



*Selah Planning Commission  
Regular Meeting  
Tuesday, September 15, 2015  
5:30 p.m.  
City Council Chambers*

*Chairman:  
Commissioners:*

Willie Quinnell  
Dillon Pendleton  
Lisa Smith  
Eric Miller  
Carl Torkelson

BOB NOE EMAIL

CITY OF SELAH  
115 West Naches Avenue  
Selah, Washington 98942

City Planner:  
Secretary:

Tom Durant  
Caprise Groo

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## 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. September 1, 2015
- 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
    - Plan Amendment 2015-2, Major Rezone 914.61.15-02; City initiated 600 Speyers Rd LDR toMDR R-1 to R-2
- G. General Business
  - 1. Old Business –
  - 2. New Business- Urban Growth Area Comprehensive Plan Update: Public Participation Plan and Chapter 1 Plan Administration
- H. Reports/Announcements
  - 1. Chairman
  - 2. Commissioners
  - 3. Staff
- I. Adjournment

Next Regular Meeting: To Be Announced

**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 is 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 ¼ 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 the not enough people had been notified because they lived outside the 600 feet 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.

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Chairman

**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.

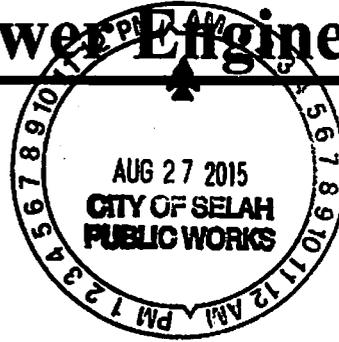
Staff recommends that the Class 3 Review Application be approved but that the Planning Commission consider testimony and evidence received at the hearing including that from the proponent as to how the proposed facility is being disguised to industry standards and justification for not co-locating on 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.



# NorthWest Tower Engineering

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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



# North West Tower Engineering

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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

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**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





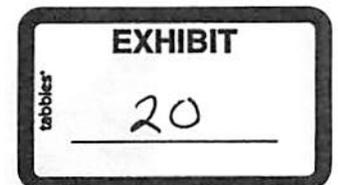


# WASHINGTON DEPARTMENT OF FISH AND WILDLIFE PRIORITY HABITATS AND SPECIES REPORT

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.

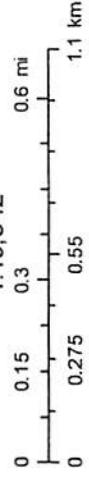
# WDFW Test Map



August 26, 2015

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

1:19,842



WDFW



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

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

Query ID: P150826121350

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				
Shrub-steppe	LOOKOUT POINT PHSREGION 901728	Terrestrial Habitat N/A N/A	1/4 mile (Quarter)	N/A N/A PHS LISTED	N AS MAPPED	WA Dept. of Fish and Wildlife Polygons

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08/26/2015 12.14

EXHIBIT

21

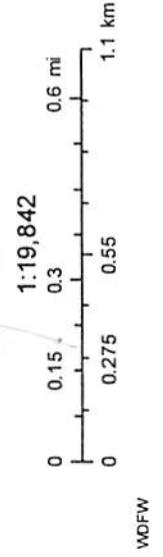
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# WDFW Test Map



August 26, 2015

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



**CITY OF SELAH PLANNING COMMISSION**

**STAFF REPORT**

September 9, 2015

**APPLICATION:** Urban Growth Area Plan Amendment 2015-1

**PROPOSAL:** Amend the Future Land Use Map of the Selah Urban Growth Area Comprehensive Plan to change the designation of a 0.18 acre parcel from Moderate Density Residential (MDR) to High Density Residential (HDR).

**APPLICANT & PROPERTY OWNER:** Carl & Candi Torkelson

**LOCATION:** 905 W. Fremont Avenue. On the north side of Fremont Avenue 100 feet west of North 10<sup>th</sup> Street. (Tax Parcel Number: 181435-31024).

**APPLICATION AUTHORITY AND JURISDICTION:** Selah Municipal Code, Chapter 10.40 (Amendments) as it pertains to zoning map amendments. A rezone is not being requested at this time.

**PUBLIC FACILITIES AND UTILITY SERVICES:** Utilities and services are fully available to this developed site. It fronts on W. Fremont Avenue, which in this location is a three lane minor arterial street. The site plan submitted with the application shows proposed access to at least one of the residential units on the property from the Planned Development to the north of the site.

**LAND USE, ZONING & COMPREHENSIVE PLAN:** The site is zoned R-2, designated Moderate Density Residential by the Comprehensive Plan and has three detached single family residential structures on the site. Two were constructed in the last five years. The third house, not currently occupied, was built in 1939.

**Adjacent Properties**

<b>Location</b>	<b>Zoning</b>	<b>Comprehensive Plan</b>	<b>Land Use</b>
North	PD	Moderate Density Residential	5 single family unit Planned Development
East	R-2	Moderate Density Residential	Single-family dwelling on 0.33 acre lot
South	R-1	Low Density Residential	Single family homes on 0.27 to 0.29 acre lots
West	R-2	Moderate Density Residential	Single family dwelling on 0.14 acre lot Vacant 0.04 acre lot

**AGENCY NOTIFICATION & ENVIRONMENTAL REVIEW:** A Determination of Nonsignificance (DNS) (971.61-64.15-09) was issued on August 26, 2015 and finalized on September 9, 2015. The SEPA determination was issued for and considered both proposed comprehensive plan amendments pursuant to the requirements of RCW 36.70A.130(2)(b) and SMC 10.40.040(1) that the cumulative effects of all proposed plan amendments be considered.

The Washington State Department of Commerce was notified as required by RCW 36.70A.106. Commerce forwarded the notice to other State agencies. As of the date of this report, no comments have been received.

**COMPREHENSIVE PLAN AMENDMENT:** The application proposes the comprehensive plan amendment in order to bring the residential density of the parcel accounting for all three dwelling units into consistency with the Comprehensive Plan. The existing density would be 16.7 dwelling units per acre, exceeding the maximum density of 12 dwelling units per acre specified for the Moderate Density Residential future land use map designation.

The application also includes a site plan showing the configuration of the dwelling units on the property and proposed driveway access from the north. It also shows a proposed common area. Currently, access to both occupied dwelling units is from Fremont Avenue.

### **Moderate Density Residential**

The current future land use designation is described in the comprehensive plan as:

“... areas of predominately moderate density residential development, up to 12 dwelling units per gross acre. Clustering of dwelling units, within the permitted density range, is highly encouraged to preserve open space, steep slopes, drainage ways, etc. The predominate use is two-family, townhouses and condominium dwellings with a mix of single-family and multi-family residences. The mix of housing types will be limited by the maximum permissible density and zoning standards will regulate development to assure compatibility. As with low density residential development, moderate density residential development will be served primarily by municipal utility services and/or private community water and sewage systems that are designed for future connection to Selah’s municipal system.”

### **High Density Residential**

The proposed future land use designation is described by the Comprehensive Plan as follows:

“This use category provides areas of high-density residential development, up to 24 dwelling units per gross acre. Each development is intended to provide usable open space for the enjoyment of the residents therein. The primary use is multi-family (i.e., apartments, townhouse and condominium) dwellings. The High Density Residential Use category is designed to accommodate compact development served by municipal utility services.”

The use of the subject property is consistent with both the Moderate Density and High Density Residential future land use map descriptions. Single family dwellings are called out as permitted in Moderate Residential Density areas. While the High Density Residential description does not specify them by name, the “primary use” of multi-family dwellings does not appear to limit the plan designation to that type. The existing density of the subject property of just under 17 dwelling units per gross acre is consistent with High Density Residential and inconsistent with Moderate Density Residential.

Currently the R-3 zoning district does not permit single family dwellings (SMC 10.28.020, Table 10.28.A-5). It does permit duplexes, even though based on the definitions in both the Comprehensive Plan (Appendix 'C', pp. 123 - 126) and SMC 10, a duplex is not a multiple-family dwelling. The R-3 zone also permits multiple family dwellings at any density from 0 to more than 12 dwelling units per acre. Based on this and the description of the High Density Residential future land use classification, primarily "up to 24 dwelling units per gross acre" R-2 zoning is not inconsistent with the HDR plan designation.

### **Comprehensive Plan Goals, Policies and Objectives**

**Policy LUGM 3.2:** Direct development to areas where infrastructure (water, sewer and streets) is either present, can be easily extended, or is planned to be extended.

**Policy LUGM 3.3:** Conserve land, energy and financial resources by minimizing urban sprawl.

**Housing Goal:** Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types and encourage preservation of existing housing stock.

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

**Policy HSG 1.1:** Discourage rezoning which would allow incremental conversion of existing single-family dwellings to duplexes or multi-family dwellings.

**Objective HSG 2:** Encourage new residential development to approximate existing residential densities and housing mix levels.

**Policy HSG 2.1:** Encourage the combined net density of all residential development to remain at present levels. Exceptions to this policy should be permitted where the developer can demonstrate that the quality of the project design, construction and amenities warrants a different housing density.

**Policy HSG 2.2:** Ensure codes and ordinances promote and allow for a compatible mix of housing types in residential areas.

**Objective HSG 3:** Minimize the negative impacts of medium and high-density residential projects on adjacent low-density residential areas, but encourage mixed use/density projects.

**Objective HSG 4:** Encourage new residential construction to be compatible with existing residential development.

**Policy HSG 4.1:** Encourage developers to use private covenants and deed restrictions which specify architectural, maintenance and landscaping standards within their development.

**Policy TRAN 1.4:** Curb cuts onto collector and arterial streets should be kept to a minimum through the following techniques:

1. The provision of reverse frontage roads.
2. The use of intersecting streets as access points; and

**3. Internal design of subdivisions.**

Most of these plan policies are neutral to this proposal based on the existing buildings and the limited size of the site for future development. Providing for the occupancy of the existing older house is consistent with the preservation of existing housing stock. The site is in a highly developed area served by municipal utility services and does not comprise or encourage sprawl. It is consistent with providing for a variety of residential densities and housing types. Providing for access to the site from the north, rather than additional traffic on Fremont Avenue is consistent with Policy TRAN 1.4 to keep curb cuts on arterial and collector streets to a minimum. Providing for the open space as shown on the site plan is consistent with the High Density Residential future land use designation where it states that each development is intended to provide usable open space for the enjoyment of the residents therein.

**OTHER CONSIDERATIONS:**

The following recommended findings consider factors required or typically considered for comprehensive plan amendments.

1. 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.
2. 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.
3. 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.
4. 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.

5. 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.
6. No inconsistencies with Countywide Planning Policies have been identified.
7. 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.
8. 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.

**RECOMMENDATION:** Staff recommends **APPROVAL** of the proposed change from Moderate Density Residential to High Density Residential and adoption of the Findings numbered 1 through 8 from the staff report in support of this decision.

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

**September 15, 2015**

This matter having come on for public hearing before the Selah Planning Commission on September 15, 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, 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. 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.
  6. 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.
  7. The Commission determines that findings \_\_\_\_\_ to be the controlling factors in its deliberations on the Comprehensive Plan amendment.

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.

