

**TOWN OF NACHES COUNCIL MINUTES
December 14, 2020**

Present:
Mayor Williams

Absent:

Councilman Henning
Councilwoman Williams
Councilman &
Councilwoman Hawver via
Zoom

Councilman Weekes- Excused

Others in Attendance: Attorney Shinn, Admin. Ranger and Clerk Birrueta.

Call to Order
Introductions
Roll Call

The meeting was called to order at 6:30 P.M. by Mayor Williams. Councilmembers present, Councilman Henning & Councilwoman Williams via zoom Councilwoman Hawver and Councilman Hawver. Mayor Williams led the Council/Audience in the Pledge of Allegiance.

Honors & Recognition
Additions to the Agenda

None
None

Approve Agenda

Councilman Henning moved to approve the agenda as presented. Seconded by Councilwoman Williams. Motion carried unanimously.

Consent Agenda

Councilwoman Hawver moved to approve the Consent agenda. Seconded by Councilman Hawver. Motion carried unanimously.

- a) Approve Study Minutes of 11/9/2020.
- b) Approve minutes of 11/9/2020 Regular Council Meeting.
- c) Approve Claim checks, Second Payment November 220, 2020 check No. 20409 through 20416, 2 ACH payments Dept. of Revenue and a Pitney Bowes. Total of \$76,784.88 Claim checks dated December 14, 2020 check#20423 through 20446 1 ACH Exxon. 1 manual check# 5462 Total of \$51,305.42

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- d) Approve those Payroll Checks dated through November 30, 2020 in the amount of \$39,057.48 Check #20417 through 20422. ACH payments to Aflac, DRS, IRS.

REPORTS/ANNOUNCEMENTS

Planning Commission	Minutes of two applications submitted to the Town for Conditional Use Permits. Ostgaard and St. Martin.
Sheriff's Report/	Lt. Hendrickson attended the meeting and he discussed some of the calls on the report. The month of November 2020 report showed 22 calls from the Town of Naches.
YVCOG	None
Addition to the Agenda	None
Public Hearing	<p>A Public Hearing to receive comments regarding the proposed 2021 Budget. The regular Council Meeting closed at 6:40 p.m. No audience and no-zoom public participation there was no public testimony. The Public Hearing closed at 6:40 p.m. A Closed Record Hearing was opened at 6:41 p.m. to consider previous public testimony and the Planning Commission's recommendation of the conditional use permit project.</p> <p>Bill Hordan the Town of Naches Planner- 410 N 2nd Street, Yakima, WA. Read the Staff report regarding the first Conditional Use Permit Application. Proponent: Chris Ostgaard & Ablegate, LLC Property Owner: Schmelzer Family Trust Conditional Use Permit: Duplex in the R-1 Residential Zoning District Parcel Number: 171404-13476</p>

Background and Proposal

On November 4, 2020, 2020, the Town of Naches received

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a Conditional Use Permit Application from Chris Ostgaard, on behalf of Ablegate, LLC, on property owned by the Schmelzer Family Trust to establish a duplex in the R-1 Residential Zoning District. A duplex may be permitted in the R-1 Residential Zoning District, subject to review and approval of a Conditional Use Permit. As proposed, a 3,516 square foot duplex would be constructed on a vacant 9,528 square foot lot.

Location

The property is located at the southwest corner of the intersection of Old Naches Highway and Simmons Road, within the Town of Naches, Washington (Assessor's Parcel Number 171404-13476). The application was determined to be complete for processing on November 9, 2020.

Jurisdiction

The Planning Commission and Town Council have jurisdiction to conduct the Open and Closed Record Public Hearings per NMC 17.08.C which specifies the Planning Commissions Duties and Powers and NMC 17.08.D which specifies the Town Councils Duties and Powers, as they relate to land use decisions.

Zoning Ordinance

The property is zoned R-1 Residential Zoning District. The purpose of the R-1 zone is to provide areas suitable and desirable for single-family housing. The proposed use may be permitted as a conditional use permit under Naches Municipal Code (NMC) 17.12.040.A - Duplexes.

Naches Comprehensive Plan Future Land Use Map

The Future Land Use designation for the property is Residential. 2

Goals & Policies

In addition to providing guidance through map designations, the Naches Comprehensive Plan includes policy direction (text) that guide land use changes. The Plan establishes the following goals and policies which are applicable to the project:

Land Use Goal #1:

To create a balanced community by controlling and directing growth in a manner that enhances, rather than detracts from, community quality and values.

Policy 1.4

Infill development, higher-density zoning and small lot sizes should be encouraged where services have already been provided and sufficient capacity exists and in areas planned for urban services with the next 20 years.

Land Use Goal #4

To actively manage land use change and protect the Town's character by developing Town facilities and

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services in a way that directs and controls land use patterns and intensities.

Policy 4.2

New urban development shall be encouraged to locate first within the Town limits, and second within the unincorporated UGA where municipal services and where public facilities are already present or can be readily extended.

