

ORDINANCE NO. 1964

AN ORDINANCE REPEALING CHAPTER 10.24, TO THE SELAH MUNICIPAL CODE, "PLANNED DEVELOPMENT (PD) ZONING DISTRICT"; DIRECTING A WORK PROGRAM; ADDRESSING VESTING; ESTABLISHING AN EFFECTIVE DATE; AND, PROVIDING FOR SEVERABILITY

WHEREAS, the City of Selah previously adopted Ordinance No. 1634 (2004) and subsequently amended that Ordinance by Ordinance No. 1779 (2009), which is codified as Chapter 10.24, Planned Development (PD) Zoning District, to the Selah Municipal Code;

WHEREAS, Chapter 10.24 was adopted for the purposes set forth within its own provisions. Section 10.24.010 provides as follows:

10.24.010 - Purpose.

A planned development zone approved in accordance with this chapter shall be a separate zoning district. Regardless of underlying zoning requirements, a planned development zone may permit all proposed uses and developments that can shown to be in conformance with the policies of the comprehensive plan. A planned development zone may be permitted at any location subject to the provisions of this chapter. Approval of a planned development zone shall modify and supersede all regulations of the underlying zoning district. An applicant may also file a subdivision or binding site plan application which, if filed, may be processed concurrently with the planned development zone application.

The purpose of this chapter, providing for the establishment of a planned development zone, is to allow new development that is consistent with the comprehensive plan but that would not be readily permitted in other zoning districts due to limitations in dimensional standards, permitted uses, or accessory uses. In addition, planned development zones may:

(1) Encourage flexibility in design and development that are architecturally and environmentally innovative, that will encourage a more creative approach in the development of land, and which will result in a more efficient, aesthetic and desirable utilization of the land than is possible through strict application of standard zoning and subdivision controls; provided, that subdivision controls are applicable to planned development zoning only when a planned development zone application is combined with a proposal to divide land into lots.

WHEREAS, over the years development proposals have been processed under the provisions of Chapter 10.24 and those development proposals have often been met with

challenge, objection, contention, and even litigation;

WHEREAS, there is often no clear direction within the provisions of Chapter 10.24 to guide resolution of issues related to development proposals processed under its provisions;

WHEREAS, as a result, the City Council wishes to now repeal the existing Chapter 10.24 and wishes to re-draft the provisions to provide clearer direction to both to developers proposing projects under the City’s Planned Development chapter and to interested residents and others so as to alleviate the possibility for contention and challenge relating to the project proposed under a new chapter;

WHEREAS, the City Council recognizes that its zoning code cannot be left without a chapter addressing Planned Development for long and, therefore, the City Council wishes to direct that a work program be established by the Mayor and City Staff to expeditiously address a new Chapter to the Selah Municipal Code addressing Planned Development and that the City Staff work through the Planning Commission to undertake the necessary analysis and public processes to recommend a new Chapter to the City Council for its consideration within 90 days of this effective date of this ordinance;

WHEREAS, the City acknowledges that development proposals may legally vest prior to the effective date of this ordinance, that this ordinance shall have no effect on such vested development applications, and that those applications will be processed according to the ordinances in effect at the time of vesting. This is in accordance with the Vested Rights Doctrine in the State of Washington which "refers generally to the notion that a land use application, under the proper conditions, will be considered only under the land use statutes and ordinances in effect at the time of the application's submission." *Noble Manor v. Pierce County*, 133 Wn.2d 269, 275 (1997);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DOES ORDAIN as follows:

Section 1. Selah Municipal Code Chapter 10.24, “Planned Development (PD) Zoning District” repealed.

Chapter 10.24 of the Selah Municipal Code is hereby repealed in its entirety and shall no longer have any force or effect after the effective date of this Ordinance.

Section 2. Work Program. The Mayor is authorized to allocate the necessary resources and staff time to establish a work program addressing issues related to the Planned Development within the City of Selah and to develop through the Planning Commission and its public hearing and input processes appropriate proposals for a new Chapter to the Selah Municipal Code addressing Planned Development and other associated development regulations, as may be necessary.

Section 3. Vesting. 1) Applications for permits under the City’s Planned

Development provisions are subject to the Vested Rights Doctrine under state law and they will vest at such time where the application is filed with the City, deemed to be complete, and where all required fees have been paid; 2) Vested permit applications shall be reviewed under the development regulations in effect on the date when the complete application is filed, including the provisions of the Planned Development (PD) Zoning District, Chapter 10.24, in effect at the time the complete application is filed notwithstanding the repeal of Chapter 10.24; and, 3) this provision for vesting, however, shall not be construed to restrict the City from imposing conditions on permits pursuant to the State Environmental Policy Act (SEPA), RCW 43.21, WAC 197-11, and the City's adopted SEPA provisions.

Section 4. 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.

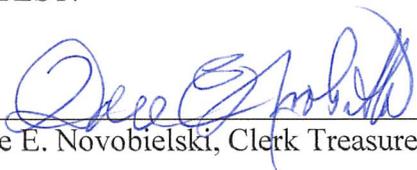
Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, clause or phrase of this Ordinance.

ORDAINED this 26th day of May, 2015.



John Gawlik, Mayor

ATTEST:



Dale E. Novobielski, Clerk Treasurer

APPROVED AS TO FORM:



Robert F. Noe, City Attorney

ORDINANCE NO. 1964