



Public Services

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VERN M. REDIFER, P.E. - Director

FINDINGS AND RECOMMENDATION OF THE ADMINISTRATIVE OFFICIAL

Project Name:	Sagehen, LLC - Minor Rezone
File Numbers:	PRJ2017-00454 / ZON2017-00004
Parcel Number:	171211-12005
Property Owners:	Craig Gilbert Sagehen, LLC P.O. Box 9066 Yakima, WA 98903
Representative:	Eric Herzog, PLS HLA Engineering and Land Surveying 2803 River Road Yakima, WA 98902
Current Zoning And Land Use:	Single-Family Residential District (R-1)
Proposed Zoning:	Suburban Residential (SR)
Comprehensive Plan Designation:	Urban Residential
Adjacent Surrounding Land Uses:	Urban Residential
Staff Contact:	<i>DR</i> Dinah Reed, Senior Project Planner – Zoning and Subdivision
Recommendation:	APPROVAL

INTRODUCTION

On May 22, 2017 Yakima County Public Services Department: Planning Division received a minor rezone application from Eric Herzog, PLS of HLA Engineering and Land Surveying who is representing the applicant and property owner Craig Gilbert, Sagehen, LLC.

The application requests an amendment to the official zoning map established by Yakima County Unified Land Development Code Title 19 (Title 19) to change the zoning of the subject property from Single-Family Residential (R-1) to Suburban Residential (SR).

The process for considering minor rezones includes the Hearing Examiner conducting an open record public hearing prior to rendering a recommendation to the Board of Yakima County Commissioners (Board), which makes the decision after conducting a closed record hearing.

Based on the information contained in the application file, technical evaluation by members of the Multi-Disciplinary Team (MDT), a review of Title 19 requirements, and a review of applicable goals and policies of the Yakima County Comprehensive Plan (*Plan 2015*) the following findings are entered in support of the recommendation of approval with conditions:

FINDINGS AND ANALYSIS

Jurisdiction

1. Title 19.36.030 Minor Rezone – Map Amendment states that “Rezone applications consistent with Table 19.36-1 and not dependent upon a comprehensive plan or sub-area plan amendment shall be considered minor rezones. These quasi-judicial actions, when site-specific, may be processed at any time under Type 4 review pursuant to YCC Section 16B.30.030. According to Table 19.36-1 ‘Zoning District consistency with Comprehensive Plan Future Land Use Designations’ of Title 19, the requested RS zoning district is consistent and may implement the Urban-Low Density Residential land use designation of the Yakima County Comprehensive Plan. The review process will consider those sections of Title 19 that control the direction and requirements for considering approval of this application. The Yakima County Hearing Examiner will conduct an open record public hearing, consider the written evidence and testimony presented, prepare a written recommendation, and forward the recommendation to the Board of Yakima County Commissioners (Board). The Board will then consider the recommendation of the Hearing Examiner at a closed record public hearing, deliberate in public, and conclude with the decision. The records of both public hearings shall be open to public inspection (YCC 16B).

Project Proposal

2. This minor rezone application requests an amendment to the official zoning map established by Title 19. It would change the zoning of the subject property from Single-Family Residential (R-1) to Suburban Residential (SR). No new structures are proposed with this application.

Project Location

3. The subject property is located at 11302 Gilbert Road, on the south side of the road, approximately ½ mile west of Wiley Road and approximately 1.0 miles southwest of the city of Yakima, and within the Urban Growth Area of Yakima. Parcel no. 171211-12005.

Property Description

4. The subject property is 5.79 acres and has a house, well and public septic system. Bachelor Creek runs through the south end of the parcel and the north end is within the 100 year floodplain. Several adjacent parcels to the east are also owned by Gilbert Orchards which is the large site of their packing plant operation. Those parcels making up the Gilbert Orchards packing plant are within the Suburban Residential (SR) zoning district. Parcels to the west are within the Single-Family Residential (R-1) zoning district, some of which are small house lots, and some are large tracts of land ranging from 10-20 acres in size. North and across Gilbert Road parcels are within the Single-family Residential zoning district, and most contain houses ranging in size from ¼ acre to 2.5 acres.

Comprehensive Plan Designations

5. According to *Plan 2015*, the subject site and all surrounding lands have the plan designation of Urban-Low Density Residential land use. The Urban designation is intended to include land that is characterized by urban growth or will be needed for urbanization, consistent with forecasted population growth and the ability to extend urban services. The Urban Growth Area designation is intended to establish the area within which incorporated cities and towns may grow and annex over the next twenty years. Yakima County's Urban Growth Area land use category is also intended to implement Washington Administrative Code, which states that "the physical area within which that jurisdiction's vision of urban development can be realized over the next twenty years."

