

ORDINANCE No. 2175

ORDINANCE

AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP AND ZONING MAP OF THE CITY OF SELAH FOR A PORTION OF PARCEL 181302-14417 AS FOLLOWS: FUTURE LAND USE MAP FROM MODERATE DENSITY RESIDENTIAL TO COMMERCIAL AND ZONING MAP FROM RESIDENTIAL, TWO-FAMILY (R-2) TO BUSINESS, GENERAL (B-2)

WHEREAS, the City of Selah is required to plan under the Washington State Growth Management Act (GMA), RCW 36.70A.040; and,

WHEREAS, RCW 36.70A.130 provides for continuing review and evaluation of comprehensive plans and development regulations at least every five years and for the revision or amendments to such plans not more than once a year but at least once every five years, with certain exceptions; and,

WHEREAS, RCW 36.70A.470 requires that counties and cities planning under RCW 36.70A.040 include in their development regulations a procedure for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest comprehensive plan amendment (CPA) or development regulation amendments; and,

WHEREAS, RCW Ch. 36.70A further requires that the suggested amendments be docketed and considered not more often than once a year, consistent with the provisions of RCW 36.70A.130; and,

WHEREAS, in 2004, the City Council adopted Ordinance 1634 enacting Ch. 10.40 SMC to provide procedures and criteria for amending and updating the City of Selah Comprehensive Plan Future Land Use and Zoning Maps; and,

WHEREAS, on June 29, 2022, the property owner BBS Selah, LLC, submitted applications for a Comprehensive Plan Future Land Use Map Amendment, Rezone, and Environmental Review (CPA-2022-001, RZ-2022-001, & SEPA-2022-002) requesting to change a portion of the Future Land Use Map designation for parcel 181302-14417, from Medium Density Residential to Commercial, and to concurrently rezone from Residential, Two-Family (R-2) to Business, General (B-2); and,

WHEREAS, the applications were considered complete for processing on July 15, 2022, and public notice was provided, in accordance with the provisions of SMC Ch. 10.40, and Title 21, on August 18, 2022; and,

WHEREAS, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on September 7, 2022, which was not appealed; and,

WHEREAS, after proper notice, on October 4, 2022, the Selah Planning Commission (SPC) heard the staff presentation regarding the proposed CPA and Rezone, held a public hearing, considered the public testimony; and,

WHEREAS, pursuant to the approval criteria set forth in SMC § 10.40.050, the SPC unanimously recommended approval of the proposal; and,

WHEREAS, the SPC recommendation and findings was signed by the Chair on October 4, 2022, a copy of which is found in Exhibit "A" attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to SMC § 10.40.050, and after the required notice was provided, the Selah City Council held a public hearing on October 25, 2022, to receive public comments on the Planning Commission's recommended findings on the proposed CPA and Rezone; and,

WHEREAS, the City Council of the City of Selah, having considered the record herein and the recommendation from the Planning Commission, the comments received at the public hearing held October 25, 2022, hereby finds and determines that approval of the requested CPA and Rezone is in the best interest of residents and the City of Selah and will promote the general health, safety and welfare.

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

Section 1. Findings, Analysis and Conclusions. Subject to the specific terms of this Ordinance, the Selah City Council adopts the October 4, 2022 findings, conclusions, and recommendation of the Selah Planning Commission for CPA-2022-001, RZ-2022-001, and SEPA-2022-002. A copy of said recommendation is attached as Exhibit "A".

Section 2. Amendment. The following described real property is hereby reclassified from a Comprehensive Plan Future Land Use Map designation of Moderate Density Residential to Commercial, and Zoning District of Residential, Two-Family (R-2) to Business, General (B-2):

THAT PORTION OF THE SOUTH HALF OF LOT 8 OF BLOCK 5, SOUTH SELAH ACRE TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME "I" OF PLATS, PAGE 2, RECORDS OF YAKIMA COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 8;
THENCE NORTH 89°42'07" WEST ALONG THE SOUTH LINE THEREOF 77.14 FEET;
THENCE NORTH 0°03'41" EAST 62.04 FEET TO THE NORTH LINE OF SAID SOUTH HALF OF LOT 8;
THENCE SOUTH 89°41'56" EAST 77.14 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF OF LOT 8;
THENCE SOUTH 0°03'41" WEST 62.04 FEET TO THE POINT OF BEGINNING.

