

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE 9-2016

IN THE MATTER OF AMENDING THE OFFICIAL ZONING MAP OF YAKIMA COUNTY

WHEREAS, Ashley Garza, IC Corp, on behalf of Vagabond Properties, LLC, submitted a complete minor rezone application (File Nos.: ZON2015-00007) on November 13, 2015 to rezone one parcel, totaling approximately 2.45 acres located within the Urban Growth Area of the neighborhood of Terrace Heights, from Single-Family Residential (R-1) to Multi-Family Residential (R-3); and,

WHEREAS, in accordance with the procedural provisions in YCC 19 and YCC 16B, the Yakima County Administrative Official provided public notices of the application and the open record public hearing, requesting comments thereon; and,

WHEREAS, in further compliance with the provisions of YCC 19 and YCC 16B, the Yakima County Hearing Examiner conducted an open record public hearing on the application on February 25, 2016, followed by the issuance of his recommendation on March 10, 2016 to APPROVE the requested rezone; and,

WHEREAS, after providing public notices in accordance with YCC 16B, the Board conducted a closed record public hearing on May 31, 2016 to act on the Hearing Examiner's recommendation in accordance with YCC 16B.03.030(1)(d); and,

WHEREAS, after closing the hearing, the Board deliberated and determined that the requested rezone should be approved by the Hearing Examiner; now, therefore,

BE IT HEREBY ORDAINED by the Board of County Commissioners of Yakima County, Washington that:

Section 1. Findings. The Board hereby makes the following findings:

- A. Findings, Conclusions, and Recommendation of the Hearing Examiner. The Board hereby adopts the Hearing Examiner's Recommendation dated March 10, 2016, including its Findings and Conclusions and Development Agreement, attached hereto as Attachment A.

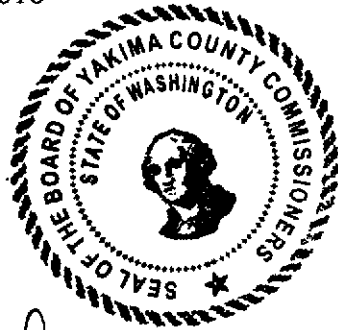
Section 2. Yakima Title 15 Official Zoning Map Amendment. The official zoning map, as adopted by YCC 19.10.020 and subsequently amended, is hereby further amended by rezoning the "Subject Property" depicted on the map attached hereto as Attachment B, from Single-Family Residential (R-1) to Multi-Family Residential (R-3).

Section 3. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, sections, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the

validity of the remainder of the ordinance, or the validity of its application to any other persons or circumstances.

Section 4. Effective Date. This ordinance shall be effective immediately.

DONE this 21st day of June, 2016



Attest: Tiera L. Girard
Clerk of the Board

Michael D. Leita, Chairman

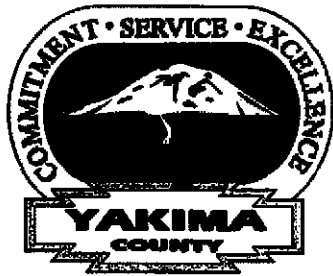
Kevin I. Bouchey, Commissioner

J. Rand Elliott, Commissioner

*Constituting the Board of County Commissioners
for Yakima County, Washington*

Attachments to Ordinance:

Attachment A: *Hearing Examiner Recommendation*, dated March 10, 2016



Public Services

128 North Second Street • Fourth Floor Courthouse • Yakima, Washington 98901
(509) 574-2300 • 1-800-572-7354 • FAX (509) 574-2301 • www.co.yakima.wa.us

VERN M. REDIFER, P.E. - Director

March 11, 2016

TO: Nick Awad, Vagabond Properties LLC & Parties of Record
FROM: Karri Espinoza, Office Coordinator
RE: Hearing Examiner Recommendation -- File Nos. ZON15-007

On, March 10, 2016 the Yakima County Hearing Examiner issued his recommendation on a rezone of a 2.45 acres parcel along Hillcrest drive adjacent to the bridge that crosses the Roza canal from the R-1 zone to the R-3 zone. The Examiner's recommendation is enclosed.

The Hearing Examiners recommendation will be presented to the Board of County Commissioners for consideration at a closed record public hearing. You will be notified when this date has been set. If you have any questions on the recommendation, please contact Dinah Reed, at 574-2300.

