

CITY OF CLE ELUM
WASHINGTON
ORDINANCE NO. 1576

AN ORDINANCE OF THE CITY OF CLE ELUM, WASHINGTON, ADOPTING AN EMERGENCY AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN: REPEALING AND REPLACING THE LAND USE ELEMENT ; ADOPTING AN OFFICIAL FUTURE LAND USE MAP; ADOPTING AN OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING THAT THE ORDINANCE TAKE EFFECT IMMEDIATELY UPON PASSAGE.

WHEREAS, in compliance with the Washington State Growth Management Act, Chapter 36.70A RCW, the City of Cle Elum adopted a Comprehensive Plan on June 25, 2019; 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 a year; and

WHEREAS, RCW 36.70A.130(2) provides that amendments to the Comprehensive Plan may be considered more frequently than once a year under certain circumstances including “. . . after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists . . .”; and

WHEREAS, after adoption of the Comprehensive Plan the City became aware that “Figure 1 – Land Use Map” in the Land Use Element was incorrect; and

WHEREAS, the Land Use Map did not include the future Land Use Designations for Urban Growth Areas outside of the City limits, as intended; and

WHEREAS, a text amendment to the Land Use element related to Urban Growth Area designations for annexations was inadvertently left out of the final draft of the Comprehensive Plan document; and

WHEREAS, the current Zoning Map and text references was included in the Land Use Element, which will be outdated with each subsequent rezone; and

WHEREAS, the Washington State Department of Commerce commented on the adopted Comprehensive Plan that the Zoning Map be removed from the Land Use Element; and

WHEREAS, an emergency exists here where the City has received or anticipates receiving development applications wherein a correct “Figure 1 – Land Use Map” is vital to the processing of development applications; and

WHEREAS, an emergency exists as the correct “Figure 1 – Land Use Map” is necessary for the City’s update to the City’s Zoning Map; and

WHEREAS, the public has had extensive opportunities to participate throughout the Comprehensive Plan adoption process; and

WHEREAS, the Department of Commerce received 60-day notice of the City’s proposed Comprehensive Plan amendment on April 15, 2019 and no formal comments were received; and

WHEREAS, a State Environmental Policy Act (“SEPA”) Checklist was prepared and a determination of non-significance was issued on April 18, 2019 for the proposed amendment; and

WHEREAS, the Planning Commission held a public hearing on June 18, 2019 to obtain public comments on the amendments and voted to recommend that the City Council adopt such amendment; and

WHEREAS, the City Council held a public hearing on June 25, 2019 to obtain public comments on the amendments and voted to adopt the Comprehensive Plan as presented; and

WHEREAS, the City Council finds that the amendment set forth herein is consistent with the GMA, and will protect and promote the health, safety, and welfare of the public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLE ELUM, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The City Council adopts as findings of fact the recitals set forth above, which are incorporated herein by this reference.

Section 2. Revision to the Land Use Element of the Comprehensive Plan. The City of Cle Elum Comprehensive Plan Land Use Element as adopted on June 25, 2019 is hereby repealed and the Cle Elum Comprehensive Plan is hereby amended to include the revised Land Use Element in substantially the same form as set forth in Exhibit A, and incorporated herein by this reference.

Section 3. Adoption of Future Land Use Map. The City of Cle Elum Official Future Land Use Map as set forth in Exhibit B, and incorporated herein by the reference, is hereby adopted, and shall be incorporated into the Cle Elum Comprehensive Plan by reference.

Section 4. Amendments Replace and Supersede. The City of Cle Elum Comprehensive Plan is amended by these changes and all such changes are intended to replace and supersede all sections of the Comprehensive Plan that are or may be inconsistent with the amendments contained herein.

Section 5. Preparation of Final Document. City Staff are hereby directed to complete preparation of the final Comprehensive Plan document incorporating the amendments described herein.

Section 6. Adoption of the City of Cle Elum Official Zoning Map. The Zoning Map previously approved as a part of the Cle Elum Comprehensive Plan on June 25, 2019 is hereby repealed, and the zoning map as set forth in Exhibit C, and incorporated herein by the reference, is hereby adopted as the Official Zoning Map for the City of Cle Elum.

Section 7. Severability. Should any portion of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 8. Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 10th DAY OF December 2019.

CITY OF CLE ELUM


Jay McGowan, Mayor

ATTEST/AUTHENTICATED:


Kathi Swanson, City Clerk

Approved as to form:

Alexandra Kenyon, City Attorney

Filed with the City Clerk: 12/10/19
Passed by the City Council: 12/10/19
Date of Publication: 12/12/19
Effective Date: 12/12/19