**DECISION**

Motion to Approve/Deny by: \_\_\_\_\_  
Second by \_\_\_\_\_  
Vote \_\_\_\_\_



P.O. Box 292  
Selah, Washington 98942  
Phone: (509) 697-3305  
Fax: (509) 697-3504  
torkelson@fairpoint.net

**Carl Torkelson**  
Cell: (509) 945-0133  
**Candi Torkelson**  
Cell: (509) 961-7656

*Why Pay \$1000's More? Buy Builder Direct!*

February 17, 2015

City of Selah  
Planning Commission  
113 West Naches Avenue  
Selah, WA 98942

RE: 905 A & B W. Fremont Avenue - Parcel # 181435-31024

To Whom it May Concern:

I would like my comprehensive plan amendment to go before the Planning Commission for recommendation and then go to City Council for final decision.

Thank you,



Carl Torkelson

*Why Pay \$1000's More? Buy Builder Direct!*

Builder reserves the right to change floor plan or elevations



**CITY OF SELAH  
COMPREHENSIVE PLAN  
AMENDMENT APPLICATION**



FILE NO:  
DATE FEE PAID:

SEPA: \_\_\_\_\_  
RECVD BY: \_\_\_\_\_

**INSTRUCTIONS --- PLEASE READ PRIOR TO COMPLETING APPLICATION**

- Please type or print your answers
- Answer all questions completely. If you have questions about this form or the application process, call the Selah Planning Department at (509) 698-7365
- Remember to bring all necessary attachments and the application fee when the application is submitted.
- The City will not accept an application for processing unless it is complete and the application fees paid. Application fees are non-refundable
- Application fee is \$ 400.00
- Minimum one (1) copy of the proposed comprehensive plan amendment map (8½ X 11) or (11 x 17)---REQUIRED
- Title report (must be current and reflect the undersigned signatures)--- REQUIRED
- Complete and full legal description of the property--- REQUIRED

NAME / ADDRESS OF INDIVIDUAL COMPLETING THIS APPLICATION:	NAME: <u>Carl + Candie Torkelson</u>
	SIGNATURE: <u>[Signature]</u>
	STREET: <u>101 Heritage Hills Dr Selah</u>
	CITY: <u>Selah</u> STATE: <u>WA</u> ZIP: <u>98942</u> PHONE: <u>509-697-3305</u>

NAME / ADDRESS OF LEGAL OWNER OF PARCEL(S) AND OWNER'S INTEREST IN THE PROPERTY	NAME: <u>Same as above</u>
	SIGNATURE: _____
	STREET: _____
	CITY: _____ STATE: _____ ZIP: _____ PHONE: _____
ASSESSOR'S PARCEL NUMBER <u>181435 - 31024</u>	CHECK ONE: <input checked="" type="checkbox"/> FEE SIMPLE OWNER <input type="checkbox"/> CONTRACT PURCHASER <input type="checkbox"/> OTHER _____

Existing Comprehensive Plan Designation and Proposed Comprehensive Plan Designation	EXISTING COMPREHENSIVE PLAN DESIGNATION: <u>R-2</u>
	PROPOSED COMPREHENSIVE PLAN DESIGNATION: <u>R-3 high density</u>

PROPERTY PROPOSED FOR CHANGE CONTAINS WHAT EXISTING LAND USES: R-2 Multifamily

PROPERTY PROPOSED FOR CHANGE CONTAINS OR IS SERVED BY WHICH EXISTING UTILITIES: (provide map)  
All city utilities, water, sewer, gas

ADJACENT LAND USES: Multi family

ADJACENT ZONING DESIGNATIONS: PD + R-2

ASSESSOR'S TAX PARCEL NUMBER: (list all) 181435-31024

**CERTIFICATION**  
I certify that the information on this application is true and correct to the Best of My Knowledge.

Date: 7-29-14 Signature of Property Owner or Authorized Agent [Signature]



**CITY OF SELAH PLANNING COMMISSION**  
**STAFF REPORT**  
 September 9, 2015

**APPLICATION:** Urban Growth Area Plan Amendment 2015-2 & Major Rezone (914.61.15-02).

**PROPOSAL:** Amend the Future Land Use Map of the Selah Urban Growth Area Comprehensive Plan to change the designation of a 0.37 acre parcel from Low Density Residential (LDR) to Moderate Density Residential (MDR). Also rezone the property from One Family Residential (R-1) to Two Family Residential (R-2). The property owner has a concurrent application to rezone the property to Planned Development. The Hearing Examiner has made a recommendation on the application, but it has not yet gone to the City Council.

**PROPONENT:** The City of Selah has initiated the actions that are before the Planning Commission for the reasons given in this report.

**PROPERTY OWNER:** Carl & Candi Torkelson

**LOCATION:** 600 Speyers Road. On the southwest side of Speyers Road and at the southwest corner of Speyers Road and Pear Avenue. Home Avenue is 150 feet to the south. (Tax Parcel Number: 181435-13493).

**APPLICATION AUTHORITY AND JURISDICTION:** Selah Municipal Code, Chapter 10.40 (Amendments) as it pertains to zoning map amendments and major rezones (amendment to the zoning map contingent upon a comprehensive plan amendment).

**PUBLIC FACILITIES AND UTILITY SERVICES:** Utilities and services are fully available to this developed site. It fronts on Speyers Road and Pear Avenue, which are both improved City streets.

**LAND USE, ZONING & COMPREHENSIVE PLAN:** The site is zoned R-1, designated Low Density Residential by the Comprehensive Plan and developed with three detached single family condominium units at a density of 8 dwelling units per acre.

**Adjacent Properties**

Location	Zoning	Comprehensive Plan	Land Use
North	R-1	Low Density Residential	Single family dwelling on 0.35 acre lot.
East	R-2	Moderate Density Residential	Moderate density Planned Development, attached single-family & condo dwellings
South	R-1	Low Density Residential	Single family homes on 0.18 to 0.28 acre lots
West	R-1	Low Density Residential	Single family dwelling on 0.18 acre lot

**AGENCY NOTIFICATION & ENVIRONMENTAL REVIEW:** A Determination of Nonsignificance (DNS) (971.61-64.15-09) was issued on August 26, 2015 and finalized on September 9, 2015. The SEPA determination was issued for and considered both proposed comprehensive plan amendments pursuant to the requirement of RCW 36.70A.130(2)(b) and SMC 10.40.040(1) that the cumulative effects of all proposed plan amendments be considered.

The Washington State Department of Commerce was notified as required by RCW 36.70A.106. Commerce forwarded the notice to other State agencies. As of the date of this report, no comments have been received.

**COMPREHENSIVE PLAN AMENDMENT:** The basis for the proposed comprehensive plan amendment is that the City considers the Low Density Residential designation of this property by the Plan in 2005 to be a mapping error because it did not consider the current use of the property and the land use pattern surrounding the property at the time. The three single family residential units, developed at a density of 8 units per acre were constructed in 2004 consistent with the R-2 zoning of the property at the time. The property was subsequently rezoned to R-1 to conform to the plan designation.

In addition to the use of the property, existing factors that were not taken into account at the time of the 2005 plan update were that the development of the site faces existing moderate density condominium development and MDR designated/R-2 zoning on the east side of Speyers Road. Zoning boundaries are often better located on rear property lines than in streets where development that has potential compatibility issues face one another.

Also, both sides of Speyers Road have developed over the years with a mixture of moderate density development (duplexes, townhouses and apartments) that face Speyers Road alternating with single family neighborhoods that mostly extend back away from this street.

### **Low Density Residential**

The current future land use designation is described in the comprehensive plan as:

“...provid[ing] areas of low density residential development, up to 5 dwelling units per gross acre. Clustering of dwelling units, within the permitted density range, is encouraged to preserve open space, steep slopes, drainage ways, etc....The predominate use will be low density residential; however, it is the intent and desire of Selah that its low density neighborhoods develop with a mix of housing types including single-family, duplexes, townhouses and multi-family dwellings. The mix of housing types will be limited by the maximum permissible density and zoning standards will regulate development to assure compatibility...”

### **Moderate Density Residential**

The proposed future land use designation is described by the Comprehensive Plan as follows:

“This use category provides areas of predominately moderate density residential development, up to 12 dwelling units per gross acre. Clustering of dwelling units, within the permitted density

range, is highly encouraged to preserve open space, steep slopes, drainage ways, etc. The predominate use is two-family, townhouses and condominium dwellings with a mix of single-family and multi-family residences. The mix of housing types will be limited by the maximum permissible density and zoning standards will regulate development to assure compatibility. As with low density residential development, moderate density residential development will be served primarily by municipal utility services and/or private community water and sewage systems that are designed for future connection to Selah's municipal system."

With respect to the existing use, the subject property is consistent with both the Low Density and Moderate Density Residential future land use map descriptions. However, the existing density – 8 dwelling units per gross acre – is consistent with Moderate Density Residential and inconsistent with Low Density Residential.

### **Comprehensive Plan Goals, Policies and Objectives**

**Policy LUGM 3.2:** Direct development to areas where infrastructure (water, sewer and streets) is either present, can be easily extended, or is planned to be extended.

**Policy LUGM 3.3:** Conserve land, energy and financial resources by minimizing urban sprawl.

**Housing Goal:** Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types and encourage preservation of existing housing stock.

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

**Policy HSG 1.1:** Discourage rezoning which would allow incremental conversion of existing single-family dwellings to duplexes or multi-family dwellings.

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

**Objective HSG 2:** Encourage new residential development to approximate existing residential densities and housing mix levels.

**Policy HSG 2.1:** Encourage the combined net density of all residential development to remain at present levels. Exceptions to this policy should be permitted where the developer can demonstrate that the quality of the project design, construction and amenities warrants a different housing density.

**Policy HSG 2.2:** Ensure codes and ordinances promote and allow for a compatible mix of housing types in residential areas.

**Objective HSG 3:** Minimize the negative impacts of medium and high-density residential projects on adjacent low-density residential areas, but encourage mixed use/density projects.

**Objective HSG 4:** Encourage new residential construction to be compatible with existing residential development.

7. The suitability of the property in question for uses permitted under the proposed zoning;
8. The recommendation from interested agencies and departments.

**Consistency of the Proposal with the Comprehensive Plan and the intent of SMC Title 10**

As described above, the proposal is consistent with the goals, objectives, mapping criteria and policies of the comprehensive plan. The following findings are recommended:

1. The site is in an urbanized area with existing infrastructure and does not comprise or encourage sprawl.
2. The proposal is consistent with mapping criteria and policies that encourage a mixture of housing types.
3. The proposal is consistent with the policy of replacing nonconforming uses with appropriate conforming uses. The existing use of the property is more conforming with the MDR plan designation and R-2 zoning than it is with the current zoning and plan designation.

The intent of SMC Title 10 is given under "Purpose" at SMC 10.02.030. It includes implementing the comprehensive plan enacted pursuant to the Growth Management Act, assuring orderly development of the city consistent with comprehensive plan goals and policies, encouraging orderly growth and the most appropriate use of the land, regulating lot coverage, population density / distribution, the location and height of structures; providing adequate light, air, sanitation and drainage; protecting the social and economic stability of resources and lands; reducing the menace of public safety resulting from the improper location of homes, commerce and industry in a single area and otherwise promoting the health, safety and general welfare.

The intent of the Two Family Residential (R-2) zoning district is to provide for single or two-family residential development where services are available or will be extended at no public cost. It is also the intent to provide for an orderly transition from vacant or partially developed to single or two-family residential use, facilitate coordinated and collaborative public infrastructure investment; require individual lot connections to municipal sewer and water, require development to meet urban development standards ensuring that uses and land divisions facilitate future residential development and extension of utilities (SMC 10.14.010).

