CITY OF SELAH
WASHINGTON

ORDINANCE 1995

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:

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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 as defined by Appendix A to Chapters 10.02 through 10.48 SMC, otherwise shall be given their usual meaning.

"ADA" is the Americans with Disabilities Act of 1990.

"Adopted Design & Development Standards" means the design standards for public or private streets in SMC 10.50 or as otherwise adopted by the City (also see "Planned Development Design & Development Standards").

"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, or as subsequently amended.

"City" means the City of Selah, Washington.

"City Planner" for the purposes of this Chapter has the same meaning as "Planning Department".

"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 Design & Development Standards" are street design standards set forth in SMC 10.24.120(F) as alternatives to "Adopted Design & Development Standards" for public or private streets in approved Planned Developments.

"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.

"Reviewing Official" is as defined in Appendix A to Chapters 10.02 through 10.48 SMC. In most cases in this Chapter, the Reviewing Official means the Hearing Examiner, City Council, Administrative Official or Planning Department (or City Planner) in their respective roles as described.

"SEPA" means the State Environmental Policy Act (Chapter 43.21C RCW), its' implementing rules (Chapter 197-11 WAC) and the City's SEPA procedures (Chapter 11.40 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 Code and 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 the approved 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 40 percent of the number of dwelling units in a planned development in the LDSF or R-1 zone may consist of two-family or multiple-family dwellings; and
    b. No more than 40 percent of the number of dwelling units in 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
2. Permit major or minor 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. Compliance with the allowed uses and maximum density for the future land use designation of the subject property as set forth in the Comprehensive Plan;

C. The extent to which the PDO meets the development standards of SMC 10.24.100 and 10.24.110(A). They include minimum mandatory standards that cannot be reduced along with higher standards that are not mandatory, some of which are described as being preferred. Some of the higher standards may be necessary to assure consistency with the purpose of Chapter 10, SMC and compatibility with surrounding land uses or the PDP may need to document how meeting the minimum standards or only meeting the mandatory standards does so.

D. The system of ownership and the means of development, preservation and maintenance of open space;

E. Compliance with the City's subdivision code, if a proposed Planned Development Overlay is combined with a proposal to divide land into lots.

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 determine whether or not the application is complete 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 recommendation, after which it shall adopt, modify or reject the recommendation of the Hearing Examiner pursuant to SMC 10.24.090.

G. Failure to strictly comply with the time limits in this Section or the time limits in SMC 10.24.080 and .090 shall not be considered a violation of this Chapter if such failure was due to justifiable circumstances and consistent with the intent of these requirements except as otherwise provided for by Code or State law. Delays resulting from actions taken under the requirements of SEPA, a notice of incomplete application or request for additional information made pursuant to RCW 36.70B.070 shall not be considered violations of this Chapter.

10.24.070 Application—Planned Development Plan

The Planned Development Plan shall include both project maps and a written project description containing, as determined by the Planning Department at the pre-application conference, 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 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 surrounding land uses within 200 feet of the boundary of the proposed PDO;

3. Preliminary plans, elevations, number of dwelling units, types of use, and exterior appearance of all proposed buildings and structures, which shall include drawings, architectural renderings and photographs;

4. Proposed location and square footage of community facilities and "common open space";

5. Proposed public dedications;

6. Detailed parking plan described by SMC 10.24.120(A) when required by SMC 10.24.120(B).

7. Street design standards as required by SMC 10.24.120(F);

8. Points of ingress to and egress from the proposed PDO;

9. Location, arrangement, number and dimensions of truck loading and unloading spaces and docks, if any;

10. Street Lighting Plan as required by SMC 10.24.120(D)

11. Location and directional bearing of all major physiographic features such as railroads, drainage canals and shorelines, if any;

12. Existing topographic contours at intervals of not more than five feet;

13. Proposed topographic contours at intervals of not more than one foot;

14. Existing and proposed sewers, water mains and other underground facilities within and adjacent to the proposed PDO, and their certified capacities;

15. Proposed drainage facilities;

16. Proposed landscaping and the approximate location, height and materials of all walls, fences and screens;

17. Traffic flow plan, including pedestrian and vehicular circulation pattern and the location and dimensions of walks, trails or easements;

18. Indication of proposed stages or phases of development; and

19. In the event the proposed PDO is combined with a proposal to subdivide the land, the PDP shall also include a complete subdivision application pursuant to Chapter 10.50 SMC.

