman Quinnell called the meeting to order. He turned the floor over to Mr. Wayman and then Mr. Weller

Mr. Wayman stated that the Council had given a 60 day extension but would like 30 days to go over 10.24 then selves. He stated that the commissioners needed a clear understand to vote on each item

Mr. Durant stated that the meeting was advertised as a hearing.

Mr. Wayman stated that it was a hearing and that the Commissioners needed to vote on it. Mr. Wayman turned the floor over to Mr. Weller.

Mr. Weller. 50 Herlou Place. He brought up page two 10.24.030 compatibility. He stated that the definition was not clear enough. He stated it was subjective.

Mr. Wayman stated that the Comp Plan gave us the word. The Hearing Examiner needs a criteria to define the minimum. He stated that the building blocks need to be in place.

Mr. Durant stated that compatibility is a subjective word. He stated that they tried to set standards that fit all neighborhoods.

Mr. Quinnell stated that compliance lead to compatible.

Mr. Weller stated that this was a path to compliance not compatibility. He asked who decides.

Mr. Durant stated that SEPA decides.

Commissioner Torkelson stated the compliance will lead to compatibility.

Mr. Wayman stated that it was not a perfect picture but it will lead to compatibility.

Mr. Weller suggested plain language. He continued thru the document to 10.24.040, PDP 10.24.050. He stated the definitions need to be clearer. He then discussed City street standards.

Mr. Durant called attention to page 16, paragraph #3.

Mr. Wayman stated that they were offering alternatives.

Mr. Weller -Page 20, #c he stated he would like clarification.

Mr. Durant stated that 10.28.020 allowed provisions unless there are covenants to stop it.

Mr. Weller asked if it permitted uses affected zoning.

Discussion: Can zoning be changed?

Conclusion: No. It cannot exceed density.

Mr. Wayman started through the document page 2 the Yellow section.

Commissioner Torkelson wanted to make a point. He stated that they keep trying to go back to the standard and this is to give flexibility to do more.

Mr. Wayman stated that at the tough spots the Commissioners vote on what they want.

Commissioner Smith asked the difference between and long and short plat.  
Commissioner Torkelson Answered 4 or less was a short plat, 5 or more was a long plat.

Mr. Wayman page two in yellow any changes. Page 3 –none. Page 4 a-b change percentages.

Chairman Quinnell stated 40 %.

Commissioner Torkelson 50 %

Commissioner Smith stuck with lower percentage. She explained why.

Mr. Wayman stated that the density does not change.

Discussion: Home values go down.

Conclusion: No the hone values do not go down.

Commissioner Pendleton stated that it was not apples for apples.

Commissioner Torkelson stated that so places need cleaned up.

Mr. Durant stated that the 10% was trying to deal with the exterior looks.

Mr. Wayman stated that it would be something pleasing to the eye. He stated that the values would not go down.

Commissioner Torkelson stated that the developer is building a neighborhood.

Mr. Wayman asked for percentages. 1-25% 2-40% 1-50%, 40% carries.

Mr. Durant asked if both should be 40%.

All Commissioners agreed they should be the same.

Mr. Wayman stated that the next critical question was should there be a minimum lot size.

Discussion ensued.

Conclusion: Strike E with a voice vote of 3-1.

Mr. Wayman moved on to page 5-no changes. Page 6 add the bold lettering to part B

Mr. Durant explained the pre-application conference.

All Commissioners agreed to keep the bold lettering on page 6-B

Mr. Wayman move to page 7, 10.24.080 section A does everyone agrees with “give as required for minor rezones by SMC 10.40 and SMC 21.

All commissioners agreed.

Mr. Durant went over part c of 10.28.080.

Mr. Wayman asked if the commissioners agreed with c of page 7. He had 100% agreement. He moved to page 8.

Mr. Durant explained “the criteria of SMC10.24.050 shall be used rather than the review criteria of SMC 10.40.050 or 10.40.070”. He stated that they would use the minor rezone processes by not the minor rezone criteria.

Mr. Wayman asked if the Commissioners were in agreement with that

All Commissioners agreed with that sentence.

Mr. Wayman moved on to 10.24.100 A. He stated that it looked like it had been changed. He asked if anyone had an issue with that section.

Commissioner answer they had no issue with 10.24.100 A.

Mr. Wayman moved to 10.24.100 B. He asked if the Commissioners agreed with that paragraph to include the strikeouts.

Commissioner agreed it was good.

Mr. Wayman moved to page 9 paragraph D. He read that paragraph D and asked if the Commissioners were good with it.

Commissioner Torkelson stated he did not agree with it.

Mr. Wayman asked how to balance the density differences between R-1, R-2 and R-3 when building height can be used as criteria for judging compatibility.

Commissioner Torkelson stated that it needed to be spelled out up front.

Discussion ensued about compatibility and building height.

Conclusion: Add an additional sentence.

Mr. Wayman asked if they were leaving in the sentence “building height may not be used as criteria for judging compatibility with adjacent uses” He asked for a voice vote. He stated he had 3-1 votes to leave it in. He asked about the last sentence s in paragraph D. “Planned development density shall not be used as criteria to judge compatibility with adjacent uses when adjacent properties are zoned differently”. He requested a voice vote on the sentence and it passed with a vote of 4-0. He moved on to architectural diversity. He asked if they wanted this diversity in 6 or less homes.

Commissioner Smith stated 3 structure or more need variety.

Commissioner Torkelson stated he would like it to be 4 structures.

Discussion ensued.

Conclusion: 3-structures or more with a voice vote of 4-0

Chairman Quinnell called for a break.

Chairman Quinnell called the meeting to order.

Mr. Wayman stated that the commissioner moved down to varying the building height

Mr. Durant declared that he did not think it should be required.

Commissioner Torkelson agreed that varying facades and roof line was good but not building heights.

Commissioner Smith stated that on 3 level the height should vary.

