



proud past, promising future

CLARK COUNTY  
WASHINGTON

## COMMUNITY PLANNING

### STAFF REPORT

TO: Clark County Planning Commission

FROM: Oliver Orjiako, Director

PREPARED BY: Jose Alvarez

DATE: May 24, 2013

SUBJECT: CPZ2013-00011 NE 139<sup>th</sup> St. Gaynor

---

#### **PROPOSED ACTION:**

The applicant requests the Comprehensive Plan designation be amended from Light Industrial (IL) to Community Commercial (CC) with implementing zoning designations of C-2 on approximately 3.8 acres.

#### **BACKGROUND:**

The property owner is requesting a change to the Comprehensive Plan and Zoning designation from Light Industrial (IL) to Community Commercial (C-2) for parcel no. 185402-000. The site has an existing automotive repair shop and paving company; a four lot short plat and preliminary site plan for an additional 4,800 sq. ft. auto repair shop, a 4,900 sq. ft. quick lube auto service building and a 29,850 sq. ft. mini-storage facility were approved in January 2010 per PSR2009-00042 . The short plan and site plan approval are still valid.

The site is located at 406 NE 139<sup>th</sup> St. approximately 3.8 acres

#### **GENERAL INFORMATION:**

Parcel Numbers: 185402-000

Location: NW intersection of NE 3<sup>rd</sup> Ct. and NE 139<sup>th</sup> Street

Area: 3.82 acres

Owner: THG SC LLC

Existing land use:

Site: Auto repair shop and paving company

North: Developed Industrial Warehouse building.

South: Developed Single Family homes zoned R1-7.5, Multi-family development to the southwest zoned R-18 and commercial development to the southeast.

East: Single Family homes zoned R1-6.

West: Industrial warehouse zoned Light Industrial.

## **SUMMARY OF COMMENTS RECEIVED**

No comments have been received to date.

## **APPLICABLE CRITERIA, EVALUATION OF REQUEST AND FINDINGS**

In order to comply with the Plan Amendment Procedures in the Clark County Unified Development Code (UDC 40.560.010), requests to amend the Comprehensive Plan land use map must meet all of the criteria in Section G, Criteria for all Map Changes. Requests to amend the zoning map must meet similar criteria (UDC 40.560.020H). For clarity, Criteria A-E in the following staff report summarizes all of the applicable criteria required for both plan and zoning map amendments.

### **CRITERIA FOR ALL MAP CHANGES**

- A. The proponent shall demonstrate that the proposed amendment is consistent with the Growth Management Act (GMA) and requirements, the countywide planning policies, the Community Framework Plan, Clark County 20-Year Comprehensive Plan, and other related plans. (See 40.560.010G(1) and 40.560.020H(2).)***

**Growth Management Act (GMA) Goals.** The GMA goals set the general direction for the county in adopting its framework plan and comprehensive plan policies. The most pertinent GMA goals that apply to this proposal are Goal 1, Goal 2, Goal 3 and Goal 5.

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.*
- (2) Reduce Sprawl. Reduce the inappropriate conversion of underdeveloped land into sprawling, low density development.*
- (3) Transportation. Encourage efficient, multi-modal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.*
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing*

*businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.*

Finding: The proposed amendment is consistent with State GMA Goals 1, 2, 3 and 5. The proposal would not convert land into low density development (Goal 2). The change to Community Commercial would permit commercial development on the site, and will allow a greater variety of uses that provide employment opportunities (Goal 5). The subject parcel is located at the NW intersection of NE 3<sup>rd</sup> Ave and 139<sup>th</sup> St. The re-designation of this land for more intensive commercial uses is consistent with the type and intensity of uses expected in the Vancouver Urban Growth Area (Goal 1). The proposed amendment to the comprehensive plan map would create the potential for an increase in trip generation of 71 trips. (Goal 3)

**Community Framework Plan and Countywide Planning Policies.** The Community Framework Plan encourages growth in centers, urban and rural, with each center separate and distinct from the others. The centers are oriented and developed around neighborhoods to allow residents to easily move through and to feel comfortable within areas that create a distinct sense of place and community.

Policies applicable to this proposal include the following:

#### 5.0 Transportation

Finding: Please refer to Transportation Impact Analysis, where transportation goals and policies are addressed.

#### 9.0 Economic Development

*Policy 9.1.0 Encourage a balance of job and housing opportunities in each urban center. Provide sufficient land for business as well as homes. Businesses within the community should provide a range of job types for the community's residents.*

Finding: The subject site is within the Vancouver UGA and granting the proposed commercial designation would assist in providing a range of job types for the community's residents. The proposed land use re-designation is consistent with this policy.

*Policy 9.1.4 Encourage appropriate commercial development in neighborhoods and rural centers that support the surrounding community.*

Finding: With a location that is in close proximity to existing neighborhoods, but directly on a minor arterial roadway, the proposed re-designation of the subject site would allow more intensive commercial development that supports the surrounding community, consistent with this policy.

**Clark County 20 Year Comprehensive Plan.** The Clark County Comprehensive Plan contains many policies that guide urban form and efficient land use patterns. The most relevant goals and policies applicable to this application are as follows:

*Policy 1.1.13 Urban Growth Area Centers (UGA) have a full range of urban levels of services and can be divided into three main categories in the following density tiers:*

- *Vancouver Urban Growth Area is now or will be a major urban area activity centers with a full range of residential, commercial, and industrial uses, high-capacity transit corridors, schools, major cultural and public facilities.*

Finding: The re-designation of this land for more intensive commercial uses is consistent with the type and intensity of uses expected in the Vancouver Urban Growth Area. The existing approval on the Light Industrial property for more commercial type development is consistent with the revisions made through the update of employment zoned land process completed last year.

*Vancouver Urban Growth Area*

*Policy 1.2.9 Concentrate development in areas already served by public facilities and services. Use the provision or planned provision of public services and facilities as a means of directing development into desirable areas.*

Finding: The applicants have stated that public water and sewer are available to serve the site. Clark Public Utilities provides water service and Clark Regional Wastewater provides sewer service. As discussed earlier in this report, the county's transportation impact analysis shows that an increase in trips as a result of this request is anticipated and will impact the transportation system.

*Policy 1.3.1 Urban densities and uses may occur throughout the urban growth area if it is provided with adequate services. Development and redevelopment in the UGA should be strongly encouraged to occur in greater intensity in major centers, transit routes and other areas characterized by both existing higher density urban development and existing urban services. Development and redevelopment should be encouraged to occur with less intensity in areas where urban development is of lower density or has not yet occurred, or in areas where urban services do not yet exist.*

Finding: The proposed Community Commercial (C-3) would allow the parcel to develop a mix of commercial and office uses. The subject parcel is partially developed and is in close proximity to a C-Tran park and ride lot.

