

ORDINANCE 2026 - 02

AN ORDINANCE OF THE CITY COUNCIL OF SUNNYSIDE, WASHINGTON, AMENDING SECTION 16.20.104 OF THE SUNNYSIDE MUNICIPAL CODE, TO INCORPORATE TEXT AMENDMENTS RECOMMENDED BY THE SUNNYSIDE PLANNING COMMISSION

WHEREAS, the Planning Commission of the City of Sunnyside has considered amendments to modify Section 16.20.104 of the Sunnyside Municipal Code (SMC); and

WHEREAS, the Planning Commission held an open record public hearing on December 9, 2025, pursuant to notices, and has received and considered all evidence and testimony presented at such hearing; and

WHEREAS, the Planning Commission, having conducted such public hearing, found, determined, and recommended that the City Council approve the proposed amendments to SMC 16.20.104 as indicated in the findings dated December 27, 2025, and contained herein as Exhibit "A" attached hereto and fully incorporated herein; and

WHEREAS, the City Council held a properly noticed closed record public hearing on January 26, 2025 to consider the amendments as recommended by the Planning Commission; and

WHEREAS, the City Council of the City of Sunnyside, having considered the record herein, the testimony provided at the public hearing, and the recommendation from the Planning Commission, hereby finds and determines that approval of this Ordinance adopting amendments to SMC 16.10.104 is in the best interest of residents of the City of Sunnyside and will promote the general health, safety, and welfare;

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

SECTION 1. Amendments to Replace and Supersede. The proposed amendments to Section 16.20.104 SMC, as contained in Exhibit "B" attached hereto and fully incorporated herein, are hereby adopted and shall replace and supersede previous versions of the referenced documents.

SECTION 2. Adoption of Planning Commission Findings. The findings within the December 27, 2025, Planning Commission Recommendation (Exhibit "A"), regarding the proposed text amendments are hereby adopted by the Sunnyside City Council as its own findings in support thereof, and are incorporated herein by this reference.

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 proportion of this ordinance.

SECTION 4. Ratification. Any act consistent with the authority, and prior to the effective date of this ordinance is hereby ratified and affirmed.

SECTION 5. Authorization to File. The City Clerk is hereby authorized and directed to file a certified copy of this ordinance with the Yakima County Auditor.

SECTION 6. Effective Date. This ordinance shall be effective five days after passage, approval, and publication as required by law.

PASSED this 26th day of January 2026.



VICKY FRAUSTO, MAYOR

ATTEST:



JACQUELINE RENTERIA, CITY CLERK

APPROVED AS TO FORM:

/s/ Julie K. Norton

BY: JULIE K. NORTON, CITY ATTORNEY

Publication Date: February 4, 2026

Exhibit A

SUNNYSIDE PLANNING COMMISSION
RECOMMENDATION TO THE SUNNYSIDE CITY COUNCIL
TEXT AMENDMENT
TXT-25-1

WHEREAS, Under the provisions of SMC Ch. 17.76, the Sunnyside Planning Commission (SPC) has the jurisdiction to hold an Open Record Public Hearing and issue a recommendation to City Council concerning text amendments to the City's Development Regulations; and

WHEREAS, On October 17, 2025, an application for the proposed text amendment was created by the City of Sunnyside, proposing amendments to SMC § 16.20.104: Flag lot short subdivision; and

WHEREAS, All required public notices for this project were provided in accordance with the provisions of SMC Ch. 19.03, on November 19, 2025; and

WHEREAS, SEPA Environmental Review for these updates was considered with a Determination of Nonsignificance issued on December 1, 2025, which was not appealed; and

WHEREAS, The Sunnyside Planning Commission held an open record public hearing on December 9, 2025, to hear testimony from the staff, the applicant, and the public, and provide a recommendation to the Sunnyside City Council;

Now therefore, the Sunnyside Planning Commission presents the following findings and recommendation to the Sunnyside City Council:

Based upon a review of the information contained in the application, staff report, exhibits, testimony, and other evidence presented at an open record public hearing held on December 9, 2025, the Planning Commission makes the following:

FINDINGS OF FACT

The Sunnyside Planning Commission adopts the staff recommendation, attached hereto and incorporated herein by reference as "Exhibit A", as the Findings of Fact and recommendation of the Planning Commission.

