



## Planning Commission Recommendation

TO: Clark County Council  
FROM: Karl Johnson, Acting Planning Commission Chair  
PREPARED BY: Matt Hermen, AICP, Planner III  
DATE: December 18, 2018  
SUBJECT: CPZ2018-00015 AMENDMENT OF COMPREHENSIVE PLAN  
AND ZONING MAPS TO REMOVE URBAN HOLDING OVERLAY–  
PHASE 1

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### PLANNING COMMISSION RECOMMENDATION

On September 6, 2018, the Planning Commission voted unanimously (4-0) to approve the proposal to remove the urban holding zoning and comprehensive plan overlays on approximately 40 acres, contingent on the approval of a developer's agreement. The planning commission's approval recommendation was based on specific conditions, including:

1. Cooperation between the developer and County in a master planning process for the overall 179<sup>th</sup> St. interchange Area.
2. The dedication of right of way on both sides of NE 179<sup>th</sup> Street, between the I-5 ramps and NE 15<sup>th</sup> Ave. to accommodate the planned principal arterial. This planned principal arterial requires 100 feet of right-of-way.
3. The dedication of right-of-way for a future two lane minor arterial with bike lanes and a center turn lane, that would eventually connect NE 10<sup>th</sup> Ave to NE 179<sup>th</sup> St.
4. The construction and dedication of a, eastbound to southbound right turn lane at the intersection of NE 179<sup>th</sup> St. and NE 15<sup>th</sup> Ave.

### PROPOSED ACTION

A property owner is requesting the removal of the urban holding overlay on the comprehensive plan and zoning maps for properties identified by account numbers 181199000, 181190000, and 181206000. The urban holding removal is associated with a development agreement that will be required to be approved concurrently with this comprehensive plan and zoning map amendments.

### BACKGROUND

The urban holding overlay is placed on property when it is brought into the urban growth boundary. It protects areas from premature land division and development that would preclude efficient transition to urban development or large-scale industrial development. The urban holding overlay is implemented by Urban Holding-10 (UH-10) and Urban Holding-20 (UH-20) zoning overlay districts. Removal of the urban holding overlay must be consistent with the

special implementation procedures provided for in the comprehensive plan Chapter 14, Procedure Guidelines. Designation and removal of the overlay is through a Type IV process.

The comprehensive plan identifies criteria that must be met in order to remove urban holding zoning and authorize the implementation of the underlying urban zone. The county may remove the UH overlay from appropriate areas of sufficient size that the county can collect transportation related data, analyze the cumulative transportation impacts, and address mitigation to these impacts. The urban holding overlay designation may be removed from the subject properties pursuant to Clark County Code 40.560.010(G) upon satisfaction of the following:

- **West Fairgrounds and East Fairgrounds:** 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.

The urban holding plan map and zoning overlays were applied to the West Fairgrounds and East Fairgrounds areas in 2004 and 2007 with the expansion of the Vancouver Urban Growth Area. The urban holding overlay was placed on the land because the transportation infrastructure lacked adequate capacity to accommodate urban level development. In 2008, the County approved a circulation plan for the areas that would distribute urban traffic efficiently to regional transportation facilities. In 2016, the state Legislature awarded \$50 Million to the state Department of Transportation for improvements at the I-5/NE 179<sup>th</sup> St. Interchange. The Legislature allocated the \$50 million for the state's biennial budget in 2023-25.

The three properties proposed for the removal of the urban holding overlays are identified by the account numbers 181199000, 181190000, and 181206000. The properties are commonly owned by the Three Creeks LLC. On December 8, 2012, the property owner and the County entered into a development agreement for properties south of NE 179<sup>th</sup> St. at the intersection with NE 15<sup>th</sup> Ave. The development agreement in 2012 reserved trips and required off-site mitigation associated with the development of a conceptual commercial center and is recorded under Clark County Auditor Number 5321604. The trips reserved in the 2012 development agreement consumed the remaining capacity for trips in the I-5/NE 179<sup>th</sup> St interchange area and volunteered transportation mitigation to accommodate their additional impacts. As of this date, no application to develop a commercial center has been submitted, and no off-site transportation mitigation has occurred.

