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CLARK COUNTY
WASHINGTON

COMMUNITY PLANNING

PLANNING COMMISSION RECOMMENDATION

TO: County Councilors
FROM: Steve Morasch, Planning Commission Chair
PREPARED BY: Sharon Lumbantobing
DATE: August 24, 2017
SUBJECT: CPZ2017-00010 POWELL

PLANNING COMMISSION RECOMMENDATION

On August 17, 2017, the Planning Commission voted unanimously to approve the staff recommendation to amend the comprehensive plan and zoning maps on four adjacent parcels from an Industrial (I) comprehensive plan designation with Light Industrial (IL) zoning to a Commercial (C) comprehensive plan designation with General Commercial (GC) zoning.

PROPOSED ACTION

To amend the comprehensive plan designation and zoning on four adjacent parcels from an Industrial (I) comprehensive plan designation with Light Industrial (IL) zoning to a Commercial (C) comprehensive plan designation with General Commercial (GC) zoning.

BACKGROUND

The four parcels are located at the intersection of NE 78th Street and NE Saint Johns Road in the Andresen/St. Johns neighborhood. Combined the four parcels cover 2.27 acres. Three parcels (99620005, 144510000 and 144293000) have existing and operating convenience stores with fuel pumps, while the other parcel (144519000) has an existing restaurant. While the existing commercial businesses do not conform to the industrial land use designation and light industrial zoning, the commercial use on the four parcels is a legal non-conforming use (CCC 40.530.010) as the lots, uses, and structures were lawful when established. However, there are limits to the modifications that can be made to non-conforming uses. The zone change would match the existing and operating commercial businesses with the conforming commercial land use designation and general commercial zoning. Given the existing uses, the location and the size of the parcels, it's not likely they will redevelop as industrial. Parcel 99620005 is owned by 7-Eleven Inc. Parcel 144510000 is owned by Powell Distributing Company Inc. Parcel 144293000 is owned by Peck Properties LLC. Parcel 144519000 is owned by Richard and Kay Tapper.

GENERAL INFORMATION:

CPZ2017-00010
Powell

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Parcel Number(s): 144510000, 144293000, 144519000, and 99620005

Location: The sites are located in the NE quarter of Section 12 and SE quarter of Section 1, Township 2 North, Range 1 East, Clark County, Washington. The four properties are located at the intersection of NE 78th St and NE St. Johns Rd.

Area: 2.27 acres

Owner(s): Powell Distributing Company Inc, Peck Properties LLC, Richard and Kay Tapper,
and 7-Eleven Inc.

Existing land use:

Site(s): Commercial
North: Light industrial (IL)

South: Light industrial (IL)

East: Light industrial (IL)

West: Vacant land, zoned Business Park (BP)

SUMMARY OF COMMENTS RECEIVED

No comments received.

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, and other related plans.

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 GMA goals that apply to the proposed action are Goal 1, Goal 4 and Goal 5.

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(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.*

(7) *Permits. Applications for both state and local permits should be processed in a timely and fair manner to ensure predictability.*

Finding: The proposed comprehensive plan amendment and rezoning is within the urban areas and is served by public facilities and services and developed at urban densities. The proposal would allow for commercial uses providing economic opportunities. The proposed amendment would match the existing and operating commercial businesses with the conforming commercial land use designation and make building permits associated with commercial uses easier to obtain. Therefore, the proposed amendment is consistent with the applicable GMA Goals.

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.

Community Framework Plan Policies applicable to this proposal include the following:

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.

9.1.3 Encourage businesses which pay a family wage to locate in Clark County.

10.1.3 Establish development standards to encourage mixed use developments in urban and rural centers, while providing buffering for each use from the adverse effects of the other.

County-wide Planning Policies applicable to this proposal include the following:

9.1.2 *The county and cities will demonstrate their commitment to the retention of those enterprises, which have created the economic base of the county and promote their continued growth in a predictable environment, which encourages investment and job growth.*

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 its cities.*

9.2.3 *Provide a diverse economic base, providing economic opportunity for all residents.*

Finding: The proposed comprehensive plan amendment and rezoning encourages a diverse economic base and provides the opportunity for family wage jobs. The change allows for potential expansion of existing commercial uses by taking it out of the non-conforming use category, which limits what can be done on site. It also relieves pressure to provide commercial amenities on industrial land, which code allows for up to 10% on industrial sites.