Encl.: *Hearing Examiner Recommendation*
Cy: *Parties of Record*

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MAR 10 2016

Vern___Gary___Don___Lynn___
Dave___Lisa___Carmen___

**COUNTY OF YAKIMA, WASHINGTON
HEARING EXAMINER'S RECOMMENDATION**

March 10, 2016

In the Matter of an Application)	
For a Rezone Submitted by:)	
)	
Vagabond Properties, LLC)	ZON2015-00007
Members Nick Awad & Joe Sevigny)	PRJ2015-01168
)	
To Rezone a 2.45-Acre Parcel Along)	
Hillcrest Drive Adjacent to the Bridge)	
That Crosses the Roza Canal from)	
The R-1 Zone to the R-3 Zone)	

A. Introduction. The preliminary background findings relative to the public hearing process conducted for this application are as follows:

(1) The Hearing Examiner conducted an open record public hearing regarding this application on February 25, 2016.

(2) The staff report prepared and presented by Yakima County Project Planner Dinah Reed recommended approval of the application. Yakima County Subdivision/Zoning Planning Section Manager Jason Earles was also available at the hearing to provide input as needed during the hearing.

(3) A member of applicant/property owner Vagabond Properties, LLC, Joe Sevigny, and a representative of the applicant/property owner for this matter, Ashley Garza, testified in favor of the application.

(4) Written comments were submitted by members of the public which expressed concerns about various aspects of the proposal. The following members of the public submitted the same written comment expressing the same concerns in the same language: Marilyn Coleman and Gene Berger, Ronald J. and Theresa Wichman, Frances K. Garcia, Kelly Wilbanks, Monzetta Doll, Cleone DeLeon, Thomas DeLong, Wesley and Mary Lou Flory, Paul Kennicutt, Heidi Dellinger, Kevin Newman and Julia Newman. The following members of the public submitted different written comments expressing some of the same concerns as well as other concerns: Ervin and Reva Schatz, Wilma Coffman, Richard J. and Ruth M. Hernandez, R. Dean Walker, Sandra Hamill, and Will and Tysha Gunderson.

(5) Concerns with the proposal were also expressed in testimony at the hearing. The following members of the public testified at the hearing: Paul Kennicutt, Lacey Griff, Ruth Hernandez, Will Gunderson, Richard Hernandez, Frances Garcia, Sandra Hamill, Ken Gunderson and Dean Walker.

(6) This recommendation has been issued within 10 business days of the open record public hearing.

B. Summary of Recommendation. The Hearing Examiner recommends that the Board of Yakima County Commissioners approve the requested rezone from the Single-Family Residential (R-1) zoning district to the Multi-Family Residential (R-3) zoning district conditioned upon a development agreement between Yakima County and the applicant/property owner which limits the height and the density of any development on the subject parcel to the height and density restrictions prescribed for the Two-Family Residential (R-2) zoning district and which is recorded with the County Auditor so as to run with the land.

C. Basis for Recommendation. Based upon a view of the site without anyone else present on February 23, 2016; the information contained in the staff report, the application, the exhibits, the testimony and the other evidence presented at the open record public hearing

on February 25, 2016; and a review of the Yakima County Urban Area Comprehensive Plan, the Terrace Heights Neighborhood Plan and the Yakima County Unified Land Development Code, the Hearing Examiner makes the following:

FINDINGS

I. Applicant/Property Owner/Representative. The applicant/property owner is Vagabond Properties, LLC, 651 Keys Road, Yakima, Washington 98901. The members of record of the limited liability company are Nick Awad and Joe Sevigny. The representative of the applicant/property owner for this matter is Ashley Garza of IC Corp, 1 North 86th Avenue, Yakima, Washington 98908.

II. Location. The location of the property is between Hillcrest Drive and the Roza Irrigation Canal adjacent to the bridge that crosses the Roza Canal about 96 feet south of Mountainview Avenue in the neighborhood of Terrace Heights and about 1.5 miles northeast of the City of Yakima. The parcel number is 191315-32491.

III. Application. The main aspects of this rezone application may be summarized as follows:

(1) This minor rezone application was submitted on November 13, 2015, and was deemed complete for processing on November 24, 2015. The application requests an amendment to the official zoning map established by the Yakima County Unified Land Development Code (Yakima County Code Title 19) to change the zoning of the subject 2.45-acre parcel from the Single-Family Residential (R-1) zoning district to the Multi-Family Residential (R-3) zoning district.

