



*Selah Planning Commission  
Regular Meeting  
Tuesday July 21, 2015  
5:30 p.m.  
City Council Chambers*

*Chairman:  
Commissioners:*

Willie Quinell  
Dillon Pendleton  
Lisa Smith  
Eric Miller  
Carl Torkelson

CITY OF SELAH  
115 West Naches Avenue  
Selah, Washington 98942

City Planner:  
Secretary:

Tom Durant  
Caprise Groo

## 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. March 17, 2015 Minutes
- F. Public Hearings
  - 1. Old Business - None
  - 2. New Business - None
- G. General Business
  - 1. Old Business –
  - 2. New Business- Revised SMC 10.24 Planned Development Zoning District **First Draft**
- H. Reports/Announcements
  - 1. Chairman
  - 2. Commissioners
  - 3. Staff

I. Adjournment

Next Regular Meeting: To Be Announced

City of Selah  
**Planning Commission Minutes**  
of  
March 17, 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 5:34 p.m.

B. Roll Call:

Members Present: Commissioners: Miller, Torkelson, and Quinnell.  
Members Absent: Commissioner Smith and Pendleton.  
Staff Present: Tom Durant, Consultant, Caprise Groo, Secretary  
Guests: None

C. Agenda Changes: None.

D. Communications:

1. Oral: None
2. Written: None

E. Approval of minutes

1. December 16, 2014

Chairman Quinnell called for a motion to approve/disapprove the minutes.

Commissioner Miller motioned to approve the minutes with some small edits.

Commissioner Torkelson seconded the motion.

Chairman Quinnell called for a voice vote and the minutes were approved with a voice vote of 3-0.

F. Public Hearings

1. Old Business: None
2. New Business: None

G. General Business

1. Old Business: None
2. New Business:
  1. Proposed Amendment to Title 10, Chapter 10.12:  
Repeal **SMC 10.12.040 Designated two-family residential lots.**
  2. Proposed Amendment to Title 10, Chapter 10.28. Table A-5:  
Amend the Table to remove two-family dwellings as a Class 1 use in the R-1 zone.  
Repeal SMC 10.28.040(l)

Chairman Quinnell turned the floor over to Mr. Durant.

Mr. Durant addressed the amendments to the staff report.

Mr. Worby asked if he could approach the podium. He stated his address as 200 Weems Way. He stated that he was the one who proposed the amendment. He questioned if Commissioner Torkelson needed to recuse himself due to his position before the Council. He declared that there were not enough Commissioners to recuse Mr. Torkelson. Mr. Worby requested that the meeting keep moving forward.

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Commissioner Torkelson stated that he had talked to Mr. Noe and he did not need to recuse himself.

Mr. Durant went over the exhibits list (Attached.). He declared that he had amended the staff report and he listed each correction.

Corrected Staff Report:

**CITY OF SELAH PLANNING COMMISSION**  
STAFF REPORT  
March 17, 2015

**PROPOSAL:** Wayne Worby has made a request to the Selah City Council to amend portions of SMC 10.12 and 10.28 to repeal certain provisions allowing duplexes in the One Family Residential (R-1) zoning district.

Under the requirements of SMC 10.40.020, amendments to text, standards or other provisions of Title 10 are initiated by the action of the legislative body or the planning commission. The proponent presented his request to the City Council who indicated that it should be considered by the Planning Commission.

Action on Code amendments is by the City Council after a recommendation from the Planning Commission or Hearing Examiner (SMC 10.40.020(b)).

**CURRENT CODE PROVISIONS:** SMC 10.12.040 allows ten percent of the lots in a proposed land division of ten or more lots to be designated for future two-family dwellings (or duplexes). The Ordinance requires the reviewing authority, specifically the Hearing Examiner, to consider the lot locations and to carefully consider adjacent properties to ensure harmonious compatibility. These provisions indicate that designated two-family residential lots are not permitted outright, but that the reviewing body has the authority to deny them if requirements are not met. The specific standards required for two-family residential lots by SMC 10.12.040 are (emphasis is added):

1. They must be in a ***proposed*** land division of ten or more lots
2. Ten percent of the lots may be so designated.
3. The lots shall be clearly identified on the recorded subdivision providing public disclosure of such approval.
4. The minimum lot size is 9,000 square feet ***or*** the minimum lot size based on slope as specified in SMC 10.12.030 (the higher minimum lot sizes range from 10,000 square feet to five acres based on steepness of slope).
5. The requirement for the Hearing Examiner to consider adjacent properties to ensure harmonious compatibility.

SMC 10.28, Table 10.28A lists the land uses that are permitted by zoning district under the zoning ordinance and assigns a class of use based on the level of review required, Class 1 being permitted, Class 2 is administrative and Class 3 are conditional uses. Two family dwellings (duplex) is listed as a Class 1 use in the R-1 zone subject to footnote '1', which corresponds to SMC 10.28.040(1) and specifies that duplexes are only permitted on lots that have been designated per SMC 10.12.040 (i.e., approved lots in proposed land divisions). This provision repeats the requirement of careful consideration by the Hearing Examiner ensuring harmonious compatibility. However, this

presumably should have already been done, since the lots would have already been designated and the Hearing Examiner does not have jurisdiction over Class 1 uses.

The two-family residential lots allowed by SMC 10.12.040 would also be subject to the requirements for land divisions of SMC 10.50. One notable standard is SMC 10.50.041(e)(6)(C) which requires a minimum lot size increased by ten percent on corner lots. This would presumably be in addition to the larger minimum lot size required for two-family residential lots and would increase it to 9,900 square feet or more where the larger lot sizes required for slopes apply.

**REQUEST SPECIFICS:** The specific requests for Code Amendment made by the proponent are the repeal of SMC 10.12.040, deletion of the provision of SMC 10.28.040 that permit duplexes in the R-1 zone and any other Code provision that would allow duplexes in the R-1 zone. The request makes a number of arguments based on the Growth Management Act, intent of the zoning ordinance and comprehensive plan policies. It also raises issues concerning the amount of rental housing in the community.

**BACKGROUND & HISTORY:** The provisions of SMC 10.12.040 and 10.28 that are proposed for amendment were adopted in 2004 under Ordinance 1634. They were amended to their current form on January 13, 2015 by Ordinance 1958, the purpose of which was to make a connection between the two-family lot provision of SMC 10.12.040 and Table 5-A and the regulatory notes of SMC 10.28.040.

**ENVIRONMENTAL REVIEW:** A Determination of Nonsignificance (DNS) (971.42.14-07) was issued on March 11, 2015. It was issued without a comment period under WAC 197-11-340(2)(a) because there are no agencies with jurisdiction.

**COMPREHENSIVE PLAN & ZONING ORDINANCE:** The purpose of the One-Family Residential (R-1) zone is to provide for single-family residential development where urban governmental services are currently available or will be extended to facilitate development. Specific intent statements include providing for an orderly, phased transition from vacant or partially developed to single-family residential development, facilitate coordinated and collaborative public infrastructure investment, require individual lot connection to municipal water and sewer systems, require development to meet the City's minimum urban development standards, and ensure that R-1 land uses and land division will facilitate urban development and the extension of utilities (SMC 10.12.010).

The R-1 zoning district corresponds to the Low Density Residential designation from the Comprehensive Plan which provides for densities of up to 5 dwelling units per gross acre. Clustering of dwelling units within the permitted density range is encouraged. The comprehensive plan also includes the following statement with regard to the LDR designation:

“The predominate use will be low density residential; however, it is the intent and desire of the City 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” (City of Selah Urban Growth Area Comprehensive Plan, p. 34).

Comprehensive Plan Policies relevant to this issue, and including the policies in the request made for this amendment are as follows:

**Objective LUGM 3:** Encourage economic growth while maintaining quality development and controlling the cost of public improvements in Selah's UGA.

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

**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 1.2:** Encourage new single-family development throughout existing single-family neighborhoods as redevelopment and infill construction at appropriate densities.

**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.

**ISSUES:**

**Definitions:** The terms Multifamily Dwelling and Two-Family Dwelling (or Duplex) are defined by the Zoning Ordinance (Appendix A to Chapters 10.02 through 10.48). Although not specifically defined in the Comprehensive Plan, the terms are used in a way that clearly distinguishes them, both in the text and in the tables, primarily in the Land Use Element. It is clear that with respect to the plan policies and zoning ordinance requirements it is not intended that duplexes be included in the term multi-family dwellings.

**Density:** The Comprehensive Plan requires density to be limited to that allowed in the Low Density Residential plan designation. This is also referenced in the intent statement that encourages a mix of housing types. Table 1 evaluates the consistency of the existing code requirements to this density standard. Based on 10% of the lots being designated duplex lots with the minimum allowed lot size of 9,000 square feet and the remainder of the lots at the 8,000 square foot minimum lot size, Table 1 shows that the maximum level of development allowed under the existing code standards is consistently at a gross residential density of 4.7 dwelling units per acre. This is less than the maximum density of five units per acre.

**Table 1: Maximum Gross Density of Subdivision Under SMC 10.12.040**

<b>Acreage</b>	<b>Net Acreage</b>	<b>Number of Duplex Lots (9,000 sf)</b>	<b>Number of SFR Lots (8,000 sf)</b>	<b>Total Dwelling Units</b>	<b>Gross Density (dwelling units per acre)</b>
10	8	4	39	47	4.7
20	16	8	78	94	4.7
25	20	10	97	117	4.7
30	24	12	116	140	4.7
50	40	21	194	236	4.7

**Notes:**

1. Net acreage assumes 20% of land area dedicated to right-of-way, or 80% available for development
2. Duplex lots: 10% of total lots in the subdivision with no rounding.
3. Number of SFR Lots is the net acreage divided by 8,000 after taking out the 9,000 sf duplex lots
4. Gross Density: Total dwelling units divided by Acreage

**Compatibility:** An evaluation of compatibility begins with existing zoning ordinance standards. The 9,000 square foot minimum lot size is fairly high. On corner lots, that may have more visibility, the minimum lot size goes up to almost 10,000 square feet. Other jurisdictions in the area considered by staff that allow duplexes in the R-1 or equivalent zone had minimum lot sizes between 7,200 and 8,000 square feet. In R-2 zones, minimum lot sizes can go down to 7,000 square feet. Setback requirements from the Selah Code should be sufficient to provide room for off-street parking and the parking standard of 4 off-street spaces (2 per unit) is consistent with typical parking requirements. The lot coverage standard for the R-1 zone is substantially less than that in the R-2 zone, which along with the larger minimum lot size should prevent over-building the lot.

It is harder to evaluate architectural features such as building materials through plat approval. However, developers could be encouraged to present covenants that demonstrate minimum standards and consistency with single-family construction.

**Analysis of Consistency with the Comprehensive Plan:** The standards of SMC 10.12.040 and 10.28 as they currently exist are consistent with the intent statement from the Comprehensive Plan for the Low Density Residential land use designation to develop low density neighborhoods with a mix of housing types that include duplexes. The higher standards for two-family residential lots and the authority of the reviewing official to approve or deny based on compatibility is consistent with the policy of zoning standards to regulate development.