Three Creeks LLC purchased properties 181199000, 181190000, and 181206000 after the prior development agreement was approved in 2012. Properties 181199000 and 1811900 are designated as Mixed Use on the Comprehensive Plan and Zoning maps. Property 181206000 has two comprehensive plan and zoning designations: Mixed Use (MX) and General Commercial (GC). The urban holding overlays only apply to the properties and portions of the property designated and zoned Mixed Use. Two properties are currently vacant without any structures on the land. Property 181190000 has an existing single family residence on the land. The proposed development of the properties would include 200 single family homes and 326 apartment units, generating 402 vehicular trips in the PM peak hour.

The draft development agreement associated with this proposal, seeks to remove the urban holding overlays, reserve transportation capacity for the future development of the three specific parcels, and to provide certain improvements to increase the transportation capacity in the area. In the 2012 development agreement, Three Creeks LLC consumed the transportation capacity and all available trips in the I-5/NE 179<sup>th</sup> St. interchange area, making further development of that area essentially infeasible. The draft development agreement proposes to re-allocate the trips reserved by the 2012 development agreement and apply the trips to the proposed residential development, currently designated with the urban holding overlays. The reallocation of trips is permitted pursuant to CCC 40.350.050(M), which stipulates that the trips calculated for the commercial development south of NE 179<sup>th</sup> St. will not be available until 5 years after the agreement to reallocate trips is recorded. Additionally, the draft development agreement would require the construction and dedication of an eastbound to southbound right turn lane on NE 179<sup>th</sup> Street at NE 15<sup>th</sup> Ave. This required construction and dedication mitigates the direct impacts of the contemplated residential development, as determined by the Developer's traffic study and confirmed by County Public Works staff.

The 2012 development agreement required the "design and construction of two continuous eastbound lanes, a raised median and a bicycle lane on the southside of NE 179<sup>th</sup> St. from the I-5 northbound off ramp to NE 15<sup>th</sup> Ave." [Auditor File No. 5321604, Page 26]. That development agreement also required the "design and construction of one continuous westbound lane and a center median from NE 15<sup>th</sup> Ave. to the proposed new signalized intersection at approximately the westernmost property line of Phase 2 – NE 179<sup>th</sup> St. Commercial Center development site." [Auditor File No. 5321604, Page 26]. These requirements mitigated the impacts from the conceptual commercial center. The reallocation of the reserved trips from the commercial center to the residential development (on the land currently under urban holding) defers these requirements until the commercial center is developed. This deferral may impact future development east of NE 15<sup>th</sup> Ave., along NE 179<sup>th</sup> St. The improvements listed above in this paragraph will be required for any future development in this area to the east, but the neither the county nor the owners of those properties own the property for right-of-way on which to construct the necessary improvements.

## **GENERAL INFORMATION**

Parcel Numbers: 181199000, 181190000, and 181206000  
Location: The 3 parcels are located east of NE 10<sup>th</sup> Ave., north of NE 184<sup>th</sup> St., south of NE 189<sup>th</sup> St. and west of Whipple Creek.  
Area: Approximately 40 acres  
Owners: Three Creeks-Mumford LLC & Three Creeks North LLC  
Exiting Land Use: 181199000, Mixed Use (MU), undeveloped  
181190000, Mixed Use (MU), developed, Single Family Residence  
181206000, Mixed Use (MU), undeveloped

## **SUMMARY OF PUBLIC INVOLVEMENT PROCESS**

A draft of the proposed changes to the Comprehensive Growth Management Plan 2015-2035 map and zoning map were sent to the state Department of Commerce on May 21, 2018 under RCW 36.70A.106. A Notice of Determination of Non-Significance and SEPA Environmental Checklist was published in the Columbian newspaper on August 1, 2018. Property owners within 300 feet of the proposal were mailed a notice of the planning commission public hearing on August 16, 2018. A legal notice was published for the Planning Commission hearing on August 22, 2018. Two signs were posted at the location of the proposal, informing the public of the proposal, date and time of the Planning Commission’s public hearing and instructions for obtaining further information. All public comments are included in the Hearing binder.

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

### **CRITERIA FOR COMPREHENSIVE PLAN MAP CHANGES [CCC 40.560.010(G)]**

- 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, city comprehensive plans, applicable capital facilities plans and official population growth forecasts.***  
[CCC40.560.010(G)(1)].

### **Growth Management Act (GMA)**

The GMA goals set the general direction for the county in adopting its framework plan and comprehensive plan policies. The GMA lists thirteen overall goals in RCW 36.70A.020 plus the shoreline goal added in RCW 36.70A.480(1). The goals are not listed in order of priority. The GMA goal that applies to the proposed action is Goal 12.

