

# ORDINANCE 1969

## ORDINANCE AMENDING ORDINANCE NO. 1634 ZONING MAP AMENDMENT NO. 914.45.14-01 REZONE TO PLANNED DEVELOPMENT (PD)

WHEREAS, Chapter 35A.63 of the Revised Code of Washington authorizes the City Council of the City of Selah to adopt and amend official controls including zoning ordinances and zoning maps; and,

WHEREAS, Torkelson Construction, Inc. submitted an application to rezone 3.96 acres from Two Family Residential (R-2) to Planned Development (PD) together with a proposed development plan and program pursuant to SMC 10.24; and,

WHEREAS, Torkelson Construction, Inc. also submitted a preliminary plat and a State Environmental Policy Act (SEPA) environmental checklist for the same property and related to the proposed Planned Development; and,

WHEREAS, the Hearing Examiner considered the Planned Development together with the application for preliminary plat at an open record public hearing on July 31, 2015; and,

WHEREAS, the Hearing Examiner issued findings and conclusions and a recommendation that the rezone be denied without prejudice with allowance for reopening the open record proceeding commenced in accordance with SMC 10.24.060 to allow for consideration of and comment on additional information and amended development plan or program material submitted by the Applicant in its discretion to reasonably resolve incompatibility with neighboring land owner from the proposed structure on Lots 40 through 47; and,

WHEREAS, The Hearing Examiner also recommended that if the City Council is persuaded that the Planned Development meets the requirements of Chapter 10.24 SMC notwithstanding a recommendation for denial without prejudice, the approval should be appropriately conditioned on the requirements set out in the staff report for the Preliminary Plat and supplemented as appropriate based on hearing testimony; and,

WHEREAS, the City of Selah Council has considered the Hearing Examiner's findings of fact and conclusions and the City staff report dated July 24, 2015 and the Council is satisfied that the matter has been sufficiently considered; and,

WHEREAS, the City of Selah Council is persuaded that the Planned Development meets the requirements of Chapter 10.24 SMC and adopts the Findings and Conclusions of the Hearing Examiner's Recommendation dated August 16, 2015 that support the approval; and

WHEREAS, the City Council of the City of Selah finds that the zoning map amendment furthers the purpose, goals and objectives of the 2005 City of Selah Urban Growth Area Comprehensive

Plan, the City of Selah Zoning Ordinance and the public health, safety and general welfare.

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

Section 1. Findings. The recitals set forth above are incorporated herein as the City Council's Findings. Further, the Hearing Examiner's Findings and Conclusions in support of the rezone are adopted as the City Council's Findings and Conclusions by reference hereto; now, therefore,

Section 2. Amendment. The following described real property is hereby reclassified from Two-Family Residential (R-2) to Planned Development (PD):

Lots 1A, 2A, 3A, and 4A of that certain short plat recorded under Auditor's File Number 7855129, Records of Yakima County, Washington and  
Lots 1B, 2B, 3B and 4B of that certain short plat recorded under Auditor's File Number 7855130, Records of Yakima County, Washington

(Assessor Parcel Nos. 181425-33419, 33420, 33421, 33422, 33423, 33424, 33425, 33426).

Section 3. This ordinance, implementing zoning map amendment number 914.45.14-01 shall become effective five (5) days following legal publication of this ordinance or a summary of this ordinance.

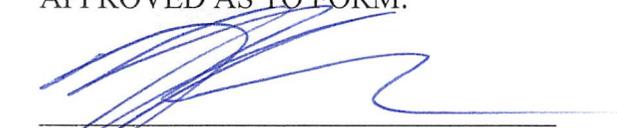
Done this 25<sup>th</sup> day of August, 2015.

  
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John Gawlik, Mayor

ATTEST:

  
\_\_\_\_\_  
Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:

  
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Robert Noe, City Attorney