(2) The subject 2.45-acre parcel of vacant land slopes downward from Hillcrest Drive toward the Roza Irrigation Canal which abuts the south end of the property. Parcels across Hillcrest Drive to the north are within the Single-Family Residential (R-1) zoning district with lots ranging in size from 1/4 to 1/2 of an acre. East of the subject parcel are a few larger single-family residential lots that are over 2 acres in size. South of the subject parcel across the Roza Canal is Multi-Family Residential (R-3) zoning where 7 duplexes are being constructed which were approved under CUP2015-00031.

(3) Since no new structures are proposed with this application, it is a non-project rezone application. Even though other R-3 uses for the property could be applied for under Title 19 of the Yakima County Code (YCC) which became effective on October 1, 2015, the applicant's present intent is to apply in the future for approval under YCC Title 19 to construct two-story duplexes that will not exceed the height or density restrictions of the Two-Family Residential (R-2) zoning district.

IV. Jurisdiction. The jurisdictional aspects of this rezone application may be summarized as follows:

(1) YCC §19.36.030 entitled "Minor Rezone – Map Amendment" states that "Rezone applications consistent with Table 19.36-1 and not dependent upon a comprehensive plan or sub-area plan amendment shall be considered minor rezones. These quasi-judicial actions, when site-specific, may be processed at any time under Type 4 review pursuant to YCC Section 16B.30.030."

(2) According to YCC Table 19.36-1 entitled "Zoning District consistency with Comprehensive Plan Future Land Use Designations," the requested R-3 zoning district is consistent with, and may implement, the Urban Low Density Residential land use designation of the Yakima County Comprehensive Plan. The review process will consider those sections of Title 19 that control the direction and requirements for considering approval of this application.

(3) The Yakima County Hearing Examiner has conducted an open record public hearing and has prepared this recommendation for consideration by the Board of Yakima County Commissioners at a closed record public hearing that will result in a decision by that

Board. The records of both public hearings are open to public inspection in accordance with YCC Title 16B.

V. Notices. Notices of the February 25, 2016, public hearing were provided in accordance with applicable ordinance requirements in the following manners:

Mailing of notice of public hearing to property owners:	February 5, 2016
Publishing of notice of public hearing in newspaper:	February 5, 2016
Posting of notice of public hearing on the property:	February 10, 2016

VI. State Environmental Policy Act. Since this is a minor rezone in an Urban Growth Area that is considered consistent with the Urban Low Density Residential designation of the Yakima Urban Area Comprehensive Plan, WAC 197-11-800 requires no additional environmental review beyond what was completed for the Comprehensive Plan.

VII. Comprehensive Plan, Zoning and Land Uses. The Comprehensive Plan, Zoning and Land Use characteristics of the subject property and properties in the vicinity may be summarized as follows:

(1) The current Comprehensive Plan designation for the subject property and for all surrounding lands is Urban Growth Areas. The Urban designation is intended to include land that is characterized by urban growth or will be needed for urbanization, consistent with forecasted population growth and the ability to extend urban services. The Urban Growth Area designation is intended to establish the area within which incorporated cities and towns may grow and annex over the next twenty years. Yakima County's Urban Growth Area land use category is also intended to implement the Washington Administrative Code provision which describes an Urban Growth Area as the physical area within which that jurisdiction's vision of urban development can be realized over the next twenty years.

(2) The current Terrace Heights Neighborhood Plan designation for the subject property and for surrounding properties is Low Density Residential except for High Density Residential designations to the south across the Roza Canal. There are about 70 acres of mostly vacant Medium Density Residential properties within 1/4 of a mile northwest of the subject parcel. The Land Use Element of the Terrace Heights Neighborhood Plan describes the intent of residential districts as follows:

(a) The density in the R-1 district is generally 7 dwelling units per net acre. Characteristics of the district include 45% lot coverage; large front, rear and side yard setbacks; and one-story and two-story residences. Public water, sewer and other urban services are generally available throughout the district.

(b) The density of the R-2 district ranges from 7 to 12 dwelling units per net acre. This district is characterized by 50% lot coverage, one-story and two-story buildings, some clustering of units, and large front, rear, and side yard setbacks. Typical uses are single family dwellings and duplexes.

(c) The intent of the R-3 district is to locate high-density residential development (more than 12 dwelling units per acre) in areas with full urban services. This development should be located near neighborhood shopping facilities. Sites should also be located so that traffic generated by the development does not pass through low-density residential areas.

