

# **BOARD OF YAKIMA COUNTY COMMISSIONERS**

## **ORDINANCE 5 -2016**

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

**WHEREAS**, Scott Clark, on behalf of Aspen View Properties, submitted a complete minor rezone application (File Nos.: ZON2015-00005 and SEP2015-00035) on July 30, 2015, to rezone one parcel, totaling approximately 1.81 acres located within the community of Terrace Heights, an Urban Growth Area of the City of Yakima, from Single Family Residential (R-1) to Two-Family Residential (R-2); and,

**WHEREAS**, in accordance with the State Environmental Policy Act (SEPA), codified as Title 43, Ch. 21C of the Revised Code of Washington (RCW) and in the Yakima County Codes at YCC 16.04 and YCC 16B, the Yakima County SEPA Responsible Official determined a SEPA review was not required per Washington Administrative Code (WAC) 197-11-800(c)(i), (ii) and (iii); and,

**WHEREAS**, in accordance with the procedural provisions in YCC 15 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 15 and YCC 16B, the Yakima County Hearing Examiner conducted an open record public hearing on the application on December 17, 2015, followed by the issuance of his recommendation on January 4, 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 February 9, 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 as recommended 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:

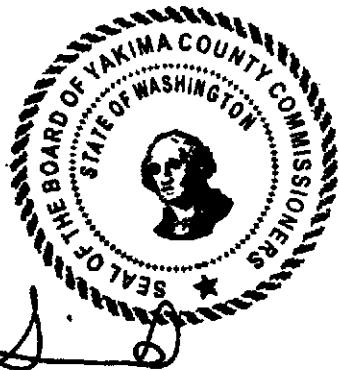
- A. Findings, Conclusions and Recommendation of the Hearing Examiner. The Board hereby adopts the Hearing Examiner's Recommendation dated January 4, 2016, including its Findings and Conclusions, attached hereto as Attachment A.

**Section 2. Yakima Title 19 Official Zoning Map Amendment.** The official zoning map, as adopted by YCC 19.10 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 Two-Family Residential (R-2).

