



proud past, promising future

CLARK COUNTY  
WASHINGTON

## COMMUNITY PLANNING

### STAFF REPORT

TO: Clark County Planning Commission

FROM: Oliver Orjiako, Director

PREPARED BY: Jose Alvarez

DATE: May 24, 2013

SUBJECT: CPZ2013-00012 NE 10<sup>th</sup> Ave/Bishop

---

#### **PROPOSED ACTION:**

The applicant requests the Comprehensive Plan designation be amended from Rural(R-5) to Rural Commercial (CR) with implementing zoning designations of CR-1 on four parcels totaling approximately 15 acres.

#### **BACKGROUND:**

The property owner is requesting a change to the Comprehensive Plan and Zoning designation from Rural (R-5) to Rural Commercial (CR-1) for parcel no. 216896000. The site is currently vacant and is approximately 1,200 ft. east of the recently completed NE 219<sup>th</sup> St interchange. Prior to the extension of SR-502 west of NE 10<sup>th</sup> Ave the property abutted the CR-1 zone to the south.

The site is located at the NW corner of the intersection of NE 10<sup>th</sup> Ave. and SR-502 approximately 15 acres.

#### **GENERAL INFORMATION:**

Parcel Numbers: 216896000; 216957000; 216897000; 216956000

Location: NW intersection of NE 10th Ave. and SR-502

Area: 15 acres

Owner: Bridge Funding, LLC

Existing land use:

Site: Vacant

North: Large lot residential.

South: State Stormwater tract and Vacant Rural Commercial

East: Vacant land; restaurant and gas station zoned rural commercial.

West: Vacant land

## **SUMMARY OF COMMENTS RECEIVED**

Washington State Department of Transportation submitted a letter on April 29, 2013 stating they have no specific comment on the Comprehensive Plan amendment and rezone. They did re-iterate their comment from the Pre-application process that the property will not have direct access to NE 219<sup>th</sup> St and there is limited access (right-in/right-out only) along NE 10<sup>th</sup> Ave for the southernmost parcel. no. 216957000 and that access along NE 10<sup>th</sup> Ave frontage of parcel no. 216896000 is under county jurisdiction.

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

In order to comply with the Plan Amendment Procedures in the Clark County Unified Development Code (UDC 40.560.010), requests to amend the Comprehensive Plan land use map must meet all of the criteria in Section G, Criteria for all Map Changes. Requests to amend the zoning map must meet similar criteria (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 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 2, Goal 3 and Goal 5.

- (2) Reduce Sprawl. Reduce the inappropriate conversion of underdeveloped land into sprawling, low density development.*
- (3) Transportation. Encourage efficient, multi-modal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.*
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas*

*experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.*

**Finding:** The proposed amendment is consistent with State GMA Goals 2, 3 and 5. The proposal would not convert land into low density development (Goal 2). The change to Rural Commercial would permit commercial development on the site, and will allow a greater variety of uses that provide employment opportunities (Goal 5). The subject parcel is located at the NW corner of the intersection of NE 10th Ave and SR-502. The proposed amendment to the comprehensive plan map would locate allow for a small commercial development at the intersection of arterials (Goal 3).

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

Policies applicable to this proposal include the following:

*Policy 3.0 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.*

#### *9.0 Economic Development*

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

**Finding:** With a location that is in close proximity to existing rural commercial, but directly on a state route, the proposed re-designation of the subject site would allow more intensive commercial development that supports the surrounding community.

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

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

*3.2.4 Rural commercial development should support the needs of rural residents and natural resource activities rather than urban uses.*

*9.1.3 The county and cities will encourage long-term growth of businesses of all sizes, because economic diversification and*

*stratification are important factors in overall job growth for the county and cities.*

**Finding:** Re-designation of this land to expand the commercial node in the Duluth area would encourage economic development in the rural and better serve rural residents.

*Chapter 5 Transportation Element*

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

**Conclusion:** The proposed Rural Commercial designation and CR-1 zoning designation may result in increased employment opportunities on the site, due to the retail and service uses, and at greater intensities, satisfying economic development policies. The proximity to the existing commercial node should serve rural residents.

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

*Rural Commercial (CR-1)*

*This commercial district is located in rural areas outside of urban growth boundaries in existing commercial areas and within designated Rural Centers. These are generally located at convenient locations at minor or major arterial crossroads and sized to accommodate the rural population.*

*Additional Commercial Criteria*

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

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

**Finding:**

The site is located at the intersection of arterial crossroads outside of urban growth boundaries. The analysis evaluates the need in the area between the Ridgefield, Battle

Ground and Vancouver UGAs for small scale commercial uses, such as those allowed in the CR-1 zone. The analysis also discusses factors that may contribute to the commercial success of locating a business on the Applicant's property, as well as why locating a small scale commercial business on the property would not compete with other commercial activities in any of the nearby UGA's. The analysis in part provides:

Current residents and future growth within one mile of the site will drive demand for local retail goods and services. There are currently 570 residents living within one mile of the subject property. Residents have a collective Personal Income (PI) of \$21.5 million. Population within one mile of the site is expected to grow by another 70 residents and \$2.6 million of PI. The small purchasing power of the immediate area means that commercial retail will be a limited option.

