

**BEFORE THE HEARING EXAMINER  
FOR SKAMANIA COUNTY**

|                                       |   |                            |
|---------------------------------------|---|----------------------------|
| In the Matter of the Application of   | ) | NO. CMP-17-01/REZ-17-01    |
|                                       | ) |                            |
| <b>Mike and Julie Engel,</b>          | ) |                            |
| <b>Timothy and Megan Allaway, and</b> | ) |                            |
| <b>Bryan Mathany</b>                  | ) |                            |
|                                       | ) |                            |
| For a Comprehensive Plan Map          | ) | FINDINGS, CONCLUSIONS, AND |
| Amendment and Zoning Map              | ) | RECOMMENDATIONS            |
| Amendment                             | ) |                            |
| _____                                 | ) |                            |

**SUMMARY OF RECOMMENDATIONS**

The Skamania County Hearing Examiner recommends to the Board of County Commissioners that the request for Carson Community Subarea Comprehensive Plan and zoning map amendments to change the designation of three parcels totaling 5.9 acres from Rural Residential to High Density Residential should be **GRANTED**.

**SUMMARY OF RECORD**

**Requests:**

Mike and Julie Engel, Timothy and Megan Allaway, and Bryan Mathany (Applicants) requested a Carson Community Subarea Comprehensive Plan map amendment and a zoning map amendment to change the designation of three parcels totaling 5.9 acres from Rural Residential to High Density Residential. The parcels are located at 81 Deborah Way, 391 Metzger Road, and 393 Metzger Road in Carson, Washington.

**Hearing Date:**

The Skamania County Hearing Examiner held an open record hearing on the requests on April 16, 2018.

**Testimony:**

The following individuals presented testimony under oath at the open record hearing:

- Andrew Lembrick, Land Use Planner, Skamania County
- Alan Peters, Assistant Planning Director, Skamania County
- Mike Engel, Applicant
- Megan Allaway, Applicant
- Bryan Mathany, Applicant

**Exhibits:**

The following exhibits were admitted into the record:

1. Staff Report, dated April 2, 2018, with the following attachments:
  1. Comprehensive plan change application
  2. Rezone application
  3. SEPA mitigated determination of non-significance (MDNS)
  4. Notice of public hearing (Skamania County Pioneer publication)
  5. Notice of public hearing (Web posting)
  6. HDR parcel calculations
  7. Office of Financial Management statistics for population and housing

Upon consideration of the testimony and exhibits admitted into the record, the Hearing Examiner enters the following findings and conclusions:

**FINDINGS**

1. The Applicants requested a Carson Community Subarea Comprehensive Plan map amendment and a zoning map amendment to change the designation of three parcels totaling 5.9 acres from Rural Residential to High Density Residential. The parcels are located at 81 Deborah Way, 391 Metzger Road, and 393 Metzger Road in Carson, Washington.<sup>1</sup> *Exhibits 1, 1.1, and 1.2.*
2. The Carson subarea is an unincorporated urban area within the Columbia River Gorge National Scenic Area. The subject parcels are located centrally in the subarea. The “block” containing the subject parcels is bounded by Smith-Beckon Road to the north, Cloverdale Avenue to the south, Wind River Road to the west, and Metzger Road to the east. *Exhibit 1, pages 6-7.*
3. The Applicants submitted the applications and a State Environmental Policy Act (SEPA) environmental checklist on December 27, 2017. The SEPA review included future development of a four-lot short plat on the Engel parcel; the owners of the other parcels do not have immediate development plans. The applications were determined to be complete as of the date of submittal. All property owners listed on the complete application signed the petition for a rezone. *Exhibits 1 (pages 3, 11, and 22), 1.1, 1.2, and 1.3; Testimony of Mike Engel, Megan Allaway, and Bryan Mathany.*
4. The Carson Community Subarea Comprehensive Plan, which designates the subject parcels as Rural Residential, was adopted on December 19, 1994. The subject parcels’ current Rural Residential zoning was adopted on December 29, 1997. *Exhibit 1, page 2.*