Policy 4.5

Coordinate new development with the provision of an adequate level of services and facilities, such as schools, water, transportation, and parks, as established in the Capital Facilities Element.

Land Use Goal #5

To pursue well-mannered, orderly expansion of the urban area in a manner that is within the sustainable limits of the land.

Policy 5.2

Provide residential areas that offer a variety of housing densities, types, sizes, costs and locations to meet future demand.

Land Use & Zoning

The property and adjoining properties to the west and south are located within Town Limits and all are zoned R-1 Residential Zoning District and contain a mixture of single-family and two-family residences. Property to the east is also located within the Town Limits and zoned R-1 Residential Zoning District and is planted in orchard. Property to the north is located with Yakima County jurisdiction is a mixture of single-family residences, orchard, vacant land and is zoned Agriculture. 3

Critical Areas

The property is not encumbered by any identified Critical Areas such as floodplains, wetlands, steep slopes or wildlife habitat areas.

Infrastructure

Water & Sewer

The property is served with municipal water and sewer from the Town of Naches.

Streets

The site is a corner lot and fronts on Old Naches Highway on its north and east sides. Old Naches Highway is a hard-surfaced collector roadway maintained by the Town of Naches. A pedestrian sidewalk is located along the north property line and through the radius of the of the property line along the east. A sidewalk is also located east of the property, across Old Naches Highway.

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Conditional Use Criteria & Development Standards

Chapter 17.12.050 which permits duplexes in the R-1 Residential Zoning District also specifies that a duplex in this zoning district must be constructed on a lot at least 8,200 square feet in size. The subject property is 9,528 square feet in size and qualifies under the density provisions of the conditional use criteria. The minimum lot width for a duplex in the R-1 Residential Zoning District is 60 feet and the minimum lot depth must be at least 100 feet. The subject lot is approximately 83 feet in width and approximately 119 feet in depth and meets the lot width and depth criteria. The front setback (east) must be a minimum of 20 feet from Old Naches Highway, the side setback (north) must be a minimum of 15 feet from Old Naches Highway, the rear setback (west) must be a minimum of 20 feet and the side setback (south) must be a minimum of 5 feet. Based on the submitted site plan, the duplex meets the above criteria.

Permitted lot coverage in the R-1 Residential Zoning District is 50 percent. The lot coverage is 45 percent. The maximum building height permitted is 24 feet, the applicant's draftsman has indicated that the height will be approximately 18-20 feet in height. The minimum dwelling size must be at least 850 square feet in size, each unit within the duplex will be about 1,758 square feet (3,516 square feet total structure size), including the garages. Two parking spaces are required for each unit and must be at least 9 feet wide and 19 feet deep. The site plan indicates that adequate area meeting the parking standard is provided in front of the garages.

Chapter 17.44.040 NMC (Naches Municipal Code) establishes the process for establishing Condition Use Permits, A Conditional Use shall only be granted if the following such findings are met:

1. The proposed use(s) in the proposed location will not be detrimental to other uses legally existing or permitted outright in the zoning district; 4

The proposed use is residential, which is a similar use to neighboring properties on the west, south and east. The proposed use should not be detrimental to neighboring properties because the lot is large enough to accommodate the use and meet all the development standards in the zoning code (i.e. setbacks, lot coverage, access and parking standards, height limits and lot coverage).

Additionally, the duplex will have direct access onto Old Naches Highway, a collector arterial, which will prevent traffic generated by this proposal from passing through or

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disrupting neighboring properties.

2. The size of the site is adequate for the proposed use(s).

The site is adequate because it can accommodate the proposed use without any variances to the zoning code development standards. All setbacks, lot coverage, access & parking standards, height limits and lot coverage requirements are met.

3. The traffic generated by the proposed use(s) will not unduly burden the traffic circulation system in the vicinity.

Traffic generated by the proposal will not unduly burden the traffic circulation system in the vicinity because the property fronts on a Town maintained collector arterial which is adequate to serve the proposal. Access to the site and the driveway parking areas has been located as far south of the Old Naches Highway/Simmons Road intersection to prevent traffic congestion at the intersection.

4. The other characteristics of the proposed use(s) are compatible with those of other uses in the neighborhood or vicinity.

The characteristics of the proposed use are compatible with those of other uses in the neighborhood and vicinity because this project will be a residential use in an existing residential neighborhood. All activities will be conducted on-site as should be expected of a residential use. The property is located adjacent to a busy collector arterial intersection which is generally more acceptable to duplex living than single-family living which is demonstrated in the fact that this lot is one of the last lots within the subdivision to be developed. The design places the most intensive uses (parking and driveways) along the collector arterial, similar to adjoining residences.

5. Adequate buffering devices such as fencing, landscaping or topographic characteristics protect adjacent properties from adverse effects of the proposed use(s), including adverse visual and auditory effects.

The application does not indicate that any proposed buffering devices such as fencing or landscaping will be constructed. However, there is an existing 6-foot high vinyl fence 5

along most of the west and south property lines, as it applies to the front yard setbacks of the adjoining properties (west and south). These fences help provide buffering between the existing and proposed land uses.