Mr. Wayman asked for a vote on adding a sentence or paragraph. One against, 2 abstained. He moved on to page 10. He asked the commissioners about the 15% open space.

Commissioner Torkelson stated that it was too large.

Mr. Wayman asked what he would like it to be.

Commissioner Torkelson stated that it should be per dwelling unit.

Chairman Quinnell questioned that it had to be usable open space.

Mr. Wayman read paragraph 10.24.110 He asked Commissioner Torkelson if he wanted to hook it to the units.

Discussion ensued on the percentage and what qualified as open space.

Mr. Wayman asked for a vote on percentage for outdoor open space.

Conclusion: Chairman Quinnell suggested 10%, Commissioner Smith suggested 12%. 12% with a voice vote of 3-1

Mr. Wayman asked if there was any other change to page ten.

Chairman Quinnell answered no.

Mr. Wayman moved to page 11.

Mr. Durant stated that the letters were not supposed to be in there they were supposed to be numbered. He stated that that was the only change to page 11.

Mr. Wayman moved on to page 12. -Good. Page 13- Good. Page 14-Fine. Page 15- Good. Page 16 He stated that the 150 feet for guest parking not parking for tenants. He stated that 500 feet was standard.

Mr. Durant stated that it was not measured along sidewalks and internal pathways.

Mr. Wayman asked what it should be. He asked if they wanted 150 feet.

Commissioners agreed 300 feet on page 16.

Mr. Wayman asked if there were any more issues.

Commissioner Smith asked if they talked about 20 foot streets and only on dead end street with no more than 8 units.

Mr. Wayman stated that it in the document

Mr. Durant stated that it was c on page 16.

Mr. Wayman asked if the last sentence in 3-c was staying.

Commissioners agreed.

Mr. Wayman move to page 17 the lined out words.

Mr. Durant stated that the words were moved to the setback section. He stated he put them all in the same place.

Mr. Wayman moved to page 18-19. No changes. Page 20, 10.24.130. .

Mr. Durant tried to explain what was allowed unless it was prohibited by covenants.

Mr. Wayman moved on to 10.24.140-4

Mr. Durant stated that this meant that if a condition was necessary it could not be change through a minor modification.

Mr. Wayman asked if there was any issue with page 21. He stated he would get it smoother and electronically distributed.

Mr. Durant asked if Mr. Wayman would like the Commissioner to vote on the changes.

Chairman Quinnell entertained a motion approving the amendment to the Planned Development 10.24.

Commissioner Smith motioned to approve.

Commissioner Torkelson seconded the motion.

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

Chairman Quinnell asked about the representative that goes before council.

Mr. Wayman made a suggestion.

Chairman Quinnell stated that they might want Commissioner Miller there.

All Commissioners are to be at the council meeting on the 4<sup>th</sup> Tuesday of September.

- 2. New Business- None

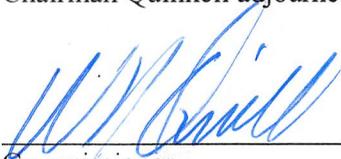
Reports/Announcements

- 1. Chairman- None
- 2. Commissioners- None
- 3. Staff- -Mr. Durant stated that the next meeting will have some Comp Plan Amendments and a presentation from YCOG.

I. Adjournment

Commissioner Torkelson motioned to adjourn the meeting, Commissioner Smith seconded the motion.

Chairman Quinnell adjourned the meeting at 8:33 pm with a voice vote of 4-0.




---

 Commissioner




---

 Commissioner




---

 Commissioner

**CITY OF SELAH PLANNING COMMISSION**

STAFF REPORT

August 27, 2015

**FILE NO.:** CLASS 3 REVIEW – COMMUNICATION TOWER 928.95.15-01  
ENVIRONMENTAL REVIEW 971.95.15-06

**PROPOSAL:**

Construct a 35 foot high communication tower with associated equipment building in the One Family Residential (R-1) zoning district. The tower is proposed as a radio broadcast facility for KZTR & KYTR, which according to the application will broadcast to the Cities of Yakima and Selah.

**PROPONENT:** Northwest Tower Engineering

**PROPERTY OWNER:** Catholic Diocese of Yakima

**LOCATION:** On the summit of the ridge about 3,500 feet east of Lookout Point Road. (Tax Parcel Number: 181311-13002).

**APPLICATION AUTHORITY AND JURISDICTION:** Selah Municipal Code, Chapter 10.06 (Applications) as it pertains to Class 3 Review. Communication towers are defined in Appendix A to Chapters 10.02 through 10.48 as “a structure upon which can be mounted a pole, mast, whip, antenna, or any combination thereof used for radio, television, cellular or microwave telecommunications, broadcast transmission or line-of-sight relay”. Communication Towers are listed as a Class 3 use in all zoning districts by Table 10.28A-11 and are subject to the standards and requirements of SMC 10.28.040(h).

**PUBLIC FACILITIES AND UTILITY SERVICES:** The only utilities serving the site are electrical power and telephone. Typically, only electrical power is needed for this land use and is available nearby to the east.

**ACCESS & PARKING:** Access to the site is by an access easement improved with a dirt road that extends east from the end of Lookout Point Road and provides access to other communication towers in the vicinity. The application states that the finished project will generate one (round-trip) vehicle trip per month and it includes documentation that the proponent has a right of legal access for this purpose.

There are no off-street parking standards in the zoning ordinance for this land use. The application states that one parking space will be provided. It is not subject to the improvement and maintenance standards of SMC 10.34.070.

**LAND USE, ZONING & PHYSICAL CHARACTERISTICS OF THE SITE:** The site is located at the summit ridge of Lookout Point and overlooks the City of Selah and the City of Yakima. It consists of one of two contiguous lots owned by the Catholic Diocese. The lot proposed for the application is 0.47 acre in size. The site and all surrounding properties are zoned One-Family Residential (R-1) and designated Low Density Residential by the Future Land Use Map of the Comprehensive Plan.