MOTION AND RECOMMENDATION

Based on the testimony and evidence presented during the public hearing, it was moved and seconded that the City of Sunnyside Planning Commission recommends **APPROVAL** of the proposed Text Amendments to SMC § 16.20.104, as presented, including adoption of the staff recommendation as the Findings of the Planning Commission. The motion carried unanimously.

Dennis Blumer, Chair
Sunnyside Planning Commission

Date

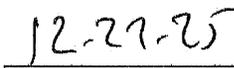
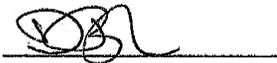


Exhibit "A"
Staff Recommendation



Planning & Community Development

818 East Edison Avenue
Sunnyside, Washington 98944
(509) 837-4229 Office, (509) 836-6383 Fax

**CITY OF SUNNYSIDE
TEXT AMENDMENT RECOMMENDATION**

DATE: December 9, 2025
APPLICANT: City of Sunnyside
FILE NUMBER: TXT-25-1, SEPA-25-5
LOCATION: City-Wide
TAX PARCEL NUMBER(S): City-Wide
APPLICATION DATE: October 17, 2025
DATE OF COMPLETENESS: October 17, 2025
RECOMMENDATION: APPROVE

I. **DESCRIPTION OF REQUEST:**
The City of Sunnyside is processing a proposed Text Amendment to the Subdivision Ordinance – SMC § 16.20.104: Flag lot short subdivision.

II. **SUMMARY OF RECOMMENDATION:**
Approval.

III. **FINDINGS:**
From the review of the proposed text amendments, a review of the Sunnyside Comprehensive Plan, and the Sunnyside Subdivision Ordinance, Planning Staff makes the following:

A. **Background:** The City of Sunnyside Planning Commission held a study session regarding the proposed text amendment on October 14, 2025.

B. **Planning Commission Authority:** The Planning Commission has the authority to make recommendations on amendments to the Sunnyside Municipal Code Development Regulations per SMC Ch. 19.01.

C. **Sunnyside Comprehensive Plan:** The proposed text amendments are consistent with the following goals and policies of the Comprehensive Plan.

Land Use Goal 1: To create a balanced community by controlling and directing growth in a manner that enhances, rather than detracts from, community quality and values.

Land Use Policy 1.3: Encourage urban infill where possible to avoid sprawl and the inefficient leapfrog pattern of development.

Land Use Policy 1.4: Accommodate future population growth primarily through infilling and utilization of undeveloped lots.

Land Use Goal 3: To actively manage land use change and protect the City's character by developing city facilities and services in a way that directs and controls land use patterns and intensities.

Land Use Policy 3.1: Ensure that new development does not outpace the City's ability to provide and maintain adequate public facilities and services, by

- allowing new development to occur only when and where adequate facilities are provided.
- Land Use Goal 4: To pursue well-managed, orderly expansion of the urban area in a manner that is within the sustainable limits of the land.
- Land Use Policy 4.2: Provide residential areas that offer a variety of housing densities, types, sizes, costs and locations to meet future demand.
- Land Use Policy 4.3: Ensure that new residential development makes efficient use of the existing transportation network and provides adequate access to all lots.
- Housing 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 5: Encourage infilling in residential areas.
- Housing Goal 3: Encourage a mixture of housing types and densities throughout the sub-area that are compatible with public service availability.
- Housing Policy 3.1: Support the development of regional strategies to address the housing needs of Sunnyside and its urban growth area.
- Objective 1: Land use controls shall govern the distribution of housing types by establishing overall density and minimum lot sizes.
- Objective 2: Density of development shall be based on: the existing land use pattern, the availability of public services, municipal service plans and the provisions of services by the developer.
- Objective 3: Criteria shall be developed for establishing levels of services required for different densities of development.

IV. PROPOSED TEXT AMENDMENTS:

The following text amendments are being proposed. Full track changes are included in Exhibit A.

16.20.104 Flag lots.

A. Definition. "Flag lot" means a lot or lots within a residential short subdivision or subdivision with one lot known as the "front" lot, fronting onto public street right-of-way or a private road, and the second lot known as the "flag" lot, lying behind the front lot.

