

ORDINANCE 2023 - 21

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, REZONING
PARCELS 231030-22024 & 231030-22001, FROM
LOW DENSITY RESIDENTIAL (R-1) TO HIGH DENSITY
RESIDENTIAL (R-3).**

WHEREAS, on June 2, 2023, Sylus Selberg submitted an application on behalf of G Squared Enterprise LLC requesting the zoning classification of parcels 231030-22024 & 231030-22001, located in the vicinity of 1731 Sheller Rd., to be rezoned from Low Density Residential (R-1) to High Density Residential (R-3) on the official zoning map and,

WHEREAS, pursuant to SMC 18.04, the SEPA Administrative Official issued a Determination of Nonsignificance (DNS) on September 29, 2023, which was not appealed; and,

WHEREAS, the Future Land Use designation of the subject property is Residential, which is consistent with the proposed R-3 zoning district; and,

WHEREAS, the Planning Commission held an open record public hearing on November 14, 2023, and reviewed the Rezone application and considered any public comments; and,

WHEREAS, in accordance with SMC 19.01.030, the City Council held an open record public hearing on December 11, 2023 to hear testimony from the public, consider the Rezone, and render a decision; and,

WHEREAS, the City Council of the City of Sunnyside, having considered the record herein and the testimony received at the public hearing held December 11, 2023, hereby finds and determines that approval of the requested Rezone is in the best

interest of the residents of the City of Sunnyside and will promote the general health, safety and welfare.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

SECTION 1. Findings, Analysis and Conclusions. Subject to the specific terms of this ordinance, the Sunnyside City Council adopts the findings, conclusions, recommendations of the Planning Commission for RZ#2023.0275, A copy of the Planning Commission's Findings and Recommendations is attached hereto as Exhibit "A" and fully incorporated herein.

SECTION 2. Zoning Amendment. Any and all official Zoning or other similar maps shall be amended or modified to reclassify the subject real property set forth herein consistent with the above sections of this ordinance.

SECTION 3. Severability/Validity. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 4. Effective Date. This Ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 11rd day of December 2023.



DEAN BROERSMA, MAYOR

ATTEST:



JACQUELINE RENTERIA, CITY CLERK

APPROVED AS TO FORM:
SAXTON RILEY & RILEY, PLLC:



BY: BENJAMIN J. RILEY
CITY ATTORNEYS FOR THE CITY OF SUNNYSIDE

Date of publication: December 20, 2023

EXHIBIT A

PLANNING COMMISSION FINDINGS

APPLICATION# RZ#2023-0275
APPLICANT: Noe Gonzalez / G Squared Enterprise LLC
APPLICANT ADDRESS: 1908 Apricot Rd. Grandview, WA 98930
PROJECT LOCATION: 1731 Sheller Rd. Sunnyside, WA 98944
PARCELS: 231030-22024 & 231030-22001

FINDINGS OF FACT

Based upon information supplied by the applicant, comments from public agencies and a review of the Sunnyside Municipal Code and the Sunnyside Comprehensive Plan, the Administrative Official enters the following:

1. **Project Description:** : The applicant is proposing two lots, totaling approximately 4.25 acres, from Low Density Residential (R-1) to High Density Residential (R-3).
2. **Zoning/Land Use:** Properties to the north are within the R-1 Zoning District and are a place of education. To the East are within R-1 Zoning District. Properties to the South are within the B-2 Zoning District. Properties to the West are within the R-2 Zoning District. A majority of the neighborhood is residential housing and a place of education.
3. **Jurisdiction and Process:** The procedure for reviewing rezone application is set forth in Sunnyside Municipal Code (SMC) Sections 17.76.020C, 17.76.020D and 17.76.020D as shown below:
4. "C. The Planning Commission shall hold a public hearing on any such amendments, supplement or modification of the ordinance, whether initiated by petition or motion. Notice of hearing and the nature of the proposed change shall be given by publication in the official newspaper of the City at least 10 days prior to the date of hearing. In addition, in all cases of change of boundaries or of zone classifications, all owners of property within 300 feet of the boundary lines of the property proposed to be changed shall be notified of the proposed change and the date of hearing by United States mail. Notice mailed to the last known address of the person making the last tax payment shall be deemed proper notice; provided, however, that in the case of a zone change affecting three or more parcels, that notice may be given by publication in all local newspapers published in the City for two consecutive weeks of the notice of hearing on the proposed change. The notice shall contain the date, time and place of the hearing, and also a map which indicates the place of the hearing, and also a map which indicates the area of the proposed change and the effects of the change. The date of last publication of the notice shall be at least 10 days before the date set for said hearing.
5. D. In recommending the adoption of any proposed amendment or in concurring with the City Council on any proposed amendment, the Planning Commission shall state fully its reasons at the public hearing before the City Council, describing any change in conditions that it believes makes the amendment advisable and in specifically setting forth why the Planning Commission is of the opinion that the amendment is in harmony with the purposes set forth in SMC 17.04.020.