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 as determined by the Planning Department at the Pre-Application Conference:

1. Statement of the project goals and objectives, compatibility with the surrounding area (including measures to assure compatibility pursuant to SMC 10.24.100(D)), and potential future use; (i.e., why it would be in the public interest and consistent with the Comprehensive Plan);

2. Proposed system of ownership;

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 numbers of acres, distribution of area by use, percent designated for dwellings and open space, number of off street parking spaces, street, parks, playgrounds, and schools;

7. Tables indicating overall densities and density by dwelling types, and any proposals for adjustments to the density limitations;

8. Restrictive covenants;

9. Waste disposal facilities;

10. Local access street design, including identification of the Planned Development Design & Development Standards that will be applied, if any, as required by SMC 10.24.120(F)(3)(b);

11. Parking and lighting, as required by SMC 10.24.120(A);

12. Water supply;

13. Public transportation;

14. Community facilities; and

15. Development timetable.

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 given as required for minor rezones by SMC 10.40 and SMC 21. Additional notice of such hearing shall 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 business 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 or a notice of availability of the decision to all parties of record. Posting the decision on a City or Hearing Examiner Website may serve as such notice to parties of record provided that the applicant shall be given a copy of the decision. 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 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. The criteria of SMC 10.24.050 shall be used rather than the review criteria of SMC 10.40.050 or SMC 10.40.070.

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 Planned Development Overlays.

A. Building Height and Setbacks. PDPs shall provide adequate setbacks and building heights to avoid negative impacts on adjacent structures on neighboring properties. No building shall exceed a height of 35 feet. The following setbacks are required minimums and shall not be reduced:
   a. Side setback of 12 feet and rear setback of 20 feet for structures 26 feet or higher from exterior property lines of the Planned Development Overlay.
   b. Setbacks for structures less than 26 feet in height from exterior property lines of the Planned Development Overlay shall be the side and rear setbacks of the underlying zoning district.
   c. 22 foot setback from the edge of the sidewalk or back of curb (where there is no sidewalk) facing the building to garage or covered parking.
   d. 12 foot setback from the edge of the sidewalk or back of curb (where there is no sidewalk) facing the building to the rest of the dwelling or other primary building (except for the garage or covered parking).

For the purpose of these setback standards, the determination of which is the side and rear setbacks shall be based on the building from which the setback is being measured and its orientation to the street, not on the configuration or orientation of the property that comprises the PDO. The reviewing official shall make this determination in those situations in which it is not clear.

B. Pedestrian-Oriented Design. There shall be a distinct separation of vehicular and pedestrian traffic within a PDO meaning that at minimum, all streets shall be improved with sidewalks that meet minimum City standards for public streets. The design must be in compliance with the City's public parks plan and Comprehensive Plan. This may require an improved pedestrian trail system that links the PDO's primary uses together and an improved pedestrian/bicycle trail system which links at least a portion of the PDO's trail system to the pedestrian facilities adjacent to the PDO.

C. 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.

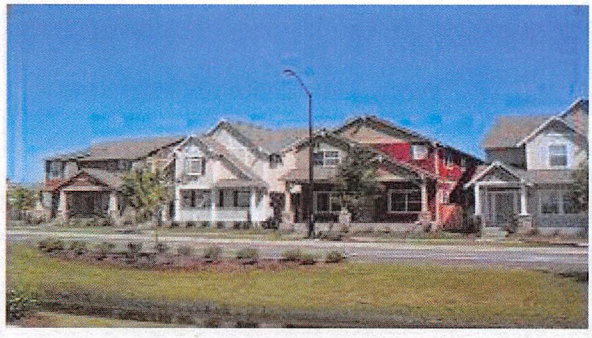
D. Compatibility with Adjacent Uses. The exterior of the PDO shall be highly compatible with adjacent uses. Measures to assure compatibility shall be described in the PDP and may include, but are not limited to, restricted uses along the exterior of the development, building footprint location, open spaces, buffers, landscaping, architectural style and pedestrian/vehicular circulation linkages. ***Building height may not be used as criteria for judging compatibility with adjacent uses. Planned development densities shall not be used as criteria to judge compatibility with adjacent uses when adjacent properties are zoned differently.***

