



Planning Commission Recommendation

TO: Clark County Council
FROM: Steve Morasch, Planning Commission Chair
PREPARED BY: Matt Hermen, Planner III
DATE: December 11, 2018
SUBJECT: CPZ2018-00014 PROEBSTEL RURAL CENTER FOR
COMPREHENSIVE GROWTH MANAGEMENT PLAN AND
ZONING MAP AMENDMENT

PLANNING COMMISSION RECOMMENDATION

On July 19, 2018, the Planning Commission voted unanimously to recommend denial of the proposal establishing Proebstel as a rural center by amending the comprehensive plan designation and zoning from Rural-5 (R-5) to Rural Center with RC-1, RC-2.5 and CR-2 zoning for approximately 112 acres.

PROPOSED ACTION

Property owners are requesting the county establish Proebstel as a rural center. This request would amend the comprehensive plan designation and zoning from Rural-5 (R-5) to Rural Center with RC-1, RC-2.5 and CR-2 zoning for approximately 112 acres.

BACKGROUND

In 1993, the Community Framework Plan (Framework) identified six rural activity centers or villages: Brush Prairie, Hockinson, Dollars Corner, Amboy, Fern Prairie and Venersborg. The Framework plan noted that “the residential densities are to be a minimum of 2 units per acre and no more than 4 units per acre” and “provide public facilities (e.g. fire stations, post offices, schools) and commercial facilities to support the rural lifestyle.” [Framework, page 16].

The county appointed a task force to review 31 potential rural center areas in the development of the original 1994 comprehensive plan. The task force reduced the number to six; Brush Prairie, Hockinson, Dollars Corner, Amboy, Meadow Glade and Chelatchie Prairie. The remaining 25 areas did not meet the previous and ongoing intensive residential development standard. The final adopted plan eradicated the centers and implemented countywide uniform lot density of 1 unit per 5 acres (R-5). In its Final Decision and Order dated September 20, 1995; the Growth Management Hearings Board (GMHB) upheld the county’s designations.

In 1997, Clark County Superior Court issued a Finding of Fact, Conclusions of Law and Order No. 96-2-00080-2 that the county’s treatment of rural centers did not comply with certain aspects of the Growth Management Act (GMA) and remanded the issue back to the GMHB which remanded the issue back to the county for appropriate action. Further, the legislature



passed ESB 6094 which in part, amended the rural element section of the GMA to address minimizing and containing intensive rural development. [RCW 36.70A.070(5)].

The county directed a citizen task force to review the original six rural activity center designations in light of the 1997 amendments to RCW 36.70A.070(5) and Clark County Superior Court remand. The task force conducted twelve public meetings and three open houses to review, evaluate and make recommendations with regards to the six rural centers. The task force compiled an extensive criteria analysis and the then Board of County Commissioners discussed and analyzed each area before reaching its determination. A summary of the analysis is attached in Exhibit 1.

In 1998 the county adopted six rural centers: Brush Prairie, Meadow Glade, Hockinson, Dollars Corner, Amboy and Chelatchie Prairie. [ORD. 1998-06-20]. Portions of each of the new designations were challenged. On May 11, 1999, the GMHB issued a Compliance Order (CO) No. 95-2-0067 upholding the creation of six rural center designations. "It is sufficient to say that after extensive review of the challenges, the maps and the record that Clark County complied with the requirements of RCW 36.70A.070(5) by starting at the correct beginning point, adopting appropriate criteria, applying those criteria on a consistent basis and providing a record that clearly showed its work "to minimize and contain existing areas of more intensive development." *Wells v. Whatcom County*, #97-2-0030c. CCNRC has not sustained its burden of showing the county's action was clearly erroneous." [CO, Page 4].

Fargher Lake was reconsidered and approved as a rural center in 2000. [ORD. 2000-12-16].

On November 6, 2014, the county received a petition from property owners requesting the establishment of a new Proebstel rural center, Exhibit 2. The county notified the petitioners that due to the suspension of annual reviews and dockets during the 20-year periodic update; it was unable to consider their request at that time. [RES 2014-06-16]. In addition, "the creation of a rural center shall be considered and evaluated by the county through the annual review process under this chapter." [CCC40.560.010(l)(2)(b)]. The petitioners expressed concern that it would be difficult for them to submit an annual review and asked the county to consider an amendment to county code. On January 9, 2018, the county amended CCC40.560.010(l)(2)(b) to change the process for the creation of a rural center from an annual review to the docket process. [ORD. 2018-01-01].

The following analysis reconsidered Proebstel as a new rural center.

GENERAL INFORMATION

Parcel Numbers: 115310000, 115332000, 115360000, 115362000, 115370000,
115374000, 115375000, 115376000, 115377000, 115378000,
115384000, 115520000, 169036000, 169039000, 169041000,
169468000, 169470000, 169474000, 169485000, 169504000,
600468000, 115332000

Location: The 22 parcels are located west of the intersection of NE 199th Ave. and Washington State Route 500, and east of the Lacamas Creek Bridge over Washington State Route 500.

Area: Approximately 112 acres

Owners: Abudakar Issa & Abudakar Elizabeth, Dreiman LLC, Golosinskiy Lilia, Golosinskiy Yaroslav N & Golosinskiy Lilia Etal., Hutton Jesse & Hutton Shilo L, Langley Tracy, Nolan Roger, Nolan Thomas B, RAA Farm LLC, Runyan Benjamin & Runyan Sally, Runyan Sally, Schmid Properties LLC, Sturgeon Ralph E Trustee, Thompson Bradley, Thompson Gene & Thompson Marlene