The subject area does have a significant volume of pass by traffic. Its' easy access gives it opportunities for small-scale convenience retail. This drives the need for additional rural commercial services in the subject area that will complement the adjacent rural commercial uses, but not compete with or detract from larger and more intense commercial uses in the nearby urban areas. The intersection of 10th Ave. and SR-502 has an average of 16,000 vehicles passing through each day. Along I-5 at the mile Post along 219th, there is an average of 75,000 vehicles passing through each day.

The report also finds that non-retail employment opportunities would be available and should be considered for this site:

The subject site is within 3 miles of the Ridgefield junction and should indirectly benefit. Being located along I-5 and in close proximity to two major employment centers will drive market interest to the subject area. The site is well suited for small-scale technology, commercialized R&D, private data analytics, small-scale manufacturing, and other employment related office uses. The area is too small to directly compete with any existing employment centers, but is a natural start to establishing an area that can support the economic activities of Battle Ground, Ridgefield, and Salmon Creek.

Many startup companies begin within a private residence. As a company matures and establishes itself in the marketplace, business owners will consider moving the business out of their private residences into nearby established employment centers. Allowing the subject area to be designated to CR-1 would foster this economic gardening that would in turn provide neighboring urban areas a base of growing business prospects over time.

**Conclusion:** The proposal meets all of the locational criteria. The proposed Rural Commercial designation and CR-1 zoning meets the additional commercial criteria. The market analysis supports the need for the new commercial area and the land use analysis demonstrates that the existing commercial land is inadequate. Criterion B is met.

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

Finding: See discussion above of commercial demand analysis.

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

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

Finding: The applicants address this requirement in their narrative by stating that the map amendment (a) responds to a substantial change in conditions applicable to the area within which the subject property lies. The application states that the construction of the 219<sup>th</sup> St interchange exacerbates the already less than ideal situation for residential uses on the site given its location along SR-502 and NE 10<sup>th</sup> Ave.

Conclusion: Criterion D has been met.

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

Finding: Criterion E is not applicable since the comprehensive plan and the GMA prohibit urban services from being extended in the rural area and no such extensions are planned or needed for the property to develop with the limited uses allowed in the CR-1 zone.

Conclusion: Criterion E is not applicable.

**RECOMMENDATION AND CONCLUSIONS**

Based upon the information provided by the applicants and the findings presented in this report, staff recommends that the Planning Commission forward a recommendation of **Approval** to the Board of County Commissioners to modify the Comprehensive Plan and Zoning Maps from a Rural designation with R-5 zoning to a Rural Commercial designation with CR-1 zoning.

**RECOMMENDATION SUMMARY**

The following table lists the applicable criteria and summarizes the findings of the staff report for Annual Review Case CPZ2013-00012. The Planning Commission findings will be added to the table after public deliberation at the Planning Commission hearing scheduled for this application.

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

# Transportation Impact Analysis

## Annual Review Case: CPZ2013-00012 Bishop

### Introduction

This report provides a transportation analysis of the proposed comprehensive plan amendment and zone change. The report identifies the likely localized and general transportation impacts and shows how applicable adopted transportation policies have or have not been met by the applicant's proposal. Subsequent development will need to comply with applicable county development regulations, including standards governing the design of access and those that ensure transportation system concurrency.

### Requested Amendment

The applicant is requesting to amend the Comprehensive Plan designation and zoning for four parcels number 216896-000, 216957-000, 216897-000, and 216956-00. The change would be from a Rural Residential comprehensive plan designation with R-5 zoning, to a Rural Commercial comprehensive plan designation with CR-1 zoning. The subject site is 15.36 acres and is located on the northwest corner of SR-502 (NE 219<sup>th</sup> Street)/NE 10<sup>th</sup> Avenue intersection and is currently vacant.

### Summary of Transportation Impact Findings

The transportation analysis demonstrates that the proposed land use change would not negatively, significantly impact the transportation system. Staff recommends **approval** of the proposed comprehensive plan amendment and rezone of the subject parcel.

The following analysis shows that:

- Under the current R-5 zoning, the subject parcel would generate approximately 30 trips per day for 3 home sites that would be allowed on the 15 acre site.
- Per the applicant's traffic study, there would be 2,377 net new trips and the applicant's traffic study indicates that the intersection would operate at an acceptable level of service.