*Chapter 1 Land Use Element*

**GOAL:** *Land use patterns and individual developments should be locationally and functionally integrated to reduce sprawl, promote pedestrian and transit use and limit the need for automobile trips and to foster neighborhood and community identity.*

**Policy 1.4.1** *Interrelated uses should generally be encouraged to locate in close proximity of each other:*

- *Frequently used commercial activities and the residential areas they serve should be allowed and encouraged to locate near to one another.*
- *Schools or other frequently used public facilities and the residential areas they serve should be allowed and encouraged to locate near to one another.*
- *Commercial, industrial or other employers and the residential areas they serve should be allowed and encouraged to locate near to one another, as long as negative impacts from non-residential uses on the residential areas are mitigated.*

Finding: Approval of this application will allow higher intensity commercial and office uses in close proximity to residential uses to the south and east. Allowed commercial and office uses in the proposed C-3 zoning will provide employment opportunities and goods and services to residents.

**Policy 1.4.7** *Higher intensity uses should be located on or near streets served by transit.*

Finding: The requested re-designation to C-3 zoning would allow “higher intensity uses” such as commercial, office, and multifamily (as part of an integrated multifamily/commercial or mixed-use structure). C-TRAN currently offers transit service along NE 139<sup>th</sup> St. to the subject site.

*Chapter 5 Transportation Element*

Finding: *Please refer to Transportation Impact Analysis, where transportation goals and policies are addressed.*

*Chapter 9 Economic Development*

**Policy 9.1.3** *The county and cities will encourage long-term growth of businesses of all sizes, because economic diversification and stratification are important factors in overall job growth for the county and cities.*

**Finding:** The requested re-designation to C-3 zoning is consistent with this policy. The proposed amendment would allow development with a greater variety of commercial and office uses.

*Policy 9.4.3 Encourage commercial and mixed-use developments located on current or planned transit corridors; encourage transit-oriented site planning and design.*

**Finding:** C-TRAN does offer transit service along NE139th St. adjacent to the subject site.

**Conclusion:** Approving the proposed Community Commercial land use designation will provide the opportunity for higher intensity office and commercial uses on a site that is located near the intersection of NE 139<sup>th</sup> St. and NE 3<sup>rd</sup> Ct., a site that is within the City of Vancouver Urban Growth Area. The requested zoning may result in increased employment opportunities on the site, due to the retail and service uses, and at greater intensities, satisfying economic development policies. Transit service is available to the site.

**B. The proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria identified in the Clark County Comprehensive Plan and the purpose statement of the zoning district. (See 40.560.010G(2) and 40.560.020H(2).)**

*Community Commercial (CC)*

*Commercial center areas provide services to several neighborhoods in urban areas of Clark County and is implemented with the Community Commercial base zone. New community commercial areas should generally be between five and 20 acres in size, spaced two to four miles from similar uses or zones, serve a population of 10,000 to 20,000 and locate at minor or major arterial crossroads.*

*Additional Commercial Criteria*

*Amendments to the plan map for designation of additional commercial land or for changing the zoning from one commercial district to another shall meet the following additional requirements:*

- 1. A market analysis using the weighted block group centroid retrieval method shall be submitted which verifies the need for the new commercial area or center; and*
- 2. A land use analysis of available commercially designated and zoned land in the market area of the proposed site shall be submitted which demonstrates that the existing commercial land is inadequate. The most recent vacant lands model must be used for the land use analysis.*

*Purpose.*

*Community Commercial (C-3) District. These commercial areas are intended to provide for the regular shopping and service needs for several adjacent neighborhoods. This district is only permitted in areas designated as community commercial or mixed use on the comprehensive plan.*

Finding:

The site is just approximately 4 acres and is located along a minor arterial (NE 139<sup>th</sup> St). There are similar uses and properties zoned for community commercial in close proximity and this would be an extension of that commercial area. Based on the applicant's analysis 60,600 residents live within 3 miles of the site.

The applicant has submitted a market analysis as part of the re-zone request. The market analysis submitted provides an overall assessment of Commercial land demand in the county as a whole and then within a 3-mile market area of the subject property. The commercial demand analysis is conducted by comparing the Effective Buying Income (EBI) of households countywide to total gross retail sales. The market analysis indicates there is an 11% difference between what retailers collect in gross sales and what households countywide spend this is called sales leakage. If the county were to recapture 100% of this leakage it would create demand of 400 acres of commercial land. Future retail demand (2012-2024) is estimated at 490 acres of commercial land countywide.

The commercial demand analysis outlined above is repeated at a 3-mile radius from the subject site, however because of the site's distance from two regional shopping areas, Vancouver Mall and Costco/Home Depot at Andresen and Padden Parkway, the analysis indicates that there is a 25% difference between what retailers collect in gross sales and what households in the 3-mile area spend. The demand from 2012 to 2024 indicates a need for 59 acres of commercial land. A total of 200 acres is needed for both recapture of sales leakage and future growth.

The report also identifies a need of 596 acres for office related employment.

**Conclusion:** The proposal meets all of the locational criteria. The proposed Community Commercial designation and C-3 zoning does meet the additional commercial criteria. The market analysis supports the need for the new commercial area and the land use analysis demonstrates that the existing commercial land is inadequate. Criterion B is met.

***C. The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity. (See 40.560.010G(3).)***

Finding: See discussion above of commercial demand analysis.

**Conclusion:** The amendment is suitable for the proposed designation. The applicant has submitted sufficient information to conclude that there is a lack of appropriately designated commercial sites within the vicinity. Criterion C has been met.

- D. The plan map amendment either; (a) responds to a substantial change in conditions applicable to the area within which the subject property lies; (b) better implements applicable comprehensive plan policies than the current map designation; or (c) corrects an obvious mapping error. (See 40.560.010G(4)and 40.560.020H(3).)***

**Finding:** The applicants address this requirement in their narrative by stating that this request better implements applicable comprehensive plan policies than the current map designation due to the construction of NE 139<sup>th</sup> St realignment in conjunction with the Salmon Creek Interchange/134<sup>th</sup> St work.

**Conclusion:** Criterion D has been met.

- E. Where applicable, the proponent shall demonstrate that the full range of urban public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, fire protection and schools. Adequacy of services applies only to the specific change site. (See 40.560.010G(5)and 40.560.020H(4).)***

**Finding:** The applicants have stated that there is adequate public water and sewer capacity to serve the subject property and the site is located within the Vancouver Urban Growth Area where more intensive development is anticipated to occur. As indicated in the county's transportation impact analysis, the proposed change in land use designation is not anticipated to significantly impact the level-of-service on NE 139th Street.

**Conclusion:** *Criterion E has been met.*

**RECOMMENDATION AND CONCLUSIONS**

Based upon the information provided by the applicants and the findings presented in this report, staff recommends that the Planning Commission forward a recommendation of **Approval** to modify the Comprehensive Plan and Zoning Maps from a Light Industrial designation with IL zoning to a Community Commercial designation with C-3 zoning.

**RECOMMENDATION SUMMARY**

The following table lists the applicable criteria and summarizes the findings of the staff report for Annual Review Case CPZ2013-00011. The Planning Commission findings will be added to the table after public deliberation at the Planning Commission hearing scheduled for this application.