Zoning

6. The subject property is currently zoned Single-Family Residential (R-1). The Yakima County Unified Land Development Code Title 19 (19.12.010(1)) states that the R-1 zoning district is intended to: "facilitate development at targeted urban densities under the Comprehensive Plans, and provide for low-density, single-family residential development in areas designated by the Comprehensive Plan, depending on availability of infrastructure. Low densities facilitate future subdivision at urban densities as infrastructure availability increases. The Single-Family Residential district is characterized by 45 percent lot coverage, maximum building height of 35 feet, with the potential of 7 dwelling units per acre when public water and sewer is available.

The applicant requests that the subject property be rezoned to Suburban Residential (SR). Title 19.12.020(1)(b) states that "The purpose of the Suburban Residential (SR) district is further intended to provide areas for transitional uses as urban development expands, with a mixture of land uses and residential densities including small farms, scattered low-density residential development and clusters of higher-density residential development."

According to Title 19 Table 19.36-1 'Zoning District Consistency with Comprehensive Plan Future Land Use Designations' of Title 19, the requested SR zoning district is consistent and

may implement the Urban-Low Density Residential land use designation of the Yakima County Comprehensive Plan.

Environmental Review

7. The proposal is not subject to review under the State Environmental Policy Act (SEPA) through WAC 197-11-800 because the rezone is consistent with 'Urban Low Density Residential' under Yakima Urban Area Comprehensive Plan 2025.

Notice of Application

8. The application was submitted on May 22, 2017, and was deemed complete for processing on June 7, 2017. A Notice of Application, Notice of Completeness, and Notice of Future Public Hearings was mailed to the applicant, agencies with jurisdiction, and adjoining property owners on June 12, 2017, with the comment period ending June 26, 2017.

Notice of the September 7, 2017 public hearing was provided in the following manner:

- Notice of Public Hearing was mailed to adjoining property owners on July 15, 2017.
- Publishing of a legal notice of the open record public hearing notice in the Yakima Herald-Republic: July 15, 2017
- Posting of hearing notice on the property: August 21, 2017

Comments

9. No comment letters were received from adjacent property owners (APOs) or agencies during the comment period.

Rezone Considerations

10. There are eight decision criteria for minor rezone required by Title 19.36.030(5). The decision criteria, summary/excerpts of the applicant's response, and staff findings are addressed below.

a. The testimony at the public hearing;

Staff Finding: The open record public hearing is scheduled for September 7, 2017.

b. The suitability of the property in question for uses permitted under the proposed zoning;

Application response: "By rezoning the property to SR, it can be used as an AG related industry use through a Type 3 review making the current use of the property more consistent with the comprehensive plan."

Staff Finding: If approved, the applicant's request will change the Yakima County Zoning Official Zoning Map from an R-1 zoning district to an SR zoning district, which is the same as the zoning district of the contiguous parcels to the east which are in the same ownership as the subject parcel.

The contiguous parcels to the east that are in the same ownership encompass the Gilbert Orchards business facility: cold storage warehouses, packing plant, bin storage, administrative offices, etc., which is defined as an Agricultural Related Industry, a Type 3 permit in the Suburban Residential zoning district.

c. The recommendation from interested agencies and departments;

Staff Finding: No recommendations have been received from agencies outside of Yakima County Public Services, or from neighboring property owners.

d. The extent to which the proposed amendments are in compliance with and/or deviate from the goals and policies as adopted in the Comprehensive Plans, adopted neighborhood plans and the intent of this Title;

Staff Finding: Pertinent Goals and Policies from Plan 2015 that support this proposed minor rezone are listed below:

Purpose Statement LU-U 3 – A number of farming operations exist in urban areas. This goal recognized that the choice to continue farming or to develop these lands rests with the farmer.

- *GOAL LU-U 3: Recognize the transitional nature of agricultural uses within the Urban Growth Area.*
 - *POLICY LU-U 3.1: While ultimately land in farm use within the Urban Growth Area is needed for urban development, the decision to convert to urban development will rest with the landowner.*

Purpose Statement LU-U 4 – The goal seeks to ease the pressure on farmers to convert farms until they are ready. It also recognizes the conflicts that may arise between farmers and their non-farm neighbors, and seeks to protect farmers from nuisance lawsuits that may result from these conflicts.

