

# **BOARD OF YAKIMA COUNTY COMMISSIONERS**

## **ORDINANCE 5 -2015**

### **IN THE MATTER OF AMENDING THE OFFICIAL ZONING MAP OF YAKIMA COUNTY**

**WHEREAS**, Tom Durant, on behalf of Larry Prindle, submitted a complete minor rezone application (File Nos.: ZON2015-00002 and SEP2015-00010) on March 16, 2015 to rezone one parcel, totaling approximately 4.99 acres located within the Urban Growth Area of Zillah, from Commercial (C) to Multi-Family Residential (R-3); and,

**WHEREAS**, in accordance with the State Environmental Policy Act (SEPA), codified as Title 43, Ch. 21C of the Revised Code of Washington (RCW), and in the Yakima County Codes at YCC 16.04 and YCC 16B, the Yakima County SEPA Responsible Official issued a Determination of Non-Significance (DNS) at the conclusion of conducting an environmental review on the proposed action to approved the application; and,

**WHEREAS**, in accordance with the procedural provisions in YCC 15 and YCC 16B, the Yakima County Administrative Official provided public notices of the application and the open record public hearing, requesting comments thereon; and,

**WHEREAS**, in further compliance with the provisions of YCC 15 and YCC 16B, the Yakima County Hearing Examiner conducted an open record public hearing on the application on August 6, 2015, followed by the issuance of his recommendation on August 20, 2015 to APPROVE the requested rezone; and,

**WHEREAS**, after providing public notices in accordance with YCC 16B, the Board conducted a closed record public hearing on September 22, 2015 to act on the Hearing Examiner's recommendation in accordance with YCC 16B.03.030(1)(d); and,

**WHEREAS**, after closing the hearing, the Board deliberated and determined that the requested rezone should be approved by the Hearing Examiner; now, therefore,

**BE IT HEREBY ORDAINED** by the Board of County Commissioners of Yakima County, Washington that:

**Section 1. Findings.** The Board hereby makes the following findings:

- A. Findings, Conclusions, and Recommendation of the Hearing Examiner. The Board hereby adopts the Hearing Examiner's Recommendation dated August 20, 2015, including its Findings and Conclusions, attached hereto as Attachment A.

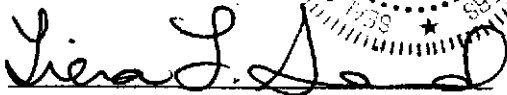
B. State Environmental Policy Act (SEPA). The proposed amendment to Yakima County's official zoning map, adopted by YCC 15, was subject to environmental review under SEPA, codified at RCW 43.21C. Yakima County's SEPA Responsible Official reviewed the proposed amendment in accordance with the provisions of YCC 16.04 and determined that approval of the rezone is not likely to have a probable significant adverse environmental impact. Accordingly, he issued a Determination of Non-Significance on July 25, 2015, which was not appealed within the prescribed time limits. The Board finds that environmental review is complete and adequate.

**Section 2. Yakima Title 15 Official Zoning Map Amendment.** The official zoning map, as adopted by YCC 15.16.010 and subsequently amended, is hereby further amended by rezoning the "Subject Property" depicted on the map attached hereto as Attachment B, from Commercial (C) to Multi-Family Residential (R-3).

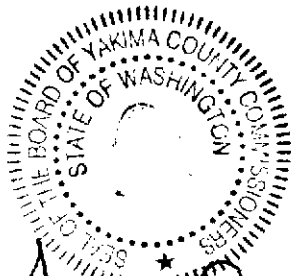
**Section 3. Severability.** The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, sections, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to any other persons or circumstances.

**Section 4. Effective Date.** This ordinance shall be effective immediately.

DONE this 13<sup>th</sup> day of October, 2015



Attest: Tiera L. Girard  
Clerk of the Board



J. Rand Elliott, Chairman

**Excused**

Michael D. Leita, Commissioner



Kevin J. Bouchey, Commissioner  
*Constituting the Board of County Commissioners  
for Yakima County, Washington*

Attachments to Ordinance:

Attachment A: *Hearing Examiner Recommendation*, dated August 20, 2015

AUG 20 2015

Vern \_\_\_ Gary \_\_\_ Don \_\_\_ Lynn \_\_\_  
Dave \_\_\_ Lisa \_\_\_ Carmen \_\_\_**County of Yakima, Washington  
Hearing Examiner's Recommendation**

August 20, 2015

**In the Matter of a Rezone )**  
**Application Submitted by: )**  
**Larry Prindle )**  
**For Rezone of 4.99 Acres at 1122 )**  
**Roza Drive about One Mile North )**  
**Of Zillah from the Commercial to )**  
**The Multi-Family Residential Zone )**