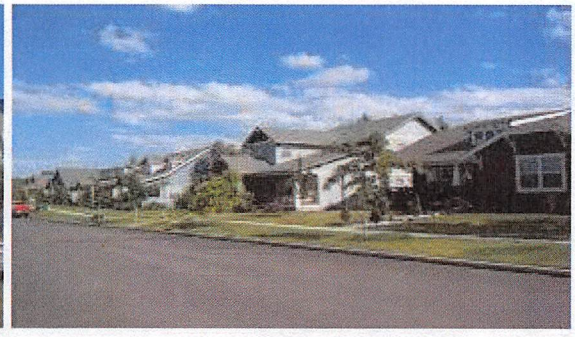
E. Variety of Housing Types, Styles. Housing types within a PDO with three structures or more shall be varied to have a range of architectural variety. Although an overall architectural theme may be appropriate, there shall be a range of housing styles within a theme to avoid the monotony of identical structures.

F. Design Diversity. PDO's shall incorporate measures that promote design diversity. This shall be accomplished by (see Figures 10.24.100(E)-1 and 10.24.100(E)-2);

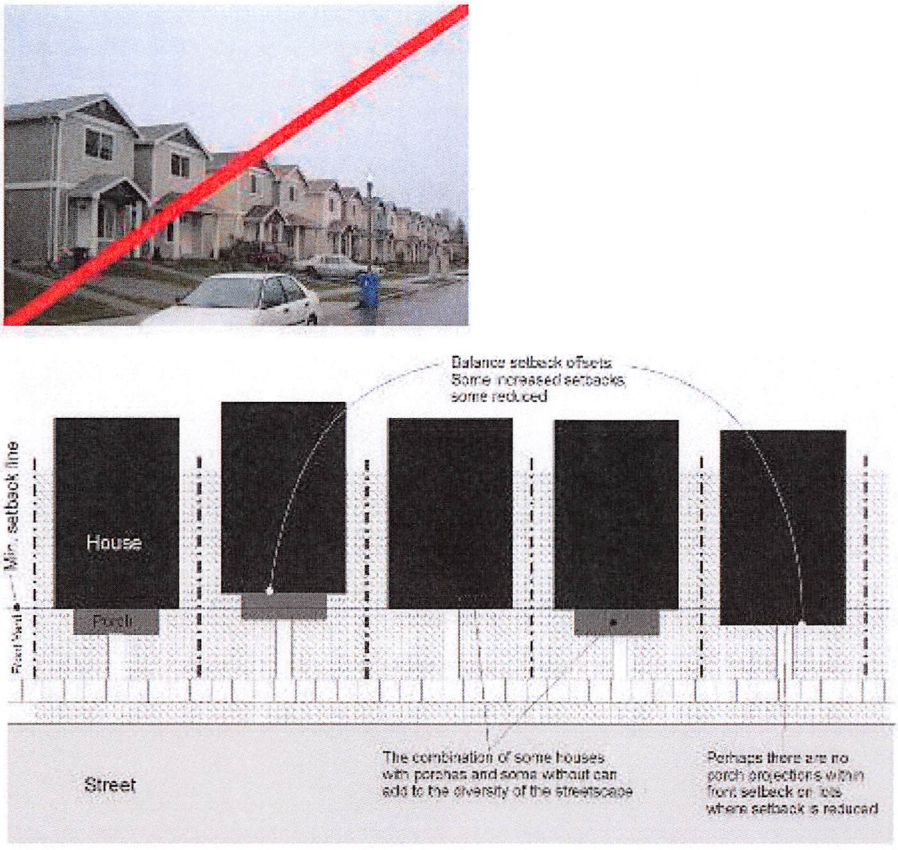
1. Providing a mixture of lot sizes and/or front setbacks (which could be specified on the plat); and/or

