

Study Session  
City Council Chambers  
February 14, 2006

Community Planner Dennis Davison referred to his memo to the Mayor and Council, stating that he had been incorrect when he indicated that Selah utilizes the 75% annexation method. He explained that since Selah is a Code City, the 60% annexation method is used. He stated the petitioner submits a petition representing 10% of the value of all the properties, the Council accepts it and then the City proceeds with sending out formal notice of intent to annex petitions to all of the affected property owners. He stated if a majority of the property owners sign and return the requisite number of petitions, then the item will come back to the Council who will set a Public Hearing. After the Public Hearing, the Council will move to accept the annexation and the appropriate papers will be completed to send it to the Boundary Review Board who will have forty-five days to respond to it, to change boundaries, increase or reduce them and then send it back to the Council for final action, an ordinance that would accept the annexation into the City.

He noted that based on comments received previously, he sent a memo to Department Heads to determine if the City has adequate water and sewer capacity to serve the proposed annexation. He stated the City basically has the water and sewer capabilities to cover the 185 houses allowed by the existing Comp Plan. He stated the upper pressure zones would require booster pumps or a reservoir to serve the area. He referred to maps showing water capacity, noting Council Members did not have copies because he had just received the maps today. He referred to a memo from Mr. Henne. Council Member Schmid stated Council Members do not have copies of these materials. Administrative Assistant Gray left to duplicate these materials.

The Community Planner moved on to the Comprehensive Plan, noting revised versions of the Selah Parks & Recreation Comprehensive Plan are available to those who brought their notebooks. He stated the Planning Commission will forward the Comp Plan to Council with a set of Findings. He stated the Planning Commission relied on the review of those more closely related to Parks for their expertise. There was discussion about the William O. Douglas Trail, which is included in the Parks Comp Plan.

Mr. Davison referred to map exhibits included with Study Session materials. He stated the Planning Commission is recommending reclassifying the zoning of the Chuck Johnson property bordering Crusher Canyon, eliminating the high-density classification and reclassifying it as moderate density. Council Member Schmid asked what the reasoning of the Planning Commission was to reclassify this area now when it is already in development. Mr. Davison responded that after listening to testimony in the Public Hearing and based upon the massive changes in topography, the current development would not be affected; however, if the development should stop, incoming developers would have to comply with the moderate density zoning. Mr. Schmid asked how we can put a future designation on something, how we get around the potential of changing the value of the property.

Council Member Schmidt stated that when this was originally planned, the footprint was incorrect so that residents in the area are concerned about the cliff sloughing off. He stated that the zoning change would come into effect only if a developer does not follow the plan and does not proceed with the development within five years. Council Member Schmid stated that there may be safety issues, but he has a problem with changing the rules if a property owner does not

build within a certain period of time. He stated the City may be opening itself to a suit if it makes changes that devalue the potential of the property.

Council Member Larson asked if the proposed project follows the guidelines that are being set forth by the Planning Commission. Mayor Jones responded that the proposed plan follows the guidelines of the current designation as high-density residential.

Mr. Henne stated that we have changed designation of density in the past, but this is kind of the reverse of what was done previously.

Mr. Schmid asked who made the designation of when it can be changed.

Mayor Jones stated when you start taking money away from people, they tend to get a little cranky.

Mr. Davison assured the Council that the Planning Commission's position is that the current development is grandfathered in for 220 units. They recommend to the Council that it be reduced if the existing project "goes away," when rezoning would take place.

Mr. Larson asked City Attorney Bob Noe to comment.

Bob Noe stated there are vesting laws to protect existing property owners. For example, if zoning is downgraded, current commercial users can continue to operate until their property is abandoned. He stated that as long as the City has reasonable reasons for doing something, it can protect itself from suit. In response to a question from Mr. Schmidt, he stated the current zoning of the area is R-3.

Mr. Noe said it makes sense to have less density near a hazard. He noted, if there are valid reasons for changing zoning, the City can justify making a change.

Mr. Schmid stated it seems to him the Planning Commission encroached on a person's property. Mr. Davison stated Mr. Sample and Mr. Mayer agreed to quitclaim deed the property on the cliff side of the fence to reduce or eliminate Mr. Sample and Mr. Mayer's liability for the steep slope. Roy Sample stated they had discussed that.

Mr. Davison referred to a map showing property on Wenas north of Fremont that the Planning Commission recommends for rezone to commercial and similarly the property north of Goodlander and east of Wenas Road to keep it consistent with the commercial property to the south across Goodlander. Mr. Davison noted a recommendation will be coming to the Public Hearing in two weeks to classify property contiguous to the Wastewater ditch lots 23010, 23015, 23009, and 23004. There ensued discussion about the location of Jake's house on those lots.

The Community Planner another came up suggested property south of town in vicinity of 10<sup>th</sup> and 11<sup>th</sup> avenues noting the recommendation is to classify it as general business rather than industrial. Mr. Davison referred to a map illustrating the Wagon Trail pathway. He stated the red text in the Comprehensive Plan indicates new or revised text.

Council Member Larson noted 10% can initiate the annexation process but it takes 60% of assessed valuation to proceed. He further noted the Council has liked to have 75% of property owners.

The Study Session ended at 3:48.