

## STAFF REPORT

**DATE:** January 27, 2021  
**TO:** Pierce County Planning Commission  
**FROM:** Dan Cardwell, Supervisor, Long Range Planning  
**BY:** Jessica M. Nappi, Senior Planner, Long Range Planning  
**SUBJECT:** **2021 Comprehensive Plan – Area-Wide Map Amendment:  
Application No. 938320**

The Planning Commission will review and consider an Area-Wide Map amendment to redesignate two parcels totaling 1.98 acres along the east side of SR-161 (Meridian Avenue), south of Eustis Hunt Road East and north of 224<sup>th</sup> Street East from Rural 10 to Rural Activity Center.

Applicant: Allied Enterprises, LLC

**NOTICE:** Notice of the Planning Commission public hearing was published in the News Tribune on December 23, 2020.

**SEPA:** SEPA will be conducted pursuant to the State Environmental Policy Act, Pierce County Code Title 18D, and provisions of the Growth Management Act.

**ATTACHMENT:** Attachment A – Proposed Map Amendments

## GENERAL DESCRIPTION

The proposal would change the land use designation of two parcels totaling 1.98 acres from Rural 10 to Rural Activity Center. Both parcels are located in the Graham Community Plan area. Parcel number 0418094041 is currently vacant. Parcel number 6026050071 is non-conforming commercial business. These parcels are located in the Graham Community Plan area on the northern border of the Graham Rural Activity Center at SR-161 and 224<sup>th</sup> Street East.

Rural 10 (R10) is a rural residential land use designation and it is implemented with the R10 zone. The designation is intended to provide a range of low-density residential uses. It is meant to promote rural uses; urban level services are not required. The base density of the R10 in Graham is one dwelling per 10 acres and the maximum density is one dwelling per 5 acres.

The Rural Activity Center (RAC) designation provides for a range of commercial, services, and civic uses necessary to serve a rural population. The intensity of development is envisioned to be smaller in scale than commercial activity allowed in the urban portion of the Graham Community Plan area. It is a commercial designation, in contrast to the residential designation. Parcels located in a designated RAC are to be consistent with the LAMIRD (Local Areas of More Intense Rural Development) criteria as provided in the Growth Management Act (in RCW 36.70A.070(5)(d) and WAC 365-196-425(6).

## PROPOSED AMENDMENTS

Refer to **Attachment A** for proposed map amendments. The proposal would change the land use designation for parcel numbers 0418094041 and 6026050071 from R10 to RAC. The implementing zone would change from R10 to RAC.

## STAFF RECOMMENDATION

Staff does not support the proposal. The justification of this recommendation is as follows:

- The proposal does not meet the LAMIRD criteria as neither of the properties had an existing commercial use on or before July 1, 1990.
- The proposal would not be consistent with the Growth Management Act (GMA) statutory criteria to “minimize and contain” more intensive development in the rural area. These properties were in a previous RAC proposal that was approved by the County Council and appealed to the Growth Management Hearings Board (GMHB). Through the GMHB decision, it was found that these properties did not meet the LAMIRD criteria and the County was directed to reestablish the R10 land use designation.
- Since the earlier GMHB decision, there has not been significant state law that has changed or modified the LAMIRD criteria.
- The proposal is not consistent with the Comprehensive Plan, Graham Community Plan, and Countywide Planning Policies.

## IMPLEMENTATION REQUIREMENTS

If the proposal is adopted, the Pierce County Zoning Atlas would need to be amended. Table F-3 in the Graham Community Plan would also need to be updated to reflect the acreage and percent of the plan area zoned RAC and R10.