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:

Goal: Provide commercial and industrial employment opportunities to meet the needs of Clark County citizens.

9.2.1 *Encourage long-term business investments that generate net fiscal benefits to the region, protect environmental quality and are consistent with the objective of higher wage jobs for Clark County residents.*

9.2.3 *Promote a diverse economic base, providing economic opportunity for all residents.*

9.2.4 *Provide priority assistance to employers who pay a family wage.*

Finding: The proposed amendment encourages business investment and potential employment by creating a more viable commercial site.

Goal: Provide contextually-appropriate commercial sites adequate to meet a diversity of needs for retail, service and institutional development in Clark County.

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

Finding: The proposed amendment would provide for commercial activities along current transit corridors, furthering the goals stated above. The site is served by transit along 78th Street.

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 Clark County Comprehensive Plan and the purpose statement of the zoning district. (See 40.560.010G(2) and 40.560.020H(2).)

General Commercial

Commercial center areas provide services to several neighborhoods in urban areas of Clark County and is implemented with the Commercial zone. New General Commercial areas should generally be more than 20 acres in size, spaced more than four miles from similar uses or zones, serve a population of more than 20,000 and serve a primary trade area between 3 to 6 miles.

40.230.010 Commercial Districts (NC, CC, GG)

A. Purpose.

1. Neighborhood Commercial (NC) District. These commercial areas of limited size are intended to provide for the convenience shopping needs of the immediate neighborhood. This district is permitted under the neighborhood commercial and mixed use comprehensive plan designations.

2. Community Commercial (CC) District. These commercial areas are intended to provide for the regular shopping and service needs for several adjacent neighborhoods. This district is only permitted in areas designated as community commercial or mixed use on the comprehensive plan.

3. General Commercial (GC) District. These commercial areas provide a full range of goods and services necessary to serve large areas of the county and the traveling public. This designation is implemented with the General Commercial base zone. These areas are generally located at interchanges, along state highways and interstates and adjacent to major and minor arterial roadways.

Finding: The proposed comprehensive plan amendment and zoning change would match the existing commercial activity with the commercial land use designation and General Commercial zoning. Therefore the proposed amendment is in conformance with both the locational criteria in the comp plan and the purpose of the proposed zoning district.

Conclusion: Criteria 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 40.560.010G(3).)***

Finding: The proposed map amendment is suitable for the proposed designation and the parcels have historically been in commercial use.

Conclusion: The site is suitable for the requested Commercial (C) designation and General Commercial zoning. Criterion C is met.

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

Finding: The comprehensive plan designation and zoning change would better implement applicable comprehensive plan policies by matching the existing and operating commercial businesses with the conforming commercial land use designation and neighborhood commercial zoning.

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: The site is in the Andresen/St. Johns neighborhood, which has a full range of urban public facilities and services available to serve existing commercial uses at the site. The site is currently served by public water, public transportation, transportation arterial network (See Transportation Impact Analysis) and sewer and is served by Fire District 5.

Conclusion: Criterion E has been met.

RECOMMENDATION AND CONCLUSIONS

Based upon the information and the findings presented in this report and in the supporting documents, the Planning Commission forwards a recommendation of **APPROVAL** to the Board of County Councilors.

RECOMMENDATION SUMMARY

The following table lists the applicable criteria and summarizes the findings of the staff report and Planning Commission for Annual Review Case CPZ2017-00010.

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

Transportation Impact Analysis

Annual Review Case: CPZ2017-00010 Powell

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 parcel number 144510000, 144293000, 144519000, and 99620005 from an Industrial (I) comprehensive plan designation with Light Industrial zoning to a Commercial (C) comprehensive plan designation with general commercial zoning.

Existing Conditions

Parcel 99620005 is owned by 7-Eleven Inc. Parcel 144510000 is owned by Powell Distributing Company Inc. Parcel 144293000 is owned by Peck Properties LLC. Parcel 144519000 is owned by Richard and Kay Tapper. The combined subject sites are 2.27 acres and are located at the intersection of NE 78th Street and NE Saint Johns Road. The parcels are in the Andresen/St. Johns neighborhood. Three parcels have existing and operating convenience stores with fuel pumps, while the other parcel has an existing restaurant.

