

	DEVELOPMENT REGULATION TEXT AMENDMENT
	CASE NUMBER(S): LRN2018-00005
	STAFF REPORT Keelan McPhee

Applicant:	Western Building Design, LLC; Keith and Keith Funeral Homes	
Representative:	Marty Schoolcraft	
Request:	Type of Amendment:	Development Regulation Text Amendment
General Description of proposed Text Amendment:	The proposed amendment will allow for crematoriums as part of funeral homes in the General Commercial (GC) zoning district	

**A. SUMMARY OF RECOMMENDATIONS**

Staff recommends Approval of the requested Development Regulation Text Amendment, subject to consideration of testimony from neighbors and interested parties.

**B. SUMMARY OF REQUEST**

The applicants are requesting a development regulation text amendment to allow for crematoriums when associated with funeral homes in the General Commercial (GC) zoning district. Specifically, the applicant is applying for a text amendment that would change the text in Title 19 to allow for the expansion of an existing funeral home, Keith and Keith Funeral Home, to include a 2,000 square foot crematorium. However, the proposed text amendment will apply to all commercially zoned land in Yakima County jurisdiction.

The GC zoning district currently allows funeral homes *without* crematoriums as Type 1 uses. However, funeral homes *with* crematoriums are not allowed in the GC zone. The applicants are arguing that crematoriums associated with funeral homes should be allowed in the General Commercial zone. The comprehensive plan **Horizon 2040** does not provide any background or reasoning for the classification of the two very similar uses.

The proposal is to permit crematoriums in the General Commercial (GC) zone, when associated with a funeral home. The Planning Division is recommending allowing the use as a Type 2. This would be a new column in the Title 19.14 – Allowable Land Use Table. The new allowable use row attempts to incorporate the uses of both cemeteries with crematoriums and funeral homes without crematoriums. Funeral homes are not allowed in all of the zones that crematoriums alone are allowed in, due to potentially more intensive uses that are unrelated to crematoriums (e.g. funeral processions).

Crematoriums (in addition to cemeteries, columbaria and mausoleums) are currently permitted in the following zones as follows:

**Table 1. Allowable Land Use Table YCC 19.14 Review Types**

	AG	FW	MIN	R/ELDP	R - 10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2	
Cemetery, crematorium, columbaria and mausoleums	2	2		2	2	2	2		3	3	3	3								
Funeral homes <i>without</i> cemetery or crematorium							2		3				2	2	2	1	1	2		

Proposed changes to the table are shown below:

**Table 2. Proposed Changes to YCC 19.14 – Table 1 Allowable Land Use Review Types**

	AG	FW	MIN	R/ELDP	R - 10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2	
Cemetery, crematorium, columbaria and mausoleums	2	2		2	2	2	2		3	3	3	3								
Funeral homes <i>without</i> cemetery or crematorium							2		3				2	2	2	1	1	2		
<i>*New Land Use: Funeral homes with crematorium</i>							2		3				2	2	2	1	2	2		

### C. BACKGROUND

The applicants are requesting a development regulation text amendment to allow for crematoriums in the General Commercial (GC) zoning district. Specifically, the applicant is proposing to expand an existing funeral home, Keith and Keith Funeral Home, to include a 2,000 square foot crematorium. Keith and Keith Funeral Home is located adjacent to the Terrace Heights Memorial Park, which is a cemetery. The Terrace Heights Memorial Park Cemetery is in the Single Family (R-1) zoning district. If the cemetery was to go through the permitting process today, it would be reviewed as a Type 3 Use under YCC 19.14 and YCC 16B.03.030. Keith and Keith Funeral Home is located in the General Commercial (GC) zone. Currently funeral homes with crematoriums are not allowed in the GC zone.