**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 16<sup>th</sup> day of February, 2016



Attest: Tiera L. Girard  
Clerk of the Board

Michael D. Leita, Chairman

Kevin J. Bouchey, Commissioner

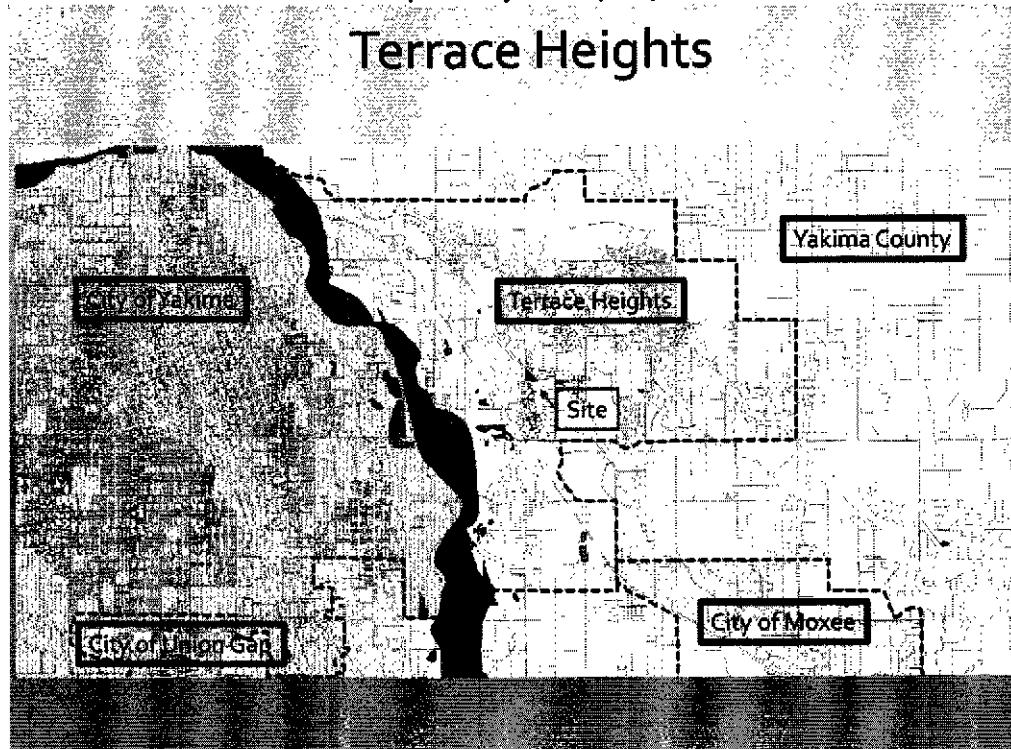
J. Rand Elliott, Commissioner

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

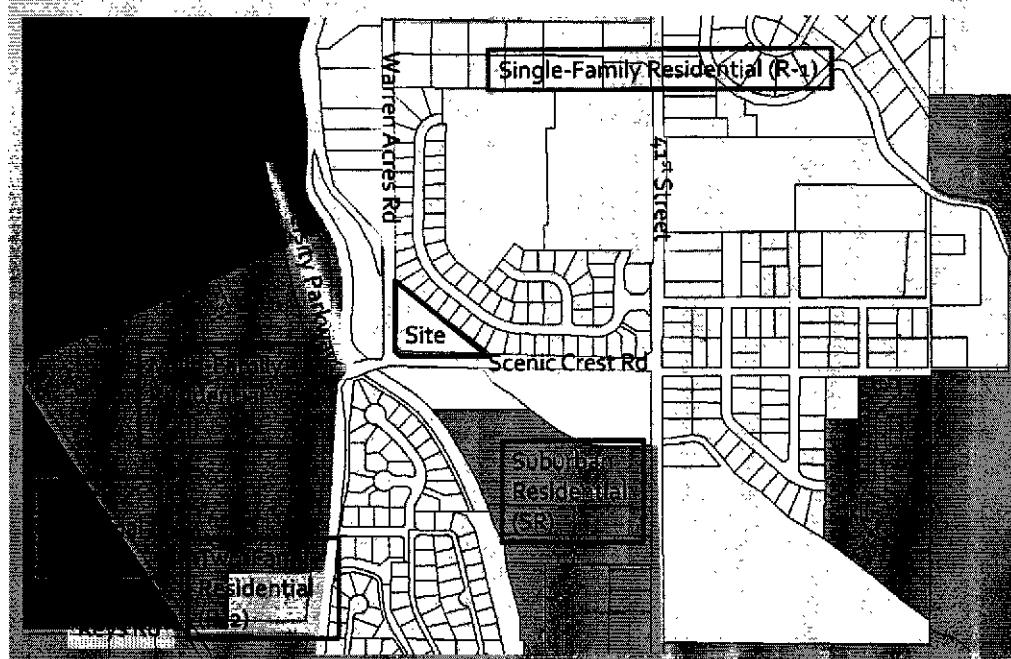
Attachments to Ordinance:

Attachment A: *Hearing Examiner Recommendation*, dated January 4, 2016  
Attachment B: Map of "Subject Property"

Map of Subject Property



Yakima County Zoning (UGAZO)



**Gary M. Cuillier  
ATTORNEY AT LAW**

**314 N. SECOND STREET  
YAKIMA, WASHINGTON 98901**

**(509) 575-1800  
FAX: (509) 452-4601**

**January 4, 2016**

**Karri Espinoza  
Yakima County Planning Division  
128 North 2<sup>nd</sup> Street, Room 417  
Yakima, WA 98901**

**HAND-DELIVERED**

**Re: Hearing Examiner's Recommendation: ZON2015-00005, SEP2015-00035 &  
PRJ2015-00737 – Aspen View Properties, LLC for Rezone of 1.81 Acres on the  
North Side of Scenic Crest Road and the East Side of Warren Acres Road in  
Terrace Heights from the R-1 to the R-2 Zone**

**Dear Karri:**

Enclosed is the Hearing Examiner's Recommendation regarding the above-entitled matter. Also enclosed is the statement for the Hearing Examiner's time for the hearing process and recommendation. If you have any questions, please give me a call.