### Public Comment

Staff received comments from WSDOT and those comments are as follows:

- WSDOT recently constructed a new freeway interchange on Interstate 5 at the extension of NE 219<sup>th</sup> Street. This site fronts along this extension (SR 502). As the applicant acknowledges on Page 4 of their submittal letter, this property will not have direct access to SR 502, as WSDOT has full access control in this area. The applicant should also note that full access control extends to the north along the west side of NE 10<sup>th</sup> Avenue, to a point 97 feet north of the southeast corner of Parcel #216957-000. A type A approach serving no more than two residences is permitted along the remainder of the frontage of parcel #216957-000. This access shall be right-in/right-out only. Access

along the 10<sup>th</sup> Avenue frontage of parcel #216896-000 is under the jurisdiction of Clark County, as this portion of NE 10<sup>th</sup> Avenue has been relinquished to the county.

- When a development on this property is brought forward for review, WSDOT will request a traffic impact study. This traffic study would need to specifically address the impacts to the adjacent Interstate 5 interchange and SR 502, and suggest mitigation measures to maintain the current level of service and meet WSDOT safety requirements.
- These comments are based on a review of this application for a Comprehensive Plan Amendment and rezone. When a proposed development is brought forward for review, there may be need for additional information by this department for further review. There may be other issues and requirements by this department that are not stated here. Other issues or requirements may include, but are not limited to, drainage, illumination, access, signing, and channelization. This review does not constitute final approval of any development of this property by WSDOT.
- The applicant will obviously need to address access issues with WSDOT, where the agency has access control and this will likely occur during the development review process.
- Staff received the following comment from the County Public Works Department:
  - Although a traffic profile or traffic study for specific site development uses is not required to change site zoning, a Traffic Study may be required at the time of Preliminary Site Plan/Land Division Review. Furthermore, any potential on-site/off-site mitigations will be assessed at the time of Preliminary Site Plan/Land Division Review.

### **Compliance with Clark County Transportation Policy**

The transportation analysis demonstrates that application CPZ2013-00013 is consistent with all applicable Clark County transportation policies.

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

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

### **5.3 System Preservation Policies**

- 5.1.3 *When county Road Projects are designed or transportation improvements are proposed through the development review process, the design of those transportation facilities should be consistent with the current adopted Arterial Atlas, Concurrency Management System and Metropolitan Transportation Plan.*

Finding: The proposal is to change the comprehensive plan designation and zoning to potentially allow the development of 3, 5 acres homesites. The current trip generation from this site is 29 net trips per day. Staff believes the potential trip generation under the proposed rural center designation of 2,377 of net trips per day is not enough to significantly degrade the surrounding transportation system.

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

Finding: This site fronts along this extension (SR 502). As the applicant acknowledges on Page 4 of their submittal letter, this property will not have direct access to SR 502, as WSDOT has full access control in this area. The applicant should also note that full access control extends to the north along the west side of NE 10<sup>th</sup> Avenue, to a point 97 feet north of the southeast corner of Parcel #216957-000. A type A approach serving no more than two residences is permitted along the remainder of the frontage of parcel #216957-000. This access shall be right-in/right-out only. Access along the 10<sup>th</sup> Avenue frontage of parcel #216896-000 is under the jurisdiction of Clark County, as this portion of NE 10<sup>th</sup> Avenue has been relinquished to the county.

5.3.2 *The efficiency of the county's transportation system shall be optimized through the use of Transportation System Management strategies such as signal interconnection systems, signal coordination, and synchronization, and other signal improvements where appropriate.*

Finding: Staff does not foresee any potential operational issues with the subject parcels. Under the development process, the applicant may have to address potential signal issues.

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

Finding: If the property owner redevelops the site in the future, the existing driveways may be reviewed and possibly consolidated during the site development review process. Access to these properties is under the jurisdiction of WSDOT in some locations and the applicant would have to follow their application process. For portions of 10<sup>th</sup> Avenue under the County's jurisdiction, the applicant will follow the County's codes regarding access requirement. During the development review process, the applicant will provide a circulation plan that complies with Title 40 of the County Development Code.

5.3.6 *The County will protect the public's investments in existing and planned freeway and separated grade interchanges.*

Finding: WSDOT has been consulted and has provided comments regarding this Annual Review application and their comments were paraphrased above. An email is also attached with their comments regarding trip generation (Attachment A). In summary, they will provide comments regarding improvements during the development review process.

### **Analysis of Trip Generation**

Under the current R-5 zoning, the subject parcel would generate approximately 29 trips per day for 3 homesites that would be allowed on the 15 acre site. Staff believes the potential trip generation under the proposed rural center designation of 2,377 net trips per day is not enough to significantly degrade the surrounding transportation system.