Most of the surrounding land use is vacant land. There are three existing communication towers in the vicinity ranging from 300 to 1,160 feet away from the site. The towers are 150 feet in height. The nearest residential areas are located on Lookout Point Road about 3,600 feet west of the site and in the vicinity of South 7<sup>th</sup> Street and Harris Avenue about the same distance to the north. Other nearby structures and land uses include a City water reservoir about 3,000 feet west of the site and above-ground electric transmission lines. Steep slopes descend both to the north and to the south. The Naches River is at the bottom of the slope to the south and along with U.S. Highway 12 forms a physical boundary separating the Cities of Selah and Yakima.

**ENVIRONMENTAL REVIEW:** A Determination of Nonsignificance (DNS) (971.95.15-06) was issued on August 24, 2015. The Optional Method of WAC 197-11-355 was used meaning that comments on the SEPA environmental checklist were requested by the Notice of Application issued on August 5, 2015 and the DNS issued without a further comment period.

Two comment letters were submitted during the comment period. The Selah Police Department commented that the proposal does not pertain to or affect the department or its duties. A second comment letter with comments directed both to the SEPA determination and the project in general was submitted by a law firm representing the owner of property surrounding most of the site. The SEPA issues raised by the letter are as follows:

The optional DNS process should not have been used because under WAC 197-11-355, the City should be reasonably certain that environmental impacts are unlikely.

The project site is located in shrub steppe habitat in close proximity to the Naches River which is described by a WDFW report as habitat vital for over 94 species of birds and 13 species of mammals including the pygmy rabbit, which is on the State list of endangered species. The SEPA Checklist does not mention any of several species listed in the comment letter and proposes no measures to preserve or enhance wildlife habitat.

Additional information is required for aesthetic impacts and the proposed mitigation is inadequate.

The SEPA Checklist inadequately describes the proposal because it fails to include the placement of power poles along the ridgeline, further exacerbating visual impacts and no mitigation, such as undergrounding utilities, is proposed.

The SEPA Checklist fails to address and mitigate impacts to other nearby jurisdictions.

The issuance of a DNS and determination that there are no significant adverse environmental impacts is based on the following findings:

1. The use of the optional DNS process was based on reasonable certainty that environmental impacts were unlikely. This does not commit the SEPA Responsible Official to making a negative determination (WAC 197-11-355(4)(a)). If a Determination of Significance had been issued, it would have had a new 21-day comment and scoping period as required. However, the

determination has been made that there are no significant adverse environmental impacts for the reasons documented in these findings.

2. The SEPA checklist stated that native and naturalized bird and mammal species are on the site but did not identify any by name. It also stated that any threatened or endangered species are unknown and that the property may be located at the eastern edge of the Pacific flyway. No measures to preserve or enhance wildlife were proposed.

Staff obtained additional information about wildlife on-line from the Washington Department of Fish and Wildlife, which was also a consulted agency (see Finding #5 below). The website, which includes an interactive mapping application does not indicate the presence of endangered or threatened species and locates the site outside of the mapped Shrub-Steppe priority habitat area. Additional discussion is later in this report under "Critical Areas".

3. The SEPA Checklist states that skyline view in all directions will be slightly altered and proposes a sight-obscuring fence and landscaping at ground level. Other features of the project portrayed by the plans, drawings and photo-simulations submitted with the application do not suggest significant adverse impacts although they are subject to the Class 3 review requirements of the development regulations (WAC 197-11-330(1)(c)). This is discussed later in this report.
4. The SEPA Checklist states that electricity for the project will be pulled from existing service lines adjacent to the subject property, although it did not specify that new power poles would be installed. The extension of electrical power and installation of power poles is generally not regulated by the City, except for subdivisions where underground utilities are required. There are no comprehensive plan policies or regulations that prohibit or restrict power poles in this location based on potential visual impacts. There are standards and requirements for communication towers but not for associated power poles. The height and visibility of power poles in a ridgetop location is not sufficient basis for determining an adverse impact in the absence of adopted policies or regulations considering that R-1 zoning allows, without restriction, residential buildings up to 35 feet in height and that subdivision standards would not only allow, but would require (SMC 10.50.045(e)) street lights on poles of about the same height.
5. Staff is unable to find in review of the SEPA environmental checklist any responses that suggest that the description of the project and its environmental effects were limited to the jurisdictional boundaries of the City of Selah. Four City departments/officials and five State and local agencies were notified as consulted agencies during the SEPA process. They included the Washington Department of Fish and Wildlife and the City of Yakima. Neither provided comments on the proposal. The City of Yakima was consulted based on the potential effect of the project on its services as the administrator of the local airport. While staff is aware that Yakima's Airport Safety Overlay zone is one mile or more away from the project site, it was considered prudent to notify the City for this reason. Having been given notice, the City could

have commented on aesthetics or any other element of the environment that it felt was appropriate, but it did not do so.

**CRITICAL AREAS:** The project site was evaluated for potentially being in two critical areas based on its location and information disclosed in the environmental checklist and application. Geologically hazardous areas include several categories, the most likely being “erosion hazard areas”, which are areas that have three characteristics: A slope of 15% or greater, soils identified by the NRCS as unstable with a high potential for erosion; and areas that are exposed to the erosion effects of wind or water (SMC 11.50.150(a)(2)(A)). As disclosed by the SEPA checklist and consistent with the site plan and photographs submitted with the application, the steepest slope on the site is 12.7%. The NRCS soil classification of the site is Bakeoven very cobbly silt loam which is not identified by the Soil Survey for Yakima County as being either unstable or having a high erosion potential. Mapping of erosion hazard areas maintained by Yakima County also does not show this site being in an effected area. There is no evidence that site has any of the characteristics of the other geological hazardous areas identified in the critical areas ordinance.