## IMPACT ANALYSIS

*Procedures for Amendments to the Comprehensive Plan*, [PCC 19C.10](#), require that the merits of all amendments to the Plan be evaluated based on the following ([PCC 19C.10.060 A](#)):

1. The effect upon the rate of growth, development, and conversion of land as envisioned in the Plan.  
The proposal may result in additional development on parcel number 0418094041. Parcel number 6026050071 is built-out commercial. A redesignation of RAC from the current classification of R10 would expand the allowed commercial uses.
2. The effect upon the County's capacity to provide adequate public facilities.  
The proposal would not affect the County’s ability to provide adequate public facilities.
3. The effect upon the rate of population and employment growth.  
The proposal would not increase the permitted residential densities and would not likely result in major commercial development.

4. Whether Plan objectives are being met as specified or remain valid and desirable.

The proposal would not meet the objectives of the Comprehensive Plan and the Graham Community Plan as the policy **GH LU-8.2.3** directs the Rural Activity Center to include those properties that represent a logical outer boundary associated with those commercial properties that were in existence on or before July 1990.

5. The effect upon general land values or housing costs.

The proposal would not increase the general land values or housing costs.

6. Whether capital improvements or expenditures, including transportation, are being made or completed as expected.

Not applicable.

7. Whether the initiated amendment conforms to the requirements of the GMA, is internally consistent with the Plan and is consistent with the Countywide Planning Policies for Pierce County.

The proposal would not conform to the requirements of the GMA LAMIRD requirements. The proposal would be considered continuous strip development as described in previous GMHB decisions. It would also not meet the requirement of having an existing commercial use on or before July 1, 1990.

#### **LAMIRD Analysis**

The GMA aims to reduce sprawl and protect the rural character of the area. Therefore, GMA allows the establishment of new rural centers in rural areas only if consistent with the LAMIRD criteria. The proposal would redesignate two parcels from R10 to RAC, and therefore, must meet the LAMIRD criteria as follows:

1. *Business existed on or before July 1, 1990.*

One of the properties is currently vacant and the other property has a commercial use that did not exist on or before July 1, 1990.

2. *Limited by logical outer boundary.*

The proposal would not constitute a logical boundary per LAMIRD and the GMHB decisions.

3. *Allows for more intensive rural development or redevelopment.*

The proposed redesignation of the vacant parcel from R10 to RAC would allow for more intensive rural development as the redesignation would change potential development from residential to commercial.

4. *Allows for isolated, small-scale businesses that provide job opportunities for rural residents.*

Future uses and development of the properties with commercial uses could provide job opportunities for rural residents. It would be likely be limited in nature due to the proposal's limited size at 1.98 acres.

5. *Allows for new or expanded small-scale business that conform to the existing and rural character of the area.*

The proposal conforms to the existing character of the area. The proposal area itself is relatively small at 1.98 acres, and one of the two parcels is built-out commercial. The vacant parcel is surrounded by commercial uses. The RAC zone allows small-scale business uses, which conform to the existing and rural character of the area.

Additionally, the proposal does not support the Countywide Planning Policy **Rur-9**, which directs commercial uses toward neighboring cities in order to prevent the conversion of rural land.

8. The effect upon critical areas and natural resource lands.

The proposal would not have an immediate effect on critical areas or natural resource lands. Any future development would be required to comply with the critical area regulations described in Pierce County Code Title 18E, which protect critical areas and natural resource lands.

9. Consistency with locational criteria in the Comprehensive Plan and application requirements established by this Chapter.

The proposal would not meet the locational criteria for LAMIRDs as described in the Comprehensive Plan as it is beyond the logical outer boundary of the existing RAC and the existing commercial use was established after July 1, 1990.

Additionally, the proposal is not consistent with the requirement in the Comprehensive Plan for all County rural centers to be consistent with LAMIRD criteria.

The proposal has complied with the Comprehensive Plan Amendment application requirements.

