

**ORDINANCE NO. 1471**

**AN ORDINANCE OF THE ZILLAH CITY COUNCIL ADOPTING AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN –LAND USE ELEMENT -FUTURE LAND USE MAP; APPROVING THE CITY WIDE REZONING OF VARIOUS PROPERTIES AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ZILLAH, WASHINGTON; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City of Zillah ("City") has previously adopted and implemented a Comprehensive Plan in accordance with the provisions of the Growth Management Act ("GMA"), RCW Ch. 36.70A; and

**WHEREAS**, the update to the City's Comprehensive Plan was June 30, 2017; and

**WHEREAS**, the City conducted environmental review of the proposed Comprehensive Plan and zoning amendments including publication for public and agency review and comment in June 2018; and

**WHEREAS**, the City notified State of Washington Department of Commerce of proposed amendments to comprehensive plan and development regulations on June 8, 2018. Notice was provided in accordance with RCW 36.70A.106(1). The Department of Commerce has provided comments that have been reviewed by the City and Planning Commission; and

**WHEREAS**, Agencies with jurisdiction were provided an opportunity to review and comment on the proposed land use text and map amendment and rezone; and

**WHEREAS**, on June 11, 2018, pursuant to RCW Chapter 43.21C, the State Environmental Policy Act (SEPA), the City of Zillah SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for the proposed Comprehensive Plan- Land Use Element-Future Land Use Map and Text Amendment and Rezone, which was not appealed; and

**WHEREAS**, on July 17th & August 7, 2018, the Planning Commission conducted two duly convened open record public hearings to accept written and oral testimony on the proposed Zillah Comprehensive Plan Text and Future Land Use map Amendments and Citywide Rezone proposal and after consideration of the contents of the file, public and agency comment, evidence and testimony received at the public hearing, unanimously recommended approval of the proposed Comprehensive Plan text and map amendments and city wide rezone and issued Findings of Fact and Recommendation (Attachment A) in accordance with applicable law; and

**WHEREAS**, at a duly convened, closed record public hearing on August 20<sup>th</sup> and continued to September 4<sup>th</sup>, 2018, the City Council considered the proposed Comprehensive Plan Text and Future Land Use map Amendments and Citywide Rezone proposal, including the testimony, documents and other evidence which constitute the record developed before the Planning Commission, Planning Commission's Findings of Fact and Recommendation, and the statements of interested persons; and

**WHEREAS**, City Council has adopted the attached Findings of Fact and Recommendation and unanimously determined that the Comprehensive Plan Text and Future Land Use map Amendments and Citywide Rezone proposal, is in the best interests of the City of Zillah,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ZILLAH:

**Section 1. Comprehensive Plan Text and Future Land Use map Amendments Adopted.** The City hereby adopts the changes in accordance with the Findings of Fact and Recommendation dated August 7, 2018 (Attachment A) and the Future Land Use Map for the City shown as Attachment B.

**Section 2. Amendment of Official Zillah Zoning Map.** The properties located on the map included as Attachment C are hereby rezoned in accordance with the Findings of Fact and Recommendation dated August 7, 2018 (Attachment A) subject to the following changes to parcels: 201136-12485, 12486, 12487, 12488, & 12489; to be rezoned to Moderate Density Residential (R-2). The official Zillah zoning map shall be amended to reflect such rezone determination.

**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 4. Filing.** City Administrator is hereby authorized and directed to file a certified copy of this ordinance with the Yakima County Auditor. City Administrator shall also transmit a complete and accurate copy of this ordinance to Department of Commerce within ten (10) days pursuant to RCW 36.70A.106(2).

**Section 5. Effective Date.** This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.


**ADOPTED BY THE ZILLAH CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 4<sup>th</sup> DAY OF September, 2018.**

  
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Dr. Scott Carmack, Mayor

ATTEST:

  
\_\_\_\_\_  
Sharon Bounds, City Administrator

Approved as to form:

  
\_\_\_\_\_  
James C. Carmody, City Attorney

Date Approved:

**FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS  
OF THE CITY OF ZILLAH  
PLANNING COMMISSION  
THE PROPOSED ADOPTION OF  
COMPREHENSIVE PLAN UPDATE & CITYWIDE REZONE  
FILE NO(s): COMP 2018-02, RZ 2018-03, ER 2018-04**

**Members Present:** Planning Commission members: Judith Boekholder, Arnie Schoenmoser, Jim Koerner, and Carol Wane via phone

*The Planning Commission of the City of Zillah, Washington, finds as follows:*

This matter having come for public hearing before the City of Zillah Planning Commission on August 7, 2018, for the purpose of considering a Comprehensive Plan Future Land Use Map Amendment and Citywide Rezoning application by the City of Zillah, on properties located within the City Limits of Zillah, Washington, under Zillah Municipal Code, Chapters 17.85 and 17.86.

Notice of the Proposal, Open Public and Closed Record hearings was provided in accordance with Title 17 of the Zillah Municipal Code. Property owners within 300 feet were notified by First Class Mail, posting around the city, and legal notice was published in the Daily Sun on **June 13th, 2018**. All persons present were given the opportunity to speak for or against the proposed amendments to the Comprehensive Plan Future Land Use Map and Citywide Rezoning application.