The second potential critical area is Fish and Wildlife Conservation Areas (SMC 11.50.120) which is described as the areas identified by the Washington Department of Fish and Wildlife under the Priority Habitat and Species Program (SMC 11.50.120(a)). The first of two classifications for these areas are “Critical” meaning areas that state or federal endangered, threatened and sensitive species have a primary association, including anadromous fish species and habitats requiring special consideration under RCW 36.70A.172(1). The second classification: “awareness” includes all other priority habitats and species identified by WDFW.

The SEPA Checklist discloses that the property is classified as a “Habitat Area” by the Yakima County Comprehensive Plan. However, mapping obtained from the WDFW website shows the site location near but outside of the designated Shrub-Steppe Habitat Area. Based on SMC 11.50.120(a), the site is not in this designated critical area.

**CLASS 3 REVIEW REQUIREMENTS:** Class 3 uses are not appropriate generally throughout the zoning district but may be permitted at a particular location where it can be conditioned to ensure compatibility and compliance with the provisions of the zoning districts and the goals, objectives and policies of the comprehensive plan (SMC 10.06.020(3)). The reviewing official (i.e., Planning Commission) has broad authority to impose conditions under SMC 10.06.060(a) and is required to impose a time limit in which the action must be commenced, completed or both (SMC 10.06.060(c)).

**Comprehensive Plan:** The Future Land Use designation of the site is Low Density Residential. The description of that category in the comprehensive plan neither permits nor prohibits the proposed use.

The comment letter suggests that three Comprehensive Plan goals, objectives and policies are relevant to this proposal. All are goals from the Housing Element of the Plan, rather than the Land Use Element. They are as follows:

**Objective HSG 1:** Maintain and upgrade the character of existing residential neighborhoods.

**Policy HSG 1.3:** Restrict the encroachment of commercial and industrial uses into residential neighborhoods except in area identified for commercial and industrial expansion.

**Policy HSG 1.6:** Replace nonconforming uses with appropriate conforming uses.

These policies support the designation of communication towers as a Class 3 use, not generally appropriate in the zoning district but permissible in a particular location. Although not specified in the Comprehensive Plan, the reason that communication towers are permitted at all in residential and other non-commercial or industrial areas is because they often have a need to be in certain locations in order to achieve their purpose. The summit of a ridge is one example of this and as stated in the application the proposed site is necessary due to its overlooking both Yakima and Selah and providing service to the audiences in these areas. The zoning ordinance, which was adopted to implement the plan and is required to be consistent with it, has established this use as a Class 3 use in the R-1 zone. Therefore, it does not conflict with Policy HSG 1.3. To the extent that this would be considered a commercial or industrial use, it is implied by its being designated a Class 3 use in the R-1 zone that there are some R-1 zoned areas identified for its expansion. It is also *restricted* in a residential zone (rather than a neighborhood in this instance) by its designation as a Class 3 use, and the requirement that it meet Class 3 Review approval criteria.

Objective HSG 1 does not appear to be relevant because the nearest *existing* residential neighborhoods are more than one-half mile away and there is no evidence that this proposal would degrade them.

Finally as indicated in the comment letter, this is not a nonconforming use. Therefore Policy HSG 1.6 does not apply.

Staff review did not identify additional relevant policies. Several policies under the Plan Goal to "Provide appropriate protection for recognized habitat and critical areas" were considered, but determined to not be relevant based on the above finding that the site is outside of a priority habitat area.

**Provisions of the Zoning District:** The purpose of the R-1 zone is to provide for single-family residential development where urban governmental services are currently available or will be extended by the proponent to facilitate development at no public cost (SMC 10.12.010). Specific intents of 10.12.010 that are relevant to the proposed use include providing for an orderly, phased transition from vacant or partially developed to single-family development and ensuring that R-1 uses will facilitate future urban development and extension of utilities.

The basic intent is to facilitate single-family residential development and extension of utilities. The proposed use has no significant utility needs other than power, to which it will be provided at developer expense. There is also no clear evidence that it would interfere with future single-family residential development, since it occupies a very small site in a large undeveloped area and does not

have significant adverse effects. Implied concerns that it may discourage or devalue future residential development of surrounding property has not been supported. Reference is made to a newly developed subdivision on W. Goodlander Road with homes valued by the Yakima County Assessor in the \$175,000 to \$400,000 price range in very close proximity to an existing communication tower. This includes one home built in 2014 on a lot that is within 50 feet of the base of the tower.

The review criteria of SMC 10.28.040(h) come without any purpose statement but are undoubtedly intended to address potential visual impacts of communication towers and to discourage their proliferation in any location. The criteria are as follows:

1. The facility shall use state-of-the-art technology to reduce visual impact;
2. At a minimum the facility shall be camouflaged to industry standards;
3. Preferential consideration will be given to facilities which co-locate on existing towers, buildings, and structures without an increase in the tower, building, or structure height.
4. Communication towers exceeding the zoning district height limitations shall require a variance approval;
5. Communication towers shall meet the principal structure setbacks. Communication equipment buildings shall meet the accessory setback standards.

It is not defined in the zoning ordinance what is considered to be "state-of-the-art" technology to reduce visual impact. A cursory search by staff of the internet and published sources was made to shed some light on this and identify industry camouflage standards. Measures to address visual impacts include height restrictions, self-supporting towers, minimizing the radius of the tower, placing antenna and other attachments more closely to the tower and reducing their size; avoiding the use of lights or bright colors, and using fencing or vegetation as site-screening for accessory structures such as the equipment building.

Examples of camouflage include landscaping, vegetative buffers, design using colors and materials to blend in with surroundings and use of topography, vegetation and other structures to sitescreen tower support structures. "Stealth camouflage structures" such as designing a tower to look like a tree, rock or part of a structure appears to be among "industry standards", but there is also a caution that stealth designs should be indigenous to the area. Designing a tower to look like a tree on otherwise treeless Lookout Point may not be an effective disguise.

