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CLARK COUNTY  
WASHINGTON

## STAFF REPORT

TO: Clark County Planning Commission

FROM: Oliver Orjiako, Director

PREPARED BY: Jose Alvarez

DATE: August 7, 2013

SUBJECT: CPZ2013-00007 Fifth Plain Creek

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**PROPOSED ACTION:** The proposal is to amend the Comprehensive Plan by removing Urban Holding-20 designation on approximately 430 acres and re-zoning 22.7 acres from R1-7.5 to R1-6; 196.5 acres from R1-7.5 to R1-10 and 72.7 acres from R1-7.5 to R1-20. The area is located south of Ward Road bordered by NE 162<sup>nd</sup> to the west and NE 192<sup>nd</sup> to the east.

### BACKGROUND:

This area was added to the Vancouver Urban Growth Boundary through the adoption of the 2007 comprehensive plan. In Chapter 14 of the Comprehensive Plan Procedural Guidelines the Fifth Plain Creek area is described and specific criteria for removal of urban holding are listed. The criteria are:

- Annexation, unless a property's 75% annexation petition is not processed within 180 days by a petitioned city or the petitioned city indicates in writing its intention not to support annexation of the property; and
- Adoption of a master plan that includes a neighborhood park,; and
- Determination that the completion of localized critical links and intersection improvements are reasonably funded as shown on the county 6-year Transportation Improvement Plan or through a development agreement.

A letter was submitted indicating that the City of Vancouver is not interested in annexing the area but is able to provide water and sewer service to the area. A representative of several of the property owner's in the area has submitted a conceptual master plan that includes a linear trail along 5<sup>th</sup> Plain Creek with a pedestrian crossing. A transportation analysis was also submitted indicating the need for mitigation at two intersections, which would include signaling the intersections and the addition of turn lanes at 182<sup>nd</sup> Ave and Fourth Plain Blvd (SR-500) and at Ward Rd and NE 88<sup>th</sup> Street. Washington State Department of Transportation submitted a letter indicating that the additional turn lanes at the intersection would necessitate a replacement of a bridge just east of the intersection of 182<sup>nd</sup> Ave and Fourth Plain Blvd (SR-500).

The master plan also includes rezoning most of the property from the R1-7.5 designation as described above. The proposed rezoning came in response to concerns raised by the Board of County Commissioners in a February work session, in an attempt to make the area compatible with existing development and to create a transition from urban to the adjacent rural area. This was also an attempt to address drainage concerns of the existing residents.

An open house was held at the Sifton Fire Station on July 19th to inform the neighboring property owners of the proposal and the process for removing urban holding and the proposed zone amendments. There were a number of questions raised about the proposed zoning, transportation issues, safety, urbanization and impacts to schools, location of roads and drainage. 14 people signed the sign-in sheet but there were probably 25-30 people in attendance. Several comment forms were submitted and are in the public comment section of the report.

**GENERAL INFORMATION:**

Parcel Numbers:

R1-7.5 to R1-6;  
104182000 and western portion of 104170000;

R1-7.5 to R1-10  
169472000; 169460000; 168641000; 169479000; 169480000; 169480001; 169491000;  
168626000; 168619000; 168618000; 168617000; 168620000; 168623000; 168627000;  
east portion of 168637000; 168638000; 168624000; western portion of 115621192;  
western and southern portion of 168622000;

R1-7.5 to R1-20  
115621128; 115621166; 115621126; 115621130; 115621188; 115621182; 115621184;  
115621168; 115621156; 115621150; 115621158; 115621152; 115621154; 115621112;  
115621170; 115621110; 115621178; 115621122; 115621176; 115621144; 115621146;  
115621160; 115621108; 115621174; 115621172; 115621118; 115621120; 115621116;  
115621186; 115621138; 115621140; 115621142; 115621180; 115621106; 115621114;  
115621164; 115621148; 115621124; 168630000; 115621162; 115621134; 115621136;  
115621132; west portion of 168637000; 168638000; 168624000; eastern portion of  
115621192; northern portion of 168622000;

To remain R1-7.5  
154022000; 154020000; 154024000; 153989000; 153965000; 153958000; 153969000;  
154021000; 153954000; 154026000; 153934000; 153971000; 154006000; 153949000;  
154022005; 153964000; 153972000; 153970000; 154010000; 154011000; 153959000;  
154012000; 154023000; 153933000; 153934010; 154013000; 153934005;  
104180000; 153968000; eastern portion of 104170000

Location: The area is located south of Ward Road bordered by NE 162<sup>nd</sup> to the west and NE 192<sup>nd</sup> to the east.

Area: Approximately 430 acres

Owner: See attached list

Existing land use:  
Site: Large lot residential and agriculture zoned R1-7.5 with UH overlay  
North: Large lot residential and agriculture zoned R1-7.5 and AG-20

South: School and large lot rural residential zoned R-6, R-5 and R-10

East: Large lot rural residential zoned AG-20 and R-5

West: Single Family Residential zoned R1-6

## **SUMMARY OF COMMENTS RECEIVED**

WA State Department of Transportation. The additional turn lanes proposed to mitigate traffic at the intersection of 182<sup>nd</sup> Ave and SR-500 would necessitate widening and replacement of the bridge just east of the intersection. WSDOT staff indicated that there is no funding for improvements to this bridge or intersection in the foreseeable future.

David and Yong Harris. Concerned with the urbanization of surrounding area and impact it will have on existing residents of Monet's Garden.

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

In order to comply with the Plan Amendment Procedures in the Clark County Unified Development Code (CCC 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 (CCC 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 CCC 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 4, 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.*
- (4) Housing: Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.*
- (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 proposal is consistent with State GMA Goals 4 and 5. The proposal would allow for urban development to occur in the unincorporated area of the Vancouver UGA to be served by City of Vancouver sewer. Public water would be provided by Clark Public Utilities east of NE 172<sup>nd</sup> Ave. The proposal would allow for the creation of different housing types. The proposal could create additional construction jobs. The proposal would not be consistent with Goal 1 because of the unfunded transportation improvement needed at 182<sup>nd</sup> Ave and SR-500.

**Community Framework Plan and Countywide Planning Policies.** The policies most applicable to this proposal are set forth in 12.0 Annexation Element. The Annexation element states: “The Growth Management Act may encourage but it does not require annexation of urbanized areas to cities...”

#### *12.0 County-wide Planning Policies*

*12.0.1 Community Comprehensive Plans shall contain an annexation element. In collaboration with adjacent cities, towns, and Clark County, each city and town shall designate areas to be annexed. Each city and town shall adopt criteria for annexation and a plan for providing urban services and facilities within the annexation area. Policies for the transition of services shall be included in each annexation element. All cities and towns shall phase annexations to coincide with their ability to provide a full range of urban services to areas to be annexed.*

*12.0.2 Developing areas within urban growth and identified annexation areas should annex or commit to annex to adjacent cities in order to receive a full range of city-provided urban services. Unincorporated areas that are already urbanized are encouraged to annex to the appropriate city or town that provides the urban services. Incorporation of new cities and towns is a legal option allowed for under Washington law. Incorporation may be appropriate if an adequate financial base is identified or annexation is impractical.*

Finding: The proposal to remove urban holding in the Fifth Plain Creek area that will ultimately be served by the City of Vancouver and Clark Public Utilities. The city will require a commitment to annex as a condition of water and sewer service.