SITUATE IN YAKIMA COUNTY, WASHINGTON.

(Assessor Parcel No. 181302-14417).


Section 3. Any and all official Zoning, Future Land Use, or similar maps shall be amended to reclassify the subject real properties set forth herein consistent with the above sections of this Ordinance.

Section 4. Severability Invalidity. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Ratification. Any act consistent with the authority, and prior to the effective date of this ordinance is hereby ratified and affirmed.

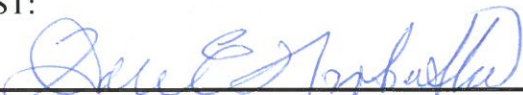
Section 6. This ordinance, implementing a Comprehensive Plan Future Land Use Map (CPA-2022-001) and Zoning Map Amendment (RZ-2022-001) shall become effective five (5) days following legal publication of this ordinance or a summary of this ordinance.

Done this 25th day of October 2022




Sherry Raymond, Mayor

ATTEST:



Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:



Rob Case, City Attorney

EXHIBIT “A”

SELAH PLANNING COMMISSION

**RECOMMENDATION TO THE SELAH CITY COUNCIL
FOR
COMPREHENSIVE PLAN AMENDMENT AND REZONE
COMP-2022-001, & RZ-2022-001**

SELAH PLANNING COMMISSION
RECOMMENDATION TO THE SELAH CITY COUNCIL
FOR
COMPREHENSIVE PLAN AMENDMENT AND REZONE
CPA-2022-001 & RZ-2022-001

October 4, 2022

WHEREAS, The City of Selah adopted its 2017 Comprehensive Plan on June 27, 2017;
and

WHEREAS, The Washington Growth Management Act and local ordinances provide a process for the annual review of amendments to the Comprehensive Plan as requested by citizens, property owners and/or local government; and

WHEREAS, Under the provisions of SMC Ch. 10.40.040 the Selah Planning Commission (SPC) is responsible for the review of these applications and for recommending the approval, modification or denial of each request; and

WHEREAS, On June 29, 2022 applications for Comprehensive Plan Amendment and Rezone were submitted by Eric Herzog, HLA Engineering and Land Surveying LLC, on behalf of the property owner BBS Selah, LLC to amend the Comprehensive Plan Future Land Use Map Designation for Tax Parcel Number: 181302-14417 from Medium Density Residential to Commercial, and to concurrently rezone from Residential, Two-Family (R-2) to Business, General (B-2) (City Files: CPA-2022-001, RZ-2022-001, & SEPA-2022-002); and

WHEREAS, The applications were considered complete for processing on July 15, 2022 and public notice was provided, in accordance with the provisions of SMC Ch. 21.07, on August 20, 2022; and

WHEREAS, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on September 7, 2022, which was not appealed (City File: SEPA-2022-002); and

WHEREAS, The Selah Planning Commission held an open record public hearing on October 4, 2022 to hear testimony from the public, consider the Amendment and Rezone, and provide a recommendation to the Selah City Council;

Now therefore, the Selah City Planning Commission presents the following findings of fact, conclusions, and recommendation to the Selah City Council:

APPLICATION # CPA-2022-001 & RZ-2022-002
APPLICANT: Eric Herzog, HLA Engineering and Land Surveying LLC, on behalf of BBS Selah, LLC
APPLICANT ADDRESS: 7601 Wyss Lane, Yakima, WA 98901
PROJECT LOCATION: 511 S. 3rd St., Selah, WA 98942
PARCEL(S): 181302-14417

