




**Staff Report**

TO: Clark County Planning Commission  
FROM: Oliver Orjiako, Director   
PREPARED BY: Sharon Lumbantobing, Planner II  
DATE: June 21, 2018  
SUBJECT: CPZ2018-00006 GAITHER ANNUAL REVIEW FOR  
COMPREHENSIVE GROWTH MANAGEMENT PLAN AND MAP  
AMENDMENT

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**PROPOSED ACTION**

The applicant is requesting to amend the comprehensive plan designation and zoning from Commercial with General Commercial (GC) zoning to Urban Medium Density Residential comprehensive plan designation and Office Residential zoning (OR-22) on four adjacent parcels, which are cumulatively 13.78 acres.

**BACKGROUND**

The applicant owns four adjacent properties (144534000, 144492000, 144514000, and 144516000) that are currently zoned General Commercial with a Commercial comprehensive plan designation. The site is underutilized vacant land totaling approximately 13.78 acres located west of NE St. Johns Road, on the south side of NE 78<sup>th</sup> Street, across from NE 39<sup>th</sup> Avenue, and east of NE 25<sup>th</sup> Avenue.

The applicant is requesting an annual amendment to change the comprehensive plan designation to Urban Medium Density Residential with Office Residential (OR-22) zoning. Office residential zone district is “intended to provide for residential and professional office development based upon consistency with the comprehensive plan and compatibility with adjacent land uses. It is intended that office developments within these districts will be of a higher standard in recognition of their residential setting. Development within these districts will be reviewed to ensure compatibility with adjacent uses, including such considerations as privacy, noise, lighting and design.” [CCC40.220.020(A)(2)].

In 2008, a preliminary site plan for the Gaither Commercial Center (PSR2008-00016) was approved. In March 2016, the county entered into a Developer’s Agreement with Gaither Family II, LLC and CC Land Development to fund the design and construction of a traffic signal and associated improvements along NE 78<sup>th</sup> Street and NE 39<sup>th</sup> Avenue, fronting the Gaither property (directly south of the Luke Jensen Sports Park). The Developer’s Agreement is not impacted by this Annual Review request. The applicant later found after this approval that the site was not economically feasible or desirable for commercial use in this area.

The property owner is requesting to amend the comprehensive plan designation and zoning from Commercial (GC) to Urban Medium Density Residential (OR-22). If the proposed

amendment is approved, the applicant will be required to complete a site plan review for the entire site to come into compliance with all applicable code requirements.

**GENERAL INFORMATION:**

Parcel Numbers: 144534000, 144492000, 144514000, and 144516000

Location: The site is located on NE 78<sup>th</sup> Street in Vancouver, WA 98655 to the west of NE St. Johns Road, on the south side of NE 78<sup>th</sup> Street, across from NE 39<sup>th</sup> Avenue (Luke Jensen Sports Park), and east of NE 25<sup>th</sup> Avenue.

Area: Approximately 14 acres

Owner(s): Gaither Family II, LLC (Ott Gaither)

Existing land use:

Site: Commercial (GC)

North: Commercial (CC)

South: Industrial (IL)

East: Industrial (BP)

West: Commercial (CC)

**SUMMARY OF PUBLIC INVOLVEMENT PROCESS**

Sixty-day notice notification was sent to the Department of Commerce on February 14, 2018 under RCW 36.70A.106. A Notice of Determination of Non-Significance and SEPA Environmental Checklist was published in the Columbian newspaper on March 19, 2018. A legal notice was published for the Planning Commission hearing on June 6, 2018. A notice of application and hearing was posted on the property on June 6, 2018.

All public comments are included in the Planning Commission Hearing binder.

**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, Comprehensive Plan, City Comprehensive Plans, Applicable Capital Facilities Plans, and official population growth forecasts. [CCC 40.560.010(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 Goals 1, 2, 4 and 5.