<b>COMPLIANCE WITH APPLICABLE CRITERIA</b>		
	<b>Criteria Met?</b>	
	<b>Staff Report</b>	<b>Planning Commission Findings</b>
<b>Criteria for All Map Changes</b>		
<b>A.</b> Consistency with GMA & Countywide Policies	Yes	
<b>B.</b> Conformance with Location Criteria	Yes	
<b>C.</b> Site Suitability and Lack of Appropriately Designated Alternative Sites	Yes	
<b>D.</b> Amendment Responds to Substantial Change in Conditions, Better Implements Policy, or Corrects Mapping Error	Yes	
<b>E.</b> Adequacy/Timeliness of Public Facilities and Services	Yes	
<b>Recommendation:</b>	<b>Approval</b>	

## **Transportation Impact Analysis**

### **Annual Review Case: CPZ20013-00011 Gaynor**

#### **Introduction**

This report provides a transportation analysis of the proposed comprehensive plan amendment and zone change. The report identifies the likely localized and general transportation impacts and shows how applicable adopted transportation policies are met. Subsequent development will need to comply with applicable county development regulations, including standards governing the design of access and those that ensure transportation system concurrency.

#### **Requested Amendment**

The applicant is requesting to amend the Comprehensive Plan designation and zoning for parcel number 185402-000 from a Light Manufacturing Comprehensive Plan designation with ML zoning to a Community Commercial Comprehensive Plan designation with C-3 zoning. The subject site is about 3.2 acres and is located on the north side of NE 139<sup>th</sup> Street, adjacent to NE 3<sup>rd</sup> Court on the east side.

#### **Summary of Transportation Impact Findings**

The transportation analysis demonstrates that re-designating and rezoning the property for the proposed uses is consistent with adopted county transportation policies. The proposed land use change would not significantly impact the transportation system in a negative fashion. The following analysis shows that:

- There is an increase in the potential PM peak hour trip generation (71 trips) as a result of the requested change in land use designation.
- The subject site has an existing driveway on NE 139<sup>th</sup> Street. Per Attachment A, staff notes that the existing access may be closed and the applicant will have access via NE 3<sup>rd</sup> Court.
- If re-development occurs and the existing driveway is closed, a full westbound right-turn lane should be constructed at the NE 139<sup>th</sup> Street/NE 3<sup>rd</sup> Court intersection.

## Compliance with Clark County Transportation Policy

The transportation analysis demonstrates that application CPZ20013-00011 is consistent with all applicable Clark County transportation policies.

The following Framework Plan transportation policies are relevant to this application:

### 1.1 County-Wide Planning Policies

*1.1.3 Urban growth shall be located primarily in areas already characterized by urban growth that have existing public facility and service capacities to adequately serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services that are provided by either public or private sources. Urban governmental services shall be provided in urban areas. These services may also be provided in rural areas, but only at levels appropriate to serve rural development.*

*Urban governmental services include those services historically and typically delivered by cities or special districts, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection, public transit services, and other public utilities not normally associated with non-urban areas.*

*1.1.13 Urban Growth Area Centers (UGA) have a full range of urban levels of services and can be divided into three main categories in the following density tiers:*

- ***Vancouver Urban Growth Area** is now or will be a major urban area activity centers will a full range of residential, commercial, and industrial uses, high-capacity transit corridors, schools, major cultural and public facilities. Major urban area centers, have or will have, urban densities of development of at least 8 units per net residential acre (6 gross units per acre as an overall average. Areas along high capacity transit corridors and priority public transit corridors may have higher than average densities while other areas would have lower densities (e.g. established neighborhoods and neighborhoods on the fringes of the urban area). Regional institutions and services (government, museums, etc.) should be located in the urban core.*

**Findings:** The re-designation of this land for Community Commercial is consistent with the type and intensity of uses expected in the Vancouver Urban Growth Area.

**GOAL:**        *Develop a multi-modal transportation system.*

**5.2    Multi-modal System Policies**

- 5.2.2        *Transit related options, including high capacity transit, shall be encouraged in order to reduce congestion and to improve and maintain air quality*
  
- 5.2.7        *A safe and secure walkway network shall be established within urban areas and rural centers.*

Findings: C-Tran currently serves this area with line #9 Felida. The applicant will be required to construct curb and sidewalk along the subject parcel’s frontage as part of the development process. Improvements will comply with both Clark County development code and the requirements of the Americans with Disabilities Act. The proposed zone change and comprehensive plan amendment meets the above stated policies.

**GOAL:**        *Optimize and preserve the investment in the transportation system.*

**5.3    System Preservation Policies**

- 5.3.1        *Development projects shall adhere to minimum access spacing standards along arterial and collector streets to preserve the capacity of the transportation system. The county shall also work with the state to ensure that minimum access spacing standards for state highways are maintained.*

Findings: During the development review process, there may be a potential issue with the existing access. If the trip generation is considered significant by Development Review engineering staff, they may recommend that the existing access point be closed.

- 5.3.5        *The local street system shall be interconnected to eliminate the need to use collector or arterial streets for internal local trips.*

Findings: The above goal can be met by ensuring street connectivity through the site during the development review process. This area is relatively undeveloped, so street connections will need to be identified during the development review process.

- 5.3.6        *The county will protect the public’s investments in existing and planned freeway and grade separated interchanges.*

Findings: Per the applicant's traffic study, it has been demonstrated that the proposed comprehensive plan amendment and rezone will not represent a significant, negative impact on the recent Salmon Creek interchange project. As previously mentioned, the applicant will be required to work with County Development Engineering Department to ensure that the proposed impacts of the project will be mitigated upon re-development.

### **Implementation Strategies**

- *Require private developments to access collector and local access streets, versus direct access to the arterials. Encourage consolidation of access in developing commercial and high density residential areas through shared use driveways, interconnected parking lots and local access streets that intersect with arterials.*

Findings: Access to NE 139<sup>th</sup> Street, which is a four lane minor arterial, will not be approved for any future development of this site. Existing development code standards address access to arterial and collector streets and access consolidation. Staff recommends that the applicant gain access via NE 3<sup>rd</sup> Court.

- *Use transportation, land use and other measures to maintain or reduce vehicle miles traveled and peak hour trips by single occupant vehicles.*

Findings: Community commercial development at this location could potentially reduce vehicle miles traveled due to internal capture (mixed use residents using nearby services) and the availability of commercial uses to the growing market area north, west and east of this site.

### **Analysis of Trip Generation**

The proponent has submitted a transportation analysis which estimated that the trip generation potential during the p.m. peak hour will be 71 net new trips.

### **Site Specific Impacts**

- Per the County's Arterial Atlas, NE 139<sup>th</sup> Street is classified as a Minor Arterial roadway (M-4cb). Staff is concerned with the potential effects on NE 3rd Court at NE 139th Street. Although signalized, the signal timing may not accommodate the increased volume that may be generated by a retail commercial development without potential mitigations.
- Traffic signal modifications may include, but is not limited to, new signal poles, new signal heads, mast arms, signal cameras and associated equipment, new signal control equipment, fiber-optic interconnect to other local signals, etc.
- Access locations may not be allowed onto NE 139th Street.
- The intersection of NE 3rd Court/NE 139th Street may experience long wait times and low levels of service because of signal timing required to maintain mobility on NE 139th Street.