### **Site Specific Impacts**

No site specific impacts are likely to result from approval of this proposal.

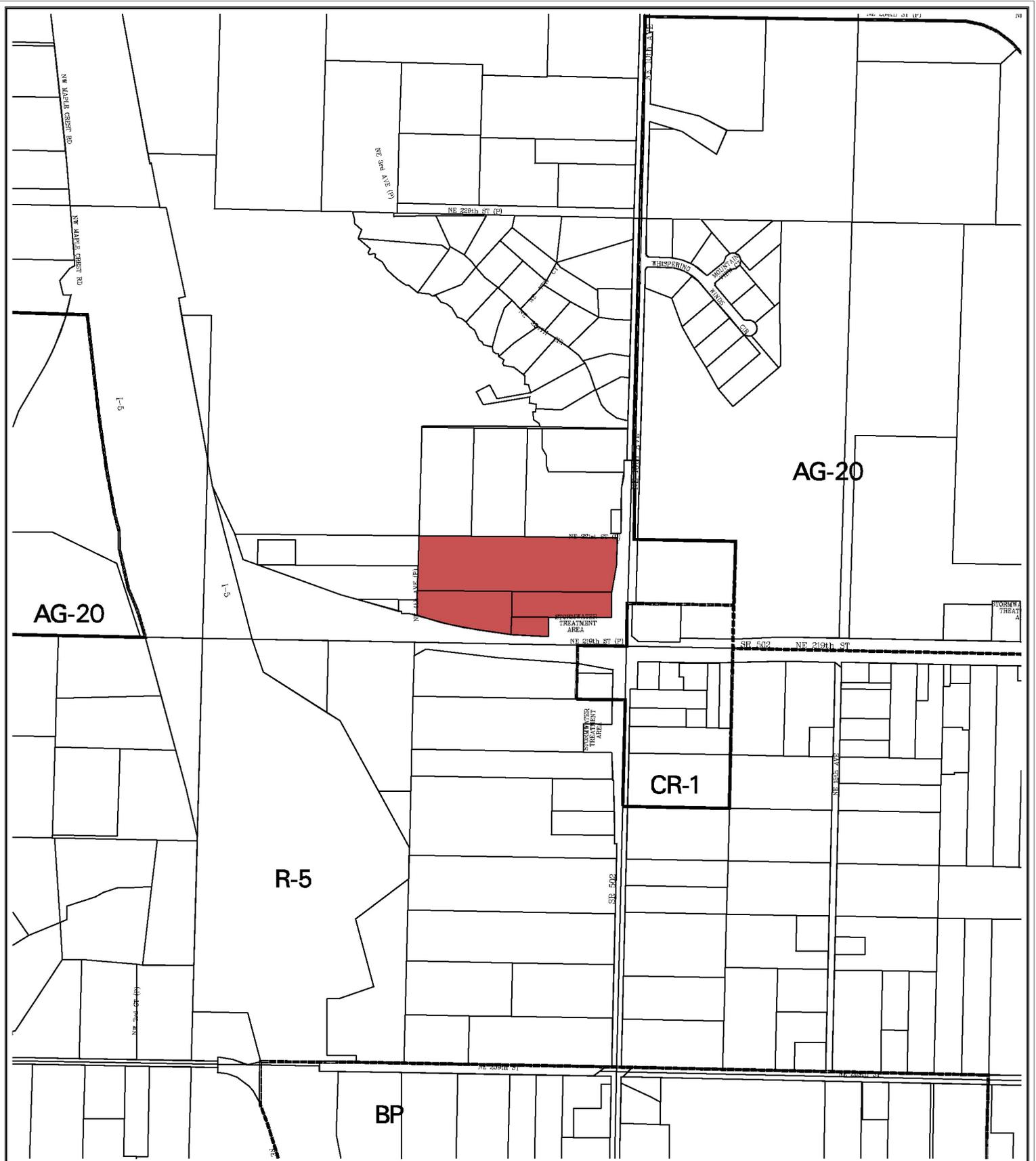
### **System Impacts**

No significant impacts to the transportation system are likely to result from approval of this proposal.