Goal 1 Urban Growth. "Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner". [RCW 36.70A.020(1) and WAC 365-196-310(2)(i)].

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

Goal 4 Housing. "Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock." [RCW 36.70A.020(4)].

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 disadvantaged persons 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)].

RCW 36.70A.020(5) and WAC 365-196-410 Housing Element section provides recommendations for meeting the element requirements. Under WAC 365-196-410 (2)(a)(iii)(B), "the housing element shows how a county or city will accommodate anticipated growth, provide a variety of housing types at a variety of densities, provide opportunities for affordable housing for all economic segments of the community, and ensure the vitality of established residential neighborhoods. The following components should appear in the housing element:

- (iii) Housing goals and policies should address at least the following:
  - (A) Affordable housing;
  - (B) Preservation of neighborhood character; and
  - (C) Provision of a variety of housing types along with a variety of densities."

Finding: The proposed amendment is consistent with the applicable State GMA Goals 1, 2, 4, and 5 and WAC 365-196-410 Housing Element. The proposed amendment is within the urban area and would be served by public facilities and services and developed at urban densities. The proposed change from General Commercial to OR-22 zoning would increase the existing housing stock in the county and would help reduce urban sprawl by encouraging medium-density residential and office uses by permitting between 206 to 303 new apartments and/or office uses. The proposed change from commercial to urban medium residential zoning would also significantly reduce the number of average daily trips. The proposal would allow for short-term employment opportunities in the construction sector by developing an unused piece of property and long-term employment opportunities through office spaces.

## **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. Community Framework Plan policies applicable to this proposal include the following:

Goal 2.0 states that the Housing Element is to “identify sufficient land for housing to accommodate a range of housing types and prices.” [Framework Plan, page 13].

The following housing policies apply to the proposed action:

“2.1.0 Communities, urban and rural, should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries and to ensure an adequate supply of affordable and attainable housing.” [Community Framework Plan, page 13].

“2.1.2 Provide housing opportunities close to places of employment.” [Community Framework Plan, page 13].

Goal 9.0 states that the Economic Development Element is to “ensure that the type of economic development which occurs contributes to maintaining and improving the overall quality of life in the county.” [Framework Plan, page 21].

The following Economic Development policies apply to the proposed action:

“9.1.0 Encourage a balance of job and housing opportunities in each urban center. Provide sufficient land for business as well as homes. Businesses within the community should provide a range of job types for the community’s residents.” [Framework Plan, page 21].

Finding: The proposed amendment is consistent with policies in the Community Framework Plan as it would allow development of medium-density residential and office use by permitting between 206 to 303 new apartments and/or offices.

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

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

Policy 2.1 in the Housing Element states the following:

“2.1.2 Link economic development and housing strategies to achieve parity between job development and housing affordability.

- 2.1.3 Link transportation and housing strategies to assure reasonable access to multi-modal transportation systems and to encourage housing opportunities in locations that will support the development of public transportation.
- 2.1.4 Link housing strategies with the locations of work sites and jobs.
- 2.1.5 Link housing strategies with the availability of work sites and jobs.” [CWPP, page 72].

Finding: The proposed plan amendment and rezoning does encourage a balance of jobs and housing opportunities. The plan amendment would provide housing in close proximity to jobs resulting in shorter vehicle trips and allow densities along public transit corridors. This proposal would provide housing adjacent to Commercial, Light Industrial, and Business Park properties. The proposed amendment is consistent with polices in the Countywide Planning Policies.

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

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

“Goal: Provide for diversity in the type, density, location, and affordability of housing throughout the county and its cities. Encourage and support equal access to housing for rental and homeowners and protect public health and safety.

- 2.2.2 Encourage a variety of housing types and densities, including mixed-use centers, services and amenities. [2016 Plan, page 72]

Finding: The proposed amendment would allow medium-density residential and office uses and permit between 206 to 303 new apartments and/or office uses. This will reduce urban sprawl, and encourage a variety of housing types and densities. The proposed amendment to change the zoning from General Commercial to OR-22 is consistent with the policies in the 2016 Comprehensive Plan.