(3) The current YCC Title 19 zoning classification for the subject property is Single-Family Residential (R-1). YCC §19.12.010(1) provides in part that the R-1 zoning district is intended to facilitate development at targeted urban densities under the Comprehensive Plans, and provide for low-density, single-family residential development in areas designated by the Comprehensive Plan, depending on availability of infrastructure. Low densities facilitate future subdivision at urban densities as infrastructure availability increases. The Single-Family Residential district is characterized by 45 percent lot coverage, maximum building height of 35 feet, with the potential of 7 dwelling units per acre when public water and public sewer are available.

(4) YCC §19.12.020(1)(b) provides in part that the Multi-Family Residential (R-3) zoning requested for the subject property is intended to provide for and protect medium and high-density residential districts by excluding activities not compatible with residential uses; locate high-density residential development, more than 12 dwelling units per acre, in areas receiving the full range of urban services; locate high-density residential development near

neighborhood shopping facilities; locate high-density residential development so traffic generated by the development does not pass through lower-density residential areas; and require full urban standards for developments within Urban Growth Areas, meeting the County's minimum urban standards or the respective city's standards, whichever are higher.

VIII. Agency and Public Comments. The one agency comment received from the Yakima County Public Services, Utilities Division, and the 17 written comments received from nearby property owners prior to the hearing (Exhibits 5 through 21) were summarized and addressed in the staff report as follows:

(1) The Yakima County Public Services, Utilities Division, commented to the effect that (i) fire flow for this area is limited; (ii) improvements to the Terrace Heights Water System will be needed if fire flow is required; and (iii) the applicant will be responsible for the cost of the improvements and will need to coordinate design and construction of the improvements with Yakima County Public Services. The Planning Division noted that at the time the property is developed, the applicant will need to comply with the requirements of the Yakima County Public Services, Utilities Division, regarding fire flow standards and that Joe Stump should be contacted at (509) 574-2300 for information regarding these comments and the feasibility of a residential development.

(2) Written comments from nearby property owners regarding traffic impacts and safety were to the effect that (i) Hillcrest Drive is considered a narrow, two-lane windy road with no shoulders and no sidewalks; (ii) existing property owners using Hillcrest Drive feel that increased traffic due to higher residential density will create a very unsafe walking and driving environment for this stretch of road; (iii) the bridge that crosses the Roza Canal was recently improved by the County, but no sidewalks were put in for people or children walking to the nearby Community Center, Library and/or Elementary School; and (iv) ice and snow conditions in winter make this road dangerous, especially for those who are not used to traveling along it. The Planning Division noted that (i) Hillcrest Drive is classified as an Urban Major Collector that runs along the edge of the R-1 zoning district and feeds southwardly toward the R-3 zoning district and into commercial zoning districts; (ii) YCC §19.01.070(3) defines collector streets as streets that are minor tributaries, gathering traffic from numerous smaller (local) streets and delivering it to and from minor arterials, as

designated by the Federal Highway Administration; (iii) this definition means that Hillcrest Drive is intended to carry larger volumes of traffic from various access roads to commercial centers; and (iv) Yakima County Transportation Division would require a Traffic Study to be conducted by the applicant for any proposed development that would potentially increase traffic flow.

(3) Written comments from nearby property owners regarding compatibility were to the effect that (i) the neighbors feel the parcel is not necessarily contiguous to the R-3 zoned lot south of the Roza Canal; (ii) they instead, feel that the canal acts as a boundary separating the single-family residence area from the denser planning south of the canal; and (iii) their suggestion is to rezone the subject parcel to R-2 so there is a transition from the R-1 zoning north of the subject parcel to the R-3 zoning south of the canal. The Planning Division agreed that the Roza Canal does act as a bonafide separator between the subject parcel and the R-3 zoned area south of the canal.

(4) Written comments from nearby property owners regarding view-shed were to the effect that (i) R-3 zoning allows a 50-foot building height; and (ii) neighbors are concerned about having their view of the valley blocked by new construction, as well as about a decrease in property values due to rental units and loss of view. The Planning Division noted that (i) Goal 3 of the Terrace Heights Neighborhood Plan (THNP) is to "Ensure views and vistas remain unobstructed"; (ii) to implement this solution, the THNP suggests that the funding to purchase property that could be developed to obscure views would be the responsibility of neighbors and/or a Homeowners Association; and (iii) if the property is rezoned to R-3, it will be allowed a 50-foot building height rather than the 35-foot building height that is allowed in the R-1 and R-2 zones.