10. The effect upon other considerations as deemed necessary by the Department.

The Graham RAC has been the subject of prior Growth Management Hearings Board (GMHB) findings of non-compliance (case numbers 15-3-0010c, 12-3-0002c, and 07-3-0004c). The proposal would not be consistent with previous attempts to expand the same RAC remanded by the GMHB, which found that the extension of the LAMIRD failed to minimize and contain more intense development within a logical outer boundary in violation of RCW 36.70A.070 (5)(d). Findings included:

- Expansion of the RAC was non-compliant with the LAMIRD criteria. In the 2007 Compliance Ordinance, the County reduced the size of the Graham RAC from 303 acres to 136 acres. In the 07-3-0004c decision, the GMHB ordered areas removed from the RAC to be reestablished to the R10 land use designation.
- Existing areas that existed on July 1, 1990 are clearly identifiable and contained with a logical boundary delineated predominantly by the built environment.
- Expansion of the RAC was considered commercial strip development, going against the intent of the LAMIRD classification and the GMA planning goal to reduce low-density sprawl. RCW 36.70A.020(2).
- Change in designation did not constitute a logical boundary. Creating a logical boundary is not reason enough to include all non-conforming commercial parcels in rural commercial zones. While the GMHB recognizes it is common to see commercial developments along state highways, changing the designation to match zones with use is not adequate reason if doing so will result in strip development.
- Extension of the RAC did not protect the rural character and instead increased pressure for more intense development.
- In its 2007 decision, the GMHB entered a determination of invalidity with respect to the County's LAMIRD expansion. This determination put the County at risk of possible GMA sanctions for noncompliance. [RCW 36.70A.330](#).

The proposal includes two parcels that were briefly included in a 2006 expansion for commercial use with the RAC designation; however, the designation was reversed on appeal where the GMHB interpreted the expansion of the Graham RAC as strip development failing to minimize impacts to the rural area contrary to the GMA. For the non-conforming parcel that is included in the proposal (6026050071) that is in existence today, the County's ordinance that allowed it was overturned by the GMHB between the time it was vested and the time it was built.

In its 2016 decision, the GMHB recognized the size and boundaries of the Graham LAMIRD have been previously adjudicated. The long appeal history with the Graham RAC likely means further attempts to redesignate parcels in the area will be subject to future legal action. While previous legal action does not preclude future changes to the designation, given the litigation history for this LAMIRD it is more likely that appeals would ensue. As such, it is probable the GMHB would continue to be unsupportive of expansion of the Graham RAC due to the proposal's failure to satisfy LAMIRD criteria and minimize impact on the rural area.

At its December 8, 2020 meeting, the proposed Area-Wide Map amendment application was presented to the Graham Advisory Commission (GAC), and the GAC approved the staff recommendation to deny the land use redesignation proposal.

### ***Applicable RCWs/Policies***

## **GROWTH MANAGEMENT ACT (GMA)**

**RCW 36.70A.070:** The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

**RCW 36.70A.070(5)(d):** Rural element may allow for more intensive rural development or redevelopment including necessary public facilities and public services to serve the limited area as follows:

- (d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:
  - (i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.
    - (A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.
    - (B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.
    - (C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may

include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

- (ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;
- (iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW [36.70A.030](#)(16). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW [36.70A.030](#)(16). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;
- (iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;
- (v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:
  - (A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;
  - (B) On the date the county adopted a resolution under RCW [36.70A.040](#)(2), in a county that is planning under all of the provisions of this chapter under RCW [36.70A.040](#)(2); or
  - (C) On the date the office of financial management certifies the county's population as provided in RCW [36.70A.040](#)(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW [36.70A.040](#)(5).

**RCW 36.70A.020(2).** The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

## MULTICOUNTY PLANNING POLICIES

### **Regional Growth Strategy Policies (page 49)**

**MPP-RGS-12** Avoid increasing development capacity inconsistent with the Regional Growth Strategy in regional geographies not served by high-capacity transit.

**MPP-RGS-13** Plan for commercial, retail, and community services that serve rural residents to locate in neighboring cities and existing activity areas to avoid the conversion of rural land into commercial uses.

**MPP-RGS-14** Manage and reduce rural growth rates over time, consistent with the Regional Growth Strategy, to maintain rural landscapes and lifestyles and protect resource lands and the environment.