Conclusion: Criterion A has been met.

**B. The proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria identified in the plan and the purpose statement of the zoning district. [CCC 40.560.010(G)(2) and CCC 560.020.(G)].**

Urban Medium Density Residential (UM). This comp plan designation provides land for single family attached housing, garden apartment and multi-family developments ranging from 10-22 dwelling units per gross acre. Minimum densities assure that areas build out to the density planned, ensuring that the urban areas accommodate anticipated residential needs. Areas planned for urban medium density residential use and assisted living facilities shall be located near commercial uses and transportation facilities in order to efficiently provide these services. Public facilities and institutions are allowed under certain conditions.” [2016 Plan, page 33].

In CCC 40.220.020 Residential and Office Residential Districts (R, OR) zoning district, the purpose of OR is that the “districts are intended to provide for residential and professional

office development based upon consistency with the comprehensive plan and compatibility with adjacent land uses. It is intended that office developments within these districts will be of a higher standard in recognition of their residential setting. The following factors will be considered in the application of one (1) of these districts to a particular site:

1. Proximity to major streets and the available capacity of these streets;
2. Availability of public water and sewer;
3. Vehicular and pedestrian traffic circulation in the area;
4. Proximity to commercial services; and
5. Proximity to public open space and recreation opportunities.

Development within these districts will be reviewed to ensure compatibility with adjacent uses including such considerations as privacy, noise, lighting and design.” [CCC 40.220.020].

Finding: The proposed comp plan amendment and rezoning is in conformance with both the locational criterion in the comp plan and the purpose of the proposed zoning districts.

Conclusion: Criterion B has been 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. [CCC 40.560.010(G)(3)].**

Finding: The proposed map amendment is suitable for the proposed designation. The applicant submitted a market analysis that indicated that commercial-retail development does not represent a viable use of the site due to retail restructuring nationally coupled with a limited local market for added retail at this site. The market analysis states that there is strong demand for multi-family residential. Development for an OR-22 use addresses a need for added multi-family and affordable housing in Clark County and is compatible with other nearby land uses.

Conclusion: The site is suitable for the requested Urban Medium Density Residential comp pan designation with Office Residential zoning (OR-22) zoning. 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. [CCC 40.560.010(G)(4) and 40.560.020(H)(3)].**

Finding: The applicant addresses this requirement in their narrative by stating that the proposed land use amendment (b) better implements applicable comprehensive plan policies than the current map designation because of the lack of multi-family residential and affordable housing in Clark County. The site can be better utilized by changing the zoning to OR-22 which will allow for multi-family residential and office uses, which better responds to the current demand for a range of housing options and sizes. The site is located in an area adjacent to commercial and business park zoning. The site is more suitable for medium-density urban residential/office development rather than commercial zone. The property has been zoned as commercial for years, and there has been no market interest in developing the property as commercial. As stated above, the applicant submitted a market analysis that indicated that commercial-retail development does not represent a viable use of the site due to retail restructuring nationally coupled with a limited local market for added retail at this site.

Conclusion: The proposed change better implements the applicable comprehensive plan policies than the current map designation. 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. [CCC 40.560.010(G)(5) and 40.560.020(H)(4)].**

Finding: The site is in the Vancouver Urban Growth area. Water and sewer service in this area is provided by Clark Public Utilities and Clark Regional Wastewater District. At least one well is known to exist on site. The site is currently served by public transportation and a transportation arterial network and is served by Fire District 5. The applicant submitted a traffic impact analysis which concluded the current GC zoning, when fully developed, could generate 9,933 net daily trips. Under the proposed new designation, the site could generate 1,996 net daily trips. Therefore, approval of the rezone to the OR-22 zoning would generate 7,937 fewer daily trips than the current GC zoning.