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

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

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



File # CPZ2013-00012, SN 216896000 216897000 216956000 216957000

Location: T4N R1E SEC 34

Comp Plan Change/Rezone/Text Change/Docket I



Owner: DUDLEY ANN MARIE

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



File # CPZ2013-00012, SN 216896000 216897000 216956000 216957000

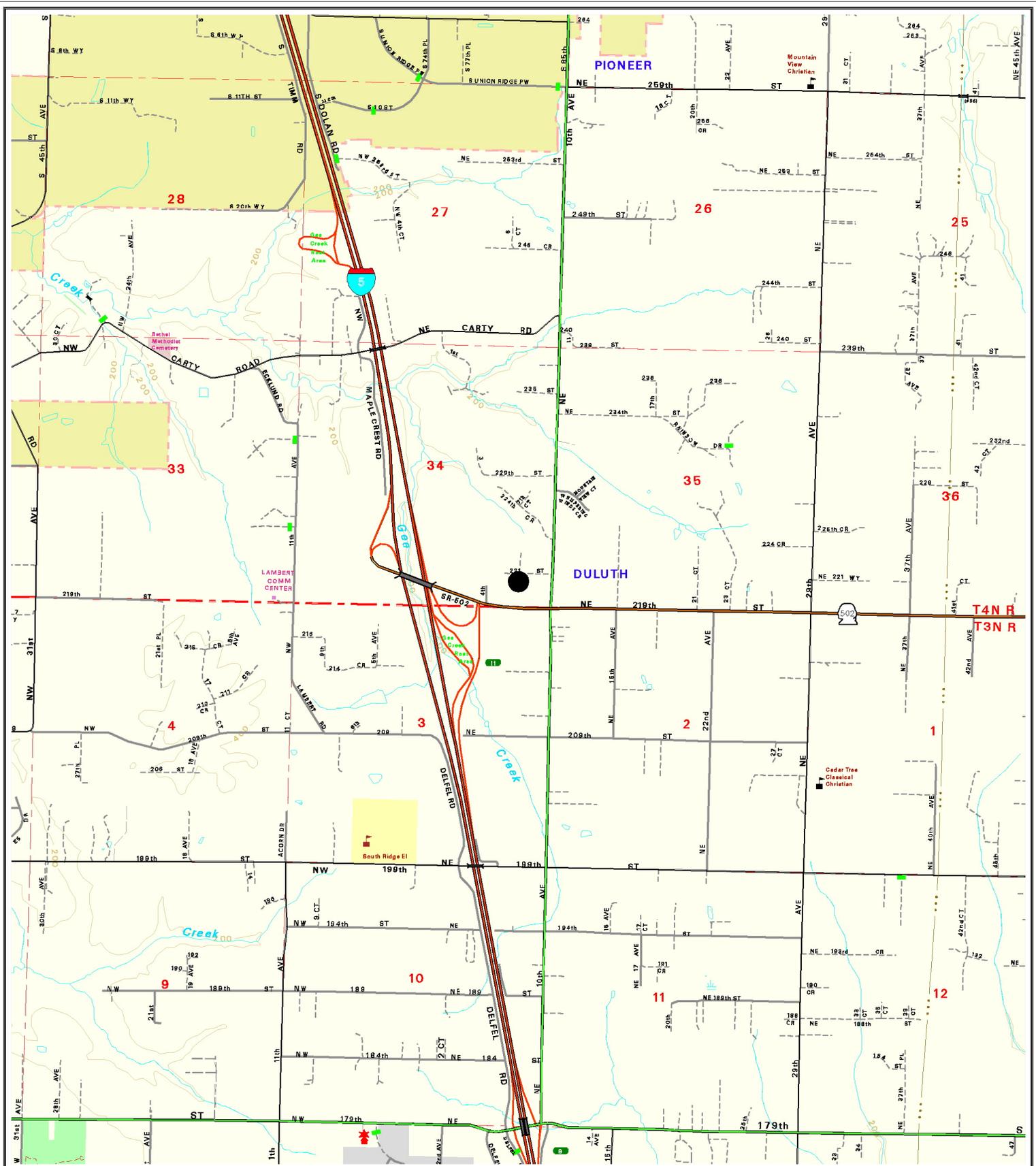
Location: T4N R1E SEC 34

Comp Plan Change/Rezone/Text Change/Docket I



Owner: DUDLEY ANN MARIE

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



File # CPZ2013-00012, SN 216896000 216897000 216956000 216957000

Location: T4N R1E SEC 34

● Subject Property Location

Comp Plan Change/Rezone/Text Change/Docket I



Order 10/862 GIS Product 1\_163



Owner: DUDLEY ANN MARIE



**LANDERHOLM**

Legal advisors. Trusted advocates.

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

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

November 29, 2012

Oliver Orjiako  
Community Planning Director  
Clark County  
PO Box 9810  
Vancouver, WA 98660-9810

**Re: Comprehensive Plan Amendment and Rezone for 10<sup>th</sup> Avenue Property  
Parcels 216896-000, 216957-000, 216897-000 and 216956-000 (Bishop)**

Dear Oliver:

The Applicant requests Clark County to amend the Zoning and Comprehensive Plan Designation for Parcels 216896-000, 216957-000, 216897-000 and 216956-000, located in the Southeast quarter of Section 34, Township 4 North, Range 1 East, Willamette Meridian, Clark County, Washington. The current Comprehensive Plan designation is R-5 with an underlying zoning designation of R-5. There is an Industrial Reserve overlay on the property. The Applicant requests the Comprehensive Plan designation be amended to Rural Commercial District (RC) with an implementing zoning designation of Rural Center-1 (CR-1).