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<sup>1</sup> The subject parcels are known as Tax Parcel Numbers 03082014030300, 03082014040200, and 03082014040300. *Exhibits 1, 1.1, and 1.2.*

5. The Rural Residential designation is intended to provide areas of lower residential density to preserve the rural character of the community. In contrast, the Comprehensive Plan describes the High Density Residential designation as follows:

The High Density Residential designation is based upon existing high densities and includes parcels which presently are predominately less than one acre. Other bases for this designation include proximity to public facilities and the ability of an area to support high density residential development without compromising the rural residential character of the planning area.

*Exhibit 1, page 19.*

6. The allowed land uses within the Rural Residential and High Density Residential zones are substantially the same, except that the Rural Residential zone allows for industrial forestry and recreation uses that are not allowed outright in the High Density Residential zone. The difference between the zones is that the Rural Residential zone requires a minimum lot area of one acre for single-family residential development, and the High Density Residential zone requires a minimum lot area of one-half acre. *Skamania County Code (SCC) 21.65.060 and 21.65.070.*
7. The parcels, considered together, share a boundary with the requested High Density Residential designation for a distance of 860 feet, an amount that exceeds 25% of the width of the combined parcels. *Exhibit 1, pages 2 and 16*
8. The subject parcels are in an area containing land uses and densities that are inconsistent with the Rural Residential designation. Surrounding land uses include storage facilities on commercially-zoned land to the south and southwest, a ten-lot subdivision of 0.38- to 0.51-acre lots on Rural Residential land to the north, a nine-lot subdivision of similarly sized lots on High Density Residential land to the east (across Metzger Road), a two-acre residential lot on High Density Residential land to the south, and Skamania County Public Utility District facilities on Rural Residential land to the northwest. *Exhibits 1 (pages 6-12), 1.1, and 1.2.*
9. In the Carson subarea, the area of land zoned High Density Residential is 681.88 acres, of which 524.09 acres are considered developable for residential use; the remaining 157.79 acres consist of properties developed with commercial, governmental, and other non-residential land uses. With an allowable density of two dwelling units per acre, the 524.09 developable acres could yield up to 1,048 residential lots at full build-out. There are currently 580 developed lots in the zone, or 55.3% of the 1,048-lot capacity. *Exhibit 1, pages 9-10.*
10. The Applicant argued that the infill calculation described in Finding 9 above is extremely conservative and that reaching full development capacity would require a significant - and unlikely - amount of redevelopment, due to such factors as the location of existing development on the parcels. For example, while a 1.1-acre lot could be subdivided into two lots, it might have an existing large, centrally located residence in good condition that is unlikely to be removed anytime soon. *Mike Engel Testimony.*

11. Although considering the acreage within the High Density Residential zone as a whole suggests that only 55.3% of development capacity has been achieved, considering acreage on a lot-by-lot basis suggests fewer development opportunities. For example, of the 663 parcels that are undeveloped or developed with a residential use, 571 (86%) could not be further divided because the area is less than one acre, and 88% of the parcels measuring less than one acre are already developed. *Exhibits 1 (pages 9 and 18), 1.1, 1.2, and 6.*
12. The population of Skamania County has increased significantly since the Rural Residential designation was adopted. The population increased 19.1% between 1990 and 2000, 12.1% between 2000 and 2010, and 5.6% between 2010 and 2017, with the majority of new residents locating in unincorporated areas. The Applicants submitted, and County Planning Staff concurred, that the extent of public lands in the County and the restrictions of the Columbia River Gorge National Scenic Area limit the potential for growth outside of the Carson urban area. *Exhibits 1 (pages 18-19), 1.1, and 1.2.*
13. The Applicants have observed a high demand for housing in the Carson area and argued that this demand is reflected in the County's recent adoption of ordinances allowing accessory dwelling units. Mr. Engel and Ms. Allaway testified that their rental units have 100% occupancy and never go more than a day without being occupied. They both receive regular calls inquiring about the availability of their rental units and are asked frequently if they want to sell their units. *Testimony of Mike Engel, Megan Allaway, and Bryan Mathany.*
14. The subject parcels are in close proximity to public facilities in Carson, including Carson Elementary School and the Skamania County Fire Protection District No. 1 station, both of which are less than one-half mile away. Water and electric infrastructure are present in the area. The water system has capacity to serve the additional lots of the short plat. The parcels front on, or are in close proximity to, arterial roads. *Exhibits 1 (page 19), 1.1, and 1.2.*
15. New residences developed as a result of the amendments would take access from Deborah Way or Metzger Road, both of which have capacity for the anticipated additional traffic. *Exhibit 1, page 16.*
16. The Skamania County Comprehensive Plan contains the following land use goals and policies that are relevant to the instant request:

Goal LU.2: To provide for orderly future physical development of Skamania County.

Policy LU.2.5: Land use patterns should follow along roads, rivers, township lines, range lines, section lines or quarter section lines rather than individual parcel lines to provide for uniform regular boundaries between land use designations.

Policy LU.3.2: Promote the revitalization of older or declining areas to capitalize on existing public investments (water systems, streets, electrification, telephone service, etc.) and private investments ....

Policy LU.4.3: Land use patterns that minimize the cost of providing adequate levels of public services and infrastructure should be encouraged.

*Exhibits 1 (page 17), 1.1, and 1.2.*

17. Pursuant to Revised Code of Washington (RCW) Chapter 36.70A, Washington State’s 1990 Growth Management Act, fast growing cities and counties are required to address a variety of development issues in their planning policies and development regulations. Due to historically slower growth, Skamania County had the choice to opt in to all requirements of the Growth Management Act but did not do so; it is considered a “partially planning county” under the Growth Management Act. As such, Skamania County is obligated to plan and regulate development in a manner that is consistent with the Growth Management Act’s provisions relating to critical areas (e.g. water resources, wildlife habitat, and geological hazards) and natural resource lands of long-term significance. *Skamania County Comprehensive Plan, page 9; RCW 36.70A.*
18. The subject parcels are generally flat, do not contain any surface water features, and are not known to be inhabited by protected species of wildlife. While the mapped soils satisfy the definition of a Class I Erosion Hazard Area, this designation does not preclude residential development, but instead results in requirements for additional review. *Exhibit 1, pages 4-6; SCC 21A.06.010.*
19. Pursuant to the State Environmental Policy Act, Skamania County assumed the role of Lead Agency for review of the proposal’s potential adverse environmental impacts. After reviewing the SEPA environmental checklist, the County’s SEPA Responsible Official determined that the zoning and Comprehensive Plan map amendments and future four-lot short plat of Parcel No. 03082014030300, as mitigated, would not have a probable significant adverse impact on the environment and issued a mitigated determination of non-significance (MDNS) on February 28, 2018. Mitigation required by the MDNS includes use of dust-suppression techniques during development, landscaping of disturbed areas, use of erosion control measures, submission of a clear and grade permit and stormwater management plan, provision of potable water and on-site sewage disposal system, compliance with County road standards, and protection of any cultural resources discovered during construction. There were no comments submitted in response to the MDNS. *Exhibits 1 (page 3) and 1.3.*
20. Notice of the public hearing was published in the *Skamania County Pioneer* on February 21, 2018, mailed to the owners of properties within 1,000 feet of the subject parcels and to interested parties on February 14, 2018, and posted on the Community Development Department website on February 14, 2018. All public comment received by the County expressed support for the request. County Planning Staff recommended approval without conditions. *Exhibits 1 (page 3) and 1.4; Testimony of Megan Allaway; Testimony of Andrew Lembrick.*

## CONCLUSIONS

### **Jurisdiction:**

Pursuant to SCC 2.80.060.A, the Skamania County Hearing Examiner is authorized to receive and examine available relevant information including environmental documents, conduct public hearings, cause preparation of a record thereof, and prepare and enter findings and conclusions on those facts for the following:

- (5) Petitions for zoning map amendments under Section 21.18.040; (and)
- (6) Petitions for comprehensive plan or subarea plan amendments under Section 21.18.070(C); ...