**ZON2015-00002**  
**SEP2015-00010**  
**PRJ2014-0125**

**A. Introduction.** The Hearing Examiner conducted a public hearing on August 6, 2015, and this rezone recommendation has been issued within ten business days of the hearing. A thorough staff report presented by Noelle Madera, Senior Project Planner, Zoning and Subdivision, recommended approval of the rezone application. Rebecca Brown, Project Planner, Environmental and Natural Resources, was also present at the hearing to answer questions. The representative of the applicant/property owner for this application, Thomas Durant of Durant Development Services, Inc., presented testimony in favor of the application. A builder from Zillah, Guy Moritzky, testified that there is a need in the Zillah area for senior housing such as is planned for this parcel. A nearby resident, Beverly Kaekkaek, submitted two written comments in favor of the housing plans for the parcel and requested that her small view of Mt. Adams not be blocked, if

possible. No other testimony or written comments from members of the general public were submitted regarding the requested rezone.

**B. Summary of Recommendation.** The Hearing Examiner agrees with the Planning Division's reasons for recommending approval of this rezone from the Commercial (C) to the Multi-Family Residential (R-3) zoning district and recommends that the Board of Yakima County Commissioners approve this rezone request.

**C. Basis for Recommendation.** Based upon a view of the site without anyone else present on August 3, 2015; the information contained in the staff report, the application, the exhibits, the testimony and the other evidence presented at the open record public hearing on August 6, 2015; and a review of both the Yakima County Comprehensive Plan (*Plan 2015*) and the Yakima County Zoning Ordinance which is Title 15 of the Yakima County Code (YCC), the Hearing Examiner makes the following:

## **FINDINGS**

**I. Applicant/Property Owner.** The applicant/property owner is Larry Prindle, 1122 Roza Drive, Zillah, Washington and his representative for this application is Thomas Durant of Durant Development Services, 513 North Front Street, Suite Q, P.O. Box 1723, Yakima, Washington.

**II. Location.** The location of the property is 1122 Roza Drive on the west side of Roza Drive about 550 to 600 feet south of the Yakima Valley Highway and about one

mile north of the City of Zillah. The Yakima County Assessor's parcel number is 201125-21409.

**III. Application.** The main aspects of this rezone application may be described as follows:

(1) On March 16, 2015, Yakima County Public Services Department - Planning Division received a minor rezone application and Washington State Environmental Policy Act (SEPA) Environmental Checklist from Thomas Durant on behalf of the applicant/property owner Larry Prindle. The application was deemed complete for processing on May 5, 2015.

(2) The application requests an amendment to the official zoning map established by the Yakima County Zoning Ordinance (YCC Title 15) to change the zoning of the subject property from the Commercial (C) to the Multi-Family Residential (R-3) zoning district. Since the Unified Land Development Code (YCC Title 19) is not effective until October 1, 2015, this rezone request is being considered under the current Title 15 zoning ordinance land use table and development standards. The process for considering minor rezones requires the Hearing Examiner to conduct an open record public hearing prior to rendering a recommendation to the Board of Yakima County Commissioners which makes the decision after conducting a closed record hearing.

(3) This is a nonproject rezone request that is not accompanied by an application for a specific proposed use, but the planned use for the parcel after it is rezoned would be for ten duplex units and/or perhaps other residential facilities for occupancy by people who are at least 50 years of age. Since this is a nonproject rezone request, any future use application submitted for the parcel will be regulated by the zoning ordinance provisions and the Comprehensive Plan provisions in effect at the time of that application.

(4) The subject property consists of one parcel which is 4.99 acres in size and which currently contains a shed and a pump house.

**IV. Jurisdiction.** The jurisdictional aspects of this application may be summarized as follows:

(1) The Yakima County Zoning Ordinance, Title 15 of the Yakima County Code, applies to development within the City of Zillah Urban Growth Area rather than the Yakima Urban Growth Area Zoning Ordinance, Title 15A of the Yakima County Code, which applies only to the unincorporated portions of the Yakima and Union Gap Urban Growth Areas per YCC §15A.01.020(1).

(2) According to Table 15.76 of YCC Title 15 entitled "Zoning District Consistency with Comprehensive Plan Future Land Use Designations," the requested Multi-Family Residential (R-3) zoning district is one of the zoning districts that is consistent with and may implement the underlying "Urban Growth Areas" land use designation of the Yakima County Comprehensive Plan (*Plan 2015*) for the subject parcel. Therefore, this rezone application is classified by YCC Title 16B ("Project Permit Administration") as a minor rezone and is processed as a Type IV quasi-judicial application pursuant to YCC Title 16B.

(3) The review process will consider those sections of YCC Title 15 that specify the requirements for approval of rezone applications. The Yakima County Hearing Examiner has conducted an open record public hearing, has considered the written evidence and testimony presented and has prepared this written recommendation which will be forwarded to the Board of Yakima County Commissioners (Board). The Board will then consider this recommendation at a closed record public hearing, deliberate in public and conclude with the decision. The records of both public hearings will be open to public inspection (YCC Title 16B).