(5) Written comments from nearby property owners regarding public need were to the effect that (i) the need for multi-family housing is already being met by the rental housing project adjacent to the Pacific Northwest University complex; and (ii) there are several large parcels of vacant land up-slope to the northwest zoned R-2 that would be better suited for multi-family housing. The Planning Division noted that even though there are more than 70 acres of vacant land located approximately 1/4 of a mile northwest of the subject parcel that are zoned R-2 and are within the Urban Growth Boundary, GIS data indicates that undeveloped property that is currently zoned R-3 in the Terrace Heights neighborhood is very limited.

IX. Rezone Review Criteria. YCC §19.36.030(5) provides that the Hearing Examiner shall issue a written recommendation to approve, approve with conditions or deny proposed minor rezones based upon the following considerations:

(1) The testimony at the public hearing: The testimony at the open record public hearing may be generally summarized as follows:

(a) The testimony by the Planning Division, by a member of applicant/property owner Vagabond Properties, LLC and by a representative of the applicant/property owner Vagabond Properties, LLC was in favor of the proposed rezone. Even though this is a non-project rezone that does not seek approval for a specific use, testimony of the applicant/property owner was to the effect that the intent is to develop the property with duplexes that will not exceed the 35-foot height allowed in the R-1 and R-2 zones or the density allowed in the R-2 zone. The applicant/property owner is willing to execute and record a development agreement with Yakima County that would require those limitations to be conditions of the rezone that would run with the land. The applicant/property owner is currently constructing 7 duplexes in a gated community immediately south of the subject property across the Roza Canal and has built other quality residential developments in Terrace Heights where LLC member Joe Sevigny resides and was born and raised. Though not binding unless included within the development agreement, Mr. Sevigny's testimony was to the effect that the intent is to build two-story quality duplexes having a daylight basement with a garage and living area on the main floor and bedrooms on the second floor; to have a fenced, gated community with a driveway staging area that would prevent vehicles or fire trucks from impeding traffic on Hillcrest Drive; to make water system improvements that would increase the water pressure in the area; to provide an underground sewer lift station; to complete a Traffic Study acceptable to Yakima County; to conduct soil testing and design an approved drainage plan; and to install fencing, landscaping or other improvements north of the road along the canal so as not to interfere with use of that road.

(b) A written public comment submitted at the hearing and the testimony of nine members of the public presented at the hearing repeated and expanded upon the concerns expressed in the 17 written comments that were submitted prior to the hearing. The testimony expressed concern for the safety of children because streets

slope toward the subject property and vehicles are known to slide off the streets in that area when there is snow or ice on the streets; concern for the fact that Terrace Heights Elementary School is already at capacity and is bussing students elsewhere; concern about the 30 mph speed limit and the need for other traffic safety improvements on Hillcrest Drive that should be addressed by a detailed Traffic Study; concern that the driveway for any future development should not be allowed to enter Hillcrest Drive across from where East Hillcrest Drive enters Hillcrest Drive; and other concerns that should be addressed when a specific use is proposed for the subject parcel.

(c) In addition to these concerns that should be addressed when a specific use is proposed for the subject property, an important concern expressed at the hearing that can be addressed at this point related to the 50-foot structural height limitation in the R-3 zone as opposed to the 35-foot structural height limitation applicable to both the current R-1 zone and the R-2 zone. This concern was based not only upon a concern for obstruction of views and decreased property values, but also upon a concern for the safety of traffic entering Hillcrest Drive from East Hillcrest Drive and traffic turning left from Hillcrest Drive onto East Hillcrest Drive. The testimony was to the effect that such traffic is now able to look across the subject parcel to see oncoming westbound traffic on Hillcrest Drive before it reaches a blind spot between East Hillcrest Drive and Mountainview Avenue. The blind spot is said to exist up to a point about 100 feet from the intersection of East Hillcrest Drive with Hillcrest Drive due to a rise in Hillcrest Drive from that intersection. The testimony was to the effect that if advance notice were not available by looking across the subject property, there would be only about 2 seconds of warning of westbound cars approaching on Hillcrest Drive at 30 mph (about 44 feet per second), 35 mph (almost 53 feet per second) or 40 mph (almost 59 feet per second). (*Exhibit 25*).