- During the development review process, the applicant will be required to address these site specific issues and make improvements to comply with Title 40 Community Development Code requirements.

**System Impacts**

Although a traffic profile or traffic study for specific site development uses is not required to change site zoning, a traffic study may be required at the time of Preliminary Site Plan/Land Division Review. Furthermore, any potential access restrictions and on/off-site mitigations will be assessed at the time of Preliminary Site Plan/Land Development Review.

Given the transportation analysis provided, it is reasonable to conclude that urban public facilities, including transportation facilities can be adequately provided to serve the proposed designation.

**Report Prepared By: Laurie Lebowsky, Clark County**

**Date: May 10<sup>th</sup>, 2013**

***Disclaimer: The trip generation and system analysis in this report provides a gross estimate of the likely impacts that will result from the action of approving this Annual Review request. The assessment of transportation impacts from subsequent development of the site occurs with a specific development proposal and the testing of that proposal under the County's Transportation Concurrency Management ordinance. Approval of this Annual Review request does not ensure that the transportation system will be adequate or that additional improvements will not be required at the time a specific development application is submitted.***

**Attachment A:**

**From:** Jardin, David  
**Sent:** Tuesday, December 11, 2012 5:00 PM  
**To:** Alvarez, Jose  
**Cc:** Lebowsky, Laurie; Klug, Rob  
**Subject:** PAC2012-00061 139th Street Plaza Annual Review - Concurrency Comments

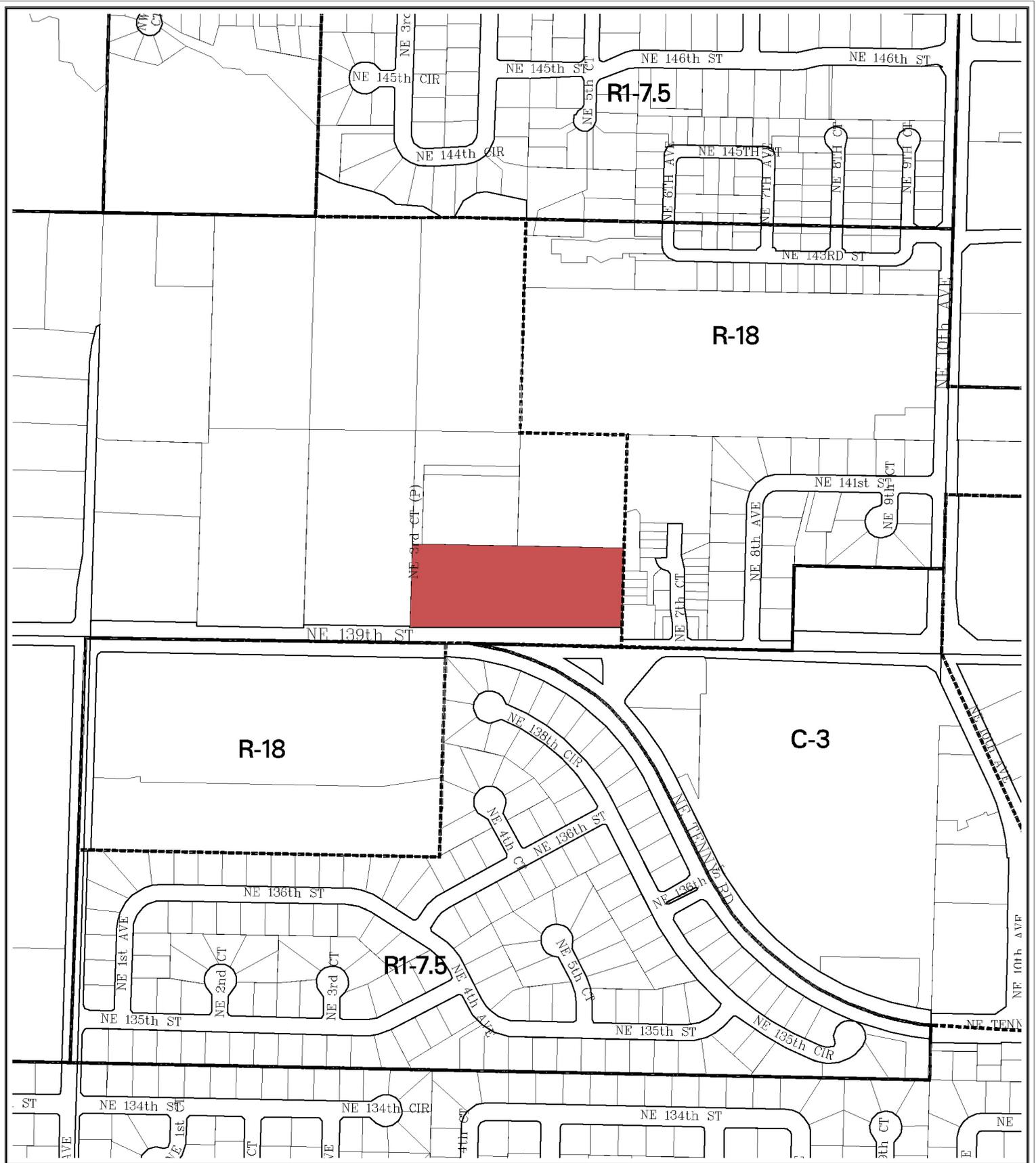
Concurrency has reviewed the following Zone Change Requests for:

PAC2012-00061 139th Street Plaza;

- See general comment below.
- Staff is concerned with the potential effects on NE 3rd Court at NE 139th Street. Although signalized, the signal timing may not accommodate the increased volume that may be generated by a retail commercial development without potential mitigations.
- Traffic signal modifications may include, but is not limited to, new signal poles, new signal heads, mast arms, signal cameras and associated equipment, new signal control equipment, fiber-optic interconnect to other local signals, etc.
- Access locations may not be allowed onto NE 139th Street.
- The intersection of NE 3rd Court/NE 139th Street may experience long wait times and low levels of service because of signal timing required to maintain mobility on NE 139th Street.

Although a traffic profile or traffic study for specific site development uses is not required to change site zoning, a traffic study may be required at the time of Preliminary Site Plan/Land Division Review. Furthermore, any potential access restrictions and on/off-site mitigations will be assessed at the time of Preliminary Site Plan/Land Development Review.