**V. Notices.** Notices of the August 6, 2015, public hearing were provided in accordance with applicable ordinance requirements in the following manner:

Mailing of hearing notice to property owners within 300 feet:	June 5, 2015
Publishing of hearing notice in the Yakima Herald-Republic:	June 10, 2015
Posting of hearing notice on the property:	July 23, 2015

**VI. State Environmental Policy Act.** Although the planned 20-unit multi-family complex was not specifically reviewed, the possible impacts associated with all of the land uses allowed in the R-3 zoning district were considered. The SEPA review resulted in the issuance of a Final Determination of Nonsignificance (DNS) on June 25, 2015, which was not appealed during the appeal period which expired on July 9, 2015.

**VII. Comprehensive Plan.** The Comprehensive Plan considerations relative to this application may be summarized as follows:

(1) The subject property and all surrounding properties have the Comprehensive Plan (*Plan 2015*) designation of Urban Growth Areas.

(2) The intent of the Urban designation is to include land that is currently characterized by urban growth or will be needed for urbanization in the future, consistent with forecasted population growth and the ability to extend urban services. Specifically, the Urban Growth Area is intended to establish the area within which incorporated cities and towns may grow and annex over the next 20 years and to implement the Washington Administrative Code provision to include the physical area within which that jurisdiction's vision of urban development can be realized over the next 20 years.

**VIII. Zoning.** The zoning considerations relative to this rezone application may be summarized as follows:

(1) The subject property is currently zoned Commercial (C). The Yakima County Zoning Ordinance states in YCC Chapter 15.40 that the C zoning district is established within Urban Growth Areas only, to provide sites for more diversified business types including non-retail commercial and business uses which are primarily related to automotive traffic. This zoning district is typically located along or adjacent to major traffic arterials. The Commercial zoning district is located where urban governmental services are either available or can be provided without excessive public cost, or uses are limited to those Commercial zoning district uses which can function on interim community utility systems until municipal services are extended. Urban development standards are required for commercial developments which meet the County's minimum urban standards or the City's minimum standards, whichever are higher.

(2) The new zoning district requested for the subject parcel is Multi-Family Residential (R-3). The Yakima County Zoning Ordinance states in YCC Chapter 15.35 that the R-3 zoning district is established within Urban Growth Areas only, to provide for and protect areas for medium density residential development for persons who desire to live in an urban-type environment. The zoning district is designed to be used in areas that provide public utility services and are in close proximity to neighborhood shopping facilities. Urban standards are also required for R-3 developments which meet the County's minimum urban standards or the City's standards, whichever are higher.

(3) Table 15.76 in YCC Chapter 15.76 entitled the “Zoning District Consistency with Comprehensive Plan Future Land Use Designations” states that the Multi-Family Residential (R-3) zoning district is consistent with the Urban Growth Areas Comprehensive Plan designation.

**IX. Comprehensive Plan Designations, Zoning Classifications and Land Uses.**

The current Yakima County Comprehensive Plan (*Plan 2015*) designations, YCC Title 15 zoning district classifications and land uses of the subject parcel and of nearby parcels are as follows:

	<b>Location</b>	<b><i>Plan 2015</i> Designation</b>	<b>YCC Title 15 Zoning Classification</b>	<b>Land Use</b>
1.	Subject Property (Parcel 201125-21409)	Urban Growth Areas	Commercial (C)	Vacant except for a shed & pump house
2.	North: (Parcels 201125- 21405 & 21404)	Urban Growth Areas	Commercial (C)	A single-family residence, structure
3.	West: (Parcels 201125- 21411 & 21009)	Urban Growth Areas	Two-Family Residential (R-2)	A single-family residence & vacant
4.	East: (Parcels 201125- 12404, 12004, 12005, 12009, 12008, 12007 & 12006)	Urban Growth Areas	One-Family Residential (R-1) except 1 parcel is Commercial (C)	Single-family residences & pasture land
5.	South: (Parcels 201125- 21408 & 24004)	Urban Growth Areas	R-1 and R-2	A single-family residence on each

**X. Agency Comments Received and Responses Thereto.** The four comment letters and one Yakima County Public Services agency response received during the initial comment period ending on May 28, 2015, and the three comment letters received during the second comment period ending on June 18, 2015, together with the Planning Division’s appropriate responses thereto in italics, may be summarized as follows:



(1) Sunnyside Valley Irrigation District (SVID): SVID submitted two comment letters stating that SVID has no facilities within the subject parcel. *The applicant will need to contact the Sunnyside Valley Irrigation District with any questions regarding irrigation facilities. The SVID comment letters were provided to the applicant for additional information.*