**LAND USE FINDINGS**

1. The Commission **ADOPTS** the staff findings and report as to the existing use, zoning and comprehensive land use designation of subject and adjacent properties.
2. The proposal is **COMPATIBLE** with the use of adjacent land.
3. The proposal is **COMPATIBLE** with the zoning of adjacent land.
4. The proposal is **COMPATIBLE** with the land use designation contained in the City's comprehensive land use plan.

**PUBLIC OPINION**

- A. The owners of the adjacent land expressed both **APPROVAL & DISAPPROVAL** of the proposal.
- B. The owners or representative of the properties spoke in **favor** of the application.

**GENERAL FINDINGS**

1. The City of Zillah is subject to the requirements of the Growth Management Act (GMA), Chapter 36.70A RCW.
2. The City of Zillah must be in compliance with the GMA, including the periodic update requirements, to be eligible for grants and loans from certain state infrastructure programs.
3. Zillah Municipal Code section 17.06.020 and 17.06.050 Procedures for Class 3 review establishes procedures for Planning Commission review of the City's Comprehensive Plan, development regulations, Citywide Rezones, and amendments thereto.

Findings of Fact

**FILE NO(s): COMP2018-02, RZ2018-03 & ER2018-04**

3. Zillah Municipal Code section 17.06.020 and 17.06.050 Procedures for Class 3 review establishes procedures for Planning Commission review of the City's Comprehensive Plan, development regulations, Citywide Rezones, and amendments thereto.

4. On July 17<sup>th</sup> & August 7, 2018, the Planning Commission conducted two public hearings to accept written and oral testimony on the proposed Zillah Comprehensive Plan Text and Future Land Use map Amendments and Citywide Rezone proposal.

5. On August 7, 2018, the Planning Commission conducted deliberations on the proposed Zillah Comprehensive Plan Text and Future Land Use map Amendments and Citywide Rezone proposal and recommends APPROVAL/DISAPPROVAL/CONDITIONAL APPROVAL of the proposed applications, subject to corrections or errors found by the Department of Commerce.

6. The Zillah Planning Commission adopts the revised Planning Staff report recommendation date 7-31-2018, subject to the following changes: No changes

BY

~~Jay Spurlock~~ Arnie Schoenmoser  
Planning Commission Chair

Acting  
~~Russ Redfield,~~ Judy Boekholder  
Planning Commission Vice Chair

Vote: 4-0

Findings of Fact

FILE NO(s): COMP2018-02, RZ2018-03 & ER2018-04



# The City Of Zillah

THE HEART OF WINE COUNTRY

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## CITY OF ZILLAH

### STAFF REPORT

FILE NO(s): COMP2018-02, RZ2018-03 & ER2018-04

Revised July 31, 2018

**APPLICANT(S):** City of Zillah

**PROPERTY OWNER(S):** Various

**PARCEL NO(s):** Various

**LOCATION:** Citywide

**APPLICATION:** A Comprehensive Plan Future Land Use Map Amendment and Rezone of several properties within the City of Zillah.

### **HISTORY:**

The Washington Administrative Code (WAC 365-195-630) outlines the process for evaluating and amending comprehensive plans on an ongoing basis and requires each jurisdiction to establish provisions governing its amendments. "Amendments to the plan shall not be considered more frequently than once every year, except in cases of emergency. The amendment process shall include a requirement that all proposed amendments in any year be considered concurrently so that the cumulative effect of the various proposals can be ascertained."

### **DESCRIPTION OF PROPOSAL:**

On February 1, 2018, the City of Zillah opened up a **one month period** for property owners could submit for a Rezone of their property. This included a submittal of a Comprehensive Plan Future Land Use map amendment, if required. The city received several submittals for 1) a Comprehensive Map Amendment changes from Non-Residential to Residential or Residential to Non-Residential, 2) Citywide Rezone of properties, and 3) an Environmental Checklist. The city extended the time period by two months for property owners to provide additional information. The applications were deemed complete for continued processing on **June 11, 2018**.

### **Comp Plan Amendment-2018**

Change Future Land Use Map

201136--22406, 22401, 22400, 22431, 22430, 21438, 21405 from **Non- Residential to Residential**

**Applicant withdrawn**

201136-12485, 12488, 12489- Replat of the town of Zillah: Lot 11 BLK 33 from **Non- Residential to Residential**

201136-12487 & 201136-12486 from **Non- Residential to Residential**

201136-12006 from **Residential to Non- Residential**

**201125-31501** from **Residential to Non- Residential**

### **Map Changes Proposed**

Land Use Element Chapter 3

Figure: 3-1 Zillah UGA Analysis

Figure: 3-2 Zillah Current Zoning

Figure: 3-7 Zillah Future Land Use

### **Text Amendments Changes Proposed**

Land Use Element Chapter 3

Table 3- Acreage by Zone Groupings (Reflect changes)

### **Rezone Applications Received**

201136--22406, 22401, 22400, 22431, 22430, 21438, 21405- Commercial (C-1) to Residential High Density (R-3) .26 EC, .08 Com, .09 EC, .11 Com, .53 Com, .40 Com, .41 Com, .27 Com (2.15 acres)

Applicant withdrawn

201136-12485, 12488, 12489- Replat of the town of Zillah: Lot 11 BLK 33- Commercial (C-1) to Residential High Density (R-3) (24,202 sq. ft.)