Summary of Transportation Impact Findings

The transportation analysis demonstrates that the transportation impacts from this proposed land use change will not negatively impact the transportation system. Staff finds that the proposed comprehensive plan amendment and rezone of the subject parcel **meets compliance** with the Clark County Transportation Policy.

The following analysis shows that:

- The existing commercial businesses do not conform to the industrial land use designation and light industrial Zoning.
- The proposal would match the existing and operating commercial businesses with the conforming commercial land use designation and general commercial zoning.
- The proposed change would not result in any impacts to the transportation system, since the commercial uses currently exist.

- The intersection of NE 78th Street and Saint Johns Road is operating below the level-of-service standards defined in the County's Concurrency Code. The proposed change will not make the intersection operationally deficient.

Compliance with Clark County Transportation Policy

The transportation analysis demonstrates that application CPZ2017-00010 is consistent with all applicable Clark County transportation policies.

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

- 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 conform to the existing land uses. The proposed change will not impact the transportation facilities, since existing commercial uses are present. The proposed change is consistent with the Arterial Atlas, Concurrency Management System and Metropolitan Transportation Plan.

Analysis of Trip Generation

Commercial lands have a higher trip generation than industrial lands and generally result in increased travel demand on the transportation facilities. The increased demand requires mitigation when new land uses are developed. This proposal will not result in new land uses as existing commercial businesses are present on the subject properties. The proposal will match the existing land uses to the corresponding land use designation and zoning.

Site Specific Impacts

The proposed comprehensive plan amendment and zone change will result in no impacts on the streets adjacent to this proposal.

System Impacts

The proposed comprehensive plan amendment and zone change will result in no impacts on the transportation system.