Objective LUGM 3 and Policy LUGM 3.2: While not inconsistent with the policy of directing development to areas where water, sewer and streets are present or can be extended, these standards don't really promote them and are not necessary for those policies to be met.

Objective HSG 1: The standards seem to be consistent with the goal of encouraging the availability of affordable housing and they do promote a variety of residential densities and housing types. The requirement and authority given to reviewing official to determine that the two-family lots are compatible with the neighborhood along with the higher standards for duplexes in the R-1 zone is supported by Objective HSG 1 to maintain and preserve the character of existing neighborhoods.

Policies HSG 1.1 and 1.2: There is no rezoning involved nor do the standards allow the conversion of existing single-family dwellings or redevelopment of existing single-family development. They are specifically limited to new lots. While designating two-family residential lots is not new single-family development, it doesn't discourage it. Ninety percent of the lots in a new plat under these provisions must be for single-family dwellings.

Objective HSG 2 and Policy HSG 2.1: Comparing the net residential density of the 90% of single-family lots in a given subdivision with the net density of the entire subdivision including the maximum number of allowable two-family lots, using the same assumptions in Table 1 above for determining gross density, it is determined that the net density of the single family lots would be 5.4 units per acre. Including the two-family lots, it is 5.9 units per acre. It would seem that this approximates the density that would be allowed in a new subdivision without the two-family lots. With regard to existing neighborhoods outside of the new plat, it may or it may not approximate the existing densities and housing levels depending on the neighborhoods being considered.

Policy HSG 2.2: The code standards as they exist are consistent with this policy in that they allow for a mix of housing types in residential areas. Assuming that the higher standards and the authority of the reviewing official to evaluate compatibility are effective, they would be consistent with the requirement that the mix of housing types be compatible.

Objective HSG 3: The code standards are consistent with encouraging mixed use/density projects. Otherwise, this objective does not apply because as shown above, they do not permit medium or high-density residential projects, as those terms are defined by the Comprehensive Plan.

Objective HSG 4 and Policy HSG 4.1: Consistency with this objective and policy depends on the effectiveness of evaluating the compatibility of the two-family residential lots with existing residential development. The fact that they require that evaluation, and give the reviewing official the authority to deny the application based on compatibility should be considered to promote consistency with these policies. The higher standards being imposed on two-family residential lots as described above are also consistent. Encouraging developers to use private covenants and deed restriction with specific architectural, maintenance and landscaping standards and to include them in the evaluation would also be consistent.

**STAFF ANALYSIS:** Based on this evaluation, the existing code requirements are generally consistent with the comprehensive plan, especially based on the intent statement for the Low Density Residential plan designation that encourages a mix of housing types and also based on the determination that when combined with other existing zoning and subdivision standards, these standard don't result in the maximum allowable density being exceeded. If there is any uncertainty it is in how effective the standards are in ensuring the compatibility of two-family lots with existing residential neighborhoods.

It is also important to point out that although duplexes are shown to be a Class 1 (permitted) use in the R-1 zone, they are actually quite restricted. They are only allowed in proposed land divisions that must meet minimums in terms of size and number of units. The preliminary plat review process is the equivalent of a Class 3 review in terms of notice, review process and the discretion given to approve or deny. Other jurisdictions that allow duplexes in R-1 zones or their equivalent typically allow them on any lot, whether new or existing and often without specified limitation of the number of lots.

**RECOMMENDATION:** Leave the current code provisions as they are without change. The fact that they were just recently adopted with the new requirement for compatibility analysis is also a factor in this recommendation. If the Planning Commission or City Council feel that changes are appropriate, they should be to provide more specificity in how compatibility is to be reviewed and/or including the review criteria from the Zoning Ordinance for Class 2 or 3 land uses.

Chairman Quinnell asked if there were any questions.

Commissioner Miller stated that he did not understand why duplexes needed to be eliminated when there were checks and balances regulating them. He stated that there were places that duplexes seemed to fit nicely.

Chairman Quinnell asked if a person outside of the City of Selah could make changes to the City of Selah Code.

Mr. Durant declared that the ordinance stated that the Planning Commission or the City Council must initiate the amendment process and his understanding was that the City Council wanted it to go to the Planning Commission.

Commissioner Torkelson stated that Mr. Worby went to the City Council and asked if he could make the proposal.

Mr. Worby agreed.

Discussion ensued about the process that took place.

Commissioner Miller asked if there was a difference between a duplex and a mother-in-law apartment.

A discussion ensued and the final concussion was that the connection code needed to be looked at to answer that question.

Chairman Quinnell opened the floor for the discussion of the text amendment.

Mr. Worby approached the podium and stated his address as 200 Weems Way. He handed out a typed statement which was marked Exhibit 6. (Attached) Mr. Worby proceeded to outline why R-2 units should not be in R-1 developments. He referenced the Growth Management act and asked if there was a directive demanding R-2 housing in R-1 Zoning.

Mr. Durant stated that to his knowledge there was no directive.

Discussion continued to a variety of issues from the growth management act to Cluster housing to Covenants and owner occupied dwellings, rentals and affordable housing.

Mr. Worby continued to refer to Exhibit 6 (Page one, red writing). Mr. Worby asked what a duplex was considered, one unit or two. He gave an example of two acres with ten lots and one of those lots being a duplex and creating 11 addresses. Mr. Worby wanted a conversation started to discuss the wording of the text amendment.

Commissioner Miller stated that it all comes back to units per acre.

Mr. Worby asked how many square feet.

Commissioner Miller and Mr. Durant stated that a duplex was two units.

Commissioner Torkelson stated that it was counted as one unit with the connection code.

Mr. Worby replied that a duplex is two living units. He stated that a home owner occupied units are better taken care of than renter occupied homes.

Mr. Miller asked if covenants could be used to resolve that issue.

Mr. Worby proceeded to tell a story about Alaska and covenanted owner occupied developments compared to non-owner occupied developments. Mr. Worby stated that he wanted to know if there was any other place that allowed duplexes in the R-1 zone

Mr. Durant replied that Yakima allows duplexes in r-1 zones.

Mr. Worby wanted to know what the process was for that to happen. What was the criterion for a duplex in and R-1 zone?

Mr. Durant stated that it would go thru the class 2 review processes to get approval.

Mr. Worby wanted to know if there was a city that would allow a single duplex to build in and R-1 with out rezoning the land.

Mr. Durant stated that City of Yakima allowed that.

Mr. Worby asked what it took for Yakima to refuse the applicant.

Mr. Torkelson stated that there are minimal standards that are in bedded in the Yakima's system.

Mr. Worby proceeded to state that he had request language be provided that could be discussed.

Mr. Durant stated that he called Mr. Worby to inform him the duplexes are not a given for a development. He continued to state that the prevision of harmonious compatibility, gave the hearing examiner leeway to deny the request.

Mr. Worby and Mr. Durant discuss Harmoniums Compatibility. Mr. Worby proceeded to argue his point. He all so stated that he had not seen an occasion where a duplex would be appropriate. He then asked Commissioner Torkelson where he had placed the duplexes in his Development.

Commissioner Torkelson (Eagle Ridge) answered that the majority of the Duplexes were on the main arterial because that is where they work best. It is what made sense with the surrounding property.

Mr. Worby proceeded to question Commissioner Torkelson about the Eagle Ridge Development.

Commissioner Torkelson stated that he had two things to address-He stated that Lisa Smith added that comment to the text. It gave the Hearing Examiner a little wiggle room, then the comment that Dennis made about a developer fouling his own nest. The point is that the Developer would not. Each development has different circumstances and there are many circumstances where a duplex could help the community. Examples: Elderly parents, or handicapped child who needs a little help but also needs to feel independent. Commissioner Torkelson stated that not all situations are negative and there was a time and place for everything.

Mr. Worby responded with the statement that he felt that too many times the community interest and or benefit was shuffled back down the line because we have not defined what is appropriate. A developer cannot stay in business without making a profit.

Commissioner Miller stated sparsely placed duplexes could be good for the community. He stated that he had 4 persons between the ages of 83-90 that he would love to have living next to him but he is unable to arrange it at this time.

Mr. Miller suggested that a covenant for owner occupied would be reasonable.

Mr. Worby stated that a covenant would be measurable and make sense, but to just 10% doesn't

Commissioner Miller replied that no contractor would build a new development and build second class duplexes. The duplexes would be the same style, level and quality of the other homes with Covent's in place

Mr. Worby replied that he would have thought so until six months when a planned development was proposed near my home.

Commissioner Torkelson asked what would have happened if the developer had presented his ideas with clear detail and given you a clear picture of how the development would look.

Mr. Worby started describing a development that was proposed behind his property.

Chairman Quinnell stated that he had seen a development had had duplexes on one side and single family homes on the other. It was located at 88<sup>th</sup> and Tieton. It was called Cotton Wood Grove. It was a perfect example of how common walls, zero lot lines, single family, and duplexes can work together. If the garages had not been connected no one would know they were duplexes. He stated that that neighborhood sold out fast, and the property values had increased

Mr. Worby asked Chairman Quinnell what made that development happen.

Chairman Quinnell stated that he had not participated in that development

Mr. Worby replied that absent a directive that controls the quality of the outcome is what he wanted not a 10% designation for duplexes.

Chairman Quinnell responded that had the developer provided all the information the first time the outcome may have been different. He stated that Cotton Wood Grove was a good example of how they marriage up.

Mr. Worby presented Exhibit 7 and read through it for the Commissioners. (Attached)

Discussion ensued between Mr. Worby and Commissioner Torkelson about the correlation of rentals and poverty, impact funds for schools and homeownership.

Mr. Worby implied the community would rather have single family homes and not rental property. He stated that the community needed long term homeowners and not short term renters.

Commissioner Torkelson and Commissioner Miller stated that the community needed both Renter and homeowners.

Discussion ensued

Commissioner Miller declared that he saw no reason to eliminate this option unless different language was developed to address the issue.

Commissioner Torkelson asked where a municipality draws the line at telling people what they can and can't do with their land.

Mr. Worby stated that it is done all the time thru building codes, municipal code and standards.

Discussion ensued

Mr. Miller commended Mr. Worby's spirit.

Mr. Durant assigned numbers to the exhibits.

Chairman Quinnell thanked Mr. Worby for coming. He asked if anyone else wanted to speak.

Mr. Durant wanted to clear up some mistakes. Minimal lot size placed constraints on the number of lots. The other point is that 10 lots of more is a substantial piece of land. Then 10% can be designated duplexes and a duplex is counted as two units. Refer to staff report table one for density. Mr. Durant also clarified that not all duplexes are rents and vice versa. Mr. Durant reiterated the duplexes are restrictive in that they only apply to new developments and they have to be designated from the beginning of the Planned Development. Whereas other countries allow duplexes to be place in old and new properties. He stated that compared to other districts it is not a free ride.

Chairman Quinnell asked if there were any more comments.

Commissioner Torkelson replied that they should vote tonight and more this forward.

Chairman Quinnell stated that he saw nothing wrong with duplexes when developed correctly.

