

RESOLUTION NO. 3223

RESOLUTION APPROVING A USE APPLICATION TO LOCATE A DAYCARE BUSINESS
IN THE GENERAL BUSINESS (B-2) DISTRICT

WHEREAS, on July 22, 2025, the City Council conducted – immediately prior to voting on the instant Resolution – a closed-record quasi-judicial hearing regarding the recommendation of the City's Hearing Examiner regarding a Use Application to locate a daycare business in the General Business (B-2) zoning district; and

WHEREAS, such closed-record quasi-judicial public hearing was conducted by the City Council after the Hearing Examiner had issued a seven-page “Recommendation of Hearing Examiner” on July 7, 2025, which itself was issued after the Hearing Examiner had previously conducted an open-record public hearing on the matter on June 20, 2025; and

WHEREAS, during the closed-record quasi-judicial hearing and also during its deliberations relative to the instant Resolution, the City Council was able to consider the elements of public use and interest and how those might or might not be served if the Use Application is approved or approved subject to conditions; and

WHEREAS, the City Council was further able to consider the elements of public health, safety, and general welfare, and how those might or might not be served, if the Use Application is approved or approved subject to conditions; and

WHEREAS, the City Council reviewed and considered the established record, and also specifically assessed what total occupancy limit should be established if approval is granted and whether a parking variance should be granted to the Applicant so that both onsite and nearby offsite parking can be used to support the occupancy; and

WHEREAS, the City Council finds that good cause exists to adopt the Hearing Examiner's written Findings, Conclusions and conditions, except the proposed condition set forth at page 6, #3 of the Recommendation of Hearing Officer is specifically not adopted by the City Council, and, further, that the City Council chooses to slightly reword the adopted conditions as set forth below in the instant Resolution; and

WHEREAS, the City Council further finds that good cause exists to approve the Use Application subject to the adopted conditions and allow staff to determine maximum total occupancy; and

WHEREAS, the City Council further finds that good cause exists to grant a parking variance to the Applicant, so that the Applicant may utilize both onsite parking and nearby offsite parking to supposed the maximum occupancy at the subject location;

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON: (1) that the Use Application by Angel Soler (matter number CL3-2025-001) is hereby approved; (2) that the Findings, Conclusions and conditions set forth within the seven-page “Recommendation of Hearing Officer” issued on July 7, 2025, are each and all hereby adopted by the City Council as its own, except that the proposed condition set forth at page 6, #3 is not adopted by the City Council, and, further, that the City Council chooses to slightly reword the adopted conditions as set forth below in the instant Resolution; and (3) that a parking variance is hereby granted to the Applicant, that the 25 existing parking spaces are adequate to serve the parking needs of a child daycare at the location, and that the maximum occupancy at the subject location shall be determined by the Building Official and the Fire Code Official prior to the issuance of a Certificate of Occupancy;

AND FURTHER, that the adopted-and-slightly-reworded conditions are set forth below for ease of reference by City staff, the Applicant and persons who might review the procedure and outcome of this matter at a later date:

CONDITIONS OF APPROVAL

1. The Applicant shall operate the use in compliance with the site plan and other information set forth within or in support of the Use Application, except to the extent, if any, that either or both were modified during the open-record public hearing stage of this process.
2. If any internal or external alteration will be made to the subject building, building plans shall be submitted to the City’s Building Department for review and approval or denial, and no physical work shall begin unless and until a building permit is issued. Similarly, building plans and permits will also be required for all interior remodeling or modifications.
3. Combined student-and-staff occupancy shall be determined upon completion of a fire-life-safety inspection and review of the floorplan prior to the issuance of a Certificate of Occupancy.
4. Exterior lighting requirements are provided in SMC 10.08.150, and lighting is 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. 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.
6. 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.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH,
WASHINGTON this 22nd day of July, 2025.



Roger Bell, Mayor

ATTEST:



Courtney McGarity, City Clerk

APPROVED AS TO FORM:



Rob Case, City Attorney