ORDINANCE NO. 2018

AN ORDINANCE ADOPTING THE SELAH GMA PERIODIC UPDATE OF DEVELOPMENT REGULATIONS, TITLES 10 & 21 SMC

WHEREAS, in compliance with the Washington State Growth Management Act (GMA), the City adopted a Comprehensive Plan in 2006; and,

WHEREAS, in accordance with RCW 36.70A.130, an adopted Comprehensive Plan shall be subject to continuing evaluation and review, and amendments to the Comprehensive Plan shall be considered no more frequently than once every year; and,

WHEREAS, the schedule established by the GMA in RCW 36.70A.130(4) mandates each fully planning city in Washington to take action to review and, if necessary, revise its comprehensive plan, development regulations and critical areas ordinance to ensure compliance with the Growth Management Act; and,

WHEREAS, the City has updated the Comprehensive Plan, development regulations and critical areas ordinance to ensure compliance with any changes to the GMA; to ensure compliance with the Yakima County Countywide Planning Policies; to fully reflect the issues and opportunities facing the City; to insure internal and regional consistency; and to revise policies and other language in the plan to update information, improve readability and eliminate redundancy; and,

WHEREAS, the Selah City Council has reviewed the updated development regulations as required by the GMA; and,

WHEREAS, the development regulations implement the goals and policies of the Comprehensive Plan which establishes the community’s desirable character and physical pattern of growth and preservation over the next 20 years; and,

WHEREAS, the GMA periodic update provides guidance in balancing the development of resources with the preservation of environmental values; and,

WHEREAS, the Comprehensive Plan sets goals and policies for growth that will be implemented through the development regulations and critical areas ordinance contained in the Selah Municipal Code, including the zoning ordinance and official zoning map, in a fiscally and environmentally responsible fashion; and,

WHEREAS, the recommended revisions incorporate changes in State law, Countywide
Planning Policies, demographics and land use resources;

WHEREAS, Chapter 43.21C RCW, the State Environmental Policy Act (SEPA) requires the City of Selah to conduct environmental review of the periodic update and amended development regulations; and,

WHEREAS, on June 5, 2017, the City of Selah published in the legal advertising section of the Yakima Herald Republic, the legal newspaper for the City of Selah, notice of the City of Selah Council’s public hearing scheduled for June 27, 2017, to consider the periodic update of the Selah Comprehensive Plan and development regulation amendments. A Mitigated Determination of Nonsignificance (MDNS) was issued based on comments of agencies and affected tribes on May 30, 2017; and,

WHEREAS, the proposed development amendment amendments were made available for review on the City of Selah’s website at http://www.selahwa.gov/; and,

WHEREAS, all persons desiring to either provide written testimony or speak for or against or in relation to the proposed development regulation amendments at public hearings held by the Planning Commission on June 6, 2017 and the City Council Meeting on June 27, 2017, were given a full and complete opportunity to be heard; and,

WHEREAS, the City Council of the City of Selah has concluded that the adoption and implementation of proposed development regulation amendments is essential to direct the future growth and development of the City of Selah.

NOW THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH:

Section 1. Findings and Conclusions. The City Council bases its findings and conclusions on the entire record of testimony and exhibits, including the recommendation of the Planning Commission and all written and oral testimony before the City Council. The Selah City Council hereby adopts the following findings and conditions as recommended by the Planning Commission:

1. The proposed Comprehensive Plan Update and development regulation revisions, including amendments of SMC 10, SMC 11.50 and SMC 21 meet the requirements of the Growth Management Act.

2. Internal Consistency: The proposed development regulations are consistent with and implement the Comprehensive Plan. They are consistent with the Growth Management Act and other requirements of State law. Both together and separately, the comprehensive plan update and development regulation amendments further the goals of the Growth Management Act.
3. The public use and interest will be served.

4. Environmental Review: Environmental Review for the entire proposal was conducted under the State Environmental Policy Act (SEPA). A Determination of Nonsignificance (DNS) was issued on March 27, 2017 and withdrawn and a Mitigated Determination of Nonsignificance (MDNS) was issued on May 30, 2017. Comments that were made were received and considered. The City Council finds that environmental review that was conducted is adequate.

5. The proposed amendments were submitted to and received by the Department of Commerce for the required 60-day review on March 24, 2017. The review period ended May 23, 2017. Comments were received and considered related to the capacity for growth in the urban growth area, sewer capacity to accommodate growth and water rights and consumption. Comments allowed for future consideration of these issues. Also received were comments from the Department of Ecology concerning wetland categories and ratings in the Critical Areas Ordinance. These comments were incorporated into the currently proposed amendments.

6. Public Participation: Public notice of the public hearing was published in the official newspaper of the City and sent to all parties who expressed interest in being notified and who commented on the plan and development regulations through the public review and SEPA processes. Comments were received and considered.

7. This action is part of the required periodic update under the Growth Management Act. Upon adoption of these amendments by the Selah City Council, the City will have taken all necessary action and the periodic update would be complete.

Section 2. Adoption of the City of Selah GMA Periodic Update. The City of Selah hereby adopts the City of Selah GMA Periodic Update, a copy of which is attached to this ordinance.

Section 3. Transmittal to State. This ordinance shall be submitted to the Washington Department of Commerce for their records within 10 days of adoption.

Section 4. Severability/Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses or phrases were unconstitutional or invalid.

Section 5. Effective Date. This ordinance shall be in full force and effect 5 days after its
passage and publication as required by law.

Dated this 27th day of June, 2017

ATTEST:

Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:

Robert Noe, City Attorney

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