David Jardin, Concurrency Engineer  
Clark County Public Works – Development Engineering Program  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA 98666-9810  
Phone: 360-397-6118 ext. 4354  
Web: [www.clark.wa.gov](http://www.clark.wa.gov)



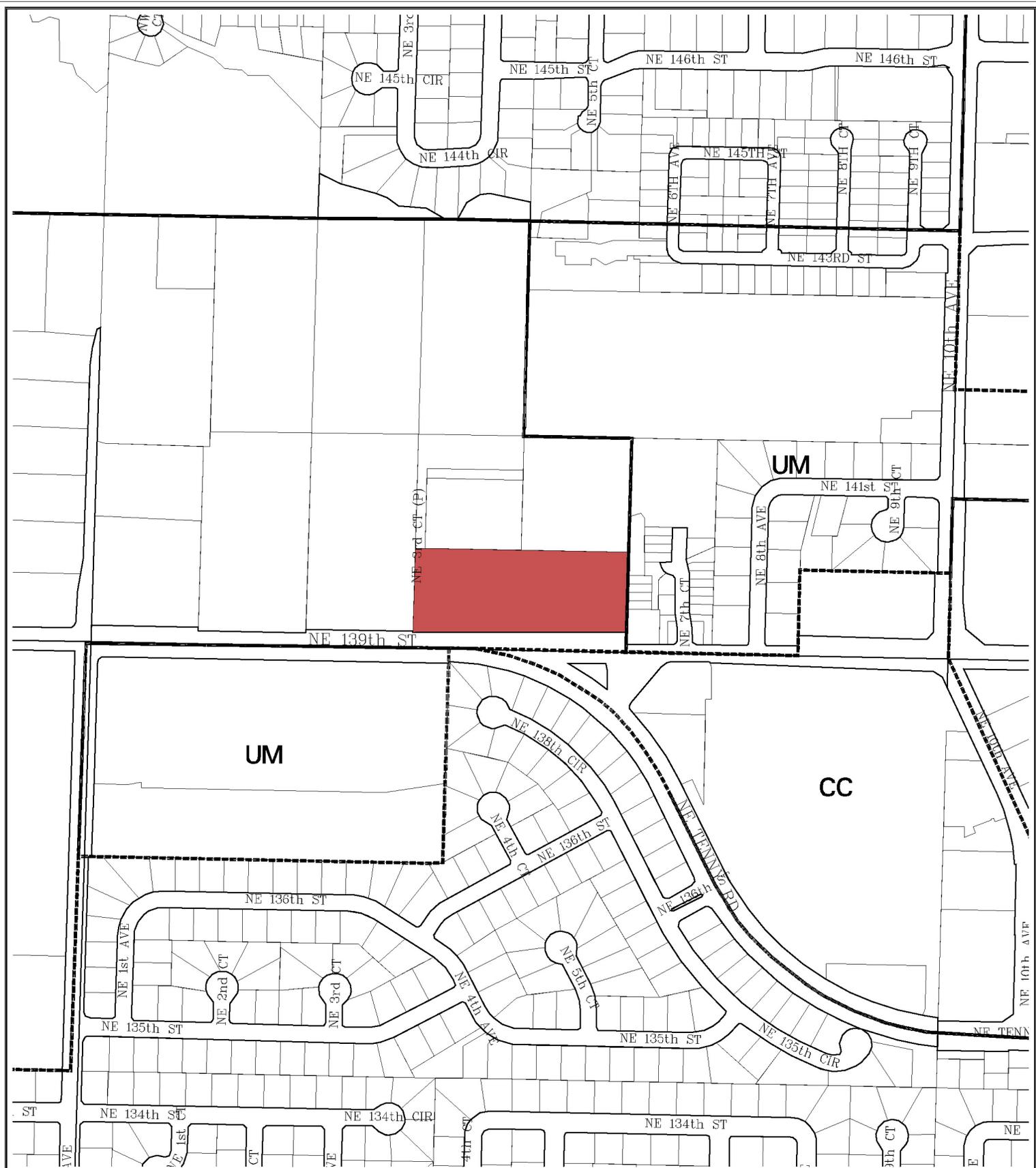
File # CPZ2013-00011, SN 185402000  
 Location: T3N R1E SEC 22  
 Comp Plan Change/Rezone/Text Change/Docket I



Order 10/31/11 GIS Product 1\_108



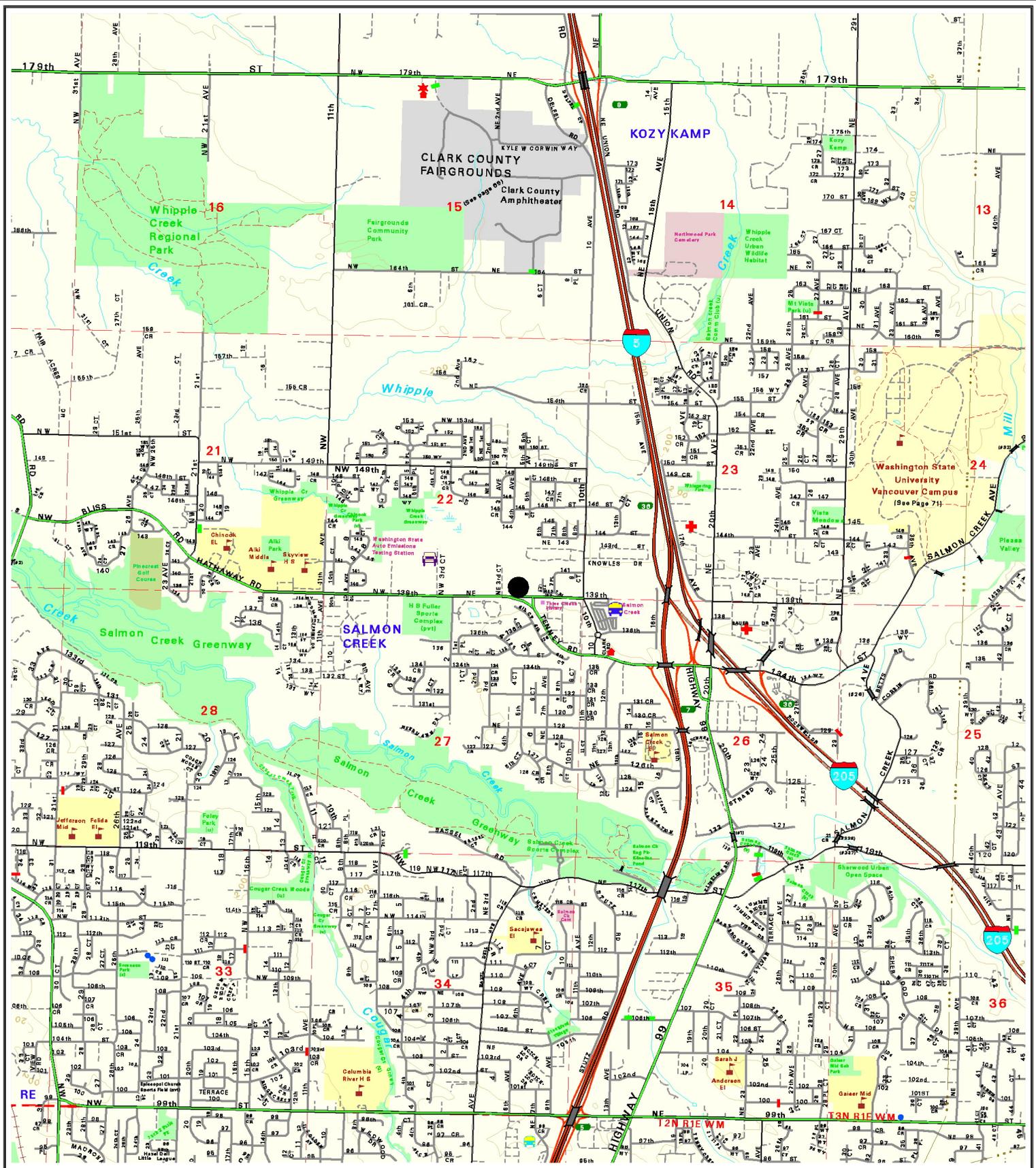
-  Subject Property
-  Zoning Boundary
-  Mining Combining District
-  Contingent Zoning
-  Urban Holding-10
-  Urban Holding-20



File # CPZ2013-00011, SN 185402000  
 Location: T3N R1E SEC 22  
 Comp Plan Change/Rezone/Text Change/Docket I

-  Subject Property
-  Comp. Plan Boundary
-  Mining
-  Industrial Reserve
-  Open Space/Density Transfer
-  Columbia River Gorge N.S.A.