Clark County 20 Year Comprehensive Plan: The Clark County Comprehensive Plan contains goals and policies regarding annexation and Chapter 14 of the plan, the Procedure Guidelines outlines the process for removing urban holding designations.

*12.2.1 Properties not within or adjacent to areas characterized by significant unincorporated urban development that are or will be served by city provided urban services including but not limited to sewer and/or water should annex to*

*the city providing such service(s) prior to urban development. These properties include areas around the smaller cities and towns and the Fisher Swale area between Camas and Vancouver and the Fifth Plain Creek area of the east Vancouver UGA. In the event that annexation petitions are not processed and approved within the statutory timeframes by the petitioned city, properties within these areas may undergo urban development while unincorporated.*

## 14 Procedural Guidelines

### Urban Holding

*When development polices require a legislative action prior to urban development occurring, the county applies the Urban Holding Plan Map and Zoning Overlay with a specific underlying urban zone. In these cases, identified criteria are established that must be met in order to remove the urban holding zoning and authorize the underlying urban zone. Under certain circumstances a Master Plan or Sub-Area Plan which includes how and when an area develops and with what uses, may be required. In most cases, city plan policies may require annexation prior to development.*

### Vancouver Urban Growth Area

*The Vancouver Urban Growth Area is divided into the following larger sub-areas: East Vancouver, Orchards, and the Three Creeks Special Planning Area. Each of these areas has unique circumstances as described below that shall be met in order to remove the Urban Holding Overlay and authorize an urban zone which is consistent with the Comprehensive Plan. The county will remove the UH overlay to appropriate areas sufficient in size that the county can collect transportation related data, analyze the cumulative transportation impacts, and address mitigation to these impacts.*

*East Vancouver Area: The East Vancouver area includes two areas bordered by the municipal boundary in the far eastern portion and far northeastern portion of the city. These areas may only undergo urban development following annexation.*

*b) Fifth Plain Creek: This area is bordered by NE 192nd on the east, NE 99th to the north, NE 162nd on the west, and SR-500 to the south. Property in this area may only undergo urban development following annexation of if the petitioned city fails to process and approve within 180 days a 75% annexation petition for the property or if the petitioned city indicates in writing its intention not to support annexation of the property.*

*i) Adoption of a master plan that includes a neighborhood park;*

*ii) Determination that the completion of localized critical links and intersection improvements are reasonably funded as shown on the county 6 Year Transportation Improvement Plan or through a development agreement.*

Finding: Currently, Policy 12.2.1 and the procedures section of Chapter 14 allow for urban development to occur while the Fifth Plain Creek area is unincorporated.

Finding: A letter from the City of Vancouver was submitted indicating it has no interest in annexing the area. The City also indicated it will be able to provide the area with sewer and water.

Finding: The proposed master plan identifies a potential trail along Fifth Plain Creek, which appears to be a part of a buffer area for the creek. Vancouver-Clark Parks department has a standard for a neighborhood park that is 3 to 5 acres that are 85% developable. Neighborhood parks are intended to serve residents within a half-mile radius. Oak Grove Park is the closest park approximately 0.6 miles from the southwestern edge of the Fifth Plain Creek area.

The subsequent development at the densities proposed would be subject to the Park Impact Fee's (PIF's). The area is in PIF district 5. At the current impact fee rate that would generate \$1.5 million for acquisition and \$500K for park development. The area is outside of the Greater Clark Parks District (GCPD) so there is no dedicated funding available for maintenance. Since a neighborhood park is not specifically identified on the master plan the area would be subject to CCC40.540.050 Park Sites Reservation.

#### A. Parks.

*Proposed community parks and recreation sites, major urban park sites, regional park sites and other park and recreation sites serving an area larger than that of the proposed subdivision or short subdivision area that are located in whole or in part in the proposed subdivision or short subdivision as indicated in the park plan elements of the comprehensive plan or other adopted plans or policies of the county, may be required to be reserved by the subdivider when recommended by the Clark County Parks Director, for purchase by the public within a one (1) year period of time after final subdivision approval.*

Finding: The transportation analysis submitted indicates the need for mitigation at two intersections. The mitigation would include signaling the intersections and adding turn lanes at NE 88<sup>th</sup> St and Ward Road and at NE 182<sup>nd</sup> Ave and SR-500. The addition of turn lanes at NE 182<sup>nd</sup> Ave and SR-500 will necessitate the replacement of an existing bridge just east of the intersection or realignment of the intersection to the west. The Washington State Department of Transportation has indicated there is no funding for projects in this area for the foreseeable future. The intersection improvements are not reasonably funded in the County's 6 year Transportation Improvement Program. A developer's agreement has not been proposed to address the funding issue. Therefore, staff cannot conclude that intersection improvements have been reasonably funded.

Conclusion: The criteria for urban holding removal have not been met. Criteria A is not met.

**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 CCC 40.560.010G(2) and CCC 40.560.020H(2).)**

*Urban Low*

*This designation provides for predominantly single-family residential development with*

*densities of between five and ten units per gross acre. Minimum densities will assure that new development will occur in a manner which maximizes the efficiency of public services. New development shall provide for connection to public sewer and water. Duplex and attached single-family homes through infill provisions or approval of a Planned Unit Development may be permitted. In addition, public facilities, churches, institutions and other special uses may be allowed in this designation if certain conditions are met. The base zones which implement this 20-Year Plan designation are the R1-20, R1-10, R1-7.5, R1-6 and R1-5 zones. The zones may be applied in a manner that provides for densities slightly higher than existing urban development, but the density increase should continue to protect the character of the existing area.*

**A. Purpose.**

1. *The R1-20, R1-10 R1-7.5 and R1-6 districts are intended to:*
  - a. *Recognize, maintain and protect established low-density residential areas.*
  - b. *Establish higher densities where a full range of community services and facilities are present or will be present at the time of development.*
  - c. *Provide for additional related uses such as schools, parks and utility uses necessary to serve immediate residential areas.*

**Finding:**

The site is approximately 430 acres and the proposal to amend the zoning of the area is consistent with the Comprehensive Plan. The zoning amendments will provide a better transition from urban to the abutting rural area on the east side. The change in zoning appears to split zone six properties (104170000, 115621192, 168622000, 168637000, 168638000, 168624000) which is counter to the county's policy. If approved, these properties should have their boundary lines adjusted to better reflect the new zoning prior to the effective date.

**Conclusion:** The proposal meets all of the locational criteria. 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 CCC 40.560.010G(3).)***

**Finding:** The proposed change to the zoning designation is suitable and would provide a better transition from urban to rural than the current zoning designation. The site was designated for urban development through the adoption of the 2007 comprehensive plan. The proposal satisfies this criterion.

**Conclusion:** The amendment is suitable for the proposed designation. Criteria C is 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 CCC 40.560.010G(4)and CCC 40.560.020H(3).)**

Finding: The proposed zone change better implements applicable comprehensive plan policies than the current map designation but since the criteria for Urban Holding removal have not been met this criterion cannot be said to be satisfied.