201136-12487 & 201136-12486- Commercial (C-1) to Residential Moderate Density (R-2) (11,195 sq. ft.)

\*\* (Applicant requested change from R-2 to R-3 during comment period) \*\* During Public Hearing on July 17, 2018, applicant removed support for R-3 and requested R-1 or R-2.

201136-11014- Residential (R-1) to Residential High Density (R-3) (6.06 acres)

### **City Proposed Rezones**

201136-12544, 12543- Light Manufacturing Zone (M-1) to Commercial (C-1) (1.42 acres)

201136-21403- RE-PLAT OF THE TOWN OF ZILLAH (E-17) BLK 12 LOTS 6 & 7, ALSO VAC RR R/W & 2ND ST- Commercial (C-1) to Residential High Density (R-3) 0.67 Acre(s) Adjacent Applicant withdrew application

201125-41010- - Suburban Residential (SR) to Residential (R-1) 25.86 Acre(s)

201125-41011- - Suburban Residential (SR) to Public Lands/ Church (PL/C) or Residential (R-1)

201136-21442-- Commercial (C-1) to Public Lands/ Church (PL/C)

201125-33482-- Commercial (C-1) to Public Lands/ Church (PL/C)

201125-33003-- Public Lands/ Church to Residential (R-1)



201136-12006-- Residential (R-1) to Public Lands/ Church (PL/C)

201125-31501-- Residential (R-1) to Public Lands/ Church (PL/C)

**COMPREHENSIVE PLAN AMENDMENT PROCESS:**

Upon consideration of any amendment, modification, or alteration to the Comprehensive Plan, the Planning Commission shall hold at least one public hearing on the proposed amendment at which time the applicant(s) will be allowed to make a presentation. Any person submitting a written comment on the proposed change shall also be allowed an opportunity to make a responsive oral presentation. Such opportunities for oral presentation shall be subject to reasonable time limitations established by the Planning Commission Chairman. Notice of the time, place and purpose of such public hearing shall be published in the official newspaper of the City. The notice for the public hearing for the application for a Comprehensive Plan Amendment was published on **June 13, 2018**.

Subsequent to the Planning Commission review and recommendation, the City Council shall consider each request for an amendment to the Comprehensive Plan at a closed record public meeting.

The City Council shall make a decision by motion, resolution, or ordinance as appropriate. The decision may be to approve, approve with additional conditions, modified, with or without the applicant's concurrence, denied (resubmittal under this section of the code is not allowed until the next year), or remand the proposal back to the Planning Commission for further proceedings.

**CURRENT ZONING AND LAND USE:**

**Rezone Applications Received**

201136--22406, 22401, 22400, 22431, 22430, 21438, 21405- Commercial (C-1) to Residential High Density (R-3) .26 EC, .08 Com, .09 EC, .11 Com, .53 Com, .40 Com, .41 Com, .27 Com (2.15 acres)

**LAND USE: Residential & Vacant** Remove-Applicant withdrawn

201136-12485, 12488, 12489- Replat of the town of Zillah: Lot 11 BLK 33- Commercial (C-1) to Residential High Density (R-3) (24,202 sq. ft.) **LAND USE: Vacant**

201136-12487 & 201136-12486- Commercial (C-1) to Residential Moderate Density (R-2) (11,195 sq. ft.)

**LAND USE: Residential**

201136-11014- Residential (R-1) to Residential High Density (R-3) (6.06 acres)

**LAND USE: Residential**

**City Proposed Rezones**

201136-12544, 12543- Light Manufacturing Zone (M-1) to Commercial (C-1) (1.42 acres)

**LAND USE: Vacant**

201136-21403- RE-PLAT OF THE TOWN OF ZILLAH (E-17) BLK 12 LOTS 6 & 7, ALSO VAC RR R/W & 2ND ST- Commercial (C-1) to Residential High Density (R-3) 0.67 Acre(s)

**LAND USE: Residential** Remove- Adjacent Applicant withdrew application

201125-41010-- Suburban Residential (SR) to Residential (R-1) 25.86 Acre(s)

**LAND USE: Vacant**

201125-41011-- Suburban Residential (SR) to Public Lands/ Church (PL/C) (4,896 Square Feet)

**LAND USE: City Utility**

201136-21442-- Commercial (C-1) to Public Lands/ Church (PL/C) (0.99 Acre(s))

**LAND USE: Other Undeveloped Land (Zillah School District)**

201125-33482-- Commercial (C-1) to Public Lands/ Church (PL/C) (0.54 Acre(s))

**LAND USE: Vacant**

201125-33003-- Public Lands/ Church to Residential (R-1) (1.04 Acre(s))

**LAND USE: Vacant**

201136-12006-- Residential (R-1) to Public Lands/ Church (PL/C) (0.08 Acre(s))

**LAND USE: City Utility**

201125-31501-- Residential (R-1) to Public Lands/ Church (PL/C) (5.16 Acre(s))

**LAND USE: Church**

**CITY OF ZILLAH COMPREHENSIVE PLAN:** The proposed amendment to the Comprehensive Plan Future Land Use Map and rezone sites are either Residential or Non-residential according to the City of Zillah Comprehensive Plan adopted June, 2017.