Goal 12 speaks directly to public facilities and services to “ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below established minimum standards.” [RCW 36.70A.020(12)].

Finding: The proposed comprehensive plan and zoning map amendments to remove the urban holding designation for 40 acres will allow for a greater demand on the public facilities that serve more intense urban development. The draft development agreement, which is processed concurrently with the urban holding overlay removals, thoroughly assessed the transportation infrastructure needed to serve the contemplated development. The draft development agreement ensures that critical links and infrastructure improvements are in place to serve the residential development without decreasing current service levels. Clark Public Utilities and Clark Regional Wastewater District have demonstrated in the adopted Comprehensive Growth Management Plan the sufficient capacity to provide water and sewer service to the 40 acre area.

### **Community Framework Plan**

The Community Framework Plan (Framework Plan) provides guidance to local jurisdictions on regional land use and service issues. The 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. The Community Framework Plan policies applicable to this proposal include the following:

Goal 6.0 notes “the need for capital facilities to accommodate expected growth and establish policies to ensure that these facilities are available when development is occupied and to provide for the extension of public utilities to new development in a timely manner.” [Framework Plan, page 18] The following capital facilities and utilities policies apply to the proposed action:

6.1.0 Major public and private expenditures on facilities and services (including libraries, schools, fire stations, police, parks and recreation) are to be encouraged first in urban and rural centers.

6.1.1 Establish level-of-service standards for capital facilities in urban and rural areas. [Framework Plan, page 18].

These framework plan policies are implemented by Clark County Code 40.350.020 Transportation Concurrency Management System. The purpose of this section is to establish levels of service for arterial and transit routes and ensure that such standards are met or reasonably funded before new development is approved.

Finding: The proposed comprehensive plan and zoning map amendments to remove the urban holding designation through approval of a development agreement is consistent with the Community Framework Plan policies. The development agreement ensures that adequate public facilities, that meet established levels of service, are in place to serve the proposed development and are within the Vancouver Urban Growth Area. [CCC 40.350.020].

### **Countywide Planning Policies (CWPP)**

The GMA, under RCW 36.70A.210, requires counties and cities to collaboratively develop Countywide Planning Policies (CWPP) to govern the development of comprehensive plans. The WAC 365-196-305(1) defines “the primary purpose of CWPP is to ensure consistency between comprehensive plans of counties and cities sharing a common border or related regional issues. Another purpose of the CWPP is to facilitate the transformation of local governance in the urban growth areas, typically through annexation to or incorporation of a city, so that urban governmental services are primarily provided by cities and rural and regional services are provided by counties.”

Policy 6.0.3 states, “Public facilities and utility services shall be planned so that service provision maximizes efficiency and cost effectiveness and ensures concurrency.” [Comprehensive Plan, page 182].

Policy 6.0.12 states, “The county shall work with the state, each municipality and special districts to identify future needs of regional and statewide public facilities. This will ensure countywide consistency and avoid duplications or deficiencies in proposed facilities.” [Comprehensive Plan, page 183].

Finding: The proposed amendment is consistent with policies in the Community Framework Plan and the Countywide Planning Policies. The draft development agreement and associated off-site mitigation requirements satisfy the Comprehensive Plan’s procedural guidelines for removing urban holding overlays in the Vancouver Urban Growth Area. This includes a

determination that the draft development agreement requires completion of the localized critical links and intersection improvements associated with the developments impacts.

### **Comprehensive Growth Management Plan 2015-2035 (2016 Plan)**

The 20-year Comprehensive Growth Management 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:

“Goal: Ensure that necessary and adequate capital facilities and services are provided to all development in Clark County in a manner consistent with the 20-year Plan.”

6.1.1 Continue to plan for and provide capital facilities and services as necessary to support development consistent with the 20-year Plan and coordinate and facilitate the planning and provision of such facilities and services by other public or private entities.

6.1.5 Assist and facilitate the siting of capital facility and service infrastructure in a manner consistent with the 20-year Plan, through appropriate land use planning and development review policies and procedures.” [2016 Plan, page 184].

Finding: The associated development agreement with this proposed map amendments requires off site mitigation that ensure critical transportation links and intersection improvements are in place to serve the proposed development on the land that is proposed for the removal of the urban holding overlay.