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The property is flat so no topographic characteristics are present which would provide buffering. Testimony at the public hearing usually determines whether a need for buffering devices is necessary. Thus, any need for buffering devices beyond that which exists can be determined at that time.

6. The other uses in the vicinity of the proposed site are such as to permit the proposed use(s) to function properly.

The other uses in the vicinity are generally residential and agricultural. All these uses would permit the proposed use to function properly.

7. That the proposed use(s) complies with other requirements in this title.

The proposed use complies with all other zoning requirements under this title. No variances have been requested.

Other Findings

The Town has requested that the duplex units front Old Naches Highway along the east side of the lot. This design will keep the driveways as far south of the intersection of Old Naches Highway/Simmons Road and also avoid an array of power/telephone poles and guide-wires located along the north property line.

Public Notice

Notice of the Open and Closed Record Public Hearings were mailed to neighbors within 300 feet on November 12, 2020. Public Notice was also provided in the Yakima Herald Republic on November 12, 2020.

Environmental Review (SEPA)

The proposal is not subject to the State Environmental Policy Act (SEPA) because it does not exceed the threshold for parking spaces or housing units.

Neighborhood Review and Comments

A single neighborhood notice and request for comments was provided to neighbors within 300 feet of this project and a similar duplex project because the projects were about 100 feet apart from one another. Three letters were received from neighboring property owners during the comment period. All three letters were in opposition to this project, as well as the other project. The letters have been considered by staff and have been forward to the Planning Commission for review prior to the scheduled Open Record Public Hearing. Agencies with jurisdiction were also notified of the project and asked to comment, no comments were received. 6

Finding & Conclusions

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The proposed use is consistent with the Goals and Policies of the Naches Comprehensive Plan because many of the Town's goals and policies of the Plan are met. The proposal also meets the purpose and intent of the zoning district and criteria for a Conditional Use Permit as indicated above. Staff believes the project is compatible with the R-1 Residential Zoning District in which it is located and will not have any negative impacts on surrounding land uses. Staff also believes that the residential impacts created by this proposal will occur on the east side of the property, along Old Naches Highway which is a collector arterial and adjacent to unimproved property to the east (orchard). The interface between the proposed land use and existing residential uses on the west and south should be compatible with one another because the proposed use is residential, and is located on the side property lines of those abutting properties.

Recommendation

The Town of Naches Staff recommends that the requested Conditional Use Permit to establish a duplex in the R-1 Residential Zoning District as described in this application and staff report be **APPROVED** subject to the following conditions:

1. The project must be constructed in substantial compliance with the submitted site plan.
2. Curb-cuts must be constructed as necessary, and to the specifications of the Town Engineer, to accommodate proposed driveway locations. Unused curb-cuts must be closed to the specifications of the Town Engineer.
3. The driveway and parking spaces must be constructed of asphalt concrete pavement (ACP) or concrete or a combination of both.
3. Building permits must be obtained from the Town of Naches, as determined by the Town Building Official.

Planning Commissioner started deliberating:

Town of Naches Planning Commission Findings and Recommendation to Establish a Duplex in the R-1 Residential Zoning District by a Conditional Use Permit (December 7, 2020)

This matter, having come before the Town of Naches Planning Commission for an Open Record Public hearing on December 7, 2020, for the purpose of considering a Conditional Use Permit for the establishment of a duplex in

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the R-1 Residential Zoning District. The subject property is located at the southwest corner of the intersection of Old Naches Highway and Simmons Road, within the Town Limits of Naches, Washington (Parcel No: 171404-13476).

Members of the Planning Commission present were: Ted Silvestri, Hazel Barnett, Sue Ranger.

Legal notification pursuant to Naches Code was given on the 12th day of November, 2020. Three written comments were received from the public during the comment period. All persons present at the Open Record Public Hearing were given the opportunity to speak for, or against, the proposed project.

LAND USE FINDINGS

1. The Commission **ADOPTS** the staff findings and report as to the existing use, zoning and comprehensive land use designation of subject and adjacent property.
2. The proposal is **COMPATIBLE** with the use of adjacent land.
3. The proposal is **COMPATIBLE** with the zoning of adjacent land.
4. The proposal is **COMPATIBLE** with the land use designation contained in the Town's comprehensive land use plan.
5. The proposal is **COMPATIBLE** with the development standards in the Town's zoning ordinance.

PUBLIC OPINION

1. The owners of the adjacent land expressed **NEITHER APPROVAL OR DISAPPROVAL** of the proposal.
2. The applicant and property owner were in **FAVOR** of the application.

PUBLIC HEALTH, SAFETY AND GENERAL WELFARE

Factual Findings: The site is served with municipal water and sewage facilities and an adequate transportation system, including improved pedestrian facilities which lie on the north side of the property and east side of Old Naches Highway to the east of the property. Adequate police and fire protection exists within the Town Limits to

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accommodate the project.