Conclusion: Criterion E has been met.

**RECOMMENDATION AND CONCLUSIONS**

Based on the information and the findings presented in this report, staff recommends that the Planning Commission forward a recommendation of **APPROVAL** to Clark County Councilors. The following table lists the applicable criterion and summarizes the findings of the staff report for CPZ2018-00004. 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 for Policy/Text Amendments</b>	<b>Criteria Met?</b>	
	<b>Staff Report</b>	<b>Planning Commission Findings</b>
A. Consistency with GMA & Countywide Policies	Yes	
B. Conformance with Locational Criteria	Yes	
C. Site Suitability and Lack of Appropriately Designated Alternative Sites	Yes	
D. Amendment Responds to Substantial Change in Conditions, Better Implements Policy, or Corrects Mapping Error	Yes	
E. Adequacy/Timeliness of Public Facilities and Services	Yes	
<b>Recommendation:</b>	<b>Yes</b>	

## Transportation Impact Analysis

### Annual Review Case: CPZ 2018-00006 Gaither

#### 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 the following parcels: 144516-000(2.46 acres), 144514-000 (2.8 acres), 144492-000 (4.41 acres), and 144534-000 (4.44 acres). The current comprehensive plan designation is Commercial with General Commercial (GC) zoning. The applicant proposes a comprehensive plan designation of Urban Medium Density Residential with zoning of Office Residential (OR-22). The subject sites are cumulatively 13.78 acres and are located on the south side of NE 78<sup>th</sup> Street and are 0.25 miles west of the intersection of NE 78<sup>th</sup> Street and NE St. Johns Road. NE 78<sup>th</sup> Street and NE St. Johns Road are both classified as a Four-Lane Principal Arterial with Center Turn-Lane (Pr-4cb).

#### Summary of Transportation Impact Findings

The transportation analysis demonstrates that re-designating and rezoning the property for a comprehensive plan designation to Urban Medium Density Residential is consistent with county transportation policies. The proposed land use change would not significantly impact the transportation system. The following analysis shows that:

- The rezone proposal is to change the comprehensive plan designation from Commercial with a zoning of GC to a comprehensive plan designation of Urban Medium Density Residential with OR-22.
- The accepted volume-to-capacity (V/C) ratio, per the Title 40 Concurrency is 0.9 for each roadway segment. [CCC 40.350.020.G.1.a].
- The current V/C ratio for eastbound NE 78<sup>th</sup> Street near St. Johns Road is approximately 0.89 in the PM peak period.
- The 20-year projected V/C ratio for eastbound 78<sup>th</sup> Street near St. Johns Road is currently at 0.82.
- The existing GC zoning is expected to generate 9,933 net daily trips, 430 am peak hour (257 in, 173 out), and 591 pm peak hour (284 in, 307 out) net new trips.
- The proposed OR-22 zoning is projected to generate 1,996 net new daily trips, 153 net new AM trips (30 in, 123 out) and 186 net new PM trips (120 in, 66 out).
- The proposed OR-22 zoning is expected to generate 7,937 fewer daily trips than then GC zoning.
- The site access and potential frontage and operational improvements will be evaluated during the development review process.

All of the study area intersections are projected to operate at acceptable levels of service in the 2035 "Existing Zoning Build-Out" and 2035 "Proposed Zoning Build-Out."



## Public Comment

Staff has not received public comment regarding the transportation aspect of this annual review.

## Compliance with Clark County Transportation Policy

The transportation analysis demonstrates that application CPZ2018-00006 is consistent with all applicable Clark County transportation policies. The following Framework Plan transportation policies (from the 20-Year Comprehensive Growth Management Plan 2015-2035) are relevant to this application:

### Community Framework Plan

Goal 5.0 Transportation states that “the Transportation Element is to implement and be consistent with the Land Use Element. The *Community Framework Plan* envisions a shift in emphasis of transportation systems from private vehicles to public transit (including high-capacity transit,) and non-polluting alternatives such as walking and bicycling. The following policies are to coordinate the land use planning, transportation system design and funding to achieve this vision.” [Framework Plan, page 17]. The following transportation policy applies to the proposed action:

“5.1.8 Encourage a balanced transportation system and can be maintained at acceptable level-of-service.” [Framework Plan, page 18].