Pursuant to SCC 2.80.060.B, the decision of the Hearing Examiner on matters 5 and 6 in paragraph A of this Section shall be in the form of a recommendation to the Board of County Commissioners pursuant to Section 21.18.070.

### **Procedure:**

#### ***Comprehensive Plan Map Amendment***

RCW 36.70 (Planning Enabling Act).

RCW 36.70.380 Comprehensive Plan - Public hearing required.

Notice of the time, place and purpose of any public hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county, at least ten days before the hearing.

RCW 36.70.390 Comprehensive Plan - Notice of Hearing.

Notice of the time, place and purpose of any public hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county, at least ten days before the hearing.

RCW 36.70.400 Comprehensive Plan - Approval-Required vote - Record.

The approval of the comprehensive plan, or of any amendment, extension or addition thereto, shall be by the affirmative vote of not less than a majority of the total members of the commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the commission and the reasons for its action and the motion shall refer expressly to the maps, descriptive, and other matters intended by the commission to constitute the plan or amendment, addition or extension thereto. The indication of approval by the commission shall be recorded on the map and descriptive matter by the signatures of the chair and the secretary of the commission and of such others as the commission in its rules may designate.

RCW 36.70.410 Comprehensive Plan - Amendment.

When changed conditions or further studies by the planning agency indicate a need, the commission may amend, extend or add to all or part of the comprehensive plan in the manner provided herein for approval in the first instance.

RCW 36.70.420 Comprehensive Plan - Referral to board.

A copy of a comprehensive plan or any part, amendment, extension of or addition thereto, together with the motion of the planning agency approving the same, shall be transmitted to the board for the purpose of being approved by motion and certified as provided in this chapter.

RCW 36.70.970 Hearing examiner system - Adoption authorized - Alternative - Functions – Procedures.

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and issue recommendations on applications for plat approval and applications for amendments to the zoning ordinance, the county legislative authority may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and issue decisions on proposals for plat approval and for amendments to the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative authority may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner ....

Skamania County Comprehensive Plan, July 2007, pages 15 – 17.

**Process**

The Comprehensive Plan Amendment Cycle and Review process is as follows:

1. All comprehensive plan amendment applications must be completed by the applicant (signed by the applicant and property owners) and submitted to the Planning Division of the Community Development Department on or before December 31st of each calendar year.
2. The comprehensive plan amendments will then be placed on the Hearing Examiner's schedule for public hearing at either the following April (east county), May (mid county), or June (west county) meeting.
3. The Planning Division will provide written analysis of each plan amendment to the Hearing Examiner for review.
4. The Hearing Examiner will then hold at least one public hearing to consider and act upon the original application.

A complete application for quasi-judicial comprehensive plan amendment must be submitted in writing and include the following:

1. A completed State Environmental Policy Act (SEPA) checklist and application fee (as set by the Board of County Commissioners);
2. Comprehensive Plan Amendment Fee (as set by the Board of County Commissioners);
3. Responses to the following:
  - a. Description of the requested Plan Amendment;
  - b. An explanation of why the amendment is being proposed including specific areas of the comprehensive plan needing changes;