**Conclusion: Criterion D is not satisfied.**

- 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 CCC 40.560.010G(5)and CCC 40.560.020H(4).)**

Finding: There are substantial urban services nearby to support the proposed development. The City of Vancouver can serve the entire site for sewer and the portion west of 172<sup>nd</sup> Ave. Clark Public Utilities will provide water east of 172<sup>nd</sup> Ave. Property owners submitted a transportation analysis that identified intersections that would fail if the subject parcels are developed as proposed. The mitigation measures proposed for NE 182<sup>ND</sup> and SR-500 would necessitate the expansion of a bridge just east of the intersection or realignment of the intersection to the west. Washington State Department of Transportation has submitted a letter indicating there is no funding in place to replace the bridge in the foreseeable future.

**Conclusion: Criterion E has not been met.**

## **RECOMMENDATION AND CONCLUSIONS**

The proposal to remove Urban Holding from the Fifth Plain Creek area does not meet the criteria for reasonably funding critical links and intersection improvements nor has a developer's agreement been proposed to address the issue at NE 182<sup>nd</sup> Ave and SR-500. Therefore staff recommends denial of the proposal to remove urban holding.

**RECOMMENDATION SUMMARY**

The following table lists the applicable criteria and summarizes the findings of the staff report for Annual Review Case CPZ2013-00007. The Planning Commission findings will be added to the table after public deliberation at the Planning Commission hearing scheduled for this application.

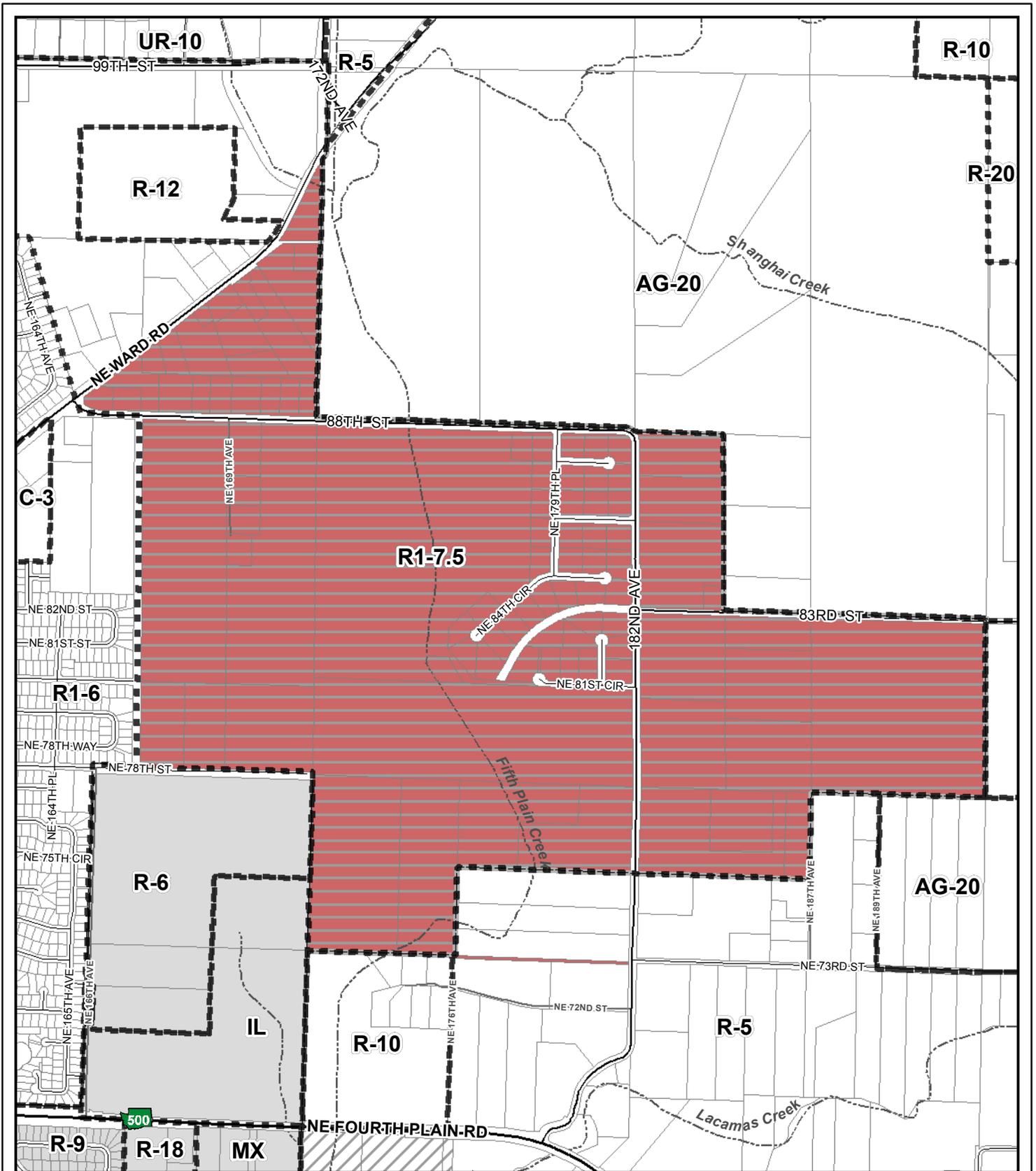
<b>COMPLIANCE WITH APPLICABLE CRITERIA</b>	
	<b>Criteria Met?</b>
	<b>Staff Report      Planning Commission Findings</b>
<b>Criteria for All Map Changes</b>	
<b>A.</b> Consistency with GMA & Countywide Policies	No
<b>B.</b> Conformance with Location Criteria	Yes
<b>C.</b> Site Suitability and Lack of Appropriately Designated Alternative Sites	Yes
<b>D.</b> Amendment Responds to Substantial Change in Conditions, Better Implements Policy, or Corrects Mapping Error	No
<b>E.</b> Adequacy/Timeliness of Public Facilities and Services	No
<b>Recommendation:</b>	<b>No</b>

Fifth Plain Creek Property Owners

SUMMIT VIEW CHURCH  
SAYLES SHEILA A  
BRUNGARDT RICHARD & BRUNGARDT LORRAINE  
ROTH JOHN & ROTH NANCY  
BOLDT MARTIN W & BOLDT MICHELL D  
BOLDT GARY & BOLDT HELEN  
SHOCK WILLIAM & SHOCK LISA (C/S)  
FALTER SUSAN  
EDWARDS LEROY A & EDWARDS ANTOINETTE  
KING STEPHEN & KING SHARON  
CASCADE WEST DEVELOPMENT INCORPORATED  
BLEVINS JAY-TYLER & BLEVINS ANDREA  
OEROING GLENDA R  
LUCA NICOLAE & LUCA FLORINA  
BOMBERGER RAY & BOMBERGER DEBBIE  
TRUONG CONG  
JESCHKE WILLIAM & JESCHKE KARRY  
ANDERSON AARON S & ANDERSON ANN  
LOPES KAREN G  
CLARK MARK L & CLARK ANNE M  
BEVARD CARL R  
SALSMAN GLENN & SALSMAN ROXANNE  
DICKINSON DARLENE S  
WOODY MARY LOU & BRUNGARDT LINDA GAY TRUSTEES  
ROTH INVESTMENTS LLC  
GRANGE JAMES S & GRANGE ELIZABETH TRUSTEE  
YOUNTS PATRICIA L  
GRINDE ELMER & GRINDE MONICA  
BACHOFNER ROBERT H & BACHOFNER KATHLEEN  
SUGIHARA MELVIN & SUGIHARA EVELYN  
BENDER RICHARD L & CAMPBELL MARYANNE  
ARTENSTEIN JOEL & ARTENSTEIN LYNNE TRUSTEES  
HARRIS DAVID L & HARRIS YONG  
HUDSON DAVID A  
REDINGER NICHOLAS A  
JONES LOIS M TRUSTEE  
HERBERT JAY BRYAN & HERBERT MARCIE  
HURT CHARLES & HURT ANITA  
BAKER GLENN A & BAKER JULIE M  
HOLT AUNDRIA  
CHEEK BRIAN & CHEEK DEANA