Exiting Land Use: 115310000, Rural Residential (R-5), developed
115332000, Rural Residential (R-5), developed
115360000, Rural Residential (R-5), developed
115362000, Rural Residential (R-5), developed
115370000, Rural Residential (R-5), developed
115374000, Airport (A), developed
115375000, Rural Residential (R-5), developed
115376000, Rural Residential (R-5), undeveloped
115377000, Rural Residential (R-5), developed
115378000, Industrial (IH), developed
115384000, Rural Residential (R-5), undeveloped
115520000, Rural Residential (R-5), developed
169036000, Rural Residential (R-5), developed
169039000, Rural Residential (R-5), undeveloped
169041000, Rural Residential (R-5), undeveloped
169468000, Rural Residential (R-5), developed
169470000, Rural Residential (R-5), developed
169474000, Rural Residential (R-5), developed
169485000, Rural Residential (R-5), developed
169504000, Rural Residential (R-5), developed
600468000, Rural Residential (R-5), undeveloped
605778000, Rural Residential (R-5), undeveloped

SUMMARY OF PUBLIC INVOLVEMENT PROCESS

County Council held a public meeting on May 2, 2018 to discuss how the county should respond to the rural center boundary. Outreach to date has included a project webpage, property owner mailers, social media NextDoor posts and a community open house on June 11. A sixty-day notification was sent to the Department of Commerce on May 1 under RCW 36.70A.106. A Notice of Determination of Non-Significance under SEPA was published in the Columbian newspaper on June 8. Planning Commission held a work session on June 21. A legal notice was published for the Planning Commission hearing on July 3 in the Columbian and July 4 the Reflector newspapers. A notice of application and hearing was posted on the property on July 3, 2018.

APPLICABLE CRITERIA, EVALUATION AND FINDINGS

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, 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 goals that apply to the proposed action are the following:

Goal 2 Reduce Sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development. [RCW 36.70A.020(2)].

Goal 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. [RCW 36.70A.020(5)].

Goal 8 Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses. [RCW 36.70A.020(8)].

Goal 11 Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts. [RCW 36.70A.020(11)]

FINDING: Rural Centers are distinguished by small lot development with a definite edge, surrounded by a rural landscape of generally open land used for agriculture, forestry, large lot residential development, recreation and environmental protection purposes. These centers are often at the crossroads where historical development has allowed for both smaller lots and commercial uses within these nodes of development. Within these centers rural residential development is based on historical patterns, not by sprawl. The criteria for establishing the proposed rural center considers historic growth and boundaries that meet the intention of Goal 2, reducing sprawl.

The evaluation criteria for establishing rural centers considers existing commercial activities located at crossroads that provide rural residents with an opportunity to meet many of their daily needs without going into one of the cities. The establishment of the rural center would designate commercially zoned land that would serve the rural community and encourage economic development. The proposed rural center meets the intent of Goal 5, Economic Development.

The proposed rural center is located in the rural area of Clark County. The proposed rural center would direct development to areas where facilities are currently provided or can be efficiently provided in the future, the county can better utilize limited resources in both rural and rural center areas. The proposed rural center does not contain forestlands or productive agricultural lands. The proposed rural center meets the intention of Goal 8, natural resource industries.

The proposed rural center has gone through an extensive public participation process, summarized on Page 3. This process meets the intention of Goal 11, citizen participation and coordination.

Revised Code of Washington (RCW) and Washington Administrative Code (WAC)

RCW 36.70A.070(5)(d) and WAC 365-196-425 provides requirements and recommendations for satisfying the Growth Management Act. The GMA defines rural centers as Limited Areas of More Intense Rural Development (LAMIRD).

- “(6) Limited areas of more intense rural development. The act allows counties to plan for isolated pockets of more intense development in the rural area. These are referred to in the act as limited areas of more intense rural development or LAMIRDs.
 - (a) LAMIRDs serve the following purposes:
 - (i) To recognize existing areas of more intense rural development and to minimize and contain these areas to prevent low density sprawl;
 - (ii) To allow for small-scale commercial uses that rely on a rural location;
 - (iii) To allow for small-scale economic development and employment consistent with rural character; and
 - (iv) To allow for redevelopment of existing industrial areas within rural areas.
 - (b) An existing area or existing use is one that was in existence on the date the county became subject to all of the provisions of the act:
 - (i) For a county initially required to fully plan under the act, on July 1, 1990...”
 - (c) Counties may allow for more intensive uses in a LAMIRD than would otherwise be allowed in rural areas and may allow public facilities and services that are appropriate and necessary to serve LAMIRDs subject to the following requirements:
 - (i) Type 1 LAMIRDs - Isolated areas of existing more intense development. Within these areas, rural development consists of infill, development, or redevelopment of existing areas. These areas may include a variety of uses including commercial, industrial, residential, or mixed-use areas. These may be also characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.
 - (A) Development or redevelopment in LAMIRDs may be both allowed and encouraged provided it is consistent with the character of the existing LAMIRD in terms of building size, scale, use, and intensity. Counties may allow new uses of property within a LAMIRD, including development of vacant land.
 - (B) When establishing a Type I LAMIRD, counties must establish a logical outer boundary. The purpose of the logical outer boundary is to minimize and contain the areas of more intensive rural development to the existing areas. Uses, densities or intensities not normally allowed in a rural area

may be allowed inside the logical outer boundary consistent with the existing character of the LAMIRD. Appropriate and necessary levels of public facilities and services not otherwise provided in rural areas may be provided inside the logical outer boundary.

(C) The logical outer boundary must be delineated primarily by the built environment as it existed on the date the county became subject to the planning requirements of the act.

(I) Some vacant land may be included within the logical outer boundary provided it is limited and does not create a significant amount of new development within the LAMIRD.

(II) Construction that defines the built environment may include above or below ground improvements. The built environment does not include patterns of vesting or preexisting zoning, nor does it include roads, clearing, grading, or the inclusion within a sewer or water service area if no physical improvements are in place. Although vested lots and structures built after the county became subject to the act's requirements should not be considered when identifying the built environment, they may be included within the logical outer boundary as infill.

(III) The logical outer boundary is not required to strictly follow parcel boundaries. If a large parcel contains an existing structure, a county may include part of the parcel in the LAMIRD boundary without including the entire parcel, to avoid a significant increase in the amount of development allowed within the LAMIRD.