Commissioner Miller stated that Mr. Worby was worried about the consistency of the language.

Chairman Quinnell asked if that language was already there.

Commissioner Torkelson stated that it was contradictory because in a nice neighborhood why billed a cheap duplex.

Commissioner Miller replied that there are a lot of what if's here and anything can happen.

Mr. Worby requested that the commissioners delay their vote and go to the code to find a reason to deny a development.

Discussion ensued on the legality, restrictions, language and standards.

Chairman Quinnell proposed that the commission vote on it tonight and send it to council

Commissioner Torkelson moved to accept the Staff Recommendation.

## **CITY OF SELAH PLANNING COMMISSION FINDINGS AND DECISION**

THIS MATTER having come on for public hearing before the City of Selah Planning Commission on March 17, 2015. The Commission is considering zoning ordinance text amendments to Selah Municipal Code Title 10 (zoning ordinance) Chapter 10.12.040, Chapter 10.28 A-5 and Chapter 10.28.040 Regulatory Note (1).

The Members of the Commission present were Quinnell, Miller and Torkelson.

Legal notification pursuant to Selah Municipal Code was given on the 6<sup>th</sup> of March 2015. All persons present were given the opportunity to speak for or against the proposed text amendments.

### **Zoning Ordinance Text Amendments**

1. The proposed zoning ordinance text amendments will not further the goals and their underlying policies of the 2005 City of Selah Urban Growth Area Comprehensive Plan to avoid compatible land uses, preserve natural resources and protect against flooding and drainage problems. The goals and underlying policies to promote orderly growth, avoid incompatible land uses and maintain and improve air and water quality were determined to be not applicable.
2. The Planning commission does not find changes in circumstances which justify the proposed zoning ordinance text amendments.
3. The Planning Commission does not find that there is a demonstrated and/or recognized need to amend Chapter 10.12.040, Chapter 10.28, Table 5-A and Chapter 10.28.040 Regulatory Notes.
4. The public testimony that was offered was in favor of the proposed text amendments.
5. The Planning Commission finds that environmental review has been completed on the proposal and further finds that such environmental review was adequate.
6. The Planning Commission determines the findings of the staff report to be controlling in its deliberations on the proposed zoning ordinance text amendments.

### **DECISION**

The Planning Commission, based upon the aforementioned findings and controlling factors, finds that the proposed zoning ordinance text amendments are not in furtherance of the public health, safety and general welfare of the peoples; therefore the proposed zoning ordinance text amendments should be DENIED and additional amendatory language not added to Chapter 10.12.040.

Motion to DENY by: Torkelson      Seconded by: Miller

Vote: 3-0 in favor of the motion

#### Reports/Announcements

1. Chairman- None

2. Commissioners- None
3. Staff- None

I. Adjournment

Commissioner Torkelson motioned to adjourn the meeting, Commissioner Miller seconded the motion. Chairman Quinnell adjourned the meeting at 7:33 pm with a voice vote of 3-0.

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Chairman

John Tierney....lived in a neighborhood that had duplexes and didn't like it because the non-owner occupied homes didn't take care of the properties as the owner occupied homes.

Dennis Davison....didn't know why any developer would put a duplex in an R-1 development "why would he foul his own nest?"

Lisa Smith... when voting on the code text changes to make Selah code consistent, asked for an suggested there was a need for language that would restrict or identify where a duplex should be sited in a proposed development, Didn't happen.

Joe Henne, Tom Durand, Wayne Worby met to discuss this code text change...left with an understanding that the duplex lot location needed language that could identify appropriate siting guidelines for the duplex(s) lot(s). No language has been developed as of yet.

**AFFORDABLE 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.

Allen Schmid...Affordable housing...attributed to having the duplex inserted into R-1 development language starting with 1997 GMA discussions.

Washington State Comprehensive Growth Management Act...makes absolutely no recommendation of siting duplexes in **R-1** zoned developments.

What makes a duplex affordable housing? The duplex on the corner of Goodlander and N First rents for \$1,300.00 No: electricity, natural gas, water, sewer, garbage or lawn care

Can an R-2 zoned area have a permitted R-3 structure built without a rezone process?

Why is it then appropriate to site a Duplex in R-1 without a rezone process... just because it's a new development?

**Spot zoning is discouraged (HSG 1.1)**

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 1.2: Encourage new single-family development throughout existing single-family neighborhoods as redevelopment and infill construction at appropriate densities.

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

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

Why do we zone an area ... Property values, commonality of use, noise, traffic, environmental health, utility service?

**SELAH IS THE ONLY MUNICIPAL CODE LANGUAGE DEDICATING 10% OF 10 PARCEL DEVELOPMENTS AND LARGER TO DUPLEX HOUSING.**

**UNINTENDED CONSEQUENCES** of high rates of non-owner occupied residences

Owner occupied home median income \$ 67,298

48 % of all Selah homes... Dennis Davison

National average is 64 %...US Census Bureau News

Non-owner occupied home median income is \$ 32,466

52 % of all Selah homes...Dennis Davison

Selah School District

48 % Title I ...poverty level or below

Each residence in Selah is populated at 2.6 people per house

What financial support for additional student load is provided by developers?

COMPREHENSIVE PLAN & ZONING ORDINANCE: **The purpose of the One-Family Residential (R-1) zone is to provide for single-family residential development** where urban governmental services are currently available or will be extended to facilitate development. **Specific intent statements include providing for an orderly, phased transition from vacant or partially developed to single-family residential development,** facilitate coordinated and collaborative public infrastructure investment, require individual lot connection to municipal water and sewer systems, require development to meet the City's minimum urban development standards, and ensure that R-1 land uses and land division will facilitate urban development and the extension of utilities (SMC 10.12.010).

The R-1 zoning district corresponds to the Low Density Residential designation from the Comprehensive Plan which provides for densities of up to 5 dwelling units per gross acre. Clustering of dwelling units within the permitted density range is encouraged. The comprehensive plan also includes the following statement with regard to the LDR designation:

*"The predominate use will be low density residential; however, it is **the intent and desire of the City 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"* (City of Selah Urban Growth Area Comprehensive Plan, p. 34).

**CONFLICT?**

*Definitions: The terms Multifamily Dwelling and Two-Family Dwelling (or Duplex) are defined by the Zoning Ordinance (Appendix A to Chapters 10.02 through 10.48). Although not specifically defined in the Comprehensive Plan, the terms are used in a way that clearly distinguishes them, both in the text and in*

*the tables, primarily in the Land Use Element. It is clear that with respect to the plan policies and zoning ordinance requirements it is not intended that duplexes be included in the term multi-family dwellings.*

STAFF ANALYSIS: Based on this evaluation, the existing code requirements are generally consistent with the comprehensive plan, especially based *on the intent statement for the Low Density Residential plan designation that encourages a mix of housing types* and also based on the determination that when combined with other existing zoning and subdivision standards, these standard don't result in the maximum allowable density being exceeded. If there is any uncertainty it is in how effective the standards are in ensuring the compatibility of two-family lots with existing residential neighborhoods.

*on the intent statement for the Low Density Residential plan designation that encourages a mix of housing types*

The housing mix is occurring by neighborhoods which are zoned, where does the goal for Low Density Residential plan state that the mix is to be achieved in a zone designated area. If it is believed that neighborhoods means zoning, i.e. R-1, what zone is outside of mixed residential types.

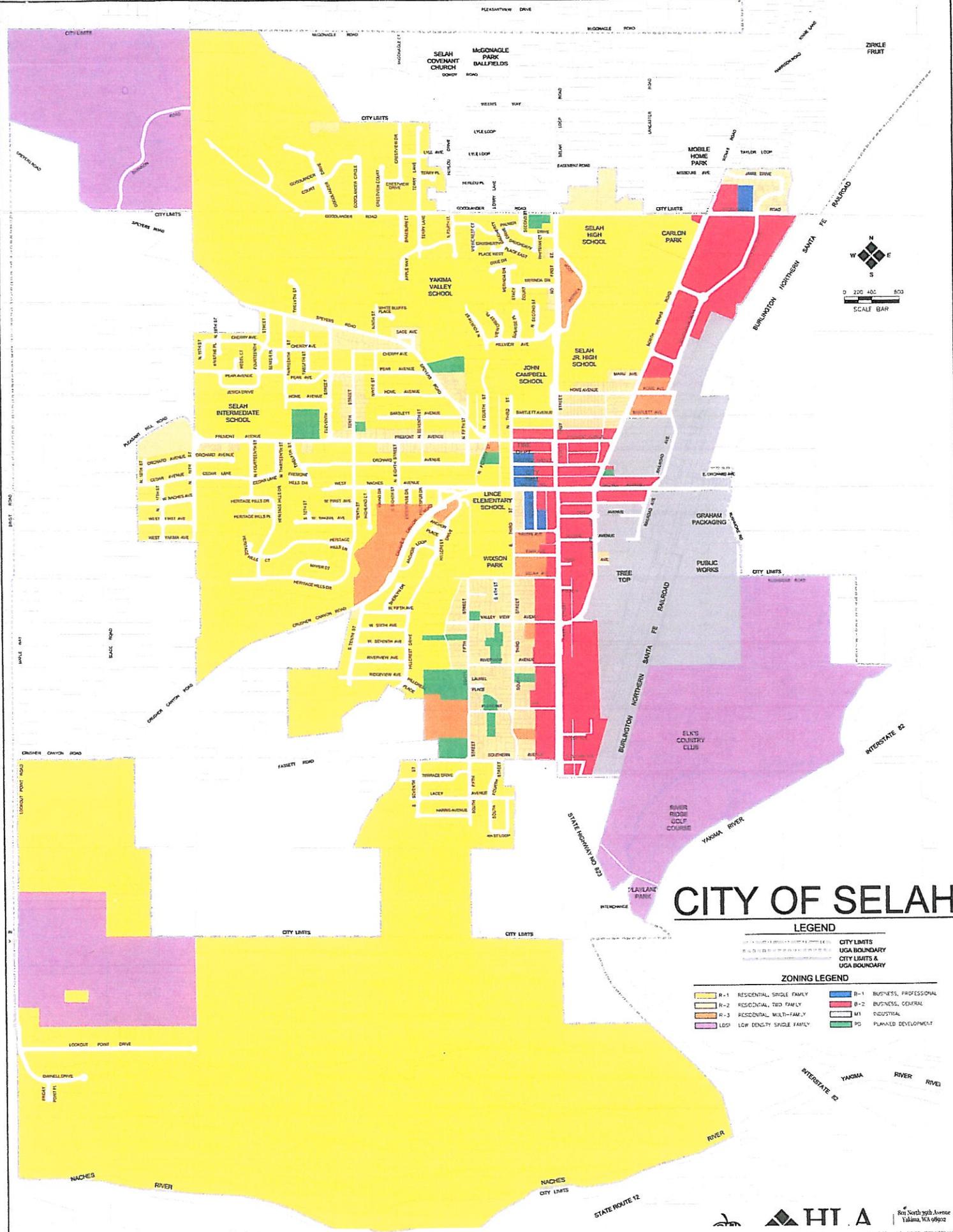
*It is also important to point out that although duplexes are shown to be a Class 1 (permitted) use in the R-1 zone, they are actually quite restricted.* They are only allowed in proposed land divisions that must meet minimums in terms of size and number of units. The preliminary plat review process is the equivalent of a Class 3 review in terms of notice, review process and the discretion given to approve or deny. Other jurisdictions that allow duplexes in R-1 zones or their equivalent typically allow them on any lot, whether new or existing and often without specified limitation of the number of lots.