Conclusions: Adequate provisions for public health, safety, and welfare have been made.

Planning Commissions Consensus - AGREE

PUBLIC INTEREST

Factual Findings: The Town has adopted a comprehensive land use plan which designates the property as Residential. The primary purpose of the designation is to provide areas suitable and desirable for a mixture of residential structures necessary to meet the needs and requirements of the people of Naches and surrounding areas. The zoning ordinance permits the establishment of a duplex in the R-1 Residential Zoning District, upon review of compatibility issues with surrounding land uses. The proposal, subject to conditions, is compatible with surrounding land uses, is located in the appropriate residential zoning district, meets the goals and policies of comprehensive plan and meets the public interest by providing new residential housing in an area designated Residential by the Town's comprehensive plan.

Conclusions: The public interest is served by this proposal.

Planning Commissions Consensus - AGREE

ENVIRONMENTAL REVIEW

Factual Findings: This project is exempt from the State Environmental Policy Act (SEPA) because it has less than 40 parking spaces and establishes less than 20 dwelling units.

Conclusions: Adequate provisions for environmental impacts have been made through appropriate mitigation measures placed on the project.

Planning Commissions Consensus - AGREE

TOPOGRAPHY AND NATURAL FEATURES

Factual Findings: The duplex is being proposed on a

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relatively flat parcel of land and is not affected by existing topography. Likewise, there are no critical areas or natural features (i.e. steep slopes, wetlands, floodplains etc.,) located on or near the property.

Conclusions: The existing property is suitable for the proposal because there are no existing topography issues or critical/natural features located on or near the property that are being affected.

Planning Commissions Consensus - AGREE

SPECIFIC FINDINGS APPLICABLE TO THE CONDITIONAL USE PERMIT

As stated in the staff report findings of fact, the proposed duplex meets all the development standards of the zoning code and no variances or adjustments have been requested.

Planning Commissions Consensus - AGREE

Other findings applicable to the Conditional Use Permit:

1. An error was found in the staff report on Page 5, under the heading **Environmental Review (SEPA)** and the Planning Commission would like that statement corrected. The statement left out the word "not" and should read: ***"The proposal is not subject to the State Environmental Policy Act (SEPA) because it does not exceed the threshold for parking spaces or housing unit."***

CONCLUSIONS

Based upon consideration of the above factors and specific findings listed above that are applicable to the project and conditional use, the proposal is **CONSISTENT** with the criteria, purpose and intent of the Town of Naches Comprehensive Plan, Town of Naches Zoning Ordinance and Conditional Use Criteria.

REASONS FOR RECOMMENDATION OF APPROVAL OR DENIAL:Based on the findings of fact, it is in the Town's interest to **APPROVE** the conditional use.

RECOMMENDATION

Consistent with the findings and conclusions, the Town of Naches Planning Commission recommends **APPROVAL** of the Conditional Use Permit by Chris Ostgaard – Ablegate, LLC (applicant) on property owned by Schmelzer Family Trust to

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establish a duplex in the R-1 Residential Zoning District as described in this application, subject to the following conditions of approval:

1. The project must be constructed in substantial compliance with the submitted site plan.
2. Curb-cuts must be constructed as necessary, and to the specifications of the Town Engineer, to accommodate proposed driveway locations. Unused curb-cuts must be closed to the specifications of the Town Engineer.
3. The driveway and parking spaces must be constructed of asphalt concrete pavement (ACP) or concrete or a combination of both.
4. Building permits must be obtained from the Town of Naches, as determined by the Town Building Official.

MOTION TO ADOPT FINDINGS OF FACT, CONCLUSION AND CONDITIONS OF APPROVAL BY: Barnett, **SECONDED BY:** Sue Ranger.

VOTE: 3-0.

MOTION TO RECOMMEND APPROVAL OF THE CONDITIONAL USE: Barnett, **SECONDED BY:** Sue Ranger. **VOTE:** 3-0.

The Closed Record Hearing for the Ostgaard/ Ablegate LLC closed at 6:48 p.m.

A Closed Record Hearing was opened at 6:48 p.m. to consider previous public testimony and Planning Commission's recommendation on a conditional use permit project for St. Martin.

Bill Hordan presented the Staff Report:

Proponent/Applicant: Duane & Angela St. Martin

Property Owner: Schmelzer Family Trust

Conditional Use Permit: Duplex in the R-1 Residential Zoning District

Parcel Number: 171404-13478

Background and Proposal

On November 4, 2020, the Town of Naches received a

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Conditional Use Permit Application from Duane & Angela St. Martin on property owned by the Schmelzer Family Trust to establish a duplex in the R-1 Residential Zoning District. A duplex may be permitted in the R-1 Residential Zoning District, subject to review and approval of a Conditional Use Permit. As proposed, a 3,440 square foot duplex would be constructed on a vacant 16,185 square foot lot.