- **Housing Goal #1:** Support a varied housing stock that meets the needs of Zillah residents.
- **Housing Policy #1.1:** 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 upscale residences
- **Housing Policy #1.2:** Encourage and support the rehabilitation of older homes and revitalization of declining neighborhoods.
- **Housing Policy #1.5:** Support programs to expand the housing options of low- and moderate income groups.
- **Economic Development Goal #1:** Promote growth and diversity in the local economy to provide a strong tax base and offer varied employment opportunities.
- **Economic Development Policy #1.4:** Encourage the redevelopment/revitalization of rundown and/or underutilized commercial areas.
- **Land Use Goal #1:** Promote planned and coordinated growth and the delivery of public services in a fiscally responsible manner in and near the City of Zillah.
- **Land Use Policy #1.13:** The City Planning Commission shall periodically evaluate the need for additional non-residential lands, particularly near the downtown, and may propose revisions to the Future Land Use Map to support potential new growth and economic development in the community.
- **Land Use Goal #2:** Preserve and promote the pleasant hometown environment of Zillah.



- **Land Use Policy #2.2:** Discourage incompatible land uses adjacent to each other. New development adjacent to residential areas must be neighbor friendly to protect residential neighborhoods from noise, glare, odors, traffic, etc.
- **Land Use Policy #2.4:** Industries and businesses likely to generate high traffic volumes or heavy (in weight) truck traffic should be located on or near major arterials, highways, and freeway interchanges.

**CITY OF ZILLAH ZONING ORDINANCE:**

**Zillah Municipal Code (ZMC) 17.14.010** defines the Zoning Districts as the following:

**A. Low Density Residential (R-1).** This zone is established to provide for lower density single-family residential developments in a traditional neighborhood setting. Nonresidential uses should be nonintrusive to protect and preserve the neighborhood character and property values. The district is characterized by single-family units. The density in the district is generally seven dwelling units or less per acre.

**B. Moderate Density Residential (R-2).** This zone is established to provide for moderate density residential developments in a traditional neighborhood setting. Nonresidential uses should be nonintrusive to protect and preserve the neighborhood character and property values. The district is characterized by single-family units and duplexes. The density in the district generally ranges from seven to 12 dwelling units per acre.

**C. High Density Residential (R-3).** This zone is established to provide for higher density residential developments. The district is characterized by single-family units, duplexes and multifamily. The density in the district generally ranges from 13 or more per net residential acreage.

**D. Suburban Residential (SR).** This zone is generally established to provide a transitional area between the low, medium, and high density residential zones and the outlying agricultural areas; an opportunity for suburban residential living in areas close to town where there will not be a conflict with active agricultural production; a buffer between urban areas and those areas reserved for continued agricultural production; a transitional area into which future suburban development can expand as needed; and areas for a continued mixture of low density residential development and hobby farming activities.

**E. Commercial (C-1).** This zone is established to preserve a general business district having a wide range of retail and service businesses, entertainment, government and professional offices and places of amusement in a setting that is safe, convenient, comfortable, and attractive for both pedestrian and automobile access. It is not the intent to promote residences as a primary use in this zone. Uses which by nature are noisy or emit excessive odors, dust and fumes are not appropriate in this zone.

**G. Light Manufacturing Zone (M-1).** This zone is established to ensure that suitable land will be available for businesses and industries. The intent of the light manufacturing zone (M-1) is to:

1. Establish and preserve areas near designated truck routes, freeways and the railroad for light industrial uses;
  2. Direct truck traffic onto designated truck routes and off residential streets; and
  3. Minimize conflicts between uses in the light manufacturing zone and surrounding land uses.
- For light manufacturing, processing, research and wholesale trade, storage and distribution facilities. Uses permitted in this district should not generate noise levels, light, odor or fumes that would constitute a nuisance or hazard.

**H. Public Land/Church Zone (P/C).** The purpose of this zone is to provide areas for public and private noncommercial parks, churches, synagogues, temples and open space. These areas are intended to provide Zillah area citizens with a variety of recreational and religious opportunities and areas for open space.

**Zillah Municipal Code (ZMC) 17.86.020 Initiation of text and map amendments (Comprehensive Plan)**

**B.** Comprehensive plan amendments may be initiated by citizens, by the planning commission, city staff, city council, or any other interested persons including applicants, and staff of other agencies. The proposed amendments or revisions to the comprehensive plan may be docketed and considered by the city no more frequently than once every year, except that an amendment(s) may be considered more frequently under the following circumstances:

1. The initial adoption of a subarea plan;
2. The adoption or amendment of a shoreline master program under the procedures set forth in RCW Chapter 90.58.
3. The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a City budget.
4. A declared emergency under **RCW 36.70A.130 (2a)**

**C.** All amendment proposals shall be considered by the City concurrently so the cumulative effect of the various proposals can be ascertained. However, the City may adopt amendments or revisions to its Comprehensive Plan that conform with **RCW Chapter 36.70A** whenever an emergency exists or to resolve an appeal of a Comprehensive Plan filed with the Growth Management Hearings Board or with a court.

**Zillah Municipal Code (ZMC) 17.86.030 Criteria for Amendment Procedure.** The criteria staff uses to make recommendations to the City Council on whether or not to consider an amendment to the comprehensive plan include the following:

**A.** The proposal bears a substantial relation to the promotion and preservation of public health, safety and welfare.

- *This proposal is the promotion and preservation of public health and welfare. The subject areas are currently used in the manner requested and would provide a safer environment for additional residential use.*

**B.** Conditions in the vicinity of the proposal have markedly changed since the subject property was designated, and under those changed conditions, a plan amendment is within the public interest.

