

CITY OF SELAH PLANNING COMMISSION
STAFF REPORT
February 9, 2021

TO: Selah Planning Commission

FROM: Jeff Peters, City Planner

SUBJECT: City of Selah Central Urban Area Plan

FOR MEETING OF: February 16, 2021

PROPOSAL: Selah Planning Commission consideration and public hearing for amendment to the City of Selah's Shoreline Master Program and Critical Area Ordinance to provide for periodic review of the City's Shoreline Master Program (SMP) under RCW 90.58.080(4) and Critical Area Ordinance Regulations (CAO).

STAFF RECOMMENDATION: The Selah Community Development and Planning Division recommends that the Planning Commission hold the required public hearing, take public input, revise the draft ordinances as necessary and forward the Planning Commission's recommendation to the Selah City Council for final consideration.

PURPOSE AND DESCRIPTION OF THE PROPOSED AMENDMENTS: In accordance with the Washington State Shoreline Management Act (SMA), local jurisdictions with shorelines of the state are required 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.

The city regulates shoreline management along portions of the Naches and Yakima Rivers and through the Yakima County Regional Shoreline Master Program, enacted February 2010.

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:

1. **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).
2. **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.

3. **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.
4. **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.
5. **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.

ANALYSIS OF PROPOSED SMP and CAO:

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). This review is 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 insure full compliance with the state law and the city's periodic SMP review, the City has chosen to incorporate all 23 recommended changes to both the SMP and CAO ordinances, and eliminate SMP environments and requirements that are located outside of its Urban Growth Area (See attached Gap Analysis for a complete list of changes).

ENVIRONMENTAL REVIEW (SEPA): Environmental review was conducted on the proposed ordinances with the issuance of a Notice of Environmental Review, Public Comment and Planning Commission Public Hearing on January 4, 2021, and concluding with a Determination of Nonsignificance (DNS) on February 8, 2021.

PUBLIC NOTICE:

A notice of public hearing and legal advertisement publication was provided on January 4, 2021, more than ten days prior to the Planning Commission hearing.

PUBLIC & AGENCY COMMENTS:

As of the date of this report, one comment from the Washington Department of Fish & Wildlife on the city's draft SMP and CAO have been received from the public and/or private agencies with jurisdiction and environmental expertise.

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. 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).

3. 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.
4. 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.
5. Pursuant to RCW 90.58, each jurisdiction in the State of Washington with shorelines must review and update its SMP by June 30, 2021.
6. The State of Washington requires documentation of the current shoreline conditions per WAC 173-26-201, therefore the City of Selah hired the Watershed Company to produce the Shoreline Gap Analysis Report.
7. 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.
8. 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), and
9. The public use and interest will be served.
10. 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.
11. 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.

RECOMMENDATION: Staff recommends **APPROVAL** of the draft Shoreline Master Program, and Critical Area Ordinances as presented.