B. Approval – Conditions. Flag lots are subject to all applicable procedures and standards governing short subdivisions and subdivisions, as set forth in this title, and are subject to the following special conditions and requirements:

1. Both lots shall maintain the required minimum lot width for the applicable zone. The flag lot may be accessed by a corridor with a minimum width of 20 feet, or through a minimum 20-foot wide access easement recorded on the front lot;
2. Each lot, the front lot and flag lot, shall comply with the minimum lot area requirement as stated for the applicable zone, together with all other dimensional standards of such zone, including yard setbacks and land coverage;
 - a. The side-yard setback for the front lot shall be 5-feet from the flag lot or access easement.

- b. The front-yard setback for the flag lot shall be 20-feet from the rear lot line of the front lot.
- 3. Future development of the flag lot shall meet applicable International Fire Code (IFC) standards; and,
- 4. Flag lots shall be so noted on the face of the short subdivision or subdivision, and shall not be further divided without the development of a public or private street meeting the City of Sunnyside's design standards.

V. ENVIRONMENTAL REVIEW:

This project was processed for review under the State Environmental Policy Act, SEPA-25-5, as a procedural action under WAC 197-11-800(19), and a Determination of Nonsignificance was issued on November 19, 2025, which was not appealed.

VI. SMC 17.76 – Amendments and Rezoning

In accordance with SMC § 17.76.010, the purpose of this chapter (SMC 17.16) is to establish the procedures to amend the zoning text and/or map when the proposed change would be consistent with the goals, policies, and intent of the comprehensive plan. SMC § 17.76.040(A) includes the following considerations:

- 1. The proposal is in accord with the goals and policies of the comprehensive plan.

As demonstrated in section III.C. of this report, the proposed amendments are consistent with and implement several goals and policies of the Land Use and Housing Elements of the Comprehensive Plan.

- 2. The effect of the proposal on the immediate vicinity will be materially detrimental.

The proposed amendment is not anticipated to have any negative effects on the vicinity of future projects. Flag Lots, while a permitted use in Sunnyside, are only permitted in the R-2 and R-3 zones through the Short Subdivision process. This limits the availability of flag lots from being pursued in the R-1 and other zones and also limits the scale of flag lots by only allowing them in a short subdivision (9-lots or fewer). Flag lots are a common practice in many Yakima County jurisdictions as they promote the efficient use of land and help to ensure that density standards are being met.

- 3. There is merit and value in the proposal for the community as a whole.

As demonstrated in section III.C. of this report, the proposed amendments are consistent with and implement several goals and policies of the Land Use and Housing Elements of the Comprehensive Plan.

- 4. Conditions should be imposed in order to mitigate any significant adverse impacts from the proposal.

Not applicable for a text amendment. Conditions required in the new proposed text are intended to mitigate any adverse impacts.

- 5. A development agreement should be entered into between the City and the petitioner and, if so, the terms and conditions of such an agreement.

Not applicable for a text amendment.

VII. **PUBLIC NOTICE:**
Public notice was provided for in the following manner:

Notice of Application, Environmental Review, and Public Hearing	November 19, 2025
Legal Ad Published	November 19, 2025
DNS issued	December 1, 2025

VIII. **CONCLUSIONS:**
1. The proposed text amendments are consistent with several goals and policies of the Comprehensive Plan.
2. The proposed text amendment is consistent with the relevant amendment review criteria found in SMC § 17.76.040(A).
3. The Planning Commission has the authority to make a recommendation to the City Council.
4. No comments were received prior to the final drafting of this recommendation.

IX. **RECOMMENDATION:**
The Planning Division recommends approval to proposed text amendments to SMC § 16.20.104.

Planning Commission Potential Motions:

Motion to Approve: Move to recommend approval of the proposed text amendments to city council as written.

Motion to Approve with Changes: Move to recommend approval of the proposed text amendments to city council, to include the changes made to Sections XXXXXX, as noted in the minutes.

Motion to Deny: Move to recommend denial of the proposed text amendments to city council.

