

SELAH PLANNING COMMISSION

**RECOMMENDATION TO THE SELAH CITY COUNCIL
FOR**

**THE CITY OF SELAH'S COMPREHENSIVE UPDATE OF THE SELAH SHORELINE
MASTER PROGRAM AND CRITICAL AREA ORDINANCE REQUIRED BY THE
WASHINGTON STATE DEPARTMENT OF ECOLOGY (WSDOE)**

WHEREAS, the City of Selah has the Yakima and Naches Rivers within its city limits that are subject to jurisdiction by the State of Washington Shoreline Management Act (SMA) of 1971, and

WHEREAS, pursuant to RCW 90.58 each City and County within the State of Washington having lands subject to the SMA must develop and adopt goals, policies and regulations designed to protect its lands subject to the SMA to be known as a Shoreline Master Program (SMP), and

WHEREAS, pursuant to RCW 90.58, Yakima County and the incorporated communities of Naches, Selah, Yakima, Union Gap, Zillah, Granger, Wapato, Toppenish, Mabton and Grandview adopted the Yakima County Regional Shoreline Master Program (SMP) in 2008, and

WHEREAS, pursuant to RCW 90.58, the City of Selah last reviewed and updated its SMP in 2010 complying with recommended and required changes to the Yakima County Regional Shoreline Master Program identified by the WSDOE, and

WHEREAS, pursuant to RCW 90.58, each jurisdiction in the State of Washington with shorelines must review and update its SMP and CAO by June 30, 2021, and

Now therefore, the Selah Planning Commission presents the following findings and recommendations to the Selah City Council:

Based upon a review of the information contained in the staff report, exhibits, testimony and other evidence presented as an open record public hearing held on February 16, 2021, the Planning Commission makes the following:

PURPOSE AND DESCRIPTION OF PROPOSED AMENDMENTS:

The purpose of the draft amendments to the Shore Lines Master Program and Critical Area Ordinance is to conduct a periodic review of their Shoreline Master Programs (SMPs) (WAC 173-26-090). This review and draft ordinances are intended to keep SMPs current with amendments to state laws and rules, changes to local plans and regulations, changes in local circumstances, and new or improved data and information.

To ensure that all identified SMP and CAO modifications incorporate the required changes required by state law the City of Selah hired the Watershed Company to conduct a Gap Analysis Report, and review and prepare the draft SMP and CAO ordinances. The Gap Analysis identified changes to the city's ordinances based upon the following criteria:

Section One: Consistency with legislative amendments by the state made since its last adoption, and consistency with the policies in the City's Comprehensive Plan, updated under a periodic review in 2017 (Ordinance 2019).

Section Two: Identifies gaps in the SMP's consistency with legislative amendments. This analysis is based on a list of amendments between 2007 to present, as summarized by the Washington State Department of Ecology (Ecology) and provided to the City as a Periodic Review Checklist.

Section Three: Identifies gaps in consistency the City's SMP critical areas regulations with current Ecology guidance. The city's critical area regulations are not incorporated by reference in the current SMP.

Section Four: Identifies gaps in consistency with the City's Comprehensive Plan, and with implementing sections of the City's development regulations other than the CAO.

Section Five: Identifies other issues to consider as part of the periodic update process, including those issues identified by City staff and residents regarding document usability and redundant regional SMP policies.

FINDINGS OF FACT

1. The City of Selah has the Yakima and Naches Rivers within its city limits that are subject to jurisdiction by the State of Washington Shoreline Management Act (SMA) of 1971.
2. The City of Selah last reviewed and updated its SMP in 2010 complying with recommended and required changes to the Yakima County Regional Shoreline Master Program identified by the WSDOE.
3. RCW 90.58, requires each jurisdiction in the State of Washington with shorelines must review and update its SMP by June 30, 2021.
4. The State of Washington requires documentation of the current shoreline and critical area conditions per WAC 173-26-201, therefore the City of Selah hired the Watershed Company to produce the Shoreline Gap Analysis Report.
5. The Shoreline Gap Analysis Report guided the development of the SMP revisions, including environment designations, policies and regulations, to ensure that the SMP and Critical Area Ordinance can meet the requirement of no net loss of ecological functions.