*It is also important to point out that although duplexes are shown to be a Class 1 (permitted) use in the R-1 zone, they are actually quite restricted*

**Who has the authority** or discretion to approve or deny the permitting of the 10 % duplex lots?

**What are the restrictions** for allowing or denying a duplex permit?

**What are the qualifications for locating or restricting** a duplex lot in an R-1 subdivision?



# CITY OF SELAH

## LEGEND

- CITY LIMITS
- UGA BOUNDARY
- CITY LIMITS & UGA BOUNDARY

## ZONING LEGEND

- |                                |                            |
|--------------------------------|----------------------------|
| R-1 RESIDENTIAL, SINGLE FAMILY | B-1 BUSINESS, PROFESSIONAL |
| R-2 RESIDENTIAL, TWO FAMILY    | B-2 BUSINESS, CENTRAL      |
| R-3 RESIDENTIAL, MULTI-FAMILY  | M1 INDUSTRIAL              |
| LDD1 LOW DENSITY SINGLE FAMILY | PD PLANNED DEVELOPMENT     |

Exhibit 7

# U.S. Census Bureau News

U.S. Department of Commerce • Washington D.C. 20233

**For Immediate Release**  
**Thursday, January 29, 2015 at 10:00 A.M. EDT**

CB15-08

Robert R. Callis  
 Melissa Kresin  
 Social, Economic, and Housing Statistics Division  
 (301) 763-3199

## RESIDENTIAL VACANCIES AND HOMEOWNERSHIP IN THE FOURTH QUARTER 2014

National vacancy rates in the fourth quarter 2014 were 7.0 percent for rental housing and 1.9 percent for homeowner housing, the Department of Commerce's Census Bureau announced today. The rental vacancy rate of 7.0 percent was 1.2 percentage points (+/-0.4) lower than the rate in the fourth quarter 2013 and 0.4 percentage points (+/-0.3) lower than the rate last quarter. The homeowner vacancy rate of 1.9 percent was 0.2 percentage points (+/-0.2) lower than the rate in the fourth quarter 2013 and 0.1 percentage point higher (+/-0.1)\* than the rate last quarter.

The homeownership rate of 64.0 percent was 1.2 percentage points (+/-0.4) lower than the fourth quarter 2013 rate (65.2 percent) and 0.4 percentage points (+/-0.4) lower than the rate last quarter (64.4 percent).

Residential Vacancies and Homeownership data for the first quarter 2015 will be released on Tuesday, April 28, 2015 at 10:00 A.M. EDT.  
 Our Internet site is: <http://www.census.gov/housing/hvs>

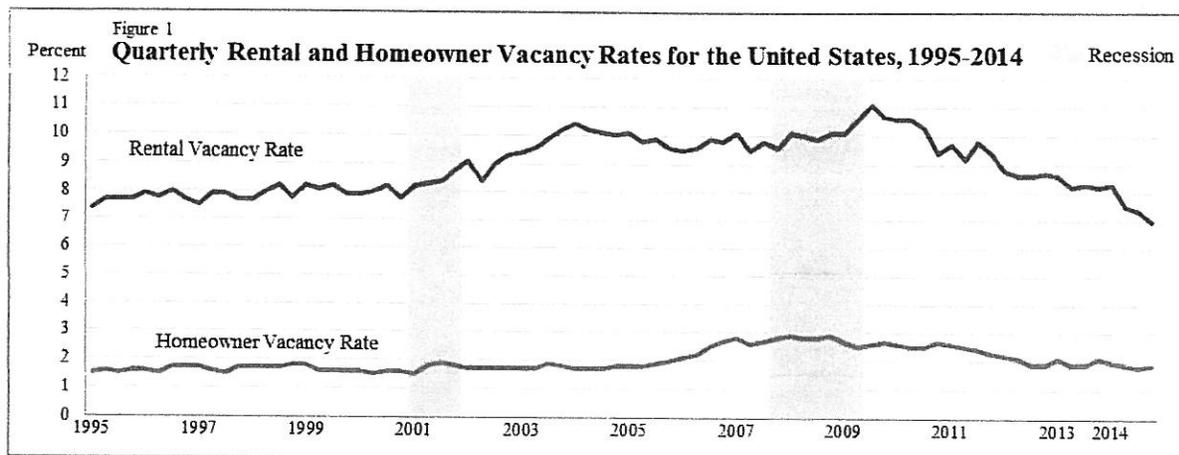


Table 1. Rental and Homeowner Vacancy Rates for the United States: 2005 to 2014 (in percent)

Year	Rental Vacancy Rate				Homeowner Vacancy Rate			
	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	First Quarter	Second Quarter	Third Quarter	Fourth Quarter
2014....	8.3	7.5	7.4	7.0	2.0	1.9	1.8	1.9
2013....	8.6	8.2	8.3	8.2	2.1	1.9	1.9	2.1
2012....	8.8	8.6	8.6	8.7	2.2	2.1	1.9	1.9
2011....	9.7	9.2	9.8	9.4	2.6	2.5	2.4	2.3
2010....	10.6	10.6	10.3	9.4	2.6	2.5	2.5	2.7
2009....	10.1	10.6	11.1	10.7	2.7	2.5	2.6	2.7
2008....	10.1	10.0	9.9	10.1	2.9	2.8	2.8	2.9
2007....	10.1	9.5	9.8	9.6	2.8	2.6	2.7	2.8
2006....	9.5	9.6	9.9	9.8	2.1	2.2	2.5	2.7
2005....	10.1	9.8	9.9	9.6	1.8	1.8	1.9	2.0

### Explanatory Notes

These statistics are estimated from sample surveys. They are subject to sampling variability as well as nonsampling error including bias and variance from response, nonreporting, and undercoverage. Whenever a statement such as "0.6 percentage points ( $\pm 0.5\%$ ) above" appears in the text, this indicates the range (0.1 to 1.1 percentage points) in which the actual percent change is likely to have occurred. All ranges given for percent changes are 90-percent confidence intervals and account only for sampling variability. If a range does not contain zero, the change is statistically significant. If the range does contain zero, the change is not statistically significant; that is, it is uncertain whether there was an increase or decrease. The data in this report are from the Current Population Survey/ Housing Vacancy Survey. The populations represented (the population universe) are all housing units (vacancy rates) and the civilian non-institutional population of the United States (homeownership rate). For an explanation of how the rates are calculated, please see pages 11-12. Explanations of confidence intervals and sampling variability can be found on our web site listed above.

\*90% confidence interval includes zero. The Census Bureau does not have sufficient statistical evidence to conclude that the actual change is different from zero.

S2503

**FINANCIAL CHARACTERISTICS**  
2009-2013 American Community Survey 5-Year Estimates

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Subject	United States					
	Occupied housing units		Owner-occupied housing units		Renter-occupied housing units	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Occupied housing units	115,610,216	+/-238,223	75,075,700	+/-345,645	40,534,516	+/-114,260
<b>HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2013 INFLATION-ADJUSTED DOLLARS)</b>						
Less than \$5,000	3.3%	+/-0.1	1.7%	+/-0.1	6.3%	+/-0.1
\$5,000 to \$9,999	3.9%	+/-0.1	1.9%	+/-0.1	7.7%	+/-0.1
\$10,000 to \$14,999	5.4%	+/-0.1	3.3%	+/-0.1	9.3%	+/-0.1
\$15,000 to \$19,999	5.4%	+/-0.1	3.8%	+/-0.1	8.4%	+/-0.1
\$20,000 to \$24,999	5.4%	+/-0.1	4.1%	+/-0.1	7.8%	+/-0.1
\$25,000 to \$34,999	10.3%	+/-0.1	8.6%	+/-0.1	13.5%	+/-0.1
\$35,000 to \$49,999	13.6%	+/-0.1	12.7%	+/-0.1	15.2%	+/-0.1
\$50,000 to \$74,999	17.9%	+/-0.1	19.3%	+/-0.1	15.5%	+/-0.1
\$75,000 to \$99,999	12.2%	+/-0.1	14.6%	+/-0.1	7.7%	+/-0.1
\$100,000 to \$149,999	12.9%	+/-0.1	16.7%	+/-0.1	5.7%	+/-0.1
\$150,000 or more	9.7%	+/-0.1	13.3%	+/-0.1	3.0%	+/-0.1
Median household income (dollars)	53,048	+/-89	67,298	+/-102	32,466	+/-57
<b>MONTHLY HOUSING COSTS</b>						
Less than \$100	0.4%	+/-0.1	0.4%	+/-0.1	0.3%	+/-0.1
\$100 to \$199	1.9%	+/-0.1	2.3%	+/-0.1	1.2%	+/-0.1
\$200 to \$299	4.4%	+/-0.1	5.2%	+/-0.1	3.1%	+/-0.1
\$300 to \$399	5.3%	+/-0.1	6.6%	+/-0.1	2.9%	+/-0.1
\$400 to \$499	5.6%	+/-0.1	6.2%	+/-0.1	4.5%	+/-0.1
\$500 to \$599	6.0%	+/-0.1	5.4%	+/-0.1	6.9%	+/-0.1
\$600 to \$699	6.3%	+/-0.1	4.9%	+/-0.1	8.8%	+/-0.1
\$700 to \$799	6.4%	+/-0.1	4.6%	+/-0.1	9.7%	+/-0.1
\$800 to \$899	6.3%	+/-0.1	4.6%	+/-0.1	9.5%	+/-0.1
\$900 to \$999	5.9%	+/-0.1	4.5%	+/-0.1	8.6%	+/-0.1
\$1,000 to \$1,499	21.8%	+/-0.1	20.1%	+/-0.1	24.8%	+/-0.1
\$1,500 to \$1,999	12.2%	+/-0.1	14.0%	+/-0.1	8.9%	+/-0.1
\$2,000 or more	15.7%	+/-0.1	21.2%	+/-0.1	5.4%	+/-0.1
No cash rent	1.9%	+/-0.1	(X)	(X)	5.4%	+/-0.1
Median (dollars)	1,012	+/-2	1,126	+/-1	904	+/-1
<b>MONTHLY HOUSING COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME IN THE PAST 12 MONTHS</b>						
Less than \$20,000	16.0%	+/-0.1	9.9%	+/-0.1	27.3%	+/-0.1
Less than 20 percent	1.0%	+/-0.1	1.2%	+/-0.1	0.7%	+/-0.1
20 to 29 percent	1.8%	+/-0.1	1.4%	+/-0.1	2.4%	+/-0.1
30 percent or more	13.2%	+/-0.1	7.2%	+/-0.1	24.2%	+/-0.1
\$20,000 to \$34,999	15.3%	+/-0.1	12.7%	+/-0.1	20.1%	+/-0.1
Less than 20 percent	3.1%	+/-0.1	4.0%	+/-0.1	1.3%	+/-0.1
20 to 29 percent	3.1%	+/-0.1	2.5%	+/-0.1	4.3%	+/-0.1
30 percent or more	9.2%	+/-0.1	6.2%	+/-0.1	14.6%	+/-0.1
\$35,000 to \$49,999	13.3%	+/-0.1	12.7%	+/-0.1	14.5%	+/-0.1
Less than 20 percent	4.2%	+/-0.1	5.0%	+/-0.1	2.7%	+/-0.1
20 to 29 percent	3.9%	+/-0.1	2.8%	+/-0.1	6.0%	+/-0.1
30 percent or more	5.2%	+/-0.1	4.9%	+/-0.1	5.8%	+/-0.1
\$50,000 to \$74,999	17.7%	+/-0.1	19.3%	+/-0.1	14.8%	+/-0.1
Less than 20 percent	7.9%	+/-0.1	8.8%	+/-0.1	6.1%	+/-0.1
20 to 29 percent	5.5%	+/-0.1	5.3%	+/-0.1	5.9%	+/-0.1
30 percent or more	4.4%	+/-0.1	5.2%	+/-0.1	2.9%	+/-0.1
\$75,000 or more	34.5%	+/-0.1	44.7%	+/-0.1	15.7%	+/-0.1
Less than 20 percent	22.7%	+/-0.1	28.9%	+/-0.1	11.2%	+/-0.1
20 to 29 percent	8.2%	+/-0.1	10.7%	+/-0.1	3.6%	+/-0.1
30 percent or more	3.5%	+/-0.1	5.0%	+/-0.1	0.9%	+/-0.1
Zero or negative income	1.3%	+/-0.1	0.7%	+/-0.1	2.2%	+/-0.1
No cash rent	1.9%	+/-0.1	(X)	(X)	5.4%	+/-0.1