The subject property, ("the Property") is comprised of approximately 15 acres located at the northwest corner of the intersection of NE 10<sup>th</sup> Avenue and NE 219<sup>th</sup> Street commonly referred to as Duluth. The vacant Property is located approximately 1200' feet east of the new SR 502/I-5 Interchange. WSDOT recently constructed a large storm water detention facility, as part of the new 219<sup>th</sup> interchange improvements, adjacent to the property.

Property to the north, west and south are zoned R-5 and are utilized as rural residential and agriculture uses. To the north of the Z-Mart commercial center, properties are zoned AG-20 and are utilized as large lot residential. Don and Jo's Restaurant, Z-Mart convenience store and gas station center are located directly to the east and are zoned CR-1. To the east, properties at the southeast corner of 10<sup>th</sup>/219<sup>th</sup> and also the east side of 10<sup>th</sup> are zoned CR-1 and contain a variety of commercial uses. There are some single family lots and vacant parcels as well.

The Applicant believes a change in zoning to Rural Center-1 (CR-1) will better serve the needs of the residents in the Duluth area, and the rural area to the north and east by enhancing the small commercial node that currently exists in the Duluth area. The uses allowed in the CR-1 zone are limited to small scale commercial users that can serve the surrounding rural area. Currently

many of the rural residents in the area have to drive into Battle Ground or to 134<sup>th</sup> Street to access their commercial needs. Also, rural office uses are also allowed that could provide area residents services such as medical or veterinary and jobs with a shorter commute.

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

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

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

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

**Growth Management Act**

Several of the GMA goals are relevant to this request. The Urban Growth Element of the GMA (Goal One) encourages development within existing urban areas where adequate public facilities and services exist, or can be provided in an efficient manner. However, this does not preclude all development in the rural area that is either rural in nature or is supportive and consistent with the rural environment. Clark County's Comprehensive Plan expressly provides for limited amounts and types of residential and commercial development in the rural area. The subject site is located outside of Vancouver's and Battle Ground's Urban Growth Boundaries. Fire hydrants and some water lines are currently located in the general area. The property has frontage along both NE 219<sup>th</sup> Street and NE 10<sup>th</sup> Avenue. NE 219<sup>th</sup> Street is designated as a State Route and NE 10<sup>th</sup> Avenue is classified Rural Major Collector with a 60' right of way. The site has immediate access from NE 10<sup>th</sup> Avenue and is already served with urban levels of other public services, such as police and fire protection.

Goal Two encourages the reduction of inappropriate conversion of undeveloped land into sprawling, low density development. There are multiple commercial businesses that currently exist directly to the east. The property is not designated as a Resource land. There are several longtime businesses in the immediate area situated around the major intersection such as Don and Jo's Restaurant, Z-Mart convenience store and a gas station center; all of which are zoned CR-1. Conversion of the Property from rural residential development to limited rural commercial

uses on the northwest corner of this intersection would not promote sprawl as the intensity and character of the rural development would be similar and consistent with the surrounding properties and would not further the south running strip commercial on the east side of 10<sup>th</sup> Avenue.

Goal Three encourages efficient, multi-modal transportation systems based on regional priorities and coordinated with County and City comprehensive plans. This application will encourage the efficient uses of the transportation system given the site's accessibility from I-5, 219<sup>th</sup> Street and NE 10<sup>th</sup> Avenue. Based on GIS data, C-Tran serves the site. Allowing this property to have limited rural commercial uses on it also has the potential for reducing trip lengths to access certain rural goods and services that must currently be accessed either in Battle Ground or at 134<sup>th</sup> Street.

Goal Four seeks to encourage a variety of housing types and an adequate supply of housing. The reduction of three residential lots from the rural area will not hinder accomplishment of that Goal.

Goal Five encourages economic development throughout the State that is consistent with adopted comprehensive plans in the area. With the proposed designation, economic opportunities will increase in the area. A small number of rural jobs would be created and additional tax base for the County. The creation of jobs on this site will provide an opportunity for some rural residents to work closer to their homes instead of having to drive to one of Clark County's urban areas or cross the river to work in Oregon.

Goal six seeks to protect private property rights. With the construction of the new 219<sup>th</sup> Street interchange, the amount of traffic and noise affecting this property has dramatically increased. It is no longer a marketable piece of bucolic residential property. Permitting limited rural commercial uses on this property will allow the property owner an opportunity to realize a reasonable value for his property.