### D. ANALYSIS

There are no policies in *Horizon 2040* that relate specifically to funeral homes or crematoriums. Regulation of crematoriums and funeral homes is likely based on general compatibility principles, which require different levels of review for different land uses, based on their potential impacts to neighbors, traffic, etc.; and on perceptions of compatibility between the proposed use and surrounding existing allowed uses. Because of the potential to affect neighboring properties, crematoriums are not allowed as a Type 1 use in any zone. However, funeral homes without crematoriums are allowed as Type 1 uses in the Large Convenience Center (LCC) and General Commercial (GC) zoning districts. Crematoriums alone are allowed in most rural and residential districts, as well as business districts. There is little reason to assume that a crematorium associated with a funeral home would have more impact on surrounding General Commercial areas than either a funeral home or a crematorium.

#### 19.13.020 Urban Commercial Districts (SCC, LCC, GC, HTC).

##### (1) Legislative Intent.

(c) **General Commercial District.** The purpose of the General Commercial (GC) district is to accommodate wholesale and retail activities with some high-density residential development. This district is located only in Urban Growth Areas, primarily near and along the major arterials as designated in the Comprehensive Plan. The GC district is additionally intended to:

- (i) Provide sites for more diversified business types including non-retail commercial and business uses which are primarily related to automotive traffic; and
- (ii) Require the County's minimum urban development standards for commercial developments, or the respective city's standards, whichever are higher.

The Washington State Department of Licensing (DOL) publishes a list on their web site of rules related to crematories in the State. Washington State addresses cemeteries and related uses (funeral homes and crematoriums) in WAC 308-47 ("Rules of Procedure for Cremation"), and RCW Title 68 Dispositions ("Cemeteries, Morgues, and Human Remains").

In addition, the Washington State DOL issues licenses or endorsements of funeral homes. Crematoriums are required to:

- Have a license or an endorsement on your funeral establishment license to operate a crematory or conduct a cremation. Conducting a cremation without a permit is a misdemeanor.

- Comply with all city or county zoning, health, and ecology ordinances.

Some, though not all, counties in Washington State regulate crematoriums in their land use code. Clark County, for example, regulates crematoriums as “Conditional uses” in most commercial and industrial zoning districts. In King County, Funeral Homes/Crematoriums are listed as “Permitted” Uses in the Community Business (CB) and Regional Business (RB) Districts (King County Code Title 21 – Zoning).

*Staff Finding: Based on local and state rules, there appears to be no persuasive argument to prohibit funeral homes when associated with crematoriums in the General Commercial zoning district.*

#### **E. PLAN OR DEVELOPMENT REGULATION TEXT AMENDMENT APPROVAL CRITERIA**

The approval criteria set forth in YCC 16B.10.095(5)(6) shall be considered in any review and approval of text amendments to Yakima County Comprehensive Plan and any Development Regulation.

- Consistency with 16B.10.095(5)(6) Approval Criteria:
  - (5) Plan policy and other text amendments including capital facilities plans must be consistent with the GMA, SMA, CWPP, other comprehensive plan goals and policies, and, where applicable, city comprehensive plans and adopted inter-local agreements.

GMA Consistency - This proposed text amendment is consistent with all of the thirteen GMA Planning goals, RCW 36.70A.020, without any order of priority.

RCW 36.70A.020(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

*Staff Finding: The proposal meets this criteria, as it will allow for (crematoriums) in urban areas.*

RCW 36.70A.020(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

*Staff Finding: Allowing crematoriums in Commercial Zones will not contribute to sprawl. Crematoriums are not large scale developments, and do not convert substantial areas of commercial land to low-intensity uses.*

RCW 36.70A.020(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

*Staff Finding: Crematoriums will not affect transportation systems. Traffic associated with funeral homes is not related to crematoriums.*

RCW 36.70A.020(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

*Staff Finding: This proposal will not affect housing affordability.*

RCW 36.70A.020(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

*Staff Finding: The proposal will have minimal effect on economic growth.*

RCW 36.70A.020(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

*Staff Finding: The proposal will only affect private properties, and will not prevent property owners from developing their land; nor will it affect any public uses.*

RCW 36.70A.020(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

*Staff Finding: Construction and operation of a crematorium will be subject to all applicable state and local laws.*