Report Prepared By: Matt Hermen, Clark County

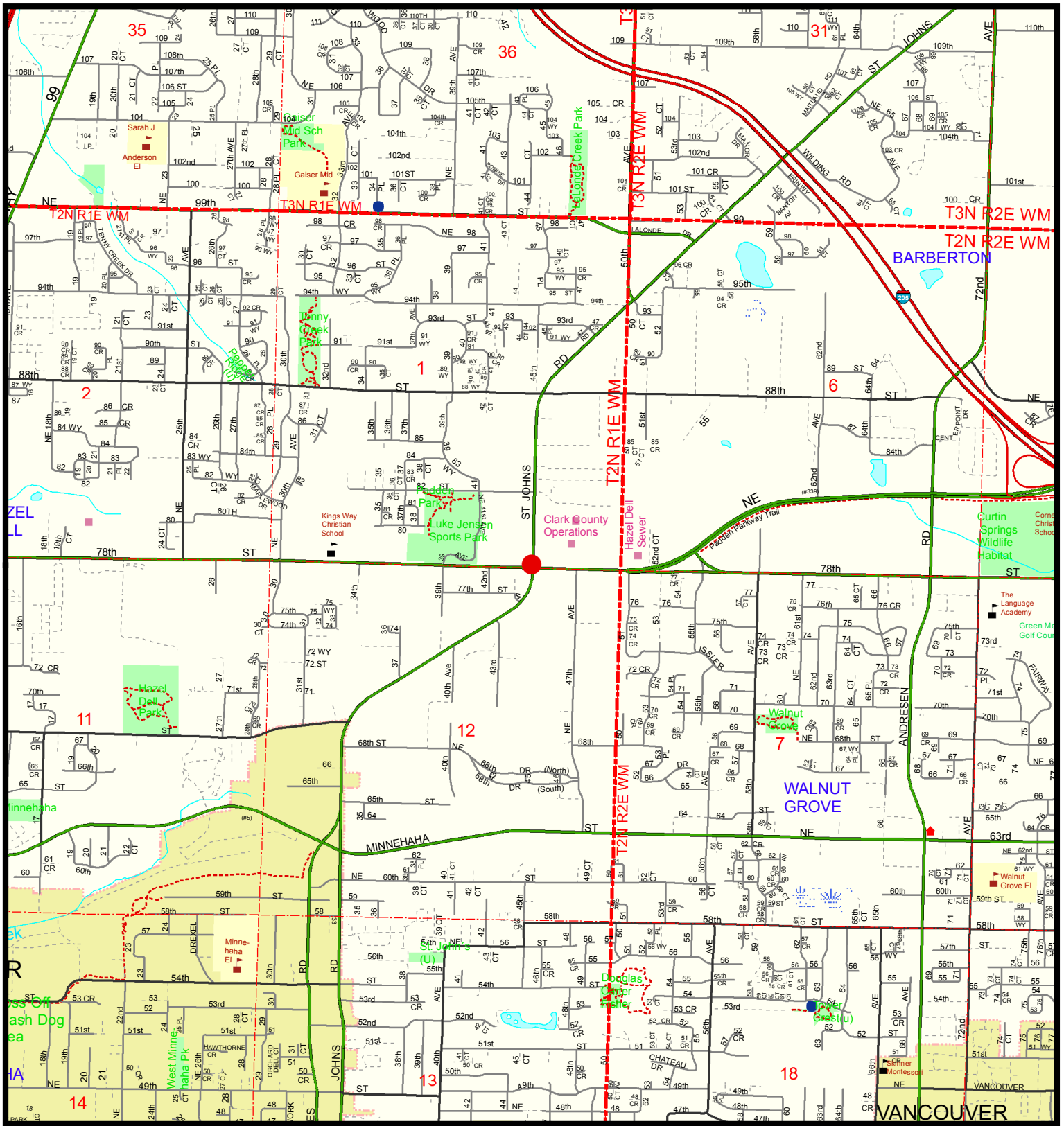
Date: June 20, 2017


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.

Annual Review CPZ2017-00010 Powell

Existing Land Use Designation	Parcel Size (Acres)	Parcel Size Minus Infrastructure	Employees/Acre	Number of Employees	Building Type	Trip Generation	Daily	PM Peak Hour
Industrial (I) IL Zoning	2.27 acres	1.7 acres	9	15	General Light Industrial	3.02	45	4.5

Proposed Land Use Designation	Parcel Size (Acres)	Parcel Size Minus Infrastructure	Employees/Acre	Number of Employees	Building Type	Trip Generation	Daily	PM Peak Hour
Commercial (C) NC Zoning	2.27 acres	1.7 acres	20	34	Shopping Center	42.94	1460	146





Geographic Information System

1:24,000

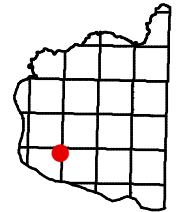
0 0.1 0.2 0.3 0.4 0.5 Miles

General Location Map

Account No: 144510000, 144293000, 144519000, 99620005
 Owner: POWELL DISTRIBUTING COMPANY INC
 Address: PO BOX 17160
 C/S/Z: PORTLAND, OR 97217