- c. Draft text language, if appropriate;
  - d. An explanation of how the criteria in 4 (below) are met by the proposal:
4. Criteria against which the proposed amendment must be evaluated and found to be in substantial compliance for approval:
- a. A text and/or map amendment is necessary to resolve inconsistencies within the County Comprehensive Plan with which the county has no objection;
  - b. Conditions have significantly changed since the adoption of the Comprehensive Plan or Official Controls to the extent that the existing adopted plan provision or map designation is inappropriate. Examples of significantly changed conditions include, but are not limited to: 1) sixty percent (60%) infill of existing lots within the entire mapping designation being proposed for change; or 2) new technology and uses not originally considered in the text have been developed;
  - c. The proposed text and/or map amendment is consistent with the overall intent of the goals, maps, and land use element of the Comprehensive Plan;
  - d. The proposed text and/or map amendment is consistent with RCW 36.70, those sections of RCW 36.70A to which Skamania County is required to plan under and Comprehensive Plan policies;
  - e. Additionally, for an amendment to the Comprehensive Plan or any Subarea Plan Map, the proposed designation must be contiguous along a shared boundary by at least 100 feet or 25% of the width of the property proposed to change, whichever is greater;
  - f. Environmental impacts have been disclosed and measures imposed to avoid or, if not possible to avoid, then mitigate said impacts; and,
  - g. The applicant should examine potential ramifications of the proposed text and/or map amendment to other Comprehensive Plan Elements and official controls and show how the potential ramifications have been considered and addressed.

### ***Zoning Map Amendment***

#### *SCC 21.18.040 Petitions for Zoning Map Amendments.*

Petitions for zoning map amendments are requests to change the zoning classification shown on the official zoning map for a specific parcel or parcels by one or more landowners. Requests for such amendments may be initiated by filing with the Planning Department a completed application on forms supplied by the Planning Department, a completed environmental checklist, and a non-refundable fee as established by the resolution of the Board of County Commissioners. Petitions for a zoning map amendment may be initiated by the person or persons that own all the property for which the amendment is sought or for a larger area that the applicant owns. Where an amendment is requested for an area larger than the parcels owned by the applicants, the signatures on the application must represent 100 percent of the owners of the total number of parcels within the entire area proposed for amendment. If a parcel has multiple owners, then all of the owners' signatures must be obtained and are counted as single signature when calculating the percentage of owners' signatures obtained.

SCC 21.18.050 Frequency of Petitions for Zoning Map Amendments.

To ensure a comprehensive review of petitions for zoning map amendments, all petitions must be complete and submitted to the Planning Department on or before December 31st of each calendar year. The petition for zoning map amendments will then be placed on the Hearing Examiner's schedule for public hearing as follows: petitions within Commissioner District 1 (west end) will be heard beginning in June, petitions within Commissioner District 2 (mid county) will be heard beginning in May, petitions for Commissioner District 3 (east end) will be heard beginning of April. Due to the number of petitions received each year, there may need to be more than one public hearing scheduled for each of the Commissioner Districts. In addition, any of the public hearings may be continued as determined by the Hearing Examiner. If a petition for a zoning map amendment is denied, the petition can be resubmitted no sooner than the third year from the date of denial by the Hearing Examiner. Zoning map amendments do not constitute an emergency (i.e. an immediate threat to life or property for which action must be taken to alleviate the threat).

The Hearing Examiner will review the list of zoning map amendment applications received at the first meeting in February and set the schedule of hearings.

SCC 21.18.060 Notice of Hearing on Petitions for Zoning Map Amendments.

Written notice of an application for a petition for zoning map amendment under 21.18.040 shall be by:

- A. First class United States mail addressed to the applicants; all owners of the real property subject to the proposed amendment; and to all real property owners, as shown in the records of Skamania County Assessor, located within one thousand (1000) feet from any boundary of property subject to the proposed map amendment. If the owner of the property for which the proposed map amendment is requested owns another parcel or parcels adjoin a parcel subject to the amendment, then notification also shall be mailed to owners of real property located within one thousand (1000) feet from any boundary of such adjoining parcels. Notification of the hearing schedule for all applications shall be mailed no later than the last day of February. Failure by any person listed above to receive such notice shall not invalidate any proceedings or decision in connection with the proposed map amendment. Notices addressed to the last known owners of record as shown on the County Assessor records shall be deemed proper notice to the owner of such property; and
- B. Publication in a newspaper of general circulation in the County shall consist of:
  1. A list of all applications received, and the hearing schedule to be published on the last date the newspaper is published in February, and
  2. A legal notice of the hearing to be published at least ten (10) days prior to the open record hearing date.