Findings: The applicant’s traffic study demonstrates that the proposed plan amendment will generate fewer trips and therefore the surrounding transportation system will operate well within the adopted threshold volume-to-capacity ratio of 0.90.

### Countywide Planning Policies (CWPP)

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

**Policy 5.0.8 states “The state, local municipalities, MPO/RTPO and local municipalities shall work together to establish a regional transportation system which is planned, balanced and compatible with planned land use densities; these agencies and local municipalities will work together to ensure coordinated transportation and land use planning to achieve adequate mobility and movement of goods and people.” [CWPP, page 151].**

Findings: Per the applicant’s traffic study, the proposed plan amendment and zone change will decrease trips by 7,937 per day. Therefore, the proposed amendment is consistent with the applicable Countywide Planning Policies. The proposed land use will significantly decrease trips onto the surrounding transportation system.

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

The 20-year Comprehensive Growth Management Plan contains many policies that guide urban form and efficient land use patterns. In addition to the policies adopted by all local jurisdictions, the County has adopted transportation goals policies specific to areas within County jurisdiction.

“Goal: Develop a regionally-coordinated transportation system that supports and is consistent with the adopted land use plan.

### **System Development Policies**

- 5.1.2 County Road Projects and transportation improvements are proposed through development shall be consistent with the current adopted Clark County Road Standards, Arterial Atlas, 2010 Clark County Bicycle and Pedestrian Master Plan, Concurrency Management System, RTC’s Regional Transportation Plan and the Washington Transportation Plan.
- 5.1.3 Performance standards for the regional arterial system and transit routes shall direct growth to urban centers.” [2016 Plan, page 152].

Findings: The Capital Facilities Plan does include a project to improve the intersection of NE 78<sup>th</sup> Street and NE 47<sup>th</sup> Avenue, which is located 0.38 miles east of the subject parcel. As previously mentioned, the proposed amendment is consistent with the applicable Comprehensive Plan Policies. The location of the proposed plan amendment is in the urban area. [2016 Plan, page 152].

“Goal: Optimize and preserve the investment in the transportation system.

### **5.3 System Preservation Policies**

- 5.3.1 Development projects shall adhere to minimum driveway access spacing standards along arterial and collector streets to preserve the capacity of the transportation system. The county shall work with Washington State Department of Transportation to ensure that minimum access spacing standards for state highways are maintained [2016 Plan, page 154].
- 5.3.5 The local street system shall be interconnected to eliminate the need to use collector or arterial street for internal local traffic.” [2016 Plan, page 154].

Findings: During the development review process the applicant will have to meet access spacing standards. During the development review stage, the applicant will need to address applicable development code regarding street circulation.

### **Capital Facility Plan**

Finding: The proposed Comprehensive Plan Amendment and Rezone will operate at an acceptable level-of-service and is consistent with the 20-year Capital Facilities Plan.

## **RECOMMENDATION AND CONCLUSIONS**

Based on the information presented in this report, staff recommends that the Planning Commission forward a recommendation of **APPROVAL** to Clark County Councilors.

<b>COMPLIANCE WITH APPLICABLE CRITERIA</b>		
Criterion for Policy/Text Amendments	Criteria Met?	
	Staff Report	Planning Commission Findings
Consistency with GMA	Yes	
Community Framework Plan	Yes	
Countywide Planning Policies	Yes	
20-Year Comprehensive Plan	Yes	
Capital Facilities Plan	Yes	
Recommendation:	Yes	

