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COMMUNITY PLANNING

**Planning Commission Recommendation to the
Clark County Board of County Commissioners**

FROM: Ron Barca, Chair
Valerie Uskoski, Vice-Chair

DATE: September 24, 2013

SUBJECT: CPZ2013-00007 Fifth Plain Creek

RECOMMENDATION: Remove Urban Holding and amend zoning

PLANNING COMMISSION RECOMMENDATION:

Planning Commission heard this matter at a duly advertised public hearing on September 5, 2013. The Planning Commission voted 5 to 2 to recommended approval for removal of Urban Holding and the proposed zoning amendments from R1-7.5 to R1-6, R1-10 and R1-20 as submitted by the proponent. The approval was contingent upon the Prosecuting Attorney's review of a proposed Developer's Agreement and finding that Urban Holding Criteria are met.

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 162nd to the west and NE 192nd 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 5th 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 182nd Ave and Fourth Plain Blvd (SR-500) and at Ward Rd and NE 88th 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 182nd 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 162nd to the west and NE 192nd 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 182nd 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 172nd 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 182nd 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 88th St and Ward Road and at NE 182nd Ave and SR-500. The addition of turn lanes at NE 182nd 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 172nd Ave. Clark Public Utilities will provide water east of 172nd 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 182ND 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

Planning Commission found that the proposed developer's agreement meets the criteria for removal of 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 were added to the table after public deliberation.

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