The application provides very little specific written information about how the proposal meets these two criteria, although the site plan, engineering drawings and photographic simulations of the project provide a good visual representation of the project. They show the proposed tower to be a self-supporting lattice tower, slim in profile. It measures two feet in width on the site plan. The antennas are shown mounted on the side of the structure and also scale to about two feet in length. There are no lights proposed and no indication that it will need to be painted bright colors for air traffic safety. Photo-simulations included with the application show the proposed tower to be much smaller and less conspicuous than the existing nearby towers, although still visible. The "off-white" equipment building, which is now located on the site is also visible, especially from the Yakima side of the ridge. It appears

that the proposed fencing will only partially obscure it. An 8 foot wide buffer planted with Big Sage and other plants is proposed around the perimeter of the facility. These plants can be quite large and may help to obscure the fenced area from view at ground level, especially downhill from the site.

The zoning ordinance specifies preferential treatment for facilities that co-locate on existing towers, buildings and structures. Although the purpose is not stated, this is usually intended to reduce the proliferation of communication and prevent the resulting visual clutter. What the preferential treatment provides for is also not specified, although under the definitions of these terms by the Code, locating an antenna on an existing structure would eliminate the requirement for Class 3 review of a communication tower. There are no standards of what is sufficient justification to not co-locate and "preferential treatment" should not be enough on its own to deny the application, although since it is one of the required criteria, it should have some weight. Providing for future co-location by other service providers may also be grounds for preferential treatment under this provision.

The absence of nearby towers cannot be used as justification in this instance, although there may be technical reasons for not co-locating on them. Given that the proponent already owns the site, that it appears to be ideal for this use and there are few, if any practical alternative uses for it may be justification. The application also indicates that there could be growth and upgrades in the future and there are no plans to expand the project lease area.

The communication tower meets the 35 foot height limitation of the R-1 zone, so it does not need a variance and it clearly meets this standard. The comment letter observed that based on the zoning ordinance definitions, the height limit applies only to the tower and not to antennas that may be located on it. The application materials do not indicate the placement of antennas that extend above the height of the tower and the antennas being shown are small and would not likely extend substantially if they did.

The tower, equipment building and all other structures on the site plan are shown 20 feet or more from all property lines meeting or exceeding the minimum principal structure setbacks of the R-1 zone.

**CONCLUSIONS & RECOMMENDATION:** The proposal generally conforms to the standards of the Zoning Ordinance and is in a location that is more suitable than most in the City for its intended purpose. It has a number of features that should reduce what are generally considered to be visual impacts of communication towers, and that appear to be "state-of-the-art" based on what is being required in other locations, although the application has not clearly shown how the tower is to be camouflaged to industry standards and why co-location is not an alternative given that there are nearby existing towers.

The proposal is consistent with the comprehensive plan. Existing neighborhoods are some distance away, and while the affect it may have on future residential development of the area should be taken into account, there is no evidence that the proposal, conditioned as required by the Zoning Ordinance, would significantly impact it.

The distance from existing developed areas and the location relative to the proposed broadcast areas of Yakima and Selah make this a site that is a particular location where it can be conditioned to ensure compatibility, compliance with the provisions of the zoning district and the goals, objectives and policies of the comprehensive plan.

The site is not located in critical areas and SEPA environmental review has been completed.

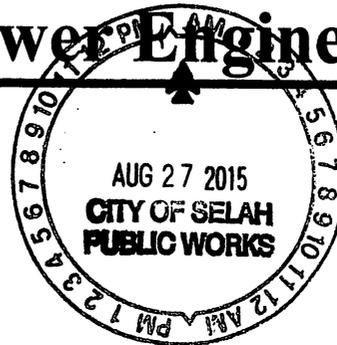
Staff recommends that the Class 3 Review Application be approved but that the Planning Commission consider testimony and evidence received at the hearing including that from the proponent as to how the proposed facility is being disguised to industry standards and justification for not co-locating on existing towers. Additional conditions may be warranted based on the testimony in addition to the following conditions that are recommended:

1. The facility shall be constructed in substantial conformance to the site plan, drawings and description submitted with the application except as modified by the decision and at minimum including the following features:
  - a. Tower height limitation of 35 feet.
  - b. Width or diameter of the tower no greater than shown on the site plan. The use of a monopole is an acceptable alternative to the tower as shown.
  - c. No lights or bright colors on the tower. Security lights, if any, on the equipment building shall be shielded so as to not be visible from a distance and to not shine on neighboring properties.
  - d. An 8 foot wide minimum vegetated buffer as described in the application or as an alternative using other plant materials that would obscure the fenced enclosure and equipment building at ground level from property immediately surrounding the facility.
  - e. Antennas for the proposed use of the tower shall not substantially exceed the dimensions shown with the application. This condition shall be waived for antennas that are co-located on the tower by subsequent users when there are two or more users of the facility.
2. The equipment building shall be painted (siding may also be used) with a darker color that blends better with the surroundings. Fencing shall also be a color, other than white, that blends with the surroundings. However, the Planning Commission may modify this condition and not require the equipment building to be painted if it is satisfied from the hearing that other measures proposed by the applicant will adequately obscure or disguise the structure as viewed from off-site.
3. This decision authorizes only one tower on the site and may not be modified to provide for additional towers. Making the tower available for co-location is authorized and encouraged.
4. Project shall be completed within one year of the final Class 3 decision. Extensions may be requested as authorized by the zoning ordinance, but must be requested in writing with the request received by the Planning Department prior to the completion date.