(2) City of Zillah: Ardele Steele with the City of Zillah commented via email to the effect that the City has no objections to the project as presented and that the surrounding zoning should be evaluated to ensure compatibility and to allow for the proper buffer(s) between residential uses. *The rezone of the subject property to R-3 will be evaluated for compatibility with the surrounding uses under the rezone considerations, outlined below, based on the review criteria for minor rezones under YCC §15.76.036(3).*

(3) Neighbor Comments: One neighbor submitted two written comments indicating that she approves of this project, with a request not to block her small view of Mt. Adams if possible. *YCC §15.20.045 and Table 15-20, Design Requirements and Standards, establishes height limitations for all structures within each zoning district. Since the maximum building height in both the Multi-Family Residential and Commercial zoning districts is 45 feet, the building height limitations will not change with this minor rezone. Any future adjustment to the building height would be processed through a Type II administrative adjustment review process which would require public notice and would allow the applicant to voice any concerns relative to any future requested increase in building height.*

(4) Yakima County Water Resources Division: No high risk soil characteristics are identified in the project area. Stormwater must be retained on site and upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC §12.10.130. A Washington State Department of Ecology Construction Stormwater Permit may be required. *At the time of application for the multi-family housing complex, the applicant will be required to retain all stormwater onsite, and any upland drainage must be conveyed through the property as a condition of the decision. The applicant will need to contact the Department of Ecology to determine if any permits are required. The applicant should contact the Yakima County Water Resources Division at 509-574-2300 for further information.*

(5) Washington Department of Health (DOH) – Office of Drinking Water and Office of Environmental Health & Safety (OEHS): The DOH Office of Drinking Water and Office of Environmental Health & Safety provided the following comments:

(a) Since the applicant plans to construct a public water system to supply water for any development on the subject parcel, he must obtain the Department of

Health's approval to create a public water source and its approval of the system before construction begins. Water systems that are proposed to serve 15 or more residential connections, or 25 or more residents, must comply with the planning and engineering requirements of Chapter 246.290 of the Washington Administrative Code before construction begins.

(b) The applicant must retain a licensed professional engineer to design and oversee the construction of the water system. The applicant also must submit appropriate plans, engineered project reports and other requisite documents to DOH for review and approval.

(c) The existing source must be inspected for potential contaminants located around and within the Sanitary Control Area (SCA). The SCA is a 100-foot radius around the well. The applicant must be prepared to provide a well log showing the construction of the source. No construction, storage, disposal or application of any source of contamination is permitted within the SCA.

(d) The new public water system must be owned or operated by a department-approved satellite management agency if one is available. Because the proposed system is located within the future service area for the City of Zillah, the applicant should contact the City's public works department for information regarding its water and sewer specifications. In the future, connection to the City systems may be required or preferred and upgrades to the system may not be necessary if the system design meets current City specifications.

(e) Group A community systems must have a certified operator. If no SMA is available, the applicant must hire a certified operator for the new water system.

(f) The applicant presently plans to construct a total of 10 duplexes, to be served by three separate community onsite sewage/septic systems (serving 2, 4 and 4 duplexes respectively). The design of the septic systems must comply with applicable regulations, and the regulatory authority for septic systems depends upon the total number of bedrooms served. The Yakima Health District has authority for systems serving 29 or fewer bedrooms, and the Washington Department of Health has authority for larger systems of 30 or more bedrooms.

(g) Regardless of which agency has authority, a crucial step in the approval process is site/soils approval because not every site is suitable for an onsite sewage system. It is recommended that the developer be required to obtain site/soils approval from the agency with jurisdiction before final plat or other development approval is issued. After the final plat or other development approval is issued, it

is recommended that building occupancy permits be withheld until the septic systems are approved, constructed and properly operating per appropriate agency approvals.

*(h) This application is for a nonproject rezone to the R-3 zoning district. Even though the applicant has stated that he intends to apply for a multi-family housing complex, approval for a multi-family housing project is not included in this application or recommendation. At the time of application for a multi-family complex, the applicant will be required to meet the development requirements of the zoning ordinance then in effect. Currently any development requiring three or more connections must be supplied sewer and water by a municipality, an existing public system or some other State-approved operator system (Satellite Management Agency). The requirements relative to water and sewer service would be applied to any future land use application for development of the R-3 zoned parcel during the review process for that application.*

**XI. Rezone Review Criteria.** Under YCC §15.76.050, the recommendation regarding this minor rezone application must be based upon the following eight criteria specified in YCC §15.76.036(3):

**(1) The extent to which the proposed rezone is consistent with and/or deviates from the goals, objectives, mapping criteria and policies adopted in the Yakima County Comprehensive Plan, the intent of the Yakima County zoning ordinance, YCC Title 15, and the provisions of the City of Zillah Comprehensive Plan:**