File # CPZ2013-00011, SN 185402000  
 Location: T3N R1E SEC 22  
 Comp Plan Change/Rezone/Text Change/Docket I

● Subject Property Location



Geographic Information System  
 Order 107311 GIS Product 1\_108







# LANDERHOLM

Legal advisors. Trusted advocates.

Randall B. Printz  
805 Broadway Street  
Suite 1000  
PO Box 1086  
Vancouver, WA 98666

T: (360) 816-2524  
T: (503) 283-3393  
F: (360) 816-2529  
E: randy.printz@landerholm.com

November 29, 2012

Oliver Orjiako  
Community Planning Director  
PO Box 9810  
Vancouver, WA 98666

**Re: Annual Review Request for Comprehensive Plan Amendment and Rezone  
For 139<sup>th</sup> Street Property (Gaynor)**

Dear Oliver:

The Applicant is requesting a change to the Comprehensive Plan and Zoning designation of tax parcel 185402-000. The subject property is 3.82 acres in size and located just northwest of the Fred Meyer Shopping Center at NE 139<sup>th</sup> Street and NE Tenney Road. The parcel is also located in the SE quarter of Section 22, Township 3 North, Range 1 East, Willamette Meridian, Clark County, Washington. The current Comprehensive Plan designation is Light Industrial (ML) with a Light Industrial (ML) zoning designation. The Applicant requests the Comprehensive Plan designation of the subject property be changed to Community Commercial (CC) with an implementing Zoning designation of Community Commercial (C-3).

The property to the north and west is zoned and being used as light industrial land. Hinton Industrial park is located to the west, across NE 3<sup>rd</sup> Court and Pro-Tech Industries exits to the north. Fred Meyer Shopping Center and other commercial buildings are located less than 500' to the southeast, with commercial zoning beginning just south of the subject parcel. Property directly east of the subject property is zoned R-18 (Windmill Terrace Subdivision), and there is also an existing business along NE 139<sup>th</sup> Street. The subject parcel is accessed directly by NE 139<sup>th</sup> Street and NE 3<sup>rd</sup> Court. The Salmon Creek Interchange project recently improved Tenney Road to form a "T" intersection with NE 139<sup>th</sup> Avenue directly south of the subject parcel. Additionally, NE 139<sup>th</sup> Street, instead of dead-ending at the subject property, has been extended to the west and widened.

The Applicant wishes to pursue this amendment to Community Commercial in order to better serve the market needs of the area by enhancing the Commercial Node that currently exists in the area, anchored by Fred Meyer. Because the proposed parcel is adjacent to Fred Meyer and directly visible from both NE 139<sup>th</sup> Street and NE Tenney Road; its development as commercial

would be more consistent with its access and its largest neighbor. The intent of the amendment to Community Commercial is to better serve the adjacent community with increased commercial uses, decrease overall trips by sharing with the current users that are already traveling to Fred Meyer and the nearby office and retail uses, and better serve the County with increased tax revenues from property previously underdeveloped or undeveloped as industrial land.

Annual Reviews are subject to the County's Type IV land use application process. Type IV applications are heard by the Planning Commission, which then makes recommendations to the Board of County Commissioners. In order for the Planning Commission to render a recommendation of approval to the Board of County Commissioners for the proposed Comprehensive Plan change, the criteria as set forth in CCC 40.560.010(G) must be met. Following is a preliminary discussion of how the proposal can comply with the current "20-Year Comprehensive Plan for Clark County", the Growth Management Act and other requirements of Clark County.

The criteria to be analyzed for Comprehensive Plan Amendment applications are found at CCC 40.560.010. These criteria include the following:

**Criteria for All Map Changes (CCC) 40.560.010 (G)**

- (1) The proponent shall demonstrate that the proposed amendment is consistent with the Growth Management Act and requirements, the county wide planning policies, the community framework plan, comprehensive plan, city comprehensive plans, applicable capital facilities plans and official population growth forecasts.***

**Growth Management Act**

The goals of the Comprehensive Plan that are relevant to this application are "Urban Growth (Goal 1), Reduce Sprawl (Goal 2), Transportation (Goal Three) and Economic Development (Goal 5).

The Urban Growth Element of the GMA (Goal One) encourages development within existing urban areas where adequate public facilities and services exist, or can be provided in an efficient manner. The subject site is located within Clark County's Urban Growth Boundary with adequate services provided to the property. The requested Community Commercial designation will provide a more intense use of the property than has historically been achieved. Increased employment opportunities will occur with a change to commercial zoning.

Goal Two encourages the reduction of the inappropriate conversion of undeveloped land into sprawling, low density development. The project will not encourage sprawl, but instead will discourage the inefficient use of land. The site has been zoned ML since 1974. That zoning has resulted in underutilization of the property with low density industrial use. While the property has had some limited uses in the past, if this request is approved, the site would develop much

more intensely, creating more jobs per acre and more tax base. The commercial viability for this site is very high due to the number of vehicle trips by the site and its proximity to Fred Meyer.

Goal Three of the GMA encourages efficient, multi-modal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans. This application will encourage the efficient uses of the transportation system given the sites accessibility from I-205, I-5, NE 134<sup>th</sup> Street, Tenney Road and NE 10<sup>th</sup> Avenue. It is anticipated that drivers already on the road would be able to utilize these commercial services without generating additional automobile trips. The unique, centralized location of this site also facilitates the increased use of public transit.

Goal Five encourages economic development throughout the State that is consistent with adopted Comprehensive plans. With a commercial zoning designation, there will likely be a greater number of employment opportunities on the property than if it remains industrially zoned. This property has been zoned Industrial since at least 1974, and only half the site has developed. That development consists of low intensity use in the form of a small auto repair shop and a single family residential home. Importantly, the tax base created by a commercial development will likely far exceed that of a typical light industrial use.

### Clark County Comprehensive Plan Criteria

#### **Community Framework Plan Policies**

**5.1.0** The regional land use planning structure is to be integrated within a larger public transportation network (e.g., transit corridor, commercial nodes, etc.).

**9.1.3** The county and cities will encourage long-term growth of businesses of all sizes, because economic diversification and stratification are important factors in overall job growth for the county and cities.

**9.1.4** Encourage appropriate commercial development in neighborhoods and rural centers that support the surrounding community.