Source: U.S. Census Bureau, 2009-2013 5-Year American Community Survey

**Explanation of Symbols:**

- An "" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
- An "." entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
- An ":" following a median estimate means the median falls in the lowest interval of an open-ended distribution.
- An "\*" following a median estimate means the median falls in the upper interval of an open-ended distribution.
- An "" entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
- An "" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
- An "N" entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
- An "(X)" means that the estimate is not applicable or not available.

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of

Selah School District  
 Free and Reduced Meal Percentages by School  
 School Years 2006-07 through 2014-15

School	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
John Campbell	42%	40%	40%	40%	48%	50%	51%	52%
Lince	45%	44%	48%	54%	54%	55%	59%	60%
SIS	42%	39%	41%	41%	44%	44%	49%	50%
Middle School	36%	36%	38%	36%	40%	39%	41%	41%
High School	28%	27%	29%	30%	30%	33%	34%	34%
Selah Academy	53%	54%	48%	33%	45%	32%	47%	28%
District Average	39%	37%	40%	39%	44%	42%	47%	47%

**CITY OF SELAH  
WASHINGTON  
ORDINANCE NO.**

---

AN ORDINANCE OF THE CITY OF SELAH,  
WASHINGTON, ADDING A NEW SELAH MUNICIPAL  
CODE CHAPTER 10.24 RELATING TO PLANNED  
DEVELOPMENT; CREATING A PLANNED  
DEVELOPMENT (PD) OVERLAY ZONE; ESTABLISHING  
DEVELOPMENT REGULATIONS FOR PLANNED  
DEVELOPMENT OVERLAY ZONES; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE  
DATE

---

WHEREAS, the City Council desires to provide for an overlay zone in order to better regulate planned development activity within the City of Selah;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. New Chapter 10.24 SMC, Planned Development, Added. A new Selah Municipal Code Chapter 10.24, entitled "Planned Development," is hereby adopted to read as follows:

**Chapter 10.24  
PLANNED DEVELOPMENT**

**Sections:**

- 10.24.010 Purpose**
- 10.24.020 Applicability**
- 10.24.030 Definitions**
- 10.24.040 Planned Development Overlay Zone—Created**
- 10.24.050 Planned Development Overlay Zone—Criteria**
- 10.24.060 Application—Procedure**
- 10.24.070 Application—Planned Development Plan**
- 10.24.080 Hearing Examiner Recommendation**
- 10.24.090 City Council Action—Effect of Approval**
- 10.24.100 Development Standards—Design**
- 10.24.110 Development Standards—Open Space**
- 10.24.120 Development Standards—Roads and Parking**
- 10.24.130 Limitations on Authority to Alter Zoning**
- 10.24.140 Modifications**

**10.24.150 Reconstruction of Damaged Buildings or Improvements**

**10.24.160 Appeal**

**10.24.010 Purpose**

The purpose of this chapter is to establish a planned development overlay zone to allow new development that is consistent with both the Comprehensive Plan and the intent of the underlying zoning district, but which would not otherwise be permitted due to limitations in dimensional standards, permitted uses, or accessory uses in the underlying zoning district. Planned Development Overlays are intended to:

A. Encourage flexibility in design and development that is architecturally and environmentally innovative and which will result in a more efficient aesthetic and desirable utilization of the land than is possible through strict application of otherwise applicable zoning and subdivision controls; and

B. Provide for the clustering of dwelling units, usable open space and mixed-density residential development, including but not limited to single-family, duplexes, townhouses, apartments and multiple-family dwellings as provided for by the Comprehensive Plan, while protecting and maintaining compatibility with existing residential neighborhoods.

**10.24.020 Applicability**

This chapter applies to applications for and development within a planned development overlay zone, and is to be used in conjunction with the land use classification system established in Title 10 of the Selah Municipal Code and with the Comprehensive Plan.

**10.24.030 Definitions**

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise or they are more specifically defined in a section or subsection. Terms not defined shall be given their usual meaning.

“ADA” means the Americans with Disabilities Act of 1990.

“City Administrator” means the City of Selah City Administrator appointed pursuant to SMC 1.10.015.

“City Council” or “Council” means the City Council of the City of Selah, Washington.

“Code” or “SMC” means the Selah Municipal Code.

“Comprehensive Plan” means the 2005 Urban Growth Area Comprehensive Plan adopted by the City of Selah.

“City” means the City of Selah, Washington.

“Hearing Examiner” means the City of Selah Hearing Examiner appointed pursuant to SMC 1.60.020.

“Major Modification” means modifications which substantially change the character, basic design, density, open space or other requirements and conditions of the approved Planned Development Overlay, as further defined in SMC 10.24.140(B).

“Minor Modification” means modifications which may affect the precise dimensions or siting of buildings (i.e., lot coverage, height, setbacks) but which do not affect the basic character or arrangement and number of buildings approved in the Planned Development Overlay, as further defined in SMC 10.24.140(A).

“Planned Development Overlay” or “PDO” means any property with a Planned Development (PD) Overlay Zone designation.

“Planned Development Plan” or “PDP” has the meaning prescribed under SMC 10.24.070 as now in effect or as may subsequently be amended.

“Planning Department” means the City of Selah Planning Department.

“PD District” means an existing planned development, as of the effective date of this ordinance, which was created under the previously repealed Chapter 10.24 SMC.

#### **10.24.040 Planned Development (PD) Overlay Zone—Created**

A. Planned Development Overlay Zone Designation. A planned development approved in accordance with this chapter after the effective date of the ordinance adopting this chapter shall have a zoning designation of Planned Development (PD) Overlay Zone. The PD Overlay Zone designation will be reflected by a “(PD)” suffix qualifier on the underlying zoning designation for the parcel. For example, an approved planned development in a Two Family Residential zoning district would be classified as “R-2 (PD)”.

B. Authorized Uses. Planned Development Overlays shall incorporate the permitted land uses and development standards of the underlying zoning district pursuant to the Land Use Table in SMC 10.28.020; provided, however, that approval of a Planned Development Overlay shall modify and supersede the regulations of the underlying zoning district as provided in this chapter and as agreed in the Planned Development Plan.

Notwithstanding anything to the contrary in the underlying zoning requirements, a Planned Development Overlay may permit all proposed uses and developments under this chapter that are allowed by the Comprehensive Plan and that do not exceed the maximum densities in the Comprehensive Plan.

1. Residential Planned Development Overlays are permitted in the LDSF, R-1, R-2, and R-3 zones; provided, that:

- a. No more than **XX** percent of a planned development in the LDSF or R-1 zone may consist of multiple-family dwellings; and
- b. No more than **XX** percent of a planned development in the R-2 or R-3 zones may consist of single-family dwellings.

2. Reserved.

C. Extant Planned Development Zoning Districts. Existing planned developments, as of the effective date of the ordinance adopting this chapter, are and shall remain separate zoning districts created under the previously repealed Chapter 10.24 SMC (“PD Districts”), as indicated on the official zoning map adopted under SMC 10.04.010, and shall:

1. Retain the authorized uses considered to be conforming in the PD District; and

**Comment [ASM1]:** Right now the City is just focusing on Residential Planned Developments. This creates a placeholder to add in Mixed Use and eventually Industrial and Commercial when the time comes for the major overhaul.

2. Permit minor and major modifications only within the existing approved boundaries of the PD District.

**10.24.050 Planned Development (PD) Overlay Zone—Criteria**

A Planned Development Overlay shall be approved or denied based upon the following criteria, which are listed in order of priority regarding the weight to be given to each factor:

- A. Compliance with this chapter;
- B. Substantial compliance with the Comprehensive Plan;
- C. The PDP’s coherence with the surrounding area or its potential future use (i.e., a logical, orderly, and aesthetically consistent relationship);
- D. The system of ownership and the means of development, preservation and maintenance of open space;
- E. The adequacy of the size of the proposed Planned Development Overlay to accommodate the contemplated development; and
- F. Compliance with the City’s subdivision code, if a proposed Planned Development Overlay is combined with a proposal to divide land into lots.

**Comment [ASM2]:** This is the criteria that will be used by the Hearing Examiner in recommending the approval or disapproval of the Planned Development Overlay. We have listed them in weighted order; but is there additional clarification the City feels would be beneficial?

**10.24.060 Application—Procedure**

Applications for a proposed planned development shall be prepared, submitted, and processed as follows:

- A. Preliminary PDP. The applicant shall prepare a Planned Development Plan (PDP) in accordance with SMC 10.24.070 and with the provisions of this chapter;
- B. Pre-Application Conference. The applicant shall contact the Planning Department and schedule a pre-application conference to review the PDP for completeness and for compliance with the Comprehensive Plan and the provisions of this chapter;
- C. Application Submittal. Following the pre-application conference, the applicant shall submit an application for Planned Development Overlay to the Planning Department on a form provided by the City, accompanied by all documents required by the application form, including the final PDP;
- D. Determination of Completeness. Within 28 days of receiving a date-stamped Planned Development Overlay application, the Planning Department shall issue a determination of completeness in accordance with SMC 21.05.050;
- E. Review Hearing. Within 30 days of a determination of completeness issued pursuant to paragraph (D) of this section, the City shall schedule a hearing before the Hearing Examiner in accordance with SMC 10.24.080 for review of the Planned Development Overlay application. The hearing itself may be set to begin on a date later than 30 days after issuance of the determination of completeness. The Hearing Examiner shall render a recommendation thereon to the City Council; and
- F. City Council Action. Within 45 days of the City’s receipt of the Hearing Examiner’s recommendation, the City Council shall consider the

**Comment [ASM3]:** We suggest making the pre-application conference mandatory in order to facilitate more efficient application submissions.