SCC 21.18.070 Hearing by Hearing Examiner on Petition for Zoning Map Amendments.

The Hearing Examiner hearing process on petitions for zoning map amendments under SCC 21.18.040 shall be as follows:

- A. The Hearing Examiner shall hold at least one (1) public hearing on all proposed petitions for zoning map amendments. At the conclusion of such hearing or hearings, the Hearing

Examiner consider all testimony and documents presented and shall determine whether, based on the criteria set forth in SCC 21.18.070(b), the proposed petition for zoning map amendment should be approved or denied. The Hearing Examiner's decision shall be supported by appropriate findings of fact based exclusively on the evidence presented.

- B. The Hearing Examiner may approve the proposed petition for zoning map amendment if the zoning map amendment:
- 1) Bears a substantial relationship to the public health, safety, and/or welfare (is the amendment consistent with the comprehensive plan);
  - 2) Is contiguous to the requested zoning designation by at least 100 feet, therefore not being a grant of special privilege and;
  - 3) Circumstances have substantially changed in the area since the adoption of the existing zoning designation.

**Criteria for Approval:**

***Comprehensive Plan Amendment***

Pursuant to Chapter 1 of the Comprehensive Plan, the proposed amendment must be evaluated and found to be in substantial compliance with the following criteria:

- a. A text and/or map amendment is necessary to resolve inconsistencies within the County Comprehensive Plan with which the county has no objection;
- b. Conditions have significantly changed since the adoption of the Comprehensive Plan or Official Controls to the extent that the existing adopted plan provision or map designation is inappropriate. Examples of significantly changed conditions include, but are not limited to: 1) sixty percent (60%) infill of existing lots within the entire mapping designation being proposed for change; or 2) new technology and uses not originally considered in the text have been developed;
- c. The proposed text and/or map amendment is consistent with the overall intent of the goals, maps, and land use element of the Comprehensive Plan;
- d. The proposed text and/or map amendment is consistent with RCW 36.70, those sections of RCW 36.70A to which Skamania County is required to plan under and Comprehensive Plan policies;
- e. Additionally, for an amendment to the Comprehensive Plan or any Subarea Plan Map, the proposed designation must be contiguous along a shared boundary by at least 100 feet or 25% of the width of the property proposed to change, whichever is greater;
- f. Environmental impacts have been disclosed and measures imposed to avoid or, if not possible to avoid, then mitigate said impacts; and,
- g. The applicant should examine potential ramifications of the proposed text and/or map amendment to other Comprehensive Plan Elements and official controls and show how the potential ramifications have been considered and addressed.

## ***Zoning Map Amendment***

Pursuant to SCC 21.18.979.B, the Hearing Examiner may approve a petition for zoning map amendment if the zoning map amendment:

- 1) Bears a substantial relationship to the public health, safety, and/or welfare (is the amendment consistent with the comprehensive plan);
- 2) Is contiguous to the requested zoning designation by at least 100 feet, therefore not being a grant of special privilege and;
- 3) Circumstances have substantially changed in the area since the adoption of the existing zoning designation.