- *The conditions within the vicinity of the proposals have not markedly changed since the subject properties were designated however, do to outside economic factors the designated properties would not be viable as the currently designated Non-Residential property. The properties being changed from Residential to Non-Residential are school or city properties.*

**C.** The proposal is limited in scope and can fit within the City Planning work program for the current year.

- *This proposal does meet the requirements of Zillah Municipal Code (ZMC) 17.86.020 (B). This proposal is being considered during the annual update period.*

**D.** The proposal is correcting an inconsistency within the Plan or is a clarification of the Plan.

- This proposal is not to correct an inconsistency nor be used as a clarification within the Comprehensive Plan.

**E.** The public interest is served by dealing with the proposal at the present time rather than later.

- The public interest is served by dealing with the proposal at present time rather than later as the housing option for multi-family is limited within the city limits.

F. The proposal will result in long-term benefits to the community as a whole and is in the best interest of the community.

- This proposal would add additional Multi-Family zoned property to the city which is under represented. Some of the subject properties are also near community/school facilities and stores which provides an opportunity for lessening traffic impacts.

G. An obvious mapping error.

- *This proposal is not to correct a mapping error.*

**REZONE CRITERIA (ZMC 17.84.040)**

**17.84.040 Approval criteria.** In considering a text or map amendment or a proposed rezone, the City Council shall consider:

A. Comments from property and business owners and residents of the community.

At the time of this staff report, the city received two written comments from surrounding properties within the notified community. The comment was from Milden & Sonya Johnson was related to their opposition to being annexed (but stated as rezoning) by the city. Staff spoke with Mr. Johnson and explained that their property is not within the application or proposal. They received the notice of proposal as their property was within the 300 foot of an affect property.

The second comment was from Jason McCormick (parcel# 201136-12487 & 201136-12486) stating support for the application and modifying his application from Residential Moderate Density (R-2) to Residential High Density (R-3) zoning. Applicant removed support for R-3 and requested R-1 or R-2.

B. Recommendations from interested agencies and departments.

A confirmation letter was received from the Washington State Department of Commerce (Commerce). It acknowledged the receiving of the materials for the Comprehensive Plan Amendments as required under **RCW 36.70A.106**. The City received a letter from Washington Department of Ecology regarding a need to reevaluate the city's water resources with respect to changing the zoning on several properties. The City also received a letter from Sunnyside Valley Irrigation District. They asked that they be contacted regarding their facilities and easement/right of way locations before any development.

C. Findings from the Planning Commission including:

1. Suitability of the property in question for uses permitted under the proposed zoning;

**Rezoning Sites- Rezoning Applications Received**

- 201136--22406, 22401, 22400, 22431, 22430, 21438, 21405- Commercial (C-1) to Residential High Density (R-3) (2.15 acres)

**Staff Comment:** Most of the properties are currently in Residential use and contiguous for two separate mergers that would allow the properties to be used for the proposed land use. There is a property (parcel 201136-22401) that on its own would not meet the size requirements for any land use over a single family resident. The properties to the east and west of this use are residential uses in commercial zoning which is compatible with the Residential High Density (R-3) zoning. Applicant withdrawn

- 201136-12485, 12488, 12489- Replat of the town of Zillah: Lot 11 BLK 33- Commercial (C-1) to Residential High Density (R-3) (24,202 sq. ft.)

**Staff Comment:** The properties are currently in vacant however one (Parcel 201136-12485) was recently used as a Residential use. The two properties (Parcels 201136-12488 & 12489) could be used for the proposed land use if merged together. The properties on their own would not meet the size requirements for any land use over a single family resident. The properties in between the parcels is residential use and the adjoining property owner is a part of the proposal to rezone to Residential High Density (R-3) which is compatible with the Residential High Density (R-3) zoning.

**Example:** If parcels 201136-12488 (5,907sq.ft.) & 201136-12489 (6,219sq.ft.) merged; the total square footage would be 12,126. This would meet the currently adopted minimum lot size standards of 8, 000 sq. ft. for constructing a duplex or High Density (R-3) development.

- 201136-12486 & 201136-12487- Commercial (C-1) to Residential High Density (R-3) (11,195 sq. ft.) (Applicant requested change from R-2 to R-3 during comment period)

**Staff Comment:** The properties are currently in Residential & Residential Other (garage) use. The two properties (Parcels 201136-12486 & 201136-12487) could be used for the proposed land use if merged together. The properties on their own would not meet the size requirements for any land use over a single family residents. The property to the west of this use was residential use and the adjoining property owner is a part of the proposal to rezone to Residential High Density (R-3) which is compatible with the Residential High Density (R-3) zoning.

- 201136-11014- Residential (R-1) to Residential High Density (R-3) (6.06 acres)

**Staff Comment:** The property currently is used as a Residential use (one house). The property on its own would meet the size requirements for high density development. The properties to the North, south east and west of this use are residential uses. The property to the east and west are currently zone Residential High Density (R-3) which is compatible with the Residential High Density (R-3) zoning.