- *GOAL LU-U 4: Recognize the right to farm and farm use as a legitimate activity within the Urban Growth Area prior to conversion of property to urban use.*
 - *POLICY LU-U 4.1: Allow agriculture and farming operations as a permitted use on existing parcels within the Urban Growth Area.*

e. The adequacy and availability of public facilities, such as roads, sewer, water and other required public services;

Staff Finding: The property is served domestic water by Nob Hill Water, however it is on a septic system. There is no new development proposed with this minor rezone.

f. The compatibility of the proposed zone change and associated uses with neighboring land uses;

Staff Finding: The subject parcel is adjacent to several parcels to the east that are in contiguous ownership and zoned Suburban Residential. Within those adjacent parcels is

the Gilbert Orchards Agriculture Related Industry to include: cold storage warehouses, administrative building, packing plant, and bin storage. Across the street to the north and parcels to the west are small house sites within the Single-family Residential zoning district. To the south are larger parcels in agriculture production and zoned Agriculture.

g. The public need for the proposed change; and

Staff Finding: The Suburban Residential and Single-family Residential zoning districts are very similar in their intent – “to facilitate development at targeted urban densities under the Comprehensive Plans, and provide for low-density, single-family residential development in areas designated by the Comprehensive Plan...”. The difference between the two districts lies with the purpose. “The Single-family Residential district is further intended to protect SFR neighborhoods from encroachment by potentially non-residential land uses or impacts, whereas the SR district is further intended to provide areas for transitional uses as urban development expands, with a mixture of land uses and residential densities including small farms, scattered low-density residential development...” (YCC 19.12.010)

Since the surrounding property land uses range from residential to commercial and agriculture, rezoning the subject parcel to SR will allow flexibility to provide non-residential land uses. The region of the subject parcel is within the UGA which would typically have a variety of land uses that may also support jobs. The Agriculture Related Industry (Gilbert Orchards) located on the adjacent parcels to the east needs to expand onto the subject parcel. Agriculture Related Industry is not an allowed use in the Single-family Residential zoning district. The proposed rezone would allow the agricultural business to expand supporting POLICY LU-U 4.1 of Plan 2015 to have agriculture activity within the UGA. Additionally, the property owner plans to apply for a Boundary Line Adjustment to have the house located on a much smaller parcel resulting in higher density within the UGA.

h. Consistency with the criteria set forth in Chapter 16B.10.

Staff Finding: The criterion listed in Chapter 16B.10 is not applicable to minor rezone requests.

Consistency Analysis (YCC 16B.06.020)

11. As part of project review, the reviewing official will determine if a proposed project is consistent with Yakima County’s applicable development regulations or, in the absence of applicable regulations, the adopted Yakima County Comprehensive Plan. Consistency should be determined in the project review process by considering four factors found in applicable plans and regulations (RCW 36.70B.040). They are as follows:

a. The type of land use;

Staff Finding: The purpose of the Suburban Residential (SR) district is further intended to provide areas for transitional uses as urban development expands, with a mixture of land

uses and residential densities including small farms, scattered low-density residential development and clusters of higher-density residential development.

As a Type 1 land use review, the SR zoning district allows many uses, such as: Agriculture, Single-family site built or modular dwellings, temporary sales office within a residential or mixed-use project, bed and breakfast inn, minor home business. Under a Type 2 land use review, the SR zoning district allows uses such as: churches, community centers, fraternal organization/lodges/clubs, retirement homes, school bus storage facility, accessory dwelling units and most primary residential, major home businesses, pet daycare/grooming, linear transmission facilities. Under a Type 3 land use review, the SR zoning district allows uses such as: agriculturally related industries, campground/RV park, drive-in theaters, cemetery/crematorium, child day care, health care facility, library, police/fire station, schools, retail nursery, radio/TV studio, veterinarian clinic, utility services.

Surrounding land uses to the subject parcel are almost entirely either small lot residential or large tract agricultural land. The applicant has an established agriculturally related business (apple cold storage warehouse facility) on the parcels to the east, which also includes an administrative office, and are not proposing any other uses – only to expand the existing facility. Although the applicant does not intend at the present time to apply for other uses allowed in the SR zoning district, the Type 1 uses would not have an adverse impact on surrounding land uses. Some of the Type 2 uses may have an impact to the surrounding existing land uses, however, a Type 2 land use requires the opportunity for public comment which is considered in the process, and Type 3 land uses are heard at an open record public hearing with comments taken into consideration by the Hearing Examiner. The rezone will allow the applicant to apply for an expansion of the Agriculture Related Industry through a Type 3 review process and any impacts associated with any proposal will be reviewed through the associated land use application.