These county-wide framework policies focus on creation of commercial nodes, ability for commercial areas to serve neighborhoods and encouragement of density along high capacity transit corridors. These policies support the proposal to rezone this land from Industrial to Community Commercial, thereby enhancing a "commercial node" which is directly adjacent to NE 139<sup>th</sup> Street and NE 10<sup>th</sup> Avenue, with convenient access to proposed C-Tran services on NE 10<sup>th</sup> Avenue, I-5 and I-205. While there is industrially zoned land to the north and west, due to its proximity to the Fred Meyer Commercial area, its visibility and access to newly constructed 139<sup>th</sup>, and its proximity to nearby residential uses, this property is better suited for inclusion into the Fred Meyer commercial node.

### County-wide Planning Policies

1.1.3 Urban Growth shall be located primarily in areas already characterized by urban growth that have existing public facility and service capacities to adequately serve such development.

9.1.3 The County and the Cities will encourage long term growth of businesses of all sizes because economic diversification and stratification are important factors in overall job growth for the County and Cities.

9.1.11 (and 20 year policy 9.3.4) Conversion of industrial or employment center lands to non-industrial or non-employment center districts may occur within the following parameters:

- a. Protect and preserve lands zoned heavy industrial for heavy industrial uses.
- b. Protect employment center lands from conversion to residential.
- c. Consider rezoning of employment center lands to non-retail commercial, office campus, or business park if the proponent can show that (a) the zone change would accommodate unforeseen and rapidly changing commercial development needs, and (b) the proposed designation is more suitable than the current designation given the land's site-specific characteristics, and (c) the proposed zone change will generate jobs at a higher density than the current comprehensive plan zone allocation.

If zoned commercial, the property could develop with office, medical office or retail uses. While policy 9.3.4 suggests that it is generally preferable that industrial land is not converted to retail uses, there is no regulatory prohibition against such a change. Like all of the goals and policies of the Comprehensive Plan, this policy must be balanced against all others. Depending upon the unique facts of each case, these goals and policies may be balanced differently. In this case there are a variety of factors that weigh in favor of allowing a full range of commercial uses on this small site.

Changes to this area that are driving the increased market demand for this property's zoning to be changed to commercial include the recent change in traffic patterns associated with the long awaited construction of the 139<sup>th</sup> Street realignment in conjunction with the Salmon Creek Interchange/134<sup>th</sup> Street work. Prior to the construction of the interchange and extension of NE 139<sup>th</sup>, NE 139<sup>th</sup> Street "dead ended" into this property. NE 139<sup>th</sup> street is now constructed as a major arterial along the sites southern frontage. Additionally, Tenney Road, now "T's" into the site from the south. This property will now fit the locational criteria for Commercial zoning better than industrial zoning.

The small size of the site makes it very unlikely that it could be utilized as an industrial site for family wage jobs. Currently, the site primarily houses a retail automotive repair shop. With the substantial changes to the adjacent transportation system and infrastructure, this site will now have thousands of trips "by the door" each day and high visibility. These are factors

strongly desired and needed for commercial development; but usually not needed or wanted by more traditional industrial users. Because of these things and the parcel's close proximity to the Fred Meyer anchored commercial node; as well as the fact that the surrounding properties are already fully built out, this property is more suitable for commercial uses than industrial uses. The property will also produce more jobs if zoned commercial as demonstrated by the economic analysis prepared by Cascade Planning.

### **Twenty Year Planning Policies**

1.4.4 Compact nodal commercial development shall be encouraged. Strip-type commercial development shall be discouraged.

9.1.8 The county and cities will provide for orderly long-term commercial and industrial growth and an adequate supply of land suitable for compatible commercial and industrial development.

9.1.12 Encourage use of a multi-modal transportation system that facilitates the reduction of travel times and reduces the need for additional road construction within the region.

Although this parcel has relatively good access for industrial purposes, the subject property and its' access are better suited for commercial. Property to the immediate southeast is the Three Creeks Vancouver Library, followed by Riverview Community Bank and Fred Meyer Shopping Center. Property to the farther southeast, offers a hub of commercial activity and economic tax-base generation for Clark County. By rezoning the subject parcel to commercial, the commercial node is enhanced, that can serve the demands of the adjacent population with non-strip commercial development. The commercial node reduces sprawl of commercial land, encourages compact commercial development and creates a high intensity of use on the subject parcel, which has a significant opportunity to "share" trips with vehicles already headed for Fred Meyer and its adjacent restaurants and retailers.

### **County 20-Year Planning Policies**

1.4.7 Higher intensity uses should be located on or near streets served by transit.

9.4.3 Encourage commercial and mixed-use developments located on current or planned transit corridors; encourage transit-oriented site planning and design.

This site sits within the proximity of two of the largest transportation facilities in the County (I-5 and I-205), both of which have substantial capacity. This proximity furthers the opportunity to create a dense commercial node without substantially deteriorating the surrounding transportation network. Also, because of its proximity to major arterials and freeways, substantial opportunities for transit exist.

*Goal: Assure an adequate supply of industrial sites to meet market demands for industrial development over the planning horizon to create an environment conducive to the startup, growth, and expansion of "targeted" industries.*

### 9.3 Policies

9.3.1 In cooperation with local jurisdictions, maintain a minimum ten-year supply of industrial land based on average absorption rates over the last five years.

- Designate the necessary acreage of vacant industrial land for the 20-year planning period.
- Discourage removal of land from the inventory that results in a less than 10-year supply of industrial sites.
- Update inventories of industrial lands at least every ten years to reestablish the 20-year supply of industrial lands.
- Encourage industrial land banking of large sites and "future urban reserve areas" to preserve large parcels at key locations for future industrial sites (per RCW 36.70A.367).
- New industrial sites that are part of a major industrial land bank shall be required to have a minimum of 75 acres or more and shall not be subdivided less than 50 acres.

The removal of 3.82 acres of industrial land from the existing inventory is a tiny amount in comparison to the total inventory of industrial land. Its conversion to Commercial zoning would not cause the County's industrial land supply to fall below a ten year supply.

*Goal: Provide commercial sites adequate to meet a diversity of needs for retail, service, and institutional development in Clark County.*

### 9.4 Policies

9.4.1 In cooperation with local jurisdictions, maintain an adequate supply of commercial lands within designated urban growth areas, based on average absorption rates of the last five years plus an appropriate market factor.

- Designate sufficient commercial land for the 20-year planning period, preferably located within designated urban growth areas.
- Discourage removal of commercial land from the inventory that results in a less than 10-year supply of commercial sites.

- Update inventories of commercial lands at least every ten years.
- Encourage infill and redevelopment of underutilized commercial sites.

This site has been underutilized for many years. Only about half of it has developed under its existing zoning since 1994. A change to commercial zoning would strongly increase the likelihood of this property fully developing at a much higher intensity.

9.4.2 Locate convenience-oriented retail and service developments adjacent to residential neighborhoods; encourage small-scale neighborhood commercial uses directly within residential areas.

9.4.3 Encourage commercial and mixed-use developments located on current or planned transit corridors; encourage transit-oriented site planning and design.

With the recent construction of the “new” NE 139<sup>th</sup> Street, this site is now located at the intersection of two major transit corridors.