2. Providing a diversity of floor plans and facade treatments that avoid monotonous streetscapes. This could be accomplished with conditions 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 shall consist primarily of large usable areas which are owned by all property owners within a PDO. ***The minimum allowable outdoor open area for a planned development shall be no less than twelve (12) percent of the total square footage of the PDO.*** The open area may exceed twelve percent. The twelve percent minimum required shall be a usable area. ***A usable area is a developed area with a finished grade not to exceed ten (10) percent which can be used for the purpose of the relaxation, enjoyment and/or recreation of all of the property owners within a PDO.*** This includes, but is not limited to: buffer yards, public space, landscaped areas, recreational areas, collectively owned, landscaped courtyards or decks, gardens with pathways, children's play areas, an area for recreation/socialization facility or other multi-purpose recreational and/or garden spaces. Sufficient common open space for the types of uses envisioned within a PDO shall be provided.

The following shall not be considered in calculating the minimum usable area required under this section:

1. Areas reserved for the exclusive use or benefit of private individuals;
2. Dedicated streets, alleys or other public rights of way;
3. Required detention areas;
4. Irregular or unusable narrow strips of land less than fifteen feet wide, unless containing a trail or a bicycle path;
5. Rooftop decks, personally owned courtyard decks, personally owned front yards; and (6) inaccessible natural areas.

A. Planned Development Open Space Design Criteria. Special requirements and recommendations for developed common open spaces include the following. These requirements do not apply to undeveloped open space such as natural areas or critical area buffers:

1. Required setback areas shall not count towards the open space requirement unless those areas are portions of a space that are large enough to provide functional leisure or recreational activity. To meet this requirement, no dimension shall be less than 15 feet in width;
2. Spaces (particularly children's play areas) shall be visible from at least three dwelling units and positioned near pedestrian activity;
3. Spaces shall feature pedestrian amenities such as, but not limited to paths, landscaping, seating, and lighting to make the area more functional and enjoyable;
4. 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;
5. 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);
6. Space should be oriented to receive sunlight, facing east, west, or (preferably) south, when possible;
7. Stairways, stair landings and above grade walkways shall not encroach into minimum required common open space areas. A roof covering may be built over a courtyard to provide weather protection provided it does not obstruct natural light inside the courtyard.

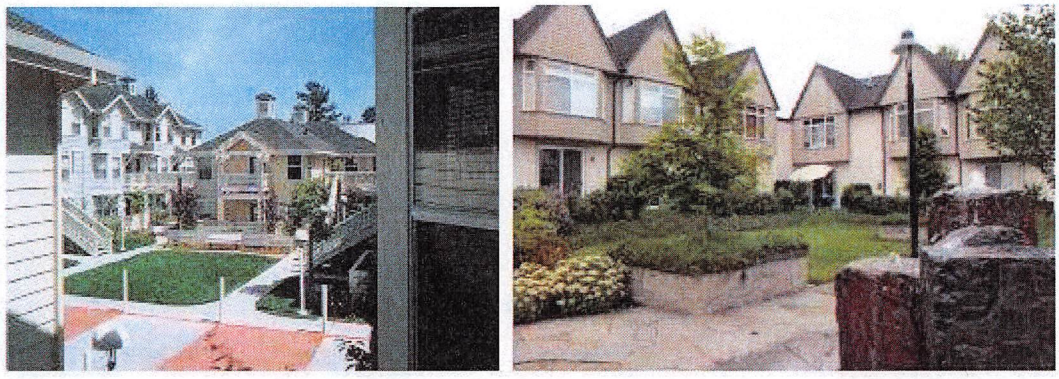


Figure 10.24.110(A)-1. Examples of common open space.

B. Indoor Recreational Areas. When provided, indoor recreational areas shall meet the following conditions:

1. The space 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, un-rentable space used to meet the open space requirement. Such space shall include amenities and design elements that will encourage use by residents.

C. Shared Rooftop Decks. When provided, shared rooftop decks shall meet the following requirements:

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

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

D. Community Gardens. (See figure 10.24.110(E)-1.) When provided, **c**ommunity 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 (which in this context, could be municipal water service where otherwise allowed);

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

6. 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.

Figure10.24.110(E)-1.Community garden example.