**Yours very truly,**

*Kevin R. Richardson*

**KEVIN R. RICHARDSON  
Legal Secretary to  
GARY M. CUILLIER**

**KRR: krr**

**Enclosures**

**cc: Pat Spurgin, Yakima County Pro Tem Hearing Examiner, w/ Enclosure  
Lisa Maxey, City of Yakima Planning Division, w/ Enclosure**

JAN 04 2016

Vern        Gary        Don        Lynn         
Dave        Lisa        Carmen       

## County of Yakima, Washington Hearing Examiner's Recommendation

January 4, 2016

In the Matter of a Rezone	)	
Application Submitted by:	)	
	)	ZON2015-00005
Aspen View Properties, LLC	)	SEP2015-00035
	)	PRJ2015-00737
For Rezone of 1.81 Acres on the	)	
North Side of Scenic Crest Road	)	
And the East Side of Warren	)	
Acres Road in Terrace Heights	)	
From the R-1 to the R-2 Zone	)	

**A. Introduction.** The initial Findings relative to the hearing process for this application may be summarized as follows:

- (1) The Hearing Examiner conducted an open record public hearing for this application on December 17, 2015.
- (2) A staff report presented by Long Range Senior Project Planner Marla Powers recommended approval of the rezone application. The applicant's representatives, Scott Clark and Bill Huibregtse, testified in favor of the application for reasons described in the staff report and explained the benefits of the rezone. President of the Board of Directors of the Home Owners Association for The Villas at Terrace Heights, Deborah Brown, also testified in favor of the rezone application for the reasons expressed in her letter submitted for the record.
- (3) Seven written comments were submitted which were addressed in the staff report and the testimony at the hearing. No other testimony or written comments were presented.

Aspen View Properties, LLC  
Scenic Crest Road in Terrace Heights  
Rezone from R-1 Zone to R-2 Zone  
ZON2015-00005; PRJ2015-00737

(4) This recommendation has been issued within 10 business days of the hearing.

**B. Summary of Recommendation.** The Hearing Examiner recommends that the Board of Yakima County Commissioners approve the requested rezone from the R-1 zoning district to the R-2 zoning district.

**C. Basis for Recommendation.** Based upon a view of the site without anyone else present on December 17, 2015; 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 December 17, 2015; and a review of the Yakima County Urban Area Comprehensive Plan, the Terrace Heights Neighborhood Plan and the Yakima County Urban Area Zoning Ordinance, the Hearing Examiner makes the following:

## **FINDINGS**

**I. Applicant/Property Owner/Representative.** The applicant/property owner is Aspen View Properties, LLC, P.O. Box 100, Selah, Washington 98942 and the applicant's representative for this matter is Scott Clark, 1101 West Yakima Avenue, #101, Yakima, Washington 98902.

**II. Location.** The location of the property is on the north side of Scenic Crest Road on the east side of Warren Acres Road within the Terrace Heights area about one mile east of the Yakima city limits. The parcel number is 191321-14406.

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

(1) This rezone application submitted on July 30, 2015, and deemed complete for processing on August 17, 2015, is vested to being processed under the Yakima County Urban Growth Area Zoning Ordinance, Title 15A of the Yakima County Code (YCC), which was repealed on October 1, 2015.

(2) If approved, the requested rezone of the 1.81-acre parcel from the Single-Family Residential (R-1) zoning district to the Two-Family Residential (R-2) zoning district will be made to the official zoning map established by the Unified Land Development Code, YCC Title 19, which became effective on October 1, 2015.

(3) Since no new structures are proposed with this application, it is a non-project rezone application. Even though other R-2 uses for the property could be applied for under YCC Title 19, the applicant's present intent is to apply for approval under YCC Title 19 to construct five single-story duplexes with low-pitched roofs on the property.

(4) Even though YCC §19.14.010 and Table 19.14-1 list duplexes as a Type 1 permitted use in the R-2 zoning district, the intended use of the property for five duplexes would be a Type 2 use subject to administrative review because construction of three or more attached dwelling units on a single lot is defined as a multiple-family dwelling by YCC §19.01.070.

**IV. Jurisdiction.** Since the R-2 zone is one of the zoning districts which implements the Low Density Residential Land Use Plan Designation for the property per the Future Land Use and Current Zoning Comparison table adopted by the Yakima Urban Area Comprehensive Plan 2025 (Table III-11), this application is classified by YCC Title 16B ("Project Permit Administration") as a minor rezone to be processed as a Type IV quasi-judicial application. YCC Title 15A controls the process and criteria for review of this application. 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. The records of both public hearings are open to public inspection per YCC Title 16B.