**NWTE**

# North West Tower Engineering

City of Selah  
Department of Public Works  
222 S. Rushmore Road  
Selah, WA 98942  
Attn: Mr. Thomas Durant



August 27, 2015

Mr. Durant enclosed please my initial response to the letter from Foster Pepper PLCC regarding the proposed installation of the 35'-0" tall radio tower and associated broadcast facility on Selah Ridge. I will address the main concerns in this letter and if necessary will address each point individually at the Public Hearing as the need arises.

The contention that the Diocese's .47 acre plot will somehow hinder the Comprehensive Plan's estimate for an additional 358 acres for residential development by 2025 should be a non-issue. Using the information available in the Comprehensive Plan there are currently 488 acres of developable land that meet the 1400' elevation or under criteria for the City's domestic water supply. The Diocese's property sits at an elevation over 1750', 300' above the water pressure limits defined in the Plan. The parcel is less than half an acre in size and at this point in time is not being included for immediate use as developable property in the context of the Comprehensive Plan.

The legal team has stated that the 35'-0" height limit will be exceeded by some imaginary antenna structure. Our elevations clearly show the top of tower at 35'-0", with the proposed antennas at 30'-0" and 20'-0" respectively.

We would contend that the tower proposed for the facility is the "state of the art" technology for antenna structures. The tower industry is governed by strict design standards (TIA-222-G Structural Standard for Steel Antenna Towers and Antenna Supporting Structures) based on location, elevation above sea level and the surrounding topography. Design factors include sustained wind speed, ice accumulation and seismic considerations. The lattice tower is unique in its ability to meet these stringent requirements, sustain a design load and still allow light and wind to pass through the structure. In addition, the structure height is only 35'-0" which allows us to use a tower with a small face width. The narrow profile will diminish the visual effect with respect to the distance and angle from which it is seen.

The use of a chain link fence with sight obscuring slats is typical of the communication industry's standard for higher elevation, remote locations. We are open to suggestions from the Planning Commission for alternatives.

**EXHIBIT**

tabbles  
17

The use of native vegetation is completely in line with "state of the art" technology. Using native vegetation is a viable means to blend the project area into the existing landscape. Using native vegetation enhances the existing conditions by duplicating habitat and microclimates. Emphasizing the use of native vegetation in lieu of non-native species that require excessive water or chemical fertilizers is and has been a major component of all planning departments.

Co-location on the existing towers was discussed internally in NWTE's office. The existing lattice tower was removed as a possible candidate due to interference issues with the existing antennas in the facility. The existing lattice tower supports numerous antennas within the height range required for the proposed radio antennas. It was determined that the proposed radio antennas would not have adequate separation from the existing supported appurtenances on both the tower and in the compound.

The pole type tower was considered and rejected as a viable candidate based on two factors: 1) the moderately slender cross-section through the tower base, mid-section and top (field observation and photo documentation) and 2) the age of the structure (circa 2000) suggests that it would not have been designed to meet the stringent standards applied under the TIA-222-G Structural Standard for Steel Antenna Towers and Antenna Supporting Structures for its exposed ridge top location.

No other towers were considered for the following reasons: 1) The topographical elevation required for the radio facility, 2) the Diocese owns the subject parcel, and 3) there is precedence for their project, the Diocese operated a radio station on this property from 1966-1970.

As noted in the SEPA document the project parcel is considered to be in or close to Designated Wildlife Habitat by the Comprehensive Plan. We have also noted that there are both native and naturalized species of birds and mammals. Noting the presence of endangered or threatened species would be speculation on my part, assuming that I could distinguish a sage sparrow from a sage thrasher. Since the Foster Pepper document is adamant about the habitat degradation, the Planning Commission could recommend that a Wildlife / Habitat study be undertaken by a local biologist familiar with the area, terrain and habitat. I would ask that the biologist draw conclusions based on the proposed project and offer up any mitigating recommendations.

The probable aesthetic impact of our project has compelled the legal team to express dire warnings regarding the construction of our proposed radio facility in the existing landscape. From our standpoint, the small compound and short height of the tower will be an

underwhelming intrusion within the view shed. The natural landscape will not be dramatically altered by our presence. In five years, the native plants will have filled in to the fence line, bunchgrass and wildflowers will have seeded themselves into the area, the covered area under the equipment building will be shelter and home to numerous species (mammals, reptiles and insects) and birds will roost in the tower or use it as vantage point for seeking prey. People will still come to hike, bike or walk their dogs in the natural environment, the expansive views from the "Ridge" will not change and when put into context with the existing views (there are three 150'-0" tall towers, the City of Selah's water supply tank and numerous power poles of varying heights and configurations in close proximity) to the ridge this project will barely register with the eye. Land once considered to be part of the visual landscape, open range, uninhabited and covered in native vegetation is now designated for residential development. I might ask the same question....What is the aesthetic impact of a hillside of single family homes, lighted residential streets, asphalt driveways, irrigated lawns, hedge borders and wood fences?

The document's last contention is that the SEPA document fails to address the impact of the project beyond the controlling jurisdiction. Foster and Pepper cites case law: *Save a Valuable Environment v. City of Bothell*. There are several ambiguities in using this as a comparative example to our project.

\*The subject property was located in the City of Bothell, the parcel's property lines bordered on Snohomish County, Unincorporated King County and several ROW's under the jurisdiction of the Washington State Department of Transportation. Our project and property lines are completely within the Selah UGA.

\*The Bothell parcel was 141 acres in size; ours is less than half an acre with the proposed project area = 1200 square feet.

\*The Bothell project was the construction of a regional shopping center with associated infrastructure, parking and access; ours is a 60'-0"x20'-0" fenced compound.

\*The proposed shopping center required a rezone of existing agriculturally zoned land; ours is a request for a conditional use in an existing residential zone.