**(a) Yakima County Comprehensive Plan (Plan 2015) Goal LU-U 1** is to encourage urban growth within designated Urban Growth Areas. *This proposed rezone is within the Urban Growth Area of the City of Zillah. The requested rezone to R-3 will encourage urban residential development within the Urban Growth Area, which is consistent with this goal.*

**(b) Yakima County Zoning Ordinance provision YCC §15.35.010** states that the Multi-Family Residential (R-3) zoning district is established within Urban Growth Areas only, in order to provide for and protect areas for medium density residential development for persons who desire to live in an urban-type environment. *This requested rezone is consistent with the intent of the R-3 zoning*

*district because it is within the City of Zillah's Urban Growth Area and it would allow for medium-density residential development within that area.*

(c) Yakima County Zoning Ordinance provisions YCC §15.20.032 and YCC §15.35.020 require urban development standards within Urban Growth Areas, which includes connection to public sewer and water service unless an interim system is authorized by the reviewing official. *At the time of application for a multi-family housing complex or other land use, the applicant will be required to connect to public services (water and sewer) and/or propose interim systems. Since the proposal for interim systems would be reviewed at that time, this requested rezone is consistent with this requirement of the zoning ordinance, YCC Title 15.*

(d) City of Zillah Comprehensive Plan Land Use Policy #2.2 is to discourage incompatible land uses adjacent to each other. New development adjacent to residential areas must be neighbor-friendly so as to protect residential neighborhoods from noise, glare, odors, traffic, etc. *Rezoning the subject parcel from Commercial (C) to Multi-Family Residential (R-3) will create a buffer between the Single-Family Residential and Two-Family Residential (R-1 and R-2) zoning districts and the Commercial (C) zoning district to the north.*

(e) City of Zillah Comprehensive Plan Housing Goal #1 is to support a varied housing stock that meets the needs of Zillah residents. *Rezoning the subject parcel to R-3 will provide the opportunity for multi-family residential zoning options within the Urban Growth Area of Zillah where there currently are no multi-family residential zoning options.*

(f) City of Zillah Comprehensive Plan Housing Policy #1.1 is to encourage the construction of a mix of housing types and densities to increase the local housing supply. New construction should provide for a moderate to low income and elderly market demand, as well as for upscale residences. *The requested R-3 zoning is consistent with this policy because it would allow for higher density housing options and for senior housing.*

(g) City of Zillah Comprehensive Plan Housing Policy #1.6 is to encourage the construction of multi-family housing designed to meet the limitations of elderly persons. *The intent of the requested rezone expressed in both the application narrative and the hearing testimony is to provide a multi-family housing complex for seniors, which is consistent with this policy.*

**(2) The adequacy of public facilities, such as roads, sewer, water and other public services required to meet urban or rural needs.** The application narrative indicates that the property is accessed from Roza Drive, a two-lane paved County roadway which is classified as a major collector. Since neither public water nor public sewer is available to the subject property at this time, both a community water system and a community sewage disposal system are planned which would be managed as an SMA. The site is relatively flat and there does not appear to be significant topographical or sight-distance issues related to the access from Roza Drive. *The City of Zillah's public water is approximately 1,400 feet from the subject property and its public sewer is approximately 2,000 feet from the subject property. Table I-2 of the Yakima County Comprehensive Plan (Plan 2015) requires development of three or more lots and/or water connections and two or more lots and/or sewer connections to connect to a public water system and a public sewer system or a Yakima County or other State-approved operator system, a Satellite Management Agency (SMA). Providing for community water and sewage managed under an SMA would satisfy the requirements for urban utilities specified by Table I-2 of Plan 2015. When the applicant applies for a multi-family housing land use approval or any other land use approval in the future, then the applicable requirements of the Comprehensive Plan and of the zoning ordinance that are in effect at that time will need to be satisfied.*

**(3) The public need for the proposed change. Public need shall mean that a valid public purpose, for which the Comprehensive Plan and Title 15 have been adopted, is served by the proposed application. Findings that address public need shall, at a minimum, document:**

**(i) Whether additional land for a particular purpose is required in consideration of the amount already provided by the plan map designation or current zoning district within the area as appropriate; and**

**(ii) Whether the timing is appropriate to provide additional land for a particular use.**

**(a)** The application narrative indicates that there is a need for the proposed rezone because there is currently no R-3 zoning within Zillah's Urban Growth Area. The application narrative also states that most of the R-3 zoned properties within the Zillah city limits are developed, although some appear to be underdeveloped single-family lots, and that there are only two vacant lots that appear to be large enough to be developed for R-3 uses.