(D) The fundamental purpose of the logical outer boundary is to minimize and contain the LAMIRD. Counties should favor the configuration that best minimizes and contains the LAMIRD to the area of existing development as of the date the county became subject to the planning requirements of the act. When evaluating alternative configurations of the logical outer boundary, counties should determine how much new growth will occur at build out and determine if this level of new growth is consistent with rural character and can be accommodated with the appropriate level of public facilities and public services. Counties should use the following criteria to evaluate various configurations when establishing the logical outer boundary:

(I) The need to preserve the character of existing natural neighborhoods and communities;

(II) Physical boundaries such as bodies of water, streets and highways, and land forms and contours;

(III) The prevention of abnormally irregular boundaries; and

(IV) The ability to provide public facilities and public services in a manner that does not permit low-density sprawl." [WAC 365-196-425(6)].

Finding: Designation of a rural center must identify "more intense" rural development that existed in the proposed rural center at the required date. The required date is July 1, 1990, which was the date the county became subject to the requirements of the GMA. Intensity of rural development is determined by a concentration of smaller developed lots. Clark County's current regulations in rural center residential districts require a minimum lot area of 2.5 acres in

the RC-2.5 zoning district. The 2.5 acre minimum was used as a baseline to identify parcels of more intensity.

The proposed rural center contains lots that are 1 acre to 21 acres in size, averaging 5.1 acres. A majority of the proposed rural center lots were created prior to July 1, 1990. However, the smaller lots are not concentrated at a specific location within the proposal. The proposed rural center contains lots that are similar in size to lots surrounding the proposal. These similar size lots may allow the continual expansion of the rural center. The potential for continual expansion does not minimize and contain the more intense rural development. Exhibit 3 shows that many lots in the adjacent area are a similar size to those lots within the proposed rural center. The proposed rural center does not contain more intense rural development that existed prior to the date the county became subject to the requirements of the GMA.

When establishing a rural center, Clark County must establish a logical outer boundary. [RCW 36.70A.070(5)(d)(iv); WAC 365-196-425(6)(c)(i)(B)-(D)]. The purpose of the logical outer boundary is to minimize and contain the areas of more intensive rural development to the existing areas. Rural centers are delineated by the character of existing natural neighborhoods and communities, physical boundaries such as bodies of water, streets and highways, and land forms and contours. The boundary of the rural center must not be abnormally irregular. Rural Center boundaries must allow the county to provide appropriate public facilities and public services in a manner that does not permit low-density sprawl. Uses, densities or intensities not normally allowed in a rural area may be allowed inside the logical outer boundary, consistent with the existing character of the LAMIRD. [WAC 365-196-425(6)(c)(i)(B)]

The logical outer boundary must be delineated primarily by the built environment as it existed on July 1, 1990 [WAC 365-196-425(6)]. Outside of the proposed rural center are several small lots that are less than 2.5 acres which were established prior to July 1, 1990. The outer boundary of the proposed rural center does not contain these lots. The proposed rural center's logical boundaries do not recognize areas of more intense rural development from before July 1, 1990, or contain these areas to prevent low density sprawl.

Conclusion: The proposed amendment does not meet the WAC 365-196-425 requirements because the proposed area does not recognize adjacent more intense development that was established prior to July 1, 1990. The proposed amendment does not meet the WAC 365-196-425 requirement to minimize and contain the more intense development because it does not include lots that are similar in size and use to lots surrounding the proposal.

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:

“1.1.0 Establish a hierarchy of urban growth areas activity centers and rural centers. Hierarchy of Urban Growth Areas and Rural Centers: All planning should be in the form of complete and integrated communities containing housing, shops, work places, schools, parks and civic facilities essential to the daily life of the residents. Community size should be designed so that housing, jobs, daily needs and other activities are within easy walking distance of each other. [Framework Plan, page 11].

1.1.2 Rural Centers are outside of urban growth areas centers and urban reserve areas and provide public facilities (e.g., fire stations, post offices, schools) and commercial facilities to support rural lifestyles. Rural centers have residential densities consistent with the surrounding rural minimum lot sizes and do not have a full range of urban levels of services.” [Framework Plan, page 12].

These framework plan policies are implemented by Clark County Code 40.210.030 (Rural Center Residential Districts) and 40.210.050 (Rural Commercial Districts). It is the purpose of these sections to establish minimum standards for residential living, businesses and services sized to serve the rural community. These standards are intended to complement and support the rural environment without creating land use conflicts. These standards would be applied to the properties within the Proebstel Rural Center.

Finding: The proposed amendment is outside an urban growth area. The Community Framework Plan is explicit about the public facilities that serve rural lifestyles, including fire stations, post offices and schools. The proposal does not contain uses which serve the rural area to establish Proebstel as a center of the rural area. This proposal does not provide public facilities consistent with polices in the Community Framework Plan. Clark County Code 40.210.050 lists uses that serve the rural community. The proposed rural center contains one use, a general retailer, which is permitted outright in rural commercial (CR-2) zoning, applicable in rural centers. The proposed rural center does not meet the guidance in the Community Framework Plan.

Countywide Planning Policies (CWPP)

RCW 36.70A.210, requires counties and cities to collaboratively develop Countywide Planning Policies (CWPP) to govern the development of comprehensive plans. WAC 365-196-305(1) states “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.” The Countywide Planning Policies applicable to this proposal include the following:

“3.0.1 The county shall recognize existing development and provide lands, which allow rural development in areas, which are developed or committed to development of a rural character.” [2016 Plan, page 89].

WAC 365-196-305(1) aims to coordinate city and county growth with the services each jurisdiction provides. Development that requires urban services is to be provided by cities, and counties provide services to areas that are not urban in form. The CWPP allows for rural development, outside urban growth areas, provided that the rural character is maintained. The proposed rural center would allow for rural development of residential and commercial lots,

which do not require urban services. The rural center designation would apply standards that are consistent with maintaining the rural character.

Finding: The proposed amendment is consistent with the Countywide Planning Policies.