(d) Another important concern expressed at the hearing that can be addressed at this point related to the potential density of an R-3 residential development on the site which could add more traffic to Hillcrest Drive than would be allowed for R-1 or R-2 residential development. For example, under YCC Table 19.14-1, more than 18 dwelling units per acre could be allowed in the R-3 zone pursuant to Type 2 administrative review, while in the R-2 zone a maximum of only 12 dwelling units per acre could be allowed pursuant to Type 2 administrative review and a maximum of only 13 to 18 dwelling units per acre could be allowed pursuant to Type 3 review involving a public hearing.

(e) Due to the concerns expressed in the written comments and testimony, the Hearing Examiner sought input during the hearing from the Planning Division, the representatives of the applicant/property owner and the members of the public present relative to a possible recommendation for R-3 zoning subject to development agreement conditions. The development agreement which would be between Yakima County and the applicant/property owner would limit the height of structures and the density of future development on the subject parcel to that prescribed by the R-2 zoning district and would be recorded so as to run with the land. General agreement with that approach was expressed at the hearing as a reasonable way to address the main concerns expressed by members of the public and some of the goals of the Terrace Heights Neighborhood Plan.

(2) The suitability of the property in question for uses permitted under the proposed zoning: Factors that relate to the suitability of the property in question for R-3 zoning include the following:

(a) The current plan for the subject parcel would be to develop a gated community of two-story duplexes that would not exceed 35 feet in height. The subject parcel slopes down from Hillcrest Drive so as to provide a building area significantly lower than Hillcrest Drive and than the property to the north of Hillcrest Drive. Residential uses allowed within the R-1 zone would be allowed in the R-3 zone. The main differences would be the permissible height of 50 feet in the R-3 zone rather than 35 feet in the R-1 and R-2 zones, and the greater density or number of dwelling units allowed per acre in the R-3 zone (up to 12 as a Type 1 use or up to 24 with Type 2 review and approval). The R-2 zone requires Type 2 review and approval for up to 12 dwelling units per acre and Type 3 review and approval for 13 to 18 dwelling units per acre.

(b) The subject 2.45-acre parcel is not large enough or otherwise suitable for all of the uses that could be permitted under the proposed R-3 zoning by YCC Table 19.14-1 that will be applicable to the future development of the property. Many of the potential uses would require either administrative Type 2 review or public hearing Type 3 review where such uses could be conditioned or denied. Even Type 1 permitted uses are subject to development codes and standards aimed at making them suitable for the property where they would be located.

(c) YCC Table 19.14-1 lists the types of potential uses for property that is zoned R-3. Some examples of Type 1 (permitted) uses in the R-3 zone are single-family, two-family and multi-family dwellings (up to 12 dwelling units per acre), bed and breakfast inns with 2 guest bedrooms and minor home businesses. Some examples of Type 2 (usually permitted) uses in the R-3 zone are multi-family dwellings (13 to 18 dwelling units per acre or more than 18 dwelling units per acre), bed and breakfast inns with 5 guest bedrooms and group meeting rooms, major home businesses, mobile home parks, retirement homes, exercise facilities, parks/playgrounds, churches, community centers, linear transmission facilities and public buildings and uses. Some examples of Type 3 uses (Conditional Uses) in the R-3 zone are health care facilities, museums/art galleries, schools, libraries, police/fire/ambulance stations, mini-storage, sewage treatment plants, utility services and cemeteries.

(d) The majority of the uses allowed within the R-3 zoning district are residential uses which are allowed at a greater height and at a higher density than within the R-1 or R-2 zoning district. Since the abutting parcels are all within residential zoning districts, some of the Type 2 uses, such as linear transmission facilities and public building uses would not be appropriate. Many of the Type 3 uses would not be compatible with the subject parcel or the area near the subject parcel and could be denied through the review process. In general, the subject parcel is suitable for both low density and high density residential uses based on the size of the parcel, access to a major collector and the availability of public water and sewer.

(3) The recommendation from interested agencies and departments: The only recommendation from interested agencies and departments was the recommendation of Yakima County Public Services, Planning Division, in favor of the proposed rezone. The Yakima County Public Services, Utilities Division, commented on the responsibility of the applicant/property owner to pay for improvements to the Terrace Heights Water System if fire flow is required and the need to coordinate design and construction of the improvements with Yakima County Public Services, but that department did not make a recommendation regarding the proposed rezone.

