

CITY OF SELAH

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT 2021 COMBINED COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE STAFF REPORT

SUMMARY OF RECOMMENDATIONS

Staff recommends to the Selah City Planning Commission that this request be approved due to a change in the subject properties Future Land Use from Low Density Residential to Moderate Density Residential, and zoning from Residential, Single-Family (R-1) to Residential, Two-Family (R-2). This proposal will have no negative impacts on the integrity of the City's Comprehensive Plan, Zoning Ordinance, nor surrounding neighborhood.

SUMMARY OF REQUEST

APPLICANT: SCOTT & VICTORIA CATRON
LOCATION: 705 & 705 ½ Bartlett Ave., Selah, WA 98942
PARCEL NO(S): 181435-42005
FILE NUMBERS: COMP-2021-002, 914-2021-001, & SEPA-2021-005

COMPREHENSIVE PLAN FUTURE LAND USE MAP REQUEST: Low Density to Medium Density Residential

REZONE REQUEST: Residential, Single-Family (R-1) to Residential, Two-Family (R-2)

APPLICATION BACKGROUND

The subject property is located on the north side of Bartlett Ave. approximately midblock in the middle of a primarily single-family residential neighborhood.

The property has a current Comprehensive Plan Map designation of Low Density Residential and the surrounding neighborhood is designated the same. The property's zoning is R-1, and it is currently developed with a duplex, garage, and accessory structure. The surrounding uses are single-family homes. The property was originally developed as a duplex in 1925 prior to zoning within the City and the implementation of development standards.

The City's 1997 Comprehensive Plan established the property's Future Land Use Map designation as Low Density Residential, and was never changed in either the City's 2005 and 2017 Comprehensive Plans. Zoning of the subject property occurred around 1994 with the property being designated R-1. No rezoning of the subject property has occurred since initial designation of the subject property, and the duplex use was never legally recognized leaving it a Legal Non-Conforming Use.

The subject property is served by all necessary public utilities which include: City of Selah water, sewer, police, fire protection, and public transit.

It is the intent of this application to change the underlying Comprehensive Plan's Future Land designation of Tax Parcel Number: 181435-42005 from Low Density to Medium Density Residential and the zoning from R-1 to R-2 to alleviate the property's burdensome Legal Non-Conforming Use status.

CURRENT ZONING AND LAND USE

The project site is composed of one parcel with a Comprehensive Plan designation of Low Density Residential and a Zoning designation of Residential, Single-Family (R-1).

Adjacent properties have the following characteristics:

<u>Location</u>	<u>Zoning</u>	<u>Comprehensive Plan</u>	<u>Land Use</u>
North	R-1	Low Density Residential	Single-Family Homes
South	R-1	Low Density Residential	Single-Family Homes
East	R-1	Low Density Residential	Single-Family Homes
West	R-1	Low Density Residential	Single-Family Homes

PUBLIC AND PRIVATE AGENCY COMMENTS

No comments were received from public agencies and private companies with interest in the development herein being reviewed.

PUBLIC COMMENTS RECEIVED

No public comments were received from the members of the public in regard to this application.

ENVIRONMENTAL REVIEW (SEPA)

The Environmental Checklist prepared and circulated by the City of Selah identified that there are no likely significant adverse environmental impacts as a result of approval of the non-project Comprehensive Plan and Rezone applications.

On August 27, 2021, the City of Selah issued a Notice of Application, Environmental Review, and Public Hearing indicating that the City was inclined towards the issuance of a Determination of Nonsignificance (DNS) for this application. Following the required 15-day public comment period where all interested parties and agencies had the right to comment, and no public comments were received, a DNS was issued on September 13, 2021. The 5-day appeal period for this environmental determination lapsed on September 20, 2021, with no appeals filed.

PUBLIC NOTICE

Date Accomplished

Notice of Application and Public Hearing	August 27, 2021
Legal Ad Publication	August 27, 2021
Posting of Subject Property	September 31, 2021
Notice of Determination of Non-Significance	September 13, 2021

COMPREHENSIVE PLAN AMENDMENT APPROVAL CRITERIA

In accordance with the provisions of the Selah Municipal Code (SMC), the following criteria must be considered in the review of any proposed amendment to the Selah Comprehensive Plan.

SMC 10.40.050: To alter the Future Land Use Map or other plan policy map, or effect a Comprehensive Plan text amendment, the proposed amendment must meet one or more of the following:

(a) Address circumstances that have changed since the last time the relevant Comprehensive Plan or text was considered:

Applicant Narrative Response: “No”.

Staff Response: *Although there has been no technical change in circumstances to the City’s Comprehensive Plan that would necessitate a Comprehensive Plan Map Amendment for this property, there has been a change in the real estate market and lending intuitions through the country which make it difficult for property owners to rebuild their non-conforming properties if destroyed or obtain financing for existing legal non-conforming properties. Therefore, it is the staff’s opinion that the City should consider performing an area wide rezone to recognize existing uses or amend its legal non-conforming use regulations to allow non-conforming uses to be rebuilt 100% if destroyed.*

(b) Better implement applicable Comprehensive Plan policies than the current relevant Comprehensive Plan map or text;

Applicant Narrative Response: “Yes, we own a duplex on an R-1 lot which should be rezoned R-2 to make it conforming with Selah codes.”