The following findings are recommended:

4. The proposal is consistent with the intent of Title 10 and the R-2 zoning district because it has already been developed, it was developed under R-2 zoning standards at the time, it conforms to existing zoning standards, the surrounding area is mostly built out and the infrastructure is now in place.

5. The extent to which future subdivision of the site into lots as contemplated by the developer conforms to standards such as facilitating future development and individual connections to municipal sewer and water systems can be addressed at the time such land division is proposed and would not otherwise jeopardize the appropriateness and consistency of the proposed plan designation and zoning.

#### **Adequacy of Public Facilities and Services**

##### **Recommended findings:**

6. The adequacy of public facilities and public services required to meet (in this case) urban needs is evidenced by the site and surrounding properties being fully developed. They are served by required public utilities, roads and City services, and there is no evidence of any deficiency that would result in impacts from the proposed action.

#### **Public Need for the Proposed Change**

##### **Recommended findings:**

7. The primary public need for the proposal is based on Comprehensive Plan Policy HSG 1.6 to replace a nonconforming use with an appropriate conforming use. It is the contention of this application that the 2005 designation of the LDR land use category is in error because it was the result of the failure to consider the existing use of the property and the existing and historical land use patterns in the vicinity.
8. For the same reason, public need in this case can also be characterized in the negative: There is no public purpose derived in retaining the current plan designation and zoning given the current use of the property and land use patterns in the vicinity.
9. The question of whether additional land is needed for the designation is not relevant because the change in the number of dwelling units is not significant and not a significant factor in the consideration of this proposal. It brings the land use designation into consistency with the actual use of the property. The timing is also appropriate to correct a mapping error and resulting nonconformity.

#### **Change in Circumstances**

##### **Recommended findings:**

10. As a mapping error, the change in circumstances occurred prior to the 2005 comprehensive plan update and may not have been realized at the time. The property was developed to MDR density as allowed for at the time by the R-2 zoning.

### **Testimony at the Public Hearing and Recommendation of Interested Agencies and Departments**

The Planning Commission is required to consider the testimony received in formulating its recommendation and may want to make additional or different findings based on this testimony. As of the date of this report, no agency or department comments have been received.

### **Compatibility of Rezone and Associated Land Uses with Surrounding Land Uses**

Generally in considering rezones, it is necessary to account for all potential uses that may be permitted including those that are the most intensive or potentially incompatible with surrounding neighborhoods. Recommended findings are as follows:

11. It may be possible to increase the number of dwelling units to four and continue to comply with the maximum allowable density of 12 dwelling units per acre by the Moderate Density Residential future land use category. However because of the way the existing buildings are designed, it appears unlikely that an additional dwelling unit could be added.
12. Other land uses permitted in the R-2 zone are either no less intensive than that existing, or are otherwise permitted in the R-1 zone.
13. The existing use and zoning of the site is consistent with that which it faces across Speyers Road to the northeast and also along both sides of Speyers Road in the vicinity. It borders lower density single family development and zoning on rear and side property lines to the south and west, preferable boundaries between the two zoning and land use categories to the extent that there are any compatibility issues.
14. There are no identified compatibility conflicts identified for establishing separate individual lots for the existing dwelling units on the site.

### **Suitability of the Site for Uses Permitted Under the Proposed Zoning**

Recommended finding:

15. Suitability of the site is supported by the existing development of the site, its location in an urbanized and developed part of the City and full range of transportation, utilities and City services at the site.

**OTHER CONSIDERATIONS:** The following findings consider other factors required or typically considered for comprehensive plan amendments.

16. The proposed plan amendment has minimal cumulative impact when combined with the one other plan amendment application under consideration in this annual review because while there is a potential for an increase in the number of dwelling units by one unit, such increase is considered unlikely. The proposal results in a slight decrease in acreage designated for low density residential with a corresponding increase 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.
17. The proposed plan amendment better implements applicable Comprehensive Plan policies, corrects an obvious mapping error and addresses an identified deficiency in the Comprehensive Plan based on above findings because it recognizes existing development consistent with existing development patterns in the vicinity and eliminates what may otherwise be considered a nonconforming use.
18. The proposed plan amendment does not require changes to implementing regulations in order for them to remain consistent with the Comprehensive Plan.
19. No inconsistencies with Countywide Planning Policies have been identified.
20. 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.

**RECOMMENDATION:** Staff recommends **APPROVAL** of the proposed change from Low Density Residential to Moderate Density Residential and rezoning from R-1 to R-2 and the adoption of the Findings numbered 1 through 20 from the staff report in support of this decision along with any additional findings from testimony at the public hearing and any recommendations from interested agencies and departments.

**RECOMMENDED FINDINGS AND CONCLUSIONS**  
**Selah Urban Area Comprehensive Plan**  
**Future Land Use Map Amendment 15-02**  
**Major Rezone 914.61.15-02**

**September 15, 2015**

This matter having come on for public hearing before the Selah Planning Commission on September 15, 2015 for the purpose of an application initiated by the City of Selah to change the Future Land Use designation of Parcel 181435-13493 from Low Density Residential to Moderate Density Residential and to change the zoning from One-Family Residential (R-1) to Two Family Residential (R-2).

Members of the Commission present at the public hearing were \_\_\_\_\_.

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

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 site is in in an urbanized area with existing infrastructure and does not comprise or encourage sprawl.
  - b. The proposal is consistent with mapping criteria and policies that encourage a mixture of housing types.
  - c. The proposal is consistent with the policy of replacing nonconforming uses with appropriate conforming uses. The existing use of the property is more conforming with the MDR plan designation and R-2 zoning than it is with the current zoning and plan designation.
  - d. The proposal is consistent with the intent of Title 10 and the R-2 zoning district because it has already been developed, it was developed under R-2 zoning

standards at the time, it conforms to existing zoning standards, the surrounding area is mostly built out and the infrastructure is now in place.

- e. The extent to which future subdivision of the site into lots as contemplated by the developer conforms to standards such as facilitating future development and individual connections to municipal sewer and water systems can be addressed at the time such land division is proposed and would not otherwise jeopardize the appropriateness and consistency of the proposed plan designation and zoning.
- f. The adequacy of public facilities and public services required to meet (in this case) urban needs is evidenced by the site and surrounding properties being fully developed. They are served by required public utilities, roads and City services, and there is no evidence of any deficiency that would result in impacts from the proposed action.
- g. The primary public need for the proposal is based on Comprehensive Plan Policy HSG 1.6 to replace a nonconforming use with an appropriate conforming use. It is the contention of this application that the 2005 designation of the LDR land use category is in error because it was the result of the failure to consider the existing use of the property and the existing and historical land use patterns in the vicinity.
- h. For the same reason, public need in this case can also be characterized in the negative: There is no public purpose derived in retaining the current plan designation and zoning given the current use of the property and land use patterns in the vicinity.
- i. The question of whether additional land is needed for the designation is not relevant because the change in the number of dwelling units is not significant and not a significant factor in the consideration of this proposal. It brings the land use designation into consistency with the actual use of the property. The timing is also appropriate to correct a mapping error and resulting nonconformity.
- j. As a mapping error, the change in circumstances occurred prior to the 2005 comprehensive plan update and was apparently not realized at the time. The property was developed to MDR density as allowed for at the time by the R-2 zoning.
- k. It may be possible to increase the number of dwelling units to four and continue to comply with the maximum allowable density of 12 dwelling units per acre by the Moderate Density Residential future land use category. However because of the way the existing buildings are designed, it appears unlikely that an additional dwelling unit could be added.

- l. Other land uses permitted in the R-2 zone are either no less intensive than that existing, or are otherwise permitted in the R-1 zone.**
  
- m. The existing use and zoning of the site is consistent with that which it faces across Speyers Road to the northeast and also along both sides of Speyers Road in the vicinity. It borders lower density single family development and zoning on rear and side property lines to the south and west, preferable boundaries between the two zoning and land use categories to the extent that there is any compatibility issues.**
  
- n. There are no identified compatibility conflicts identified for establishing separate individual lots for the existing dwelling units on the site.**
  
- o. Suitability of the site is supported by the existing development of the site, its location in an urbanized and developed part of the City and full range of transportation, utilities and City services at the site.**
  
- p. The proposed plan amendment has minimal cumulative impact when combined with the one other plan amendment application under consideration in this annual review because while there is a potential for an increase in the number of dwelling units by one unit, such increase is considered unlikely. The proposal results in a slight decrease in acreage designated for low density residential with a corresponding increase 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.**
  
- q. The proposed plan amendment better implements applicable Comprehensive Plan policies, corrects an obvious mapping error and addresses an identified deficiency in the Comprehensive Plan based on above findings because it recognizes existing development consistent with existing development patterns in the vicinity and eliminates what may otherwise be considered a nonconforming use.**
  
- r. The proposed plan amendment does not require changes to implementing regulations in order for them to remain consistent with the Comprehensive Plan.**
  
- s. No inconsistencies with Countywide Planning Policies have been identified.**
  
- t. 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.**

5. Additional findings adopted by the Commission based on testimony at the public hearing and additional information from interested agencies and departments:
  
6. 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.
  
7. 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.
  
8. The Commission determines that findings \_\_\_\_\_ to be the controlling factors in its deliberations on the Class 3 Use Permit.

**DECISION**

The Commission, based on these findings, conclusions and controlling factors finds that the proposed change in the Selah Urban Area Comprehensive Plan Future Land Use designation of Parcel 181435-13493 should be changed from Low Density Residential to High Density Residential and its zoning changed from One Family Residential (R-1) to Two Family Residential (R-2).

Motion to Approve/Deny by: \_\_\_\_\_ Second by \_\_\_\_\_ Vote \_\_\_\_\_



P.O. Box 292  
Selah, Washington 98942  
Phone: (509) 697-3305  
Fax: (509) 697-3504  
torkelson@fairpoint.net

**Carl Torkelson**  
Cell: (509) 945-0133  
**Candi Torkelson**  
Cell: (509) 961-7656

*Why Pay \$1000's More? Buy Builder Direct!*

February 17, 2015

City of Selah  
Planning Commission  
113 West Naches Avenue  
Selah, WA 98942

RE: 600 A, B, C Speyers Road - Parcel #181435-13493

To Whom it May Concern:

I am requesting that my comprehensive plan amendment be sent to the Planning Commission for recommendation, then to the City Council for final approval. After this I would like my proposed planned development to go back to the Hearing Examiner for reconsideration.

Thank you,

Carl Torkelson

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Builder reserves the right to change floor plan or elevations



CITY OF SELAH

APPLICATION FOR ZONING CODE AMENDMENT  
APPLICATION REQUIREMENTS

Date Submitted/Received By

\_\_\_\_\_ Non-Refundable Application Fee

5/27/2015 TRDm

\_\_\_\_\_ Site Plan drawn to scale

\_\_\_\_\_ Vicinity Site Map with North Arrow

\_\_\_\_\_ Completed Environmental Checklist and Checklist fee.

1.\* TYPE OF ZONING CODE AMENDMENT REQUIRED

REZONE

OTHER \_\_\_\_\_

A. If requested rezone, what is the original zoning and requested zoning (i.e. R-1 to R-2).

R1 to R2 to PD

Comprehensive Plan Designation

Low Density Residential

B. If amendment to zoning code, what is the proposed amendment (please attach proposed amendment to application).

2. NAME OF APPLICANT:

Carl + Candi Terkelsen

ADDRESS OF APPLICANT:

P.O. Box 292

Selah, wa 98942

Carl Terkelsen

Candi R Terkelsen

Signature

TELEPHONE: WORK

509-697-3305

HOME

Cell- 509-945-0133  
509-697-3301

3.