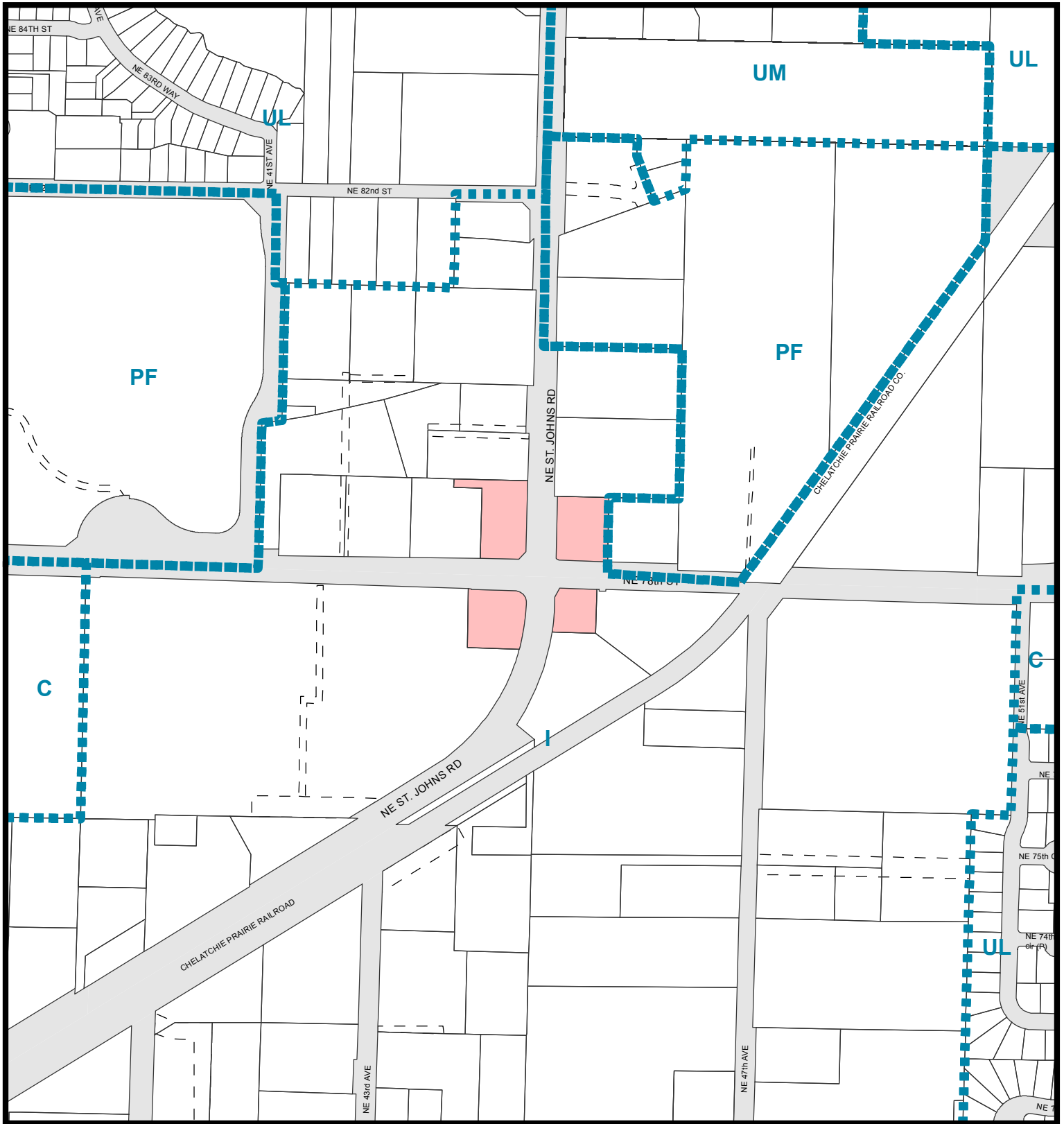
● Subject Property Location

Printed on: March 22, 2017



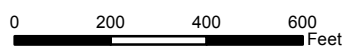
Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

Developer's GIS Packet: Page 1 of 15



Geographic Information System

1:4,800



Developer's GIS Packet Page 7 of 15

Comprehensive Plan Designation

Account No: 144510000, 144293000, 144519000, 99620005
 Owner: POWELL DISTRIBUTING COMPANY INC
 Address: PO BOX 17160
 C/S/Z: PORTLAND, OR 97217

- Subject Parcel
- Public Road
- Transportation or Major Utility Easement
- Comprehensive Plan Boundary
- Urban Reserve
- Industrial Reserve
- Railroad Industrial Reserve
- Mining
- Rural Center Mixed Use
- Columbia River Gorge Scenic Area

Printed on: March 22, 2017

31135	31136	32131
21102	21101	22106
21111	21112	22107

Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.



Geographic Information System

1:4,800

0 200 400 600 Feet

2016 Aerial Photography

Account No: 144510000, 144293000, 144519000, 99620005

Owner: POWELL DISTRIBUTING COMPANY INC

Address: PO BOX 17160

C/S/Z: PORTLAND, OR 97217

 Proposed Development Area

Printed on: March 22, 2017

31135	31136	32131
21102	21101	22106
21111	21112	22107

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MORASCH: All right. Well, thank you, Mr. Wellner. It looks like we have recommended unanimously that your application be approved and that will conclude our hearing tonight on the Wellner matter, which brings us to the next matter, which is the Powell matter, CPZ2017-00010. Staff, I will turn it over to you for a staff report.