Location

The property is located on the west side of Old Naches Highway approximately 250 feet south of the Old Naches Highway/Simmons Road intersection, within the Town of Naches, Washington (Assessor's Parcel Number 171404-13478). The application was determined to be complete for processing on November 9, 2020.

Jurisdiction

The Planning Commission and Town Council have jurisdiction to conduct the Open and Closed Record Public Hearings per NMC 17.08.C which specifies the Planning Commissions Duties and Powers and NMC 17.08.D which specifies the Town Councils Duties and Powers, as they relate to land use decisions.

Zoning Ordinance

The property is zoned R-1 Residential Zoning District. The purpose of the R-1 zone is to provide areas suitable and desirable for single-family housing. The proposed use may be permitted as a conditional use permit under Naches Municipal Code (NMC) 17.12.040.A - Duplexes.

Naches Comprehensive Plan Future Land Use Map

The Future Land Use designation for the property is Residential. 2

Goals & Policies

In addition to providing guidance through map designations, the Naches Comprehensive Plan includes policy direction (text) that guide land use changes. The Plan establishes the following goals and policies which are applicable to the project:

Land Use Goal #1:

To create a balanced community by controlling and directing growth in a manner that enhances, rather than detracts from, community quality and values.

Policy 1.4

Infill development, higher-density zoning and small lot sizes should be encouraged where services have already been provided and sufficient capacity exists and in areas planned for urban services with the next 20 years.

Land Use Goal #4

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To actively manage land use change and protect the Town's character by developing Town facilities and services in a way that directs and controls land use patterns and intensities.

Policy 4.2

New urban development shall be encouraged to locate first within the Town limits, and second within the unincorporated UGA where municipal services and where public facilities are already present or can be readily extended.

Policy 4.5

Coordinate new development with the provision of an adequate level of services and facilities, such as schools, water, transportation, and parks, as established in the Capital Facilities Element.

Land Use Goal #5

To pursue well-mannered, orderly expansion of the urban area in a manner that is within the sustainable limits of the land.

Policy 5.2

Provide residential areas that offer a variety of housing densities, types, sizes, costs and locations to meet future demand.

Land Use & Zoning

The property and adjoining properties to the north, west and south are located within Town Limits and all are zoned R-1 Residential Zoning District and the general area contains a mixture of single-family and two-family residences. Property to the east is also located within the Town Limits and zoned R-1 Residential Zoning District and is planted in orchard. 3

Critical Areas

The property is not encumbered by any identified Critical Areas such as floodplains, wetlands, steep slopes or wildlife habitat areas.

Infrastructure

Water & Sewer

The property is served with municipal water and sewer from the Town of Naches.

Streets

The site fronts on Old Naches Highway along its east property line. Old Naches Highway is a hard-surfaced collector roadway maintained by the Town of Naches. A pedestrian sidewalk is located across the street along the east side Old Naches Highway.

Conditional Use Criteria & Development Standards

Chapter 17.12.050 which permits duplexes in the R-1

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Residential Zoning District also specifies that a duplex in this zoning district must be constructed on a lot at least 8,200 square feet in size. The subject property is 16,185 square feet in size and qualifies under the density provisions of the conditional use criteria. The minimum lot width for a duplex in the R-1 Residential Zoning District is 60 feet and the minimum lot depth must be at least 100 feet. The subject lot is approximately 80 feet in width and approximately 156 feet in depth and meets the lot width and depth criteria. The front setback (west) must be a minimum of 20 feet from Old Naches Highway, the side setbacks on the north and south must be a minimum of 5 feet (north) and the rear yard setback (west) must be a minimum of 15 feet. Based on the submitted site plan, the duplex meets the above criteria.

Permitted lot coverage in the R-1 Residential Zoning District is 50 percent. The lot coverage is approximately 29 percent.

The maximum building height permitted is 24 feet, the applicant's draftsman has indicated that the height will be approximately 18-20 feet in height. The minimum dwelling size must be at least 850 square feet in size, each unit within the duplex will be about 1,720 square feet (3,440 square feet total structure size), including the garages. Two parking spaces are required for each unit and must be at least 9 feet wide and 19 feet deep. The site plan indicates that adequate area meeting the parking standard is provided in front of the garages.

Chapter 17.44.040 NMC (Naches Municipal Code) establishes the process for establishing Condition Use Permits, A Conditional Use shall only be granted if the following such findings are met:

1. The proposed use(s) in the proposed location will not be detrimental to other uses legally existing or permitted outright in the zoning district;

The proposed use is residential, which is a similar use to neighboring properties on the 4

north, west and south.. The proposed use should not be detrimental to neighboring properties because the lot is large enough to accommodate the use and meet all the development standards in the zoning code (i.e. setbacks, lot coverage, access and parking standards, height limits and lot coverage). Additionally, the duplex will have direct access onto Old Naches Highway, a collector arterial, which will prevent traffic generated by this proposal from passing through or disrupting neighboring properties.

2. The size of the site is adequate for the proposed

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use(s).