Comprehensive Growth Management Plan 2015-2035 (2016 Plan)

The Rural & Natural Resource Element of the Comprehensive Plan states as follows:

“Rural Centers are distinguished by small lot development with a definite edge, surrounded by a rural landscape of generally open land used for agriculture, forestry, large lot residential development, recreation and environmental protection purposes. These centers are often at the crossroads where historical development has allowed for both smaller lots and commercial uses within these nodes of development. Within these centers rural residential development is based on historical patterns. Commercial activities located at crossroads provide rural residents with an opportunity to meet many of their daily needs without going into one of the cities.

Within the Rural Centers, the following land uses have been identified: residential, commercial, industrial, public facilities, parks and open space. The commercial and industrial designations are similar to past comprehensive plan maps with some additional commercial areas designated. The commercial and industrial activities within these centers should support opportunity for job growth, tax base to support schools, rural and resource needs and not draw people from the urban area.

Commercial uses to be encouraged in Rural Centers include post offices, veterinary clinics, day care, schools, small medical practices, shopping services and housing opportunities compatible with surrounding roads and utilities. These, in turn, reinforce the center’s rural character and distinct sense of community.” [2016 Plan, page 84].

The 20-year Comprehensive Growth Management Plan contains many policies that guide rural centers. The most relevant goals and policies applicable to this application are as follows:

“Goal: Compatible with maintaining rural character and rural (levels of service) (services), ensure that lands outside of urban growth areas are viable places to live and work.

3.1.1 Clark County shall maintain and protect the character of rural lands defined as those lands outside of urban growth areas by promoting:

- Large lot residential development compatible with adjacent farming, forestry and mining and not needing urban facilities and services;
- Non-residential development in Rural Centers;
- Economic development activities consistent with the preservation of rural character;
- Agriculture, forestry and mining activities;
- Regional parks, trails and open space;
- Environmental quality, particularly as evidenced by the health of wildlife and fisheries (especially salmon and trout), aquifers used for potable water, surface water bodies and natural drainage systems; and
- Historic character and resources including archaeological and cultural sites important to the local community.

Goal: Compatible with maintaining rural character and rural (levels of service)(services), provide for lands outside urban growth areas that are predominately for residential uses.

3.2.5 If schools and related facilities need to be sited in rural areas, preference shall be to locate first in Rural Centers and then, as a last resort, in areas designated as Rural.

Goal: Maintain the character of the designated Rural Centers within the surrounding rural area.

3.3.1 Rural Centers as designated on the Comprehensive Plan Land Use Map are distinct areas that:

- provide a focus for the surrounding rural area that is appropriate in character and scale in the rural environment;
- provide appropriate commercial developments to serve adjoining rural areas;
- provide services to tourists and other visitors recreating in the area; and,
- provide an opportunity to develop facilities that can function as a community center in those areas where an incorporated town no longer serves that role for the surrounding area.

3.3.2 Rural Centers:

- are generally characterized by smaller lot patterns;
- have residential development and small-scale business that provides convenience shopping and services to nearby residents;
- have access to arterial roadways; and,
- are surrounded by rural landscapes of generally open land used for agriculture, forestry, large lot residential, recreational and environmental protection purposes.

3.3.3 Rural Centers shall have a residential density of between one unit per acre and one unit per five acres (RC-1, RC-2.5 and R-5) based on the historical pattern in the area. In no case shall density exceed one unit per acre.

3.3.4 Rural commercial development should support the needs of rural residents and natural resources activities rather than urban area uses. Appropriate uses for Rural Centers include:

- resource-based industrial development consistent with rural character and levels of service;
- commercial uses supporting resource uses, such as packing, first state processing and processing which provides value added to the resource products may occur in resource areas; and,
- post offices, veterinary clinics, day care, small medical practices and schools that provide employment, shopping services and housing opportunities within Rural Centers. The scale should be compatible with surrounding roads and utilities, which reinforce the rural character and distinct sense of community.

3.3.5 If schools and related facilities need to be sited in rural areas, preference shall be to locate first in Rural Centers and then, as a last resort, in areas designated as Rural.

3.3.6 Rural Center designation criteria are as follows:

- an area proposed as a Rural Center had to have existed as of July 1, 1990, identifiable by pre-existing small lot development patterns, natural features as boundaries and access to arterials;
- proponents of a new Rural Center shall submit to the county a petition signed by at least 60 percent of the property owners of the land within the boundaries of the proposed new Rural Center;
- an expansion of an existing Rural Center shall be considered and evaluated by the county through the annual review process under CCC40.560 and pursuant to RCW36.70A.070(5)(d).
- a new Rural Center shall be considered and evaluated by the county through the docket process under CCC40.560 and pursuant to RCW 36.70A.070(5)(d).” [2016 Plan, pages 90-92].

Finding: The proposed rural center contains lots that range from 1 acre to 21 acres, averaging 5.1 acres for the proposed rural center. A majority of the proposed rural center lots were created prior to July 1, 1990. The lots within the proposed rural center are not predominantly smaller than lots adjacent to the proposal. Outside and adjacent to the proposal there is a concentration of small lots that were created prior to July 1, 1990. These smaller lots reside along NE 65th Street, east of SR-500. The adjacent historic small lot development pattern is not within the proposed rural center. Therefore, the proposed rural center does not meet the criteria with Comprehensive Plan Policy 3.3.6.

Conclusion: The proposed amendment does not meet Comprehensive Growth Management Plan policy 3.3.6 and the WAC 365-196-425 requirements because the proposed area does not recognize adjacent more intense development that was established prior to July 1, 1990. The proposed amendment does not meet the WAC 365-196-425 requirement to minimize and contain the more intense development by including lots that are similar in size and use to lots surrounding the proposal. This proposal does not provide public facilities that establish a rural center consistent with polices in the Community Framework Plan. Criterion A has not been 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 40.560.010G(2) and 40.560.020G(2).)