**MPP-DP-37** Ensure that development occurring in rural areas is rural in character and is focused into communities and activity areas.

## COUNTYWIDE PLANNING POLICIES

### **Rural Areas / Development Patterns (page 61)**

**Rur-1.** The County will sustain the ecological functions, resource value, lifestyle, and character of rural lands for future generations by limiting the types and intensities of development in rural areas.

**Rur-9.** Direct commercial, retail, and community services that serve rural residents into neighboring cities and existing activity areas to prevent the conversion of rural land into commercial uses.

## PIERCE COUNTY COMPREHENSIVE PLAN

### **Land Use Element (page 2-50)**

**GOAL LU-65** The most intensive uses of rural land allowed in rural areas should be directed into rural centers.

**LU-65.1** Rural centers serve the following purposes:

- LU-65.1.1** To provide centers where rural residents and others can gather, work, shop, entertain and, where appropriate, reside;
- LU-65.1.2** To provide a focus for the surrounding rural area that is appropriate in character and scale in rural environment;
- LU-65.1.3** To provide an alternative to strip developments along arterials and state routes;
- LU-65.1.4** To provide services to tourists and other visitors recreating in the major recreation facilities; and/or

- LU-65.1.5** To provide an opportunity to develop facilities that can function as a community center in those areas where an incorporated town does not serve that role for the surrounding area.
- LU-65.2** Establish standards and design guidelines to protect environmental quality, rural character, and significant natural and scenic amenities and features the communities value.
- LU-65.5** Recognize isolated areas of commercial/business park development which had existing uses or areas of higher intensity use on July 1, 1990, and were not identified as an RNC in a community plan as of January 2012. The size of the area and determination of the logical outer boundary as defined by the LAMIRD criteria, should be established by amendment to a community plan and an area-wide map amendment.