(4) The extent to which the proposed rezone is in compliance with and/or deviates from the goals and policies as adopted in the Comprehensive Plans, adopted neighborhood plans and the intent of the zoning ordinance: The proposed rezone would comply with goals and policies of the Yakima Urban Area Comprehensive Plan 2025 and relate to goals of the Terrace Heights Neighborhood Plan, as well as the intent of the Zoning Ordinance, in the following ways:

(a) The requested rezone to R-3 is consistent with many of the goals and policies of the Yakima Urban Area Comprehensive Plan 2025 such as Goal 3.1 which is to provide for a broad distribution of housing in Yakima that meets the affordability and neighborhood design needs of the public, Policy 3.1.1.3 which is to provide high-density residential as a transitional use between commercial/office and medium density residential areas, Policy 3.1.1.4 to the effect that development shall be located along arterials or collector streets and should have good access to public transit, Goal 5.1 which is to encourage diverse and affordable housing choices, Policy 5.1.2 which is to support an inventory of potential sites for affordable housing development and redevelopment, and Policy 5.1.3 which is to encourage affordable housing development. The proposed rezone would encourage urban development infill within an Urban Growth Area and promote a diversity of housing types on vacant property located within close proximity to a school and commercial center in Terrace Heights which is consistent with these goals.

(b) The requested rezone to R-3, absent the recommended development agreement limitations on structure height and development density, would arguably be inconsistent with some of the Terrace Heights Neighborhood Plan goals such as Goal 1 which is to retain and enhance the semi-rural setting, Goal 2 which is to encourage development that supports a high quality of life with infill projects that do not reduce property values and Goal 3 which is to ensure views and vistas remain unobstructed. The recommended development agreement limitations on structure height and development density are intended to promote consistency with these Terrace Heights Neighborhood Plan goals and to ameliorate the view and traffic safety concerns expressed in written comments and testimony of members of the public while at the

same time recognizing that the proposed rezone to the R-3 zoning district is consistent with the goals and policies of the Yakima Urban Area Comprehensive Plan 2025.

(c) The proposed rezone to the Multi-Family Residential (R-3) zone would be in compliance with the intent of the zoning ordinance so long as the considerations enumerated in YCC §19.36.030(5) warrant approval of the rezone with conditions.

(5) The adequacy of public facilities such as roads, sewer, water and other required public services: According to the applicant, title research, consultation and field observations were conducted with utility service providers and surveyors to determine adequacy and availability of public facilities for the subject parcel, and the following determinations were made:

(a) The Yakima County Transportation Division indicated that existing infrastructure is adequate to support an R-3 development at the subject parcel's location and that site distances for ingress/egress are adequate. But a Traffic Study would have to be submitted by the applicant/property owner for any proposed development that would potentially increase traffic flow.

(b) The Yakima County Public Services, Utilities Division, determined that currently the water that serves the subject parcel is a four-inch water main. In order to meet the fire-safety requirements for a multi-unit development, water pressure would need to be increased. Options have been discussed between the owner and Public Services regarding possible ways to achieve this. It has been determined that this can be achieved at the expense of the developer. A decision would be made at the time of development in order to determine the most cost efficient and practical solution.

(c) The property owner met with the manager of the Terrace Heights Sewer District on site to discuss sewer services for a multi-unit development. It was confirmed that the existing eight-inch mainline within Hillcrest Drive was adequate to serve a zone change from R-1 to R-3. It was further discussed that due to the slope of the grade, a private lift station would likely need to be engineered and installed at the expense of the owner in order to obtain access to the existing mainline.

(d) PLSA was consulted to complete a soil analysis on the parcel immediately south of the subject site. The reports did not match the soils information from the

NRCS Web Soil Survey. Infiltration rates were much higher than anticipated. It was determined that future soil tests on the subject site will produce similar results. Regarding soil concerns and erosion control noted by the Yakima County Water Resource Division at an Early Assistance Meeting, appropriate soil testing and infiltration requirements shall be required to be met prior to construction.

(e) At the time of development, the applicant/property owner would be required to work with Yakima County Public Services to increase water pressure needed for a multi-unit development. The applicant/property owner would be required to provide a stormwater site plan per the Yakima County Water Resources Division. The applicant/property owner would also be required to work with the Terrace Heights Sewer District to engineer a private lift station for sewage disposal and comply with all other requirements for the development proposed at that time.

(6) The compatibility of the proposed zone change and associated uses with neighboring land uses: The proposed zone change and associated uses would be compatible with neighboring land uses in the following ways:

(a) The subject parcel is across the Roza Canal north of a parcel zoned Multi-Family Residential (R-3) that was recently approved for construction of a 14-dwelling unit multi-family residential complex under CUP2015-00031.

