

RESOLUTION NO. 3048

RESOLUTION ACCEPTING, WITHOUT MODIFICATION, THE HEARING EXAMINER'S FINDINGS, CONCLUSIONS AND RECOMMENDATION ON A CLASS 3 REVIEW OF APPLICATION CL3-2023-001, AND THUS APPROVING THE PROPOSED USE SUBJECT TO CONDITIONS

WHEREAS, on August 11, 2023, the Hearing Examiner issued a written report whereby he made certain findings, conclusions and a recommendation with regard to a Class 3 Review of Application CL3-2023-001, specifically pertaining to applicant Angel Soler's desire to locate a new daycare center in an existing building that is located in the General Business (B-2) Zoning District and also the City's downtown parking exempt area; and

WHEREAS, the Hearing Examiner's recommendation is that the proposed use be allowed subject to specific conditions that are stated within his report; and

WHEREAS, on September 12, 2023, the City Council – following an earlier closed record hearing – considered whether to approve, reject or modify the findings, conclusions and recommendation of the Hearing Examiner, and, as part of that process, received and considered the application itself, the Hearing Examiner's report dated August 11, 2023, and a staff report by the City's Community Development Supervisor dated July 20, 2023; and

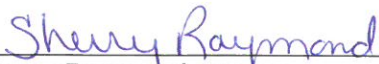
WHEREAS, the City Council considered the elements of public use and interest to be served by the proposed use; and

WHEREAS, the City Council considered the elements of public health, safety, and general welfare pertaining to the proposed use; and

WHEREAS, the City Council deems itself sufficient informed and apprised, and finds that good cause exists;


NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON as follows: (1) that the Hearing Examiner's findings, conclusions and recommendation are adopted, without modification; (2) that Application CL3-2023-001 is approved and the proposed use is allowed; and (3) that the nine (9) specific conditions recommended by the Hearing Examiner, set forth below and incorporated herein by this reference, are adopted and imposed.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 12th day of September, 2023.



Sherry Raymond, Mayor

ATTEST:


Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:


Rob Case, City Attorney

CONDITIONS OF APPROVAL

1. The applicant shall operate the use in compliance with the site plan and other application material, except as modified through the open record meeting process and the text of this Resolution.
2. The developer shall submit building plans for review and approval to the City of Selah Building Department for any internal or external alteration to the subject building. Building plans and permits will be required for all remodeling or interior modifications to the existing building.
3. Prior to operation of the business, the applicant shall indicate that either the business will use individual garbage cans or provide a revised site plan that complies with SMC 10.08.170 for installation of a dumpster enclosure.
4. Exterior lighting requirements are provided in SMC 10.08.150, and lighting required to be directed downward and otherwise arranged, shaded, screened, shielded, or of a design that results in light being directed away from nearby residential uses. If exterior lighting is added to light the back-play area then such lighting shall meet these requirements.
5. Every parking lot or private parking area of two or more vehicles shall be surfaced in accordance with SMC 10.34.070 subsection (1), and also meet subsections (2) and (3).
6. As part of the daycare student registration process, clients shall be advised in writing of the acceptable places to park to avoid trespass during pick-up and drop-off and shall

be advised of access routes to any additional parking spaces for the facility negotiated with other business or property owners in the area.

7. To the extent that the daycare needs private snow-plowing services to preserve safe access to employee parking, daycare operators shall assure that the plowing is done in a manner that does not adversely affect neighboring properties.
8. The daycare owners or operators shall maintain necessary certification of the daycare by the State of Washington, which include assurance of student safety at the facility itself.
9. The project shall be completed within one year of the final decision. An extension may be requested as authorized by the zoning ordinance but must be in writing and made prior to the completion date.