Rural Center Residential (RCR) - The rural center residential zones are to provide lands for residential living in the Rural Centers at densities consistent with the comprehensive plan. These districts are only permitted in the designated Rural Centers and are implemented with the RC-1 and RC-2.5 base zones

Clark County Code 40.210.030 Rural Center Residential Districts (RC-2.5, RC-1)

A. Purpose.

The rural center residential zones are to provide lands for residential living in the rural centers at densities consistent with the comprehensive plan. These districts are only permitted in the designated rural centers. Natural resource activities such as farming and forestry are allowed to occur as small-scale activities in conjunction with

the residential uses in the area. These areas are subject to normal and accepted forestry and farming practices.

Rural Commercial (CR) - This commercial district is located in rural areas outside of urban growth boundaries in existing commercial areas and within designated Rural Centers. These areas are generally located at convenient locations at minor or major arterial crossroads and sized to accommodate the rural population. Rural commercial areas are not intended to serve the general traveling public in rural areas located between urban population centers. Rural commercial areas within designated Rural Centers are implemented with the CR-2 base zone. Existing commercial areas outside of these Rural Centers are implemented with the CR-1 base zone. All new rural commercial applications shall address the criteria for new commercial areas through a market and land use analysis.

Clark County Code 40.210.050 Rural Commercial Districts (CR-1, CR-2)

A. Purpose.

The CR-1 and CR-2 districts are intended to provide for the location of businesses and services that are sized to serve the rural community. These commercial areas are located in areas designated as rural commercial on the comprehensive plan map either within rural centers (CR-2) or in other areas of existing commercial activity in the rural area outside rural centers (CR-1). They should be designed to complement and support the rural environment without creating land use conflicts.

Finding: Residential lots within the proposed rural center would be designated as 'Rural Center Residential' comprehensive plan designation with RC-1 or RC-2.5 zoning. Lots with commercial uses would be designated 'Rural Commercial' comprehensive plan designation with CR-2 zoning. The RCR and CR Comprehensive Plan designations, and associated zoning, are appropriate for rural centers which are areas of more intense rural development. The proposed comprehensive plan designation and proposed zoning are specifically intended and applied to land within rural centers. The criterion requires that the comprehensive plan designations and zoning are evaluated concurrently with the locational criteria. The proposed rural center does not meet the locational criteria for establishing a rural center, as demonstrated in Criterion A.

Conclusion: The proposed rural center would designate residential lots as 'Rural Center Residential' comprehensive plan designation with RC-1 or RC-2.5 zoning and commercial uses would be designated 'Rural Commercial' comprehensive plan designation with CR-2 zoning within a rural center. The proposal does not meet the requirement that the designations are in conformance with the appropriate locational criteria since the proposal fails to meet the locational criteria, as concluded in Criterion A. Criterion B is not met.

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

Finding: Criterion B concludes that the proposed map amendments are not suitable for the proposed designation and that alternative commercial sites are in the vicinity of the proposal. The Clark County Comprehensive Plan encourages various commercial uses to be located within rural centers, including post offices, veterinary clinics, day care, schools, and small

medical practices. The Vancouver Urban Growth Area and City Limits are located less than a half mile from the proposed rural center. Commercial lands within the City of Vancouver serve the needs of the rural residents.

Conclusion: The proposed map amendment to establish Proebstel as a rural center is not suitable for the proposed designation and alternative sites within the vicinity exist, so Criterion C has not been met.

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

Finding: The plan map amendment does not respond to a substantial change in conditions applicable to the area within which the subject property lies or corrects an obvious mapping error. As demonstrated in Criterion A, B, and C, the proposed rural center designation does not better implement applicable comprehensive plan policies than the current map designation for the existing, non-residential uses within the proposed boundary.

Conclusion: The proposed Proebstel Rural Center does not respond to a substantial change in conditions, better implement comprehensive plan policies or correct an obvious error. Therefore Criterion D has not been met.

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

Finding: The proposed rural center is located outside of any urban growth area. Urban public facilities are not required to serve rural centers.

Conclusion: Criterion E is not applicable.

F. Amendments to the plan map for (a) changing a natural resource land designation to either a smaller lot size natural resource land designation or to a rural designation, or (b) creating or expanding a rural center, shall demonstrate that the following criteria have been met:

- a. The requested change shall not impact the character of the area to the extent that further plan map amendments will be warranted in future annual reviews; and**
- b. The site does not meet the criteria for the existing resource plan designation; and**
- c. The amendment shall meet the locational criteria for the requested**

designation.

Finding: The proposal does not meet the locational criteria for the requested designation. Residential lots within the proposed rural center would be designated as 'Rural Center Residential' comprehensive plan designation with RC-1 or RC-2.5 zoning. Lots with commercial uses would be designated 'Rural Commercial' comprehensive plan designation with CR-2 zoning. The RCR and CR Comprehensive Plan designations, and associated zoning, are appropriate for rural centers which are areas of more intense rural development. The proposed comprehensive plan designation and proposed zoning are specifically intended and applied to land within rural centers. The criterion requires that the comprehensive plan designations and zoning are evaluated concurrently with the locational criteria. The proposed rural center does not meet the locational criteria for establishing a rural center, as demonstrated in Criterion A.

Conclusion: The proposal to establish the Proebstel Rural Center fails to meet the locational criteria for the requested designation. Therefore, Criterion F has not been met.

G. The creation of a rural center shall be considered and evaluated by the county through the docket process.

Finding: The process for creating Proebstel as a rural center was approved as a 2018 docket work program proposal by the Clark County Councilors on October 18, 2017. The recommendation by the Planning Commission is a part of the docket process.

Conclusion: The proposed rural center is seeking the Planning Commission's recommendation, required by Clark County Code 40.560.010, and meets the requirements of Criterion G.

H. Before the county considers establishing a new rural center, the proponent(s) shall submit to the county a petition signed by at least sixty percent (60%) of the property owners of the land within the boundaries of the proposed new rural center.