AKHTAR JUNAID  
JONES RICHARD C & JONES KRISTINE E  
GALLO DAVID R & GALLO KIMBERLY L  
FAULKNER DOUGLAS K & FAULKNER SHARON A  
FINCH JAMES R & FINCH CAROLYN ETAL  
DOUGLASS STEPHEN L & DOUGLAS ELIZABETH A TRUSTEE  
EVEREST CONSTRUCTION INC  
HARDER MIKE K  
ANDERSON EUGENE & ANDERSON LINDA TRUSTEE  
GARCIA STEPHEN  
TRUJILLO SHARON L  
LARSON DAVID L & LARSON DEANNE M  
STEELMAN TONY & STEELMAN RENE CO-TRUSTEES  
SMART ROBERT L SR & SMART MARY ANN  
HURLEY JESSE & HURLEY LINDA  
MANES WILLIAM J & MANES DENISE ELLEN  
RANCOURT STUART G & RANCOURT JAEHEE K  
ENSMINGER ROBERT B  
MEZA MIGUEL  
INSKEEP KATHY & FOURNIER COLLETTE TRUSTEES  
SMOKEY MYRON & SMOKEY DEBRA  
ROWE THOMAS & ROWE CATHY  
THOUSAND OAKS MANAGEMENTT LLC  
HUDSON JASON WILLIAM & HUDSON BRENDA MICHELLE  
WOODS LAMONT R & WOODS KIRA A  
HURLEY RYAN R  
HINTON MARK & HINTON JONI J  
CLARK COUNTY ENVIRONMENTAL SERVICES - CWP



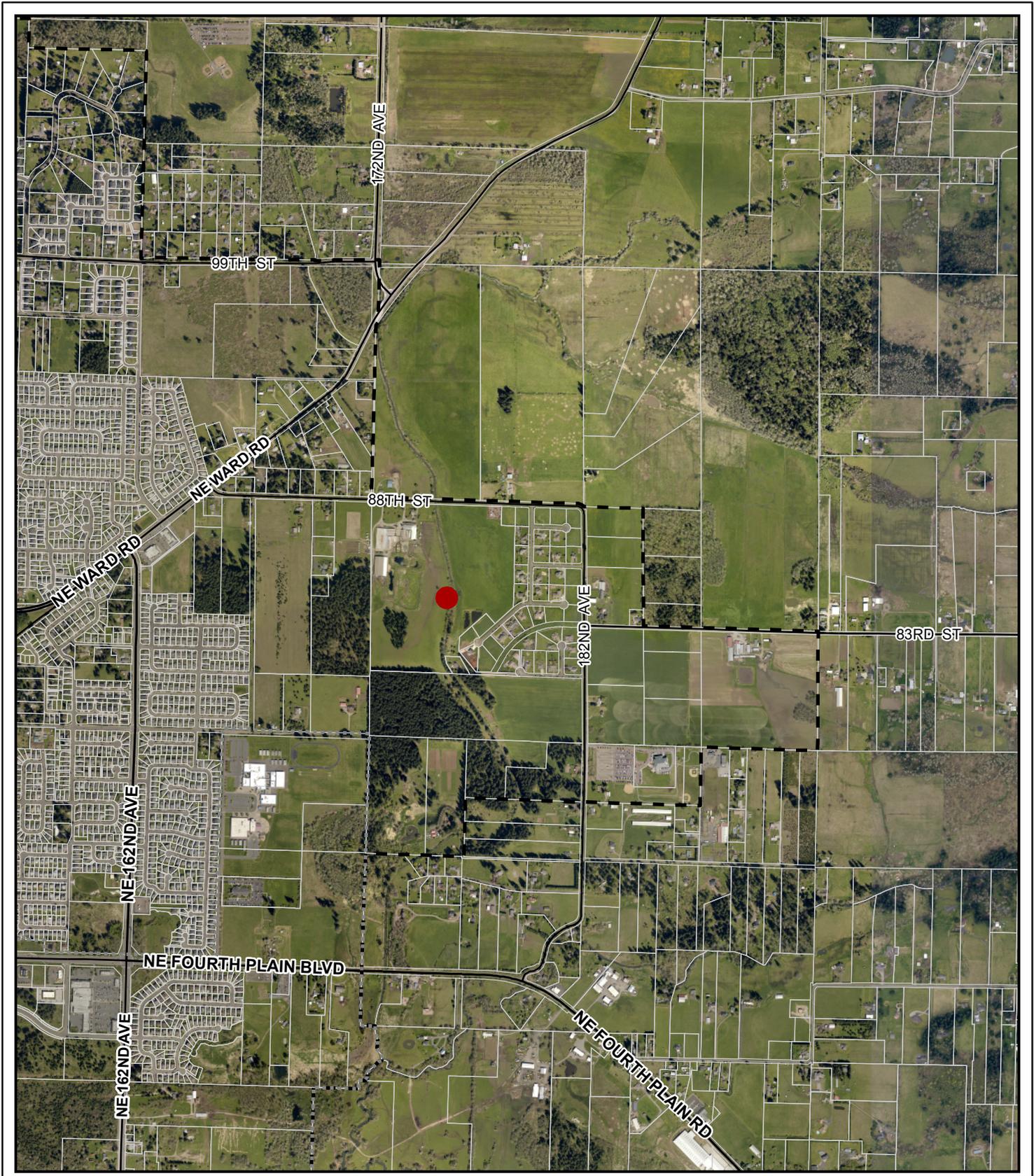


File#: CPZ2013-00007 - Fifth Plain Creek  
 Location: T2N R2E SEC 01; T2N R3E SEC 06 & 07  
 Comp Plan Change/Rezone/Text Change/Docket I

- Subject Property
- Current Zoning
- Urban Holding - 20 (UH-20)
- Industrial Urban Reserve - 20 (UR-20)
- City Limits
- Urban Growth Area (UGA) Boundary



1 inch = 1,000 feet



File#: CPZ2013-00007 - Fifth Plain Creek  
 Location: T2N R2E SEC 01; T2N R3E SEC 06 & 07  
 Comp Plan Change/Rezone/Text Change/Docket I

- Location
- City limits
- Urban Growth Area(UGA) Boundary
- Taxlots



1 inch = 1,500 feet



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

July 17, 2013

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

**Re: Comments in support of County's proposed Removal of Urban Holding and Master Planning for portions of the Fifth Plain Creek Area**

Dear Oliver:

The County has initiated a docket item to consider the removal of the Urban Holding overlay zone (UH) on parcels of contiguous land in the easterly portion of the Fifth Plain Creek sub area. All of the parcels have a Comprehensive Plan designation of Urban Low (UL) with underlying zoning of R1-7.5. In connection with the County's consideration of UH removal in this area, we represent Ryan Hurley, who is coordinating a group of property owners (the "Supporters") in the area that make up a substantial portion of the Fifth Plain Creek sub area (but not all of it; most notably, Monet's Garden and property north of 88<sup>th</sup> Street and east of Ward Road) that is still in Urban Holding (a total of 379 acres).