**V. Notices.** Notices of the December 17, 2015, public hearing were provided in accordance with applicable ordinance requirements in the following manner:

Mailing of notice of public hearing:	November 5, 2015
Publishing of notice of public hearing in newspaper:	November 8, 2015
Posting of notice of public hearing on the property:	November 18, 2015

**VI. State Environmental Policy Act.** Since this is a minor rezone that is considered consistent with the 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 2015 designation for the subject property and for properties in the vicinity of the subject property 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 states that "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 properties in the vicinity is Low Density Residential. The Yakima Urban Area Comprehensive Plan Future Land Use and Current Zoning Comparison Table III-11 provides that the Low Density Residential designation is implemented by the Suburban Residential (SR), Single-Family Residential (R-1) and Two-Family Residential (R-2) zones.

(3) The current YCC Title 15A zoning classification for the subject property and for properties in the vicinity is Single-Family Residential (R-1). YCC §15A.03.030(b) provides in part that the R-1 zoning district is intended to establish new residential neighborhoods for detached single-family dwellings free from other uses except those which are compatible with, and serve the residents of this district which may include zero lot lines if established during the subdivision process; to preserve existing residential neighborhoods for detached single-family dwellings free from other uses to ensure the preservation of the existing residential character, and serve the residents of this district; and to locate moderate-density residential development up to seven dwelling units per net residential acre in areas served by public water and sewer systems.

(4) The requested zoning classification for the subject property is Two-Family Residential (R-2). YCC §15A.03.030(c) provides in part that the R-2 zoning district is intended to establish and preserve residential neighborhoods for detached single-family dwellings, duplexes and other uses compatible with the intent of this district and to locate residential development with densities up to twelve dwelling units per net residential acre in areas receiving a full range of public services including public water and sewer service, and police and fire protection.

(5) The subject parcel is vacant. The land use of parcels to the north and east is for single-family residences except for two vacant lots. The land use of the parcel to the west is for a single-family residence. The land use of the two parcels to the south is for a single-family residence and a single-family residence with agricultural use.

**VIII. Agency and Public Comments.** The comments received from the Washington State Department of Ecology and the other six comments received from surrounding property owners may be summarized and addressed as follows:

(1) DOE Comments re Water Quality/Rezone: Rezoning a piece of property is often the first step in a proposed development. If ground disturbance in a subsequent individual or common plan of development exceeds one acre in size, an NPDES Construction Stormwater Permit may be required. The process requires developing a stormwater pollution prevention plan, submitting an application, and a 30-day public notice process. This may take 45-60 days. A permit and stormwater plan is required prior to beginning ground-breaking activities. Questions about this permit may be addressed to Ray Latham with the Department of Ecology at (509) 575-2807.

(2) DOE Comments re Toxics Clean-up: Based on the historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. Ecology recommends that the soils be sampled and analyzed for lead and arsenic, and for organochlorine pesticides. If these contaminants are found at concentrations above the Model Toxics Control Act cleanup levels, Ecology recommends that potential buyers be notified of their occurrence. Questions should be directed to Valerie Bound at (509) 454-7886 or by email at [valerie.bound@ecy.wa.gov](mailto:valerie.bound@ecy.wa.gov).

(3) The applicant will need to work with DOE regarding the water quality and toxics clean-up subjects identified in its comments as part of its future land development. Since this is a non-project proposal, no land disturbance is proposed at this time.

(4) An adjacent property owner to the south was not opposed to the development, but questioned the safety of Scenic Crest Road due to the speed of drivers on the road and the additional traffic this proposal will add. Safety of ingress and egress from driveways was a concern. The staff report correctly notes that Scenic Crest Road was recently widened and paved, with new sidewalk. This project was completed to provide traffic circulation. This road connects two heavily traveled roadways, University Parkway and South 41<sup>st</sup> Street. It is anticipated that this area will be further developed as Terrace Heights is experiencing a strong urbanizing trend for development. Scenic Crest Road was developed to accommodate the anticipated infill and development in this area. The addition of five duplex units can be easily absorbed by this road. The testimony at the hearing was to the effect that safety concerns were addressed by placing the driveway as far to the east side of the property as possible.