**GOAL LU-66** Commercial uses should be limited to areas that support rural neighborhoods and rural tourist areas.

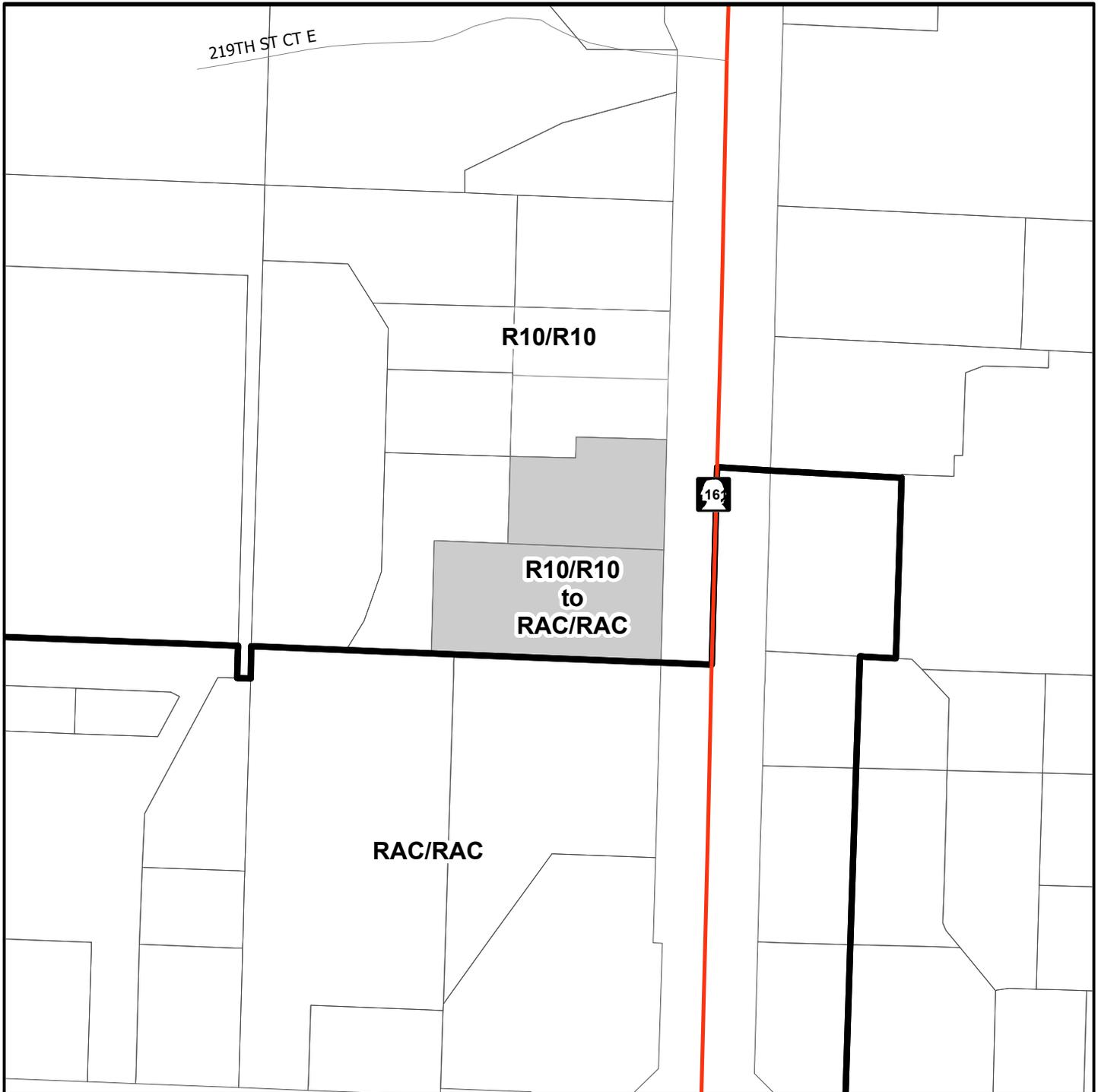
- LU-66.1** Non-residential uses of rural intensity include industrial and commercial uses which:
  - LU-66.1.1** Depend upon being in a rural area;
  - LU-66.1.2** Do not require urban level services;
  - LU-66.1.3** Are compatible with the functional and visual character of the rural area;
  - LU-66.1.4** Are smaller in size/scale and utilize a smaller percentage of impervious cover than the same land use allowed in an urban area;
  - LU-66.1.5** Support the everyday needs of rural residents and tourists;
  - LU-66.1.6** Are related to and dependent upon natural resources; and
  - LU-66.1.7** Include public and commercial recreational and associated uses.

**GOAL LU-67** The establishment of any new rural center or the expansion of a rural center must be consistent with the LAMIRD criteria of [RCW 36.70A.070](#) (5)(d).

**Graham Community Plan / Land Use Policies / Commercial (page F-60 to F-61)**

**GR LU-8.2** Designate and configure commercial areas based on consideration of the percentage of vacant and redevelopable land, existing developed uses, constrained land, distance to other urban or commercial areas, compatibility with surrounding uses, and projected population growth. In addition, apply GMA criteria for limited areas of more intensive rural development (LAMIRD) in evaluating rural centers and adjust rural center boundaries as follows:

**GR LU-8.2.3** Modify the Graham Rural Activity Center (RAC) located at 224th St. E. and SR 161 to remove Frontier Park, properties owned by the school district, and the residential subdivision located in the northeast portion of the RAC. These parcels shall be redesignated to Rural 10. Additionally, modify this RAC to remove properties that are outside the logical outer boundaries of the rural commercial area based on those commercial uses that were established on or before July 1, 1990.