The County has asked us, as part of our participation in this process, to include all of the other parcels of property within the Fifth Plain Creek planning area east of Ward Road in our discussions relating to the County's potential removal of the UH in this area. A neighborhood meeting is scheduled for July 18<sup>th</sup>. The County, as part of last year's Annual Review process, removed the UH designation on the westerly portion of the Fifth Plain Creek sub area west of Ward Road.

The Supporters' properties are comprised of land located inside the Urban Growth Boundary that is east of Ward Road, south of 88<sup>th</sup> Street, north of NE 73rd Street, hereinafter referred to as the "Supporter's Property". The Supporter's Property is further described as parcels: 168637-000; 168638-000; 168624-000; 168627-000; 168623-000; 168620-000; 168617-000; 168618-000; 168619-000; 168626-000; 153933-000; 168622-000; 168641-000; 169479-000; 153934-000; 153934-005; 154006-000; 169472-000; 169460-000; 608402-000/115621-192 (one parcel); 607009-000/104170-000 (one parcel); 104180-000; and 104182-000. Exhibit A depicts the Supporters' properties in the context of the sub area east of Ward Road.

The area contains multiple single family residences, a subdivision (Monet's Garden), some minimal farm uses and Summit View Church. Some of the area is undevelopable because it includes Fifth Plain Creek and some wetlands, together with their associated buffers. This area

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is estimated at roughly 50 acres. The area has an existing street network in place, but other local access streets will be needed as development occurs. This area is accessed by NE 88<sup>th</sup> Street, NE 78<sup>th</sup> Street, and NE 182<sup>nd</sup> Avenue and Ward Road.

NE 162<sup>nd</sup> Avenue is a four-lane principal arterial with additional turn lanes at major intersections south of NE 88<sup>th</sup> Street. Bike lanes and sidewalks exist along both sides of the roadway. C-Tran provides public transit service in Clark County. There are two bus routes in the study area. Both Routes 44 and 72 provides bus service along NE Fourth Plain Road west of NE Ward Road and NE Ward Road between NE Fourth Plain Road and NE 152<sup>nd</sup> Avenue.

## **UH OVERLAY ZONE REMOVAL**

### **A. Process and Criteria**

Removal of the UH Overlay requires a Type IV process initiated by the County per UDC 40.560.010(K). The approval criteria are found in Chapter 13 “Procedural Guidelines” of the Clark County Comprehensive Plan and UDC 40.560.010 (G) and UDC 40.560.020 (G).

The criteria found in the “Procedural Guidelines” of the Comprehensive Plan are site specific to the East Vancouver Area of the Vancouver Urban Growth Area; and more specifically, for the Fifth Plain Creek area. The “Fifth Plain Creek Area” was brought into the Urban Growth Boundary (UGB) in 2004. As with almost all of the land added to the UGB in 2004, it included a UH overlay. At the time, the County was experiencing rampant growth and the UH was put in place to provide a mechanism to analyze the adequacy of urban services, (most notably transportation), prior to development. Today, much of the UH overlay districts have either been removed or are in the process of being removed, because the County now suffers from the opposite problem of rampant growth; a stifled economy. They have also been removed because the combination of construction of new transportation facilities and the lack of growth has the transportation system operating at higher levels than previously predicted.

The Comprehensive Plan criteria for removal of the UH overlay provides:

#### **Fifth Plain Creek:**

*This area is bordered by NE 192<sup>nd</sup> on the east, NE 99<sup>th</sup> to the north, NE 162<sup>nd</sup> on the west, and SR-500 to the south. Property in this area may only undergo urban development following annexation or if the petitioned city fails to process and approve within 180 days a 75% annexation petition for the property or if the petitioned City indicates in writing its intention not to support annexation of the property.*

- i) Adoption of a master plan that includes a neighborhood park;*

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- ii) *Determination that the completion of localized critical links and intersection improvements are reasonably funded as shown on the county 6 year Transportation Improvement Plan or through a development agreement.*

Previously, the Supporters' requested that the City of Vancouver annex the property. The City, due to fiscal and other reasons, indicated that the City is not interested in annexing property at this time or within the foreseeable future, particularly residential property. A letter from the City of Vancouver to that effect is provided with this . Thus, satisfying that criterion. Attached as Exhibit B is the letter from the City of Vancouver indicating that it does not wish to annex this are, but the City does have adequate urban services to serve this area. Also accompanying this narrative is a conceptual master plan attached as Exhibit C.

Comprehensive Plan Map changes may only be approved if all of the following are met under UDC 40.560.020(G):

1. *The proponent shall demonstrate that the proposed amendment is consistent with the Growth Management Act and requirements, the countywide planning policies, the community framework plan, comprehensive plan, city comprehensive plans, applicable capital facilities plans and official population growth forecasts; and*
2. *The proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria identified in the plan; and*
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; and*
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; and*
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.*

Zone changes may be approved only when all of the following approval criteria from UDC 40.560.020(G) are met:

1. *Requested zone change is consistent with the comprehensive plan map designation.*
2. *The requested zone change is consistent with the plan policies and locational criteria and the purpose statement of the zoning district.*
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.*
4. *There are adequate public facilities and services to serve the requested zone change.*

## **B. Summary of Reasons Supporting Removal of UH**

Chapter 13 of the Comprehensive Plan requires annexation or the City indicating it doesn't wish to annex and creation of a master plan. As indicated, the City does not wish to annex; therefore, the Supporters have prepared a proposed conceptual master plan of the area, including other non-Supporters' properties as requested by the County. The substance of the conceptual master plan is discussed below. The master plan was designed to lessen the density of the area from the existing zoning; far lessen the density from the original 10 units per acre minimum density provided for by the Comprehensive Plan until last year; to be compatible with existing adjacent development; and, to design a transportation system that provided adequate circulation, but was sensitive to the critical areas.

With the construction of the 192<sup>nd</sup> Ave. interchange, as well as the construction of the 192<sup>nd</sup> arterial, (including recent upgrades to 192<sup>nd</sup>/1<sup>st</sup>), the 164<sup>th</sup> corridor transportation conditions have greatly improved due to the additional capacity of the east Vancouver/ Camas arterial network. The area's transportation system, principally the 164<sup>th</sup> corridor and the Fourth Plain corridor, operate well within the level of service standards adopted for this area. Based upon the County's transportation data demonstrating that adequate capacity existed for this area and that level of service standards would not be compromised, the County last year, determined for the Fifth Plain Creek area's (west of Ward Road )UH removal process, that additional traffic analysis was not necessary. In this case, because the area is somewhat larger, the Supporters, at the request of the County, retained a qualified transportation engineer to analyze whether any level of service deficiencies would occur at any "critical links or intersections" as a result of removing UH from this area. As noted below in the master plan section, even more transportation analysis will be required, as it is with all development, at the time of development review.