The site is adequate because it can accommodate the proposed use without any variances to the zoning code development standards. All setbacks, lot coverage, access & parking standards, height limits and lot coverage requirements are met.

3. The traffic generated by the proposed use(s) will not unduly burden the traffic circulation system in the vicinity.

Traffic generated by the proposal will not unduly burden the traffic circulation system in the vicinity because the property fronts on a Town maintained collector arterial which is adequate to serve the proposal.

4. The other characteristics of the proposed use(s) are compatible with those of other uses in the neighborhood or vicinity.

The characteristics of the proposed use are compatible with those of other uses in the neighborhood and vicinity because this project will be a residential use in an existing residential neighborhood. All activities will be conducted on-site as should be expected of a residential use. The property is located adjacent to a collector arterial which is can easily accommodate the land use. The design places the most intensive uses (parking and driveways) along the collector arterial, similar to adjoining residences.

5. Adequate buffering devices such as fencing, landscaping or topographic characteristics protect adjacent properties from adverse effects of the proposed use(s), including adverse visual and auditory effects.

The application does not indicate that any proposed buffering devices such as fencing or landscaping will be constructed. However, there is an existing 6-foot high vinyl fence along most of the north property line (up to the rear yard of the north property line). The west property line has a 6-foot high solid board fence its entire length. The south property line is fenced with a low open-wire fencing material and fairly dense deciduous and evergreen plantings on the adjoining property.

These fences along the north and west help provide buffering between the existing and proposed land uses.

The property is flat so no topographic characteristics are present which would provide buffering. Testimony at the public hearing usually determines 5

whether a need for buffering devices is necessary. Thus, any need for buffering devices beyond what exists can be determined at that time.

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6. The other uses in the vicinity of the proposed site are such as to permit the proposed use(s) to function properly.

The other uses in the vicinity are generally residential and agricultural. All these uses would permit the proposed use to function properly.

7. That the proposed use(s) complies with other requirements in this title.

The proposed use complies with all other zoning requirements under this title. No variances have been requested.

Other Findings

A portion of the property is encumbered by DID #28. It may be necessary to relocate the DID to accommodate the new structure.

Public Notice

Notice of the Open and Closed Record Public Hearings were mailed to neighbors within 300 feet on November 12, 2020. Public Notice was also provided in the Yakima Herald Republic on November 12, 2020.

Environmental Review (SEPA)

The proposal is not subject to the State Environmental Policy Act (SEPA) because it does not exceed the threshold for parking spaces or housing units.

Neighborhood Review and Comments

A single neighborhood notice and request for comments was provided to neighbors within 300 feet of this project and a similar duplex project because the projects were about 100 feet apart from one another. Three letters were received from neighboring property owners during the comment period. All three letters were in opposition to this project, as well as the other project. The letters have been considered by staff and have been forward to the Planning Commission for review prior to the scheduled Open Record Public Hearing. Agencies with jurisdiction were also notified of the project and asked to comment, no comments were received.

Finding & Conclusions

The proposed use is consistent with the Goals and Policies of the Naches Comprehensive Plan because many of the Town's goals and policies of the Plan are met. The proposal also meets the purpose and intent of the zoning district and criteria for a Conditional Use Permit as indicated above. Staff believes the project is compatible with the R-1 Residential Zoning District in which it is located and will not have any negative impacts on surrounding land uses. Staff also 6

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believes that the residential impacts created by this proposal will occur on the east side of the property, along Old Naches Highway which is a collector arterial and adjacent to unimproved property to the east (orchard). The interface between the proposed land use and existing residential uses on the north, west and south should be compatible with one another because the proposed use is residential, and is located on the side and rear property lines of those abutting properties.

Recommendation

The Town of Naches Staff recommends that the requested Conditional Use Permit to establish a duplex in the R-1 Residential Zoning District as described in this application and staff report be **APPROVED** subject to the following conditions:

1. The project must be constructed in substantial compliance with the submitted site plan.
2. Curb-cuts must be constructed as necessary, and to the specifications of the Town Engineer, to accommodate proposed driveway locations. Unused curb-cuts must be closed to the specifications of the Town Engineer.
3. The driveway and parking spaces must be constructed of asphalt concrete pavement (ACP) or concrete or a combination of both.
4. Building permits must be obtained from the Town of Naches, as determined by the Town Building Official.
5. If necessary for the construction of the duplex, DID Number #28 must be relocated, per conditions of the Drainage Irrigation District Operator.

Town of Naches Planning Commission Findings and Recommendation to Establish a Duplex in the R-1 Residential Zoning District by a Conditional Use Permit

(December 7, 2020)

This matter, having come before the Town of Naches Planning Commission for an Open Record Public hearing on December 7, 2020, for the purpose of considering a Conditional Use Permit for the establishment of a duplex in the R-1 Residential Zoning District. The subject property is located approximately 250 feet south of the intersection of Old Naches Highway and Simmons Road, within the Town Limits of Naches, Washington (Parcel No: 171404-13478).