10.24.120 Development Standards—Parking, Lighting and Roads

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, location of off-street parking areas, including garages, parking stall and driving aisle location and dimensions, including the number and angles of stalls and the widths of aisles and bays, loading and maneuvering areas, 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 non-residential structure or use area and the proposed area, including floor area, dedicated to each use. For residential structures, the number of bedrooms of each residential unit shall be specified. 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, in order for the application to be considered complete.

B. When Required. Separate plans for off-street parking for residential developments with less than three proposed units or that consist entirely of single-family dwellings with at least two off-street parking spaces per unit and streets wide enough to provide for on-street parking are not required except when the parking space for residential uses are to be located on a lot other than that on which the residential building is located.

C. Computation of required off-street parking spaces.

1. 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 non - public areas. Non-public 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.

Category of Land Use	**Minimum Parking Spaces Required**
Planned Development	
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

D. Street Lighting Plan

1. All PDO's shall provide street lights in accordance with the standards for such improvements of the City of Selah and ***except on private streets*** they shall be owned and operated by the City. A street lighting plan submitted by the applicant and approved by the Public Works Department shall be as set forth in the current edition of the WSDOT/APWA Standard Specifications and as directed by the Public Works Director except where noted herein. All public street light designs shall be prepared by an engineer licensed by the State of Washington. All PDO's shall include conduit installed so as to provide adequate capacity for future installation of complete street lighting. All street light electrical installations including wiring, conduit, and power connections shall be located underground. Exception to underground installation is permissible in limited locations with approval of the Public Works Director. The General Notes below shall be included on any plans dealing with street design.

E. General Notes (Street Light Construction)

1. All workmanship, materials and testing shall be in accordance with the current edition of the Standard Specifications for Road, Bridge, and Municipal Construction prepared by the Washington State Department of Transportation (WSDOT), and the American Public Works Association (APWA) General Special Provisions (GSP's) for Division One General Requirements as the standard specifications governing all design and construction of public works improvements by the City and by private developers.

2. Developer or developer's engineer shall submit proposed lighting layout and types on plans. The Public Works Department shall approve lighting plans prior to final plat recording or building permit issuance.

F. 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. The street design standards in this chapter are minimum requirements and shall not be reduced by the PDP or the reviewing official. Streets may be public or private. Either public or private streets may, be designed to the standards in this Chapter or to the standards in SMC 10.50 or otherwise adopted by the City. For the purposes of this Chapter, said standards are referred to as Adopted Design & Development Standards. Alternative standards provided for in this Chapter are referred to as Planned Development Design & Development Standards.

3. Public Streets. Shall meet the following minimum requirements:

a. Shall be constructed to Adopted Design & Development Standards except as modified by these Planned Development Design & Development Standards.

b. Construction to Adopted Design & Development Standards is preferred. The PDP shall identify and describe with both text and drawings, the Planned Development Design & Development Standards of this Section that are going to be applied and the individual streets within the development that will be constructed to them. Failure to do so shall be considered to mean that full compliance with Adopted Design & Development Standards for public streets will be required.

c. Shall meet the Fire Apparatus Road standards of the International Fire Code. Where said standards conflict with any other street standards allowed by this Chapter, the more restrictive standards shall be required.

4. Private streets

a. Shall be designed to standards identified and described in detail, using text and drawings in the PDP, subject to approval by the Reviewing Official and that meet or exceed the minimum requirements of this section.

b. Shall meet the Fire Apparatus Road Standards of the International Fire Code. Where said standards conflict with the standards allowed by this Chapter, the more restrictive standards shall be required.

c. A road maintenance association or equivalent shall be formed and shall be fully responsible for maintenance of private streets, including but not limited to snow removal. The association and the road maintenance agreement or equivalent instrument shall be included and described in the PDP and subject to approval by the Reviewing Official.

5. 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 reviewing official may allow for the continuation of the existing roadway section across the proposed planned development. The reviewing official shall require the applicant to dedicate any rights-of-way necessary to construct improvements and/or execute a deferral agreement to participate in a future project to construct said improvement(s).

3. Design. There are two optional designs for local access streets, including 20-26 foot, and over 26 and less than 32-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. Sidewalks are required, at the minimum, on one side of the street.

a. Continuity. 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 and appropriate drainage improvements are required for all street designs.

c. Limitation for 20-foot streets. Twenty-foot streets are not preferred and 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. Twenty-foot streets shall serve no more than 8 dwelling units and shall be dead-end unless approved by the reviewing official because it is clearly shown by the PDP that it would not typically be used by through-traffic.

d. All dwelling units shall be within 300 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.