NAME OF LEGAL PROPERTY OWNER:

Same as above

(If different from applicant)

ADDRESS:

Carl Terkelsen

Candi R Terkelsen

Signature

TELEPHONE: WORK

509-697-3305

HOME

Cell- 509-945-0133  
509-697-3301

4. Yakima County Assessor's office Parcel No. for Property(s) 181435-13493

LEGAL DESCRIPTION OF PROPERTY:

on flat map

5. SUMMARY OF PROPOSED rezoning or zoning code amendment

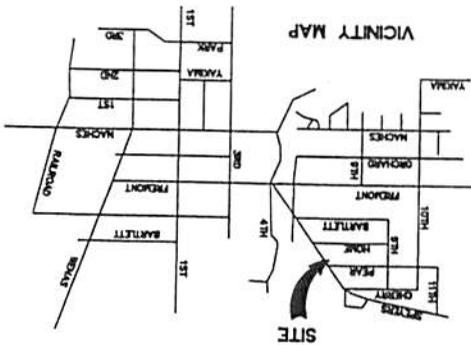
: we would like to rezone from

Low density to moderate density RA to a Planned development.

PRELIMINARY PLANNED DEVELOPMENT  
OF  
**SPEYERS COURT**  
IN THE SW 1/4 OF THE NE 1/4 OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 18 EAST, W.M.  
CITY OF SELAH, YAKIMA COUNTY, WASHINGTON

**LEGAL DESCRIPTION**  
LOT 1 OF THAT CERTAIN SHORT PLAT RECORDED UNDER AUDITOR'S  
FILE NO. 7331733, RECORDS OF YAKIMA COUNTY, WASHINGTON.

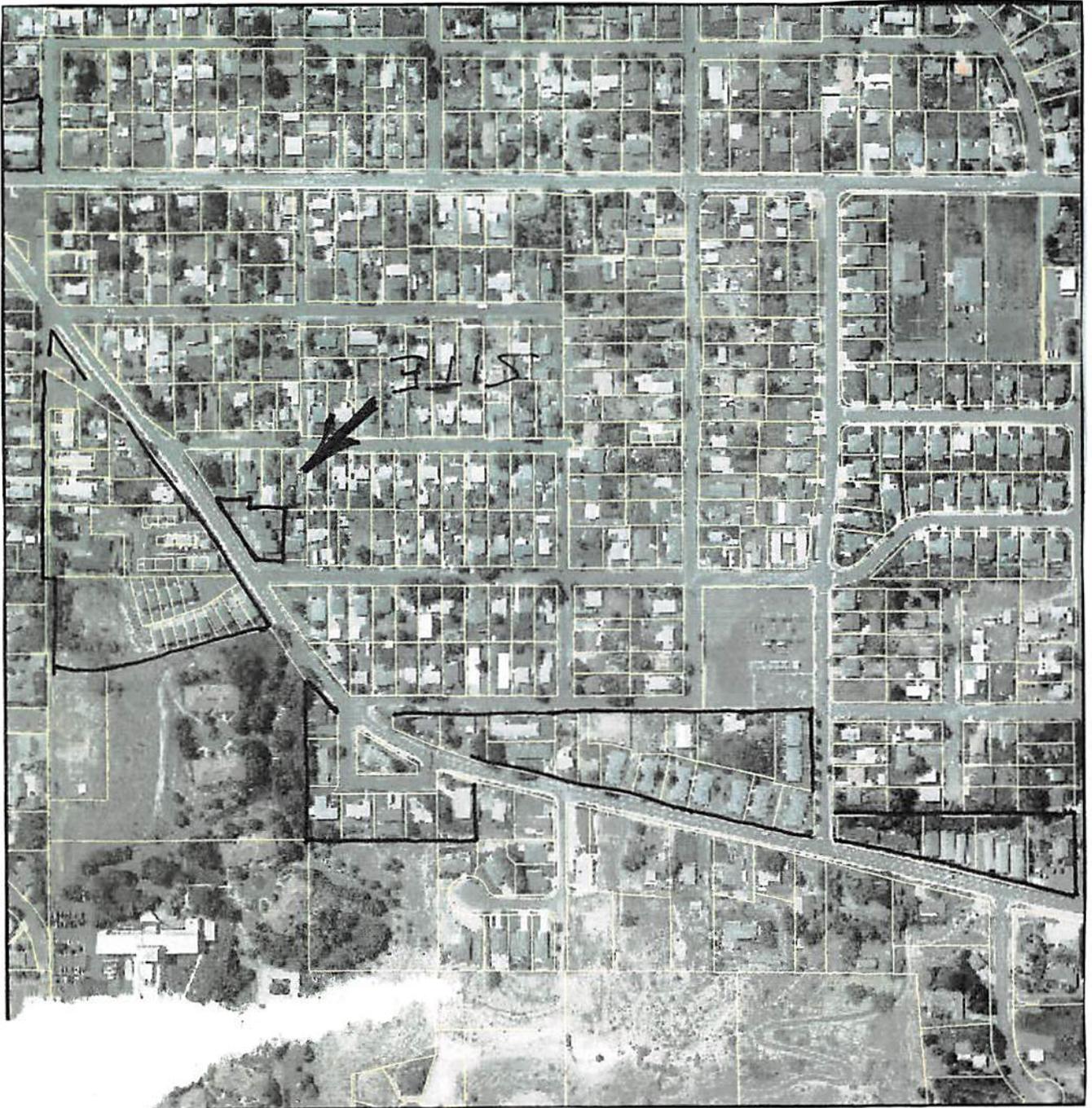
- NOTES**
1. TOTAL AREA OF PROPOSED SUBDIVISION IS 16023 SQ. FT./0.366 ACRES
  2. PERCENTAGE OF LAND COVERAGE BY IMPROVEMENTS IS 44%
  3. STRUCTURES DEPICTED HEREON ARE EXISTING. NO NEW STRUCTURES ARE PROPOSED IN CONJUNCTION WITH THIS APPLICATION. ALL REQUIRED SERVICES HAVE BEEN PROVIDED (POWER, SEWER, WATER, ETC...)
  4. ALL STORM WATER GENERATED BY NEW IMPERVIOUS SURFACES WILL BE RETAINED ON SITE.
  5. SUBJECT PROPERTY AND ADJOINING PROPERTIES ARE ZONED R-1. PROPERTIES NORTH OF SPEYERS ROAD ARE ZONED PD AND R-2.
  6. THE OPEN SPACE/OVERLAP PARKING AREA EASEMENTS WILL BE DEPICTED ON THE FINAL PLAT MAP OR PROVIDED FOR IN THE DEVELOPMENT COVENANTS.



MODERATE DENSITY RESIDENTIAL AREAS ON SPEYERS ROAD

SCALE: 1" = 400'

PLAN AMENDMENT 2015-02





STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000  
[www.commerce.wa.gov](http://www.commerce.wa.gov)

August 11, 2015

Thomas Durant  
City Planner  
City of Selah  
222 S Rushmore Road  
Selah, Washington 98942

Dear Mr. Durant:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

**City of Selah - Proposed amendments to the future land use map changing 0.37 acre parcel from low density residential to moderate density residential land 0.18 acre parcel from moderate density residential to high density residential. These materials were received on August 11, 2015 and processed with the Material ID # 21521.**

We have forwarded a copy of this notice to other state agencies.

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than October 10, 2015. Please remember to submit the final adopted amendment to Commerce within ten (10) days of adoption.

If you have any questions, please contact Growth Management Services at [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov), or call Dave Andersen (509) 434-4491.

Sincerely,

Review Team  
Growth Management Services



# Department of Commerce

Innovation is in our nature.

## Notice of Intent to Adopt Amendment 60 Days Prior to Adoption

Indicate one (or both, if applicable):

- Comprehensive Plan Amendment**  
 **Development Regulation Amendment**

Pursuant to RCW 36.70A.106, the following jurisdiction provides notice of intent to adopt a proposed comprehensive plan amendment and/or development regulation amendment under the Growth Management Act.

<b>Jurisdiction:</b>	City of Selah
<b>Mailing Address:</b>	222 S. Rushmore Road, Selah, WA 98942
<b>Date:</b>	August 11, 2015

<b>Contact Name:</b>	Thomas R Durant
<b>Title/Position:</b>	City Planner
<b>Phone Number:</b>	(509) 698-7365
<b>E-mail Address:</b>	

<b>Brief Description of the Proposed/Draft Amendment:</b> <i>If this draft amendment is provided to supplement an existing 60-day notice already submitted, then please provide the date the original notice was submitted <u>and</u> the Commerce Material ID number located in your Commerce acknowledgement letter.</i>	<i>Example:</i> Proposed amendment to...  Annual amendments to Future Land Use Map changing 0.37 acre parcel from Low Density Residential to Moderate Density Residential and 0.18 acre parcel from Moderate Density Residential to High Density Residential.
<b>Is this action part of the scheduled review and update?</b> <i>GMA requires review every 8 years under <a href="#">RCW 36.70A.130(4)-(6)</a>.</i>	Yes: ___ No: <u>X</u>
<b>Public Hearing Date:</b>	Planning Board/Commission: September 15, 2015 Council/County Commission: October 13, 2015
<b>Proposed Adoption Date:</b>	October 13, 2015

**REQUIRED:** Attach or include a copy of the proposed amendment text or document(s). We do not accept a website hyperlink requiring us to retrieve external documents. Jurisdictions must submit the actual document(s) to Commerce. If you experience difficulty, please contact [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov).

**UGA Plan Amendment #2015-1**

**905 W. Fremont Avenue, Parcel #181435-31024**

**Change the Future Land Use designation of 0.18 acre parcel from Moderate Density Residential (MDR) to High Density Residential (HDR). Application made by property owner.**