#### **City Proposed Rezones**

- 201136-12544, 12543- Light Manufacturing Zone (M-1) to Commercial (C-1) (1.42 acres)

**Staff Comment:** The property currently is used as a (dirt/gravel) commercial parking lot. The property would be suitable for the proposed land use zoning. The properties surrounding this use are Commercial or Public Lands/ Church zoned with the exception of one parcel zoned Light Manufacturing (M-1) which is compatible with the Commercial (C-1) zoning.

- 201136-21403- RE-PLAT OF THE TOWN OF ZILLAH (E-17) BLK 12 LOTS 6 & 7, ALSO VAC RR R/W & 2ND ST- Commercial (C-1) to Residential High Density (R-3) 0.67 Acre(s)

**Staff Comment:** The property currently is used as Residential use. The property would be suitable for the proposed land use zoning. The properties to the east and west of this use are residential uses (this parcel is in between an applicant that requested Residential High Density (R-3) which is compatible with the Residential High Density (R-3) zoning. Adjacent Applicant withdrew application

- 201125-41010- Suburban Residential (SR) to Residential (R-1) 25.86 Acre(s)  
**Staff Comment:** The property currently is vacant and neighboring a subdivision. The property would be suitable for the proposed land use zoning. The properties surrounding this use are residential zoned except for a couple of Public Lands/ Church (PL/C) parcels to the east which is compatible with the Residential (R-1) zoning.
- 201125-41011- - Suburban Residential (SR) to Public Lands/ Church (PL/C)  
**Staff Comment:** The property currently is used City Utilities- Pump House. The property would be suitable for the proposed land use zoning. The properties surrounding this use are residential which is compatible with the Public Lands/ Church (PL/C) zoning.
- 201136-21442-- Commercial (C-1) to Public Lands/ Church (PL/C)  
**Staff Comment:** The property currently is vacant but used as short term bus parking during the school year. The property would be suitable for the proposed land use zoning. The properties surrounding this use are Commercial or Public Lands/ Church zoned which is compatible with the Public Lands/ Church (PL/C) zoning.
- 201125-33482-- Commercial (C-1) to Public Lands/ Church (PL/C)  
**Staff Comment:** The property currently is vacant. The property would be suitable for the proposed land use zoning. The properties surrounding this use are Commercial or Public Lands/ Church zoned which is compatible with the Public Lands/ Church (PL/C) zoning.
- 201125-33003-- Public Lands/ Church to Residential (R-1)  
**Staff Comment:** The property currently is vacant. The property would be suitable for the proposed land use zoning. The properties surrounding this use are residential zoned except for a Light Manufacturing (M-1) parcel to the east which is compatible with the Residential (R-1) zoning.
- 201136-12006-- Residential (R-1) to Public Lands/ Church (PL/C)  
**Staff Comment:** The property currently is used City Utilities. The property would be suitable for the proposed land use zoning. The properties surrounding this use are residential which is compatible with the Public Lands/ Church (PL/C) zoning.
- 201125-31501-- Residential (R-1) to Public Lands/ Church (PL/C)  
**Staff Comment:** The property currently is used as a Church. The property would be suitable for the proposed land use zoning. The properties surrounding this use are residential which is compatible with the Public Lands/ Church (PL/C) zoning.

2. The extent to which the proposed amendment(s) are in compliance with the goals and policies in the Comprehensive Plan;

- Under the proposed zoning, the parcels would still be in compliance with the goals and policies as adopted in the Zillah Comprehensive Plan. There are several goals and policies that relate to this application and encourage consistency. The proposal is in compliance with the goals and policies Comprehensive plan because this application and future development promotes the planned and coordinated growth and delivery of public services in a financially responsible manner in and near the City of Zillah (**Land Use Goal #1**) and varied housing stock that meets the needs of Zillah residents

**(Housing Goal #1).** The three of the parcels contain older homes. **Housing Policy #1.2** encourages and supports the rehabilitation of older homes and revitalization of declining neighborhoods. This application would also promote **Economic Development Policy #1.4** which encourages the redevelopment/revitalization of rundown and/or underutilized commercial areas.

- This proposal also is in compliance with **Land Use Policy #2.2**, which discourages incompatible land uses adjacent to each other. New development adjacent to residential areas must be neighbor friendly to protect residential neighborhoods from noise, glare, odors and traffic. This proposal is adjacent to residential neighborhoods. It abuts commercially zoned properties on the south and east, Public zoned property to the north and west, as well as residentially zoned properties to the north. Based on this, adequate buffering is provided to residential neighborhoods in the area.
  - **Land Use Policy #2.4** indicates that industries and businesses likely to generate high traffic volumes or heavy (in weight) truck traffic should be located on or near major arterials, highways and freeway interchanges. The subject properties have access directly to Second Avenue, a minor arterial. From a traffic stand-point, the subject properties are not ideally situated to be rezoned from commercial to residential because the road is not designed to meet the land use policy for siting commercial purposes.
3. The adequacy of public facilities, such as sewer, water and other required public services;
- Public services (i.e. sewer, water, roads, gas, power, phone, and solid waste) are adequate and available either on-site or upon contract. The most of the subject properties are served with water and sewer by the City of Zillah. Additional SEPA Review will be required for further development of property and any further issues will be solved at that time. The transportation network in the area is adequate. Other public facilities such as electrical power, telephone etc., are located in the immediate area and can be easily extended to serve the property.
  - Irrigation at this time is unknown. This issue would be addressed during a SEPA and/ or Site plan review.
4. The compatibility of the proposed zone change and associated use with neighboring land uses.
- There are current residential land uses on some of the commercial properties. The properties are surrounded by similar uses. The proposed zoning is compatible with the above listed zoning categories. (See Question 1)
5. The public need or benefit of the proposed change.
- There is a public need for the rezone because the City of Zillah lacks an adequate supply of developable High Density Residential (R-3) zoned lands. The changes from Light manufacturing reflect the need to place compatible uses near other compatible uses. Other changes reflect ownership and use.
6. A demonstrated change in circumstance.