Sincerely,

Eric Sladky  
NorthWest Tower Engineering

## Groo, Caprise

---

**From:** Jim Dwinell <jim.dwinell@yahoo.com>  
**Sent:** Saturday, August 29, 2015 3:19 PM  
**To:** Durant, Thomas  
**Cc:** Jim Dwinell; Groo, Caprise  
**Subject:** File No. 928.95.15-01 KZTR & KYTR

### Planning Commission - Selah

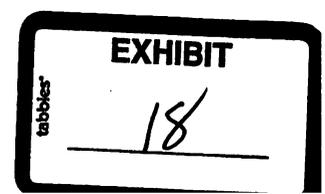
I am writing in OPPOSITION to the proposed tower, power poles, and metal container project being requested as referenced above. This property has been designated and zoned by Selah as prime residential property, and rightfully so. The tower project would not only diminish the value and the potential of an area very close to Selah, but would also diminish the aesthetics of Selah and all the previous efforts to improve the downtown area. I do not believe being a "city of towers" is the image Selah is seeking. I propose that this project be rejected, and ask the proponents to seek a location, such as Ahtanum Ridge, which is better suited in every respect.

Further, there is no benefit to Selah; no jobs, no economic gain, and no local entity that might help improve the community. There is nothing to justify varying this use from a Residential zone.

Thank you for your time,

Jim Dwinell

50 Lookout Point Dr., Selah



WASHINGTON DEPARTMENT OF FISH & WILDLIFE

HELP | FAQs | LEGEND | ORDER PHS MAP

### PHS on the Web

Layers Tools

#### Base Maps

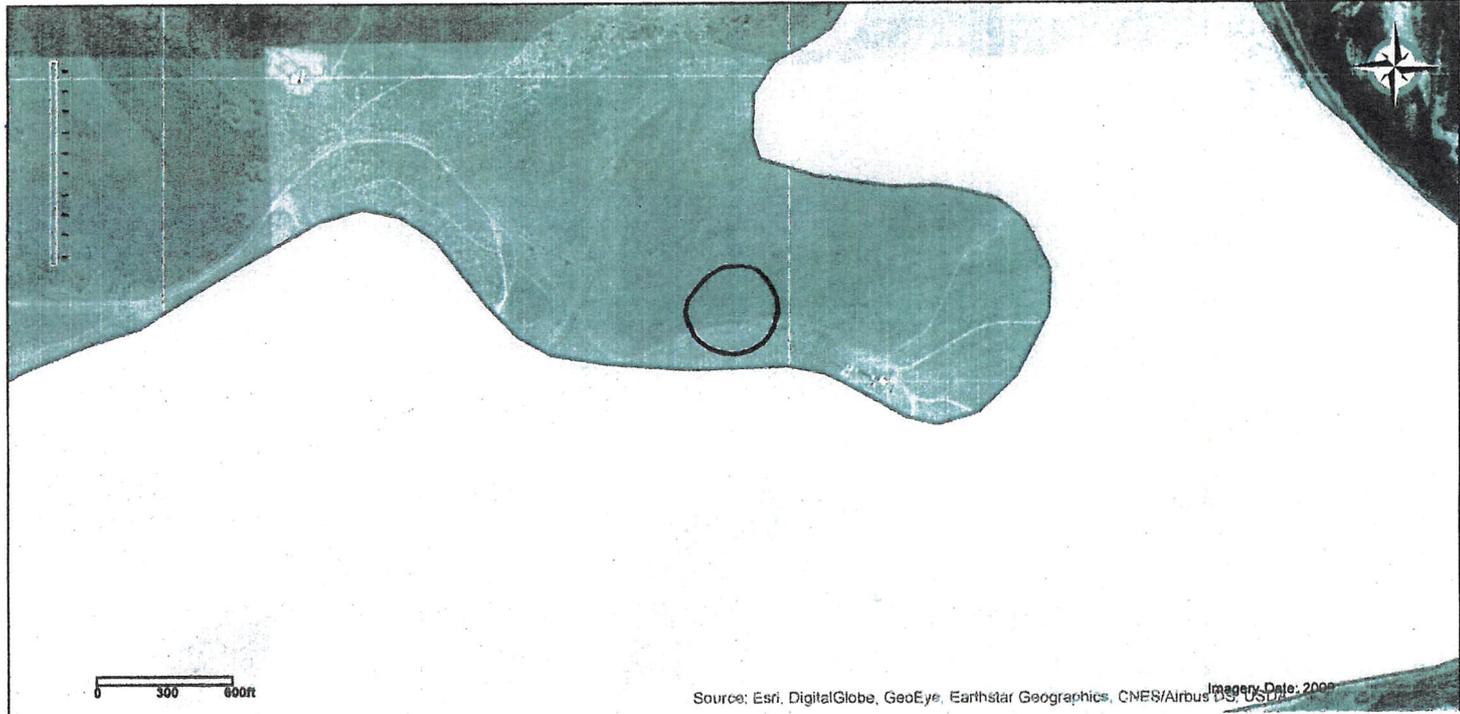
- Aerial
- Hybrid
- Boundaries
- Parcel
- Street
- Topography

#### Toggle PHS

- Turn PHS Data Off

#### PHS View Source

- PHS Plus Public View ( v )



*Shrub-steppe Habitat Area*



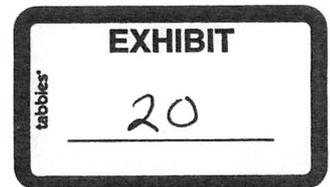


# WASHINGTON DEPARTMENT OF FISH AND WILDLIFE PRIORITY HABITATS AND SPECIES REPORT

SOURCE DATASET: PHSPublic  
REPORT DATE: 08/26/2015 12.25

Query ID: P150826122508

Common Name	Site Name	Priority Area	Accuracy	Federal Status	Sensitive Data	Source Entity
Scientific Name	Source Dataset	Occurrence Type		State Status	Resolution	Geometry Type
Notes	Source Record	More Information (URL)		PHS Listing Status		
	Source Date	Mgmt Recommendations				



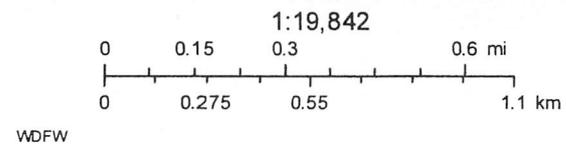
DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.