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Members of the Planning Commission present were: Ted Silvestri, Hazel Barnett, Sue Ranger.

Legal notification pursuant to Naches Code was given on the 12th day of November, 2020. Three written comments were received from the public during the comment period. All persons present at the Open Record Public Hearing were given the opportunity to speak for, or against, the proposed project.

LAND USE FINDINGS

6. The Commission **ADOPTS** the staff findings and report as to the existing use, zoning and comprehensive land use designation of subject and adjacent property.
7. The proposal is **COMPATIBLE** with the use of adjacent land.
8. The proposal is **COMPATIBLE** with the zoning of adjacent land.
9. The proposal is **COMPATIBLE** with the land use designation contained in the Town's comprehensive land use plan.
10. The proposal is **COMPATIBLE** with the development standards in the Town's zoning ordinance.

PUBLIC OPINION

3. The owners of the adjacent land to the south expressed **DISAPPROVAL** of the proposal.
4. The applicant and property owner was in **FAVOR** of the application.

PUBLIC HEALTH, SAFETY AND GENERAL WELFARE

Factual Findings: The site is served with municipal water and sewage facilities and an adequate transportation system, including improved pedestrian facilities which lie on the east side of Old Naches Highway. Adequate police and fire protection exists within the Town Limits to accommodate the project.

Conclusions: Adequate provisions for public health, safety, and welfare have been made.

Planning Commissions Consensus - AGREE

PUBLIC INTEREST

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Factual Findings: The Town has adopted a comprehensive land use plan which designates the property as Residential. The primary purpose of the designation is to provide areas suitable and desirable for a mixture of residential structures necessary to meet the needs and requirements of the people of Naches and surrounding areas. The zoning ordinance permits the establishment of a duplex in the R-1 Residential Zoning District, upon review of compatibility issues with surrounding land uses. The proposal, subject to conditions, is compatible with surrounding land uses, is located in the appropriate residential zoning district, meets the goals and policies of comprehensive plan and meets the public interest by providing new residential housing in an area designated Residential by the Town's comprehensive plan.

Conclusions: The public interest is served by this proposal.

Planning Commissions Consensus - AGREE

ENVIRONMENTAL REVIEW

Factual Findings: This project is exempt from the State Environmental Policy Act (SEPA) because it has less than 40 parking spaces and establishes less than 20 dwelling units.

Conclusions: Adequate provisions for environmental impacts have been made through appropriate mitigation measures placed on the project.

Planning Commissions Consensus - AGREE

TOPOGRAPHY AND NATURAL FEATURES

Factual Findings: The duplex is being proposed on a relatively flat parcel of land and is not affected by existing topography. Likewise, there are no critical areas or natural features (i.e. steep slopes, wetlands, floodplains etc.,) located on or near the property.

Conclusions: The existing property is suitable for the proposal because there are no existing topography issues or

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critical/natural features located on or near the property that are being affected.

Planning Commissions Consensus - AGREE

SPECIFIC FINDINGS APPLICABLE TO THE CONDITIONAL USE PERMIT

As stated in the staff report findings of fact, the proposed duplex meets all the development standards of the zoning code and no variances or adjustments have been requested.

Planning Commissions Consensus - AGREE

Other findings applicable to the Conditional Use Permit:

2. An error was found in the staff report on Page 5, under the heading **Environmental Review (SEPA)** and the Planning Commission would like that statement corrected. The statement left out the word "not" and should read: ***"The proposal is not subject to the State Environmental Policy Act (SEPA) because it does not exceed the threshold for parking spaces or housing unit."***
3. The Planning Commission considered the letter of opposition from John Zabell, the adjacent property owner to the south. After substantial discussion regarding the possible need for a vegetative buffer and/or view obscuring fence along the south line of the project, the Planning Commission could not come to a consensus and decided not to require any vegetative buffer and/or view obscuring fencing. The Planning Commission indicated that the issue may come up at the Closed Record Hearing and felt the issue was best left for the Town Council to decide.

CONCLUSIONS

Based upon consideration of the above factors and specific findings listed above that are applicable to the project and conditional use, the proposal is **CONSISTENT** with the criteria, purpose and intent of the Town of Naches Comprehensive Plan, Town of Naches Zoning Ordinance and Conditional Use Criteria.

REASONS FOR RECOMMENDATION OF APPROVAL OR DENIAL:Based on the findings of fact, it is in the Town's interest to **APPROVE** of the conditional use.

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RECOMMENDATION

Consistent with the findings and conclusions, the Town of Naches Planning Commission recommends **APPROVAL** of the Conditional Use Permit by Duane & Angela St. Martin (applicant) on property owned by Schmelzer Family Trust to establish a duplex in the R-1 Residential Zoning District as described in this application, subject to the following conditions of approval:

1. The project must be constructed in substantial compliance with the submitted site plan.
2. Curb-cuts must be constructed as necessary, and to the specifications of the Town Engineer, to accommodate proposed driveway locations. Unused curb-cuts must be closed to the specifications of the Town Engineer.
3. The driveway and parking spaces must be constructed of asphalt concrete pavement (ACP) or concrete or a combination of both.
4. Building permits must be obtained from the Town of Naches, as determined by the Town Building Official.
5. If necessary for the construction of the duplex, DID Number #28 must be relocated, per conditions of the Drainage Irrigation District Operator.