Staff Response: *The current proposal will change the property’s Future Land Use designation from Low Density Residential to Medium Density Residential and Zoning from Residential, Single-Family (R-1) to Residential, Two-Family (R-2) which will correct the property’s Comprehensive Plan Map, and Zoning designations, and remove the property’s legal-nonconforming status.*

The Comprehensive Plan goals and policies which further support this request are as follows:

Objective: 5.1.2 – Maintain and upgrade the character of existing residential neighborhoods.

Policies: 5.1.2.4 – Ensure codes and ordinances that promote and allow for a compatible mix of housing types in residential areas.

5.1.2.6 – Support reinvestment in deteriorating neighborhoods through strict code enforcement.

Objective: 5.2.3 – Minimize the negative impacts of medium and high-density residential projects on adjacent low-density residential areas, but encourage mixed use/density projects.

(c) Correct an obvious mapping error;

Applicant Narrative Response: “Yes, we feel this should have been corrected years ago as the duplex was built in 1926.”

Staff Response: *The current proposal will correct both the mapping error of Low Density Residential, that occurred during adoption of the City’s 2005 Comprehensive Plan, and the Zoning of Residential, Single-Family that occurred earlier in 1994.*

(d) Address an identified deficiency in the Comprehensive Plan;

Applicant Narrative Response: “Yes, we feel the lot should be zoned R-2 due to the fact that all other duplexes in Selah are zoned R-2.”

Staff Response: *While the current proposal will not address an identified deficiency in the Comprehensive Plan. The proposal will correct the Comprehensive Plan’s Future Land Use Map designation and zoning for the subject property while recognizing the property’s current use, and removing the property’s current non-conforming use designation.*

(e) Is the proposed Comprehensive Plan Amendment coordinated with, and take into consideration, the comprehensive plans adopted by Yakima County or cities with which the City of Selah has, in part, common borders or related regional issues as may be required by RCW 36.70A.100?

Applicant Narrative Response: “Yes, we feel that this is a house keeping situation. The duplex/property in question should be zoned R-2, not R-1.”

Staff Response: *This proposal is consistent with RCW 36.70A.100. This application is part of the annual Comprehensive Plan Amendment process for the City of Selah Comprehensive Plan. In this process the City of Selah coordinates this update with Yakima County for consistency between the jurisdictions.*

(f) Proposed Comprehensive Plan amendments must be consistent with the Growth Management Act (GMA), Ch. 36.70A RCW, and the Yakima County Wide Planning Policy (CWPP).

Applicant Narrative Response: “Yes, we are asking for our R-1 duplex to be zoned R-2 which is consistent with the Growth Management Act.”

Staff Response: *This proposal is consistent with the Growth Management Act and the Yakima County-wide Planning Policy because the proposal directs urban growth to an existing urban area and encourages infill in an area where all urban level services and facilities are currently provided. The duplex is currently provided with an adequate transportation system, and utilities. Additionally, this application is consistent with the County Wide Planning Policies adopted within the City of Selah’s Comprehensive Plan Land Use Element pages 2-2 thru 2-7.*

(g) Cumulative impacts of all Comprehensive Plan amendments, including those approved since the original adoption of the Comprehensive Plan, shall be considered in the evaluation of any proposed amendments.

Applicant’s Narrative Response: “Yes, impacts are very little due to the fact this is an existing building.”

Staff Response: *The cumulative impacts of all Comprehensive Plan Amendments are determined by the jurisdiction processing the proposed amendment. In this situation, there is no cumulative impact from the approval of this application as the proposal is to change one property’s Comprehensive Plan Map Designation from Low Density Residential to Moderate Density Residential, and Zoning R-1 to R-2, to recognize the subject property’s current use.*

(h) For Future Land Use Map changes, please provide descriptive information regarding the property, including the status of existing land use, access to sewer and water, as well as the availability of public facilities such as schools, fire and police services.

Applicant Narrative Response: “Duplex is existing + all utilities are adequate + have been since 1926.”

Staff Response: *The subject property is comprised of one tax parcel and the status of the site would be best described as developed duplex. The subject property is also served by the following utilities: public sewer, and water, and private power and gas. Other public services which serve the site are police, fire, and transit.*

REZONE APPROVAL CRITERIA

In accordance with the provisions of Selah Municipal Code 10.40.050, recommendations to approve or deny proposed rezones shall include the following considerations:

(1) Testimony at public hearing.