(b) The parcels northwest of the subject parcel include an older single-family residential area with most homes built between the 1930s and 1950s on lots that are approximately 1/4 of an acre or smaller in size. To the north and northeast of the subject parcel, lots range in size from over an acre to 1/4 of an acre improved with single-family residences built between the 1930s and 2011. Along Hillcrest Drive heading east of the subject parcel are a few large Single-Family Residential (R-1) zoned lots that are as large as 2.14 acres in size. The large single-family acre lots have the potential to be subdivided into smaller lots since Terrace Heights water and sewer are both available.

(c) The proposed rezone is consistent with the intent of the R-3 zoning district insofar as the full range of public services, including area-wide public water supply, regional public sewer, and police and fire protection are provided in accordance with YCC §19.12.020(1)(b). Access to the subject parcel is via Hillcrest Drive, classified

as an Urban Major Collector, which runs along the edge of R-1 zoning, but does not pass through R-1 neighborhoods. Hillcrest Drive veers southward after crossing the Roza Canal and runs adjacent to property zoned R-1 on the west and R-3 on the east. It then feeds into a commercial zoning district that includes Fire District #04, East Valley Elementary School and businesses. The recommended conditions are intended to promote compatibility with R-1 uses near the subject parcel.

(7) The public need for the proposed change: The public need for the proposed change arises from the following circumstances:

(a) The evidence at the hearing was to the effect that the timing is appropriate to provide additional land zoned Multi-Family Residential (R-3) because there are currently no vacant parcels zoned R-3 that are available for development in the Terrace Heights neighborhood.

(b) The requested rezone would also help address the need for diverse housing choices in the Terrace Heights area.

(8) Whether substantial changes in circumstances exist to warrant an amendment to the current designation or zone. The evidence presented at the hearing was to the effect that development in Terrace Heights is occurring at a rapid rate, partially due to the development of the Pacific Northwest University complex. In addition, Terrace Heights is identified as an Urban Growth Area for the City of Yakima, and as such it is identified as an area that will become more urban over time.

X. The Consistency of the Rezone with Development Regulations and with the Comprehensive Plan under the Criteria set forth in YCC §16B.06.020 is to be determined by a consideration of the following factors:

(1) The types of land uses permitted at the site will be R-3 uses if the site is rezoned to the R-3 zoning district. No land uses are being approved by this application. Since

the proposal will satisfy applicable criteria necessary for rezone approval and will comply with Yakima County's use and development regulations, subject to any limitations that are described in a development agreement, the rezone will be consistent with the types of land uses permitted at the site.

(2) The density of residential development or the level of development such as units per acre or other measures of density is recommended to be limited to the residential density provisions for the Two-Family Residential (R-2) zoning district in order to promote consistency with the Terrace Heights Neighborhood Plan and ameliorate the concerns expressed in written public comments and testimony.

(3) The availability and adequacy of infrastructure and public facilities is not an issue because sewer, water and public streets are immediately available for development which may be proposed in the future and because the developer will be required to make utility improvements and submit a Traffic Study to address any utility and traffic issues that may be involved.

(4) The characteristics of any future development will have to be consistent with the development regulations of the Unified Land Development Code and any development agreement requirements.

CONCLUSIONS

Based on the foregoing Findings, the Hearing Examiner reaches the following Conclusions:

(1) The Hearing Examiner has jurisdiction to make a recommendation to the Board of Yakima County Commissioners regarding this minor rezone application.

(2) The notice requirements for the open record public hearing regarding this application have been satisfied.

(3) The proposed rezone from the Single-Family Residential (R-1) zone to the Multi-Family Residential (R-3) zone would satisfy the requirements for a rezone set forth in YCC §19.36.030(5) and the consistency standards set forth in YCC §16B.06.020 if the rezone is

conditioned upon the recording of a development agreement between Yakima County and the applicant/property owner which limits the height and the density of any development on the subject parcel to the height and density restrictions prescribed for the Two-Family Residential (R-2) zoning district.

RECOMMENDATION

The Hearing Examiner recommends that the Board of Yakima County Commissioners approve this application for a rezone from the Single-Family Residential (R-1) zoning district to the Multi-Family Residential (R-3) zoning district conditioned upon the recording of a development agreement between Yakima County and the applicant/property owner which limits the height and the density of any future development on the subject parcel to the height and density restrictions prescribed for the Two-Family Residential (R-2) zoning district.

DATED this 10th day of March, 2016.



Gary M. Cuillier, Hearing Examiner