This application presents no implications or effects upon Permit Processing (goal seven), Resource Lands (goal eight), Open Space and Recreation (Goal nine), the Environment (goal Ten) or any of the remaining goals of the GMA.

### **Community Framework Plan Policies**

The Community Framework Plan policies support creation of commercial nodes and the ability of commercial areas to serve neighborhoods. Given the long standing existing rural commercial uses and the ability, due to its location at the intersection of two major arterials to serve the surrounding rural community, these policies support the proposal to rezone this land from R-5 to Rural Center-1 (CR-1).

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

**3.0** 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

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

The commercial node at Duluth has existed for many years and has provided commercial services to the surrounding rural area. Since the area was zoned with the first GMA Comprehensive Plan in 1994, the residential population of the surrounding rural area has grown. There has been no corresponding increase in amount of rural commercial land to serve this increased rural population.

### **Clark County Comprehensive Plan Criteria**

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

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

**5.3.1** Development projects shall adhere to minimum access spacing standards along arterial and collector streets to preserve the capacity of the transportation system.

**3.1.1** Community Rural Center atmosphere, safety and locally-owned small businesses.

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

With the recent construction of the I-5 interchange, the property is now located at the intersection of two major transit corridors. This proximity furthers the opportunity to create a small addition to the existing Duluth commercial node without deteriorating the surrounding transportation network. Due to the presence of the large storm water facility and WSDOT access limitations, the property will not be able to directly access 219<sup>th</sup> St. The inclusion of the site as commercial property would not create a commercial strip development (for example locating a commercial business farther south on 10<sup>th</sup>) because the property is at intersection of two major arterials where commercial businesses already exist.

There are no buildings on site, nor are there any landscape buffering or architectural amenities. Development of this site with commercial uses would require the new uses and buildings to

comply with the current Site Plan Review standards, including pedestrian and vehicular access and landscape buffering. While the Duluth area is not designated as a Rural Center, it does possess much the same "atmosphere", due to its existing commercial development and surrounding cluster residential development. Due to the small size of the parcel (less than 10 acres due to critical area constraints) and the limitations on commercial uses allowed in the CR-1 zone, whatever commercial activities that will be generated on the site will be small in nature and very likely locally owned.

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

While the properties reflect some of the locational criteria for R-5 in their location, the property is poorly located for residential living. This area of R-5 zoning is underdeveloped due to noise and traffic from nearby I-5 and the intersection of 219<sup>th</sup> and 10<sup>th</sup>. Those inhibiting factors are now greatly exacerbated by the construction and opening of the new 219<sup>th</sup> interchange.

#### **Locational Criteria for Rural Lands**

The Comprehensive Plan provides express locational criteria for CR-1 zoning. These criteria provide:

##### **Rural Commercial (CR-1)**

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.

The Applicant's property satisfies this criteria as the property is located at the intersection of major rural roads.

In addition, all new commercial applications should address the criteria for zone changes, as described in CCC 40.560.010:

#### *H. Additional Criteria for Commercial Map Changes.*

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

1. *A market analysis using the weighted block group centroid retrieval method shall be submitted which verifies the need for the new commercial area or center; and*

2. *A land use analysis of available commercially designated and zoned land in the market area of the proposed site shall be submitted which demonstrates that the existing commercial land is inadequate. The most recent vacant lands model must be used for the land use analysis.*

These items will be addressed in the full submittal application in January.

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

The subject property is surrounded by public transportation infrastructure. The land is located 1200' feet east of the SR 502/I-5 Interchange. NE 219<sup>th</sup> Street is located along the southern boundary and NE 10<sup>th</sup> Avenue is on the eastern boundary. WSDOT storm water detention facility is located south of the property between the property and NE 219<sup>th</sup> Street. Land in the immediate vicinity of the property varies in zoning designations from RC-1 to R-5.

The creation of a small commercial enterprise on this property to serve the surrounding rural area is compatible with the nearby commercial uses. The residential uses are a considerable distance from the likely areas on the property to be developed. Additionally, any development of the property with commercial uses will require compliance with the County's Site Plan Review regulations, including adequate screening and buffering from surrounding uses.

4. *The plan map amendment either; (a) respond 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;*

As articulated above, the fact that the 219<sup>th</sup> interchange has now been constructed exacerbates an already less than ideal situation for residential uses on this site. Additionally, this property fits the locational criteria for CR-1 and small commercial uses on this site would be compatible with the adjacent land uses and support the surrounding rural community.

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

The Comprehensive Plan and the GMA expressly prohibit urban services from being extended into the rural area. No such extensions are planned or needed for the property to develop with the limited uses allowed in CR-1.