**UGA Plan Amendment #2015-2**

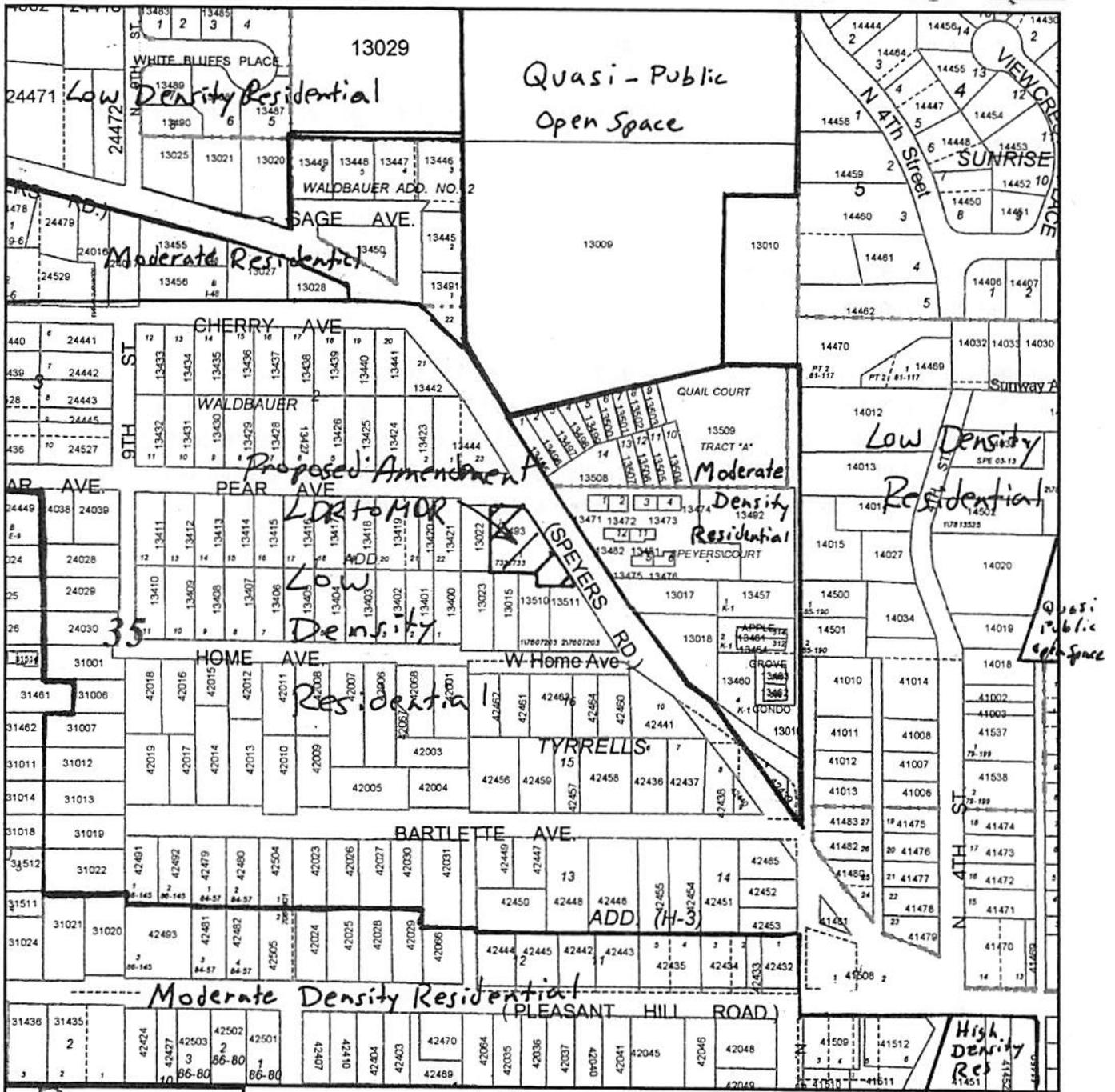
**600 Speyers Road, Parcel #181435-13493**

**Change the Future Land Use designation of 0.37 acre parcel from Low Density Residential (LDR) to Moderate Density Residential (MDR). Amendment is being initiated by the City based on mapping error. At the time of adoption, Future Land Use mapping failed to account for the existing use of the property, its orientation to MDR designated and developed property across Speyers Road and that both sides of Speyers Road is characterized by moderate density residential development.**

Yakima County GIS - Washington  
**Land Information Portal**

[Print Map]  
 [Close Map]

**Yakimap.com**



Map Center: Range:18 Township:14 Section:35

City Limits  
 Sections

**WWW.YAKIMAP.COM**  
 Yakima County GIS  
 128 N 2nd Street  
 Yakima, WA 98901  
 (509)574-2992



*UGA Plan Amendment #2015-2*

**One Inch = 300 Feet**  
 Feet 200 400

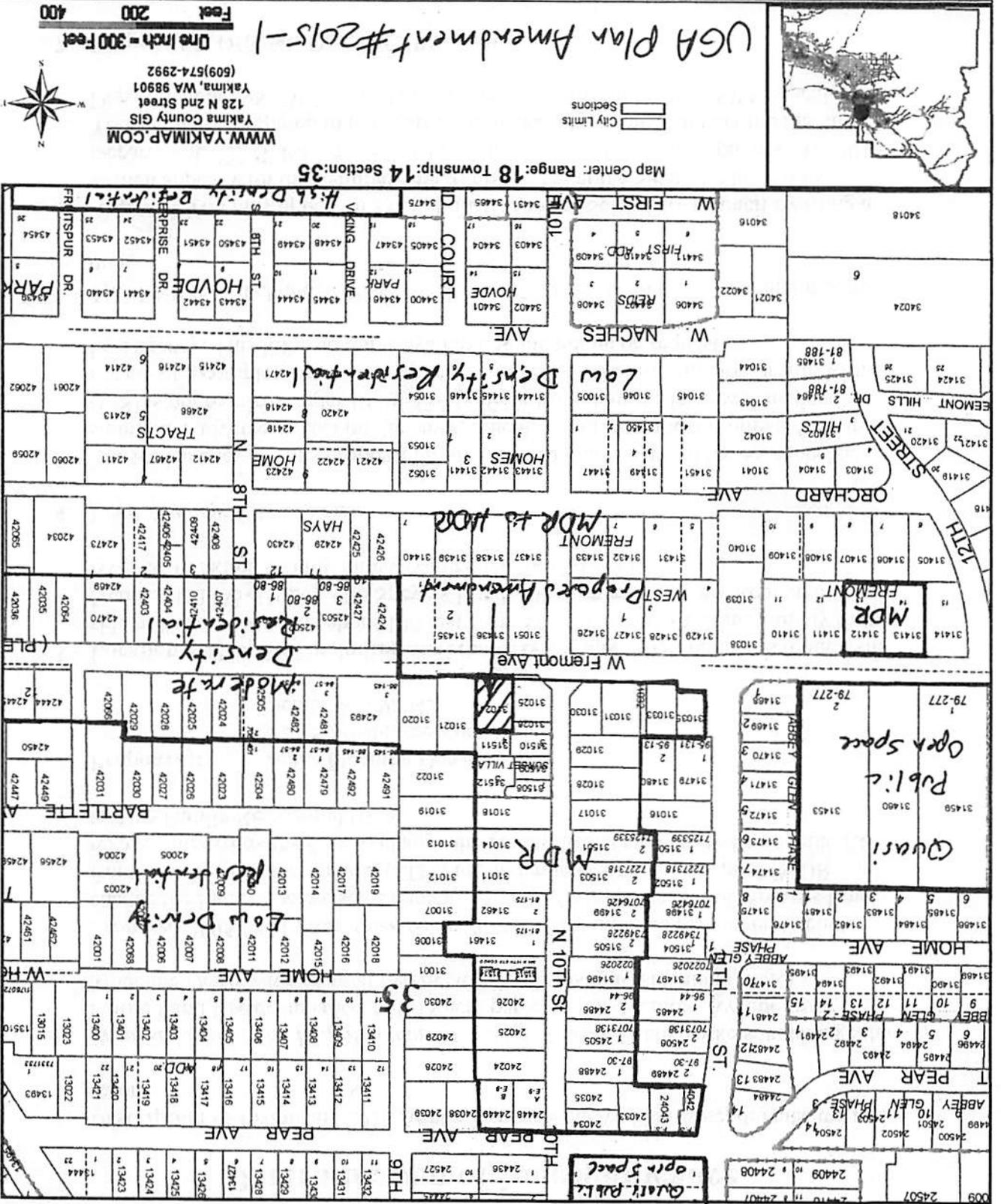
MAP AND PARCEL DATA ARE BELIEVED TO BE ACCURATE, BUT ACCURACY IS NOT GUARANTEED. THIS IS NOT A LEGAL DOCUMENT AND SHOULD NOT BE SUBSTITUTED FOR A TITLE SEARCH, APPRAISAL, SURVEY, FLOODPLAIN OR ZONING VERIFICATION

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# Yakima County GIS - Washington Land Information Portal

[Print Map] [Close Map]

# Yakimap.com



## **Final Determination of Nonsignificance**

1. **Description of Proposal:** 2015 Annual Comprehensive Plan Amendments and major rezone.

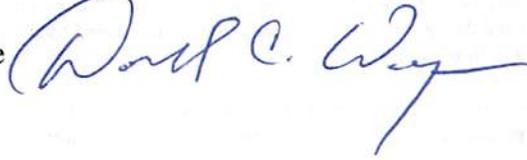
*Proposed 2005 UGA Plan Amendment 2015-1:* Carl & Candi Torkelson, change the Future Land Use designation of 0.18 acre parcel at 905 Fremont Avenue from Moderate Density Residential (MDR) to High Density Residential (HDR).

*Proposed 2005 UGA Plan Amendment 2015-2:* City initiated plan amendment to change the Future Land Use designation of a 0.37 acre parcel at 600 Speyers Road from Low Density Residential (LDR) to Moderate Density Residential (MDR) and rezone initiated by the City to change the zoning from One Family Residential (R-1) to Two Family Residential (R-2).

2. **Proponent:** Selah Planning Department  
222 S. Rushmore Road  
Selah, WA 98942
3. **Location of Proposal including street address, if any:** 905 Fremont Avenue: North side of Fremont Avenue about 100 feet east of N. 10<sup>th</sup> Street (Yakima County Parcel Number 181435-31024). 600 Speyers Road: SW corner of Speyers Road and Pear Avenue. (Yakima County Parcel Number: 181435-13493).
4. **Lead Agency:** City of Selah
5. The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.  
  
This DNS is issued under WAC 197-11-340(2); there is no further comment period on it.
6. **Appeals:** You may appeal this determination to the Selah City Council by filing a written appeal with the required \$300.00 filing fee at the Selah Public Works Department, 222 S. Rushmore Road no later than 5:00 p.m. on September 16, 2015. You should be prepared to make specific factual objections. Contact the Planning Department at 698-7365 to read or ask about the procedures for SEPA appeals.
7. **Responsible Official:** Donald C. Wayman
8. **Position / Title:** City Administrator

9. **Address:** 222 S. Rushmore Road, Selah, Washington 98942

10. **Date:** September 9, 2015

11. **Signature** 

# ENVIRONMENTAL CHECKLIST

## INTRODUCTION:

The State Environmental Policy Act (SEPA), Chapter 43.21C, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal if it can be done) and to help the agency decide whether an EIS is required.

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly with the most precise information known or the best description you can.

You must answer each question accurately and carefully to the best of your knowledge. In most cases you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shorelines, and landmark designations. Answer these questions if you can. If you have problems the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impacts.

Complete the checklist for nonproject proposals even though questions may be answered "does not apply". In ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions the reference in the checklist to the words "project applicant" and "property of site" should be read as "proposer", "proposer", and "affected geographic area", respectively.

## A. BACKGROUND (Attach additional sheets if necessary)

1. Name of proposed project, if applicable:

2015 Annual Comprehensive Plan Amendments

2. Name of Applicant:

Selah Planning Department

3. Address and phone number of applicant and contact person:

222 S. Rushmore Road, Selah, WA 98942  
(509) 698-7365  
Thomas R. Durant, Community Planner

4. Date checklist prepared:

August 24, 2015

5. **Agency requiring checklist:**

City of Selah

6. **Proposed timing or schedule (including phasing, if applicable):**

Planning Commission will consider the amendments at a public hearing currently scheduled for September 15, 2015 and its recommendation is scheduled to be considered by the City Council on October 13, 2015. If approved, the new amendments would be in effect soon after.

7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

The owner of the Speyers Road property intends to subdivide it into lots.

8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

Environmental review has been conducted for a pending rezone of the Speyers Road property to Planned Development and its subsequent subdivision into three lots. A Determination of Nonsignificance was issued by the City on July 17, 2014. The SEPA checklist prepared for that action has been reviewed and incorporated into this checklist.