Staff Response: *There is no applicant narrative response for this review criteria. Neighboring property owners within 600 feet of the subject property have been mailed a Notice of Application, Environmental Review, and Public Hearing, and have been invited to submit written and oral comments on the proposed application up to and through the public hearing. Based upon the lack of negative public comments submitted prior to the public hearing, City staff’s recommendation for approval is still warranted. However, after consideration of both the written and oral public comments at the public hearing it may be appropriate for the City Planning Commission to modify the staff’s recommendation.*

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

Applicant Narrative Response: “The proposed property would be conforming to the R-2 zone. The R-1 zone leaves it in a non-conforming status”. The status of the existing land use is “R-1 – Low Density”.

Staff Response: *The current status of the subject property is that it is developed as a duplex, with detached garage, and accessory building. The property is approximately .29 acres in size.*

The subject property is well suited for the proposed zoning of Residential, Two-Family (R-2) as the property’s Future Land Use designation is being changed from Low Density Residential to Moderate Density Residential, which directly supports the Residential, Two-Family zoning district. The City’s Zoning Ordinance Title 10 provides that the purpose of the R-2 zoning district is to “...provide for single or two-family residential development where urban governmental services are currently available or will be extended by the proponent to facilitate development at no public cost. This zoning district will not be established in an area unless public sewer and water facilities are in existence or will be extended by the proponent simultaneous with project development.”

(3) The recommendations from interested agencies and departments.

Staff Response: *There is no applicant narrative response for this review criteria. No agencies or departments have registered any opposition to this rezone request.*

(4) Compliance with the Comprehensive Plan.

Applicant Response: “We are asking to rezone to R-2 to become compliant with Selah’s zoning.”

Staff Response: *This rezone request is in compliance with the City of Selah 2017 Comprehensive Plan because the applicant is proposing to amend the subject property’s Comprehensive Plan Future Land Use designation to Moderate Density Residential. Provided the Comprehensive Plan Map Amendment is approved, the current and historic use of the subject property as a duplex and R-2 zoning will implement the Comprehensive Plan’s definition of the Moderate Density Residential Land Use designation, and remove the property’s non-conforming status. The Moderate Density Residential Future Land Use designation is intended to provide for, “areas of predominately moderate density residential development, up to 12 dwelling units per gross acre. Clustering of dwelling units, within the permitted density range, is highly encouraged to preserve open space, steep slopes, drainage ways, etc. Mixed use development may also be allowed where supported by adopted Comprehensive Plan or Sub-area Plan Policies. The predominate use is two-family, townhouse and condominium dwellings with a mix of single-family and multi-family residences. The mix of housing types will be limited by the maximum permissible density and zoning standards will regulate development to assure compatibility...”*

See question 10.40.040 (b) above for a list of supporting Comprehensive Plan Goals and Policies.

(5) The adequacy of public facilities, such as roads, sewer, water, and other required public services.

Applicant Response: “Yes.”

Staff Response: *This duplex is served by all public utilities.*

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

Applicant Response: “It is compatible in the fact that it is already 2 residential living spaces, which fits in with the R-1 residential neighborhood.” “We do not feel it is incompatible. We are simply asking to be rezoned for potential losses. Examples: fire, theft, damage. This is the major reason we are asking for zoning to be changed from R-1 to R-2.”

Staff Response: *Although the subject property is located in an established single-family neighborhood, and is predominantly surrounded with single-family homes, it can be considered compatible with its surroundings as the duplex was built prior to the vast majority of the other structures within the neighborhood. A review of the property’s address and Code Compliance file show that there are no known complaints regarding the subject duplex or its rental/operation. Furthermore, the lack of public comments on this application indicates to the City Planning*

Department that the subject duplex is accepted by the neighborhood, and that no incompatibility exists to deny this requested application.

(7) The public need for the proposed change.

Applicant Response: “We feel that any party of the public that has a non-conforming property should be granted the request to make it conforming.”

Staff Response: *The public need for the proposed change is that as properties are identified as incorrectly mapped by past Comprehensive Plans and zoning maps. These discrepancies should be corrected by the City to reduce the amount of non-conforming properties, and the burden this designation places on the subject property owners.*

DETERMINATION OF CONSISTENCY

During project review it has been determined that this request is in compliance with SMC for making a Determination of Consistency as follows:

- a) The existing duplex use will become a permitted Class (1) use in the Residential, Two-Family zoning district.
- b) The density of the development is not a factor with this application.
- c) Adequate public facilities are available to serve the site.

CONCLUSIONS

- 1. The amendment and rezone are minor in nature.
- 2. No adverse impacts have been identified by the approval of this amendment request.
- 3. The requested Comprehensive Plan Map Amendment and Rezone will correct the subject property’s Zoning and Future Land Use Map designation, thus recognizing the existing duplex use, and making it a legal conforming Class (1) Permitted Use.
- 4. The property is served by all necessary public utilities.
- 5. Domestic water and sanitary sewer are provided by City of Selah.
- 6. All criteria for approval of Comprehensive Plan Map Amendments and Rezones have been satisfied by this application.

RECOMMENDATIONS

The City of Selah Planning Department recommends **APPROVAL** of this map amendment request and rezone from Low Density Residential to Moderate Density Residential to accommodate a concurrent rezone from Residential, Single-Family (R-1) to Residential, Two-Family (R-2).