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While removal of the UH requires compliance with UDC 40.560.020(G), the criteria identified in that code section are not wholly relevant to the removal of the UH overlay. The stated criteria are clearly intended to address traditional requests to change the base zoning from one designation to another e.g. Industrial to Commercial. Regardless of applicability, the request to remove the UH overlay does not conflict with the existing Comprehensive Plan designation of UL; in fact, the request by the Applicant is consistent with the express provisions of the Comprehensive Plan, e.g. removal of UH with a master plan, absent City annexation.

Similarly, there is no locational criteria for the UH overlay zone other than the geographic boundaries of the Fifth Plain Creek area, which this property lies within. Additionally, the full implementation of the Comprehensive Plan policies cannot occur, unless and until, the UH overlay is removed. The fact that the City of Vancouver has changed its policy on annexation is a substantial change in circumstances, as would be either the City's decision to annex or not to annex the property. It is unlikely that the condition of annexation would have been a part of the Comprehensive Plan, if the City's annexation policy was what it is today.

Finally, with the normal construction of on or near-site connection to utilities, urban services are readily available to this site. The request for the UH overlay removal furthers the implementation of the County's adopted Comprehensive Plan and that goal cannot be achieved for this area until the UH overlay zone is removed. Thus, provided that necessary urban infrastructure is available to serve the property, the removal of the UH better implements the Comprehensive Plan than the existing UH overlay zone. The primary reason for the creation and subsequent application of the UH overlay zone to various properties throughout the County is to insure that adequate infrastructure is in place, at or prior to the time of development.

Adequate urban infrastructure exists to serve these parcels. Shadow Ridge Subdivision actually extends two roadways, NE 78th Street and NE 80<sup>th</sup> Street, to the Property from the west; and sewer and water lines are stubbed to the boundary of Parcels 104182-000 and 104170-000. These utility stubs were required by the service provider during the development of Shadow Ridge to assure water and sewer availability to the Applicant's Property. The properties west of 172<sup>nd</sup> Avenue are within the City's water service area and will be served by City water, the properties east of 172<sup>nd</sup> Avenue, including Monet's Gardens are within Clark Public Utility service area and will be serviced by CPU. The parcels in this area are surrounded with improved roadways for efficient transportation services. Additionally, public services such as police and fire are already in place and serving this area.

The County analyzes Annual Reviews through the County's Type IV land use application process. Type IV applications are heard by the Planning Commission, who then make 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 change, the criteria as set forth in CCC 40.560.010(G) must be met. Following is a preliminary discussion of how the proposed Urban Holding overlay zone removal request complies with the current "20-Year Comprehensive Plan for Clark County", the Growth Management Act and other requirements of Clark County.

**C. CCC 40.560.010(G)(1) The proponent shall demonstrate that the proposed amendment is consistent with the Growth Management Act and requirements, the countywide planning policies, the community framework plan, comprehensive plan, city comprehensive plans, applicable capital facilities plans and official population growth forecasts.**

1) The Growth Management Act

The proposal furthers several of the goals of the Growth Management Act, including:

- Goal One "Urban Growth"
- Goal Two "Reduce Sprawl"
- Goal Three "Transportation"
- Goal Four "Housing"
- Goal Five "Economic Development"
- Goal Six "Property Rights"
- Goal Nine "Open Space and Recreation"
- Goal Ten "Environment"
- Goal Twelve "Public Facilities and Services"

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. Adequate urban infrastructure does exist to serve this area. As noted above, Shadow Ridge Subdivision extends two roadways, NE 78<sup>th</sup> Street and NE 80<sup>th</sup> Street to the Property, and sewer and water lines are available parcels on the west side of the area. These utilities were required by the service providers to provide sewer and water to the adjacent developed property. There is also CPU water provided to the Monet's Gardens subdivision. Additionally, public services such as police and fire protection are already in place, ready to serve this property.

Goal Two encourages the reduction of the inappropriate conversion of undeveloped land into sprawling, low density development. As noted, the Comprehensive Plan designations for the property are Urban Low with implementing zoning designations of R1-7.5. The proposed conceptual master plan provides for a variety of urban densities, but overall slightly reduces the density of the Fifth Plain Creek area. The Comprehensive Plan describes these designations as follows:

Urban Low Density Residential (UL)

This designation provides for predominantly single-family residential development with densities of between five and ten units per gross acre. Minimum densities will assure that new development will occur in a manner which maximizes the efficiency of public services. New development shall provide for connection to public sewer and water. Duplex and attached single-family homes through infill provisions or approval of a Planned Unit Development may be permitted. In addition, public facilities, churches, institutions and other special uses may be allowed in this designation if certain conditions are met. The base zones which implement this 20-Year Plan designation are the R1-20,

R1-10, R1-7.5, R1-6 and R1-5 zones. The zones may be applied in a manner that provides for densities slightly higher than existing urban development, but the density increase should continue to protect the character of the existing area.

The conceptual plan provides for the rezoning of portions of the area from R1-7.5 to a variety of zones including: R1-6, R1-7.5, R1-10 and R1-20. The four zones shown on the plan were specifically located and designed to be compatible with surrounding development including the Monet's Garden subdivision, the subdivisions to the west, including Shadow Ridge and the rural areas to the east. Of the 397 acres, 170 acres of that is proposed to *decrease* in density. 86 acres will remain at the current R1-7.5 zoning and 22 acres, .05% of the overall site is proposed to be rezoned from R1-7.5 to R1-6 to match the zoning in Shadow Ridge to the west. Please refer to the tables below for a breakdown of the proposed zoning. The overriding tenant of the Growth Management Act is to reduce "sprawl". Lifting the UH overlay zone in this area clearly reduces sprawl, because it allows these large parcels within the Urban Growth Boundary to develop at urban densities, which they currently cannot do due to the development restrictions imposed by the UH overlay zone. Without the removal of UH on this and other areas, the need to "sprawl" into the rural area is increased.

Below is a comparison of the developable density under the existing R1-7.5 zoning designation and the proposed mix of zoning designations. As can be seen, the overall density of the area is decreased under the proposed zoning.

**MASTER PLAN AREA BREAK DOWN – TABLE 1:**

<b>5<sup>TH</sup> PLAIN MASTER PLAN</b>	<b>BREAKDOWN</b>
Total Site Area	379.0 acres
Roads and Infrastructure	87.5 acres
Wetland/Habitat Area	50.44 acres
Total Net Developable Area	241.0 acres

**DENSITIES (IF DEVELOPED UNDER CURRENT ZONING) - TABLE 2:**

<b>ZONING</b>	<b>GROSS ACRES</b>	<b>NET DEVELOPABLE ACRES</b>	<b>DENSITY</b>

R1-7.5	328.5	241.0	4.1-5.8 UPA
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**PROPOSED ZONING DENSITIES – TABLE 3:**

The following table reflects the overall decrease in density if developed under the proposed master plan. **Based upon the decrease in density approximately 200 fewer housing units would be developed in this area under the conceptual master plan as compared to the existing zoning.**

ZONING	GROSS ACRES PER ZONE	NET DEVELOPABLE ACRES	DENSITY
R1-6	22.7	15.9	5.1-7.3 UPA
R1-7.5	86.6	60.6	4.1-5.8 UPA
R1-10	196.5	147.4	2.9-4.4 UPA
R1-20	22.7	17.0	1.4-2.2 UPA
<b>TOTAL</b>	<b>328.5 ACRES</b>	<b>241.0 ACRES</b>	-----

Goal Three encourages efficient, multi-modal transportation systems based on regional priorities and coordinated with county and city comprehensive plans. With the construction of the 192<sup>nd</sup> Ave. interchange, as well as the construction of the 192<sup>nd</sup> arterial, (including recent upgrades to 192<sup>nd</sup>/1<sup>st</sup>), the 164<sup>th</sup> corridor transportation conditions have greatly improved due to the additional capacity of the east Vancouver/ Camas arterial network. The area's transportation system, principally the 164<sup>th</sup> corridor and the Fourth Plain corridor, operate well within the level of service standards adopted for this area. The parcels are surrounded with improved roadways for efficient transportation services.