MOTION TO ADOPT FINDINGS OF FACT, CONCLUSION AND CONDITIONS OF APPROVAL BY: BARNETT, SECONDED BY: Ranger.

VOTE: 3-0.

MOTION TO RECOMMEND APPROVAL OF THE CONDITIONAL USE BY: Barnett, SECONDED BY: Ranger.

VOTE: 3-0.

The Closed Record Hearing Closed at 6:56 p.m. Bill Hordan the Town Planner discussed the Zabell letter of opposition of the project and how the Planning Commission couldn't come up with a solution they recommended approval and leave that decision for the Town Council.

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- Unfinished Business
- a) Wastewater Treatment Plant Improvements: No further discussion was desired by Council.
 - b) Shoreline Grant Application to Dept. of Ecology. No further discussion was desired.
 - c) Union Negotiations: Collective bargaining agreement ending December 31, 2021. No further discussion was desired.
 - d) Mobility Grant Application (DOT) Park & Ride. No other discussion was desired during the meeting.
 - e) 2021 Budget Schedule no further discussion was desired.
 - f) USDA Rural Development Application for Phase II of the WWTP. No further discussion was desired.
 - g) Department of Homeland Security Federal Emergency Management Agency grant. No further discussion was desired.
 - h) Cleman's View Park Fundraiser letter: no further discussion was desired.
- New Business
- a) 2021 Law enforcement assistance agreement
 - b) Conditional Use Application Chris Ostgaard/Ablegate LLC. No further discussion.
 - c) Conditional Use Permit Application St. Martin. No further discussion.
 - d) Wastewater Treatment Plant Phase I update motion to advertise for bids. Councilman Hawver moved to approve and advertise for bids. Seconded by Councilwoman Williams. Motion carried unanimously.
- Resolutions & Ordinances
- a) Proposed Resolution No. 2020-17: A resolution of the Town of Naches, Washington, authorizing the Mayor to sign the one year extension 2021 Collective Bargaining agreement between the

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Town of Naches and the general Teamsters Union Local No. 760. Councilwoman Williams moved to approve resolution No. 2020-17. Seconded by Councilman Henning. Motion carried unanimously.

- b) Proposed Resolution No. 2020-18: A resolution of the Town of Naches Washington, authorizing the Mayor to sign the law enforcement agreement for fiscal year 2021 between Yakima County Sheriff's Office and the Town of Naches. Councilman Henning moved to approve resolution no. 2020-18. Seconded by Councilwoman Williams. Motion carried unanimously.
- c) Proposed Resolution No. 2020-19: A resolution of the Town of Naches, Washington adopting a Public Participation Plan for the Town Shoreline Master Program Update. Councilwoman Williams moved to approve resolution No. 2020-19. Seconded by Councilman Henning. Motion carried unanimously.
- d) Proposed Ordinance No. 755: An ordinance of the Town of Naches, Washington, amending chapter 13.04.300 A through D, of the Naches Municipal Code pertaining to water service rates. Councilman Henning moved to approve ordinance No. 755. Seconded by Councilwoman Williams. Motion carried unanimously.
- e) Proposed Ordinance No. 756: An ordinance of the Town of Naches, Washington, amending section 13.08.110 of the Naches Municipal Code relating to user charges for sewer services. Councilwoman Williams moved to approve ordinance No. 756. Seconded by Councilman Henning. Motion carried unanimously.
- f) Proposed Ordinance No. 757: An ordinance adopting the budget of the Town of Naches, Washington, for fiscal year ending December 31, 2021. Councilwoman Hawver moved to approve ordinance No. 757. Seconded by Councilwoman Williams. Motion carried unanimously.
- g) Proposed Ordinance No. 758: An ordinance approving a conditional use permit for Chris Ostgaard/Ablegate LLC duplex in the R-1 residential zoning district. Councilman Hawver moved to approve ordinance No. 758. Seconded

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by Councilman Henning. Motion carried unanimously.

- h) Proposed Ordinance No. 759: An ordinance approving a conditional use permit for St. Martin duplex in the R-1 residential zoning district. Councilwoman Hawver moved to approve ordinance No. 759. Seconded by Councilman Hawver. After Council discussion the motion passed unanimously.

Audience Participation	None
Executive Session	None
Other Business	None
Council FYI Items	None

Meeting Adjourned 7:09 p.m.

With no other business to be discussed, Councilman Henning moved to adjourn the meeting at 7:09 p.m. Seconded by Councilwoman Williams. Motion carried unanimously.

Paul D Williams, Mayor

Elvira Birrueta, Clerk/Treasurer