6. The City of Selah's Shoreline Master Program Gap Analysis Report (Revised July 2020) and accompanying draft SMP and CAO ordinances includes 23 required, and recommended actions to ensure compliance with the Washington State Shoreline Management Act (SMA), periodic review of their Shoreline Master Programs (SMPs) (WAC 173-26-090).
7. WSDOE concluded that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents, and with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.
8. WSDOE concluded that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and WSDOE.
9. WSDOE further concluded that the City has complied with the requirements of Chapter 43.21 C RCW the State Environmental Policy Act.
10. The City of Selah's Comprehensive Update of the Selah Shoreline Master Program is compliant with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.
11. The proposed Comprehensive Update of the City of Selah Shoreline Master Program has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090 (3), (4), and (5).
12. The City of Selah has provided evidence of its compliance with SMA procedural requirements for amending the SMP and CAO contained in the approval criteria.
13. Environmental Review for the entire proposal was conducted under the State Environmental Policy Act (SEPA). A Determination of Nonsignificance (DNS) was issued on February 8, 2021.
14. 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 draft SMP and CAO through the public review and SEPA processes. Comments were received and considered.

CONCLUSIONS

1. The City of Selah has the Yakima and Naches Rivers within its city limits that are subject to jurisdiction by the State of Washington Shoreline Management Act (SMA) of 1971.
2. The City of Selah last reviewed and updated its SMP in 2010 complying with recommended and required changes to the Yakima County Regional Shoreline Master Program identified by the WSDOE.
3. RCW 90.58, requires each jurisdiction in the State of Washington with shorelines must review and update its SMP by June 30, 2021.
4. The proposed SMP and CAO regulations, meet the requirements of the Growth Management Act.
5. The proposed Shoreline Master Program and Critical Area Ordinance amendments are consistent with and/or will be adopted as part of the City's Comprehensive Plan, and are consistent with the Growth Management Act and other requirements of State law.
6. The WSDOE has concluded that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents, and with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.
7. The WSDOE has concluded that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and WSDOE.
8. The City of Selah's Comprehensive Update of the Selah Shoreline Master Program is compliant with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.
9. The proposed Comprehensive Update of the City of Selah Shoreline Master Program has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090 (3), (4), and (5).
10. The City of Selah has provided evidence of its compliance with SMA procedural requirements for amending the SMP and CAO contained in the approval criteria.
11. As required by the Growth Management Act, the SMP and CAO ordinances are consistent with Yakima Countywide Planning Policies.

12. The public use and interest will be served.
13. Environmental Review for the entire proposal was conducted under the State Environmental Policy Act (SEPA). A Determination of Nonsignificance (DNS) was issued on February 8, 2021.
14. 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 draft SMP and CAO amendments through the public review and SEPA processes.
15. The Washington State Department of Fish & Wildlife has recommended that the Selah incorporate language into Critical Area Ordinance or appendices, which references the newest Best Available Science in riparian management. WDFW's Riparian Ecosystems, Volume 2: Management Recommendations was published on December 17, 2020. The City of Selah has considered the recommendation, and is recommending that it not be incorporated at this time. The addition of the recommendation would require additional time and resources that the City does not have, and the changes to the City's CAO proposed at this time are for the purposes of consistency and are not substantive like the propped recommendation.

MOTION

Based on the testimony and evidence presented during the public hearing, I move that the Planning Commission adopt the findings of fact and order that the draft ordinances dated February 16, 2021, be forwarded to the Selah City Council with a recommendation of approval.

Having made the above Findings of Fact and Conclusions, the Planning Commission hereby renders its.

RECOMMENDATION TO THE 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 APPROVE the Selah Shoreline Master Program, and Critical Area Ordinance Amendments and forwards the proposed ordinances to the Selah City Council.

RECOMMENDED this 16th day of February.

By: _____
Lisa Smith, Chair
Selah Planning Commission