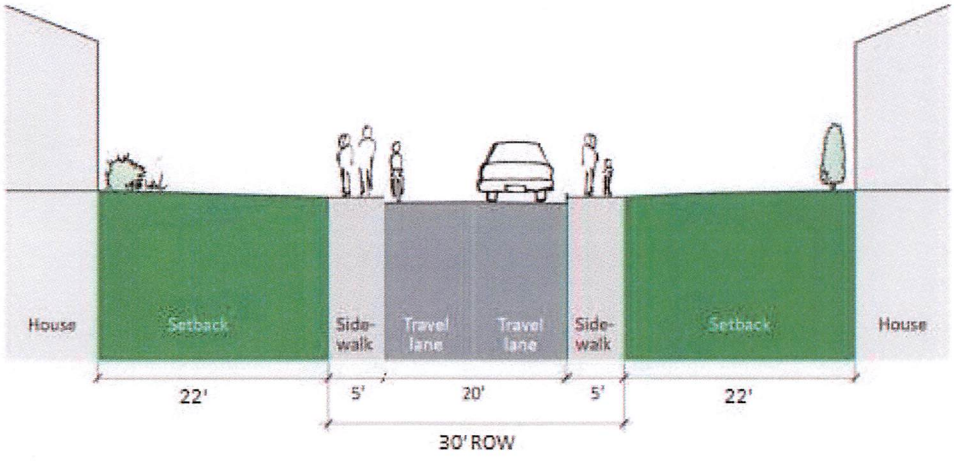
e. No parking shall be allowed on 20-foot wide streets. Exception is allowed parallel parking bulb-outs (see Figure 10.24.120(B)-1).The bulb-outs shall take up no more than 50 percent of the planting strip length (labeled 'setback' on Figure 10.24.120(B)-2).

f. While two sidewalks are preferred for all street designs, they are not mandatory. One sidewalk for each type of street is allowed.

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

20 Foot to 26 Foot Wide Streets

20' Wide Street Depicted



20’ Wide Street, One Sidewalk Depicted

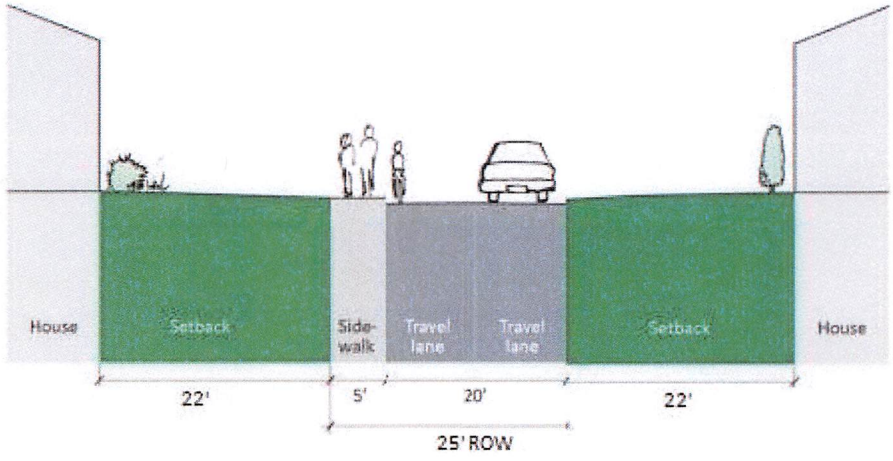
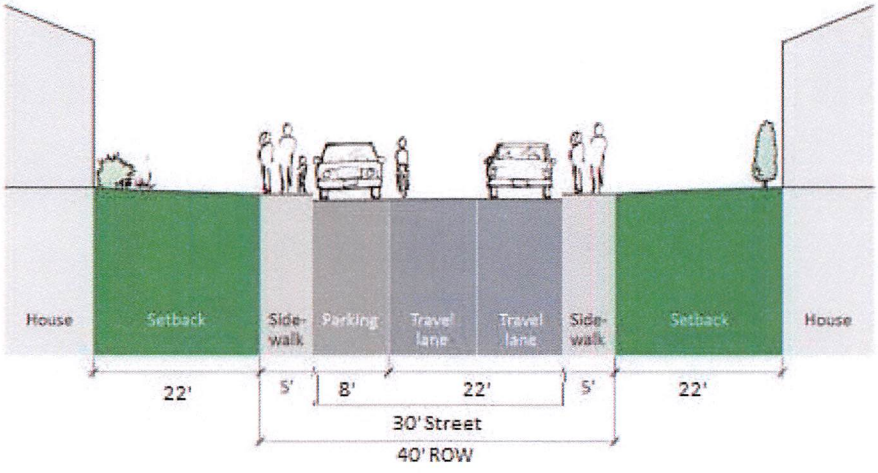