PUBLIC HEARING ITEMS, continued

CPZ2017-00010 Powell: A proposal to amend the Comprehensive plan and zoning map from an Industrial (I) comprehensive plan designation with Light Industrial (IL) zoning to a Commercial (C) comprehensive plan designation with General Commercial (GC) zoning on the following parcels: 144510000, 144293000, 144519000, and 99620005.

Staff Contact: Sharon.Lumbatobing@clark.wa.gov or (360) 397-2280, Ext. 4909

LUMBANTOBING: Okay. Thank you. This docket is related to four parcels located at the intersection of NE 78th Street and NE St. Johns. This is a proposed amendment to the comp plan and zoning maps from light industrial to general commercial. Three parcels have existing and operating convenient stores with fuel pumps and one parcel has an existing restaurant. The existing commercial businesses do not conform to the current industrial land use designation and light industrial zoning, but the commercial use is a legal nonconforming use as the lots' uses and structures were lawful when established, but nonconforming uses have limits to the modifications that can be made.

The zone change would better match the existing commercial businesses with the conforming commercial land use designation and general commercial zoning. Given the existing uses, location and size of the parcels, it's not likely they would redevelop as industrial. Staff is recommending approval.

MORASCH: All right. Thank you. Any questions for staff before we open up the public hearing? All right. No questions.

PUBLIC TESTIMONY

MORASCH: So I will open the public hearing. Is there anyone who did not get a chance to sign the sign-in sheet that wishes to come and testify on this matter? All right. Seeing that no one is coming down and no one signed our sign-in sheet, I will then close the public hearing and return it to the Planning Commission for any further questions, deliberations and/or a motion.

RETURN TO PLANNING COMMISSION

BARCA: In general, do we have any types of policies where corners of intersections are highly regarded to be commercial over any other type of zoning? Is there any preferences or priorities given to transportation access and the idea of corners like this? I mean, all four corners are industrial, even though they all had commercial property? Yeah. All right. Okay. I get that the shake of the head no. Okay. Thanks.

MORASCH: Any other questions? Does somebody want to make a motion?

BARCA: I'll make a **motion** to approve staff recommendation for the Powell -- what is it? It's an application, that's what it is, CPZ2017-00010.

WRIGHT: **Second.**

MORASCH: All right. It's been moved and seconded. Is there any discussion on the motion? All right. Sonja, could we get a roll call, please.

ROLL CALL VOTE

BENDER: AYE
GRIMWADE: AYE
JOHNSON: AYE
SWINDELL: AYE
BARCA: AYE
WRIGHT: AYE
MORASCH: AYE

MORASCH: All right. Well, thank you. That's two down. The Powell application's been recommended for approval unanimously by the Planning Commission, which brings us to the Johnson application, CPZ2017-00011, and I will turn it over to staff for a staff report.

PUBLIC HEARING ITEMS, continued

CPZ2017-00011 Johnson: A proposal to amend the Comprehensive plan and zoning map from Commercial (NC) to Urban Medium Residential (R-18) and adding the Highway 99 Mixed Residential overlay on the following parcels: 97775000, 97745000, 97755000, and 986040236 and from Commercial (NC) to Urban Low Residential (R1-6) and adding the Highway 99 Single Family Overlay on the following parcels: 144935000 and 145119000.

Staff Contact: Sharon.Lumbatobing@clark.wa.gov or (360) 397-2280, Ext. 4909

LUMBANTOBING: This docket is related to six properties at the intersection of NE 99th Street and NE 25th Avenue in Hazel Dell. This is an amendment to the comp plan and zoning maps on four of the parcels from commercial to urban medium residential R-18 and on two parcels from commercial to urban low residential R1-6. Two of the properties at the corner of the intersection are County owned. The County property on the west corner is a stormwater facility that will not likely redevelop as commercial making the property to itself unlikely to develop as commercial. There's a recently built Habitat for Humanity house that also is unlikely to develop as commercial. The property to the south of that has a very high retaining wall that was constructed during a recent road improvement making it unlikely to develop as commercial.