**(b)** On the other hand, the application narrative states that there is a large amount of commercial-zoned property, and that residential zoning of the subject

parcel would be preferable to commercial zoning. Specifically, the application narrative states that there are more than 140 acres of commercially-zoned land outside of the Zillah city limits, much of it vacant, in addition to commercial zoning within the City that includes areas downtown, along Cheyne Road and in the Vintage Valley area. The 1998 Zillah Comprehensive Plan assumed a proportionate amount of commercial acreage as existed at the time of Plan development of 15.8 acres per 1,000 population, although it also recognized that a larger amount of land could be needed for commercial uses based on the City's vision for its future growth and development. Applying 15.8 acres to the Washington Office of Financial Management 2014 population estimate of 4,618 for the Urban Growth Area indicates a current need for substantially less commercially-zoned property than currently exists outside of the Zillah city limits alone.

(c) The application narrative also indicates that the timing of this development is appropriate due to the existing need for senior housing as recognized in the City of Zillah's Comprehensive Plan Policy #1.1 which, as previously noted, is to encourage the construction of a mix of housing types and densities to increase the local housing supply and to provide a moderate to low income and elderly market demand as well as upscale residences.

*(d) The Yakima County Planning Staff and the Hearing Examiner are in agreement with the applicant since there are currently more than 140 acres of Commercial zoned land and there is no R-3 zoned land within the City of Zillah's Urban Growth Area. The requested rezone would result in the only multi-family zoned land within the Urban Growth Area and would not create a deficit of Commercial zoned land. Additionally, the requested rezone is consistent with the City of Zillah Comprehensive Plan Housing Policy #1.1 relative to senior housing.*

**(4) Whether substantial changes in circumstances exist to warrant an amendment to the current designation or zone.** The hearing testimony and application narrative indicate that the large amount of undeveloped commercial-zoned property and the lack of multi-family residential-zoned property, particularly for senior housing, within the City of Zillah Urban Growth Area have become more significant as more of the "baby boom" generation enter the age group that needs this type of housing. *The Hearing Examiner agrees that there is now a greater need for senior housing in this area due to the current lack of same and the age of the "baby boom" generation.*

**(5) The testimony at the public hearing.** All of the testimony at the public hearing favored approval of the requested rezone. *The Planning Division staff report*

*presented by Noelle Madera, the hearing testimony presented by Mr. Durant and Mr. Moritzky, the written public comments submitted and the written agency comments submitted were all in favor of the requested rezone. No evidence was presented in opposition to the requested rezone.*

**(6) The compatibility of the proposed zone change and associated uses with neighboring land uses.**

(a) The application narrative indicates that the properties surrounding the subject parcel consist of mostly rural residential parcels ranging from two to five acres with small-scale agriculture, mostly pasture uses. There currently is only a narrow 30 to 40 foot wide strip of land occupied by an access easement between the Commercial zoning of the subject property and the R-1 zoned property to the south. There is a row of seven single-family residences on mostly one-half-acre lots on the east side of Roza Drive, across from the subject parcel. Five of them are directly across from the rezone site. There are two homes to the west on an adjacent five-acre parcel under the same ownership as the rezone site. Other residences are separated from the site by 50 to 350 feet. Otherwise, adjacent property is either pasture or open land.

(b) The application narrative also indicates that the proposed rezone to R-3 zoning would provide a buffer between R-1 and R-2 residential zoning to the south and the Commercial zoning to the north, as well as a buffer between the site and the R-1 zoning to the east. Residential zoning would be inherently more compatible with the single-family residential uses to the east, especially since they are separated by a major roadway. SITESCREENING may be necessary for future development, especially along the commercially-zoned property to the north.

(c) *Currently the surrounding land uses are single-family residential and open space/active agriculture. The residential lots vary in size from one-half acre to more than 20 acres, with most lots falling into the 2 to 5 acre range.*

(d) *The surrounding land uses to the west/southwest, south and east will be compatible with the R-3 zoning district and with the planned multi-family senior housing complex because those surrounding land uses are zoned for residential uses and are developed with residential uses. The R-1 zoned property to the east, which is primarily developed with single-family residential uses, will continue to have the separation provided by the existing paved County roadway, Roza Drive.*

(e) *Currently, R-2 zoned parcels abut Commercial zoning. The requested rezone will place a higher-density residentially-zoned parcel against the*

*Commercial-zoned property to the north which will provide a buffer and be more compatible with surrounding properties.*

*(f) At the time of the development of the multi-family project, the applicant will likely be required to provide a landscape buffer from any large parking area abutting his residentially-zoned parcel. The proposal for multi-family housing currently consists of 20 dwelling units, or 10 duplexes. Since the planned multi-family housing would have parking at each individual dwelling, a landscape buffer would probably not be required for those parking areas depending upon the development standards in effect at the time of the development.*