(5) An adjacent property owner and a property custodian to the west provided four written comments voicing concern and opposition to the proposal. They feel that the rezone is "impractical and unnecessary" and would impact the peace and security of the neighborhood, and that the pace of the rezone process is too fast. Another written comment states that "cramming multiple two-family homes into this small parcel, right in the middle of our community, would completely disrupt the flow of the neighborhood. It will reduce the safety and security of the area even more, since duplexes are often rented, rather than owner-occupied." A final written comment questioned the ethics and business practice of the Aspen View Properties owner for striking a deal with the Home Owners Association at The Villas which is adjacent to the subject property. The staff report correctly notes that YCC Chapters 15A.05, 15.06 and 15.07 prescribe site design and improvement standards, as well as off-street parking, landscaping and sitescreening requirements for this site. These standards limit building height to 35 feet in both the R-1 and R-2 zoning districts, limit lot coverage to 45% in the R-1 zone and to 50% in the R-2

zone, prescribe the number of parking spaces and type of landscaping required for the parking spaces, and require a three-foot-wide planting strip for sitescreening that will create a living evergreen screen at least six feet in height within three years. These code requirements will provide a scale and design that is applicable to the entire area and will ensure that future development patterns are similar.

(6) The narrative for the application correctly indicates that the best use of this site is for duplexes due to the location, the rights-of-way on the south and west sides of the site and the constraints posed by the irrigation canal and building setback requirements for the canal access on the north and east sides. The written comment and testimony submitted by Deborah Brown, the President of the Board of Directors of the Home Owners Association for The Villas at Terrace Heights, detailed the benefits provided to The Villas by the applicant and the support of the proposed rezone by 100% of the owners of the developed lots in The Villas. Since the subject site was a part of The Villas at Terrace Heights, Yakima County staff conducted research to ensure that conditions of the plat were met. The letter from Deborah Brown is in agreement with the staff findings.

**IX. Rezone Review Criteria.** The recommendation relative to this rezone application must be based upon the following criteria specified in YCC §15A.23.030(e):

**(1) The testimony at the public hearing:** All of the testimony at the public hearing was in favor of the proposed rezone and effectively addressed the concerns detailed in the written comments submitted prior to the hearing.

**(2) The suitability of the property in question for uses permitted under the proposed zoning:** The property is not large enough or otherwise suitable for all of the uses that could be permitted under the proposed R-2 zoning by Table 19.14-1 of the Unified Land Development Code 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. Table 19.14-1 lists the following potential uses for property that is zoned R-2:

(a) As Type 1 (permitted) uses: Single-family site built or modular dwelling, detached, or manufactured home meeting requirements of 19.18.270; Mobile or manufactured homes of any size in approved or existing mobile/manufactured home parks; Multi-wide manufactured home in approved or existing manufactured home subdivisions; Multi-wide manufactured home not meeting requirements of 19.18.270, on an individual lot; Single-wide manufactured home in approved or existing manufactured home subdivisions; Single-family detached dwelling (zero lot line); Single-family attached dwelling, common wall; Accessory dwelling unit – Attached; Two-family dwelling (duplex); Bed and breakfast inn with a maximum of two guest bedrooms and without receptions, group meetings or special gatherings; Home business, minor; Family home services, other than safe/shelter home; Sales office within a residential or mixed-use project while units in the project are sold by the developer; Agriculture, silviculture, and animal feeding operations (Excluding: Concentrated animal feeding operations, livestock auction/sale yards, rendering plants and slaughter houses); Agricultural building; Irrigation distribution/drainage facilities; Hazardous waste treatment and storage facilities subject to State siting criteria of Chapter 70.105 RCW: Onsite and storage of chemicals and empty chemical containers.

(b) As Type 2 (usually permitted) uses: Single-wide manufactured home, on an individual lot; Multi-family dwelling, 12 dwelling per acre or less; Bed and breakfast inn with a maximum of five guest bedrooms and/or receptions, group meetings and/or special gatherings; Home business, major; Safe/shelter home; Exercise facilities, gyms; Parks, playgrounds, greenways and other public or private outdoor recreational facilities; Church or other place of worship; Community center; Crisis residential facilities; Residential care facility within five road miles of a year-round responding fire station; Linear transmission facilities; Public buildings and uses; School bus storage and maintenance facilities; Extraction of mineral resources as part of a federal or state approved fish or wildlife habitat restoration – enhancement project (Temporary); Federal or state approved wetland mitigation projects requiring extraction of mineral resources (Temporary); Solid waste drop box site for recyclable materials only; Stockpiling of earthen materials not within 100-year floodplain.