### **Conclusions Based on Findings:**

#### ***A. Comprehensive Plan Amendment***

1. The request was not for the purpose of resolving an inconsistency within the Comprehensive Plan, but approval would resolve an inconsistency between the Rural Residential Comprehensive Plan designation and the character of development within the Carson urban area in the vicinity of the subject parcels. County Planning Staff do not object to the request. *Findings 8 and 20.*
2. Conditions have changed significantly such that the Rural Residential designation of the subject parcels is no longer appropriate. Although by one measure of land capacity the High Density Residential designation is only 55% built out, it is important to note that the 60% threshold contained in the criterion is only an example of “significant change”. The record presented by the Applicants and Planning Staff includes persuasive evidence that there has been a sufficient change of circumstances to support the amendment even without the subject property reaching 60% capacity. This is due to the inability of most individual lots to be further divided (i.e., achieving full build out would require lots to be aggregated and redeveloped), a high level of population growth, and development constraints outside the urban area. Based on the character of surrounding development, which includes commercial uses and higher residential densities, and the availability of utilities and services, the High Density Residential designation is more appropriate for the subject parcels than the Rural Residential designation. *Findings 8, 9, 10, 11, 12, 13, and 14.*
3. The proposed map amendment is consistent with the overall intent of the goals, maps, and land use element of the Comprehensive Plan. The request is consistent with the intent of the High Density Residential Comprehensive Plan designation, due to the parcels’ proximity to public facilities and the ability of the area to support higher density residential development without compromising its rural residential character. The subject parcels are near a school and a fire station, and they are served by utilities and public roads that have capacity for additional traffic. The record presented supports the conclusion that the requested change in land use designation would not compromise the rural residential character of the area based on the following: the High Density Residential and Rural Residential designations allow substantially similar land uses, the additional density would be relatively modest, and the

neighborhood is already characterized by a mix of housing densities including the density proposed. *Findings 5, 6, 14, 15, and 16.*

4. The proposed map amendment is consistent with State requirements to plan for critical areas. No critical areas have been identified on the parcels that would prevent the development density proposed. The map amendment is also consistent with Comprehensive Plan policies to have land use patterns follow roads, to capitalize on existing public investments in infrastructure, and to encourage land use patterns that minimize the cost of providing adequate levels of public services and infrastructure. *Findings 2, 8, 14, 15, 16, 17, 18, and 19.*
5. The proposed designation is contiguous along a shared boundary of more than 100 feet and greater than 25% of the width of the subject parcels. *Finding 7.*
6. Environmental impacts of future development were disclosed and mitigated during the SEPA review process. *Finding 19.*
7. Potential ramifications to streets/traffic were considered and no issues of concern were identified. Future short plats of the subject parcels would be required to comply with all applicable ordinances and adopted standards. *Findings 15 and 19.*

#### *B. Zoning Map Amendment*

1. The proposed zoning map amendment bears a substantial relationship to the public health, safety, and welfare, and with approval of the Comprehensive Plan map amendment, would be consistent with the Comprehensive Plan. The request is consistent with the intent of the High Density Residential Comprehensive Plan designation, based on proximity to public facilities and the ability of the area to support higher density residential development without compromising its rural residential character. The subject parcels are in close proximity to public services, including a school and fire station, and are served by utilities and public roads that have capacity for additional connections/traffic. As noted above, the requested rezone would not compromise the rural residential character of the area because the High Density Residential and Rural Residential zones are substantially similar, the number of additional units allowed by the rezone would be relatively modest, and the neighborhood is already characterized by a mix of housing densities, including the density proposed. *Findings 5, 6, 14, 15, and 16.*
2. The subject parcels are contiguous with the requested zone by a distance of more than 100 feet. High Density Residential land abuts the subject parcels to the south and across Metzger road to the east. Considering the character of surrounding development and the proximity of High Density Residential land to the subject parcels, granting the requested map amendment would not be a special privilege. *Findings 7 and 8.*
3. For the reasons described in Conclusion A.2, circumstances in the area have significantly changed since the Rural Residential zoning was adopted.

**RECOMMENDATIONS**

Based upon the preceding findings and conclusions, the Hearing Examiner recommends to the Board of County Commissioners that the request for Carson Community Subarea Comprehensive Plan and zoning map amendments to change the designation of three parcels totaling 5.9 acres from Rural Residential to High Density Residential should be **GRANTED**.

**Recommended** May 1, 2018.

By:



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Sharon A. Rice  
Hearing Examiner for Skamania County