*(g) YCC §15.20.120 provides that any commercial or industrial use, including any outdoor storage area, which abuts or faces property zoned for residential purposes shall be provided with a maintained landscape planting or screening at least ten feet in width, between such use and the adjacent residential zoning district, on which shall be placed lawn, ground cover, trees, hedges, evergreens, shrubbery or other suitable planting, xeriscaping or screening materials necessary to protect the character of the adjacent residential zoning district. A landscape plan would be submitted and reviewed as part of the primary permit application. Any proposal for the development of the commercially-zoned property to the north would be required to provide a landscape buffer between that property and adjacent residentially-zoned property under current standards.*

*(h) The Yakima County Planning Division staff and the Hearing Examiner agree that Multi-Family Residential zoning on the subject parcel would provide a buffer between the remaining commercially-zoned property and the residentially-zoned and developed property to the west, south and east of the subject parcel, and that the requested R-3 zoning for the subject parcel would consequently be more compatible with surrounding properties than is its existing Commercial zoning.*

**(7) The suitability of the property in question for uses permitted under the proposed zoning.**

**(a) The application narrative states that the property is generally flat and has access to the City of Zillah by way of Roza Drive and access to the State Highway network by way of the Yakima Valley Highway which is about 550 to 600 feet north of the subject parcel. The early assistance meeting for the requested rezone supported the suitability of the subject parcel for duplex and possibly for other types of residential units which would constitute uses subject to Type 1 Review under the current Multi-Family Residential (R-3) zoning ordinance provisions.**



*(b) A list of the uses allowable in the requested R-3 zone, as provided by Table 15.18 "Allowable Land Uses" in the Yakima County Zoning Ordinance (YCC Chapter 15.18) is as follows:*

*(i) Type 1 Uses: Agriculture; Irrigation distribution/drainage facilities; Family home services, other than safe/shelter home; Hazardous waste treatment and storage facilities subject to the State siting criteria of Chapter 70.105 RCW; Onsite, and storage of chemicals and empty chemical containers; Single-family site built or modular dwelling; Double-wide or larger manufactured home, not in a mobile/manufactured home park; Two-Family dwelling (duplex); Multi-family dwellings and retirement homes; Temporary sales office accessory to residential, mixed-use, or multi-family development; Boarding or Lodging house; Minor home occupation; and Utility Services (substations, reservoirs, etc.) when no building or series of buildings exceeds 120 sq. ft. or the SEPA threshold is exceeded.*

*(ii) Type 2 Uses: Golf courses, clubhouses, pro shops, golf driving ranges; Parks, playgrounds, greenways and other public or private outdoor recreational facilities; Cemetery, funeral home, columbaria, and mausoleums; Churches, synagogues, temples; Community centers, meeting/reception halls; Crisis residential facilities; Day care center, child; Group care facilities, foster family homes (large), or licensed boarding homes for more than six residents; Health care facilities; Police stations, fire stations, ambulance service; Public buildings and uses; Safe/shelter home; Schools, public or private; School bus storage & maintenance facilities; Extraction of mineral resources as part of a federal or state approved fish or wildlife habitat restoration/enhancement project (Temporary); Federal or state approved wetland mitigation projects requiring extraction of mineral resources (Temporary); Solid waste drop box site; Accessory apartment; Single-wide manufactured home not in a mobile/manufactured home park; Mobile/manufactured home parks; Expansions of legally nonconforming mobile/manufactured home parks; Temporary manufactured home or park model for care of aged/infirm relatives; Bed & breakfast inn; Major home occupation; and Utility services (substations, reservoirs, etc.) when the building or series of buildings exceeds 120 sq. ft. or the SEPA threshold is exceeded.*

*(iii) Type 3 Uses: Historic landmark allowable use permit; Halfway houses; Libraries; Museums, art galleries; Sewage treatment plants;*

*Wastewater lagoons and sprayfields; and Storage facilities: Residential (mini).*

*(iv) Type 4 Uses: Resort Agricultural Tourist Operation.*

*(c) The subject parcel is physically suitable for most of the Type I and II uses and some of the Type III uses specified for the R-3 zoning district. Type II and III uses that would not be suitable for the subject parcel could be conditioned or denied through the Type II or Type III Review processes respectively. The applicant's planned use, a multi-family residential complex for seniors, is identified in the Yakima County Table 15.18 entitled Allowable Land Uses as subject to Type I Review within the R-3 zoning district under the heading of "Multi-family dwellings and Retirement homes."*

*(d) The Yakima County Planning Division and Hearing Examiner agree that the requested R-3 zoning district would provide a more compatible buffer between the R-1 zoning district to the south that currently only has a small area of R-2 zoning about 30 to 40 feet wide as a buffer from the current commercial zoning of the subject parcel, and that the requested R-3 residential zoning would also be more compatible with the R-1 residential zoning east of the subject parcel across Roza Drive.*