**Comment [ASM4]:** The City should have a checklist on the application form that details required accompanying documents, such as environmental reports and surveys, some verification of the pre-application conference, the parking and lighting plans (required by 10.24.020(A) herein), title reports, plat, site plans, etc. See City of Bellevue example.  
  
Also, see comment in 10.24.070(A)(16), below.

recommendation, after which it shall either adopt, modify or reject the recommendation of the Hearing Examiner pursuant to SMC 10.24.090.

#### 10.24.070 Application—Planned Development Plan

The Planned Development Plan shall include both project maps and a written project description containing, as applicable, the elements enumerated in subsections (A) and (B) of this section.

A. **Project Maps.** The PDP shall include an accurate map or maps, drawn to a scale of not less than one inch to one hundred feet, depicting the following:

1. The boundaries of the ~~site~~proposed Planned Development Overlay;
2. Location, names and dimensions of all existing and proposed streets, public ways, railroad and utility rights-of way, parks or other open spaces, and all land uses within 200 feet of the boundary of the proposed Planned Development Overlay bounding or touching the boundaries of the site;
3. ~~Horizontal and vertical dimensions~~Preliminary plans, elevations, number of dwelling units, types of use, and exterior appearance of all proposed buildings and structures, proposed to be located on the site which shall include drawings, architectural renderings or photographs ~~of proposed buildings which will become part of the public record;~~
4. Proposed location and dimension—square footage of community facilities and “common or community open space”;
5. Proposed public dedications;
6. Location of off-street parking facilities~~areas, including garages, number and dimensions of parking spaces, width of aisles and bays, and angles of parking, showing as well as~~ points of ingress to and egress from the ~~site~~proposed Planned Development Overlay (see SMC 10.24.120(A));
7. Location, arrangement, number and dimensions of truck loading and unloading spaces and docks;
8. Location and directional bearing of all major physiographic features such as railroads, drainage canals and shorelines;
9. Existing topographic contours at intervals of not more than five feet;
10. Proposed topographic contours at intervals of not more than one foot;
11. Existing and proposed sewers, water mains and other underground facilities within and adjacent to the proposed Planned Development Overlay, and their certified capacities;
12. Proposed drainage facilities;
13. Proposed landscaping and the approximate location, height and materials of all walls, fences and screens;
14. Traffic flow plan, including Ppedestrian and vehicular circulation pattern and the location and dimensions of walks, trails or easements;
15. ~~Building types and intensities~~Indication of proposed stages or phases of development; and
16. ~~In the event the proposed planned development application is combined with a proposal to subdivide the land, the PDP shall also include a complete subdivision application pursuant to Chapter 10.50 SMC. Proposed subdivision map, in the event the proposed planned development application is combined with a proposal to divide land into lots, identifying proposed lot configuration and size in square feet.~~

**Comment [ASM5]:** The changes tracked in this section show how the elements from the previous “preliminary plan & program” (prior 10.24.030) and “final plan & program” (prior 10.24.050) have been reconciled and consolidated to one list.

**Comment [ASM6]:** This is covered already in (3), above.

B. Written Project Description. The PDP shall include a written project description identifying the project as a residential planned development and setting out detailed information concerning the following subjects as they may be involved in or provided for by the planned development project:

1. Statement of the project goals and objectives, compatibility with the surrounding area, and potential future use (i.e., why it would be in the public interest and be consistent with the Comprehensive Plan);
2. Proposed system of ownership pattern;
3. Operation and maintenance proposal; (i.e., homeowner association, condominium, co-op or other);
4. All proposed land uses, including uses permitted in the underlying zone and uses not permitted in the underlying zone, and how such uses fit into the planned development concept;
5. All deviations from the development standards of the underlying zone;
6. Tables showing total number of acres, distribution of area by use, percent designated for dwellings and open space, number of off-street parking spaces, streets, parks, playgrounds, school and open spaces;
7. Tables indicating overall densities and density by dwelling types, and any proposal for adjustments to the density limitations;
8. Restrictive covenants;
9. Waste disposal facilities;
10. Parking and lighting, as required by SMC 10.24.120(A);
11. Water supply;
12. Public transportation;
13. Community facilities; and
14. General Development timetable of development.

#### **10.24.080 Hearing Examiner Recommendation**

In accordance with 10.24.060(E), the Planning Department shall, in consultation with the Hearing Examiner, fix the date at which the Planned Development Overlay application shall be considered and reviewed by the Hearing Examiner at an open record public hearing.

A. Notice of Hearing. Notice of the hearing shall be published once not less than 10 days prior to the hearing in the official newspaper of the City. Additional notice of such hearing may be given by mail, posting on the property, or in any manner the Planning Department or Hearing Examiner deems suitable to notify adjacent owners and the public.

B. Conduct of Hearing. At the hearing, the Hearing Examiner shall consider all relevant evidence to determine whether the proposed Planned Development Overlay should be approved, conditionally approved, or disapproved according to the Planned Development Overlay criteria enumerated in SMC 10.24.050.

C. Written Recommendation. Not later than 10 days following the conclusion of the hearing, or any continued hearing, the Hearing Examiner shall render a written recommendation to the City Council and transmit a copy thereof to all persons of record. The Hearing Examiner may recommend that the proposed Planned Development Overlay be approved, conditionally approved, or

disapproved. Conditions of approval shall be precisely recited in the Hearing Examiner's recommendation.

#### 10.24.090 City Council Action—Effect of Approval

A. City Council Action. Within 45 days of the City's receipt of the Hearing Examiner's recommendation on any proposed Planned Development Overlay, the City Council shall consider the recommendation at a public meeting, where it may adopt, modify or reject the recommendations of the Hearing Examiner.

B. Effect of Approval. Upon the City Council's approval of a Planned Development Overlay, the subject property shall be designated with the "(PD)" suffix qualifier as provided in SMC 10.24.040(A). The City Council shall promptly thereafter initiate a legislative amendment to the official zoning map pursuant to SMC 10.40.030(1) to reflect the new zoning designation, unless such zoning map amendment application has been included in the approved planned development application.

C. Failure to Develop. If substantial construction has not been performed on the project within 18 months after the date of approval, the Planned Development Overlay Zone designation shall lapse, and the property shall revert by operation of law to the underlying zoning district, regardless of any contrary designation on the official zoning map. The City Council may choose to extend this 18-month period one time, for an additional period not to exceed 12 months, upon good cause shown in writing by the applicant. The City Council's decision with respect to any such extension shall be final.

#### 10.24.100 Development Standards—Design

The following design standards shall apply to all ~~p~~Planned ~~d~~Development Overlays ("PDO" or "PDOs"):

A. Pedestrian-Oriented Design. There shall be a distinct separation of vehicular and pedestrian traffic within a ~~planned development~~PDO. The design must be in compliance with the City's public parks plan and ~~the e~~Comprehensive ~~land use p~~Plan. This may require an improved pedestrian trail system that links the ~~planned development's~~PDO's primary uses together and an improved pedestrian/bicycle trail easement which links at least a portion of the ~~planned development~~PDO's trail system to the pedestrian amenities adjacent to the ~~planned development~~PDO.

B. Compatible and Efficient Layout. Streets, lot lines, low-impact development techniques and facilities, landscaping areas, open space, building footprints and/or other features shall be arranged for maximum traffic flow efficiency and minimal impact to natural features, existing traffic patterns and uses in the vicinity. Vehicular entrances and exits to the PDO shall be minimized by providing for common ingress, egress and circulation areas.

C. Compatibility with Adjacent Uses. The exterior of the ~~planned development~~PDO shall be highly compatible with adjacent uses. Compatibility may include, but is not limited to, restricted uses along the exterior of the development, building footprint location, open spaces, buffers, landscaping, architectural style and pedestrian/vehicular circulation linkages. The ~~planned~~

**Comment [ASM7]:** Revisions in this section are tracked from the proposed draft development standards received from the Don Wayman on 6/22/15 ("Notes for Amy")

**Comment [ASM8]:** Please confirm this revision is accurate, and this did not mean to reference any other land use plan.

~~development~~PDO shall be integrated into the existing community fabric. Planned development densities shall not be used as criteria to judge compatibility with adjacent uses and properties.

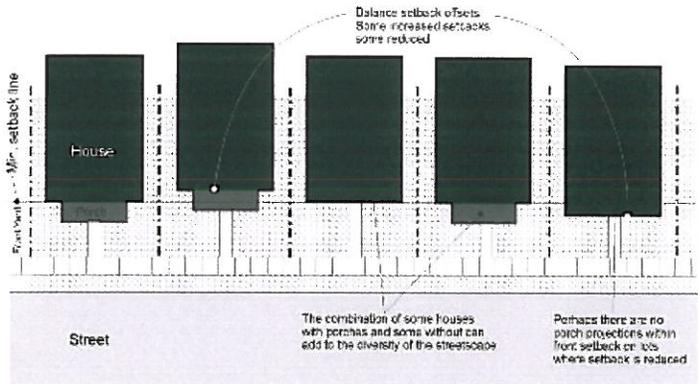
D. Variety of Housing Types, Styles. Housing types within a PDO greater than or equal to ~~one~~ acre or six dwellings shall be varied to allow for a range of architectural variety. Although an overall architectural theme may be appropriate, there shall be a range of housing styles within a theme to avoid the monotony of identical structures.

E. Design Diversity. ~~Planned developments~~PDOs ~~are encouraged to~~shall incorporate measures that promote design diversity. This can be accomplished by (see Figures ~~blank~~10.24.100(E)-1 and ~~blank~~10.24.100(E)-2):

1. Providing a mixture of lot sizes and/or front setbacks (which could be specified on the plat); and/or
2. Providing a diversity of floor plans and facade treatments that avoid monotonous streetscapes. This could be accomplished with ~~conditions~~provisions on the plat and/or special covenants required for lots.



*Figures 10.24.100(E)-1 and 10.24.100(E)-2. The above homes feature a good diversity of facade designs, colors and rooflines.*



Figures 10.24.100(E)-3 and 10.24.100(E)-4. Avoid monotonous rows of duplicative homes (top example). Another solution is to prescribe variable setbacks such as in the bottom example.