City of Sunnyside Text Amendment

SMC 16.20.104

Narrative: Flag Lots, while a permitted use in Sunnyside, are *only permitted* in the R-2 and R-3 zones through the Short Subdivision process. This limits the availability of flag lots from being pursued in the R-1 and other zones and also limits the scale of flag lots by only allowing them in a short subdivision (9-lots or fewer). Flag lots are a common practice in many Yakima County jurisdictions as they promote the efficient use of land and help to ensure that density standards are being met. The track changes outlined below allow flag lots in any residential short subdivision or subdivision.

Chapter 16.20

GENERAL PROVISIONS

Sections:

- 16.20.010 Short title.
- 16.20.020 Purpose and interpretation.
- 16.20.030 Effect of partial invalidity.
- 16.20.040 Effect on existing rights.
- 16.20.050 Savings.
- 16.20.060 Existing permits to remain in force.
- 16.20.070 False representation prohibited.
- 16.20.080 Uniformity of application.
- 16.20.090 Exemptions.
- 16.20.100 Qualified exemptions.
- 16.20.104 Flag lots ~~short subdivision~~.
- 16.20.110 Time periods – Computation.

16.20.104 Flag lots ~~short subdivision~~.

A. Definition. “Flag lot ~~short subdivision~~” means a lot or lots within a residential short subdivision or subdivision of an existing lot in the R-2, Medium Density Residential zone, or the R-3, High Density Residential zone, in which one lot is subdivided into a maximum of two lots, with one lot known as the “front” lot, fronting onto public street right-of-way or a private road, and the second lot known as the “flag ~~interior~~” lot, lying adjacent to and behind the front lot.

B. Approval – Conditions. ~~The flag lots subdivision is~~ are subject to all applicable procedures and standards governing short subdivisions and subdivisions, as set forth in this title, and ~~are~~ is subject to the following special conditions and requirements:

1. ~~Only existing lots within the R-2 and R-3 zones are eligible for flag lot subdivision; and~~
2. ~~Qualifying lots may subdivide into two lots, maximum, with a front lot and an interior lot. After subdivision, the front lot must maintain the required minimum lot width for the applicable zone. The flag interior lot may be accessed served by a corridor with a minimum width of 20 feet, which shall also constitute the street frontage or through a minimum 20-foot wide access easement recorded on the front lot for the interior lot;~~

~~2.~~ Each lot, the front lot and ~~flag~~^{interior} lot, shall comply with the minimum lot area requirement as stated for the applicable zone, together with all other dimensional standards of such zone, including yard setbacks and ~~land coverage~~^{dimensional standards};

~~a.~~ The side-yard setback for the front lot shall be 5-feet from the flag lot or access easement.

~~b.~~ The front-yard setback for the flag lot shall be 20-feet from the rear lot line of the front lot.

~~3.~~ Future development of the flag lot shall meet applicable International Fire Code (IFC) standards; and,

~~4.~~ Flag lots shall be so noted on the face of the short subdivision or subdivision, and shall not be further divided without the development of a public or private street meeting the City of Sunnyside's design standards.

~~4.~~ As a further condition for approval, the applicant shall grant, and record on the face of the short plat, a perpetual easement for ingress and egress along and upon the corridor portion of the lot serving the interior lot, which easement for ingress and egress shall be reserved and granted for the benefit of the front lot;

~~5.~~ The flag lot short subdivision is subject to the approval of and by the Director of Public Works in accordance with applicable provisions of the Sunnyside Municipal Code and other conditions deemed appropriate by the Director of Public Works. [Ord. 1969 § 1, 1998.]

Exhibit B

Chapter 16.20

GENERAL PROVISIONS

Sections:

- 16.20.010 Short title.
- 16.20.020 Purpose and interpretation.
- 16.20.030 Effect of partial invalidity.
- 16.20.040 Effect on existing rights.
- 16.20.050 Savings.
- 16.20.060 Existing permits to remain in force.
- 16.20.070 False representation prohibited.
- 16.20.080 Uniformity of application.
- 16.20.090 Exemptions.
- 16.20.100 Qualified exemptions.
- 16.20.104 Flag lots.
- 16.20.110 Time periods – Computation.

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 - b. The front-yard setback for the flag lot shall be 20-feet from the rear lot line of the front lot.
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4. Flag lots shall be so noted on the face of the short subdivision or subdivision, and shall not be further divided without the development of a public or private street meeting the City of Sunnyside’s design standards.