On November 6, 2014, Clark County received a petition from property owners requesting a rural center designation for approximately 112 acres for 22 lots. The petition was signed by 20 property owners. One of the property owners, who own 5 lots, has withdrawn their signature from the petition and 15 lots remain supportive of the proposed rural center designation.

Finding: 15 of 22, or 68%, of the proponents have submitted a petition for the Proebstel Rural Center.

Conclusion: The proponents for the new rural center have submitted a petition with more than sixty percent supporting the proposal, so Criterion H has been met.

RECOMMENDATION AND CONCLUSIONS

Based on the information and the findings presented in this report, the Planning Commission forwards a recommendation of **DENIAL** to Clark County Council. Alternatively, the Planning Commission did not recommend to the Clark County Council to consider designating existing uses that are commercial as Rural Commercial (CR-1) outside of a rural center.

The following table lists the applicable criterion and summarizes the findings of the staff report for CPZ2018-00014.

COMPLIANCE WITH APPLICABLE CRITERIA		
Criterion for Policy/Text Amendments	Criteria Met?	
	Staff Report	Planning Commission Findings
A. Consistency with GMA, Countywide Policies, Community Framework Plan, & Comprehensive Plan	No	No
B. Conformance with Locational Criteria	No	No
C. Site Suitability and Lack of Appropriately Designated Alternative Sites	No	No
D. Amendment Responds to Substantial Change in Conditions, Better Implements Policy, or Corrects Mapping Error	No	No
E. Adequacy/Timeliness of Urban Public Facilities and Services	N/A	N/A
F. No Impact to the Character of the Area, Does not meet the criteria for existing resource plan designation, and Conformance with Locational Criteria	No	No
G. Considered and Evaluate through the Docket Process	Yes	Yes
H. Sixty Percent (60%) of Property Owners Petition for New Rural Center	Yes	Yes
Recommendation:	Denial	Deny

Exhibit 1 – 1998 Rural Centers Task Force Process



DEPARTMENT OF
COMMUNITY DEVELOPMENT

STAFF REPORT TO
CLARK COUNTY PLANNING COMMISSION

TO: Clark County Planning Commission

FROM: Jerri Bohard, Long Range Planning Manager *Bohard*

PREPARED BY: Brian Carrico, Planner II

DATE: March 11, 1998

RE: Rural Center Superior Court/Hearings Board Remand

FILE: CPM #97-010

I. INTRODUCTION

In October of 1996 certain aspects of the Growth Management Plan were appealed to Clark County Superior Court. After months of process the Court remanded back to the hearings board certain aspects of the plan which was then remanded back to the county for action. This report outlines the process undertaken by the county regarding the remand related to Rural Centers and makes recommendations on actions to gain compliance.

II. SUPERIOR COURT/HEARINGS BOARD REMAND

The Community Framework Plan identified a number of rural activity centers in which densities would be higher than the surrounding rural area. The existing zoning of these rural centers was generally 1 to 2.5 acres per residence. Based upon previous hearings board decisions and the GMA provisions regarding urban growth in rural areas the county did not include the higher densities envisioned (up to 4 units per acre) by the Community Framework Plan. The adopted plan zoned the six rural centers of Chelatchie Prairie, Amboy, Hockinson, Dollars Corner, Meadow Glade and Brush Prairie as 1 residence per 5 acres. The Court found that this action was inconsistent with the GMA planning goal which requires a variety of residential densities within the rural area and it was remanded back to county for resolution (Attachment 1).

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Page 1

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III. CHANGES TO THE GROWTH MANAGEMENT ACT

Since the original adoption of the rural centers by the 1994 Comprehensive Plan there have been changes to the GMA to specifically allow rural activity centers. Section 7 of Engrossed Senate Bill 6094 (Att. 2) changed the requirements of the rural element to allow for limited areas of more intensive rural development to include infill, development or redevelopment of existing areas. In designating and defining these areas the GMA provides the following:

A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorize under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development, in establishing the logical outer boundary the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low density sprawl. (RCW 36.70A.070(5)(d)(iv))

In defining the existing areas or uses, the GMA utilizes the date of July 1, 1990 or the date the county was required to or elected to plan under the GMA. Since Clark County was an initial participant the county must utilize the July 1, 1990 date.

The designated rural centers must be consistent with the Growth Management Act. RCW 36.70A.070(5)(d), as amended by 6094, contains the requirements governing these areas. The following are the key aspects of those requirements relating to rural centers:

1. Must be infill, development or redevelopment of existing rural activity centers.
Existing is defined as in place as of July 1, 1990
2. Existing areas must be clearly identifiable and contained
3. These centers shall not extend beyond the logical outer boundary of the existing center, predominately defined by the built environment. Logical outer boundaries shall address
 - a. the need to preserve existing communities
 - b. physical boundaries (streets, water, highways, landforms and topography, etc.)
 - c. prevention of abnormally irregular boundaries
 - d. ability to provide services, in a manner that does not permit low-density sprawl

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4. Limited areas of undeveloped land may be included if consistent with the above criteria.

This criteria will be used to measure whether or not the rural centers are in compliance with the GMA. An analysis of compliance with this criteria is contained in the discussion on each of the centers. A recent Western Washington Growth Management Hearings Board Decision *Wells vs. Whatcom County*¹, provides an indication of how the Hearings Board is interpreting the amendments under 6094. The Hearings Board emphasized: (1) the need to identify and contain existing areas; and (2) the non-determinative consequence of prior zoning. (Att. 3)

IV. RURAL CENTERS TASK FORCE PROCESS

The Board of County Commissioners appointed an 11 member citizens task force to develop recommendations regarding land use changes for the Rural Centers.(Att. 4) Members represented various organizations including Clark County Citizens United, Rural Clark County Preservation Association, Clark County Natural Resources Coalition, Hazel Dell Sewer District, Meadow Glade Home Owners Association and Fire Districts as well as representing themselves as citizens. The Board established a set of guidelines and responsibilities for the task force to follow.(Att. 5) The goals were to be used as guidelines and that if the task force needed to address an issue that was beyond the scope of work (such as amending the boundaries) that they could, provided there was a compelling reason for doing so. The task force began work on November 5th² and met a total of 12 times, concluding their work on March 4.