9. **Do you know whether applications are pending for governmental approvals or other proposals directly affecting the property covered by your proposal? If yes, explain.**

Applications for rezone of the Speyers Road property to Planned Development and a preliminary plat to subdivide it into three lots is pending. The applications have been considered by the Hearing Examiner and a recommendation issued to the City Council which has not yet been acted on it. The proponent has submitted a new application for Planned Development rezoning that requests reconsideration of the application by the Hearing Examiner.

10. **List any government approvals or permits that will be needed for your proposal, if known.**

Recommendation by the Planning Commission and adoption by the City Council required before these amendments become effective.

Review by the Washington State Department of Commerce.

Subsequent development of the two parcels in this application include approval of a Planned Development rezone and preliminary and final plat (or short plat) for the property on Speyers Road.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

Two separate amendments of the Future Land Use Map of the Selah Comprehensive Plan are proposed:

Change the future land use designation of a 0.37 acre parcel from Low Density Residential (LDR) to Moderate Density Residential (MDR) and change its zoning from R-1 (Single Family Residential) to R-2 (Two Family Residential). This change has been initiated by the City because it appears that its designation of LDR was a mapping error and did not account for the use of it and other similar properties along Speyers Road. The property owner has applied to have it rezoned to Planned Development and to subdivide it into three lots.

Change the future land use designation of a 0.18 acre parcel from Moderate Density Residential (MDR) to High Density Residential (HDR).

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The address of the property proposed for re-designation/rezoning from LDR/R-1 to MDR/R-2 is 600 Speyers Road. It is at the southwest corner of Speyers Road and Pear Avenue. Yakima County Parcel Number is 181435-13493.

The address of the property proposed for re-designation from MDR to HDR is 905 W. Fremont Avenue. It is on the north side of Fremont Avenue, about 100 feet east of N. 10<sup>th</sup> Street. Yakima County Parcel Number is 181435-31024.

Both parcels are in Section 35, Township 14 N., Range 18 E.W.M.

13. Taxation parcel number(s): See response above

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

B. ENVIRONMENTAL ELEMENTS (Attach additional sheets if necessary)

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other

b. **What is the steepest slope on the site (approximate percent slope)?**

2%

c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

NRCS soil classifications are Ritzville silt loam and Selah silt loam. The Selah silt loam is classified as prime farmland. None of the land in the City Limits is designated agricultural land of long-term commercial significance. These amendments should not result in the removal of these soils.

d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

No.

e. **Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation and grading proposed. Indicate source of fill.**

Based on the existing development on these parcels, very little, if any grading and excavation would be expected. Both parcels are fully developed, although the construction of new buildings is possible on the Fremont Avenue site.

f. **Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

There is a potential for erosion from clearing, construction or use.

g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

Lot coverage of the Speyers Road site is 14% (buildings only). On the Fremont Avenue site it is 21%. The lot coverage standard of the R-2 zone is maximum 50% consisting of principal and accessory structures. For the R-3 zone, it is 80% and includes parking area as well as principal and accessory structures.

- h. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**

Stormwater management including on-site retention, grading permits and construction stormwater permitting and control are required for new development depending on its size and scope.

2. **Air**

- a. **What types of emissions to the air would result from the proposal during construction, operation and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

Air emissions typically associated with residential use, dust emissions during construction and increased air emissions from vehicular traffic.

- b. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

No.

- c. **Proposed measures to reduce or control emissions or other impacts to air, if any:**

The Yakima County Clean Air Agency regulates emissions to the air with dust control plans required for development.

3. **Water**

- a. **Surface:**

- 1) **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

No.

- 2) **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

N/A.

- 3) **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

N/A.

- 4) **Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.**

No.

- 5) **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

No.

- 6) **Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

No.

b. **Ground:**

- 1) **Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses, and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.**

No, other than ground water now being withdrawn by the Selah municipal system.

- 2) **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage, industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

None.

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (including quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Impervious surfaces including roofs, streets, parking areas, and other paved surfaces are sources of storm water runoff. On-site retention of stormwater is required for new development.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

It is not expected to with municipal sewer service and on-site retention of drainage.

Does the proposal alter, or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No.

c. Proposed measures to reduce or control surface, ground, and runoff water and drainage pattern impacts, if any:

Connection of new development to the municipal sewer and water systems, on-site retention of stormwater runoff and where applicable, construction stormwater permits and planning.

4. Plants

a. Check the types of vegetation found on the site:

- deciduous trees: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

- b. **What kind of and amount of vegetation will be removed or altered?**

Little if any since both sites are developed.

- c. **List threatened or endangered species known to be on or near the site.**

None known and not considered to be likely because the sites are located in a developed urban area.

- d. **Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**

None have been identified.

- e. **List all noxious weeds and invasive species known to be on or near the site.**

None identified. Probably not any due to maintained landscaping on both sites.

5. **Animals**

- a. **List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:**

**Bird:** hawk, heron, eagle, songbirds, other:

**Mammals:** deer, bear, elk, beaver, other:

**Fish:** bass, salmon, trout, herring, shellfish, other:

- b. **List any threatened or endangered species known to be on or near the site.**

None are believed to be on or near these urbanized sites.

- c. **Is the site part of a migration route? If so, explain.**

Birds probably migrate through the area

- d. **Proposed measures to preserve or enhance wildlife, if any:**

None have been identified.

- e. **List any invasive animal species known to be on or near the site.**

None known.

6. **Energy and Natural Resources**

- a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

Primarily electricity and natural gas. Energy needs would typically be lighting, heating and other residential energy needs.

- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

No.

- c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.**

None have been identified.

7. **Environmental Health**

- a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of the proposal? If so, describe.**

No.

- 1) **Describe any known or possible contamination at the site from present or past uses.**

None.

- 2) **Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

None

- 3) **Describe any toxic or hazardous chemicals that might be stored, used or produced during the project's development or construction, or at any time during the operating life of the project.**

Toxic or hazardous chemicals would typically be those limited substances and amounts associated with construction and use of residential properties.

- 4) **Describe special emergency services that might be required.**

None.

- 5) **Proposed measures to reduce or control environmental health hazards, if any:**

None.

b. **Noise**

- 1) **What types of noise exist in the area which may affect your project (for example: traffic, equipment, construction, operation, other)?**

None.

- 2) **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hour's noise would come from the site.**

Short term construction activity.

- 3) **Proposed measures to reduce or control noise impacts, if any:**

None.

8. **Land and Shoreline Use**

- a. **What is the current use of the site and adjacent properties?  
Will the proposal affect current land uses on nearby or adjacent properties?  
If so, describe.**

The Speyers Road site is occupied by three detached single family dwellings.

The Fremont Avenue site is occupied by three detached single family dwellings.

Little effect on nearby or adjacent properties is expected because at the Speyers Road site, the only actual change proposed is to subdivide the property into lots that would be owned individually and any new development of the Fremont Avenue site would be similar to that of surrounding properties, especially to the north.

- b. **Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to non-farm or non-forest use?**

If they have been used as working farmlands, it was a long time ago, because both sites are in older parts of the City. No farm or forest land of long-term commercial significance will be converted to other uses, and the sites and surrounding properties are not, nor do they qualify for current use farm or forest land tax status.

- 1). **Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling and harvesting? If so, how:**

No.

- c. **Describe any structures on the site.**

Three single family residential dwellings at the Speyers Road site and a three single family residential dwellings at the Fremont Avenue site.

- d. **Will any structures be demolished? If so, what?**

One of the dwellings at the Fremont Avenue site is an older house that could be demolished for future development, although it has not been proposed in the application materials that have been submitted.

- e. **What is the current zoning classification of the site?**

The Speyers Road site is zoned R-1 – One Family Residential. The Fremont Avenue site is zoned R-2 – Two Family Residential.

f. **What is the current comprehensive plan designation of the site?**

The Speyers Road site is designated Low Density Residential. The Fremont Avenue site is designated Moderate Density Residential.

g. **If applicable, what is the current shoreline master program designation of the site?**

N/A.

h. **Has any part of the site been classified critical area by the city or county? If so specify.**

No.

i. **Approximately how many people would reside or work in the completed project?**

Based on the current use of the Speyers Road property and site plan submitted with the application for the Fremont Avenue site, up to six families would reside in the two properties.

j. **Approximately how many people would the completed project displace?**

None.

k. **Proposed measures to avoid or reduce displacement impacts, if any:**

N/A.

l. **Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

There is no change in the Speyers Road site because it is already developed and the only proposed change is to provide for three individual lots.

The amendment is being proposed as correcting an error because the three dwelling units were in existence at the time the property was designated Low Density Residential and rezoned R-1, and were at a density consistent with Moderate Density Residential designation. There are also existing, similarly developed MDR designated properties across Speyers Road from the site and the dwellings on the site face those higher density areas while bordering lower density residential areas on rear property lines, rather than along the streets.

Moderate Density Residential designated and developed areas are located on both sides of Speyers Road although not continuously. The designation of this site is consistent with that pattern.

Because of the small size of the Fremont Avenue site, the highest number of dwelling units that would be possible under the High Density Residential Plan designation is four, one more than existing.

- m. **Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:**

N/A.

9. **Housing**

- a. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

Six existing units based on the existing use of the Speyers Road site and the site plan submitted with the Fremont Avenue application. No more than one additional new dwelling unit would be possible on the Fremont Avenue site based on the maximum High Density Residential density of 24 dwelling units per acre, although the application does not indicate that it is being proposed. The existing units are occupied by middle income tenants.

- b. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

None proposed.

- c. **Proposed measures to reduce or control housing impacts, if any:**

None.

10. **Aesthetics**

- a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

The maximum building height of the R-2 zone is 35 feet.

- b. **What views in the immediate vicinity would be altered or obstructed?**

No alteration of views at the Speyers Road site because there are no proposed changes. At Fremont Avenue the views may be altered slightly if

there is new construction.

- c. **Proposed measures to reduce or control aesthetic impacts, if any:**

None proposed. Since this proposal does not include a rezone of the Fremont Avenue site to R-3, the maximum 35 foot height limitation of the R-2 zone would continue to apply.

11. **Light and Glare**

- a. **What type of light or glare will the proposal produce?  
What time of day would it mainly occur?**

Outside and street lighting.

- b. **Could light or glare from the finished project be a safety hazard or interfere with views?**

No.

- c. **What existing off-site sources of light or glare may affect your proposal?**

None.

- d. **Proposed measures to reduce or control light and glare impacts, if any:**

None.

12. **Recreation**

- a. **What designated and informal recreational opportunities are in the immediate vicinity?**

Several parks in the City.

- b. **Would the proposed project displace any existing recreational uses? If so, describe.**

No.

- c. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

Common open areas are shown on the site plans for both sites.

13. **Historic and Cultural Preservation**

- a. **Are there any buildings, structures, or places or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.**

None identified.

- b. **Are there any landmarks, features or other evidence of Indian or historic use or occupation. This may include human burials or old cemeteries. Is there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

None identified.

- c. **Describe the methods uses to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archaeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

None.

- d. **Proposed measures to avoid, minimize, or reduce or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

None.

14. **Transportation**

- a. **Identify public streets and highways serving the site or affected geographic area, and describe proposed access to the existing street system. Show on site plans, if any.**

City streets include W. Fremont Avenue and N. 10th Street at the Fremont site; Speyers Road, Speyers Road and Pear Avenue at the Speyers Road site.

- b. **Is site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

Selah is served by transit. The nearest stop is located at Speyers and N. 11th Street about ½ mile from the Speyers Road property and ¾ mile from the Fremont Avenue property.

- c. **How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?**

None

- d. **Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways?**

If so, generally describe (indicate whether public or private).

Not expected to.