**10.24.110 Development Standards—Open Space**

Common open space consists primarily of large usable areas which are owned by all property owners within a planned development PDO and may include: sensitive area management tracts, wetland buffers, low impact development facilities, buffer yards, public space, landscaped or natural areas, recreational areas or an area for a recreation/socialization facility. Sufficient common open space for the types of uses envisioned within a PDO shall be provided. *The minimum allowable open space for a planned development will be no less than 15 percent of the square footage of the planned development PDO.*

A. Planned Development Open Space Design Criteria. Common open spaces includes landscaped courtyards or decks, front porches, gardens with pathways, children’s play areas, or other multi-purpose recreational and/or green spaces. Special requirements and recommendations for common open spaces include the following:

1. Required setback areas shall not count towards the open space requirement unless those areas they are portions of a space that meets the dimensional and design requirements and guidelines set forth below:

**Comment [ASM9]:** Revisions in this section are tracked from the proposed draft development standards received from the Don Wayman on 6/22/15 (“Notes for Amy”)

- a. Spaces shall be large enough to provide functional leisure or recreational activity. To meet this requirement, no dimension shall be less than 15 feet in width (except for front porches);
- b. Spaces (particularly children's play areas) shall be visible from at least some dwelling units and positioned near pedestrian activity;
- c. Spaces shall feature paths, landscaping, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable;
- d. Individual entries may be provided onto common open space from adjacent ground floor residential units, where applicable. Small, semi-private open spaces for adjacent ground floor units that maintain visual access to the common area are encouraged to enliven the space. Low walls or hedges (less than three feet in height) are encouraged to provide clear definition of semi-private and common spaces;
- e. ~~Separate~~ Common space shall be separated from ground floor windows, automobile circulation, service areas and parking lots by utilizing landscaping, low-level fencing, and/or other treatments that enhance safety and privacy (both for common open space and dwelling units);
- f. Space should be oriented to receive sunlight, facing east, west, or (preferably) south, when possible;
- g. Space should be sited to minimize impacts from prevailing winds;
- h. Stairways, stair landings and above grade walkways shall not encroach into minimum required common open space areas. An atrium roof covering may be built over a courtyard to provide weather protection provided it does not obstruct natural light inside the courtyard; ~~and-~~
- i. Shared front porches qualify as common open space provided:
  - i. No dimension is less than eight feet; and
  - ii. The porches are accessible to all residents.



Figure 10.24.110(A)-1. Examples of common open space.

B. Private Balconies and Decks. Private balconies and decks shall be at least 35 square feet, with no dimension less than four feet, to provide a space usable for

human activity. The space shall meet ADA standards. This standard also applies to individual front porches if counted toward townhouse open space requirements.

C. Indoor Recreational Areas. Indoor recreational areas shall meet the following conditions:

1. The space shall meet ADA standards and shall be located in a visible area, such as near an entrance, lobby, or high traffic corridors; ~~and-~~

2. Space shall be designed specifically to serve interior recreational functions and not merely be leftover, unrentable space used to meet the open space requirement. Such space shall include amenities and design elements that will encourage use by residents.

D. Shared Rooftop Decks. Shared rooftop decks shall meet the following requirements:

1. Space shall be ADA accessible to all dwelling units;

2. Space shall provide amenities such as seating areas, landscaping, and/or other features that encourage use;

3. Space shall feature hard surfacing appropriate to encourage ~~resident~~ use ~~by residents~~; and

4. Space shall incorporate features that provide for the safety of residents, such as enclosures, railings, and appropriate lighting levels.

E. Community Gardens. (See Figure 10.24.110(E)-1.) Community gardens shall meet the following conditions:

1. All spaces shall be located to receive at least six hours of natural sunlight per day in summer months;

2. All spaces shall have access to irrigation;

3. All spaces shall have tillable soil to a depth of one foot, minimum;

4. Spaces may be provided in shared or private yard areas, at ground level, on balconies, or on rooftop decks;

5. Where some or all of the community garden is within shared common open space, a management program shall be required setting forth the following provisions:

a. Access to interested residents meeting minimum space requirements set forth herein; and

b. Provisions for space management and maintenance; and

c. No additional fees shall be assessed to space users beyond standard home owners association or resident maintenance fees; ~~and-~~

6. ~~Standards w~~Where community garden space is provided within shared common open spaces, the following standards shall apply:

a. Walkways between planting beds shall be at least two feet wide; and

b. Planting beds shall be raised above surface level. For ground level spaces, planting beds shall be raised at least six inches. For rooftop spaces, planting beds shall be raised by at least 18 inches.



Figure 10.24.110(E)-1. Community garden example.

#### 10.24.120 Development Standards—Roads and Parking

A. **Parking Plan.** A detailed parking plan shall be submitted with a **Planned Development Overlay** application. The parking plan shall contain the following information: the existing and proposed development; parking stall and driving aisle location and dimensions; loading and maneuvering area; curb cuts; light fixtures; adjacent streets; landscape islands and peninsulas and other relevant features of the proposed parking facility. The parking plan shall **also** include the location and square footage for each existing and/or proposed structure or use area and the proposed area, including floor area, dedicated to each use. A lighting plan detailing light standard height, location of lights, wattage, and light dispersion patterns shall be submitted with the parking plan. The parking plan may be combined with the landscaping plan. The parking plan shall be subject to approval by the City **Planner**.

Separate plans for off-street parking for residential developments with less than three proposed units are not required except when the parking space for residential uses is to be located on a lot other than the one on which the residential building is located.

1. Computation of required off-street parking spaces.
  - a. **Spaces Required.** Except as modified in subsections below, off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

*Computation of required off-street parking spaces.*

**Comment [ASM10]:** Revisions in this section are tracked from the proposed draft development standards received from the Don Wayman on 6/22/15 ("Notes for Amy")

Category of Land Use	Minimum Parking Spaces Required
<b>Planned Development</b>	
Dwelling, single-family/duplex/townhouse	2.0 per dwelling unit; for structures containing more than 4 bedrooms, one additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages are permitted for single-family and duplex dwelling units.
One Bedroom unit	1.5 per unit
Cottage	1.5 per unit
Studio units	1.2 per unit

B. Planned Development Local Access Street Design.

1. Purpose. The purpose of planned development street design standards is to provide safe and attractive local access streets that provide access to planned development property.

2. Implementation. Street section connections to existing curbs/sidewalks shall be as follows:

- a.- When curbs/sidewalks exist on one abutting end of a proposed planned development project, the new planned development shall transition from its existing location to the new street section as provided by current code requirements; and:
- b.- When existing curbs/sidewalks exist on both abutting ends of a proposed project (infill), or along the frontage of the proposed project, the project applicant may petition the public works director for a departure from the code streetscape requirements. This departure, if granted, would allow for the continuation of the existing roadway section across the proposed planned development. As a condition of departure, the applicant shall be required to dedicate necessary rights-of-way to construct improvements and execute a deferral agreement to participate in a future project to construct said improvement(s).

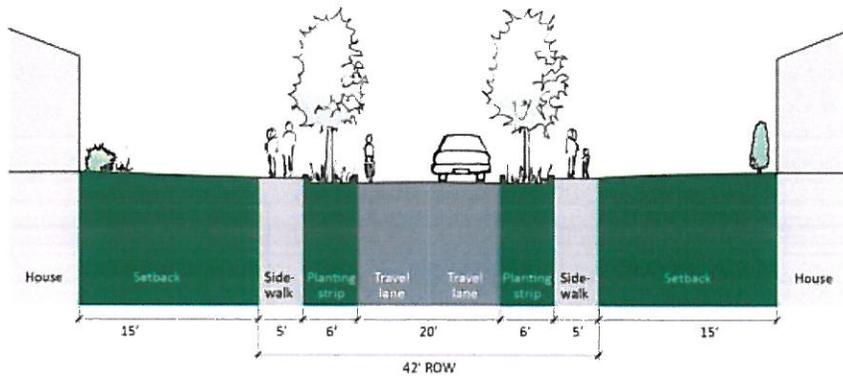
3. Design. There are six optional designs for local access streets, including 20-foot, 24-foot, and 30-foot-wide streets, to allow flexibility for planned development design while accommodating functional access needs and community design goals. Travel lanes are shared auto and bicycle lanes. Planting strips with street trees and sidewalks are ~~included on~~ required, at the minimum, on one side of the street.

- a. Continuity. ~~The~~ Designs shall be consistent on individual blocks. An exception is for a hybrid design. An example would be a 20-foot street that integrates parking pockets on one side of the street.
- b. Curbing and gutters are required for all street designs.
- c. Limitation for 20-foot streets. ~~The~~ 20-foot streets is-are intended to be used only in special cases where there is available guest parking on nearby streets or additional off-street parking is provided within walking distance of homes. All dwelling units shall be within 500 feet (measured along sidewalks or other internal pathways) of available on-street or off-street guest parking equal to one space per dwelling unit, minimum. Developments may integrate parallel parking bulb-outs (see Figure Blank) along these streets, provided the bulb-outs take up no more than 50 percent of the planting strip length.
- d. While two sidewalks are encouraged for 20-foot, 24-foot and 30-foot streets, they are not mandatory. One sidewalk for each type of street is allowed.
- e. Driveways ~~will~~ shall have a minimum 22-foot setback from the edge of the street to garage or covered parking.

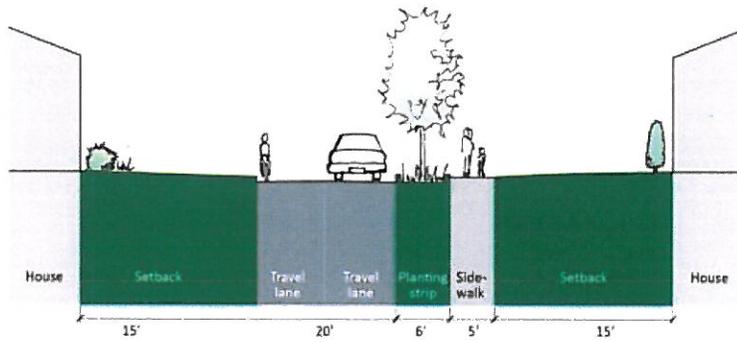


*Figure 10.24.120(B)-1: Example of a local access street with integrated parallel parking bulb-outs.*

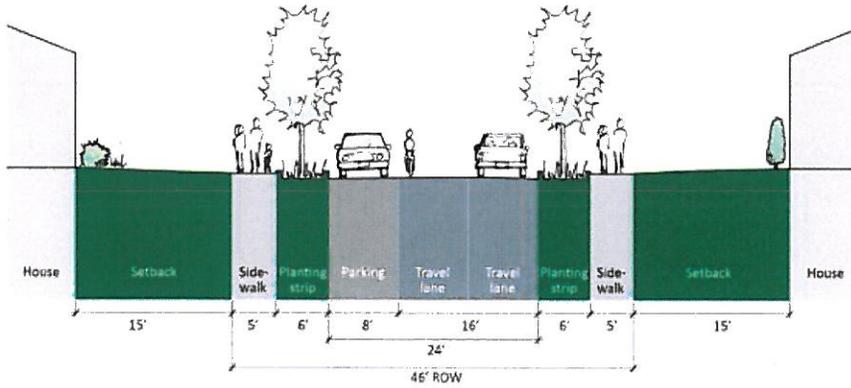
20' Wide Street:



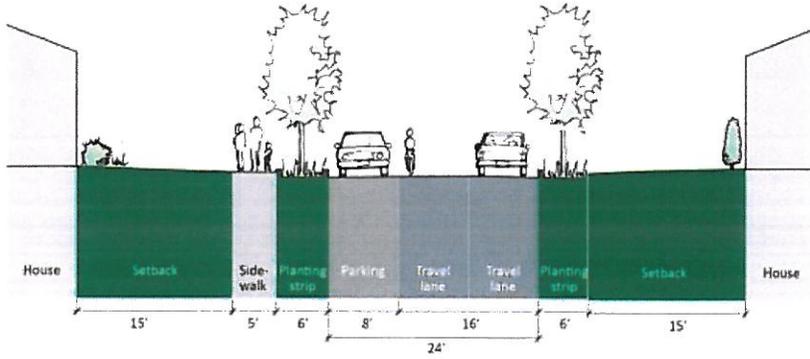
20' Wide Street, One Sidewalk:



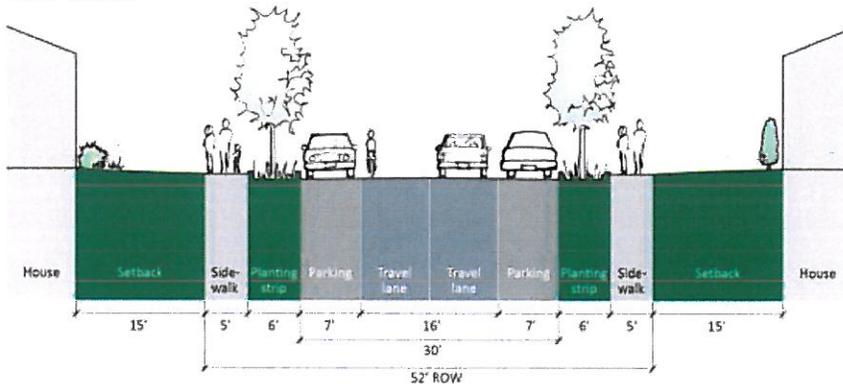
24' Wide Street:



24' Wide Street, One Sidewalk:



30' Wide Street:



30' Wide Street, One Sidewalk:

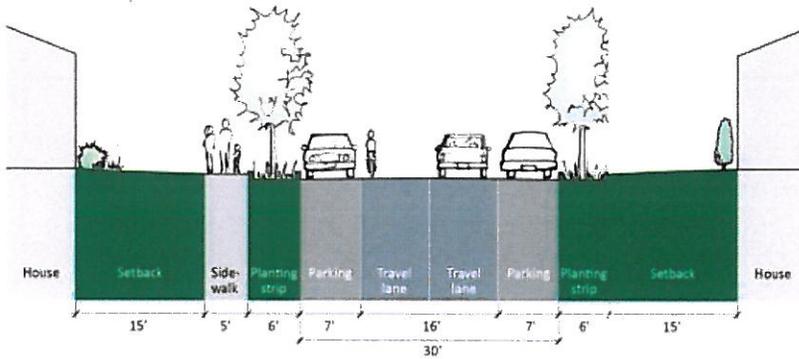


Figure 10.24.120(B)-2: Cross-sections for local access street design options (with standard dimensions)

### 10.24.130 Limitations on Authority to Alter Zoning

The following provisions of the Selah Municipal Code may not be altered pursuant to this chapter:

- A. Any provision of this Chapter 10.24, Planned Development;
- B. Any provision of Title 10, Zoning, which specifically states that it is not subject to modification or alteration; and
- C. Any provision of the Land Use Table in SMC 10.28.020.

### 10.24.140 Modifications

An applicant may request a modification to any element or provision of an approved Planned Development Overlay. All modification applications shall be deemed either “minor” or “major.”

A. Minor Modifications. Minor modifications may be approved administratively in accordance with the procedure set forth in the PDP, where applicable, or by the City Administrator. A modification shall be considered “minor” if it:

- 1. Would not increase the total number of dwelling units in the Planned Development Overlay above the maximum number set forth in the PDP, or would not decrease the number of dwelling units by more than 10 percent;
- 2. Would not decrease the minimum - or increase the maximum - density for residential areas of the Planned Development Overlay beyond the density ranges in the PDP;
- 3. Would not decrease the approved amount of open space or recreation space;
- 4. Would not increase any adverse environmental impact, provided that additional environmental review may be required to determine whether such change is likely to occur;
- 5. Would not adversely impact the project’s fiscal projections to the detriment of the City;
- 6. Would not significantly impact the overall design of the PDP; and
- 7. Would not significantly alter the size or location of any designated open space resulting in a lowered level of service, and would not reduce the total amount of required open space.

B. Major Modifications. Major modifications shall be reviewed using the same procedures applicable for new Planned Development Overlay applications set forth in SMC 10.24.060. Any modification that is not minor pursuant to subsection (A) of this section shall be considered “major.” The City may specify additional criteria for determining whether a proposed modification is minor or major by requiring such provision in the PDP, but the criteria listed in this section cannot be modified or reduced by the PDP.

**Comment [ASM11]:** These are just suggestions; please strike, add, or modify as the City sees fit.

This section can be utilized as a mechanism to carve out certain zoning and land use provisions from the flexibility of the Planned Development Overlay.

**Comment [ASM12]:** This language a suggested starting point; the City may want to revise, but keep in mind that because minor modifications may be approved administratively (whereas major modifications have to go through the entire application process), it is important to have clear, objective criteria for distinguishing minor from major modifications.

Note that per paragraph (B) of this section, the City and developer can put project-specific minor/major criteria into the PDP.

**10.24.150 Reconstruction of Damaged Buildings or Improvements**

Replacement or reconstruction of any buildings or improvements that have been damaged or destroyed within the Planned Development Overlay shall substantially conform to the original PDP.

**10.24.160 Appeal**

Any final decision by the City Council made pursuant to this chapter may be appealed to the Yakima County Superior Court within 21 days from the date of the decision being appealed, pursuant to Chapter 36.70C RCW, the Land Use Petition Act.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

CITY OF SELAH

\_\_\_\_\_  
John Gawlik, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Dale Novobielski, City Clerk/Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert F. Noe, City Attorney

Filed with the City Clerk: \_\_\_\_\_

Passed by the City Council: \_\_\_\_\_

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_



# Submittal Requirements

1/01/2015

## PRELIMINARY PLAT APPROVALS and PLANNED UNIT DEVELOPMENT

- \_\_\_\_\_ **Preliminary Plat:** The division of land into 10 or more lots for the purpose of sale or lease. (LL)
- \_\_\_\_\_ **Preliminary Short Plat:** The division of land into 9 or fewer lots for the purpose of sale or lease. (LN)
- \_\_\_\_\_ **Planned Unit Development:** Review of a development proposal involving coordination of project characteristics with site features by allowing variety in the type, design, and arrangement of structures. Can include review and approval of the Preliminary Plat or Short Plat. (LK)
- \_\_\_\_\_ **Land Use Approval Amendment:** Modification of a previously approved Planned Unit Development. (LI)
- \_\_\_\_\_ **Land Use Code Exemption:** A activity, structure, minor addition, or site modification to a previously approved Planned Unit Development exempt from further review as determined by the director—such as an awning; canopy; fence; mechanical equipment screening; exterior color, material, façade redesign or minor window/door location; skylight; stairs; flagpole; chimney; deck; or substitution of landscape materials. (LJ)

**APPLICATION DOCUMENTS:** Submit the document copies specified for your application type.

Initial for waiver		Preliminary Plat	Preliminary Short Plat	Planned Unit Development	Land Use Approval Amendment	Land Use Exemption
	This Chart	1	1	1	1	1
	Application	1	1	1	1	1
	"Bill To" Form	1	1	1	1	1
	Preapplication Conference Letter	1		1		
	Plat Certificate or Title Report <sup>A</sup>	2	2	2		
	Boundary & Topographic Survey	4	4	4	3	
	Site Plan A					2
	Site Plan B <sup>B</sup>	6		6	5	
	Floor Plan			2	2	
	Building Elevations <sup>B</sup>			4	5	2
	Metes & Bounds Legal Desc <sup>C</sup>	1	1	1		
	Preliminary Plat or Short Plat	7	7	7 (combined)		
	Preliminary Storm Drainage Report <sup>H</sup>	2	2	2		
	Preliminary Clearing & Grading Plan	4	4	4	4	

	Preliminary Plat	Preliminary Short Plat	Planned Unit Development	Land Use Approval Amendment	Land Use Exemption
Preliminary Landscape Plan	3 Footnote D	3 Footnote D	5	5	4 Footnote D
Hazardous Tree Form <sup>E</sup>	1	1	1		
Road Plan	5	5	5	3	
Preliminary Street Lighting Plan	2	2	2		
Exterior Lighting Plan	2		2	2	
Statistical Information Sheet	1		1	1	
Geotechnical Report	3	3	3		
Wetland Report	3	3	3		
Environmental Checklist	3	3	3		
Previous Environmental Review	3		3	3	
Written Project Description	1		1	1	1
Noticing Requirements	Footnote F				
Other Requirements	Footnote G		Footnote G		
Fees	Permit Processing provides current permit fee information (425-452-4898). <b>Fees are due at submittal</b> ; additional fees may be due at issuance and/or in monthly billings. Note that impact fees and Utilities charges may also apply.				

#### Footnotes

- <sup>A</sup> Submit a Plat Certificate or Title Report issued or updated within 30 days of the application date; this is used to confirm ownership, easements, and encumbrances. Note that an update will be required prior to final approval.
- <sup>B</sup> Include proposed location(s), number, sizes, and materials for all entry monument signs. All signs must meet *Bellevue Sign Code* requirements (BCC 22B.10); obtain separate sign permits.
- <sup>C</sup> Property located in the East Bellevue Community Council area.
- <sup>D</sup> Required for commercial and multifamily-zoned land. See the planner in Development Services Center. May require a Land Use Exemption, or a minor clearing & grading permit without a building permit.
- <sup>E</sup> Hazardous Tree Form may be required for each significant tree proposed to be saved as required by *Land Use Code 20.20.520*.
- <sup>F</sup> The City of Bellevue provides mailed noticing (including labels) to all property owners with 500 feet of any boundary of the subject property. In conjunction with publishing the notice of application, the city will install a 2-sided public information sign on the site. The applicant will pay \$215 per sign.
- <sup>G</sup> Reviewer will notify you prior to final approval to submit **2 sets** of original drawings reduced to 8 1/2" x 11".
- <sup>H</sup> The storm drainage report must be stamped and signed by a civil engineer licensed in the State of Washington.

#### Please Note

The property owner bears the responsibility for the accuracy and completeness of all information provided with or affecting the application submittal.

If the property contains or is adjacent to critical areas (streams and stream buffers, wetlands, floodplains, and geologic hazard areas) additional information may be required. See a planner for handouts.

The city may require additional information as needed. If you have any questions concerning your application submittal, please visit or call Development Services (425-452-6800) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 a.m. to 4 p.m.).

The city will provide reasonable assistance with physical access, communication, or other needs related to a disability. Assistance for the hearing impaired: Dial 711.