# WDFW Test Map



August 26, 2015

- |                                                                                     |                                                                                     |                                                                                     |                                                                                     |          |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|----------|
| PHS Report Clip Area                                                                |  | AS MAPPED                                                                           |  | TOWNSHIP |
|  | PT                                                                                  |  | SECTION                                                                             |          |
|  | LN                                                                                  |  | QTR-TWP                                                                             |          |





# WASHINGTON DEPARTMENT OF FISH AND WILDLIFE PRIORITY HABITATS AND SPECIES REPORT

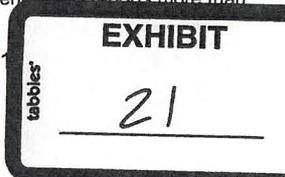
SOURCE DATASET: PHSPublic  
REPORT DATE: 08/26/2015 12.14

Query ID: P150826121350

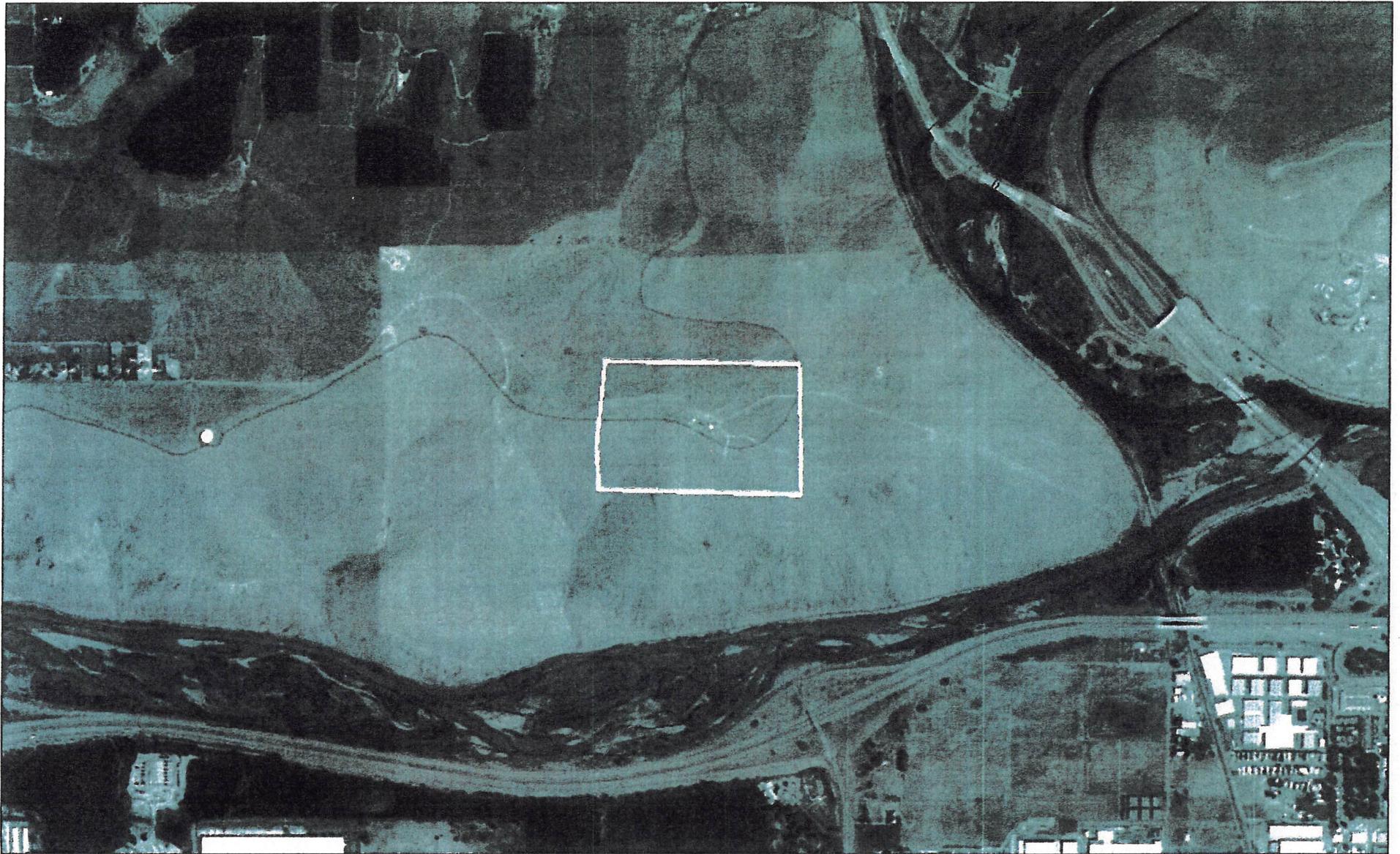
Common Name Scientific Name	Site Name Source Dataset Source Record	Priority Area Occurrence Type More Information (URL)	Accuracy	Federal Status State Status PHS Listing Status	Sensitive Data Resolution	Source Entity Geometry Type
Notes	Source Date	Mgmt Recommendations				
Shrub-steppe	LOOKOUT POINT PHSREGION 901728	Terrestrial Habitat N/A	1/4 mile (Quarter	N/A N/A	N AS MAPPED	WA Dept. of Fish and Wildlife Polygons
		N/A		PHS LISTED		

DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.

08/26/2015 12.14



# WDFW Test Map



August 26, 2015

- PHS Report Clip Area
- PT
- LN
- AS MAPPED
- SECTION
- QTR-TWP
- TOWNSHIP