FINDINGS OF FACT

1. The applicant is requesting to amend the subject property's Comprehensive Plan Future Land Use Map designation from Medium Density Residential to Commercial, and to concurrently rezone from Residential, Two-Family (R-2) to Business, General (B-2).
2. The subject parcel is approximately .44 acres in size, and the portion for re-designation is 0.18 acres in size. The parcel is located in a neighborhood that is comprised of a split of commercial properties located along S. 1st St. and multi-family residential along S. 3rd St.
3. The City of Selah Planning Division provided a detailed staff report to the Planning Commission for review during their October 4, 2022 public hearing, with the recommendation of APPROVAL of the proposed amendment and rezone.
4. The proposed Comprehensive Plan Amendment is consistent with the applicable approval criteria in SMC § 10.40.050, as follows:
 - a. This application is being processed to change the properties Future Land Use Designation, and Zoning to provide an increased amount of Commercial, B-2 zoned property to support the redevelopment of an existing commercial retail property.
 - b. The Commercial designation implements several goals and policies of the City's 2017 Comprehensive Plan as detailed in the City's staff report.
 - c. The amendment does not correct an obvious mapping error, but does address a deficiency of the 2017 Comprehensive Plan, and is consistent with the Growth Management Act and County-wide Planning Policies.
 - d. The impact to the surrounding neighborhood should be minimal because the property under consideration abuts existing commercial property, and the Commercial Comprehensive Plan designation and B-2 zoning will allow more uniform redevelopment of the abutting vacant commercial properties.
5. The total acreage of this proposal will remove 0.18 acres of Moderate Density Residential land, and convert it to Commercial land. There should be no cumulative impacts from other past or current Comprehensive Plan Amendments as no other applications of this type have been submitted.
6. The proposed Rezone from Residential, Two-Family (R-2) to Business, General (B-2) is consistent with the applicable approval criteria in SMC § 10.40.050, as follows:
 - a. Testimony at the public hearing was considered.
 - b. The property is suitable for uses within the B-2 zoning district, and will provide additional commercial property to allow more uniform redevelopment of the abutting commercial properties.
 - c. The B-2 zoning district is an implementing zone of the Commercial Future Land Use Designation.
 - d. The property is currently capable of being served by all necessary public utilities and is accessed by public streets.
 - e. The proposed Rezone is considered compatible with the surrounding neighborhood and no mitigation is proposed at this time.

- f. The public need for this rezone is to re-designate the subject property to provide additional commercial property to allow redevelopment of the vacant abutting commercial properties.

CONCLUSIONS

1. The Amendment and Rezone are minor in nature;
2. No adverse impacts have been identified;
3. No written comments or testimony was received in opposition to the request;
4. This proposal underwent Environmental Review;
5. The proposed Comprehensive Plan Future Land Use Map Amendment from Medium Density Residential to Commercial, and to concurrently rezone from Residential, Two-Family (R-2) to Business, General (B-2) is consistent with the Selah Zoning Ordinance and 2017 Comprehensive Plan.

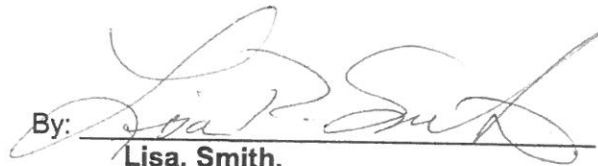
MOTION

Based on the testimony and evidence presented during the public hearing, it was moved and seconded that the City of Selah Planning Commission draft findings of fact be accepted, made final, and a recommendation of approval forwarded to the Selah City Council. The motion carried unanimously.

RECOMMENDATION TO CITY COUNCIL

The Planning Commission of the City of Selah, having received and considered all evidence and testimony presented at the public hearing, and having received and reviewed the record herein, hereby recommends that the City Council of the City of Selah APPROVE the proposed Comprehensive Plan Amendment from Medium Density Residential to Commercial, and to concurrently rezone from Residential, Two-Family (R-2) to Business, General (B-2) for files CPA-2022-001 & RZ-2022-001.

SIGNED this 4th day of October, 2022.

By: 
Lisa, Smith,
Selah Planning Commission, Chair