**(8) The recommendation from interested agencies and departments.** The Yakima County Public Services Department – Planning Division recommended approval of the requested rezone. No interested agencies or departments recommended denial of the requested rezone. *The City of Zillah commented that it has no objections to the project as presented, but did ask that the surrounding zoning be evaluated to ensure compatibility and to allow for the proper buffer(s) between residential uses. When an application is submitted for the planned multi-family senior housing complex or for any other R-3 land use, adequate sitescreeing and/or landscape buffering per the Yakima County Code, well and sewer requirements per the Department of Health and Yakima County regulations, and other applicable development standards in effect at that time will be required.*

**XII. Consistency of the Rezone with Development Regulations and the Comprehensive Plan under the Criteria Required by Section 16B.06.020 of**

**the Yakima County Code and Section 36.70B.040 of the Revised Code of**

**Washington** is determined by a consideration of the following factors:

(1) The types of land uses permitted at the site through a rezone to the Multi-Family Residential (R-3) zoning district would be consistent with the Comprehensive Plan designation of the subject parcel and with the zoning ordinance development standards for that zoning district, and the planned use of the rezoned parcel for a multi-family housing complex for seniors would currently be a Type 1 permitted use in the R-3 zoning district.

(2) The density of residential development or the level of development such as units per acre or other measures of density is not affected by this application because any use permitted under the R-3 zoning will be consistent with the density allowed by the Comprehensive Plan and the zoning ordinance, and more specifically, the planned use of the parcel for 10 duplexes amounting to about 4 dwelling units per net residential acre would be consistent with the density limitations of the R-3 zoning district.

(3) The availability and adequacy of infrastructure and public facilities is not an issue because development of property within the Urban Growth Areas Comprehensive Plan designation must be provided a level of service for water, sewer and stormwater drainage that is adequate for the uses that are developed. At the time of application for the multi-family housing complex or any other land uses that would be permitted within the R-3 zoning district, the property owner will be required to adhere to the water, sewer, stormwater and other requirements of the Comprehensive Plan and zoning ordinance provisions in effect at the time of the application.

(4) The characteristics of any development resulting from this rezone will be the characteristics of uses prescribed for the Multi-Family Residential (R-3) zoning district that will be consistent with the Comprehensive Plan land use designation for the subject parcel and will be consistent with the applicable development regulations of the zoning ordinance then in effect for whatever uses are developed.

**CONCLUSIONS**

Based on the foregoing Findings, the Hearing Examiner reaches the following Conclusions:

(1) The Hearing Examiner has jurisdiction to make a recommendation to the Board of Yakima County Commissioners regarding this rezone application.

(2) The zoning ordinance public hearing notice requirements have been satisfied.

(3) YCC Table 15.76 entitled "Zoning District Consistency with Comprehensive Plan Future Land Use Designations" provides that the proposed rezone of the subject property from the Commercial (C) to the Multi-Family Residential (R-3) zoning district would be consistent with the Urban Growth Areas Comprehensive Plan designation.

(4) The requested rezone from the Commercial (C) zoning district to the Multi-Family Residential (R-3) zoning district would satisfy the requirements for a rezone set forth in YCC §15.76.036(3) and the consistency standards of YCC §16B.06.020.

### **RECOMMENDATION**

The Hearing Examiner recommends that the Board of Yakima County Commissioners **APPROVE** this requested minor rezone of Yakima County Assessor's Parcel Number 201125-21409 which has been processed under the Yakima County Public Services Department – Planning Division File Numbers ZON2015-00002, SEP2015-00010 and PRJ2014-01225 from the existing Commercial (C) zoning district to the requested Multi-Family Residential (R-3) zoning district.

**DATED** this 20<sup>th</sup> day of August, 2015.

  
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**Gary M. Cuillier, Hearing Examiner**

Easy Peel<sup>®</sup> Labels  
Use Avery<sup>®</sup> Template 5160<sup>®</sup>

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Bend along line to  
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Guy Moritzky  
15941 Yakima Valley Highway  
Zillah, WA 98953

Larry Prindle  
PO Box 762  
Zillah, WA 98953

Tom Durant  
(picked up)

**FILE NO: ZON15-002/SEP15-010/PRJ14-1225**  
**HEARING EXAMINER RECOMMENDATION**

## AFFIDAVIT OF MAILING

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF YAKIMA )

I, Karri A. Espinoza, being first duly sworn, and as an employee of the Yakima County Public Services, Planning Division, I dispatched through the United States Mails, HEARING EXAMINER RECOMMENDATION, a true and correct copy of which is enclosed here-with; that said notice, was addressed to agent and applicant, that said parties are individually listed on the Mailing List retained by the Planning Division and that said notices were mailed by me on the 24th day of August, 2015.

That I mailed said notices in the manner herein set forth and that all of the statements are made herein are just and true. Dated this 24th day of August, 2015.

Karri A. Espinoza  
Karri A. Espinoza  
Office Coordinator