EXHIBIT A

E. Changes in the zoning or boundaries of zoning shall, insofar as possible, be consistent with the optimal land use map of the comprehensive plan as provided by State law.”

6. **Environmental Review:** Notice of Application, Rezone, & Environmental review was sent to the applicant and adjoining property owners within 300 feet of the subject property on August 30th, 2023. Due to the Planning Commissions meeting on October 10, 2023 being rescheduled to October 24, 2023, a Notice of Application, Rezone, & Environmental review was sent to the applicant and adjoining property owners within 300 feet of the subject property on September 29, 2023. A Determination of Nonsignificance (DNS) was issued on September 29, 2023. The City used the option DNS process under WAC 197-11-355 to issue this notice of environmental review. No appeals have been received in regards to this application. Due to a lack of quorum on October 24, 2023, the public hearing for the application was renoted to November 14, 2023.
7. **Critical Areas / Shoreline Review:** As disclosed in the SEPA Checklist provided by the applicant, a portion of the project is depicted on the National Wetland Inventory wetlands mapper, and further investigations as to the presence of any wetlands and / or wetland buffers is warranted.
8. **Future Land Use:** Per the City of Sunnyside Comprehensive Plan, the underlying land use is residential, which is consistent the rezoning request from R-1 to R-3 zoning.
9. **Site Development Standards:** Permitted uses and development in the High Density (R-3) zone are subject to the following dimensional standards and yards requirements:

Sections:

- 17.20.010 Density – Purpose.
- 17.20.20 Permitted uses.
- 17.20.21 17.20.030 Dimensional standards.
- 17.20.040 Yards.

17.20.010 Density – Purpose.

The R-3 High Density Residential zone shall consist of one to 10 and above dwelling units per acre. The purpose of this zone is to establish areas for higher residential densities within easy pedestrian access to commercial areas, public facilities and employment centers of the City. [Ord. 1866 § 3, 1994; Ord. 1272 § 17-3-3, 1980.]

17.20.020 Permitted uses.

A. The following are permitted uses in the R-3 zone:

1. Single-family and two-family dwellings, apartment houses, or multiple dwellings;
2. Public transportation shelters;
3. Public utility installations of the City of Sunnyside.
4. Accessory dwelling units (ADUs) meeting the standards outlined in Chapter 17.64 SMC.

B. The following are land uses which may be allowed by conditional use permit in the R-3 zone, subject to the conditions and provisions in SMC 17.64.020:

1. Charitable institutions (SMC 17.64.020(A));

EXHIBIT A

2. Convalescent, nursing, retirement homes (SMC 17.64.020(B));
3. Churches (SMC 17.64.020(C));
4. Schools (SMC 17.64.020(D));
5. Auto courts, travel trailer parks and camps (SMC 17.64.020(F));
6. Fraternal organizations, lodges, grange halls, clubs (SMC 17.64.020(G));
7. Group residential facilities (SMC 17.64.020(N));
8. Mini-storage (SMC 17.64.020(O));
9. Storage for M-1 use (SMC 17.64.020(Q));
10. Livestock (SMC 17.64.020(S));
11. Home occupations (SMC 17.64.020(T));
12. Mobile home parks (SMC 17.64.020(Y));
13. Grounds for games, sports, parks, country clubs (SMC 17.64.020(AA));
14. Libraries, museums and art galleries (SMC 17.64.020(BB));
15. Public utility installations other than City of Sunnyside public utility installations.