Conclusion: The proposed amendment meets Goal 12 of the Growth Management Act, the Community Framework Plan, Countywide Planning Policies and the Comprehensive Plan. The associated development agreement with this map amendment ensures that public facilities are in place to serve development at the time the development is available for occupancy and use without decreasing current service levels below established minimum standards.

**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 40.560.020G(2).)**

Finding: The urban holding overlay protects areas from premature land division and development that would preclude efficient transition to urban development or large-scale industrial development. The urban holding overlay is implemented by Urban Holding-10 (UH-10) and Urban Holding-20 (UH-20) zoning overlay districts. The removal of the urban holding Comprehensive Plan and Zoning overlays is located within the Vancouver Urban Growth Area. The designations of the urban holding overlays were place on the properties due to the inadequate capacity of the transportation infrastructure to accommodate urban level development. The associated development agreement requires infrastructure improvements that are associated with the traffic generation of the proposed development.

Conclusion: The removal of the urban holding overlays for the three properties is conditioned by the requirements in the associated development agreement to complete infrastructure improvements. The infrastructure improvements are directly associated with the proposed development impacts. The removal of the urban holding overlays on properties 181199000,

181190000, and 181206000 are in conformance with the locational criteria identified in the Clark County Comprehensive Plan and the purpose statement of the mixed use zoning district.

**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 40.560.010.G(3))**

Finding: The associated draft development agreement requires off-site transportation improvements that will increase the vehicular capacity on localized critical links and intersections that are impacted by the proposed development.

Conclusion: Urban holding overlays are placed on properties when the urban services are not in place to serve the urban development. The associated draft development agreement requires the developer to construct the needed infrastructure that meet the development demands of properties 181199000, 181190000, and 181206000. Criterion C is met upon approval of the associated development agreement, which requires the needed transportation improvements, thus allowing urban level development.

**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 20-year Comprehensive Plan policies require the provision of capital facilities to support development. The associated draft development agreement, which is concurrently processed with this map amendment, requires the improvement of transportation infrastructure. The infrastructure improvements will facilitate the siting of urban level infrastructure that facilitates urban development within the Vancouver Urban Growth Area consistent with the 20-year plan.

Conclusion: The plan map amendment better implements the applicable comprehensive plan policies with the concurrent approval of the draft development agreement by improving critical transportation links and intersection improvements to facilitate the movement of urban level development. Criterion D is 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 urban holding overlays are in effect due to the lack of adequate public facilities to serve urban development on the subject site. Water, sewage, storm drainage, fire protection and school facilities have been demonstrated in the Comprehensive Plan's Capital Facilities Plan to serve the subject properties. The associated draft development agreement requires the construction and dedication of an eastbound to southbound right turn lane on NE 179<sup>th</sup> Street at

NE 15<sup>th</sup> Ave. The Developer’s traffic study demonstrates that this offsite infrastructure would adequately mitigate the direct impacts of the contemplated development. County Public Works staff concur with the Developer’s traffic study in this regard.

Conclusion: A development agreement must be approved in conjunction with these proposed map amendments to remove the urban holding overlays. The draft development agreement requires off site mitigation that will ensure critical transportation links and intersection improvements are in place to serve the contemplated development. Criterion E is met for the removal of the urban holding overlays on properties 181199000, 181190000, and 181206000 with the approval of the associated development agreement.

**RECOMMENDATION AND CONCLUSIONS**

Based on the information presented in this report, the Planning Commission recommends **APPROVAL** to remove urban holding overlays on the subject property with **APPROVAL** of the development agreement to Clark County Council.

The following table lists the applicable criterion and summarizes the findings of the staff report for CPZ2018-00015.

<b>COMPLIANCE WITH APPLICABLE CRITERIA</b>		
<b>Criterion for Policy/Text Amendments</b>	<b>Criteria Met?</b>	
	<b>Staff Report</b>	<b>Planning Commission Findings</b>
A. Consistency with GMA, Countywide Policies, Community Framework Plan, & Comprehensive Plan	Yes	Yes
B. Conformance with Locational 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	Yes	Yes
E. Adequacy/Timeliness of Urban Public Facilities and Services	Yes	Yes
<b>Recommendation:</b>	<b>Approve</b>	<b>Approve</b>



**CLARK COUNTY** WASHINGTON

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**COMMUNITY PLANNING**

## **EXHIBIT 1**

# **DEVELOPMENT AGREEMENT**