Figure 10.24.120(B)-2: Cross-sections for local access street design options (with standard dimensions)

Streets Over 26 Feet and Less Than 32 Feet Wide

30' Wide Street Depicted



30' Wide Street, One Sidewalk Depicted

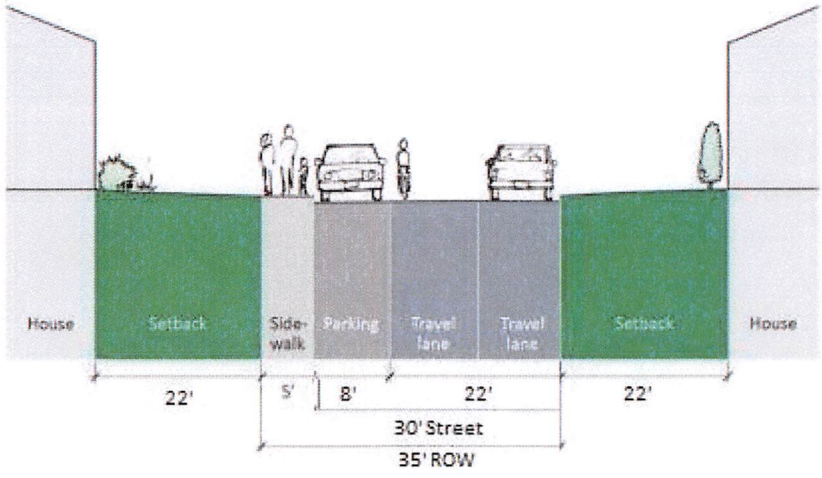


Figure 10.24.120(B)-2 Continued: Cross-sections for local access street design options (with standard dimensions)

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.except that any permitted Class 1, 2 or 3 use in any other residential zone may be permitted in a residential Planned Development provided that it is disclosed in the PDP and approved pursuant to this Chapter. The PDP or the reviewing official may place restrictions on such approved uses including requirements that they go through a separate approval process such as a major or minor modification or Class 1, 2 or 3 review before being established.

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 reduce the approved or required amount of open space or recreation space or alter its location or configuration in a way that would lower its level of service or functionality;

4. Would not reduce or adversely alter a standard or condition of approval of the PDO that is considered to be "preferred" by this Chapter or that was imposed in order to assure consistency with the Code and compatibility with adjacent land uses pursuant to SMC 10.24.050(C). The reviewing official shall identify conditions of approval as such in the decision issued for the PDO.

5. Would not violate any mitigation measure required by a Mitigated Determination of Non-Significance (MDNS) or Final Environmental Impact Statement (FEIS). Additional environmental review shall be required for any action that is not categorically or statutorily exempt from SEPA unless part of a Planned Action pursuant to RCW 43.21C.440 or determined by the SEPA Responsible Official in accordance with WAC 197-11-600 that environmental impacts from the action had been adequately considered by a previously conducted environmental review;

6. Would not adversely impact the project's fiscal projections to the detriment of the City;

7. Would not significantly change the overall design of the PDP; and

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.

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 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 THERE OF ON THE 26th DAY OF APRIL, 2016

CITY OF SELAH

Sherry Raymond

Sherry Raymond, Mayor

ATTEST:

Dale Novobielski, City Clerk/Treasurer

APPROVED AS TO FORM:

Robert F. Noe, City Attorney

ORDINANCE NO. 1995