- e. **Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

No.

- f. **How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur and what percentage of the volumes would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?**

Up to thirty trips per day at Speyers Road and 40 trips per day at the Fremont Avenue site based on assumed 10 trips per day per unit for single family residential. Peak hours would be the morning and evening peak hours typical of single family residential. Minimal truck and commercial vehicle traffic.

- f. **Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

No.

g. **Proposed measures to reduce or control transportation impacts, if any:**

None.

15. **Public Services**

a. **Would the project result in an increased need for public services**  
(for example: fire protection, police protection, public transit, health care, schools, other)?  
**If so, generally describe.**

No.

b. **Proposed measures to reduce or control direct impacts on public services, if any.**

None.

16. **Utilities**

a. **Circle utilities currently available at the site: electricity,**  
**natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.**

All of these utilities are available except for septic system.

b. **Describe the utilities that are proposed for the project,**  
**the utility providing the service, and the general construction**  
**activities on the site or in the immediate vicinity which might**  
**be needed.**

Both properties are currently served by all utilities. The only future construction activities would be if an existing unit was reconstructed or a new unit added and would be minor. This is most likely to occur at the Fremont Avenue site.

**C. SIGNATURES**      **The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.**

Signature of Proponent or Person Completing Form



Date:

8/24/15

**D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS** (do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

Since both of the proposed sites are now mostly developed, there would be very little if any increase in any of these. The most likely would be short term noise and dust associated with any new construction.

**Proposed measures to avoid or reduce such increases are:**

None beyond the current regulatory requirements for discharges, emissions and noise.

2. **How would the proposal be likely to affect plants, animals, fish, or marine life?**

Little if any impact on plants, animals and fish since both are landscaped sites in developed urban areas.

**Proposed measures to protect or conserve plants, animals, fish, or marine life are?**

None.

3. **How would the proposal be likely to deplete energy or natural resources?**

The use of energy and natural resources is low given the low intensity residential use, small size and low population of the sites.

**Proposed measures to protect or conserve energy and natural resources are:**

None.

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplain, or prime farmlands?**

No expected impact on these areas.

**Proposed measures to protect such resources or to avoid or reduce impacts are:**

None.

5. **How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

Designation of the Fremont site could allow higher density development than currently permitted in surrounding areas, but it would only amount to one additional dwelling unit.

**Proposed measures to avoid or reduce shoreline and land use impacts are:**

Based on the site plan submitted by the applicant with the Fremont Avenue application, only three dwelling units are intended, the number of units currently existing.

6. **How would the proposal be likely to increase demands on transportation or public services and utilities?**

Insignificant demands on transportation, public services and utilities because at most the number of existing units would be increased by one.

**Proposed measures to reduce or respond to such demand(s) are:**

None.

7. **Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

There are no known conflicts.

## STAFF REPORT

**TO:** Planning Commission, City of Selah  
**FROM:** Shawn Conrad, Senior Planner, Yakima Valley Conference of Governments  
**DATE:** September 15, 2015  
**SUBJECT:** Comprehensive Plan Update: Draft Summary and Plan Administration Chapter and Public Participation Plan

### **ACTION**

**REQUESTED:** None; review and discussion only

### **Background**

The Growth Management Act (GMA) requires fully planning jurisdictions to review and update their comprehensive plans, development regulations, and critical areas ordinance, every eight years as established by RCW 36.70A.130(5)(c). Selah's next GMA periodic update is due June 30, 2017. After this date, without a completed update, Selah will be unable to access Washington State road and water/wastewater infrastructure grants and loans.

To start this GMA periodic update process, staff is reviewing and updating the current Selah Comprehensive Plan. Once the Comprehensive Plan review is completed, staff will begin review of the development regulations and the critical areas ordinance for updates. Once those reviews are completed, staff will request a recommendation to City Council on all of the elements of the GMA periodic update.

The updated Comprehensive Plan will consist of seven chapters:

- Summary and Plan Administration
- Community Goals, Objectives & Policies
- Land Use Element
- Housing Element
- Natural Environment Element
- Transportation Element
- Capital Facilities and Utilities Element

Staff is beginning this process with the review and update of the Summary and Plan Administration chapter, as well as the required Public Participation Plan.

### **Summary and Plan Administration Chapter**

The Summary and Plan Administration chapter addresses the purpose of the Comprehensive Plan, the planning process, the County-wide Planning Policy, public involvement, amendment processes, and maintaining consistency with development regulations, in accordance with the requirements of the Washington State Growth Management Act, including RCW 36.70A.106, 36.70A.120, 36.70A.130 and 36.70A.140.

Proposed updates to the current chapter include adding the process for Comprehensive Plan amendments, including timing, procedures, and public participation; consistency with other City fiscal and regulatory processes and State review of amendments; and criteria for approval of Future Land Use Map amendments.

### **Public Participation Plan**

Each planning city is required to establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing those plans. The proposed Public Participation Plan includes a public participation process for the Comprehensive Plan update and any future amendments, including opportunities to provide input and notification methods.

# **DRAFT**

## **CHAPTER ONE**

### **Summary and Plan Administration**

#### **PURPOSE OF THE COMPREHENSIVE PLAN**

The Selah Urban Growth Area (UGA) is composed of the area within the current incorporated city and potential future growth area for the City of Selah. This area contains a variety of physical, environmental and economic elements. The Selah Urban Growth Area Comprehensive Plan (Plan) identifies many of these elements and their relationship to the overall UGA. The Plan begins by reviewing existing conditions and continues by attempting to forecast anticipated changes within the Selah UGA. Understanding these changes and their impacts establishes a framework within which to coordinate these changes in the best interests of the residents within the Selah UGA.

The Plan, then, is a guidebook to aid the City of Selah and Yakima County in reviewing or initiating change. It attempts to give an overall perspective of the Selah UGA. It establishes the necessary principals, criteria, and policies with which to make logical land use decisions. It is important to emphasize that the Plan is not an end but a means. It is a reference document of facts, relationships, projections and attitudes to help in the decision-making process. The Plan is not a dictation of what must be or an answer book for complicated questions. It is merely a manual and information source to help the City of Selah and Yakima County derive its own answers.

To this purpose, the Plan establishes a process through which the Selah UGA can grow in a coordinated manner. The Plan allows for an understanding of existing conditions and accepted planning principals. It then provides for an evaluation of these conditions and principals with respect to the attitudes of the community (in terms of local goals, objectives and policies). Support facilities and limits to providing these facilities are then explored. Local attitudes, existing conditions and the configuration of future services are incorporated into the elements of the Plan.

When changes to the existing environment are proposed, it should be carried through this review process:

- What is the relationship of this change to existing conditions?
- Would the change conform to established principals or current community policies?
- Is the change in general agreement with the growth objectives as graphically represented on the Future Land Use Map?
- What will be the implications of the change on the transportation system, support facilities, and the natural environment?

With the aid of the Plan, the City of Selah and Yakima County Planning Commissions, the Selah City Council and the Board of Yakima County Commissioners will either approve, approve with modifications, or deny adoption of these incremental changes. Individual decisions may result in new conditions or changes in objectives or policies. The Plan must be amended to reflect these changes so that a current document will again be available for the evaluation of future change. Step by step, then, the

Selah UGA can continue to develop, addressing both the problems of today and opportunities of tomorrow.

## **PLANNING PROCESS**

In 1990, the State of Washington passed the Growth Management Act (GMA). The GMA is a framework that encourages each community to respond to growth in a realistic way. The GMA outlines a planning approach that gives each community a mechanism to respond to growth issues in a way that is consistent with its unique situation.

The GMA requires that each community create a comprehensive plan based on thirteen basic goals. Those are as follows:

- **Urban growth.** Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- **Reduce sprawl.** Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- **Transportation.** Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- **Housing.** Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- **Economic development.** Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of the state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- **Property rights.** Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
- **Permits.** Applications for both state and local government permits should be processed in a timely and fair manner to insure predictability.
- **Natural resource industries.** Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.
- **Open space and recreation.** Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.
- **Environment.** Protect the environment and enhance the state's high quality of life, including air

and water quality, and the availability of water.

- **Citizen participation and coordination.** Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
- **Public facilities and services.** Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
- **Historic preservation.** Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

## The County-wide Planning Policy

The GMA requires that each county and its incorporated communities agree on a set of policies that will ensure coordinated planning across jurisdictional lines. Yakima County, in conjunction with the City of Selah and other communities, adopted the County-wide Planning Policy (CWPP) in 1993; the policy was updated in 2003. The CWPP provide a framework for planning that includes designation of an UGA, provision of urban services in the UGA concurrent with growth, coordinated transportation systems, coordinated policies for housing, creation of joint planning within the UGA, and consistent economic development policies. The CWPP also directly address the GMA’s goals that: a) private property rights be considered, b) development permits be processed in a fair and timely manner, c) citizen participation be the foundation of all planning efforts.

The Selah UGA Comprehensive Plan is generally and specifically consistent with the CWPP. In general, as described in the Guiding Principles section of the CWPP, the Selah UGA Comprehensive Plan supports the principals of seeking solutions locally, using a common database for planning and consistent terms for comprehensive land use categories. Land use data in the Selah Comprehensive Plan is based on Yakima County Assessor’s data and local knowledge of City staff, and the transportation analysis is based on data from the Yakima Valley Conference of Governments.

Specific elements of the CWPP are addressed in corresponding elements of the Selah Comprehensive Plan. These are summarized below:

Yakima County-wide Planning Policy	Selah UGA Comprehensive Plan
Urban Growth Area Policies	The Selah UGA is consistent with the Urban Growth Area policies of the CWPP. Chapter 3 provides a capacity analysis for the UGA.
Contiguous and Orderly Development Policies	The Land Use Element of the Comprehensive Plan provides for growth first in areas with available services, followed by UGA areas where future services are planned. Refer to policy LUGM 3.2.
Siting Public Facilities Policies	Objective LUGM 5 and Policy 5 in the Land Use policies support the cooperative siting of public facilities, consistent with the CWPP.
County-wide Transportation Facilities Policies	The transportation policies and Chapter 7 of the Comprehensive Plan are consistent with this element of the CWPP.
Affordable Housing Policies	Refer to the housing policies and Chapter 4 of the Selah

	Comprehensive Plan for affordable housing policies in support of this element of the CWPP
Joint Planning Policies	The Selah Comprehensive Plan supports the concept of joint cooperative planning with surrounding jurisdictions. Policies that address inter-local cooperation with the County and other agencies include Policy LUGM 4.2 Objective LUGM 5, Policy LUGM 5.1, Policy CFU 2.1 and Policy CFU 3.3.
Economic Development Policies	The Land Use and Economic Development elements of the Comprehensive Plan include policies to ensure that economic development is consistent with the capacity of the region's natural resources and with the City's land use and capital facilities plan. Refer to goals and policies in the Land Use and Economic Development elements.
Fiscal Impact Analysis Policies	The City's Capital facilities element provides a capital facilities plan consistent with the CWPP and includes consideration of coordination needs with other agencies. Please refer to the Capital facilities and Utilities policies and background information in Chapter 8. The Comprehensive Plan does not include consideration of an impact fee process (CWPP H 3.3).
Coordination with Special Purpose Districts, Adjacent Counties and State, Tribal and Federal Governments Policies	The Comprehensive Plan supports coordination with special purpose districts and adjacent governmental agencies. Policies that address inter-agency coordination include Policy LUGM 4.2 Objective LUGM 5, Policy LUGM 5.1, Policy CFU 2.1 and Policy CFU 3.3.