(c) As Type 3 (usually not permitted) uses: Accessory dwelling unit – detached; Multi-family dwelling, 13 to 18 dwellings per acre; Boarding or lodging house; Health care facilities; Golf courses, club houses, pro shops, driving ranges; Historic landmark allowable use permits; Museums, art galleries; Business school; Community

college/university; Day care center, child; Libraries; Schools: Elementary and middle, senior high school; Senior high school; Vocational school; Group care facilities (large), foster family homes (large), or licensed boarding homes for more than six residents; Halfway house/clean and sober facility; Police, fire stations, ambulance service; Amateur radio antenna and support structure, communication tower, anemometer or personal wind energy tower and related facilities; Sewage treatment plants; Utility services any size; Cemetery, columbaria and mausoleums.

The subject property is suitable for the intended use for five duplexes which would result in a density of about 5.5 dwelling units per net residential acre which is even less than the density of 7 dwelling units per net residential acre allowed in the R-1 zoning district and is also less than the density of existing nearby single-family residential uses. It would also be suitable for many of the other potential uses that could be proposed for the subject property, particularly since they would be subject to development codes and standards and since some of them could be further conditioned or denied as appropriate.

**(3) The recommendation from interested agencies and departments:** The only recommendation from interested agencies and departments was the recommendation of the Yakima County Planning Division in favor of the proposed rezone. The State Department of Ecology submitted comments detailing requirements of future development on the property, but did not make a recommendation as to the 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 be in compliance with the provisions of the Comprehensive Plan, the Terrace Heights Neighborhood Plan and the Zoning Ordinance for the following reasons:

**(a) The proposed rezone from the R-1 zone to the R-2 zone would be in compliance with the Yakima County Comprehensive Plan Urban Growth Areas**

designation for the property because the R-2 zone would allow for urban development in an area intended for urban growth.

(b) The proposed rezone to the R-2 zone would be in compliance with the Terrace Heights Neighborhood Plan Low Density Residential designation for the property because the Yakima Urban Area Comprehensive Plan Future Land Use and Current Zoning Comparison Table III-11 states that R-2 zoning implements the Low Density Residential designation.

(c) The proposed rezone would be in compliance with the following specific goals and policies of the Yakima County Comprehensive Plan (Plan 2015):

(i) Goal LU-U 1: Encourage urban growth within designated urban growth areas.

(ii) Goal H 1: Encourage diversity in the type, density and location of housing within the County and its cities while protecting public health, safety, and quality of life.

(iii) Policy H 1.4: Work closely with local governments and the private sector to extend infrastructure and provide other services to accommodate residential growth, particularly in Urban, Rural Settlement and Rural Transitional areas which are suitable for higher density development.

(iv) Policy 1.5: Ensure that Yakima County residents have equal access throughout the continuum of housing types and locations.

(v) Policy 3.2: Ensure policies, codes and ordinances allow for a compatible mix of uses and housing types in neighborhoods.

(d) The proposed rezone would also be in compliance with Goal 14 of the Terrace Heights Neighborhood Plan, a Subarea Plan of the Yakima Urban Area Comprehensive Plan, which is to allow mixed-use land uses as a possible means of providing affordable housing, neighborhood-scale shops and retail services, low cost start-up opportunities for live-in business owners, densities which facilitate the provision of transit service, and 24-hour visibility.

(e) The proposed rezone to the Two-Family Residential (R-2) zone is in compliance with the intent of the zoning ordinance set forth in YCC §15A.03.030(c) to establish and preserve residential neighborhoods for detached single-family dwellings, duplexes and other uses compatible with the intent of the R-2 district and to locate residential development with densities up to twelve dwelling units per net residential acre in areas receiving a full range of public services including public water and sewer service, and police and fire protection.