- The City of Zillah lacks an adequate supply of high density residentially zoned lands. This has left a void of vacant high density residentially zoned property to expand onto for existing land uses in the area.

#### **STATE ENVIRONMENTAL POLICY ACT**

The City of Zillah was lead agency for this proposal under the State Environmental Policy Act (SEPA). The City issued a **FINAL Determination of Non-significance (DNS)** for this application on **July 2, 2018**. The process authorized by WAC 197-11-340(2) was used. The comment period for this process was from **June 13<sup>th</sup>, 2018** to **June 28<sup>th</sup>, 2018**. The environmental checklist and other information are on file with the City of Zillah available to the public upon request. At the time of this staff report, no appeal to the SEPA have been submitted.

#### **PUBLIC NOTICE**

Notice of the Proposal, Open Public and Closed Record hearings was provided in accordance with Title 17 of the Zillah Municipal Code. Property owners within 300 feet were notified by First Class Mail, posting around the city, and legal notice was published in the Daily Sun on **June 13<sup>th</sup>, 2018**.

#### **CONCLUSIONS**

After reviewing the sites, the completed applications, the comprehensive plan, the zoning ordinance, and received written comments from an agency the following conclusions have been made:

1. The City of Zillah established the various zones to ensure that suitable land will be available for development. The intent of rezone is to reflect current uses and changing makeup of the community.
2. There is a public need for the rezone because the City of Zillah lacks an adequate supply of High Density Residential (R-3) zoned lands.
3. In order to continue to have compatible uses and directed growth, a change within the land use is needed.
4. All rezone sites meet the criteria for the rezone and this application is a non-project related action.

#### **RECOMMENDATION**

Based on the foregoing staff findings and conclusion, planning staff recommends **CONDITIONAL APPROVAL** of the proposed Comprehensive Plan Map Amendments, changing as listed for each group, and the rezone of the parcels as stated for each group. The following are the Conditions of the approval:

##### **1. Comp Plan Amendment-2018**

Change Future Land Use Map

- 201136-12485, 12488, 12489- Replat of the town of Zillah: Lot 11 BLK 33 from **Non- Residential to Residential**
- 201136-12487 & 201136-12486 from **Non- Residential to Residential**
- 201136-12006 from **Residential to Non- Residential**



- 201125-31501 from **Residential to Non- Residential**

### **Map Changes Proposed**

#### **Land Use Element Chapter 3**

- Figure: 3-1 Zillah UGA Analysis (Reflect changes)
- Figure: 3-2 Zillah Current Zoning (Reflect changes)
- Figure: 3-7 Zillah Future Land Use (Reflect changes)

### **Text Amendments Changes Proposed**

- Land Use Element Chapter 3  
Table 3- Acreage by Zone Groupings (Reflect changes)

## **2. Rezone Applications**

- 201136-12485, 12488, & 12489- Replat of the town of Zillah: Lot 11 BLK 33- Commercial (C-1) to Residential High Density (R-3) (24,202 sq. ft.)
- 201136-12487 & 201136-12486- Commercial (C-1) to Residential High Density (R-3) (11,195 sq. ft.)
- 201136-11014- Residential (R-1) to Residential High Density (R-3) (6.06 acres)

### **City Proposed Rezones**

- 201136-12544 & 12543- Light Manufacturing Zone (M-1) to Commercial (C-1) (1.42 acres)
- 201125-41010- - Suburban Residential (SR) to Residential (R-1) 25.86 Acre(s)
- 201125-41011- - Suburban Residential (SR) to Public Lands/ Church (PL/C) (4,896 Square Feet)
- 201136-21442-- Commercial (C-1) to Public Lands/ Church (PL/C) (0.99 Acre(s))
- 201125-33482-- Commercial (C-1) to Public Lands/ Church (PL/C) (0.54 Acre(s))
- 201125-33003-- Public Lands/ Church to Residential (R-1) (1.04 Acre(s))
- 201136-12006-- Residential (R-1) to Public Lands/ Church (PL/C) (0.08 Acre(s))
- 201125-31501-- Residential (R-1) to Public Lands/ Church (PL/C) (5.16 Acre(s))

- ❖ All residential parcels must meet the minimum that would allow the parcel to meet the currently adopted or, as it may be amended, minimum lot size standards for constructing a

duplex or High Density (R-3) development. If the parcel cannot meet the minimum, duplex or High Density (R-3) development it will be limited to single family development only.