Ward Road is a four lane principal arterial. North of 88<sup>th</sup> Street, Ward Road becomes a two lane principal arterial. Bike lanes and sidewalks exist along both sides of the roadway south of NE 88<sup>th</sup> Street. NE Fourth Plain Road is a four-lane principal arterial with additional turn lanes at major intersections west of NE 166<sup>th</sup> Avenue. Sidewalks exist on both sides of the roadway west of NE 162<sup>nd</sup> Avenue. East of NE 162<sup>nd</sup> Avenue, intermittent sidewalks exist only on the north side of the roadway. The posted speed limit is 50 mph. It should be noted that NE Fourth Plain Road is also a state route and is known as SR 500. NE 88<sup>th</sup> Street and NE 182<sup>nd</sup> Avenue is a two-lane rural

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major collector. NE 78<sup>th</sup> Street and NE 152<sup>nd</sup> Avenue is a two-lane collector. Intermittent sidewalks exist along both sides of the roadway.

Removing the overlay zone in this area will not decrease the opportunities for multi modal transportation. Overall average daily and PM peak trips generated from the existing zoning will decrease under the proposed master plan.

Goal Four encourages the availability of housing to all segments of the population and promotes a variety of residential densities and housing types. In this case, removal of the UH overlay will allow for the construction of additional housing to meet the needs of the community. Because of the different zoning designations within the proposed master plan, the area will necessarily develop with a variety of densities and housing alternatives.

Goal Five seeks to further economic development. The construction of the urban service infrastructure, as well as the dwellings, will create employment and taxing opportunities for the community. Increases in property taxes and sales tax on building materials will increase, as will the need for construction jobs.

Goal Six seeks to preserve and protect private property rights. The removal of the UH overlay will remove the current prohibition upon development in this area. This property has been constructively in purgatory since 2004, almost ten years. Development of this area is one of the fundamental rights sought to be protected by Goal Six.

Goal Nine seeks to promote open space and recreational opportunities. Implementation of the proposed conceptual master plan for this area will provide for open space and recreational opportunities, through a series of trails and open spaces along Fifth Plain Creek and throughout the area, as well as connecting existing open spaces and recreational areas by the creation of a pedestrian crossing over the creek. It would be appropriate to place a neighborhood park for this area on the Parks Capital Facilities plan to be funded with PIF or other funding sources in the future as development occurs.

Goal Ten seeks to protect the environment, particularly critical areas the area has critical areas in the form of Fifth Plain Creek and its associated wetlands, as well as, other isolated wetlands. All of these critical areas are subject to the County's critical area regulations, the Department of Ecology's regulations and the Federal regulations arising out of the Clean Water Act and the United States Army Corps of Engineers and the Environmental Protection Agency's implementation of those regulations.

Goal Twelve encourages the goal of providing adequate water and sewer service. This goal has been satisfied because these services are readily available to the property. The property is of sufficient size and soil type to allow treatment and discharge of storm water from the site in accordance with the applicable adopted codes and policies of Clark County when the site develops. The County is analyzing the opportunities for regional storm water solutions in this area.

2) The Community Framework Plan

Community Framework Plan policies relevant to this discussion are:

*2.1.0 Communities, urban and rural, should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries and to ensure an adequate supply of affordable and attainable housing. Housing options available in the county include single family neighborhoods and mixed use neighborhoods.*

*2.1.4 All cities, towns, and the county share the responsibility for achieving a rational and equitable distribution of affordable housing.*

*7.1.0 Provide land for parks and open space in each urban growth area and rural centers consistent with adopted level-of-service standards. Wherever possible, the natural terrain, drainage, and vegetation of the community should be preserved with high quality examples contained within parks or greenbelts.*

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

*10.1.4 Establish development standards for higher densities and intensities of development along priority and high capacity transit corridors that encourage pedestrian, bicycle, and public transit usage.*

Furtherance of the policies identified in the Community Framework Plan is addressed both above in the sections summarizing support for the Applicant's request, the Applicant's Growth Management Act goal analysis, as well as, through the conceptual master plan narrative below. As noted in these sections, this area, by virtue of its zoning, will provide for a diversity of housing types, including multifamily housing. It will also provide a pedestrian crossing point across the creek and pay hundreds of thousands dollars in Park Impact Fees.

3) County-wide Planning Policies

County Wide Planning Policies most affected by this request are:

*1.1.2 Urban growth areas shall include areas and densities sufficient to permit the urban growth that is projected to occur in Clark County for the succeeding 20-year period.*

*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.*

*6.0.2 Plans for providing public facilities and services shall be planned so that service provision maximized efficiency and cost effectiveness and ensures concurrency.*

*6.0.15 Plans for providing public utility services shall be coordinated with plans for designation of urban growth areas, rural uses, and for the transition of undeveloped land to urban uses.*

*6.10.5 Encourage compact development patterns which are more easily and efficiently served, rather than less dense development patterns which are more difficult and costly to serve.*

The County Wide Planning policies are largely intended to assure that local jurisdictions, when establishing their urban growth boundaries, consider the fundamental goals of the Growth Management Act in coordination with each other and the utility districts and schools, in establishing the urban growth boundary. In this case, removal of the UH overlay is consistent with these policies, because: the area is within the Urban Growth Boundary; it is adjacent to existing urban development; there are adequate urban services to serve the area; and, it will further the density goals of the Vancouver Urban Growth area.

4) Comprehensive Plans, Capital Facilities Plans and Population forecasts.

The development of this area upon the removal of the UH overlay will be consistent with underlying Comprehensive Plan designations and the underlying zoning. There are adequate capital facilities to serve the area and the area is within the City of Vancouver's General Water Plan.

**D. CCC 40.560.010(G) (2). The proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria identified in the plan;**

The request to remove the UH overlay does not conflict with the existing Comprehensive Plan designation of UL; in fact, the request is consistent with the express provisions of the Comprehensive Plan, e.g. removal of UH with master plan absent City annexation. There is no locational criteria for the UH overlay zone other than the geographic boundaries of the Fifth Plain Creek area, which this property is located within.

The implementation of the Comprehensive Plan policies cannot occur until the UH overlay is removed. Thus, provided the necessary urban infrastructure which is available is provided to serve the property, the removal of the UH better implements the Comprehensive Plan than the existing UH overlay zone.