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

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

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

The proposal is not consistent with the current Comprehensive Plan designation and therefore a Comprehensive Plan Amendment has been requested and is discussed in detail in this document. Approval of the Comprehensive Plan Amendment to RC designation would allow the proposed rezone of Rural Center District (CR-1) to be consistent with the Plan designation.

**2. *The requested zone change is consistent with the plan policies and locational criteria and the purpose statement of the zoning district.***

The request for CR-1 zoning is consistent with many of the plan policies and locational criteria (referenced in the earlier portion of this narrative) and is consistent with the purpose statement of the zoning district as follows:

CCC 40.210.020 sets forth the purpose of the Rural Commercial Districts (CR-1, CR-2).

*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.*

The property is located adjacent to existing rural commercial lands and due to the property's small size and location it will be compatible with the surrounding rural residential and rural commercial uses while being able to conveniently serve the area due to its location.

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

Re: 10<sup>th</sup> Avenue Annual Review  
November 29, 2012  
Page 8

As articulated above, the fact that the 219<sup>th</sup> interchange has now been constructed exacerbates an already less than ideal situation for residential uses on this site. Additionally, this property fits the locational criteria for CR-1 and small commercial uses on this site would be compatible with the adjacent land uses and support the surrounding rural community.

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

Adequate public facilities and services can readily be provided to this site without any extension of urban services needed.

**CONCLUSION**

As demonstrated throughout this narrative, the request to amend the Comprehensive Plan Amendment and zoning for this property is consistent with and furthers many of the goals and policies of the GMA and the County's Comprehensive Plan. It is consistent with express locational criteria for CR-1 and due to the surrounding noise and traffic is better suited to a non residential use.

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

Very truly yours,

LANDERHOLM, P.S.



RANDALL B. PRINTZ

RBP/ss

Enclosure

BISB03-000001 - 619399.doc



**Washington State  
Department of Transportation**

Lynn Peterson  
Secretary of Transportation

**Southwest Region**  
11018 Northeast 51st Circle  
PO Box 1709  
Vancouver, WA 98668-1709

360-905-2000  
Fax 360-905-2222  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov](http://www.wsdot.wa.gov)

April 29, 2013

Jose Alvarez, Planner  
Clark County Community Planning  
1300 Franklin Street PO Box 9810  
Vancouver, WA 98666

Re: 10<sup>th</sup> Ave. Property (Bishop) Annual Review  
SR 502, MP 0.56

Dear Mr. Alvarez:

The Washington State Department of Transportation (WSDOT) has reviewed the material submitted for this Annual Review. This site is adjacent to SR 502 and may impact the state highway system. It is our understanding that this application is for a Comprehensive Plan Amendment and rezone only, and no development plans have been submitted. As such, WSDOT has no specific comments until the applicant brings development applications forward for review. However, WSDOT would like to make the following comments at this time, reiterating the comments made at the Preapplication Conference:

WSDOT recently constructed a new freeway interchange on Interstate 5 at the extension of NE 219<sup>th</sup> Street. This site fronts along this extension (SR 502). As the applicant acknowledges on Page 4 of their submittal letter, this property will not have direct access to SR 502, as WSDOT has full access control in this area.

The applicant should also note that full access control extends to the north along the west side of NE 10<sup>th</sup> Avenue, to a point 97 feet north of the southeast corner of Parcel No. 216957000. A Type A Approach serving no more than two residences is permitted along the remainder of the frontage of Parcel No. 216957000. This access shall be right-in/right out only. Access along the 10<sup>th</sup> Avenue frontage of Parcel No. 216896000 is under the jurisdiction of Clark County, as this portion of NE 10<sup>th</sup> Avenue has been relinquished to the county.

When a development on this property is brought forward for review, WSDOT will request a traffic impact study. This traffic study would need to specifically address the impacts to the adjacent Interstate 5 interchange and SR 502, and suggest mitigation measures to maintain the current level of service and meet WSDOT safety requirements.

These comments are based on a review of this application for a Comprehensive Plan Amendment and rezone. When a proposed development is brought forward for

review, there may be need for additional information by this department for further review. There may be other issues and requirements by this department that are not stated here. Other issues or requirements may include, but are not limited to, drainage, illumination, access, signing, and channelization. This review does not constitute final approval of any development of this property by WSDOT.

Thank you for the opportunity to comment on this Comprehensive Plan Amendment. If you have need of additional information, please contact Mr. Ken Burgstahler, Southwest Region Development Review Office, at (360) 905-2052.

Sincerely,

A handwritten signature in black ink that reads "H. Michael Clark". The signature is written in a cursive style with a large, looped "C" at the end.

H. Michael Clark  
Southwest Region Planning Manager

HMC: kb