

# Memorandum

**To:** Planning Commission

**From:** Keelan McPhee, Long Range Project Planner

**Date:** July 23, 2018

**Re:** Regarding Comments Received on LRN2018-05 and LRN2018-006 at the July 11, 2018 Planning Commission Hearing

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During the Planning Commission Hearing held on July 11, 2018, Bill Hordan provided oral testimony regarding two of the proposed development regulation text amendments being considered. The purpose of this memo is to respond to the comments provided, and provide updated staff recommendations.

LRN2018-05/SEP2018-020: Bill Hordan, representing Terrace Heights Memorial Park, requested that the Planning Commission consider allowing crematoriums in the General Commercial Zoning District as a Type 3 use. Staff recommended to the Planning Commission that crematoriums be allowed with funeral homes in the General Commercial zone as Type 2 uses. Mr. Hordan argued that the Type 2 review process is not comprehensive enough to address the potential impacts on neighbors of a crematorium. Additionally, Mr. Hordan recommended reinstating cemeteries as a type 3 use in the M-1 Zoning District, since it previously had been included on YCC 15A Table 4-1 - Allowable Land Use Table - in the Yakima Urban Area Zoning Ordinance.

Staff Response: Although County staff recognizes that crematoriums may have a perceived negative impact on neighbors, the facilities will be required to comply with all local, state and federal requirements that regulate air pollution and other potential environmental impacts. When a proposal goes through Type 2 review, neighbors still receive notification and are given the opportunity to comment on a proposal. The Planning Official has the authority to impose any reasonable conditions as part of permit approval. In this case, staff feels there is little that can be gained by putting a proposal through a hearing (Type 3 review) when a Type 2 administrative review could accomplish the same purpose. Additionally, the reviewing official may raise an administrative use application to the Hearing Examiner for the final decision, in a manner similar to a Type 3 application, as per YCC 16B.03.040 Note 5. A land use decision may also be appealed during the appeal period, as per YCC 16B.09.010 (1). Therefore, the staff recommendation remains the same for proposed funeral homes with crematoriums in the General Commercial (CG) zone (permitted as a Type 2 Use).

Staff agrees that cemeteries should be added back to the Allowable Land Use Table (Table 19.14-1) as a Type 3 use in the Light Industrial (M-1) zone. Cemeteries were listed as a Type 3 use in the M-1 zone in the Yakima Urban Areas Zoning Ordinance (YCC 15A.19-Table 4-1), therefore this would have a minimal effect on current planning procedures under YCC Title 19. **For the updated recommendation, see Tables 1 and 2 on page 3.**

LRN2018-006/SEP2018-023: Bill Hordan provided comments regarding the staff recommendation to remove the requirement for an Accessory Dwelling Unit to be located within 100 feet of the primary residence (YCC 19.18.020((vi)(a))), when the application is for converting an existing approved temporary aged and infirmed residence under YCC15A.04.140 or YCC15.18.030(q) to an Accessory

Dwelling Unit. Bill Hordan argued that the homes should not be required to meet all other requirements in YCC 19.18.020. As an example, he spoke about YCC 19.18.020(1)(b) which requires accessory dwelling units to meet “current standards of the residential, building, mechanical, electrical and energy codes as required for single-family dwellings.”

Staff Response: In the case of manufactured homes, the Building Official does not conduct a review of building standards for manufactured homes; instead the review is conducted by the Department of Labor and Industries. This requirement would not directly affect existing manufactured homes. Other requirements in this section, such as off-street parking, water and sewer requirements, should still be met. The possibility of providing an administrative adjustment option to the 100’ requirement also acknowledges that Title 15.18.030((q)(13)) required temporary units to be located within 200 feet of the primary residence. We are therefore recommending no change to the staff recommendation submitted to you for the hearing. **Proposed language (same as Hearing recommendation) :**

19.18.020 (vi) Compatibility:

- (A) Where authorized by the Allowable Land Use Table 19.14-1 in Chapter 19.14 accessory dwelling units may be:
1. Attached to the primary residence;
  2. Attached to or above an existing detached garage serving the primary residence; or
  3. Detached from the primary residence and/or detached garage.

The attached or detached ADU shall be located within 100 feet from the primary residence, except for previously permitted temporary aged and infirmed residences, provided they meet all other requirements for accessory dwelling units in YCC19.18.020.

**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						<u>3</u>		
Funeral homes <i>without</i> cemetery or crematorium							2		3				2	2	2	1	1	2		
<u>Funeral homes with crematorium</u>							<u>2</u>		<u>3</u>				<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>3</u>