The task force spent the first few meetings discussing the remand order, relevant laws and criteria, reviewing background information and formulating options for each of the centers. Presentations were given by Rich Lowry regarding legal issues, the health-district regarding sewer disposal issues, Evan Dust regarding the rural transportation system and Commissioner Morris regarding the purpose of the task force.

Relevant laws and criteria include the Growth Management Act and the County's comprehensive plan. A key element to this was ESB 6094 as discussed previously. The comprehensive plan contains polices regarding rural centers which help guide the task force. Rural Centers are defined in the comprehensive plan as:

- Areas distinguished by small lot development with a definite edge, surrounded by a rural landscape of generally open land used for resource and large lot residential purposes.
- Areas of historical small lot and commercial development serving the surrounding rural area with their daily needs.
- Provide for commercial and industrial land uses to support the surrounding rural community.

¹ WWGMHB No. 97-2-0030c

² The summary minutes for this meeting indicate November 4th.

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Rural Center Purposes:

- Provide a focus for the surrounding rural area that is appropriate in character and scale in the rural environment
- Provide appropriate commercial and industrial developments to serve adjoining rural areas and resource land needs
- Provide services to tourists and other visitors recreating in the area
- Provide an opportunity to develop facilities that can function as a community center in those areas where an incorporate town no longer serves that role for the surrounding area

For each of the rural centers the following maps were created:

1. Existing Comprehensive Plan, also identifying parcels with structures over \$10,000 dollars in value which was used as a starting point and to indicate what areas were already developed
2. Sewer Lines. Used to determine extent of existing services. Mapping proved to be out of date.
3. Water Lines. Used to determine extent of existing services. Mapping proved to be out of date and first hand knowledge was relied upon.
4. Area covered by recently adopted Habitat Conservation Ordinance. Used to determine development limitations and natural boundaries.
5. 1996 aerial photographs. Used as an all around resource.
6. Parcels stratified by size. Used to determine the primary lot pattern.
7. Steep slopes and landslide hazard areas. Used to determine limitations on development and where natural boundaries occurred.
8. Severe erosion hazard areas. Used to determine limitations on development. Also indicated on these maps were commercial properties and identified with there actual use based on the assessors database, which was used as an indication of commercial land utilization.
9. Septic Suitability. Map based upon health district work, where areas which were unsuitable for septic systems were mapped. Used as an indication of development limitations.

Population and lot estimates were calculated for all the rural centers based on a variety of lot sizes (Att. 6). These numbers represent the potential buildout of the rural centers and not a precise number of lots which could be created due to variations in existing lot sizes, limitations due to unbuildable lands, access, environmental constraints or the willingness of the property owner to develop. Population is based on an average household size of 3 persons from the 1990 census.

After reviewing all the background materials the task force worked to create a number of alternatives for each center. Three options for Chelatchie Prairie and four options for the other centers were created. The options showed a variety of rural densities, expanded or contracted boundaries as well as additional commercial and industrial lands. These options were presented for public review and comment at open houses in Hockinson, Amboy and Meadow Glade.(Att. 7) Following the open houses the task force met to finalize recommendations to the Planning Commission. A consensus approach was used in making recommendations with a 75% standard used to define consensus. The

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task force was also given an opportunity to individually submit dissenting opinions on issues. Those submitted are included at the end of the report. Summary minutes of all the task force meetings are attached at the end of the report. The meetings were also audio recorded, tapes of which are available for review.

V. PUBLIC PROCESS

In discussion with the task force a public involvement program was established (Att. 8). This process involved an initial public meeting at La Center High school, the task force meetings, a series of newsletters (Att. 9), the public open houses, direct mailings, press releases, advertisements in the Columbian, Reflector, Lewis River News and Camas Post Record, information on the county's web site, and the placement of posters in the rural centers advertising the openhouses. The open houses were attended by approximately 69 people³ (Att. 10) and over 100 comment sheets were returned during or following the open houses.

The task force itself was a key component of the public process. The task force represented themselves as citizens, various concerned organizations, members of the rural center communities and the county at large. The task force was responsible for the integration of public comment from the meetings, personal contacts outside the meetings and comments sheets and the GMA criteria into a recommendation to the Planning Commission and Clark County Commissioners.

All task force meetings were held at Maple Grove Middle School and were attended by a significant number of persons (Att. 11) and opportunities for public comment during the task force discussions were frequent. Meetings were audio taped and summary minutes taken. The usual notice of planning commission hearing was done to meet legal requirements. A newsletter was sent to all property owners⁴ inside and within 200 feet of the proposed rural center as well as to the rural center mailing list which advertised the meeting dates and times and outlined the recommendations of the task force. Maps of the proposals were available for viewing at the county offices during normal work hours and after hours on March 12 only.

³ Actual number that signed in.

⁴ Based on assessors database

Exhibit 2 – November 2014 Petition

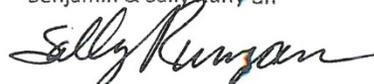
RECEIVED NOV - 6 2014

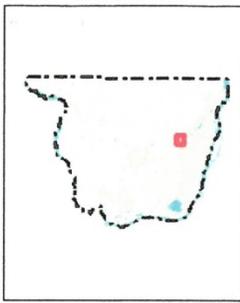
We the undersigned do request that Clark County commissioner create the Proebstel Rural Center with the attached map according to the Clark County Growth plan, Clark County code 40.560 and R.C.W. 36,70a,070(5)d