(f) The proposed rezone is also in compliance with the intent of the zoning ordinance expressed in YCC §15A.01.030 to the effect that it is designed to be flexible and intentionally increases the potential uses or choices available to individual property owners. This flexibility is balanced by procedures and standards based on the Comprehensive Plans designed to guard against and mitigate undue adverse impacts and to protect individual neighborhoods and the community's general welfare. The flexibility for the individual property owner for this specific project would permit a very needed housing project to be constructed. At the same time, this site is relatively isolated from surrounding property owners due to rights-of-way for roads and a canal. Fencing is already separating The Villas at Terrace Heights housing project, whose residents are in favor of this project.

**(5) The adequacy of public facilities such as roads, sewer, water and other required public services:** The property is accessed from Scenic Crest Road. This road has been improved with sidewalks and street lights. It is intended to accommodate a high volume of traffic connecting University Parkway to South 41<sup>st</sup> Street. Public water and sewer are available for the project when construction takes place.

**(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 for the following reasons:

(a) The property to the north and east is a subdivision called The Villas at Terrace Heights. It has a number of homes already constructed with many more vacant lots that are ready for homes to be constructed on them. The subdivision has an average lot size of .17 acres. Much more development is expected to occur in this area. The parcel to the west of this site is 2.5 acres in size, but it could be severely limited in development potential because of the two irrigation canals that run along two of the three property boundaries. To the south is a 2.26-acre single-family residential parcel and to the west of the single-family residence is a subdivision that is quickly filling in with new homes that have average lot sizes of .17 acres. Currently the surrounding land uses are single-family residential and open space/active agriculture uses, but one parcel away to the west is a very large multi-family development on University Parkway.

(b) The compatibility of the proposed rezone and associated uses with neighboring land uses is increased by the fact that existing uses are separated from the subject property by a 60-foot-wide irrigation easement to the north and east, a 60-foot-wide road right-of-way to the west and a 70-foot-wide road right-of-way to the south.

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

(a) 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. Development is occurring at a rapid rate, especially with this site being nearly adjacent to the Pacific Northwest University facilities. Scenic Crest Road has been improved to urban standards with the expectation that it will become an important connector road in the near future. Providing higher density housing, even at a small scale such as this, moves the community toward the possibility of public transit options which is recognized in Goal 13 of the Terrace Heights Neighborhood Plan. The current subdivision densities of .17 acres still do not make public transit feasible. Feasibility for public transit begins at .14-acre parcels.

(b) In addition, the proposed rezone would provide a means for providing affordable and diverse housing choices in Terrace Heights, or housing that can be seen as a step between apartment living and buying a home, for many households which do not have that option at this time. Affordable housing is listed as a goal in the Washington State Growth Management Act, is identified in the Comprehensive Plan (Plan 2015) and is described as a need in the Terrace Heights Neighborhood Plan. The increase in population in this area seems to be outpacing the housing choices.

**(8) Consistency with the criteria set forth in Chapter 16B.10:** YCC Chapter 16B.10 refers to Major Rezones. The proposal has been defined and reviewed as a Minor Rezone and is considered to be consistent with the Comprehensive Plan (Plan 2015) and with Chapter 16B.10.

## **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-2 uses if the site is rezoned to the R-2 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, 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 not affected by this application because any use permitted under R-2 zoning will be consistent with the density allowed by the comprehensive plan and zoning ordinance.**

**(3) The availability and adequacy of infrastructure and public facilities is not an issue because adequate infrastructure and public facilities are available for the future uses allowed in the R-2 zoning district.**

**(4) The characteristics of the development will have to be consistent with the development regulations of the zoning ordinance. The zoning ordinance sets forth specific standards for future development of the property.**

## **CONCLUSIONS**

Based on the above Findings, the Examiner reaches the following Conclusions:

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

**(2) The zoning ordinance public hearing notice requirements have been satisfied.**

**(3) The proposed rezone from the Single-Family Residential (R-1) zone to the Two-Family Residential (R-2) zone would satisfy the requirements for a rezone set forth in Subsection 15A.23.030(e) of the zoning ordinance and the consistency standards of Section 16B.06.020 of the Yakima County Code.**

## **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) zone to the Two-Family Residential (R-2) zone.

**DATED** this 4<sup>th</sup> day of January, 2016.

  
Gary M. Cuillier  
**Gary M. Cuillier, Hearing Examiner**