3. All future development shall conform to all federal, state, and locally adopted codes.



# City of Zillah

## Future Landuse Map

### City of Zillah Future Landuse

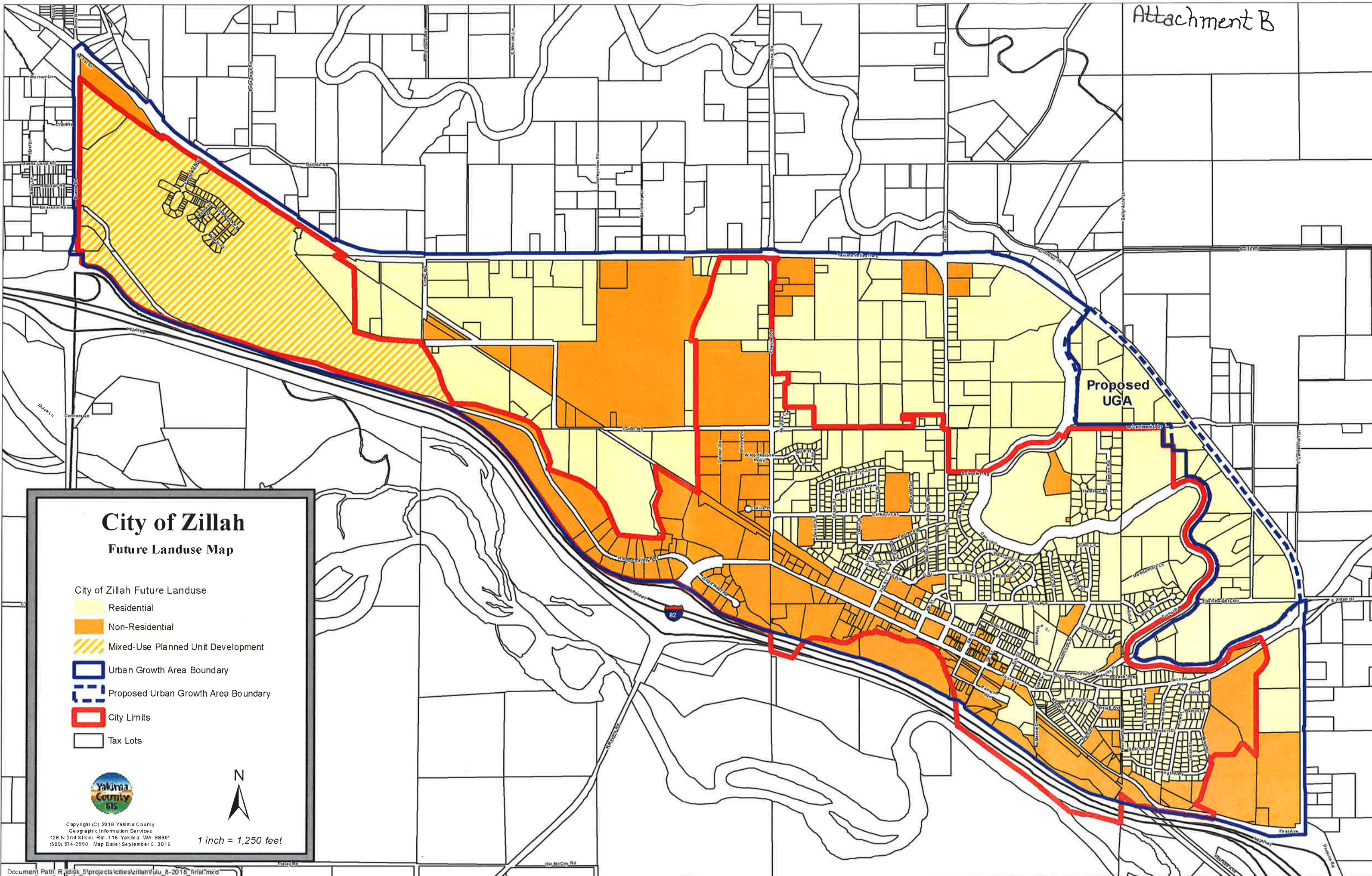
- Residential
- Non-Residential
- Mixed-Use Planned Unit Development
- Urban Growth Area Boundary
- Proposed Urban Growth Area Boundary
- City Limits
- Tax Lots



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Geographic Information Services  
129 N 2nd Street, Rm. 116 Yakima, WA 98901  
(509) 574-2990 Map Date: September 5, 2018



1 inch = 1,250 feet





## City of Zillah Zoning

- R-1 Residential (Single)
- R-2 Residential (Double)
- R-3 Residential (High Density)
- SR Suburban Residential
- C-1 Commercial
- CT Commercial Tourism
- M-1 Light Manufacturing
- PC Public Lands/Church Zone
- Planned Development Overlay
- Urban Growth Area Boundary
- Proposed Urban Growth Area Boundary
- City Limits
- Tax Lots



1 inch = 1,250 feet

NAME	ORDINANCE NO.	EFFECTIVE DATE
Rezone – KIMCO Group, LLC	1223	5/3/2010
Zoning (CAO)	1237	11/1/2010
Rezone – Stewart/Davalos	1265	5/16/2011
Zillah Lakes Annexation 2011	1266	6/6/2011
Church of the Nazarene Annexation	1267	6/6/2011
Zoning	1289	12/19/2011
Nugent Annexation	1304	5/24/2012
Alteejen Annexation	1315	12/3/2012
Zoning	1316	12/3/2012
Rezone – Stowman	1400	12/21/2015