169504000	17919 N.E. 4 th Plain Rd.	Joan Toedtl <i>Joan Toedtl</i>
169468000	18109 N.E. 4 th Plain Rd.	Gene & Marlene Thompson <i>Gene C. Thompson</i>
169041000	18211 N.E. 4 th Plain Rd.	Brad & Angela Thompson <i>Brad Thompson</i>
169036000	18401 N.E. 4 th Plain Rd.	Roger Nolan <i>Roger Nolan</i>
115332000	18513 N.E. 4 th Plain Rd.	Yaroslavn & Lilia Golosinskly <i>Yaroslavn Golosky</i>
11531000	18617 N.E. 4 th Plain Rd.	RRA <i>Ronald A Anderson</i>
11536000	18901 N.E. 4 th Plain Rd.	RRA <i>Ronald A Anderson</i>
115362000	18921 N.E. 4 th Plain Rd.	RRA <i>Ronald A Anderson</i>
11552000	19017 N.E. 4 th Plain Rd.	Ronald Anderson
11551000	N.A.	RRA <i>Ronald A Anderson</i>
11537000	19117 N.E. 4 th Plain Rd.	Ralph Sturgeon <i>Ralph Sturgeon</i>

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Proebstel Rural center page 2

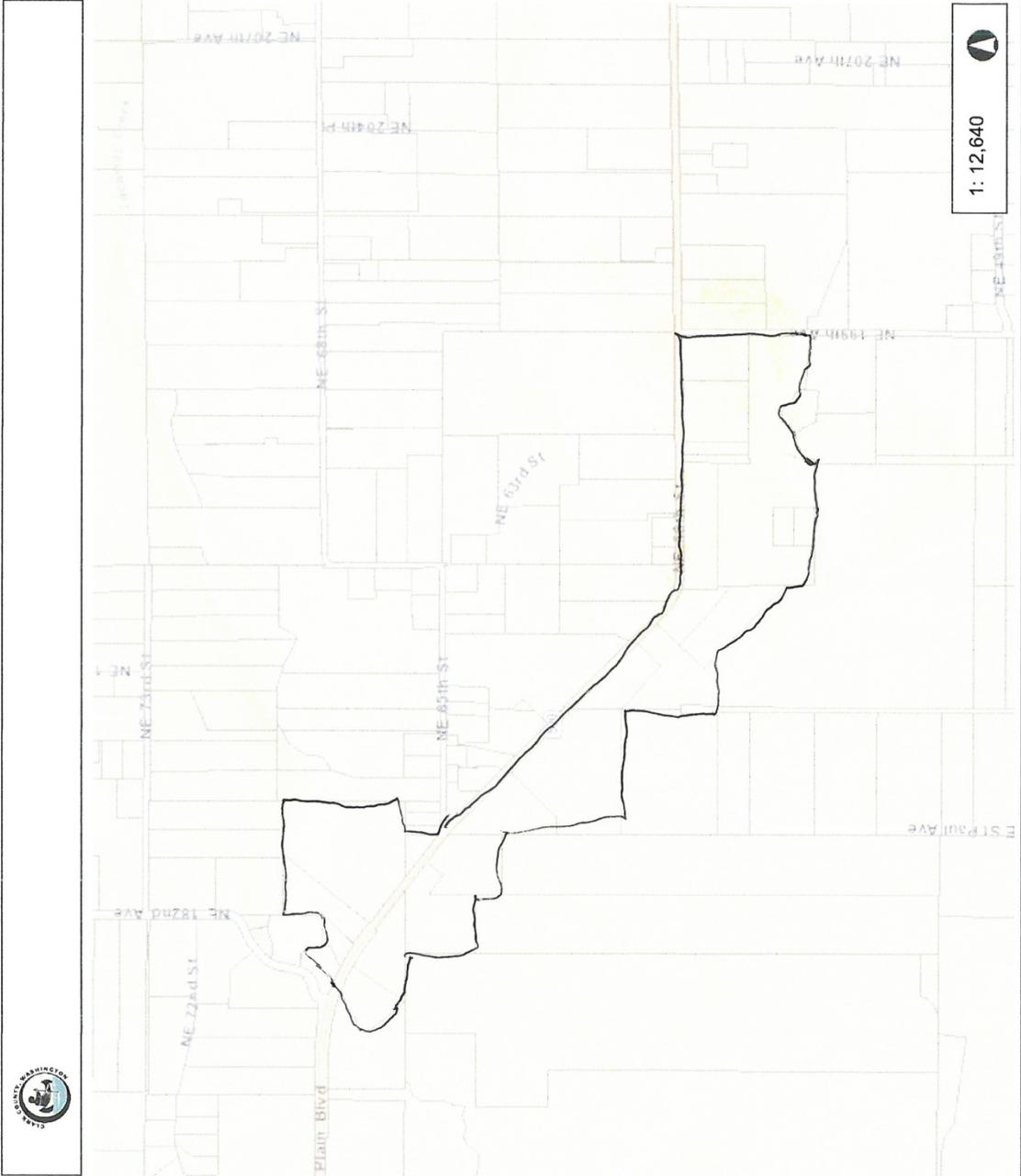
115374000	5530 ne 199 ave	Benjamin & Sally Runyan 
115375000	5530 N.E. 199 ave.	Benjamin & Sally Runyan 
115376000	5430 N.E. 199 ave.	Benjamin & Sally Runyan 
115384000	na	Benjamin & Sally Runyan 
115378000	19617 N.E. 58 st.	Jesse & Shilo L Hutton
115377000	19809 N.E. 58 st.	Tracey & Shelly Langley 
169476000	7619 N.E. 182 ave.	Brad & Celeste Walway
169474000	18014 N.E. 4 th Plain Rd.	Dreiman LLC 
169485000	18110 N.E. 4 th Plain Rd.	Schmid Properties 
16947000	18110 N.E. 4 th Plain Rd.	Schmid Properties 
169039000	18316 N.E. 4 th Plain Rd.	Thomas B Nolan 



Legend

-  Building Footprints
-  Taxlots
-  County Outline
-  World Street Map

Notes:



1: 12,640

2,106.6
1,053.32
2,106.6 Feet

This map was generated by Clark County's "MapsOnline" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.

WGS, 1984, Web Mercator Auxiliary Sphere
Clark County, WA, GIS - <http://gis.clark.wa.gov>



Exhibit 3 – Proebstel Historic Small Lots