9.4.4 Maintain design guidelines to ensure that commercial projects are developed with minimal impact on surrounding land uses, are consistent with related community appearance/design guidelines, and assure pedestrian as well as vehicular access.

Currently there are some older buildings on site with no landscape buffering or architectural amenity. Redevelop of this site with commercial uses, would require the new uses and buildings to comply with the current site plan review standards, including pedestrian and vehicular access and landscape buffering.

(2) *The proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria identified in the plan.*

### Community Commercial

Commercial center areas provide services to several neighborhoods in urban areas of Clark County and are implemented with the Community Commercial or Limited Commercial base zones. New community commercial areas should generally be between five and 20 acres in size, spaced two to four miles from similar uses or zones, serve a population of 10,000 to 20,000 and locate at minor or major arterial crossroads, serving a primary trade area between 2 to 4 miles. While the Comprehensive Plan provides this designation is applied to existing strip commercial areas as highway or limited commercial zoning, that designation has also been applied to a wide array of vacant and developable property located primarily in close proximity to major transportation corridors. Examples include 134<sup>th</sup> / I-205 / I-5 area, the Padden/I-205 area and the 179<sup>th</sup> Street interchange. The 20-Year Plan strongly discourages additional strip commercial being applied to new areas or extending existing strip commercial areas. In this case the Applicant is not seeking to create new strip commercial development or add to existing strip

development. While the parcel itself is relatively small, it will become part of the large existing commercial node, thus meeting the locational criteria.

**Additional Commercial Criteria**

Amendments to the plan map for designation of additional commercial land or for changing the zoning from one commercial district to another shall meet the following additional requirements:

- A market analysis using the weighted block group centroid retrieval method shall be submitted which verifies the need for the new commercial area or center; and
- A land use analysis of available commercially designated and zoned land in the market area of the proposed site shall be submitted which demonstrates that the existing commercial land is inadequate. The most recent vacant lands model will be used for the land use analysis.

The inclusion of this site as commercial property would not create a commercial strip development because it is an extension/completion of a larger commercial node. The Applicant has included a Commercial Assessment identifying the need for new commercial areas and a land use analysis of available commercially designated land in the market area.

- (3) *The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity.*

In 2010, the Commercial Assessment for the Gaynor Property provides that the 3.8 acre site, once redeveloped, would provide up to 80 gross jobs with the rezone. Additionally, the assessment still indicates that Clark County is experiencing a net deficit of 266 acres of unencumbered employment zoned land for commercial development.

- (4) *The plan map amendment either: a) responds to a substantial change in conditions applicable to the area within which the subject property lies; b) better implements applicable comprehensive plan policies than the current map designation; or c) corrects an obvious mapping error.*

Changes to this area that are driving the increased market demand for this property's zoning to be changed to commercial include the recent change in traffic patterns associated with the long awaited construction of the 139<sup>th</sup> Street realignment in conjunction with the Salmon Creek Interchange/134<sup>th</sup> Street work. Prior to the construction of the interchange and extension of NE 139<sup>th</sup>, NE 139<sup>th</sup> Street "dead ended" into this property. NE 139<sup>th</sup> street is now constructed as a major arterial along the sites southern frontage. Additionally, Tenney Road, now "T's" into the site from the south. This property will now fit the locational criteria for Commercial zoning better than industrial zoning.

The small size of the site makes it very unlikely that it could be utilized as an industrial site for family wage jobs. Currently, the site primarily houses a retail automotive repair shop. With the substantial changes to the adjacent transportation system and infrastructure, this site will now have thousands of trips “by the door” each day and high visibility. These are factors strongly desired and needed for commercial development; but usually not needed or wanted by more traditional industrial users. Because of these things and the parcel’s close proximity to the Fred Meyer anchored commercial node; as well as the fact that the surrounding properties are already fully built out, this property is more suitable for commercial uses than industrial uses. The property will also produce more jobs if zoned commercial as demonstrated by the economic analysis prepared by Cascade Planning.

- (5) *Where applicable, the proponent shall demonstrate that the full range of urban public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, fire protection and schools. Adequacy of services applies only to the specific change site.*

The site is located within the existing UGB and can easily be served with public facilities and services in an efficient manner. Both water and sewer run through NE 139<sup>th</sup> Street and both are currently extended (from NE 134<sup>th</sup> Street) to serve the adjacent Fred Meyer.

The change in tax revenue both from the likely increase in the assessed value of the property and increase in sales tax if it is developed as commercial will contribute toward the support of the available fire and police protection services, as well as other public services, in the vicinity.

#### **Rezone Criteria (CCC 40.560.020(G))**

The proponent must also comply with the requirements of CCC 40.560 (Plan and Code Amendments) and case law in order to be granted a request for rezone that accompanies the Comprehensive Plan Amendment application. Following is a brief discussion of proposal's compliance with the cited code section and case law. CCC 40.560.020 sets specific criteria that must be met in order to approve a zone change as follows.

- (1) *Requested rezone is consistent with the Comprehensive Plan designation.*

The proposal is not consistent with the current Comprehensive Plan designation and therefore a Comprehensive Plan Amendment has been proposed and is discussed in detail in this document. Approval of the Comprehensive Plan Amendment to General Commercial designation would allow the proposed rezone of Community Commercial (CC) to be consistent with the Plan designation.

- (2) *The request zone change is consistent with the plan policies and locational criteria, and the purpose statement of the zoning district.*

CCC 40.230.010 sets forth the purpose of the Community Commercial District:

*These commercial areas are intended to provide for the regular shopping and service needs for several adjacent neighborhoods. This district is only permitted in areas designated as community commercial or mixed use on the comprehensive plan.*

As discussed previously in this document, the request complies with the comprehensive plan policies and locational criteria set forth for the Community Commercial District. The proposal also satisfies the purpose statement of the Community Commercial District found in the Clark County Code. First, a change in zoning would allow a large area of the county to be efficiently served because of the surrounding I-205, I-5 and NE 134<sup>th</sup> Street transportation network; second, it does not contribute to additional strip development patterns; finally, it could accommodate a large space user that could create additional synergy with the surrounding intense commercial uses.

- (3) *The zone change either: a. Responds to a substantial change in conditions applicable to the area within which the subject property lies; b. Better implements applicable comprehensive plan policies than the current map designation; or c. Corrects an obvious mapping error.*

Again, the recent change in traffic patterns associated with the 139<sup>th</sup> Street realignment in conjunction with the Salmon Creek Interchange/134<sup>th</sup> Street work have created a major arterial along the sites southern frontage. This property will now fit the locational criteria for Commercial zoning better than industrial zoning.

- (4) *There are adequate public facilities and services to serve the requested zone change.*

There are a full range of urban services and public facilities adjacent to the site.

### CONCLUSION

As demonstrated throughout this document, the requested amendment to the Comprehensive Plan and zoning designations for the property further the goals and policies of the County's Comprehensive Plan, comply with the applicable zoning ordinance locational criteria and purpose statements, capital facility elements and population forecasts.

Please contact me if you have any questions related to this proposal.

Very truly yours,

RANDALL B. PRINTZ

RBP/ss

Enclosure

GAYT03-000001 - 607683.doc