- b. The level of development, such as units per acre or other measures of density;

Staff Finding: This is a non-project rezone; therefore no development is being permitted with this rezone.

- c. Infrastructure, including public facilities and services needed to serve the development;

Staff Finding: No new uses are permitted with this application.

- d. The characteristics of the development, such as development standards.

Staff Finding: This is a non-project rezone, no land uses will be approved by this application. Future uses will be required to meet the standards of the county's development regulations. Therefore the rezone is consistent with this factor.

CONCLUSIONS



1. The minor rezone proposal meets the approval criteria of Title 19.36.030(5) and complies with the goals and policies of the Yakima Urban Area Comprehensive Plan 2025, and *Plan 2015*, subject to input by the public at the upcoming public hearings.
2. This is a non-project rezone request.
3. The minor rezone to Suburban Residential will allow the property owner to apply for an expansion through a Type 3 review process of Gilbert Orchard's Agriculture Related Industry onto the subject parcel. Any impacts associated with and proposal will be evaluated through the associated land use review.

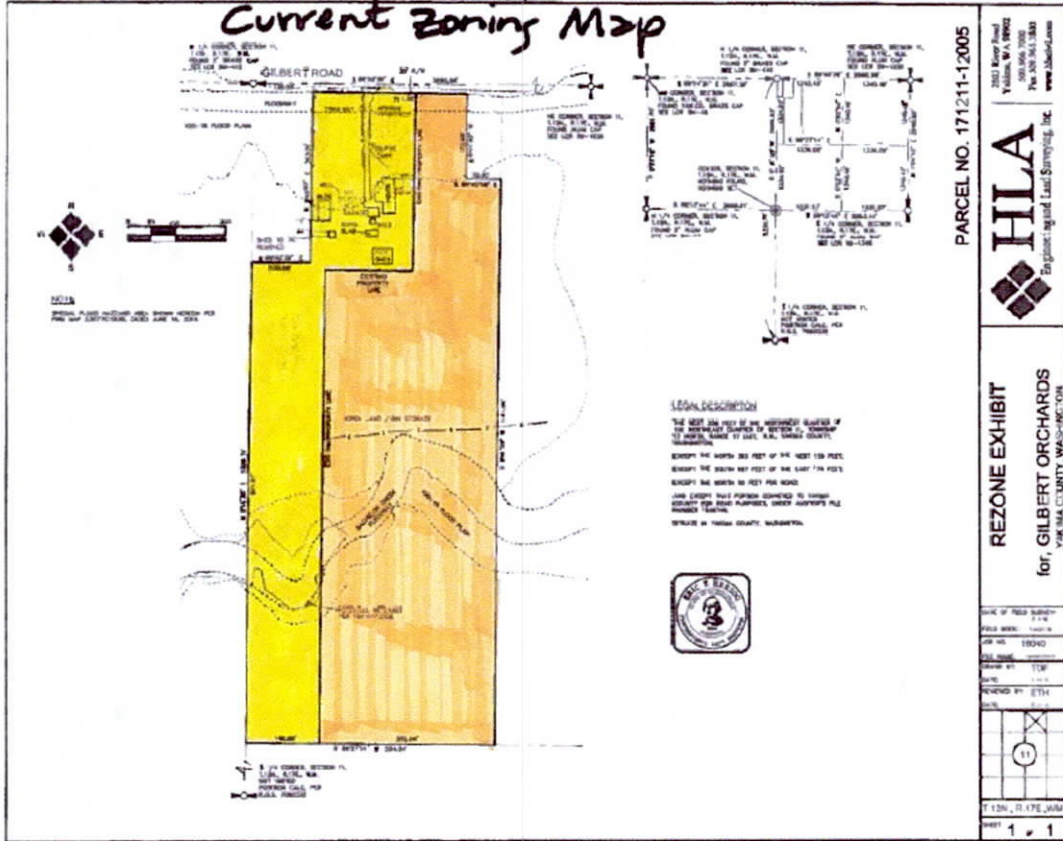
RECOMMENDATION

The Yakima County Planning Division recommends *APPROVAL* of the proposal to rezone the subject area from Single-Family Residential to Suburban Residential, as identified on the attached map, subject to consideration of testimony from interested parties at the public hearings.


Attachments:
Current zoning map
Proposed zoning map

Current Zoning Map

 = Single-family Residential (R-1)  = Suburban Residential (SR2)



Proposed Zoning Map

 = Suburban Residential (SR)