17.20.030 Dimensional standards.

The dimensional standards for the R-3 zone are:

- A. Minimum lot area: 4,300 square feet;
- B. Minimum lot width: 50 feet;
- C. Maximum building height: three full stories, not to exceed 35 feet;
- D. Maximum land coverage: 75 percent.

17.20.040 Yards.

The following regulations shall apply to yards in the R-3 zone.

- A. Front Yard. There shall be a front yard having a minimum depth of not less than 20 feet.
- B. Side Yard. There shall be a side yard of not less than five feet in width on each side of a building. No yard, open space, or lot area required for a building or structure shall, during its life, be occupied by any other building or structure except:
 1. Awnings and canopies;
 2. Bay windows and chimneys, not to exceed two feet;
 3. Driveways, curbs, sidewalks and steps;
 4. Garbage disposal equipment, nonpermanent;
 5. Flagpoles, landscape features, planting boxes, trees, shrubs, flowers, hedges, plants and fences;
 6. Overhanging roofs, eaves, gutters, cornices or other architectural features, not to exceed three feet.No building shall be erected closer than 20 feet to any abutting or adjoining street.
- C. Rear Yard. There shall be a rear yard having a minimum depth of 15 feet.
- D. Accessory buildings, such as garages or carports, shall not be located closer than five feet to any rear or side lot line, provided they remain at least 20 feet away from any City street.

EXHIBIT A

10. **City of Sunnyside Comprehensive Plan Goals, Policies, and Objectives:** The proposed application complies and promotes the following goals, policies, and objectives of the Sunnyside Comprehensive Plan:
- HOUSING GOALS, POLICIES, AND OBJECTIVES
 - Goal 1 - Provide safe and sanitary housing for all persons within the community.
 - Policy 1.1 Support the development of a housing stock that meets the varied needs of the present community while attracting higher income residents.
 - Objective 1 Encourage the construction of new units to increase the local housing supply. New construction should provide for a moderate, to very low income and elderly market demand as well as upscale residences. It should also provide for an appropriate mix of housing types and intensities (single-family, multifamily).
 - Policy 1.2 Support the implementation of public housing programs, in partnership with private developers that supplement the efforts of local developers in meeting the housing needs of the community.
 - Objective 1 Pursue programs to expand the housing options of very low, low and moderate income groups and the elderly.
 - Goal 2 - Residential areas that are safe, sanitary and attractive places to live will be established and maintained in Sunnyside.
 - Objective 1 The initial cost of providing municipal services to serve new residential developments will be borne by the developer.
 - Goal 3 - Encourage a mixture of housing types and densities throughout the sub- area that are compatible with public service availability.
 - Objective 2 Density of development shall be based on: the existing land use pattern, the availability of public services, municipal service plans and the provision of services by the developer.

CONCLUSIONS

1. The zoning code does establish specific criteria for review and approval of a rezoning application.
2. Comprehensive Plan Consistency: The proposed zoning is consistent with the future land use map in the City of Sunnyside comprehensive.
3. Consistent with surrounding zoning: As shown on the attached zoning map the proposed zoning of R-3 would be consistent with the surrounding zoning.

MOTION

Based on the testimony and evidence presented during the public hearing, it was moved and seconded that the City of Sunnyside Planning Commission deny the Planning Division's recommendation of approval, draft findings of fact in support of the proposal, and forward a recommendation of approval to the Sunnyside City Council. The motion carried 5-0.

EXHIBIT A

RECOMMENDATION TO CITY COUNCIL

The Planning Commission of the City of Sunnyside, having received and considered all evidence and testimony presented at the public hearing, and having received and reviewed the record herein, hereby recommends that the City Council of the City of Sunnyside **APPROVE** the proposed Rezone from Low Density Residential (R-1) to High Density Residential (R-3) for file RZ#2023-0275.

Brittan Moore, Chair
Sunnyside Planning Commission

Date