## Public Involvement

On {insert date}, the Selah City Council adopted the City of Selah Comprehensive Plan Update Public Participation Plan (PPP). The PPP establishes the following for public involvement during the Plan update:

- Planning Commission public meetings – discuss draft and final sections of Plan elements at regularly scheduled planning commission meetings or appropriately advertised special meetings.
- Public Comment – the draft will be available for review during a public comment period.
- Final Public Hearing – the draft will be modified based upon comments received during the public meetings and during the public comment period. The City Council will hold a public hearing on the final draft prior to adoption.

The objectives of the PPP include:

- Provide for “early and continuous” public participation
- Build community trust in the planning process
- Seek public input and ideas concerning the future of Selah
- Encourage participation of individuals, community groups and organizations that may not normally participate in the planning process
- Explain the laws by which the City is obligated to conduct the Update process

## Roles

The day-to-day work of implementing the Selah UGA Comprehensive Plan requires support from the City and community as a whole. Key actors and their respective roles are described below:

**The City of Selah and Yakima County Planning Commissions.** The role of the Planning Commission is one of advisory to the legislative body. The Commission is responsible for informing the legislative body about the consequences of potential development decisions. A well-functioning Commission can help the legislative body weigh the advantages and disadvantages of alternative courses of action. The Commission should keep the public informed and seek to include their input.

**The Selah City Council and Board of County Commissioners.** These elected officials have the responsibility for enacting and amending land use regulations after considering the recommendations of the Commission. The Selah City Council is responsible for decision-making with the Selah City limits, while the Board of County Commissioners (BOCC) is responsible for decision-making within the unincorporated portion of Selah's UGA. Both boards' responsibilities include amending zoning regulations and the zoning district maps. The City Council and BOCC also play a part in the comprehensive planning process by reviewing the plans that pertain to their jurisdictions, and making recommendations. The role of the City Council and BOCC in the subdivision process includes accepting or rejecting dedications of easements, right-of-way and other public lands, approving financial guarantees or financing mechanisms to ensure construction of all public improvements, approving engineering drawings, and approving subdivisions prior to their being recorded.

**The Citizens.** Formalizing citizen input through public meetings and required public hearings is one of the most vital aspects of the planning process. Citizens can become involved in the process by contributing to the meaningful dialogue surrounding particular issues or the process in general.

## **Planning Area**

The Selah UGA is approximately 7.2 square miles, and includes the land within the City limits in addition to land dedicated outside and adjacent to City limits that is identified as land needed for future development during a 20-year planning period. Land cannot be annexed to the City of Selah unless it is contained within the UGA and is adjacent to the existing City limits, except that parcels not contiguous with existing City limits may be annexed for municipal purposes. The UGA boundary is illustrated in Figure xx, page xx. The UGA represents the potential annexation boundaries of the City of Selah.

## **Future Land Use Map**

The City's Planning Commission developed the Future Land Use Map for the Selah UGA after consideration of the following factors: a projected population of 9,163 in the year 2040, and the resultant residential, commercial, industrial and public land use requirements to accommodate the projected population; existing land use patterns and environmental constraints; and public input received through the public hearing process (see Land Use Element, Figure x page x).

The Future Land Use Map continues the land use designations established in 1997, and revisited in the 2005 Plan update, anticipating an expanded downtown commercial core, continued industrial development adjacent to the Burlington Northern-Santa Fe Railroad, and a moderate density increase near the City center and a continuation of low density residential development south and west of the existing City center.

# **Comprehensive Plan Amendments**

## **Annual Amendments**

Community Planning is an iterative process, meaning that the Plan is a living document that will be amended on a regular basis as conditions change, better information becomes available, and/or community values evolve. Under the Growth Management Act, comprehensive plan amendments may only occur once per year. The City of Selah sets {insert month} as its anniversary date of Comprehensive Plan adoption. {Insert month} will also serve as the month of any given annual amendment cycle by which amendments to the Comprehensive Plan must be submitted for consideration during that cycle. Amendments submitted after {insert month} will be held over until the next annual amendment cycle. Amendment proposals may be submitted at any time during the year by members of the public by filing an application using forms available from the City, or by motion by the City Council. Non-governmental amendment proposals are subject to an application fee as per SMC § 20.22.020.

After the applications are processed by City staff, they will be considered by the Planning Commission, which will forward a recommendation to the City Council. Public comment is invited during the Planning Commission review process, including at a public hearing on the proposed amendments. After receiving the Planning Commission recommendation, the amendments will be submitted to the Washington State Department of Commerce for the required 60-day State review. After the State review period has expired, the City Council will make the final decision on all Comprehensive Plan amendments. If approved, the amendments will be adopted by ordinance.

Within 10 days following adoption, the City will submit the adopted amendments to the Department of Commerce. The City will then also publish a notice of adoption and availability of the amendment in its newspaper of record. A final 60-day State review and comment period will commence from the date of publication. Appeals of the adopted amendments to the Growth Management Hearings Board can be filed during this final 60-day review period.

The City shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the Comprehensive Plan are considered by the governing body of the City no more frequently than once every year. "Update" means to review and revise, if needed.

## **Emergency Amendments**

This Plan may be revised or amended outside of the normal schedule if findings are adopted to show that the amendment was necessary due to an emergency situation of a neighborhood or community-wide significance. Examples of emergency situations include those which would present an imminent threat to public health and safety, an imminent danger to public or private property, or an imminent threat of serious environmental degradation. A personal emergency on the part of a particular applicant or property owner is not considered an emergency situation. Plan and zoning amendments related to annexations may be considered during the normal annexation process and need not be coordinated with the annual Plan amendment schedule. The nature of any emergency and proposed amendment shall be explained to the City Council. The Council will decide whether or not to allow the proposal to proceed ahead of the

normal amendment schedule.

In addition to emergencies, amendments may be considered more frequently than once per year under the following circumstances:

- 1) The proposed amendment concerns the initial adoption of a sub-area plan that does not modify the Comprehensive Plan policies and designations applicable to the sub-area;
- 2) The proposed amendment concerns the adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;
- 3) The proposed amendment concerns the amendment of the Capital Facilities Element of a Comprehensive Plan that occurs concurrently with the adoption or amendment of a Yakima County or City budget;
- 4) The proposed amendment concerns the adoption of Comprehensive Plan amendments necessary to enact a planned action under RCW 43.21C.031(2) (State environmental policy - Significant impacts), provided that amendments are considered in accordance with the public participation program established by the City and all persons who have requested notice of a Comprehensive Plan update are given notice of the amendments and an opportunity to comment.
- 5) All proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation, the City may adopt amendments or revisions to its Comprehensive Plan to resolve an appeal of a Comprehensive Plan filed with a growth management hearings board or with the court.

### **Criteria for Approving a Change to the Future Land Use Map**

Changes in the Future Land Use Map contained in the Land Use Element will only be granted after the City Council has reviewed the proposed change to determine if it complies with the standards and criteria listed below. A change in the Future Land Use Map shall only be granted if such written findings are made:

- 1) The proposal is consistent with the provisions of the GMA and other applicable State planning requirements;
- 2) The proposal is consistent with, and will help implement the goals, policies and objectives of this Comprehensive Plan;
- 3) Required changes to implementing regulations are identified prior to adoption of the proposed change, and are scheduled for revision, so that these implementing regulations remain consistent with the Comprehensive Plan;
- 4) The proposal will increase the development or use potential of a site or area without creating significant adverse impacts on existing critical areas, or on other uses legally existing or permitted in the area;
- 5) The proposal is an extension of similar adjacent use or is of sufficient size to make the proposal logical;
- 6) The traffic generated by the proposal will not unduly burden the traffic circulation systems in the vicinity. The collector and arterial system currently serves or can concurrently be extended to serve the proposal, as needed;
- 7) Adequate public facilities and services exist or can concurrently be developed to serve the

proposal;

- 8) The other characteristics of the proposal are compatible with those of other uses in the vicinity;
- 9) The other uses in the vicinity of the proposal are such as to permit the proposal to function properly;
- 10) If the proposal has impacts beyond the City limits, the proposal has been jointly reviewed by Yakima County; and
- 11) Any other similar considerations that may be appropriate to the particular case.

## **How Will the Plan Be Implemented?**

The GMA contains requirements that communities take real steps to assure that the goals and policies are not ignored as decisions occur and are, in fact, implemented by day-to-day decisions. In order to make goals and policies actually affect what happens in the real world, several things must happen. To assure that all government decisions made after its adoption are consistent with the Comprehensive Plan, the City codes, procedures and regulations must be amended to be consistent with the Plan. Primary implementation tools include the City Zoning Code and other development regulations, the Six-Year Transportation Improvement Program (TIP), State Environmental Policy Act (SEPA), utility plans, the critical areas ordinance, and many other city codes and programs. The implementation phase of the planning process calls for codes and programs to be amended to implement the goals and policies of the Comprehensive Plan as needed. Any proposed change to a program or ordinance will be discussed in a public hearing and must be based on citizen involvement. In this way, it can be assured that the specific steps taken are as consistent with community desires as the initial goals and policies.

## **Organization of this Comprehensive Plan**

The GMA requires that a comprehensive plan contain a Land Use Element, Housing Element, Transportation Element, Capital Facilities Element and Utilities Element. In addition, recent changes to the GMA require a Park Element and Economic Development Element. The requirement for these latter two elements, however, is not effective until funds sufficient to cover applicable costs to local government are appropriated by the State. The Selah Comprehensive Plan contains all required elements, as well as a Parks and Recreation Element. In addition to these required elements, the City of Selah has elected to include a Natural Environment Element. Goals and Policies for each of these elements are found in the front of the Plan, followed by background information, including an analysis of existing conditions, discussion of potential future conditions, and establishment of standards for future development and service provisions, as appropriate.

A community profile, glossary of terms and statement of state planning goals are included as appendices to this Plan.

**City of Selah**  
**Comprehensive Plan Update**  
Public Participation Plan

**Background**

The City of Selah is subject to, and plans under, the guidelines of the Growth Management Act (GMA). The planning process for updating a Comprehensive Plan requires early and continuous public participation (RCW 36.70A.140).

**RCW 36.70A.140:**

Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. In enacting legislation in response to the board's decision pursuant to RCW 36.70A.300 declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board's order. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

**The City of Selah proposes the following to conform with RCW 36.70A.140:**

1. Planning Commission public meetings – discuss draft and final sections of plan elements and amendments at regularly scheduled planning commission meetings or appropriately advertised special meetings.
2. Public Comment – the draft will be available for review during a public comment period.
3. Final Public Hearing – the draft will be modified based upon comments received during the public meetings and during the public comment period. The City Council will hold a public hearing on the final draft prior to adoption.

**Public Participation Plan Objectives:**

1. Provide for “early and continuous” public participation
2. Build community trust in the planning process
3. Seek public input and ideas concerning the future of Selah
4. Encourage participation of individuals, community groups and organizations that may not normally participate in the planning process
5. Explain the laws by which the City is obligated to conduct the Update process

**Notification Methods**

The following methods may be used to inform the public of the opportunity to participate:

1. Newspaper advertisements—an initial newspaper ad informing of the start of the Urban Growth Area and Comprehensive Plan Update
2. E-mail and/or direct mail notice to interested parties who wish to receive notification
3. E-mail notice to interested parties in key organizations – Requesting those key outside organizations distribute to their membership and to other organizations.
4. Press Releases
5. Utility Billing Flyers