## 2021 PROPOSED AREA-WIDE MAP AMENDMENT

**Allied Enterprises LLC (Application #938320)**  
**Attachment to Staff Report to Planning Commission**

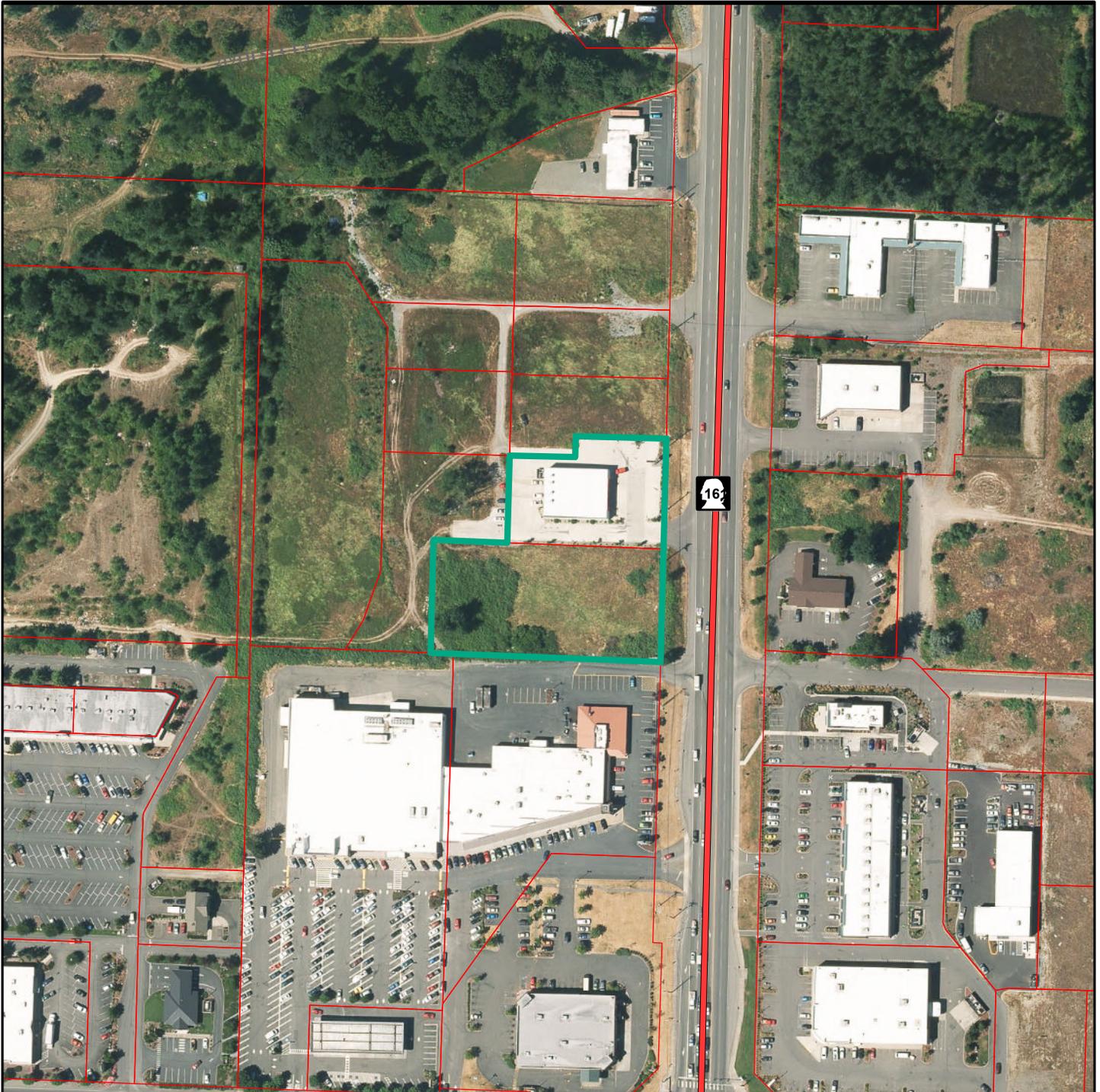
 Redesignate/Rezone from R10/R10 to RAC/RAC

Department of Planning and Public Works

Plot Date: August 11, 2020      Scale = 1:2,500



Pierce County



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