RCW 36.70A.020(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

*Staff Finding: The proposal will only affect land within Urban Growth Areas that are zoned for commercial purpose. The proposal will have no effect on natural resource-based industries.*

RCW 36.70A.020(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

*Staff Finding: The proposal will have no effect on open space and recreational areas, and project proposal would be subject to any applicable Critical Areas or Shoreline regulations, if applicable.*

RCW 36.70A.020(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

*Staff Finding: The proposal will only affect land within Urban Growth Areas that is zoned for commercial purposes. Specific proposals will be required to mitigate any negative environmental impacts, if any.*

RCW 36.70A.020(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

*Staff Finding: The Proposed Development Regulation Text Amendment will go through all required public notice procedures, including Planning Commission and Board of County Commissioners hearings. Future potential project permits will be subject to all public involvement requirements as required by YCC 16B and YCC 19.*

RCW 36.70A.020(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

*Staff Finding: Any future proposals for crematoriums will be required to go through proper permitting. Yakima County's zoning regulations prevent projects from causing a decrease in level of service below minimum standards.*

RCW 36.70A.020(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

*Staff Finding: Any proposal that affects historical properties or structures will be subject to cultural resource review.*

SMA Consistency - This proposed text amendment is consistent with the Shoreline Management Act, RCW 90.58.

*Staff Finding: If a proposal is located in Shoreline Management Act jurisdiction, it will be subject to Shoreline Management regulations.*

County-wide Planning Policies Consistency - Is the proposal consistent with County-wide Planning Policy.

*Staff Finding: The proposal is consistent with County-Wide Planning Policies.*

**Sub-Area Plan Consistency** – There is no applicable sub-area plan that affects this proposal.

**City Comprehensive Plan Consistency** – There is no applicable city comp plan that affects this proposal.

**Interlocal Agreement Consistency** – There is no applicable interlocal agreement that affects this proposal.

*Staff Finding: This proposed text amendment is consistent with the Yakima County Comprehensive Plan – **Horizon 2040** goals or policies.*

- (6) Prior to forwarding a proposed development regulation text amendment to the Planning Commission for its docketing consideration, the Planning Official must make a determination that the proposed amendment is consistent with the GMA, CWPP, other comprehensive plan goals and policies, and, where applicable, city comprehensive plans and adopted inter-local agreements.

*Administrative Official Findings: The Yakima County Planning Commission found the proposal consistent with all docketing requirements.*

#### **F. Discussion of Environmental Analysis (SEPA)**

LRN2018-05/SEP2018-020: Western Building Design. The applicant requests to amend the Yakima County Development Regulations to allow crematoriums in the GC zoning district.

Staff has completed an assessment of the potential environmental impacts associated with the proposed plan and zoning amendment and proposes mitigation, where appropriate.

The Environmental Checklist submitted by the applicant discloses no direct adverse environmental impacts associated with the proposal. The applicant provided documentation that the proposal will comply with specifications of crematorium design. The applicants submitted a “Source Test Report for Particulate, Visible and Carbon Monoxide Emissions Report” which documents any potential impact to the air. The new crematorium will be required to comply with all regulations that are required by any regulating agency. Because the specific project is located in the General Commercial zoning district, as defined and regulated by YCC Title 19, this SEPA analysis is applicable to potential impacts from new proposals for crematoriums in the GC zoning district. When future development applications are submitted, further environmental review may be required. At that time the mitigation measures may be required to avoid probable significant adverse environmental impacts.

1. *Staff Finding: No probable significant environmental impacts have been identified to result from approval of the applicant’s request. Any future proposals will be subject to SEPA mitigation requirements, if they are required.*

#### **G. CONCLUSIONS**

2. *The proposed text amendment in question meets the approval criteria outlined in Y.C.C 16B.10.095(5)(6) and should be approved.*

#### **J. RECOMMENDATIONS**

The Yakima County Planning Division recommends **Approval** of the **YCC Title 19 Text Amendment**, subject to consideration of testimony from neighbors and interested parties.

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