**E. CCC 40.560.010(G)(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; and**

As previously discussed in this narrative, the map amendment to lift the overlay zone is appropriate. The primary reason for the application of the UH overlay zone to various properties

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was to insure that adequate infrastructure was in place, at or prior to the time of development. All necessary services and utilities are readily available to the site. The “lack of appropriately designated alternative sites” language is intended to address those instances where a request is being made to change the underlying base comprehensive plan designation from one designation to another, e.g., commercial to residential

**F. CCC 40.560.010(G)(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.**

The proposed plan amendment does recognize a substantial change in conditions; that being the City’s decision to disband their annexation department and not seek or entertain any annexations in the foreseeable future. The City of Vancouver has chosen not to annex properties into the City due to current fiscal reasons. This request also better implements the Comprehensive Plan; because, without granting this request, based upon the City’s annexation policy, the underlying Comprehensive Plan designations and underlying zoning may not be achieved for a very long time.

**G. CCC 40.560.010(G)(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.**

All urban services can be provided to this site, including water, sewer, storm water, fire, police, and transportation. As indicate above, the area is within the City of Vancouver’s General Water Plan or CPU’s water service area. The traffic engineering analysis demonstrates that there are no significant transportation issues in the area. There are two intersections that will, prior to 2024 need to be signalized. The County will require each property as it seeks development approval in the future to go through the normal transportation review and approval process. If that development triggers the need for a signal or other transportation improvement, the development application will be conditioned upon construction of that improvement.

In approaching the conceptual master plan, the Applicant has taken into account the existing zoning, the surrounding transportation network, the surrounding zoning, the existing nearby development, the desire for open space system, the surrounding utility network and a variety of other factors. Following is a brief description of some of the major design concepts and the reasons for them.

**H. UDC 40.560.020(G) Zone Changes**

The criteria cited above for UDC 40.560.020(G) are also contained with the requirements provided for in UDC 40.560.010(G) extensively addressed above. In the interests of brevity

and clarity, the Applicant requests the reviewer to review those sections for specific analysis on the specific criteria provided for in UDC 40.560.020(G).

## **I. The Conceptual Master Plan**

### 1) Zoning

The existing zoning of this area is R1-7.5. The Applicant is also mindful of the Board of Commissioner's desire that this area be sensitive to transitions with neighboring development. To these ends, the conceptual plan has attempted to balance factors such as existing zoning of the area, size location and scale of surrounding zoning (including subdivisions such as Monet's Garden and Shadow Ridge, and the rural area to the east), the existing transportation and utility network and the density goals of the GMA and the County's Comprehensive Plan. To accomplish this, the conceptual master plan provides for a variety of zoning designations (all allowed within the Urban Low Comprehensive Plan designation) that make logical transitions between rural and urban areas and also achieve compatibility with existing development.

### 2) Transportation

This traffic impact analysis has been prepared by Hann Lee and Associates to assess transportation impacts related to the proposed removal of Urban Holding in the 5<sup>th</sup> Plain area and the establishment of a master plan for this area pursuant to the County's Comprehensive Plan.

As indicated, the proposed 5<sup>th</sup> Plain Creek Master Plan area is approximately 379 acres. The current underlying zoning is R1-7.5. After deducting an estimate for roads and infrastructure and wetlands/habitat area, there is approximately 241 acres of total net developable area. The 5<sup>th</sup> Creek Master Plan area can be accessed by NE 88<sup>th</sup> Street, NE 78<sup>th</sup> Street, and NE 182<sup>nd</sup> Avenue.

Based on a density analysis conducted by Olson Engineering, a maximum of 1,364 single family residential units can be developed with the underlying R1-7.5 zoning. A maximum of 1,177 single family residential units can be developed with the proposed rezoning to a combination of R1-6, R1-7.5, R1-10 and R1-20 zones.

The scope of the traffic impact study was included the following intersections as requested by County Staff:

- NE 88<sup>th</sup> Street/NE Ward Road
- NE 78<sup>th</sup> Street/NE Ward Road
- NE Fourth Plain Road/NE 162<sup>nd</sup> Avenue
- NE Fourth Plain Road/NE 182<sup>nd</sup> Avenue

For purposes of this analysis, and in order to be overly conservative, the trip generation assumptions assume maximum buildout of the area under the existing and proposed zoning. That does not

always occur, and in fact in many cases the maximum density cannot and is not achieved. The report presents the following analysis:

- Existing traffic conditions in the project study area.
- 2024 “Without Master Plan – Existing Zoning” condition to establish the future baseline condition for the traffic analysis. The 2024 “Without Master Plan – Existing Zoning” condition traffic volumes were derived from the 2024 RTC model. The “link” volumes from the 2024 RTC model were “post-processed” into turning movement volumes based on the NCHRP (National Cooperative Highway Research Program) 255 methodology.
- Trip generation for difference in build out between the proposed Master Plan and existing zoning.
- Trip distribution and assignment of the reduction in trips generated by the proposed Master Plan at the study area intersections.
- The reduction in P.M. peak hour traffic generated by the proposed Master Plan was assigned to the roadway network and subtracted from the 2024 “Without Master Plan” traffic volumes to develop the 2024 “Proposed Master Plan ” traffic volumes. These volumes were used to determine the project traffic impacts for the proposed rezone.

The transportation engineering recommendations are as follows:

- Based on the traffic impact analysis documented in this report, the establishment of the 5<sup>th</sup> Plain Creek Master Plan will result in a reduction of future traffic impacts. However, the two unsignalized study area intersections at NE 88<sup>th</sup> Street/NE Ward Road and NE Fourth Plain Road/NE 182<sup>nd</sup> Avenue will require future improvements regardless of zoning scenarios. Those intersections should be further analyzed at the time of development review as is the normal course for all intersections within a certain geographic radius of a given development.

The NE 88<sup>th</sup> Street/NE Ward Road intersection will likely require signalization and the installation of a northbound right turn lane and a westbound left turn lane in both the 2024 “Without Master Plan - Existing Zoning” and 2024 “Proposed Master Plan” conditions.

The NE Fourth Plain Road/NE 182<sup>nd</sup> Avenue intersection will likely require signalization and the installation of a southbound left turn lane, eastbound left turn lane, and westbound right turn lane in both the 2024 “Without Master Plan - Existing Zoning” and 2024 “Proposed Master Plan” conditions.

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3) Park and Open Space

Implementation of the proposed conceptual master plan for this area will provide for open space and recreational opportunities, through a series of trails and open spaces along Fifth Plain Creek and throughout the area, as well as, connecting existing open spaces and recreational areas by the creation of a pedestrian crossing over the creek. It would be appropriate to place a neighborhood park for this area on the Parks Capital Facilities plan to be funded with PIF or other funding sources in the future as development occurs.

4) Utilities

Both water and sewer lines are present in the adjacent subdivisions to the west. Water service is provided to Monet's Garden by CPU. The city has indicated it has capacity to serve the entire area with both Sewer and Water. CPU also has capacity to serve the small portion of the area in their water service area.

**J. Conclusion**

The Comprehensive Plan expressly provides for removal of the UH overlay zone upon denial of city annexation and approval of a master plan. The City has already indicated it does not intend to annex. The record demonstrates compliance with the other criteria through the proposed conceptual master plan, the County's findings that there will be no failure of any critical transportation links or corridors and evidence provided above of compliance of with each specific criteria provided for in Clark County's code and the Comprehensive Plan.

Sincerely,



RANDALL B. PRINTZ

RBP/ss

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cc:

